

WATER PERMIT NO. 1939-1

Name of Applicant: Magic Canyon LP

Address: PO Box 7591, Rapid City SD 57709

Phone: 605 343-3842

Amount of Water Claimed: 6.67 cfs

Total Acres: 500 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: 15 miles southeast of Enning

PRIORITY

Date Received: 5-1-12

Application/License Fee: \$ 1650

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SE 1/4 SE 1/4 Sec 36-T6N-R14E,
NE 1/4 SE 1/4 Sec 1-T5N-R14E and NE 1/4 NW
1/4 Sec 12-T5N-R14E

Land to be Irrigated: see application

Depth of Well: NA

Well Driller:

Remarks:

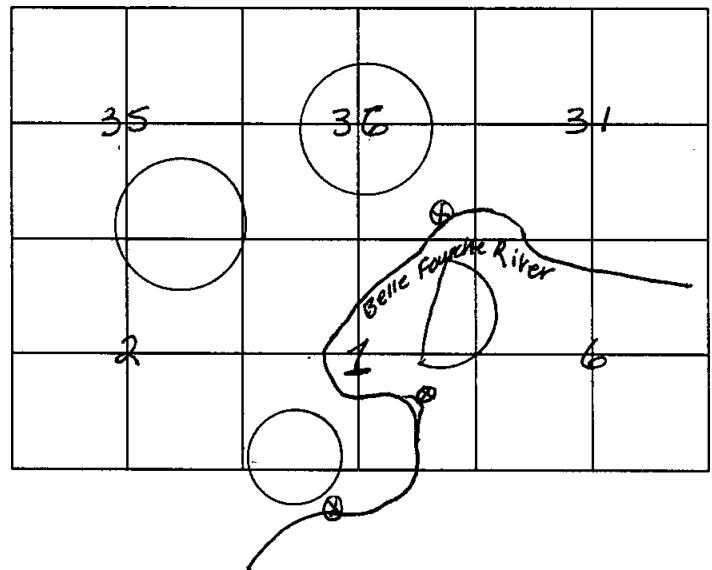
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-6-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1939-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u> <u>605-347-2503</u>
	Newspaper <u>Meade Co. Times 1022 Main St. Sturgis 57785</u> <u>605-394-8300</u>
	<u>Rapid City Journal Box 450 57719</u>

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MAY - 1 2013

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 MAGIC CANYON L.P.(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 7591 RAPID CITY SD 57709

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-343-3842 Cell 605-340-7000 Email JIM@SCULLCO.NET2. Amount of water claimed 6.68*CFS or 3000 **GPM ***AF Total Acreage 500 ACRES

(*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 SE 1/4 SE 1/4 Sec 36 - T6N - R14E NE 1/4 SE 1/4 Sec 1 - T5N - R14E NE 1/4 NW 1/4 Sec 2 - T5N - R14E4. Location of point of diversion ALONG BELLE FOURCHE RIVER FROM A POINT 1200 FEET WEST AND 1200 FEET NORTH
OF THE SE CORNER OF SEC 34, T6N, R14E. (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) FROM A POINT 900 FEET WEST
AND 2200 FEET NORTH OF THE SE CORNER OF SEC 1, T5N, R14E AND FROM A POINT 2300 FEET EAST AND
500 FEET SOUTH OF THE NW CORNER OF SEC 12, T5N, R14E County MEADE5. County or counties where water will be used MEADE6. Annual period during which water is to be used MAY 1 - OCTOBER 317. 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
SEE ATTACHED MAP AND DESCRIPTION			

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

THE PROJECT INVOLVES PUMPING OUT OF THE BELLE FOURCHE RIVER ONTO
ADJACENT LOWLANDS. IRRIGATION WILL BE ACCOMPLISHED USING PIVOTS.

I, JAMES L. SCULL, JR., the applicant, certify that I have read this application,
have examined the attached map, and that the matters stated are true.

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 1939-1**

To reflect Chief Engineer action taken on behalf of the Water Management Board on May 29, 2018 authorizing the transfer of 97 acres and the associated diversion rate of 1.56 cubic feet of water per second to Water Permit No. 1939A-1, Water Permit No. 1939-1 is being reissued as follows:

The Chief Engineer, on behalf of the Water Management Board approved Water Permit No. 1939-1 to Magic Canyon LP, PO Box 7591, Rapid City SD 57709 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. 1939-1 appropriates **5.12 cubic feet of water per second** from the Belle Fourche River located in the SE 1/4 SE 1/4 Section 36-T6N-R14E, NE 1/4 SE 1/4 Section 1-T5N-R14E and the NE 1/4 NW 1/4 Section 12-T5N-R14E. Permit No. 1939-1 authorizes irrigation of **403 acres** located in the SE 1/4, SE 1/4 SW 1/4 Section 35-T6N-R14E; NE 1/4, NE 1/4 NW 1/4 Section 2-T5N-R14E; W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, W 1/2 SW 1/4, E 1/2 NW 1/4 Section 36-T6N-R14E; E 1/2 NE 1/4, NE 1/4 SE 1/4, SW 1/4, NW 1/4 NW 1/4 Section 1-T5N-R14E; N 1/2 NW 1/4 Section 12-T5N-R14E; W 1/2 NW 1/4 Section 6-T5N-R15E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - October 31.
3. The date from which applicant may claim right is May 1, 2013.
4. The date of approval of Permit No. 1939-1 is July 22, 2013.
5. One-fifth of the construction is to be completed on or before January 22, 2016.
6. All construction is to be completed on or before July 22, 2018.
7. Water is to be put to beneficial use on or before July 22, 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. 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 orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 21 2018

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 21 2018

Magic Canyon LP
c/o James L Scull
PO Box 7591
Rapid City SD 57709

Dear Mr. Scull:

Enclosed is Water Permit No. 1939A-1 authorizing the transfer of acreage, the associated diversion rate and an additional Belle Fourche River diversion point. Also enclosed is reissued Water Permit No. 1939-1 as it relates to Permit No. 1939A-1.

A 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 information 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

**SOUTH DAKOTA
WATER PERMIT NO. 1939-1**

Date of first receipt of application May 1, 2013.

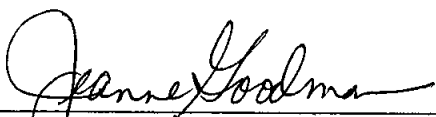
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1939-1 to Magic Canyon LP, PO Box 7591, Rapid City SD 57709 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1939-1 appropriates 6.68 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 SE 1/4 Section 36-T6N-R14E, NE 1/4 SE 1/4 Section 1-T5N-R14E and the NE 1/4 NW 1/4 Section 12-T5N-R14E. This permit authorizes irrigation of 500 acres located in the SE 1/4, SE 1/4 SW 1/4 Section 35-T6N-R14E; NE 1/4, NE 1/4 NW 1/4 Section 2-T5N-R14E; W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, W 1/2 SW 1/4, E 1/2 NW 1/4 Section 36-T6N-R14E; E 1/2 NE 1/4, NE 1/4 SE 1/4, SW 1/4, NW 1/4 NW 1/4 Section 1-T5N-R14E; N 1/2 NW 1/4 Section 12-T5N-R14E; W 1/2 NW 1/4 Section 6-T5N-R15E.
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1. 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 orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

AUG 29 2013

date



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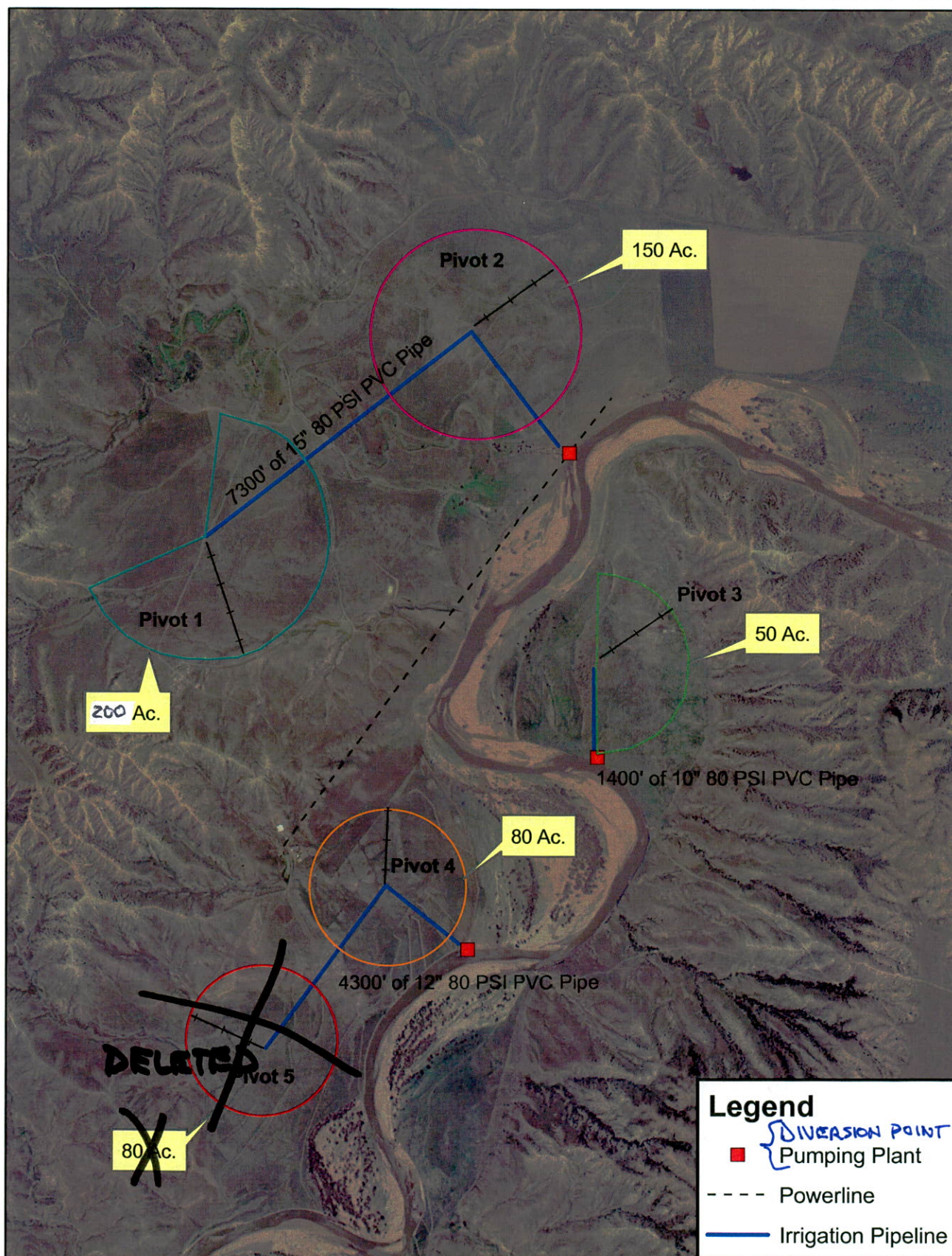
WATER RIGHTS
PROGRAM

Assisted By: Jon Weidemann

Two Rivers Ranch - Pivot Plan Map

Date: 2/1/13

Location: Sec. 35,36 T6N-R14E
Sec. 1,11,12 T5N-R14E



0 1,000 2,000 3,000 4,000
Feet



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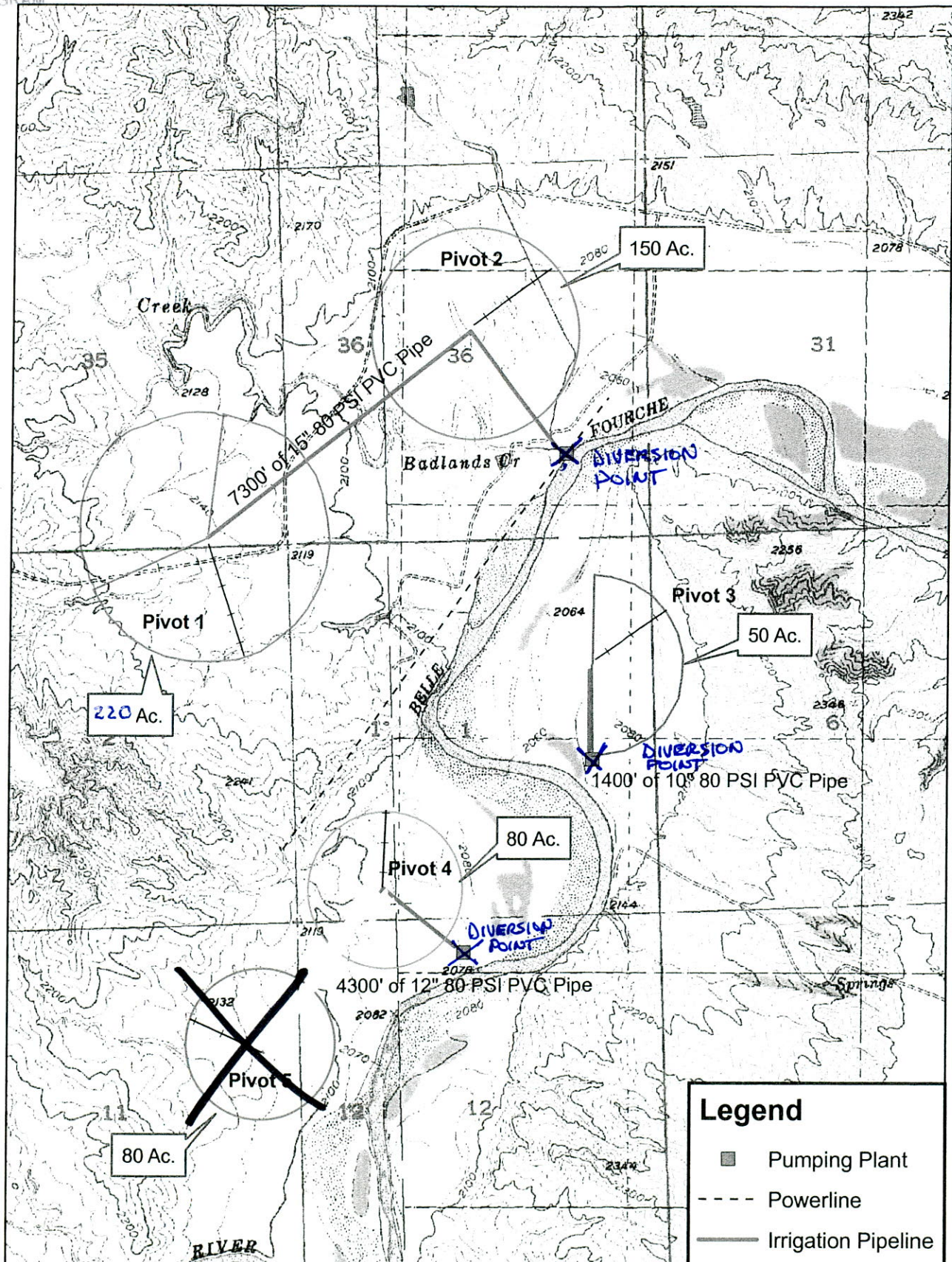
Two Rivers Ranch - Pivot Plan Map

MAY - 1 2013

Date: 2/1/13

Assisted By: Jon Weidemann
WATER RIGHTS PROGRAM

Location: Sec. 35,36 T6N-R14E
Sec. 1,11,12 T5N-R14E



0 1,000 2,000 3,000 4,000 Feet



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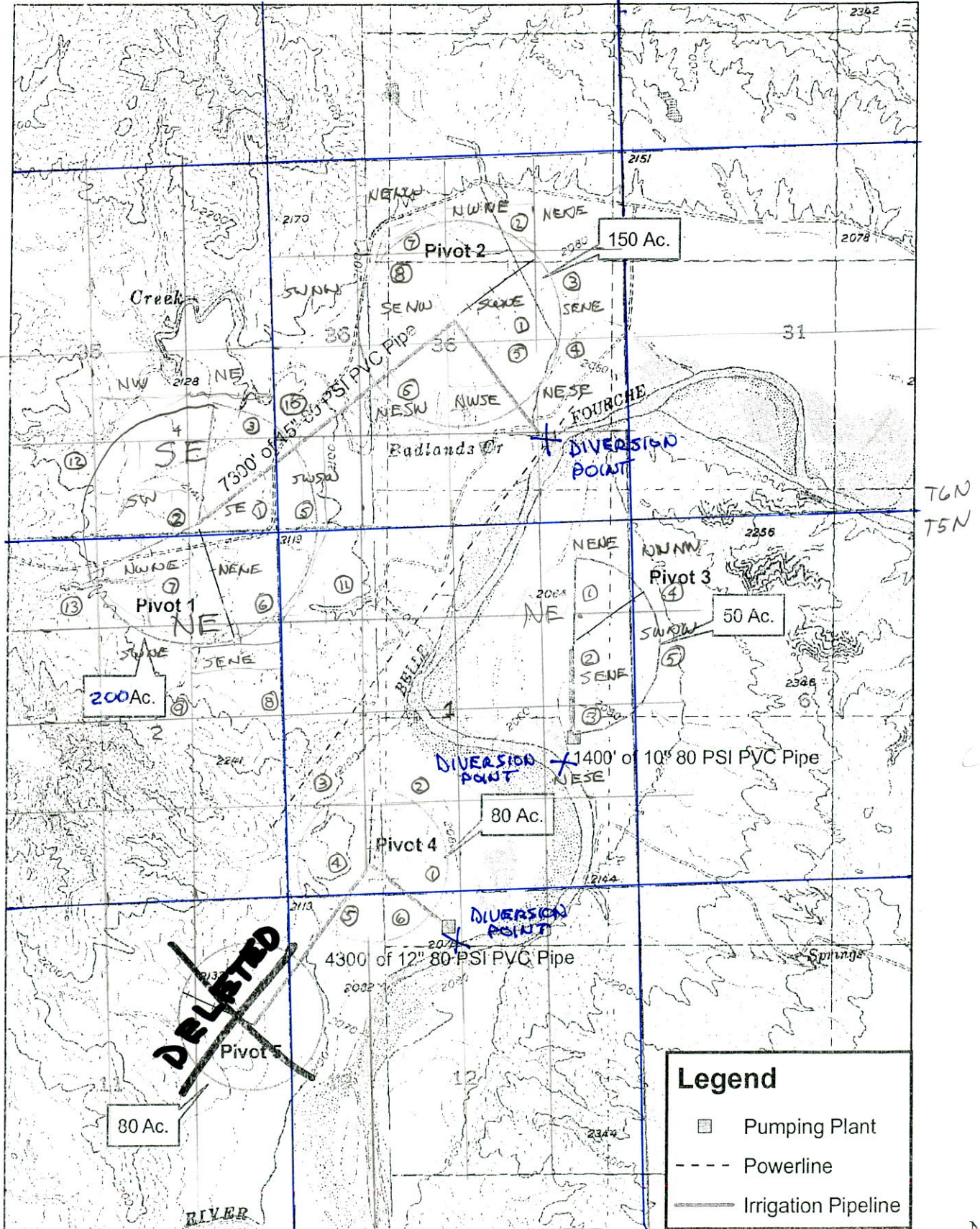
WATER RIGHTS
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Two Rivers Ranch - Pivot Plan Map

Date: 2/1/13

Assisted By: Jon Weidemann

Location: Sec. 35,36 T6N-R14E
Sec. 1,11,12 T5N-R14E



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/6, 20 13

RECEIVED OF Magic Canyon LP PO Box 7591 Rapid City SD 57709

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

Fee for Application for Permit No. <u>1939-1</u> to Appropriate Water, to construct and to put water to beneficial use	1450	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>1939-1</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	1650 00

No. **06328**

By *Joanne Goodenough*
Chief Engineer

Two Rivers Ranch – Pivot Systems

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Pivots 1 & 2:

- 7300' of 12" 80 PSI PVC pipe
- Pumping plant will supply both pivots 1 & 2
- Pivot 1 is approx. 1750' long; Pivot 2 is approx. 1440' long
- Designed to run 1 pivot at a time
- Electricity is close to pumping plant

Pivot 3:

- 1400' of 10" 80 PSI PVC pipe
- Pumping plant will supply pivot 3 only
- Pivot 3 is approx. 1180' long
- Electricity is approximately 7000' from proposed pump site on South side of river
Electricity is closer on North side of river, up to power company if they want to cross

Pivots 4

- 4300' of 12" 80 PSI PVC pipe
- Pumping plant will supply both pivots 4 & 5
- Pivots 4 & 5 approx. 1050' long
- Designed to run 1 pivot at a time
- Electricity is approximately 2900' from proposed pump site

Soils Note:

The majority of the soil type under every pivot location is mapped as Kyle clay. The irrigated capability class for Kyle clay is a class 4. This means the soils have very severe limitations that reduce the choice of plants or that require very careful management, or both. I have attached the soils maps and definitions of the capability classes.

On site soil inspections are needed to determine if the soils are suited for sprinkler irrigation.

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4-23-13

WATER RIGHTS
PROGRAMTwo Rivers Ranch
Forty Acre SubdivisionPivot 1

<u>Description</u>	<u># of Acres</u>
— 1.) SE ¼ SE ¼ Sec 35 T6N R14E	40 Acres
— 2.) SW ¼ SE ¼ Sec 35 T6N R14E	35 Acres
— 3.) NE ¼ SE ¼ Sec 35 T6N R14E	16 Acres
— 4.) NW ¼ SE ¼ Sec 35 T6N R14E	9 Acres
— 5.) SW ¼ SW ¼ Sec 36 T6N R14E	13 Acres
— 6.) NE ¼ NE ¼ Sec 2 T5N R14E	32 Acres
— 7.) NW ¼ NE ¼ Sec 2 T5N R14E	32 Acres
— 8.) SE ¼ NE ¼ Sec 2 T5N R14E	6 Acres
— 9.) SW ¼ NE ¼ Sec 2 T5N R14E	5 Acres
— 10.) NW ¼ SW ¼ Sec 36 T6N R14E	3 Acres
— 11.) NW ¼ NW ¼ Sec 1 T5N R14E	18 Acres
— 12.) SE ¼ SW ¼ Sec 35 T6N R14E	6 Acres
— 13.) NE ¼ NW ¼ Sec 2 T5N R14E	<u>5 Acres</u>
	220 Acres

Pivot 2

<u>Description</u>	<u># of Acres</u>
— 1.) SW ¼ NE ¼ Sec 36 T6N R14E	40 Acres
— 2.) NW ¼ NE ¼ Sec 36 T6N R14E	13 Acres
— 3.) SE ¼ NE ¼ Sec 36 T6N R14E	8 Acres
— 4.) NE ¼ SE ¼ Sec 36 T6N R14E	6 Acres
— 5.) NW ¼ SE ¼ Sec 36 T6N R14E	4 Acres
— 6.) NE ¼ SW ¼ Sec 36 T6N R14E	30 Acres
— 7.) NE ¼ NW ¼ Sec 36 T6N R14E	10 Acres
— 8.) SE ¼ NW ¼ Sec 36 T6N R14E	<u>39 Acres</u>
	150 Acres

Pivot 3

<u>Description</u>	<u># of Acres</u>
— 1.) NE ¼ NE ¼ Sec 1 T5N R14E	11 Acres

— 2.) SE ¼ NE ¼ Sec 1 T5N R14E	27 Acres
— 3.) NE ¼ SE ¼ Sec 1 T5N R14E	5 Acres
— 4.) NW ¼ NW ¼ Sec 6 T5N R14E	3 Acres
— 5.) SW ¼ NW ¼ Sec 6 T5N R14E	<u>4 Acres</u>
	50 Acres

Pivot 4

<u>Description</u>	<u># of Acres</u>
— 1.) SE ¼ SW ¼ Sec 1 T5N R14E	30 Acres
— 2.) NE ¼ SW ¼ Sec 1 T5N R14E	4 Acres
— 3.) NW ¼ SW ¼ Sec 1 T5N R14E	2 Acres
— 4.) SW ¼ SW ¼ Sec 1 T5N R14E	30 Acres
— 5.) NW ¼ NW ¼ Sec 12 T5N R14E	7 Acres
— 6.) NE ¼ NW ¼ Sec 12 T5N R14E	<u>7 Acres</u>
	80 Acres

FFL
VALLEY

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Two Rivers Ranch – Pivot Systems

Pumping Plants

Pivots 1 & 2:

- Pump at river – Cornell model 5H or equivalent **1600 GPM**
- Pump at river powered by Written-Pole Electric Motor – 60 HP
This pump will supply water to both pivots 1 and 2 and will run water on pivot 2
- Pivot 1 will require booster at pivot point, motor at pump site is not big enough to run water through pivot 1. Booster at pivot shall be spec'd by pivot manufacturer.
- Pump designed to run one pivot at a time

Pivot 3:

- Pump at river – Cornell model 3RB or equivalent **600 GPM**
- Pump at river powered by any brand single phase 15 HP electric motor
- Pump will supply pivot 3 only and will run water on pivot 3

Pivots 4

- Pump at river – Cornell model 4RB **800 GPM**
- Pump at river powered by Written-Pole Electric Motor – 40 HP
- Pump will supply pivots 4 and will run water on pivot 4
- Pump designed to run one pivot at a time



12297 U.S. HWY 41 NORTH • PALMETTO, FLORIDA, 34221 U.S.A.
 PHONE: (941) 722-1600 FAX: (941) 729-4337
 E-MAIL: info@precisepwr.com
 WEB SITE: www.precisepwr.com

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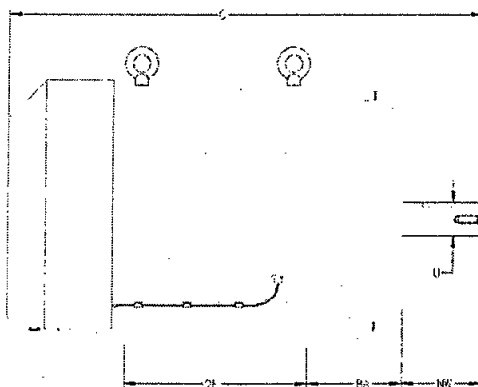
WRITTEN-POLE® MOTOR SINGLE-PHASE, HIGH EFFICIENCY, INTERNAL ROTOR DESIGN CHARACTERISTICS AND SPECIFICATIONS

CHARACTERISTICS:

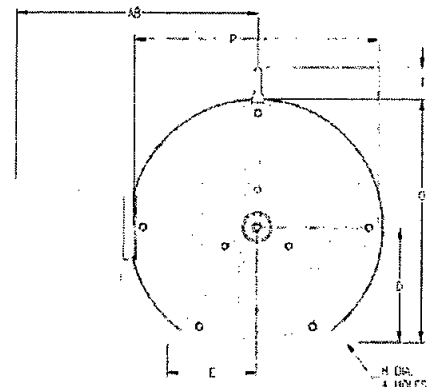
- Single-phase, 30 to 75 HP
- TEFC design
- Low starting current across-the-line
- High efficiency
- Unity power factor
- Eliminates flicker and line sags
- Synchronous
- Low harmonic input
- Smooth (constant torque) start
- High starting torque per amp
- Starts high inertia loads
- Instant restart after MPIs (Momentary Power Interruptions)
- High power factor during start
- Complete unit includes control system in a separate NEMA-4X enclosure

SPECIFICATIONS:

Rating (hp)		30	40	50	60	75
Speed (rpm)		1800	1800	1800	1800	1800
Voltage (nominal)		230	240	460	460	460
Frequency (Hz)		60	60	60	60	60
Full Load Amps (FLA)		104	142	85	103	129
Locked Rotor Amps (LRA)		197	282	160	196	225
Full Load Torque (ft.lb.)		87.5	117	148	175	218
NEMA Frame Size:	Iron	365T	445T	445T	445T	445T
Weight (lbs)	Iron	950	1800	1900	2000	2200
Ambient Starting Temp. Range	Ambient Starting Temperature is 4° C to 40° C. If your application is outside this range, please contact Precise Power Corp.					
Efficiency %		93%	93.5%	93.5%	94%	94%



ADVISORY
 Drawings for
 graphical
 purposes only.



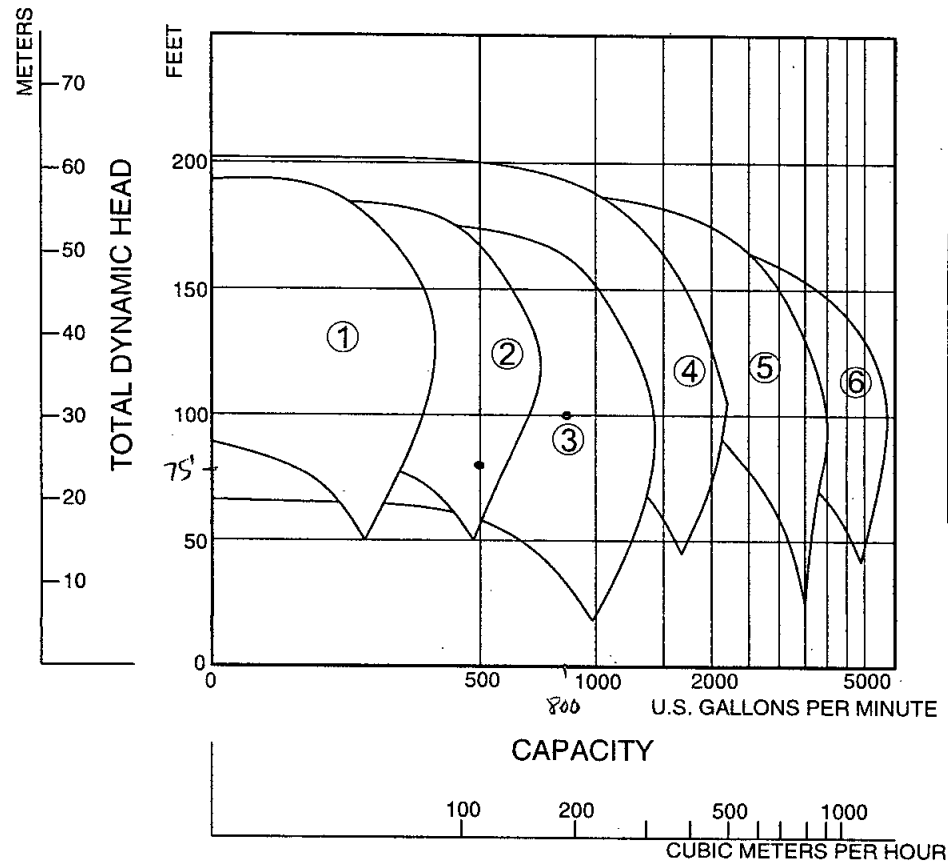
Frame	C	D	E	H	NW	O	P	R	S	T	U	AB	BA	ES	2E	2F
365T	34.50	8.86	7.00	.66	6.08	18.28	19.29	2.021	.625	2.67	2.375	17.28	5.67	4.56	14.01	12.25
445T*	47.70	11.00	9.00	.81	8.50	23.01	25.83	2.88	.875	2.67	3.375	22.24	7.50	7.33	18.00	16.50

* = Approx. Values

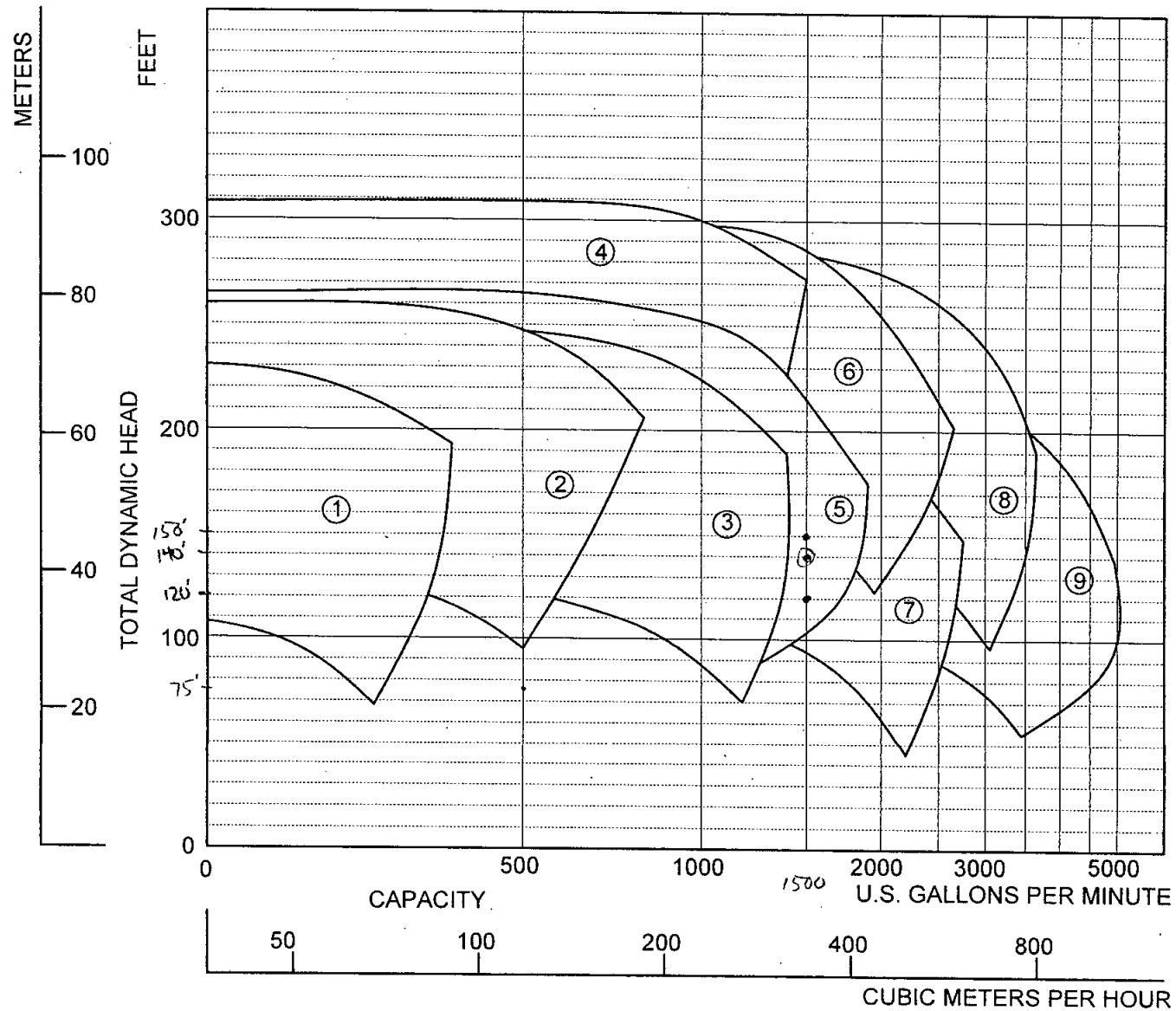
The PPC Logo and Written-Pole are Registered Trademarks of Precise Power Corp. - Palmetto, Florida, U.S.A.
 Precise Power Corporation is a Trademark of Precise Power Corp. - Palmetto, Florida, U.S.A.

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R-SERIES - 1800 RPM



1800 RPM RB Series Enclosed Impellers		
Curve	Model	RPM
1	2.5RB	1770
2	3RB	1775
3	4RB	1775
4	5RB	1780
5	6RB	1780
6	10RB	1785



Cornell Pump Company • Portland, Oregon

H SERIES - 1800 RPM

4/29/10

FAM-H-18

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WATER RIGHTS
PROGRAM

RCVD 4/11

Soil Investigation Report – Jim Scull – Two Rivers Ranch

On April 16, 2013, Jon Weidemann and I investigated 5 fields for suitability to convert to sprinkler irrigation on Jim Scull's Two Rivers Ranch. For pivot 1 (see attached map), approximately two-thirds of the field was KbB (Kyle clay, 2 to 6 percent slopes) which is not suited to sprinkler irrigation. Soil borings were taken on the KbB map unit and those borings confirmed the Kyle soil. The Kyle soil is fine textured and is placed in the .1 Intake Family. The slow water intake normally restricts this soil being suited to sprinkler irrigation. The average slope of the KbB map unit is approximately 4 percent. Based on these observations, I would not recommend the field be converted to sprinkler irrigation. In addition, saline seeps were observed where the SwB (Swanboy clay, 2 to 6 percent slopes) map unit is located. There is an additional concern for those saline seeps to grow if the field was irrigated.

Pivot 2 has approximately 50 percent of the area mapped as Kyle clay, 0 to 2 percent slopes (KyA) and approximately 50 percent mapped as Lohmiller silty clay loam, 0 to 2 percent slopes (Le). Soil borings confirmed the soils mapped. Lohmiller is suited to sprinkler irrigation and the Kyle will be suited to sprinkler irrigation if managed properly. I would recommend the area be planted to long term alfalfa. For best results, I would recommend the grass be sprayed and alfalfa no-tilled in. If the area is to be cropped, I would recommend a diverse high residue crop rotation with winter wheat-corn-sorghum all no-tilled. A multi-specie cover crop including warm and cool season broadleaves and grasses will be very beneficial for the fallow period after winter wheat. The low water intake rate of the Kyle soil is a concern and maintaining soil porosity with no tillage is the key to maintaining/improving water intake. Also, there is a small area of saline soil on the far west side of the field. Care should be taken to make sure the salt area does not grow in size if irrigated. Diverting the overhead water outside the area under the pivot will help keep the saline area from growing further. Providing internal soil drainage by tiling may also be an option if the saline area doesn't improve.

The majority (85%) of Pivot 3 is mapped KyB (Kyle clay, 2 to 6 percent slopes). Normally, this would not be suited to sprinkler irrigation. However, soil borings indicated good soil porosity even after being farmed under irrigation in the past. Since this field was sprinkler irrigated in the past and showed no signs of accelerated erosion or increased salinization of the field, this field could possibly be returned to an irrigated field. The field could be planted to long term alfalfa or cropped to annually cultivated crops if it was strictly no-tilled with a diverse rotation of high residue crops. Use of cover crops would also be recommended. The slow intake rate and degree of slope (> 2 percent) would lead to high runoff without substantial cover. Research should be done to see how this field was cropped in the past if it is to be converted to sprinkler irrigation. However, I still recommend this field be left in grass and grazed.

All of Pivot 4 is mapped Kyle soil on both A and B slopes with the majority (80%) being KyA (Kyle clay, 0 to 2 percent slopes). Soil borings did not confirm the presence of this soil on the majority of the mapped area to be put under center pivot. The soil observed mostly resembled Lohmiller silty clay loam. A large drainage above this area has

deposited a large amount (>3 feet) of sediment in this area. The drainage is now diverted away from the area. This field would be suited to sprinkler irrigation based on the soils observed. I would once again recommend long term alfalfa or no-tilled high residue crops in a diverse rotation. There is a high potential for wind erosion on this soil if residue is not left on the surface. Also, there are a number of rills and a gully in this area as well. I recommend this area be leveled before being planted. The large diversion will need to be repaired with culverts taken out before leveling. I would recommend the diverted water be taken to the east of the pivot area and meandered back to the Belle Fourche River if possible.

Most of the area under Pivot 5 is mapped KbB (Kyle clay, 2 to 6 percent slopes). Slopes in the area are on the low end of slope range with an average of about 2.5 percent. This field could be sprinkler irrigated if planted to long term alfalfa or no-tilled with a high residue crop rotation. Use of cover crops will be very beneficial if cropped. I recommend installing a water diversion be put in especially on the northeast side where a fairly large drainageway dumps water/sediment into the field. This will eliminate excess water entering the field and help prevent rills and gullies from forming during high moisture periods. Some land leveling will also be beneficial as well if a diversion is put in.

Let me know if you have any questions.

Submitted by,

Kent Cooley
Area Resource Soil Scientist
Rapid City Field Support Office



**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. 1939-1 Magic Canyon LP**

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. 1939-1, Magic Canyon LP, c/o James L Scull, PO Box 7591, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 1939-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

for 
Jeanne Goodman, Chief Engineer
July 1, 2013

REPORT ON WATER PERMIT APPLICATION NO. 1939-1
Magic Canyon, LP
June 25, 2013

Application No. 1939-1 proposes to appropriate 6.68 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE¼ SE¼ Section 36, T6N-R14E; NE¼ SE¼ Section 1, T5N-R14E and the NE¼ NW¼ Section 12, T5N-R14E. The application proposes to irrigate 500 acres located in the SE¼, SE¼ SW¼ Section 35, T6N-R14E; NE¼, NE¼ NW¼ Section 2, T5N-R14E; W½ NE¼, SE¼ NE¼, N½ SE¼, NE¼ SW¼, W½ SW¼, E½ NW¼ Section 36, T6N-R14E; E½ NE¼, NE¼ SE¼, SW¼, NW¼ NW¼ Section 1, T5N-R14E; N½ NW¼ Section 12, T5N-R14E; W½ NW¼ Section 6, T5N-R15E. The project is located in southeastern Meade County approximately 4 miles upstream from the confluence with the Cheyenne River.

Review of the Water Source – Belle Fourche River

The water source for this proposed project is the Belle Fourche River located in the SE¼ SE¼ Section 36, T6N-R14E; NE¼ SE¼ Section 1, T5N-R14E and the NE¼ NW¼ Section 12, T5N-R14E 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. This project 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 1929 the United States Geological Survey (USGS) has maintained a stream flow gaging station on the Belle Fourche River near Elm Springs, South Dakota, located approximately 20 miles upstream of this proposed project. This gage is located downstream of several Belle Fourche Project waterways 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 198 to 305 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 72 to 167 cfs or greater for this same period of time during any given year.

Table 1. Belle Fourche River near Elm Springs, SD Median Flow Probabilities in cfs.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	2	3	32	33	32	74	68	68	43	31	29	8
75%	10	14	58	58	72	145	167	157	134	51	39	20
50%	22	31	110	143	198	305	250	228	226	71	57	34
25%	45	95	557	556	741	827	380	318	294	108	82	50
10%	110	367	1558	1383	1714	2046	635	416	359	226	153	100

A portion of the water in this section of the river consists of irrigation return flows coming from the Belle Fourche Irrigation District during irrigation season. The impact of the irrigation return

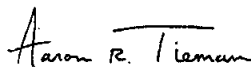
water can be observed in Table 1 as the overall increase in the flows during the months of May through September. Because the amount of water or method of irrigation can change from one season to the next, return flows should not be expected to provide a reliable supply of water.

Review of the Project and Existing Water Rights

There should be no adverse effects to existing users if the application is approved, since there are no existing water rights downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers.

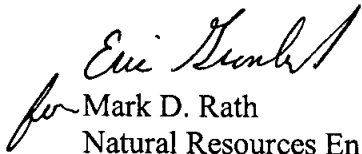
Conclusions

1. Application No. 1939-1 proposes to appropriate 6.68 cfs from the Belle Fourche River to irrigate 500 acres located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T6N-R14E; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T5N-R14E; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 36, T6N-R14E; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T5N-R14E; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12, T5N-R14E; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, T6N-R14E.
2. A portion of the water in this section of the river consists of irrigation return flows coming from the Belle Fourche Irrigation District 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.
3. Approval of this project would not be expected to adversely affect existing downstream water rights.



Aaron R. Tieman
Natural Resource Engineer II

Approved by


for 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.

RECEIVED

JUL 15 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

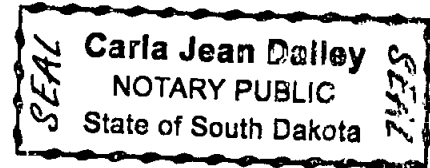
State of South Dakota
County of Meade

Karen L. Wallace, being duly sworn, says: That the *Meade County Times-Tribune* is, and during all times hereafter mentioned, was a legal newspaper as deemed in SDCL 17-2-2, as amended, published at Sturgis, Meade 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., July 10, 2013

That the full amount of the fee charged for publishing the same, to with, that of \$27.07, 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 11th day of July, 2013.

Carla Jean Dalley
Notary Public, South Dakota

My commission expires May 24, 2018

**NOTICE OF APPLICATION
NO. 1939-1 to Appropriate
Water**

Notice is given that Magic Canyon LP, c/o James L. Scull, Jr., PO Box 7591, Rapid City SD 57709 has filed an application for a water permit to appropriate 6.68 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 SE 1/4 Section 36-T6N-R14E, NE 1/4 SE 1/4 Section 1-T5N-R14E and the NE 1/4 NW 1/4 Section 12-T5N-R14E. The application proposes to irrigate 500 acres located in the SE 1/4, SE 1/4 SW 1/4 Section 35-T6N-R14E; NE 1/4, NE 1/4 NW 1/4 Section 2-T5N-R14E; W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, W 1/2 SW 1/4, E 1/2 NW 1/4 Section 36-T6N-R14E; E 1/2 NE 1/4, NE 1/4 SE 1/4, SW 1/4, NW 1/4 NW 1/4 Section 1-T5N-R14E; N 1/2 NW 1/4 Section 12-T5N-R14E; W 1/2 NW 1/4 Section 6-T5N-R15E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1939-1 because

- 1) Un-appropriated 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 July 22, 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.

/s/ Steven M. Pirner

Steven M. Pirner, Secretary

Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.07.

Published

**Wed., July 10, 2013
Meade County Times
Tribune**

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUL 24 2013

County of Pennington

SS:

WATER RIGHTS
PROGRAM

July 10
L20799266

NOTICE OF APPLICATION

NO. 1939-1 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1939-1 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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(Published once at the total approximate cost of \$55.44).

Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

week for one successive weeks, the first publication there of being on the 10th day of July that the fees charged for the publication there of are 55 dollars and 44 cents.

Brandyn Crawford

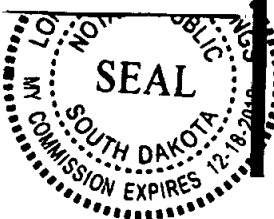
Subscribed and sworn to before me this 22nd day of July, 2013.

Quinn K. Cummings

Notary public

Dec. 18, 2016

My commission expires





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 2, 2013

Meade County Times-Tribune
1022 Main St
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1939-1 to Appropriate Water. Please publish the notice once on July 10, 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 Magic Canyon LP, c/o James L Scull Jr., PO Box 7591, Rapid City SD 57709 (Ph # 605-343-3842).

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

July 2, 2013

Rapid City Journal
PO Box 450
Rapid City SD 57701

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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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

July 2, 2013

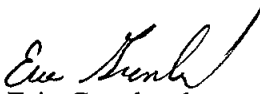
Magic Canyon LP
James L Scull Jr
PO Box 7591
Rapid City SD 57709

Dear Mr. Scull:

Water Permit Application No. 1939-1 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 Meade County Times-Tribune printed at Sturgis SD (Ph # 605-347-2503) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). 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 July 10, 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.

NOTICE OF APPLICATION NO. 1939-1 to Appropriate Water

Notice is given that Magic Canyon LP, c/o James L Scull, Jr., PO Box 7591, Rapid City SD 57709 has filed an application for a water permit to appropriate 6.68 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 SE 1/4 Section 36-T6N-R14E, NE 1/4 SE 1/4 Section 1-T5N-R14E and the NE 1/4 NW 1/4 Section 12-T5N-R14E. The application proposes to irrigate 500 acres located in the SE 1/4, SE 1/4 SW 1/4 Section 35-T6N-R14E; NE 1/4, NE 1/4 NW 1/4 Section 2-T5N-R14E; W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, W 1/2 SW 1/4, E 1/2 NW 1/4 Section 36-T6N-R14E; E 1/2 NE 1/4, NE 1/4 SE 1/4, SW 1/4, NW 1/4 NW 1/4 Section 1-T5N-R14E; N 1/2 NW 1/4 Section 12-T5N-R14E; W 1/2 NW 1/4 Section 6-T5N-R15E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1939-1 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 July 22, 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_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 29 2013

Magic Canyon LP
James L Scull Jr
PO Box 7591
Rapid City SD 57709

Dear Mr. Scull:

Enclosed is Water Permit No. 1939-1 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1939-1

I have this day June 27, 2019 made a thorough examination of the water use system constructed by Magic Canyon LP, PO Box 7591, Rapid City SD 57709 of Permit No. 1939-1, bearing the priority of 5/1/2013 authorizing the diversion of 5.12 cu. ft. per second of water of the Belle Fourche River for irrigation purposes in Meade County. *The 5.12 cfs reflects the diversion rate from the "reissued permit"*

Inspection contact & relationship to permit holder : **Bryan Ulring , ranch manager**
(406) 660-1232 (cell)

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 5RB-RP-F10
- 3) Size 8"X 5"

Power:

- 1) Source Electric
- 2) Horsepower rating 60 hp

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

- 1) Type PVC pipe
- 2) Size 10 inches
- 3) Length 1,320 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make T & L
- 2) Machine length 1,315' feet
- 3) Number of towers 8 End Gun Yes
- 4) Capacity 1,100 gpm
- 5) Acres 142.9 (full circle)

D. Chemigation Equipment: operator does not Chemigate

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
- 3) List any extended period of nonuse: none
- 4) Exceptions to compliance are: none

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
394' S and 2,024' E of the NW corner Section 12 T5N R14E (44.414918, -102.373031).
2. The works are capable of diverting and conveying to the place of use 2.45 cu. ft. per second of water (1,100 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 1 T5N R14E</u>		<u>Section 12 T5N R14E</u>
NW ¼ SW ¼ 13.9 acres	NE ¼ SW ¼ 20.1 acres	NW ¼ NW ¼ 10.5 acres
NW ¼ SE ¼ 0.4 acres	SW ¼ SW ¼ 37.0 acres	NE ¼ NW ¼ 14.9 acres
SE ¼ SW ¼ 40.0 acres	SW ¼ SE ¼ 6.1 acres	

comprising a total of 142.9 acres of land and the license should be issued for 2.04 cfs. (2.04 cfs is based on the statutory limit for the acres developed)

All structures, wells and lands on map: **Yes**

G. Comments or other permits associated with the project: Water Permit 1939-1 appropriated 6.68 cfs and authorized 500 acres of irrigation. Water Permit No. 1939A-1 amended Water Permit No. 1939-1 transferring 97 acres and adding a diversion point located approximately 7 miles southwest. The diversion rate associated with the irrigation of the 97 acres is 1.56 cfs. No increase in the diversion rate or the number of acres irrigated was authorized by Permit No. 1939A-1. **After Water Permit No. 1939-1 was amended the number of acres of irrigation authorized was reduced to 403 acres and the diversion rate was reduced to 5.12 cfs.**



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 7/3/2019



Belle Fourche River diversion location 6/27/19

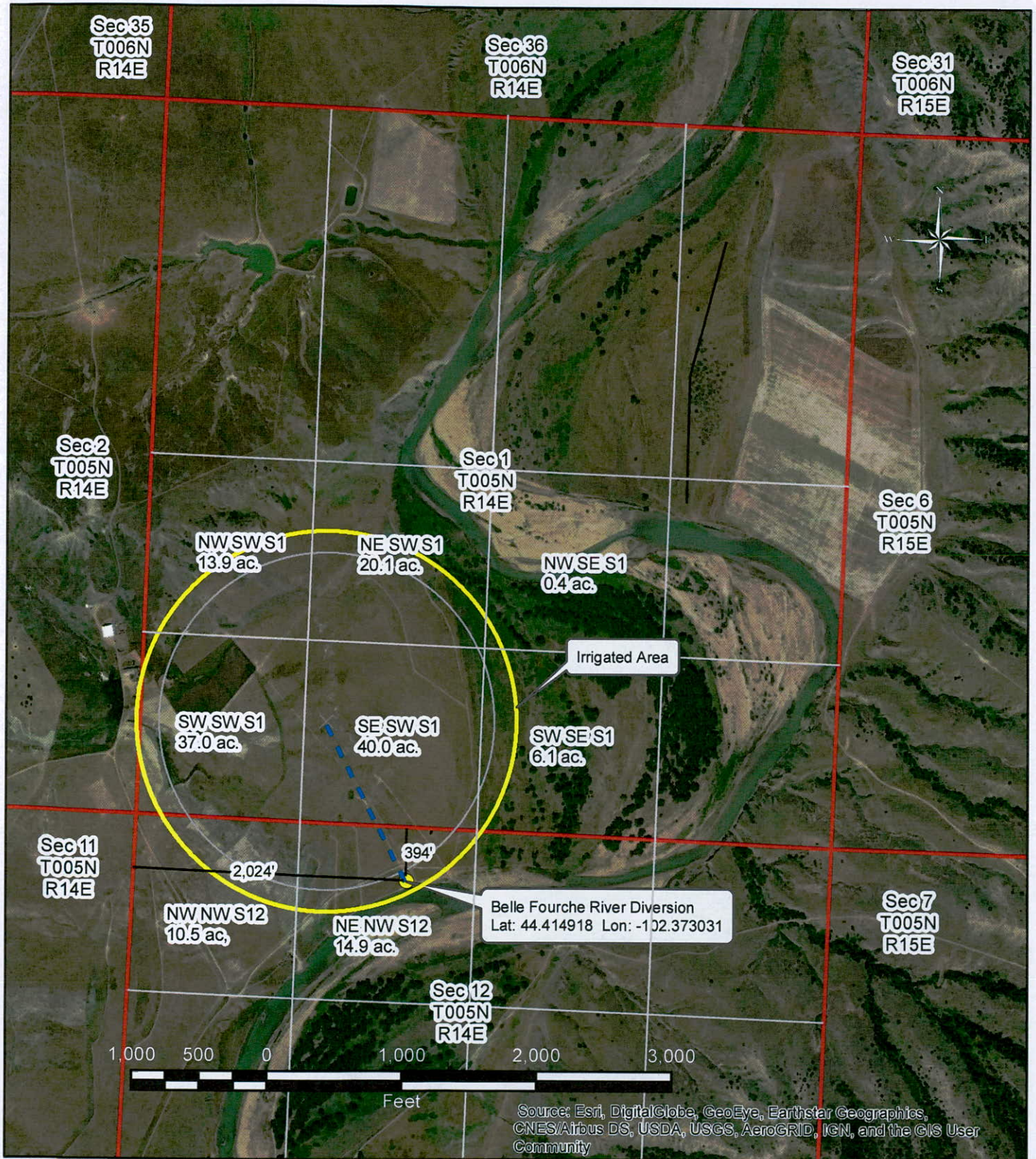


Center Pivot



Trailer mounted pump

**Water Right #1939-1
Magic Canyon LP
6/27/2019**



Steven Quissell

Steven Quissell
Water Rights Inspector
DNR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Magic Canyon LP – c/o James Scull Jr.

ADDRESS: PO Box 7591, Rapid City SD 57709

DATE: July 25, 2019

COUNTY: Meade

TELEPHONE:

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

A licensing investigation was conducted for reissued Water Permit No. 1939-1. The permit as reissued appropriated 5.12 cubic feet of water per second (cfs) from the Belle Fourche River for irrigation of 403 acres located to be located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T6N-R14E; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2-T5N-R14E; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 36-T6N-R14E; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1-T5N-R14E; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12-T5N-R14E; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6-T5N-R15E.

The licensing investigation found only one center pivot was developed which is capable of irrigating acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12; all in T5N-R14E. **The W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1 was not listed on the original water permit.**

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 142.9 acres as compared to 403 acres authorized by the reissued permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes – the acres are part of the coverage by a standard quarter section center pivot.

- **Owned by Same Property Owner**

Yes – the 2016 Meade County plat book shows Magic Canyon LP as the owner of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1.

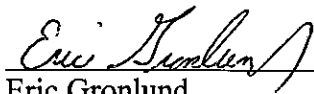
- **Developed Prior to Expiration of Construction Period**

The date to complete construction of works was July 12, 2018. The 2018 irrigation questionnaire states “Started system on August 14, 2018”. While this after the date to complete construction, it is presumed that construction was well under way or completed by July 12, 2018.

continued

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 6.5 acre area be included in the water license.

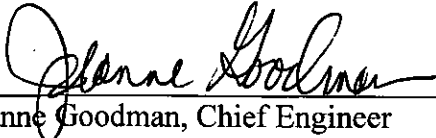


Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer

Water Rights Program



1939-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 03 2019

1939-1
1939A-1

James Scull Jr
Magic Canyon LP
PO Box 7591
Rapid City SD 57709

Dear Mr. Scull:

Enclosed are Water License Nos. 1939-1 and 1939A-1. They are the final water right documents completing your process of obtaining Water Rights. Included with each 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 Licenses, 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1939-1

(1) Magic Canyon LP, PO Box 7591, Rapid City SD 57709 made Application No. 1939-1, May 1, 2013 for a water permit to divert from the Belle Fourche River, Meade County, South Dakota for irrigation purposes. On May 29, 2018, the Water Management Board authorized transferring 97 acres and the associated diversion rate of 1.56 cfs to other lands (see Water Permit No. 1939A-1). Water Permit No. 1939-1, as reissued, authorized diversion of 5.12 cubic feet of water per second with a priority date of May 1, 2013 to irrigate 403 acres. The permit was issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 22, 2018 and for the application to beneficial use of water on or before July 22, 2022.

The licensing investigation found one center pivot developed for irrigating 142.9 acres of the original 403 acres authorized. Of the acreage developed, 6.5 acres were developed in the W ½ SE ¼ Section 1, T5N, R14E and outside of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the change of acreage did not impair existing water rights and the overall project is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.04 cubic feet of water per second for beneficial use (*The 2.04 cfs diversion rate is based on the statutory limit for the acreage developed.*)
The location of the diversion point is:

- 394'S and 2,024'E of the NW corner of Section 12, T5N R14E (NE ¼ NW ¼ Section 12)
Latitude 44.414918, Longitude -102.373031

(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 1, T5N, R14E				Section 12, T5N, R14E	
NW ¼ SW ¼	13.9 acres	NW ¼ SE ¼	0.4 acres	NW ¼ NW ¼	10.5 acres
NE ¼ SW ¼	20.1 acres	SW ¼ SE ¼	6.1 acres	NE ¼ NW ¼	14.9 acres
SW ¼ SW ¼	37.0 acres				
SE ¼ SW ¼	40.0 acres				
				Total 142.9 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Magic Canyon LP, PO Box 7591, Rapid City SD 57709 the holder and/or owner of Water Right No. 1939-1 is issued a license to appropriate water, the right to use 2.04 cubic feet of water per second from the Belle Fourche River with a priority date of May 1, 2013 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. 1939-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use including livestock water and prior water rights must be bypassed.

Continued

- Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
- This water right is subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 03 2019

date

