

Considered: _____

WATER PERMIT NO. 1471-1

MAP No. same 578-9979

Name of Applicant Tomahawk Lake Country Club

Post Office Address Box 572, Deadwood SD 57732

Amount of Water Claimed 0.9 cfs Total Acres 47.05

Source of Water Supply spring fed collection dam

Water to be used for irrigation County Lawrence

About 5 miles SE of Deadwood

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 7/14/89 Fee 150⁰⁰ Remarks _____

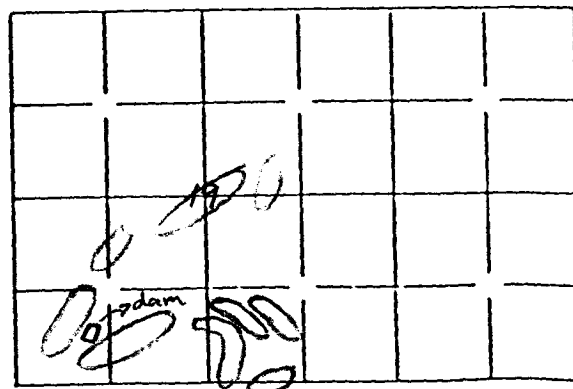
Corrected Application Received Oct. 16, 1989 Period of Annual Use Apr 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED 10/6/89 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point collection dam: SW¹/₄SW¹/₄
section 19-T4N-R4E

Land to be Irrigated SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, W¹/₂SE¹/₄,
SW¹/₄ section 19; NW¹/₄NE¹/₄ section 30; all in
T4N-R4E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY John Arlath Reviewed and the Number
assigned on Nov. 13, 1989 By Ron Durrall

SOUTH DAKOTA
WATER PERMIT No. 1471-1 FOR IRRIGATION

Date of first receipt of application July 14, 1989.
Date Soil/Water Compatibility Permit received October 6, 1989.
Date of return to applicant for corrections, amendments or changes July 26, 1989.
Date of receipt of corrected application October 16, 1989.

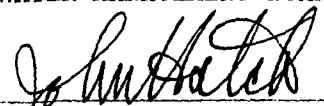
The Water Management Board approved Water Permit Application No. 1471-1 on March 7, 1990 for Tomahawk Lake Country Club, Box 572, Deadwood SD 57732 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1471-1 appropriates 0.90 cubic feet of water per second from a spring fed collection dam (approximately 2.3 acre-feet storage capacity) to irrigate 47.05 acres of a golf course. The dam is located in the SW1/4 SW1/4 section 19 and the irrigated acreage is to be located in the SW1/4 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, SW1/4 section 19; NW1/4 NE1/4 section 30; all in T4N-R4E.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is October 16, 1989.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. The annual volume of water that may be applied for irrigation is 94.0 acre-feet.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 18 1990

(date)

(See instructions)

No. 1471-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Lead Daily Call, Box 876 57754

Amended

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant Tomahawk Lake Country Club Phone No. 605 - 578-9979
- Pierre, SD Box 572, Deadwood State SD 57732
Post Office Address (Street, RR or Box) (City) 47.05 Zip Code
2. Amount of water claimed (c.f.s.) .9 c.f.s. Total acres irrigated -46.5- (Estimated)
3. Source of Water supply Collection dam - Surface Water
4. Location of point of diversion Tie to Dam N56°02'00"E. 1411.0 feet from the SW
Corner of Section 19, T4N, R4E, B.H.M. Lawrence County, South Dakota
(Estimated storage capacity of dam - 300,600 gal.) SW 1/4 SW 1/4 County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used April 1 - September 30
7. 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.
T4N R4E, Sec. 19- SW 1/4 NE 1/4	6.40
SE 1/4 NW 1/4	0.30
NW 1/4 SE 1/4	0.90
SW 1/4 SE 1/4	12.45

Land Description	No. Acres Irr.
T4N R4E, Sec. 19- SE 1/4 SW 1/4	6.30
NE 1/4 SW 1/4	5.70
NW 1/4 SW 1/4	1.90
SW 1/4 SW 1/4	7.10

T4N R4E, Sec. 30- NW 1/4 NE 1/4 6.0 acres Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: X
(Specify) _____
9. Crops to be Irrigated: Golf course/Fairways/Greens/Tee boxes (Underground Pop-up Rotating Sprinklers)
10. Give a description of proposed project. (Attach sheet if more space is needed)

See working drawings previously provided.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Lawrence) ss

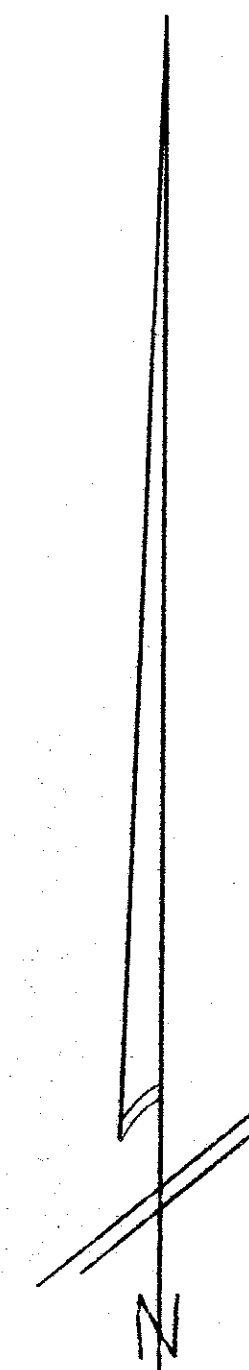
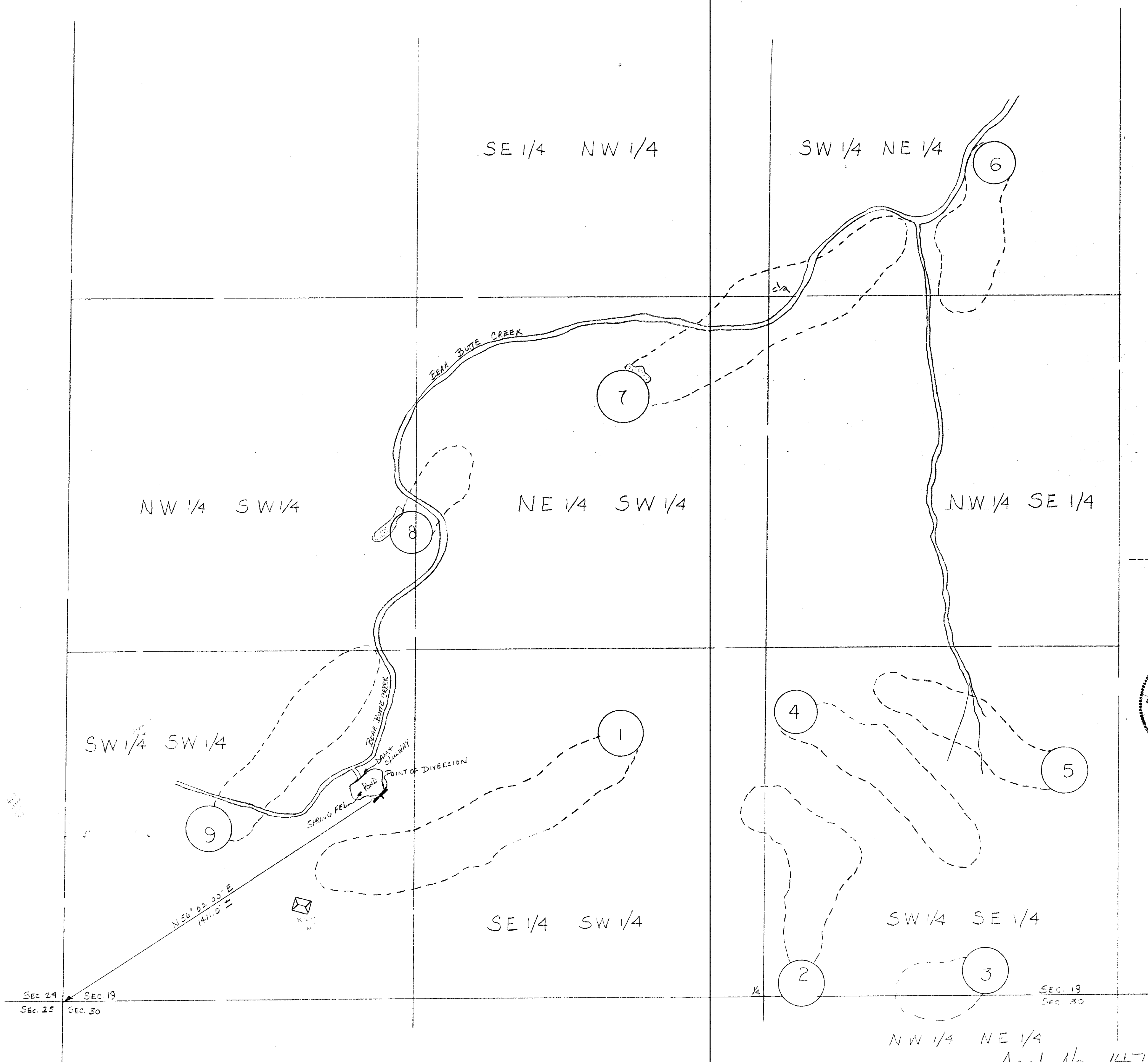
I, Joe Noeller, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Joe Noeller
President

Subscribed and sworn to before me this 11th day of October 19 89

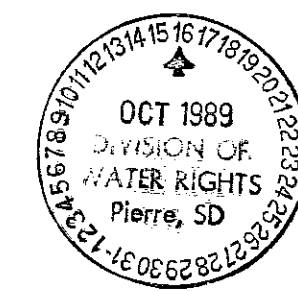
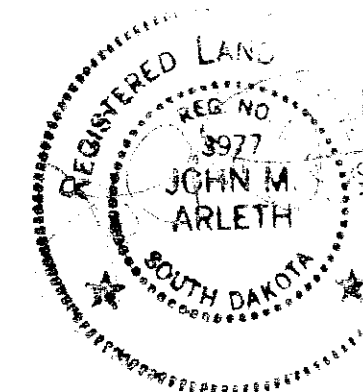
Bonnie Stouffer
Commission Expires 11-22-90

MAP SHOWING POINT OF DIVERSION - TOMAHAWK LAKE COUNTRY CLUB



SCALE: 1" = 200'

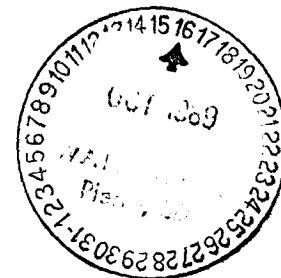
--- AREA TO BE IRRIGATED
(INCLUDING GREENS)



Appl. No. 1471-1

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 - On applicants property _____
 - On property owned by others _____

2. Dugout Information Estimates

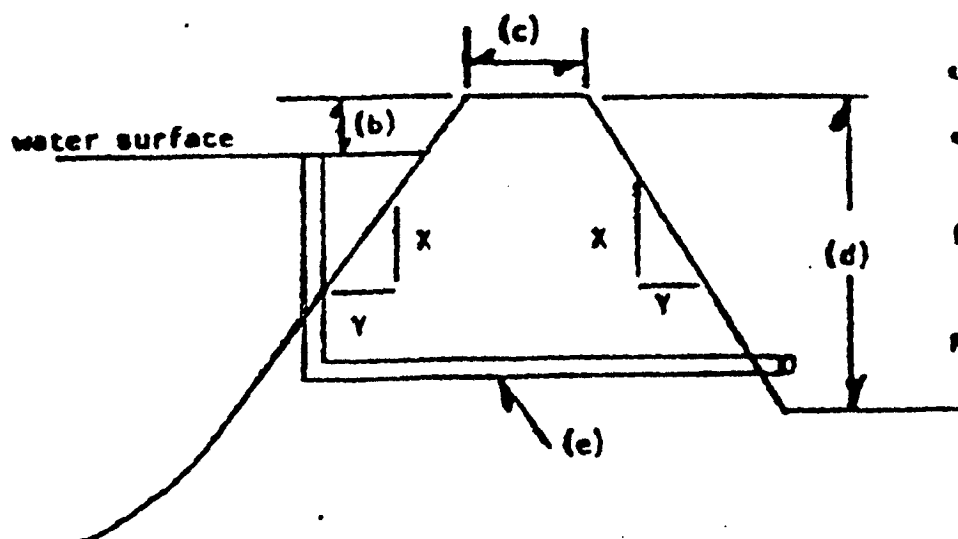
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

N/A



- b) Freeboard _____ 2 _____
- c) Crest Width _____ 10' _____
Crest Length _____ 100' _____
- d) Height _____ 6' _____
- e) Primary Outlet Capacity _____
If Pipe, diameter _____ 10" _____
- f) Secondary Spillway Capacity _____ N/A _____
Spillway width _____
- g) X & Y Slope
Upstream _____ 2 to 1 _____
Downstream _____ 2 to 1 _____

Surface Area of Impoundment _____ 1.75 ac

Storage _____ 2.3 _____ acre feet

Drainage area above dam _____ 10 acres

Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 14, 1 _____, 1989

RECEIVED OF Tomahawk Lake Country Club, Box 572, Deadwood, SD 57732

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

Fee for Application for Permit No. <u>1471-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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 <u>partial refund of</u>		
Fee for Certifying <u>\$75.00 on 9-13-89</u>	-75	00
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4406

WR#

OWNERS NAME: Tomahawk Lake Country Club

OWNERS ADDRESS: Box 572

Deadwood, SD 57732-0572

COUNTY LAND LOCATED IN: Lawrence

PHONE: (605) 578-9979

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION N56°02'00"E. 1411.0 feet from SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19-T4N-R4E

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19-T4N-R4E	6.5	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19-T4N-R4E	6.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19-T4N-R4E	0.3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19-T4N-R4E	6.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19-T4N-R4E	0.9	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19-T4N-R4E	2.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19-T4N-R4E	13.2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19-T4N-R4E	7.3
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30-T4N-R4E	6.0		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) Sprinkle

3. CROPS TO BE IRRIGATED: Golf course/fairways, greens, tee boxes

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0393

7. ADJUSTED (SAR): 0.38

5. SALINITY (EC X 10⁶): 390

8. PERCENT SODIUM 5.98

6. SODIUM (SAR): 0.18



Requirements:

The areas which are excessively steep, greater than 9 percent slope, shall not be irrigated because of the erosional hazards.

The area adjacent to Bear Butte Creek not be irrigated to address the potential of stream bank erosion.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

[Signature]
Director, Division of Conservation

Date

9/29/89

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN

P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

LEM OVERPECK
P.O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

June 30, 1989



Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501

Re: Tomahawk Country Club - Fairway Water Project

Dear Chief Engineer:

Please be advised that I represent the Board of Directors of Tomahawk Country Club, Deadwood, South Dakota.

The Board of Directors of Tomahawk Country Club has authorized a contractor to install an underground fairway watering system. This system will use the same water supply as did the previous system; however, it is estimated that the new system will use a substantially greater volume of water as did the previous system.

Please advise if an application for a permit is necessary, and if so, please send the appropriate application forms.

If any further information is needed about this project, please do not hesitate to contact me. I thank you for your cooperation.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN

Jerry C. Rachetto

JCR:mc
cc: Con Comer

1989

REAL ESTATE NOTICE—SDCL 10-3-17

The Value of your Real Estate as shown on the 1989 Assessment Roll is as listed:

PT. OF M.S. 1372

4/10/89

ASSESSMENT LIST OF REAL PROPERTY

SEC/LOT=

TWP/BLK= 13

ACRES= 31.64 RANGE= 72

TWP/CITY=MINERAL

SCH DIST=ROUBAIX 54-40-1

ASSESSOR'S NOTICE TO PROPERTY OWNERS

The above is a correct copy of the list of taxable property assessed against you. Complaint on your assessment may be made to your local Township, Town or City Review Board which shall meet on the third Monday of April and is in session for six days. From the decision of your local board, you may appeal to your County Board of Equalization which meets on the first Tuesday in May and shall adjourn no later than the third Tuesday in May. Appeal from your County Board may be taken to the State Board of Equalization within 30 days of notice of the decision of the County Board and may be taken by oral announcement of your intention to appeal, given to the County Board or by written notice thereof filed with the County Auditor and a copy sent to the Secretary of Revenue, Pierre, South Dakota. Appeals to the Circuit Court may be taken from the County Board or the State Board within twenty days from the publication of the decision of such board. An appeal directly from County Board to Circuit Court will prevent an appeal to the State Board. However, you may appeal the decision of the State Board to Circuit Court.

LAWRENCE COUNTY

26580-01372-000-40

NAME

TOMAHAWK COUNTRY CLUB

ADDRESS

BOX 572

DEADWOOD, SD

57732

AG-

NA-

ASSESSED VALUE (FULL & TRUE) (TAX NOT CALCULATED ON THESE VALUES)			
STRUCTURES		Land	Total
Residence	Business		
		5,695	5,695

(Assessor)

CAA CS DA

SD REV PT 5U Rev. 10/84

1989

REAL ESTATE NOTICE—SDCL 10-3-17

The Value of your Real Estate as shown on the 1989 Assessment Roll is as listed:

TR A, B & C OF M.S. 1372

4/10/89

ASSESSMENT LIST OF REAL PROPERTY

SEC/LOT=

TWP/BLK= 13

ACRES= 27.65 RANGE= 72

TWP/CITY=MINERAL

SCH DIST=ROUBAIX 54-40-1

ASSESSOR'S NOTICE TO PROPERTY OWNERS

The above is a correct copy of the list of taxable property assessed against you. Complaint on your assessment may be made to your local Township, Town or City Review Board which shall meet on the third Monday of April and is in session for six days. From the decision of your local board, you may appeal to your County Board of Equalization which meets on the first Tuesday in May and shall adjourn no later than the third Tuesday in May. Appeal from your County Board may be taken to the State Board of Equalization within 30 days of notice of the decision of the County Board and may be taken by oral announcement of your intention to appeal, given to the County Board or by written notice thereof filed with the County Auditor and a copy sent to the Secretary of Revenue, Pierre, South Dakota. Appeals to the Circuit Court may be taken from the County Board or the State Board within twenty days from the publication of the decision of such board. An appeal directly from County Board to Circuit Court will prevent an appeal to the State Board. However, you may appeal the decision of the State Board to Circuit Court.

LAWRENCE COUNTY

26580-01372-000-25

NAME

TOMAHAWK COUNTRY CLUB, INC.

ADDRESS

BOX 572

DEADWOOD, SD

57732

AG-

NA-

ASSESSED VALUE (FULL & TRUE) (TAX NOT CALCULATED ON THESE VALUES)			
STRUCTURES		Land	Total
Residence	Business		
		4,975	4,975

(Assessor)

CAA CS DA

SD REV PT 5U Rev. 10/84

1989

REAL ESTATE NOTICE—SDCL 10-3-17

ASSESSMENT LIST OF REAL PROPERTY

The Value of your Real
Estate as shown on the
1989 Assessment Roll is
as listed:

PT SEC. 24-4-3 & PT SEC. 19 &
30-4-4

SEC/LOT= 30

TWP/BLK= 4

ACRES= 52.13 RANGE= 4

3/30/89

TWP/CITY=T-004 R-04

SCH DIST=ROUBAIX 54-40-1

ASSESSOR'S NOTICE TO PROPERTY OWNERS

The above is a correct copy of the list of taxable property assessed against you. Complaint on your assessment may be made to your local Township, Town or City Review Board which shall meet on the third Monday of April and is in session for six days. From the decision of your local board, you may appeal to your County Board of Equalization which meets on the first Tuesday in May and shall adjourn no later than the third Tuesday in May. Appeal from your County Board may be taken to the State Board of Equalization within 30 days of notice of the decision of the County Board and may be taken by oral announcement of your intention to appeal, given to the County Board or by written notice thereof filed with the County Auditor and a copy sent to the Secretary of Revenue, Pierre, South Dakota. Appeals to the Circuit Court may be taken from the County Board or the State Board within twenty days from the publication of the decision of such board. An appeal directly from County Board to Circuit Court will prevent an appeal to the State Board. However, you may appeal the decision of the State Board to Circuit Court.

**LAWRENCE
COUNTY**

14000-00404-300-50

NAME TOMAHAWK COUNTRY CLUB
ADDRESS BOX 572
DEADWOOD, SD 57732

AG-
NA-

ASSESSED VALUE (FULL & TRUE) (TAX NOT CALCULATED ON THESE VALUES)			
STRUCTURES		Land	Total
Residence	Business		
	69,545	9,385	78,930

Shirley Schweitzer
(Assessor)

CAA CS DA

SD REV PT 5U Rev. 10/84

 **Department of
Water & Natural Resources**

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

July 5, 1989

Jerry C. Rachetto
Mattson, Rachetto & Christensen
P.O. Box 392
Deadwood, SD 57501

Dear Mr. Rachetto:

This is in response to your letter of June 30, 1989 to John Hatch, Chief Engineer, Water Rights Division concerning the necessity of a Water Permit for irrigation of the Tomahawk Country Club, Deadwood, SD.

According to South Dakota Water Law, SDCL 46-1-15, 46-5-9, and 46-5-10, it is necessary to obtain a permit to appropriate waters of the State.

We do not have any water permit, existing or for a proposed new system, on file for the Tomahawk Country Club in Deadwood. For this reason, I am enclosing an instruction sheet and the necessary forms for filing a water permit application. The procedure for appropriating water is found in SDCL 46-5. Please note that it is also necessary to obtain a Soil/Water Compatibility Permit from the Department of Agriculture prior to the issuance of a water permit.

Please complete these forms for your entire irrigation system and return them along with the required items described on the enclosed instruction sheet. Feel free to contact me if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

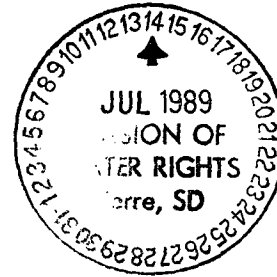
LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN

P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

LEM OVERPECK
P. O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

July 13, 1989



Ms. Susan A. Bowar
Natural Resources Engineer
SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Tomahawk Lake Country Club

Dear Ms. Bowar:

Enclosed please find duplicate originals of the application for a water permit from Tomahawk Lake Country Club along with a copy of the plans for the under water irrigation system. Also enclosed is Tomahawk Lake Country Club check No. 5544 in the amount of \$225 made payable to the Department of Water and Natural Resources representing the filing fee.

In addition, pursuant to your instruction sheets, a water sample is being sent to the appropriate agency.

If you have any questions or if we overlooked providing any pertinent information, please advise and we will promptly submit the same. Thank you for your cooperation.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN

Jerry C. Rachetto

JCR:bms
Enclosures



Department of Water & Natural Resources

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

July 26, 1989

Jerry C. Rachetto
Mattson, Rachetto & Christensen
P.O. Box 392
Deadwood, SD 57732

Dear Mr. Rachetto:

This letter is in response to the water permit application received from you on July 14, 1989.

The application is incomplete for the following reason(s):

- (1) The enclosed map that was submitted is not adequate. The required map must make reference to a government section corner or quarter-corner and clearly outline the 70 acres to be irrigated as well as the location of the dugout. The map must also be signed by either a South Dakota Registered Professional Engineer, a South Dakota Licensed Land Surveyor, or by a government employee who normally prepares maps as part of their duties.
- (2) The pumping rate needs to be indicated under question no. 2 on the enclosed application form.
- (3) The information supplied on the enclosed Form 2A indicates both a dugout and a dam are used. If this is the case, the locations of each of these needs to be indicated on the map and legal descriptions for both must be indicated under question no. 4 on the enclosed application form. This legal description needs to include the quarter-quarter, section, township, and range. An estimate of the storage capacity of the dam also needs to be provided on this form.
- (4) The legal descriptions of the land to be irrigated, question no. 7 on the enclosed application form, also needs to describe the land by quarter-quarter, section, township, and range.

The Water Management Board cannot consider a water permit application until it is complete and until an approved Soil/Water Compatibility Permit has been received from the Department of Agriculture. Please complete and return the enclosed application form and Form 2A along with the required signed map to begin processing of your water permit application.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352



JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN

P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

LEM OVERPECK
P. O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

August 1, 1989



Ms. Susan A. Bowar
Natural Resources Engineer
SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Tomahawk Lake Country Club

Dear Susan:

Thank you for your letter dated July 26, 1989.

Please be advised we are in the process of providing the additional information you requested. The Board's surveyor is presently in Pierre fishing and will not be back until Monday. Hopefully, he will have an adequate map and we will immediately supplement our application.

Thank you for your cooperation..

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN


Jerry C. Rachetto

JCR:bms
cc Bernie Lungren

JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN

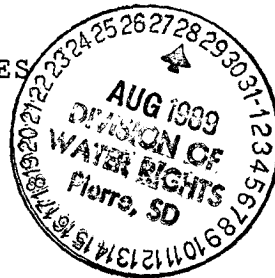
P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

LEM OVERPECK
P. O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

August 25, 1989

Ms. Susan A. Bowar
Natural Resources Engineer
SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Tomahawk Lake Country Club

Dear Susan:

Pursuant to your letter dated July 26, 1989, I have enclosed the following information:

- 1) Two duplicate originals of the Application for Water Permit in the above-entitled matter.
- 2) The original Soil Compatibility Considerations.
- 3) Tomahawk map showing point of diversion prepared by Registered Land Surveyor John M. Arleth.

If further information is needed, please do not hesitate to contact me.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN

Jerry C. Rachetto

JCR:bms
cc Bernie Lungren

Do not use this space.

STATE OF SOUTH DAKOTA
VOUCHER☒ Direct(Z) ☐ Travel(N) ☐ Non-Cash(C) ☐ Cash Receipt(T) ☐ Cash Transfer(I) ☐ Investment(B) ☐ Appropriation-Budget Transfer(E) ☐ Expenditure Correction(R) ☐ Revenue Correction(P) ☐ Period Ending Adjustment(A) ☐ Other Adjustment**AGENCY USE ONLY****APPROVAL OFFICE ONLY**

Application Area 75		Vendor Number	Invoice ID	Voucher Number	Date
Date		Purchase Order ID	Document ID	Delivery Date	Payment Due Date
STAPLE	(Payee, Billed Agency)			(Department, Billing Agency)	
	TO: Tomahawk Country Club Conrad Comer Box 572 Deadwood, SD 57732-0572			FROM: DWRN Water Rights Division 523 E. Capitol, Foss Bldg Pierre, SD 57501-3181	

FUNDING INFORMATION

S E Q.	Company	Account		Center		Project Company Number	Debit/Credit Amount	Invoices		U C S O R E
		Required	User	Required	User			Other	Dr. Cr.	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
Total										

Description of Service, Product, or Transfer

Partial refund of application fee. Applicant sent \$225.00, and only \$150.00 required for application fees.	75.00
Total	75.00

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

John Hatch

9-13-89



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

September 14, 1989

Jerry C. Rachetto
Mattson, Rachetto, & Christensen
P.O. Box 392
Deadwood, SD 57732

Dear Mr. Rachetto:

This letter is in response to the revised water permit application received from you on August 28, 1989.

The application is complete and a copy has been forwarded to the Department of Agriculture, Division of Conservation for Soil/Water Compatibility consideration.

The original application, received July 14, 1989, was for the irrigation of 70 acres, the fee for which is \$225. The revised application is for the irrigation of 42.7 acres, the fee for which is \$150. The voucher for a refund of \$75 has been submitted. Please allow 3 to 4 weeks for processing. The refund will be mailed directly to the Tomahawk Lake Country Club, Box 572, Deadwood, SD 57732.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352



JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN
P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

LEM OVERPECK
P. O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

September 26, 1989

WATER RIGHTS DIVISION, DWNR
Joe Foss Building
Pierre, SD 57501

Re: Tomahawk Lake County Club -
Application for Vested Right Claim

Gentlemen:

Enclosed please find duplicate originals of Form 2, Form 2A with attachments and Tomahawk Lake Country Club check No. 5624 in the amount of \$15 representing your fees for a vested right claim.

If any further information is needed, please do not hesitate to contact me.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN


Jerry C. Rachetto

JCR:bms
Enclosures
cc Bernie Lungren



File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Tomahawk Country Club

ADDRESS: P.O. Box 392

COUNTY: Lawrence

DATE: Sept. 28, 1989

TELEPHONE:

RE:

COMMENTS:

Jim Stukel called today regarding the pending application for Tomahawk Country Club. Apparently, he visited the golf course and discovered that all of the acreage irrigated is not on the map or application form that they submitted.

They will be sending a letter requesting the additional acreage be added to their permit application. It consists of 5 or 6 acres located in Section 30-T4N-R4E.

Jim also said that they may qualify for a Vested Right Claim.

9/29/89- Jim Stukel called again to say Tomahawk CC wants to add 6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30-T4N-R4E. If a letter is not received from the applicant, the additional acres should be added when the S/W Compatibility Permit is received.

Susan Bowser



Department of Water & Natural Resources

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

October 4, 1989

Jerry C Rachetto
Matton, Rachetto & Christensen
PO Box 392
Deadwood SD 57732

Dear Mr. Rachetto:

This letter is in response to a vested right claim submitted by the Tomahawk Lake Country Club. The following information is needed to complete the application:

- 1) The application needs to be submitted on the correct application form. Enclosed are blank applications which are the correct forms for an irrigation application. The number of acres (tees and greens) that qualify for a vested right needs to be listed in question No. 7 according to forty acre subdivisions.
- 2) A vested right claim needs to claim a specific amount of water to irrigate a specific number of acres. Therefore, the amount of water claimed (question No. 2) will also need to be determined.
- 3) The enclosed Affidavit of Water Use also needs to have the applicable portions completed when claiming a vested water right.

I assume the acreage that is listed on the vested right claim is now duplicated on the original application which is for 42.7 acres. The acreage claimed on the vested right application will need to be deleted from the new application which will be only for the fairways.

Jim Stukel with the Department of Agriculture has indicated that about 5 to 6 acres are not included on the original permit application. The acreage is located in section 30-T4N-R4E and needs to be located on the enclosed map or an additional map will need to be completed.

An alternative to completing the information requested in this letter with the exception of locating the additional acreage is to withdraw the vested right claim. This means the whole golf course would be included on the new application and would be assigned a new priority date if the application is approved. However, the decision on how to proceed is entirely up to the country club.

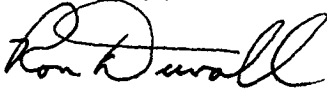
Page 1 of 2



October 4, 1989
Jerry C Rachetto
Page 2 of 2

Please complete the above information and return the completed enclosures. I have also enclosed the \$15.00 check until I am certain the golf course intends to proceed with the vested right claim. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

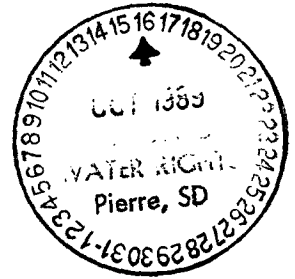
JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LEM OVERPECK
P. O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN
P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141

October 11, 1989



Mr. Ron Duvall
Natural Resources Engineer
SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Tomahawk Lake Country Club

Dear Mr. Duvall:

Enclosed please find duplicate originals of an Amended Application for water permit. Pursuant to your letter dated October 4, 1989, I have deleted the estimated acreage of greens and tees and added approximately five acres under Section 30.

I have also enclosed duplicate originals of our Application for a vested right claim along with Tomahawk Lake Country Club check No. 5624 in the amount of \$15 made payable to Water Rights Division.

Also enclosed are duplicate originals of your Affidavit of Water Use.

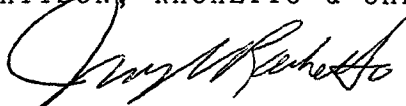
In addition, this letter confirms our telephone call yesterday wherein you advised that to calculate cubic feet of water per second you divide the gallons per minute by 449. I used this calculation on the enclosed applications.

Also enclosed is an additional map locating approximately five or six acres in Section 30 as requested in your letter dated October 4, 1989.

Thank you for your cooperation.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN


Jerry C. Rachetto

JCR:bms
Enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: Terry C Rachetta c/a Tomahawk Lake Country ClubADDRESS: Box 572, Deadwood SD COUNTY LawrenceDATE: November 13, 1989 TELEPHONE _____RE: size of storage pond

COMMENTS:

Contacted Terry Rachetta to determine which storage estimate should be used, 300,600 gallons or 2.3 ac-ft (750,000 gallons) as shown on Form 2A. Mr. Rachetta stated both were estimates and indicated the larger estimate could be used to ensure the applications are for an adequate amount of storage.

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.

JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN
P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141
FAX (605) 578-2200

LEM OVERPECK
P.O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

January 2, 1990



Mr. Ron Duvall
Natural Resources Engineer
S.D. DEPT. OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Tomahawk Lake Country Club

Dear Mr. Duvall:

Please advise the status of the Amended Application for water permit I mailed to your office on October 11th as well as our Application for vested right mailed to your office on the same date.

Thank you for your cooperation.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN

Jerry C. Rachetto

JCR:mc
cc: Joe Noeller

**Report on Application No. 1471-1
Tomahawk Lake Country Club
November 24, 1989**

Background

Application No. 1471-1 requests to appropriate 0.9 cubic feet of water per second from a spring-fed collection dam (approximately 2.3 acre-feet storage capacity). The water will be used to irrigate 47.05 acres of a golf course. The diversion point is located in the SW1/4 SW1/4 Section 19, T4N-R4E. The acreage to be irrigated is located in the SW1/4 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, SW1/4 Section 19; and the NW1/4 NE1/4 Section 30, T4N-R4E, in Lawrence County.

Discussion

On November 20, 1989, John Schultz was contacted. Mr. Schultz maintains the golf course. He stated that there was no flow record for the spring. He said, however, that the flow in the spring was measured once this year by someone from the Forest Service. The flow was measured to be 283,000 gallons per 24 hours. He believed that the flow was somewhat more than what the spring usually flowed. However, he said, they measured the flow too close to the spillway where he was told that it would show less flow than what it actually is. The club uses a gravity system of irrigation. The grass is heavily irrigated for 3 1/2 hours every morning. The club also uses 9 travelling guns with nozzles that are 1/16 inch in diameter. These guns are used during the day and are moved around. According to Mr. Schultz, the spring never ceases to flow.

On January 9, 1990, the Tomahawk Lake Country Club land was inspected. The applicant uses a pump with 405 gallons per minute capacity (0.9 cubic feet per second).

The amount of water requested to irrigate 47.05 acres of land exceeds the amount of water allowed by law. Based on 1 cubic foot of water per second for irrigation of 70 acres, 0.67 cubic feet of water is allowed by law to irrigate 47.05 acres. Since the pump's capacity exceeds the maximum diversion rate, the applicant should limit the length of time in which water is applied to the land. At a pumping rate of 0.9 cubic feet per second, it would take 180 days to apply 94 acre feet of water to the land if the pump is used 7 hours per day.

Water Rights files do not show any record of water users in the area who would use water from the spring.

Conclusions and Recommendations

1. According to the applicant, the spring flows year around.
2. No water rights exist on this spring.
3. Due to the small size of the dam, investigation of the dam under the safety of dams rules is not required.
4. It is recommended that Application No. 1471-1 be approved with the following qualifications:
 - A) Irrigation questionnaire should be submitted annually.
 - B) Volume of water should be limited to 94.0 acre feet per season.

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

Approved:


Delvin D. Brosz, P.E.
Natural Resources Engineer IV
(605)773-3352

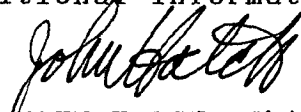
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1471-1, Tomahawk Country Club

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. 1471-1, Tomahawk Country Club, Box 572, Deadwood SD.

The Chief Engineer is recommending APPROVAL of Application No. 1471-1 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 with the following qualifications:

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. The annual volume of water that may be applied for irrigation is 94.0 acre-feet.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
December 4, 1989



Department of Water & Natural Resources

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

January 16, 1990

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

Joe Noeller, President
Tomahawk Lake Country Club
Deadwood SD 57732

Dear Mr. Noeller:

Water Permit Application No. 1471-1 and Vested Water Right Claim No. 1472-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lead Daily Call printed at Lead SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 16, 1990

Lead Daily Call
Box 876
Lead SD 57754

ATTENTION: Legal Department

Enclosed is a Notice of Hearings on Application No. 1471-1 and Vested Water Right Claim No. 1472-1 to be published twice. Please publish the first notice on or before January 25, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Tomahawk Lake Country Club, Box 572, Deadwood SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing on Application Nos. 1471-1 & 1472-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before January 25, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application No. 1471-1 to Appropriate Water and to Validate Vested Water Right Claim No. 1472-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, Box 572, Deadwood SD 57732 has filed two applications. Application No. 1471-1 is to appropriate 0.9 cubic feet of water per second (cfs) from a springfed collection dam (approximately 2.3 acre-feet storage capacity) to irrigate 47.05 acres of a golf course. The dam is located in the SW 1/4 SW 1/4 Section 19 and the acreage to be irrigated is located in the SW 1/4 NE 1/4, SE 1/4 NW 1/4, W 1/2 SE 1/4, SW 1/4 Section 19; NW 1/4 NE 1/4 Section 30; all in T4N-R4E.

Vested Right Application No. 1472-1 claims 0.07 cfs from a spring fed collection dam (same dam as described in Application No. 1471-1) approximately 2.3 acre-feet capacity, to irrigate golf course greens and tee boxes consisting of 1.65 acres with a claimed priority date of 1932. The dam is located in the SW 1/4 SW 1/4 Section 19 and the irrigated acreage is located in the SW 1/4 NE 1/4, SW 1/4 SE 1/4, SW 1/4 Section 19; all in T4N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1471-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest and recommends VALIDATION of Vested Water Right Application No. 1472-1 because 1) water has been appropriated as described for irrigation with a January 1, 1932 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve and/or validate, 2) approve and/or validate with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Laurence) ss.

I, Loren Perry
 certify that the attached printed Notice was taken
 from the Lead Daily Call

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

January 23, 1990
January 30, 1990

Loren Perry
 (Signature)
Accounts Receivable Clerk
 (Title)
January 30, 1990
 (Date Signed)

Cost of Printing: 52.16



NOTICE OF HEARINGS
 on Application No. 1471-1
 to Appropriate Water and
 to Validate Vested Water
 Right Claim No. 1472-1 to
 Appropriate Water

Notice is given that Tomahawk Lake Country Club, Box 572, Deadwood SD 57732 has filed two applications. Application No. 1471-1 is to appropriate 0.9 cubic feet of water per second (cfs) from a spring-fed collection dam (approximately 2.3 acre-foot storage capacity) to irrigate 47.05 acres of a golf course. The dam is located in the SW1/4 SW1/4 Section 19 and the acreage to be irrigated is located in the SW1/4 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, SW1/4 Section 19; NW1/4 NE1/4 Section 30; all in T4N-R4E.

Vested Right Application No. 1472-1 claims 0.07 cfs from a spring fed collection dam (same dam as described in Application No. 1471-1) approximately 2.3 acre-foot capacity, to irrigate golf course greens and tee boxes consisting of 1.65 acres with a claimed priority date of 1932. The dam is located in the SW1/4 SW1/4 Section 19 and the irrigated acreage is located in the SW1/4 NE1/4, SW1/4 SE1/4, SW1/4 Section 19; all in T4N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1471-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest and recommends VALIDATION of Vested Water Right Application No. 1472-1 because 1) water has been appropriated as described for irrigation with a January 1, 1932 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve

and/or validate, 2) approve and/or validate with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. Those and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant of a petition. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-12
46-1-13; 46-2-1, 46-2-2, 46-2-3, 46-2-4, 46-2-5, 46-2-6, 46-2-7, 46-2-8, 46-2-9, 46-2-10, 46-2-11, 46-2-12, 46-2-13, 46-2-14, 46-2-15, 46-2-16, 46-2-17, 46-2-18, 46-2-19, 46-2-20, 46-2-21, 46-2-22, 46-2-23, 46-2-24, 46-2-25, 46-2-26, 46-2-27, 46-2-28, 46-2-29, 46-2-30, 46-2-31, 46-2-32, 46-2-33, 46-2-34, 46-2-35, 46-2-36, 46-2-37, 46-2-38, 46-2-39, 46-2-40, 46-2-41, 46-2-42, 46-2-43, 46-2-44, 46-2-45, 46-2-46, 46-2-47, 46-2-48, 46-2-49, 46-2-50, 46-2-51, 46-2-52, 46-2-53, 46-2-54, 46-2-55, 46-2-56, 46-2-57, 46-2-58, 46-2-59, 46-2-60, 46-2-61, 46-2-62, 46-2-63, 46-2-64, 46-2-65, 46-2-66, 46-2-67, 46-2-68, 46-2-69, 46-2-70, 46-2-71, 46-2-72, 46-2-73, 46-2-74, 46-2-75, 46-2-76, 46-2-77, 46-2-78, 46-2-79, 46-2-80, 46-2-81, 46-2-82, 46-2-83, 46-2-84, 46-2-85, 46-2-86, 46-2-87, 46-2-88, 46-2-89, 46-2-90, 46-2-91, 46-2-92, 46-2-93, 46-2-94, 46-2-95, 46-2-96, 46-2-97, 46-2-98, 46-2-99, 46-3-1, 46-3-2, 46-3-3, 46-3-4, 46-3-5, 46-3-6, 46-3-7, 46-3-8, 46-3-9, 46-3-10, 46-3-11, 46-3-12, 46-3-13, 46-3-14, 46-3-15, 46-3-16, 46-3-17, 46-3-18, 46-3-19, 46-3-20, 46-3-21, 46-3-22, 46-3-23, 46-3-24, 46-3-25, 46-3-26, 46-3-27, 46-3-28, 46-3-29, 46-3-30, 46-3-31, 46-3-32, 46-3-33, 46-3-34, 46-3-35, 46-3-36, 46-3-37, 46-3-38, 46-3-39, 46-3-40, 46-3-41, 46-3-42, 46-3-43, 46-3-44, 46-3-45, 46-3-46, 46-3-47, 46-3-48, 46-3-49, 46-3-50, 46-3-51, 46-3-52, 46-3-53, 46-3-54, 46-3-55, 46-3-56, 46-3-57, 46-3-58, 46-3-59, 46-3-60, 46-3-61, 46-3-62, 46-3-63, 46-3-64, 46-3-65, 46-3-66, 46-3-67, 46-3-68, 46-3-69, 46-3-70, 46-3-71, 46-3-72, 46-3-73, 46-3-74, 46-3-75, 46-3-76, 46-3-77, 46-3-78, 46-3-79, 46-3-80, 46-3-81, 46-3-82, 46-3-83, 46-3-84, 46-3-85, 46-3-86, 46-3-87, 46-3-88, 46-3-89, 46-3-90, 46-3-91, 46-3-92, 46-3-93, 46-3-94, 46-3-95, 46-3-96, 46-3-97, 46-3-98, 46-3-99, 46-4-1, 46-4-2, 46-4-3, 46-4-4, 46-4-5, 46-4-6, 46-4-7, 46-4-8, 46-4-9, 46-4-10, 46-4-11, 46-4-12, 46-4-13, 46-4-14, 46-4-15, 46-4-16, 46-4-17, 46-4-18, 46-4-19, 46-4-20, 46-4-21, 46-4-22, 46-4-23, 46-4-24, 46-4-25, 46-4-26, 46-4-27, 46-4-28, 46-4-29, 46-4-30, 46-4-31, 46-4-32, 46-4-33, 46-4-34, 46-4-35, 46-4-36, 46-4-37, 46-4-38, 46-4-39, 46-4-40, 46-4-41, 46-4-42, 46-4-43, 46-4-44, 46-4-45, 46-4-46, 46-4-47, 46-4-48, 46-4-49, 46-4-50, 46-4-51, 46-4-52, 46-4-53, 46-4-54, 46-4-55, 46-4-56, 46-4-57, 46-4-58, 46-4-59, 46-4-60, 46-4-61, 46-4-62, 46-4-63, 46-4-64, 46-4-65, 46-4-66, 46-4-67, 46-4-68, 46-4-69, 46-4-70, 46-4-71, 46-4-72, 46-4-73, 46-4-74, 46-4-75, 46-4-76, 46-4-77, 46-4-78, 46-4-79, 46-4-80, 46-4-81, 46-4-82, 46-4-83, 46-4-84, 46-4-85, 46-4-86, 46-4-87, 46-4-88, 46-4-89, 46-4-90, 46-4-91, 46-4-92, 46-4-93, 46-4-94, 46-4-95, 46-4-96, 46-4-97, 46-4-98, 46-4-99, 46-5-1, 46-5-2, 46-5-3, 46-5-4, 46-5-5, 46-5-6, 46-5-7, 46-5-8, 46-5-9, 46-5-10, 46-5-11, 46-5-12, 46-5-13, 46-5-14, 46-5-15, 46-5-16, 46-5-17, 46-5-18, 46-5-19, 46-5-20, 46-5-21, 46-5-22, 46-5-23, 46-5-24, 46-5-25, 46-5-26, 46-5-27, 46-5-28, 46-5-29, 46-5-30, 46-5-31, 46-5-32, 46-5-33, 46-5-34, 46-5-35, 46-5-36, 46-5-37, 46-5-38, 46-5-39, 46-5-40, 46-5-41, 46-5-42, 46-5-43, 46-5-44, 46-5-45, 46-5-46, 46-5-47, 46-5-48, 46-5-49, 46-5-50, 46-5-51, 46-5-52, 46-5-53, 46-5-54, 46-5-55, 46-5-56, 46-5-57, 46-5-58, 46-5-59, 46-5-60, 46-5-61, 46-5-62, 46-5-63, 46-5-64, 46-5-65, 46-5-66, 46-5-67, 46-5-68, 46-5-69, 46-5-70, 46-5-71, 46-5-72, 46-5-73, 46-5-74, 46-5-75, 46-5-76, 46-5-77, 46-5-78, 46-5-79, 46-5-80, 46-5-81, 46-5-82, 46-5-83, 46-5-84, 46-5-85, 46-5-86, 46-5-87, 46-5-88, 46-5-89, 46-5-90, 46-5-91, 46-5-92, 46-5-93, 46-5-94, 46-5-95, 46-5-96, 46-5-97, 46-5-98, 46-5-99, 46-6-1, 46-6-2, 46-6-3, 46-6-4, 46-6-5, 46-6-6, 46-6-7, 46-6-8, 46-6-9, 46-6-10, 46-6-11, 46-6-12, 46-6-13, 46-6-14, 46-6-15, 46-6-16, 46-6-17, 46-6-18, 46-6-19, 46-6-20, 46-6-21, 46-6-22, 46-6-23, 46-6-24, 46-6-25, 46-6-26, 46-6-27, 46-6-28, 46-6-29, 46-6-30, 46-6-31, 46-6-32, 46-6-33, 46-6-34, 46-6-35, 46-6-36, 46-6-37, 46-6-38, 46-6-39, 46-6-40, 46-6-41, 46-6-42, 46-6-43, 46-6-44, 46-6-45, 46-6-46, 46-6-47, 46-6-48, 46-6-49, 46-6-50, 46-6-51, 46-6-52, 46-6-53, 46-6-54, 46-6-55, 46-6-56, 46-6-57, 46-6-58, 46-6-59, 46-6-60,

74:02:01:01 thru 74:02:01:15.
74:02:01:19 thru 74:02:01:22.

JON MATTSON
JERRY RACHETTO
STEVE CHRISTENSEN

LEM OVERPECK
P.O. Box 636
Spearfish, S. Dak. 57783
(OF COUNSEL)

LAW OFFICES OF
MATTSON, RACHETTO & CHRISTENSEN

P.O. Box 392
DEADWOOD, SOUTH DAKOTA 57732

DEADWOOD OFFICES:
81 SHERMAN STREET
TELEPHONE (605) 578-2141
FAX (605) 578-2200

March 20, 1990



Mr. Ronald Duval
Natural Resources Engineer
S.D. DEPT. OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Tomahawk Lake Country Club - Water Permits

Dear Mr. Duval:

Please advise the status of the applications for water permits in the above-entitled matter.

My file indicated your hearing on this matter was scheduled for March 7th.

Thank you for your cooperation.

Very truly yours,

MATTSON, RACHETTO & CHRISTENSEN

Jerry C. Rachetto

JCR:dg



Department of Water & Natural Resources

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

March 28, 1990

Jerry C Rachetto, attorney
Mattson, Rachetto & Christensen
PO Box 392
Deadwood SD 57732

Dear Mr. Rachetto:

This letter is in response to your letter dated March 20, 1990 regarding the status of Application Nos. 1471-1 and 1472-1.

The Water Management Board validated No. 1472-1 and approved No. 1471-2 at the March 7 & 8, 1990 Board meeting. A permit for each application will be prepared and issued to the applicant at a later date.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large initial "R" and "D".

Ron Duvall
Natural Resources Engineer
605 773-3352

South Dakota Department of
Water & Natural Resources

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

JUN 18 1990

Joe Noeller
Tomahawk Lake Country Club
Box 572
Deadwood SD 57732

Dear Mr. Noeller:

Enclosed is Water Permit No. 1471-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 1999

1471-1
1563-1

Tomahawk Lake Country Club
%John Shultz, Superintendent
P.O. Box 572
Deadwood, SD 57732

Dear Mr. Shultz:

The investigation of your water use systems was conducted on September 10, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 1471-1 and 1563-1. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$100.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$100.00 total) from you, we will begin processing your Water Licenses.

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 numbers. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416239

Pierre, _____ November 1, 19 99

RECEIVED OF Tomahawk Lake Country Club, Box 572, 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 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. <u>1471-1</u>	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 

Permit No. 1471-1
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, September 10, 1998, made a thorough examination of the water use system constructed by Tomahawk Lake Country Club of Box 572, Deadwood, SD, 57732 holder of Permit No. 1471-1, bearing the priority of October 16, 1989 authorizing the diversion of 0.90 cu. ft. per second and/or the storage of 2.3 acre-feet of the waters of spring fed collection dam for irrigation purposes, in Lawrence County.

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

A. Works used to divert the water:

Water is diverted with a Watertronics Pump powered by a 50 Horsepower US Electric Motor.

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

Water is transported to place through approximately 110 feet of 6" diameter PVC pipe, 4520 feet of 4" diameter PVC pipe, 4400 feet of 3" diameter PVC pipe, 7110 feet of 2" diameter PVC pipe, and 2950 feet of 1 1/2" diameter PVC pipe

C. Works used to apply water to beneficial use:

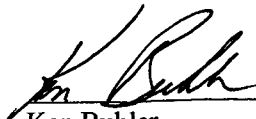
Water is applied to beneficial use through 216 Rainbird Sprinkler Heads

The system is in the following condition good. The point of diversion is located 788 feet north and 1170 feet east of the south west corner of Sec. 19, T4N-R4E (SE 1/4 NE 1/4 SW 1/4 Sec. 19, T4N-R4E). The works are capable of diverting and conveying to the place of use 0.90 cu. ft. per second of water and/or storing 2.3 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>SW 1/4 SW 1/4 Sec. 19, T4N-R4E</u>	<u>3 acres</u>
<u>SE 1/4 SW 1/4 Sec. 19, T4N-R4E</u>	<u>3 acres</u>
<u>NE 1/4 SW 1/4 Sec. 19, T4N-R4E</u>	<u>2 acres</u>
<u>SW 1/4 NE 1/4 Sec. 19, T4N-R4E</u>	<u>1/4 acre</u>
<u>SE 1/4 NE 1/4 Sec. 19, T4N-R4E</u>	<u>1/4 acre</u>
<u>NW 1/4 SE 1/4 Sec. 19, T4N-R4E</u>	<u>6 acres</u>
<u>NE 1/4 SE 1/4 Sec. 19, T4N-R4E</u>	<u>1/8 acres</u>
<u>SW 1/4 SE 1/4 Sec. 19, T4N-R4E</u>	<u>8 acres</u>
<u>NW 1/4 NE 1/4 Sec. 30,4N-R4E</u>	<u>3 acres</u>

comprising a total of 25.625 acres of land and the license should be issued for 0.50 cfs and/or 2.3 acre-feet of storage. Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na


 Ken Buhler
 Natural Resources Engineer
 DENR, Water Rights Program

10/25/99
 Date

REPORT ON INSPECTION OF PERMIT NO. 1471-1

Other permit(s) associated with the project: 1472-1, 1563-1

NAME & ADDRESS OF INSPECTION CONTACT John Shultz, Box 313, Deadwood, SD 57732

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Golf Course Superintendent

NAME & ADDRESS OF PERMIT HOLDER: Tomahawk Lake Country Club

Box 313,

Deadwood SD 57732

DATE OF INSPECTION: September 10, 1999

DIVERSION POINT LEGAL LOCATION: 788 feet north and 1170 feet east of the south west corner of Sec.19, T4N-R4E, (SE¼NE¼SW¼SW¼ Sec. 19, T4N-R4E)

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 6, 4, 3, 2, 1½ inches 3) Length 110, 4520, 4400, 7110, 2950 respectively feet

SYSTEM TYPE:

Underground sprinkler system

- 1) Sprinkler type Rainbird
- 2) Sprinkler Model 51DR (28 gpm @ 70 psi)
- 3) Number of heads 216
can run a maximum of 14 sprinklers at one time

Pump Information

- 1) Pump Manufacturer: Watertronics, Elm Grove, Wisc
- 2) Pump Model No. HC500
- 3) Pump Serial No. 19892022
- 4) Pump size 4" inlet, 3" outlet
- 5) Operating Pressure 105 psi
- 6) Capacity 406 gpm
- 7) Motor Manufacturer: US Electric Motors
- 8) Motor size 50 Horse power
- 9) Motor ID 604726/505R3330025R-3

DAM INFORMATION:

- 1) Height to crest 6 feet
- 2) Height to primary outlet 4 feet
- 3) Height to secondary spillway na ft
- 4) Crest width 10 feet
- 5) Crest length 100 feet
- 6) Approx. storage 2.3 ac-ft
- 7) Date constructed: 1932
- 8) Outlet tubes:
 - a) diameter 10 inches
 - b) type pvc
 - c) valved no
 - d) valve type na

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Licensing of Acreage Outside of Permitted Area

NAME: Tomahawk Lake Country Club

ADDRESS: P.O. Box 572, Deadwood, SD, 57732

DATE: October 25, 1999 **COUNTY:** Lawrence **TELEPHONE:**

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 25.625 acres as compared to 46.05 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The underpermitted acreage ($\frac{1}{4}$ acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and $\frac{1}{8}$ acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 19, T4N-R4E) is contiguous to acreage advertised by Permit Nos. 1471-1 and 1563-1 .

- **Owned by Same Property Owner**

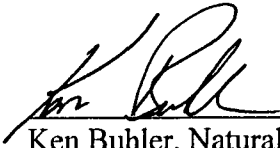
The acreage is all owned by Tomahawk Lake Country Club.

- **Developed Prior to Expiration of Construction Period**

The acreage was developed prior to March 7, 1995

RECOMMENDED ACTION

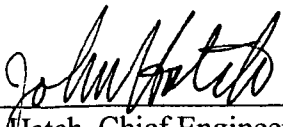
Based on the above criteria, it is recommended that the $\frac{3}{8}$ acre area be included in the water license.



Ken Buhler, Natural Resources Engineer
Water Rights Program

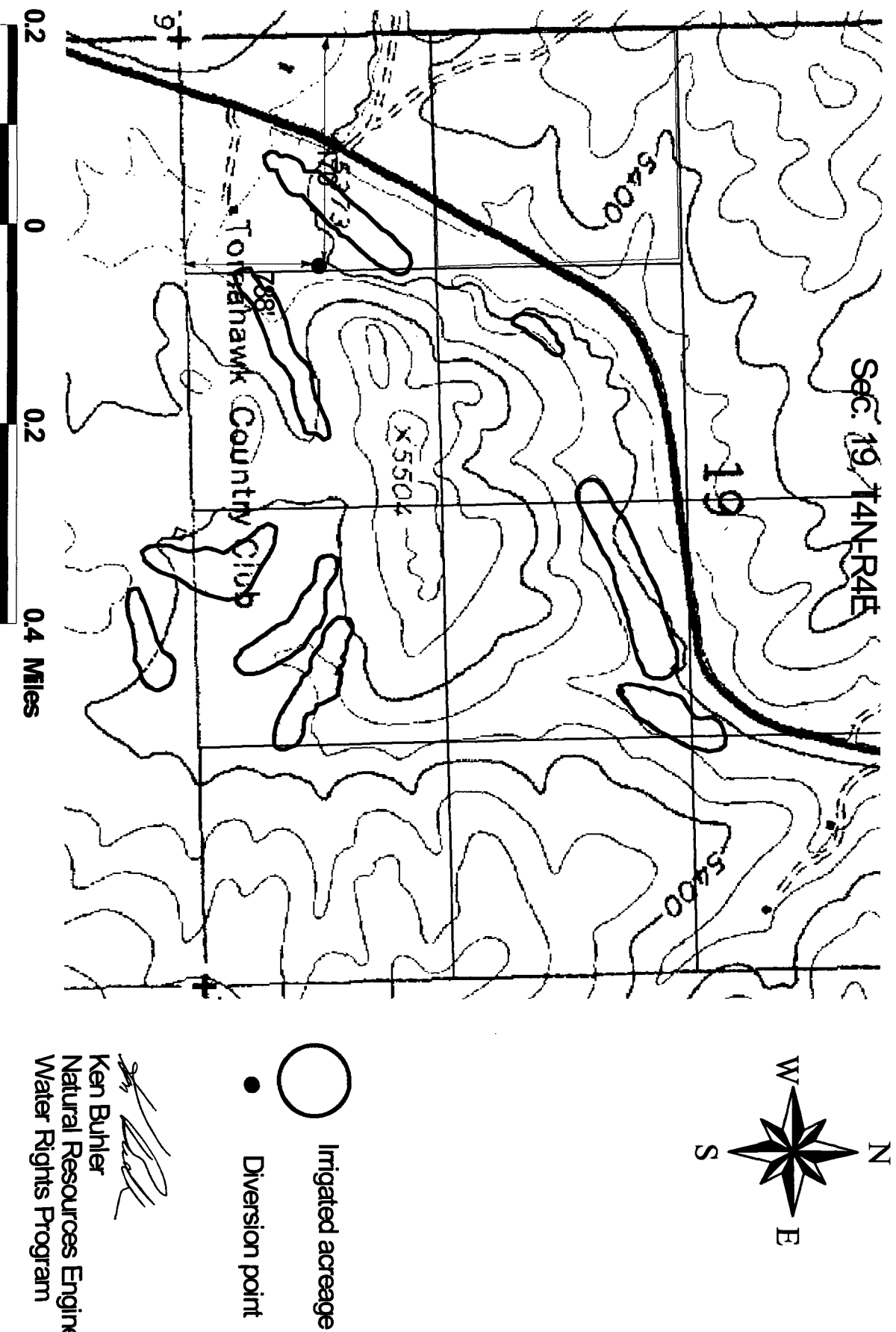
The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 10-25-99

John Hatch, Chief Engineer
Water Rights Program

WATER RIGHT No. 1471-1 & VESTED RIGHT No. 1472-1



Ken Buhler
 Ken Buhler
 Natural Resources Engineer
 Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1471-1**

(1) Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 made Application No. 1471-1, July 14, 1989 for a water permit to divert 0.90 cubic feet of water per second (cfs) from a spring fed collection dam, Lawrence County, South Dakota for irrigation purposes. Permit No. 1471-1, with a priority date of October 16, 1989 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

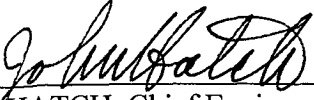
Vested Right No. 1472-1, with a priority date of January 1, 1932, authorizes 0.07 cfs from the same dam to irrigate 1.65 acres consisting of golf course greens and tee boxes. Water Right No. 1563-1, with a priority date of October 25, 1992, authorizes 0.033 cfs from one well to supply water to the clubhouse and serves as a backup supply to irrigate lands covered by No. 1471-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.50 cubic feet of water per second for beneficial use. The location of the diversion point is 788 feet north and 1,170 feet east of the southwest corner of Section 19-T4N-R4E (SW ¼ SW ¼).

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

All in T4N-R4E					
Sec 19	SW ¼ SW ¼	3 acres	Sec 19	NW ¼ SE ¼	6 acres
	SE ¼ SW ¼	3 acres		NE ¼ SE ¼	⅛ acre
	NE ¼ SW ¼	2 acres		SW ¼ SE ¼	8 acres
Sec 19	SW ¼ NE ¼	¼ acre	Sec 30	NW ¼ NE ¼	3 acres
	SE ¼ NE ¼	¼ acre			
Total 25.6 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 the holder and/or owner of Water Right No. 1471-1 is issued a license to appropriate water, the right to use 0.50 cubic feet of water per second from a spring fed collection dam (2.3 acre-feet capacity) with a priority date of October 16, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1471-1 and subject to South Dakota State Law.


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

DEC 10 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1999

1471-1
1563-1

Tomahawk Lake Country Club
%John Shultz, Superintendent
P.O. Box 572
Deadwood, SD 57732

Dear Mr. Shultz:

Enclosed are Water License Nos. 1471-1 and 1563-1 and Receipt Nos. 416239 and 416240 for \$50.00 each which was assessed for an investigation and issuance of the licenses. Water License Nos. 1471-1 and 1563-1 are the final documents which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water Licenses, 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



1471-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, RANDY SARGENT, SUPT, PO BOX 572,
DEADWOOD, SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1 & 1563-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1 & 1563-1 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 1471-1, 1472-1 & 1563-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before March 8, 2002, 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 at (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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOMAHAWK LAKE COUNTRY CLUB
 RANDY SARGENT, SUPT
 PO BOX 572
 DEADWOOD SD 57732

COMPLETE THIS SECTION ON DELIVERY

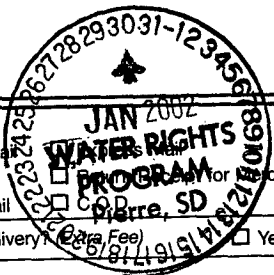
A. Received by (Please Print Clearly) LOREI LOGAN B. Date of Delivery

C. Signature [Signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No
 If YES, enter delivery address below:

Service Type
☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Return Receipt for Merchandise

4. Restricted Delivery (Extra Fee) ☐ Yes ☐ No



7001 2510 0004 4797 3800



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2002

1471-1
1472-1
1563-1

Tomahawk Lake Country Club Inc
Attention: Board President
PO Box 572
Deadwood, SD 57732-0572

Dear Sir:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 1471-1, 1472-1 and 1563-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, BOARD PRESIDENT, PO BOX 572,
DEADWOOD, SD 57732 0572

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before February 27, 2004, 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 at (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.



1471-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9760

Your item was delivered at 9:17 am on January 16, 2004 in DEADWOOD, SD 57732. The item was signed for by B MCGRUDEN.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9760

TOMAHAWK LAKE COUNTRY CLUB
BOARD PRESIDENT
PO BOX 572
DEADWOOD SD 57732 0572

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

- ☐ Priority Mail®
☐ Package Services



1471-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2004

1471-1
1472-1
1563-1
1774-1

Board President
Tomahawk Lake Country Club
PO Box 572
Deadwood SD 57732-0572

Dear Sir:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires for the Tomahawk Lake Country Club. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1471-1, 1472-1, 1563-1 and 1774-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, BOARD PRESIDENT, PO BOX 572, DEADWOOD,
SD 57732 0572

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before February 25, 2005, 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 at (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.



1471-1
**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 15, 2005

1471-1
1472-1
1563-1
1774-1

Gary Todd
Gold Country Inn
801 Main St
Deadwood SD 57732

RE: Tomahawk Lake Country Club

Dear Mr. Todd:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1471-1, 1472-1, 1563-1 and 1774-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, JON CARTER, 21567 BUFFALO LN,
DEADWOOD, SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2009

Jon Carter
Tomahawk Lake Country Club
PO Box 572
Deadwood SD 57732 0572

RE: Water Permit or Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1

Dear Mr. Carter:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, JON CARTER, PO BOX 572, DEADWOOD, SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

1471-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2011

Dav Van Den Heede
Tomahawk Lake Country Club
PO Box 572
Deadwood SD 57732 0572

RE: Water Permit or Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1

Dear Sir:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for Tomahawk Lake Country Club.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1471-1, 1472-1, 1563-1 and 1774-1. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, DAV VAN DEN HEEDE, PO BOX 572,
DEADWOOD, SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

1471-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 30, 2013

Dav Van Den Heede
Tomahawk Lake Country Club
PO Box 572
Deadwood SD 57732

RE: Water Permit/Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1

Dear Sir:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, CHAD ANDERSON, PO BOX 572, DEADWOOD, SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 9, 2015

Chad Anderson
Tomahawk Lake Country Club
PO Box 572
Deadwood SD 57732

RE: Irrigation Questionnaires for Water Right Nos. 1471-1, 1472-1, 1563-1 & 1774-1

Dear Mr. Anderson:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for the country club. You may disregard the January 16, 2015, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In reviewing the water rights for the country club, it would seem that some could be combined and therefore make reporting each year easier for you to do. Nos. 1471-1 and 1472-1 are for irrigation from a spring fed collection dam. No. 1563-1 is actually for use from a well for commercial use at the clubhouse and should not have included irrigation use. No. 1774-1 is for use of ground water to supplement the spring fed dam for irrigation purposes.

Please give me a call at your earliest convenience and we can discuss possible changes to the water rights.

Sincerely,

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



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: TOMAHAWK LAKE COUNTRY CLUB, CHAD ANDERSON, PO BOX 572, DEADWOOD,
SD 57732

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1471-1, 1472-1 & 1774-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1471-1, 1472-1 & 1774-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1471-1, 1472-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



1471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2016

1471-1
1472-1
1774-1

Chad Anderson
Tomahawk Lake Country Club
PO Box 572
Deadwood D 57732 0572

Dear Mr. Anderson:

I am writing to acknowledge receipt of the 2015 irrigation questionnaires for Tomahawk Lake Country Club.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1471-1, 1472-1 and 1774-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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