

Fuller & Tellinghuisen

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341A-1

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SPEARFISH, SOUTH DAKOTA 57783
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Please reply to the Lead office.

July 24, 1992

Mr. John Hatch
Department of Environment &
Natural Resources
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181



Re: Petition of Paul M. Miller, Sr., Paul M. Miller, Sr.
Trust, Cris D. Miller and Dianne K. Miller

Dear John:

Enclosed please find original Application for Transfer of Water Rights and Change of Beneficial Use. I believe the Petition as well as the documents attached to the Petition are self-explanatory. However, Cris and Dianne Miller purchased some property from Paul M. Miller, Sr. There are two wells on the property which they purchased and there remains two wells on the property that Paul M. Miller, Sr., deeded to the Paul M. Miller, Sr. Trust. The parties agreed in the Water Agreement that they would join together in applying for the water right transfer as well as for the change of the beneficial use asked for by Paul M. Miller, Sr. Trust on Section 29.

I have joined all of the transfers and the applications in one Petition because I believe they are all related and interrelated.

Hopefully, this can be handled administratively, but if it will require a hearing, please advise. We are willing to meet with you at any time concerning explanation of the Paul M. Miller, Sr. Trust project on Section 29.

Respectfully yours,

FULLER & TELLINGHUISEN

A. P. Fuller

APF/slc
Enc.
c: Clients

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS



APPLICATION FOR TRANSFER AND CHANGE
OF BENEFICIAL USE

COMES NOW, your Petitioners, PAUL M. MILLER, SR., PAUL M. MILLER, SR. TRUST, CRIS D. MILLER and DIANNE K. MILLER, and respectfully Petition the Department and Water Management Board as follows:

1. On the 31st day of March, 1992, Paul M. Miller, Sr., purchased from MSM Farms, Inc., the real property described in the Water Agreement between your Petitioners.

2. Paul M. Miller, Sr., has transferred the property described in Paragraph 2 of said Water Agreement to Cris D. Miller and Dianne K. Miller, your Co-Petitioners.

3. Paul M. Miller, Sr., transferred the remaining portion of the property described above to the Paul M. Miller, Sr., Trust.

4. A copy of a aerial topographic map is attached to this Petition and incorporated herein by reference. The property outlined in yellow is a graphic description of the property sold to Cris D. Miller and Dianne K. Miller.

5. The property sold to the Paul M. Miller, Sr. Trust is graphical depicted in red.

6. Upon information and belief, the real estate has a Vested Water Right for irrigation purposes.

7. All water rights existing in Sections 19 and 20 of

the use of the waters for irrigation purposes for the raising of grains as feed for the fish.

15. It is the intent of the Paul M. Miller, Sr. Trust to continue to divert water from the wells located in the NE 1/4 of Section 29 for irrigation purposes upon Section 29 and for irrigation purposes upon Section 20 owned by Cris and Diane Miller.

16. During the construction season of 1993 it is the intent of the Paul M. Miller, Sr. Trust to construct, as shown by the topographical map, Ponds 1, 2, 3, 4, 5, 6, 7 and 8. The construction schedule for those ponds is 1993 through and including 1995.

17. Also during those same construction seasons, 1993 through 1995, it is planned that the Paul M. Miller, Sr. Trust will construct the proposed dam in the northeast section of Section 29 and construct the two proposed dams which are in a westerly direction approximately in the northwest quarter of Section 29. All construction as shown on the topographically maps attached hereto.

18. Upon the completion of the construction of the ponds and the dams it is then the intent of the Paul M. Miller, Sr. Trust to divert the water from the wells to the proposed dam furthest west in the northwest quarter and upon reaching a certain elevation that water will then drain into the dam to the east as shown in the plan. Further, the dam in the northeast quarter upon its construction shall trap and hold water that will enter it as shown by the contours on the topographical map. It is also anticipated

is requested to be transferred to Cris D. and Diane K. Miller.

8. All waters contained in Section 29, be transferred to the Paul M. Miller, Sr. Trust.

9. It is requested that all water rights in Section 29 be changed to the beneficial uses of irrigation, recreation and commercial (fish propagation).

10. Attached to this Petition is a Topographical Map and Proposed Improvements of the Paul M. Miller, Sr. Trust property located in the north half of Section 29, T7N, R1E, Black Hills Meridian, prepared by Arleth and Associates of Deadwood, South Dakota, dated July 9, 1992, accompanied by an engineering study done by Jerry Pontius.

11. It is the intent of the Paul M. Miller, Sr. Trust to construct a fishery/fish culture for commercial and sport propagation, development and rearing, of fish as shown by that Topographical Map and Proposed Improvement prepared by Arleth & Associates.

12. There are two wells located in the NE 1/4 of Section 29. The wells presently are used for irrigation purposes in Section 29 and also in Section 19 and 20.

13. The Paul M. Miller, Sr. Trust wishes to change the diversion point of the wells located in Section 29 to irrigate land in the N 1/2 of Section 29 and to hold water in a proposed dam and to divert water to a series of ponds for the rearing of fish for commercial and sport purposes.

14. The primary use of the waters over the long range

by the contours on the topographical map. It is also anticipated that subsurface springs and oozes will also be a source of water to the dam in the northeast quarter.

19. At a certain elevation in the proposed dam in the northeast quarter the water will then be diverted from that dam at a certain elevation to the existing irrigation transport line from Section 29 to Section 20.

20. It is anticipated that the only waters that will be available to Section 20, owned by Cris D. Miller and Dianne K. Miller, will be excess waters from the proposed dam in the NE 1/4.

21. Attached hereto and incorporated herein by reference is the water right agreement between Paul M. Miller, Sr., Paul M. Miller, Sr. Trust and Cris D. Miller and Dianne K. Miller and the Warranty Deed from Paul M. Miller, Sr. to the Paul M. Miller, Sr. Trust.

22. The Paul M. Miller, Sr. Trust and Cris D. and Dianne K. Miller jointly petition that the water rights associated with the Cris D. Miller property be transferred to Cris D. Miller and Dianne K. Miller. The Paul M. Miller, Sr. Trust and Paul M. Miller, jointly petition that the water rights associated with the Paul M. Miller property be transferred to Paul M. Miller, Sr. Trust and the beneficial uses be changed and the diversion points be changed as set out herein.

23. This Petition is presented under Title 46 of the South Dakota Codified Laws and the applicable sections thereof under Chapter 46-2A entitled "Administrative Procedures"; Chapter

46-4 entitled "Dry Draw and Nonnavigable Stream Dams"; Chapter 46-5 entitled "Appropriation of Water" Chapter 46-6 entitled "Ground Water and Wells" and Chapter 46-7 entitled "Storage, Diversion and Irrigation Works"

DATED this 21 day of July, 1992.

Paul M. Miller, Sr. Trustee
Paul M. Miller, Sr. Trust
By: Paul M. Miller, Sr. -- Trustee

Paul M. Miller, Sr.
Paul M. Miller, Sr.

Cris D. Miller
Cris D. Miller

Dianne K. Miller
Dianne K. Miller

STATE OF South Dakota
COUNTY OF Lawrence

On this the 21 day of July, 1992 before me, the undersigned officer, personally appeared Paul M. Miller, Sr. Trustee of Paul M. Miller, Sr. Trust, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

James D. Clevinger
Notary Public
My Commission Expires: 10/19/98

(SEAL)

STATE OF South Dakota
COUNTY OF Lawrence

On this the 21 day of July, 1992, before me, the undersigned officer, personally appeared Paul M. Miller, Sr. known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Shirley D. Cleveringa
Notary Public
My Commission Expires: 10/19/98

(SEAL)

STATE OF South Dakota
COUNTY OF Lawrence

On this the 21 day of July, 1992, before me, the undersigned officer, personally appeared Cris D. Miller and Dianne K. Miller, known to me or satisfactorily proven to be the ~~persons whose names are subscribed to the within instrument and~~ acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Shirley D. Cleveringa
Notary Public
My Commission Expires: 10/19/98

(SEAL)

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Paul Miller Trust -- WP Application No. 1582-1

ADDRESS: COUNTY: Lawrence

DATE: 10/8/93 TELEPHONE:

RE: Discussion with Cris Miller

COMMENTS:

Mr. Cris Miller called this office regarding the report and recommendation on Water Permit Application No. 1582-1 for Paul Miller Trust. Cris Miller purchased those acres north of the Interstate 90 from Paul Miller. The two parties were in the process of transferring the respective portions of Right Nos. 341-1 and 648-1 when Paul Miller filed Application No. 1582-1 to include fish propagation. As part of their water agreement Cris Miller was to have the right to overflow of water from the dams (which discharges into Crow Creek) for irrigation of portions of his land. The Chief Engineer's recommendation on Application No. 1582-1 did not permit any diversion of water from Crow Creek. Cris Miller was concerned that this would prohibit his irrigation of land.

I explained that we were not supportive of water that is being discharged into Crow Creek being diverted back out of the creek for irrigation. Our reasoning was that Crow Creek is a tributary to Redwater River which is a fully appropriated stream and any water discharged into Crow Creek becomes unappropriated water subject to prior appropriation. Additionally, our qualifications included a statement that overflow from the dams be kept to a minimum required to sustain the fishery.

Cris Miller seemed primarily concerned that through Paul Miller's Application No. 1582-1 that he'd lose the right to irrigate approximately 40 acres in the SE $\frac{1}{4}$ Section 20, T7N, R1E.

I told Cris Miller that he had options: 1) that he could pump water from the two wells currently on his property that are authorized by Right Nos. 341-1 and 648-1; 2) could apply for a permit to pipe water from the dams to the land to be irrigated; or 3) could irrigate from the wells located on Paul Miller's property as has been historically done - this would mean that water from the wells location the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29 could be diverted into the canals that had historically transported the water to portions of Section 20. Option 3 must be agreed to by Paul Miller and water is not to be discharged into Crow Creek and then diverted back out. Cris Miller seemed agreeable to Option 3 and just wanted a mechanism to irrigate the acre as has been historically done under Right Nos. 341-1 and 648-1.

Cris Miller stated he may file as an intervenor just to ensure his rights are protected.

Cris Miller and I also discussed a spring on his property that flows at about 300 400 gpm which flows into Redwater River (via Crow Creek - I think). He stated that this water used to irrigate some acreage but it hasn't been used for numerous years. I asked him if this meant it hadn't been irrigated in the past three years and he responded it hadn't been irrigated for a number of years more than three years. I said that if there had been a permit that existed it is likely that the permit would be subject to cancellation and the water is unappropriated water subject to prior appropriation. Since this water is in a fully appropriated system, I stated that it is unlikely that this office would come out with a favorable recommendation on a application. (Discussing this later with Jim Goodman - Jim stated that this was probably not a spring but instead an old uncontrolled well.)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Handlund

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 341A-1
DIVISION OF WATER RIGHT NO. 341-1 INTO 341A-1 AND 341B-1

(1) George Papousek, of Spearfish, SD 57783 was issued Water License No. 341-1, May 18, 1964 for a water right to appropriate 4.99 cubic feet of water per second (cfs) from groundwater (four wells), Lawrence County, South Dakota for irrigation purposes. Water License No. 341-1, with priority dates of May, 1955 (3.33 cfs) & August 18, 1958 (1.66 cfs) was issued to Mr. Papousek for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

January 19, 1978, Water Right No. 341-1 was transferred to MSM Farms. On July 27, 1992, a "Notice of Transfer of Ownership" was filed to transfer a portion of the land described in Water Right No. 341-1 to Cris D and Dianne K Miller with the remaining portion of the water right transferred to Paul M Miller, Sr, Trust. Water Right No. 341-1 is being divided and reissued as No. 341A-1 (Cris D and Dianne K Miller) and 341B-1 (Paul M Miller, Sr, Trust) to reflect separate ownership of the land.

Water License No. 648-1 was issued for a change in the point of diversion for Well #4 (on land now owned by Cris D and Dianne K Miller) to irrigate the same acreage described in Water Right No. 341-1. No. 648-1 did not authorize an additional diversion rate. The applicable portions of Water Right No. 648-1 are incorporated into this Water License No. 341A-1.

(2) It is certified that the applicant 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 3.39 cubic feet of water per second for beneficial use. The location of the diversion points are: (Well #1) N25°W 320 ft from the S 1/4 corner Section 19 and (Well #4) N 45°E 1188 ft from the SW corner Section 20, all in T7N, R1E. Two wells in Section 29, T7N, R1E (described in Water Right No. 341B-1, held by Paul M Miller Sr, Trust) can also be used to irrigate the land in Section 20 described below.

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

T7N, R1E	Section 19	Lot 2	11 acres
		Lot 3	65 acres
		Lot 4	22 acres
		SE 1/4 SW 1/4	26 acres
		SW 1/4 SE 1/4	26 acres
		SE 1/4 SE 1/4	22 acres
	Section 20	SE 1/4 NW 1/4	28 acres
		SW 1/4 NE 1/4	36 acres
		NE 1/4 SW 1/4	23 acres
		SW 1/4 SW 1/4	29 acres
		SE 1/4 SW 1/4	30 acres
		NW 1/4 SE 1/4	22 acres
		NE 1/4 SE 1/4	6 acres
SW 1/4 SE 1/4		15 acres	
SE 1/4 SE 1/4		30 acres	
Total		391 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cris D and Dianne K Miller of RR #2 Box 395M, Spearfish, SD 57783 the holders and/or owners of Incorporated Water Right No. 341A-1 is issued a license to appropriate water, the right to use 3.39 cubic feet of water per second from groundwater (two wells) with priority dates of May, 1955 (1.73 cfs) and August 18, 1958 (1.66 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 341-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOV 14 1994

341A-1
341B-1

Cris D & Dianne K Miller
RR #2 Box 395 M
Spearfish, SD 57783

Paul M Miller Sr., Trust
867 Main Street
Deadwood, SD 57732

Enclosed are your Water License Nos. 341A-1 (Cris & Dianne Miller) and 341B-1 (Paul Miller).

Water Right No. 341-1, formerly MSM Farms, was divided and reissued as Nos. 341A-1 and 341B-1, to reflect separate ownership. The applicable portions of Water Right No. 648-1 were incorporated into No. 341A-1 for Cris & Dianne Miller.

It is our understanding that a portion of the original acreage described in No. 341-1 is no longer irrigated. Water License Nos. 341A-1 and 341B-1 were divided according to ownership records only. ~~Specific acreage that may or may not be irrigated were not~~ addressed at this time. A field inspection of the entire acreage will be done at a later date. If needed, the water licenses can be updated after the field inspection.

Copies of the water licenses and the receipts for the filing fees paid for transferring Nos. 341-1 and 648-1 will be forwarded to Fuller & Tellinghuisen Law Offices. If you have any questions concerning your enclosed water license, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

c: A P Fuller, Fuller & Tellinghuisen, PO Box 898, Lead, SD
57754-0898



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

July 26, 1995

Cris and Dianne Miller
HC 66, Box 28
Spearfish, SD 57783

Dear Mr. And Mrs. Miller:

On June 22, 1995, I inspected the acreage you irrigate from Well Nos. 1, 2, 3, 4, and the dam located in the NE1/4 SW1/4 Section 20, T7N-R1E. You irrigate approximately 63 acres from this dam. There is no permit on file for the dam. If you have such a document or permit, please send me a copy of it. If not, I have enclosed application forms and instruction sheets for both a new application (if the dam was constructed after 1955 and you started irrigating the area after 1955) or a vested water right application (priority date before 1955), whichever might be the case.

I have also sent you the "NOTICE TO APPLICANT" attachment which might be helpful to you in completing the application. You do not need to submit a map, since I have already prepared one. Please complete the application forms, sign and notarize where necessary and return them to the Water Rights Program with the appropriate fee. The filing fee depends on the amount of water you store in the dam. Please refer to the instruction sheet (for a new application) to determine the fee. Filing fee for a vested water right application is \$15.00.

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Phone: (605)773-3352
enclosures

Permit No. 341A-1/648-1
Belle Fourche River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, 6/22/1995, made a thorough examination of the water use system owned by Cris and Dianne Miller of HC 66, Box 28, Spearfish, SD 57783, holder of Permit No. 341A-1/648-1, bearing the priority of May 1955, August 18, 1958/August 18, 1958, authorizing the diversion of 1.73, 1.66/no additional cu. ft. per second of the waters of groundwater and surface water for irrigation purposes, in Lawrence County.

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

A. Works used to divert the water:

Two flowing wells

A pump, 600 gallons per minute capacity (This pump is used to divert water from the dam).

Mr. Cris Miller is in process of purchasing a new motor.

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

2800 feet of earthen canals, 2600 feet of 8 inch PVC pipe.

C. Works used to apply water to beneficial use:

~~Gated pipe, laterals, and Big Gun.~~

The system is in the following condition Good. The point^{ave} of diversion is located: Well No. 1: About 2560 feet east, 315 feet north from the southwest corner of Section 19, T7N-R1E (SE1/4 SW1/4); Well No. 4: About 1200 feet east, 1120 feet north from the southwest corner of Section 20, T7N-R1E (SW1/4 SW1/4); Dam: About 630 feet west, 340 feet south from the center of Section 20, T7N-R1E (NE1/4 SW1/4). The works are capable of diverting and conveying to the place of use 3.0+ cu. ft. per second of water and storing acre-feet of water which is used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Irrigated from Well Nos. 2 & 3

Section 20, T7N-R1E:
SE1/4 SE1/4 24.2 ac.
SW1/4 SE1/4 11.6 ac.
NE1/4 SE1/4 7.8 ac.
TOTAL: 43.6 ac.

Irrigation from the Dam
SW1/4 NE1/4 33.2 ac.
SE1/4 NW1/4 27.6 ac.
NE1/4 SW1/4 2.6 ac.
TOTAL: 63.4 ac.

Irrigation from Well No. 4

Section 20, T7N-R1E
NW1/4 SE1/4 23.6 ac.
NE1/4 SW1/4 13.5 ac.
SW1/4 SE1/4 1.2 ac.
SE1/4 SW1/4 26.0 ac.
SW1/4 SW1/4 26.0 ac.
Section 19, T7N-R1E
SE1/4 SE1/4 10.4 ac.
TOTAL: 100.7 ac.

irrigated from Well No. 1

Section 19, T7N-R1E:

SW1/4 SE1/4 16.0 ac.

SE1/4 SW1/4 10.0 ac.

SE1/4 SE1/4 10.0 ac.

TOTAL: 36.0 ac.

comprising a total of **243.7 acres** of land and the license should be issued for **3.39 cfs** and **** acre-feet** of storage.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None**

Date Report Completed: **7/26/1995**

M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO.341A-1

DATE OF INSPECTION: 6/22/1995

NAME & ADDRESS OF PERMIT HOLDER: Cris and Dianne Miller, HC 66, Box 28, Spearfish, SD 57783

DIVERSION POINT LEGAL LOCATION: Well No. 4: SW1/4 SW1/4 Section 20, T7N-R1E

WELL INFORMATION:**

- 1) Well Drilling Firm: **Unknown**
- 2) No. of Wells **1**
- 3) Depth(s) **950** feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter **8 5/8** inches
- 2) Length **819** feet
- 3) Type **Steel**

Screen: **None**

Static water level: **Flowing well (flow measured in August of 1993-500 gallons per minute)**

Pump: This pump is used to divert water from the dam

- 1) Make **Propane pump**
- 2) Model
- 3) Size
- 4) Capacity **600 GPM**

Motor: Mr. Cris Miller is in process of purchasing a new motor.

- 1) Make
- 2) Model No.
- 3) Horsepower rating hp

DISTRIBUTION LINES OR CANALS: From the Dam

- 1) Type **Earthen**
- 2) Size **1-3 feet deep, 3-4 feet wide**
- 3) Length **1300** feet

DISTRIBUTION LINES OR CANALS: From the well:

- 1) Type **Earthen**
- 2) Size **1-3 feet deep, 3-4 feet wide**
- 3) Length **1500** feet

SYSTEM TYPE:

Gun:

- 1) Make **Big Boss II**
- 2) Nozzle size inches
- 3) Capacity **1000 GPM**
- 4) Hose size **4** inches
- 5) Hose length **600** feet

DAM INFORMATION:**

- 1) Height to crest **20** feet
- 2) Height to primary spillway **18** feet
- 3) Height to secondary spillway ft
- 4) Crest width **12** feet
- 5) Crest length **300** feet
- 6) Spillway length **20** feet
- 7) Spillway width **12** feet
- 8) Approx. storage ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed: **Unknown**

**** There is no permit to authorize storage or irrigation from this dam. The information was received from Mr. Cris Miller. Due to rain and standing water in the field I was not able to get to the dam and physically inspect the dam. When Mr. Miller files the application for the dam, he should also submit the dam information (survey)**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by **Y**
- 3) All structures, wells and lands on map **Y**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**

REPORT ON INSPECTION OF PERMIT NO. 341A-1

DATE OF INSPECTION: 6/22/95

NAME & ADDRESS OF PERMIT HOLDER: Cris and Dianne Miller, HC 66, Box 28, Spearfish, SD 57783

DIVERSION POINT LEGAL LOCATION: Well #1: SE1/4 SW1/4 Section 19, T7N-R1E

WELL INFORMATION:

- 1) Well Drilling Firm: **Unknown**
- 2) No. of Wells **1**
- 3) Depth(s) **580** feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter **6 5/8** inches
- 2) Length **560** feet
- 3) Type **Steel**

Screen: **None**

- 3) Static water level **Flowing well** (The flow from the well was measured on August 1993 At that time the well flowed at a rate of 250 gallons per minute).

DISTRIBUTION LINES OR CANALS: From Wel No. 1:

- 1) Type **PVC** 2) Size **8** inches 3) Length **2600** feet

DISTRIBUTION LINES OR CANALS: From Well Nos. 2 and 3

- 1) Type **Earthen** 2) Size **4** feet deep, **5** feet wide 3) Length **1300** feet

SYSTEM TYPE:

Gated Pipe:

- 1) Length **2600** feet
- 2) Diameter **8** inches
- 3) Spacing of gates **24** inches

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOT TO SCALE

DIV. POINT
IRRIGATED LAND
IRRIGATION DITCH



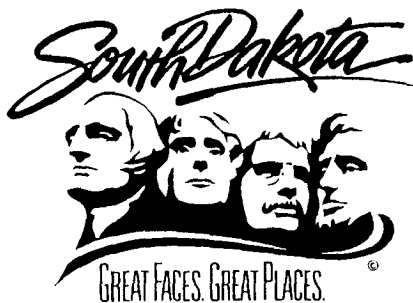
7-26-95

M. M. Madi, Nat. Res. Engineer

341A-1



341A-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 2002

Cris Miller
10164 West Hwy 14
Spearfish, SD 57783

Dear Mr. Miller:

Enclosed are the "2001" irrigation questionnaires you submitted for Water Permit or Right Nos. 341A-1, 709-1 and 1407-1.

In order for them to be considered complete, you will need to fill in the back side of each form. Please take a few minutes and include the appropriate information on the back of the forms (crop, acres, pump rate, hours per day and days per month each system was used).

I am enclosing a postage paid envelope for your convenience in returning the completed forms. Please complete and return them to our office as soon as possible. The letters go out next week scheduling a hearing date for those questionnaires we have not yet received.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



January 16, 2002

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CRIS D & DIANNE K MILLER, HC 66 BOX 28, SPEARFISH, SD 57783 8709

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 1407-1, 341A-1 & 709-1. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341A-1 & 709-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1407-1 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1407-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341A-1 & 709-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

341A-1

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly) <i>[Signature]</i> DATE of Delivery <i>[Date]</i> C. Signature <i>[Signature]</i> ☐ Addressee
1. Article Addressed to: CRIS D & DIANNE K MILLER HC 66 BOX 28 SPEARFISH SD 57783 8709	D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below: 10164 W Hwy 14 SPEARFISH SD 57783 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. Restricted Delivery? (Extra Fee) ☐ Yes
2. Air 7001 2510 0004 4297-5899	

PS Form 3811, July 1999

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2002

341A-1
709-1
1407-1

Cris D & Dianne K Miller
10164 West Hwy 14
Spearfish, SD 57783

Dear Mr. & Mrs. Miller:

I am writing to acknowledge receipt of your completed "2001" irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 341A-1, 709-1 and 1407-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



341A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 31, 2019

341A-1
709-1
1407-1

Cris Miller
10164 West Hwy 14
Spearfish SD 57783

Dear Mr. Miller:

Enclosed are the 2019 irrigation questionnaires you submitted for Water Right Nos. 341A-1, 709-1 and 1407-1.

For them to be considered complete, you will need to fill out the back side of each form with the number of acres irrigated, pump rate and total hours per month water was pumped. We cannot determine how much water was diverted from the source without these figures.

Please complete the forms and return them to our office by December 2, 2019. I have included a postage paid envelop for your convenience in returning them.

Sincerely,

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

enclosures