

WATER PERMIT NO. 1927-1

Name of Applicant: Raymond & Beverly Palmer

Address: 414 Platt St, Rapid City SD 57702

Phone: 605 348-0203

Amount of Water Claimed: 0.57 add'l cfs

Total Acres: 40 add'l acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 2 miles east of Nisland

PRIORITY

Date Received: 2-8-12

Application/License Fee: \$ 700

Corrected Application Received: 2-10-12

Period of Annual Use: April, May, Oct, Nov

Remarks: Transfer acreage and diversion point authorized by Permit No. 1753-1 and increase the acreage and diversion rate

Diversion Point: SE ¼ NE ¼ Sec 10-T8N-R5E

Land to be Irrigated: NE ¼ Sec 10-T8N-R5E

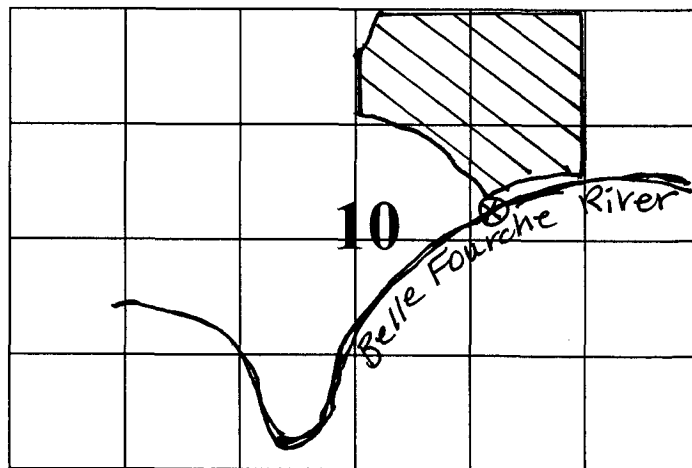
Depth of Well: na

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 2-13-12

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>1927-1</u> (office use only)	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Butte Co. Post 614 State St</u>	
	<u>605-892-2528</u>	<u>Belle Fourche 57717</u>

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FEB - 8 2012
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 1753-1
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Transfer water from river location in the NW 1/4 SE 1/4 Section 23 to NE 1/4 of Section 10 Township 8 Range 5 PT

1. Name of Applicant Raymond and Beverly Palmer Phone 605-348-0203
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 414 Platt Street Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.57 *CFS or add **GPM ***AF Total Acreage 40 add
(*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 SW 1/4 NE 1/4 section 12-T104N-R53W) 10-8-5-NE 1/4 PT
As shown on attached map
SE 1/4 NE 1/4 Sec 10 T8N R5E County Butte

5. County or counties where water will be used Butte

6. Annual period during which water is to be used For the months of April, May, October and November

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
NW 1/4 NE 1/4	33		
NE 1/4 NE 1/4	40		
SW 1/4 NE 1/4	5		
SE 1/4 NE 1/4	22		

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

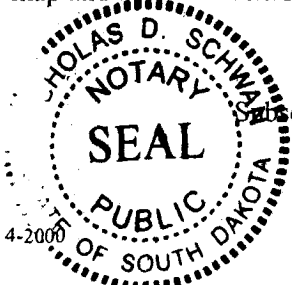
Relocate permit from the NW 1/4 SE 1/4 Section 23 to NE 1/4 of Section 10 Township 8 Range 5 PT

STATE OF SOUTH DAKOTA) SS
County of Butte

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

I, Raymond Palmer 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 Raymond Palmer
Subscribed and sworn to before me this 7th day of February 20 12



My Commission Expires August 15, 2014

Notary Public signature

SOUTH DAKOTA WATER PERMIT NO. 1927-1

Date of first receipt of application February 8, 2012.

Date of return to applicant for corrections, amendments or changes February 8, 2012.

Date of receipt of corrected application February 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1927-1 to Raymond and Beverly Palmer, 414 Platt St, 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. 1927-1 authorizes the following: 1) amends Water Permit No. 1753-1 to transfer the irrigated acreage to other land, 2) changes the diversion point location, 3) appropriates an additional 0.57 cubic feet of water per second (cfs) and 4) irrigation of an additional 40 acres. Water Permit No. 1753-1 appropriates 0.86 cfs from the Belle Fourche River located in NW 1/4 SE 1/4 Section 23 to irrigate 60 acres of sod located in the S 1/2 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 23; all in T8N-R6E. This permit authorizes moving the irrigation project approximately 7 miles northwest to the NE 1/4 Section 10-T8N-R5E and appropriates an additional 0.57 cfs from the Belle Fourche River to irrigate an additional 40 acres. The Belle Fourche River diversion point will now be located in the SE 1/4 NE 1/4 Section 10-T8N-R5E. This permit authorizes a total diversion rate of 1.43 cfs to irrigate 100 acres located in the NE 1/4 Section 10-T8N-R5E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District.
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 periods: April, May, October and November.
3. The dates from which applicant may claim right are:
0.86 cfs and 60 acres - July 11, 2001 (established by Water Permit No. 1753-1)
0.57 cfs and 40 acres - February 8, 2012.
4. The date of approval of Permit No. 1927-1 is April 30, 2012.
5. One-fifth of the construction is to be completed on or before October 30, 2014.
6. All construction is to be completed on or before April 30, 2017.
7. Water is to be put to beneficial use on or before April 30, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit authorizes diversion of water from the Belle Fourche River during the months of April, May, October and November annually unless written orders have been issued by the Chief Engineer.
2. A minimum of 5.0 cfs shall be bypassed at the point of diversion to protect domestic use, including livestock watering and fisheries in the river. Dewatering of the river below 5.0 cfs at the point of diversion is not allowed.

(continued)

3. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
4. A priority date of July 11, 2001 shall be retained for the 0.86 cfs appropriation to irrigate the 60 acres authorized by Water Permit No. 1753-1. The additional 0.57 cfs and 40 acres will have a February 8, 2012 priority date.
5. 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

JUL 16 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

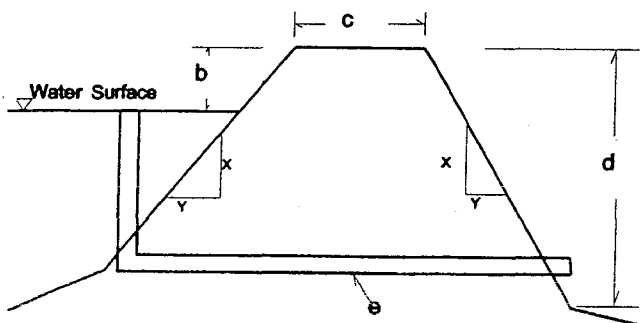
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

NA



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

BUTTE CONSERVATION DISTRICT
Belle Fourche Service Center
USDA - NRCS
BUTTE, SD

Conservation Plan Map

RAYMOND PALMER

Assisted By: DIANE GRONLUND
Date: 12/20/2011
Approximate Acres: 76.3

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WATER RIGHTS
PROGRAM



Legend

- Pumping Point
- Irrigation Pipeline
- Consplan
- Township/Range
- Sections



660 0 660 1,320 1,980 Feet

Scale: 8" = 1 mile
1:7920
1" = 660 lf



Diane J. Gronlund NRCS
Soil Conservationist Belle Fourche, SD

WATER PERMIT APPLICATION FOR RAY PALMER



2,000 1,000 0 2,000 Feet



Original map submitted with application (76.3 acres)



Acreage intended to bring acreage to 100 acres.



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
based on representation by Mr. Palmer

Gronlund, Eric

From: mikethreesons@aol.com
Sent: Thursday, February 09, 2012 7:59 AM
To: Gronlund, Eric
Subject: Re: water permit map

Yes this looks like you have the area covered that we had in mind. If you need anything else please give me a call. Thank you.

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

From: Eric.Gronlund <Eric.Gronlund@state.sd.us>
To: mikethreesons <mikethreesons@aol.com>
Sent: Wed, Feb 8, 2012 1:25 pm
Subject: water permit map

Mike – let me know if this is a fair representation of what is to be irrigated.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application for Raymond Palmer

ADDRESS: 414 Platt Street, Rapid City SD 57702 COUNTY: Butte County

DATE: February 8, 2012 TELEPHONE:

RE: Amendment to application

I contacted Mike Palmer regarding the water permit application filed by his father. I explained that although the acreage is for the same number listed on Water Permit No. 1753-1, the application now requests 1.43 cfs total diversion authority which is greater than the 0.86 cfs authorized. I also stated that the map outlines 76.3 acres which is greater than the 60 acres.

Mike Palmer stated the real intent is to have a total of 100 acres irrigated as part of the sod farm at this location and the diversion rate being 1.43 cfs. I sent him a map and he concurred with the intended location on the map of the acres to be irrigated. He requested that the application be amended accordingly.

The breakdown of acres is as follows:

NW ¼ NE ¼ Section 10, T8N, R5E - 33 acres
NE ¼ NE ¼ Section 10, T8N, R5E - 40 acres
SW ¼ NE ¼ Section 10, T8N, R5E - 5 acres
SE ¼ NE ¼ Section 10, T8N, R5E - 22 acres

Mr. Palmer will be submitting the additional application filing fee of \$400.

NAME: Eui Huh



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2012

Curt Anderson
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Dear Mr. Anderson:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 1927-1 filed by Raymond Palmer. The application propose to amend existing water by moving the diversion and acres along the Belle Fourche River and appropriating additional water for irrigation of 40 more acres as part of their sod farm. The public notice is scheduled to be published in the Rapid City Journal. The date to intervene is April 23, 2012.

This information is being sent to you because of the Bureau of Reclamation continuing interest in Belle Fourche River water right issues. If you have any questions regarding DENR's review of the applications, please contact Mark Rath at (605) 773-3352.

Sincerely,

Copy

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/8, 20 12

RECEIVED OF Palmer Sodding & Landscaping Inc 414 Platt St Rapid City SD 57702

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

Fee for Application for Permit No. <u>1927-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>1927-1</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	300 00

No. **05351**

By *Julia E. Eide*
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

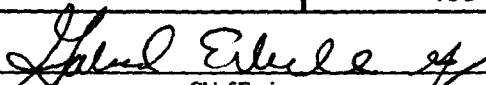
Date 2/10c, 20 12

RECEIVED OF Palmer Sodding & Landscaping 414 Platt St Rapid City SD 57702

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

Fee for Application for Permit No. <u>1927-1</u> to Appropriate Water, to construct and to put water to beneficial use	400	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 _____		
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	400 00

No. 05353

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1927-1, Raymond and Beverly Palmer**

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. 1927-1, Raymond and Beverly Palmer, 414 Platt Street, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1927-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. This permit authorizes diversion of water from the Belle Fourche River during the months of April, May, October and November annually unless written orders have been issued by the Chief Engineer.
2. A minimum of 5.0 cfs shall be bypassed at the point of diversion to protect domestic use, including livestock watering and fisheries in the river. Dewatering of the river below 5.0 cfs at the point of diversion is not allowed.
3. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
4. A priority date of July 11, 2001 shall be retained for the 0.86 cfs appropriation to irrigate the 60 acres authorized by Water Permit No. 1753-1. The additional 0.57cfs and 40 acres will have a February 8, 2012 priority date.
5. 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
March 28, 2012

REPORT ON WATER PERMIT APPLICATION NO. 1927-1

Raymond and Beverly Palmer

March 22, 2012

Application No. 1927-1, Raymond and Beverly Palmer, proposes to amend Water Permit No. 1753-1 by transferring the irrigated acreage to other land, change the diversion point location, and appropriate an additional 0.57 cubic feet of water per second (cfs) to irrigate an additional 40 acres. Water Permit No. 1753-1 appropriates 0.86 cfs from the Belle Fourche River located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 60 acres of sod located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; all in T8N-R6E. The application proposes to relocate the irrigation project approximately 7 miles northwest to the NE $\frac{1}{4}$ Section 10-T8N-R5E and proposes to appropriate an additional 0.57 cfs from the Belle Fourche River to irrigate an additional 40 acres. The Belle Fourche River diversion point will now be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10-T8N-R5E. This application if approved, will authorize a total diversion rate of 1.43 cfs to irrigate 100 acres located in the NE $\frac{1}{4}$ Section 10-T8N-R5E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This permit proposes to authorize appropriate of water from the Belle Fourche River during the months of April, May, October and November. The proposed project is located 4 miles SW of the town of Newell in Butte County.

Review of the Water Source and Existing Water Rights

The water source for this proposed project is the Belle Fourche River. The Belle Fourche River rises in northeastern Wyoming and flows around the northern edge of the Black Hills before heading east and eventually discharging into the Cheyenne River in southeastern Meade County north of the town of Wasta. The Belle Fourche Irrigation District irrigates over 57,000 acres with water coming from the Belle Fourche River and several adjacent streams. The District operates Belle Fourche dam and reservoir located on Owl Creek. The District also operates the Belle Fourche River diversion dam located on the river just northeast of the town of Belle Fourche which is capable of diverting the majority of the flow of the river to the Belle Fourche Reservoir, excluding a 5 cfs bypass needed for domestic use.

Since 1945 the United States Geological Survey (USGS) has maintained stream flow gaging stations on the Belle Fourche River near Fruitdale located approximately 20 river miles upstream and near Sturgis approximately 31 river miles downstream of the proposed project site. The Fruitdale gage measures river flow, coming primarily from the diversion dam bypass, local runoff and return flows from the irrigation district during the summer months, Table 1.

Table 1. Belle Fourche River near Fruitdale, 1953-2011, 58 years of record.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90	2.6	2.4	2.8	3.0	3.0	3.6	3.6	4.4	5.1	4.4	3.9	3.2
75	3.2	3.3	3.4	3.7	4.3	6.2	6.4	7.7	7.0	5.3	4.8	3.8
50	4.1	4.2	4.8	5.3	9.3	11	10.7	11.1	9.4	7.2	6.4	4.5
25	6.3	7.5	79	270	426	259	18	15	14	12	10	7.4
10	37.	247.	490	654	1044	826	14	31	34	31	24.5	27.3

The downstream gage near Sturgis, Table 2, shows an increase in flow from what is measured at the Fruitdale gage, not only in the summer months which correspond to the time of highest return flows from the irrigation district, but also during the spring and fall months. However during extremely dry years, water availability could be a problem.

Table 2. Belle Fourche River near Sturgis, 1953-2011, 58 years of record.

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

There are 89 existing water rights/permits appropriating 3081.22 cfs from the Belle Fourche River from the Wyoming state line to its confluence with the Cheyenne River. On the river downstream from this proposed project there are 64 existing water rights/permits appropriating 149.13 cfs.

Review of the Proposed Project

The applicants hold Water Permit No. 1753-1 to irrigate 60 acres of sod from the Belle Fourche River. They are proposing to relocate their sod farm approximately 14 river miles upstream on the Belle Fourche River and continue utilizing the river for a portion of their irrigation water supply. The existing and the proposed locations of the sod farm are within the Belle Fourche Irrigation District and receive project water through the district allocations which provides the water to the sod farm during the summer months. The applicant expresses the intent of using the Belle Fourche River as the primary source of water for the months April and May prior to the delivery of project water and in October and November after project water deliveries cease. The applicants also propose to increase the number of irrigated acres by 40 acres for a total of 100 acres. The diversion rate would also be increased by 0.57 cfs to a total of 1.43 cfs.

The irrigation authorized by No 1753-1 can be transferred to a new location and retain the priority date as allowed by South Dakota Codified Law (SDCL) 46-5-34. The proposal for additional irrigated acres and diversion rate would receive a new priority date.

SDCL 46-5-34. Irrigation rights appurtenant to land--Amendment of permit required for severance and transfer. All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used. However, if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section.

Since the request is for irrigating sod using of Belle Fourche River water for months outside of the typical irrigation season, the likelihood of affecting existing rights would be limited. However to address concerns to existing rights and domestic use, the permit should contain the flowing qualifications:

1. Diversions from the Belle Fourche River under this permit are only allowed during the months April, May, October and November annually. Written authorization by the Chief Engineer is required to deviate from this schedule.
2. A minimum of 5.0 cfs shall be bypassed at the point of diversion to protect domestic use, including livestock water and fisheries in the river. Dewatering of the river below 5 cfs is not allowed.

Conclusions

1. This application proposes to amend Water Permit No. 1753-1 by transferring the irrigated acreage to other land, change the diversion point location, and appropriate an additional 0.57 cubic feet of water per second (cfs) to irrigate an additional 40 acres.
2. The irrigation authorized by No 1753-1 can be transferred to a new location and retain the priority date as allowed by South Dakota Codified Law (SDCL) 46-5-34. Additional irrigated acres and diversion rate would receive a new priority date.
3. This application proposes using the Belle Fourche River as the primary source of water for the months April and May prior to the delivery of project water and in October and November. During the months of June through September water for this project would be obtained from the Belle Fourche Irrigation District.
4. The proposal is to irrigate using of Belle Fourche River water for the months April, May, October and November, outside of the usual irrigation season, so the likelihood of affecting existing rights would be limited. However to address concerns to existing rights and domestic use, the permit should contain the flowing qualifications:

1. Diversions from the Belle Fourche River under this permit are only allowed during the months April, May, October and November annually. Written authorization by the Chief Engineer is required to deviate from this schedule.
2. A minimum of 5.0 cfs shall be bypassed at the point of diversion to protect domestic use, including livestock water and fisheries in the river. Dewatering of the river below 5 cfs is not allowed.

A handwritten signature in black ink, appearing to read 'Mark D. Rath', with a stylized, cursive script.

Mark D. Rath

Natural Resources Engineer III

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APR 23 2012

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota
County of Butte

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

#3187 Wed. April 11, 2012

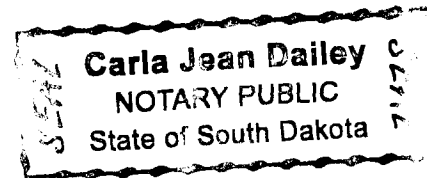
#2549 Wed. April 18, 2012

_____, 2012

_____, 2012

That the full amount of the fee charged for publishing the same, to with, that of \$ 57.36, insures solely to the benefit of the publisher of said newspaper that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Karen Wallace
Karen Wallace, Customer Service



Subscribed and sworn to before me this 20th day of April, 2012.

Carla Jean Dailey
Notary Public, South Dakota

My commission expires May 24, 2012

**NOTICE OF APPLICATION
NO. 1927-1 to Appropriate
Water**

Notice is given that Raymond and Beverly Palmer, 414 Platt St, Rapid City SD 57702 have filed an application for a water permit to: 1) amend Water Permit No. 1753-1 to transfer the irrigated acreage to other land, 2) change the diversion point location, 3) appropriate an additional 0.57 cubic feet of water per second (cfs) and 4) irrigation of an additional 40 acres. Water Permit No. 1753-1 appropriates 0.86 cfs from the Belle Fourche River located in NW 1/4 SE 1/4 Section 23 to irrigate 60 acres of sod located in the S 1/2 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 23; all in T8N-R6E. This application proposes to move the irrigation project approximately 7 miles northwest to the NE 1/4 Section 10-T8N-R5E and proposes to appropriate an additional 0.57 cfs from the Belle Fourche River to irrigate an additional 40 acres. The Belle Fourche River diversion point will now be located in the SE 1/4 NE 1/4 Section 10-T8N-R5E. This application if approved, will authorize a total diversion rate of 1.43 cfs to irrigate 100 acres located in the NE 1/4 Section 10-T8N-R5E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This permit proposes to authorize appropriate of water from the Belle Fourche River during the months of April, May, October and November.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel of land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1927-1 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 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 April 30, 2012.

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., April 11
and Wed., April 18, 2012
Butte County Post**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2012

Butte County Post
614 State St
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1927-1 to Appropriate Water to be published twice. Please publish the first notice on April 4, 2012 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 Raymond and Beverly Palmer, 414 Platt St., Rapid City SD 57702 (Ph # 605-348-0203).

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. 1927-1

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

Date _____

We are in receipt of your letter of March 29, 2012 enclosing Notice to Appropriate Water by Application No. 1927-1 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
denr.sd.gov

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

March 29, 2012

Raymond & Beverly Palmer
414 Platt St
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

Water Permit Application No. 1927-1 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 County Post printed at Belle Fourche SD (Ph # 605-892-2528). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's 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 4, 2012 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. 1927-1 to Appropriate Water

Notice is given that Raymond and Beverly Palmer, 414 Platt St, Rapid City SD 57702 have filed an application for a water permit to: 1) amend Water Permit No. 1753-1 to transfer the irrigated acreage to other land, 2) change the diversion point location, 3) appropriate an additional 0.57 cubic feet of water per second (cfs) and 4) irrigation of an additional 40 acres. Water Permit No. 1753-1 appropriates 0.86 cfs from the Belle Fourche River located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 60 acres of sod located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; all in T8N-R6E. This application proposes to move the irrigation project approximately 7 miles northwest to the NE $\frac{1}{4}$ Section 10-T8N-R5E and proposes to appropriate an additional 0.57 cfs from the Belle Fourche River to irrigate an additional 40 acres. The Belle Fourche River diversion point will now be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10-T8N-R5E. This application if approved, will authorize a total diversion rate of 1.43 cfs to irrigate 100 acres located in the NE $\frac{1}{4}$ Section 10-T8N-R5E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This permit proposes to authorize appropriate of water from the Belle Fourche River during the months of April, May, October and November.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel of land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1927-1 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 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 April 23, 2012

30

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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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 16 2012

Raymond & Beverly Palmer
414 Platt St
Rapid City SD 7702

Dear Mr. & Mrs. Palmer:

Enclosed is Water Permit No. 1927-1 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



1927-1

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, 2014

NOTICE

TO: RAYMOND & BEVERLY PALMER, 414 PLATT ST, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1927-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 1927-1 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 1927-1 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 3, 2014**, 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 28, 2014

1927-1

Raymond & Beverly Palmer
414 Platt St
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaire. I completed a questionnaire for you based on our January 27th telephone conversation.

You may disregard the January 24, 2014 "Notice" concerning reporting requirements for Water Permit No. 1927-1. 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,

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

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ray Palmer, 414 Platt St, Rapid City SD 57702

DATE: December 9, 2014

TELEPHONE: 605 348-9293

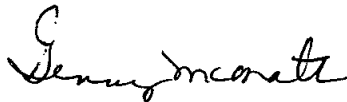
RE: irrigation system

COMMENTS:

Mr. Palmer called to let us know that he has the system completed. He removed the pump for the winter but everything else is in place and ready to go.

He did not have to irrigate in 2014. They had sufficient moisture.

This file doc serves as his "completion of works" and also his 2014 irrigation questionnaire information. I completed a questionnaire for him based on our phone conversation.



Genny McMath
Water Rights Program

Permit Nos. 1753-1 & 1927-1
Upper Cheyenne River - Water District

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

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

I have on this day, **January 22, 2016**, made a thorough examination of the water use system constructed by **Raymond & Beverly Palmer, 414 Platt St, Rapid City, SD 57702** holder of Permit Nos. **1753-1 & 1927-1**, bearing the priorities of **July 11, 2001 (est. by Permit No. 1753-1) & February 8, 2012**, authorizing the diversion of **1.43** cubic foot of water per second (cfs), of the waters of the **Belle Fourche River** for **irrigation purposes**, in **Butte County**.

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

A. Works used to divert the water:

Pump/Motor:

- 1) **Make: unknown**
- 2) **Size: 35 hp**
- 3) **Capacity: 450 gpm**

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

Water is applied with a 3 tower pivot and sprinkler system.

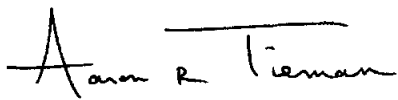
The system is in the following condition **good**. The point of diversion is located **2330 feet S and 1000 feet W from the NE corner of Section 10, T8N-R5E (SE¼NE¼), Lat/Lon N44.670567/W-103.491315**. The works are capable of diverting and conveying to the place of use **1.0** cfs which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **1.0** cfs. Water has been put to beneficial use to the maximum extent as follows:

Section 10, T8N-R5E
NW¼ NE¼ - 33.0 acres
NE¼ NE¼ - 40.0 acres
SW¼ NE¼ - 5.0 acres
SE¼ NE¼ - 22.0 acres

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**

Comments: Applicable portions of Permit 1753-1 shall be incorporated into this permit upon licensing.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **June 9, 2016**

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1753-1 & 1927-1

DATE OF INVESTIGATION:	January 22, 2016
NAME & ADDRESS OF PERMIT HOLDER	Raymond & Beverly Palmer 414 Platt St, Rapid City, SD 57702
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mike Palmer
DIVERSION POINT LEGAL LOCATION	2330 feet S and 1000 feet W from the NE corner of Section 10, T8N-R5E (SE¼NE¼), Lat/Lon N44.670567/W-103.491315

Other permit(s) associated with the project: Permit 1753-1

PUMP INFORMATION:

Pump/Motor:

- 1) Make: unknown
- 2) Size: 35 hp
- 3) Capacity: 450 gpm

DISTRIBUTION LINES OR CANALS:

Water is applied with a 3 tower center pivot and sprinkler system.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

WATER PERMIT NOS. 1753-1 & 1927-1
JUNE 9, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1927-1

(1) Raymond & Beverly Palmer, 414 Platt St., Rapid City SD 57702 made Application No. 1927-1, February 8, 2012 for a water permit to amend Water Permit No. 1753-1 to transfer the irrigated acreage to other land; to change the diversion point location; appropriate an additional 0.57 cubic feet of water per second (cfs) from the Belle Fourche River, Butte County, South Dakota and for irrigation of an additional 40 acres. Permit No. 1927-1, with a priority dates of July 11, 2001 (0.86 cfs and 60 acres) and February 8, 2012 (0.57 cfs and 40 acres) was approved April 30, 2012 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 30, 2017 and for the application to beneficial use of said water on or before April 30, 2021.

The permit holder notified the Water Rights Program on December 9, 2014 that the irrigation system was completed as authorized.

Water Permit No. 1753-1, with a priority date of July 11, 2001 authorizes diversion of 0.86 cfs from the Belle Fourche River for irrigation of 60 acres. With the amendments as described in Water Permit No. 1927-1, the applicable portions of No. 1753-1 have been incorporated into this license.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is 2,330 feet south and 1,000 feet west of the NE corner of Section 10, T8N, R5E (SE ¼ NE ¼).

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

Section 10, T8N, R5E	NW ¼ NE ¼	33 acres
	NE ¼ NE ¼	40 acres
	SW ¼ NE ¼	5 acres
	SE ¼ NE ¼	22 acres
Total		100 acres

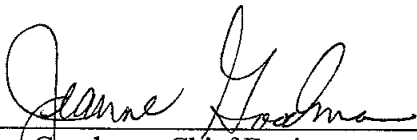
(4) Pursuant to South Dakota Water Law 46-5-30.1 Raymond & Beverly Palmer, 414 Platt St., Rapid City SD 57702 the holders and/or owners of Incorporated Water Right No. 1927-1 are issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from the Belle Fourche River with priority dates of July 11, 2001 (60 acres & 0.86 cfs) and February 8, 2012 (40 acres & 0.14 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 1927-1 and subject to the following qualifications:

- This water right authorizes diversion of water from the Belle Fourche River during the months of April, May, October and November annually unless written orders have been so issued by the Chief Engineer.

continued

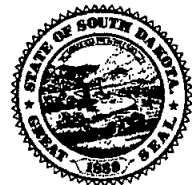
- A minimum of 5.0 cfs shall be bypassed at the point of diversion to protect domestic use, including livestock watering and fisheries in the river. Dewatering of the river below 5.0 cfs at the point of diversion is not allowed.
- The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
- **Original qualification:** A priority date of July 11, 2001 shall be retained for the 0.86 cfs appropriation to irrigate the 60 acres authorized by Water Permit No. 1753-1. The additional 0.57 cfs and 40 acres will have a February 8, 2012 priority date. ***Based on the diversion rate actually developed, a priority date of July 11, 2001 shall be retained for 0.86 cfs and a priority date of February 8, 2012 is retained for the remaining 0.14 cfs).***



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

JUL 01 2016

date





1927-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 01 2016

1753-1
1927-1

Raymond & Beverly Palmer
414 Platt St
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

Enclosed is Water License No. 1927-1. 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.

The applicable portions of Water Permit No. 1753-1 were incorporated into Water License No. 1927-1.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures