

**WATER PERMIT NO. 1934-1**

Name of Applicant: Shirley Wood

Address: 18950 137<sup>th</sup> Ave, Newell SD 57760 Phone: 605 456-3138

Amount of Water Claimed: 0.15 cfs Total Acres: 5 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Butte

Type of Waste Disposal System:

Location: 7 miles southeast of Newell

PRIORITY Date Received: 11-16-2012 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Additional diversion rate and acres to Water Right No. 1554-1.

Diversion Point: NE 1/4 SW 1/4 Sec 17-T8N-R7E

Land to be Irrigated: SE 1/4 NW 1/4 Sec 17-T8N-R7E

Depth of Well: NA

Well Driller:

Remarks:

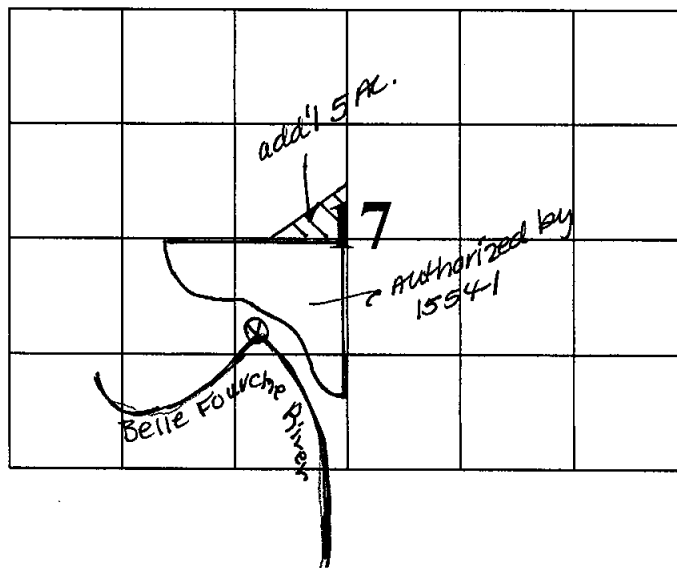
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-19-12

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_



## FORM 2: Application for irrigation in South Dakota

(type or print)

|                                                                                                                 |                                                             |                                 |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | (office use only)                                           |                                 |
|                                                                                                                 | No. <u>1934-1</u>                                           | Hydrologic Unit <u>10120202</u> |
|                                                                                                                 | Basin <u>Belle Fourche River</u>                            | <u>605-892-2528</u>             |
|                                                                                                                 | Newspaper <u>Butte Co. Post 614 State St. Belle Fourche</u> | <u>605-642</u>                  |
| <u>Black Hills Pioneer Box 7 Spearfish 57783 2761</u>                                                           |                                                             | <u>57717</u>                    |

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NOV 16 2012

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 to Appear on Irrigation Permit Shirley Wood(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 18950 137th Ave Newell SD 57760

(Address)

(City)

(State)

(Zip Code)

Home Phone 605 456-3138 Cell \_\_\_\_\_ Email \_\_\_\_\_2. Amount of water claimed 0.15 \*CFS or 67 add'l \*\*GPM \*\*\*AF Total Acreage 5 add'l

(\*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 River4. Location of point of diversion NE1/4 SW1/4 section 17-T8N-R7E

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Butte5. County or counties where water will be used Butte6. Annual period during which water is to be used Apr 1 - Oct 31 (55 acres)

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 |
|---------------------------------------------|-------|------------------|-------|
| SW1/4 sec 17-T8N-7E (covered by No. 1554-1) | 50    |                  |       |
| SE1/4 NW1/4 sec 17-T8N-R7E (to be added)    | 5     |                  |       |
|                                             |       |                  |       |
|                                             |       |                  |       |

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

This application is to add 5 acres in the SE1/4 NW1/4 sec 17-8N-7E and increase the permitted pump rate under No. 1554-1 from 0.63 cfs (283 gpm) to 0.78 cfs (350 gpm).

I, Shirley Wood, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA**  
**WATER PERMIT NO. 1934-1**

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Date of first receipt of application November 16, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1934-1 to Shirley Wood, 18950 137<sup>th</sup> Ave, Newell SD 57760 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1934-1 authorizes an additional 0.15 cubic feet of water per second (cfs) and to irrigate 5 additional acres to what is currently authorized by Water Right No. 1554-1. Water Right No. 1554-1 appropriates 0.63 cfs from the Belle Fourche River located in the NE 1/4 SW 1/4 Section 17 to irrigate 50 acres located in the N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 17; all in T8N-R7E. This permit appropriates an additional 0.15 cfs from the Belle Fourche River to irrigate 5 additional acres located in the SE 1/4 NW 1/4 Section 17-T8N-R7E. This permit and Water Right No. 1554-1 will authorize a total diversion rate of 0.78 cfs (350 gallons per minute) for irrigation of 55 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 16, 2012.
4. The date of approval of Permit No. 1934-1 is February 18, 2013.
5. One-fifth of the construction is to be completed on or before August 18, 2015.
6. All construction is to be completed on or before February 18, 2018.
7. Water is to be put to beneficial use on or before February 18, 2022.
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. Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Combinations of diversion from the Belle Fourche Irrigation District and this Permit may not exceed 1.0 cfs for each 70 acres irrigated.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

APR 12 2013

date



Scale: 1 inch = 700 feet

1,000

Feet



*South Dakota*  
Department of Environment  
& Natural Resources  
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer  
Water Rights Program

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NOV 16 2012

WATER RIGHTS  
PROGRAM

Date: November 6, 2012

Appl No.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 2012

RECEIVED OF Shirley Wood 18950 187th Ave Newell SD 57760

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>1934-1</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>1934-1</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. 05697

By

Garland Erdreich  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

November 7, 2012

Water Right No. 1554-1

Shirley Wood  
18950 137<sup>th</sup> Ave  
Newell SD 57760

Dear Mrs. Wood:

I am writing in response to our office visit and the application you returned on November 5. After visiting with you I contacted Donald Stange about the land ownership issue. Mr. Stange agreed that the 50 acres permitted for irrigation in the SW1/4 section 17-T8N-R7E was owned by you and should not have been transferred to himself. Apparently, there was some confusion when the permit was split between you and him due to the ownership change in the NW1/4 section 17. A copy of this letter will be placed into the file for Water Right No. 1554-1 to reflect that the permit is in the name of Stanley Wood. If you would like for the water right to be in your name rather than Stanley's name, then you will need to file a transfer of ownership form (see enclosure).

I also prepared a map (see enclosure) for the application you submitted to increase the pump rate of your permit from 283 to 350 gallons per minute (gpm). In preparing the map it appears that the acreage in the SE1/4 NW1/4 of section 17 (see red area on map) is closer to 5 acres than 3 acres. Since that is the case I have modified your application (see enclosed) to add those 5 acres, put the application in your name as requested, and also included the increased the pump rate to 350 gpm. If approved, this new application and your existing water right No. 1554-1 combined will authorize irrigation of 55 acres from the Belle Fourche River with a pump rate of 350 gpm. Please look the enclosed application and map over, sign the application and return it and the map along with the application fee. The fee to increase your pump rate and acres is \$500.00 plus a \$200.00 license fee for a total of \$700.00. The transfer of ownership fee if you decide to place the existing permit in your name is \$50.00.

If you have any questions, concerning this please call me at (605) 773-3352. Also, please note that Donald Stange intends to apply for a permit to move the acreage transferred to the NE1/4 section 18 back to the NW1/4 section 17 and apply for additional acres to cover the NE1/4 section 18. Mr. Stange also noted that he is working with you to use the same pumping point as you currently use in the SW1/4 section 17.

Sincerely,

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

Ron Duvall  
Water Rights Program

enclosures



**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. 1934-1, Shirley Wood**

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. 1934-1, Shirley Wood, 18950 137<sup>th</sup> Avenue, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1934-1 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. Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Combinations of diversion from the Belle Fourche Irrigation District and this Permit may not exceed 1.0 cfs for each 70 acres irrigated.
4. 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  
January 24, 2013

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

## REPORT ON WATER PERMIT APPLICATION NO. 1934-1

Shirley Wood

January 10, 2013

Application No. 1934-1 proposes to appropriate an additional 0.15 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 5 additional acres to what is currently authorized by Water Right No. 1554-1. Water Right No. 1554-1 appropriates 0.63 cfs from the Belle Fourche River located in the NE¼ SW¼ Section 17 to irrigate 50 acres located in the N½ SW¼, SE¼ SW¼ Section 17; all in T8N-R7E in Butte County, South Dakota. Therefore, this application if approved and utilized along with Water Right No. 1554-1 will bear two different priority dates as follows: **May 6, 1992** (0.63 cfs for irrigation of 50 acres established by Water Right No. 1554-1) and **November 16, 2012** (0.15 cfs for irrigation of 5 acres established by Application No. 1934-1) combined will authorize a total diversion rate of 0.78 cfs (350 gallons per minute) for irrigation of 55 total acres.

### Review of the Water Source – Belle Fourche River

The water source for this proposed project is the Belle Fourche River located in the NE¼ SW¼ Section 17, T8N-R7E in Butte County, South Dakota. The headwaters of the Belle Fourche River rise in northeast Wyoming and flow northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of Wasta, South Dakota, for an approximate total of 290 river miles. Included in this stretch is the Belle Fourche Reservoir which is part of the United States Department of the Interior, Bureau of Reclamation, Belle Fourche Project completed in 1914 which includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres located in southern Butte County in western South Dakota.

Since 1945 the United States Geological Survey (USGS) has maintained a stream flow gaging station on the Belle Fourche River near Sturgis, South Dakota located approximately 25 miles downstream of this proposed project. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. According to the information listed in Table 1, the historic data from this gaging station indicates a 50 percent probability the median flow rate could range from 236 to 231 cfs or greater for the months of May through September during any given year. Additionally, there is a 75 percent probability the median flow rate could range from 77 to 211 cfs or greater for this same period of time during any given year.

**Table 1. Belle Fourche River near Sturgis, SD Median Flow Probabilities in cfs.**

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

A portion of the water in this section of the river consists of irrigation return flows coming from the Belle Fourche Irrigation District (BFID) during irrigation season. The impact of the irrigation return water can be observed in Table 1 as the overall increase in the flows during the months of

May through September. Because the amount of water or method of irrigation can change from one season to the next, return flows should not be expected to provide a reliable supply of water.

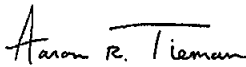
The BFID has been informed of the proposed project and actually advises landowners toward using this practice in case BFID is unable to provide water for the entire irrigation season. So in other words, this proposed project is going to be used as backup water to BFID irrigation water.

### Review of the Project and Existing Water Rights

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 38 existing water rights appropriating 105.3cfs. A review of irrigation questionnaires for this project indicates water at the original project site has been consistently used in the past. Based upon historic flow data and water use, the existing water rights downstream of this project would have high probability that they will not be adversely affected if this application is approved.

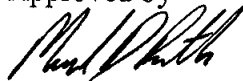
### Conclusions

1. Application No. 1934-1 proposes to appropriate an additional 0.15 cfs and to irrigate 5 additional acres to what is currently authorized by Water Right No. 1554-1.
2. This application if approved and utilized along with Water Right No. 1554-1 will bear two different priority dates as follows: **May 6, 1992 (0.63 cfs for irrigation of 50 acres established by Water Right No. 1554-1) and November 16, 2012 (0.15 cfs for irrigation of 5 acres established by Application No. 1934-1)** combined will authorize a total diversion rate of 0.78 cfs (350 gallons per minute) for irrigation of 55 total acres.
3. A portion of the water in this section of the river consists of irrigation return flows coming from the BFID during irrigation season. Because the amount of water or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.
4. This proposed project is intended be used as a backup to BFID irrigation water in case BFID is unable to provide water for the entire irrigation season.
5. Approval of this project would not be expected to adversely affect existing downstream water rights.



Aaron R. Tieman  
Natural Resource Engineer II

Approved by



Mark D. Rath  
Natural Resources Engineer III

## **Bibliography**

USGS National NWISWeb Water Information System, 2013, Historical Stream Flow for South Dakota.

Water Right, 2013, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

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FEB 12 2013

WATER RIGHTS  
PROGRAM

## Affidavit of Publication

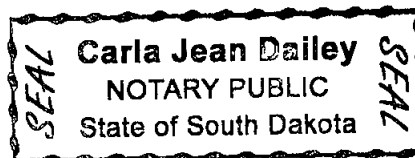
State of South Dakota  
County of Butte

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):

Wed., Feb. 6, 2013

That the full amount of the fee charged for publishing the same, to with, that of \$26.79 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 8<sup>th</sup> day of February, 2013.

Carla Jean Dailey  
Notary Public, South Dakota

My commission expires May 24, 2018

# **NOTICE OF APPLICATION NO. 1934-1 to Appropriate Water**

Notice is given that Shirley Wood, 18950 137th Ave., Newell SD 57760 has filed an application for a water permit to appropriate an additional 0.15 cubic feet of water per second (cfs) and to irrigate 5 additional acres to what is currently authorized by Water Right No. 1554-1. Water Right No. 1554-1 appropriates 0.63 cfs from the Belle Fourche River located in the NE 1/4 SW 1/4 Section 17 to irrigate 50 acres located in the N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 17, all in T8N-R7E. This application proposes to appropriate an additional 0.15 cfs from the Belle Fourche River to irrigate 5 additional acres located in the SE 1/4 NW 1/4 Section 17-T8N-R7E. This application, if approved, and Water Right No. 1554-1 will authorize a total diversion rate of 0.78 cfs (350 gallons per minute) for irrigation of 55 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1934-1 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 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 February 18, 2013.

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 once at the total approximate cost of \$26,79.  
Published Wed., Feb. 6, 2013  
Butte County Post

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FEB 11 2013

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. 1934-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 6<sup>th</sup> day of Feb., 2013, and the last publication on the        day of       ,       , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 25.78, 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.

Letitia Lister  
Subscribed and sworn to before me this 7<sup>th</sup> day of Feb., 2013

Deborah Richards  
Notary Public, Lawrence County, South Dakota  
My commission expires: 10-24-2016

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1934-1 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.

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Steven M. Pirner,  
Secretary, Department of  
Environment and Natural  
Resources  
Published once at the  
total approximate cost of  
\$25.32.

#411  
Feb. 6



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 25, 2013

Butte Co Post  
614 State St  
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1934-1 to Appropriate Water. Please publish the notice once on February 6, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Shirley Wood, 18950 137<sup>th</sup> Ave., Newell SD 57760 (Ph # 605-456-3138).

**Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.**

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

January 25, 2013

Black Hills Pioneer  
PO Box 7  
Spearfish SD 57783

ATTENTION: Legal Public Notice

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Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



**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 DATE, CONTACT  
THE NEWSPAPER(S) RIGHT AWAY.

January 25, 2013

Shirley Wood  
18950 137<sup>th</sup> Ave  
Newell SD 57760

Dear Ms. Wood:

Water Permit Application No. 1934-1 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 Butte Co. Post printed at Belle Fourche SD (Ph # 605-892-2528) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on February 6, 2013. 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.

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NOTICE OF APPLICATION NO. 1934-1 to Appropriate Water

Notice is given that Shirley Wood, 18950 137<sup>th</sup> Ave, Newell SD 57760 has filed an application for a water permit to appropriate an additional 0.15 cubic feet of water per second (cfs) and to irrigate 5 additional acres to what is currently authorized by Water Right No. 1554-1. Water Right No. 1554-1 appropriates 0.63 cfs from the Belle Fourche River located in the NE 1/4 SW 1/4 Section 17 to irrigate 50 acres located in the N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 17; all in T8N-R7E. This application proposes to appropriate an additional 0.15 cfs from the Belle Fourche River to irrigate 5 additional acres located in the SE 1/4 NW 1/4 Section 17-T8N-R7E. This application, if approved, and Water Right No. 1554-1 will authorize a total diversion rate of 0.78 cfs (350 gallons per minute) for irrigation of 55 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1934-1 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 February 18, 2013.

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 once at the total approximate cost of \_\_\_\_\_.



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APR 12 2013

Shirley Wood  
18950 137<sup>th</sup> Ave  
Newell SD 57760

Dear Ms. Wood:

Enclosed is Water Permit No. 1934-1 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,

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

enclosures

1934-1

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020

DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

ph. (605) 773-3352

Date Aug 7, 2017

FROM:

Shirley Wood  
(name)

18950 137 AVE  
(address)

Newell S.D. 57760 605-641-5604 cell  
(city) (state) (zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1934-1 states that the water use system is to be constructed by

2/18/18, and water is to be put to beneficial use by 2/18/2022  
(date) (date)

The water use system was completed on July 2012  
(date)

Applying the water to beneficial use was completed on July 2012  
(date)

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

Shirley Wood

X Shirley Wood



## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1934-1

I have this day, Aug 7, 2017 made a thorough examination of the water use system constructed by Shirley Wood, 18950 137<sup>th</sup> Ave, Newell, SD 57760 of Permit No. 1934-1, bearing the priority of 11/16/2012 authorizing 5 additional acres and the diversion of 0.15 cu. ft. per second additional water from the Belle Fourche River for irrigation purposes in Butte County.

Inspection contact & relationship to permit holder, if applicable: **Terry Wood, son**  
**605-456-3138**

**A. Works used to divert the water:**

**Pump:**

**This diversion point serves as a back-up water supply to the Belle Fourche Irrigation District. A portable pump is used at this location when needed. A pump was not onsite at the time of inspection.**

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

1) Type Aluminum pipe      2) Size 12 inches      3) Length -- feet

**C. Works used to apply water to beneficial use:**

**Center Pivot:**

- 1) Make Valley
- 2) Pipe length 966.6 feet
- 3) Number of towers 6 End Gun 87 feet
- 4) Capacity 400.7 gpm
- 5) Acres 40

Comments: This system irrigates the 5 additional acres authorized by Permit #1934-1 and 35 of the 50 acres authorized by Water Right 1554-1

**D. Chemigation Equipment:**

- 1) Does chemigate: No

**E. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Yes
- 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:

1,500' N and 1,513' E of SW corner Section 17 T8N R7E (44.652132, -103.30093)



Pivot and acreage covered by Permit # 1934-1

## Report of Examination of Works

Permit No. 1934-1

2. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water (400.7 gpm) which is to be used for sprinkler irrigation use. Water has been put to beneficial use to the maximum extent as follows:

|                                                                          |                                              |
|--------------------------------------------------------------------------|----------------------------------------------|
| <b>Section 17 T8N R7E:</b> SE $\frac{1}{4}$ NW $\frac{1}{4}$ – 5.0 acres | NW $\frac{1}{4}$ SW $\frac{1}{4}$ – 9 acres  |
|                                                                          | NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 acres |
|                                                                          | SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 8 acres  |

comprising a total of 55.0 acres of land and the license should be issued for 0.78 cfs of water.  
(SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  from No. 1934-1 and land in SW  $\frac{1}{4}$  was taken from No. 1554-1)

See comments below - The license is issued for **0.15 cfs additional** for a total diversion of **0.78 cfs** from the point of diversion. The license is issued for the statutory limit of 1 cfs for each 70 acres (350 gpm).

All structures and lands on map Yes

**G. Comments or other permit(s) associated with the project:** Water Permit 1934-1 authorized an additional 0.15 cfs to irrigate an additional 5 acres to what was authorized by Water Right #1554-1. Water Right #1554-1 authorized 0.63 cfs to irrigate 50 acres located in the SW  $\frac{1}{4}$  Section 17 T8N R7E. Water Permit #1934-1 and Water Right #1554-1 authorized a total of 0.78 cfs (350 gpm) for irrigation of 55 acres. The diversion point serves as a backup source to the Belle Fourche Irrigation District for Water Permit 1934-1, Water Right #1554-1 and **reissued Water Permit #1554A-1 authorizing 134 acres in the NW  $\frac{1}{4}$  Section 17 T8N R7E which is owned by Donald Stange.**



Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program

Date report completed: 8/9/2017

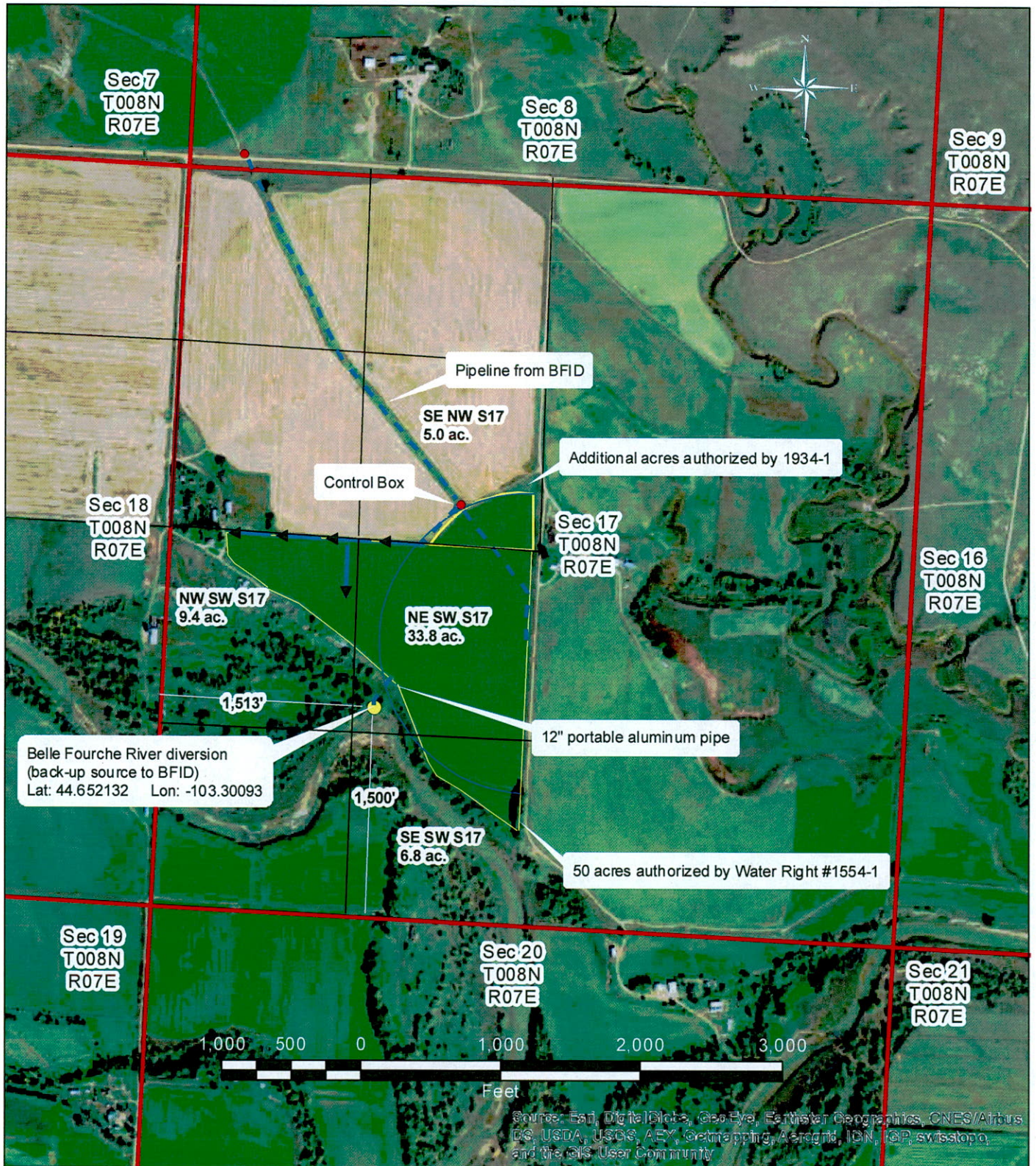


Belle Fourche River diversion point



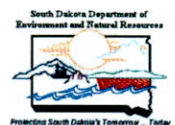
Pivot

Water Right # 1934-1  
Shirley Wood  
8/7/2017



*Steven Quissell*

Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

OCT 12 2017

1554-1  
1934-1

Shirley Wood  
18950 137<sup>th</sup> Ave  
Newell SD 57760

Dear Ms. Wood:

Enclosed is Water License No. 1934-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1554-1 were incorporated into Water License No. 1934-1.

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 1934-1**

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(1) Shirley Wood, 18950 137<sup>th</sup> Ave, Newell SD 57760 made Application No. 1934-1, November 16, 2012 for a water permit to divert 0.15 cubic feet of water per second (cfs) from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1934-1, with a priority date of November 16, 2012 was approved February 18, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 18, 2018 and for the application to beneficial use of said water on or before February 18, 2022.

Water Right No. 1554-1, with a priority date of May 6, 1992, authorizes diversion of 0.63 cfs for irrigation of 50 acres. Water Permit No. 1934-1 added 0.15 cfs and 5 additional acres to the existing water use system.

The applicable portions of Water Right No. 1554-1 are incorporated into Water License No. 1934-1.

(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 0.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,500' N and 1,513' E of SW corner Section 17 T8N R7E (NE ¼ SW ¼, Latitude 44.652132, Longitude -103.30093)

*The above diversion point serves as a backup source to the Belle Fourche Irrigation District.*

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

|                      |           |            |                |           |
|----------------------|-----------|------------|----------------|-----------|
| Section 17, T8N, R7E | NW ¼ SW ¼ | 9.0 acres  | SE ¼ NW ¼      | 5.0 acres |
|                      | NE ¼ SW ¼ | 33.0 acres |                |           |
|                      | SE ¼ SW ¼ | 8.0 acres  | Total 55 acres |           |

**Priority dates:** May 6, 1992, established under No. 1554-1 for 50 acres listed in the SW ¼  
November 16, 2012, established under No. 1934-1 for 5 acres listed in the SE ¼ NW ¼

(4) Pursuant to South Dakota Water Law 46-5-30.1 Shirley Wood, 18950 137<sup>th</sup> Ave, Newell SD 57760 the holder and/or owner of Incorporated Water Right No. 1934-1 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from the Belle Fourche River with priority dates of May 6, 1992 (50 acres & 0.63 cfs) and November 16, 2012 (5 acres & 0.15 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 Water Right No. 1934-1 and subject to the following qualifications:

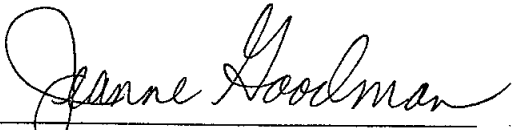
- Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.

continued

**Page 2**

**Water License No. 1934-1**

- Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
- Combinations of diversion from the Belle Fourche Irrigation District and this water right may not exceed 1.0 cfs for each 70 acres irrigated.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.



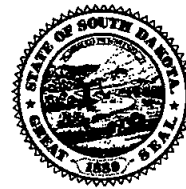
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

**OCT 12 2017**

date



For assistance call (605) 773-3352

RECEIVED

PAID

DEC 06 2018

DEC 06 2018

Mail to: PMB 2020

DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182WATER RIGHTS PROGRAM  
Water Right/Permit No. 154-1

Ck# 01062

Date: 12.2.2018

I/We request that Water Right/Permit No. 1554-1 formerly owned by:

Shirley Wood

be transferred to:

New Owner Name:

Craig &amp; Shelby Weirather

Address:

18941 Schild Rd.

City, State, Zip

Newell, SD 57760

Telephone No. 406.552-3177

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

Township 8 North, Range 7 East of the Black Hills Meridian  
Butte County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 1554-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I, Shelby Weirather, the new owner, certify that the above information is true and correct.

(signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 6, 20 18

Shelby Weirather 18941 Schild Rd. Newell SD 57760

RECEIVED OF \_\_\_\_\_

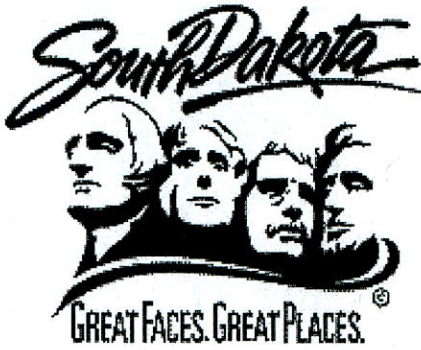
The following amount in fees for services rendered as provided for by law:

|                                                                                                                |       |        |
|----------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 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. _____            |       |        |
| Fee for Filing Transfer Form <u>1934-1</u>                                                                     |       |        |
| Fee for _____                                                                                                  |       |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |        |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 100 00 |

No. 08826

By

Jeanne Goodman  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

December 7, 2018

1934-1

Craig & Shelby Weirather  
18941 Schild Rd  
Newell SD 57760

Dear Mr. & Mrs. Weirather:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1554-1 and 154-1 (***No. 154-1 is not a water right number we have on file.***)

In October, 2017, Water License No. 1934-1 was issued covering the irrigated acreage authorized under No. 1554-1 and 1934-1. The water license effectively incorporated everything Ms. Wood had into one water right (copy enclosed).

The ownership change for Water Right No. 1934-1 has been completed. The water right formerly held by Shirley Wood is now listed in your names. Enclosed for your records is Receipt No 08826 in the amount of \$50.

The additional \$50 you paid will be refunded to you and sent under separate cover within the next couple weeks. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures