

WATER PERMIT NO. 1859-1

Name of Applicant: Kurt David Anderson

Address: 8855 Clarkson Rd, Rapid City SD 57702

Phone: 605 721-1219

Amount of Water Claimed: 1.0 cfs

Total Acres: 83.7

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 6 miles southeast of Newell

PRIORITY Date Received: 3-6-06

Application/License Fee: \$275

Corrected Application Received: 3-30-06

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 24-T8N-R6E,

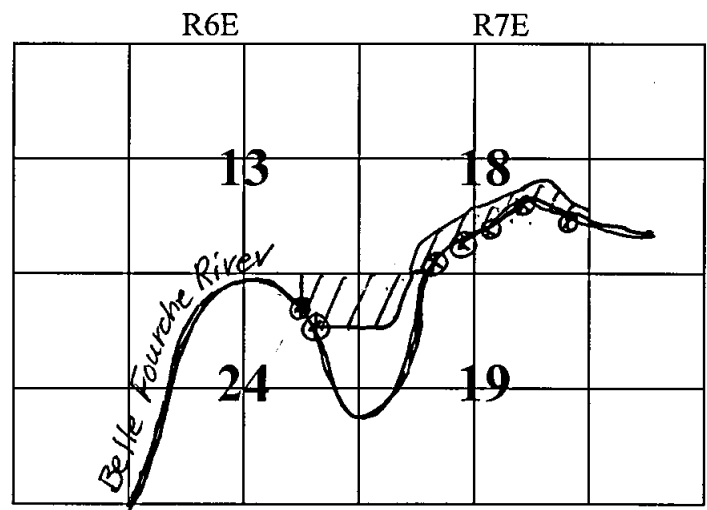
NW ¼ NW ¼ (Lot 1) Sec 19-T8N-R7E, N ½ SE ¼,

S ½ SW ¼ Sec 18-T8N-R7E

Land to be Irrigated: NE ¼ NE ¼ Sec 24-T8N-

R6E, NW ¼ NW ¼ Sec 19-T8N-R7E, S ½ SW ¼,

N ½ SE ¼ Sec 18-T8N-R7E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Diane Gronlund, NRCS

Reviewed and the Number Assigned on: 3-30-06 By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1859-1</u> (office use only) Hydrologic Unit <u>10120202</u>	RECEIVED MAR - 6 2006 WATER RIGHTS PROGRAM
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Butte Co. Irrigator</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.)

1. Name of Applicant Kurt David Anderson Phone 605-390-2003
(check one) ✓ Owner Tenant/lessee
- Mailing Address 8855 Clarkson Road Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.0 *CFS or 450 **GPM ***AF Total Acreage 7583.7
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Belle Fourche River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Township 8N Range 6E NE1/4
NE1/4 SECTION 24 Township 8N Range 7E LOT 1 OF SECTION 19 (NW1/4 NW1/4)
N 1/2 SE 1/4, 1/2 mile North of Belle Fourche River County Butte SW1/4 NW1/4
5. County or counties where water will be used Butte
6. Annual period during which water is to be used April - Oct 31
7. 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
NE 1/4 NE 1/4 Sec. 24-8N-6E	28.9		
NW 1/4 NW 1/4 Sec. 19-8N-7E	27.5		
S 1/2 SW 1/4 Sec. 18-8N-7E	10.9		
N 1/2 SE 1/4 Sec. 18-8N-7E	16.4		

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

IRRIGATE TWO FIELDS OF ALFALFA - 24-8N-6E
IRRIGATE old + new TREE BELTS IN 18-19
IRRIGATE FOOD PLOTS IN NUMEROUS PLACES WILDLIFE
IRRIGATE NATIVE GRASSES FOR BIRDS

STATE OF SOUTH DAKOTA) SS
County of PENNINGTON

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, KURT D. ANDERSON, 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 Kurt D. Anderson

Subscribed and sworn to before me this 3RD day of MARCH 20 06

Garry H. Denker
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1859-1**

Date of first receipt of application March 6, 2006.

Date of return to applicant for corrections, amendments or changes March 7, 2006.

Date of receipt of corrected application March 30, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1859-1 to Kurt David Anderson, 8855 Clarkson Road, Rapid City SD 57702 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. 1859-1 appropriates 1.0 cubic feet of water per second from the Belle Fourche River at points located in the NE ¼ NE ¼ Section 24-T8N-R6E, NW ¼ NW ¼ Section 19-T8N-R7E and N ½ SE ¼, S ½ SW ¼ Section 18-T8N-R7E to irrigate 83.7 acres located in the NE ¼ NE ¼ Section 24-T8N-R6E, NW ¼ NW ¼ Section 19-T8N-R7E and N ½ SE ¼, S ½ SW ¼ Section 18-T8N-R7E.
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: April 1 – October 31.
3. The date from which applicant may claim right is March 6, 2006.
4. The date of approval of Permit No. 1859-1 is May 22, 2006.
5. One-fifth of the construction is to be completed on or before November 22, 2008.
6. All construction is to be completed on or before May 22, 2011.
7. Water is to be put to beneficial use on or before May 22, 2015.
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 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

JUN 12 2006
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Kurt David Anderson, 8855 Clarkson Rd, Rapid City SD 57702 Date March 6, 20 06

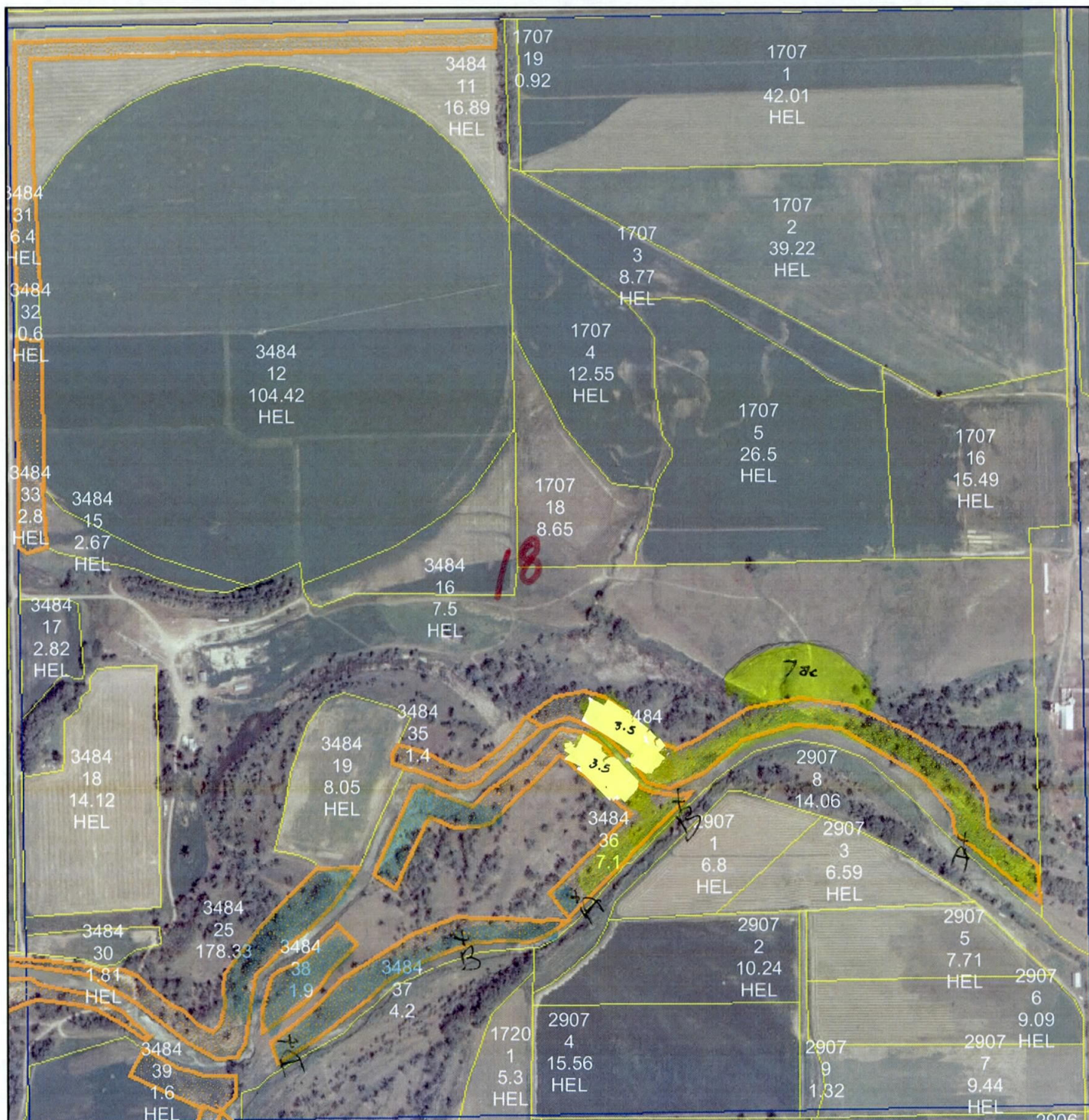
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1859-1</u> to Appropriate Water, to construct and to put water to beneficial use	150.00 225.00
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>1859-1</u>	50 00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	275.00

No.

02245

By Harland Erbe
Chief Engineer 1/65



USDA U.S. Dept. of Agriculture
Farm Service Agency

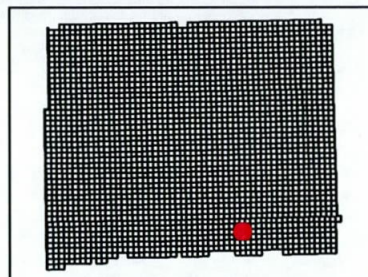


South Dakota Butte County

18-8N-7E

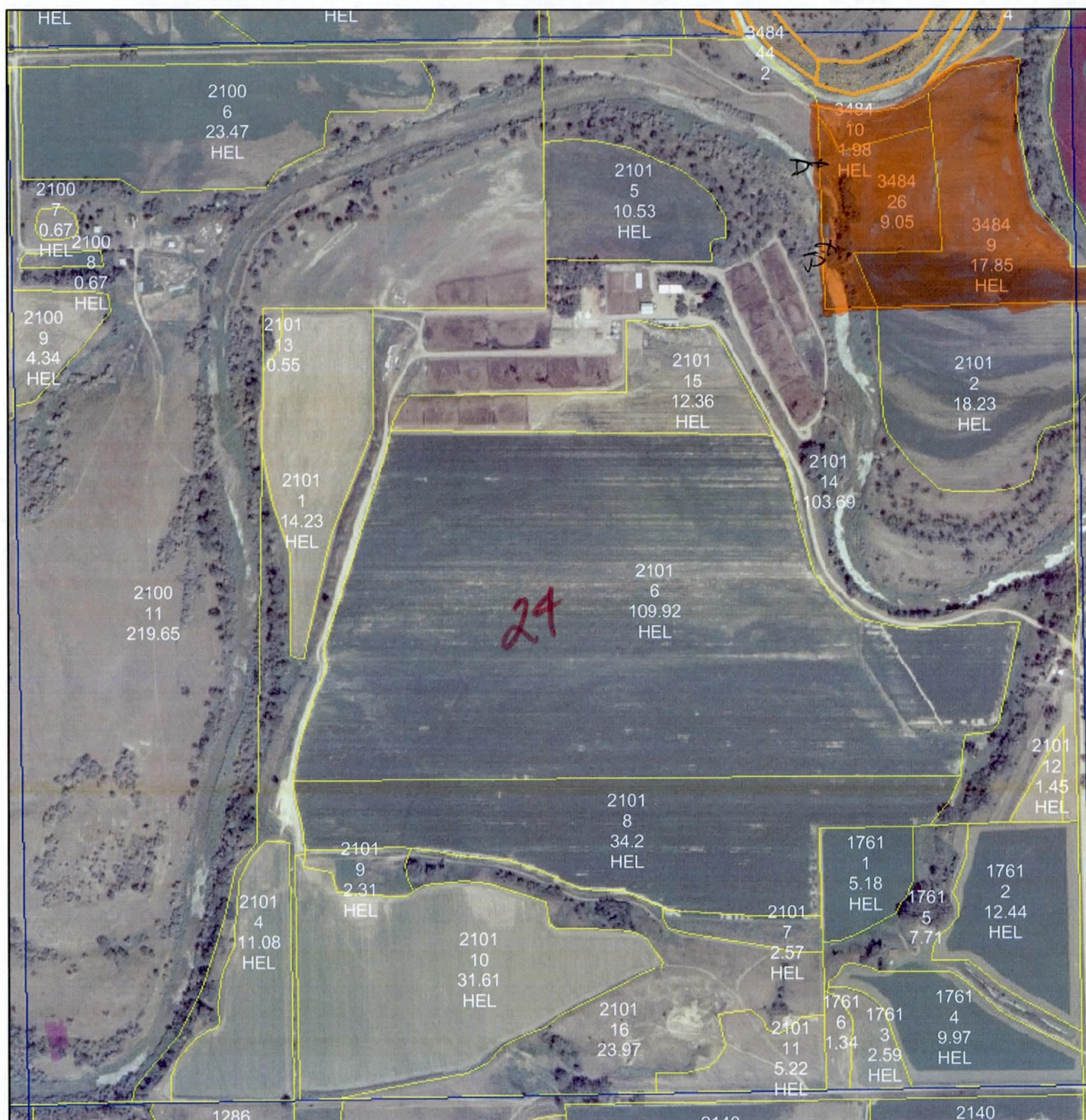
Diane L. Ironlund
Soil Conservationist 3/29/06

NRCS



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March 17, 2006



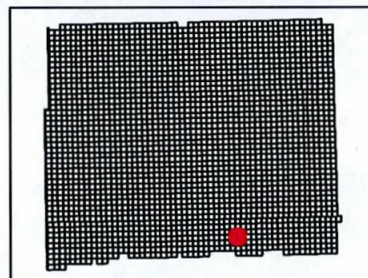
U.S. Dept. of Agriculture
Farm Service Agency



South Dakota Butte County

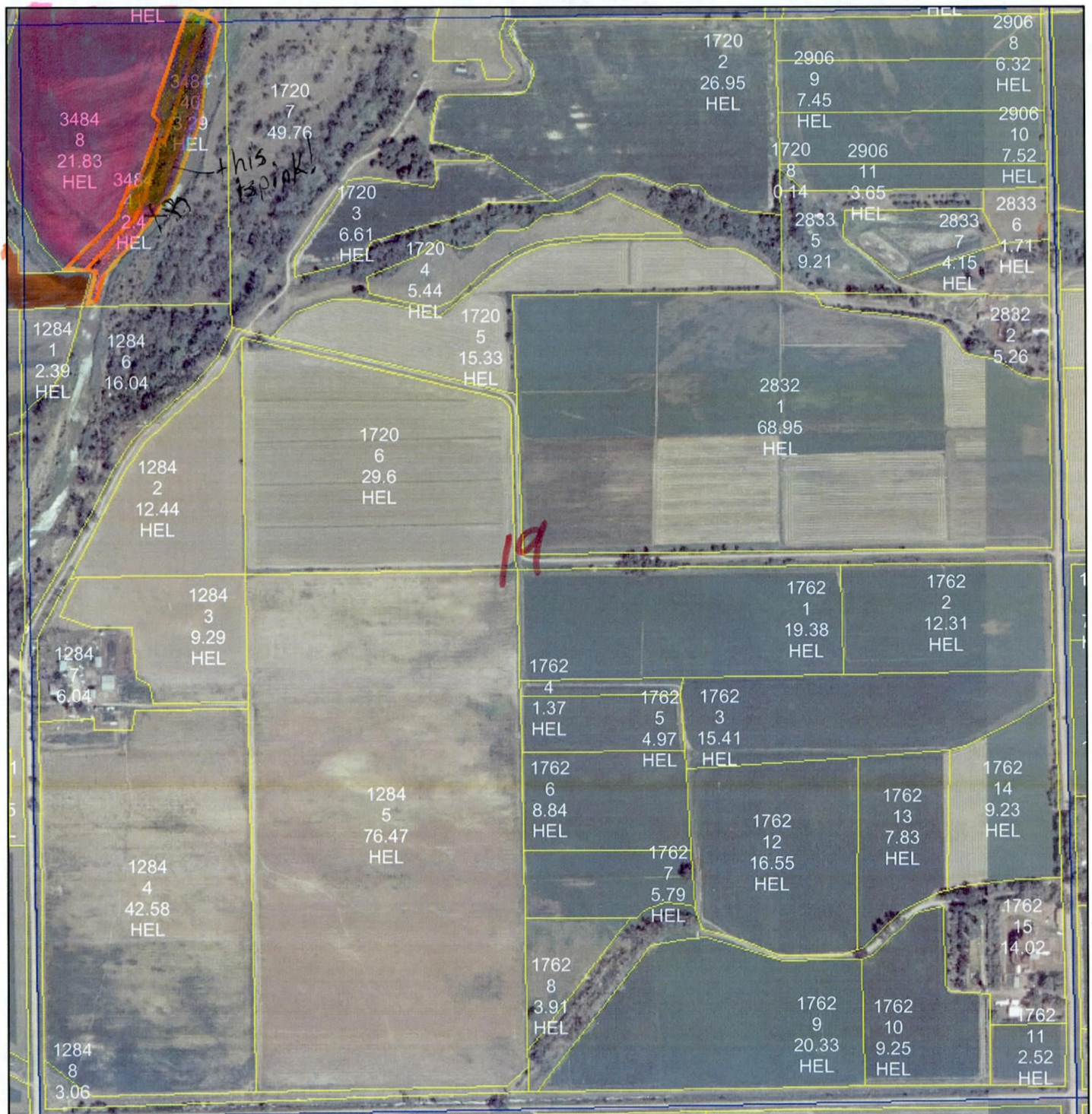
24-8N-6E

Diane A. Gronlund
NRCS Soil Conservationist 3/29/06



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March 17, 2006



USDA U.S. Dept. of Agriculture
Farm Service Agency

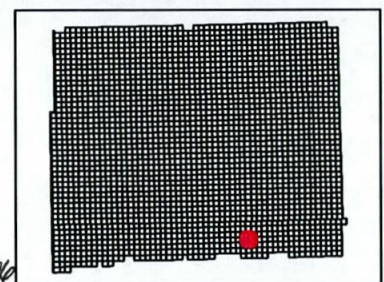


South Dakota Butte County

19-8N-7E

Diane L. Hopland
Soil Conservationist 3/29/06

NRCS



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March 17, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2006

Kurt David Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. Anderson:

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

- Item No. 2 of the application indicates the total acreage to be irrigated as 75 acres. In Item No. 7 of the application, the acreage to be irrigated totals to 83.7 acres. Which is the correct acreage amount?
- Enclosed are the maps submitted with the application. On the maps, please outline the land to be irrigated. The outlined areas need to match with those identified on Item No. 7 of the application.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application for Kurt David Anderson

ADDRESS: COUNTY: Butte

DATE: March 8, 2006 TELEPHONE:

RE: Call to David Kinzer

Mr. Kinzer prepared the application for Mr. Anderson. He wanted to know if we had received the application. I told him that we received and reviewed the application. There are two issue that needing to be addressed. We sent a letter to Mr. Anderson on March 7th informing him what is necessary to complete application.

First, the application states the number of acres list as being irrigated is 75 acres but the acreage listed on Item No. 7 totals 83.7 acres. Mr. Kinzer asked that I amend the application to reflect 83.7 acres which is the acreage breakdown calculated by Tom Quinn with the NRCS.

I also said the location of the irrigated acres must to be outlined on the map. Mr. Kinzer said once he receives the returned map he'll outline the acres and resubmit the map.

NAME: Eric Kinzer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 2006

Kurt David Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. Anderson:

Enclosed are the resubmitted maps for the *Application for a Permit to Appropriate Water* for irrigation. I spoke with Dave Kinser about this last week and stated some of the lands outlined on the aerial photo maps do not match the areas described on the application.

- The area marked in red on the map for Section 24 is not the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24 as indicated on the application. The area marked in red would be the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24 (the middle of the Section). The area marked appears to be much larger than the 28.9 acres listed on the application.
- The other area marked in red in Section 18 matches the application, but appears to be more than 16.4 acres listed on the application.
- The area marked in green on the map for the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19 appears to be correct. But also marked are lands located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 which are not included on the application.
- The area marked in black on the map for Section 18 appears to include some land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18 which is not listed on the application as proposed for irrigation.

Our suggestion is to take the maps back to Thomas Quinn, NRCS and ask him to assist you by outlining the areas to be irrigated so they match what is listed on the application.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

enclosure

WATER PERMIT APPLICATION No. 1859-1

**Kurt David Anderson
8855 Clarkson Rd.
Rapid City, SD 57702
(605)721-1219**

Water Permit Application No. 1852-1, Kurt Anderson, proposes to appropriate water at the rate of 1.0 cubic feet per second (cfs) from the Belle Fourche River to irrigate 83.7-acres in Section 24 T8N R6E and Sections 18 and 19 T8N R7E approximately 6 miles east of Vale, Butte County, SD. The annual period of use requested is from April 1 to October 31.

Review of Proposed Project

The applicant proposes to divert water from the Belle Fourche River at several locations in Section 24 T8N R6E and Sections 18 and 19 T8N R7E (Attachment 1). The water will be used to irrigate crop land and tree belts for wildlife habitat improvement in the NE¼ NE¼ Section 24 T8N R6E, the NW¼ NW¼ Section 19 T8N R7E, and the South Half Section 18 T8N R7E (Attachment 1).

Water Source

The water source for this proposed project is the Belle Fourche River approximately 6-miles east of Vale, SD and 16 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 also maintained a stream flow gaging station on the Belle Fourche River since 1945 near Sturgis, SD approximately 23 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 133 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 56 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.

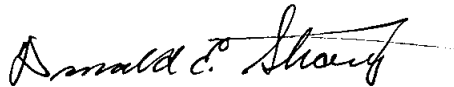
Review of Existing Water Rights

There are 21 active prior water rights from this proposed project location to the USGS gage near Sturgis, SD with total withdrawals of 61.65-cfs. Three prior water rights for withdrawals of 19.13-cfs belong to Homestake Mining Corporation.

During periods of below normal releases to the Belle Fourche Irrigation District, return flows to the Belle Fourche River will be reduced in the area of the proposed project subjecting the applicant to shut-off orders issued by the Chief Engineer.

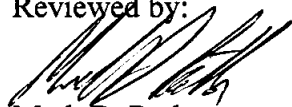
Conclusions

1. Water Permit Application No. 1852-1, Kurt Anderson, proposes to appropriate water at the rate of 1.0 cubic feet per second (cfs) from the Belle Fourche River to irrigate 83.7-acres.
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 releases from Belle Fourche Dam to the Belle Fourche Irrigation District. During periods of below normal releases to the Irrigation District, the applicant could be subject to shut-off orders issued by the Chief Engineer.
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

#1859-1

Kurt David Anderson
8855 Clarkson Rd.
Rapid City, SD 57702
(605)721-1219

T8N R6E

T8N R7E

13

18

Diversion
Points

Diversion
Points

Diversion
Points

24

19

20

19



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

Attachment



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1859-1, Kurt David Anderson**

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. 1859-1, Kurt David Anderson, 8855 Clarkson Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1859-1 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
April 27, 2006

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Butte) SSI, Petty J Brunercertify that the attached printed Notice was
takenfrom the Valley Irrigatorprinted and published in NewellCounty of Butte andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

5/3/065/10/06Cost of Printing 5/3 \$22.155/10 \$17.46Petty J Bruner
(Signature)Publisher
(Title)5/10/2006

(Date Signed)

RECEIVED**MAY 12 2006****WATER RIGHTS
PROGRAM****NOTICE OF APPLICATION
NO. 1859-1 to Appropriate
Water**

Notice is given that Kurt David Anderson, 8855 Clarkson Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from the Belle Fourche River at points located in the NE 1/4 NE 1/4 Section 24-T8N-R6E, NW 1/4 NW 1/4 Section 19-T8N-R7E and N 1/2 SE 1/4, S 1/2 SW 1/4 Section 18-T8N-R7E to irrigate 83.7 acres located in the NE 1/4 NE 1/4 Section 24-T8N-R6E, NW 1/4 NW 1/4 Section 19-T8N-R7E and N 1/2 SE 1/4, S 1/2 SW 1/4 Section 18-T8N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1859-1 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 May 22, 2006.

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.

**Published Wed., May 3 and May
10, 2006
Valley Irrigator**



**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.

April 28, 2006

Kurt David Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. Anderson:

Water Permit Application No. 1859-1 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

April 28, 2006

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

ATTENTION: Legal Public Notice

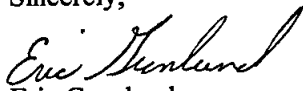
Enclosed is a Notice on Application No. 1859-1 to Appropriate Water to be published twice. Please publish the first notice on May 3, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Kurt David Anderson, 8855 Clarkson Road, Rapid City, SD (Ph # 605-721-1219).

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-----

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

No. 1859-1

Date _____

We are in receipt of your letter of April 28, 2006 enclosing Notice to Appropriate Water by Application No. 1859-1 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 May 3, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1859-1 to Appropriate Water

Notice is given that Kurt David Anderson, 8855 Clarkson Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from the Belle Fourche River at points located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T8N-R6E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19-T8N-R7E and N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18-T8N-R7E to irrigate 83.7 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T8N-R6E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19-T8N-R7E and N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18-T8N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1859-1 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 May 22, 2006.

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.



JUN 12 2006

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Kurt David Anderson
8855 Clarkson Road
Rapid City SD 57702

Dear Mr. Anderson:

Enclosed is Water Permit No. 1859-1 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



1859-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 2006

318-1
470B-1
1859-1

Kurt D & Barbara J Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. & Mrs. Anderson:

We have received your irrigation questionnaires for 2006 and are returning them to you for completion.

Some of the information from last year may be used but the precipitation from year to year is different and the need for increased or decreased irrigation changes each year. Reporting the "same as the year before" would not be entirely accurate. Water Permit No. 1859-1 was just approved in May of 2006 so there would not be a form on file for the year before.

Please take a few minutes complete the forms with the amount of irrigation that took place during 2006. The information received from the irrigators each year is very valuable and assists us in making determinations on whether or not additional water permits can be recommended to the Water Management Board for approval.

I am enclosing a postage paid envelope for your convenience in returning the forms. The completed forms should reach our office prior to December 29th.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

NOV 07 2018

Ck# 10416

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

NOV 07 2018

WATER RIGHTS
PROGRAMWater Right/Permit No. 1859-1Date: 11.5.18I/We request that Water Right/Permit No. 1859-1 formerly owned by:Kurt David Anderson

be transferred to:

New Owner Name:

Craig and Shelby Weirather

Address:

18941 Schild Rd.

City, State, Zip

Newell SD 57160Telephone No. 406552-3177

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

☒ I understand that the validity of Water Right/Permit No. 1859-1 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, Shelby Weirather, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 7**, 20 **18**

RECEIVED OF **Craig & Shelby Weirather 18941 Schild Rd. Newell SD 57760**

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 1859-1		
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	50 00

No. **08799**

By *Jeanne Goodman*
Chief Engineer
2971

McMath, Genny

From: McMath, Genny
Sent: Wednesday, November 07, 2018 12:53 PM
To: 'shelbyweirather@gmail.com'
Subject: ownership of land covered under Water Right Nos. 318-1, 470B-1 & 1859-1

Hi Shelby,

The three transfer forms were received. In the absence of legal descriptions to the property, I need verification from you that the entire property covered under Mr. Anderson's water rights were included in the sale.

Water Right No. 318-1: 193 acres in the SE ¼, Section 13; NE ¼ NE ¼ Section 24, T8N, R6E, N ½ SW ¼, SW ¼ SW ¼ Section 18 and NW ¼ NW ¼ Section 19, T8N, R7E.

Water Right No. 470B-1: 416 acres in the S ½ SE ¼ Section 12; NE ¼ and Lot 1, E ½ NW ¼ and Lot 2 of Section 13, T8N, R6E; NE ¼ Section 18, T8N, R7E

Water Permit No. 1859-1: 83.7 acres in the NE ¼ NE ¼ Section 24, T8N, R6E; NW ¼ NW ¼ Section 19 and N ½ SE ¼, S ½ SW ¼ Section 18, all in T8N, R7E

Please review the above descriptions and let me know whether or not all of the lands were purchased. I will include your response in each file.

Thank you in advance,

Genny McMath
DENR - Water Rights Program

605.773.5455 (desk)
605.773.3352 (main phone)
605.773.4068 (fax)



1859-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2018

318-1
470B-1
1859-1

Craig & Shelby Weirather
18941 Schild Rd
Newell SD 57760

Dear Mr. & Mrs. Weirather:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 318-1, 470B-1 and Water Permit No. 1859-1.

The ownership changes have been completed. The above listed water rights and water permit formerly held by Kurt D & Barbara J Anderson are now listed in your names.

Enclosed for your records are Receipt Nos. 08798, 08799 and 08800 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

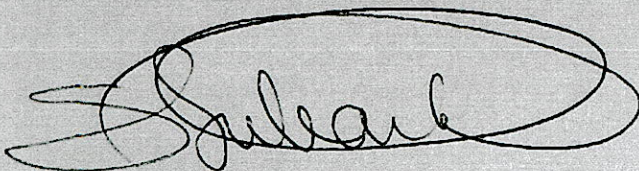
1859-1

11.07.2018

Hi Genny,

We bought all the property described on water rights 318-1, 470B-1, 1859-1, from Kurt and Barabara Anderson.

Thank you,



Shelby Weirather

Please send a receipt
as soon as possible for filing
of water rights to:
Shelbyweirather@gmail.com
Also send farm sheet to:
18941 Schild Rd. Newell, Sp 57760

MONTANA'S EVENT SPECIALISTS

1942 BIRCH ST • MISSOULA, MT 59808 • 406.549.6575 • EXACTIMAGMT.COM