

Considered: _____

WATER PERMIT NO. 1340-1

MAP No. same

Name of Applicant Gary & Donna Hellman

Post Office Address HCR 73 Box 1224 Deadwood, S.D.

Amount of Water Claimed 0.10 cfs

Total Acres _____

Source of Water Supply Spring

Water to be used for COM

County Lawrence

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 9-18-85

Not Received _____

APPLICATION: Approved 10-16-85

Subject to _____

F.F. & C.L. Adopted _____

Not Approved _____

Deferred _____

PRIORITY

Date Received 6-5-85

Fee \$5000

Remarks fee

6-5-85

received 7-15-85

Corrected Application Received _____

Period of Annual Use Jan 1 to Dec. 31

WATER QUALITY APPROVAL RECEIVED N.A.

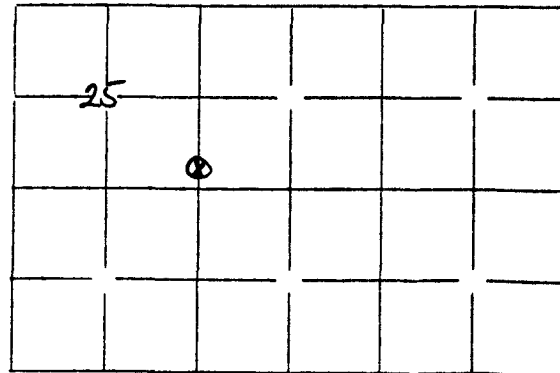
APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____

REMARKS _____

Diversion Point SE⁴ SE⁴ sec. 25 T4N-R3E

Land to be Irrigated N.A.



Well Log: Driller _____

Licensed YES _____ NO _____

Depth of Well Spring

REMARKS

Spring flow is collected in

a concrete storage tank

Type of Map Soils

PREPARED BY

Jerry Nelson

Reviewed and the Number

assigned on 7-19-85

By

Kevin C. Larson

No. <u>1340-1</u>	Hydrologic Unit <u>10120202</u>
Map No. <u>Same</u>	Basin <u>Belle Fourche</u>
Newspaper <u>Lead Daily Call</u>	<u>Box 876</u>

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

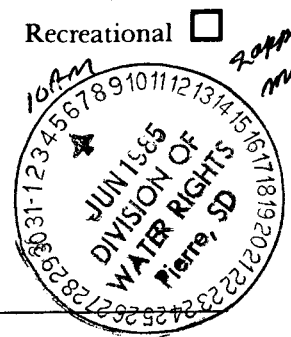
Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant GARY Hellman and Donna Hellman Phone No. 578-3800Post Office Address HCR 73 Box 1224, Deadwood State S.D. Zip Code 57732
(Street, RR or Box)2. Amount of water claimed less than 45 gallon per minute or less
less than 420 acre ft per year, more than 119 acre ft per year3. Source of water supply A spring with a storage tank4. Location of point of diversion Section 25 township 4N Range 3E BHMsubdivision of a portion of H.F. Survey # 54County Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used year round

7. Give a brief description of proposed 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)

underground spring and reservoir, 5 feet square, constructed of cement blocks and gravel bottom, from which an outlet, consisting of a plastic piping two inches in diameter to tract #1 and one inch in diameter thereafter, buried five or six feet underground, extends in a westerly direction, approximately 1200 feet paralleling S.D. Hwy 385 until it enters meadows Cafe

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

STATE OF SOUTH DAKOTA)
County of Lawrence)^{ss}I, Gary Hellman Donna Hellman the applicant, certify that I have read the foregoing application, 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 X Gary HellmanSubscribed and sworn to before me this 26 day of June 19 85Linda L. Newman, Notary Public
My Commission Expires 11/29/92Linda L. Newman
Notary Public (or other qualified officer)

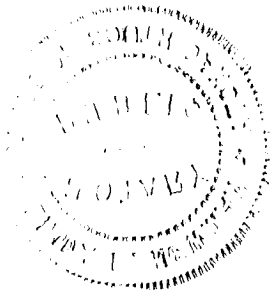
WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1340-1
Gary and Donna Hellman HCR 73, Box 1224 Deadwood
 (Applicant) (Post Office Address)
SD (State) (Zip Code) With the following qualifications.

Date of first receipt of application June 5, 1985.
 Date of return to applicant for correction, amendments or changes required June 10, 1985.
 Date of receipt of corrected application July 15, 1985. Approved October 16, 1985.

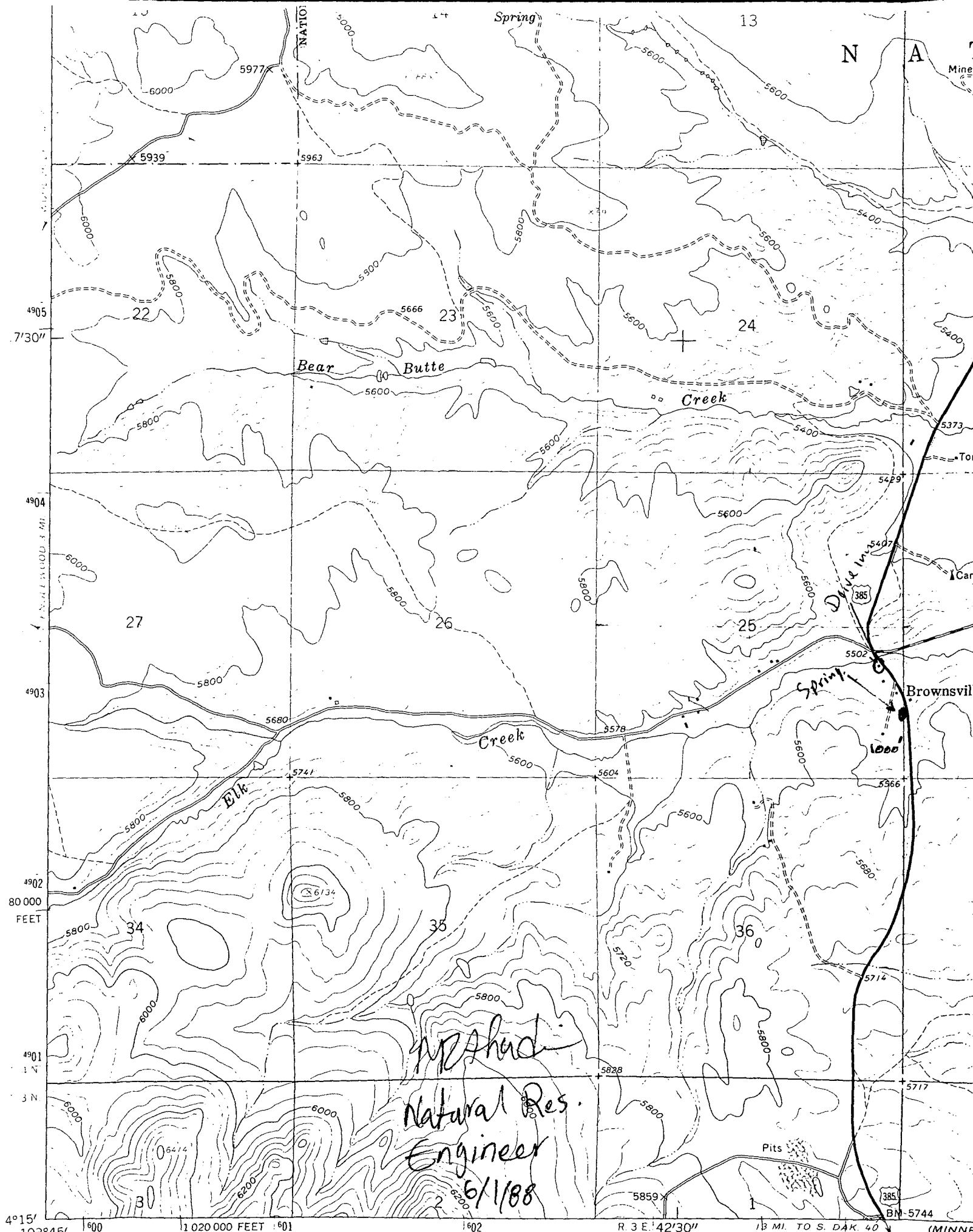
The Water Management Board hereby approves this Water Permit No. 1340-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is June 5, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before , 19 .
3. The whole of said work is ~~to be~~ completed ~~on or before~~ , 19 .
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is , 19 .
5. The water appropriated shall be used for the purpose of Commercial water supply
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.10 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 to which water is actually and beneficially applied for Commercial use on or before , 19 ; said water to be used during the following described annual period: January 1 to December 31



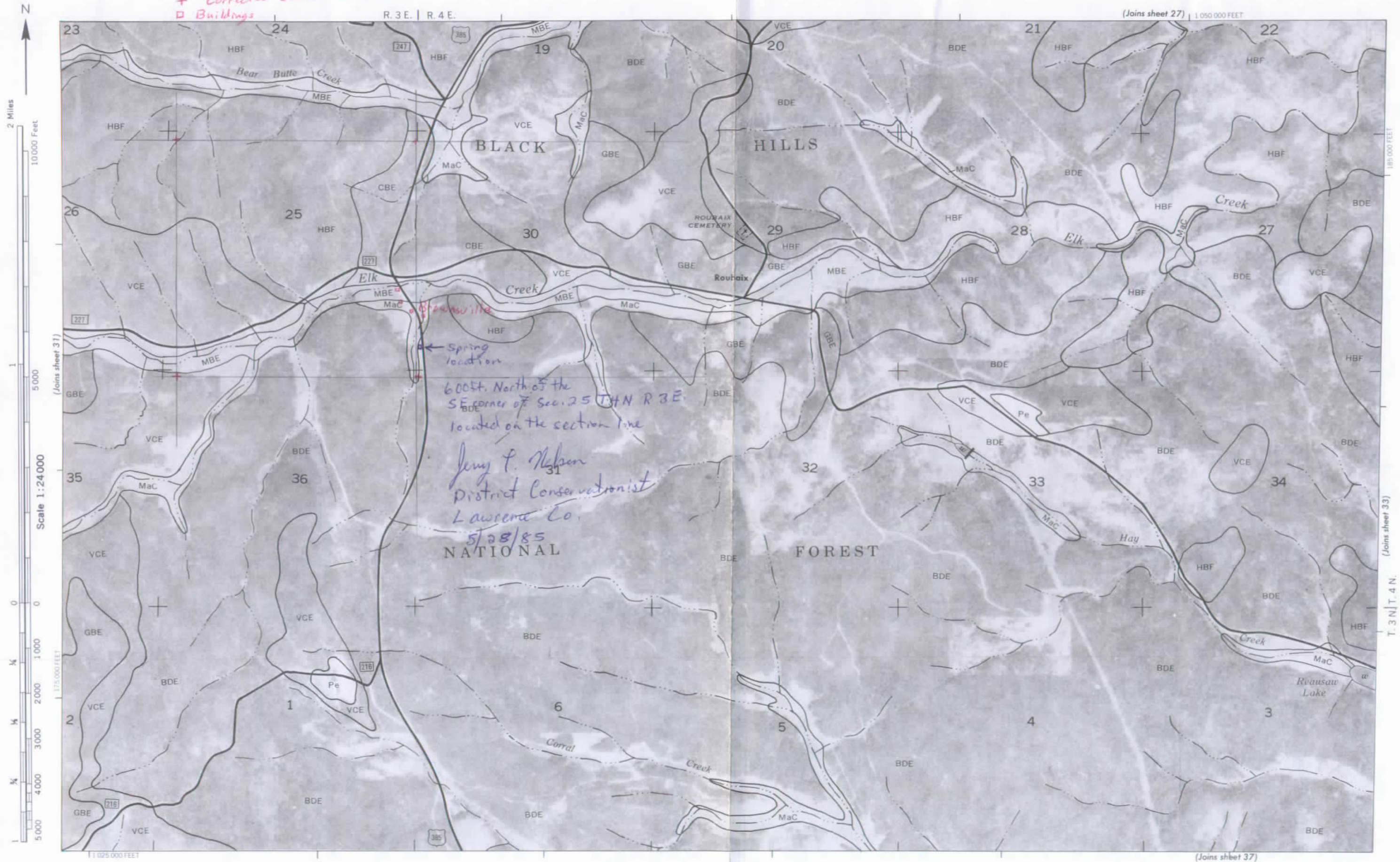
WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
NOV 19 1985, 19



R. 3 E.	R. 4 E.
---------	---------

(Joins sheet 27) | 1 050 000 FEET



Coordinate grid ticks and land division corners, if shown, are approximately positioned.

LAWRENCE COUNTY, SOUTH DAKOTA NO. 32

RECEIPT

Division of Water Rights

No 410114

South Dakota Department of Water and Natural Resources

Pierre, July 15, 1985

RECEIVED OF Gary/Donna Hellman, HCR 73 Box 1224, Deadwood, SD 57732

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

Fee for Application for Permit No._____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No._____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No._____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms



Department of Water & Natural Resources

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

September 27, 1984

Meadows Drive-Inn
Box 1224, Nemo Rt.
Deadwood, SD 57732

Dear Mr. Hellman:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Meadows Drive-Inn.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

A handwritten signature in dark ink that reads "Kevin C. Larson". The signature is written in a cursive style with a large, looped "K" and a trailing "n".

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

April 25, 1985

NOTICE

Meadows Drive Inn
Box 1224, Nemo Rt
Deadwood, South Dakota 57732

Dear Mr. Hellman:

September 27, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a business operation. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR

*sent letter
6-10-85*

Water Rights Division
605 773-3352

June 10, 1985

Meadows Drive Inn
Box 1224, Nemo Rt
Deadwood SD 57732

Mr. Hellman:

Thank you for submitting your water permit application. On Form 2 you checked Vested Right. If the water system was in place and continuously used since prior to 1955 then it would qualify for a vested right. The filing fee for a vested right is \$10.50 and Form 2B must be submitted with the application. If the system does not qualify then a new permit is required. The filing fee is \$50.00 for 45 gallons per minute or less and \$150.00 for 75 gallons per minute or less or up to 120 acre feet per year. The application forms also must be signed and notarized where marked. Upon receipt of the filing fee, Form 2B (if applicable) and the signed and notarized forms, we will continue processing your application.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures'

REPORT ON APPLICATION NO. 1340-1

GARY AND DONNA HELLMAN

July 31, 1985

This application proposes to appropriate 0.10 cfs from a spring through an existing system located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T4N-R3E BHM. Water is used for a Drive-Inn Restaurant and domestic use.

Aquifer - Alluvium along tributary to Elk Creek or Precambrian Rocks.

Geology and Aquifer Characteristics

The Precambrian rocks in this area consist of thin bedded schists (Reddon, 1975) and the alluvium is sand, gravels and clays derived from the surrounding intrusives and Precambrian rocks. The alluvium is saturated and there are many springs which feed Elk Creek in this area. By the description of the water system, the diversion point is apparently a developed spring rather than a well. For all practical purposes, though, this can be considered ground water.

Review of Existing Water Permits

There are two existing water permits in this area both of which are for flows in Elk Creek or spring flow into Elk Creek. Of these two permits, Permit No. 768-1, a vested right for Iwan Inc., lists the source of water to be Elk Creek and the same spring fed draw as this application requests. The other Permit No. 589-1 is for flow from Elk Creek and at the hearing to consider that application it was protested by downstream landowners. A report was prepared (Water Rights Division, No. 589-1, 1961) and certain bypass requirements were placed upon the permit during final approval

Conclusions

1. Water is available for this application
2. Water has been used for the purposes applied for for many years without any complaints.
3. Since this is a surface water - ground water problem, it will be difficult to access any possible interference without a fairly sophisticated monitoring system, for example, observation wells and stream gauging stations.
4. The amount of water requested is relatively small and the effects upon existing diversion may not be defineable.
5. Water right issues on this creek are complicated. Homestake Mine also protested application 589-1 and also Homestake claims a large portion of the creek flows. If this application is considered surface water then the same bypass restrictions placed on 589-1 should be followed, however, considering this application ground water should alleviate those restrictions. In any event, this right may be usurped by Homestake Mine claims at a later date if those claims are considered valid.
6. I am very concerned about the sanitary condition of a water system of this type.

James A. Goodman *kel*

James A. Goodman
Hydrologist

Application No. 1340-1

Bibliography

Redden, J.S., J.J. Norton, 1975, Precambrian Geology of the Black Hills in Mineral and Water Resources of South Dakota, USGS, U.S. Government Printing Office, Washington, D.C.

Water Rights Division No. 589-1, 1961, Report on Permit Application No. 589-1, DWR, Water Rights Division, Joe Foss Building, Pierre, SD

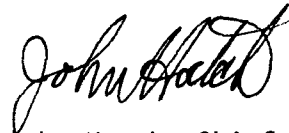
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 1340-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1340-1, Gary and Donna Hellman, HCR 73, Box 1224, Deadwood, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1340-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

John Hatch, Chief Engineer

August 1, 1985

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF LAWRENCE

William B. Kemper, of said county and state, being
duly sworn, on his oath says: That the Lead Daily Call Deadwood PI
is a legal newspaper of general circulation, printed and published in Lead,
in said county and state, by the Seaton Publishing Company, and has been
such a newspaper during the times hereinafter mentioned; and that I,
William B. Kemper, the undersigned, am the
Business Manager of the said newspaper, in charge of the advertising
department thereof, and have personal knowledge of all the facts in this
affidavit, and that the advertisement headed NOTICE OF HEARING. ON

a printed copy of which is hereto attached, was printed in said newspaper
for 2 successive and consecutive weeks, the respective publi-
cations thereof being made on Sept. 5, 1985

and on _____, 19____
_____ 19____
_____ 19____
_____ 19____
_____ 19____
_____ 19____
_____ 19____
_____ 19____
_____ 19____
and the last publication thereof on Sept. 12, 1985

and that the full amount of fees charged for publishing the same, to-wit:
the sum of \$ 43.38, inures solely to the benefit of aforesaid
publisher and that no arrangement or understanding for a division thereof
has been made with any person other than the publisher, and that no part
thereof has been agreed to be paid to any other person whomsoever.

Arlene A. Gierst

Subscribed and sworn to before me this 12

day of Sept, 1985

[Signature]
Notary Public, Lawrence County, S. Dak.

My commission expires July 14 85, 1985

NOTICE OF HEARING ON APPLICATION NO. 1340-1

Notice is hereby given that Gary & Donna Hellman whose mailing address is HCR 73, Box 1224, Deadwood, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second from groundwater (spring) through an existing system located in the SE1/4SE1/4 Section 25 T4N-R3E. The spring supplies water to a restaurant.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1340-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management of Board at Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by October 4, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

4.10

9.28

3.38

In _____ Court

County of Lawrence
State of South Dakota

PUBLISHER'S AFFIDAVIT

Filed in the office of _____
on the _____ day of _____, 19____

Attorney _____

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process guarantees 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. Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Ross Bldg., Pierre SD (605-773-8352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days written request of the applicant or any person who has filed a petition to oppose support the application. The request for extension must be filed with the Chief Engineer by October 4, 1985.

September 3, 12

No. 1340-1

Instruction to Newspaper - Publish first publication of the following Notice on or before **September 5, 1985** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1340-1 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Gary & Donna Hellman whose mailing address is HCR 73, Box 1224, Deadwood, South Dakota has made an application for a permit

to appropriate 0.10 cubic feet per second from groundwater (spring) through an existing system located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 T4N-R3E. The spring supplies water to a restaurant

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1340-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by October 4, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by October 4, 1985.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

1340-1

NOV 19 1985

Gary & Donna Hellman
HCR 73, Box 1224
Deadwood, South Dakota 57732

Dear Mr. & Mrs. Hellman:

Enclosed is your Water Permit No. 1340-1 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 the Water Permit.

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

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure



Department of Water & Natural Resources

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

MAR 22 1989

Gary & Donna Hellman
HCR 73, Box 1224
Deadwood, SD 57732

Dear Mr. & Mrs. Hellman:

Enclosed is Water License No. 1340-1. This is the final water right document completing your process of obtaining a water right. Also enclosed is Receipt No. 411289 in the amount of \$50.00 which you paid for the inspection and issuance of the water license.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

LICENSE FOR PERMIT NUMBER 1340-1

1. Legal location of ~~wells~~ spring: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T4N-R3E

dams & structures: NA

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____
b) length _____
c) type _____

Screen a) type _____
b) length _____
Static Water Level _____

Pump a) make Sears
b) model 39025022
c) size _____
d) capacity 45* GPM
e) turbine pump
no. of stages _____

Motor a) make Sears
b) model no. S48H2EC11
c) horsepower rating $\frac{1}{2}$
d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 1 inches in diameter
b) type Polyvinyl Chloride (PVC)
c) length 1200 feet

* Mr. Hellman believed that this amount of water was the max. amount of water he had been pumping. The tag on the pump did not show the capacity of the pump.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

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 _____

b) towline:

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

5. System Type: c) 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) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

___ NA ___

X ___

X ___

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.

REMARKS:

Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Gary and Donna
Hellman of HCR 73, Box 1224, Deadwood, S.D. 57732 holder of
Permit No. 1340-1, bearing the priority of June 5 1985 authorizing
the diversion of 0.1 cu. ft. per second of the waters of a spring
for domestic-commercial purposes, in Lawrence County.

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

A. Works used to divert the water:

A pump: Sears, 45 gallons per minute capacity.**

A motor: Sears, $\frac{1}{2}$ horse power.

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

1 inch Polyvinyl Chloride (PVC)

1200 feet long.

C. Works used to apply water to beneficial use:

Water is used for domestic use and also
as water supply for a drive-in restaurant.

** According to Mr. Hellman the pump has
a capacity of 45 gallons per minute,
however, calculations show that
maximum of 20 gallons per minute can
be pumped through 1 inch pipe, 1200

The system is in the following condition good feet long.The point of diversion is located approximately 1000 feet north, from the Southeast corner on the
section line between Section 25 T4N-R3E and Section 30, T4N-R4EThe works are capable of diverting and conveying to the place of use 0.045
cu. ft. per second of water which is to be used for commercial use in a drive-in restaurant-domestic

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

The water is used for the drive-in restaurant and also for domestic use for Mr. Hellman's
house, which consists of cooking, sanitary, lawn and garden watering.comprising a total of NA acres of land and the license should be issued for 0.045 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 5/27/88

(signature)

MR Thad

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1340-1

(1) Gary and Donna Hellman of HCR 73, Box 1224, Deadwood, SD 57732 made Application No. 1340-1, June 5, 1985 for a water permit to appropriate 0.1 cubic feet of water per second from a spring, Lawrence County, South Dakota for commercial purposes. Permit No. 1340-1 with a priority date of June 5, 1985 was approved October 16, 1985 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 divert 0.045 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 1000 feet north of the SE corner on the Section line between Section 25, T4N-R3E and Section 30, T4N-R4E.

(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 Section 46-5-30.1 Gary and Donna Hellman of HCR 73, Box 1224, Deadwood, SD 57732 the holder(s) and/or owner(s) of Water Permit No. 1340-1 is issued a license to appropriate water, the right to use 0.045 cubic feet of water per second from a spring with a priority date of June 5, 1985 from the location specified in (2) of this license. The water to be used for commercial purposes in a Drive Inn Restaurant (Meadows Drive Inn). This license is subject to any limitations or qualifications listed in Water Permit No. 1340-1 and subject to South Dakota State Law.



JOHN WATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

MAR 22 1989



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1340-1

June 3, 1988

Gary and Donna Hellman
HCR 73, Box 1224
Deadwood, South Dakota 57732

Dear Mr. & Mrs. Hellman:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1340-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

711209

Pierre, June 22, 19 88

RECEIVED OF Gary Hellman, HCR 73, Box 1224, Deadwood SD 57732

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1340-1 _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH

ks



Department of Water & Natural Resources

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

October 11, 1989

1340-1

Jo Brotsky
334 Richmond St
Lead, SD 57754

Dear Mr. Brotsky:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1340-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 23 OCT 1989

This is to notify you that the title to the lands described as follows:

diversion point location: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T4N, R3E

formerly owned by Gary & Donna Hellman

has been transferred to ROSE MARIE PECKHAM RR8B-1445 RAPID CITY, SD 57702
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~Permit~~ No. 1340-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of LAWRENCE) ss.

I, ROSE MARIE PECKHAM 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, and I know of my own personal knowledge that the information herein stated is true.

Rose Marie Peckham
(Signed)

Subscribed and sworn to before me this 21 Day of October, 1989.

Op Brotsky
(Notary Public)
COMMISSION EXPIRES 02/19/91



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411946

Pierre, October 24, 1989

RECEIVED OF Rose M. Pountina, RR #8 Box 4745, Rapid City SD 57702

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____		
Fee for Filing Transfer Form <u>Water Right No. 1340-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Welch
Chief Engineer

SOUTH Dakota Department of
Water & Natural Resources

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

October 27, 1989

Rose Marie Pountain
RR 8, Box 4745
Rapid City SD 57702

Dear Ms. Pountain:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1340-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure



January 31, 1990

Genny McMath
Natural Resources Analyst
S.D. Dept. of Water & Natural Resources
Coe Ross Building
523 East Capitol
Pierre, S.D. 57501-3181



Dear Mrs. McMath,

I am writing in reference to Water Right No. 1340-1 for the Meadows Drive-Ln. My mother, Rose M. Pountain, purchased this cafe last year and transferred ownership on this water right in October, 1989. My mother passed away this month and I have assumed ownership of this property. It has, therefore, become necessary for me to once again transfer the water right.

I understand that South Dakota law requires a transfer of Water Right to appropriate water be filed with your office within ninety days. If you could please send me a "Notice of Transfer" for use in filing an ownership change, I will sign it

before a notary public and return it to you
with a \$2.50 filing fee.

I would like to thank you in advance
for your prompt attention to this matter.

Sincerely,

G. M. Brooker

334 Richmond

Lead, A. D. 57754

605-584-1282



Department of Water & Natural Resources

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

February 2, 1990

1340-1

Jo M Brotsky
334 Richmond
Lead, SD 57754

Dear Ms. Brotsky:

Enclosed, as you requested, is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1340-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMATH".

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



**SOUTH Dakota Department of
Water & Natural Resources**

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

June 15, 1990

Second Notice
Right No. 1340-1

Jo M Brotsky
334 Richmond
Lead SD 57754

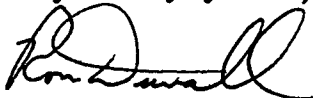
Dear Ms. Brotsky:

On February 2, 1990 notice was sent to you concerning the transfer of Water Right No. 1340-1 in the name of Rose Marie Pountain which covers a commercial water supply. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,



RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Jo M Brotsky 334 Richmond Lead SD 57754	4. Article Number P 997 218 492 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X <i>Jo M Brotsky</i>	
7. Date of Delivery 6-16-90	

NOTICE OF TRANSFER OF OWNERSHIP

No. 1340-1

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: June 18, 1990I/We request that Water ~~Permit~~/Right No. 1340-1formerly owned by: Rose Marie Pountain

be transferred to: (name & address) JO M BROTSKY 334 RICHMOND
LEAD, SOUTH DAKOTA 57754 (telephone No.) 584-1282

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

SE1/4 SE1/4 Section 25, T4N, R3E

I/We understand that the validity of Water ~~Permit~~/Right No. 1340-1 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Meade)

I/We JO M BROTSKY 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, and that I know of my own personal knowledge that the information herein stated is true.

Jo M. Brotsky
(Signed)

Subscribed and sworn to before me this 18th day of June, 19 90.

Louise Chaffee
(Notary Public)
LOUISE CHAFFEE, NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 30, 1995

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412276

Pierre, June 20, 19 90

RECEIVED OF John or Jo Brovsky, Box 294, Deadwood, SD 57732

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____		
Fee for Filing Transfer Form _____ Water Right No. 1340-1	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



Department of Water & Natural Resources

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

June 21, 1990

1340-1

Jo M. Brotsky
Box 294
Deadwood, SD 57732-0294

Dear Ms. Brotsky:

Enclosed is Receipt No. 412276 in the amount of \$2.50 which you paid for transfer of Water Right No. 1340-1.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

2005 South Dakota Water Use Questionnaire

To:

JO M BROTSKY
BOX 294, 334 RICHMOND
LEAD SD 57754

RECEIVED

MAR - 6 2006

WATER RIGHTS
PROGRAM

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1340-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: LAWRENCE

Aquifer: ALLUVIUM-QUATERNARY

Pumping Pt. Legal: SEC 25-T004N-R03E

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

1) Please estimate your year 2005 water use from the above water source: _____ gallons

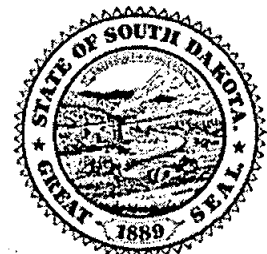
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: THIS PROPERTY WAS SOLD SEVERAL YEARS AGO
TO MR. BELL

Contact Person: _____

Telephone No: _____

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



Thank you for completing the 2005 water use questionnaire.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2006

1340-1

Jo M Brotsky
Box 294
334 Richmond
Lead SD 57754

Dear Ms. Brotsky:

Thank you for returning the 2005 SD Water Use Questionnaire. On the form, you indicated the property was sold several years ago to Mr. Bell. Would you have any further information regarding Mr. Bell? It is important to keep our records accurate.

Any information you give us such as first name, address, phone number, would be helpful. I have enclosed a postage paid envelope for your reply. Thank you for any help you can give us.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

you could PROBABLY CONTACT
HIS BROTHER - DALE BELL
321 SAND CREEK RD
BELLAR, WYO 82712
307-643-2297

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr
1340-1

Dale Bell
321 Sand Creek Rd
Bellah WY 82712

Dear Mr. Bell:

I am writing in regard to Water Right No. 1340-1. This water right is for a well located in the SE ¼ SE ¼ Section 25-T4N-R3E, Lawrence County, South Dakota. The previous owner of the well, Jo M Brotsky, has indicated she sold this property several years ago to Mr. Bell. She further indicated that you were his brother and might have information regarding his mailing address.

Any information you could give us such as first name, address, phone number, would be helpful. It is important to keep our records accurate. I have enclosed a postage paid envelope for your reply. Thank you in advance.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure