

WATER PERMIT NO. 1923-1

Name of Applicant: Jim Montieth

Address: 2007 Branding Iron, Spearfish SD 57783 Phone: 605 642-2472

Amount of Water Claimed: 0.11 cfs Total Acres: 21.25

Source of Water Supply: groundwater (one well) and 1 AF storage dam

Water to be used for: irrigation and domestic use County: Lawrence

Type of Waste Disposal System:

Location: 6 miles east of Spearfish

PRIORITY Date Received: 2-15-11 Application/License Fee: \$700

Corrected Application Received: Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 10-T6N-R3E

Land to be Irrigated: S ½ SE ¼ Sec 10-T6N-R3E

Depth of Well: 1190 feet deep

Well Driller: Taylor Drilling

Remarks:

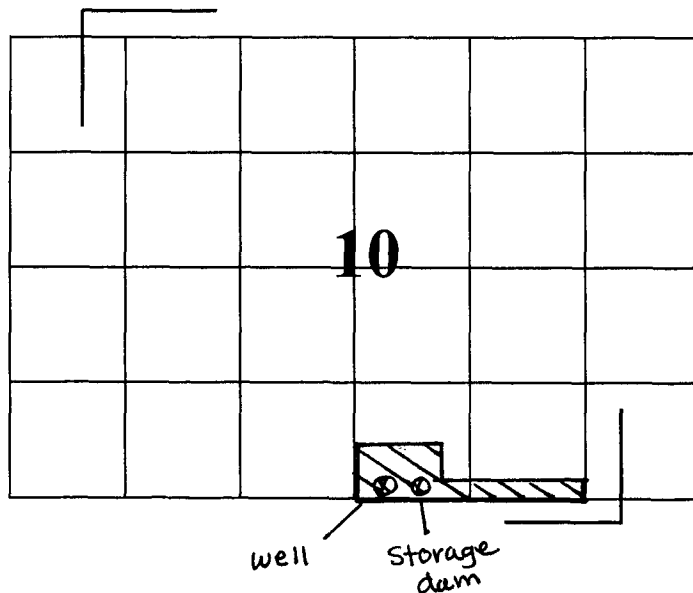
Type of Map: aerial

Prepared by: Tom VerHelst, NRCS

Reviewed and the Number Assigned on: 2-15-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>1923-1</u>	Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Black Hills Pioneer PO Box 7</u> <u>605-642-2761</u> <u>Spearfish 57783</u>	

RECEIVED

FEB 15 2011

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.)

1. Name of Applicant Jim Montieth Phone 605-642-2472(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 2007 Branding Iron Spearfish SD 57783
(Address) (City) (State) (Zip Code)2. Amount of water claimed 0.11 *CFS or 50 **GPM ***AF Total Acreage 21.25
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well drilled into the Madison Formation4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
1 well in SW 1/4 SW 1/4 SE 1/4 Section 10, T6N-R3E5. County or counties where water will be used Lawrence6. Annual period during which water is to be used IRRIGATION - April to October : Domestic/Livestock Jan-Dec.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
E1/2 W1/2SE1/4SE1/4SW1/4 Sec10,T6N-R3E	2.5	S1/2S1/2S1/2SE1/4SE1/4 SEC10,T6N-R3E	2.5
E1/2SE1/4SE1/4SW1/4 SEC10, T6N-R3E	5		
SW1/4SW1/4SE1/4 SEC 10, T6N-R3E	10	<u>(S1/2 SE1/4 Sec 10 T6N-R3E)</u>	
S1/2S1/2SE1/4SW1/4SE1/4 SEC 10, T6N-R3E	1.25	<u>SE1/4 SW1/4</u>	

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

Well will be used to irrigate pasture and landscaped area around residence. Well will also be used as drinking water for domestic and livestock.

STATE OF SOUTH DAKOTA)

County of Lawrence)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Jim Montieth, 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 [Signature]Subscribed and sworn to before me this 13 day of February 20 11Notary Public signature [Signature]

expires 11/1/2012

**SOUTH DAKOTA
WATER PERMIT NO. 1923-1**

Date of first receipt of application February 15, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1923-1 to Jim Montieth, 2007 Branding Iron, Spearfish SD 57783 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. 1923-1 appropriates 0.11 cubic feet of water per second from one well completed into the Madison Aquifer (1190 feet deep) located in SW 1/4 SE 1/4 Section 10 for irrigation of 21.25 acres located in the S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 10; all in T6N-R3E. Water will also be used to supply a 1 acre-foot storage dam located in the SW 1/4 SE 1/4 Section 10-T6N-R3E for livestock watering purposes.
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 for irrigation and January 1 – December 31 for livestock water.
3. The date from which applicant may claim right is February 15, 2011.
4. The date of approval of Permit No. 1923-1 is May 16, 2011.
5. One-fifth of the construction is to be completed on or before November 16, 2013.
6. All construction is to be completed on or before May 16, 2016.
7. Water is to be put to beneficial use on or before May 16, 2020.
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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1923-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1923-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
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

SEP 01 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material See well completion report as per Eric Gronlund
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard 2 feet

c) Crest Width 5 feet

Crest Length 50 feet

d) Height 10 feet

e) Primary Outlet Capacity _____

If pipe, diameter 6 inch

f) Secondary Spillway Capacity N/A

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

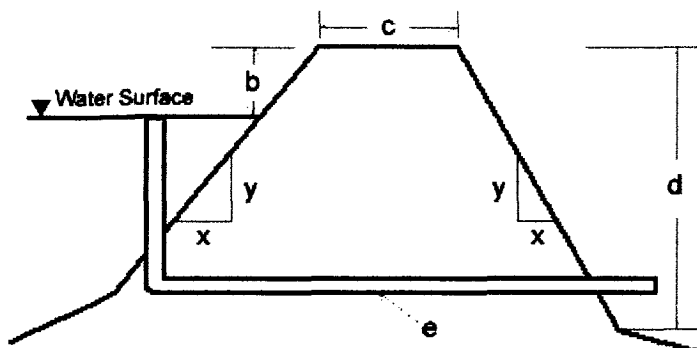
Upstream 3 to 1

Downstream 3 to 1

h) Surface Area of Impoundment 1/3 acre

i) Storage 1.0 Acre Feet

j) Drainage Area Above Dam 15.0 Acres

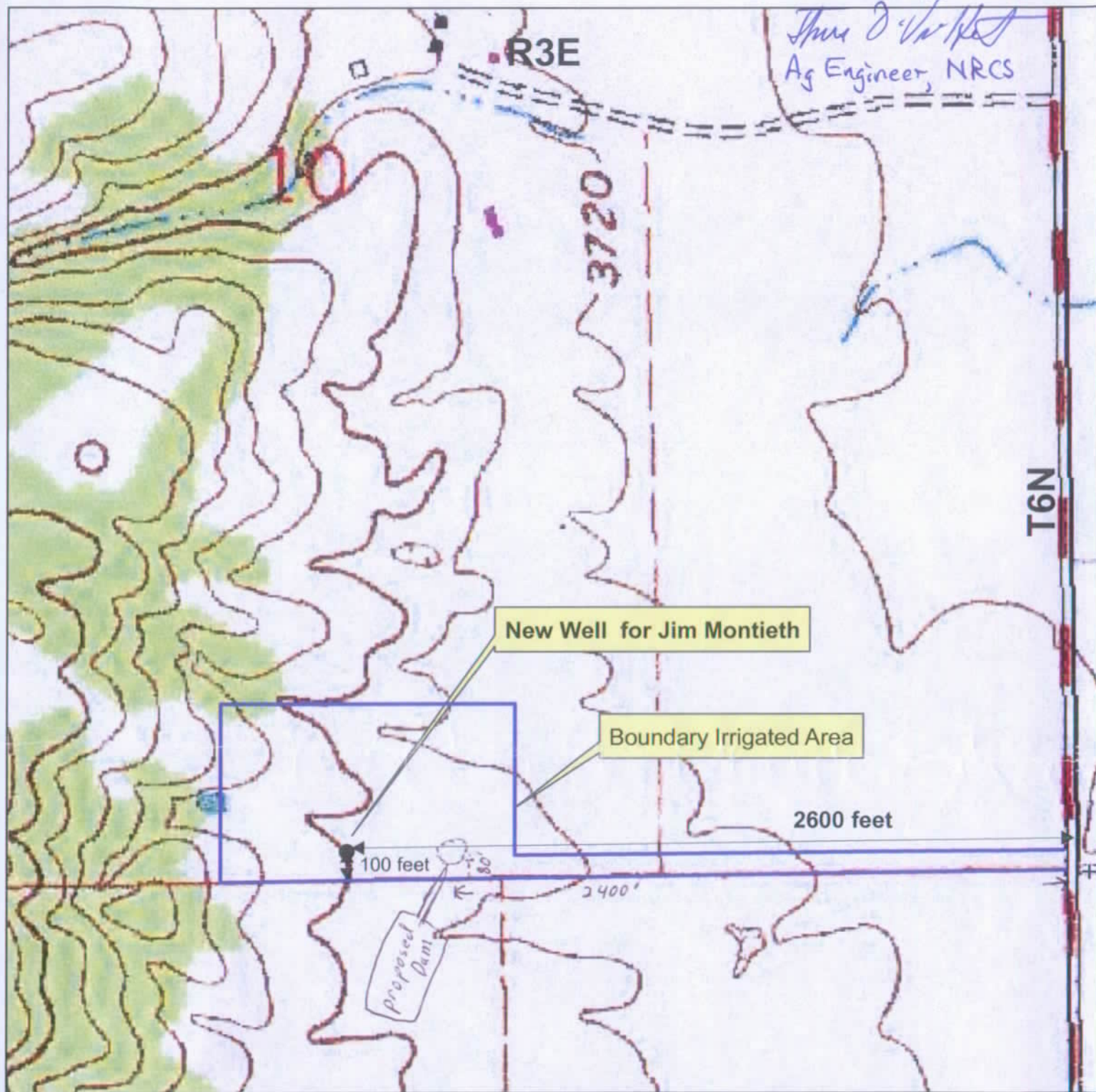


WATER RIGHT APPLICATION LOCATION MAP

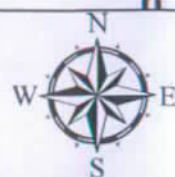
Date: 12/16/2010

Landowner: Jim Montieth
District: Lawrence Conservation District
County & State: Lawrence / South Dakota

Field Office: Belle Fourche
Agency: USDA - NRCS
Assisted by: Tom Ver Helst



0 500 1,000 1,500 2,000 Feet

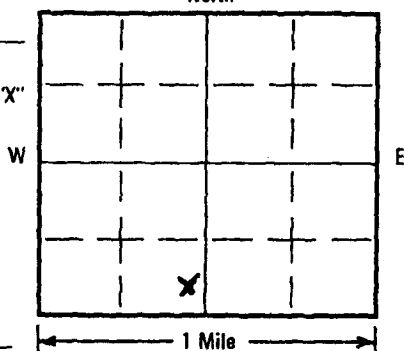


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10 Twp 6N Rg 3E
 County Lawrence

Please mark well location with an "X"



Well-Completion Date

July 7, 2010

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? --- ft. from No source (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary - Air & MudCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>24</u> LB/FT	<u>7 5/8"</u> IN	<u>0</u> FT	<u>38</u> FT	<u>9 7/8"</u> IN
<u>15.5</u> LB/FT	<u>5 1/2</u> IN	<u>+2</u> FT	<u>1190</u> FT	<u>6 3/4"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>cement</u>	<u>12</u>	<u>14</u> lb./gal	<u>0</u> ft	<u>38</u> ft
<u>cement</u>	<u>125</u>	<u>14</u> lb./gal	<u>0</u> ft	<u>1190</u> ft

Describe grouting procedure Pressure grouted through casing

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: chlorine solution

_____ NO, Why Not? _____
Mid Continent Testing Lab

Laboratory sent to for water quality analysis

Well Owner: Jim Montieth

Business Name: _____

Address: 2007 Branding Iron
Spearfish, SD 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Tan & Brown Shale		
And Sandy SHale	-0-	30
Spearfish	30	388
Minnekahta	388	430
Opeache	430	524
Minnelusa	524	1115
Madison	1115	1360

STATIC WATER LEVEL 245 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air Developed☐ Bailed _____☒ Other _____

Pumping Level Below Land Surface

60 ft. After 4 Hrs. pumped 40 GPM50 ft. After 1 Hrs. pumped 30 GPMIf pump installed, pump rate 50 GPM

REMARKS

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AUG 11 2010

WATER RIGHTS PROGRAM

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2-15, 2011

RECEIVED OF Jim Grass, 21442 Whitetail Dr, Lead SD for Jim Montieth

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

Fee for Application for Permit No. <u>1923-1</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>1923-1</u>	200	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	700.00

No. **04936**

By Harland Erbeley
Chief Engineer 1/55



**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. 1923-1, Jim Montieth**

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. 1923-1, Jim Montieth, 2007 Branding Iron, Spearfish SD 57783.

The Chief Engineer is recommendation APPROVAL of Application No. 1923-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1923-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1923-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 20 2011

WATER PERMIT APPLICATION NO.1923-1
JIM MONTIETH
APRIL 5, 2011

Water Permit Application No. 1923-1 proposes to appropriate 0.11 cubic feet of water per second from an existing well completed into the Madison aquifer (1,190 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T6N-R3E, Lawrence County. The water is to be used to irrigate 21.25 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T6N-R3E. The water will also be used to supply a one acre-foot storage dam located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T6N-R3E for livestock watering purposes.

AQUIFER: Madison aquifer (MDSN)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Madison aquifer is a major regional aquifer that underlies parts of Montana, North Dakota, South Dakota, Wyoming and Canada. The aquifer underlies most of western South Dakota and parts of Eastern South Dakota (figure 1).

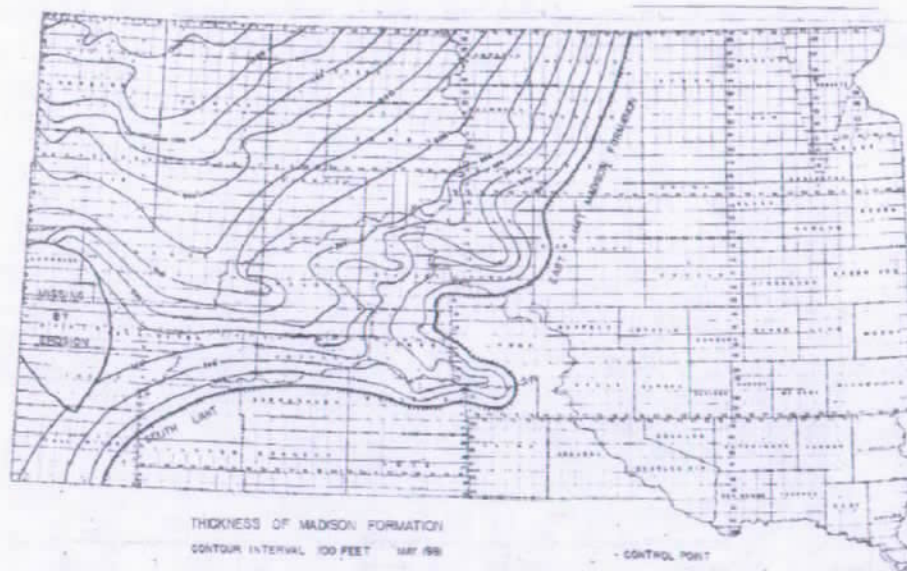


Figure 1. Areal Extent of the Madison Formation in South Dakota: modified from Gries, 1981

The Madison aquifer contains an estimated 644,827,200 acre-feet of recoverable water in storage in Western South Dakota (Allen and others, 1985) and 51, 512,300 acre-feet of recoverable water in storage in Eastern South Dakota (Hedges and others, 1982).

The Madison aquifer occurs within the Mississippian aged Madison Limestone which is locally known as the Pahasapa Limestone. The Madison Limestone is a massive limestone and dolomite with relatively low primary permeability and porosity. Extensive secondary porosity and permeability occur within the Madison in the form of fractures and solution openings. The upper portion of the Madison Limestone in particular is karstic with caves,

solution collapse features and enlarged conduits. A number of high yield wells have been developed in the Madison aquifer where these enhanced porosity and permeability features are favorable. The average porosity of the Madison is estimated to be 11% and the effective porosity from which recoverable water can be obtained by wells is assumed to be 5% (Rahn, 1979). The Madison Limestone is estimated to be between 450 feet (Gries, 1981) and 500 feet (Carter and Redden, 1999a, and Carter and Redden, 1999b) thick in this area. The Madison is generally considered an excellent aquifer in terms of its potential to supply good quality water to relatively productive wells, especially near the outcrop (recharge area). This well site is located about four miles northeast of the Madison outcrop (see figure 2), (Strobel and others, 1999). The lower portion of the Madison and the underlying Englewood Formation form a lower confining zone (Strobel and others, 1999). Although "The hydraulic connection between the Madison Limestone and Minnelusa Formation is spatially variable and probably results from faults, fractures, and breccia pipes. Collapse features ... may be pathways for vertical movement of water between these two units." (Putnam and Long, 2007), the Minnelusa Formation unconformably overlies the Madison aquifer and generally serves as an upper confining layer.

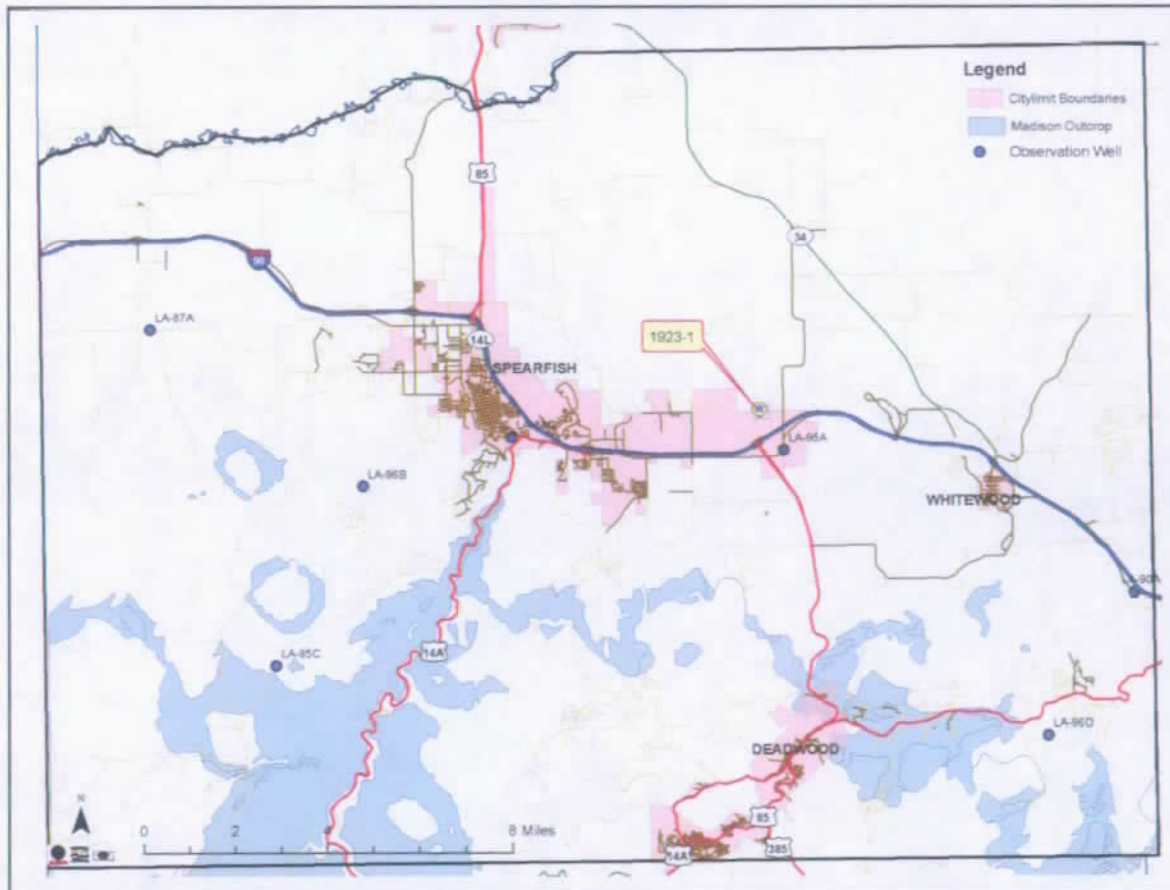


Figure 2. Location of 1923-1.

The well that this application proposes to use was constructed in 2010 and the South Dakota Water Well Completion Report submitted for the well indicates that it was constructed in accordance with the SD Well Construction Standards. The well's completion report

identifies the top of the Madison aquifer at 1,115 feet below land surface datum (blsd) and a static water level of 245 feet blsd.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report addresses water availability and existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Water Balance:

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge to the Madison aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward-Clyde, 1981). Woodward-Clyde however, defined the Madison aquifer as everything between the Precambrian and the Cretaceous shales. As part of the Black Hills Hydrology Study, the average annual recharge to the Madison aquifer from 1931-1998 was estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001a).

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower sources, has limited domestic development from the aquifer. Carter and others, (2001b) estimate “Self-supply Domestic” and “Livestock Watering” only account for approximately 2.25% of the water use from the Madison aquifer. In general, well withdrawals from the Madison are for uses which require water rights/permits. The majority of the water rights/permits from the aquifer are from Butte, Lawrence, Meade, Pennington and Fall River Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for water distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from wells completed into the Madison aquifer.

There are currently a total of 161 appropriations plus one deferred application from the Madison aquifer in South Dakota. These appropriations include: seven future use permits; 129 water rights/permits for non-irrigation uses; 25 water rights/permits for irrigation (Water Rights, 2010b). Almost all water use from the Madison aquifer is from the Black Hills area. Withdrawals from all wells completed into the Madison aquifer in the Black Hills of South Dakota and Wyoming, where estimated to average 12,310 acre-feet annually from 1987-1996 (Carter and others, 2001b). Well withdrawals from the Madison aquifer for 2008 were

estimated to be less than 20,000 ac-ft/yr (Water Rights, 2008). Table 1 lists new appropriations made from the Madison aquifer since the 2008 well withdrawal estimate was made. Table 2 lists the appropriations from the Madison aquifer that have been cancelled since the 2008 well withdrawals were estimated.

PERMIT NO	NAME	USE	CFS	ANNUAL APPROPRIATION (AC-FT/YR)
1899-1	DAVIS RANCHES INC	IRR	1.43	200
1910-1	CITY OF STURGIS WATER COMPANY	COM	1.44	724
1911-1	STURGIS WATER COMPANY	MUN	0.89	645
1916-1	HILLS MATERIALS CO.	IND	0.222	*96
2631-2	CITY OF BOX ELDER	MUN	1.00	435
2632-2	CITY OF BOX ELDER	MUN	1.00	435
2633-2	SOUTHERN BLACK HILLS WATER SYSTEM	RWS	0.67	484
2634-2	EBEN W STREETER	RWS	0.00	0
				TOTAL = 3,019 ac-ft/yr
* not limited to an annual volume, appropriation calculated at 60% continuous pumping at maximum diversion rate				

Table 1. New appropriations from the Madison aquifer since 2008 review

PERMIT NO	NAME	USE	CFS	ANNUAL APPROPRIATION (AC-FT/YR)
1569-1	STAGEBARN SANITARY DIST	SHD	0.28	121.63*
1676-1	STAGEBARN SUBDIVISION	SHD	0.28	121.63*
1807-1	28 BOMB WING	IND	1.11	806.00
1875-1	28 BOMB WING	INS	1.33	968.00
2392-2	SCHWARZ TRUST	COM	0.25	108.60*
2440-2	TETRAD CORPORATION	DOM	0.17	72.54*
				TOTAL = 2,198.4 ac-ft/yr
* not limited to an annual volume, appropriation calculated at 60% continuous pumping at maximum diversion rate				

Table 2. Appropriations from the Madison aquifer that have been cancelled since the 2008 review

Accounting for the changes represented by tables 1 and 2, the total well withdrawals from the Madison aquifer is expected to be just over 20,000 ac-ft/yr.

A simple water balance comparing the estimated average annual recharge and the potential withdrawal by existing wells and current appropriations shows that unappropriated water is available from the Madison aquifer to satisfy additional appropriations.

A water budget is not intended to suggest that all of the water that is in storage in the Madison or that all of the recharge to the aquifer is available for this appropriation, merely

to demonstrate that in general the Madison aquifer is an immense resource that is relatively untapped.

Localized Hydrologic Budget:

On a more localized scale, Putnam and Long (2007) evaluated an area consisting of approximately 400 square miles roughly centered in the vicinity of the well that is to be used to supply Permit No. 1923-1. The area is approximately the same as the area shown in figure 2. An average annual recharge rate to the Madison aquifer for the area was estimated to be 16.5 cfs. Sources of recharge in the area were identified as areal recharge (8.0 cfs), streamflow recharge from Spearfish Creek (6.5 cfs) and streamflow recharge from False Bottom Creek (2.0 cfs). Putnam and Long (2007) identified the discharge from artesian springs in the area exceeds the recharge that occurs within the area.

In addition there are 33 Water Rights/Permits appropriating a total of 27.027 cfs water from the Madison aquifer in the area corresponding to the Putnam and Long study area (Water Rights, 2011b). Assuming water use of less than 60% of continuous pumping at maximum diversion rate, well withdrawals from the area would be less than 16.216 cfs.

Hydrographs of Madison aquifer Observation wells however, verify that withdrawals have not exceeded recharge in this area. Interpretation of geochemical data indicates a probable component of spring discharge originating from shallower aquifers and/or outside of the study area (Putnam and Long, 2007).

Carter and others (2001b) developed hydrologic budgets for the Madison and Minnelusa aquifers combined, using nine subareas to cover the Black Hills. The subareas were identified on the basis of hypothetical flowpaths and were selected with the intent of minimizing flow across the boundaries. The well that is to be used to supply this appropriation is located between Subarea 1 and Subarea 2. The hydrologic budgets for these subareas balanced from 1987-1996, by estimating that average recharge to the two subareas (36.7 cfs streamflow recharge and 131.9 cfs precipitation recharge) was equal to spring discharge (90.3 cfs), plus well withdrawals (14.5 cfs) plus net groundwater outflow (63.8 cfs). (Carter and others, 2001b).

Obviously, if a new hydrologic budget is to balance in this area (i.e. a new condition of dynamic equilibrium), with an increase of well withdrawals, groundwater outflow must decrease, or more groundwater flow will have to come into the subarea from another subarea or artesian spring discharge must decrease. It can be assumed that with a very subtle change in the hydraulic gradient at either the inflow zone or the outflow zone, a new dynamic equilibrium would be established in this area with virtually immeasurable impacts to the amount of water in storage.

Observation Well Data:

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area (Water Rights, 2011a). This well site is located within about nine and one-half miles of five Water Rights' Observations completed into the Madison

aquifer (see figure 2). Hydrographs for the wells show the aquifer's response to climatic conditions and clearly demonstrate the system is recharged, (see figures 3-7).

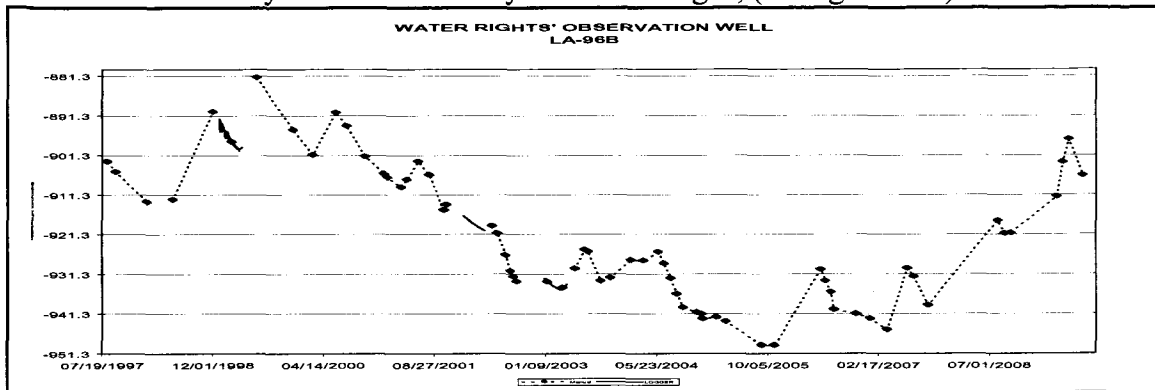


Figure 3. Hydrograph of Water Rights' Observation well located approximately nine miles west of the well site proposed by Application No. 1923-1

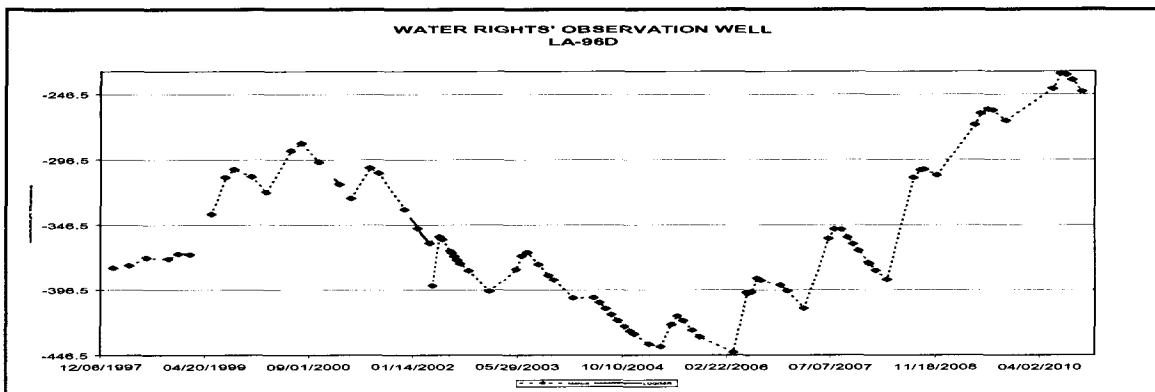


Figure 4. Hydrograph of Water Rights' Observation well located approximately nine and one-half miles southeast of the well site proposed by Application No. 1923-1.

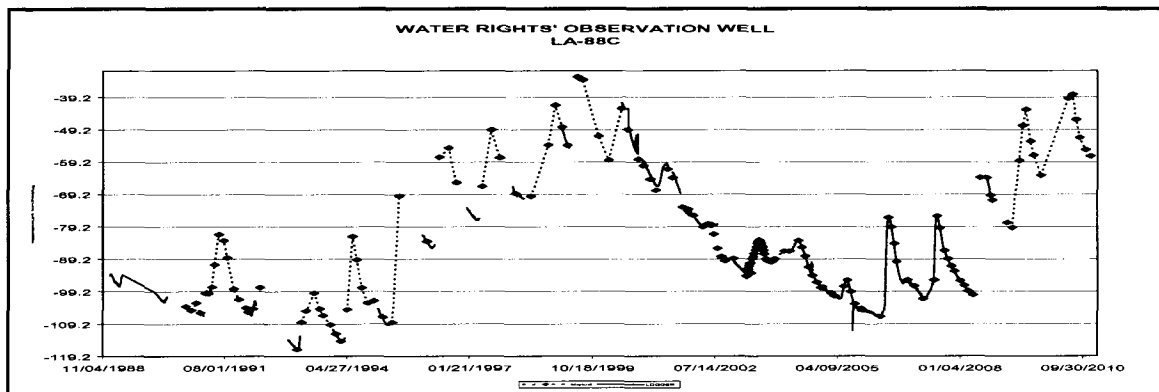


Figure 5. Hydrograph of Water Rights' Observation well located approximately five miles west of the well site proposed by Application No. 1923-1

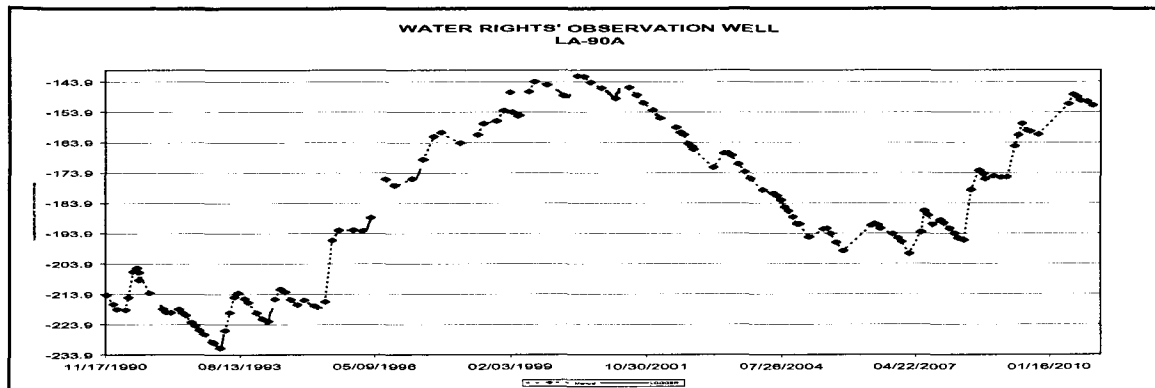


Figure 6. Hydrograph of Water Rights' Observation well located approximately nine miles southeast of the well site proposed by Application No. 1923-1

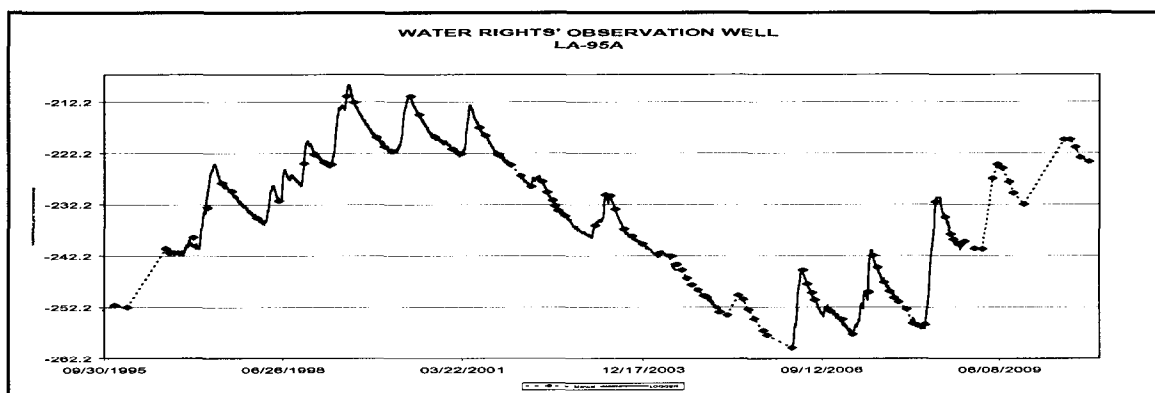


Figure 7. Hydrograph of Water Rights' Observation well located approximately one mile south of the well site proposed by Application No. 1923-1

The hydrographs show the potentiometric surface measured at these sites rose during the late 1990's and the late 2000's in response to wet climatic conditions. The water levels decreased in the early 2000's in response to less recharge.

A comparison of these hydrographs with data from other Water Rights' Observation wells completed into the Madison aquifer, suggest the fluctuations shown in figures 3-7 are representative of climatic conditions instead of pumping from the aquifer. The observation well data verifies that for the period of record, withdrawals have not exceeded recharge. In fact the observation well document, with the exception of observation well LA-96B, that there is more water in storage now than when the respective observation wells were completed.

AFFECTS ON EXISTING RIGHTS:

There are a number of wells on file with the DENR-Water Rights Program within approximately one and one-half miles of the well that is to be used to supply this application. Existing Water Rights/Permits appropriating groundwater that are located within one and one-half miles are listed in table 3. The approximate location of the wells and appropriations are shown in figure 8.

PERMIT NO	NAME	USE	CFS
1707A-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	IRR	3.71
1707B-1	CITY OF SPEARFISH	SHD	1.04
1707C-1	CITY OF SPEARFISH	MUN	0.00
1707D-1	CITY OF SPEARFISH	MUN	0.00
1707E-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	IRR	0.00
IRR= Irrigation, SHD= Suburban Housing Development, MUN= Municipal			

Table 3. Groundwater appropriations within approximately 1.5 miles of 1923-1.

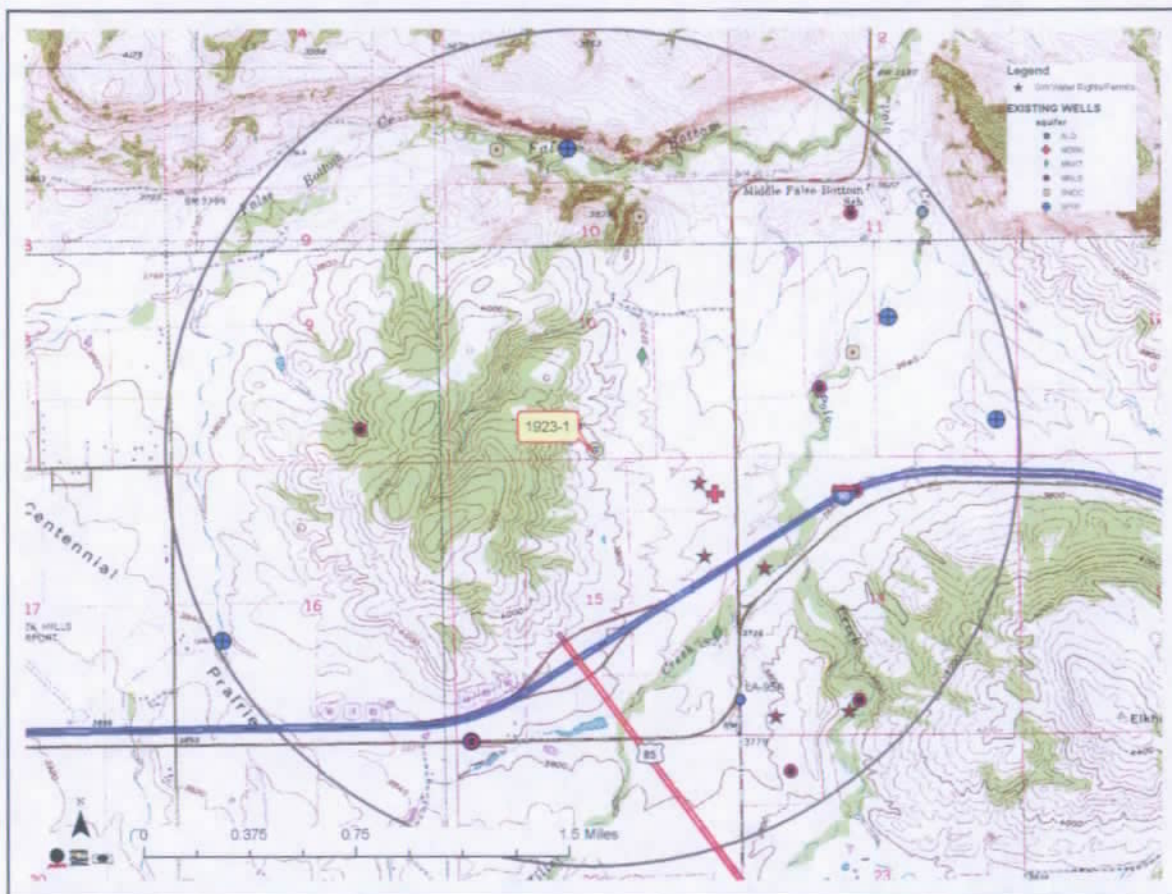


Figure 8. Vicinity map with approximate locations of wells on file with the DENR-Water Rights Program and existing Madison aquifer appropriations

Water Rights/Permits supplied by wells completed into aquifers that are above the Madison are not expected to be affected by Madison aquifer withdrawals since the lower Minnelusa generally serves as an upper confining unit for the Madison.

Since the Madison is under artesian conditions in this area, drawdown from pumping a well may extend over a fairly large area. The transmissivity of the aquifer is very heterogenous

with values that range over several orders of magnitude (Putnam and Long, 2007). In addition the aquifer characteristics of the Madison can vary considerably within a short distance (Greene, 1993). The transmissivity of the Madison was estimated for the subareas near this well site to be 5,589 ft²/d (747 gal/day/ft) (Carter and others, 2001).

Drawdown data is not directly available for the well that is to be used to supply this appropriation however; it can be estimated based on information provided by the well's driller. The driller reports that when the well was air developed from a depth of 620 feet blsd the air pressure stabilized at 110 psi with a sustained production of 37 gallons per minute (Taylor). Therefore the drawdown at 37 gallons per minute was approximately 121 feet, so the well's specific capacity equates to approximately 0.306 gpm/ft. The transmissivity for the aquifer estimated from well's specific capacity is 612 gal/day/ft ("Transmissivity From Specific Capacity"). Using the Jacob's straight line method of representing drawdown at distance from a well, a plot of a Distance-Drawdown Curve for this appropriation shown in figure 9. The plot is only an approximation but illustrates that at the distances involved to existing Madison wells, well interference should not be significant. This is especially the case when considering the Madison is under artesian conditions with 870 feet of head pressure at this well site and further recognizing that there is over 50 feet of natural fluctuation in this area (see figure 7).

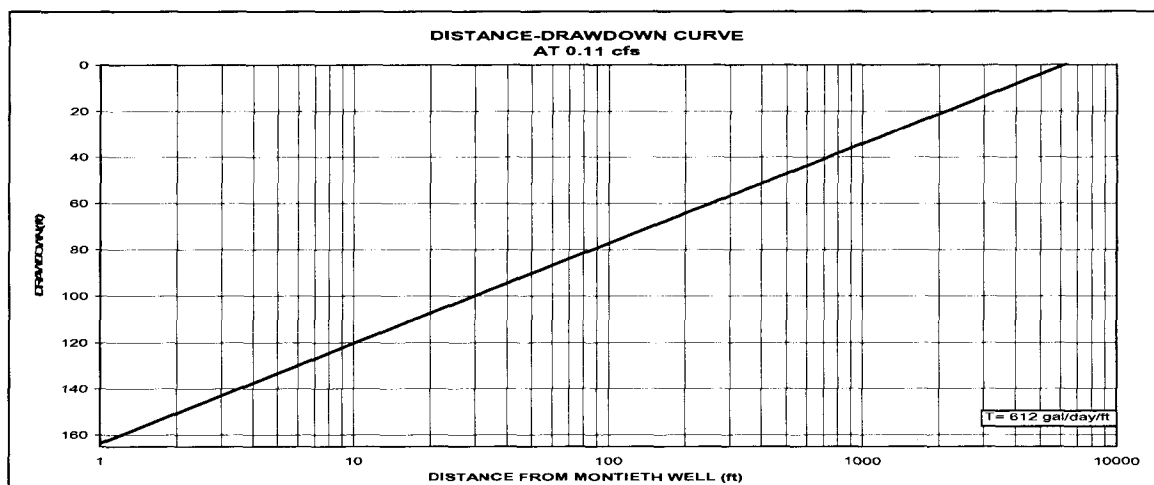


Figure 9. Distance-drawdown plot for Montieth well

Wells supplying existing Water Rights/Permits and domestic uses are protected from adverse impacts per Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1. These rules provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water **independent of artesian pressure**. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

If the water levels in the Madison aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary.

Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

It should be noted however, that well interference (drawdown) measured at Water Rights' observation wells located near high capacity municipal wells in Spearfish, Sturgis and Rapid City has never been significant (i.e. drawdown of only a few feet or tens of feet) (Water Rights, 2010a).

Given the distance between the well that is to supply this appropriation and existing Madison wells well interference is not expected to be adverse.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Pursuant to SCL 46-2A-21, "at the end of the twenty-year limitation, the board may cancel a permit or amend the permit with a new term limitation of up to twenty years, if the board is unable to make a finding after notice and hearing that sufficient information is available to delete the term."

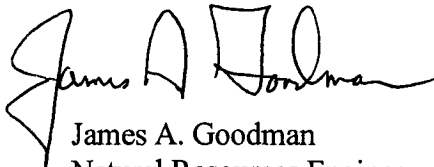
Although the criteria for approval of a water permit established by SDCL 46-2A-9 are met, (i.e., there is a reasonable probability that unappropriated water is available for the applicant's proposed use, and this proposed diversion can be developed without unlawful impairment of existing rights); evidence is not available to justify issuing this permit without a term limitation of 20 years.

CONCLUSIONS:

1. The Madison aquifer is a major regional aquifer and a viable source of water for this proposed appropriation.
2. This application proposes to appropriate 0.111 cubic feet of water per second. There is no limit to the annual volume of water that can be diverted other than the physical constraints of the maximum diversion rate and 2 acre feet per acre for the irrigation component of the application.
3. There is a reasonable probability that unappropriated water is available in the Madison aquifer to supply this appropriation.
4. There is a reasonable probability this appropriation can be made without adversely impacting existing water rights including domestic users.
5. Information is not available to justify issuing these permits without a term limitation of 20 years.
6. Following notice and a public hearing, the Water Management Board can cancel this permit or amend it with a new term limitation after twenty years.



Ken Buhler
Natural Resources Engineer
Approved by



James A. Goodman
Natural Resources Engineer

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RECEIVED

MAY 11 2011

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No 1923-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 20 successive and consecutive weeks, the first publication being made on the 29th day of April, 2011, and the last publication on the 6th day of May, 2011, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 46.40, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 9th day of May, 2011

Keith Richards

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2016

NOTICE OF APPLICATION NO. 1923-1 to Appropriate Water

Notice is given that Jim Montieth, 2007 Branding Iron, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well completed into the Madison Aquifer (1190 feet deep) located in SW 1/4 SE 1/4 Section 10 for irrigation of 21.25 acres located in the S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 10; all in T6N-R3E. Water will also be used to supply a 1 acre-foot storage dam located in the SW 1/4 SE 1/4 Section 10-T6N-R3E for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1923-1 subject to a 20-year term limitation because 1) although evidence is not available to justify issuing the permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available, 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 16, 2011.

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 twice at the
total approximate cost of
\$48.01.

#738

April 29, May 6



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 21, 2011

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1923-1 to Appropriate Water to be published twice. Please publish the first notice on April 29, 2011 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 Jim Montieth, 2007 Branding Iron, Spearfish SD 57783 (Ph # 605-642-2472).

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. 1923-1

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

Date _____

We are in receipt of your letter of April 21, 2011 enclosing Notice to Appropriate Water by Application No. 1923-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 21, 2011

Jim Montieth
2007 Branding Iron
Spearfish SD 57783

Dear Mr. Montieth:

Water Permit Application No. 1923-1 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 Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). 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 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
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on April 29, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1923-1 to Appropriate Water

Notice is given that Jim Montieth, 2007 Branding Iron, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well completed into the Madison Aquifer (1190 feet deep) located in SW ¼ SE ¼ Section 10 for irrigation of 21.25 acres located in the S ½ SE ¼, SE ¼ SW ¼ Section 10; all in T6N-R3E. Water will also be used to supply a 1 acre-foot storage dam located in the SW ¼ SE ¼ Section 10-T6N-R3E for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1923-1 subject to a 20-year term limitation because 1) although evidence is not available to justify issuing the permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available, 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 16, 2011.

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 twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 01 2011

Jim Montieth
2007 Branding Iron
Spearfish SD 57783

Dear Mr. Montieth:

Enclosed is Water Permit No. 1923-1 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



1923-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: JIM MONTIETH, PO BOX 1238, SPEARFISH, SD 57783 8502

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1923-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1923-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1923-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

1923-1

Jim Montieth
PO Box 1238
Spearfish SD 57783

Dear Mr. Montieth:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit No. 1923-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1923-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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January 26, 2018

NOTICE

TO: JIM MONTIETH, PO BOX 1238, SPEARFISH, SD 57783 8502
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1923-1. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1923-1 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1923-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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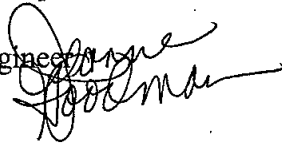
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jim Montieth, PO Box 1238, Spearfish SD 57783-8502

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 1923-1

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Permit No. 1923-1 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735

Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185

Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785

Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342

Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766

Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334

Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717

Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078

Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501

Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220

Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345

Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502

Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600

Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415

Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201

Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701

Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278

Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278

Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434

Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411

Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382

Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

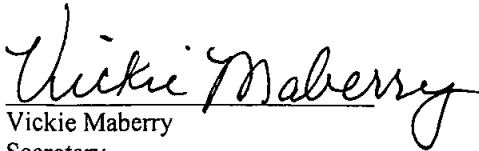
Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790

Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

Third violation - Cancellation:

Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231



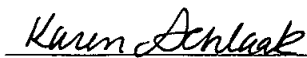
Vickie Maberry

Secretary

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

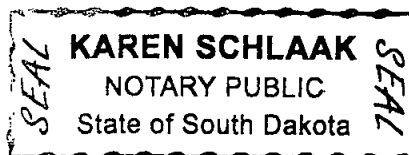
Sworn to, before me, this 8th day of March, 2018.



Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2018

1923-1

Jim Montieth
PO Box 1238
Spearfish SD 57783

Dear Mr. Montieth:

On March 7th the Water Management Board ordered Water Permit No. 1923-1 suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water permit was obtained by phone on today's date.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2018 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1923-1

I have this day, Aug 13, 2018 made a thorough examination of the water use system constructed by Jim Montieth, 2007 Branding Iron, Spearfish So. Dak. 57783 of Permit No. 1923-1, bearing the priority of 2/15/2011 authorizing diversion of 0.11 cu. ft. per second of water from one well for irrigation and domestic use in Lawrence County.

Inspection contact & relationship to permit holder, if applicable:

Jim Montieth, owner
605-642-2472 (cell)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling (7/2010)
- 2) No. of Wells 1
- 3) Depth(s) 1,360 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 1/2 "
- 2) Length 1,190 feet
- 3) Type Steel

Screen:

- 1) Type open hole
- 2) Length 170 feet
- 3) Static water level 245 feet

Pump:

- 1) Make Grundfos
- 2) Model unknown
- 3) Size 4"
- 4) Capacity 50 GPM (per well log)
- 5) Horsepower rating --- hp

Note: The well was air tested at 40 gpm at 600 ft. at time of drilling

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

- 1) Type PE
- 2) Size various inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The well provides water for domestic use for the ranch headquarters, irrigation of landscape areas and irrigation of one horse paddock. The well pumps to a 3000 gallon above ground storage tank in a heated area of a barn. A pressure switch controlled booster pump delivers water through the system to the house, livestock water tanks and pop-up and impact sprinklers for irrigation.

D. Chemigation Equipment: does not chemigate

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:

2,560' W and 86' N of the SE corner Section 10 T 6N R 3E (44.489053, -103.739349)

2. The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second (50 gpm) of water which is to be used for sprinkler irrigation and domestic use. Water has been put to beneficial use to the maximum extent as follows:

Section 10 T6N R3E

SW ¼ SE ¼ 2.6 acres SE ¼ SE ¼ 0.4 acres

comprising a total of 3.0 acres of land and the license should be issued for 0.11 cfs.

All structures, wells and lands on map Yes

G. Comments or other permit(s) associated with the project: none



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/22/2018



Well and living quarters

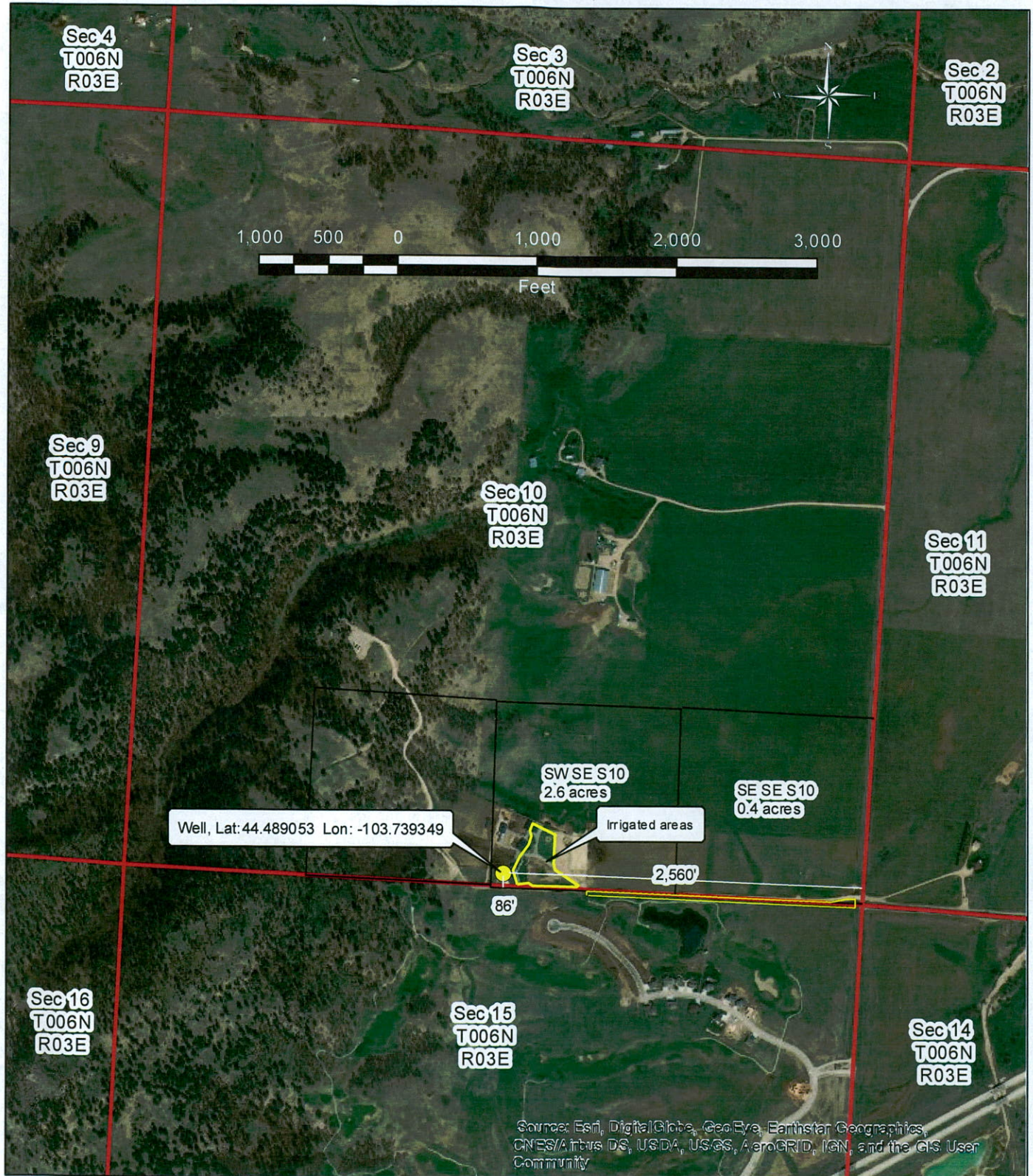


Landscape irrigation area



Irrigated horse paddock

Water Right #1923-1
Jim Montieth
8/13/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 06 2018

1923-1

Jim Montieth
PO Box 1238
Spearfish SD 57783

Dear Mr. Montieth:

Enclosed is Water License No. 1923-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1923-1

(1) Jim Montieth, PO Box 1238, Spearfish SD 57783 made Application No. 1923-1, February 15, 2011 for a water permit to divert 0.11 cubic feet of water per second from ground water, one well (Madison Aquifer), Lawrence County, South Dakota for irrigation and domestic purposes. Permit No. 1923-1, with a priority date of February 15, 2011 was approved May 16, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 16, 2016 and for the application to beneficial use of said water on or before May 16, 2020.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,560'W and 86'N of the SE corner of Section 10, T6N, R3E (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Latitude 44.489053; Longitude -103.73934

A one acre foot storage dam was originally permitted to be part of the overall system. The storage dam was not constructed. The well pumps to a 3,000 gallon above ground storage tank located in a heated area of the barn.

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

T6N, R3E Section 10	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 acres
	Total	3.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim Montieth, PO Box 1238, Spearfish SD 57783 the holder and/or owner of Water Right No. 1923-1 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from ground water, one well (Madison Aquifer) with a priority date of February 15, 2013 from the location specified in (2) of this license for irrigation and domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1923-1 and subject to the following qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1923-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1923-1 may also be cancelled for non-construction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.

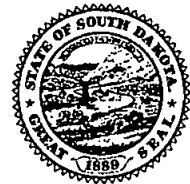
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 06 2018

date





1923-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: JIM MONTIETH, PO BOX 1238, SPEARFISH, SD 57783 8502

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1923-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1923-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1923-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2019

1923-1

Jim Montieth
PO Box 1238
Spearfish SD 57783

Dear Mr. Montieth:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1923-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1923-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: JIM MONTIETH, PO BOX 1238, SPEARFISH, SD 57783 8502

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1923-1. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1923-1 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1923-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: PWZWXM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1923-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2020

1923-1

Jim Montieth
PO Box 1238
Spearfish SD 57783

Dear Mr. Montieth:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 1923-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1923-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 2020

1923-1

Roger & Jean Ranschau
11570 Tres Crosses Ln
Spearfish SD 57783

Dear Mr. & Mrs. Ranschau:

I am contacting you regarding a water right listed in the name of Jim Montieth. Recently when mailing the annual irrigation questionnaire, we were made aware he no longer owned the property. It is my understanding that you may now own the land, if this is correct, the water right should be transferred to your names.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Along with the transfer form, I have included the irrigation questionnaire originally mailed to Mr. Montieth. Annual reporting is required. All that is needed on the report is the number of acres irrigated, pump rate and how many hours the system ran. We realize this is not crop irrigation but watering of landscape areas.

Also enclosed is a copy of the water right, map and inspection report. This will give you an idea of what is covered and where everything is located (you may keep these for your records). If you do not own the land or if you have questions concerning the enclosed materials, please call me. I want to work with you to get the water right updated.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

NOV 30 2020

Ck# 5713

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

RECEIVED

NOV 30 2020

WATER RIGHTS
PROGRAM

No. 1923-1

Date: 11-23-2020

I/We request that Water Right No. 1923-1

formerly owned by: Jim Montieth

be transferred to: (name & address) Roger & Jean Ranschau
11520 Tres Crosses Ln Spearfish S.D. 57783

Telephone No. 605.569-2415

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

3 acres - S 1/2 SE 1/4 Section 10, T6N, R3E

I/We understand that the validity of Water Right No. 1923-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Roger Ranschau, the new owner, certify that the above information is true and correct.

Roger Ranschau
(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.

1923-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date November 30, 2020RECEIVED OF Roger/Jean Ranschau 11570 Tres Crosses Ln. Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1923-1</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Eric Gronlund
Chief Engineer

vm

1923-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2020

1923-1

Roger & Jean Ranschau
11570 Tres Crosses Ln
Spearfish SD 57783

Dear Mr. & Mrs. Ranschau:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1923-1.

The ownership change has been completed. Water Right No. 1923-1, formerly held by Jim Montieth is now listed in your names.

Enclosed for your records is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

1923-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: ROGER & JEAN RANSCHAU, 11570 TRES CROSSES LN, SPEARFISH, SD 57783
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1923-1. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1923-1 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1923-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UBQJUN**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2026

1923-1

Roger & Jean Ranschau
11570 Tres Crosses Ln
Spearfish, SD 57783

Dear Roger & Jean

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us