

8/13/83

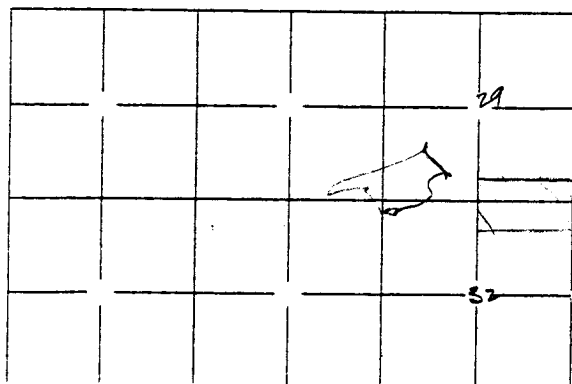
1. Considered: 7-24, 1983 Water Right No. 1268-1
2. Name of Applicant Harold G. Herman
3. Post Office Address Hwy 85 N, Belle Fourche, SD 57717
4. Amount of Water Claimed 1.2 maximum acre feet 176 ac ft at
5. Source of Water Supply runoff & dam
6. Water to be used for irrigation acres to be irrigated 84
7. County Butte about 15N, 4E miles of BELLE FOURCHE
8. PROOF OF PUBLICATION: Received 2-9-83 Not Received _____
 APPLICATION: Approved 2-24-83 Subject to L7 IQ(2) ST
 Not Approved _____ Action Deferred _____

PRIORITY _____ Dated Received 3-2-82 Application complete-yes _____ no _____ FEE \$225.
 Remarks _____

Corrected Application received _____ Period of Annual Use _____

WATER QUALITY Received yes L no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes L no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point SE 1/4 SW 1/4
Sec. 29, T11N, R3E

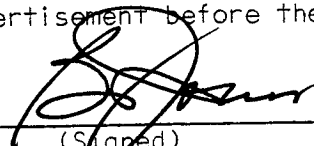
Land to be irrigated SE 1/2 Sec 29, N 1/2 NE 1/4 Sec 32
T11N, R3E

WELL LOG Driller _____ Licensed - yes _____ no _____
 Depth _____

N/A. Remarks _____

MAP Map No. 1075-1 Map located in Water Right ✓ Map file _____
 Type of Map Aerial Prepared by Chris Logan - SCS

REVIEWED This Application was ^{reviewed} ~~received~~ within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
1-17-83


 (Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1268-1

Received 2-2-83

Map No. 1075-1 Water Division No. 1 Belle Fourche River District

1:30 pm

Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Harold Horman Phone No. 892-3192
 Post Office Address Hwy 85 N Belle Fourche State SD 57717
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) installed and in use for
13 years

3. Name of diversion work Horman #1

4. Amount of water claimed (cubic feet per second) 1.2 cfs

5. Source of water supply runoff & dam

6. Location of point of diversion 1420' East & 630' North of the SW corner of Section 29,
T11N, R3E

County Butte

7. Annual period or periods during which water is to be used April 15 - October 15

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 84

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
$S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ Sec 29, T11N, R3E	23		
$S\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ "	23		
$N\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ Sec 32, T11N, R3E	19		
$N\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ "	19		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water BELLE FOURCHE POST

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pipeline & center pivots (2)
diversion dam (in)

B. Works proposed to transport water to place of use.

pipeline (in)

C. Works proposed to apply water to beneficial use.

pivots (in)

Estimated Total Cost \$ 42,000 installed

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
 County of Hughes)

I, H.G. Horman the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed H.G. Horman

SEAL

Subscribed and sworn to before me this 2nd day of March 19 82
s/Betty Westlund, Water Rights Specialist

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

1268-1

The Water Management Board hereby approves Water Right Application No. _____

Harold Horman

Hwy 85N, Belle Fourche

(Applicant)

(Post Office Address)

South Dakota 57717

(State)

With the following qualifications.

Low flows as needed for downstream domestic use, including livestock watering, and prior water right use must be by-passed.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application _____ March 2, 1982

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved February 24, 1983, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1268-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1268-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 2, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is ~~to be completed on or before~~ completed _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is
BW Completed, 19____
5. The water appropriated shall be used for the purpose of irrigation _____
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before -----, 19____; said water to be used during the following described annual period: April 15 - October 15

Witness my hand this 9th day of March, 1983

THE WATER MANAGEMENT BOARD

By:


Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 600' X 1600' (22 AC), Depth 8'

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

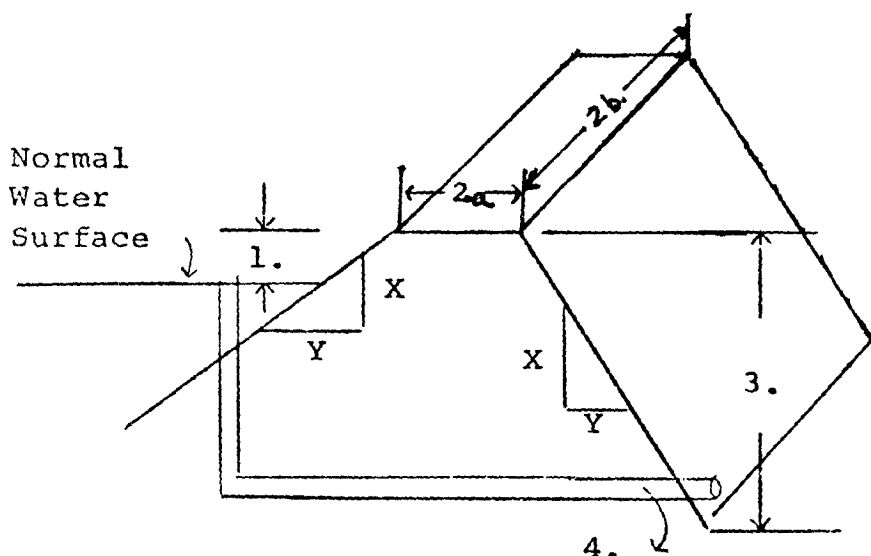
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 4
- 2a Crest width 12 b. length 550
3. Height of Dam 24
4. Outlet dimensions:
Pipe diameter 6"
Spillway width 40'
- X & Y slope:
Upstream 3.5:1
Downstream 2:1
- Surface area of impoundment
22 AC
- Drainage area above dam
680 AC
- 176 AC ft. Ave depth 8'

H. B. Johnson
Signature of Applicant

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CPA-18

2-81

CONSERVATION PLAN MAP

Owner HAROLD HORMAN Operator SAME
County BUTTE State SOUTH DAKOTA Date 2/82
Approximate acres 84 Approximate scale 2.6" / mi.
Cooperating with BUTTE Conservation District
Plan identification _____ Photo number 63
Assisted by Charles J. Logan USDA Soil Conservation Service



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

3018

OWNERS NAME: H. G. Harmon OWNERS ADDRESS: Harmon, S.E. 1/4 Sec 29, T14N R3E

COUNTY LAND LOCATED IN: Burdette PHONE: 605-892-3192

TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: SW 1/4 Sec 29-11-3

Legal Description	Acres	Legal Description	Acres
<u>S 1/2 SE 1/4 Sec 29 T14N R3E</u>	<u>23</u>		
<u>S 1/2 SW 1/4 Sec 29 T14N R3E</u>	<u>23</u>		
<u>N 1/2 NE 1/4 Sec 32 T14N R3E</u>	<u>19</u>		
<u>SW 1/4 NE 1/4 Sec 32 T14N R3E</u>	<u>19</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: ALL on creek in sec. 30, 28, 29 North of 31E

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 82-1165

8. SALINITY (EC X 10⁶): 330

9. SODIUM (SAR): 0.82

10. ADJUSTED (SAR): 1.16

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 10 a.m./p.m., on 3-16-83

1983, at the following location: Burdette
by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

10th DAY OF June, 1983

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

03073

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: 103 UNIVERSITY

LEGAL DESCRIPTION: 24' 2nd 2nd 20; 24' 2nd 2nd 20; 14' 1st 1st 12;
24' 1st 1st 32-11-3 = 84 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The standard maximum allowable salt buildup in soil profile is 5000 microM/cm

The standard maximum allowable suction building in soil profile is 16% saturation rate.

RECOMMENDED MANAGEMENT:

The application will be placed on the Monitoring Program, with monitoring to be done every five (5) years.

SIGNATURE

DATE _____

Signed _____
SIGNATURE
1-13-83

No. 1268-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucca hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Belle Fourche Daily Post

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

City of Belle Fourche

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

January 27, 1983
February 3, 1983

Marion Lucca
(Signature)

Editor
(Title)

Feb 7, 1983
(Date Signed)

Any handicapped person/
wishing to attend this hearing
can contact the Water Rights
Division, DWNR, Joe Foss Build-
ing, Pierre, S.D. prior to the
hearing date for assistance to
assure access to the hearing.

For the Water
Management Board
Burton F. Jones
Water Rights Specialist
2/1/27-2/3

ation



No. 1268-1

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

January 18, 1983

Notice is hereby given Harold
Horman whose post office ad-
dress is P.O. Box 46, Belle
Fourche, South Dakota, has made
an application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-9; 46-1-12 thru 46-1-14;
46-2-9 thru 46-2-11, 46-2-13;
46-5-1 thru 46-5-8, 46-5-10 thru
46-5-22, 46-5-25, 46-5-41 and
Board Rules ARSD 74:02:01:01
thru 74:02:01:15, for a permit to
appropriate for beneficial use 1.2
cubic feet of water per second
of time from run-off and a dam
through the Horman #1, the
point of diversion which is to be
located in the SE 1/4 SW 1/4 of
Section 29, Twp. 11N, Range
3E. Said water to be used for
purpose of providing irrigation
on portions of the following de-
scribed land: S 1/2 SE 1/4, Section
29 & N 1/2 NE 1/4, Section 32.

This application No. 1268-1
will be considered by the Water
Management Board at Joe Foss
Bldg. Room 216, 523 E. Capitol,
Pierre, S.D. upon the 24th day of
February, 1983 at 10 A.M. The
Board is authorized to make a
determination on this application
at the hearing. All interested/
persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses accord-
ing to SDCL 1-26 may notify
the Board in writing prior to the
hearing or orally at the hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be repre-
sented by a lawyer. These and
other due process rights will be
forfeited if they are not exer-
cised at the hearing. Decisions
of the Board may be appealed to
the Circuit Court and the State
Supreme Court as provided by

Publish first publication, on or before **February 3, 1983**NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 18, 1983Notice is hereby given Harold Horman whose post office

address is PO Box 46, Belle Fourche, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (ground) ~~46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14,~~ (future use) ~~46-5-38; (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) ~~74:02:01:23 thru 74:02:01:26 (10,000 AFA)~~ ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

1.2 cubic feet of water per second of time from run-off and a dam

through the Horman #1, the point ~~(s)~~ of diversion which is ~~(are)~~ to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 29, Twp. 11N, Range 3E. Said water to be used for purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 29 & N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 32

This Application No. 1268-1 will be considered by the Water Management Board at Joe Foss Bldg. Room 216, 523 E Capitol, Pierre SD upon the 24th day of February, 1983

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BURTON F JONES ~~XXXXXXXXXXXX~~, Water Rights Specialist

WNR-806-2/82



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 9, 1983

1268-1

Harold Horman
Hwy 85N
Belle Fourche SD 57717

Dear Mr. Horman:

Enclosed herewith is your Water Right Permit No. 1268-1 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1268-1.

The Board will schedule an inspection so that your Certificate of Construction and Water License may be issued to you, thus completing your acquisition of a Water Rights.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8741

PIERRE, March 2, 1982

RECEIVED OF Harold G. Horman, Hwy 85 North, Belle Fourche, SD 57717

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

Fee for Application for Permit to Appropriate Water No. 1268-1 (examination, processing, recording and filing)	225	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	225	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH ms

check in 1966

1286-1

Harold Hornum

4-23-85

Dam - 1175' L and

Freeboard. 4.0'

Spill Width 200 ft

side slopes 3:1 up & 3:1 down

10" PVC Pipe draw down

Dam Hold 225 A+ according to

H. Hornum

400 AF Max.

27 ft high.

CP covers 42 AC. Moved

between two falls

Gifford Hill.

Model. 565-2426-6911013

Seq. # 41-054-051077

Note. Do not license yet. Used Elec. but cost too high is going to get a diesel Motor with pump but it may be 1985. Elec. Company removed the lines to the pump. L. J. McManis

NAME OF PERSON OR FILE: Harold Horman

ADDRESS: P.O. Box 46, Belle Fourche, SD. COUNTY Butte

DATE: 8-11-89 TELEPHONE 57717 892-3192

RE: Water Permit Cancellation

COMMENTS:

On August 11, 1989, Mr. Harold Horman was
contacted via telephone. I told Mr. Horman that the
Irrigation Questionnaires show that he had not irrigated
for at least 5 years. I told him that the law is required
to cancel a permit which the water has not been used
for consecutive years. He said he ~~had~~ did not
have any plans to start irrigating soon. I told him
we have to cancel his permit and he will receive a
letter from us regarding cancellation, he said that was
OK.

* Cancel for abandonment and non-use.

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

NAME OF PERSON OR FILE: Harold Herman
ADDRESS: P.O. Box 46, Belle Fourche, SD 57717 COUNTY Butte
DATE: 1-31-90 TELEPHONE 892-3192
RE: Cancellation of irrigation right.

COMMENTS:

On January 26, 1990, Mr. Herman's dam was inspected.

The inspection was conducted to survey the dam for height +
Capacity. Mr. Herman, at our meeting, stated that he
wished to cancel the irrigation part of the permit and
have a permit to keep the dam for water storage.

Surveying of the dam was conducted by Tim Schaal +
myself.

Since the storage capacity of the dam exceeds 25 ac-ft
a permit is needed for storage.

* He may need a permit for the dam for domestic use!!



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1990

Harold Horman
HCR 64, Box 46
Belle Fourche, SD 57717

RE: Application to Store Water in an Existing Dam

Dear Mr. Horman:

Enclosed you will find application forms to file a water storage permit for your dam for domestic use. Based on our calculations, the dam has a capacity of approximately 100 acre feet. In accordance with the dam safety rules, since the capacity of your dam exceeds 25 acre feet, a water storage permit is required.

The forms have been completed based on available information. Please review the forms for accuracy. If you notice any mistake, please correct it. Form 2 must be signed and notarized. Form 2A must only be signed. I have already prepared a map for the dam.

Please return the forms with \$150. application fee using the enclosed envelope.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Ahadi".

M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

enclosures

LICENSE FOR PERMIT NUMBER 1268-1

1. Legal location of wells: 3740 ft. West & 900 ft. North of the
SE Corner Section 29-T11N-R3E (SE 1/4 SW 1/4)
dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes___ No___ No. of Wells_____ Depth_____

Casing	a) diameter _____	Screen	a) type _____
	b) length _____		b) length _____
	c) type _____	Static Water Level	_____
Pump	a) make _____	Motor	a) make _____
	b) model _____		b) model No. _____
	c) size _____		c) horsepower rating _____
	d) capacity _____ gpm		
	e) turbine pump - no. of stages _____		
	f) operating PSI _____		

3. Distribution lines or canals

a) size _____
b) type _____
c) length _____

4. Dam Information:

a) height to crest <u>27 ft.</u>	m) Outlet tubes:
b) height to primary spillway <u>23</u>	1) diameter <u>10 inch</u>
c) height to secondary spillway <u>23 ft.</u>	2) type <u>PVC</u>
d) crest width <u>12 ft.</u>	3) valved (Y/N) <u>Yes No</u>
e) crest length <u>1175 ft.</u>	4) valve type <u>Gate No</u>
f) spillway length _____	5) location on structure _____
g) spillway width <u>200 ft.</u>	
h) approx. storage <u>225 A.-ft.</u>	n) Category of Dam <u>Cat. 3</u>
i) approx. storage to crest <u>400 A.-ft.</u>	
j) date constructed _____	
k) inspection sheet completed (Y/N) _____	
l) Name of Contractor _____	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
---	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	---	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:



1268-1

February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: H G HORMAN, HCR 64 BOX 46, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1268-1, 426-1 & 433-1 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1268-1, 426-1 & 433-1. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 426-1 & 433-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1268-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1268-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 426-1 & 433-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

H G HORMAN
HCR 64 BOX 46
BELLE FOURCHE SD 57717

4a. Article Number

P 378 081 309

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

FEB - 5 1997

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Lara E. Horman*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

426-1
433-1
1268-1

H G Horman
HCR 64 Box 46
Belle Fourche, SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, **Notice of Violation**.

I completed questionnaires for you based on our February 10th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1997

1268-1

H. G. Horman
HCR 64, Box 46
Belle Fourche, SD 57717

Dear Mr. Horman:

The investigation of your water use system was conducted on August 12 1997, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1268-1 Your final water right document, the Water License, can now be issued.

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

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415590

Pierre, January 12, 1998

RECEIVED OF H. G. Horman, HCR 64, Box 46, Belle Fourche, SD 57717
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. 1268-1

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)

Permit No. 1268-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **August 12, 1997**, made a thorough examination of the water use system constructed by **H. G. Horman** of **HCR 64 Box 46, Belle Fourche SD 57717** holder of Permit No. **1268-1**, bearing the priority of **March 2, 1982** authorizing the diversion of **1.2** cu. ft. per second of the waters of **dry draw runoff** for **irrigation** purposes, in **Butte** County.

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

A. Works used to divert/store water:

Dam information:

- | | |
|--|--|
| 1) Height to crest 27 feet | 5) Crest length 1,175 feet |
| 2) Height to primary spillway 23 feet | 6) Spillway width 200 feet |
| 3) Height to secondary spillway 23.5 ft | 7) Approx. storage 225 ac-ft |
| 4) Crest width 12 feet | 8) Approx. storage to crest 400 ac-ft |

The system is in the following condition **good**. The point of diversion is located **dam: $\approx$ 3,740 feet W and $\approx$ 900 feet N from the SE corner sec 29-T11N-R3E (SE $\frac{1}{4}$ SW $\frac{1}{4}$)**. The works are capable of storing **225** acre-feet of water which is to be used for **livestock watering**. Water has been put to beneficial use to the maximum extent and the license should be issued for **225** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X*** No

Exceptions to compliance are: **none** Date report completed: **December 19, 1997**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

*Permit No. 1268-1 was issued for irrigation. According to Mr. Horman, the acreage is no longer irrigated but the dam is maintained for stock watering (see attached file documentation dated Dec 19, 1997). Therefore the irrigation questionnaire qualification is no longer applicable.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1268-1

DATE OF INVESTIGATION:	August 12, 1997
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	H. G. Horman HCR 64 Box 46 Belle Fourche SD 57717
DIVERSION POINT LEGAL LOCATION	Storage dam: $\approx$ 3,740 feet W and $\approx$ 900 feet N from the SE corner sec 29-T11N-R3E (SE $\frac{1}{4}$ SW $\frac{1}{4}$)

Other permit(s) associated with the project: none

DAM INFORMATION:

- | | |
|--|--|
| 1) Height to crest <u>27</u> feet | 5) Crest length <u>1,175</u> feet |
| 2) Height to primary spillway <u>23</u> feet | 6) Spillway width <u>200</u> feet |
| 3) Height to secondary spillway <u>23.5</u> ft | 7) Approx. storage <u>225</u> ac-ft |
| 4) Crest width <u>12</u> feet | 8) Approx. storage to crest <u>400</u> ac-ft |

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y (license for stock watering only, IQ qualification will no longer be applicable)
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Licensing of Irrigation Water Permit for Stock Watering

NAME: H. G. Horman

ADDRESS: HCR 64 Box 46, Belle Fourche SD 57717

DATE: December 19, 1997 **COUNTY:** Butte

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

On August 12, 1997, H. G. Horman confirmed that the irrigation portion of the permit was abandoned but that the dam is being used for stock watering. Mr. Horman indicated that he wanted to retain the permit for stock watering. Although the size of the dam is somewhat larger than indicated on the permit application, the size of the dam was not included in the publication notice or on the issued water right permit. Licensing of the permit should be for 225 acre-feet of storage capacity.

The existence of the dam predates approval of the original permit. There is no record in the file of water use complaints concerning this dam.

RECOMMENDED ACTION

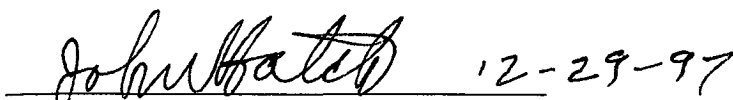
Based on the above request, it is recommended that the water license be issued for stock watering.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1268-1

(1) H. G. Horman, HCR 64 Box 46, Belle Fourche SD 57717 made Application No. 1268-1, March 2, 1982 for a water permit to divert 1.2 cubic feet of water per second from runoff, Butte County, South Dakota for irrigation purposes. Permit No. 1268-1, with a priority date of March 2, 1982 was approved February 24, 1983 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.

An investigation of Water Permit No. 1268-1 found the irrigation use to be abandoned and/or forfeited. Pursuant to SDCL 46-5-31.1, the Chief Engineer makes a finding that the addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 225 acre-feet of water for beneficial use. The location of the dam is approximately 3,740 feet west and 900 feet north from the southeast corner of Section 29-T11N-R3E (SE 1/4 SW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 H.G. Horman, HCR 64 Box 46, Belle Fourche SD 57717 the holder and/or owner of Water Permit No. 1268-1 is issued a license to appropriate water, the right to store 225 acre-feet of water from runoff with a priority date of March 2, 1982 from the location specified in (2) of this license for stock watering purposes. This license is subject to any limitations or qualifications* listed in Water Permit No. 1268-1 and subject to South Dakota State Law.

* The irrigation questionnaire qualification is no longer applicable.



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

FEB 27 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

1268-1

H. G. Horman
HCR 64, Box 46
Belle Fourche, SD 57717

Dear Mr. Horman:

Enclosed is Water License No. 1268-1 and Receipt No. 415590 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1268-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

HAROLD HORMAN
HCR 64 BOX 46
BELLE FOURCHE SD 57717

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1268-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: DRY DRAW
Aquifer: NOT APPLICABLE
Management Unit: NOT APPLICABLE

County: BUTTE
Pumping Pt. Legal: SEC 29-T011N-R03E
Type of Water Use: DOMESTIC

- 1) Please estimate your year 2000 water use from the above water source: _____ gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: Dam washed out in 1999
Electric cost too high for irrigation purposes

Contact Person: Jeff Horman

Telephone No: 605-892-6221

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1268-1

Date: 1/30/06

I/We request that Water Right No. 1268-1

formerly owned by: H G Horman

be transferred to: (name & address) Jeff Horman

17255 010 Hwy 85

Belle Fourche SD 57717 Telephone No. 605-872-6221

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

storage dam located in the SE ¼ SW ¼ Section 29, T11N, R3E

I/We understand that the validity of Water Right No. 1268-1 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 Two Dollars and Fifty Cents (\$2.50) 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 Jeff Horman, the new owner, certify that the above information is true and correct.

Jeff Horman
(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.

RECEIVED
FEB 02 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 2, 2006

RECEIVED OF Jeff Horner, 17255 Old Hwy 85, Belle Fourche SD 57718

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	2	50
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>1268-1</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02872

By

Michael Erbe
Chief Engineer
gm



1268-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2006

426-1
433-1
1268-1

Jeff Horman
17255 Old Hwy 85
Belle Fourche SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 426-1, 433-1 and 1268-1. The transfers have been completed. The water rights formerly held by H G Horman are now listed in your name.

Enclosed are your Receipt Nos. 02271, 02272 and 02273 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures