

HAP No. same 775-2692

Name of Applicant City of Burke (c/o Rich Bailey)

Post Office Address P.O. Box 312, Burke, SD 57523

Amount of Water Claimed no add'l (0.44 cfs) Total Acres NA

Source of Water Supply Groundwater - 2 wells

Water to be used for municipal purposes County Gregory

About _____ miles city of Burke

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received June 15, 1989 Fee \$50.00 Remarks This appl. is to

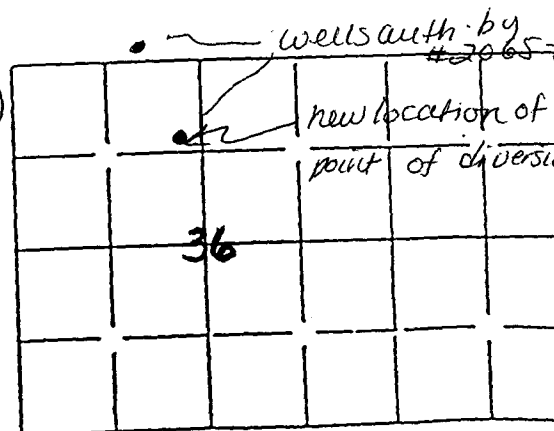
change the location of one of the 2 wells authorized by #2065-2

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point NE¹/₄ NW¹/₄ Sect 36-T97N-R72W
(previously to be in the NW¹/₄ NE¹/₄ Sect 36-T97N-R72W)



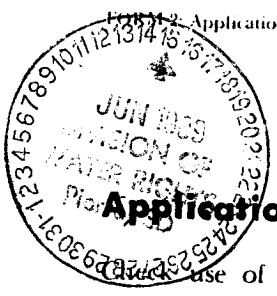
Land to be Irrigated NA

Well Log: Driller SOGS Test Holes Licensed YES NO

Depth of Well 160' REMARKS See #2065-2 for test hole logs

Type of Map aerial photo PREPARED BY Donald D. Swift Reviewed and the Number

assigned on July 6, 1989 By Susan Dower



Application for uses other than irrigation (type or print)

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>2065A-2</u>	Hydrologic Unit <u>10140101</u>
Map No. <u>same</u>	Basin <u>Missouri R.</u>
Newspaper <u>Burke Gazette Box 359 (Wed)</u>	

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

- Use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

- New ☐ Vested Right ☐ Future Use ☐ Change Use ☐ Change Diversion Point ☐
☐ Amend Permit No. _____ with old priority date retained
Change diversion point(s) ☒ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☒ Add diversion point(s) ☐ on Permit No. 2065-2
☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant City of Burke Phone No. 775-2692
Post Office Address 9th & County Road PO Box 312 Burke State SD 57523
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) Same as old application no additional

3. Source of water supply Ground water wells (2)

4. Location of point of diversion NE 1/4 NW 1/4 Section 36, Township 97 North, Range 72
West of the 5th P.M.;
Gregory County SD

5. Counties where water will be used Gregory County

6. Annual period during which water is to be used Yearly January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
The City of Burke requests to change the diversion point location of a well #7 from the NW 1/4 NE 1/4 to the NE 1/4 NW 1/4; all in Section 36-T97N-R72W.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Gregory) ss

I, Richard N. Bailey the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Richard N. Bailey

JACK GUNVORDAHL
Notary Public, Gregory County, S.D. Subscribed and sworn to before me this 13th day of June 1989
Commission Expires August 18, 1993

Jack G. Gundersen
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 36 in. Depth 160 ft.
- b) Casing Type steel Diameter 16 in. Thickness .05 in.
- c) Screen Type Stainless steel Diameter 6 in. Thickness .03 in.
- d) Gravel Pack Thickness 20 in. Length of Gravel Pack 66 FT.
- e) Depth to Top of Water Bearing Material 66 FT.
- f) Depth to Water (ground surface to water level) 94 FT.
- g) Distance to nearest existing domestic well:
- On applicants property 712 FT. On property owned by others 4000 FT.

2. Dug-out Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

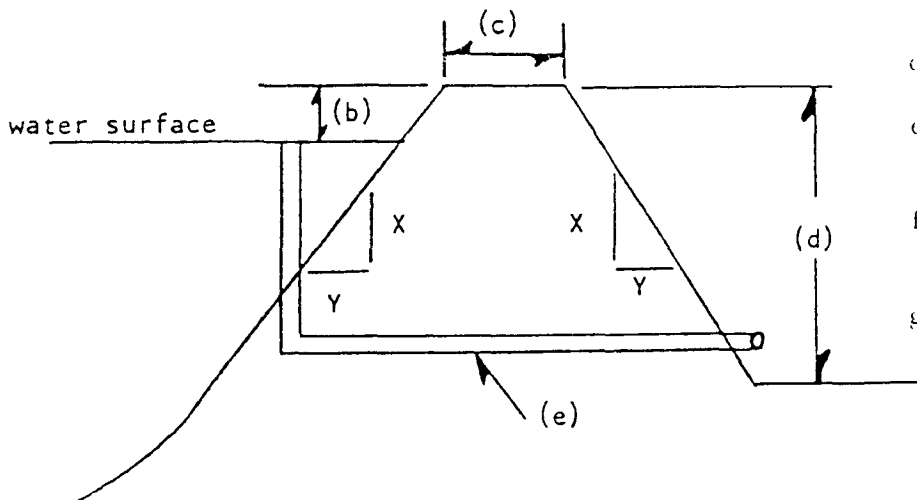
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Richard N. Bailey
Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 2065A-2

Date of first receipt of application June 15, 1989.

The Water Management Board approved Water Permit Application No. 2065A-2 on September 28, 1989 for the City of Burke, PO Box 312, Burke SD 57523 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2065A-2 changes the location of one of two wells authorized by Water Permit No. 2065-2. Permit No. 2065-2 appropriates 0.44 cubic feet of water per second from two wells 160 feet deep located in the Ogallala aquifer. This permit changes one well location from the NW1/4 NE1/4 to the NE1/4 NW1/4; all in section 36-T97N-R72W. No increase in water appropriation is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying the City of Burke and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is December 21, 1988.
5. One-fifth of the construction is to be completed on or before March 28, 1992.
6. All construction is to be completed on or before September 28, 1994.
7. Water is to be put to beneficial use on or before September 28, 1998.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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 adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

John Hatcher
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 26 1989

(date)

Conversation or File Documentation

NAME OF PERSON OR FILE: Rich Bailey - City of BurkeADDRESS: 9th & Co. Road, PO Box 312 COUNTY GregoryDATE: June 8, 1989 TELEPHONE _____RE: Location of wells in Water Permit No. 2065-2

COMMENTS:

Rich Bailey called today to inform us that the location of the well in Section 36 needs to be changed by 1000 ft. I explained to him that an application for a change in location would be necessary. I sent the required forms to him

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 19, 1989

RECEIVED OF City of Burke, 9th & County Road PO Box 312 Burke, SD 57523-0312

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

Fee for Application for Permit No. <u>2065A-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

56



46

4

97-72

NDN

44.6

7887

Non
April

1875

36

T1132

23.5

pl 84 slide

1

Donald D. Swift
County Ex. Director
ASCS

97-72

Appl. No. 2065-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Richard N Bailey - City of BurkeADDRESS: PO Box 312 COUNTY GregoryDATE: Sept. 12, 1989 TELEPHONE 775-2692RE: Well logs for Nos. 7 & 8

COMMENTS:

Contacted Richard Bailey regarding the well logs for well Nos. 7 & 8 received from Huron Drilling on Sept 7, 1989. The location of the wells shown on the logs was not in the locations specified on Permit No. 2065-2 and on Appl. No. 2065A-2.

Mr. Bailey stated that the wells were not in section and were constructed in the locations shown on the map for Appl. No. 2065A-2.

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

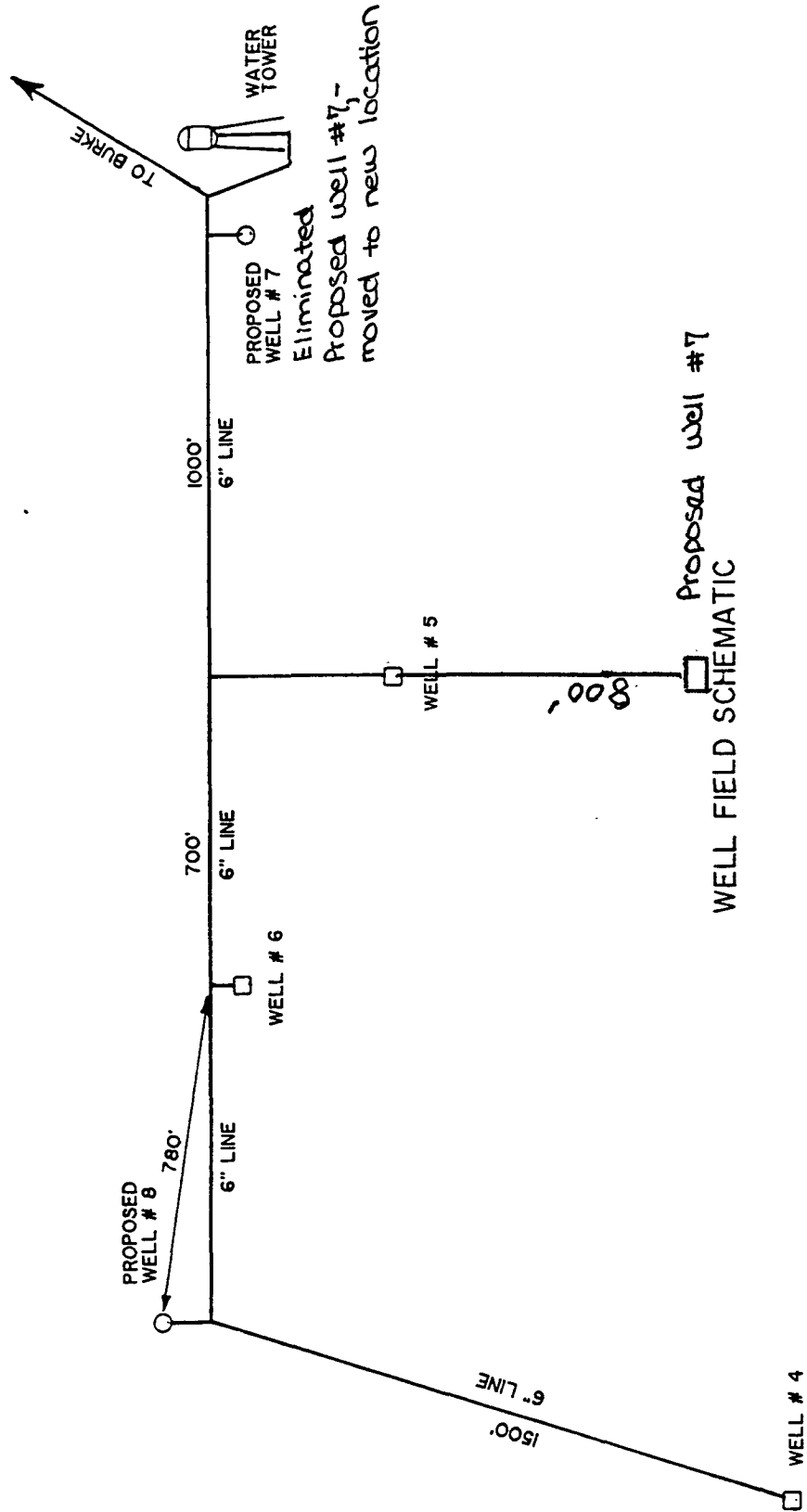
schmucker . paul . nohr & associates



NO SCALE



MITCHELL, SOUTH DAKOTA



SPN
ASSOCIATES

REPORT ON APPLICATION NO. 2065A-2
CITY OF BURKE
August 7, 1989

This application proposes to change the location of one of the wells (#7) authorized by Permit No. 2065-2 from the NW 1/4 NE 1/4 of Section 36 to the NE 1/4 NW 1/4 of Section 36 in T97N, R72W in Gregory County. The well is to be 160 feet deep and used for municipal purposes. This application does not request any increase in the amount of water appropriated.

Aquifer - Ogallala (OGLL)

The Ogallala consists of fine to medium sand, sandstone, clays and siltstone. The saturated thickness of the Ogallala is as much as 90 feet in this area and the aquifer is under water table conditions. The Ogallala underlies 193,280 acres and contains an estimated 1.9 million acre feet of recoverable water in storage in Gregory County (Allen, 1984)

The Division of Water Rights monitors 9 observation wells in Gregory County of which seven are completed into the Ogallala. Two of these wells, GY 78A and GY 77B, are located within 2 miles of this diversion. Water levels for these wells are near the highest ever recorded indicating the favorable recharge of the last few years (Water Rights, 1989).

Review of Existing Water Permits

The only permit holder in this area is the City of Burke. Burke is authorized to use eight wells with a total diversion rate of 2.58 cfs. Interference is not expected to be a problem because of two factors, first the relatively small pumping rate and second the aquifer consists of fine to medium sand under water table conditions. Typically, drawdowns created by pumping do not extend very far from the producing well. In general, the aquifer contains excellent quality ground water. However, there are contamination concerns because of elevated nitrate concentrations in some samples. This and other potential contaminants prompted a study for the City by the South Dakota Geological Survey. A preliminary draft of this basic data is included with Application No. 2065-2.

Conclusions

1. Water is available from the Ogallala Aquifer.
2. Interference should not be a problem.
3. The City of Burke is the only permit holder in the area. There would be domestic users in the area.

4. This request is simply to move the location of Well #7.
5. The well completed under this permit will need to be constructed in accordance with the South Dakota Well Construction Standards.
6. The water right/permits for Burke need to be inspected and/or relicensed to reflect actual use.


JAMES A GOODMAN
Hydrologist

Bibliography

Allen, J. C., Etal, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4, Ground Water Resource Inventory, for US Army Corps of Engineers, DWNR, SDGS, Vermillion SD 57069.

Water Rights, 1989, Records for Observation Wells in Gregory County, SD, SD DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501

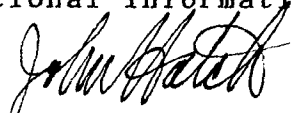
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2065A-2, City of Burke

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2065A-2, City of Burke, PO Box 312, Burke SD.

The Chief Engineer is recommending APPROVAL of Application No. 2065A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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 adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 8, 1989

**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 16, 1989

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

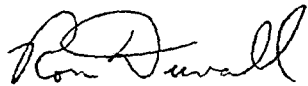
Richard N. Bailey
City of Burke
P.O. Box 312
Burke, SD 57523

Dear Mr. Bailey:

Water Permit Application No. 2065A-2 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Burke Gazette printed at Burke SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 16, 1989

Burke Gazette
Box 359
Burke, SD 57523

Dear Sir:

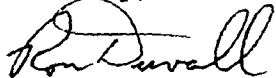
Enclosed is a Notice of Hearing on Application No. 2065A-2 to be published twice. Please publish the first notice on or before August 23, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Burke, c/o Richard N. Bailey, P.O. Box 312, Burke, SD 57523.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2065A-2 to Appropriate Water

Notice is given that the City of Burke, P.O. Box 312, Burke, SD 57523 has filed an application for a water permit to change the location of one of the two wells authorized by Water Permit No. 2065-2. Water Permit No. 2065-2 appropriates 0.44 cubic feet of water per second from two wells (Ogallala Aquifer) 160 feet deep to be located in the NW1/4 NE1/4 Section 36; SE1/4 SW1/4 Section 25; both in T97N-R72W. This application proposes to change the location of one of the wells from the NW1/4 NE1/4 to the NE1/4 NW1/4; all in Section 36-T97N-R72W. This application, if approved, does not authorize any increase in the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2065A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Gregory)



I, Joe Fahrenbacher
 certify that the attached printed Notice 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:

August 23, 1989

August 30, 1989

Joe Fahrenbacher
 (Signature)

Publisher

(Title)

August 30, 1989

(Date Signed)

Cost of Printing: 34.20

NOTICE OF HEARING

On Application No. 2065A-2
to Appropriate Water

Notice is given that the City of Burke, P.O. Box 312, Burke, SD 57523 has filed an application for a water permit to change the location of one of the two wells authorized by Water Permit No. 2065-2. Water Permit No. 2065-2 appropriates 0.44 cubic feet of water per second from two wells (Ogallala Aquifer) 160 feet deep to be located in the NW¼ NE¼ Section 36; SE¼ SW¼ Section 25; both in T97N-R72W. This application proposes to change the location of one of the wells from the NW¼ NE¼ to the NE¼ NW¼; all in Section 36-T97N-R72W. This application, if approved, does not authorize any increase in the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2065-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant

need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01-01 thru 74:02:01:15.

Aug. 23, 20

(101)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 26 1989

Richard Bailey
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

Enclosed is Water Permit No. 2065A-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

December 7, 1990

City of Burke
PO Box 312
Burke, SD 57523

Attention: Richard Bailey

Dear Mr. Bailey:

Enclosed, as you requested, are copies of the following vested water right claims, water right, water permits and a future use permit held by the City of Burke:

Vested Right Claim Nos. 455-2 and 456-2

Water Right No. 872-2

Water Permit Nos. 1274-2, 1661-2, 2065-2, 2065A-2, and

Future Use Permit No. 1660-2

If you have any questions concerning the enclosed information, please contact us.

Sincerely,

Genny McMath
Water Resource Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1995

Permit No. 2065A-2

Richard N. Bailey
City of Burke
P.O. Box 312
Burke, SD 57523

Dear Mr. Bailey:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2065-2 and 2065A-2, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2065-2 will be incorporated into 2065A-2.

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

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

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

RECEIPT

414404

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 15, 19 95

RECEIVED OF City of Burke, PO 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. <u>2065A-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2065A-2
Missouri River - Water District

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

TO: Chief Engineer, Division of Water Rights, DENR, Joe Foss Bldg., Pierre, SD 57501

On this day, August 17, 1994, 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 Nos. 2065-2 & 2065A-2, bearing the priority of December 21, 1988 authorizing diversion of 0.44 cu. ft. of water per second from groundwater for Municipal purposes, in Gregory County.

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

A. Works used to divert the water:

Well #7 has a 7.5 HP Franklin Electric Motor with a 75 GPM Grunfos Pump.
Well #8 has a 7.5 HP Franklin Electric Motor with a 95 GPM Hitachi Pump.

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

Well #7 has 122' of 12" steel casing with 25' of steel screen.
Well #8 has 123' of 12" steel casing with 25' of steel screen.

C. Works used to apply water to beneficial use:

Pipeline throughout the Municipal System.

The system is in the following condition: good. The points of diversion are located Well #7: 1270 feet S and 50 feet W from the N quarter corner of Section 36; Well #8: 50 feet N and 600 feet W from the S quarter corner of Section 25; both in T97N R72W. The works are capable of diverting and conveying to the place of use 0.37 cu. ft. of water per second which is to be used for Municipal purposes. The license should be issued for 0.37 cfs.

****NOTE:** Both wells were covered by Water Permit No. 2065-2. On June 15, 1989, the City of Burke filed an application to change the location of the diversion point for one of the wells covered by 2065-2. During licensing, Water Permit No. 2065-2 will be incorporated into Water Permit No. 2065A-2.

Permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date: August 17, 1994



Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2065A-2

DATE OF INSPECTION: August 17, 1995

Other permit(s) associated with the project: 1274-2 & 2065-2

Name of inspection contact: Rich Bailey

Contact relationship to permit holder: Water Supt. for the City of Burke

Name/address of permit holder: City of Burke, PO Box 312, Burke, SD 57523

DIVERSION POINT LEGAL LOCATIONS: Well #7: 1270 feet S and 50 feet W from the N quarter corner of Section 36; Well #8: 50 feet N and 600 feet W from the S quarter corner of Section 25: both in T97N R72W.

WELL INFORMATION: (2 wells)

Well #7 (NE1/4 NW1/4 Section 36)

- | | |
|--|-----------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling</u> | 3) Depth(s) <u>147</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>Y</u> |

Casing:

- 1) Diameter 12 inches
- 2) Length 122 feet
- 3) Type Stainless Steel

Screen:

- 1) Type Stainless Steel
- 2) Length 25 feet
- 3) Static water level 78 feet

Pump:

- 1) Make Grundfos
- 2) Model No. 80575-8
- 3) Capacity 75 GPM

Motor:

- 1) Make Franklin Electric
- 2) Model No. 2366010010
- 3) Horsepower rating 7.5 HP

Well #8 (SE1/4 SW1/4 Section 25)

- | | |
|--|-----------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling</u> | 3) Depth(s) <u>148</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>Y</u> |

Casing:

- 1) Diameter 12 inches
- 2) Length 123 feet
- 3) Type Stainless Steel

Screen:

- 1) Type Stainless Steel
- 2) Length 25 feet
- 3) Static water level 85 feet

Pump:

- 1) Make Hitachi
- 2) Model No. 689730 E
- 3) Capacity 95 GPM

Motor:

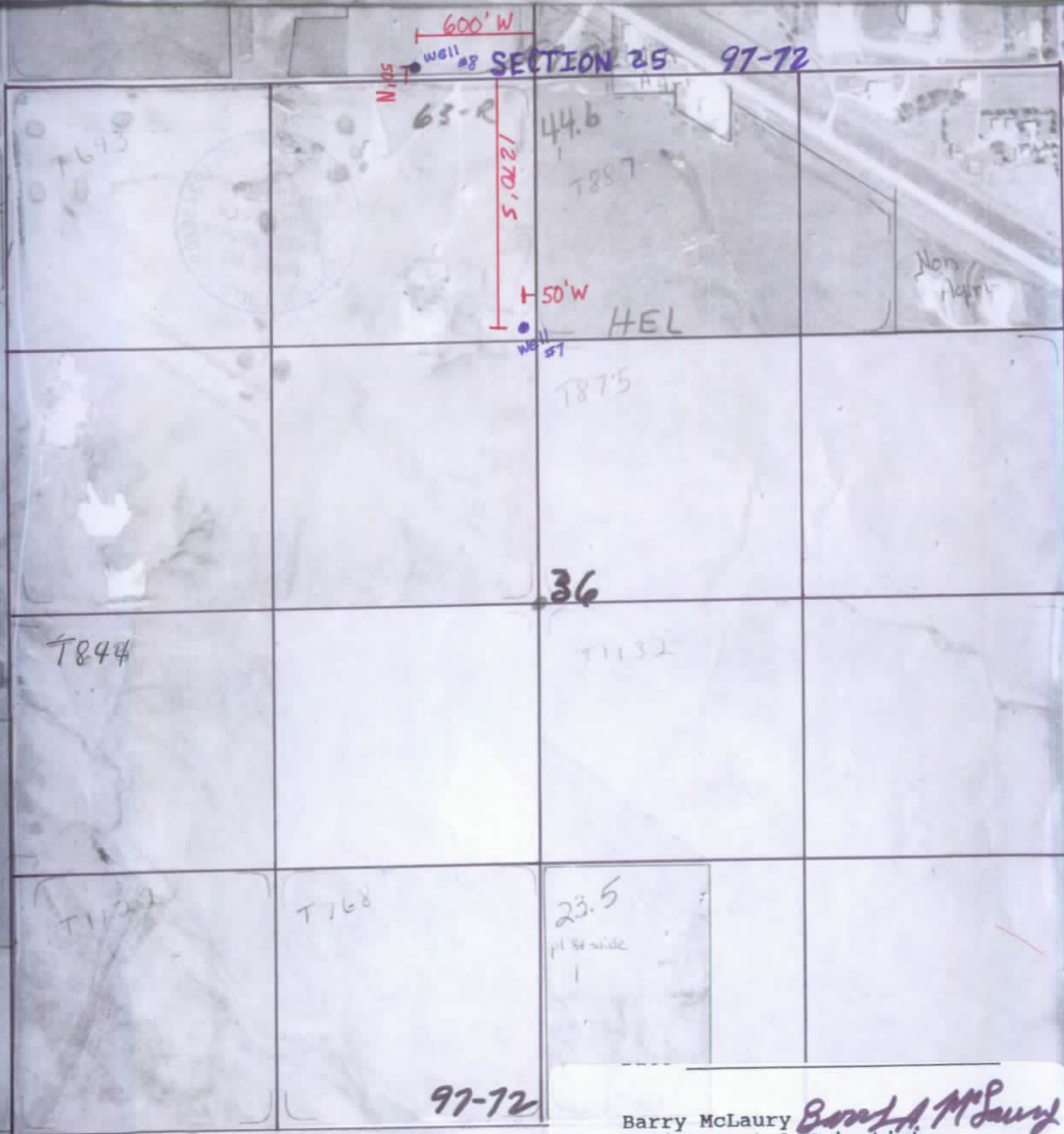
- 1) Make Franklin Electric
- 2) Model No. 2343177004
- 3) Horsepower rating 7.5 HP

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

****NOTE:** Both wells were covered by Water Permit No. 2065-2. On June 15, 1989, the City of Burke filed an application to change the location of the diversion point for one of the wells covered by 2065-2. During licensing, Water Permit No. 2065-2 will be incorporated into Water Permit No. 2065A-2.

NOT TO SCALE



Barry McLaury *Barry*
Environmental Scientist
Division of Water Rights
Date *2-9-95*

2065A-2

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2065A-2

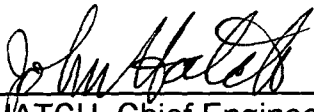
(1) The City of Burke of PO Box 312, Burke SD 57523 made Application No. 2065A-2, June 15, 1989 for a water permit to appropriate no additional cubic feet of water per second from groundwater (two wells), Gregory County, South Dakota for municipal purposes. Permit No. 2065A-2, with a priority date of December 21, 1988 was approved September 28, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 1994 and for the application to beneficial use of said water on or before September 28, 1998.

Water Permit No. 2065A-2 authorized a change in the location of one of the two wells authorized by Water Permit No. 2065-2. Permit No. 2065A-2 did not allow for an increase in the diversion rate. The applicable portions of Water Permit No. 2065-2 have been incorporated into this Water License No. 2065A-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.37 cubic feet of water per second for beneficial use. The location of the diversion points are Well #7: 1270 feet south and 50 feet west from the north quarter corner of Section 36; Well #8: 50 feet north and 600 feet west from the south quarter corner of Section 25; both in T97N-R72W.

(3) The applicant 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 of PO Box 312, Burke SD 57523 the holder and/or owner of Incorporated Water Permit No. 2065A-2 is issued a license to appropriate water, the right to use 0.37 cubic feet of water per second from groundwater (two wells) with a priority date of December 21, 1988 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2065A-2 and subject to South Dakota State Law.



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

SEP 6 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

2065A-2

Jerry Jones, Finance Officer
City of Burke
P.O. Box 312
Burke, SD 57523

Dear Mr. Jones:

Enclosed is Water License No. 2065A-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414404 in the amount of \$50.00 which you paid for the inspection 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. 2065A-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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2065-2 have been incorporated into this Water License No. 2065A-2.

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 2065A-2

(1) The City of Burke, PO Box 312, Burke SD 57523 was issued Water License No. 2065A-2, September 6, 1995 for a water permit to divert 0.37 cubic feet of water per second (cfs) from groundwater (two wells), Gregory County, South Dakota for municipal purposes. Water License No. 2065A-2, with a priority date of December 21, 1988 was approved September 28, 1989 and issued to the city for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 2065A-2 authorized diversion of 0.37 cfs from Wells No. 7 and 8. Well No. 7 is no longer used for a potable water supply and is being deleted from this water license. The remaining well, well #8 is capable of diverting 0.21 cfs (95 gallons per minute).

Vested Right No. 456-2, with a priority date of August 1, 1952, authorizes 0.26 cfs from Well #1. Well #1 has been plugged. The diversion authority and priority date are being transferred to Water Right No. 2065A-2.

Water License No. 2065A-2, incorporates the applicable portions of Vested Right No. 456-2 and is being reissued for Well #8 for 0.21 cfs with an August 1, 1952 priority date (established by Vested Right No. 456-2).

(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 0.21 cubic feet of water per second for beneficial use. The location of the diversion point is: Well #8: 50 feet north and 600 feet west from the south 1/4 corner (SE 1/4 SW 1/4) Section 25; both in 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.

(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. 2065A-2 is reissued a license to appropriate water, the right to use 0.21 cubic feet of water per second from groundwater (one well) with priority date of August 1, 1952 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. 2065A-2 and subject to South Dakota State Law.



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