

Name of Applicant: East Gregory Co. Rural Water Assoc., Inc.

Address: PO Box 217, Fairfax SD 57335

Phone: 605 654-2237

Amount of Water Claimed: 0.03 cfs add'l

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: rural water system use

County: Gregory

Type of Waste Disposal System: NA

Location: 1 mile south of Bonesteel

PRIORITY

Date Received: 12-27-1999

Fee: \$50

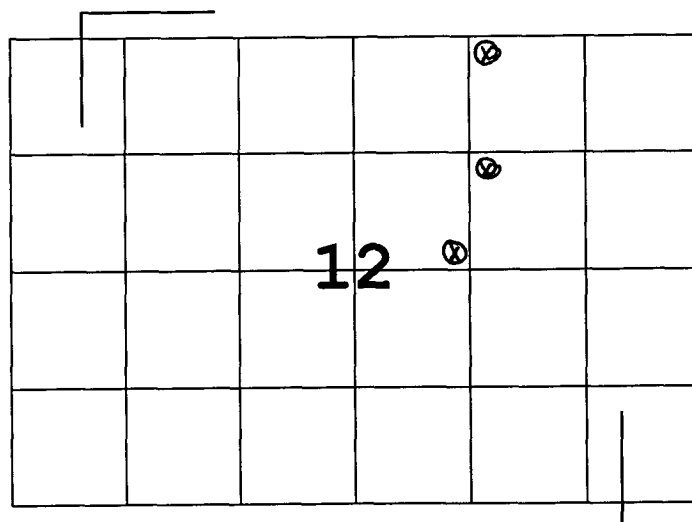
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Increases the diversion rate authorized by No. 1846-2 (0.18 cfs) and 1846A-2 (0.07 cfs) for a total of 0.28 cfs.

Diversion Point: NE ¼ Sec 12-T95N-R69W

Land to be Irrigated: NA



Depth of Well: approximately 80 feet deep

Well Driller: Grosch Irrigation Co.

Remarks:

Type of Map: topo

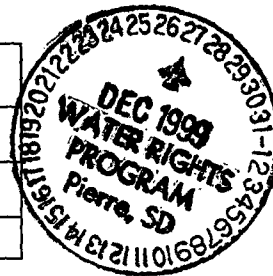
Prepared by: Jeff Shafer

Reviewed and the Number Assigned on: 12-27-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2435-2</u>	Hydrologic Unit <u>10150001</u>
	Basin <u>Niobrara Tributary</u>	
	Newspaper <u>Bonesteel Enterprise, Bonesteel, 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 Permit No. _____

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

- Name of Applicant East Gregory Co. Rural Water Assoc., Inc. Phone (605) 654-2237
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 217, Fairfax State SD 57335
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.03 ^{add} *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 wells in the NE 1/4 of
Section 12, T95N-R69W
County Gregory
- County or counties where water will be used Gregory County
- Annual period during which water is to be used Jan 1 - Dec 31
- 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)
A water permit investigation found a pumping capacity greater than permitted by Water Permit Nos. 1846-2 and 1846A-2. This application is being made to correct the situation. (.18 cfs) (.01 cfs) For total of 0.28 cfs

STATE OF SOUTH DAKOTA)

County of Gregory 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, Terry Seiler ^{for EGCRWA} 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 Terry Seiler

Subscribed and sworn to before me this 24 day of December 1999

Terry Liewer
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2435-2**

Date of first receipt of application December 27, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2435-2 to East Gregory County Rural Water Association, Inc., PO Box 217, Fairfax SD 57335 authorizing the water use system subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2435-2 appropriates 0.03 cubic feet of water per second by increasing the diversion rate authorized by Water Permit Nos. 1846-2 and 1846A-2. Water Permit Nos. 1846-2 and 1846A-2 appropriate a total of 0.25 cfs from three wells (Ogallala Formation) 80 feet deep located in the NE ¼ Section 12-T95N-R69W. This permit increases the water appropriation from the three wells, from 0.25 cfs to 0.28 cfs to reflect the developed diversion rate.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system 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. 2435-2 is March 20, 2000.
5. The date from which applicant may claim right is December 27, 1999.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 10 2000

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416311

Pierre, December 27, 1999

RECEIVED OF East Gregory County Rural Water Association, Inc., P.O. Box 217, Fairfax, SD 57335
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2435-2</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. <u>2435 2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

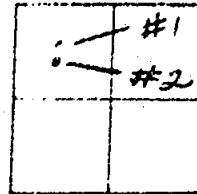
By John Hatch
Chief Engineer

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68701

Our standard \$1000.00 fee for the plan and reportable
test log is \$1000.00. If you wish to have a copy of the
test log, please call or write for information.

Date Nov. 13, 1984



Name East Gregory County Rural
Water Association

Address Highway 10, Box 100, O'Neill, NE 68701

Sec. _____ Twp. _____ Range _____
(locate test with "X")

_____ feet from _____ line.
_____ feet from _____ line.

Test No. 2

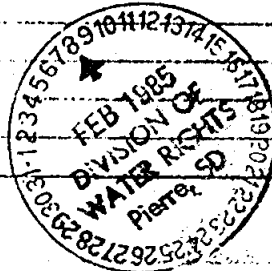
TEST LOG

Depth	Description	Drilling Notes
0	7	Clay
7	12	Fine & medium sand and gravel streaks
12	18	Clay
18	24	Fine & medium sand
24	30	Clay
30	36	Fine & medium sand
36	42	Fine & medium sand & clay layers
42	48	Fine & medium sand
48	54	Fine & medium sand & few clay streaks
54	60	Fine & medium sand
60	66	Fine & medium sand & clay layers
66	72	Medium sand
72	78	Medium sand
78	84	Medium sand, some coarse sand & clay layers
84	90	Medium sand and some coarse sand
90	96	Medium sand and coarse sand & ^{clay} streaks
96	102	Medium sand and coarse sand
102	108	Clay
108	114	Medium sand and coarse sand
114	120	Shale

Driller

Mike Zerger

Customer's Signature



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2435-2, East Gregory County Rural Water Association, Inc.**

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. 2435-2, East Gregory County Rural Water Association, c/o Terry Seiler, P.O. Box 217, Fairfax SD 57335.

The Chief Engineer is recommending APPROVAL of Application No. 2435-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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:

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.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" being more prominent than the last name "Erbele".

Garland Erbele, Chief Engineer
February 9, 2000

REPORT ON WATER PERMIT APPLICATION NO. 2435-2

for East Gregory County Rural Water Association, Inc.

January 18, 2000

Application No. 2435-2 proposes to appropriate 0.03 cfs (13 gpm) by increasing the diversion rate authorized by Water Permit Nos. 1846-2 and 1846A-2. Water Permit Nos. 1846-2 and 1846A-2 appropriate a total of 0.25 cfs from three wells approximately 80 feet deep located in the NE 1/4 of Section 12, T95N-R69W in Gregory County. This application proposes to increase the appropriation from the three existing wells, from 0.25 cfs to 0.28 cfs to reflect the developed diversion rate. The water is for use by the rural water system.

AQUIFER - OGALLALA (OG)

The Ogallala Group (also called the Valentine in this area) is a surficial sand, sandstone and clay which is under water table conditions in this area. The aquifer underlies 193,280 acres and contains an estimated 1.93 million acre feet of recoverable water in storage in Gregory County (Allen, 1984). The aquifer has been studied extensively for the City of Bonesteel and East Gregory Rural water in this area especially looking at the water chemistry (Barari, 1976). This is an existing system and has been in use for many years. This application was filed to reflect an inspection for the purpose of licensing Water Permit Nos. 1846-2 and 1846A-2.

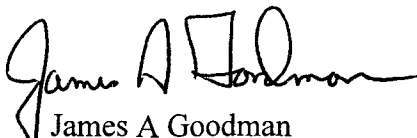
The Water Rights Program monitors two observation wells (GY-78C and GY-78D) completed into the Ogallala in this immediate area. Water levels for these wells show remarkable correlation with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these two observation wells are included with this report. Note that water levels are presently six and twelve feet higher than when the wells were drilled indicating significant recharge (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are existing permits/rights for the towns of Bonesteel and Fairfax in the area. The closest of these permits is about one-half mile distant. At this distance between diversions and with the relatively small pumping rates interference is not a concern. Drawdown created by this pumping should not be significant nor extend very far from the individual production well. The observation well hydrographs illustrate that pumping effects are not significant.

CONCLUSIONS

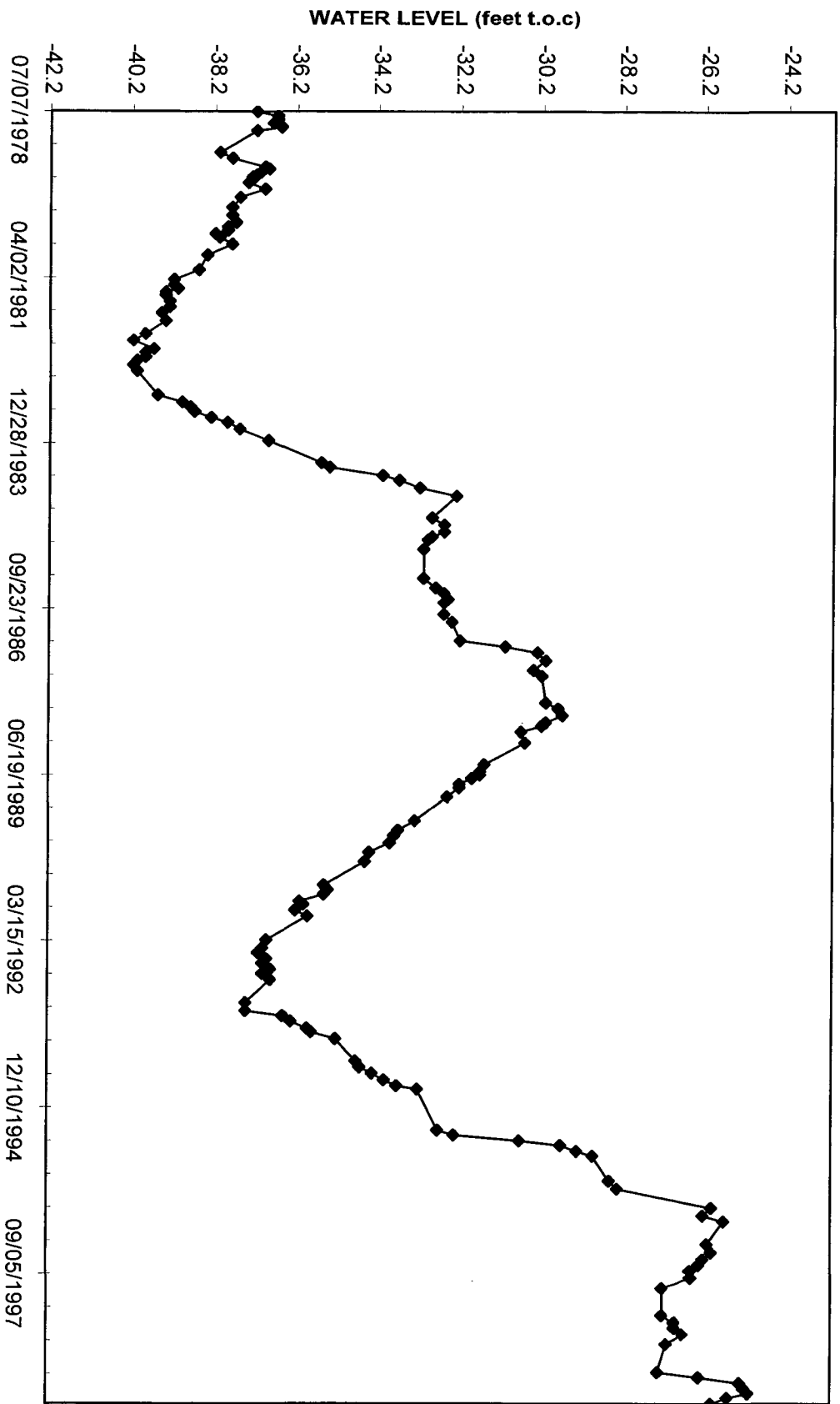
1. Water is available from the Ogallala aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping at this new rate will not adversely affect other uses in the area. Interference is not a concern.
3. This application is a result of an inspection by Water Right's Staff which indicated that the permitted diversion rate was not large enough. Approval of this application will allow this system to be licensed as the system is built.


James A Goodman
Natural Resources Engineer

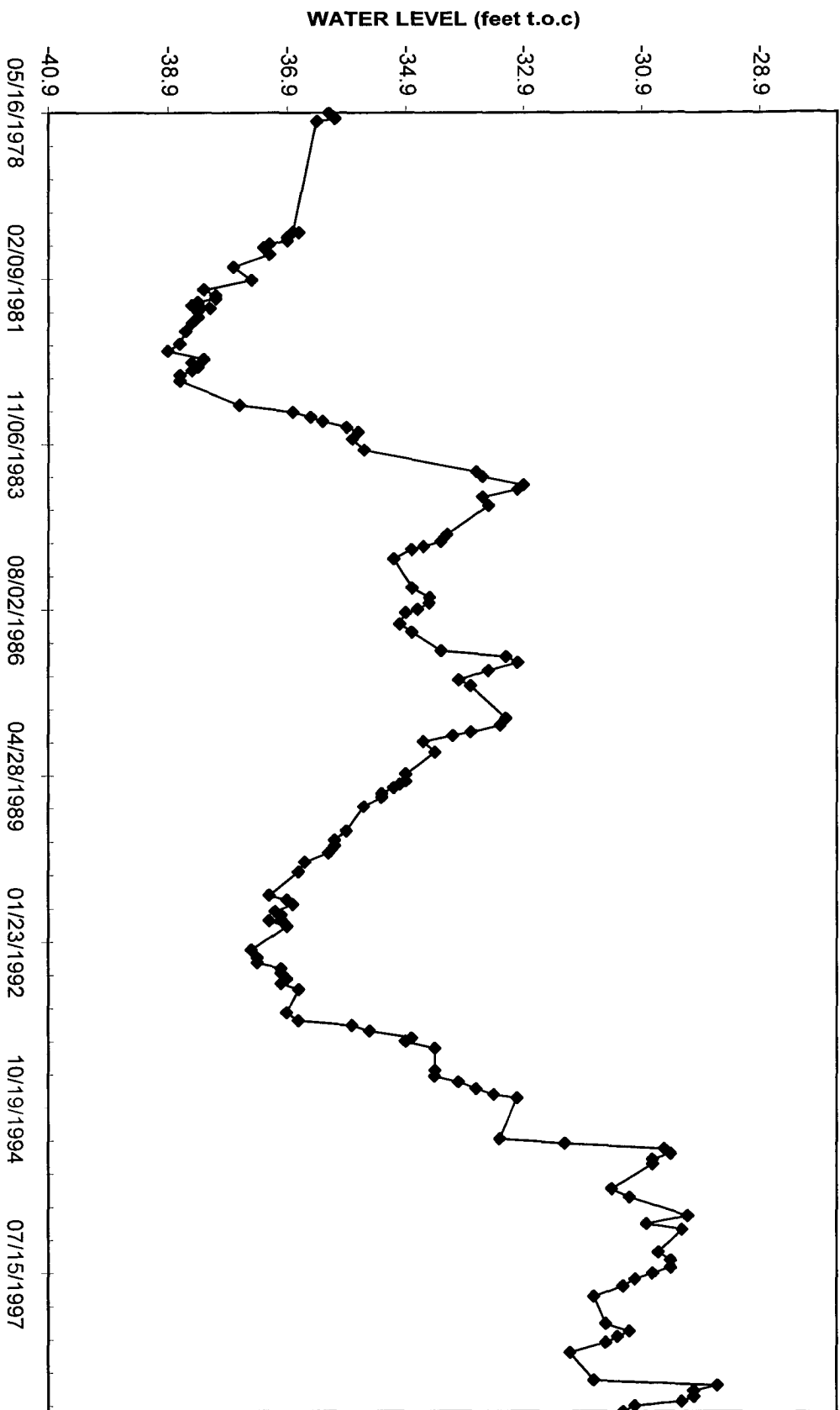
BIBLIOGRAPHY

- Barari, A., D. Beissel, 1976, Ground-Water study for the city of Bonesteel and East Gregory Rural Water District, 3-UR, DENR, SDGS, Vermillion, SD, 57069.
- 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.
- Water Rights, 2000, Unpublished Observation Well Data for Gregory County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GY-78C



WATER RIGHTS' OBSERVATION WELL
GY-78D





**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.

February 10, 2000

East Gregory Co. Rural Water Association, Inc.
%Terry Seiler
P.O. Box 217
Fairfax, SD 57335

Dear Mr. Seiler:

Water Permit Application No. 2435-2 for rural water system 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 Bonesteel Enterprise printed at Bonesteel, SD (Ph # (605) 654-2678). 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
www.state.sd.us/denr

February 10, 2000

Bonesteel Enterprise
Box 170
Bonesteel, SD 57137-0170

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2435-2 to Appropriate Water to be published twice. Please publish the first notice on February 17, 2000, 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 East Gregory Co. Rural Water Association, Inc., %Terry Seiler, P.O. Box 217, Fairfax, SD 57335 (Ph # (605) 654-2237).

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-----

No. 2435-2

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

Date _____

We are in receipt of your letter of February 10, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 2435-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 17, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2435-2 to Appropriate Water
to Amend Water Permit Nos. 1846-2 and 1846A-2

Notice is given that East Gregory Co. Rural Water Association, Inc., PO Box 217, Fairfax SD 57335 has filed an application for a water permit to appropriate 0.03 cubic feet of water per second by increasing the diversion rate authorized by Water Permit Nos. 1846-2 and 1846A-2. Water Permit Nos. 1846-2 and 1846A-2 appropriate a total of 0.25 cfs from three wells (Ogallala Formation) 80 feet deep located in the NE ¼ Section 12-T95N-R69W. This application proposes to increase the water appropriation from the three wells, from 0.25 cfs to 0.28 cfs to reflect the developed diversion rate. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2435-2 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 March 6, 2000.

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.

Water Rights Program - File Documentation

NAME: East Gregory Co Rural Water Association, Inc.

ADDRESS: PO Box 217, Fairfax

DATE: 2-28-2000 **COUNTY:** Gregory **TELEPHONE:** 605654-²⁶⁷⁸~~2237~~

RE: Publication Notice

COMMENTS:

I called the Bonesteel Enterprise requesting the affidavit of publication. David from the paper said the notice was published on Feb 17 and not on Feb 24. I told David that the notice was invalid and would have to be republished again for 2 consecutive weeks.

I told him it could be published on the March 2 and 9. The date in the last sentence of the 3rd paragraph should be changed to March 20, 2000. David said that is what they would do.

I informed David that I would follow-up with a letter to East Gregory Co. RWS explaining the situation.

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 2000

East Gregory Co. Rural Water Association, Inc.
%Terry Seiler
P.O. Box 217
Fairfax, SD 57335

Dear Mr. Seiler:

I am writing to advise you that the legal notice of hearing on Water Permit Application No. 2435-2 was published incorrectly by the Bonesteel Enterprise. Our instructions to the paper stated the notice should be published on February 17, 2000 with the second publication 7 days later.

The paper has indicated the notice was published on February 17 but not on February 24. South Dakota water laws requires that public notice shall be provided for two successive weeks. As a result of the error, the legal notice will need to be readvertised. The readvertisement is needed to ensure the permit is free of legal problems due to inaccurate and incomplete public notice.

The Bonesteel Enterprise has indicated they will publish the notice on March 2 and 9, 2000. Enclosed is a copy of the Notice.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

c: Bonesteel Enterprise



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 29, 2000

Bonesteel Enterprise
Box 170
Bonesteel, SD 57137-0170

ATTENTION: David

Regarding our phone conversation yesterday, enclosed is the Notice of Hearing on Application No. 2435-2 to Appropriate Water to be published March 2 and 9, 2000. This is the notice which you indicated was published only on February 17, 2000.

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,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosures

-----CUT HERE-----

No. 2435-2

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

Date _____

We are in receipt of your letter of February 29, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 2435-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF APPLICATION NO. 2435-2 to Appropriate Water
to Amend Water Permit Nos. 1846-2 and 1846A-2

Notice is given that East Gregory Co. Rural Water Association, Inc., PO Box 217, Fairfax SD 57335 has filed an application for a water permit to appropriate 0.03 cubic feet of water per second by increasing the diversion rate authorized by Water Permit Nos. 1846-2 and 1846A-2. Water Permit Nos. 1846-2 and 1846A-2 appropriate a total of 0.25 cfs from three wells (Ogallala Formation) 80 feet deep located in the NE ¼ Section 12-T95N-R69W. This application proposes to increase the water appropriation from the three wells, from 0.25 cfs to 0.28 cfs to reflect the developed diversion rate. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2435-2 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 March 20, 2000.

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.

Affidavit of Publication

STATE OF SOUTH DAKOTA.

ss.

COUNTY OF GREGORY

Carol A. Perlman of said county, being first duly sworn, on oath says, that she is Publisher of the Bonasteel Enterprise a weekly newspaper printed and published in the City of Bonasteel in said County of Gregory and has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained

at said place of publication; that the *Notice of Application To Appr. Water.*

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least

once in each week *Two* successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

March 2nd 2000
March 9th 2000
19
19
19
19
19
19

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication thereof are

\$ *36.75*

Carol A. Perlman

Subscribed and sworn to before me, this *9th*

day of

March A. D. *2000*
David Perlman
Notary Public.

NOTICE OF APPLICATION NO. 2435-2 to Appropriate Water to Amend Water Permit Nos. 1846-2 and 1846A-2

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(42-43)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

2435-2

East Gregory County Rural Water Association, Inc.
%Terry Seiler
P.O. Box 217
Fairfax, SD 57335

Dear Mr. Seiler:

Enclosed are Water Permit and Water License No. 2435-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2435-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

ks
enclosures

NOTE: The applicable portions of Nos. 1846-2 and 1846A-2 are incorporated into Water License No. 2435-2.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 1999

Terry Seiler
East Gregory County Rural Water System
PO Box 217
Fairfax, SD 57335

Dear Mr. Seiler,

I am writing in regard to the October, 1999 licensing investigation of Water Right Permit Nos. 1846-2 and 1846A-2.

During the investigation it was found that the East Gregory County Rural Water System was capable of diverting a total of 0.28 cfs from the 3 wells authorized by their permits. The total authorized diversion rate by the permits is 0.25 cfs. To correct this problem the rural water system will need to make an application for the additional 0.03 cfs so that you are permitted for the capacity of your pumps. This will be in your best interest in protecting your water rights.

I have included the partially completed form. If everything is correct on the form, all you need to do is have your notarized signature on the application and send in the application fee (\$50) and investigation fee (\$50) for a total of \$100. You will also be responsible for the cost of publication for the Notice of Application. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Jeff Shafer
Natural Resources Engineer
Water Rights Program

Permit No. 2435-2
Niobrara Tributary - 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

On, October 27, 1999, I made a thorough examination of the water use system constructed by East Gregory County Rural Water Association, Inc. of PO Box 217, Fairfax, SD 57335 holder of Permit Nos. 1846-2, 1846A-2 and 2435-2, bearing the priority of June 2, 1983, September 29, 1984 and December 27, 1999 authorizing the diversion of 0.18, 0.07 and 0.03 cu. ft. of water per second of groundwater for rural water system purposes, in Gregory County.

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

A. Works used to divert the water:

3 wells and submersible electric pumps

The system is in the following condition Excellent. The points of diversion are located Well #1 - 180' south and 1180' west (NE ¼ NE ¼); Well #2 - 1370' south and 1180' west (SE ¼ NE ¼); Well #3 - 2460' south and 1390' west; all from the NE corner of Section 12, T95N-R69W. The works are capable of diverting and conveying to the place of use 0.28 cu. ft. per second of water which is to be used for rural water system purposes.

The license should be issued for 0.28 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None

Inspected by Jeff Shafer, staff engineer. Inspection report reviewed by:



Mark Rath
Natural Resources Engineer
Water Rights Program

3/21/2000

Date

REPORT ON INSPECTION OF PERMIT NO. 2435-2

DATE OF INSPECTION: October 27, 1999

Other permit(s) associated with the project: 1846-2, 1846A-2 and 2435-2

Contact Person & Address: Terry Seiler, PO Box 217, Fairfax, SD 57335

DIVERSION POINT LEGAL LOCATION: Well 1 – NE ¼ NE ¼ Section 12; Well 2 – SE ¼ NE ¼ Section 12; and Well 3 – SW ¼ NE ¼ Section 12; All T95N-R69W

WATER SUPPLY Source: Groundwater – Ogallala (Valentine)

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Grosch Irrigation Co.</u> | 2) No. of Wells <u>3</u> |
| 3) Depth(s) <u>approximately 80</u> feet | 4) Well log is available <u>Yes</u> |

Casing:

- | | |
|-----------------------------|-------------------------|
| 1) Diameter <u>#</u> inches | 2) Length <u>#</u> feet |
| 3) Type <u>#</u> | |

Screen:

- | | |
|-------------------------------------|-------------------------|
| 1) Type <u>#</u> | 2) Length <u>#</u> feet |
| 3) Static water level <u>#</u> feet | |

Pumps:

- | | |
|-------------------------------------|---------------------------|
| 1) Make <u>Franklin Submersible</u> | 2) Model <u>unknown</u> |
| 3) Size <u>3"</u> | 4) Capacity <u>60</u> GPM |
| 5) Horsepower rating <u>#</u> hp | |

- | | |
|-------------------------------------|---------------------------|
| 1) Make <u>Franklin Submersible</u> | 2) Model <u>unknown</u> |
| 3) Size <u>3"</u> | 4) Capacity <u>60</u> GPM |
| 5) Horsepower rating <u>#</u> hp | |

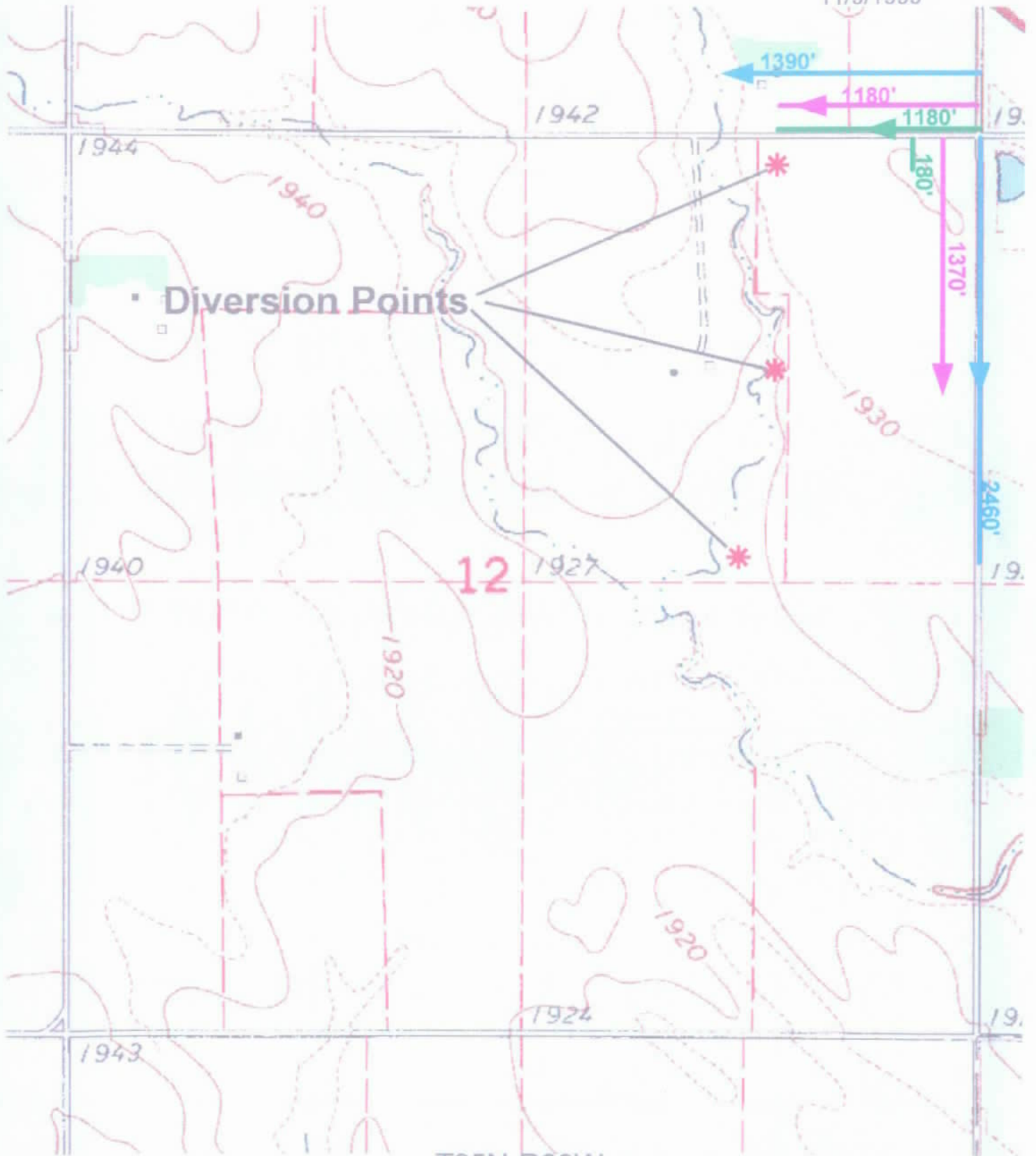
- | | |
|------------------------------------|--------------------------|
| 1) Make <u>Roberts Submersible</u> | 2) Model <u>unknown</u> |
| 3) Size <u>1 ¾"</u> | 4) Capacity <u>5</u> GPM |
| 5) Horsepower rating <u>#</u> hp | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|--|
| 1) Special qualifications to permit being abided by <u>Yes</u> |
| 2) All structures, wells and lands on map <u>Yes</u> |

Inspection Map Water Permit No. 1846A-2

11/9/1999



0 0.1 0.2 0.3 0.4 0.5 Miles

T95N-R69W

Prepared By:

Jeff Shafer

Jeff Shafer

Natural Resources Engineer

2435-2

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2435-2

(1) East Gregory County Rural Water Association, Inc., PO Box 217, Fairfax SD 57335 made Application No. 2435-2, December 27, 1999 for a water permit to divert an additional 0.03 cubic feet of water per second (cfs) from groundwater (three wells), Gregory County, South Dakota for rural water system use purposes. Permit No. 2435-2, with a priority date of December 27, 1999 was approved March 20, 2000 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1846-2, with a priority date of June 2, 1983 authorized 0.18 cfs. Water Permit No. 1846A-2, with a priority date of September 29, 1984 authorized 0.07 cfs. The applicable portions of Nos. 1846-2 and 1846A-2 are incorporated into Water License No. 2435-2.

(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 0.28 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 180 feet south and 1,180 feet west (NE ¼ NE ¼); Well #2 – 1,370 feet south and 1,180 feet west (SE ¼ NE ¼); and Well #3 – 2,460 feet south and 1,390 feet west (SW ¼ NE ¼); all from the northeast corner of Section 12-T95N-R69W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to serve users in Gregory County.

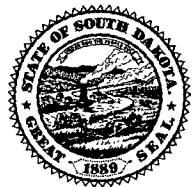
(4) Pursuant to South Dakota Water Law 46-5-30.1 East Gregory County Rural Water Association, Inc., PO Box 217, Fairfax SD 57335 the holder and/or owner of Incorporated Water Right No. 2435-2 is issued a license to appropriate water, the right to use 0.28 cubic feet of water per second from groundwater (three wells) with priority dates of June 2, 1983 (0.18 cfs), September 29, 1984 (0.07 cfs) and December 27, 1999 (0.03 cfs) from the locations specified in (2) of this license for rural water system use. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 2435-2 and subject to South Dakota State Law.



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

APR 10 2000

date





2435-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 24, 2017

1719-2
2435-2

Russ Phillips, Mgr
Tripp County Water User District
1052 W 1st St
Winner SD 57580

Dear Mr. Phillips:

I am writing in regard to Water Right Nos. 1719-2 and 2435-2, held by the East Gregory County Rural Water Association. Enclosed are copies of the water rights for your review.

On August 23rd, John Farmer, a staff engineer with our program spoke with you regarding the wells authorized under these water rights. It is our understanding the wells are now the property of the Tripp County Water User District. The water rights should be transferred to the district to reflect current ownership.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please complete as needed and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions regarding the enclosed materials, let me know. You can keep the copies of the water rights; the only things you need to return are the transfer forms and filing fees.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

**Tripp County Water User District
1052 West 1st Street
Winner, South Dakota 57580**

RECEIVED ²⁴³⁵⁻²
SEP 19 2017
**WATER RIGHTS
PROGRAM**

Phone (605) 842-2755

Fax (605) 842-1621

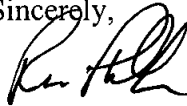
September 12, 2017

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RE: Water Right Transfer Ownership

Dear DENR,
Please find enclosed the paperwork to transfer the ownership of the old East Gregory RWS Water Rights to Tripp County Water User District. Also please find enclosed a check for \$100.00, which is to cover the filing fees.

Thank you

Sincerely,

Russ Phillips
Manager

RTP/lks

ENC: (2) Two - Notice to Transfer Ownership of Water Rights / CK# 20298 - \$100.00
CC: File

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 19, 2017

RECEIVED OF Tripp County Water User District 1052 W 1st St Winner, SD 57580-2704

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	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 <u>2435-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08336**

By Jeanne Goodman
Chief Engineer

Jm

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2435-2

Date: 9/7/17

I/We request that Water Right No. 2435-2

formerly owned by: East Gregory County RWS

be transferred to: (name & address) Tripp County Water User Dist.

1052 West 1st Street

Winner SD 57580

Telephone No. 842-2755

Title to the following described land(s)/property has been transferred as described above:

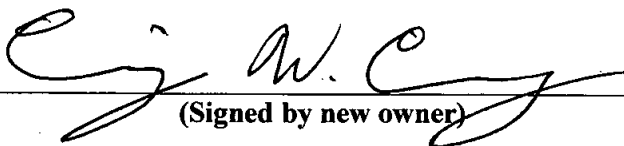
three wells located in the NE 1/4 NE 1/4, SE 1/4 NE 1/4 and SW 1/4 NE 1/4 Section 12, T95N, R69W

I/We understand that the validity of Water Right No. 2435-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Tripp County Water User Dist., the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 19, 2017

1719-2
2435-2

Russ Phillips, Mgr
Tripp County Water User District
1052 W 1st St
Winner SD 57580

Dear Mr. Phillips:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1719-2 and 2435-2.

The ownership changes have been completed. Water Right Nos. 1719-2 and 2435-2, formerly held by East Gregory County RWS are now listed under Tripp County Water User District.

Thank you for following up on the ownership changes. Enclosed for your records are Receipt Nos. 08335 and 08336. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures