

Considered: _____

WATER PERMIT NO. 2205-2

Phone: 605 394-2391

Name of Applicant: Art Carter

Post Office Address: 3305 West St S, Rapid City SD 57702

Amount of Water Claimed: ~~62 ac~~ 0.88 cfs Total Acres: 62

Source of Water Supply: dry draw

Water to be used for: irrigation County: Stanley

About 8 S. 14W miles _____ of Ft. Pierre

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 5-28-91 Fee: \$225 Remarks _____

Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

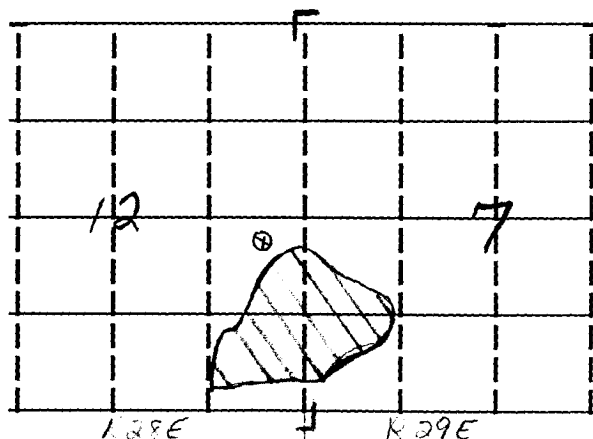
WATER QUALITY APPROVAL RECEIVED 10-28-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: NE 1/4 SE 1/4 Sec 12-T3N-R28E

Land to be Irrigated: W 1/2 SW 1/4 Sec 7-T3N-R29E

E 1/2 SE 1/4 Sec 12-T3N-R28E



Well Log: Driller: NA Licensed YES _____ NO _____

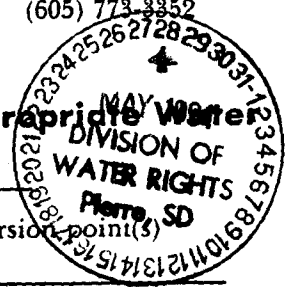
Depth of Well: _____ REMARKS _____

Type of Map: plat PREPARED BY: Dave Konechne Reviewed and the Number

Assigned on 10-29-91 By Karen Schlaak

(See instructions)

No. 2205-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Capitol Journal, Box 878, Pierre



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Art Carter Phone No. (605) 394-2391
Post Office Address 3305 West St. S Rapid City State SD 57702
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (cks) 62 Ac-Ft 0.88 cfs Total acres irrigated 62
3. Source of Water supply dry draw
4. Location of point of diversion from the SE corner of section 12, 2220 ft. north 13° W
(NE 1/4 SE 1/4 Sec 12-T3N-R28E)
County Stanley
5. Counties where water will be used Stanley
6. Annual period during which water is to be used runoff April 1-October 31
7. 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.
SW 1/4 SW 1/4 Sec 7, T3N, R29E	13.5
NW 1/4 SW 1/4 Sec 7, T3N, R29E	13.1
SE 1/4 SE 1/4 Sec 12, T3N, R28E	24.0
NE 1/4 SE 1/4 Sec 12, T3N, R28E	11.5

Attach sheet if more space is needed

Land Description	No. Acres Irr.

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Water-Spreading
9. Crops to be Irrigated: Native grass
10. Give a description of proposed project. (Attach sheet if more space is needed)

This system will use runoff from un-named stream.
The water will be held for five days and released.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

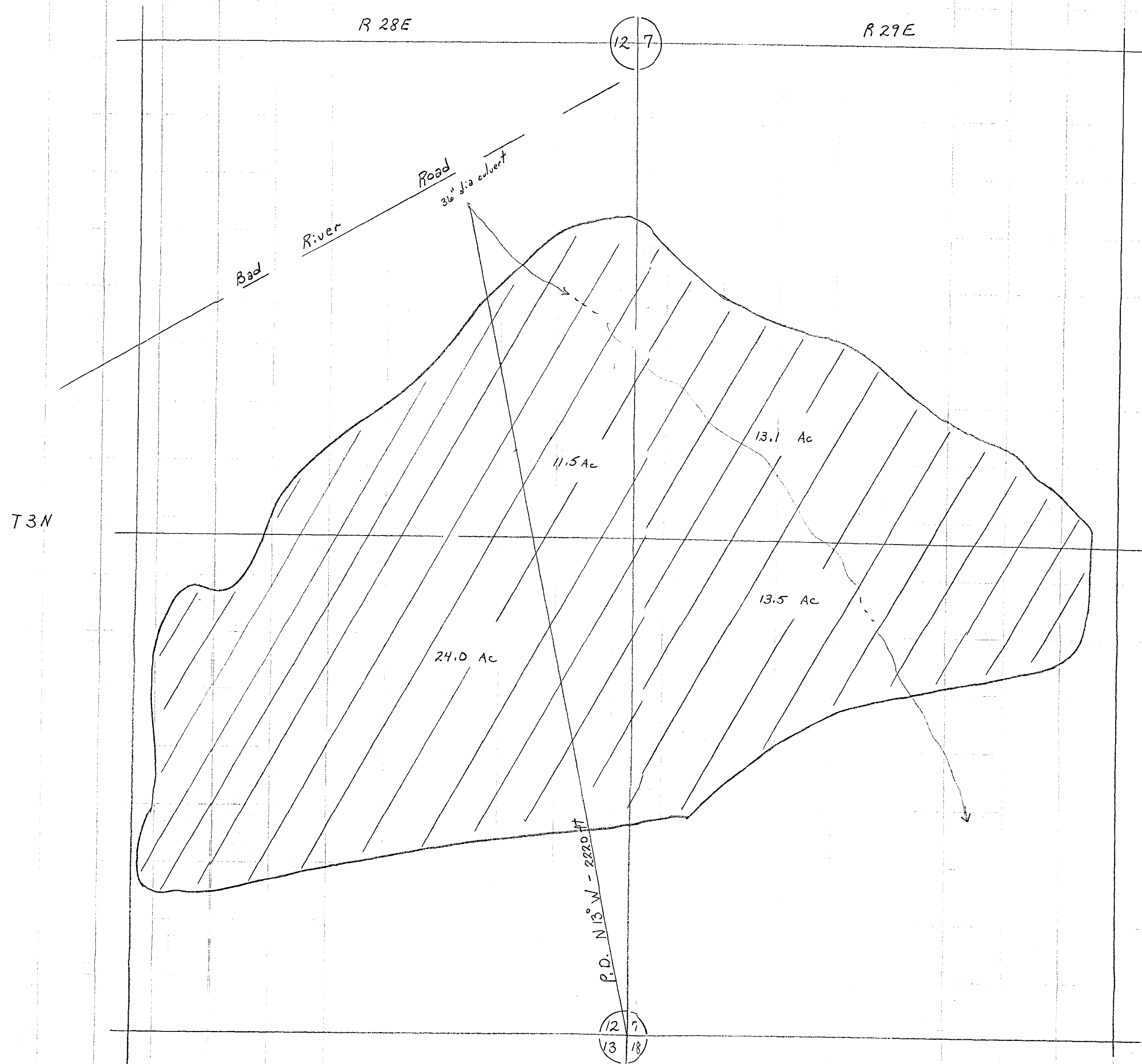
STATE OF SOUTH DAKOTA)
County of HUGHES) ss

I, Arthur V. Carter, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Arthur V. Carter

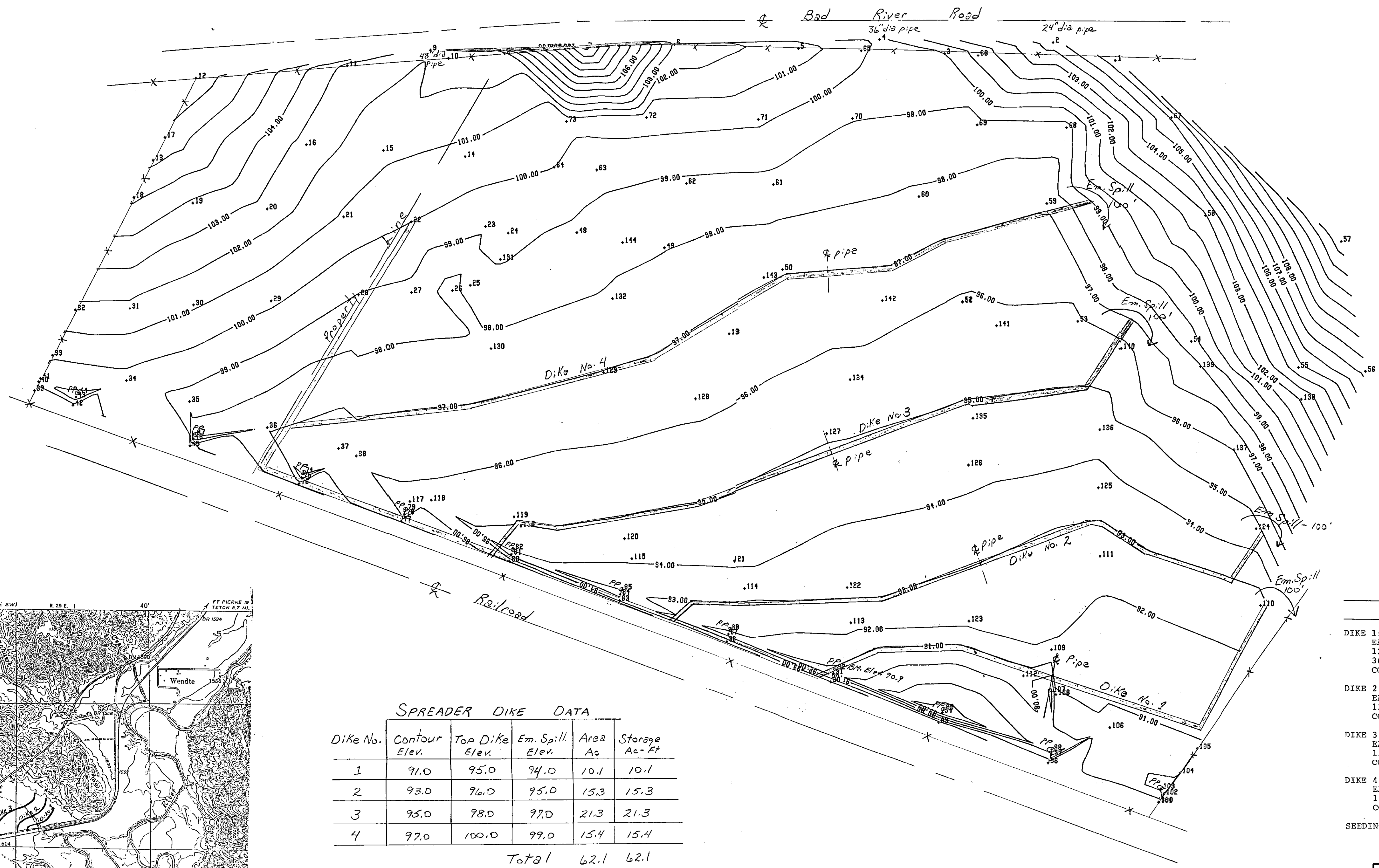
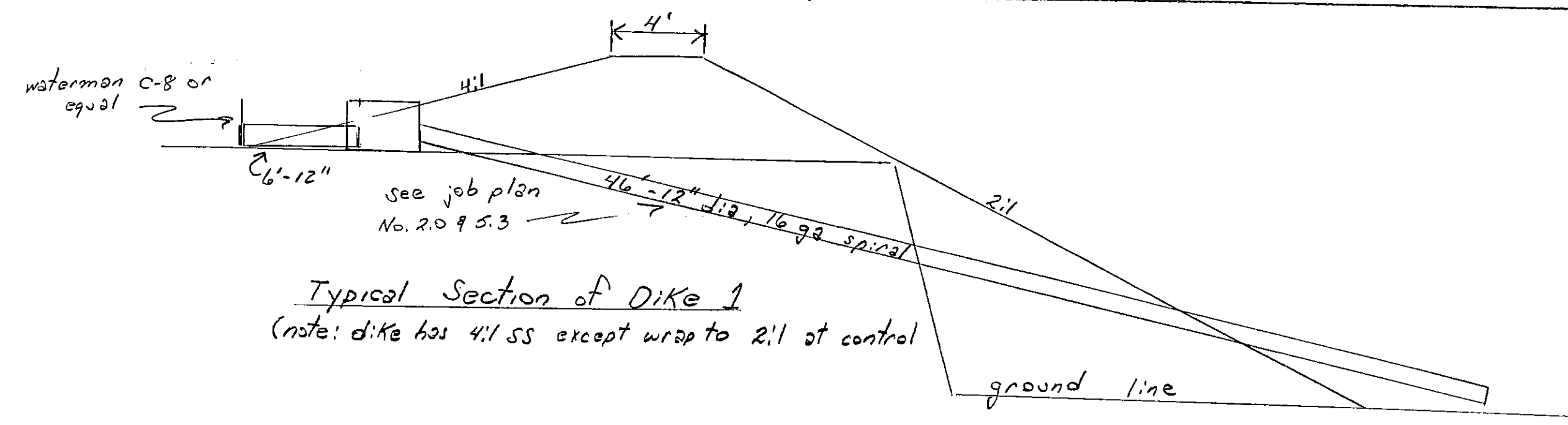
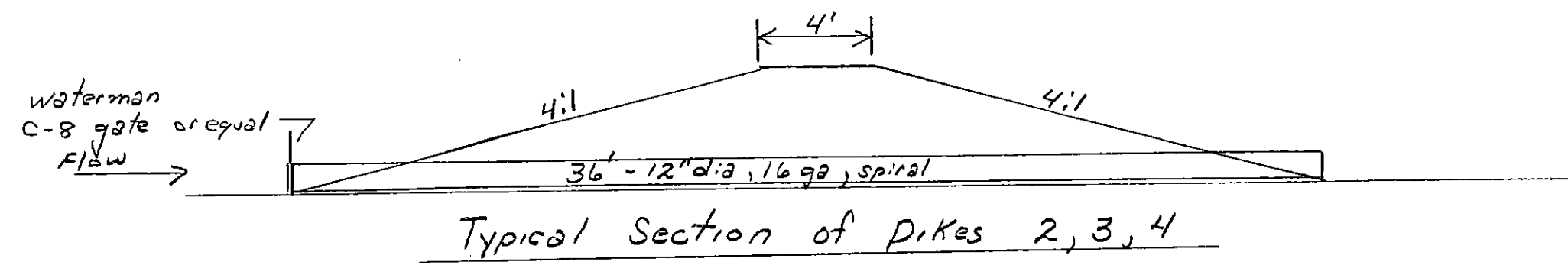
Subscribed and sworn to before me this 28 day of MAY 1991

James E. Meidinger
Notary Public



Scale 1" = 150'

Jimmy Carter WATERSPREADING			
Sec 7, T3N, R29E			
Sec 12, T3N, R28E, Stanley Co., S.D.			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed <u>D.F. Kenechne</u>	Date	Approved by _____	
Drawn <u>D.F. Kenechne</u>		Title _____	
Traced _____		Title _____	
Checked _____		Sheet No. <u>2</u>	Drawing No. _____
		of <u>7</u>	

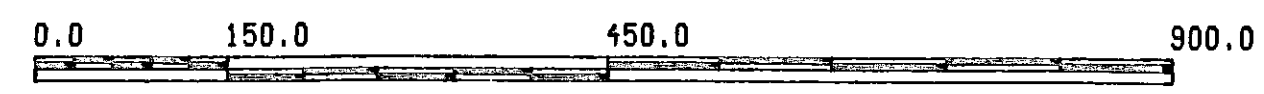
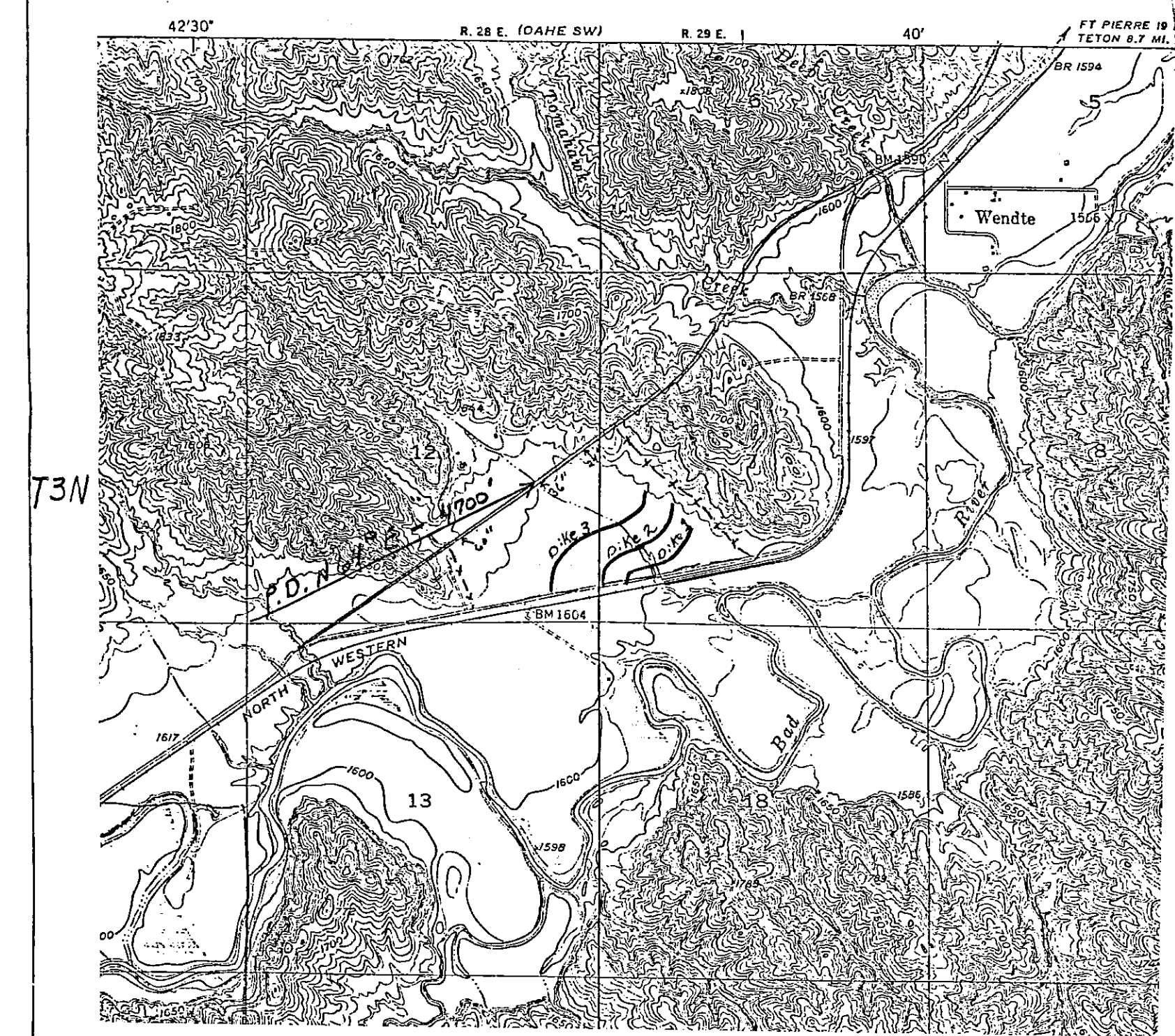


SPREADER DIKE DATA

Dike No.	Contour Elev.	Top Dike Elev.	Em. Spill Elev.	Area Ac.	Storage Ac.-Ft.
1	91.0	95.0	94.0	10.1	10.1
2	93.0	96.0	95.0	15.3	15.3
3	95.0	98.0	97.0	21.3	21.3
4	97.0	100.0	99.0	15.4	15.4
Total				62.1	62.1

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
DIKE 1:		
EARTH FILL	CU YD	4200
12" DIA. CMP	LIN FT	52
36" DIA. CMP RISER & 12" DIA STUBS	EA	1
CONTROL GATE	EA	1
DIKE 2:		
EARTH FILL	CU YD	3200
12" DIA. CMP	LIN FT	36
CONTROL GATE	EA	1
DIKE 3:		
EARTH FILL	CU YD	3400
12" DIA. CMP	LIN FT	36
CONTROL GATE	EA	1
DIKE 4:		
EARTH FILL	CU YD	5000
12" DIA. CMP	LIN FT	36
CONTROL GATE	EA	1
SEEDING	AC	62



Jimmy Carter
Waterspreading
Sec 7, T31N, R29E
Sec 13, T31N, R28E, Stanley Co., So. Dak.

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed <u>D.F. Konechae 5-91</u>		Date <u>5-91</u>	
Drawn <u>D.F. Konechae 5-91</u>		Title <u>Waterspreading</u>	
Traced	Sheet	Drawing No.	
Checked	No.	at	

**SOUTH DAKOTA
WATER PERMIT No. 2205-2 FOR IRRIGATION**

Date of first receipt of application May 28, 1991.

Date Soil/Water Compatibility Permit received October 28, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2205-2 to Art Carter, 3305 West St S, Rapid City SD 57702 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. 2205-2 appropriates 0.88 cubic feet of water per second from a dry draw by constructing a series of dikes to irrigate 62 acres by waterspreading. The location of the point of diversion will be located in the NE 1/4 SE 1/4 Section 12-T3N-R28E. The land to be irrigated is the W 1/2 SW 1/4 Section 7-T3N-R29E and the E 1/2 SE 1/4 Section 12-T3N-R28E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is October 28, 1991.
4. The date of approval of Permit No. 2205-2 is January 16, 1992.
5. One-fifth of the construction is to be completed on or before July 16, 1994.
6. All construction is to be completed on or before January 16, 1997.
7. Water is to be put to beneficial use on or before January 16, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Low flows as needed for downstream domestic use including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: *John Hatleb*
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 20 1992

date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

July 19, 1991

Mr. James Stukel
Natural Resource Program Scientist
SD Department of Agricultural
445 East Capitol Avenue
Pierre, SD 57501

Dear Jim,

This is in regard to my application for a water permit relative to a project I am proposing on my property located in Stanley County.

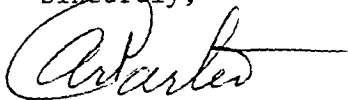
The primary purpose of the project is to address an accelerating erosion problem that is occurring. To achieve this control, spreader dikes would be constructed to slow runoff and allow for sediment deposition. Due to soil types in the project, benefits are anticipated from the sediments and supplement moisture.

Management plans include planting the area to western wheatgrass. Mechanical disturbance, e.g. ripping, chiseling, etc., will be accomplished as needed to help prevent the accumulation of salts and to maintain a healthy forage crop. Crop rotation will also be done to improve soil condition, if necessary. Past field crops include oats and sorghum species.

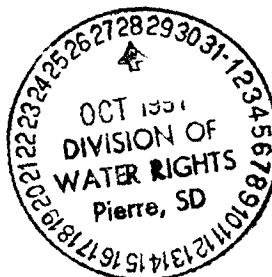
Water samples will be collected and analyzed according to state procedures once flows are available.

If additional information is needed, please feel free to contact me at 394-2391 or at my home address. Thank you.

Sincerely,



Art Carter
1801 Evergreen Drive
Rapid City, SD 57702



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412689

Pierre, _____ May 28, 19 91

RECEIVED OF Arthur Carter, 1801 Evergreen Dr., Rapid City, SD 57702

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

Fee for Application for Permit No. <u>2205-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By [Signature]
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Art Carter
ADDRESS: 3305 West St. S, Rapid City, SD COUNTY: Stanley
DATE: 11/5/91 TELEPHONE: 394-2391
RE: _____

COMMENTS:

I contacted Mr. Carter to discuss the amount of water claimed on his water permit application. I explained the statutory limit of one cfs per 70 acres irrigated diversion rate and that it would be more appropriate to use a diversion rate as opposed to a volume amount. I further explained that the 0.88 cfs diversion rate for the 62 acres he plans to irrigate would a greater amount than the 62 ac-ft of water he was limiting himself to be his application. We also discussed that with waterspreading it is very difficult to control the amount of water diverted by a storm event. He requested that I amend the application to the 0.88 cfs diversion rate and delete the 62 acre-feet from his application.

I also asked him how he planned to waterspread. He stated that the design would have the upslope dike to fill and spill around the edges down into the next dike and once the second dike fills the excess water would spill into the third dike area. He did not believe that culverts with screw gates would be used but yet would need to consult with SCS.

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

NAME: Eric Threlund

Report on Water Permit Application No. 2205-2
Art Carter
November 8, 1991

Background

Water Permit Application No. 2205-2 requests appropriation of 0.88 cubic feet of water per second (cfs) from a dry draw. The diversion point will be located in the NE1/4 SE1/4 Section 12, T3N-R28E, in Stanley County. The water will be used for irrigation of 62 acres located in the W1/2 SW1/4 Section 7, T3N-R29E, and the E1/2 SE1/4 Section 12, T3N-R28E, using a water spreading system.

Discussion

Irrigation will be conducted using four (4) dikes having various storage capacities. Each dike is designed with a spillway for water to flow to the next dike when it is filled. The draw is a tributary of the Bad River. There are no other irrigation projects on the draw that would be adversely affected. Due to the small size of the drainage area at the proposed diversion point, this project will not adversely affect irrigation projects on Bad river.

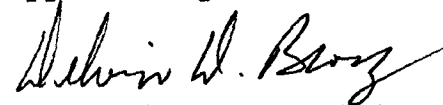
Conclusions

1. Water will be used whenever it is available.
2. There are no other water permits/rights in the area that would be adversely affected by this project.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

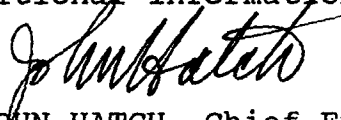
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2205-2, Art Carter

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2205-2, Art Carter, 3305 West Street South, Rapid City, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2205-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


JOHN HATCH, Chief Engineer
December 11, 1991

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 13, 1991

Art Carter
3305 W St S
Rapid City, SD 57702

Dear Mr. Carter:

Water Permit Application No. 2205-2 for irrigation 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 Capitol Journal printed at Pierre, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 1991

Capitol Journal
Box 878
Pierre, SD 57501

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2205-2 to be published twice. Please publish the first notice on December 19, 1991, 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 Art Carter, 3305 West St S, Rapid City, SD 57702.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 December 19, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2205-2 to Appropriate Water

Notice is given that Art Carter, 3305 West St S, Rapid City, SD 57702 has filed an application for a water permit to appropriate 0.88 cubic feet of water per second from a dry draw by constructing a series of dikes to irrigate 62 acres by waterspreading. The location of the point of diversion will be located in the NE 1/4 SE 1/4 Section 12-T3N-R28E. The land to be irrigated is the W 1/2 SW 1/4 Section 7-T3N-R29E and the E 1/2 SE 1/4 Section 12-T3N-R28E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2205-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 6, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2205-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 16, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 16, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 16, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 6, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hughes) ss.

I, Peggy Warner

certify that the attached printed Notice was taken
from the Capital Journal

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 Pierre

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

December 19, 1991

December 26, 1991

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

January 2, 1992
(Date Signed)



Cost of Printing: 140 lines @ .51 =
\$71.40

Public Notices



No. 5718 2tdly 12/19, 12/26
NOTICE OF HEARING
on Application No. 2205-2 to
Appropriate Water

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FEB 20 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Art Carter
3305 West St S
Rapid City, SD 57702

Dear Mr. Carter:

Enclosed is Water Permit No. 2205-2 authorizing construction of your water diversion system and beneficial use of the water, 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,

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.