

WATER PERMIT NO. 1944-1

Name of Applicant: Morris Inc.

Address: PO Box 1162, Pierre SD 57501 Phone: 605 223-2585

Amount of Water Claimed: 0.67 cfs (48 storage dam) Total Acres: NA

Source of Water Supply: Belle Fourche River

Water to be used for: commercial County: Meade

Type of Waste Disposal System:

Location: approximately 20 miles northeast of Sturgis along Hwy 34

PRIORITY Date Received: 2-7-14 Application/License Fee: \$ 700

Corrected Application Received: 2-10-14 Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 3-T6N-R8E

Land to be Irrigated: NA

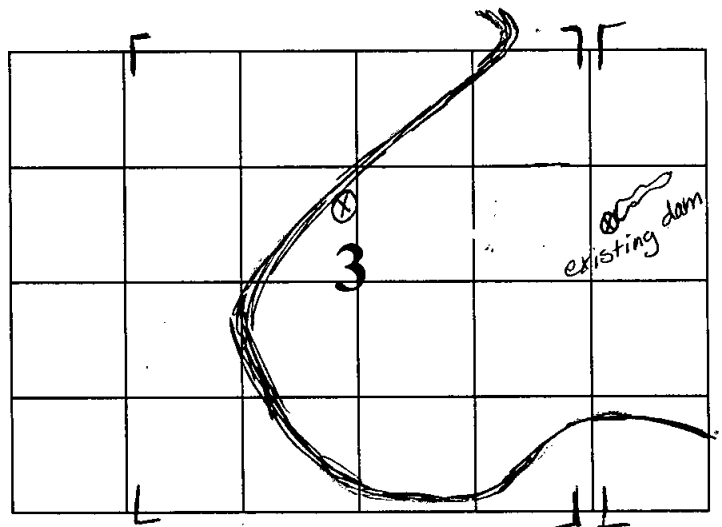
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Grönlund



Reviewed and the Number Assigned on: 2-10-14

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 1944-1 Hydrologic Unit 10120202
Basin Belle Fourche River 605-347-2503
Newspaper Meade Co. Times 1022 Main St. Sturgis 57785
Rapid City Journal Box 450, 57701 605-394-8300

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FEB - 5 2014

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application:

(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit Morris Inc
(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent P.O. Box 1162 Pierre 57501
(name and complete address if different than above name)
Mailing Address 301 West Hwy 14/34 Ft. Pierre SD 57532
(Address) (City) (State) (Zip Code)
Home Phone 605-223-2585 Cell _____ Email _____
2. Amount of water claimed 0.67 *CFS or 300 **GPM 48 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Belle Fourche River
4. Location of point of diversion SE 1/4 NW 1/4 Sec 3 T6N R8E County Meade
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
5. County or counties where water will be used Meade County
6. Annual period during which water is to be used March 1 - November 30
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

wash plant and on-site dust control. Divert to existing dam and then to settling ponds as needed
divert to two settling pond and recycle & re-use (see map)
contact Kyle Peterson - 222-2407
landowner John Miller

I, [Signature], 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. 1944-1

Date of first receipt of application February 5, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1944-1 to Morris Inc., PO Box 1162, Pierre SD 57501 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. 1944-1 appropriates 0.67 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 NW 1/4 Section 3-T6N-R8E. Water will be diverted from the Belle Fourche River into an existing dam (48 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 2-T6N-R8E. Water will be diverted from the dam to two settling ponds where it will be recycled and reused at the wash plant and on-site dust control.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: March 1 – November 30.
4. The date of approval of Permit No. 1944-1 is April 28, 2014.
5. The date from which applicant may claim right is February 5, 2014.
6. One-fifth of the construction is to be completed on or before October 28, 2016.
7. All construction is to be completed on or before April 28, 2019.
8. Water is to be put to beneficial use on or before April 28, 2023.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

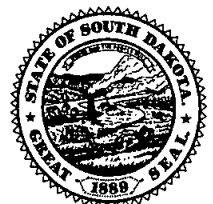
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. Permit No. 1944-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to replenish the storage dam and the holding/settling ponds for losses due to evaporation, wash plant use and dust control purposes. Water shall be re-circulated through the holding/settling ponds and reused to minimize the need to make Belle Fourche River diversions.

WATER MANAGEMENT BOARD

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

MAY 16 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

2 ponds each

a) Surface Dimensions 150' x 150' Depth 12"

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height 12'

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

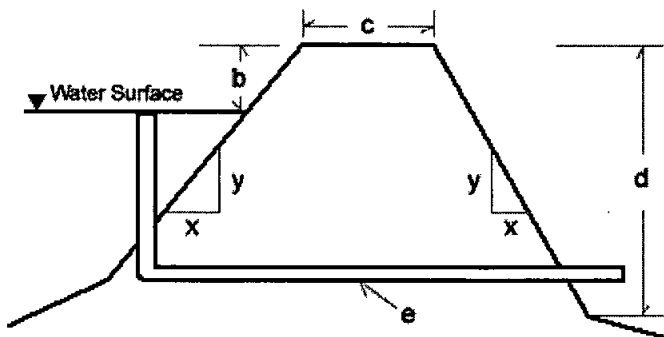
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





Google earth

feet
meters

2000

800



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FEB - 5 2014

WATER RIGHTS
PROGRAM

Water Permit Application for Morris Inc

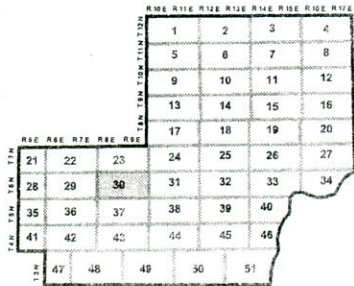
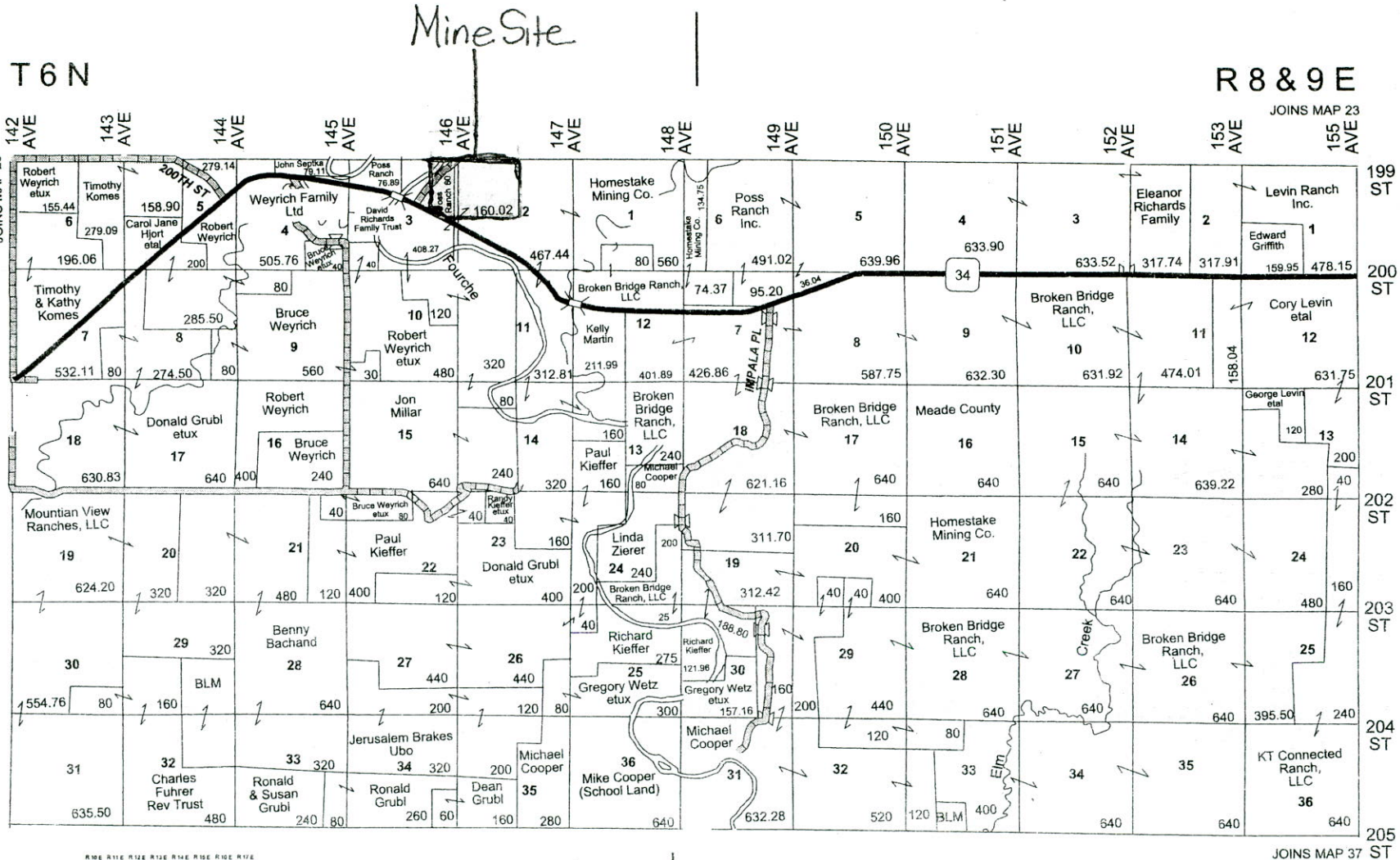


5,200 2,600 0 5,200 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
February 5, 2014
based on representation by Kyle Peterson



MAP 30

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FEB - 5 2014
WATER RIGHTS
PROGRAM

LAND OWNER & RURAL RESIDENT MAPS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/10, 20 14

RECEIVED OF Morris Inc PO Box 1162 Pierre SD 57501

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

Fee for Application for Permit No. <u>1944-1</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>1944-1</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. **06735**

By J. Anne Goodman
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>

**TEMPORARY PERMIT TO USE PUBLIC WATERS
FOR CONSTRUCTION PURPOSES**

This temporary permit to use public waters for construction purposes is issued to Morris Inc., PO Box 1162, Pierre SD 57501 authorizing withdrawal of 4,000,000 gallons of water at a maximum rate of 300 gallons per minute from the Belle Fourche River located in the NE ¼ Section 3, T6N, R8E, Meade County. The project involves pumping water into ponds to be used for aggregate washing with materials to be used for highway construction.

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

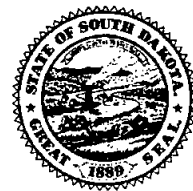
This temporary permit becomes effective March 1, 2014 and expires on December 31, 2014. **An application has been filed for an appropriative water permit for this project. This temporary permit will expire on approval of the new permit or on December 31, 2014, whichever comes first. Additional temporary permits for this project at this location will not be issued.**

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issuance of this temporary permit deals with the withdrawal of water only. It does not address other concerns or permitting issues from other State or Federal entities.

Issued: February 5, 2014

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



emailed to:

- Morris Inc.
- Tom Cline, Minerals & Mining Program
- Leslie Murphy, Dept. of Game, Fish and Parks
- Dale Healey, SD DOT Environmental Office



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1944-1, Morris Inc.**

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. 1944-1, Morris Inc., c/o Kyle Peterson, PO Box 1162, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 1944-1 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.

Permit No. 1944-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to replenish the storage dam and the holding/settling ponds for losses due to evaporation, wash plant use and dust control purposes. Water shall be re-circulated through the holding/settling ponds and reused to minimize the need to make Belle Fourche River diversions.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
April 1, 2014

REPORT ON APPLICATION NO. 1944-1

Morris, Inc.
March 14, 2014

Water Permit Application No. 1944-1 proposes to appropriate 0.67 cubic feet of water per second (cfs) from the Belle Fourche River located in SE¼ NW¼ Section 3, T6N-R8E for commercial use in a gravel washing plant.

Water will be diverted from the Belle Fourche River into an existing dam (48 acre-feet storage capacity) and then pumped from the dam to two settling ponds where it will be recycled and reused at the wash plant and as on-site dust control. The project will be located approximately 20 miles northeast of the town of Sturgis along State Highway 34 in Meade County, South Dakota.

REVIEW OF WATER SOURCE – BELLE FOURCHE RIVER

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 distance of 290 river miles. Included in this stretch is the Belle Fourche Reservoir, which is part of the United States Department of the Interior's Belle Fourche Project. This project was completed in 1914 and 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, SD, located across the river from the proposed diversion. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 227 to 248 cfs or greater for the months May through September during any given year. There is a 75 percent probability the median flow rate could range from 88 to 173 cfs or greater for this same period of time. (Table 1)

Table 1. USGS Gage on the Belle Fourche River near Sturgis, SD - Median Flow Probabilities (cfs)

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	10	14	27	41	49	89	148	148	99	36	30	22
75%	18	23	50	55	88	166	202	205	173	54	45	26
50%	28	38	99	127	227	271	262	266	248	64	56	35
25%	43	100	412	488	649	655	368	332	305	91	78	52
10%	119	300	956	998	1500	1533	522	408	356	218	167	110

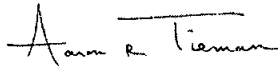
A portion of the water in this section of the river consists of irrigation return flows coming from the Belle Fourche Irrigation District (BFID) during irrigation season. The impact of the irrigation return water can be observed in Table 1 as the overall increase in the flows during the months of May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

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 20 existing water rights appropriating 70.54 cfs. Except during severe drought conditions in the Belle Fourche River Basin, historical USGS stream flow data indicates that a diversion rate of 0.67 cfs of water should not adversely impact existing water rights or domestic water use downstream of this proposed project.

CONCLUSIONS

1. Water Permit Application No. 1944-1 proposes to appropriate 0.67 cfs from the Belle Fourche River for commercial use in a gravel washing plant.
2. Water will be diverted from the Belle Fourche River into an existing dam (48 acre-feet storage capacity) and then pumped from the dam to two settling ponds as needed where it will be recycled and reused at the wash plant and as on-site dust control.
3. Except during severe drought conditions in the Belle Fourche River Basin, historical USGS stream flow data indicates that a diversion rate of 0.67 cfs of water should not adversely impact existing water rights or domestic water use downstream of this proposed project.



Aaron R. Tieman

Natural Resources Engineer II

Approved by



Mark D. Rath

Natural Resources Engineer III

BIBLIOGRAPHY

USGS National NWISWeb Water Information System 2014, Historical Stream Flow for South Dakota.

Water Right, 2014, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Affidavit of Publication

NOTICE OF APPLICATION NO. 1944-1 to Appropriate Water

Notice is given that Morris Inc., c/o Kyle Peterson, PO Box 1162, Pierre SD 57501 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 NW 1/4 Section 3-T6N-R8E. Water will be diverted from the Belle Fourche River into an existing dam (48 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 2-T6N-R8E. Water will be diverted from the dam to two settling ponds where it will be recycled and reused at the wash plant and on-site dust control for commercial use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1944-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2014.

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.

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

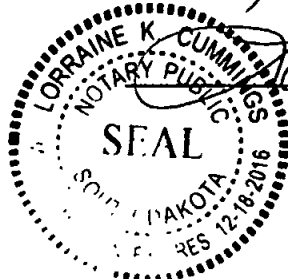
MAY - 9 2014

WATER RIGHTS
PROGRAM

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 MEADE COUNTY TIMES, a legal and daily newspaper printed and published in Sturgis, in said County of Meade, 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 weekly, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Sturgis, in said Meade 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 Meade County Times, 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 week, the first publication there of being on the 16th day of April that the fees charged for the publication there of are 32 dollars and 99 cents.

Brandyn Crawford

Subscribed and sworn to before me this 7th day of May, 2014.



Lorraine K. Cummings

Notary public

Dec. 18, 2016

My commission expires

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

MAY - 9 2014

County of Pennington

SS:

WATER RIGHTS
PROGRAM

Apr. 16
L20856987

NOTICE OF APPLICATION

NO. 1944-1 to Appropriate Water

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(Published once at the total approximate cost of \$54.88).

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 Week, the first publication there of being on the 16th day of April that the fees charged for the publication there of are 54 dollars and 88 cents.

Brandyn Crawford

Subscribed and sworn to before me this 7th day of May, 2014.



Lorraine K. Cummings
Notary public

Dec. 18, 2016
My commission expires



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 2, 2014

Meade County Times
1022 Main St
Sturgis SD 57785

ATTENTION: Legal Public Notice

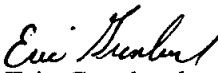
Enclosed is a Notice on Application No. 1944-1 to Appropriate Water. Please publish the notice once on April 9, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Morris Inc, c/o Kyle Peterson, PO Box 1162, Pierre, SD 57501 (Ph # 605-223-2585).

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

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

denr.sd.gov



April 2, 2014

Rapid City Journal
PO Box 450
Rapid City SD 57701

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

April 2, 2014

Morris Inc
Kyle Peterson
PO Box 1162
Pierre, SD 57501

Dear Mr. Peterson:

Water Permit Application No. 1944-1 for commercial 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 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 April 9, 2014. 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. 1944-1 to Appropriate Water

Notice is given that Morris Inc., c/o Kyle Peterson, PO Box 1162, Pierre SD 57501 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from the Belle Fourche River located in the SE 1/4 NW 1/4 Section 3-T6N-R8E. Water will be diverted from the Belle Fourche River into an existing dam (48 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 2-T6N-R8E. Water will be diverted from the dam to two settling ponds where it will be recycled and reused at the wash plant and on-site dust control for commercial use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1944-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 21, 2014.

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 _____.

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Friday, April 04, 2014 10:04 AM
To: Brandyn Crawford
Subject: RE: Notice 1944-1

Attached is the Notice for Application No. 1944-1. This notice is to be published in both the Meade county Times and the Rapid City Journal. Please publish in both papers on April 16th. I will contact Morris Inc. and tell them the notice will be a week later than originally scheduled.

I have talked with Paulette. Just so I understand correctly. We should be mailing the letters regarding notices for the Butte County Post and Meade County Time to you at the Rapid City Journal.

Karen

From: Brandyn Crawford [<mailto:Brandyn.Crawford@rapidcityjournal.com>]
Sent: Friday, April 04, 2014 10:48 AM
To: Schlaak, Karen
Cc: Paulette Kok
Subject: Notice 1944-1

Karen,

I just received a notice via email from our NH office on a Notice that they received in the mail today to publish on the 9th of April and we have already run legals in for the week, so the soonest I can publish this is the 16th, is there anything that needs to change in the notice???

Thank You,

Brandyn Crawford
Office – (605) 394-8334
brandyn.crawford@lee.net



Shoot for the moon. Even if you miss, you'll land among the stars. ~Les Brown

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 04, 2014 11:04 AM
To: 'Brandyn Crawford'
Subject: RE: Notice 1944-1
Attachments: 1944-1public.short.docx

Attached is the Notice for Application No. 1944-1. This notice is to be published in both the Meade county Times and the Rapid City Journal. Please publish in both papers on April 16th. I will contact Morris Inc. and tell them the notice will be a week later than originally scheduled.

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Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 07, 2014 9:18 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: FW: Notice 1944-1

I have not received these two affidavits. The permits can not be issued until we receive them.
Thanks,
Karen

From: Schlaak, Karen
Sent: Wednesday, April 30, 2014 9:48 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: FW: Notice 1944-1

Brandyn,
I need the affidavits for these notices that were in the RCJ and Meade Co Times.
Thanks,
Karen

From: Brandyn Crawford [<mailto:Brandyn.Crawford@rapidcityjournal.com>] **On Behalf Of** RCY Legals
Sent: Friday, April 04, 2014 2:17 PM
To: Schlaak, Karen
Subject: RE: Notice 1944-1

Karen,

Both ads are scheduled and ready to run !

Thank You,

Brandyn Crawford
Office – (605) 394-8334
brandyn.crawford@lee.net

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DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



MAY 16 2014

Morris Inc
PO Box 1162
Pierre SD 57501

Dear Sir:

Enclosed is Water Permit No. 1944-1 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

1944-1

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 7/31/2017

FROM: Theo Adamson
(name)

(address)

(city) (state) (zip) 605-222-2629
(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.

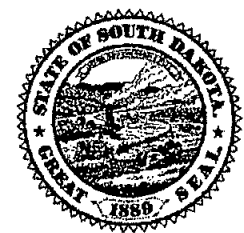
Water Permit No. 1944-1 states that the water use system is to be constructed by
4/28/19 (date), and water is to be put to beneficial use by 4/28/23 (date)

The water use system was completed on 6/2014 (date)

Applying the water to beneficial use was completed on 6/2014 (date)

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

X Theo Adamson



X Theo Adamson

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1944-1

I have this day, July 31, 2017 made a thorough examination of the water use system constructed by Morris Inc, P.O. Box 1162, Pierre, SD 57501 of Permit No. 1944-1, bearing the priority of 2/5/2014 authorizing the diversion of 0.67 cu. ft. per second of the waters of the Belle Fourche River for commercial purposes in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Theo Adamson, Plant Manager**
605-222-2629

A. Works used to divert the water:

Pump:

- 1) Make Twin Disc
- 2) Model SP 111 HP 3
- 3) Size 6" x 3"
- 4) Capacity 300 GPM

Power:

- 1) Source diesel
- 2) Horsepower rating 60+ hp

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

- 1) Type Aluminum and PVC pipe
- 2) Size 6 inches
- 3) Length 4,280 feet

Comments: **The pipe is buried from the pump to near the dam embankment (3,200 ft.) and above ground from the dam to the supply pond (1,080 ft.). The water is not diverted into the existing dam as stated on the permit.**

C. Works used to apply water to beneficial use:

Water is pumped periodically to supply the holding pond and used for dust control and for wash water for the gravel washing operation. Return flow is piped from the gravel washing operation to the settling pond and then circulated back to the holding pond.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
list any extended period of nonuse: none
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in **good** condition with the point of diversion located as follows:
1,707' S and 2,374' E of the NW corner Section 3 T6N R8E (44.513028, -103.136202).
2. The works are capable of diverting and conveying to the place of use **0.67** cu. ft. per second of water which is to be used for **commercial** use. Water has been put to beneficial use to the maximum extent as follows:
sand and gravel washing operation, dust control

The license should be issued for **0.67** cfs .

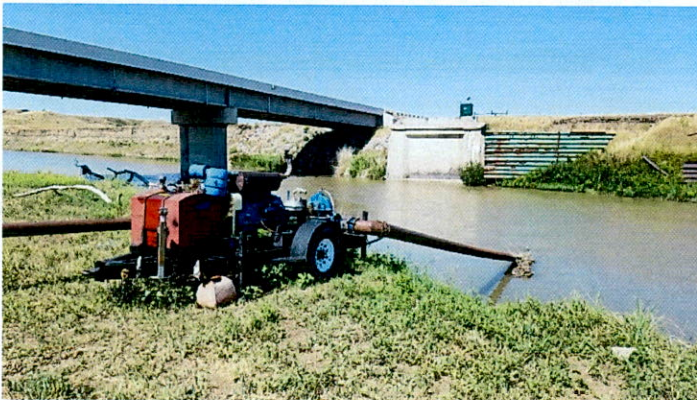
3. All structures, wells and lands on map **Yes**

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

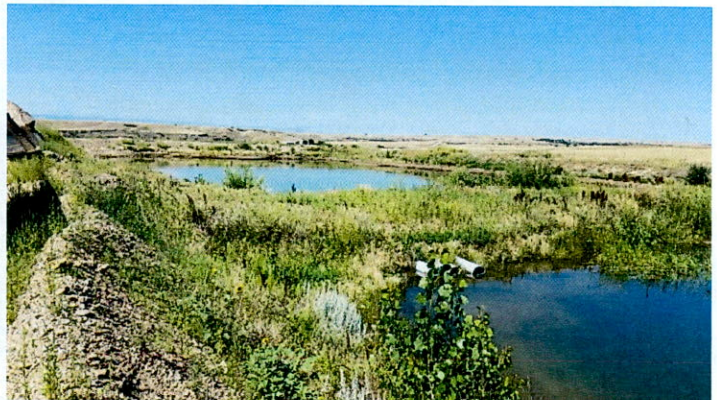


Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date Report Completed: **Aug 1, 2017**



Diversion pump at Belle Fourche River



holding pond (foreground), settling pond and return pipes from settling pond

Water Right #1944-1
Morris Inc.
July 31, 2017

Sec 34
T007N
R08E

Sec 35
T007N
R08E

1,707'

Diversion point
Lat: 44.513028
Lon: -103.136202

2,374'

207' x 135' Settling Pond

175' x 140' Supply Pond

6" pipeline

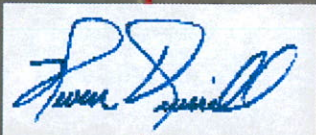
Gravel Wash Plant

Sec 4
T006N
R08E

Sec 3
T006N
R08E

Sec 2
T006N
R08E

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Sec 10
T006N
R08E

Sec 11
T006N
R08E

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

OCT 12 2017

1944-1

Theo Adamson, Plant Mgr
Morris Inc
PO Box 1162
Pierre SD 57501

Dear Mr. Adamson:

Enclosed is Water License No. 1944-1. This is the final water right document completing the process of obtaining a Water Right. Included with the 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1944-1**

(1) Morris Inc., PO Box 1162, Pierre SD 57501 made Application No. 1944-1, February 5, 2014 for a water permit to divert 0.67 cubic feet of water per second from the Belle Fourche River, Meade County, South Dakota for commercial purposes. Permit No. 1944-1, with a priority date of February 5, 2014 was approved April 28, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2019 and for the application to beneficial use of said water on or before April 28, 2023.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on July 31, 2017. The *"Notice"* stated the water use system was completed and the water placed to beneficial use in June, 2014.

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

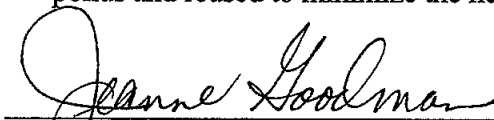
- 1,707' S and 2,374' E of the NW corner of Section 3, T6N R8E (SE ¼ NW ¼, Latitude 44.513028, Longitude -103.136202).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is pumped periodically to supply the holding pond and used for dust control and for wash water in the gravel washing operation. Return flow is piped from the gravel washing operation to the settling pond and then circulated back to the holding pond.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Morris Inc., PO Box 1162, Pierre SD 57501 the holder and/or owner of Water Right No. 1944-1 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from the Belle Fourche River with a priority date of February 5, 2014 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1944-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
- Water Right No. 1944-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to replenish the storage dam and the holding/settling ponds for losses due to evaporation, wash plant use and dust control purposes. Water shall be re-circulated through the holding/settling ponds and reused to minimize the need to make Belle Fourche River diversions.



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

OCT 12 2017

date

