

794.2

1. Considered 5-1, 1963
2. Name of Applicant Town of Buffalo Gap
3. Post Office Address _____
4. Amount of water claimed 4
5. Source of water supply Artesian Ground Water (Cannon)
6. Water to be used for MUNICIPAL
Acres to be irrigate _____
7. Water to be diverted and used in CUSTER County
about _____ miles SE IN S.W. 1/4
8. Proof of Publication
Received ☒
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 79A-2Water Division No. 2FALL RIVER

District

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION
VERMILION, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant TOWN OF BUFFALO GAP
 Postoffice address BUFFALO GAP, County CUSTER, State SOUTH DAKOTA

- I. If a corporation _____
 (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ 26,000.00 (e) Other resources, \$ _____

2. Name of diversion work BUFFALO GAP TOWN WELL No. 2
 3. Amount of water claimed 200 GPM cubic feet per second 0.4
 4. Source of water supply FALL RIVER - LAKOTA FORMATION
 5. Location of point of diversion IN SW $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 29, T6S, R7E, 3HM, N62°W 670 FEET FROM
S.E. CORNER OF SAID SW $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 29 on _____ bank _____ County.
 6. Annual period or periods during which water is to be used ALL YEAR
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? FOR TOWN'S
MUNICIPAL WATER SUPPLY.
 (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) MUNICIPAL WATER SUPPLY FOR THE
TOWN OF BUFFALO GAP.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use FIRE PROTECTION
 Name any of the above uses claimed
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____

- (e) Point where water will be returned to stream _____
 BY AT TIMES WHEN EXPOSED WELL MAY BE "DOWN" FOR PUMP REPAIRS OR OTHER REASONS.

MAP No 683-2

8. Estimated cost of work:

WELL \$25,000.00
 (a) Head Gates, \$-----
 (b) Pumping plant, \$-----
 (c) Flumlag, \$----- (d) Canal earth, \$-----
 (e) Other structures PIPELINE & MISCELLANEOUS, \$500.00
 Rock, \$-----
 Total, \$25,500.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

WELL, PUMP AND PIPELINE TO PRESENT MUNICIPAL WATER SYSTEM.

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
 material used in construction-----
 (b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
 Material-----
 (d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work TWO years.
 11. Time required for complete application of water to the proposed beneficial use TWO years.
 12. Choice of newspaper for publication of notice of intention to appropriate CUSTER CHRONICLE

STATE OF SOUTH DAKOTA

County of CUSTER ss.

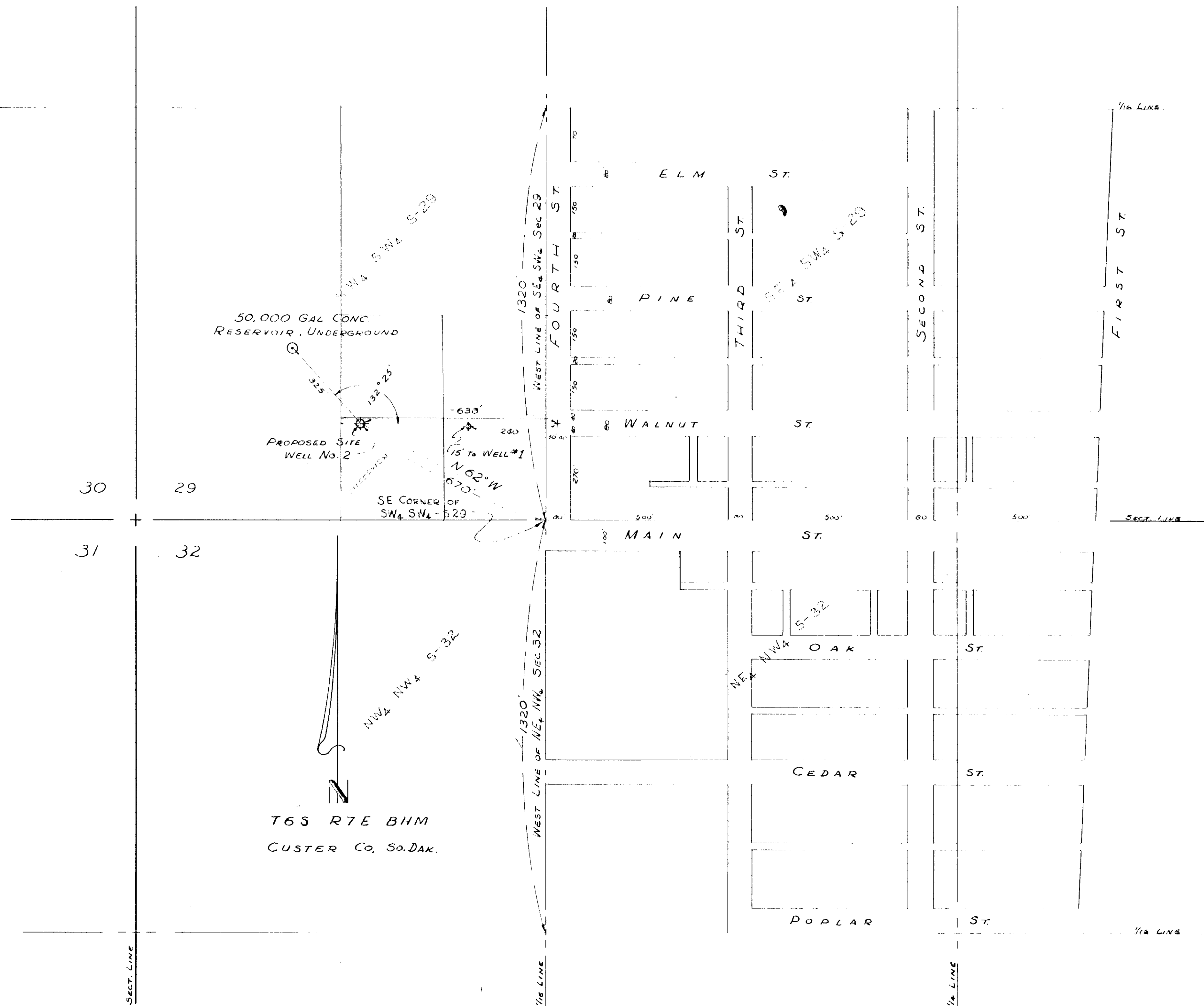
LOYD A. THURSTON, CHM. OF TOWN BOARD ACTING FOR & AS THE TOWN OF BUFFALO GAP,

I, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Lloyd A. Thurston,
 CHAIRMAN OF BUFFALO GAP TOWN BOARD

Subscribed and sworn to before me this 7th day of April 1912

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, FRANK R. BRADY, LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE DIRECTION OF THE BUFFALO GAP TOWN BOARD I HAVE SURVEYED THE LOCATION OF THE PROPOSED BUFFALO GAP TOWN WELL NO. 2 AS SHOWN HEREON. THE BEARINGS AND DISTANCES ARE AS SHOWN.

Frank R. Brady
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYOR

BE IT REMEMBERED THAT ON THIS 4TH DAY OF MARCH, 1963 BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED FRANK R. BRADY KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE. MY COMMISSION EXPIRES

George A. O'Leary
NOTARY PUBLIC

LOCATION OF PROPOSED
WELL NO. 2

BUFFALO GAP, SO. DAK.

Brady Engineering Consulting Engineers Spearfish, South Dakota	W-53 Drawn By: MCB Checked by: F.R.B.	Scale: 1" = 200' Date: MARCH 63 Sheet 1 of 1
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MAP NO. 623-2 (APPROX. 1962)

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 10, 1963

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
a.m. upon the 11TH day of MARCH, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 794-2

Date of first receipt of application MARCH 11, 1963

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right MARCH 11, 1963

Approved MAY 1, 1963, Recorded in Book 8 Page 69

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 1, 1964

2nd. The whole of said work is to be completed on or before MAY 1, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1967

4th. The water appropriated shall be used for the purpose of MUNICIPAL USE

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 40 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water is actually

USED FOR MUNICIPAL PURPOSES

and beneficially applied for irrigation on or before MAY 1, 1967; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 10TH day of MAY, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 20, 1975

Water License Issued JUNE 20, 1975

Form 2A — Wells (Supplement to Form 2)

FOR THE PRESENT, THE TOWN WILL PROBABLY INSTALL A SMALLER PUMP TO PRODUCE APPROXIMATELY 100 GPM, BUT ARE APPLYING NOW FOR A 200 GPM APPROPRIATION FOR FUTURE NEEDS.

9. (Continued)

III. Well Specifications

- (a) Hole and casing 12" - - - - - 800'
Size of drill hole or excavation 8" - - - - - Depth 1,500' ±
Type of casing STEEL
(wood, concrete, steel, etc.)
Size of casing 8" - - - - - Thickness of casing APPROX. 0.25"
Length of casing 6" - 600' ± If collection gallery, length, size and depth of gallery
(b) Screens DEPENDING ON NATURE OF FORMATION MAY OR MAY NOT BE INSTALLED.
Type of perforated screen STAINLESS STEEL - WIRE WOUND
Size of perforated screen 4" EST. 100' EST.
(diameter) (length)
Thickness of gravel pack 1" , length of gravel pack 100' EST.
(c) Water Bearing Materials
Distance to water 1,400' Character of water bearing materials
LAKOT. SANDSTONE
Thickness of water bearing material 100' EST.
(d) Pump and Motor
Type of pump SUBMERSIBLE
(centrifugal, propeller, mixed flow, etc.)
Name of pump NOT DETERMINED size NOT DETERMINED
Kind of motor ELECTRIC
(gasoline, electric, diesel, etc.)
Horsepower 30** EST. Name of Motor NOT DETERMINED
(e) Complete well
Capacity EST. 200 GPM at drawdown of 300' EST. Estimated cost \$25,000.00
(f) Owner of land upon which well is located TOWN OF BUFFALO GAP
Name
BUFFALO GAP, SOUTH DAKOTA
Address
(g) Distance to nearest existing wells
On same owner's property 24* rods. On property owned by others OVER 1/2 MILE

*TOWN DOES NOT PLAN TO CONTINUE USE OF PRESENT WELL EXCEPT AS A STANDBY AT TIMES WHEN SUSPECTED WELL MAY BE "DOWN" FOR PUMP REPAIRS OR OTHER REASONS.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 794-2

(1) WHEREAS, On the 11th day of March A. D. 19 63
the Town of Buffalo Gap

made Water Right Application No. 794-2 for a permit to use .44 cubic feet per second of the waters
of artesian ground water

County of Custer State of South Dakota, for municipal

purpose; and
(2) WHEREAS, On the 10th day of May A. D. 19 63

Permit No. 794-2, with a date of priority of March 11, 1963

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 1st day of May A. D. 19 65 and for the
application to beneficial use of said water on or before the 1st day of May A. D. 19 67

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .22 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

water is used for municipal purposes by the Town of Buffalo Gap

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the Town of Buffalo Gap

~~XX~~

the holder _____ and owner _____ of said permit No. 794-2 a water right dating from March 11, 1963
to use of .22 cubic feet per second of the waters
of artesian ground water
in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point N62°W, 670 feet from the SE corner,
Section 29, T6S, R7E

ed
and conducted ~~XXXXXX~~ through the Town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 794-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of June A. D.
Nineteen Hundred and seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer
Vern W. Butler, Acting

Form 15.

Permit No. 794-2

Water Diversion No. 2 Fall River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Buffalo Gap

_____ the holder _____ of
Permit No. 794-2, issued upon Application No. 794-2, bearing date of priority of March 11,
1963 authorizing the diversion of 4 cu. ft. per second of the waters of _____
artesian ground water County of Custer, State of South Dakota at _____
a point N62°W, 670 feet from the SE corner, Section 29, T6S,
R7E
_____, for municipal

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .22 cu. ft. per second of water.

Date June 24, 1975

By: **WATER RIGHTS COMMISSION**

**Vern W. Butler, Acting
Chief Engineer**

on or before
(First Publication April 4, 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 15, 1963

Notice is hereby given that the Town of Buffalo Gap

S. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

cubic feet of water per second of time from the artesian ground water through the

Buffalo Gap Town Well #2, the point of diversion of which is to be located

in the SW 1/4 of the SW 1/4 of Section 29

Twp. 6S Range 7E. Said water to be used for the purpose of providing

XXXXXX

municipal supplies for the town of Buffalo Gap

XXXXXX purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 1st day of May, 1963, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:
BURTON F. JONES
Water Right Specialist

CC: Carl H. Sundstrom, Publisher
Custer County Chronicle
Custer, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County Custer

Carl H. Lundberg being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

_____ a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

_____ of _____ County of

_____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 20, 1963, April 11, 1963,
1963

in each and every issue of the full number thereof, the first publication being made on the _____ day of _____

19____ and the last publication on the _____ day of _____

April 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 10 day of _____ A. D. 1963

James Y. Lundberg
Notary Public _____ County, S. D.

Case No. 794-2
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak.
March 10, 1963
Notice is hereby given that the
Town of Buffalo Gap, S. Dak.,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 4 cubic feet of wa-
ter per second of flow from ar-
tesian ground water through the
Buffalo Gap Town Well No. 2,
the point of diversion of which
is to be located in the SW 1/4 of
the SW 1/4 of Section 29, Twp. 6S
Range 7E. Said water to be used
for the purpose of providing mu-
nicipal supplies for the town of
Buffalo Gap.
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
1st day of May, 1963, at 2 P.M.
All interested persons may ap-
pear and be heard.
Appropriate action will be tak-
en by the Water Resources Com-
mission after suitable time has
elapsed for the consideration of
any or all information presented.
State Water Resources
Commission
B: BURTON F. JONES,
Water Right Specialist
0173A18

RECEIVED
APR 22 1963

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 794-2Water Division 2 Fall River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Town of Buffalo
Gap of Buffalo Gap, South Dakota holderof Permit No. 794-2, bearing date of priority of March 11, 1963authorizing the diversion of 4 cu. ft. per second of the waters of ground water
for municipal purposes, in Custer County.

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

The Water Use System consists of,

A. Works used to divert the water:
980 ft. - 8 in. diameter steel well with a brass screen.
Reca pump - 6" - Serial No. 5-4816, Mo. No. 62014-61105
Electric 3-phase 20 h.p. motor - serial no. 5-28597

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

Cast iron 6" to 4" - 5500 feet

C. Works used to apply water to beneficial use.

Storage reservoir - 50,000 gal. underground concrete
3/4" - 1 1/2" plastic take-off lines for 62 service connections.

The system is in the following condition: excellent

The point of diversion is located in SW 1/4 SW 1/4 Sec 29, T6S, R7E, B.Y.M. N62° W
670 feet from SE Corner of Sec 29, T6S, R7E

The works are capable of diverting and conveying to the place of use 223cu. ft. per second of water which is to be used for municipal purposes

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Send to: Guy Simpson
Chairman of City Board
Buffalo Gap, S.D.

Date 5/6/75

Thomas Gardner
(Signature)
Thomas Gardner
Water Resources Engineer

TAKEN FROM:

5065 RI No. 4

LOGS OF SOME DEEP WELLS IN WESTERN SD

BY E.P. ROTHBOK

794-2

BUFFALO GAP WELL

LOCATION: SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, SEC. 29, T. 6 S., R. 7 E., CUSTER
COUNTY

OWNER:

DRILLER: NORBECK COMPANY

DATE OF DRILLING: COMPLETED AUGUST, 1935

CURB ELEVATION: 3277.4'

SOURCE OF INFORMATION: HAROLD NORBECK

FEET

0 -	7	BLUE SHALE
7 -	20	GRAY SHALE
20 -	30	GRAY SHALE WITH THIN LIMESTONE SHELLS
30 -	75	BLUE SHALE
75 -	90	GRAY SHALE WITH SOME LIMESTONE SHELLS;
90 -	180	BLACK SHALE /SOME WATER
180 -	200	DARK GRAY SHALE
200 -	230	GRAY SHALE
230 -	250	BLACK SHALE
250 -	270	GRAY SHALE, SOME BENTONITE
270 -	340	GRAY SHALE
340 -	390	BLUE SHALE
390 -	400	BLUE SHALE, SOME BENTONITE
400 -	420	GRAY SHALE
420 -	490	BLACK SHALE
490 -	510	BLACK SHALE WITH BENTONITE
510 -	610	DARK GRAY SHALE, SLIGHTLY SANDY
610 -	780	SANDY DARK GRAY SHALE
780 -	870	GRAY SHALE
870 -	980	DARK GRAY SHALE
980 -	1070	DARK GRAY SHALE AND BLACK SHALE
1070 -	1090	DARK GRAY SHALE
1090 -	1100	BLACK SHALE
1100 -	1110	DARK GRAY SHALE
1110 -	1120	RED BROWN SHALE, NO SAMPLE COULD BE OBTAINED
1120 -	1130	BUFF SAND
1130 -	1150	FINE BUFF SAND
1150 -	1160	SAND WITH SHALE AND IRON
1160 -	1180	DARK GRAY SHALE WITH SAND AND COAL
1180 -	1190	SANDY SHALE, COAL, LIME AND IRON
1190 -	1212	LIGHT GRAY SHALE
1212 -	1220	BUFF SAND, MEDIUM FINE
1220 -	1260	DARK SHALE WITH LIME
1260 -	1275	GRAY SHALE
1275 -	1280	GRAY SAND, MEDIUM FINE
1280 -	1285	SANDY SHALE

1285 - 1300	LIGHT GRAY SHALE WITH LIME
1300 - 1400	GRAY SHALE WITH LIME
1400 - 1436	SANDY DARK GRAY SHALE WITH LIME
1436 - 1440	SANDY BUFF SHALE
1440 - 1500	LIGHT GRAY SHALE, MUCH LIME
1500 - 1515	DARK GRAY SHALE
1515 - 1538	DARK GRAY SHALE WITH LIME; NO SAMPLES

Permit No. 2351-2 \ 794-2
Custer County

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501
Other permit/license(s) associated with project: Water License No. 794-2
Contact Person & Address: Wayne Andersen, Buffalo Gap, SD 57722

Report Of Examination of Works

On August 14, 2001, I made a thorough examination of the water use system authorizing the appropriation of 0.27 cubic feet per second (cfs) of water from one well for municipal purposes bearing the priority date of December 20, 1995.

The well proposed by this permit and depicted in the accompanying Ferber engineering report was never drilled. The well in use at Buffalo Gap is authorized by Water License No. 794-2 and is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 T6S R7E, 898 feet East and 370 feet North of the Southwest corner of Section 29 (N43.4935° W103.3193°) in Custer County. The works are licensed to divert 0.22 cfs of water and are presently capable of diverting and conveying to the place of use 0.19 cfs of water for municipal purposes.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: Yes
- 2) All structures, wells and lands on map: Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: NA
- 4) Exceptions to compliance are: None

Report on the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: Norbeck Co.
- 2) No. of Wells: 1
- 3) Depth(s) 1538 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 8 5/8 inches
- 2) Length: 800 feet
- 3) Type: Steel

Screen:

- 1) Type: Unknown
- 2) Length: NA feet
- 3) Static water level: Unknown

Pump/Motor:

- 1) Pump Make: Unknown
- 2) Pump Model: NA
- 3) Capacity: 85 gpm
- 4) Motor Make: NA
- 5) Motor Model No.: NA
- 6) Horsepower rating: 20 hp

Distribution System:

- 1) Type: PVC
- 2) Size: 6 inches
- 3) Length: Approx. 400 feet to storage reservoir

COMMENTS:

The well depicted as #2 on the map was drilled in 1935 and is the only well in use at Buffalo Gap. The proposed well depicted in the Ferber engineering report accompanying application No. 2351-2 was never drilled and Buffalo Gap reworked the old well drilled in 1935 for their water supply. The well depicted as #1 on the map is abandoned. A well (#3) was drilled in 1997 at the corner of Oak and Third Streets and is not being used. Permit No. 2351-2 should be cancelled and the diversion point for Water License No. 794-2 should be corrected to reflect the location noted above.


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program

5/9/02
Date

NAME: Town of Buffalo Gap

ADDRESS: Wayne Anderson, Buffalo Gap, SD 57722

DATE: May 9, 2002 **COUNTY:** Custer

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 location of the well stated as 670 feet from the SE Corner of Section 29 T6S R7E in the Report of Examination of Works completed in May 1975 is incorrect. This well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 T6S R7E, 898 feet East and 370 feet North of the Southwest corner of Section 29 (N43.4935° W103.3193°).

- **If irrigation, no new land is irrigated**

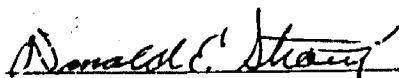
No land is irrigated. Water is for municipal use.

- **Review of Existing Diversions**

This location change will not affect any other appropriations.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Donald E. Stroup, Natural Resources Project Engineer
Water Rights Program

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

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



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

MAY 31 2002

794-2

Sharon Mohler, Finance Officer
Town of Buffalo Gap
PO Box 295
Buffalo Gap, SD 57722

Dear Ms. Mohler:

Enclosed is your Reissued Water License No. 794-2. The license has been reissued to correct the location of the diversion point and to reflect the town's current water use.

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. 794-2, 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.

An August 14, 2001, inspection of the water use system for the town found the well authorized by Water Permit No. 2351-2 is not being used. Permit No. 2351-2, with a priority date of December 20, 1995, will be scheduled for cancellation consideration due to abandonment and/or forfeiture. You will be receiving a notice with the time, date and place of the hearing concerning the cancellation consideration, once it has been scheduled. If you have any questions, please contact our office.

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 794-2

(1) The Town of Buffalo Gap, PO Box 295, Buffalo Gap, SD 57722 was issued Water License No. 794-2, June 24, 1975 for a water right to divert 0.22 cubic feet of water per second from ground water (one well), Custer County, South Dakota for municipal purposes. Water License No. 794-2, with a priority date of March 11, 1963 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said completed.

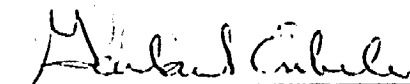
An August 14, 2001, inspection of the water use system and a review of the existing license found the well location was inaccurately described in the license. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in diversion point location does not increase the potential for adverse effects to existing diversions.

The original water license is being reissued to correct the location of the diversion point and to reflect the amount of water now being used.

(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 0.19 cubic feet of water per second for beneficial use. The location of the diversion point is 898'E and 370'N of the SW corner of Section 29, T6S, R7E (SW 1/4, SW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Town of Buffalo Gap, PO Box 295, Buffalo Gap, SD 57722-0295 the holder and/or owner of Water Right No. 794-2 is issued a license to appropriate water, the right to use 0.19 cubic feet of water per second from ground water (one well) with a priority date of March 11, 1963 from the location specified in (2) of this license for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Right No. 794-2 and subject to South Dakota State Law.



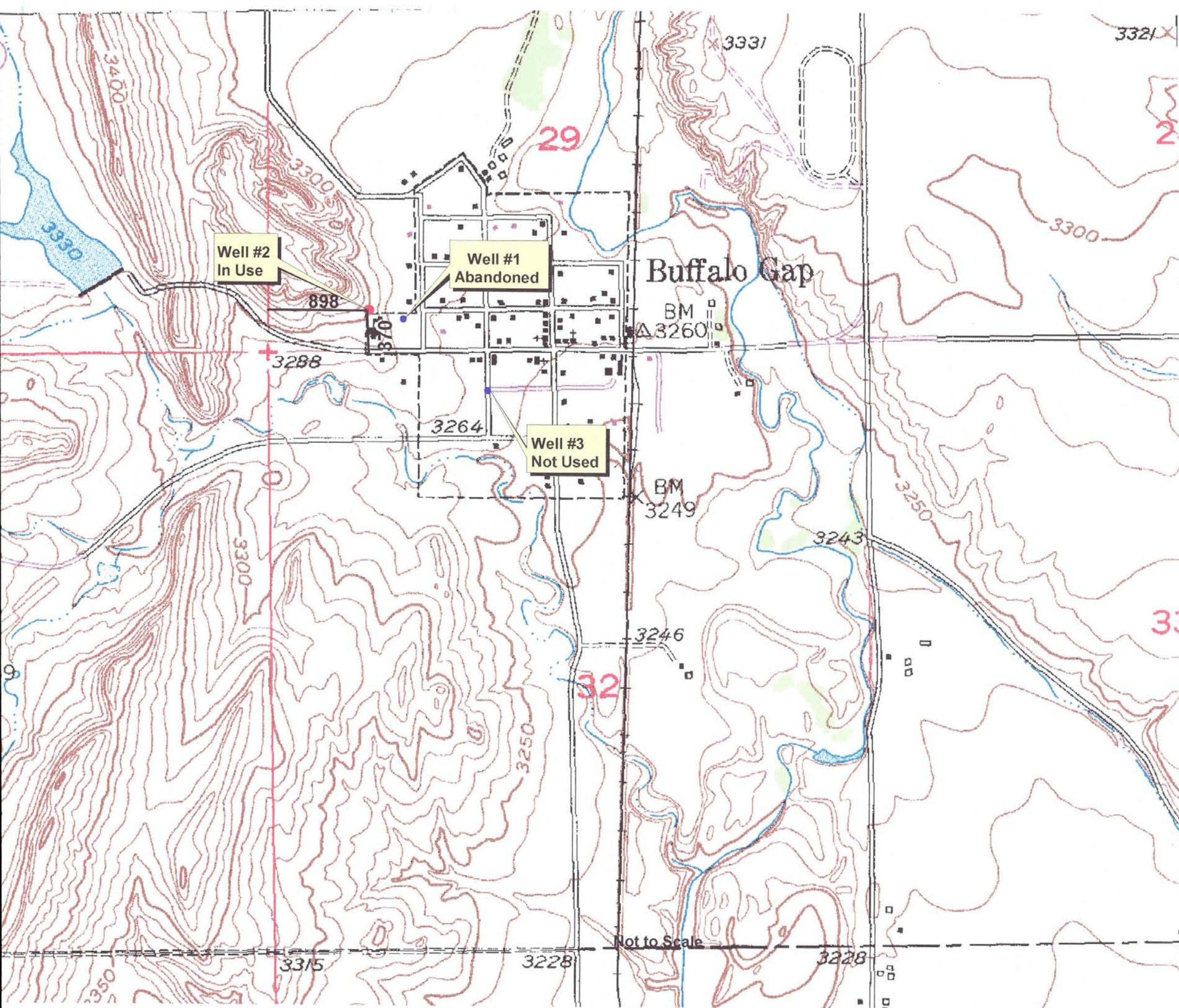
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 31 2002

date



Water License # 794-2
& Permit # 2351-2
Town of Buffalo Gap, SD



Donald E. Stroup 5/9/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program