

WATER PERMIT NO. 2286-2

Phone: 787-4596

Name of Applicant: Donald Konechne

Post Office Address: RR 6, Box 1220, Rapid City SD

Amount of Water Claimed: 0.10 cfs Total Acres: 39

Source of Water Supply: groundwater (same well as Permit No. 2256-2)

Water to be used for: irrigation County: Meade

About 7 miles NW of Rapid City

PRIORITY Date Received: 4-28-93 Fee: \$50.00 Remarks: _____

Corrected Application Received: 6-10-93 Period of Annual Use: May 1 - August 31

WATER QUALITY APPROVAL RECEIVED: 6-21-93 APPROVED/CONDITIONAL (Circle one)

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

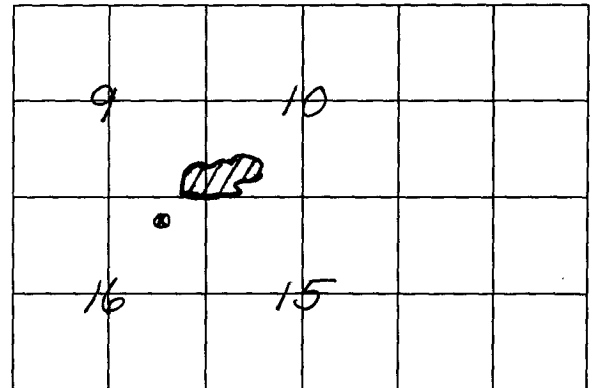
Diversion Point: NE 1/4 NE 1/4 Sec 16-T2N-R7E

storage ponds - SE 1/4 Sec 9 and SW 1/4 Sec 10

T2N-R7E

Land to be Irrigated: SE 1/4 SE 1/4 Sec 9;

SW 1/4 SW 1/4 & SE 1/4 SW 1/4 Sec 10; T2N-R7E



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

Depth of Well: 1530 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Owen Quissel, SCS Reviewed and the Number

Assigned on: 6-21-93 By: Karen Schlaak

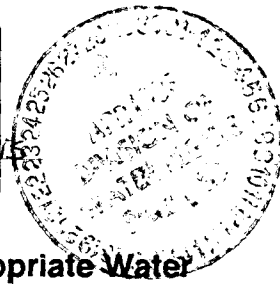
FORM 2: Application for irrigation in South Dakota

ESG

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2286-2 Hydrologic Unit 10/20/11
Basin Upper Cheyenne
Newspaper Meade Co. Times-Tribune, Box 69,
Rapid City Journal, PO Box 450, RC (office use only) Sturgis



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: New Vested Right X Amendment/Correction to Permit No. 2021-2
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Donald Konechne Phone 787-4576
Mailing Address R.R. 6, Box 1220 Rapid City State S.D. 57701
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.75 *CFS or **GPM ***AF Total Acreage 439
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout, if applicable)
- Source of water supply Fisher well Application 2855-2
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 NE 1/4 Sec. 16-T2N-R7E
and two storage ponds - SE 1/4 Sec 9-T2N-R7E and SW 1/4 Sec 10-T2N-R7E
County Penn.
- County or counties where water will be used Meade
- Annual period during which water is to be used May 1 - August 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres
SW 1/4 Sec 10, T2N-R7E	26
NE 1/4 SW 1/4 Sec 10, T2N-R7E	14
SW 1/4 Sec 10, T2N-R7E	14

Land Description	Acres
<u>SE 1/4 SE 1/4 9 T2N R7E</u>	<u>12</u>
<u>SW 1/4 SW 1/4 10 T2N R7E</u>	<u>24</u>
<u>SE 1/4 SW 1/4 10 T2N R7E</u>	<u>3</u>

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify): hand-move
- Crops to be irrigated: vegetables
- Give a description of the project. (Attach sheet if more space is needed)

LANDS TO BE IRRIGATED ARE NOW UNDER PAYMENT UNDER 1798-2. ALL NEW LANDS ARE TO BE IRRIGATED BY NEW STRUCTURED EXPANSION ARE TO BE CONSIDERED CATTLE AND WATER. (SEE ATTACHED MAPS)

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

STATE OF SOUTH DAKOTA)

County of Meade^{SS}

I, Donald Konechne, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Don KonechneSubscribed and sworn to before me this 15th day of April 1993

Notary Public

My Commission Expires 5/26/2000



**SOUTH DAKOTA
WATER PERMIT NO. 2286-2**

Date of first receipt of application April 28, 1993.

Date Soil/Water Compatibility Permit received June 21, 1993.

Date of return to applicant for corrections, amendments or changes April 28, 1993.

Date of receipt of corrected application June 10, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2286-2 to Donald Konechne, RR 6, Box 1220, Rapid City SD 57701 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. 2286-2 adds irrigation use to the existing commercial use authorized by Water Permit No. 2256-2. Water Permit No. 2256-2, held by Fisher Sand and Gravel Company, appropriates 0.50 cubic feet of water per second (cfs) from one well (Madison Formation) 1530 feet deep to be used for commercial use. Water from the well is diverted into ponds for use by the sand and gravel operation. The well is located in the NE 1/4 NE 1/4 Section 16 with the settling ponds located in the SE 1/4 Section 9 and the SW 1/4 Section 10; all in T2N-R7E. This permit will divert water at a rate of 0.10 cfs from the pond (1 acre-foot storage capacity) located in the SE 1/4 Section 9-T2N-R7E for irrigation of 39 acres located in the SE 1/4 SE 1/4 Section 9, S 1/2 SW 1/4 Section 10; all in T2N-R7E. This permit does not authorize an increase in the 0.50 cfs diversion rate from the well authorized by Permit No. 2256-2; however, there will be an increase in volume of water used annually. The water will also be used for livestock watering.
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: May 1 - August 31 (irrigation) and January 1 - December 31 (livestock watering).
3. The date from which applicant may claim right is April 28, 1993.
4. The date of approval of Permit No. 2286-2 is October 25, 1993.
5. 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 (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

3. ~~Since the water requested by Application No. 2286-2 has been used for a gravel washing~~ operation for a number of years and the water is appropriated by Permit No. 2256-2, 1) no significant adverse hydrologic effects on the supply of water in the Madison Formation are expected, and 2) issuance of this permit will not have an adverse effect on nearby Madison Formation wells or springs. Therefore, issuance of Permit No. 2286-2 as a permanent permit will not be in violation of SDCL 46-2A-20.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 20 1993
date

RECEIPT

413746

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 28, 19 93

RECEIVED OF Don Konechne Ranch, Rte 6 Box 1220, Rapid City, SD 57702

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

Fee for Application for Permit No. <u>2256-2</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John W. Hatcher
Chief Engineer

Date _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

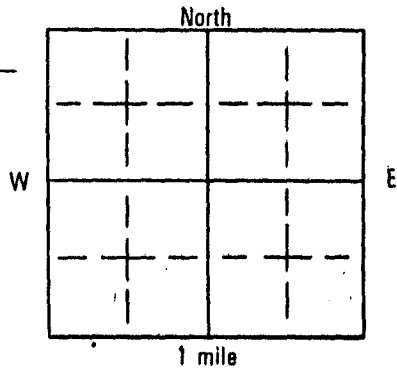
10-85

Location SE 1/4 NE 1/4 Sec 16 Twp 24N Rg 7E

County

Dennington

Please mark well location with an "X"

Well Completion Date Aug 30 1989

PROPOSED USE:

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

Method of Drilling:

ROTARY

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>1100</u> FT	<u>8 3/4</u> IN
<u>15</u> LB/FT	<u>7</u> IN	<u>1080</u> FT	<u>1510</u> FT	<u>6 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 1100 FEETWhat is grouting material? CEMENTIf cement, number of sacks? 180Describe grouting procedure PRESSURE GROUT

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material STEELSlot Size 1" Set From 1330 Feet To 1510 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? SHALE PACKER SET ON 6 IN. LINER AT 1270Was well disinfected upon completion? ☒ YES ☐ NOExplain CHLORINE IN LAST LOAD - FLOWINGBacteriological analysis ☐ YES ☐ NOLaboratory sent to FRANKS LAB
Rapid City

Well Owner:

Name

FISHER SAND GRAVEL

Address

HCR 30 Box 14

Well Log:

Depth 512

Formation

From

To

SURFACE010GRAVEL1025RED BED-GYP.30475LIMESTONE475555OPENCHE555705MINN. LOESS SAND-CLAY7051150MADISON - HONEY COMB11501530FROM 1355 - 1430 +STATIC WATER LEVEL: FLOWING FeetIf flowing: closed in pressure 14 PSIGPM flow 150 through 7 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? YES

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ OtherAIR TEST

Pumping Level Below Land Surface

100 ft. After 1 Hrs. pumped 300 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Comment: S. T. O. L. E. D.
R&N TUBING TUBE FLED
40 SKS TO TOP 100'

This well was drilled under license # 327

And this report is true and accurate.

Drilling firm GRAF DRILLING

Signature of License Representative:

Ray Brown

Signature of Well Owner:

Steve R. Huggard

Date

9/14/89



Rapid City
Apr. 24, 1993

Dear Eric,

The Fisher Co. thought I should file for a permit of my own on their well. As you might remember in our conversation last year; there is hard feelings on my part with Rice Drilling Co. to put me through this expense and time which I strongly feel is uncalled for. It's tough enough in farming to put a living together especially with the taxes we have around Rapid City. I told him to keep his nose out of my business. I intended to raise veg. for five more years and then I quit; I ~~go~~^{don't} care what happens.

My well, going back to 1956 permit quit flowing last Oct. (1992) when Rapid City pumped their Madison well by the "Coke" plant two miles away. That's why I'm using The Fisher well. Everything else stays the same. a water sample was sent to Brookings. Fifty dollars is included here; if not correct you can contact me.

Donald Konecher



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 12, 1992

Bruce Nygaard
Fisher Industries
P.O. Box 1976
Rapid City, SD 57709

*Eric
This copy is
just to refresh
your memory on
what was going on.*

Dear Mr. Nygaard:

I am writing regarding Water Permit No. 2021-2 held by Fisher Sand & Gravel Company. This Permit, issued in 1987, appropriates 0.50 cubic feet of water per second from alluvium and a Minnelusa well for commercial use at the sand and gravel plant located approximately 7 miles northwest of Rapid City. It was discovered during a recent investigation that the well is constructed into the Madison Formation.

Since the well was constructed into the Madison Formation instead of the Minnelusa Formation, a new application must be submitted to include this new water source. This will be considered a new application and will not retain the priority date established by Water Permit No. 2021-2 for use of water from the well.

Additionally, it is my understanding that water diverted from ponds which are supplied by this Madison well is used by Donald Konechne to irrigate lands currently permitted by Water Right No. 1798-2. This activity is not covered by any water permits. If this irrigation is to continue a water permit must also be obtained.

There are two options to apply for a permit to ensure the use of water from this well is in compliance with South Dakota water rights law. A non-irrigation application can be submitted for the use of water from the well for the sand and gravel operation and a separate irrigation application can be submitted by Mr. Konechne for use of water from the well for irrigation. The other alternative is a single application can be made to include all uses of water from the Madison well. In either case, the applications must state the diversion rates for each use, the storage/settling ponds utilized and a map diagramming the interconnection between the well, ponds and irrigated lands.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



April 28, 1993

Donald Konechne
RR 6, Box 1220
Rapid City SD 57701

Dear Mr. Konechne:

In regard to your water permit application received on April 28, 1993, the following information needs to be submitted and clarified in order to process your application.

1. The new application indicates you will be irrigating the same land as permitted on Water Right No. 1798-2. Enclosed is a copy of the map for Water Right No. 1798-2. This map indicates irrigation of 30 acres in the S 1/2 SW 1/4 Section 10 and 12 acres in the SE 1/4 SE 1/4 Section 9; all in T2N-R7E. These lands do not match those described on Item No. 7 of the application.
2. Please submit a map outlining the lands to be irrigated and showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. 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). The lands listed in Item No. 7 must match those lands outlined on the map.
3. A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

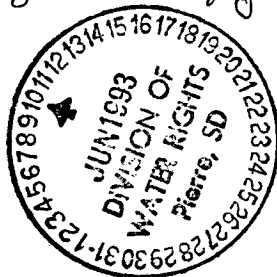
Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Enclosed in this pamphlet is a

- 1.) correction of irrigated lands by a soil engineer
- 2.) location of well in regard to govt section corner
- 3.) a soils survey map of lands to be irrigated.

A water sample was sent to Brookings several weeks ago and they claimed they sent you a copy?



Sincerely,

Donald Konechne

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Don Konechne

ADDRESS: RR 6, Box 1220, Rapid City, SD COUNTY: Meade

DATE: June 22, 1993 TELEPHONE: (605) 787-4596

RE: Information About Storage Ponds for Permit

COMMENTS:

I contacted Don Konechne to discuss two storage ponds that I recalled were associated with his irrigation system, in conjunction with the Madison well. Mr. Konechne confirmed that the Madison well flows into one of two storage ponds and he pumps water from the ponds for irrigation. One storage pond is located directly north of the Madison Well (SE 1/4 Sec. 9, T2N-R7E), and the other storage pond is the first "settling pond" described in the Fischer Sand and Gravel permit, (SW 1/4 Sec. 10, T2N-R7E).



Ken Buhler
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2286-2, Donald Konechne

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. 2286-2, Donald Konechne, RR 6 Box 1220, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2286-2 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 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 flows, it shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Since the water requested by Application No. 2286-2 has been used for a gravel washing operation for a number of years and the water is appropriated by Permit No. 2256-2, 1) no significant adverse hydrologic effects on the supply of water in the Madison Formation are expected, and 2) issuance of this permit will not have an adverse effect on nearby Madison Formation wells or springs. Therefore, issuance of Permit No. 2286-2 as a permanent permit will not be in violation of SDCL 46-2A-20.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 17, 1993

REPORT ON APPLICATION NO. 2286-2
for Donald Konechne
August 16, 1993

Application No. 2286-2 proposes to add irrigation use to the existing commercial use authorized by Water Permit No. 2256-2. Application No. 2286-2 proposes to divert 0.10 (45 gpm) from ponds for irrigation of 39 acres located in the SE 1/4 SE 1/4 of section 9, S 1/2 SW 1/4 of section 10; all in T2N R7E in Meade County. The well for this application is authorized by water permit No. 2256-2. Water Permit No. 2256-2 appropriates 0.50 cfs from one well 1530 feet deep located in the NE 1/4 NE 1/4 of section 16 with the storage ponds located in the SE 1/4 of section 9 and the SE 1/4 of section 10; all in T2N R7E. The well is in Pennington County and the storage ponds are located in Meade County. The irrigated lands are also covered by Water Right No. 1798-2. Water Right No. 1798-2 authorizes a diversion of 0.60 cfs from a holding pond for irrigation of 42 acres. This water source is a 1046 feet deep Minnelusa Formation well capable of flowing 25 gpm.

AQUIFER - MADISON FORMATION (MDSN)

The Madison Formation is a massive limestone and dolomite which is cavernous in the upper 200 to 300 feet (Greene, 1993) in the Rapid City area. The Madison underlies 1.489 million acres and contains an estimated 29.798 million acre feet of recoverable water in storage in Pennington alone (Allen, 1984). The aquifer is areally extensive around the entire Black Hills and is hydraulically connected to the Madison Formation in Meade County to the north and into Custer County to the south. The aquifer is potentially hydraulically connected to the overlying Minnelusa Formation and in the Rapid City area test results show some communication between aquifers exists.

The Madison is confined and under artesian conditions at this site. The driller's log submitted with this application indicates that the well is completed in accordance with SD Well Construction Standards and will flow 150 gpm and had a shut in pressure of 14 psi.

The Division of Water Rights monitors 13 observation wells completed into the Madison Formation in the Black Hills area. Five of these wells are located within 15 miles of this application. Records for these Wells indicate seasonal and climatic fluctuations of 30 to 40 feet. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

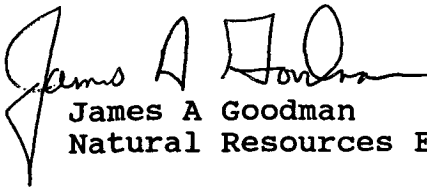
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The well for this application is already authorized by water permit No. 2256-2. This permit authorizes a diversion of 0.5 cfs (225 gpm) for gravel washing. The wash water is allowed to

settle in ponds and then recirculated. This application would divert from the same ponds for irrigation use. Interference is not expected to be a problem (Buhler, 1993).

CONCLUSIONS

1. Water is available from the Madison Formation.
2. The aquifer is confined and under artesian conditions. The well at this site is free flowing and must be controlled to prevent the waste of water.
3. Interference is not expected to be a concern. This application only allows the diversion of water from the settling ponds. This may result in more water use in terms of volume being diverted from the well but this should not be significant.
4. The well is constructed in accordance with SD Well Construction Standards.
5. SDCL 46-2A-20 requires that a 20 year term limit be place upon all diversions from the Madison Formation in the Black Hills area unless adequate information is presented to justify issuing the permit. In this case, water permit 2256-2 (which authorizes the well) has the term limit so this application should also have a term limit.
6. The combined diversion from this application and Water Right No. 1798-2 cannot exceed the statutory limit of 2 acre-feet per acre.
7. This application was filed because the existing Minnelusa well for Water Right No. 1798-2 ceased to flow. As climatic conditions change this well will likely flow again.
8. This application does not authorize any increase in diversion rate from the well under Water Permit No. 2256-2.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Buhler, K., 1993, Report on Water Permit Application No. 2256-2 for Fisher Sand and Gravel, SD DENR, Division of Water Rights, Pierre, SD, 57501.

Greene, E.A., 1993, Hydraulic Properties of the Madison Aquifer System in the Western Paid City Area, South Dakota, USGS WRI 93-4008, USGS, Rapid City, SD, 57702.

Water Rights, 1993, Unpublished Observation Well Data for the Black Hills, SD DENR, Division of Water Rights, Pierre, SD, 57501.



**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 NEWSPAPERS RIGHT AWAY.

September 28, 1993

Donald Konechne
RR 6 Box 1220
Rapid City, SD 57701

Dear Mr. Konechne:

Water Permit Application No. 2286-2 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 Publishers of the Meade Co. Times-Tribune printed at Sturgis, SD (Ph #347-2503) and the Rapid City Journal printed at Rapid City, SD (Ph # 394-8300). 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have 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 newspapers have 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
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.

c: Ray Leahy, Fisher, Sand & Gravel, HCR 30 Box 1A, Spearfish, SD 57783



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 1993

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2286-2 to be published twice. Please publish the first notice on October 7, 1993, 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 Donald Konechne, RR 6 Box 1220, Rapid City, SD 57701 (Ph # 787-4596).

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
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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 1993

Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2286-2 to be published twice. Please publish the first notice on October 7, 1993, 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 Donald Konechne, RR 6 Box 1220, Rapid City, SD 57701 (Ph # 787-4596).

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 October 7, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2286-2

Notice is given that Donald Konechne, RR 6 Box 1220, Rapid City, SD 57701 has filed an application for a water permit to add irrigation use to the existing commercial use authorized by Water Permit No. 2256-2. Water Permit No. 2256-2, held by Fisher Sand and Gravel Company, appropriates 0.50 cubic feet of water per second (cfs) from one well (Madison Formation) 1530 feet deep to be used for commercial use. Water from the well is diverted into ponds for use by the sand and gravel operation. The well is located in the NE 1/4 NE 1/4 Section 16 with the settling ponds located in the SE 1/4 Section 9 and the SW 1/4 Section 10; all in T2N-R7E. This application proposes to divert water at a rate of 0.10 cfs from the pond (1 acre-foot storage capacity) located in the SE 1/4 Section 9-T2N-R7E for irrigation of 39 acres located in the SE 1/4 SE1/4 Section 9, S 1/2 SW 1/4 Section 10; all in T2N-R7E. This application does not propose to increase the 0.50 cfs diversion rate authorized by Permit No. 2256-2; however, there will be an increase in volume of water used annually. The water may also be used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2286-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 October 25, 1993.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) ss

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid City Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

October 7, 1993

October 14, 1993

Cost of Printing: 8 3/16 inch @ 5.10 per inch

for 2 insertions \$ 83.52

Helena M. Bauer

(Signature)

Bookkeeper

(Title)

October 14, 1993

(Date Signed)



Oct. 7, 14 L1781
NOTICE OF APPLICATION
NO. 2284-2

Notice is given that Donald Kumschke, RRA, Box 1228, Rapid City, SD 57701 has filed an application for a water permit to add irrigation use to the existing commercial use authorized by Water Permit No. 2256-2. Water Permit No. 2256-2, held by Fisher Sand and Gravel Company, on average 0.30 cubic feet of water per second (CFS) from one well (Madison Formation) 1,330 feet deep to be used for commercial use. Water from the well is diverted into ditches for use by the sand and gravel operation. The well is located in the NE 1/4 NE 1/4 Section 16 with the settling ponds located in the SE 1/4 Section 9 and the SW 1/4 Section 16, all in T2N R7E. This application proposes to divert water at a rate of 0.10 CFS from the sand 11 acre-foot storage capacity located in the SE 1/4 Section 9-T2N-R7E for irrigation of 38 acres located in the SE 1/4 SE 1/4 Section 9, 3/4 SW 1/4 Section 10, all in T2N R7E. This application does not propose to increase the 0.30 CFS diversion rate authorized by Permit No. 2256-2; however, there will be an increase in volume of water used annually. The water may also be used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2284-2 because: 1) unappropriated water is available; 2) existing rights will not be unreasonably impaired; 3) it is a beneficial use of water; and 4) it is in the public interest. In accordance with SDCL 46-2A-2, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Post Building, 323 E. Capitol, Pierre, SD 57501 (605-773-2333)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 25, 1993.

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, Contact Eric Granlund of the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Meade) ss

I, Faye D. Pate

certify that the attached printed Notice was

taken from the Meade County Times-Tribune

printed and published in Sturgis

County of Meade and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

October 6, 1993

October 13, 1993

Cost of Printing: 48.69

Faye D. Pate
 (Signature)

Accountant
 (Title)

10-13-93
 (Date Signed)



Water application

NOTICE OF APPLICATION
NO. 2286-2

Notice is given that Donald Konechne, RR 6 Box 1220, Rapid City, SD 57701 has filed an application for a water permit to add irrigation use to the existing commercial use authorized by Water Permit No. 2256-2, Water Permit No. 2256-2, held by Fisher Sand and Gravel Company, appropriates 0.50 cubic feet of water per second (cfs) from one well (Madison Formation) 1530 feet deep to be used for commercial use. Water from the well is diverted into ponds for use by the sand and gravel operation. The well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16 with the settling ponds located in the SE $\frac{1}{4}$ Section 9 and the SW $\frac{1}{4}$ Section 10; all in T2N-R7E. This application proposes to

divert water at a rate of 0.10 cfs from the pond (1 acre-foot storage capacity) located in the SE $\frac{1}{4}$ Section 9-T2N-R7E for irrigation of 39 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10; all in T2N-R7E. This application does not propose to increase the 0.50 cfs diversion rate authorized by Permit No. 2256-2; however, there will be an increase in volume of water used annually. The water may also be used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2286-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 October 25, 1993.

This petition may be informal, but must include a statement describing 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Publ Oct. 6 & 13, 1993
 Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 20 1993

Donald Konechne
RR 6 Box 1220
Rapid City, SD 57701

Dear Mr. Konechne:

Enclosed is Water Permit No. 2286-2 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

October 13, 1995

2286-2

Donald Konechne
5800 Deadwood Ave.
Rapid City, SD 57702-9662

Dear Mr. Konechne:

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. 2286-2, 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

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 Program
(605) 773-3352

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

RECEIPT

414643

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 17, 19 95

RECEIVED OF Don Konechne Ranch, 5800 Deadwood Ave N., RapidCity, SD 57702-9662

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>2286-2</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. 2286-2
Upper Cheyenne - Water District

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

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

I have this day, July 10, 1995, made a thorough examination of the water use system constructed by Donald Konechne of 5800 Deadwood Ave., Rapid City, SD 57702-9662 holder of Permit No. 2286-2, bearing the priority of April 28, 1993 authorizing the diversion of 0.10 cu. ft. per second and/or the storage of acre-feet of the waters of the Madison Aquifer for Irrigation purposes, in Custer County.

Meade & Pennington

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

A. Works used to divert the water:

A 1530' flowing Madison Well diverts 0.1 cfs to three separate storage Ponds.

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

Pumped from storage ponds through approx. 2000 ft. of jointed 4" and 6" aluminum pipe.

C. Works used to apply water to beneficial use:

Haines and Pierce hand movable risers.

The system is in the following condition, good. The point of diversion is located 540 feet west and 50 feet south of the NW corner of section 16 in the NE 1/4 NE 1/4 Section 16 (Madison Well), and storage ponds in the SE 1/4 SE 1/4 Section 9, and SW 1/4 SW 1/4 Section 10 - all in T2N-R7E. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: Irrigation of...

SW 1/4 SW 1/4 SECT. 10 - 23.5 AC.

SE 1/4 SW 1/4 SECT. 10 - 3.0 AC.

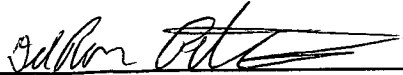
SE 1/4 SE 1/4 SECT. 9 - 12.0 AC.

comprising a total of 38.5 acres of land and the license should be issued for 0.10 cfs and 1.5 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: none

Date Report Completed: August 29, 1995


DelRon Peters
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2286-2

Other permit(s) associated with the project: 1798-2

DATE OF INSPECTION: July 10, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Donald Konechne - Owner

NAME & ADDRESS OF PERMIT HOLDER: Donald Konechne

RR 6, Box 1220

Rapid City, SD 57701

DIVERSION POINT LEGAL LOCATION: NE 1/4 NE 1/4 Section 16 (Madison Well), SE 1/4 SE 1/4

Section 9 SW 1/4 SW 1/4 Section 10 - all in T2N-R7E.

WELL INFORMATION:

- 1) Well Drilling Firm: Graf Well Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 1530 feet
- 4) Well log is available Y
- 5) Comment: Well Also used for Fischer Sand and Gravel operation under permit no. 2256-2.

Casing:

- 1) Diameter: 7 inches
- 2) Length:
- 3) Type: Steel

Screen: N/A

Pump: Flowing Well - The well is used to supply 0.10 cfs to storage ponds. The following pumps are then used to irrigate.

Pump: From Pond Section 9

- 1) Make: Cornel
- 2) Model: 2(1/2)R60B4-4
- 3) Size: 6"
- 4) Capacity: 40 GPM

Motor: From Pond Section 9

- 1) Make: Chrysler Industrial 318
- 2) Horsepower rating: 8Cyl

Pump: From Pond Section 10

- 1) Make: Fairbanks Morse
- 2) Model: T3A90A
- 3) Size: 6"
- 4) Capacity 35 GPM

Motor: From Pond Section 10

- 1) Make: 6 cyl. gas

Pump: From Pond Section 10

- 1) Make: Barnett
- 2) Model: 150015
- 3) Size: 6"
- 4) Capacity 150 GPM

Motor: From Pond Section 10

- 1) Make: 2cyl Gas Wisconsin
- 2) Model No.: 6303690
- 3) Horsepower rating: 8Cyl

DISTRIBUTION LINES OR CANALS:

- 1) Type: Aluminum
- 2) Size 6-main 3-lateral inches
- 3) Length: Approx. 2000 feet

SYSTEM TYPE:

Hand move riser sprinklers:

- 1) Make: Haines & Pierce
- 2) Overall length 2000 feet
- 4) Distance between risers 30 or 40 feet

DAM INFORMATION: 3 diversions from 2 storage ponds.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2286-2

(1) Donald Konechne, 5800 Deadwood Ave North, Rapid City SD 57702-9662 made Application No. 2286-2, April 28, 1993 for a water permit to appropriate 0.10 cubic feet of water per second (cfs) from groundwater (one well), Pennington County, South Dakota for irrigation and livestock watering purposes. Permit No. 2286-2, with a priority date of April 28, 1993 was approved October 25, 1993 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2256-2, held by Fisher Sand and Gravel Company appropriates 0.50 cfs from the same well authorized by Water Permit No. 2286-2. Water from the well is diverted into ponds (1.5 acre-feet total storage capacity) for use by Water Permit No. 2286-2 and 2256-2. Water Permit No. 2286-2 does not authorize an increase in the 0.50 cfs diversion rate from the well authorized by Permit No. 2256-2; however, the volume of water used annually has increased.

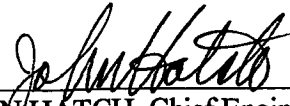
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion points are: Well - 540 feet west and 50 feet south of the NW corner of Section 16 (NE 1/4 NE 1/4) and storage ponds - SE 1/4 SE 1/4 Section 9 and SW 1/4 SW 1/4 Section 10; all in T2N-R7E.

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

Section 9-T2N-R7E	SE 1/4 SE 1/4	12.0 acres
Section 10-T2N-R7E	SW 1/4 SW 1/4	23.5 acres
Section 10-T2N-R7E	SE 1/4 SW 1/4	3.0 acres
Total		38.5 acres

These lands are also authorized under Water Right No. 1798-2 (from a different water source).

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald Konechne, 5800 Deadwood Ave North, Rapid City SD 57702-9662 the holder and/or owner of Water Permit No. 2286-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) and 1.5 acre-feet of storage with a priority date of April 28, 1993 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation and livestock watering. This license is subject to any limitations or qualifications listed in Water Permit No. 2286-2 and subject to South Dakota State Law.


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

DEC 18 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

2286-2

Donald Konechne
5800 Deadwood Ave. North
Rapid City, SD 57702-9662

Dear Mr. Konechne:

Enclosed is Water License No. 2286-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414643 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. 2286-2, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DONALD KONECHNE, 5800 DEADWOOD AVE N, RAPID CITY, SD 57702 9662
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1798-2 & 2286-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1798-2 & 2286-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1798-2 & 2286-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2286-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 27, 2022

1798-2
2286-2

Donald Konechne
5800 Deadwood Ave N
Rapid City SD 57702-9662

Dear Mr. Konechne:

I am writing regarding your Water Right Nos. 1798-2 and 2286-2.

On your 2021 irrigation questionnaire for Water Right No. 2286-2, you indicated the pump wore out and since it was costly to replace you had abandoned the use. Typically, when an irrigator indicates the use has been abandoned, the water right is scheduled for cancellation.

Since you have two water rights, I wanted to write and make sure which water right you had made a decision to abandon. The water rights authorize irrigation of the same land. The difference between the two water rights is as follows:

- **No. 1798-2:** approximately 1,048 feet deep (Minnelusa) well in Section 10, T2N, R7E (Meade County)
- **No. 2286-2:** approximately 1,530 feet deep (Madison) well located in Section 16, T2N, R7E (Pennington County)

Please take a few minutes and give me a call or make a notation on this letter regarding the well and water right you feel you will not be using again. Thank you in advance for your reply.

I have included a copy of both water rights and also a postage paid envelope for your use.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

RECEIVED

AUG 02 2022

OFFICE OF
WATER

7-27-22

Rapid City

1798-2
2286-2

Dear Genny McMath,

We are still innigating out of both permits.

I purchased a new engine from a dealer in Wisc.
For \$2500 plus freight.

Then it cost me another \$2500 to have the old engine
removed and the new one installed. We were able to
take some parts off of old engine and fit them on
with the new one.

So I have invested \$5000 plus dollars into what we
have today. Works great.

Sincerely

Donald Konecne