

Considered: _____

WATER PERMIT NO. 2216-2

Phone: 669-2339

Name of Applicant: David Brost

Post Office Address: HCR 74, Box 77, Murdo SD 57559

Amount of Water Claimed: 40 gpm 0.09 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic - livestock watering County: Jones

About 7 miles SE of Murdo

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-22-92 Fee: \$50 Remarks _____

Corrected Application Received 2-6-92 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: SW 1/4 NW 1/4 Sec 12-T3S-R29E

Land to be Irrigated: _____

10				
		12		

Well Log: Driller: Huron Drilling Licensed YES X NO _____

Depth of Well: 2445' REMARKS _____

Type of Map: aerial PREPARED BY: George J Trapp, SCS Reviewed and the Number

Assigned on 2-6-92 By Karen Schlaak

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

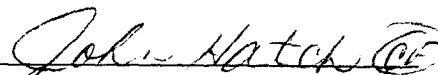
418047

Pierre, February 3, 19 92

RECEIVED OF David or Linda Brost, HCR 74, Box 77, Murdo, SD 57559

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

Fee for Application for Permit No. <u>2216-2</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 Hatch 
Chief Engineer

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 2216-2 Hydrologic Unit 10140204
Map No. _____ Basin White River
Newspaper The Murdo Coyote, Box 465 (Thurs)**Application For Permit To Appropriate Water Within The State Of South Dakota**Check 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 ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant DAVID BROST Phone No. 669-2339Post Office Address HCR74 Box 77 MURDO State SD Zip Code 57559
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 40 g.p.m. 0.09 cfs3. Source of water supply ARTESIAN4. Location of point of diversion SW 1/4 NW 1/4
1/4 QUARTER OF SEC 12Twp 35 Range 29ECounty JONES5. Counties where water will be used JONES6. Annual period during which water is to be used 12 mo. Jan 1 - Dec 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)

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 JONES ssI, DAVID BROST 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 David BrostSubscribed and sworn to before me this 21st day of Jan 1992[Signature]
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 2440'
- b) Casing Type Self #80 PVC Diameter 2" Thickness _____
- c) Screen Type COPPER Diameter 2" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 5 MILES On property owned by others 4 MILES

2. Dugout 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 _____

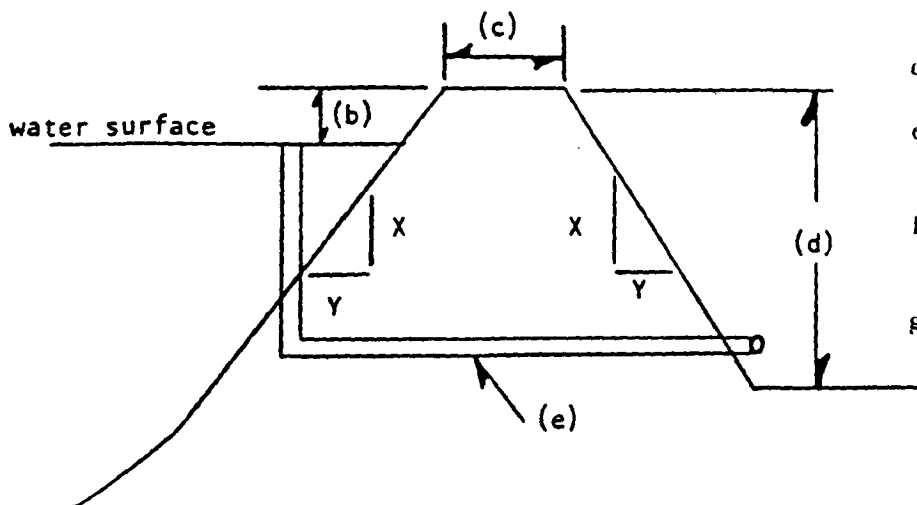
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



David Brant
Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 2216-2

Date of first receipt of application January 22, 1992.

Date of return to applicant for corrections, amendments or changes
February 3, 1992.

Date of receipt of corrected application February 6, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2216-2 to David Brost, HCR 74, Box 77, Murdo SD 57559 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. 2216-2 appropriates 0.09 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) 2445 feet deep located in the SW 1/4 NW 1/4 Section 12-T3S-R29E.
2. The water appropriated shall be used for the purpose of supplying water livestock watering and may not exceed the amount of water needed for beneficial use for domestic purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2216-2 is April 29, 1992.
5. The date from which applicant may claim right is January 22, 1992.
6. 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 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.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Well Construction Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By:

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

AUG 6 1992

date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

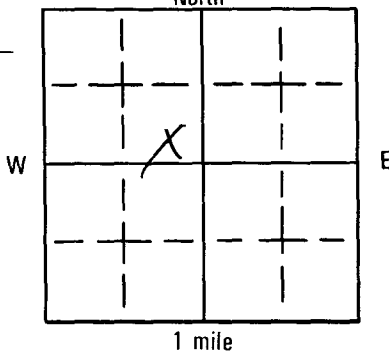
Location NW 1/4 SW 1/4 Sec 1 Twp 35 Rg 29E

County

Dones

North

Please mark well location with an "X"

Well Completion Date May 28, 1991

PROPOSED USE:

- ☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Rotary

CASING DATA:

- ☒ Steel ☒ Plastic ☒ Other

If other describe Copper

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>315</u> FT	<u>7 7/8</u> IN
<u>#80</u> LB/FT	<u>2</u> IN	<u>0</u> FT	<u>1960</u> FT	<u>4 1/4</u> IN
<u>#K</u> LB/FT	<u>2</u> IN	<u>1960</u> FT	<u>2445</u> FT	<u>4 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 315 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 30Describe grouting procedure Pressure Plug

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 240 FEETMaterial CopperSlot Size 3/8 Set From 2205 Feet To 2445 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RUBBERDescribe packer(s) and location? Above PortWas well disinfected upon completion? ☐ YES ☒ NOExplain Flowing WellBacteriological analysis ☒ YES ☐ NOLaboratory sent to PICARD, S&S

Well Owner:

Name David BrastAddress HCR 74, Box 77, Murdo SD

Well Log:

Depth

Formation	From	To
Top Soil	0	2
Shale	2	1000
Chalk	1000	1200
Shale	1200	1475
Greenhorn	1475	1500
Shale	1500	1830
Dakota	1830	2040
Shale	2040	2080
Lakota	2080	2200
Morrison	2200	2240
Sandstone	2240	2445

STATIC WATER LEVEL _____

If flowing: closed in pressure _____

GPM flow 40 through _____Controlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Hurgen Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner: _____

Date 12/31/91



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 1992

David Brost
HCR 74 Box 77
Murdo SD 57559

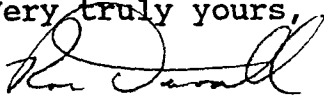
Dear Mr. Brost:

A well driller's report filed by Huron Drilling, Inc. shows that they completed a new well for you which produced 40 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 GPM or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing; manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 GPM or use water outside of the school building.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by February 14, 1992, or contact Don Frye (605-773-3352) if you don't believe your water use requires a permit or if you need assistance.

Very truly yours,


RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

February 3, 1992

David Brost
HCR 74, Box 77
Murdo SD 57559

Dear Mr. Brost:

In regard to your water permit application received on January 22, 1992, the following information needs to be clarified in order to process your application.

On Item No. 4 of the application, the location of the point of diversion, please indicate which quarter-quarter (40 acre parcel) of Section 12 the well is located.

The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 2216-2

~~for David Brost~~

March 17, 1992

Application No. 2216-2 proposes to appropriate 0.09 cfs (40 gpm) from one well approximately 2445 feet deep located in the SW 1/4 NW 1/4 of section 12, T3S R29E in Jones County. The water will be used for stock watering and domestic use.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara consists of sandstone and shale and is approximately 250 feet thick in this area. The Inyan Kara underlies 622,720 acres and contains an estimated 9.34 million acre feet of recoverable water in Jones County (Allen, 1984). The aquifer is confined (artesian) and does flow at the land surface. The well completion report filed with the application indicates the well is capable of flowing 40 gpm and has a shut in pressure of 40 psi.

The Division of Water Rights does not monitor any observation wells in this area completed into the Inyan Kara aquifer. Records are available for an Inyan Kara well located about 8 miles west of this site. These records show that the water level has declined since 1963 (Bradford, 1981). This data was collected by the USGS for the Division of Water Rights (SD-5 Program). This data is the best available, but may not be reliable because of the well construction.

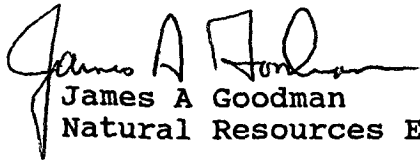
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area for water out of the Inyan Kara aquifer. The nearest permit is over 10 miles to the west. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is under artesian conditions and does flow at the land surface. This well should only be allowed to flow when water is needed. Information filed with the application indicates that the well can be shut in.
3. This well is completed in accordance with SD Well Construction Standard 74:02:04:36.

4. Unless the applicant intends to allow this well to flow continuously this use would not require a permit. It is doubtful that 40 gpm will be needed for livestock and domestic use.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., et al., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Bradford, W.L., 1981, Water Levels in Bedrock Aquifers in South Dakota, Open File Report 81-627, USGS, Huron, SD, 57350.

~~RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT~~
~~APPLICATION NO. 2216-2, David Brost~~

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. 2216-2, David Brost, HCR 74 Box 77, Murdo, SD 57559.

The Chief Engineer is recommending APPROVAL of Application No. 2216-2 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 qualifications:

1. The wells 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.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Well Construction Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 24, 1992



**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.

March 25, 1992

David Brost
HCR 74 Box 77
Murdo, SD 57559

Dear Mr. Brost:

Water Permit Application No. 2216-2 for domestic and livestock watering 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 Murdo Coyote printed at Murdo, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1992

The Murdo Coyote
Box 465
Murdo, SD 57559

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2216-2 to be published twice. Please publish the first notice on April 2, 1992, 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 David Brost, HCR 74 Box 77, Murdo, SD 57559.

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 April 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2216-2 to Appropriate Water

Notice is given that David Brost, HCR 74 Box 77, Murdo, SD 57559 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) 2445 feet deep located in the SW 1/4 NW 1/4 Section 12-T3S-R29E. The water is for livestock watering and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2216-2 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 April 20, 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. 2216-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 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 April 29, 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 April 29, 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 April 20, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

*see back side for 1st
part of notice*

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jones) ss. *OK*

I, Clarice J. Roghair

certify that the attached printed Notice was taken
from the Mundo Coyote

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 Mundo

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

April 2, 1992

April 9, 1992

Clarice J. Roghair
(Signature)

Publisher
(Title)

April 10, 1992
(Date Signed)

Cost of Printing: \$51.95

location. The April 29, 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 April 20, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publish: April 29, 1992



**NOTICE OF HEARING ON
APPLICATION NO. 2216-2
to Appropriate Water**

Notice is given that David Brost, HCR 74 Box 77, Murdo, SD 57559 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) 2445 feet deep located in the SW 1/4 NW 1/4 Section 12-T3s-R29E. The water is for livestock watering and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 2216-2 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. Capital, 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 April 20, 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. 2216-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9:00 am in Room 413, Joe Foss building, 523 E Capital, Pierre SD. If this application is opposed or the recommendation is contested, the April 29, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

David Brost
HCR 74 Box 77
Murdo, SD 57559

Dear Mr. Brost:

Enclosed is Water Permit No. 2216-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1995

2216-2

David Brost
HCR 74, Box 77
Murdo, SD 57559

Dear Mr. Brost:

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 No. 2216-2, has been completed. Your final water right document, the Water License, can now be issued.

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 Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

414713

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 13, 19 95

RECEIVED OF Brost Ranch, HCR 74, Box 77, Murdo SD 57559

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>2216-2</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

JOHN HATCH (ks)

Water District

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

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

I have this day made a thorough examination of the water use system constructed by David Brost
HCR 74 Box 77 of Murdo, SD 57559 holder of
Permit No. 2216-2, bearing the priority of January 22 1992 authorizing
the diversion of 0.09 cu. ft. per second of the waters of groundwater - Inyan Kara Formation
for livestock-domestic purposes, in Jones County.

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

A. Works used to divert the water:

one 2445 feet deep flowing well

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

Two 1 1/4 inch plastic pipelines. Both pipelines are controlled with a 1 1/4 inch valve.

C. Works used to apply water to beneficial use:

Livestock watering tanksThe system is in the following condition ExcellentThe point of diversion is located SW 1/4 NW 1/4 Section 12, T35, R29EThe works are capable of diverting and conveying to the place of use 0.09cu. ft. per second of water which is to be used for livestock watering

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land and the license should be issued for 0.09 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 11-15-95

(signature)

Devin W. Brost

CHECK LIST FOR FIELD INSPECTION

Permit Number 2216-2 Date 11-15-95

Other permit(s) associated with the project _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

1. Diversion point legal location: SW 1/4 NW 1/4 Section 12, T35-R29E

2. Well Information: Well Drilling Firm Huron Drilling Inc.

No. of wells 1 Depth(s) 2445 feet

a) Casing 1) diameter 5 # 2 inches

2) length 2445 feet

3) type Steel, Plastic & Copper

d) Static Water Level Flowing feet

e) Motor:

1) make _____

2) model No. _____

3) horsepower rating _____

b) Screen 1) type Copper

2) length 240 feet

c) Pump 1) make _____

2) model _____

3) Size _____ inches

4) capacity _____ GPM

5) turbine pump - No. of stages _____

6) operating pressure _____ PSI

3. Distribution lines or canals:

a) type Plastic b) size 1 1/4 inch c) length _____

4. System Type:

a) Sideroll:

1) length _____ feet

2) diameter of pipe _____ inches

3) sprinkler spacing _____ feet

b) Towline:

1) length _____ feet

2) sprinkler spacing _____ feet

4. System Type (continued):

c) Siphons:

- 1) size _____ inches
- 2) number _____

e) Center pivot:

- 1) make _____
- 2) overall length _____ feet
- 3) number of towers _____
- 4) distance between towers _____ feet
- 5) end gun _____ (Y/N)
- 6) high or low pressure _____
- 7) capacity _____ GPM

d) Gated pipe:

- 1) length _____ feet
- 2) diameter _____ inches
- 3) spacing of gates _____ inches

f) Gun:

- 1) make _____
- 2) nozzle size _____ inches
- 3) capacity _____ GPM
- 4) hose size _____ inches
- 5) hose length _____ feet

5. Dam Information:

- a) height to crest _____ feet
- b) height to primary spillway _____ feet
- c) height to secondary spillway _____ feet
- d) crest width _____ feet
- e) crest length _____ feet
- f) spillway length _____ feet
- g) spillway width _____ feet
- h) approx. storage _____ ac-ft
- i) approx. storage to crest _____ ac-ft
- j) date constructed _____

k) outlet tubes:

- 1) diameter _____ inches
- 2) type _____
- 3) valved _____ (Y/N)
- 4) valve type _____
- 5) location on structure _____

l) category of dam _____ (I, II, III)

m) inspection sheet completed ____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

- b) main line check valve _____ (Y/N)
- d) low pressure drain _____ (Y/N)
- f) interlock type _____

g) injection pump type _____

i) injection line check valve or positive displacement pump _____ (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)

k) comments:

a) does chemigate _____ (Y/N)

c) inspection port/air relief _____ (Y/N)

e) discharge is 20' from source ____ (Y/N)

h) injection check valve _____ (Y/N)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2216-2

(1) David Brost, HCR 74, Box 77, Murdo SD 57559 made Application No. 2216-2, January 22, 1992 for a water permit to divert 0.09 cubic feet of water per second from groundwater (one well), Jones County, South Dakota for livestock watering and domestic purposes. Permit No. 2216-2, with a priority date of January 22, 1992 was approved April 29, 1992 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.

(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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is the SW 1/4 NW 1/4 Section 12-T3S-R29E.

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

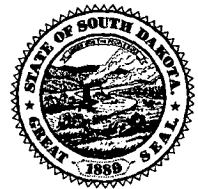
(4) Pursuant to South Dakota Water Law 46-5-30.1 David Brost, HCR 74, Box 77, Murdo SD 57559 the holder and/or owner of Water Permit No. 2216-2 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of January 22, 1992 from the location specified in (2) of this license. The water is to be used for the purpose of livestock watering and domestic use. This license is subject to any limitations or qualifications listed in Water Permit No. 2216-2 and subject to South Dakota State Law.



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

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

2216-2

David Brost
HCR 74, Box 77
Murdo, SD 57559

Dear Mr. Brost:

Enclosed is Water License No. 2216-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414713 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. 2216-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

35-29

2-21L

M-13

7-1814

Well

* LOCATION

George J. Krupp

GC

GC

Murphy, S. R.

12

35-29

2216-2