

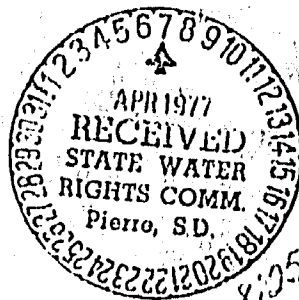
Water Right Number 1661-2

1. Considered MAY 24, 19 79
2. Name of Applicant CITY OF BURKE
3. Post Office Address _____
31-91-71
36-97-72
4. Amount of water claimed .56
5. Source of water supply 150' & 160' WELLS
6. Water to be used for MUNICIPAL USE
Acres to be irrigated —
7. Water to be diverted and used in GREGORY County
about IN CITY LIMITS Miles _____ of _____
8. Proof of Publication
Received 5-7-79
Not received _____
9. Application
Approved 5-25-79
Subject to WT
Not approved _____
Action deferred _____

10. Remarks:

3 - APR. 7, 1977 - .22 CFS

6 - AUG. 11, 1977 .34 CFS

No. 1661-2Map No. 1424-2 Water Division No. 2 WHITE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant city of Burke
 Postoffice address Burke Box 312 State S. Dak. 57523
 If a corporation show date and place of incorporation municipal since 1906
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work BURKE wells #3 AND #6
4. Amount of water claimed (cubic feet per second) 100 GPM #3-.22 #6-153 GPM .34 = .56 CFS
5. Source of water supply well
6. Location of point of diversion E. 160' OF BLOCK 9, WATERMAN'S Add. #3-SW4NW4, SEC. 31-T97N-R71W AND #6-NE4NW4, SECTION 36-T97N-R72W County Gregory
7. Annual period or periods during which water is to be used used all year
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) municipal
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 this well was drilled in 1961 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication The Burke Gazette
12. Principal Features of the Proposed Water Supply System.

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

well

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

pipeline

C. Works proposed to apply water to beneficial use.

PipelineEstimated Total Cost \$ 6000.00

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 Gregory)

I, Richard N. Bailey 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 Richard N. BaileySubscribed and sworn to before me this 4th day of APRIL 1977
Deed, Notary Public
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1661-2

CITY OF BURKE
(Applicant)

Box 312 - BURKE
(Post Office Address)

SOUTH DAKOTA 57523 With the following modifications:
(State)

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

Date of first receipt of application APRIL 7, 1977
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
Approved MAY 25, 1979, recorded in Book 204 Page 323

WATER RIGHT PERMIT NO. 1661-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1661-2 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 is WELL #3 FOR .22 CFS FROM APRIL 7, 1977 & WELL #4 FOR .34 CFS FROM AUGUST 11, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19____
5. The water appropriated shall be used for the purpose of MUNICIPAL USE
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 hereby granted shall not exceed 0.56 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 and if for the irrigation purpose, said appropriation must be limited to not more than 3 acre feet per year and be limited to not more than one cubic foot of water per second of time for each acre of land to which water is USED FOR MUNICIPAL USE actually and beneficially applied on or before THIS DATE, 19____, said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 1ST day of JUNE, 1979

By: John H. Bateh
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____
Water License Issued _____, 19____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 9 1/2", Depth 150 feet
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 2 1/4" Thickness 3/8 in.
- (3) Perforated Screen, Type Steel, Diameter 1 1/2", Length 18"
- (4) Gravel Pack, Thickness 10", Length of gravel pack 50'

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 Fine to medium sand

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 150'

Thickness of water bearing material 50' to 70'

Depth to water (ground surface to water level) 80'

- (2) Distance to nearest existing household or livestock watering wells. 1 mile Senckenbach

On same owner's property 6 rds. On property owned by others 7/4 rds.

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.

Richard N. Bailey
Signature of Applicant

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 36 inch, Depth 130 to 160 feet

(2) Casing, Type Steel Diameter 16 inch Thickness 0.375 inches
(wood, concrete, steel, etc)

(3) Perforated Screen

Type 304 (18-8) stainless steel Diameter 16 inch Length approx. 15'6"

(4) Gravel Pack, Thickness 10 inch Length of gravel pack 70 feet

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 Fine to medium sand

Depth to top of water bearing material 80 feet

Depth to bottom of water bearing material 130 to 160 feet

Thickness of water bearing material 70 to 70 feet

Depth to water (ground surface to water level) 80 feet

(2) Distance to nearest existing household or livestock watering wells, Fred Klein

On same owner's property 150 rds. On property owned by others 180 rds.

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.

Richard N. Bailey
Signature of Applicant

Publish first publication, on or before May 2, 1979

Pierre, South Dakota 57501

Notice is hereby given that the City of Burke whose post office _____ April 26, 1979

(two walls) through the Burke Walls #3 & #6, the point(s) of diversion of which ~~is~~(are) to be located in the SW 1/4 NW 1/4, Section 31-T97N-R71W and the NE 1/4 NW 1/4

municipal water supplies for the City of Burke

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

cc: City of Burke, Box 312, Burke, SD 57523

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1661-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Burke Gazette

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 Burke

County of Gregory and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates.

Wednesday, May 2, 1979

Wednesday, May 9, 1979

C. J. Fahrenbacher
(Signature)

Publisher

(Title)

May 2, 1979

(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota
April 26, 1979

Notice is hereby given that the
City of Burke, South Dakota, has
made an application in accordance
with the provisions of SDCL
46-1-1 thru 46-1-9, 46-1-14; 46-2-9
thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-8; 46-5-10 thru 46-5-22,
46-5-41; 46-6-3 46-6-3.1, 46-6-5,
46-6-6.1, 46-6-10, 46-6-14 and
Commission Rules ARSD 52-01:-
01:01 thru 52:01:01:13, for a
permit to appropriate for the
beneficial use .56 cubic feet of
water per second of time from
groundwater (two wells) through
the Burke Wells #3 & #6, the
point (s) of diversion of which are
to be located in the SW 1/4 NW 1/4,
Section 31-T97N-R71W and the
NE 1/4 NW 1/4 of Section 36, Twp.
97N, Range 72W. Said water to
be used for providing municipal
water supplies for the City of
Burke.

This Application No. 1661-2
will be considered by the Water
Rights Commission at Howard
Johnson's Motel, 211 Lacrosse,
Rapid City, S.D. 57701 upon the
24th day of May, 1979 at 10
A.M. The Commission is author-
ized to make a determination on
this application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Commission
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. Those
and other due process rights will
be forfeited if they are not
exercised at the hearing. Decisions
of the Commission may be
appealed to the courts as
provided by law.

WATER RIGHTS COMMISSION
City of Wetland
Water Rights Specialist
May 2, 9 (58)



STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF BURKE ON PERMIT) FINAL DECISION
TO APPROPRIATE NO. 1661-2.)

This matter was brought on for hearing before the Water Rights Commission on May 25, 1979, on the application of the City of Burke for Permit to appropriate No. 1661-2. The applicant, City of Burke, appeared through Richard Bailey, and the Department of Natural Resource Development appeared through the Chief Engineer of the Water Rights Commission, John Hatch, and its attorneys, John J. Smith and John P. Guhin, assistant attorneys general. Having served the proposed decision upon the parties and having provided an opportunity to each party to file Findings of Fact and Conclusions of Law, to file exceptions, and to file briefs and to present oral argument to the Board, and the Board having fully considered all such submissions, the Board hereby makes its final decision consisting of the following:

FINDINGS OF FACT

1. Application No. 1661-2 was received by the Water Rights Commission on April 7, 1977 and amended on August 11, 1977. The application proposes the diversion of .56 c.f.s. of water from two 150 foot deep wells, .22 c.f.s. of water located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 97 North, Range 71 West with a priority date of April 7, 1977, and .36 c.f.s. of water located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 97 North, Range 72 West, with a priority date of August 11, 1977, Gregory County, South Dakota, for municipal use.
2. Application No. 1661-2 was duly advertised for hearing at the May 24-25, 1979 commission meeting.
3. The formation from which the applicant proposes to divert water is a water table aquifer consisting of a fine to medium sand containing varying amounts of clay. The thickness of the saturated material of the aquifer and the clay within the water bearing sand varies very rapidly throughout the area. In areas

saturated thickness of 30 feet or more, high capacity wells could be operated which would probably produce a maximum of 100-125 gallons per minute.

4. The City of Gregory and the farmers in the area obtain their municipal, domestic, and irrigation water supplies from the same formation as would the applicant's proposed wells. Because of the low transmissivity of the water bearing material in the area, the cone of depression of the applicant's proposed wells should not be extensive and should not interfere with existing domestic, municipal and irrigation uses.

5. The Division of Water Rights presently has three observation wells, GY77A, GY77B, and GY78A, in the vicinity of the applicant's proposed wells. Over the 1½ years since the observation wells were installed, the wells have shown seasonal fluctuations of no more than three feet. The water levels in the three observation wells will provide a means of monitoring any decline or fluctuation in aquifer water levels that may result from the applicant's proposed diversion.

6. Unappropriated water is available for appropriation by the applicant.

7. The applicant's proposed project is in the public interest.

8. The applicant's proposed project is feasible.

Wherefore the Board makes the following:

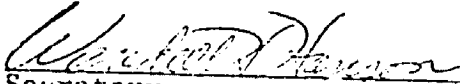
CONCLUSIONS OF LAW

1. All notices required by law have been duly given.
2. The Board has jurisdiction over the subject matter of this proceeding.

3. Unappropriated water is available for appropriation by the applicant as requested in the application.
4. The applicant's proposed diversion should not interfere with existing domestic, municipal, and irrigation uses.
5. The applicant's proposed project is in the public interest.
6. The applicant's proposed project is feasible.
7. The Board therefore ORDERS that Application No. 1661-2 be approved as Water Rights Permit No. 1661-2 with the following condition: The wells approved under this permit will be located near domestic wells and irrigation 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 adequate domestic wells or in irrigation wells having prior water rights.

Dated this 15th day of August, 1979.


Chairman


Secretary

1661-2

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

August 17, 1979

Elmer Horn
Burke SD 57523

City of Gregory
Gregory SD 57533

Gentlemen:

The Water Management Board at its meeting August 3, 1979 made a final decision including Findings of Fact and Conclusions of Law on Permits in Gregory County as adopted at the May 25, 1979 meeting. Enclosed are such findings.

South Dakota Statute provides that these decisions by the Commission may be appealed to the Courts.

Joe Kirwin
Gregory SD 57533

Jack Gunvordall
P.O. Box 352
Burke SD 57523

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights, WNR

JH:kw

enclosure

GREGORY COUNTY
WATER RIGHT APPLICATIONS
(T97N R72W)
May 4, 1979

INTRODUCTIONS:

The study area reviewed for this report is located in T97N R72W and W1 T97N R71W in an area from Gregory SD to Burke SD. Observation well data for wells GY77A, GY77B, and GY78A and three Geological Survey reports provided the basic data for preparation of this report.

The three Geological Survey reports are entitled, Special Report 18, Water Supply for the City of Burke, by Cled Christensen dated 1962, Special Report 49, Ground Water Investigation for the City of Gregory by Assad Barari, dated November 1969, and Ground-Water Study for the City of Gregory, by Carl Cripe and Assad Barari, dated September 1977.

The water right applications under consideration at this time are as follows:

No.	Applicant	Use	Priority	Date
1486-2	Joe Klavan	Irrigation	January 3, 1977	
1510-2	Elmer Horn	Irrigation	January 7, 1977	
1622-2	City of Gregory	Future Use	January 13, 1977	
1660-2	City of Burke	Future Use	February 2, 1977	
1661-2	City of Burke	Municipal	April 7, 1977	
			August 11, 1977	

DISCUSSION:

Logs are available for 159 auger test holes and 37 rotary test holes which were drilled for the special studies. The logs indicate the primary water bearing formation consists of a fine to medium sand containing varying amounts of clay under water table conditions. The thickness of saturated material and the clay within the sand varies very rapidly making it impractical to draw a potentiometric map (see graphs 1 & 2).

In areas where the sand is of medium grain sized, clean (less clay) and has a significant (more than 30 feet) saturated thickness, a high capacity well can be installed. The wells will probably produce a maximum of 100 to 125 gpm again depending on saturated thickness and characteristics of the formation.

The Division of Water Rights presently has three observation wells in the study area. Two (GY77A and GY77B) are in the vicinity of the irrigation applications and one (GY78A) is located south of Burke.

Well	Location	Depth	Water Level	
			Lowest	Highest
GY77A	SE 27 T97N R72W	57 ft	8.5 ft	5.6 ft
GY77B	SE 21 T97N R72W	53 ft	17.0 ft	15.6 ft
GY78A	NE 6 T96N R71W	125 ft	56.6 ft	56.0 ft

Hydrographs have not been developed for the wells because of the limited length of time data was available (approximately one and a half years). The fluctuations are seasonal in nature with high water measurements in spring and low measurements during the summer. The wells are located there to provide a check on high

CONCLUSIONS:

Water is available for appropriation, but due to the rapidly varying formation and the lack of information concerning transmissivity and storage coefficient an accurate value for transient storage cannot presently be determined.

The observation wells do exist to provide information concerning water levels.

High capacity wells should not be expected to produce more than 125 gpm.

RECOMMENDATIONS:1486-2, Alice Kirwan

Project proposes to irrigate 300 acres in the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 34, T97N, R72W from two wells located in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T97N, R72W with a withdrawal rate of 4.3 cubic feet per second. The staff recommends approval of 1486-2 with the following clause:

The irrigation well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

1510-2, Elmer K. Horn

Project proposes to irrigate 475 acres located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27, T97N, R72W from three wells and a dugout located in the NW $\frac{1}{4}$ Section 26, T97N, R72W, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27, T97N, R72W and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 27, T97N, R72W with a withdrawal rate of 6.8 cfs. The staff recommends approval of 1510-2 with the following clause:

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

1622-2, City of Gregory

Application is for 1.5 cfs in a future use area with the following descriptions: NW $\frac{1}{4}$ Section 8; S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6; NE $\frac{1}{4}$ Section 7; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; SE $\frac{1}{4}$ Section 17; SE $\frac{1}{4}$ Section 21; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27; N $\frac{1}{2}$ N $\frac{1}{2}$ Section 26; all in T97N, R72W. Because part of this request is for lands covered under application 1510-2, the staff recommends approval of the application with the following land descriptions being deleted: N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27 and N $\frac{1}{2}$ N $\frac{1}{2}$ Section 26, T97N, R72W, also with the condition that before any construction can proceed, a water right permit must be obtained for each project.

1660-2, City of Burke

Application is for 2.14 cfs in a future use area with the following land descriptions: Section 23, S1/4 and S1/2 Section 26, Section 35, T97N, R72W. The staff recommends that the Commission approve this application but limit the land area to the S1/2 Section 26 and Section 35, T97N, R72W, also before any construction can commence a water right must be obtained for a specific project.

1661-2, City of Burke

Application is for municipal use of groundwater from SW1/4 NW1/4 Section 31, T97N, R71W and NE1/4 NW1/4 Section 36, T97N, R72W with a combined diversion rate of 0.56 cfs. The staff recommends approval of 1661-2 with the following conditions:

The wells approved under this permit will be located near domestic wells and irrigation 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 adequate domestic wells or in irrigation wells having prior water rights.

Respectfully submitted to the Water Rights Commission for consideration at the May 1979 meeting.

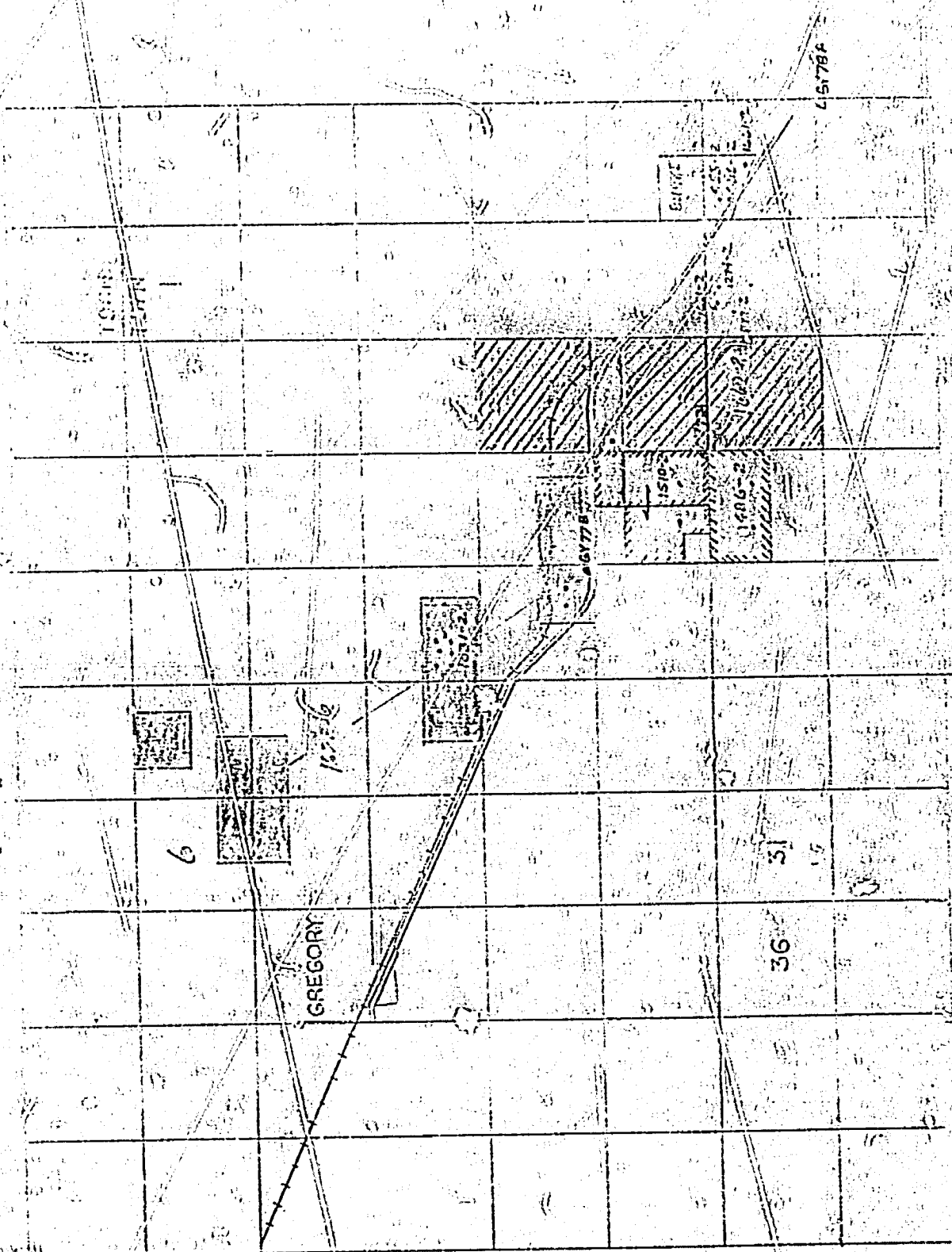
GALE H. SELKEN, Hydrologist
Water Rights Commission

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) ss

Swore to, before me, this 23rd day of May, 1979.

Notary Public

LOIS L. [Signature]
Notary Public
My Commission Expires
February 3, 1983

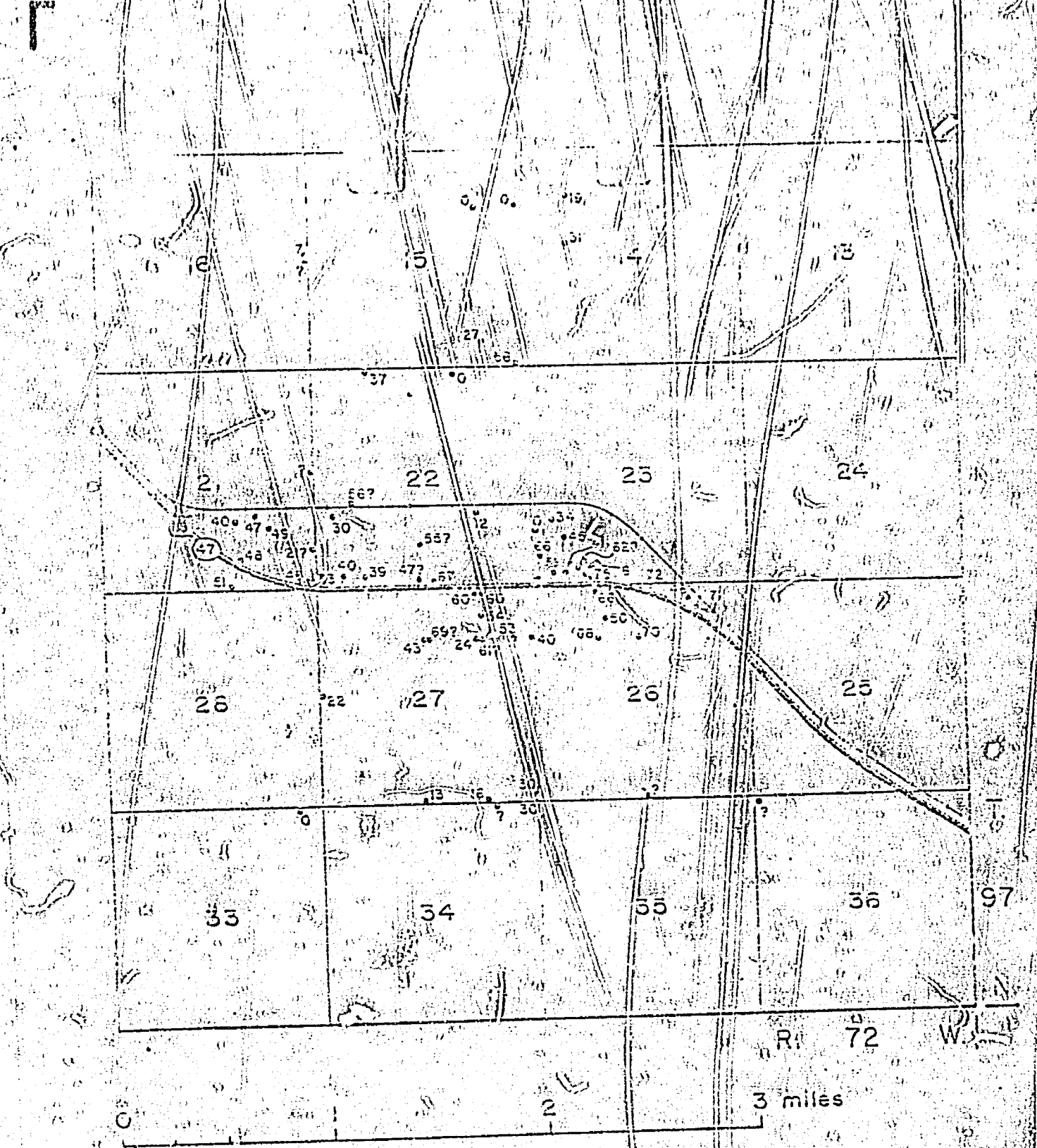


L 5178A

GREGORY

R 73W R 72W

36 31



56. Test pole-number indicates thickness of saturated sand, in feet.

Figure 3 Map showing approximate thickness of saturated sand in the Gregory area

Fig 3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 28, 2000

1661-2

Richard Bailey
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

On October 27, 1999, Jeff Shafer, staff engineer visited with you regarding the City of Burke's water right/permits. The final water right document, the Water License, can now be issued for Water Permit No. 1661-2 (Well #3).

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please send fee to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

No. 2065A-2 (Wells #7 & 8) will be reissued to incorporate the priority date and diversion rate from No. 456-2 (Well #1) which has been plugged. No. 2330-2 (Wells #5 & 6) which is for irrigation of the golf course will be scheduled for an investigation at a later date.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify the permit number. This ensures proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416417

Pierre,

March 13, 2000

RECEIVED OF City of Burke, P.O. Box 250, Burke, SD 57523
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

License No. 1661-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Harold Erickson
Chief Engineer

Permit No. 1661-2
White River- Water District

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

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

On, October 27, 1999, I made a thorough examination of the water use system constructed by the City of Burke of PO Box 312, Burke, SD 57523 holder of Permit No. 1661-2, bearing the priority of April 7, 1977 and August 11, 1977 authorizing the diversion of 0.22 (Well No. 3) and 0.34 (Well No. 6) cu. ft. of water per second of groundwater for Municipal use purposes, in Gregory County.

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

A. Works used to divert the water:

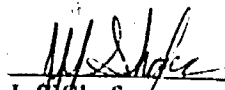
Well #3 and pump and motor

The system is in the following condition Excellent. The point of diversion is located Well #3 - 1840' south and 2320' east of the NW corner of Section 31, T97N-R71W. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of groundwater which is to be used for municipal uses.

The license should be issued for 0.10 cfs and a priority date of April 7, 1977.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None


Jeff Shafer
Natural Resources Engineer
DENR, Water Rights Program

10/27/99
Date

Well #6 is no longer for municipal use. Priority date and diversion authority transferred to No. 2330-2 for Irrigation of the golf course.

REPORT ON INSPECTION OF PERMIT NO. 1661-2

DATE OF INSPECTION: October 27, 1999

Other permit(s) associated with the project: None

Contact Person & Address: Richard Bailey, PO Box 312, Burke, SD 57523

DIVERSION POINT LEGAL LOCATION: SW 1/4 NW 1/4 Section 31, T97N-R71W

WATER SUPPLY Source: Groundwater - Ogallala

Well #3:

1) Well Drilling Firm: Unknown

2) No. of Wells 1

3) Depth(s) 150 feet

4) Well log is available No

Casing:

1) Diameter 24 inches

2) Length unknown feet

3) Type Steel

Screen:

1) Type Steel

2) Length 18 feet

3) Static water level 80 feet

Pump:

1) Make Western Land Roller

2) Model turbine pump

3) Size unknown

4) Capacity 44 GPM

Motor:

1) Make Electric

2) Model No. Unknown

3) Horsepower rating unknown hp

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Yes

2) All structures, wells and lands on map Yes

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1661-2

(1) The City of Burke, PO Box 312, Burke SD 57523 made Application No. 1661-2, April 7, 1977 for a water permit to divert 0.50 cubic feet of water per second (cfs) from groundwater (two wells), Gregory County, South Dakota for municipal purposes. Permit No. 1661-2, with a priority date of April 7, 1977 (0.22 cfs) and August 11, 1977 (0.34 cfs) was approved May 25, 1979 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

No. 1661-2 originally authorized diversion of water from Wells #3 and #6. Well #6 is no longer used for municipal purposes. The priority date and diversion authority has been transferred to Water Permit No. 2330-2 to be used for irrigation of the golf course.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is Well #3 - 1,840 feet south and 2,320 feet east of the northwest corner of Section 31-T97N-R71W (SW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Burke, PO Box 312, Burke SD 57523 the holder and/or owner of Water Right No. 1661-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of April 7, 1977 from the location specified in (2) of this license for municipal purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1661-2 and subject to South Dakota State Law.

Garland Erbele
GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 07 2000

date



Water Rights Program - File Documentation

NAME: City of Burke

DATE: 9-8-2000 COUNTY: Gregory

RE: Summary of City of Burke's water rights/permits

		Amount	Priority Date	
455-2	Well #2	0.33 cfs	August, 1936	
456-2	Well #1	0.26 cfs	August, 1952	Well #1 plugged, diversion rate and priority date transferred to 2065A-2
872-3	Well #4	0.26 cfs	April 30, 1969	
1274-3	*Well #5	0.22 cfs	July 7, 1974	see 2330-2
1660-2	Future Use	396 AF	February 2, 1977	
1661-2	Well #3	0.10 cfs	April 7, 1977	
	*Well #6	0.34 cfs	August 11, 1977	see 2330-2
2065A-2	**Well #7	0.16 cfs	December 21, 1988	see 2330-2
	Well #8	0.21 cfs		Reissued for: 0.21 cfs - August 1, 1952
2330-2	Well #5	0.22 cfs	July 7, 1974	*this permit transferred Wells #5 & 6 from municipal use to irrigation for the golf course
	Well #6	0.14 cfs	August 11, 1977	
	Well #7			** transferred Well #7 for use at the golf course (see file doc for add'l diversion pt dated 8/11/00)

Karen Schlaak
Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 07 2000

1661-2 & 2065A-2

Wade Broome
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Enclosed are Water License No. 1661-2. Reissued Water License No. 2065A-2 and Receipt No. 416417 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License No. 1661-2.

For your information, SDCL 46-6-27 requires that if the owner of an existing well 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 456-2 are incorporated into Water License No. 2065A-2.

enclosures



APR 22 2004

1661-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2330-2

City of Burke
% Wade Broome Water Superintendent
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Enclosed is Water License No. 2330-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417128 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 1274-2 and Well #6 from 1661-2 are incorporated into Water License No. 2330-2.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2330-2

(1) City of Burke, PO Box 312, Burke SD 57523 made Application No. 2330-2, March 7, 1995 for a water permit to divert an additional 0.36 cubic feet of water per second (cfs) from groundwater (2 wells), Gregory County, South Dakota for irrigation purposes. Permit No. 2330-2, with priority dates of July 7, 1974 and August 11, 1977 was approved May 22, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 22, 2000 and for the application to beneficial use of said water on or before May 22, 2004.

The two wells were previously authorized for municipal use by Water Permit Nos. 1274-2 (Well #5) and 1661-2 (Well #6). The applicable portions of Nos. 1274-2 and Well #6 from 1661-2 are incorporated into Water Right No. 2330-2. Well #3, used for municipal purposes is licensed under No. 1661-2.

On August 10, 2000, the City submitted an Application for an additional point of diversion (Well #7). Pursuant to SDCL 46-5-13.1, the Chief Engineer made the finding that the additional diversion point did not increase the potential for interference with existing water rights.

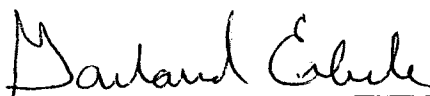
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.35 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 5 – 500 feet south and 1,270 feet east; Well # 6 – 600 feet south and 1,000 feet east and Well # 7 – 1,270 feet south and 1,270 feet east; all from the northwest corner of Section 36-T97N-R72W (NE ¼ NW ¼).

Water is diverted from the wells to a 4.9 acre-feet holding pond also located in the NE ¼ NW ¼ Section 36-T97N-R72W.

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

55 acre golf course located in the NW ¼ Section 36-T97N-R72W

(4) Pursuant to South Dakota Water Law 46-5-30.1 City of Burke, PO Box 312, Burke SD 57523 the holder and/or owner of Water Right No. 2330-2 is issued a license to appropriate water, the right to use 0.35 cubic feet of water per second from groundwater (3 wells) with priority dates of July 7, 1974 (0.22 cfs) and August 11, 1977 (0.13 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 2330-2 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

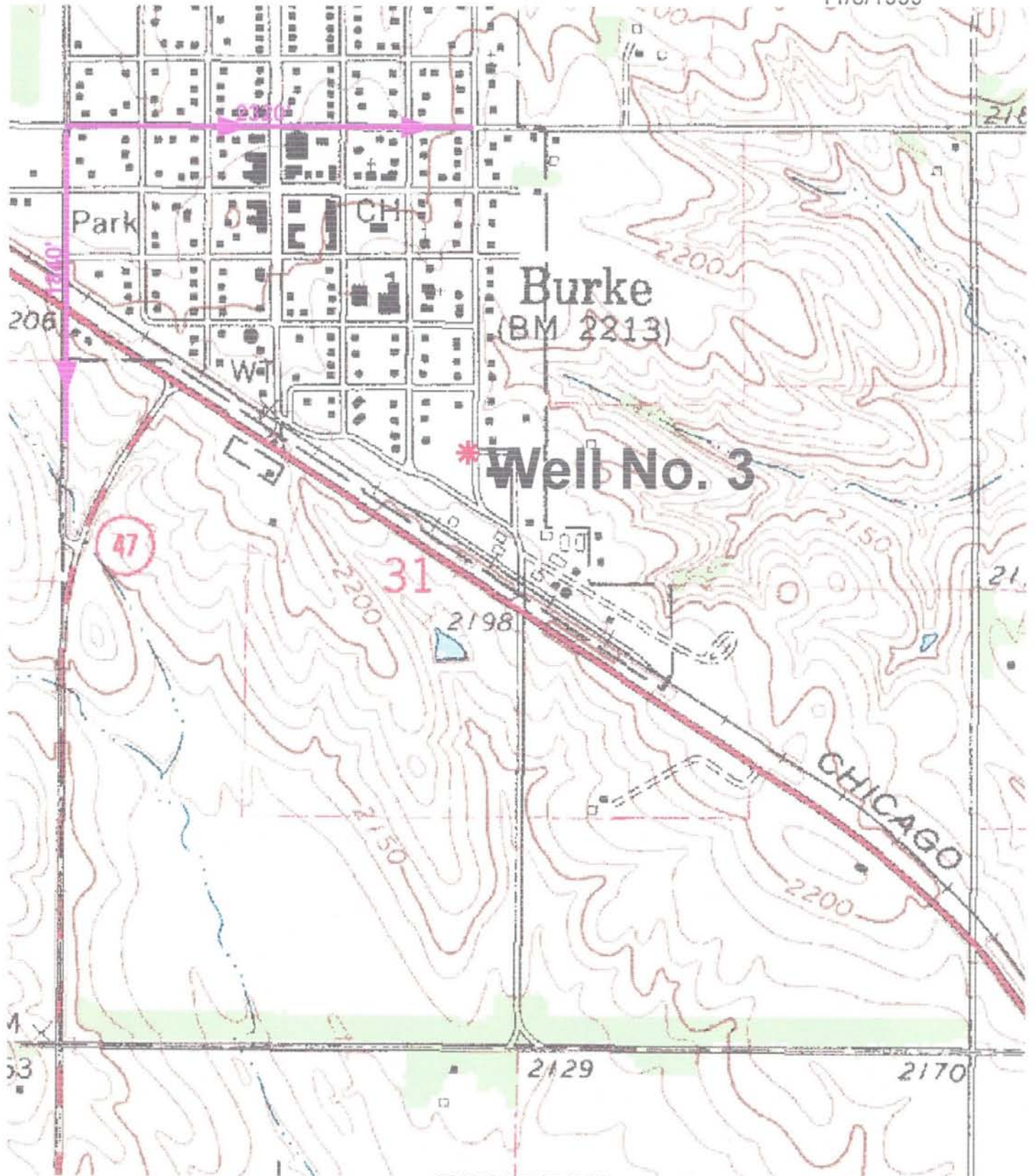
APR 22 2004

date



Inspection Map Water Permit No. 1661-2

11/5/1999



T97N-R71W



0 0.1 0.2 0.3 0.4 0.5 Miles

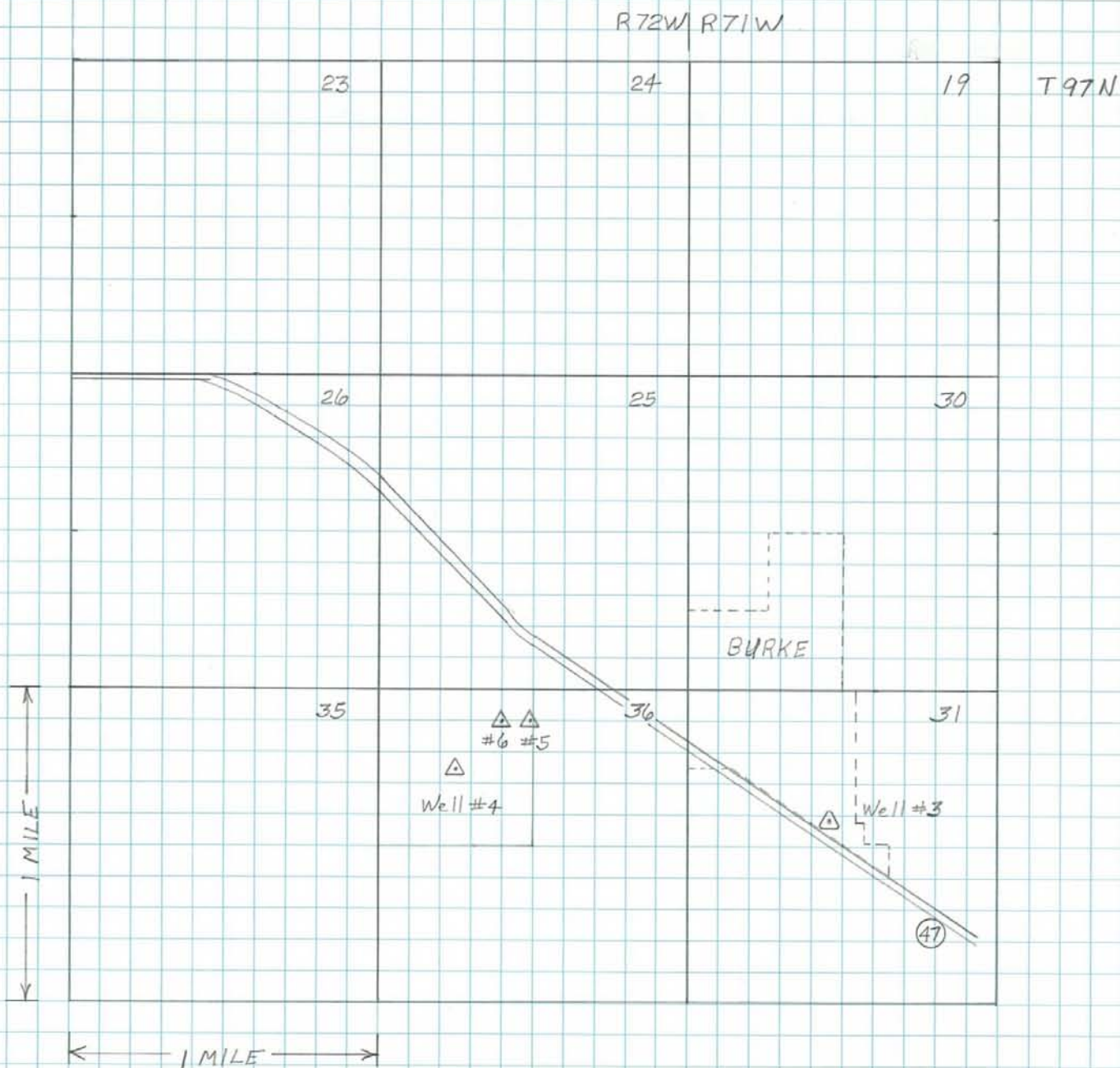
Prepared By:

Jeff Shafer

Jeff Shafer

Natural Resources Engineer

1661-2



City of Burke
 Drawn 26 April 78
 Gale N Selken
 Dale N Selken