

WATER PERMIT NO. 1852-1

Name of Applicant: Doug Halbmaier

Address: 19209 Wetz Rd, Vale SD 57788

Phone: 605 456-2545

Amount of Water Claimed: 1.74 cfs

Total Acres: 121.9

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 10 miles southeast of Newell

PRIORITY

Date Received: 8-25-05

Application/License Fee: \$300

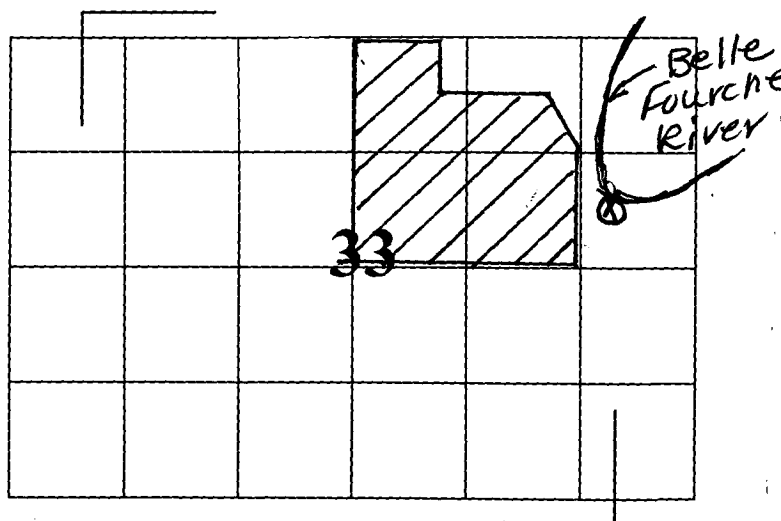
Corrected Application Received:

Period of Annual Use: May 1 – October 15

Remarks: XX

Diversion Point: SW ¼ NW ¼ Sec 34-T8N-R7E

Land to be Irrigated: NE ¼ Sec 33-T8N-R7E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Thomas D VerHelst, Butte Co. FSA

Reviewed and the Number Assigned on: 8-25-05

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>1852-1</u>	(office use only)
	Basin <u>Belle Fourche River</u>	Hydrologic Unit <u>10120202</u>
	Newspaper <u>Butte Co. Valley Irrigator</u>	

RECEIVED
AUG 25 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 Doug Halbmaier Phone 456-2545
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19209 Wetz Rd, Vale State SD 57788
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.74 *CFS or **GPM ***AF Total Acreage 121.9
(*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)
Pumping station located in the SW1/4, NW1/4 Sec 34, T8N-R7E
County Butte
- County or counties where water will be used Butte
- Annual period during which water is to be used May 1 through October 15
- 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
NW1/4, NE1/4 Sec 33 T8N-R7E	30.6		
NE1/4, NE1/4 Sec 33 T8N-R7E	17.5		
SE1/4, NE1/4 Sec 33 T8N-R7E	37.5		
SW1/4, NE1/4 Sec 33 T8N-R7E	36.3		

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

Project involves setting up a pumping station along the Belle Fourche River and using its water to supplement Belle Fourche Irrigation District water. Buried PVC transmission line will deliver water to above ground gated alum. pipe.

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, DOUG HALBMAIER, 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 Doug Halbmaier

Subscribed and sworn to before me this 19 day of August 20 05

Juanita Roth
Notary Public Signature

**SOUTH DAKOTA
WATER PERMIT NO. 1852-1**

Date of first receipt of application August 25, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1852-1 to Doug Halbmaier, 19209 Wetz Rd, 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. 1852-1 appropriates 1.74 cubic feet of water per second from the Belle Fourche River located in the SW ¼ NW ¼ Section 34 to irrigate 121.9 acres located in the NE ¼ Section 33; all in T8N-R7E. This land is irrigated from the Belle Fourche Irrigation Project. This permit will supplement Belle Fourche Irrigation District water.
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 – October 15.
3. The date from which applicant may claim right is August 25, 2005.
4. The date of approval of Permit No. 1852-1 is October 3, 2005.
5. One-fifth of the construction is to be completed on or before April 3, 2008.
6. All construction is to be completed on or before October 3, 2010.
7. Water is to be put to beneficial use on or before October 3, 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

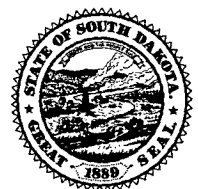
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire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

WATER MANAGEMENT BOARD

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

OCT 13 2005

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 25, 20 05

RECEIVED OF Doug Helmbauer, 19209 Wetz Rd., Vale SD 57788

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

Fee for Application for Permit No. <u>1752-1</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1752-1</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	300.00

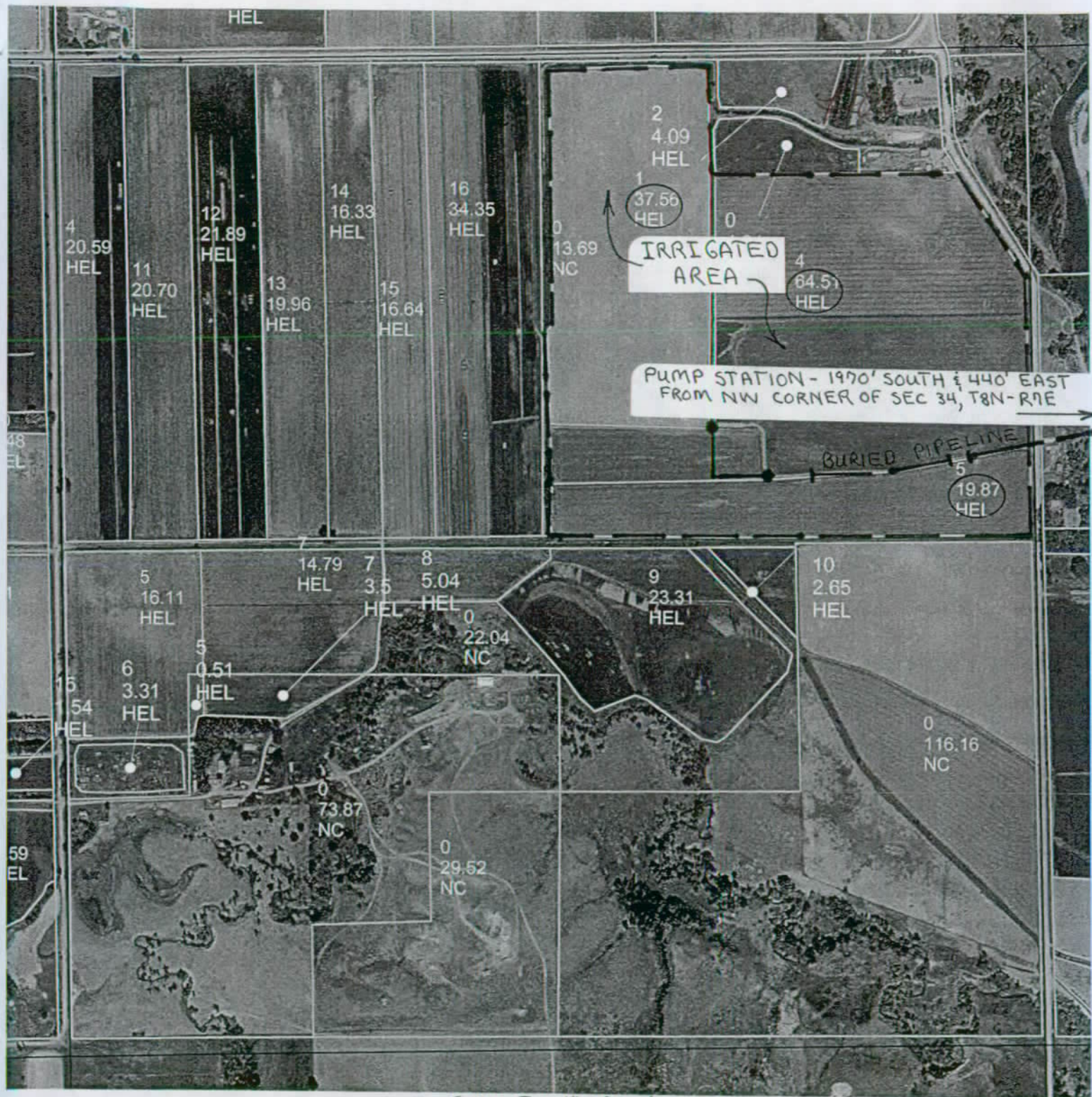
No. 000007

By

Darlene Elbe

Chief Engineer

gsm



Map Not to Scale
No Official Wetland Determination

Butte County, South Dakota

Sec-Twp-Rng: 33-8N-7E

Map Printed: Aug 16, 2005

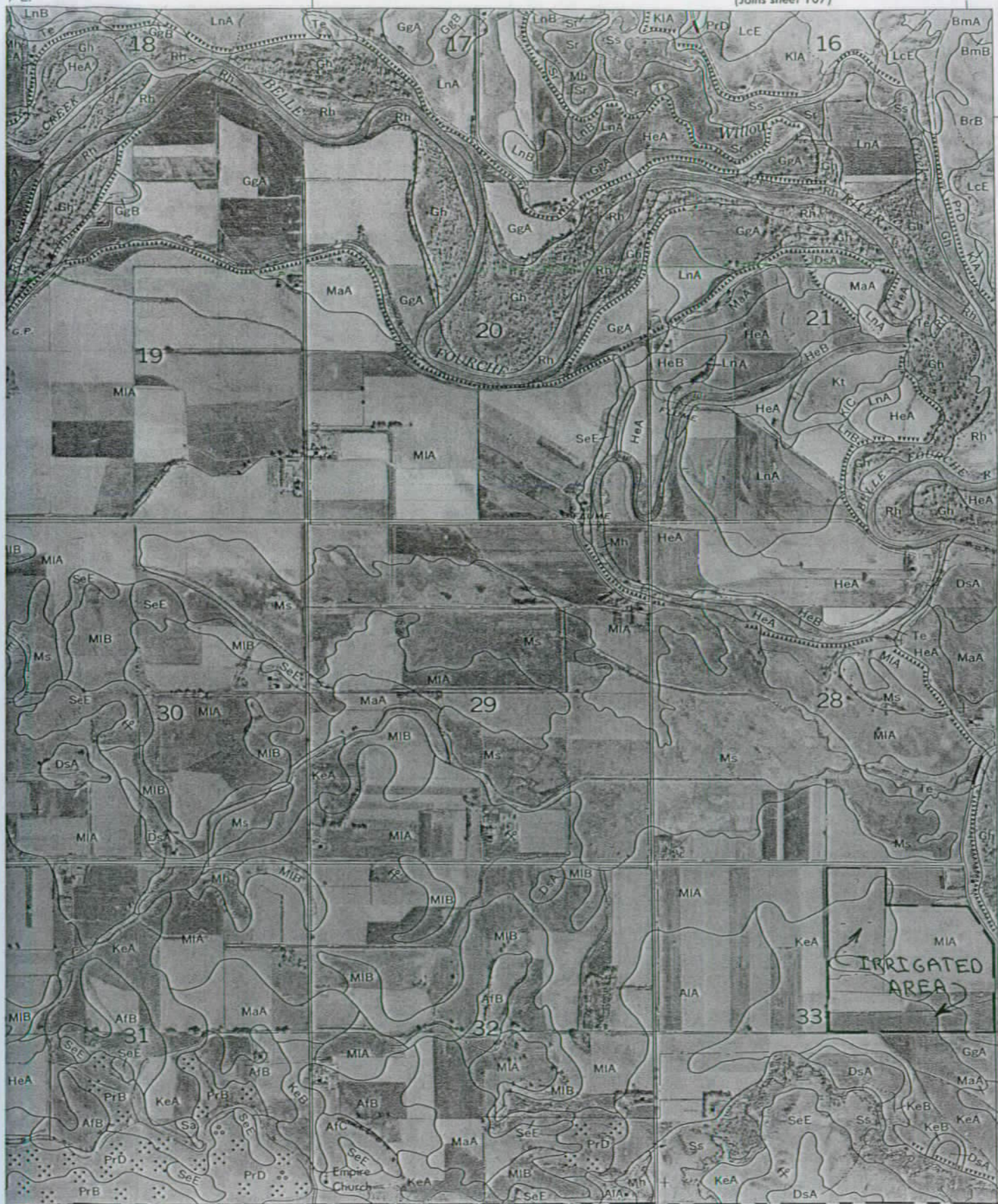
MAP PREPARED BY: Thomas D. Ver Helst
Ag Engineer, NRCS

Thomas D. Ver Helst

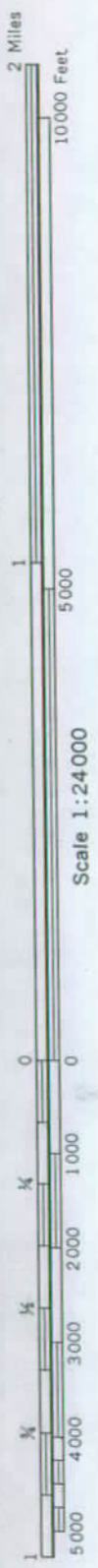


7.E.

(Joins sheet 107)



(Joins sheet 118)



7.E. COUNTY

1:24 000 FEET



Figure 12.—Sparse vegetation on Epsie-Shale Land complex, 9 to 45 percent slopes.

All the acreage is used for range. The vegetative cover is very sparse. Saline Upland range site; capability unit VIIIs-3; windbreak group 10.

Epsie-Shale land complex, 9 to 45 percent slopes (EsE).—This rolling to steep mapping unit is about 75 percent Epsie soils and 25 percent Shale land. Areas range from about 100 to 4,000 acres in size and are dissected by many drainageways and uncrossable gullies. Crusts of white salts and small iron-manganese concretions commonly are scattered on the surface. The Epsie soil has the profile described as representative of the Epsie series. Shale land is on narrow ridges and on the steep sides of eroding drainageways. It consists of outcrops of very saline shale that is unaltered or only slightly altered by weathering.

Included with these soils in mapping are areas of a soil that is similar to Epsie soils but less than 6 inches deep over shale.

These soils take in water very slowly and have very low available water capacity. Runoff is rapid or very rapid, and geologic erosion is active.

All the acreage is used for range. The vegetative cover is very sparse and consists mainly of salt-tolerant plants (fig. 12). Areas of Shale land are bare or nearly bare of vegetation. Epsie soil in Saline Upland range site, capability unit VIIIs-3, and wind-

break group 10; Shale land in capability unit VIIIs-2 and not assigned to a range site or windbreak group.

Glenberg Series

The Glenberg series consists of deep, nearly level to gently sloping, well-drained, calcareous loamy soils. These soils are on bottom land and low terraces. They formed in loamy and sandy alluvium.

In a representative profile the surface layer is grayish-brown fine sandy loam about 6 inches thick. The underlying material to a depth of 35 inches is grayish-brown fine sandy loam that is slightly hard when dry and very friable when moist. Below a depth of 35 inches is light brownish-gray loamy sand. The entire profile is calcareous.

Glenberg soils are susceptible to soil blowing. In some areas they are subject to flooding. They have low fertility and moderate available water capacity. Permeability is moderately rapid to a depth of 35 inches and rapid below. Runoff is slow.

Many areas are irrigated. Alfalfa, corn, and edible beans are the main crops. Other areas are in native grass and are used for grazing or hay. The native vegetation is mid and tall grasses and an understory of short grasses. Scattered native trees and shrubs grow along stream channels in many areas.

Representative profile of Glenberg fine sandy loam, 0 to 2 percent slopes, in a cultivated area, 900 feet north and 2,410 feet west of the southeast corner of sec. 22, T. 8 N., R. 6 E.:

Ap—0 to 6 inches, grayish-brown (10YR 5/2) fine sandy loam, dark grayish brown (10YR 4/2) moist; very weak, fine, granular structure; slightly hard, very friable; many roots; slight effervescence; neutral; abrupt, smooth boundary.

C1—6 to 35 inches, grayish-brown (10YR 5/2) fine sandy loam, dark grayish brown (10YR 4/2) moist; massive; slightly hard, very friable; common roots in upper part, few in lower part; strong effervescence; mildly alkaline; clear, wavy boundary.

C2—35 to 60 inches, light brownish-gray (10YR 6/2) loamy sand, dark grayish brown (10YR 4/2) moist; single grained; loose, very friable; strong effervescence; mildly alkaline.

Depth to free carbonates is less than 10 inches. The A horizon ranges from grayish brown to pale brown in hue of 10YR or 2.5Y. In places it is darker colored in the upper 1 to 5 inches. It commonly is fine sandy loam, but ranges from sandy loam to clay. The C horizon ranges from grayish brown to pale brown in hue of 10YR or 2.5Y. It is fine sandy loam that is less than 18 percent clay and more than 15 percent sand coarser than very fine sand. The profile commonly is stratified with material ranging from loamy fine sand to silt loam, and in places it contains thin lenses of clay.

Glenberg soils are on bottom land along with Haverson and Lohmiller soils. They are more sandy than those soils.

Glenberg fine sandy loam, 0 to 2 percent slopes (GgA).—This soil is on low terraces along the Belle Fourche River. It has the profile described as representative of the series. Areas are irregular in shape and range from 5 to 300 acres in size.

Included with this soil in mapping are areas of Haverson, Lohmiller, and Mawer soils. Haverson and Lohmiller soils are in small areas where the alluvium is more clayey. Mawer soils are in areas less than 2 acres in size where pockets of gravel are within a depth of 40 inches.

This Glenberg soil takes in water readily and has moderate available water capacity. Fertility is low. Soil blowing is a hazard in cultivated areas.

Many areas are irrigated. Corn, alfalfa, barley, and edible beans are the main crops. Controlling soil blowing is the main concern in management. Sandy range site; capability units IIe-3 irrigated and IVe-6 dryland; windbreak group 2.

Glenberg fine sandy loam, 2 to 6 percent slopes (GgB).—This soil is on bottom land and low terraces along the Belle Fourche River and its main tributaries. Areas are mostly long and narrow and range from 3 to 25 acres in size.

This soil takes in water readily and has moderate available water capacity. It has low fertility. Runoff is slow, but water erosion and soil blowing are hazards in cultivated areas.

Many areas are irrigated. Alfalfa and corn are the main crops. Other areas are in native grass and are used for grazing. Controlling soil blowing and erosion is the main concern in management. Sandy range site; capability units IIIe-4 irrigated and IVe-7 dryland; windbreak group 2.

Glenberg and Haverson soils (0 to 3 percent slopes) (Gh).—Some areas of this mapping unit are mostly Glenberg soils, some are mainly Haverson soils, and others consist of both soils in proportions that differ from one area to another. Areas are cut

by overflow channels and meander scars and consequently have an uneven, very gently undulating surface. The Glenberg soil, commonly on low ridges and mounds, has a profile similar to the one described as representative of the Glenberg series, but in places the surface layer is loamy sand. The Haverson soil, in the smoother areas, has the profile described as representative of the Haverson series. Recently deposited sediment from mining commonly is on the surface in areas adjacent to the channels of Whitewood Creek and the Belle Fourche River below its confluence with Whitewood Creek.

Included with these soils in mapping are areas of Lohmiller soils in some of the meander scars and areas of soils that are more sandy or more gravelly than Glenberg soils.

These soils have low fertility. Available water capacity is moderate or high. Runoff is slow, and most areas are subject to flooding.

Cultivation is impractical in most places because the areas are narrow and are cut by stream channels. Most of the acreage is in native vegetation and is used for range, hay, and wildlife habitat. The native vegetation is tall and mid grasses and scattered native trees and shrubs. Overflow range site; capability unit VIw-3; windbreak group 10.

Graner Series

The Graner series consists of deep, gently undulating to hilly, well-drained, acid clayey soils on uplands. These soils formed in wind-deposited clayey material that contains many fine fragments of shale.

In a representative profile the surface layer is grayish-brown clay about 6 inches thick. The underlying material is grayish-brown clay that is slightly hard when dry and friable when moist. The entire profile contains many fragments of shale and is very strongly acid or extremely acid.

Graner soils have low fertility and low or moderate available water capacity. Permeability is moderate, and runoff is slow. Erosion and soil blowing are hazards.

Most areas are used for range. The native vegetation is mainly mid and tall grasses.

Representative profile of Graner clay, 3 to 25 percent slopes, in native grass, 1,800 feet west and 500 feet north of the southeast corner of sec. 4, T. 9 N., R. 1 E.:

A1—0 to 6 inches, grayish-brown (10YR 5/2) clay, very dark grayish brown (10YR 3/2) moist; weak, very fine, granular structure; soft, friable; many roots; many very fine shale fragments; very strongly acid; clear, smooth boundary.

C1—6 to 20 inches, grayish-brown (10YR 5/2) clay, very dark grayish brown (10YR 3/2) crushing to dark grayish brown (10YR 4/2) moist; weak, medium and coarse, subangular blocky structure; slightly hard, friable; common roots; many very fine shale fragments; very strongly acid; gradual boundary.

C2—20 to 60 inches, grayish-brown (10YR 5/2) clay, very dark grayish brown (10YR 3/2) crushing to dark grayish brown (10YR 4/2) moist; very weak, coarse, subangular blocky structure parting to weak, fine, granular; slightly hard, friable; few roots; many very fine shale fragments; extremely acid.

Colors of the soil are inherited from the parent material.

nearly level to sloping, well drained or moderately well drained loamy soils that have a claypan subsoil. These soils are on uplands. They formed in clayey material either washed in from adjacent soils or weathered in place from the underlying shale.

In a representative profile the surface layer is gray loam about 2 inches thick. The subsoil, about 14 inches thick, is grayish-brown clay that is extremely hard when dry and very firm when moist. The underlying material to a depth of 35 inches is grayish-brown clay that contains many spots and streaks of lime and salts. Below a depth of 35 inches is multicolored, bedded shale.

Hisle soils have low fertility and low or very low available water capacity. Permeability is very slow, and runoff is slow to rapid.

These soils are used almost entirely for range. The native vegetation is mainly short and mid grasses, sagebrush, and pricklypear cactus.

Representative profile of Hisle loam, 0 to 9 percent slopes, in native grass, 150 feet south and 1,900 feet east of the northwest corner of sec. 16, T. 8 N., R. 8 E.:

A2—0 to 2 inches, gray (10YR 6/1) loam, dark grayish brown (10YR 4/2) moist; moderate, thin, platy structure parting to weak, very fine, granular; soft, friable; many roots; slightly acid; abrupt, smooth boundary.

B21t—2 to 5 inches, grayish-brown (2.5Y 5/2) clay, dark grayish brown (2.5Y 4/2) moist; moderate, medium and coarse, columnar structure parting to moderate, medium and coarse, blocky; extremely hard, very firm; common roots; gray (10YR 6/1) silt coatings on column tops; thin continuous clay films on vertical and horizontal faces of ped; mildly alkaline; clear, smooth boundary.

B22t—5 to 16 inches, grayish-brown (2.5Y 5/2) clay, dark grayish brown (2.5Y 4/2) moist; moderate, medium and coarse, prismatic structure parting to moderate, medium and coarse, blocky; extremely hard, very firm; thin continuous clay films on vertical and horizontal faces of ped; few roots; moderately alkaline; clear, smooth boundary.

C1casa—16 to 35 inches, grayish-brown (2.5Y 5/2) clay, dark grayish brown (2.5Y 4/2) moist; weak, medium and coarse, prismatic structure parting to weak, medium and coarse, subangular blocky; very hard, very firm; very few roots; thin patchy clay films; many segregations of lime and salts; strong effervescence; mildly alkaline; abrupt, wavy boundary.

C2—35 to 50 inches, gray (N 5/0), grayish-brown (2.5Y 5/2), and pale-olive (5Y 6/3) platy clay shale; shale is partly weathered in the upper part; mildly alkaline.

Depth to bedded shale ranges from 20 to 40 inches. The A2 horizon ranges from grayish brown to light gray in hue of 10YR or 2.5Y. It commonly is loam, but in places it is silt loam, clay loam, or silty clay loam and ranges from 1 to 3 inches in thickness. The B2t horizon ranges from dark grayish brown to light olive gray in hues of 10YR to 5Y. It is clay or clay loam and ranges from 35 to 60 percent clay. The B2t horizon has weak to strong, columnar and prismatic structure parting to moderate or strong blocky. The columnar structure is not well defined in some places. The B3 and C horizons contain common or many segregations of salt and carbonates. In a few places the underlying shale is calcareous.

Hisle soils are near Arvada, Kyle, Pierre, Swanboy, and Wasa soils and are mapped with Slickspots. They are more shallow over shale than Arvada soils. They have an A2 horizon and a B horizon that has stronger prismatic or columnar structure than Kyle, Pierre, Swanboy, and Wasa soils. They differ from Slickspots in having distinct A2 and B2t horizons and in having segregations of salts deeper in the profile.

Hisle loam, 0 to 9 slopes (H1B).—This soil is in irregularly shaped areas that range from 10 to 500 acres in size. The surface is uneven in places, and scattered low spots or small depressions range to as much as several feet in diameter. This soil has the profile described as representative of the series.

Included with this soil in mapping are areas of Kyle, Pierre, Swanboy, and Wasa soils. These soils have longer, smoother slopes than this Hisle soil. Also included are areas of Slickspots in small depressions. Included soils make up less than 20 percent of any given area.

This Hisle soil has low fertility. It takes in water very slowly and has low or very low available water capacity. Tilth is very poor in cultivated areas.

Most of the acreage is in native grass and is used for range. The soil is not suitable for cultivation. Thin Claypan range site; capability unit VIs-3; windbreak group 10.

Hisle-Slickspots complex, 0 to 9 percent slopes (HsB).—This mapping unit is about 60 percent Hisle soils and 40 percent Slickspots. The surface is uneven, and small mounds and ridges rise 4 to 6 inches above small depressions that range from 10 to 50 feet in diameter. The Hisle soil is on the mounds and ridges. Slickspots consists of massive clay that commonly has visible salts at or near the surface. It is in the small depressions.

Included with this complex in mapping are small areas of Arvada, Kyle, Pierre, Swanboy, and Wasa soils. Arvada and Swanboy soils are in the lower parts of the landscape on fans and along drainage-ways. Kyle, Pierre, and Wasa soils are on some of the rises.

This unit has very poor tilth and takes in water very slowly. Runoff ranges from slow to rapid in the Hisle soil and ponds in the small depressions of Slickspots until the water evaporates.

All the acreage is in native vegetation and is used for range. The Slickspots parts are barren or nearly barren of vegetation. Hisle soil in Thin Claypan range site, capability unit VIs-3, and windbreak group 10, Slickspots in capability unit VIIIs-3 and not assigned to a range site or windbreak group.

Keith Series

The Keith series consists of deep, nearly level to sloping, well-drained silty soils. These soils are on terraces and fans. They formed in loess or in deep silty alluvium.

In a representative profile the surface layer is about 6 inches of silt loam that is dark grayish brown in the upper part and brown in the lower part. The subsoil, about 14 inches thick, is brown heavy silt loam in the upper part and grayish-brown silt loam in the lower part. It is slightly hard when dry and friable when moist. The lower part is calcareous. The underlying material is calcareous, light-gray silt loam that contains spots and streaks of soft lime.

Keith soils have medium natural fertility and high available water capacity. Permeability is moderate, and runoff is slow or medium.

Many areas are cultivated. Alfalfa, corn, and edible beans are the main irrigated crops. Alfalfa and small grain are the main dryfarmed crops. Some areas are in native grass and are used for range and hay. The native vegetation is mid and short grasses.

Representative profile of Keith silt loam, 0 to 2 percent slopes, in native grass, 1,340 feet south and 25 feet west of the northeast corner of sec. 32, T. 8 N., R. 1 E.:

- A11—0 to 2 inches, dark grayish-brown (10YR 4/2) silt loam, very dark grayish brown (10YR 3/2) moist; very weak, fine, granular structure; loose, friable; many roots; neutral; clear, smooth boundary.
- A12—2 to 6 inches, brown (10YR 4/3) silt loam, dark brown (10 YR 3/3) moist; weak, fine and medium, subangular blocky structure; slightly hard, friable; many roots; thin patchy clay films; neutral; clear, smooth boundary.
- B2t—6 to 13 inches, brown (10YR 5/3) heavy silt loam, dark brown (10YR 3/3) moist; moderate, medium, prismatic structure parting to moderate, medium, subangular blocky; slightly hard, friable; common roots; thin continuous clay films; neutral; clear, wavy boundary.
- B3ca—13 to 20 inches, grayish-brown (10YR 5/2) silt loam, dark grayish brown (10YR 4/2) moist; weak, coarse, prismatic structure parting to moderate, medium, subangular blocky; slightly hard, friable; few roots; thin patchy clay films; few fine segregations of lime; strong effervescence; mildly alkaline; gradual, wavy boundary.
- C1ca—20 to 32 inches, light-gray (10YR 7/2) silt loam, grayish brown (10YR 5/2) moist; very weak, medium, subangular blocky structure; hard, friable; few roots; common medium segregations of lime; violent effervescence; mildly alkaline; gradual, wavy boundary.
- C2ca—32 to 60 inches, light-gray (10YR 7/2) silt loam, grayish brown (10YR 5/2) moist; massive; slightly hard, friable; few fine segregations of lime; violent effervescence; mildly alkaline.

The solum ranges from 15 to 30 inches in thickness. Depth to carbonates ranges from about 10 to 25 inches. The A1 horizon ranges from dark grayish brown to brown. It commonly is silt loam, but in places it is loam or very fine sandy loam. The A1 horizon is 5 to 10 inches thick. The B2t horizon ranges from dark brown to grayish brown. It is silt loam or silty clay loam and is 22 to 35 percent clay. It has weak or moderate, prismatic structure. The B3 and C horizons range from grayish brown to pale yellow in hue of 10YR or 2.5Y. The C horizon ranges from very fine sandy loam to silty clay loam.

Keith soils are near Altvan, Canyon, Colby, Lakoa, Manter, Mawer, Savo, and Vale soils. They are more silty and are deeper over sand and gravel than Altvan soils. They are deeper over bedrock than Canyon soils. They contain less clay in the B horizon than Lakoa soils and do not have the A2 horizon that is characteristic of those soils. They contain less sand than Manter and Mawer soils. They have B and C horizons that have colors of less reddish hues than Vale soils.

Keith silt loam, 0 to 2 percent slopes (KeA).—This soil is on terraces and fans. Areas are irregular in shape and range from 10 to 500 acres in size. This soil has a profile similar to the one described as representative of the series, but in a few places the surface layer and subsoil are thinner and the depth to lime is less than 10 inches.

This soil has medium fertility. Available water capacity is high. The soil takes in water readily, and runoff is slow.

Many areas are cultivated. Small grain and alfalfa are the main dryfarmed crops. Corn, alfalfa, edible beans, and small grain are the main irrigated crops. Other areas are in native grass and are used

for range. Conservation of moisture is the main concern in management. Silty range site; capability units I-2 irrigated and IIc-1 dryfarmed; windbreak group 3.

Keith silt loam, 2 to 6 percent slopes (KeB).—This soil is on fans and terraces. Slopes are long and smooth. Areas are irregular in shape and range from 20 to 200 acres in size. This soil has a profile similar to the one described as representative of the series, but in places the surface layer and subsoil are thinner and the depth to lime is less than 10 inches.

This soil has medium fertility. Available water capacity is high. Runoff is medium. Erosion and soil blowing are hazards in cultivated areas.

Some of the acreage is cultivated. Small grain and alfalfa are the main dryfarmed crops. Corn, alfalfa, and small grain are the main irrigated crops. Other areas are in native grass and are used for range. Controlling erosion is the main concern in management. Silty range site; capability units IIe-2 irrigated and IIe-1 dryland; windbreak group 3.

Keith silt loam, 6 to 9 percent slopes (KeC).—This soil is in irregularly shaped areas that range from 10 to 100 acres in size. It has a profile similar to the one described as representative of the series, but in places the surface layer and subsoil are thinner and the depth to lime is less than 10 inches.

Included with this soil in mapping are areas of Colby soils on rounded knolls or on the higher parts of the landscape. Also included in places are areas of a soil that is similar to this Keith soil, but the surface layer is lighter colored.

This soil has medium fertility. Available water capacity is high. Runoff is medium. Cultivated areas erode easily.

Most of the acreage is in native grass and is used for range. Small grain and alfalfa are the main crops in the few cultivated areas. Controlling erosion is the main concern in management. Silty range site; capability unit IVe-1; windbreak group 3.

Kyle Series

The Kyle series consists of deep, level to sloping, well-drained clayey soils on terraces and upland fans. These soils formed in clayey material weathered from neutral or alkaline shale, either in place or washed in from adjacent soils.

In a representative profile the surface layer is about 3 inches of clay that is light brownish gray in the upper part and grayish brown in the lower part. The subsoil, about 17 inches thick, is calcareous, grayish-brown clay that is very hard when dry and very firm when moist. The underlying material is calcareous, grayish-brown clay that contains spots and streaks of soft lime.

Kyle soils have low fertility and low or moderate available water capacity. Permeability is very slow, and runoff is slow or medium.

Some of the areas are cultivated, and others are in native grass and are used for range. Wheat is the main dryfarmed crop, and alfalfa is the main irrigated crop. The native vegetation is mainly mid and short grasses.

or high available water capacity. Runoff is slow. Erosion and soil blowing are hazards.

Many areas are cultivated and irrigated. Alfalfa and corn are the main irrigated crops. Small grain is the main dryland crop. Controlling soil blowing and erosion is the main concern in management. Sandy range site; capability units IIIe-4 irrigated and IVe-7 dryland; windbreak group 5.

Manvel Series

The Manvel series consists of deep, nearly level to gently sloping, well-drained, calcareous silty soils. These soils are on terraces and fans. They formed in calcareous material derived from chalky shale and limestone.

In a representative profile the surface layer is grayish-brown silty clay loam about 3 inches thick. Below this is a 15-inch transition layer of light-gray silty clay loam that is hard when dry and firm when moist. The underlying material is light-gray silty clay loam. The entire profile is calcareous.

Manvel soils have low fertility and moderate or high available water capacity. Permeability is moderately slow, and runoff is slow or medium. Soil blowing is a hazard.

Most areas are in native vegetation and are used for range. A few areas are cultivated. Alfalfa is the main irrigated crop. Winter wheat and alfalfa are the main dryfarmed crops. The native vegetation is mainly mid and short grasses.

Representative profile of Manvel silty clay loam, 2 to 6 percent slopes, in native grass, 125 feet west and 2,455 feet north of the southeast corner of sec. 30, T. 9 N., R. 3 E.:

- A1—0 to 3 inches, grayish-brown (2.5Y 5/2) silty clay loam, very dark grayish brown (2.5Y 3/2) moist; weak, thick, platy structure parting to weak, fine, granular; slightly hard, friable; violent effervescence; moderately alkaline; clear, smooth boundary.
- AC—3 to 18 inches, light-gray (5Y 7/1) silty clay loam, grayish brown (2.5Y 5/2) moist; weak, fine and medium, subangular blocky structure; hard, firm; violent effervescence; moderately alkaline; gradual, smooth boundary.
- C1—18 to 24 inches, light-gray (5Y 7/1) silty clay loam, grayish brown (2.5Y 5/2) moist; massive; hard, firm; violent effervescence; moderately alkaline; abrupt, wavy boundary.
- C2—24 to 27 inches, light-gray (5Y 7/1) silty clay loam, grayish brown (2.5Y 5/2) moist; massive; hard, firm; many channery fragments of limestone; violent effervescence; moderately alkaline; abrupt, wavy boundary.
- C3—27 to 60 inches, light-gray (5Y 7/1) silty clay loam, grayish brown (2.5Y 5/2) moist; massive; hard, firm; violent effervescence; moderately alkaline.

Depth to bedrock is more than 40 inches. A few fragments of limestone commonly are on the surface, and in places they are throughout the soil. Estimated calcium carbonate equivalent ranges from 15 to 60 percent between depths of 10 and 40 inches. The A horizon ranges from dark gray to grayish brown in hues of 5Y to 10YR. It is silty clay loam or silt loam, and in places is noncalcareous. It commonly ranges from 3 to 5 inches thick, but in a few places it is slightly thicker. The AC and C horizons range from gray to pale yellow in hue of 2.5Y or 5Y and are 27 to 35 percent clay. The AC horizon is mildly alkaline or moderately alkaline and ranges from 10 to 30 inches in thickness.

Manvel soils are near Minnequa and Penrose soils. They are deeper over bedrock than those soils.

Manvel silty clay loam, 0 to 2 percent slopes (MCA).—This soil is on fans and terraces. Areas are irregular in shape and range from 5 to 200 acres in size. This soil has a profile similar to the one described as representative of the series, but in places the surface layer is slightly thicker.

This soil has low fertility. It takes in water slowly and has moderate or high available water capacity. Runoff is slow. Soil blowing is a hazard in cultivated areas.

Some of the acreage is cultivated. Alfalfa is the main irrigated crop. Small grain and alfalfa are the main dryland crops. Other areas are in native grass and are used for range. Controlling soil blowing is the main concern in management. Thin Upland range site; capability units I-1 irrigated and IVe-10 dryland; windbreak group 8.

Manvel silty clay loam, 2 to 6 percent slopes (McB).—This soil is on fans and foot slopes in the uplands. Areas are irregular in shape and range from 10 to 800 acres in size. This soil has the profile described as representative of the series.

Included with this soil in mapping are areas of Minnequa and Penrose soils in the higher parts of the landscape. Included soils make up less than 15 percent of any given area.

This Manvel soil has low fertility. It takes in water slowly and has moderate or high available water capacity. Runoff is medium. Erosion and soil blowing are hazards in cultivated areas.

Most of the acreage is in native grass and is used for range. Alfalfa and small grain are the main crops in cultivated areas. Controlling erosion and soil blowing is the main concern in management. Thin Upland range site; capability units IIIe-1 irrigated and IVe-8 dryland; windbreak group 8.

Marsh

Marsh (0 to 3 percent slopes) (Mh) is commonly wet throughout the year. In irrigated parts of the county it is in seeps and low spots where irrigation water collects and remains for prolonged periods. In dryland areas it is mainly in natural lakebeds that are marshy in most years. Slopes are mainly less than 3 percent.

Marsh is used mainly for wildlife habitat. It is of little value for grazing. The vegetation is mainly water-tolerant grasses, sedges, and shrubs. Capability unit VIIIw-1; windbreak group 10; not assigned to a range site.

Mawer Series

The Mawer series consists of nearly level to gently sloping, well-drained loamy soils that are moderately deep—20 to 40 inches—over sand and gravel. These soils are on stream terraces. They formed in alluvium.

In a representative profile the surface layer is brown fine sandy loam about 8 inches thick. The subsoil, about 14 inches thick, is brown fine sandy loam that is hard when dry and very friable when moist. The underlying material is calcareous, light-gray sand and gravel.

Mawer soils have medium fertility and low available water capacity. Permeability is moderately rapid in the soil and rapid in the underlying sand and gravel. Runoff is slow or medium, depending on slope. Soil blowing is a severe hazard.

Many areas are cultivated. Alfalfa, corn, and edible beans are the main irrigated crops. Small grain is the main dryfarmed crop. Other areas are in native grass and are used for range. The native vegetation is a mixture of short, mid, and tall grasses.

Representative profile of Mawer fine sandy loam, 0 to 2 percent slopes, in a cultivated area, 1,500 feet west and 150 feet north of the southeast corner of sec. 20, T. 8 N., R. 7 E.:

- Ap1—0 to 4 inches, brown (10YR 5/3) fine sandy loam, very dark grayish brown (10YR 3/2) moist; cloddy parting to weak, fine, granular structure; hard, very friable; many roots; few fine pebbles; slightly acid; abrupt, smooth boundary.
- Ap2—4 to 8 inches, brown (10YR 5/3) fine sandy loam, very dark grayish brown (10YR 3/2) moist; weak, coarse and medium, subangular blocky structure; hard, very friable; many roots; few fine pebbles; neutral; clear, smooth boundary.
- B2t—8 to 22 inches, brown (10YR 5/3) fine sandy loam, dark grayish brown (10YR 4/2) moist; weak, very coarse, prismatic structure parting to moderate, medium and coarse, blocky; hard, very friable; common roots; thin continuous clay films; few fine pebbles; neutral; abrupt, wavy boundary.
- IIC—22 to 60 inches, light-gray (10YR 7/2) sand and gravel, pale brown (10YR 6/3) moist; single grained; loose; slight effervescence; mildly alkaline.

The solum ranges from 16 to 30 inches in thickness. Depth to sand and gravel ranges from 20 to 40 inches, and depth to carbonates ranges from 15 to 25 inches. The A horizon ranges from dark grayish brown to brown in hues of 2.5Y to 7.5YR. It is fine sandy loam or sandy loam and ranges from 7 to 10 inches in thickness. The B2t horizon ranges from dark grayish brown to light brown in hues of 2.5Y to 7.5YR and is 12 to 18 percent clay. It has weak or moderate, prismatic structure that parts readily to blocky or subangular blocky. Thin B3ca and Cca horizons occur in places. The IIC horizon ranges from loose sand and gravel to gravelly loamy fine sand.

Mawer soils are near Altvan, Dix, Keith, and Manter soils. They are more sandy than Altvan soils. They are deeper over sand and gravel than Dix soils. They are shallower over sand and gravel than Keith and Manter soils and contain more sand than Keith soils.

Mawer fine sandy loam, 0 to 2 percent slopes (MIA).—This soil is on terraces along the Belle Fourche River. Areas are irregular in shape and range from 10 to 800 acres in size. This soil has the profile described as representative of the series.

Included with this soil in mapping are areas of Manter soils that are more than 40 inches deep over gravel. Manter soils make up as much as 30 percent of any given area.

This Mawer soil has medium fertility. It takes in water readily, but it has low available water capacity and is droughty. Soil blowing is a hazard in cultivated areas. Runoff is slow.

Many areas are cultivated and irrigated. The soil is well suited to all crops commonly grown under irrigation in the county. Controlling soil blowing and conserving moisture are the main concerns in management. Sandy range site; capability units IIE-2 irrigated and IVE-4 dryland; windbreak group 6.

Mawer fine sandy loam, 2 to 6 percent slopes (MIB).—This soil is on terraces along streams. Areas are irregular in shape and range from 10 to 100 acres in size.

Included with this soil in mapping are areas of Alice, Dix, and Manter soils. Alice and Manter soils are more than 40 inches deep over gravel. Dix soils are on small knolls or humps where gravel is at a shallow depth. Included soils make up from 5 to 30 percent of any given area.

This Mawer soil has medium fertility. It takes in water readily, but it has low available water capacity and is droughty. Runoff is slow or medium. Erosion and soil blowing are hazards in cultivated areas.

Some of the acreage is in native grass and is used for range. Other areas are cultivated. Alfalfa and corn are the main irrigated crops. Small grain is the main dryland crop. Controlling erosion and soil blowing is the main concern in management. Sandy range site; capability units IVE-3 irrigated and IVE-5 dryland; windbreak group 6.

McKenzie Series

The McKenzie series consists of deep, level, poorly drained clayey soils. These soils are in closed depressions on uplands. They formed in clayey alluvium washed in from adjacent soils.

In a representative profile the surface layer is gray clay about 3 inches thick. The underlying material is gray clay that is very hard when dry, very firm when moist, and very sticky and plastic when wet. Below a depth of 23 inches it is calcareous and contains spots and streaks of lime and other salts.

McKenzie soils have low fertility and low or moderate available water capacity. Permeability is very slow, and runoff is ponded. In most years water remains on the surface for short periods until it evaporates.

Most areas are in native grass and are used for range or hay.

Representative profile of McKenzie clay, in grass, 1,950 feet south and 1,500 feet west of the northeast corner of sec. 23, T. 12 N., R. 6 E.:

- A1—0 to 3 inches, gray (5Y 5/1) clay, very dark gray (5Y 3/1) moist; weak, thin, platy structure; very hard, very firm, very sticky and plastic; slightly acid; clear, smooth boundary.
- C1—3 to 9 inches, gray (5Y 5/1) clay, dark gray (5Y 4/1) moist; weak, fine, blocky structure; very hard, very firm, very sticky and plastic; slightly acid; gradual, wavy boundary.
- C2—9 to 23 inches, gray (5Y 5/1) clay, dark gray (5Y 4/1) moist; massive; very hard, very firm, very sticky and plastic; moderately alkaline; gradual, wavy boundary.
- C3ca—23 to 60 inches, gray (5Y 5/1) clay, dark gray (5Y 4/1) moist; massive; very hard, very firm, very sticky and plastic; common, fine, distinct segregations of lime and salt; slight effervescence; moderately alkaline.

Depth to bedded shale is more than 40 inches. McKenzie soils are saturated with water for 30 days or more in most years. The A horizon ranges from dark gray to light olive gray in hues of 10YR to 5Y. It commonly is clay, but some areas have an overwash of coarser textured material. It is slightly acid or neutral and ranges from 1 to 4 inches in

WATER PERMIT APPLICATION No. 1852-1

**Doug Halbmaier
19209 Wetz Rd
Vale, SD 57788
(605)456-2545**

Water Permit Application No. 1852-1, Doug Halbmaier, proposes to appropriate water at the rate of 1.74 cubic feet per second (cfs) from the Belle Fourche River to supplement Belle Fourche Irrigation District (BFID) water deliveries. The water is to be used for irrigation of 121.9-acres in the NE¼ Section 33 T8N R7E approximately 6 miles east of Vale, Butte County, SD. (Attachment 1) The annual period of use requested is from May 1 to October 15.

Review of Proposed Project

The land proposed for irrigation by this application can be irrigated by water deliveries from the BFID. The property is near the end of the Meade Lateral and during extended dry periods water deliveries from the BFID are diminished (Attachment 1). The applicant proposes to supplement BFID water deliveries by diverting water directly from the Belle Fourche River to irrigate 121.9-acres in the NE¼ Section 33 T8N R7E as needed.

Water Source

The water source for this proposed project is the Belle Fourche River in the SW¼ NW¼ Section 34 T8N R7E, approximately 6-miles east of Vale, SD and 17 point-to-point miles southeast of the Belle Fourche Dam, formerly Orman Dam, in Butte County, SD. Belle Fourche Dam is part of the U.S. Department of the Interior, Bureau of Reclamation (BOR) Belle Fourche Project completed in 1914 that includes a diversion dam, a storage dam, and a system of canals, laterals, and drains to irrigate 57,068-acres along the valley of the Belle Fourche River, in the general area of Newell, Vale, and Nisland, SD. In addition, the Keyhole Unit of the Pick-Sloan Missouri Basin Program consisting of Keyhole Dam and Reservoir on the Belle Fourche River in northeastern Wyoming provides supplemental storage and a supply of irrigation water. The Belle Fourche Project is a single purpose development, but flood control, fish and wildlife conservation, and recreational benefits are naturally provided. Belle Fourche, SD, the principal project town, means "Beautiful Forks" in French referring to the confluence of the Redwater and Belle Fourche Rivers.

The Belle Fourche River rises in northeast Wyoming and flows northeast around Devils Tower and the northern edge of the Black Hills then east to the Cheyenne River confluence north of Wasta, SD, a total of 290-miles. A compact between the States of Wyoming and South Dakota, confirmed by the Congress of the United States in 1944, provides for the apportionment of Belle Fourche River water upstream of the Wyoming-South Dakota border. This compact provides that the un-apportioned water shall be distributed 10-percent to Wyoming and 90-percent to South Dakota provided that Wyoming shall have unrestricted use of the water for domestic and stock purposes. The un-apportioned flow to South Dakota is the principal water source for the Belle Fourche Project.

Belle Fourche Dam and Reservoir are located about 10-miles northeast of the City of Belle Fourche on Owl Creek. The Project Diversion Dam on the Belle Fourche River is about 1.5-miles northeast of the City of Belle Fourche. A 6.3-mile Inlet Canal with the capacity of 1300 cubic feet per second (cfs) conveys water from the Diversion Dam to storage in the Belle Fourche Reservoir. A flow of at least 5-cfs is continuously bypassed into the Belle Fourche River at the Diversion Dam for downstream domestic use. Belle Fourche Reservoir has an active conservation capacity of 185,200 acre-feet. The Project's supply, distribution, and drainage systems consist of 94-miles of canals, 450-miles of laterals, and 232-miles of drains.

Since 1945 the U.S. Geological Survey (USGS) has maintained a stream flow gaging station on the Belle Fourche River near Fruitdale, SD upstream of this proposed project's diversion point. Historical data from this gaging station indicate there is a 50-percent probability the median flow rate could range from 4 to 11-cfs or greater during any given year. There is a 75-percent probability the median flow rate could range from 3 to 7-cfs or greater for any given year at this location. (Table 1)

Table 1. Belle Fourche River Fruitland, SD Median Flow Percentiles (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	3	3	3	3	3	4	4	4	5	5	4	3
25	3	3	4	4	4	6	7	7	7	6	5	4
50	4	4	5	5	10	11	11	10	10	8	7	5
75	6	8	36	296	302	156	17	15	13	14	14	8
90	33	202	454	579	855	723	74	21	19	22	33	23

The USGS has also maintained a stream flow gaging station on the Belle Fourche River since 1945 near Sturgis, SD approximately 20 river miles downstream of this proposed project location. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks, whereas there are no wasteways or tributaries contributing water to the river upstream of the Fruitdale gage. Historical data from the gaging station near Sturgis, SD indicate there is a 50-percent probability the median flow rate at this location could range from 236 to 281-cfs or greater during the normal irrigation period for any given year. There is a 75-percent probability the median flow rate could range from 77 to 211-cfs or greater for this same period of time. (Table 2)

Table 2. Belle Fourche River Sturgis, SD Median Flow Percentiles (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	9	15	30	42	49	94	142	142	78	38	37	20
25	19	25	52	56	77	172	211	208	167	56	47	28
50	28	39	98	133	236	281	266	270	248	65	56	36
75	40	90	408	473	650	659	364	330	299	88	77	50
90	89	300	942	927	1372	1555	556	427	345	174	149	90

The presumption can be made that the stream flow rates recorded at the cited gaging stations are post withdrawal of the majority of those water right allocations upstream of the gage's location

during the normal irrigation season. The USGS gaging data indicates there is water available to satisfy this proposed project's diversion from the Belle Fourche River.

Review of Existing Water Rights

There are 14 active prior water rights from this proposed project location to the USGS gage near Sturgis, SD with total withdrawals of 44.69-cfs. One of these prior water rights for a withdrawal of 2.50-cfs belongs to the applicant and two prior water rights for withdrawals of 18.62 belong to Homestake Mining Corporation. Approval of the permit, except in extremely dry conditions would not be expected to adversely effect existing water rights.

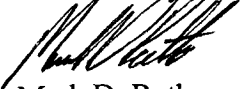
Conclusions

1. Water Permit Application No. 1852-1, Doug Halbmaier, proposes to appropriate water at the rate of 1.74 cubic feet per second (cfs) from the Belle Fourche River to supplement Belle Fourche Irrigation District (BFID) water deliveries.
2. Historical USGS gaging data indicates there is sufficient water to satisfy this proposed project's diversion from the Belle Fourche River and downstream prior water rights during years of normal and 25-percentile less releases from Belle Fourche Dam to the Belle Fourche Irrigation District.
3. If approved this application should contain 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 any written orders issued by the Chief Engineer.



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

Reviewed by:



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

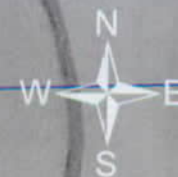
References

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

USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota

#1852-1
Doug Halbmaier
19209 Wetz Rd
Vale, SD 57788
(605)456-2545

T8N R7E



Diversion
Point

121.9 Acres

Buried Line

Meade Lateral

33

34



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

Attachment 1

#1852-1
Doug Halbmaier
19209 Wetz Rd
Vale, SD 57788
(605)456-2545

Vale

Diversion
Point



USGS
Gage

Attachment 2

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1852-1, Doug Halbmaier**

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. 1852-1, Doug Halbmaier, 19209 Wetz Road, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 1852-1 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 must be by-passed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele, Chief Engineer
September 8, 2005

Affidavit of Publication

State of South Dakota

County of Butte

RECEIVED

OCT - 3 2005

WATER RIGHTS
PROGRAM

Betty J. Bruner, being duly sworn, says: That the *Valley Irrigator* is, and during all times hereafter mentioned, was a legal newspaper as deemed in SDCL 17-2-2, as amended, published at Newell, Butte County, South Dakota, By *Rapid City Journal*; that affidavit is and, during all of said times, was employed by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following date (s):

9/21 2005

_____ 2005

That the full amount of the fee charged for publishing the same, to with, the of \$ 16.47, insures solely to the benefit of the publisher of said newspaper that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Betty J. Bruner
Publisher

Subscribed and sworn to before me this 30th day of Sept., 2005

Diana D. Page
Notary Public, South Dakota

DIANA D. PAGE

My Commission Expires Jan. 10, 2008

My commission expires _____

2. NOTICE OF APPLICATION NO. 1852-1 to Appropriate Water

Notice is given that Doug Halbmaier, 19209 Wetz Rd, Vale SD 57788 has filed an application for a water permit to appropriate 1.74 cubic feet of water per second from the Belle Fourche River located in the SW 1/4 NW 1/4 Section 34 to irrigate 121.9 acres located in the NE 1/4 Section 33; all in T8N-R7E. This land is irrigated from the Belle Fourche Irrigation Project. This application, if approved, will supplement Belle Fourche Irrigation District water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1852-1 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 the 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 October 3, 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. Steve M. Pirner, of Environment and Natural Resources.

Published Wed., Sept. 21, 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

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

September 9, 2005

Doug Halbmaier
19209 Wetz Rd
Vale SD 57788

Dear Mr. Halbmaier:

Water Permit Application No. 1852-1 for irrigation use has 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 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 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

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

September 9, 2005

Butte Co Valley Irrigator
PO Box 197
Newell SD 57760-0167

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1852-1 to Appropriate Water to be published twice. Please publish the first notice on September 15, 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 Doug Halbmaier, 19209 Wetz Rd, Vale SD (Ph # 605-456-2545).

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. 1852-1

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

Date _____

We are in receipt of your letter of September 9, 2005 enclosing Notice to Appropriate Water by Application No. 1852-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 15, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1852-1 to Appropriate Water

Notice is given that Doug Halbmaier, 19209 Wetz Rd, Vale SD 57788 has filed an application for a water permit to appropriate 1.74 cubic feet of water per second from the Belle Fourche River located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 to irrigate 121.9 acres located in the NE $\frac{1}{4}$ Section 33; all in T8N-R7E. This land is irrigated from the Belle Fourche Irrigation Project. This application, if approved, will supplement Belle Fourche Irrigation District water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1852-1 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 October 3, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 13 2005

Doug Halbmaier
19209 Wetz Rd
Vale SD 57788

Dear Mr. Halbmaier:

Enclosed is Water Permit No. 1852-1 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

1852-1

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 7-5-06

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

RECEIVED

JUL - 6 2006

WATER RIGHTS
PROGRAM

FROM:

Doug HALBMAIER
(name)19209 WETZ Road
(address)VALE SD 57788
(city, state, zip)(605) 456-2545
(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. 1852-1 states that the water use system is to be constructed by

10-3-2010
(date)

, and water is to be put to beneficial use by

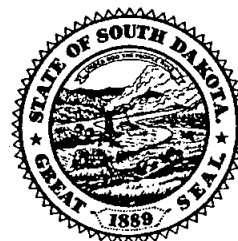
10-3-2014
(date)

The water use system was completed on 10-30-06
(date)

Applying the water to beneficial use was completed on 7-1-06
(date)

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

Douglas Halbmaier
(signature)



1852-1

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AUG - 3 2009

WATER RIGHTS
PROGRAM

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.
117 EAST CAPITOL
P.O. BOX 66
PIERRE, SOUTH DAKOTA 57501-0066
www.olingerlaw.net

RONALD D. OLINGER
LEE C. "KIT" McCAHREN
WADE A. REIMERS
WILLIAM M. VAN CAMP

JOHN S. LOVALD - Of Counsel

July 31, 2009

TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL FREE: 877-225-5548

Chief Engineer
Water Rights Program
DENR
523 E Capitol
Pierre SD 57501

Re: Water Permits #1852-1 and 910-1

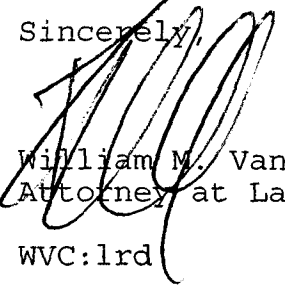
Dear Sir:

Attached please find Notice of Transfer of Ownership for the two
aforementioned water rights. Douglas and Rolene Halbmaier and
Halbmainer Farms, Inc. have sold their property and assigned their
interests in those water rights to my client, NW Ranches, LLC.

Also enclosed please find a check for \$100.00 to cover the filing
fee as required by SDCL 46-2-13.

If you need anything else to effectuate these transfers, please
advise.

Thank you for your help in this matter.

Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd

enclosure: check \$100.00

cc: client

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/3, 2009

RECEIVED OF Olinger Lovald McCahren & Reimers (NW Ranches) PO Box 66 Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1852-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **04188**

By Harold Erbe
Chief Engineer

RECEIVED

AUG - 3 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1852-1

Date: July 29, 2009

I/We request that Water Right/Permit No. 1852-1 formerly owned by:

Douglas L. Halbmaier / Halbmaier Farm, Inc be transferred to:

New Owner Name: NW Ranches, LLC

Address: PO Box 66 117 E Capitol

City, State, Zip Pierre SD 57501

Telephone No. (605) 224-8851

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

SW1/4NW1/4 Section 34, the NE1/4 Section 33 all in Township 8 North,
Range 7 East, Butte County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 1852-1 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.

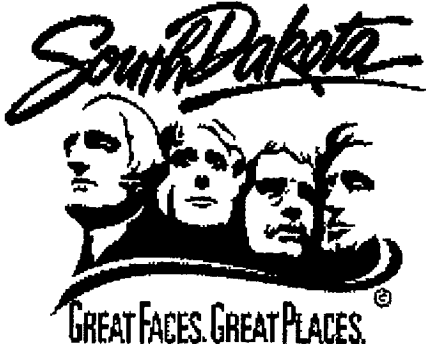
A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, NW Ranches, LLC, the new owner, certify that the above information is true and correct.

NW Ranches, LLC by: Neal Wankes
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 2009

William M Van Camp
Attorney at Law
OLINGER, LOVALD, MCCAHERN & REIMERS PC
PO Box 66
Pierre SD 57501-0066

RE: Water Right No. 910-1 and Water Permit No. 1852-1, NW Ranches LLC

Dear Mr. Van Camp:

I am writing in regard to the ownership changes filed on the above mentioned water right and water permit. Nos. 910-1 and 1852-1 formerly held Doug (*or Douglas*) Halbmaier are now listed in the name of NW Ranches LLC.

Enclosed are your Receipt Nos. 04187 and 04188 in the amount of \$50.00 each.

I noted on the transfer form for 1852-1 the legal description for irrigated acres included land in Section 34, T8N, R7E. The only acreage authorized for irrigation under that Water Permit is the NE ¼ Section 33. I am assuming the land referenced in Section 34 was included with the purchase of the property however I wanted to make you aware that it is not included in the permit.

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

enclosures

1852-1

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.
117 EAST CAPITOL
P.O. BOX 66
PIERRE, SOUTH DAKOTA 57501-0066
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RONALD D. OLINGER
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WADE A. REIMERS
WILLIAM M. VAN CAMP

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL FREE: 877-225-5548

January 21, 2010

Genny McMath
Environmental Scientist
Water Rights Program
523 East Capitol
Pierre SD 57501

RECEIVED

JAN 22 2010

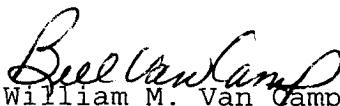
WATER RIGHTS
PROGRAM

Re: Water Right Management Irrigation Questionnaire

Dear Genny:

I apologize for the delay in getting this to you. You will note the incomplete nature I think of some of these reports. My client purchased some of these ranches where irrigation was occurring during the growing season and has tried as best he could to fill in the information. Also there are several other items relating to some of the permits that I will attempt to address with Eric Gronlund shortly. Please review these and if you need me to assist in compiling any more information, please feel free to give me a call as soon as you can.

Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd

enclosure

cc: client