

WATER PERMIT NO. 2413-2

Name of Applicant: Tim Hamilton

Address: PO Box 42, Pierre SD 57501

Phone: 605 224-5455

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: surface and groundwater

Water to be used for: fish & wildlife propagation, recreation, livestock

County: Haakon

Type of Waste Disposal System:

Location: 25 miles northwest of Hayes

PRIORITY

Date Received: 9-24-1998

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point:

Land to be Irrigated:

Depth of Well: 2500 feet

Well Driller: Taylor Drilling

Remarks:

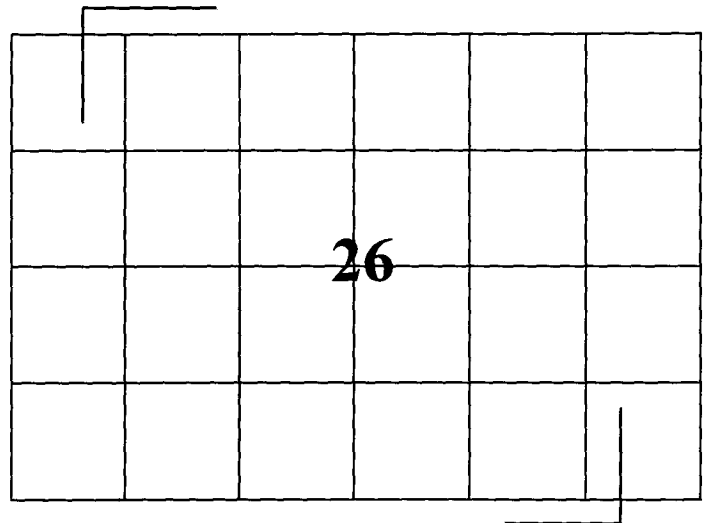
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 9-24-98

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2413-2

Date of first receipt of application September 24, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2413-2 to Tim Hamilton, PO Box 42, Pierre SD 57501 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. 2413-2 authorizes an additional diversion point and clarifies the water source and uses of water under Water Right No. 1703-2 and Water Permit No. 1867-2. These water rights appropriate 4.37 cubic feet of water per second (cfs) from six dams, one well and springs for irrigation and livestock watering. The permitted well is located in the SW ¼ NE ¼ Section 26-T8N-R23E. This well was originally constructed into the Madison Formation. The well has been recased into the Inyan Kara and Minnelusa Formations. The six dams have a total storage capacity of 540 acre feet of water and are located in the NE ¼, SE ¼ Section 26 and the NW ¼, SE ¼ Section 36; all in T8N-R23E. The dams historically have impounded water from surface runoff, springs and overflow from the existing well.

This permit authorizes an additional diversion point and specifies the uses of water. A new well (Inyan Kara Formation) located in the SE ¼ Section 26-T8N-R23E was drilled to replace diminished capacity of the existing well. Currently, the two wells flow at a rate of 0.18 cfs (80 gpm). Water is used for livestock watering, wildlife habitat and recreational purposes. Water is no longer used for irrigation. Water is distributed through pipelines to maintain the dams and to a number of pasture taps.

2. The water appropriated shall be used for the purpose of supplying water for livestock, wildlife habitat and recreational purposes and may not exceed the amount of water needed for beneficial use.
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. 2413-2 is December 21, 1998.
5. The date from which applicant may claim right is February 27, 1974.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2413-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

(continued)

3. The wells 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). If either well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Water Right No. 1703-2 and Water Permit Nos. 1867-2 and 2413-2 authorize six dams with a total storage capacity of 540 acre feet of water. 

WATER MANAGEMENT BOARD

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

JAN 19 1999

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	<u>2413-2</u>	(office use only) Hydrologic Unit	<u>10120112</u>
	Basin	<u>Lower Cheyenne</u>		
	Newspaper	<u>The Pioneer Review, Philip, SD</u>		



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☒ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal Heat
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Right No. 1703-2 and Permit No. 1867-2

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Add the additional use of
Livestock watering and wildlife enhancement (see project description - Attachment B),

Additional diversion point

1. Name of Applicant Tim Hamilton Phone 605 224-5455
(check one) ☒ Owner ☐ Tenant/lessee 619 756-5455
Mailing Address P.O. Box 42, Pierre State SD 57501
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed No add'l *CFS or No add'l **GPM No add'l ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply six dams, two wells and a spring

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
See attachment A

County Haakon

5. County or counties where water will be used Haakon

6. Annual period during which water is to be used January 1 - December 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See Attachment B

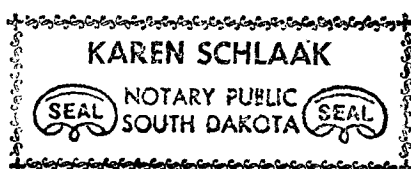
STATE OF SOUTH DAKOTA)
County of Hughes SS

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

Signed [Signature]

Subscribed and sworn to before me this 24th day of September 19 98



Karen Schlaak
Notary Public
KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction – see well report on file

- a) Drill Hole Diameter _____ Depth Approx. 2500 feet
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

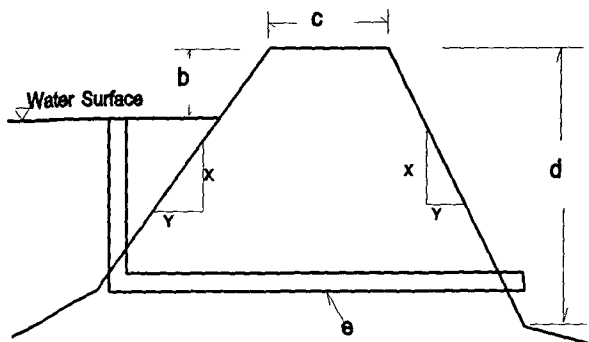
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams – see Attachment A for general dam information

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:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

ATTACHMENT A

Location of the Six Dams

Dam Location (all in T8N, R23E)	Height (feet)	Approx. Depth (feet)	Surface area (acres)	Storage Capacity (acre-feet)
NW1/4 NE1/4 Sec 26	15	11	3	17
NE1/4 SE1/4 Sec 26	20	16	15	125
SE1/4 SE1/4 Sec 26 (west)	15	12	6	36
SE1/4 SE1/4 Sec 26 (east)	14	10	4	20
NW1/4 NW1/4 Sec 36	15	12	7	42
SE1/4 SE1/4 Sec 36	30	25	20	300
TOTAL				540 acre feet

Wells & Spring

Location (all in T8N, R23E)	Depth (feet)	Approximate flow (gallons per minute)
SW1/4 NE1/4 Sec 26 (old well)	2,542	40 gpm *
SE1/4 Sec 26 (new well)		
SW1/4 NE1/4 Sec 26 (spring)	Not applicable	40 gpm **

* - 40 gpm is what is listed on the well report filed by Taylor Drilling in the fall of 1997.

However an investigation from year's back estimated the well flow at 80 gpm

** - this is amount stated on the investigation report.

ATTACHMENT B

This amendment is to add the additional use of livestock watering and a wildlife enhancement project to the existing Water Right No. 1703-2 and Water Permit No. 1876-2. Water Right No. 1703-2 incorporated Water Permit Nos. 1172-2, 1264-2, and 1447-2. These water rights were historically used for irrigation with livestock watering. It is not anticipated that irrigation will continue on this property.

The water use system comprises of six dams, two wells and a spring. The two wells are valved and controlled to the minimum needed. The wells are connected together in series and are pumped via a 2 inch pipeline (pressure of 80 – 85 psi) an estimated 80 gallons per minute. The well flow is to maintain the water level in the dams and this pipeline also serves a number of pasture taps for stock watering throughout the property. The dams also receives water from normal runoff. The water also serves as a water source for the wildlife in the area.

NOT TO SCALE

96.7

144.7

Eric Nordlund
Water Right Program

8-23

47.1

0.26

OLD
WELL

NEW
WELL

130

110

2413-2

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 415872

Pierre, September 24, 1998

RECEIVED OF Timothy S. Hamilton, 122 W. Broadway, Pierre, SD 57501
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. 2413-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch (Signature)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, _____

RECEIVED OF Timothy S. Hamilton, 122 W. Broadway, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2413-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

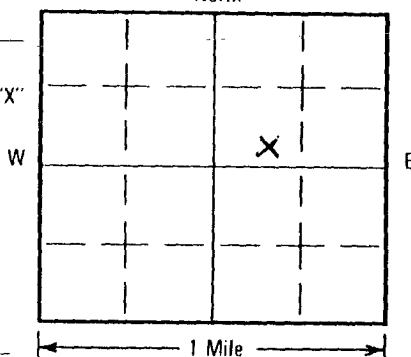
John Hatch 

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NE 1/4 Sec 26 Twp 8N Rg 23E
County Huakon

Please mark well location with an "X"



Well Completion Date

23
9-23-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2150 ft. from corrals (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud rotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>6.5</u> LB/FT	<u>2 7/8</u> IN	<u>0</u> FT	<u>2995</u> FT	<u>5</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>200</u>	<u>15</u> lb./gal	<u>0</u> ft.	<u>2995</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pressure groutedSCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information shot perforated 2477-2505, 2510-2570
2584-2594, 2604-2619, 2820-3020WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine solutionLaboratory sent to for water quality analysis _____
_____Well Owner: Tim Hamilton

Business Name: _____

Address: Box 42Pierre, SD 57501

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Greenhorn</u>	<u>1822</u>	<u>1830</u>
<u>Belle Fourche / Mowry</u>	<u>1830</u>	<u>2109</u>
<u>Newcastle</u>	<u>2109</u>	<u>2336</u>
<u>Skull Creek</u>	<u>2336</u>	<u>2504</u>
<u>Lakota</u>	<u>2504</u>	<u>?</u>
<u>Minnelusa</u>	<u>2850</u>	

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure approx. 40 PSIGPM flow 50 through _____ inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

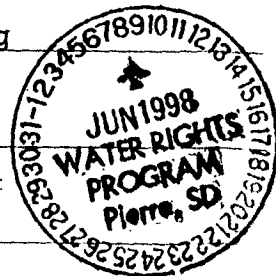
REMARKS well was originally drilled in 1977 + cased w/ 5 1/2" O.D. casing. The 2 7/8" casing was cement grouted inside the 5 1/2" + then shot perforatedThis well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor DrillingSignature of License Representative: Ralph Taylor

Signature of Well Owner or Equitable Property Holder: _____

Date: _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 11, 1998

Tim Hamilton
Box 42
Pierre SD 57501

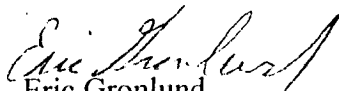
Dear Mr. Hamilton:

A well driller's report filed by Taylor Drilling shows they did some work on your well, September 23, 1997. The report indicates the well flows at 50 gallons per minute. I am writing to ensure that you are aware of the water permit requirements in South Dakota.

State law requires that a water right be obtained if the amount of water for all uses from the well exceed 25,920 gallons per day or if the flow rate from the well is greater than 25 gallons per minute. I want to emphasize that these criteria are not based on gallons per day or pump rate averaged over a week, month or year. The standard in determining whether a permit is required is the amount of water use on a peak day and the peak pump rate.

It appears that your water use may exceed the criteria set forth above. I am enclosing water permit application forms. If you have any questions about the water permitting requirements, the permitting process or do not believe a permit is needed for your intended use, please contact me.

Sincerely,


Eric Gronlund
Water Rights Program
605 773-3352

ks

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 23, 1998

Tim Hamilton
P.O. Box 42
Pierre, SD 57501

Dear Mr. Hamilton:

I am writing regarding my assessment of water right permitting issues for the Headquarter Unit of your ranch in Haakon County. You've indicated the Headquarter Unit's optimum carrying capacity is 1,360 animal units and that you are also undertaking a wildlife enhancement program on the ranch utilizing these water resources.

Discussions with the Water Rights Program were initiated after a new well was drilled for you last fall. This letter is a product of our discussions regarding permitting necessary to reflect water use at your current ranch operation including future plans.

You explained that during work on the existing well a substantial amount of the well flow was lost. For that reason, in the Fall of 1997, a new well was drilled which is connected into the plumbing for use along with the older well. You have indicated that both wells have valves and are controlled. I do not remember the exact flow rates but I believe you estimated the combined flow from the wells at 60 to 80 gallons per minute.

Over the years there have been a number of irrigation water rights obtained for this property (Nos. 1172-2, 1264-2, 1447-2, 1703-2 & 1867-2). Irrigation has not taken place for a number of years and you stated you have no immediate plans to irrigate. Generally, the water rights can be characterized as authorizing six dams, a well and a spring to be used for irrigation. See attachment which lists the legal location and capacities of the various water sources. The only place in the records that I see any reference to livestock watering is a statement on the original application for Water Right No. 1703-2 which says "livestock well overflows into main dam".

A water permit application should be filed to amend the existing water permit for the additional use of livestock watering and wildlife enhancement. Ultimately, the irrigation component will be cancelled from these water rights. I envision the amended application to specify the dams, wells and spring being used for the livestock and wildlife purposes. Additionally, the application will describe that the wells divert water via a pipeline to the dams or to a series of pasture stock tanks.

Enclosed is a partially completed water permit application. I have completed the application as an amendment to the existing water rights. The application filing fee for an amendment is \$50. Please review the application for accuracy. If more than the six dams that are described exist or if the wells flow greater than the amount listed, the application will constitute a new application and not an amendment. In this case the application filing fee will be a greater amount. Also you will need to submit a map showing the locations of the dams, wells and springs in reference to a section corner. This map needs to be signed by a Registered Land Surveyor, Registered Professional Engineer, or by a government employee who normally prepares maps as part of his/her assigned duties (NRCS, etc.). The maps you had prepared as part of the appraisal may work if they are properly signed. I assume the legal descriptions for the water system from the maps will match the locations on the application.

We also briefly discussed some of your other land/ranch holdings. A water right permit is necessary for livestock watering for diversions from wells exceeding reasonable domestic use. Reasonable domestic use is the use of water not exceeding 25,920 gallons per day (equates to 18 gpm continually) or a flow rate greater than 25 gallons per minute. Previously you indicated flow from wells at the other ranch sites did not exceed this quantity. Additionally, dams with a storage capacity greater than 25 acre feet of water should have had a location notice filed on them long ago or if they are newer dams, a water right permit should have been obtained.

Mr. Hamilton, I am not able to make this process short or simple. Please review this information carefully and make any corrections you believe are needed to accurately reflect water use at the Headquarters Unit. I know it is the goal of both of us to make sure the water rights for this property reflect the water system in place. As I've stated before this is an issue that can wait until you return to South Dakota.

Sincerely,



Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 1998

Tim Hamilton
P.O. Box 42
Pierre, SD 57501

Dear Mr. Hamilton:

I tried sending information to you in July but the Post Office returned the letter indicating you were temporarily away (see envelope). You indicated that you planned to return to South Dakota in September so I am sending this again in the hopes it reaches you.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 2413-2
for Tim Hamilton
October 20, 1998

Application No. 2413-2 proposes to add an additional diversion point and to clarify uses of water under Water Right No. 1703-2 and Water Permit No. 1867-2. These Water Rights/Permits appropriate 4.37 cfs from dams, one well and springs for irrigation and livestock watering. The permitted well is located in the SW 1/4 NE 1/4 of section 26, in T8N R23E. The six dams have a total storage capacity of 540 acre feet of water and are located in the NE 1/4, SE 1/4 of Section 26, and NW 1/4, SE 1/4 Section 36, all in T8N-R23E. The dams have historically impounded water from surface runoff, springs and overflow from the well.

This application proposes to add a diversion point and specify the uses of water. A new well located in the SE 1/4 of section 26, T8N R23E was drilled to replace diminished capacity of the existing well. Currently, the two wells flow at a rate of 0.18 cfs (80 gpm). Water is used for livestock watering, wildlife habitat and recreational purposes. Water is no longer used for irrigation. Water is distributed through pipelines to maintain the dams and to a number of pasture taps.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara is a buried sand, sandstone and shale which is under confined or artesian conditions in this area. The aquifer underlies 1.16 million acres and contains an estimated 10.46 million acre feet of recoverable water in storage in Haakon County (Allen, 1984). Also, the aquifer is continuous and hydraulically connected into all the surrounding counties to Haakon County. The aquifer does free flow at the land surface and reportedly the permitted and rehabilitated well flows about 50 gpm and has a shut in pressure of about 40 psi. This rehabilitated well was originally completed to a depth of 3760 feet into the Madison Formation. This well has now been recased and grouted and was shot perforated in zones from 2477-2505, 2510-2570, 2584-2594, 2604-2619 and 2820-3020 all in feet below land surface. The four upper sets of perforations are all in the Inyan Kara aquifer. The lower set of perforations are probably in the Minnelusa Formation. The new well will be completed to a depth of approximately 2500 feet and will be in the Inyan Kara aquifer. The new well has been completed but because of a dispute between the land owner and the driller the log has not been filed.

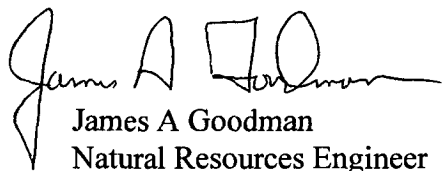
The Water Rights Program does not monitor any observation wells completed into the Inyan Kara aquifer in this area. What information is available indicates water levels declines for the Inyan Kara in Haakon County (Winter, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby existing water permits/rights from the Inyan Kara aquifer. Interference is not a concern. The nearest existing Inyan Kara well is owned by the applicant.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is confined and under artesian conditions at this site. The wells do free flow at the land surface and must be valved and controlled to prevent the waste of water.
3. This permit application limits the use of water from the two deep wells to 80 gpm. There are also dams and springs which are permitted under Water Right No. 1703-2 and Water Permit No. 1867-3. Overflow from the wells is also used to maintain water in the dams for livestock watering, wildlife and recreational purposes.
4. This system will have to be inspected to determine total water appropriation. This application includes the two wells but there is also a spring which discharges to one of the dams. If the irrigation is abandoned then the water rights/permits can be licensed to reflect the existing conditions of the system.
5. The new well authorized by this application must be constructed in accordance with SD Well Construction Standards.



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 South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, USGS Open file Report 94-320, USGS, Rapid City, SD, 57702.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2413-2, Tim Hamilton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2413-2, Tim Hamilton, P.O. Box 42, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2413-2 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) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 2413-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. The wells 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). If either well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Water Right No. 1703-2 and Water Permit Nos. 1867-2 and 2413-2 authorize six dams with a total storage capacity of 530 acre feet of water.

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 3, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

November 10, 1998

Tim Hamilton
P.O. Box 2649
Rancho Santa Fe, CA 92067

Dear Mr. Hamilton:

Water Permit Application No. 2413-2 for fish and wildlife propagation, recreation, and livestock 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 Pioneer Review printed at Philip, SD (Ph # (605) 859-2516). 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.



November 10, 1998

The Pioneer Review
Box 788
Philip, SD 57567-0788

ATTENTION: Legal Department

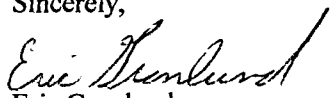
Enclosed is a Notice of Hearing on Application No. 2413-2 to Appropriate Water to be published twice. Please publish the first notice on December 3, 1998, with the second publication 7 days later.

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 Tim Hamilton, P.O. Box 2649, Rancho Santa Fe, CA 92067 (Ph # (619) 756-5455).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 2413-2

Date _____

We are in receipt of your letter of November 10, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 2413-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF HEARING on Application No. 2413-2
to Amend Water Right No. 1703-2 and Permit No.1867-2

Notice is given that Tim Hamilton, P.O. Box 42, Pierre SD 57501 has filed an application for a water permit for an additional diversion point and to clarify the water source and uses of water under Water Right No. 1703-2 and Water Permit No. 1867-2. These water rights appropriate 4.37 cubic feet of water per second (cfs) from six dams, one well and springs for irrigation and livestock watering. The permitted well is located in the SW1/4 NE ¼ Section 26, T8N, R23E. This well was originally constructed into the Madison Formation. The well has been recased into the Inyan Kara and Minnelusa Formations. The six dams have a total storage capacity of 540 acre feet of water and are located in NE1/4, SE1/4 Section 26 and the NW1/4, SE1/4 Section 36; all in T8N, R23E. The dams historically have impounded water from surface runoff, springs and overflow from the existing well.

This application proposes to add a diversion point and specify the uses of water. A new well (Inyan Kara Formation) located in the SE1/4 Section 26, T8N, R23E was drilled to replace diminished capacity of the existing well. Currently, the two wells flow at a rate of 0.18 cfs (80 gpm). Water is used for livestock watering, wildlife habitat and recreational purposes. Water is no longer used for irrigation. Water is distributed through pipelines to maintain the dams and to a number of pasture taps.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2413-2 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 Program, 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 December 21, 1998.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Notice of Hearing

on Application No. 2413-2
to Amend Water Right No.
1703-2 and Permit No. 1867-2

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

Andrea Cook, of said County and State, being duly sworn, on oath says: THE PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Editor of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 3rd day of December, 19 98 and the last publication on the 10th day of Dec., 19 98 that \$51.89 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Andrea Cook

Subscribed and sworn to before me this 11th day of December, 19 98.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources
[Publish December 3 & 10, 1998]

Tamara Ravellette

Notary Public, Haakon County

My Commission Expires
January 24, 2002



Notice is given that Tim Hamilton, P.O. Box 42, Pierre, SD 57501 has filed an application for a water permit for an additional diversion point and to clarify the water source and uses of water under Water Right No. 1703-2 and Water Permit No. 1867-2. These water rights appropriate 4.37 cubic feet of water per second (cfs) from six dams, one well and springs for irrigation and livestock watering. The permitted well is located in the SW1/4NE1/4 Section 26, T8N, R23E. This well was originally constructed into the Madison Formation. The well has been recased into the Inyan Kara and Minnelusa Formations. The six dams have a total storage capacity of 540 acre feet of water and are located in NE1/4, SE1/4, Section 26 and the NW1/4, SE1/4, Section 36; all in T8N, R23E. The dams historically have impounded water from surface runoff, springs and overflow from the existing well.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

Tim Hamilton
P.O. Box 42
Pierre, SD 57501

Dear Mr. Hamilton:

Enclosed is Water Permit No. 2413-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

26 25

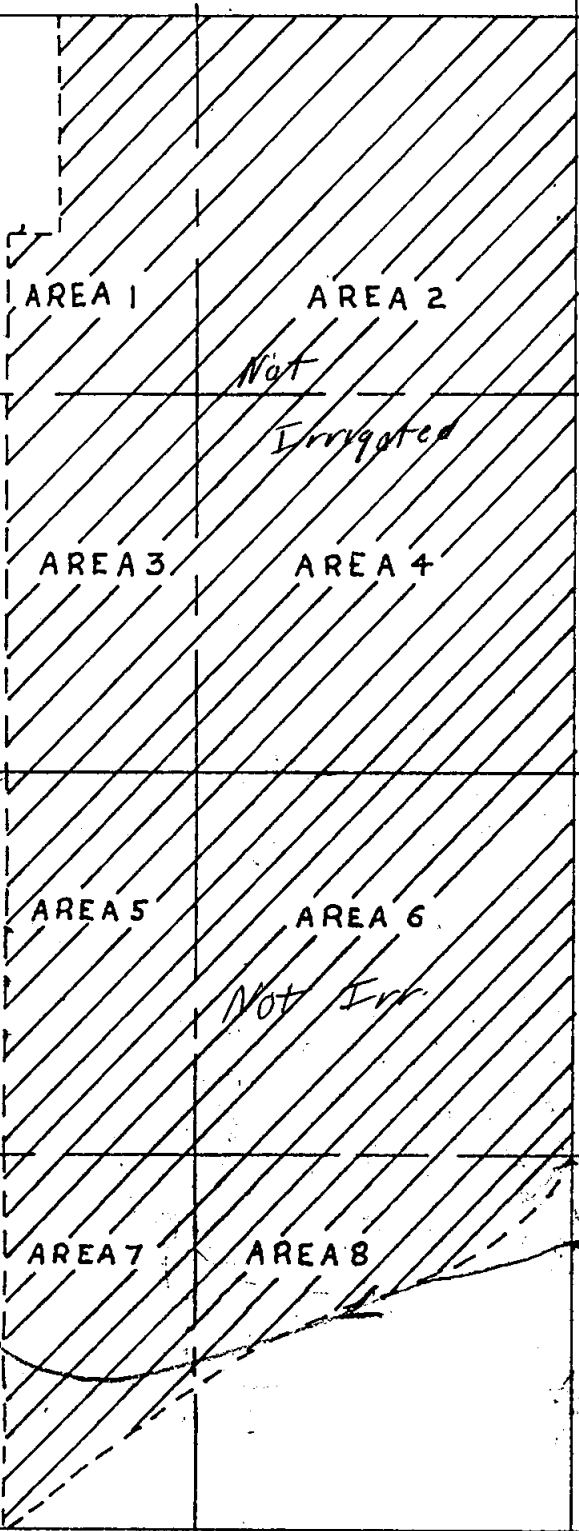
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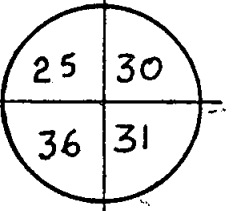
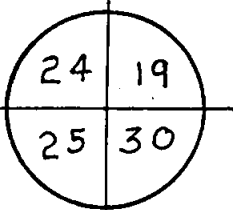
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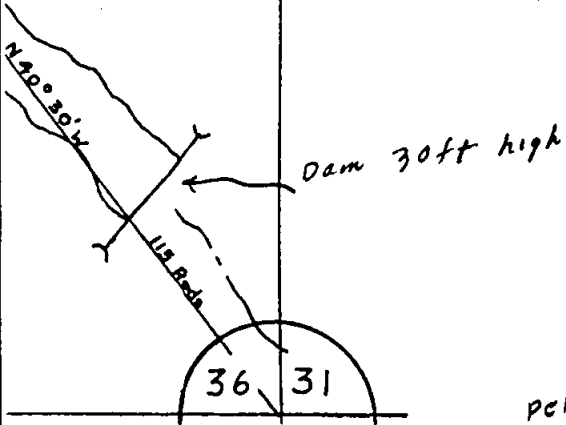
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All lands described are owned by "J. Tipps Hamilton"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ⁴ SW ⁴	25	8N	23E	16.5
2	NE ⁴ SW ⁴	25	8	23	40.0
3	SW ⁴ SW ⁴	25	8	23	20.0
4	SE ⁴ SW ⁴	25	8	23	40.0
5	NW ⁴ NW ⁴	36	8	23	20.0
6	NE ⁴ NW ⁴	36	8	23	40.0
7	SW ⁴ NW ⁴	36	8	23	16.0
8	SE ⁴ NW ⁴	36	8	23	14.5
Total					207.0

See US GS Map
or aerial map



Scale: 1" = 660'

J. TIPPS HAMILTON
IRRIGATION PROJECT NO. 3

permit # 14