

Water Right Number 1300-2

1. Considered November 12, 19 75
2. Name of Applicant Tripp County Water User District
3. Post Office Address Winner, South Dakota
4. Amount of water claimed 1.0
5. Source of water supply ground water (100' DEEP WELL)
6. Water to be used for supplies for water user district

Acres to be irrigated 00

7. Water to be diverted and used in Tripp County
about 95 Miles of WINNER

8. Proof of Publication

Received 1ST

Not received _____

Approved _____

Subject to _____

Not approved _____

Action deferred _____

9. Application

BILL DAY - ATTORNEY

W W

BILL STESKA - ATTORNEY

10. Remarks:

~~NOT RECORDED~~

~~CONFIDENTIAL~~

No. 1300-2Map No. 1100-2 Water Division No. 2 WHITE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

11:30

To Appropriately Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Tripp County Water User District
 Postoffice address Winner, State South Dakota
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Tripp County District Well #1

4. Amount of water claimed (cubic feet per second) 1.0

5. Source of water supply Ground water

6. Location of point of diversion Center of NW 1/4 Section 8, T97N, R76W

County Tripp

7. Annual period or periods during which water is to be used continuously

8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) rural water system

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Four years.

11. Choice of newspaper for Notice of Intent to Appropriately Water publication Winner Advocate, Winner, S.D.

12. Principal features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well, pump

B. Works proposed to transport water to place of use.

Mainlines

C. Works proposed to apply water to beneficial use.

Hookups to rural residences and stockwater facilities

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Hughes)

I, Martin Jorgensen, Pres., the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Martin Jorgensen, Pres.

Subscribed and sworn to before me this 18th day of September 1975

Betty Westlund
 Notary Public (or other qualified officer)
 BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1300-2

TRIPP COUNTY WATER USER DISTRICT
(Applicant)

WINNER
(Post Office Address)

SOUTH DAKOTA 57580
(State)

With the following modifications:

The ~~proposed~~ well approved under this Permit will be located near domestic wells and other ~~existing~~ wells which may obtain water from the same aquifer. The ~~existing~~ well owner, under this Permit, shall control his ~~existing~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in ~~existing~~ wells having prior water rights.

Date of first receipt of application SEPTEMBER 18 19 75
Date of return to applicant for correction, amendments or changes required 19
Date of receipt of corrected application 19
Approved NOVEMBER 12 19 75 Recorded in Book 14 Page 171

WATER RIGHT PERMIT NO. 1300-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1300-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right: SEPTEMBER 18 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 12 19 78
3. The whole of said work is to be completed on or before NOVEMBER 12 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 12 19 84
5. The water appropriated shall be used for the purpose of RURAL WATER SYSTEM
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ USE FOR RURAL WATER SYSTEM PURPOSES ~~limited to not more than one-fifth (1/5) of the available water per acre of land to which water is actually and beneficially applied for irrigation on or before~~ NOVEMBER 12 19 84; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 19TH day of DECEMBER 19 75

WATER RIGHTS COMMISSION

By:

John H. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License Issued 19

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 100'
(2) Casing, Type steel Diameter 16" Thickness Std.
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type slotted, Diameter 16", Length 30'
(4) Gravel Pack, Thickness 10", Length of gravel pack 100'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Sands and gravel

Depth to top of water bearing material 23'

Depth to bottom of water bearing material 90'

Thickness of water bearing material 67'

Depth to water (ground surface to water level) 23'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 3/4 mile rds. x2x

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

[Signature]
Signature of Applicant

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Tripp--ss
D. L. JOHANNSSEN

of said county being first duly sworn, on oath says
that he is the publisher of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner,
said county of Tripp, and has full and personal know-
ledge of all the facts herein stated that said newspaper
is a legal newspaper and has a bona fide circulation of
at least two hundred copies weekly and has been
published within said County for fifty-two successive
weeks prior to the publication of the notice herein
mentioned, and was printed wholly or in part in an
office maintained at said place of publication; that the

Notice of Intent to
Appropriate Water

Tripp County Water Users
District

No. 1300-2.

a printed copy of which, taken from the paper in
which the same was published, is attached to this
sheet, and is made a part of this affidavit, was pub-
lished in said newspaper at least one in each week for

two successive weeks,
on the day of each week on which said newspaper
was regularly published, to-wit:

<i>Oct. 29</i> 197 <i>5</i>	_____ 197_____
<i>Nov. 5</i> 197 <i>5</i>	_____ 197_____
_____ 197_____	_____ 197_____
_____ 197_____	_____ 197_____
_____ 197_____	_____ 197_____

That the full amount of the fees for the publication
of the annexed notice is \$ *8.59*

D. L. Johanssen
Subscribed and sworn to before me this *21st*
day of *November*, 197*5*

Clara Lantz
Notary Public.

County of Tripp, South Dakota.

No. 1300-2

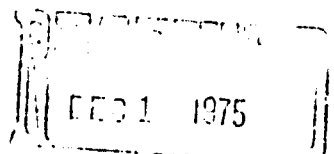
NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
October 23, 1975

Notice is hereby given that
Tripp County Water User Dis-
trict whose post office address is
Winner, South Dakota, has made
an application in accordance
with the provisions of the water
laws of South Dakota for a
permit to appropriate for bene-
ficial use 1.0 cubic feet of water
per second of time from ground
water through the Tripp County
District (Well No. 1, the point of
diversion of which is to be
located in the Center of the NW 1/4
of Section 8, Twp. 97N, Range
76W. Said water to be used for the
purpose of providing supplies for
members of the water user dis-
trict.

This application No. 1300-2 will
be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 12th day of
November, 1975, at 2:30 P.M. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
BURTON F. JONES
Water Rights Specialist (44-45)



PIERRE, SOUTH DAKOTA

Publish first publication, on or before October 30, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 25, 1975

Notice is hereby given that Tripp County Water User District

whose post office address is Winner, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.0 cubic feet of water per second of time from the ground water through the

Tripp County District Well #1, the point of diversion of which is to be located in the _____

Center of the NW 1/4

of Section: 8, Twp. 97N, Range 76W. Said water to be used for the purpose
of providing ~~XXXXXX~~
~~XXXXXX~~

supplies for members of the water user district

This application No. 1300-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Martin Jorgenson, Jr. Ideal, S.D. 57541

P. O. Box 436

CITY OF GREGORY

GREGORY, SOUTH DAKOTA 57533

Phone 605 835-5301

September 6, 1975

TO WHOM IT MAY CONCERN:

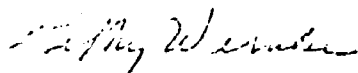
The City of Gregory, Gregory County, South Dakota, population approximately 2000 persons has at present and has had for several years quite a serious water problem.

At the request of the City of Gregory, the South Dakota State Geological Survey has conducted a search for an adequate water table that would be available to serve the community needs and such is not to be found. Two additional city wells were put down last summer in the area east of Gregory where several of the other city wells are situated, but this was only a temporary relief measure that provided additional pumping capacity from an already overloaded water table.

It appears to the Gregory City Council and other persons who are cognizant of the water problem and knowledgeable of the existing sources in the immediate area, that the only permanent solution to the water source problem for us is to go to the Missouri River.

Consequently the City of Gregory is interested in securing an adequate source of water from a pumping system on Lake Francis Case on the Missouri River, that would supply water for human consumption, household needs, commercial use, and also aid the farming and ranching community of this area. The records of Gregory City Water Department for last month show that there was in excess of 400,000 gallons of water hauled from the city by farmers and ranchers for farm household and livestock watering use due to the water shortage of the immediate surrounding agricultural area.

Sincerely yours,



Cathy Wernke, Mayor
CITY OF GREGORY

Town of Dallas

Dallas, South Dakota 57529

September 5, 1975

West River Conservancy District,
Phillip, South Dakota.

Gentlemen:

Being aware of the very serious shortage of water for town and rural areas west of the Missouri River and that the supply of water from wells is and has been uncertain for many years, and that the growth of this area is being hampered by the shortage of water, and that there is an ample supply of water in the dams on the Missouri River, the Board of Trustees for the Town of Dallas does support the proposal for a pipeline to bring this water to the towns and rural area of Gregory, Tripp and adjacent counties for domestic, industrial and livestock use.

Yours very truly,

TOWN OF DALLAS

Otto Jacobsen, President

Robert A. Malone
Robert A. Malone, Clerk

CITY OF COLOME

COLOME, SOUTH DAKOTA

September 8, 1975

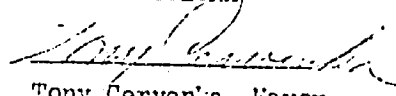
West River Conservancy Sub-District
Phillip, South Dakota

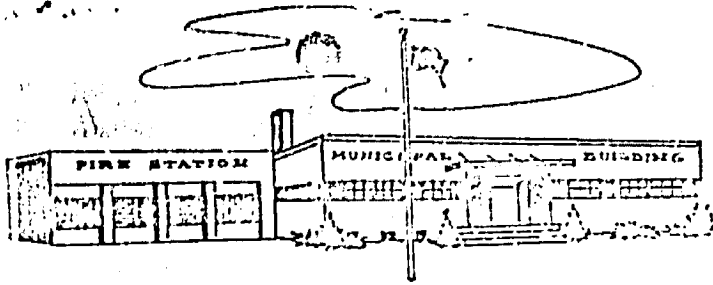
Gentlemen:

The City Council, City of Colome, as a bulk user, does support the proposal for a water plan from the Missouri River, to bring this water to the towns and rural areas of Gregory, Tripp and adjacent counties for domestic, industrial and livestock use, if it can be supplied at a reasonable rate.

Sincerely,

CITY OF COLOME


Tony Cervenka, Mayor



CITY OF WINNER

217 East Third Street, Winner, South Dakota 57580

"In the Heart of the Rosebud"

September 6 1975

To Whom It May Concern

With the increase in population and the need for more water and the possibility that there could be a shortage of local water in the future it appears that it would be wise to seek the availability of water from other sources to supplement what we now have.

Therefore it appears wise to explore the feasibility of taking water from the Missouri River for use of the populace in this area.

Yours truly

Walter H. Beckling
Walter H. Beckling Mayor
City of Winner

OPPOSED TO PERMIT NO. 1300-2

Harold E. Elliott
Steve D. Jones

J. G. Hargrove
Clara Hargrove

DALE HATCH

STOP IN ON 11-13-75
TO LISTEN TO A TAPE
OF HEARING ON 11-12-75.

RECORDED A SEGMENT OF HEARING TAPE
RECORDING OF ABOUT 5 MINUTES CONCERNING
THE POSITION OF CITY OF WINNER, ESC. CLARA
TURGEON TELEPHONE ~~CALL~~ CALL TO MR. HATCH

T. A. G.

(Copy 1386)

November 25, 1975

Mr. Dale Nagel
Southern Tripp County Water Assn.
Colome, S. D. 57528

Dear Mr. Nagel:

This will acknowledge your letter requesting all the information filed for and against the Tripp County Water User District. Enclosed are copies of the Water Rights Commission minutes for the meetings of May 21-22, 1975, July 24-25, 1975, and September 10-11, 1975. The minutes for the November 12-13, 1975 meeting will not be available until the Commission has approved the minutes at the January 22-23, 1976 meeting.

Enclosed are listings of items we have on file concerning application numbers 1256-2, 1300-2 and 1301-2. All items are available for inspection in this Office. If there are specific items which you would like copies of, we can provide you with copies following your review of these items.

We are enclosing copies of :

- (1) Summary of affidavits and letters filed on Application No. 1256-2 with the Water Rights Commission at the meeting of May 21, 1975.
- (2) Reconsideration of Application No. 1256-2 of the Tripp County Rural Water User District.
- (3) The Tripp County Rural Water User District Application No. 1256-2.

We are not enclosing copies of the preliminary engineering report and maps for the Tripp County Rural Water User District. We have one copy which was provided by R. G. Van Gundy, Foster-Van Gundy Associates, P.O. Box 4, Ellsworth, Kansas 67439. You should contact Mr. Van Gundy to obtain copies of the Tripp County Rural Water User District preliminary engineering report and maps.

Mr. Dale Nagel
Page 2
November 26, 1975

Please advise if we may be of further assistance.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nlm

Enclosures

November 20th, 1975

Vern Butler
Secretary
Department of Natural Resource Development

Dear Mr. Butler:

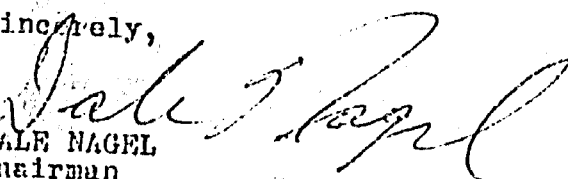
Could you please send me all the information filed for and against the Tripp County Rural Water User District? This should include the hearings of the Water Resource Commission at Pierre, Rapid City, Yankton, and again at Pierre.

I would also like two (2) copies of the preliminary report and maps of the Tripp County Water User District.

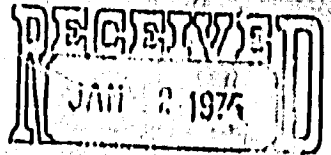
I would like this information by the first day of December.

Thank-You.

Sincerely,


DALE NAGEL
Chairman
Southern Tripp County Water Association
Colome, S.D. 57528

NOV 25 1975



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Colome, South Dakota
January 8, 1976

Water Rights Commission
Office Building Number 2
Pierre, South Dakota 57501

Dear Mr. Butler:

I have heard many rumors about the permit that was issued for the Tripp County Water User District on Section 8 which was approved by the commission at the last meeting.

I want to know if the geological survey or study for the amount of water has been made to date? If so what are the results? Also if it has been made by whom? These questions all apply to Section 8 for which this permit was granted.

I want this information as an answer to this letter as soon as possible.

Thank you.

Sincerely yours,

Mavis O'Bryan
R. R. 3
Colome, South Dakota
57528

Re: 1300-2

January 21, 1976

Mrs. Mavis O'Bryan
R.R. #3
Colome, SD 57528

Dear Mrs. O'Bryan:

This will acknowledge your letter concerning the Tripp County Water User District Water Right Application No. 1300-2. The State Geological Survey has not made a detailed survey of Section 8 which is included in the Valentine Formation. The Valentine Formation is a generalized formation and does not consist entirely of permeable and saturated sands and gravel.

We do not believe it is necessary to make a quantitative determination of the estimated annual recharge for each water right application. The Commission and staff does make a determination as to whether in their opinion the estimated average annual recharge will be exceeded by a given withdrawal. The Commission and the Commission staff believe that unappropriated water is available in this area based upon the actual information and the Commission staff's knowledge of the area.

Please advise if you have any additional questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nm

Nolome, South Dakota

July 14, 1976

Mr. Vern Butler

Department of Natural Resources

Pierre, South Dakota

Dear Mr. Butler:

RECEIVED

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Must a note to let you know that the facts are being seen in the Winner area. As you have probably heard the town of Winner is having problems with water supply and asking for everyone to curtail the use of it. I feel that you people in your office should be having to take a lot of the blame since for the past three years you would not listen to common sense, but bowed your heads because you had authority and would keep giving irrigation permits and other water rights. It seems to me that something must be done to curtail such happenings is occurring again. There are many neighbors who have had to dig their dugouts deeper and many wells have had to be dug because you have not listened. Please don't try to tell me that it's from the rainfall and drought. I will agree it might have had some influence but your taking things in your hands and doing as you please and not thinking of all the people instead of a few has made things quite difficult for many of us and I intend to fight all concerns to the end.

Do hope you stop and take a good cool look at the happenings in this area.

Sincerely yours,
Mavis O'Brien

Colome, South Dakota

March 29, 1976

Mr. Vern Butler
Department of Natural Resources
Pierre, South Dakota

Dear Mr. Butler:

I am sending you a clipping from the Rapid City Paper. I must say it really tells what a hero Mr. Butler is but as far as anything else it is quite uninformative. I can not agree with all your irrigation systems in some areas, as you know very well, the water level is down considerably in most of them. You did not say in the report that you had to shut down some of the systems because the level dropped. Also you did not say anything about the Winner and Wagner area where the rainfall over the past five years is normal yet our wells are showing a decline. And what is worse you have the records to prove it. It seems to me you could be a little more fair with the reports that come from your office. It seems to me you are a very biased man. I would also believe that you do not have the proof of the water as you state in most areas other than easy chair reports from people like you and other members of your staff. As I understand there are not many signed statements about the existing water in our area other than by the mouth nothing concrete on paper. Also there was considerable amount of testing done in this area last spring. It seems to me that you have had ample time to get your name on something.

Thank you.

Sincerely yours,

Mavis O. Bryan
Mavis O. Bryan

RECEIVED

MAR 30 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

WILLIAM F. DAY, JR.
J. M. GROSSENBURG

DAY & GROSSENBURG
ATTORNEYS AT LAW
P. O. BOX 690
WINNER, SOUTH DAKOTA 57690

PHONES:
605 842-1676
605 842-1684

July 26, 1976



Vern Butler
Department of Natural Resources Development
Pierre, South Dakota 57501

Re: Tripp County Water User District

Dear Vern:

I am enclosing a statement from Pat Chase which I believe is self explanatory. His corporation drilled the well for the district and I guess if you want to place this in the file, you can.

I am sorry for the verbal abuse that you had to undergo at the meeting here in Winner. I am also glad that a member of the commission did finally put a stop to it.

Very truly yours,

DAY & GROSSENBURG

William F. Day, Jr.
William F. Day, Jr.

WFD:vk

Encl.

Chase Well Drilling, Inc.

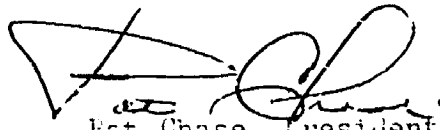
AINSWORTH, NEBRASKA 68210

PHONE 337-1630

7-22-76

TO WHOM IT MAY CONCERN:

This is to verify that the well for Tripp County
water was test pumped for 72 consecutive hours
without being shut off. Two days later we went
back and surged the well for 4 more hours.



Pat Chase, President

NEGOTIATED PROPOSAL
OF
CHASE WELL DRILLING COMPANY
Ainsworth, Nebraska

Gentlemen:

The Undersigned has examined the plans and specifications and other contract documents and has examined the location of the proposed work and otherwise familiarized himself with the conditions and requirements necessary and incidental to the completion of all work as described, agrees to provide all materials, labor, tools, equipment & services, as specified for the following:

ITEM NO.	DESCRIPTION	QUAN.	UNIT	UNIT PRICE	EXTENSION
1.	Drill 24" diameter Bore Hole	160	LF	34	<u>5,440.00</u> 4216.
2.	Furnish & Install 12" PVC Schedule 40 Well Casing	130	LF	15	<u>1,950.00</u> 1160.
3.	Furnish & Install 12" Stainless Steel Cont. V-Slot Well Screen	30	LF	150	<u>4,500.00</u>
4.	Drill 4" Observation Holes	640	LF	5	<u>3,200.00</u> 2775.
5.	2" PVC - CI, 160' Observation Hole Casing w/ Sand Point Screen	640	LF	2	<u>1,280.00</u> 1038.
6.	Set Test Pump		LS	500	<u>500.00</u>
7.	Test Pump Hour	72-76	Hrs.	50	<u>3,600.00</u> 3800.
8.	Heat Cement Grout for Sanitary Well Seal		LS	200	<u>200.00</u> 100.
9.	Cap Well & Observation Holes, Seal & Padlocks		LS	1000	<u>1,000.00</u>
10	4 sand points stainless steel	4		86.74	<u>347.96</u>
TOTAL					<u>\$21,820.00</u> 19638.96

Tripp County Water Users District

P. O. Box 690

Winner, South Dakota 57560

BOARD OF DIRECTORS:

President—Martin Jorgensen, Ideal
Vice President—Ray Bartels, Winner
Secretary—Dale Waters, Carter
Treasurer—Earl Butrz, Winner
Jack Frantz, Ideal
Virgil Fulwider, Iona
Glenn Gardner, Witten
Claude Hickey, Iona
Wm. Hugelmann, Winner
Albert Novotny, Sr., Winner
George Olson, Ideal

RECEIVED

SEP 20 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

JOHN HATCH CHIEF ENGINEER
WATER RIGHTS COMMISSION
PIERRE, S. D.

It was our understanding that your office could share the cost of the observation wells, enclosed is a copy of the cost of our production well and other costs. Please advise us as to your position on this.

Sincerely,

Dale Waters
Dale Waters, Sec.

Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 68210

PHONE 337-1680

Gentlemen:

The undersigned has examined the plans and specifications and other contract documents and has examined the location of the proposed work and otherwise familiarized himself with the conditions and requirements necessary and incidental to the completion of all work as described, agrees to provide all materials, labor, tools, equipment and services as specified for the following:

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUAN.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
1.	Drill 24" diameter Bore Hole	160	LF	34	4216.00
2.	Furnish & Install 12" PVC Schedule 40 Well Casing	130	LF	15	1100.00
3.	Furnish & Install 12" Stainless Steel Cont. V-Slot well screen	30	LF	150	4500.00
4.	Drill 4" Observation Holes	595	LF	5	2975.00
5.	2" PVC - Cl. 160 Observation Hole Casing w/ Sand Point Screen	519	LF	2	1038.00
6.	Set Test Pump		LS	500	500.00
7.	Test Pump Hour	76	Hr.	50	3800.00
8.	Neat Cement Grout for Sanitary Well Seal		LS	200	100.00
9.	Cap Well & Observation Holes, Seal & Padlocks		LS	1000	1000.00
10.	4 Sand points (Stainless Steel)	4		86.74	<u>349.76</u>
					319,638.76

The Undersigned proposes to enter into contract for the total bid listed. The final contract payment is to be made on units constructed, based on each unit price.

The Undersigned estimates that he can start work within 0 calendar days. He will require 36 working days to complete all the items in this contract.

Signed this 28 day of May, 19 76.

BIDDER _____

BY Far Oshun

POSITION _____

ADDRESS _____

SECTION 9

WELL

9.01 GENERAL

The Contractor shall drill the well and the observation wells at the location designated by the Owner. He shall provide all the material, equipment, and labor necessary to complete all items of this proposal in accordance with these specifications.

9.02 SCOPE

The work covered by this specification consists in furnishing all plant, labor, equipment, and materials, and performing all operations specified in connection with drilling and test pumping a 320 GPM well for a potable water supply.

9.03 WELL CASING AND SCREEN

Upon completion of the drilling to the required depth, a screen and well casing shall be installed to permit development and test pumping of the well. The annular space between the casing and the wall of the hole will be occupied by sterilized gravel, from the bottom of the hole to a depth of 20 feet from ground level. This gravel filter shall be placed by feeding it through a pipe extending to the bottom of the well. The pipe is raised as the gravel is placed. The gravel recommended to be used will be similar to American Materials, Eau Claire, Wisconsin. .60 - .65 mm. material.

The Contractor shall furnish to the Owner or his representative, a certified copy of this material attesting conformance to this specification.

9.03 WELL CASING AND SCREEN (Cont'd)

The casing shall be 12" inside diameter, schedule 40 PVC and the well screen shall attach to bottom of this pipe.

The well screen shall be 12" inside diameter, of stainless steel metal, continuous V-slot construction, or equal. This screen will be 30 feet long and the slot opening shall be a No. 25 (0.025 inch) Johnson screen. The bottom of the screen approximately 160' to depth. The bottom of the screen will be closed.

9.04 WELL DEVELOPMENT

The development and completion shall be done by the Contractor, using approved methods, to secure maximum capacity. Surge plungers, pumps and air compressors may be used. The progress shall be continued until the sand content is of negligible size and quantity. Any preliminary pumping at specified rates will be considered as part of the well development.

9.05 OBSERVATION HOLES

Four test holes are required. One set should be placed along a line with the test well and located 50' & 100' from the test well. The other set of observation wells should be placed along a line perpendicular to the original line, noted above, and at the same distances from the test well as the first set. At the option of the Geologist, distance may be varied to suit this particular location. The observation wells should be cleaned out to insure their response to pumping of the test well before the test is run. The water level in observation

9.05 OBSERVATION HOLES (Cont'd)

wells in the surrounding wells should be measured prior to and after the test.

Observation wells should fully penetrate the aquifer if possible. The screen for the observation well shall be a 3' long well point the same diameter and attached to the bottom of the casing and should be placed at the bottom of the aquifer.

9.06 TEST PUMP

A pump shall be installed that is capable of pumping at a constant rate of 350 GPM continuously for 72 hours or a greater or lesser period as directed. The Contractor shall keep at least one qualified person at the site during the entire pumping period and following the pumping period until the ground water level shall have returned to within one foot of original static water level.

The water produced during the test must be piped away from the well site for a minimum of 2500 feet. This distance could be altered, due to local condition, by the Geologist, but in any event the water produced must not be allowed to infiltrate in the immediate test area. If for any reason the pumping is interrupted for 30 minutes or more, the test shall be discarded and the test pumping period shall start over.

A splash box or stilling basin shall be supplied to receive the discharge from the pump to prevent undue erosion. Discharge flow will be monitored and may be measured by any standard accepted method such as a stan-

9.06 TEST PUMP (Cont'd)

standard orifice or a flow meter on the discharge line. Drawdown in the well shall be measured by means of an altitude gauge, measuring pressure in the air line extended to the bottom of the well. Drawdown in the observation holes shall be measured by means of cased tapes or by an equivalent approved method.

Water level measurements will be taken by the Owner or his representative in each well according to the following general schedule.

- (a) One reading prior to start of pump.
- (b) One reading at start of pump (time = zero).
- (c) One reading a minute for 10 minutes.
- (d) One reading every 2 minutes for 20 minutes.
- (e) One reading every 3 minutes for 30 minutes.
- (f) One reading every 5 minutes for 1 hour.
- (g) One reading every 10 minutes for 1 hour.
- (h) One reading every 15 minutes for 1 hour.
- (i) One reading every 20 minutes.
- (j) One reading every hour.
- (k) One reading every 2 hours.
- (l) One reading every 3 hours.

Water samples will be taken during the test and submitted for chemical analysis.

When the pump is shut off at the end of the test, recovery measurements will be taken. A measurement will be made at moment of shut off, then at the same intervals as noted above for pumping. These measurements will continue until static level is reached or the rate of

9.06 TEST PUMP (Cont'd)

recovery is so slow as not to warrant further readings.

9.07 WELL GROUTING

The grout should extend to a maximum depth of twenty (20) feet or the static water table.

Grouting requirements:

(a) Neat Cement Grout

1. Cement and water with not more than 6 gallons of water per sack of cement.
2. Additives, up to 5 per cent by weight, may be used to increase fluidity.

(b) Application

1. Grout shall be installed by means of a grout pump from the bottom of annular opening upward in one continuous operation until annular opening is filled.
2. Sufficient annular opening shall be provided to permit a minimum of 1½ inches of grout around protective casing, including Couplings, if used.
3. When the annular opening exceeds 4 inches and concrete grout is used, it may be placed by gravity through a grout pipe installed to the bottom of annular opening.

The well shall be disinfected in accordance with the South Dakota State Board of Health standards.

9.08 DISINFECTION

- A. Gravel for gravel-packed wells shall be disinfected by immersing the gravel in a chlorine solution con-

taining not less than 200 mg/l (milligrams per liter) of available chlorine. (A satisfactory solution may be made by mixing 1/4 pound of high test calcium hypochlorite (70% available chlorine) with 100 gallons of water.) A less satisfactory but acceptable method of disinfecting the gravel is to treat the gravel with a strong chlorine solution (200 mg/l) as it is placed in the tremie tube.

- B. Completed wells shall be disinfected by adding sufficient hypochlorite solution to them to produce a concentration of not less than 100 milligrams per liter of available chlorine when mixed with the water in the well. (Corresponds to about 1.5 lbs. of high test calcium hypochlorite per 1,000 gallons of water in the well.) Just prior to settling the pump the casing and pump column should be washed down with a 200 mg/l available chlorine solution.

Re: 1300-2

October 6, 1976

Dale Waters, Secretary
Tripp County Water Users District
P. O. Box 690
Winner, South Dakota 57580

Dear Mr. Waters:

This will acknowledge your letter concerning sharing the cost of the observation wells near your water system production well. Attached is a copy of the letter in which this was discussed.

It was our understanding that you would notify us when observation wells were to be drilled in order that we might furnish the casing for any observation wells we could use on a permanent basis. We can not use wells located 50' or 100' from the production well as observation wells. We were hoping to obtain one or more observation wells near or in a road ditch or Section line and at least 1000' from the production well.

Our contribution would have been to furnish casing with no actual payment of funds.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH/kb

Colome, South Dakota
November 6, 1975

Water Rights Commission
Building No. 2
Pierre, South Dakota

Dear Mr. Butler,

I am writing to you and asking that the two water permits that are to be considered by the Water Resources on November 12, 1975 be denied in full, namely permit number 1300-2 for the Trippe County Water Users District and also permit number 1307-2 for the Novotny Irrigation Project. I do not think I should have to give you any reasons as you should know the feelings of the people in this area and believe me they haven't changed one bit.

I also have a question on the permit that was issued to Novotny Brother this spring for irrigation. Does this permit limit them on the irrigating of the 160 acres that they were given a permit to irrigate two years ago or this limitation just on the water being pumped into the reservoir on this permit. There seems to be some misunderstanding over this permit and I would like to know in writing what was the commission and staffs feelings on this permit when it was issued.

Thanking you for your consideration of this permit.

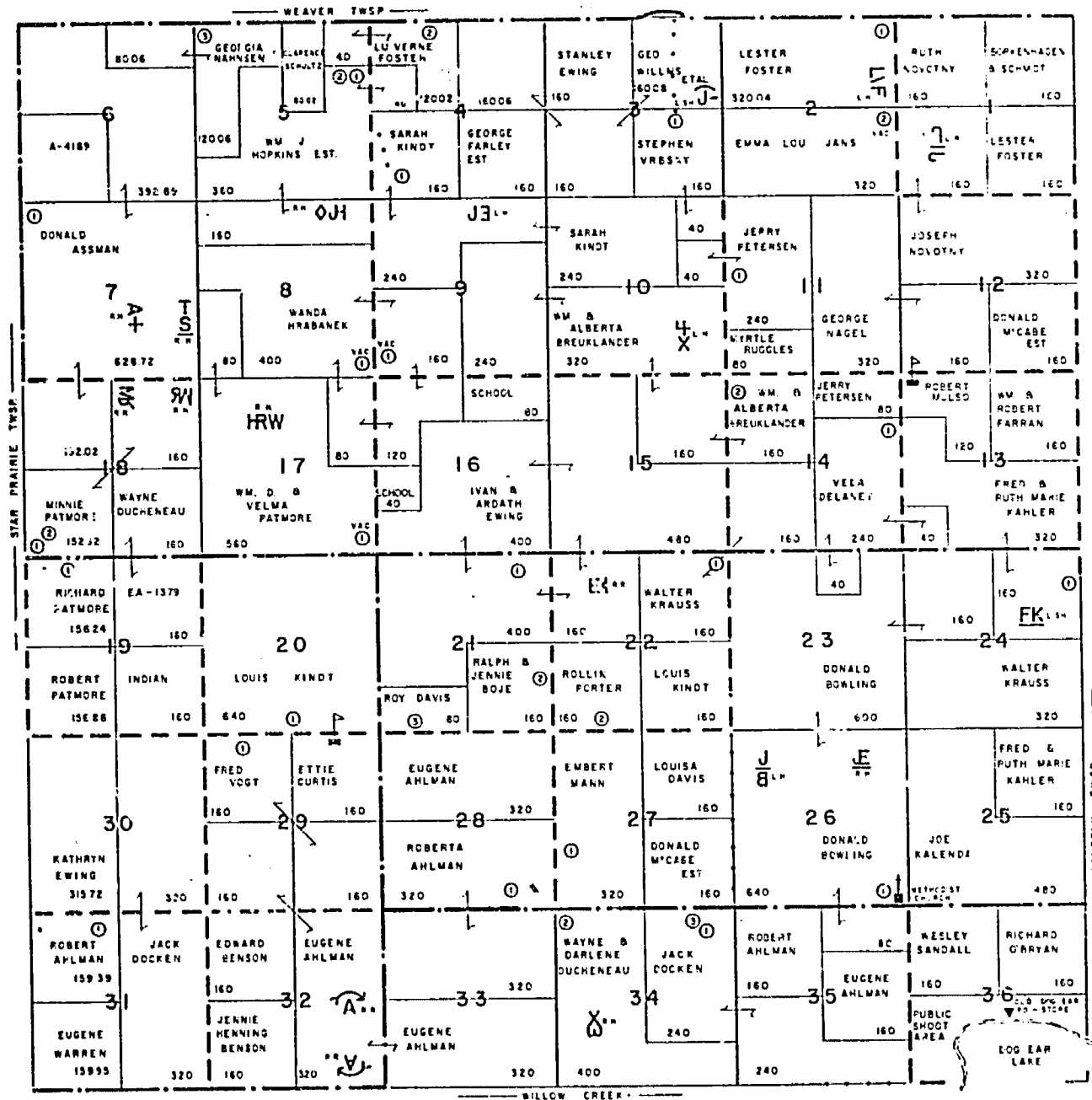
Sincerely yours,
Mavis C. Bryan
Mavis C. Bryan

DOG EAR

TWSP - 97 - NORTH

RANGE - 77 - WEST

CODE - D



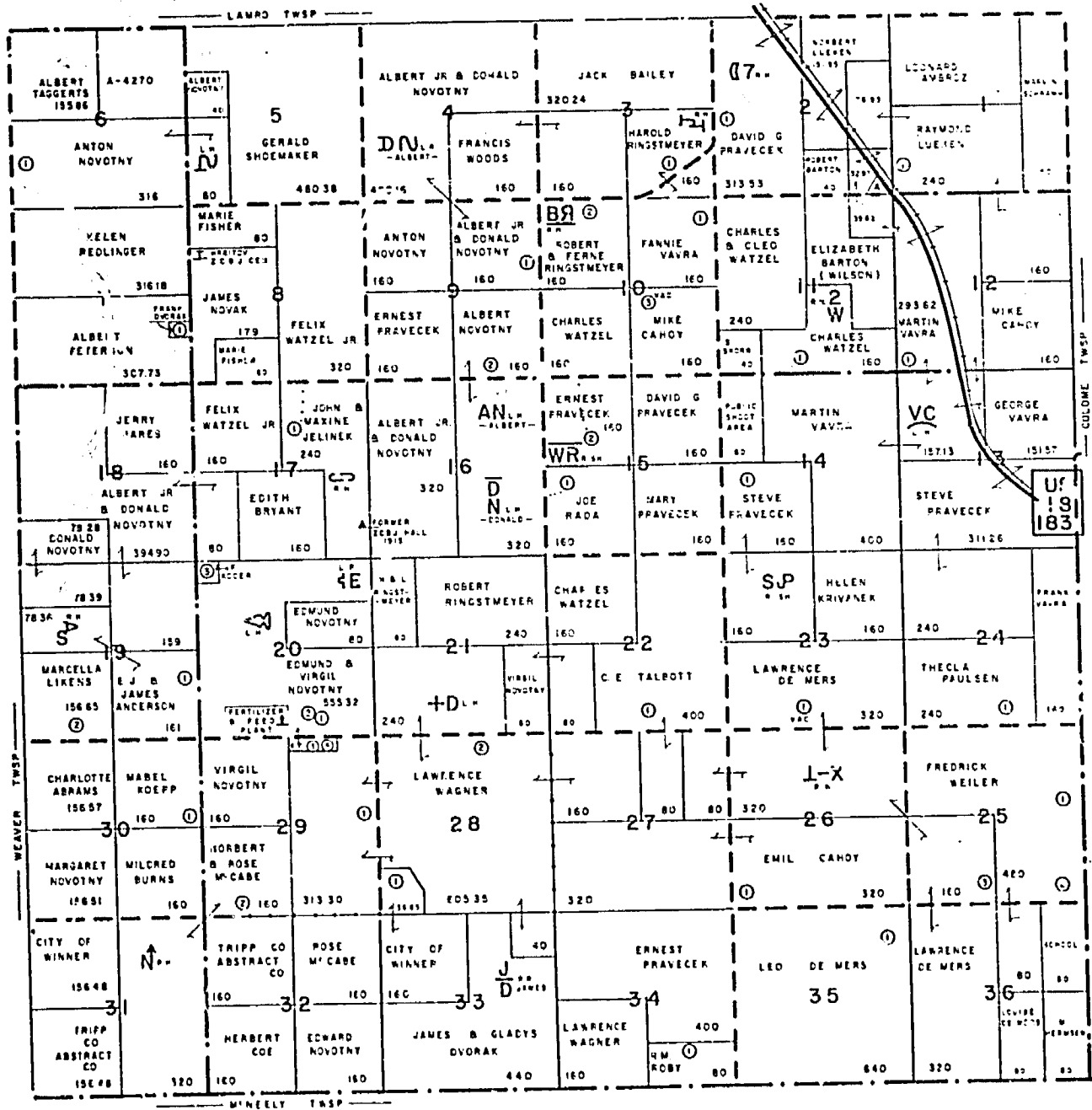
MAP - 10

WILSON

TWSP - 98 - NORTH

RANGE - 76 - WEST

CODE - W



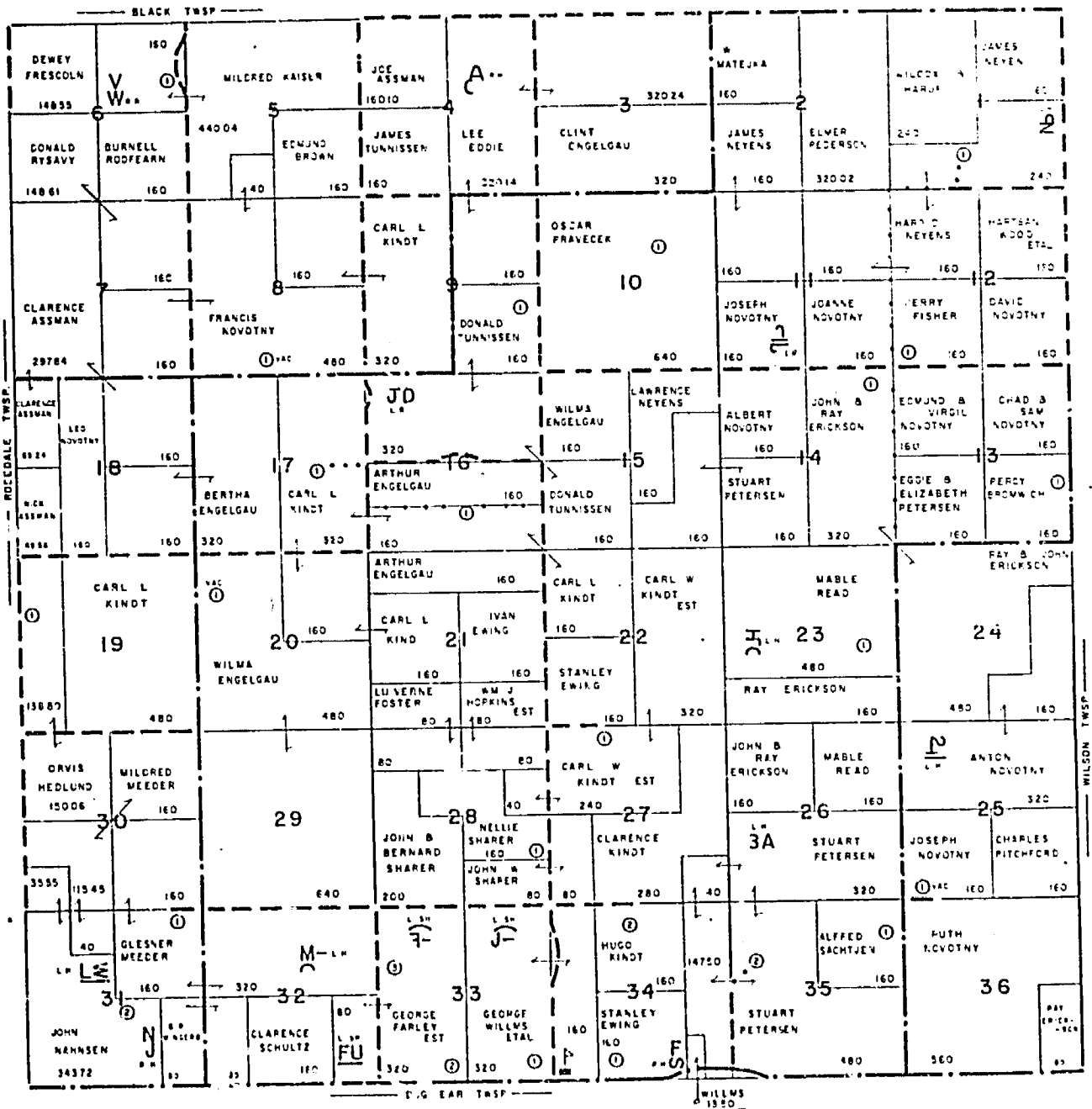
MAP - 48

WEAVER

TWSP - 98 - NORTH

RANGE - 77 - WEST

CODE - WE



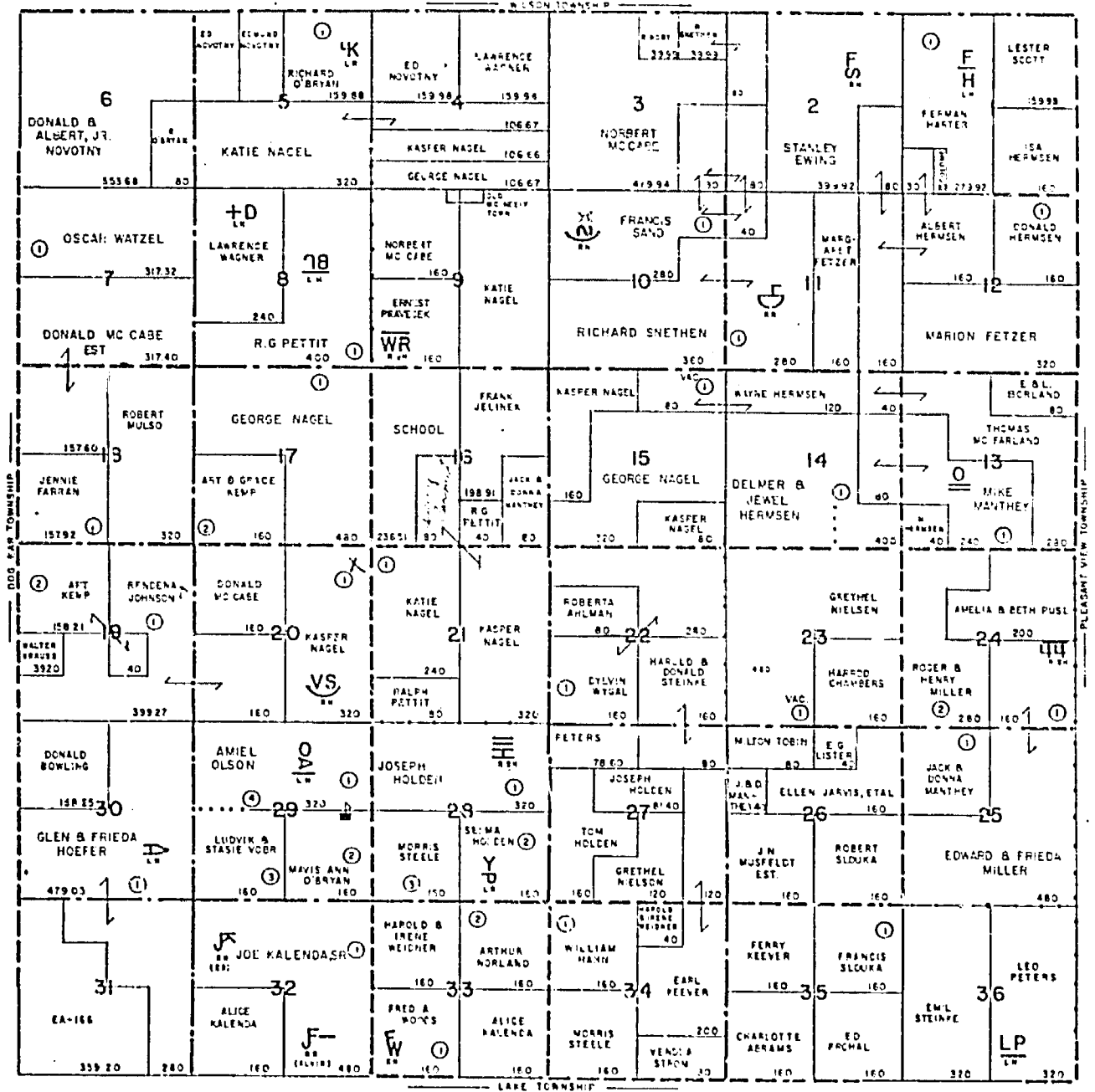
MAP - 46

Mc NEELY

TOWNSHIP-97-NORTH

RANGE-75-WEST

CODE- MC



MAP-28

LIST OF ITEMS CONCERNING APPLICATION NO. 1256-2

1. Completed forms with map to appropriate water with the State of South Dakota.
- * 2. Staff report "Tripp County Rural Water District Application No. 1256-2" (enclosed).
- * 3. Staff Report "Reconsideration Application No. 1256-2, Tripp County Rural Water District" (enclosed).
4. A letter to William F. Day, Jr. from Vern Butler, Secretary, Department of Natural Resource Development, dated September 12, 1975, concerning applications approved in Tripp County on the May 21, 1975 and Commission minutes for May 21-22, 1975 and July 24-25, 1975.
5. Notarized copy of a petition received from Fenner C. Harter with 32 signatures, dated July 25, 1975. The contents as follows: "We the undersigned, original petitioners being owners or entymen within the proposed Tripp County Water Users District, do hereby request the removal of our names as petitioners from the original Tripp County Water Users District Petition"
- * 6. 12 letters and affidavits, filed on Application No. 1256-2. (Summary enclosed).
7. Letter to all users and other interested people from R. G. Van Gundy, Bartlett & West, P.A. and Foster-Van Gundy and Associates concerning cost comparisons of Missouri River water to ground water.
8. Letter to Water Rights Commission from James Abourezk, United States Senate, reaffirming support of rural water systems. Also stating that he has been approached several times by Southern Tripp County residents that fear their water supply may be jeopardized. He desired that the fears of these people be resolved before the Water Rights Commission makes a decision.
9. Letter to Mr. Butler from Dale Nagel, dated May 8, 1975 urging that river water be used. Enclosed was page 24 of the Winner Advocate and Tripp County Journal, Wednesday, May 7, 1975.
10. Letter to Mr. Butler, from Mrs. William Pettel, dated May 26, 1975 indicating the decline of the ground water.

11. Letter from Mr. Butler from Jack Mantel dated June 18, 1975 opposing ground water appropriation and supporting diversions from the Missouri River.
12. Letter to Mr. Vern Butler, Secretary, DNRD, from Mavis O'Bryan May 5, 1975 requesting answers to questions concerning Southern Tripp County Water Development.
13. Letter to Mrs. Mavis O'Bryan from Mr. Vern Butler, Secretary, DNRD, dated May 27, 1975 stating qualifications on Permit No. 1243-2 approved to Novotny Brothers and interpretations of the clause "Average annual recharge."
14. Certificate of approval (uncompleted) petition for Organization of the Tripp County Water User District dated July 21, 1975 with memo.
15. Letter to Mr. Vern Butler, Secretary, DNRD, from William F. Day Attorney, dated July 28, 1975 requesting information on the basis for rejecting the Tripp County Rural Water System and Mr. Butler's reply letter.
16. Letter to Mr. Martin Jorgensen, Chairman, Steering Committee, Tripp County Water User District from Vern Butler dated July 28, 1975, stating the rejection of Application No. 1256-2.
17. Letter to Mr. William Janklow, Attorney General, from Mr. Richard O'Bryan dated April 25, 1975 concerning the meaning of "Estimated annual recharge."
18. Memorandum to William Janklow, Attorney General from Vern Butler, Secretary, DNRD, dated May 5, 1975, answering Mr. O'Bryan's questions for Mr. Janklow's information.
19. Letter to Dale Nagel, Martin Jorgensen, Mick Grossenberg, and William Srstka, Jr., from Vern Butler, Secretary, DNRD, dated July 15, 1975, informing each of the reconsideration of Application No. 1256-2 in Rapid City on July 24-25, 1975.
20. Letter to DNRD, Water Rights Commission, from Mavis O'Bryan dated April 29, 1975 asking questions about qualifications on Novotny permit, the meaning of "average annual recharge," and giving opposition to the Tripp County Rural Water System.
21. Letter to Mr. Martin Jorgensen, Jr. from R. G. Van Gundy, Foster - Van Gundy, Engineers, dated July 21, 1975 concerning the project.

- Letter to Vern Butler, Secretary, DNRD from William F. Day, Jr. dated August 29, 1975 requesting information on permits granted in Tripp County on the May 21, 1975 meeting, the purchasing of minutes, and procedures for reconsideration of Application No. 1256-2.
23. Letter to Mrs. Mavis O'Bryan from Vern Butler, Secretary, DNRD dated May 2, 1975 stating that her letter will be read at the hearing.
24. Letter with four enclosures to Vern Butler, Secretary, DNRD, from Richard O'Bryan dated April 25, 1975 indicating opposition to the Project. Enclosed were copies of letters to William Janklow, Attorney General; Representative Larry Pressler; Senator James Abourezk; and Representative James Abdnor, from Richard O'Bryan dated April 24, 1975 stating opposition of Application No. 1256-2.
25. Letter to Richard O'Bryan from Donald Driscoll dated April 28, 1975, giving information on Water Permit No. 1243-2 (Novocny Brothers) such as qualifications. Also the status of Application No. 1256-2.
26. Form 6 - Notice of Intent to Appropriate Water, dated April 16, 1975.
27. Form 5 - Publication of Notice, dated April 16, 1975.
28. Form 7 - Letter to Publisher - Notice of Intent to Appropriate Water, dated April 16, 1975.
29. Form 3 - Acknowledgement of receipt of application, dated April 8, 1975.
30. Letter to Mr. Martin Jorgensen from R. G. Van Gundy, Foster-Van Gundy and Associates, Engineers dated March 28, 1975, concerning Water Right Application Procedures.

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LIST OF ITEMS CONCERNING APPLICATION NO. 1300-2

1. Completed application forms with map for appropriation of water within the State of South Dakota.
2. Four copies of letters received from P. C. Harter on 11-13-75 for the cities of Dallas, Winner, Colome, and Gregory indicating support for a study of the use of Missouri River water.
3. A staff prepared map of area in question, (passed out at meeting November 13, 1975).
4. Newspaper article to Mayor, City of Winner, from Robert C. Swartout, Chief, Community Programs, FHA, dated September 8, 1975 offering support of the Tripp County Rural Water System.
5. One advertisement, Notice of intent to appropriate water.
6. Form 6 - Notice of Intent to Appropriate Water, dated October 23, 1975.
7. Form 7 - Letter to Publisher - Notice of Intent to Appropriate Water, dated October 23, 1975.
8. Letter to Burton F. Jones, Water Rights Specialist, DNRD from William Day, Jr. dated October 31, 1975, requesting information on observation well depth and the amount of cfs on the Casper Nagel Permit and Mr. Jones' letter of reply.
9. Letter to Water Rights Commission from William J. Srstka, Jr. dated November 18, 1975 asking reconsideration of the decision to issue Water Right 1300-2 and a letter of acknowledgement from John Hatch, Chief Engineer, Water Rights Commission.

LIST OF ITEMS CONCERNING APPLICATION NO. 1301-2

1. Completed application forms with map to appropriate water within the State of South Dakota.
2. Letter from Burton F. Jones to Martin Jorgenson, Jr., dated October 10, 1975, requesting that aerial photos submitted with application No. 1301-2 be signed by a professional engineer, registered land surveyor, or government employee. (three copies)
3. Receipt for \$8.00 application fee.
4. Form six, "Notice of Intent to Appropriate Water". (four copies)
5. Form seven, "Letter to Publisher".
6. Form five, "Publication of Notice".
7. One printed advertisement, No. 1301-2.
8. One letter from John Hatch, Chief Engineer, Water Rights Commission, to Martin Jorgenson, Pres., dated November 14, 1975, confirming a telephone conversation concerning the advertisement of Application No. 1301-2.

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(Novotny) LIST OF ITEMS CONCERNING APPLICATION NO. 1047-2

1. One letter from J. W. Grimes to Mr. Edmund A. Novotny, dated November 3, 1971, ordering the termination of irrigation of 75 acres in the SW $\frac{1}{4}$, Section 20, T98N, R76W, which was irrigated without a water permit.
2. One letter from Mick Grossenburg, Attorney, to Mr. Burt Jones, dated August 27, 1971, concerning a domestic well interference complaint by John Jelinek.
3. Form ten, "Notice of Completion of Works and/or Application of Water to Beneficial Use".
4. Staff note concerning a complaint by the States Attorney, acting on behalf of a domestic well owner.
5. One letter from J. W. Grimes to Novotny Brothers dated January 26, 1971, indicating the approval of Water Permit No. 1047-2.
6. Form eight, "Proof of Publication".
7. Form six, "Notice of Intent to Appropriate Water".
8. Form seven, "Letter to Publisher".
9. One letter from Donald Driscoll to William J. Srstka, Jr., Attorney, dated February 27, 1975, advising of the scheduling of application No. 1047-2.
10. Form five, "Publication Notice".
11. Form three, "Acknowledgement of Receipt of Application".
12. Form 2A, "Wells, Dugouts or Water Storage Dams".

(Novotny) LIST OF ITEMS CONCERNING APPLICATION NO. 1092-2

1. Two completed Form 2's, two Form 2A's, and a water right map.
2. One letter from Lawrence A. Wagner to Water Resource Commission, dated November 8, 1971, advising that he owns land adjacent to Novotny Brothers and that water flow has not been impaired on his farms.
3. Four affidavits from E. J. Anderson, James Novak, John Jelnick, Albert Pederson protesting existing irrigation and future irrigation development and also stating that domestic well supplies have been detrimentally influenced.
4. One petition whose signers are concerned and are of the belief that expanded irrigation will lower water tables.
5. One petition whose signers urge the Water Resources Commission to deny Application No. 1092-2.
6. One petition whose signers urge the Water Resources Commission to deny Application No. 1092-2 and also, to revoke the Novotny Irrigation Project No. 1 for the reason that they have abused their privilege.
7. One Form eight, "Proof of Publication".
8. One "Notice of Intent to Appropriate Water", No. 1092-2.
9. One letter from Donald Driscoll, Chief Engineer, to William Srstka, Attorney, dated February 27, 1975, advising of the reconsideration of the Novotny Irrigation Project.
10. One letter from William Srstka, Jr., Attorney, to Donald Driscoll, dated June 27, 1975, requesting status of the Novotny Brothers irrigation Project and letter of reply by Donald Driscoll.
11. One Form six, "Notice of Intent to Appropriate Water".
12. One Form seven, "Letter to Publisher".
13. One Form five, "Publication Notice".
14. One Form three, "Notice of Receipt of Application"

(Novotny) LIST OF ITEMS CONCERNING APPLICATION NO. 1243-2

1. One Novotny Brothers Water Right Application No. 1243-2 report. (enclosed)
2. One letter to Richard O'Bryan from Donald Driscoll, dated April 28, 1975 stating that application No. 1243-2 has been approved and also, stating conditions of the water right. The letter also made reference to Water Right Application No. 1256-2 from Tripp County Rural Water Systems.
3. One letter from Mavis O'Bryan to State Water Resources Commission dated April 22, 1975, requesting information on the Novotny Irrigation Project.
5. One letter from Richard O'Bryan, to Vern Butler, dated April 21, 1975, requesting a copy of the minutes of the Novotny meeting. Also requested was information on an application from Jorgenson Brothers.
5. One Form nine "Forwarding Permit to Appropriate Water".
6. One staff note stating the conditions of the water right.
7. One letter from Burton F. Jones to Virgil Novotny, dated March 31, 1975, requesting that affidavit of publication be sent to the Commission.
8. One "Notice of Intent to Appropriate Water", No. 1243-2, first publication.
9. One Form eight, "Proof of Publication".
10. One letter from Donald Driscoll to William Srstka, Jr., Attorney, dated February 27, 1975, advising of reconsideration of Novotny Brothers Water Right Application.
11. One Form six, "Notice of Intent to Appropriate Water".
12. One Form seven, "Letter to Publisher".
13. One Form five, "Publication of Notices".
14. One letter from L.O. Fine, Water Quality Lab, to Novotny Brothers, dated January 29, 1975, stating water quality is satisfactory for use on soils indicated.
15. Form WI #1, "Supporting Information for Appropriation of Ground Water".
16. Water analysis.

(Novotny) LIST OF ITEMS CONCERNING APPLICATION NO. 1307-2

1. Two Form 2's, two Form 2A's, and a water right map.
2. Two sketch maps.
3. One letter from John Hatch to Mr. Albert Novotny and Donald Novotny, dated January 12, 1976, stating status of application No. 1307-2. (Temporary Permit)
4. Form eight, "Proof of Publication".
5. Second Publication.
6. Form six, "Notice - Intent to Appropriate Water".
7. Form seven, "Letter to Publisher".
8. Form five, "Publication Notice."
9. One letter from L. O. Fine, Water Quality Lab, to Albert and Donald Novotny, stating that the water quality will match the soils.
10. Form W1 #1, "Supporting Information For Appropriation of ground water."
11. Water Analysis.

LIST OF ITEMS CONCERNING APPLICATION NO. 521-2
CITY OF WINNER

1. One Form two, one Form No. 20, one Form No. 26, one Form 2A, and Water Right Map.
2. Staff note concerning "Earth-Resistivity Survey for Ground Water at the City of Winner".
3. Form letter from J. W. Grimes to Catherine M. Kelley, City Auditor, dated November 6, 1959, stating that vested right permit to appropriate water, certificate of completion of works, and water license No. 521-2 were enclosed.
4. A letter from Les Wyborny, Water Rights Engineer, to Catherine M. Kelley, City Auditor, dated April 29, 1959, requesting fees and well location information.
5. A letter from Les Wyborny, Water Rights Engineer, to Catherine M. Kelley, City Auditor, dated March 3, 1959, requesting clarification of vested right claim and legal procedures for future use development.
6. One letter from Catherine M. Kelley, City Auditor, to Water Resources Commission dated February 20, 1959, stating that Form two, Form 2A, and maps are enclosed.
7. One letter from Catherine M. Kelley, City Auditor, to Les Wyborny, Water Rights Engineer, dated March 25, 1959, correcting the diversion rates.
8. Twelve completed Form 2A's.
9. One Form 24, "Proof of Application of Water to Beneficial Use".

LIST OF ITEMS CONCERNING APPLICATION NO. 551-2
CITY OF WINNER

1. One Form two, one Form 26, one Form 20, one Form 2A, and two water right maps.
2. One letter from Burton F. Jones, Water Rights Specialist, to Schmucker, Shaffer, Paul, Nohr, and Associates, dated October 26, 1970, concerning data on the Winner wells.
3. Form No. 21, "Certificate of Examination of Works".
4. Two Form No. 16, "Notice of Completion of Works".
5. One "Affidavit of Publication".
6. Form nine, "Letter to Publisher".
7. Form eight, "Notice of Intent to Appropriate Water".
8. Form seven, "Publication of Notice".
9. A letter from Catherine M. Kelley, City Auditor, to Les Wyborny, Water Rights Engineer, stating that two Form 2's, four Form 2A's, and \$8.00 are enclosed.
10. Form one, Letter Transmitting Forms.
11. Letter from Catherine M. Kelley, City Auditor, dated October 18, 1955, requesting forms for filing of water rights.

LIST OF ITEMS CONCERNING APPLICATION NO. 882-2
CITY OF WINNER

1. One Future Use Application Form two.
2. One staff note regarding diversion rates remaining for future use regarding permit No. 882-2.
3. One letter from Burton F. Jones, Water Rights Specialist, to Schmucker, Shaffer, Paul, Nohr and Associates, dated October 26, 1966, concerning water rights held by the City of Winner.
4. One letter from J. W. Grimes to Rollin Key, Mayor, dated May 30, 1966 with enclosure of application No. 882-2.
5. Form ten, "Letter to Publisher".
6. Form 11, "Proof of Publication".
7. Second proof of publication.
8. Confirmation letter of approval of application No. 882-2.
9. Form nine, "Letter to Publisher".
10. Form eight, "Notice of Intent to Appropriate Water".
11. Form seven, "Publication Notice".
12. Form five, "Acknowledgement of Application".
13. One letter from Calvin Vaudrey of J. T. Banner and Associates to Burton F. Jones, Water Rights Specialist, dated February 18, 1966, with enclosures of two Form 2's, two prints of a plat and \$8.00 filing fee.

LIST OF ITEMS CONCERNING APPLICATION NO. 1038-2
CITY OF WINNER

1. One Form 2, one Form 2A, and one water right map.
2. Form eight, "Proof of Publication".
3. Second printing of publication.
4. Form six, "Notice of Intent to Appropriate Water".
5. Form seven, "Letter to Publisher".
6. Form five, "Publication Notice".
7. One letter stating acknowledgement of application.

LIST OF ITEMS CONCERNING APPLICATION NO. 1285-2
CITY OF WINNER

1. One Form 2, one Form 2A, and a water right map.
2. Form eight, "Proof of Publication".
3. Second printing of publication.
4. Form six, "Notice of Intent to Appropriate Water".
5. Form seven, "Letter to Publisher".
6. Form five, "Publication Notice".
7. One resolution stating:
 - a. City of Winner anticipates a need for more water.
 - b. City of Winner has easements on a portion of land south of the city for the purpose of obtaining water.
 - c. Therefore, the City of Winner shall make application to the Water Resources Commission for a permit.

LIST OF ITEMS CONCERNING APPLICATION NO. 1286-2
CITY OF WINNER

1. One Form 2, one Form 2A, and a water right map.
2. Form nine, "Forwarding Permit to Appropriate Water".
3. Form eight, " Proof of Publication 'Notice of Intent to Appropriate Water'".
4. Second publication.
5. Form six, "Notice of Intent to Appropriate Water".
6. Form seven, "Letter to Publisher".
7. Form five, "Publication of Notice".

WILLIAM F. DAY, JR.
J. M. GROSSENBURG

DAY & GROSSENBURG
ATTORNEYS AT LAW
P. O. BOX 600
WINNER, SOUTH DAKOTA 57500

PHONES:
605 842-1670
605 842-1684

File 1300-2

January 5, 1976

Mr. Vern Butler, Secretary
Office of the Secretary
Department of Natural Resource Development
Water Rights Commission
Office Building Number 2,
Pierre, South Dakota 57501

RECEIVED

JAN 7 1976

Re: 1300-2 Tripp County Water User District

Dear Mr. Butler:

Enclosed for your consideration is the original and four copies of proposed Findings of Fact and Conclusions of Law and Decision in the above entitled matter.

I would hope that these could be acted upon at the next meeting.

Reference is made to SDCL 1967 1-16-25.

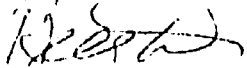
..."In accordance with a resolution of a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding...."

I do not know for certain the meaning of this and suggest you contact Dave Carter if there is any doubt. I have not sent any copy of this to Mr. Orstka thinking that the Commission will take care of this according to statute. If this is not correct please let me know.

Thank you for your consideration.

Very truly yours,

DAY & GROSSENBURG



William F. Day, Jr.

cc: Dave Carter
Dale Waters
Martin Jorgensen, Jr.
Ray Bartels

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
WATER RIGHTS COMMISSION

IN THE MATTER OF THE HEARING OF)
WATER RIGHT APPLICATION PERMIT)
NO. 1300-2 FOR TRIPP COUNTY)
WATER USED DISTRICT)

DECISION

It appearing to the satisfaction of the Water Rights Commission that a hearing was held at Pierre, County of Hughes, State of South Dakota, in the Capitol Building on Wednesday, November 12, 1975; and

It further appearing to the satisfaction of the Water Rights Commission that due notice of said hearing was given as provided by law; and

It further appearing to the satisfaction of the Water Rights Commission that the said hearing was conducted in accordance with SDCL 1967 46-5-20; and

It further appearing to the satisfaction of the Water Rights Commission that Water Right Application Permit No. 1300-2, for Tripp County Water User District was heard and considered by the Commission, and that Tripp County Water User District appeared and was represented by its attorney, William F. Day, Jr., of Day & Grossenburg of Winner, Tripp County, South Dakota, and that attorney William Srstka of Pierre, County of Hughes, State of South Dakota, appeared personally and represented the Southern Tripp County Water Association, and that various other parties attended said meeting and voiced their opinions; and

It further appearing to the satisfaction of the Water Rights Commission that after a full hearing expressing the views of all parties concerned as well as the views and opinion of certain of the staff of the Department of Natural Resource Development relative to the matter in hearing as to whether or not Application Permit No. 1300-2 should be granted, and the Water Rights Commission being advised in the premises and having made and entered its Findings of Fact and Conclusions of Law;

NOW, THEREFORE, IT IS HEREBY ORDERED that Water Right Application Permit No. 1300-2, for Tripp County Water User District, is hereby granted.

IT IS FURTHER ORDERED that the well approved under this Permit will be located near domestic wells and other wells which may obtain water from the said aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in wells having prior water rights.

Dated this _____ day of _____, 1976.

DEPARTMENT OF NATURAL RESOURCE
DEVELOPMENT WATER RIGHTS COMMISSION:

By _____

ATTEST:

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
WATER RIGHTS COMMISSION

IN THE MATTER OF THE HEARING OF)
WATER RIGHT APPLICATION PERMIT)
NO. 1300-2, FOR TRIPP COUNTY)
WATER USER DISTRICT)

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

It appearing to the satisfaction of the Water Rights Commission that a hearing was held at Pierre, County of Hughes, State of South Dakota, in the Capitol Building on Wednesday, November 12, 1975; and

It further appearing to the satisfaction of the Water Rights Commission that due notice of said hearing was given as provided by law; and

It further appearing to the satisfaction of the Water Rights Commission that the said hearing was conducted in accordance with SDCL 1967 46-5-20; and

It further appearing to the satisfaction of the Water Rights Commission that Water Right Application Permit No. 1300-2, for Tripp County Water User District was heard and considered by the Commission, and that Tripp County Water User District appeared and was represented by its attorney, William F. Day, Jr., of Day & Grossenburg of Winner, Tripp County, South Dakota, and that attorney William Srstka of Pierre, County of Hughes, State of South Dakota, appeared personally and represented the Southern Tripp County Water Association, and that various other parties attended said meeting and voiced their opinions; and

It further appearing to the satisfaction of the Water Rights Commission that after a full hearing expressing the views of all parties concerned as well as the views and opinions of certain of the staff of the Department of Natural Resource Development relative to the matter in hearing as to whether or not Application Permit No. 1300-2 should be granted, and the Water Rights Commission being advised in the premises;

NOW, THEREFORE, the Water Rights Commission now makes its

FINDINGS OF FACT

1.

Water Right Application Permit No. 1300-2 for Tripp County

Water User District properly came before the Water Rights Commission for hearing on Wednesday, November 12, 1975 in the State Capitol Building in the County of Hughes and State of South Dakota, and notice and publication thereof was given as provided by law.

2.

Tripp County Water User District is a legally constituted organization with authority to apply for the water permit in question.

3.

That the hearing on Water Right Application Permit No. 1300-2 was held and carried out according to the provisions of SDCL 1967 46-5-20.

4.

That the proceedings concerning Water Right Application Permit No. 1307-2 on behalf of Albert Novotny and Donald Novotny as well as the proceedings concerning Water Right Application 1300-2 are made part of the record for considering Application Permit 1300-2.

5.

Water Right Application Permit No. 1300-2 for 1.0 cfs of water from ground water was applied for and considered at said hearing located in Section 8, Township 97 North, Range 76, West of the 5th P.M., Tripp County, South Dakota.

6.

In considering Water Right Application Permits such as 1300-2, the Water Rights Commission considers information supplied by the applicant, by its own staff, and other technical people as well as that provided by interested parties at the public hearings. That in most cases, the Water Rights Commission does not make definite studies in the specific area on water rights that come before the Commission. The Commission considers the general geologic information known about the area.

7.

Mr. Butler, Secretary of the Department of Natural Resource Development testified that the report entitled "Ground Water Supply for the City of Winner" shows that Section 8, which land is involved in the permit in question, is covered by the Valentine formation.

8.

The Valentine formation carries water in it that is adequate for irrigation and other uses.

9.

Conservation of the State's water resources is hereby declared to be a State function, and the public interest, welfare, convenience and necessity require the creation of water user districts and the construction of systems of works, in the manner hereinafter provided, for the conservation, storage, distribution, and utilization of water. The construction of said systems of works by such districts as herein provided for, is hereby declared to be in all respects for the welfare and benefit of the people of South Dakota. It is the intention of the Legislature of South Dakota that this chapter shall be liberally construed to effectuate the purposes herein provided for. (SDCL 1967 46-16-1).

10.

If a User District such as applicant, Tripp County Water User District, makes an application for water and if there is unappropriated water available, the permit should be granted. There are only two exceptions: (1) if there is no unappropriated water and (2) if it is against public interest. That it is the opinion of the Water Rights Commission that there is unappropriated water available for Tripp County Water User District sufficient to comply with its application and it is not against public interest, and in fact, a Water User District is favored by the Legislature as a public interest.

11.

That the land owner of the land in question encompassing this Permit has lived in Wilson Township for sixty (60) years and for the last approximate thirty years across the road from the original Winner, Tripp County, South Dakota water wells. The landowner has a well less than one mile east of Mr. O'Bryan's (one of the contestants) place and the water level on the landowners well is eight feet from the top. The landowner also has a dugout about one and one-half miles west from Mr. Harter's (another contestant) place

and the water level in that dugout has come up about two feet in the last month. The State has two observation wells-just along side landowner's land and one north of his land. The water level went down about one and one-half feet during the summer but came up again in September, which is normal. The landowner has a 28 foot well on his home place which is near where the City of Winner has been pumping for many years, with another well on his son's land. Landowner is also one-half mile from the Novotny Brothers irrigation well. Landowner has the two closest wells to this irrigation system and that his wells have not been pumped dry by this irrigation. That in the opinion of the landowner, there is water enough for everyone and this water should be used.

12.

That an Environmental Impact Assessment filed by the Farmers Home Administration is adequate and another statement is not required. The commission's policy has been that the issuance of a water right permit is an environmentally regulatory action.

13.

The burden of proof as to whether unappropriated water is available is determined by the Waters Rights Commission and not the applicant.

14.

That application 1300-2 should be approved with the qualification that the well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this permit shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in wells having prior water rights.

That because of the foregoing Findings of Fact, the Commission now makes its

CONCLUSIONS OF LAW

1.

Water Right Application Permit No. 1300-2 for Tripp County Water User District properly came before the Water Rights Commission

for hearing on Wednesday, November 12, 1975 in the State Capitol Building in the County of Hughes, State of South Dakota, and notice and publication thereof was given as provided by law.

2.

Tripp County Water User District is a legally constituted organization with authority to apply for the water permit in question.

3.

The hearing on Water Right Application Permit No. 1300-2 was held and carried out according to the provisions of SDCL 1967 46-5-20.

4.

The proceedings concerning Water Right Application Permit No. 1307-2 on behalf of Albert Novotny and Donald Novotny as well as the proceedings concerning Water Right Application 1300-2 are made part of the record for considering Application Permit 1300-2.

5.

Water Right Application Permit No. 1300-2 for 1.0 cfs of water from ground water was applied for and considered at said hearing located in Section 8, Township 97 North, Range 76, West of the 5th P.M., Tripp County, South Dakota.

6.

The Water Rights Commission has considered information supplied by the applicant, by its own staff, and other technical people as well as that provided by interested parties at the public hearing. That in most cases, the Water Rights Commission does not make definite studies in the specific area on water rights that come before the Commission. The Commission considers the general geologic information known about the area.

7.

Section 8, which land is involved in the permit in question, is covered by the Valentine formation.

8.

The Valentine formation carries water in it that is adequate for irrigation and other uses.

9.

Conservation of the State's water resources is hereby declared to be a State function, and the public interest, welfare, convenience, and necessity require the creation of Water User Districts and the construction of systems of works, in the manner hereinafter provided, for the conservation, storage, distribution, and utilization of water. The construction of said systems of works by such Districts, as herein provided for, is hereby declared to be in all respects for the welfare and benefit of the people of South Dakota. It is the intention of the Legislature of South Dakota that this chapter shall be liberally construed to effectuate the purposes herein provided for. (SDCL 1967 46-16-1).

10.

A Water User District such as applicant is favored by South Dakota law. If there is unappropriated water available, the permit should be granted. This application is not against public interest; there is sufficient water available concerning the Permit 1300-2 and it should be granted.

11.

The land on which the application for Permit has been requested has not been presented with any water shortage problems despite the fact that the land is across the road from the original Winner, Tripp County, South Dakota water wells; nor despite the fact that there are other wells in the vicinity, nor despite the fact that the land is within one-half mile from Novotny Brothers' irrigation well. The water level of the landowner's land (which encompasses the permit in question) adjusts seasonally which is normal.

12.

The issuance of a Water Right Permit is an environmentally regulatory action and a separate Environmental Impact Statement is not needed in this case.

13.

The Water Rights Commission determines whether or not unappropriated water is available.

14.

Application 1300-2 is approved with the qualification that the well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this permit, shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in wells having prior water rights.

LET THE PERMIT BE ISSUED ACCORDINGLY:

Dated this ____ day of _____, 1976.

DEPARTMENT OF NATURAL RESOURCE
DEVELOPEMENT WATER RIGHTS COMMISSION:

By _____

ATTEST:

Re: 1300-2

February 18, 1976

Mr. William F. Day, Jr.
Day & Grossenburg
Attorneys at Law
P. O. Box 690
Winner, SD 57580

Dear Mr. Day:

This will acknowledge your letter concerning whether or not the Tripp County Water User District Water Right Permit No. 1300-2 (Sec. 8-T97N-R76W) is being considered a contested case. This permit is not being considered a contested case; therefore, there will be no need for the Findings of Fact and Conclusions of Law and the Decision which you presented.

Following the receipt of the material prepared by you, we again reviewed this matter. The Commission Staff prepared a report on the Tripp County Water User District Water Right Application No. 1301-2 (Sec. 4-T97N-R76W) which was considered by the Commission at the January 22-23, 1976 meeting. This report included the Commission Staff's opinion concerning a contested case; a copy of this report is enclosed for your information.

The Commission has not considered Water Right Application hearings as contested cases. Based upon the definition of a contested case, the Commission Staff does not believe that the legal rights, duties or privileges of the Southern Tripp County Water Association are being determined by the Commission, but rather, the question before the Commission in accordance with SDCL 46-5-21, is if unappropriated water is available for the benefit of the applicant. This report was presented at the time of the hearing for the Tripp County Water User District Water Right Application No. 1301-2. A request by the Southern Tripp County Water Association to reconsider Commission action on 1300-2 was also considered at the same time. The Commission did not choose to deviate from previous policy and

Mr. William F. Day, Jr.

Page 2

February 18, 1976

consider the 1300-2 permit a contested case. The Commission also declined to reconsider their action on No. 1300-2.

We are returning all but one copy of the Findings of Fact and Conclusions of Law and the Decision which you presented.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nim

Enclosures: As Stated

Re: 1390-2

February 19, 1976

Mr. Martin Jorgenson, Jr., President
Tripp County Water User District
Ideal, South Dakota 57541

Dear Mr. Jorgenson:

This letter is in reference to the telephone conversation February 13, 1976, and your question concerning placement of two wells in Section 8 instead of the one well specified in your water right No. 1300-2. A second well will require another permit.

The permit could be obtained by submitting an application to provide an additional diversion point (a second well), but to appropriate no additional water other than the 1.0 cfs approved under Permit No. 1300-2 and with the additional diversion to be used for the Rural Water System purposes approved under Permit No. 1300-2.

Prior to submission of the application for a second well, the Tripp County Water User District should complete test drilling and a 72 hour pump test to provide accurate information on the amount of water available in Section 8.

Please advise if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nm

cc William F. Day, Attorney
Box 590
Winner, SD 57580

March 4, 1976

Re: 1300-2

Mr. Martin Jorgenson, Jr., Chairman
Tripp County Water User District
Ideal, South Dakota 57541

Dear Mr. Jorgenson:

Last week, while attending the Rural Water System Workshop, your brother Don and two of the other Tripp County Water User District Board members asked me if it was the Water Rights Commission's intention that the Water User District develop a production well on Section 8 under Water Right Permit 1300-2 prior to the Commission taking any further action on Water Right Permit Application 1301-2 on Section 4.

As indicated by Mr. Hatch in his letter of January 28, 1976, the Commission deferred action on Application No. 1301-2 pending receipt of additional information on the amount of water which is available in Section 4 and in Section 8 (Water Right No. 1300-2).

Mr. Hatch further stated in a letter of February 19, 1976 that placement of a second well in Section 8 will require another permit and application should not be made until a complete test drilling and 72 hour pump test has been conducted.

The development and completion of a full production well in Section 8 (Water Right Permit No. 1300-2) is at the Water User District's discretion since the permit provides that the works (the well) be completed on or before November 12, 1980 and that one-fifth of the works be completed on or before May 12, 1978. After November 12, 1980 you have four additional years to put the water to beneficial use.

I believe the Water Rights Commission has made the point that it will not consider additional water right permits for the Water User District until such time specific information on water availability and pumping characteristics are provided for the existing Permit No. 1300-2.

Mr. Martin Jorgenson

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Once this information is secured, the decision as to whether the District should develop a production well or look elsewhere for a water supply is up to the District.

The District can make arrangements, if satisfactory to the City, to utilize the City of Winner's existing delivery system to deliver water from the well in Section 8 with no further approval from the State. But if the District and the City agree to delivering water from the existing City wells, then the District must obtain a new water right from the State. While the practical distinction may appear small, there is a significant legal difference to cause the Commission to adopt such a policy. A precedence is in the Lincoln County Rural Water System situation where the system has water rights to water from a wellfield north of Sioux Falls but contracts with the City for production wells, treatment and delivery services.

I hope this information may be of help to you and answers your question.

Yours truly,

Vern W. Butler
Secretary

VWB:nrf

CC: William F. Day, Jr.

Robert Swartout, FHA



1300-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

2293-2

Tripp County Water Users District
%Neil Frank, Manager
P.O. Box 1746
Winner, SD 57580

Dear Mr. Frank:

Enclosed is Water License No. 2293-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 410808 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2293-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

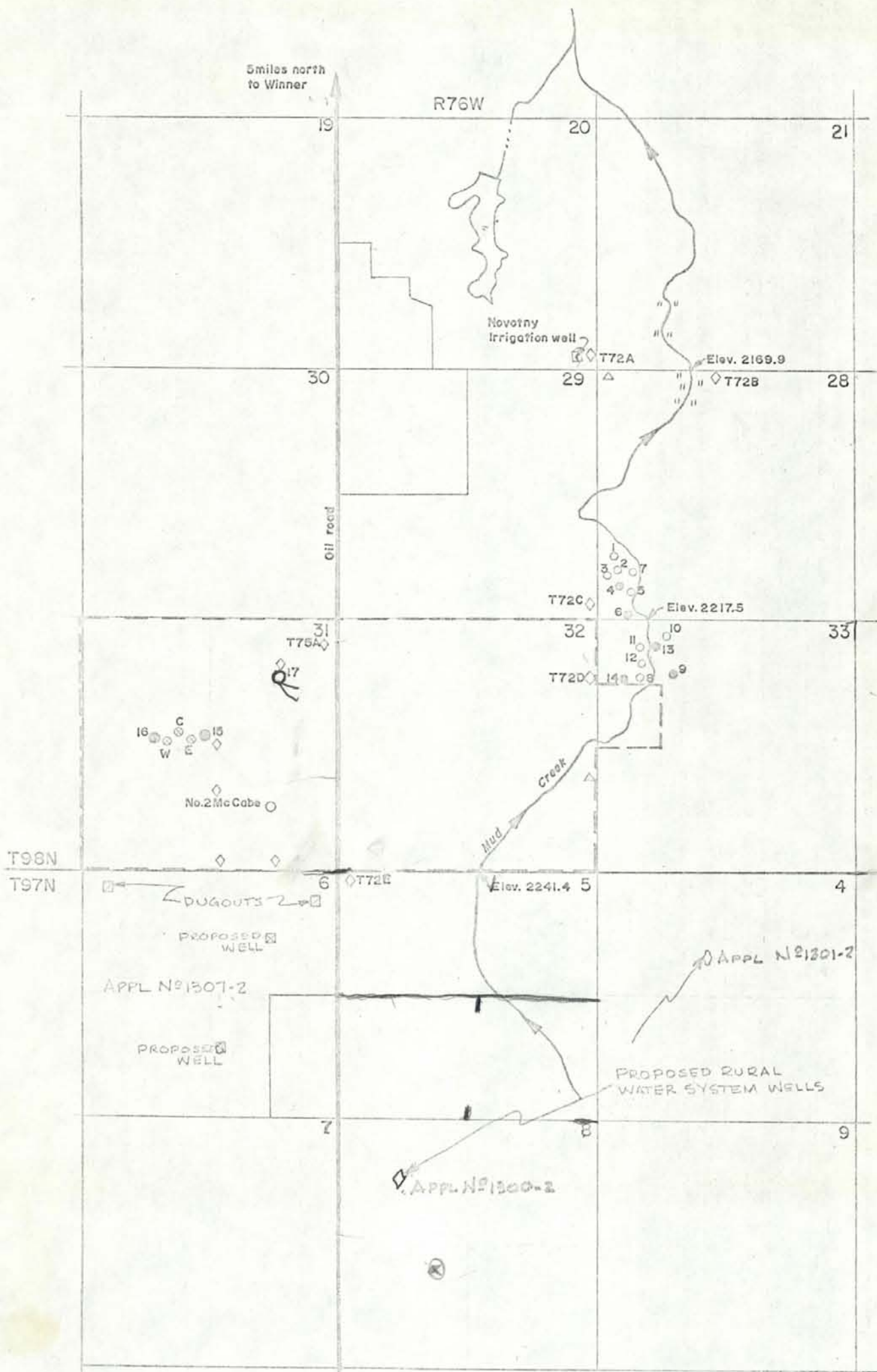
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit Nos. 1300-2, 1560-2, 1792-2 and 2040-2 have been incorporated into this Water License No. 2293-2.



SYMBOLS

- Active city well
- Inactive city well
- ⊙ City observation well
- ◇ W.R.C. or State G.G. observation well
- △ Dry test hole
- Boundary Winner future use area
- || Spring area

1300-2

WELL NO. 1
INSTALL PUMP HOUSE
SEE SHEET 109

WELL FOR
PERMIT # 1560-2

WELL FOR
PERMIT # 1300-2

Proposed
Well

WELL NO. 2
INSTALL PUMP HOUSE
SEE SHEET 108 & 109

Sec 8, T 97 N, R 76 W

DISTRICT LIMITS

INSPECTED BY
DAVID BROWN

WELL NO. 1
INSTALL PUMP HOUSE
SEE SHEET 109

Proposed
Well

WELL NO. 2
INSTALL PUMP HOUSE
SEE SHEET 108 & 109

Sec 8, T 97 N, R 76 W

DISTRICT LIMITS

~~Laurie Pedersen~~
~~Engineer~~

Keith Jennings
County Extension Agent

NW 4
NW 4 ~~NW 4~~ Sec
8-97-76 Sedonia
Wagner owner

Well

(3-273)

24.8

26.4

51.6

8

15.1

23.8

35.4

31.4 38.0

62 ✓

97-76

~~MAP NO. 1100-2~~ APP. NO. 1300-2

6-0011

TRAIL

1.8

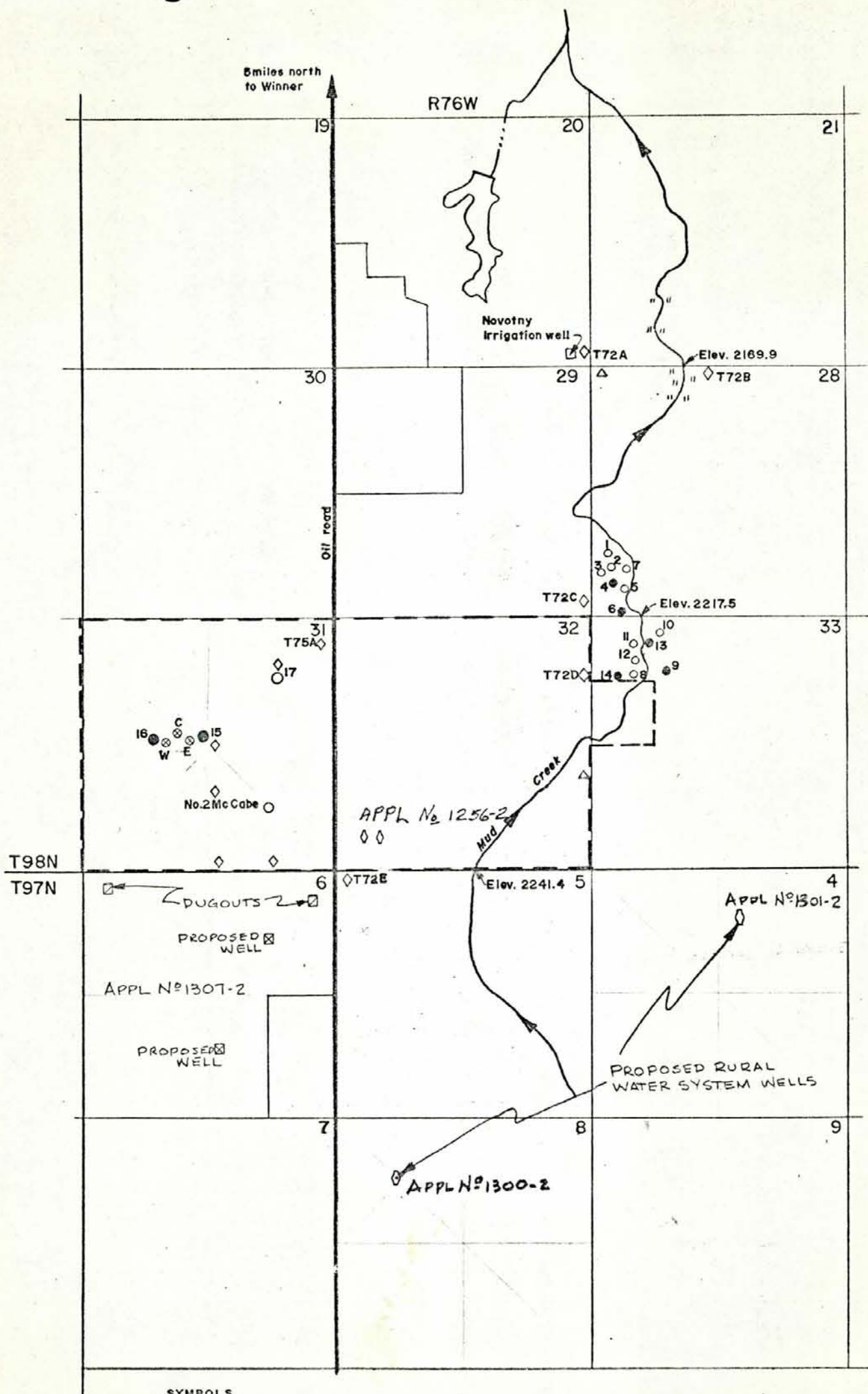
10.9

14.7

44.5

1300-2

Map # 1100-2



SYMBOLS

- Active city well
- Inactive city well
- ⊙ City observation well
- ◇ W.R.C. or State G.S. observation well
- △ Dry test hole
- Boundary Winner future use area
- || Spring area

Map # 1100-2 Appl. # 1301-2