

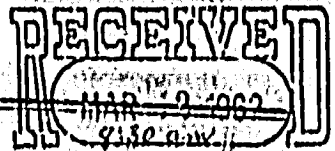
645-1

1. Considered 5-9, 1962
2. Name of Applicant City of Portland, Oregon
3. Post Office Address _____
4. Amount of water claimed 1.225
5. Source of water supply Cook Ditch
6. Water to be used for municipal
Acres to be irrigated _____
7. Water to be diverted and used in Butte County about
12.5 miles _____ of 137
8. Proof of Publication Received ☒
 Not Received _____
9. Application Approved A
 Subject to _____
 Not Approved _____
 Action deferred _____

10. Remarks:

NOV 1 APRIL 1

JUNE 10, 1877 - for irrigation Sec
MARCH 12, 1962 - " NON "

No. 64-5-1Water Division No. 1 Belle Fourche River
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
District PIERRE, SOUTH DAKOTA
to transfer agricultural
right to general
Municipal use

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Belle FourchePostoffice address Belle Fourche, County Butte, S. Dak.I. If a corporation Yes(a) Name of same Belle Fourche, So. Dak. a municipal corporation

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Future contracts and existing collection system

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Existing System and future related extensions3. Amount of water claimed 1.225 cubic feet per second or 49 min or a inch4. Source of water supply Cook Ditch5. Location of point of diversion Part of the SW 1/4, NE 1/4; N 1/2, SE 1/4 and SE 1/4, SE 1/4, all
in Sec. 28, T7N, R2E, B1M on bank Lawrence County.
See Map No. 262-16. Annual period or periods during which water is to be used Continuously

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) General Municipal Use by
the City of Belle Fourche, So. Dak.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fire protection included in above
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 262-1

1. Estimated cost of work: Existing system and undetermined future extensions

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

0. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

San. Map No. 289-1

II. Dimensions of works,

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE- FEET CAPACITY

Water can be measured with existing flowmeter

(c) Head gate: Width.....feet; height.....feet; Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.
 11. Time required for complete application of water to the proposed beneficial use.....5.....years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....The.....
 Daily Belle Fourche Post.....

STATE OF SOUTH DAKOTA

County of Butte

I, George Didow, Mayor of the City of Belle Fourche, So. Dak., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Mayor, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed George Didow Mayor

Subscribed and sworn to before me this 5th day of May 1962

Frederick L. Audeter
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Form 2A -- Wells (Supplement to Form 2)

0. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Depth

Type of casing
(wood, concrete, steel, etc.)

Size of casing Thickness of casing

Length of casing If collection gallery, length, size and depth of
gallery See Map No. 262-1

(b) Screens

Type of perforated screen perforated C.M. P.

Size of perforated screen See Map No. 262-1
(diameter) (length)

Thickness of gravel pack approx. 1 foot, length of gravel pack See Map No 262-1

(c) Water Bearing Materials

Distance to water 0 ft. to 10 ft. Character of water bearing materials

Gravels fed from filtration and springs.
.....
.....

Thickness of water bearing material Unknown

(d) Pump and Motor

Type of pump S, Centrifugal (2)
(centrifugal, propeller, mixed flow, etc.)

Name of pump Chicago and Worthington, size 8" and 13"

Kind of motor Electric (both)
(gasoline, electric, diesel, etc.)

Horsepower 50 & 200, Name of Motor Reliance & G. E.

(e) Complete well

Capacity 3 1/2 MGD at drawdown of 6 ft. Estimated cost mostly existing

(f) Owner of land upon which well is located City of Belle Fourche
Name

Belle Fourche, So. Dak.
Address

(g) Distance to nearest existing wells

extension of existing well.
On same owner's property rods. On property owned by others 60 rods

Remarks by State Water Resources Commission:

SEE ATTACHED SHEET.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 29, 1962

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 12TH day of MARCH, 1962.

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 645-1

Date of first receipt of application MARCH 12, 1962

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right June 10, 1877 for period APRIL 1 THRU OCTOBER 31
MARCH 12, 1962 for period November 1 THRU MARCH 31

Approved MAY 9, 1962, Recorded in Book 7 Page 222

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

November 9, 1964

2nd. The whole of said work is to be completed on or before MAY 9, 1967.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 9, 1967.

4th. The water appropriated shall be used for the purpose of MUNICIPAL USE

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.22 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

USED FOR MUNICIPAL PURPOSES

and beneficially applied on or before MAY 9, 1967; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 29TH day of NOVEMBER, 1962.

State Water Resources Commission

By:

Edwin Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 23, 1980

Water License Issued JULY 23, 1980

Remarks by the Applicant:

- 8 . Amount of water is claimed by the city of Belle Fourche as an agricultural right under the Cook Ditch.

This application asks that said agricultural right for enclosed amount be transferred from agricultural use to general municipal use.

This permit is to be considered as additional to any previous permits for municipal use.

Remarks by State Water Resources Commission:

(Water Resources File 27-1)

By Court Decree "Cook Ditch" has an adjudicated water right to 815.35 miner's inches of the surface flows of Spearfish Creek, such water right having a priority date of June 10, 1877. In this application the City of Belle Fourche seeks to change the nature of use, the place of use and the point of diversion of 49 miner's inches or 1.22 cubic feet per second of the "Cook Ditch" water right as follows:

Nature of Use - From irrigation uses to general municipal uses;

Place of Use - From 49 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the N $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T7N, R2E, BHM to the area within the limits of the city of Belle Fourche;

Point of Diversion - from the surface flows entering the headgate of the "Cook Ditch" located near the east boundary of the SE $\frac{1}{4}$ of Section 33, T7N, R2E, BHM to the underground water in the sands and gravels underlying Spearfish Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the N $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T7N, R2E, BHM.

This application is approved to the extent that the equivalent of the water which would have otherwise been available to said 49 acres under the "Cook Ditch" can be diverted as proposed in the application. Such approval does not permit withdrawals of water, which would result in less water being available to other water rights to a degree greater than existed when the said 49 acres was under the "Cook Ditch" water right, as is stated in Section 61.0123, Chapter 430, Session Laws of 1955.

This permit cancels irrigation water rights for the 49 acres located in portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T7N, R2E under the "Cook Ditch" water right (27-1).

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 645-1

(1) WHEREAS, On the 12th day of March A. D. 19 62
The City of Belle Fourche

made Water Right Application No. 645-1 for a permit to use 5.23 cubic feet per second of the waters
of groundwater (gravels along Spearfish Creek)
County of Butte, State of South Dakota, for Irrigation
_____ purposes; and

(2) WHEREAS, On the 9th day of May A. D. 19 62
Permit No. 645-1, with a date of priority of * see below

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 9th day of May A. D. 19 67 and for the
application to beneficial use of said water on or before the 9th day of May A. D. 19 67

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 4.64 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

the maximum withdrawal occurred in July of 1978 which produced
approximately 3,000,000 gal. in a 24 hour period for the municipal
needs of the City of Belle Fourche.

The applicable portions of Water Right No. 288-1 have been incorporated
into this Water License No. 645-1 and Water Right No. 288-1 has been
placed in a cancelled status.

* Priority dates:

1.22 cfs from June 10, 1977 and 3.4 cfs from 1921, both for a period
of April 1st thru October 31st.

4.01 cfs from 1921 and .63 cfs from March 12, 1962, both for a period
of November 1st thru March 31st.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the City of Belle Fourche

_____ of South Dakota

the holder S and owner S of said permit No. 641-1 ^{W4 645-1 (corrected 3-3-81)} a water right, dating from * see front

_____ to use of 4.64 cubic feet per second of the waters

of groundwater (gravels along Spearfish Creek)

in the County of _____ and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of

Section 28 - T7N - R2E

and conducted ~~XXXXXX~~ through the distribution works for the City of
Belle Fourche

for the purpose of municipal use

⁹⁴ 645-1 (corrected 3-3-81)

Subject to any limitations listed in Water Right Permit No. 641-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 23rd day of July A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 645-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Belle Fourche

the holder of

Permit No. 645-1, issued upon Application No. 645-1, bearing date of priority of *

authorizing the diversion of 5.23 cu. ft. per second of the waters of groundwater
(gravels along Spearfish Creek) County of Butte State of South Dakota at a

point NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 28 - T7N - R2E

for municipal use

purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.54 cu. ft. per second of water.

Date July 23, 1960

* 1.22 cfs from June 10, 1877 and 3.42 cfs from 1921, both for a period of April 1st thru October 31st.

4.01 cfs from 1921 and .63 cfs from March 12, 1962, both for a period of November 1st thru March 31st.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 645-1 288-1

Water Division 1 Belle Fourche River Water District

Cancel 288-1
and transfer to
645-1

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by the City
of Belle Fourche South Dakota holder 288-1

of Permit No. 645-1, bearing date of priority of June 10, 1877 for period Apr. 1 through Oct. 31 1.22 cfs
authorizing the diversion of 5.23 cu. ft. per second of the waters of Gravelly along Spearfish Creek
for Municipal purposes, in Belle County.

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

The Water Use System consists of,

A. Works used to divert the water: Infiltration Gallery and gravity
12" and 15" perforated Corrugated Metal Pipe

B. Works used to transport water to place of use, 14" Transite line from the gallery
through a lift station with a 6" pump, 50 H.P. motor, then through the
chlorinator station to the NW 1/4 of Sec. 34, T8N, R2E, then into two
pipelines, one 8" and one 10", then to a pressure regulator and valve house, then
into the city with an 8" line and 14,000 gal steel reservoir via 8" line.

C. Works used to apply water to beneficial use.

Pipelines throughout the City of Belle Fourche

The system is in the following condition: Good

The point of diversion is located in the NE 1/4 of the SE 1/4 and NW 1/4 SE 1/4 of
Sec 28, T7N, R2E.

The works are capable of diverting and conveying to the place of use 4.64 cfs (3,000,000 gpd)
cu. ft. per second of water which is to be used for Municipal Purposes.

Water has been put to beneficial use to the maximum extent as follows: The maximum withdrawal
occurred in July of 1978 which produced approx
3,000,000 gal in a 24 hr. period for municipal needs
of the City of Belle Fourche.

comprising a total of _____ acres of land.

Note: Allow 1.22 cfs with a priority of June 10, 1877 for the period
Apr 1 through Oct 31 - W.R. 288-1
3.42 cfs with a priority of 1921 for the period April 1
through Oct 31 - W.R. 288-1
4.01 cfs with a priority of 1921 for the period Nov. 1 thru Mar 31
W.R. 288-1
0.63 cfs with a priority of Mar 12, 1962 for the period Nov. 1, thru Mar 31 - W.R. 645-1
Date Sept. 5, 1979
James E. Johnston
(Signature)

SEE MAP
No. 262-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte ss.

Laurence Hayler being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Weekly Belle Fourche Chief a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

April 10, 1962

April 17, 1962

April 25, 1962

May 1, 1962

in each and every issue of the full number thereof, the first publication being made on the 10 day of April

1962 and the last publication on the May 1 day of

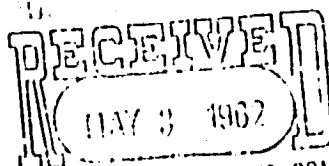
May 1962, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher of the said newspaper.

Laurence Hayler

Subscribed and sworn to before me this 1st day of May A. D. 1962



STATE WATER RESOURCES COMM.
PIERRE, S.D. S.D. 58501A

Notary Public Butte County, S.D.

Notary Public, Butte County, S.D.
My Comm. Exp. Sept. 22, 1966

No. 645-1
APPROPRIATION OF WATER

Office of State Water
Resources Commission,
Pierre, S. Dak.

April 4, 1962

Notice is hereby given that City of Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to transfer water previously used for irrigation under the Cook Ditch to municipal use and appropriate for beneficial use 1.22 cubic feet of water per second of time from ground water through the city water system, the point of diversion of which is to be located in the NW 1/4 of the NW 1/4 of Section 28 Twp. 7N Range 2E. Said water to be used for the purpose of providing municipal needs for the City of Belle Fourche.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 1962, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission
By BURTON F. JONES
Water Right Specialist
4/10-17-25 5/1

Water Pumped

1972, 73, 74, 75, 77, 78, 79

'72 6/7 2252
7/31 2487
8/16 2302

'73 6/27 2410
28 2539
29 2197
7/5 2526
8 2442
11 2557
12 2614
13 2720
14 2730
18 2428
19 2597

'74 6/20 2465
25 2309
26 2334
27 2412
28 2574
29 2103
7/2 2460
11 2810
12 2521
13 2729
15 2818
16 2276
17 2447
23 2754
26 2781
8/22 2633

'75 Meter out of order until 8/2
8/15 2309

'76 No Records

'77 6/ 6 2+ 7/2 2200
7 2+ 4 2300
8 2+ 14 2300
9 2+ 19 2300
8/24 2+ 20 2300
25 2+ 23 2300
26 2+ 8/3 2500
27 2+
28 2+
29 2 +
30 2+

'78 6/15 3269
21 2607
23 2573
24 2407
7/10 3344
25 2737
8/ 9 2522
13 2559
24 2333
26 2749
31 2598
9/ 5 2529
27 2489

'79 6/ 4 2265
6 2559
8/ 3 2143

All figures in thousands

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

December 14, 1961

Mr. James R. Eddy, Secretary
Cook Ditch
RFD 1
Spearfish, S. Dak.

Re: Cook Ditch

Dear Mr. Eddy:

The State Water Resources Commission has been making a study of water use pertaining to the surface flows of Redwater River and its tributaries in South Dakota.

When water rights are involved in Court action, as was the Cook Ditch water right, the final ruling of the Court interprets, determines and establishes your water to the extent specified by the Court.

In the Cook v. Evans Court Case, the Cook water right and a number of other water rights along Spearfish Creek were adjudicated. In this action the Court specified the priority date of each water right involved and also specified the rate of diversion of water that each water right was entitled to use.

The Court specified that the Cook Ditch was seventh in priority of those water rights adjudicated with a priority date of June 10, 1877 and was entitled to use not exceeding 816.35 miner's inches of water.

In addition, the Court specified that not to exceed 46 miner's inches was to be delivered through the Cook Ditch to 45.8 acres of the "Diedrich Ranch" under the Tonn and Evans water right priority when water was needed for this acreage on the "Diedrich Ranch".

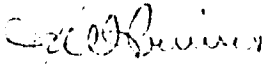
A letter dated January 16, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. With your help these fields and acreages have been revised. Enclosed, for your information, is a copy of the revised map and the revised list of owners and acreages.

Mr. James R. Eddy

December 14, 1961

This letter is sent to you to keep you informed of the work of the Water Resources Commission as it might pertain to your water right. If you have additional information or corrections, we would appreciate being so informed.

Sincerely,


J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

CC of Letter and List to:

Mr. Marshall Eddy
RFD 1
Spearfish, S. Dak.

Mrs. Floyd Riley
RFD 1
Spearfish, S. Dak.

Mr. Allen Evans
644 8th
Spearfish, S. Dak.

Mr. Leo McGuigan
RFD 1
Spearfish, S. Dak.

Mr. John W. Eddy
RFD 1
Spearfish, S. Dak.

Mr. John H. Dingsan
Hereford, S. Dak.

Mr. J. McLaughlin
Spearfish, S. Dak.

Mr. John Ward
RFD 1
Spearfish, S. Dak.

Mayor George Widow ✓
City of Belle Fourche
Belle Fourche
South Dakota

COOK DITCH

<u>Name</u>	<u>Field</u>	<u>Acres</u>	<u>Total.</u>
J. Ward	A	30.0	
	B	6.0	
	C	13.5	
	D	32.5	
	E	38.5	
	F	5.0	
	G	17.0	142.5
L. McGuigon	H	12.0	12.0
J. Eddy	I	80.7	
	J	106.0	186.7
J. Dingman	K	15.4	
	L	9.0	24.4
City of Belle Fourche	M	15.0	
	N	34.0	49.0
W. E. Dickey	O	25.0	
	P	58.0	
	Q	6.0	89.0
A. Evans	R	98.0	98.0
F. Riley	S	54.0	
	T	28.0	
	U	5.0	87.0
J. McLaughlin	V	80.0	
	W	67.8	147.8
		Ditch Total	856.4

CITY OF BELLE FOURCHE

Belle Fourche, South Dakota

January 3, 1962

Mr. J. W. Grimes
South Dakota State Water Resources Commission
State Office Building
Pierre, South Dakota

Re: Request to transfer irrigation rights
from real estate to municipal use.

Gentlemen:

The City of Belle Fourche, a political subdivision of the State of South Dakota, hereby requests permission to transfer the water right which the City of Belle Fourche now owns and which is appurtenant to certain real estate owned by the City of Belle Fourche, South Dakota, and situated in Lawrence County, South Dakota, said real estate described and shown on a plat which is enclosed herewith and made a part hereof, from said real estate to municipal use.

The City of Belle Fourche, South Dakota, now has a water right for municipal use covering approximately 4 1/2 second feet ~~per minute~~ which has a priority on the Spearfish Creek and drainage area of said water right apparently dating back to ~~January 19, 1957~~ ¹⁹²⁶.

The City of Belle Fourche also has an additional water right covering 8 second feet per minute which was granted to the City of Belle Fourche, South Dakota, by the State Water Resources Commission within the last two or three years and which has a very low priority. (Dec 10, 1958)

The City of Belle Fourche also owns certain real estate in the Spearfish Valley which has a water right for 49 acres and which is irrigated under the Cook Ditch, said Cook Ditch having a priority #7 under a court decision.

on Spearfish Creek

Because of the growth of the City of Belle Fourche and because of the fact that Belle Fourche will be required to furnish water for certain missile base in the area of Belle Fourche, South Dakota, said municipality will need additional water for municipal use.

Mr. J. W. Grimes
January 3, 1962
Page 2

The City Council of the City of Belle Fourche has passed a resolution authorizing the Mayor of the City of Belle Fourche to make application to the State Water Resources Commission for permission to transfer all of the water rights which the City owns and uses for agricultural purposes to the City of Belle Fourche to be used for municipal purposes.

The municipality hereby agrees that upon the Water Resources Commission consenting to said transfer that said water for the irrigation of 49 acres will be transferred over to municipal use and will no longer be used for irrigation purposes but will from that date forward be used for municipal purposes.

(Map No 262-1)
We have enclosed herewith a plat of the property showing the real estate upon which the water right is held for the irrigation of 49 acres; a copy of the letter from the Water Resources Commission wherein it is established that said real estate owned by the City of Belle Fourche has a water right for the irrigation of 49 acres and a copy of the resolution of the City Council authorizing the transfer of the water right from the farm ground to municipal use.

Should you need further information in regard to this feel free to contact the City.

We hereby request that you give this application favorable consideration and that the application be approved at the earliest possible moment so the City can proceed with developments for the collecting and transporting of said water from the collecting point to Belle Fourche, South Dakota.

Respectfully yours,

CITY OF BELLE FOURCHE

By: *George Didow*
George Didow, Mayor

B.B.

CITY OF BELLE FOURCHE



BELLE FOURCHE, SOUTH DAKOTA

At the New Center of the Nation

BE IT RESOLVED That the City of Belle Fourche, a municipal corporation, transfer certain water rights now owned by said City and appurtenant to the East 3/8th of the Southwest Quarter of the Northeast Quarter of Section Twenty-eight, and the West Half and part of the East Half of the Northeast Quarter of the Southeast Quarter of Section Twenty-eight, and the East 3/4th of the Northwest Quarter of the Southwest Quarter of Section Twenty-eight and part of the Southeast Quarter of the Southeast Quarter of Section Twenty-eight all in Township 7 North, Range 2 East of the Black Hills Meridian, Lawrence County, South Dakota, said water now used upon said land for irrigation purposes, to the municipality of Belle Fourche, South Dakota, to be used by the municipality for municipal purposes.

BE IT FURTHER RESOLVED That the Mayor the City of Belle Fourche be and he is hereby authorized to make application to the Water Resources Commission of the State of South Dakota for permission and authorization to transfer the above referred water from irrigation purposes to municipal purposes.

Approved

George Ribow
Mayor

Attest

Fred Schulz
City Auditor

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) ss
CITY OF BELLE FOURCHE)

I, the undersigned, being the duly qualified and acting City Auditor of the City of Belle Fourche, South Dakota, hereby certify that I have carefully compared the attached and foregoing extract of minutes of a special meeting of the Common Council of said City held January 2, 1962 with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom in so far as the same related to the transfer of water from irrigation purposes to municipal purposes.

(SEAL)

Witness my hand officially as such City Auditor and the Seal of the City this 2nd day of January, 1962

Fred Schulz
City Auditor

BLACK HILLS LAND AND
ABSTRACT COMPANY



DEADWOOD, SOUTH DAKOTA

DICK MURRAY - Secretary-Treasurer

Bonded, Authorized Abstracter
for
Lawrence County, South Dakota

Member:
South Dakota Title Association
American Title Association

No. 5352

Abstract of Title

- TO -

The E. 3/8 of the SW 1/4 and the E. 3/4 of the
NW 1/4 of Section 28, in Township 7 North of
Range 2 East, B.H.M.,

Lawrence County, South Dakota

BLACK HILLS LAND AND
ABSTRACT COMPANY



DEADWOOD, SOUTH DAKOTA

DICK MURRAY - Secretary-Treasurer

Bonded, Authorized Abstracter
for
Lawrence County, South Dakota

Member:
South Dakota Title Association
American Title Association

No. 8891

Abstract of Title

- TO -

Lot Numbered 4 of the Subdivision of the
Northeast Quarter of the Southeast Quarter of
Section 28, Township 7 North, Range 2 East,
B.H.M.; also a tract 600 feet by 1150 feet, being
a part of the Northeast Quarter of Southeast
Quarter of Section 28, T7N, R2E, B.H.M., in the
Northwest Corner of above described Quarter Section
Lawrence County, South Dakota

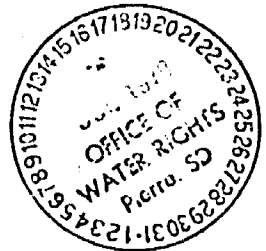
CITY OF BELLE FOURCHE,



BELLE FOURCHE, SOUTH DAKOTA

At the New Center of the Nation

July 13, 1979



Mr. Burton Jones,
Chief Engineer
Department of Water &
Natural Resources
Pierre, South Dakota 57501

Re: Licensing Inspection of Belle
Fourche Permit #645-1.

Dear Mr. Jones:

This is to confirm our telephone conversation of April 13, 1979, when I requested that Belle Fourche Permit #645-1 to withdraw 1.225 cubic feet per second underground water for municipal use be inspected so that a license might be issued. The Water Resources Commission approved the permit on May 9, 1962 but records indicate that no license has been issued. At the time of our conversation you indicated that this would be done during the present summer as other work was scheduled in the area. Please notify me as to when we may expect this inspection and licensing will be completed.

Belle Fourche holds permit 369-1 to appropriate 8.0 cubic feet per second water for future use, same having been approved February 4, 1959.

I believe you stated that this permit does not lapse as per SDCL 46-5-21 and SDCL 46-5-26 but rather can only be used if the city purchases additional land which has irrigation rights which then might be transferred to ground water rights under SDCL 46-5-34.1.

I would like to request a copy of the adopted rules of the Department of Water & Natural Resources or a policy or perhaps minutes of a meeting wherein the foregoing has been enunciated as a policy. My recollection is you stated that the foregoing had been determined at a meeting held in Rapid City several years ago.

Very truly yours,

MUELLER & BENNETT

Jacqueline Marousek

Jacqueline Marousek

Deputy Belle Fourche City Attorney

JM/dlb

cc - Hon. Robert L. Helmer, Mayor
City of Belle Fourche
620½ - 5th Avenue
Belle Fourche, SD 57717

Mr. Warren L. Neufeld, Secretary
Department of Water & Natural Resources
Foss Building
Pierre, So. Dak. 57501

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7203

January 3

PIERRE, _____, 19__80

RECEIVED OF City of Belle Fourche, SD 57717

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 645-1	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 645-1		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (9Y)

February 20, 1979

Mr. Earl McArthur
City Engineer
City Hall
Belle Fourche, SD 57717

Dear Mr. McArthur:

This letter is a follow-up to our telephone conversation last week relative to the ground water potential for developing a city water supply at Belle Fourche.

I am having sent to you a report entitled "Artesian water, Minnelusa and Pahasapa Formation, Spearfish-Belle Fourche area" by Earl J. Cox, published in November, 1962 by the South Dakota Geological Survey as Special Report #19.

This is the only modern report on the Belle Fourche area with published ground water data. This will give you some indication as to the water available in the several formations in this area.

I have made estimates on the depth and thickness of formations beneath the City of Belle Fourche, on the enclosed sheet.

There is no way to predict the quantity or quality of water that could be obtained from any of these formations from a well at a site within the City limits of Belle Fourche. A well in the Pahasapa probably would produce at least as much water as the Country Club Well and possibly as much as the Harmon #1 Olson well, a former oil test at the Belle Fourche reservoir in SENE 27-9N-3E. The golf course well was originally completed in the Minnelusa for 10 - 15 gpm but was later deepened to 2600 feet and completed in the Pahasapa for about 150 gpm. The Olson well flowed about 1200 gpm from the Minnelusa and Pahasapa formations.

Mr. Earl McArthur

COPY

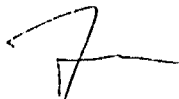
February 20, 1979

The quality of water would probably be similiar to the enclosed analyses. The Country Club Well water was from the Minnelusa. The Olson test shows Madison (Pahasapa). Several wells show analyses in the "Inyan Kara" which includes the Fall River and Lakota Sandstone.

Any formal request for the Geological Survey to perform a detailed study should be coordinated with Mr Assad Barari, whom you have already contacted. Should you wish to have Mr. Barari or me meet with city officers please let me know and I will make the necessary arrangements.

If there is any other way that I can be of help to you, please let me know.

Sincerely,



Fred V. Steece, Supervisor
Western Field Office

FVS/cp
Enc.

cc: Dr. Duncan J. McGregor

BELLE FOURCHE WATER SUPPLY
APPROXIMATE DEPTH & THICKNESS
OF SUBSURFACE FORMATIONS

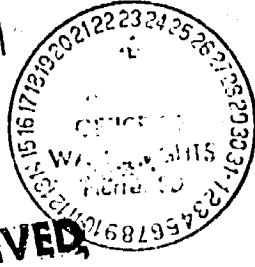
<u>FORMATION</u>	<u>Depth</u>	<u>Thickness</u>
Mowry Shale	0	50
Skull Creek Shale	50	250
Fall River Sandstone	300	75
Fuson Shale	375	100
Lakota Sandstone	475	50
Morrison Shale	525	125
Sundance Sand and Shale	650	300
Piper Limestone	950	25
Spearfish Red Beds	975	725
Minnekahta Limestone	1700	50
Opeche Red Beds	1750	50
Minnelusa Sandstone	1800	450
Pahasapa (Madison) Limestone	<u>2250</u>	700
Total Depth	2950	

Note: Estimate is for well in the southeast part of town. A well in the northwest part of town may encounter these formations as much as 500 feet deeper because Belle Fourche lies near the crest of a north plunging anticline extending northward from the Black Hills Uplift.

CITY OF BELLE FOURCHE, BELLE FOURCHE, SOUTH DAKOTA

At the New Center of the Nation

July 13, 1979



RECEIVED

JUL 16 1979

DEPT. OF WATER &
NATURAL RESOURCES

Mr. Burton Jones,
Chief Engineer
Department of Water &
Natural Resources
Pierre, South Dakota 57501

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Fourche Permit #645-1.

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MUELLER & BENNETT

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JM/dlb

cc - Hon. Robert L. Helmer, Mayor
City of Belle Fourche
620½ - 5th Avenue
Belle Fourche, SD 57717

Mr. Warren L. Neufeld, Secretary
Department of Water & Natural Resources
Foss Building
Pierre, So. Dak. 57501



United States Department of the Interior
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

AREA OFFICE: SOUTH DAKOTA-NEBRASKA
POST OFFICE BOX 250
PIERRE, SOUTH DAKOTA 57501
June 10, 1980

RECEIVED

JUN 12 1980

DEPT. OF WATER &
NATURAL RESOURCES

Colonel Vito D. Stipo
District Engineer
Corps of Engineers, Omaha District
6014 U.S. Post Office & Courthouse
Omaha, Nebraska 68102

Dear Colonel Stipo:

This responds to the Section 404 permit application of the City of Belle Fourche (SD 2SD OXT 2 002253) dated May 27, 1980. The applicant requests permission to divert the Belle Fourche River at mile 161.75 by utilizing sheetpiling or earthen cofferdams in conjunction with the construction of a pipeline crossing in Section 11, Township 3 North, Range 2 East, Butte County, South Dakota. The following comments are submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.).

We have no objection to permit issuance provided the following condition is incorporated into the permit.

The construction of the cofferdams will be conducted between June 1 and March 15 to avoid interference with the seasonal movement and spawning activities of fish.

These comments represent the views of the Department of Interior. We would appreciate a copy of the permit, if issued.

Sincerely yours,

Pent D. Keenlyne
Area Supervisor, Environment

cc: ENV; Denver, CO
EPA; Denver, CO
SDDHAR; Pierre, SD ✓
SDDGFP; Pierre, SD