

WATER PERMIT NO. 2330-2

Phone: 605 775-2692

Name of Applicant: City of Burke

Post Office Address: PO box 312, Burke SD 57523

Amount of Water Claimed: 0.36 Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation - golf course County: Gregory

Location: _____

PRIORITY _____ Date Received: 3-7-95 Fee: \$150.00

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

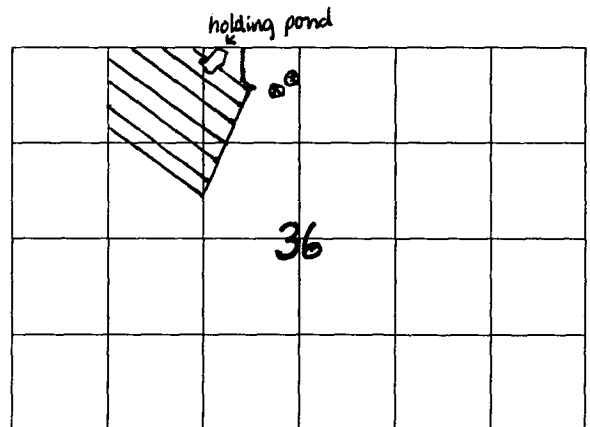
Remarks: Two wells were originally used for municipal purposes by the City of Burke.

Diversion Point: NE 1/4 NW 1/4 (wells)

NE 1/4 NW 1/4 (holding pond) all in

Section 36-T97N-R72W

Land to be Irrigated: NW 1/4 Sec 36-T97N-R72W



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

Depth of Well: 180 feet REMARKS: both wells approximately same depth

Type of Map: aerial Prepared By: Kerry Stiner, NRSC Reviewed and the Number

Assigned on: 3-9-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2330-2**

Date of first receipt of application March 7, 1995.

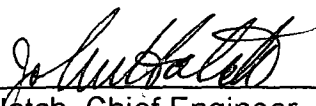
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2330-2 to City of Burke, PO Box 312, Burke SD 57523 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2330-2 authorizes an additional use for 0.36 cubic feet of water per second from two existing wells (Ogallala Formation) 158 feet deep located in the NE 1/4 NW 1/4 Section 36 to irrigate 55 acres located in the NW 1/4 Section 36; all in T97N-R72W. This permit also authorizes pumping of water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 36-T97N-R72W prior to using water for irrigation of the golf course. The wells were previously authorized to be used for municipal use by Water Permit Nos. 1274-2 and 1661-2.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is July 7, 1974 (0.22 cfs) and August 11, 1977 (0.14 cfs).
4. The date of approval of Permit No. 2330-2 is May 22, 1995.
5. One-fifth of the construction is to be completed on or before November 22, 1997.
6. All construction is to be completed on or before May 22, 2000.
7. Water is to be put to beneficial use on or before May 22, 2004.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

SEP 5 1995
date

FORM 2: Application for irrigation in South Dakota

(type or print)

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

No. 2330-2 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Burke Gazette, Box 359
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1661-2 & 1274-2
(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 City of Burke Phone (605) 775-2692
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 9th & County Road, P.O. Box 312, Burke State SD 57523
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 36 3557 *CFS or 49 **GPM 49 ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout if applicable)
- Source of water supply 2 wells #5 & #6 will be pumped into holding dam
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in NE 1/4 NW 1/4
Section 36 T97N - R72W pumped into holding pond located in NE 1/4 NW 1/4 Section 36
T97N - R72W County Gregory
- County or counties where water will be used Gregory
- Annual period during which water is to be used April - October 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	Land Description	Acres
Golf Course	55		
NW 1/4 NW 1/4, W 1/2 NE 1/4 NW 1/4,			
NE 1/4 SW 1/4 NW 1/4,			
Section 36 T97N - R72W (NW 1/4)			

8. Give a description of the project. (Attach sheet if more space is needed)

Well #5 will be pumped at 80 GPM and well #6 will be pumped at 80 GPM into dam and stored. Then it will be pumped onto Golf Course as needed. We are estimating that we would water three to four times a week depending on weather. Four times a week would take 318,660 gallons of water.

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

STATE OF SOUTH DAKOTA)

County of Gregory)^{SS}

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

Signed Richard Bailey

Subscribed and sworn to before me this 6th day of March 19 95

John Jones
Notary Public

Supplemental Information

(type or print in ink)

Log for Well #5 & #6 is the same

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 158"
- b) Casing Type Asbestos Diameter 16" Thickness 2.315"
- c) Screen Type Asbestos Diameter 16" Thickness 2.315"
- d) Gravel Pack Thickness 14' Length of Gravel Pack 70'
- e) Depth to Top of Water Bearing Material 88'
- f) Depth to Water (ground surface to water level) 93'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 170 Rods Gary Klein, don't use,
is on city water

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:

City of Burke

P.O.Box 312, Burke, SD 57523

b) Freeboard 3'.0"

c) Crest Width 12'

Crest Length 116'

d) Height 30'

e) Primary Outlet Capacity 325 GPM

If pipe, diameter None

f) Secondary Spillway Capacity None

Spillway Width 44'

g) X & Y Slope

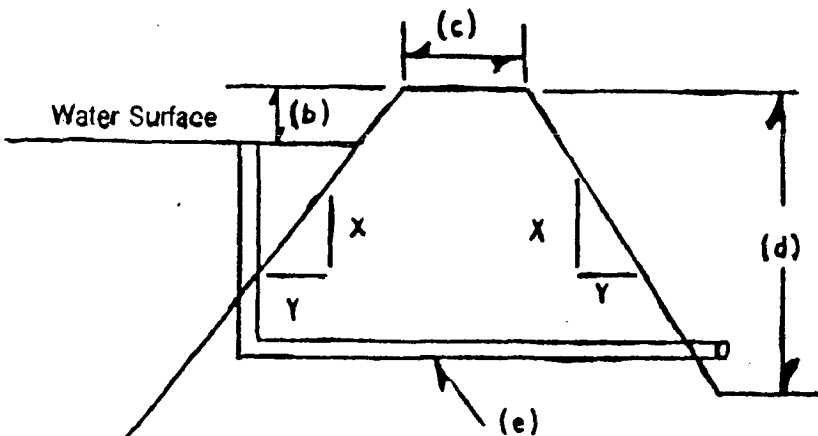
Upstream 8%

Downstream 8%

h) Surface Area of Impoundment .05 Acre
333' Long, 71' Wide

i) Storage 4.9 Acre Feet

j) Drainage Area Above Dam 70 Acres



RECEIPT

414428

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 7, 19 95

RECEIVED OF City of Burke, PO Box 250, Burke, SD 57523

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

Fee for Application for Permit No. <u>2330-2</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/gmk
Chief Engineer

Soil Descriptions

- JaA Jansen loams -- 0-3% slopes; intake = 0.5 in/hr
Jansen soils are well drained to somewhat poorly drained soils that are moderately deep over sand or gravel. Permeability is moderate above the sand and gravel. Generally, these soils are suitable for irrigation with medium salinity and low sodium waters.
- JaB Jansen loams -- 3-6% slopes
(same as JaA)
- MeE Meadin sandy loams -- 9-25% slopes
Meadin soils are excessively drained soils with rapid permeability. These soils have low available water capacity, and are not suitable for irrigation.
- RaA Ree loams -- 0-3% slopes; intake = 1.0 in/hr
Ree soils are deep, well drained soils with high available water capacity. Permeability is moderate. These soils are generally suitable for irrigation with medium salinity and low sodium water.
- RaB Ree loams -- 3-6% slopes
(same as RaA)

Kerry Stinner
NRCS 3-3-95



Barry a note to follow
up on our telephone
conversation.

Enclosed you will find
the log for the pilot hole
for well #6 and the Bill
from Huron Drilling that
shows the material we used.

Well #5 I couldn't find
a log for it. It was done
exactly the same as well
#6. The depth of well #5
was a little deeper like 2'
need anything else give me
a call

Richard Bailey

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Everett

Lodmel.

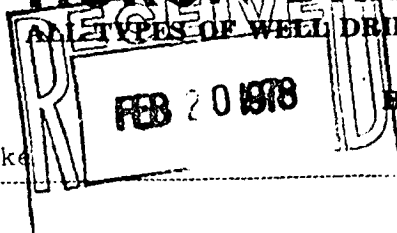
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
			Pilot Hole
1	20		
2	40		0-20 Sand
3	60		20-25 Sand
4	80		25-40 Clay , gravel streak
5	100		40-50 Clay, sand streaks
6	120		50-60 Clay, sand streaks
7	140		60-80 Clay, sand streaks
8	160		80-90 Sand
9	180		90-100 Sand, clay streaks
			100-110 Sand , clay streaks
			110-120 Sand , clay streaks
			120-140 Sand
			140-160 Sand
			160-180 Clay

HURON DRILLING INC.

NO 1417

ALL TYPES OF WELL DRILLING AND REPAIRING



February 17 1978

Huron, South Dakota,

Burke, South Dakota

SOLD TO City of Burke

P. O. 57523

Location

Rig No.

18

Terms: CASH

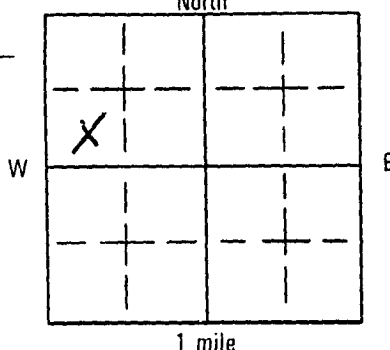
Item	Description	Quantity	Unit Price	Total Price	
1	Pilot Hole	161 LF	\$20.00	3,220 00	O.K. R.B.
2	Well or Reaming to 30" Diameter	161 LF	10.00	1,610 00	O.K. R.B.
3	Casing 16" Asbestos Cement (A-C)	137 LF	9.00	1,233 00	O.K. R.B.
4	Screen 16" (A-C) Slotted	26 LF	9.50	247 00	O.K. R.B.
5	Prefab Pack	28 LF	17.85	499 80	O.K. R.B.
6	Well Pack (Pea Gravel) & 0.6 mm sand. Including Refill pipe for pack	75 LF	10.00	750 00	O.K. R.B.
7	Grout	83 LF	18.00	1,494 00	No
9	Mobilization		Lump Sum	1,000 00	O.K. R.B.
10	Development		Lump Sum	500 00	20
				\$10,553 80	

DM



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NW 1/4 Sec 31 Twp 91 Rg 11
NE NW 36 97 12County GregoryPlease mark well
location with
an "X"Well Completion Date Aug 15, 1989

PROPOSED USE:

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

Method of Drilling:

Reverse Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other
If other describe 5. Steel Screen

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.5</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>122</u> FT	<u>20</u> IN
<u>34.55</u> LB/FT	<u>12</u> IN	<u>122</u> FT	<u>147</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 70 FEET FEETWhat is grouting material? Portland CementIf cement, number of sacks? 100Describe grouting procedure TRIMBLE PIPE

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 PS IN Length 25 FEETMaterial 304 Stainless SteelSlot Size 25 Set From 122 Feet To 147 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? BentoniteDescribe packer(s) and location? Archie PackWas well disinfected upon completion? ☒ YES ☐ NOExplain CTHBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Tom of BurkeAddress Burke, S. Dak.

Well Log:

Depth

Formation

From

To

Top Soil	0	4
Sandy Yellow Clay	4	10
Clay Sand	10	45
Sand	45	50
Clay Sand	50	60
Loose Sand	60	70
Clay	70	75
Good Sand Fine	75	145
Clay	145	147

STATIC WATER LEVEL 78 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ Other

Describe:

Test Pump
TURBINE PUMP

Pumping Level Below Land Surface

114 ft. After 12 Hrs. pumped 62 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Excellent Well
Well # 7This well was drilled under license # 97

And this report is true and accurate.

Drilling firm Chapman DrillingSignature of License Representative: [Signature]

Signature of Well Owner:

Date 8/30/89

REPORT ON WATER PERMIT APPLICATION NO. 2330-2
for the City of Burke
March 30, 1995

Application No. 2330-2 proposes to appropriate 0.36 cfs (160 gpm) from two existing wells approximately 158 feet deep located in the NE 1/4 NW 1/4 of section 36 to irrigate 55 acres located in the NW 1/4 of section 36; all in T97N R72W in Gregory County. This application proposes to pump water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE 1/4 NW 1/4 of section 36, T97N R72W prior to using water for irrigation of the golf course. The wells were previously authorized for municipal use by Water Permit Nos. 1274-2 and 1661-2.

AQUIFER - OGALLALA (OGLL)

The Ogallala consists of light brown very fine to fine grained sand and sandstone mostly not cemented with some clays with an average saturated thickness of about 70 feet in this area (Hammond, 1990). The aquifer is unconfined and under water table conditions. Ground water movement is from northwest to southeast through this area. The aquifer underlies 193,280 acres and contains an estimated 1.932 million acre feet of recoverable water in storage in Gregory County (Allen, 1984).

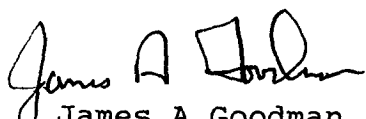
The Division of Water Rights monitors three observation wells within 3 miles of this application which are completed into the Ogallala aquifer. One of these wells GY-78A is located about 2 miles southeast and a second well GY-77B is located about 1 1/2 miles west of this application. Hydrographs for both of these wells are included with this report. In general, water levels change with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Both of the wells (#5 and #6) are already permitted for municipal use by Burke. The amount of water authorized for diversion from #5 is 0.22 cfs and from #6 is 0.34 cfs. This request is basically a change in use to irrigation of the golf course and a decrease in water use from a possible of 0.56 cfs to 0.36 cfs. The city of Burke also has other wells in the area. City well #4, #7 and #8 are all located from 1000 to 1500 feet radius of wells #5 and #6 (these two wells are 356 feet apart) (Hammond, 1990). The Hammond report suggests a minimum distance of 700 feet between pumping wells to reduce the possibility of interference between wells. There are no other water permits/rights in this area, however there may be some domestic wells.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a problem. A short 32 hour aquifer test was completed on City Well #5 (100 gpm) which indicated very little drawdown occurred even at a distance of 356 feet. These results could be expected of a fine grained water table aquifer. Most of the water obtained by pumping is by dewatering the aquifer near the well. It would take a considerably longer test to evaluate the extent of the actual cone of depression.
3. No increase in pumping rate is authorized by this application. It is simply a change in water use. The maximum water use for irrigation would be 110 acre feet annually. Pumping at the rate requested by this application it would take 5 months of continuous pumping to produce this much volume of water.
4. Information is not sufficient to determine if wells #5 and #6 are constructed in accordance with SD Well Construction Standards.
5. Some incidental runoff may be stored and used from the dam. The two wells will be pumped at a rate of 80 gpm each into the dam then repumped from the dam for irrigation.

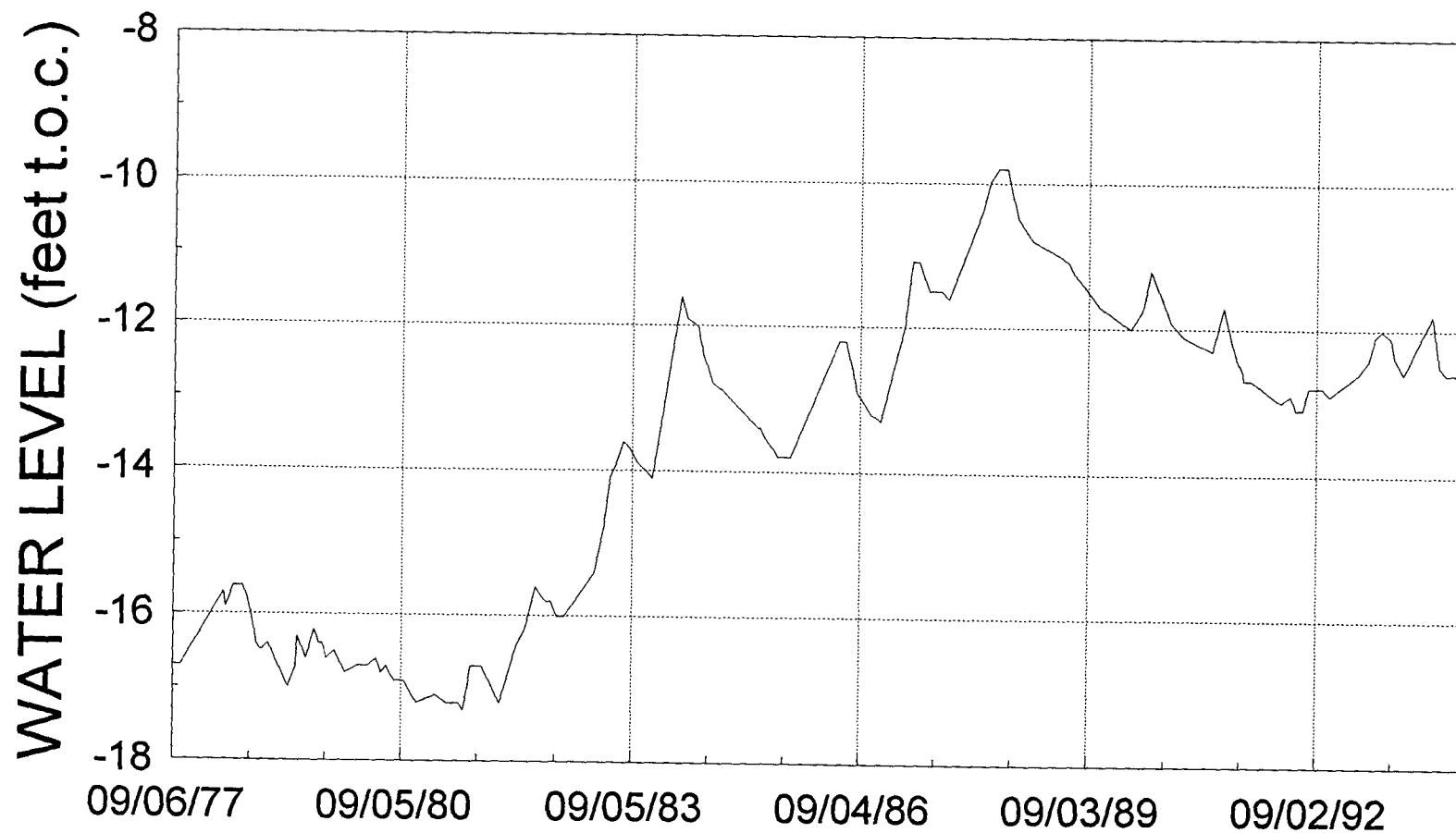


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

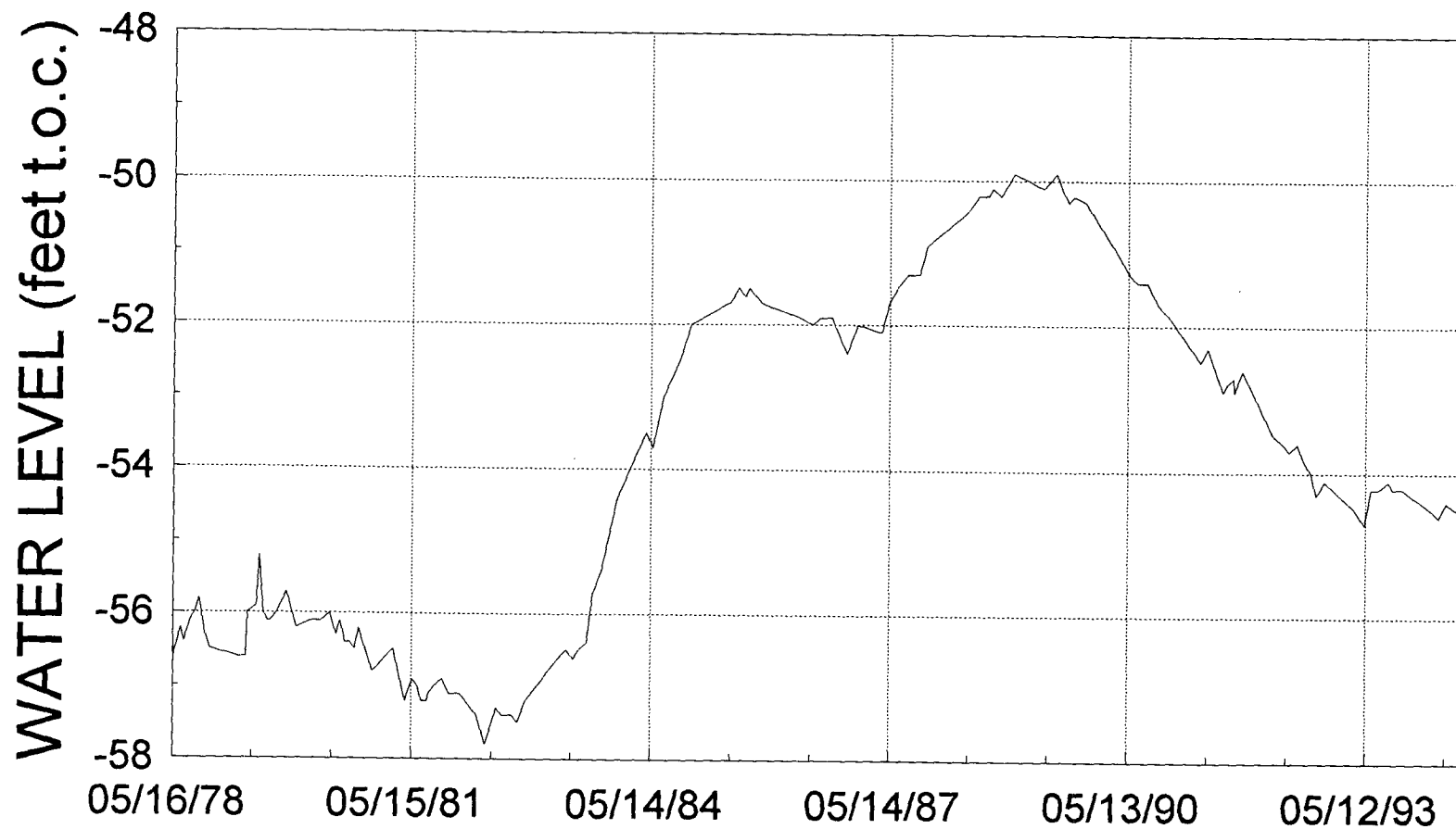
- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hammond, P.D., 1990, Investigation of the Ground-Water Quality of the Valentine Formation Near Burke, South Dakota, Open File Report 61-UR, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1995, Unpublished Observation Well Data for Gregory County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL GY-77B



WATER RIGHTS OBSERVATION WELL

GY-78A



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2330-2, City of Burke

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. 2330-2, City of Burke, c/o Richard Bailey, PO Box 312, Burke, SD 57523.

The Chief Engineer is recommending APPROVAL of Application No. 2330-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
April 19, 1995



**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.

April 24, 1995

Richard Bailey
City of Burke
PO Box 312
Burke, SD 57523

Dear Mr. Bailey:

Water Permit Application No. 2330-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Burke Gazette printed at Burke, SD (Ph # 605-775-2612). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 1995

Burke Gazette
Box 359
Burke, SD 57523-0359

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2330-2 to be published twice. Please publish the first notice on May 3, 1995, 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 Burke, c/o Richard Bailey, PO Box 312, Burke, SD 57523 (Ph # 605-775-2692).

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

Instruction to Newspaper - Publish first Notice on May 3, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2330-2 to Amend
Water Permit Nos. 1274-2 and 1661-2

Notice is given that the City of Burke, PO Box 312, Burke, SD 57523 has filed an application for a water permit to allow an additional use from wells for irrigation use. This application proposes to use 0.36 cubic feet of water per second from two existing wells (Ogallala Formation) 158 feet deep located in the NE 1/4 NW 1/4 Section 36 to irrigate 55 acres located in the NW 1/4 Section 36; all in T97N-R72W. This application also proposes to pump water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 36-T97N-R72W prior to using water for irrigation of the golf course. The wells were previously authorized to be used for municipal use by Water Permit Nos. 1274-2 and 1661-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2330-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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 May 22, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Gregory) ssI, C. J. Fahrenbacher

certify that the attached printed Notice was

taken from the Burke Gazetteprinted and published in BurkeCounty of Gregory and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:Wednesday, May 3Wednesday, May 10Cost of Printing: 35.57

C. J. Fahrenbacher
(Signature)

Publisher
(Title)

5-10-95
(Date Signed)

NOTICE OF APPLICATION NO. 2330-2 to Amend Water Permit Nos. 1274-2 and 1661-2

Notice is given that the City of Burke, PO Box 312, Burke, SD 57523 has filed an application for a water permit to allow an additional use from wells for irrigation use. This application proposes to use 0.36 cubic feet of water per second from two existing wells (Ogallala Formation) 158 feet deep located in the NE 1/4 NW 1/4 Section 36 to irrigate 55 acres located in the NW 1/4 Section 36; all in T97N-R72W. This application also proposes to pump water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 36-T97N-R72W prior to using water for irrigation of the golf course. The wells were previously authorized to be used for municipal use by Water Permit Nos. 1274-2 and 1661-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2330-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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 May 22, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

May 3-10 1995





SEP 5 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Richard Bailey, Electric Superintendent
City of Burke
PO Box 312
Burke, SD 57523

Dear Mr. Bailey:

Enclosed is Water Permit No. 2330-2 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.

City of Burke

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 11-8-96

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

FROM: Richard Bailey p.o. Box 312
(name) (address)
Burke SD. 57523 605-775-2692
(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. 2330-2.

Water Permit No. 2330-2 states that the diversion system is to be constructed by May 22, 2000, and that the water is put to beneficial use by March 7, 1995.
(date) (date)

The diversion system was completed on Nov. 1, 1995.
(date)

Applying the water to beneficial use was completed on April 4, 1996.
(date)

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

Richard N. Bailey
(signature)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application

For Permit To

Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right X Amendment/Correction to Permit No. 2380-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Change well #7 from a municipal well to an irrigation well.

1. Name of Applicant City of Burke Phone (605) - 775 - 2692
(check one) X Owner _____ Tenant/lessee _____

Mailing Address P.O. box 312 Burke State S.D. 57523
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed No additional *CFS or no additional **GPM 4.9 ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Well #7 will be pumped into holding dam

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE1/4 NW1/4 Section 36
Township 97N Range 72 W

County Gregory

5. County or counties where water will be used Gregory

6. Annual period during which water is to be used April - October

7. List below each forty acre division, 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	Land Description	Acres
Golf Course	55		
NW 1/4 NW1/4, W1/2 NE1/4 NW1/4,			
NE1/4 SW1/4 NW 1/4			
Sec. 36 T97N - R72W			

8. Give a description of the project. (Attach sheet if more space is needed)
Currently the Burke golf course is using 2 city wells (well #5 and well #6) to pump into a holding pond for irrigation. The city abandoned these wells do to iron bacteria. The two wells pump 75 gpm. Well #7 was also found to be contaminated and the city would like to use this well to pump into the holding pond. When we had this well on the cities system it would pump 75 -80 gpm. All three well together will pump 150 -155 gpm.

STATE OF SOUTH DAKOTA) SS
County of Gregory

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

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

Applicant's signature Wade Broome

Subscribed and sworn to before me this 9th day of August 2000

My Commission
Expires 2-19-2001

[Signature]
Notary Public signature

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



36
NOT TO SCALE



Wade Broome - Supt of Utilities

841 County Road
P.O. Box 312
Burke, SD 57523-0312
Phone 775-2692
Fax 775-3014



August 9, 2000

Ron Duvall
Water Rights Program
Joe Foss Building
523 E Capitol
Pierre, SD 57501

Dear Ron:

Well # 7 & #8 are currently under permit #2065A-2 and we request that Well #7 be placed under Irrigation Permit #2330-2. If you have any questions, please call Wade Broome at 605-775-2692.

Sincerely:

Wade Broome
Supt of Utilities

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2065A-2, City of Burke

ADDRESS: COUNTY: Gregory

DATE: August 10, 2000 TELEPHONE:

RE: Reissuance of Water License No. 2065A-2

COMMENTS:

The water license was in the process of being reissued when the City of Burke filed an application to use Well No. 7 for irrigation from the golf course. A determination was made by the city to abandon Well No. 7 as a potable water supply because of iron bacteria. For this reason, the water license should now be reissued to exclude well No. 7 and the applicable diversion rate.

Water License should be reissued solely from Well #8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T97N, R72W) for 0.21 cfs (95 gpm) with an August 1, 1952 priority date.

The city of Burke's has filed application to add an additional diversion point under Permit No. 2330-2 without increasing the authorized diversion rate. It is their intention to now use Well No. 7 in conjunction with two wells for irrigation of the golf course. These two wells authorized by Permit No. 2330-2 for irrigation of the golf course have been decreasing in production. This application is being processed under SDCL 46-5-13.1 which allows for an additional diversion point without public notice if there's no additional appropriation of water and a finding can be made by the Chief Engineer that no other existing right is adversely impaired. See separate report on this request for an additional diversion point.

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

NAME: Eric Grenlund

Approval of an Additional Diversion Point

NAME: City of Burke, c/o Wade Broome

ADDRESS: P.O. Box 312, Burke, SD 57523

DATE: August 11, 2000 **COUNTY:** Gregory **TELEPHONE:** 605 775-2692

BACKGROUND:

Water Permit No. 2330-2 appropriates 0.36 cubic feet of water per second (162 gpm) from two wells (Ogallala Formation) 158 feet deep located in the NE¼ NW¼ Section 36 to irrigate 55 acres located in the NW¼ Section 36; all in T97N, R72W. Permit No. 2330-2 authorizes pumping water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE ¼ NW ¼ Section 36, T97N, R72W prior to using water for irrigation of the golf course.

The wells were previously authorized for municipal use by Water Permit Nos. 1274-2 and 1661-2. The city stopped use of these wells for the potable water supply because of iron bacteria. The wells have decreased in production and now only pump at 0.167 cfs (75 gpm).

The city of Burke has filed an application for an additional diversion point to Water Permit No. 2330-2. The city's Well No. 7 has also been contaminated with iron bacteria and the city seeks authorization to use this well to pump into the holding pond and use for irrigation of the golf course. Well No. 7 had been authorized under Water Right No. 2065A-2 for municipal use and is also located in the NE ¼ NW ¼ Section 36, T97N, R72W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The wells authorized under Water Permit No. 2330-2 are constructed into the Ogallala Formation. The additional well is also constructed into this formation.

No additional appropriation of water is being requested. Water Permit No. 2330-2 appropriates 0.36 cfs (162 gpm). According to the city the combined diversion from the three wells will be 0.35 cfs (155 gpm). The addition of this well is intended to bring the diversion capability back to the permitted level.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells on file within a two mile radius of this well.

Existing Water Rights - There is one water right held by someone other than the city of Burke located approximately 1 mile northwest of this well. This water right appropriates 0.17 cfs from a well and

dugout for irrigation of 12.2 acres. The city of Gregory's future use area is also extends within one mile northwest of the city of Burke's Well No. 7.

Domestic wells - A review of well completion reports found 14 domestic wells on file with the two mile radius. This review reflects only those well completion reports on file with the Water Rights Program.

Well No. 7 has been used as a source of the municipal water supply for the city of Burke for many years. There have been no complaints related to the past diversions of water from this well. Essentially, the well will now be utilized as an additional well under Water Permit No. 2330-2 for irrigation use and no longer used as part of the city's potable water supply.

CONCLUSION

- This additional well does not appropriate additional water.
- The additional well is constructed into the Ogallala Formation which is the same water source as the two existing wells authorized by Water Permit No. 2330-2.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.
- Water Permit No. 2330-2 was approved May 22, 1995 for irrigation use; since that time there has been no record of complaint involving the city of Burke's diversion of water adversely impacting neighboring wells.
- This well has been in use supplying municipal water to the city for a number of years. Approval of this as an additional diversion point under Water Permit No. 2330-2 simply changes to irrigation.

RECOMMENDED ACTION

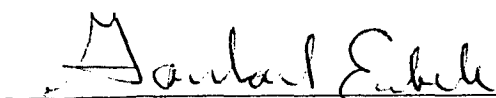
Based on the above criteria, it is recommended that the additional diversion point be authorized by Water Right 2330-2.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Water Rights Program - File Documentation

NAME: City of Burke

DATE: 9-8-2000 COUNTY: Gregory

RE: Summary of City of Burke's water rights/permits

		Amount	Priority Date	
455-2	Well #2	0.33 cfs	August, 1936	
456-2	Well #1	0.26 cfs	August, 1952	Well #1 plugged, diversion rate and priority date transferred to 2065A-2
872-3	Well #4	0.26 cfs	April 30, 1969	
1274-3	*Well #5	0.22 cfs	July 7, 1974	see 2330-2
1660-2	Future Use	396 AF	February 2, 1977	
1661-2	Well #3	0.10 cfs	April 7, 1977	
	*Well #6	0.34 cfs	August 11, 1977	see 2330-2
2065A-2	**Well #7	0.16 cfs	December 21, 1988	see 2330-2
	Well #8	0.21 cfs		Reissued for: 0.21 cfs – August 1, 1952
2330-2	Well #5	0.22 cfs	July 7, 1974	*this permit transferred Wells # 5 & 6 from municipal use to irrigation for the golf course
	Well #6	0.14 cfs	August 11, 1977	
	Well #7			** transferred Well #7 for use at the golf course (see file doc for add'l diversion pt dated 8/11/00)

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2000

Wade Broome
City of Burke
P.O. Box 312
Burke, SD 57523-0312

Dear Mr. Broome:

I am writing in regard to the City of Burke's request for an additional well under Water Right No. 2330-2. Water Permit No. 2330-2 appropriates 0.36 cubic feet of water per second from two wells (Ogallala Formation) 158 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36 to irrigate 55 acres located in the NW $\frac{1}{4}$ Section 36; all in T97N, R72W. Permit No. 2330-2 authorizes pumping water from the two wells to a holding pond (4.9 acre-feet storage capacity) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T97N, R72W prior to using water for irrigation of the golf course.

The City is requesting authorization for an additional well to be able to divert up to the permitted diversion rate authorized by Water Permit No. 2330-2 since the two existing wells capacity has diminished. The additional well is existing (Well No. 7) and located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T97N, R72W and is constructed into the same water source as the existing wells. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well to Water Permit No. 2330-2 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. However, a new water right permit will be necessary if more than 0.36 cubic feet of water per second (162 gpm) will be pumped for irrigation of the golf course.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2002

2330-2

City of Burke
Wade Broome, Water Superintendent
PO Box 312
Burke SD 57523

Dear Mr. Broome:

On October 17, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2330-2 (irrigation of golf course), was completed by Tim Schaal, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417128

Pierre, March 25, 20 02

RECEIVED OF City of Burke, PO Box 250, Burke SD 57523
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2330-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Erbe

Chief Engineer

gm

REPORT ON INSPECTION OF PERMIT NO. 2330-2

Other permit(s) associated with the project: 1274-2, 1661-2 & 2065A-2

DATE OF INSPECTION: October 17, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ Wade Broome

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Water Superintendent

NAME & ADDRESS OF PERMIT HOLDER: City of Burke, 9th & County Road, PO Box 312, Burke, SD 57523

DIVERSION POINT LEGAL LOCATION: Well No. 5--500 ft. south & 1270 ft. east; Well No. 6--600 ft. south & 1000 ft. east and Well No. 7--1270 ft. south & 1270 ft. east of the NW corner of Sec. 36-T97N-R72W (NE 1/4 NW 1/4).

WELL INFORMATION: Well No. 5

- 1) Well Drilling Firm: Huron Drilling
- 2) Depth(s) 158 feet
- 3) Well log is available yes
- 4) Comment: XXXX

Well No. 6

- Huron Drilling
158 feet
yes (same as No. 5)

Well No.7

- Huron Drilling
147 feet
yes

Casing:

- 1) Diameter 16 inches
- 2) Length 88 feet
- 3) Type Asbestos Cement

- 16 inches
88 feet
Asbestos Cement

- 12 inches
122 feet
Stainless steel

Screen:

- 1) Type Asbestos Cement
- 2) Length 70 feet
- 3) Static water level 88 feet

- Asbestos Cement
70 feet
88 feet

- Stainless steel
70 feet
78 feet

Pump: Well No. 5

- 1) Make Floway Turbine
- 2) Serial No. X76-89333
- 3) Size XXX
- 4) Capacity 35 GPM

Well No. 6

- Aurora Verti-Line Turbine
- 87871434
-
- 40 GPM

Well No. 7

- Grundfos Submersible
- 8931B
- Model No. 80575
- 80 GPM

Motor:

- 1) Make US Electric
- 2) Serial No. DMJ428457
- 3) Horsepower rating 15 hp

- US Electric
- ID No. 8981-06-371
- 15 Hp

- Marathon Electric
- 8931B
- 30 Hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Buried PVC
- 2) Size 2 inches
- 3) Length approximately 3600 feet

DAM INFORMATION: Holding Pond

- 1) Height to crest approximately 5.5 feet
- 2) Height to primary spillway 2.5 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 116 feet
- 6) Spillway length XXX feet
- 7) Spillway width 44 feet
- 8) Approx. storage (Normal) 4.9 acre-feet
- 9) Approx. storage (Maximum) XXX acre-feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 2330-2
Missouri River - 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, October 17, 2001, made a thorough examination of the water use system constructed by City of Burke of 9th & County Road, PO Box 312, Burke, SD 57523 holder of Permit No. 2330-2, bearing the priority of Well No. 5-- July 7, 1974, Well No. 6--August 11, 1977, and Well No. 7--December 21, 1988 authorizing the diversion of Well No. 5 --0.22 cfs, Well No. 6--0.14 cfs, Well No. 7-- No add'l cu. ft. per second and/or the storage of 4.9 acre-feet of the waters of groundwater for irrigation purposes, in Gregory County.

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

A. Works used to divert the water:

**Well No. 5--Floway Turbine Pump, Serial No.76-89333 with 15 Hp US Electric motor,
Serial No. DMJ428457**

**Well No. 6--Aurora Verti-Line Turbine Pump, Serial No. 87871434 with 15 Hp US Electric motor,
ID No. 8981-06-371**

Well No. 7--7.5 Hp Grundfos Submersible Pump, Model No. 80575-8 & Serial No. 8931B

**Holding Pond--9 inch Berkley Centrifugal Pump, Model B2ZPHS, Serial No. G120195 with 30 Hp
Marathon Electric motor, Model No. ZB284TTBP7605AA-W**

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

Buried 2 inch PVC pipe to holding pond

C. Works used to apply water to beneficial use:

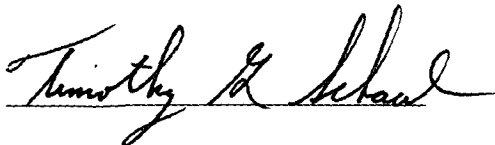
Underground sprinklers to irrigate golf course

The system is in the following condition good. The point of diversion is located Well No. 5--500 ft. south & 1270 ft. east; Well No. 6--600 ft. south & 1000 ft. east and Well No. 7--1270 ft. south & 1270 ft. east of the NW corner of Sec. 36-T97N-R72W (NE 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 0.35 (155 gpm) cu. ft. per second of water and/or storing 4.9 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Golf course located in the NW 1/4 Section 36-T97N-R72W

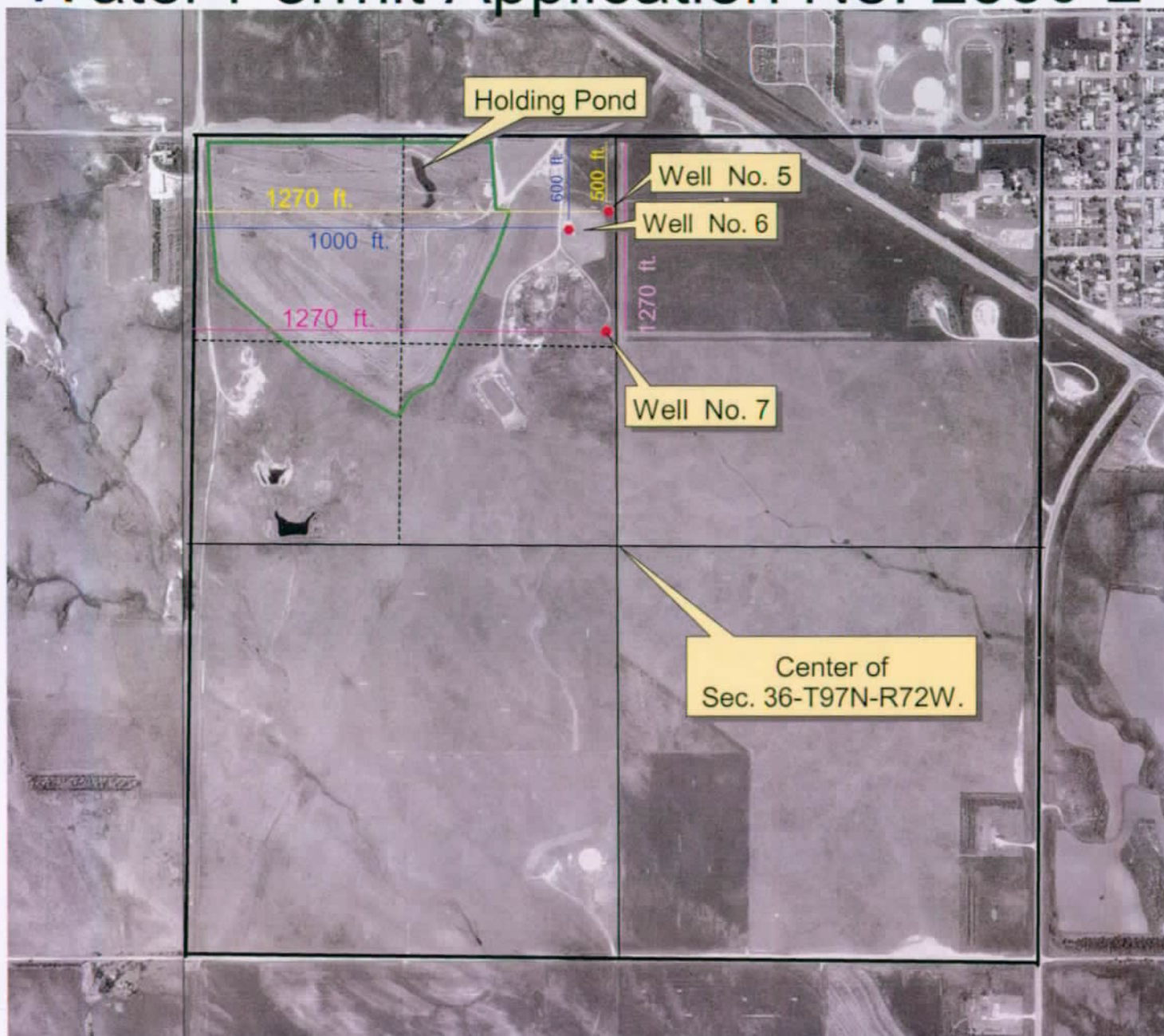
comprising a total of 55 acres of land and the license should be issued for 0.35 cfs and/or 4.9 acre-feet of storage. Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 12, 2002

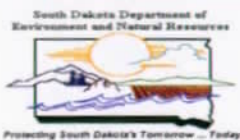


Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
DENR, Water Rights Program

Water Permit Application No. 2330-2



0.5 0 0.5 Miles



Timothy G. Schaal
Timothy G. Schaal, P.E. 3/12/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2330-2

(1) City of Burke, PO Box 312, Burke SD 57523 made Application No. 2330-2, March 7, 1995 for a water permit to divert an additional 0.36 cubic feet of water per second (cfs) from groundwater (2 wells), Gregory County, South Dakota for irrigation purposes. Permit No. 2330-2, with priority dates of July 7, 1974 and August 11, 1977 was approved May 22, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 22, 2000 and for the application to beneficial use of said water on or before May 22, 2004.

The two wells were previously authorized for municipal use by Water Permit Nos. 1274-2 (Well #5) and 1661-2 (Well #6). The applicable portions of Nos. 1274-2 and Well #6 from 1661-2 are incorporated into Water Right No. 2330-2. Well #3, used for municipal purposes is licensed under No. 1661-2.

On August 10, 2000, the City submitted an Application for an additional point of diversion (Well #7). Pursuant to SDCL 46-5-13.1, the Chief Engineer made the finding that the additional diversion point did not increase the potential for interference with existing water rights.

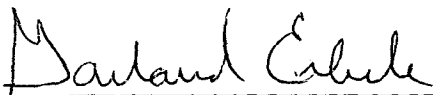
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.35 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 5 – 500 feet south and 1,270 feet east; Well # 6 – 600 feet south and 1,000 feet east and Well # 7 – 1,270 feet south and 1,270 feet east; all from the northwest corner of Section 36-T97N-R72W (NE ¼ NW ¼).

Water is diverted from the wells to a 4.9 acre-feet holding pond also located in the NE ¼ NW ¼ Section 36-T97N-R72W.

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

55 acre golf course located in the NW ¼ Section 36-T97N-R72W

(4) Pursuant to South Dakota Water Law 46-5-30.1 City of Burke, PO Box 312, Burke SD 57523 the holder and/or owner of Water Right No. 2330-2 is issued a license to appropriate water, the right to use 0.35 cubic feet of water per second from groundwater (3 wells) with priority dates of July 7, 1974 (0.22 cfs) and August 11, 1977 (0.13 cfs) 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. This license is subject to any limitations or qualifications listed in Water Right No. 2330-2 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 22 2004

date





APR 22 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2330-2

City of Burke
% Wade Broome Water Superintendent
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Enclosed is Water License No. 2330-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417128 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 1274-2 and Well #6 from 1661-2 are incorporated into Water License No. 2330-2.

enclosures