

WATER PERMIT NO. 2298-2

Phone: 662-7422

Name of Applicant: City of Edgemont

Post Office Address: Box A, Edgemont SD 57735

Amount of Water Claimed: 28.8 ac-ft Total Acres:

Source of Water Supply: runoff & groundwater (17 gpm)

Water to be used for: recreational & municipal County: Fall River

About 1 miles SW of Edgemont

PRIORITY Date Received: 12-14-93 Fee: \$150.00 Remarks: same well

authorized by Permit No. 1853-2

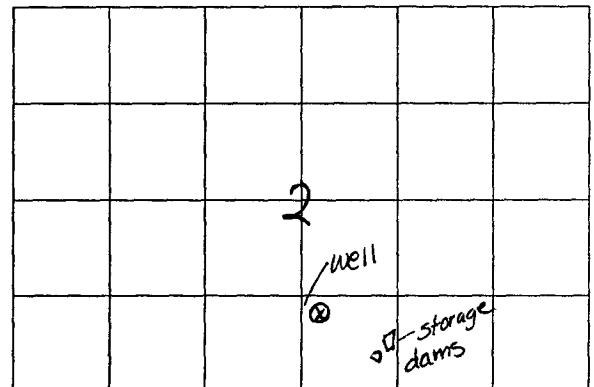
Corrected Application Received: 1-11-94 Period of Annual Use: Jan 1 - Dec 31

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

WI-1 Description same as Application YES NO REMARKS:

Diversion Point: SW 1/4 SE 1/4 Sec 2-T9S-R2E

Land to be Irrigated:



Well Log: Driller: Licensed YES NO

Depth of Well: REMARKS: same well authorized by Permit No. 1853-2

Type of Map: topo PREPARED BY: Rassool Ahadi Reviewed and the Number

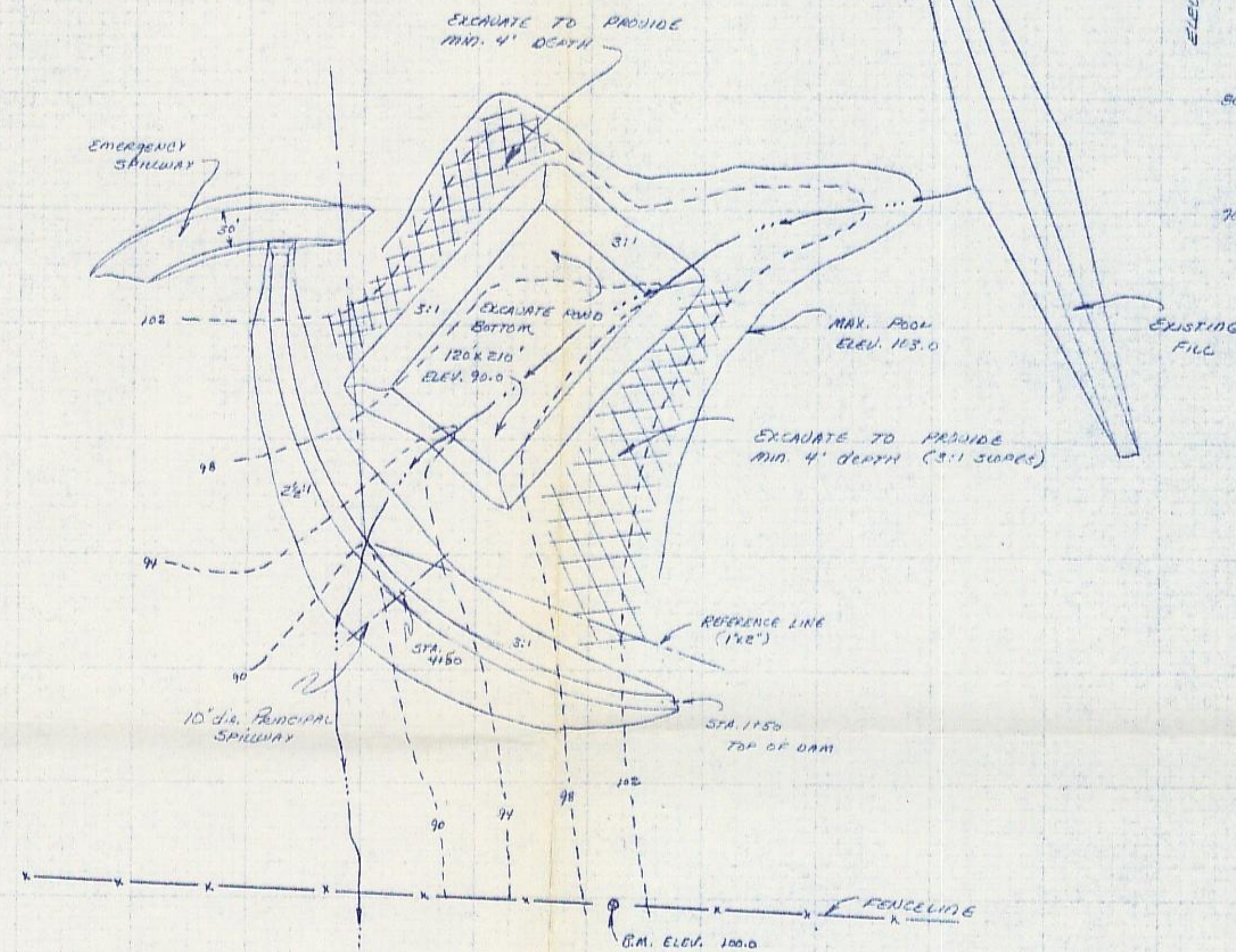
Assigned on: 1-11-94 By: Karen Schlaak

(type of print)

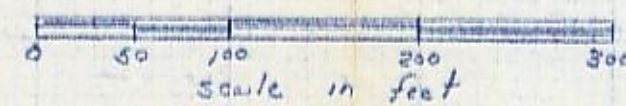
No. 2298-2 Hydrologic Unit 10120106
Basin Upper Cheyenne
Newspaper Edgemont Herald-Tribune, Box 660
(office use only)



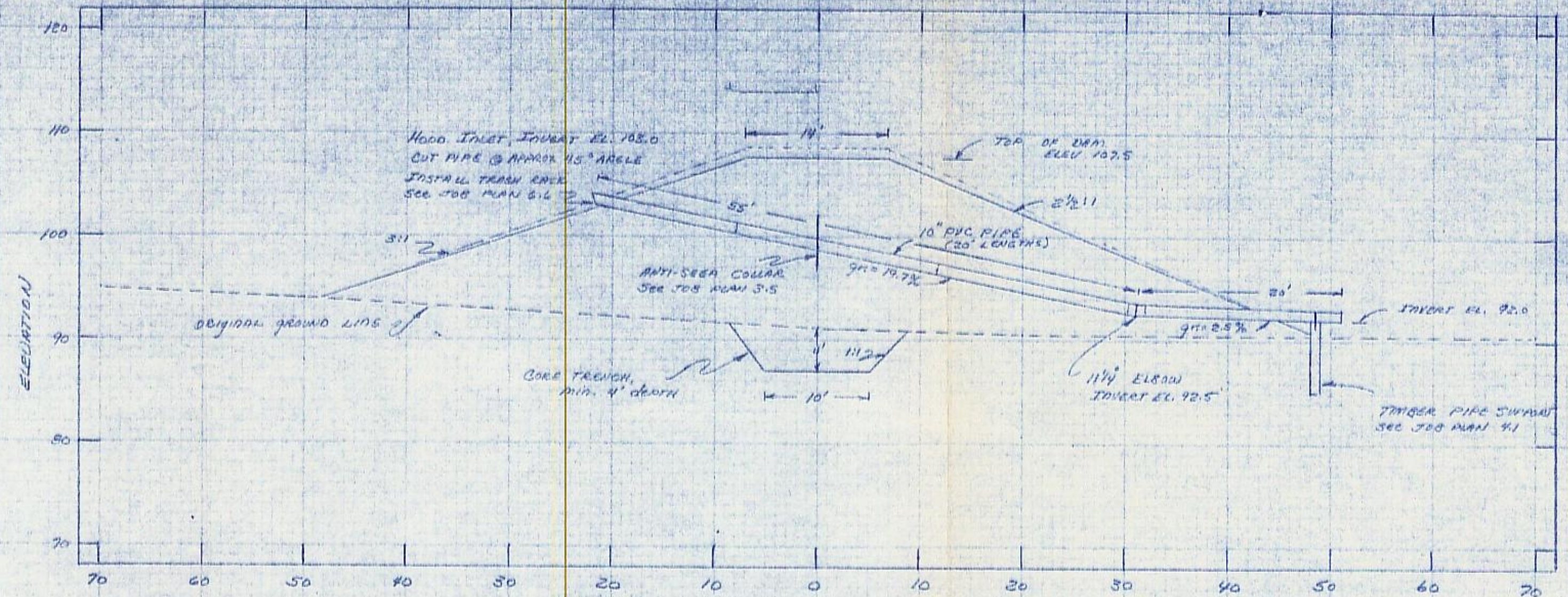
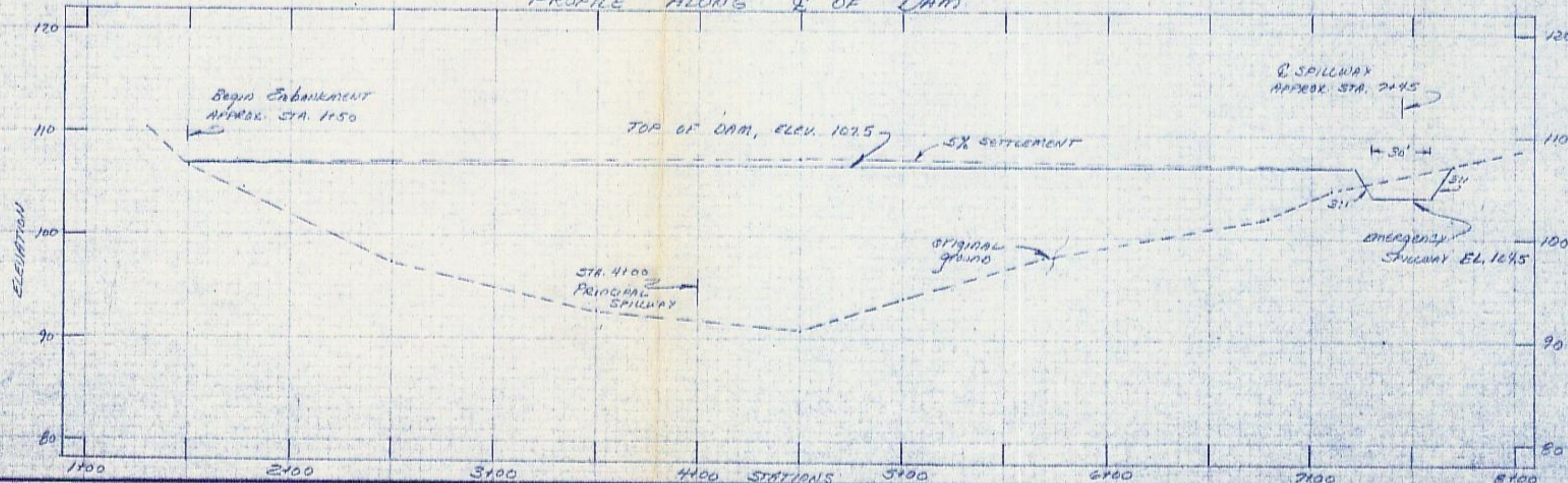
Notary Public



PLAN VIEW



PROFILE ALONG Q OF DAM



Cross-Section of Dam Through Principal Spillway STA. 4150

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
EARTH FILL		
Embankment	cu. yd.	11,000
CORE TRENCH	cu. yd.	1,200
EXCAVATION		
Pond Bottom	cu. yd.	14,500
SHOULDER	cu. yd.	4,000
EMERGENCY SPILLWAY	cu. yd.	150
CORE TRENCH	cu. yd.	1,200
PVC PIPE, 10" DIA., 2700 GALLONS	L.F.	75
10" ELBOW, 11/4" DUCTILE IRON, MECH. JOINT	EA.	1
ANTI-SEEP COLLAR, BUTYL RUBBER	EA.	1
TRASH RACK, SEE JOB PLAN 51.2	EA.	1
TIMBER PIPE SUPPORT, SEE JOB PLAN 51.1	EA.	1
SEEDING	AC.	1.0



LOCATION MAP

Pond DATA:

SURFACE AREA - 3.2 AC.
MAXIMUM DEPTH - 13.0 FT.
STORAGE CAPACITY - 2418 AC-FT.

Construction Notes:

1. PIPE INSTALLATION - PLACE COMPACTED EARTH FILL TO APPROXIMATELY 36" ABOVE INVERT ELEVATION OF PIPE. EXCAVATE 30" WIDE TRENCH TO PIPELINE GRADE, INCLUDING SLOT FOR ANTI-SEEP COLLAR. INSTALL PIPE AND COLLAR TO GRADE. PLACE BACKFILL IN APPROX. 4" LIFTS AND HAND TAMP AROUND PIPE AND COLLAR TO COMPLETELY FILL TRENCH. HEAVY EQUIPMENT IS NOT TO BE ROUTED OVER PIPE WITH LESS THAN 2' OF COVER. PAINT EXPOSED PVC PIPE WITH 2 COATS OF LATEX PAINT FOR U.V. PROTECTION.
2. EMBANKMENT AREA IS TO BE STRIPPED A MIN. 0.5' TO REMOVE ALL ORGANIC MATERIALING.
3. THAT PORTION OF THE MATERIAL EXCAVATED FROM THE POND BOTTOM WHICH IS NOT USABLE AS EMBANKMENT FILL BECAUSE OF HAZARDOUS CONTENT OR ORGANIC MATERIALING CONTENT SHALL BE WASTED IN A SUITABLE LOCATION.
4. SEED EMBANKMENT AND DISTURBED AREAS ABOVE HIGH WATER LINE ACCORDING TO CONSTRUCTION SPECIFICATION 50-28C.

SPECIFICATIONS ATTACHED

- 50-4 STRIPPING
- 50-5 EXCAVATION
- 50-75 EARTH FILL
- 50-16 TIMBER FABRICATION & INST.
- 50-17 METAL FABRICATION & INST.
- 50-28C Seeding
- 50-55 PLASTIC PIPE

CITY OF EDEGMONT
FISH POND

SE 1/4 S 2 T 9 S R 2 E FALL RIVER CO. S.D.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>E. Quissell</u>	Date <u>5/91</u>	Approved <u>[Signature]</u>
Drawn <u>S. Quissell</u>	Sheet <u>5/91</u>	Title <u>[Blank]</u>
Traced <u>[Blank]</u>	Sheet <u>[Blank]</u>	Drawing No. <u>[Blank]</u>
Checked <u>[Blank]</u>	of <u>4</u>	

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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 _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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:

U. S. Department of Agriculture

Soil Conservation Service

142 Galveston

Hot Springs, SD 57747

b) Freeboard _____ 3' _____

c) Crest Width _____ 14' _____

Crest Length _____ 1200' _____

d) Height _____ 17.5' _____

e) Primary Outlet Capacity _____

If pipe, diameter _____ 10" p.v.c. _____

f) Secondary Spillway Capacity _____

Spillway Width _____ 30' _____

g) X & Y Slope

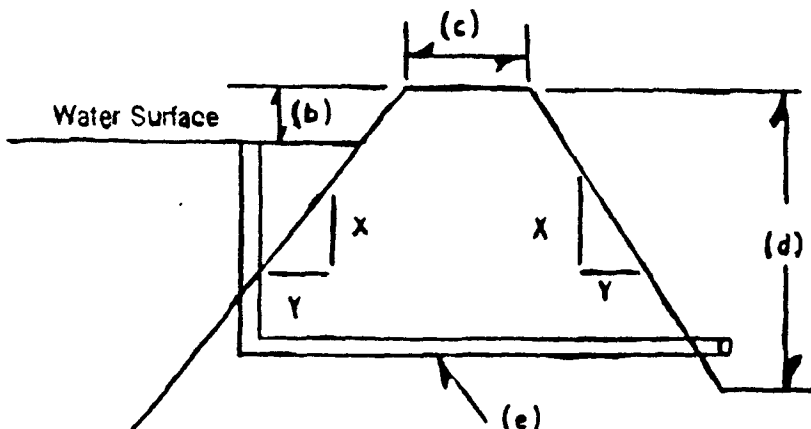
Upstream _____ 3:1 _____

Downstream _____ 2½:1 _____

h) Surface Area of Impoundment _____ 3.2 ac - ft _____

i) Storage _____ 24.8 _____ Acre Feet

j) Drainage Area Above Dam _____ 200 _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 2298-2**

Date of first receipt of application December 14, 1993.

Date of return to applicant for corrections, amendments or changes December 17, 1993.

Date of receipt of corrected application January 11, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2298-2 to the City of Edgemont, Box A, Edgemont SD 57735 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. 2298-2 impounds a total of 28.8 acre feet of water in an existing 4.0 acre foot dam and a proposed 24.8 acre foot dam. The dams are located in the S 1/2 SE 1/4 Section 2-T9S-R2E and will receive water from surface runoff and from a well authorized by Water Permit No. 1853-2. Water Permit No. 1853-2 appropriates 1.0 cubic feet of water per second (cfs) from a Madison Formation well (3536 feet deep) located in the SW 1/4 SE 1/4 Section 2-T9S-R2E for municipal use by the City. This permit authorizes maintenance of 28.8 acre feet of water in the two dams by using the well when necessary. The well, when not needed for municipal use, will be controlled; however, when controlled the well still flows at a rate of 17 gallons per minute which will be diverted to the dams.
2. The water appropriated shall be used for the purpose of supplying water to the two dams and may not exceed the amount of water needed for beneficial use for recreational 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. 2298-2 is March 14, 1994.
5. The date from which applicant may claim right is December 14, 1993.
6. One-fifth of the construction is to be completed on or before September 14, 1996.
7. All construction is to be completed on or before March 14, 1999.
8. Water is to be put to beneficial use on or before March 14, 2003.
9. 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.

(continued)

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.
3. Flow into the dams from the well shall be kept at a minimum when the dams are full.

WATER MANAGEMENT BOARD

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

NOV 14 1994
date

File No. 1853-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: City of Edgemont

ADDRESS: Box A, Edgemont, SD 57735 COUNTY: Fall River

DATE: December 6, 1993 TELEPHONE: 662-7422

RE: Permit for Storage of Water

COMMENTS: Today, I called the City of Edgemont, Water Dept. and talked to Leonard McElhaney who is in charge of the water dept. Water from the well authorized by Water Permit No. 1853-2 is used to supplant surface runoff into a small dam. The City has planned to construct a bigger dam downstream from the existing one and in the same drainage basin. I asked Leonard if water from the well will be used as supplement for the bigger dam? He said runoff from the small dam will be going into the big one. He said that the small dam is less than 4.0 acre-feet. He said that when it is completely empty, it will take about a day to fill it up. Leonard also said that 90 to 95% of the water in the small dam is from surface runoff. I told him, since the proposed new dam is too large to fall under the definition of municipal use, the City may need a permit. He said that was fine! The City has already filed a location notice for the new dam (#73008)

** Talked to Eric Gronlund and Ron Duvall, both agreed that the City needs a permit for storage of water.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

RECEIPT

413983

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 5, 19 94

RECEIVED OF City of Edgemont, PO Box A, Edgemont, SD 57735

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

Fee for Application for Permit No. <u>2298-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 1993

Leonard McElhaney
City of Edgemont
Box A
Edgemont, SD 57735

Dear Mr. McElhaney:

Enclosed you will find application forms to apply for storage of water in two dams, located in Section 2, T9S-R2E. As I mentioned in our telephone conversation yesterday, the size of the new dam is too large to fall under the definition of municipal use as stated in South Dakota Codified Law (SDCL) 46-1-6 (14). I have enclosed a copy of this for you.

Be sure to review the forms for accuracy, make any necessary changes, sign and notarize Form 2, and complete both copies of Form 2A. Submit the forms to the Division of Water Rights with a \$150.0 application fee.

Please refer to the enclosed instruction sheet and submit a map showing the locations of the well, the existing dam, and the new dam.

If you have any questions, please feel free to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources 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 17, 1993

City of Edgemont
Franklin Manke, Mayor
Box A
Edgemont SD 57735

Dear Mayor Manke:

In regard to the water permit application received on December 14, 1993, the following information needs to be submitted and clarified in order to process the application.

Water Permit No. 1853-2 authorizes the diversion of 1.0 cubic feet of water per second (cfs) from the existing well for municipal use. Does the City intend to divert at a rate of 1.0 cfs into the dams? If not, what is the maximum diversion rate which the city will be diverting from this well into the two dams?

The filing fee for this application will be \$150.00

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

c: Leonard McElhaney, Utility Manager

CITY OF EDMONT

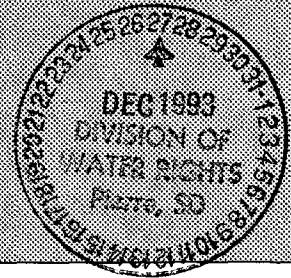
Southwestern Gateway to the Black Hills

(605) 662-7422

Box A

603 Second Avenue

Edgemont, South Dakota 57735



December 23, 1993

Department of Environment
and Natural Resources
Karen Schlaak
Joe Foss building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

The water discharged into these dams is released from a flowing well that cannot be shut completely down. The water is diverted to these dams when it is not needed for municipal use. It is discharged at a small rate to release the pressure from the piping and to protect the wellhead from freezing in the winter time.

I hope this adequately answers any questions on water permit 1853-2. If not, please do not hesitate to contact me again. Thank you.

Sincerely,

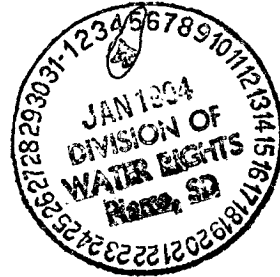
Franklin Manke
Mayor

FM/cia

CITY OF EDGEMONT

Southwestern Gateway to the Black Hills

(605) 662-7422 Box A 603 Second Avenue
Edgemont, South Dakota 57735



December 31, 1993

Department of Environment
and Natural Resources
Karen Schlaak
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

Please find enclosed a check for \$150.00 for the Water Permit No. 1853-2 which should have been enclosed with the letter sent last week. I do apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "C. L. Andersen".

C. L. Andersen
Finance Officer

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1994

City of Edgemont
Franklin Manke, Mayor
Box A
Edgemont SD 57735

Dear Mayor Manke:

We received your letter dated December 23, 1993 regarding the City's water permit application. This application is for two storage dams to be supplied water from the city's existing well and incidental surface runoff. You stated that water from the flowing well will be discharged into the dams at a small rate when it is not needed for municipal use. Approximately what is this discharge rate in gallons per minute? Additionally, a \$150 filing fee is required for the application.

If you have any questions, please contact this office.

Sincerely,

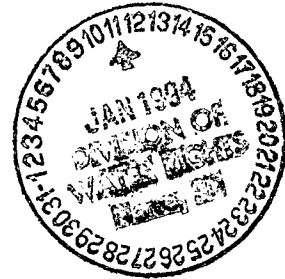
A handwritten signature in cursive script that reads 'Karen Schlaak'.

Karen Schlaak
Natural Resources Analyst
605 773-3352

CITY OF EDMONT

Southwestern Gateway to the Black Hills

(605) 662-7422 Box A 603 Second Avenue
Edgemont, South Dakota 57735



January 6, 1994

Department of Environment
and Natural Resources
Karen Schlaak
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

The discharge rate from the existing well is approximately 17 gallons per minute. The check for the \$150.00 filing fee was mailed from here January 3, 1994 and should be in your office at this time. If there are other questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Franklin Manke".

Franklin Manke
Manor

FM/cla

**Report on Water Permit Application No. 2298-2
City of Edgemont
February 2, 1994**

Background

The City of Edgemont has filed an application to impound a total of 28.8 acre feet of water in an existing 4.0 acre foot dam and a proposed 24.8 acre foot dam. The dams are located in the SW1/4 SE1/4 Section 2, T9S-R2E. The dams will receive water from surface runoff and from a Madison well, authorized by Water Permit No. 1853-2, located in the SW1/4 SE1/4 Section 2, T9S-R2E, in Fall River County. Water from the well is used for municipal use by the city. Water in the dams is used for recreational use.

Discussion

Water Permit No. 1853-2 authorizes diversion of 1.0 cfs from a flowing Madison Well, 3536 feet deep. Flow from the well, when it is not needed for municipal use, is diverted into the dams. The dams also receive surface runoff. A minimum flow of 17.0 gallons per minute (0.038 cfs) is maintained to control the pressure in the well and to protect the wellhead from freezing during cold weather. The application is not requesting any additional diversions from the well. Due to the small size of the proposed dam, dam safety rules are not applicable.

Conclusions

1. Flows from the well are controlled so that the wellhead is protected from excess pressure and freezing during cold weather.
2. Water Permit Application No. 2298-2 is for storage of water and not for any additional diversions from the well.
3. Due to the small size of the proposed dam, dam safety rules are not applicable.
4. Water Permit Application No. 2298-2 should be approved for storage of 4.0 acre feet of water in an existing dam and 24.8 acre feet of water in a proposed storage dam.

MR Ahadi

M. Rassool Ahadi
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

Delvin D. Brosz, P.E.
Natural Resources Engineer IV

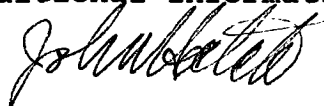
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2298-2, City of Edgemont

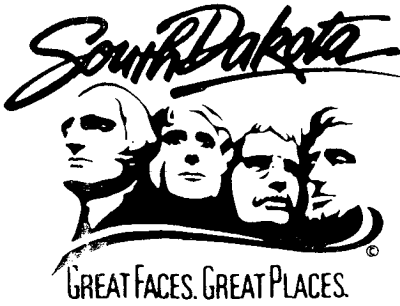
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2298-2, City of Edgemont, c/o Mayor Franklin Manke, Box A, Edgemont, SD 57735.

The Chief Engineer is recommending APPROVAL of Application No. 2298-2 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 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. Flow into the dams from the well shall be kept to a minimum when the dams are full.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 7, 1994



**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.**

February 17, 1994

C. L. Andersen, Finance Officer
City of Edgemont
Box A
Edgemont, SD 57735

Dear Mr. Andersen:

Water Permit Application No. 2298-2 for recreational and municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Edgemont Herald-Tribune printed at Edgemont, SD (Ph # 662-7201). 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
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: Mayor Franklin Manke, City of Edgemont, Box A, Edgemont, SD 57735



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1994

Edgemont Herald-Tribune
Box 660
Edgemont, SD 57735

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2298-2 to be published twice. Please publish the first notice on February 23, 1994, 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 City of Edgemont, Box A, Edgemont, SD 57735 (Ph # 662-7422).

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 February 23, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2298-2 to Appropriate Water

Notice is given that the City of Edgemont, Box A, Edgemont, SD 57735 has filed an application for a water permit to impound a total of 28.8 acre-feet of water in an existing 4.0 acre-foot dam and a proposed 24.8 acre-foot dam. The dams are located in the S 1/2 SE 1/4 Section 2-T9S-R2E and will receive water from surface runoff and from a well authorized by Water Permit No. 1853-2. Water Permit No. 1853-2 appropriates 1.0 cubic feet of water per second (cfs) from a Madison Formation well (3536 feet deep) located in the SW 1/4 SE 1/4 Section 2-T9S-R2E for municipal use by the City. This application proposes to maintain 28.8 acre-feet of water in the two dams by using the well when necessary. The well, when not needed for municipal use, will be controlled; however, when controlled the well still flows at a rate of 17 gallons per minute which will be diverted to the dams. The water in the dams is for recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2298-2 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 March 14, 1994.

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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Fall River) ss

I, Barb Bryan

certify that the attached printed Notice was

taken from the Edgemont
Herald Tribune

printed and published in Edgemont
Fall River

County of Fall River and State of

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

Feb 23 94
Mar 2 94

Cost of Printing: \$ 42.95

Barb Bryan
(Signature)

Barb Bryan
(Title)

2-7-94
(Date Signed)

#38 NOTICE OF APPLICATION NO. 2298-2 to Appropriate Water

Notice is given that the City of Edgemont, Box A, Edgemont, SD 57735 has filed an application for a water permit to impound a total of 28.8 acre-feet of water in an existing 4.0 acre-foot dam and a proposed 24.8 acre-foot dam. The dams are located in the S 1/2 SE 1/4 Section 2-T9S-R2E and will receive water from surface runoff and from a well authorized by Water Permit No. 1853-2. Water Permit No. 1853-2 appropriates 1.0 cubic feet of water per second (cfs) from a Madison Formation well (3536 feet deep) located in the SW 1/4 SE 1/4 Section 2-T9S-R2E for municipal use by the City. This application proposes to maintain 28.8 acre-feet of water in the two dams by using the well when necessary. The well, when not needed for municipal use, will be controlled; however, when controlled the well still flows at a rate of 17 gallons per minute which will be diverted to the dams. The water in the dams is for recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2298-2 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 applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 1994.

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.

/s/Russell L. Stone
Russell L. Stone
Acting Secretary
Department of Environment
and Natural Resources
(Feb. 23, Mar. 2) (8, 9)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Connie Andersen, Finance Officer
City of Edgemont
Box A
Edgemont, SD 57735

Dear Ms. Andersen:

Enclosed is Water Permit No. 2298-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

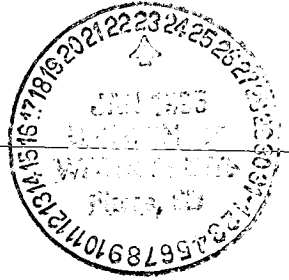
Very truly yours,

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

enclosures

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

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date January 20, 1995

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: City of Edgemont P. O. Box A
(name) (address)
Edgemont South Dakota 57735 (605) 662-7422
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2298-2.

Water Permit No. 2298-2 states that the diversion system is to be constructed by September 14, 1996, and that the water is put to beneficial use by March 14, 2003.
(date) (date)

The diversion system was completed on January 15, 1995.
(date)

Applying the water to beneficial use was completed on January 15, 1995.
(date)

You may schedule an inspection so that the Water License may be issued.

Franklin Manke
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 1996

Permit No. 2298-2

Connie Andersen, Finance Officer
City of Edgemont
P.O. Box A
Edgemont, SD 57735

Dear Ms. Andersen:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 1853-2 and 2298-2, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 1853-2 will be incorporated into 2298-2.

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

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights 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

414759

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 12, 19 96

RECEIVED OF City of Edgemont, PO Box A, Edgemont, SD 57735

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. 2298-2

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

REPORT ON INSPECTION OF PERMIT NO. 1853-2/2298-2

DATE OF INSPECTION: 8/16/1995

NAME & ADDRESS OF INSPECTION CONTACT/Leonard McElhaney, Water Dept., City of Edgemont.

NAME & ADDRESS OF PERMIT HOLDER: City of Edgemont, Box A, Edgemont, SD 57735

DIVERSION POINT LEGAL LOCATION: Two Dams: S1/2 SE1/4 Section 2, T9S-R2E; Well: SW1/4 SE1/4 Section 2, T9S-R2E.

WELL INFORMATION:

- 1) Well Drilling Firm: **Shelby Drilling Co.**
- 2) No. of Wells **1**
- 3) Depth(s) **3536** feet
- 4) Well log is available Y
- 5) Comment: **Originally, this well was drilled for an oil well.**

Casing:

- 1) Diameter **4 1/2** inches
- 2) Length **3156** feet
- 3) Type **Steel**

Screen: **None**

- 1) Type
- 2) Length feet
- 3) Static water level: **Flowing Well-The well is valved and has a minimum flow of 17 gpm**

Distribution Lines:

- a) Type **PVC** b) Size **6** inches c) Length **2100** feet

DAM INFORMATION: NEW-EXISTING

- 1) Height to crest **17.5-12** feet
- 2) Height to primary spillway **12-10** ft
- 3) Height to secondary spillway **14-11** ft
- 4) Crest width **14-6** feet
- 5) Crest length **1200-100** feet
- 6) Secondary spillway length **150-100** feet
- 7) Secondary spillway width **20-12** feet
- 8) Approx. storage **24.8-4.0** ac-ft
- 9) Approx. storage to crest **56.0-6.0** ac-ft
- 10) Date constructed: **Summer of 1994-Unknown**

OUTLET TUBES: NEW-EXISTING

- 1) Diameter **10-22** inches
- 2) Type **PVC-CMP**
- 3) Valved **N-N (Y/N)**
- 4) Valve type
- 5) Location on structure
Middle (5 feet from the top)-Middle, 4 ft from Top
- 6) Category of dam **III-III (I, II, III)**
- 7) Inspection sheet completed **N-N**
- 8) Name of contractor **Ken Barker-Unknown**

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 1853-2/2298-2
Upper Cheyenne- Water District

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

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

I have this day, 8/16/1995, made a thorough examination of the water use system owned by the City of Edgemont of Box A, Edgemont, SD 57735 holder of Permit Nos. 1853-2 and 2298-2, bearing the priority of August 23, 1983, and December 14, 1993, authorizing the diversion of 1.0 cu. ft. per second and the storage of 28.8 acre-feet of the waters of ground and surface water for municipal and recreation purposes, in Fall River County.

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

- A. Works used to divert the water:
A flowing well.
- B. Works used to transport water to place of use:
2100 feet of 6 inch PVC.
- C. Works used to apply water to beneficial use:
Water from the well and surface runoff is stored in two dams for recreation. Water from the well is used for municipal purpose.

The system is in the following condition Good. The point of diversion is located Well: About 2370 feet west, 1200 feet north from the southeast corner of Section 2 (SW1/4 SE1/4); Existing Dam: About 1400 feet west, 740 feet north from the southeast corner of Section 2 (SW1/4 SE1/4); New Dam: About 1630 feet west, 540 feet north from the southeast corner of Section 2 (SW1/4 SE1/4), all in T9S-R2E. The works are capable of diverting and conveying to the place of use 1.0+ cu. ft. per second of water and storing 28.8 acre-feet of water which is used for municipal and recreation.

The license should be issued for 1.0 cfs and 28.8 acre-feet of storage.
Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Date Report Completed: October 7, 1995



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2298-2

(1) The City of Edgemont, PO Box A, Edgemont SD 57735 made Application No. 2298-2, December 14, 1993 for a water permit to store 28.8 acre feet (AF) of water from surface runoff and a well authorized by Water Permit No. 1853-2, Fall River County, South Dakota for municipal and recreational purposes. Permit No. 2298-2, with a priority date of December 14, 1993 was approved March 14, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 14, 1999 and for the application to beneficial use of said water on or before March 14, 2003.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on January 23, 1995. The "Notice" stated the diversion system was completed on January 15, 1995 and the water placed to beneficial use January 15, 1995.

Water Permit No. 1853-2 authorizes 1.0 cubic feet of water per second (cfs) from a well for municipal use by the City (priority date of August 23, 1983). The well, when not needed for municipal use, is controlled and flows at a rate of 17 gallons per minute which is diverted into the dams authorized by Water Permit No. 2298-2. The applicable portions of Water Permit No. 1853-2 have been incorporated into Water License No. 2298-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet of water per second from the well and to store 28.8 acre-feet of water in two dams (24.8 AF & 4.0 AF) for beneficial use. The location of the diversion points are: well - 2,370 feet west and 1200 feet north from the southeast corner of Section 2 (SW 1/4 SE 1/4); smaller dam - 1,400 feet west and 740 feet north from the southeast corner of Section 2 (SW 1/4 SE 1/4); larger dam - 1,630 feet west and 540 feet north from the southeast corner of Section 2 (SW 1/4 SE 1/4); all in T9S-R2E.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Edgemont, PO Box A, Edgemont SD 57735 the holder and/or owner of Incorporated Water Permit No. 2298-2 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from ground water (one well) and to store 28.8 acre-feet of water with priority dates of August 23, 1983 (well) and December 14, 1993 (dams) from the location specified in (2) of this license, for the purpose of municipal and recreational use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2298-2 and subject to South Dakota State Law.


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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

2298-2

Connie Andersen, Finance Officer
City of Edgemont
P.O. Box A
Edgemont, SD 57735

Dear Ms. Andersen:

Enclosed is Water License No. 2298-2 and Receipt No. 414759 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2298-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 1853-2 have been incorporated into Water License No. 2298-2.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: CITY OF EDGEMONT
CONNIE ANDERSEN, FIN OFCR
PO BOX A
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 2298-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On April 30, 2004, the water elevation in Angostura Reservoir was 3179.1 feet, a little over 8 feet below the full elevation of 3187.2 feet. Current storage is at 96,912 acre-feet, about 33,850 acre-feet below full and inflows are only about 38 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until December 31, 2004.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.

