

Considered: _____

WATER PERMIT NO. VR 1562-1

Phone: 578-9979

Name of Applicant: Tomahawk Lake Country Club, Inc.

Post Office Address: Box 572, Deadwood SD 57732

Amount of Water Claimed: 19 gpm 0.042 cfs Total Acres: NA

Source of Water Supply: groundwater & Spring

Water to be used for: commercial County: Lawrence

About 3 miles SE of Lead

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-21-92 Fee: \$15 Remarks Priority

date of January 1, 1934

Corrected Application Received _____ Period of Annual Use January 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: well SW 1/4 SW 1/4

spring S 1/2 SE 1/4; Sec 19-T4N-R4E

Land to be Irrigated: _____

		19		
	well		spring	

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 50' REMARKS no log available

Type of Map: topo PREPARED BY: Don Frye Reviewed and the Number

Assigned on 10-6-92 By Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1562-1

Date of Receipt of Claim January 21, 1992.

Date of Validation December 2, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1562-1 for Tomahawk Lake Country Club, Inc., Box 572, Deadwood SD 57732 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1562-1 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from one well 100 feet deep (Crystalline Rock) and 4 gallons per minute (0.01 cfs) from a spring. The well is located in the SW 1/4 SW 1/4 Section 19 and the spring is located in the S 1/2 SE 1/4 Section 19; all in T4N-R4E.
2. The appropriated water is used for supplying water to the clubhouse and a drinking fountain and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1934.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 

John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 12 1993

date

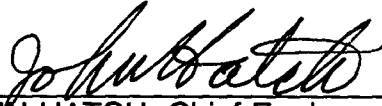
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1562-1

(1) Tomahawk Lake Country Club, Inc. of Box 572, Deadwood, SD 57732, made Application No. 1562-1, January 21, 1992 for validation of a vested right claim to appropriate 0.033 cubic feet of water per second (cfs) from groundwater (one well), and 0.01 cfs from a spring in Lawrence, County, South Dakota, for commercial purposes. Vested Water Right No. 1562-1 was validated December 2, 1992 with a priority date of January 1, 1934. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 0.043 cubic feet of water per second for beneficial use. The location of the diversion point is: SW 1/4 SW 1/4 Section 19 (well) and S 1/2 SE 1/4 Section 19 (spring), T4N, R4E.

(3) Pursuant to Section 46-5-30.1 the Tomahawk Lake Country Club, Inc. of Box 572, Deadwood, SD 57732 the holder(s) and/or owner(s) of Vested Water Right No. 1562-1 is issued a license to appropriate 0.033 cubic feet of water per second (cfs) from groundwater (one well) and 0.01 cfs from a spring with a priority date of January 1, 1934 from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1562-1 and subject to South Dakota State Law.



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

MAR 12 1993

No. 1562-1 Hydrologic Unit 10/20202
 Map No. _____ Basin Belle Fourche R
 Newspaper Lead Daily Call, Box 876, Lead

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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant TOMAHAWK ^{Lake} COUNTRY CLUB Inc. Phone No. 578-9979

Post Office Address Box 572 DEADWOOD SD State 57732
(Street, RR or Box) (City) Zip Code

* 2. Amount of water claimed (c.f.s) WELL - 15 GPM SPRING - 4 GPM

3. Source of water supply 1 WELL AND 1 SPRING (0.042 cfs)

4. Location of point of diversion WELL - SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 19, T4N, R4E
SPRING - S $\frac{1}{2}$ SE $\frac{1}{4}$, SEC 19, T4N, R4E

County LAWRENCE

5. Counties where water will be used LAWRENCE

6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WELL PROVIDES WATER FOR THE CLUBHOUSE AND THE SPRING PROVIDES WATER FOR A DRINKING FOUNTAIN.

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

STATE OF SOUTH DAKOTA)
 County of Lawrence)^{ss}

I, Gary Todd the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Gary Todd

Subscribed and sworn to before me this 7 day of Jan 19 92

Alvin O. Greenwood
 Notary Public

Supplemental Information

Well drilled by Chet Anen
in 1978 - no longer drilling

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 50 feet
- b) Casing Type steel Diameter 6 in 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 300 yds

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

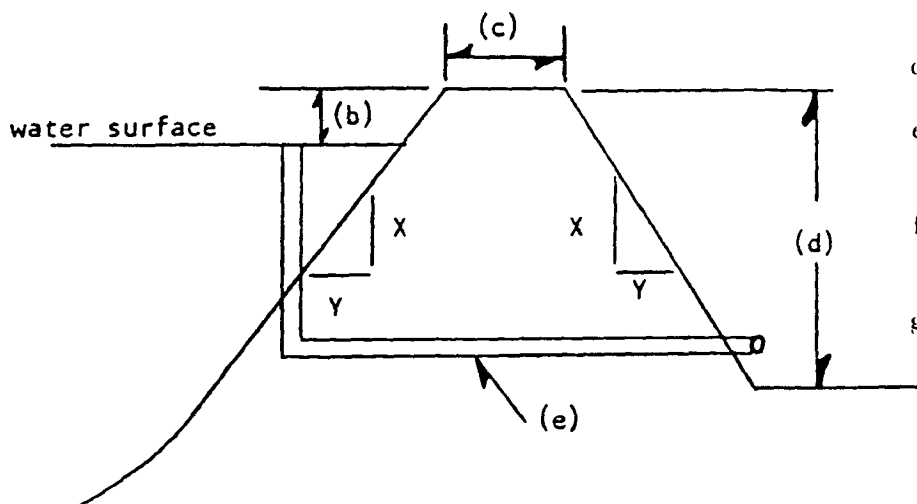
e) Primary Outlet Capacity _____
If Pipe, diameter _____f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) TOMAHAWK^{Lake} COUNTRY CLUB

Post Office Address BOX 572 DEADWOOD SD 57132
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1934C. Date that water was first applied to beneficial use 1934D. Name of owner of original water supply system TOMAHAWK LAKE COUNTRY CLUB

* E. Amount of water originally applied to beneficial use WELL - 156 PM SPRING - 46 PM

* F. Present Use of Water - Amount of water now being used WELL - 156 PM Spring - 4 gpm

Date that this water was first used 1934

G. Chronological History of Water Use

WATER BEGAN BEING USED FOR THE CLUBHOUSE IN 1934 AND IS
STILL BEING USED.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

ss

County of Lawrence)

I, Gary Todd the applicant, certify that I have read the foregoing
(print of type)
 and that the matters therein stated are true.

Signed Gary ToddSubscribed and sworn to before me 7 Jan 92

Alvin P. Greenwood
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Boyd H ERICKSON JAN 7 19 92
(Print name)

DOLORES A. HALL JAN 7 19 92
(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ January 21, 19 92

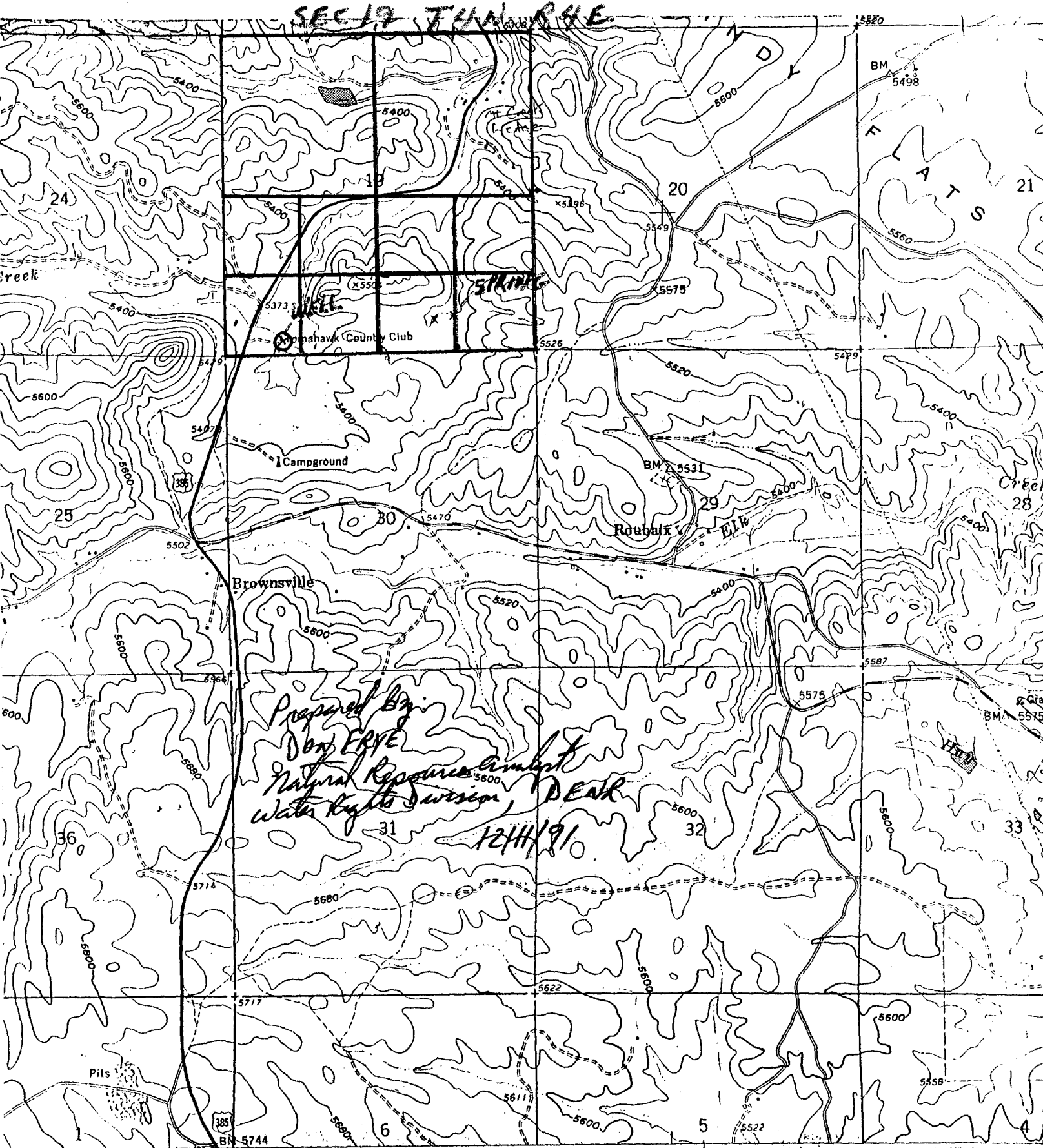
RECEIVED OF Tomahawk Lake Country Club, Box 572, Deadwood, SD 57732

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

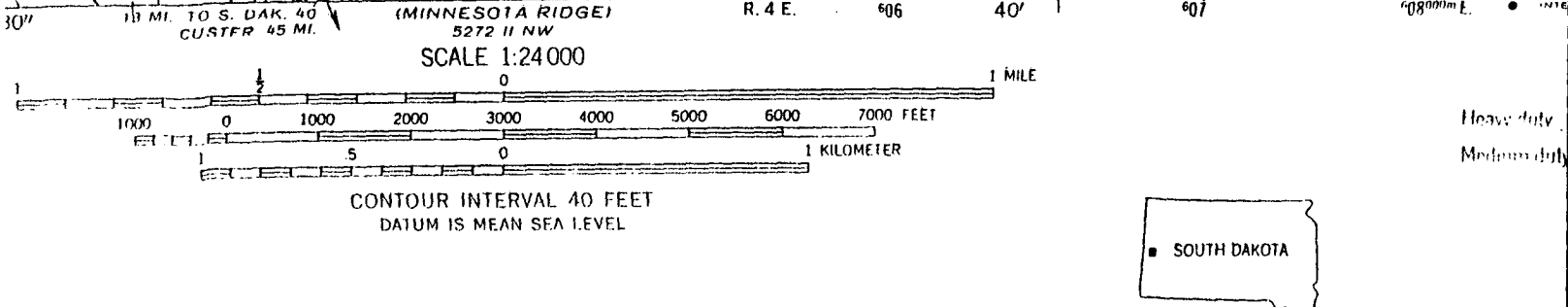
Fee for Application for Permit No. <u>1562-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatcher
Chief Engineer

SEC 19 T4N R4E



Prepared By
Don ERYE
Natural Resource Ambient
Water Rights Division, DNR
12/11/91



NOTICE OF WELL CONSTRUCTION

Lawrence

1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 19 Township 21N Range 4E

Well owner: *Lawrence* (Address)

Date well drilling completed: 4-18-78 Purpose of well: *for pump*
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer
35'	20' yellow clay +
	30' grey mud
3'	40' white sand
	60' 50/1" D
40'	70' R. Fine
	80' 50/1" D
15'	90' 50/1" D
	100' 50/1" D
	110' 50/1" D
	120' 50/1" D
	130' 50/1" D
	140' 50/1" D
	150' 50/1" D
	160' 50/1" D
	170' 50/1" D
	180' 50/1" D
	190' 50/1" D
	200' 50/1" D
	210' 50/1" D
	220' 50/1" D
	230' 50/1" D
	240' 50/1" D
	250' 50/1" D
	260' 50/1" D
	270' 50/1" D
	280' 50/1" D
	290' 50/1" D
	300' 50/1" D

Depth to top of water producing aquifer: 35' + 20' = 55' ft.
Depth to static water level: 31' 9" ft.
Name of producing aquifer (if known): *yellow & grey sand*
Total depth of drill hole: 100' ft.
Depth to bottom of casing: 100' ft.

Casing information: in the space below show size, type, weight, length per diameter, etc., for production casing and surface casing, if used.
50' of 6" steel for surface casing
90' of 5" plastic at bottom

Screen information: in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
Bottom 60' of 5" plastic has 1/2" holes drilled to suit for 5 perforations.

If a flowing well, flow of completed well: 22 G.P.M.

Charles D. Brown
Name of Drilling Contractor

2) PUMP INSTALLATION

Company name and size of pump: *Myers* HP: 1

Type of pump: *Saturn* Capacity of installed pump: 20 G.P.M.

Depth of pump placement: 70 ft., Date of pump installation: 4-15-78

3) WATER SURFACE MEASURING TUBE

On some wells a water surface measuring tube is required. See Section 46.40R of Chapter 46A, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____
tube material: _____



Charles D. Brown
Name of Water Measuring Contractor

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1562-1, Tomahawk Lake Country Club

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1562-1, Tomahawk Lake Country Club, Inc., c/o Gary Todd, Box 572, Deadwood, SD 57732.

The Chief Engineer is recommending DEFERRAL of Application No. 1562-1 to allow for Water Permit Application No. 1563-1, which needs to obtain a Soil Water Compatibility Permit, and this application to be processed simultaneously.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
March 19, 1992

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 1562-1,
Tomahawk Lake Country Club

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1562-1, Tomahawk Lake Country Club, Inc., c/o Gary Todd, Box 572, Deadwood, SD 57732

The Chief Engineer is recommending VALIDATION of Application No. 1562-1 for 15 gallons per minute from a well and 4 gallons per minute from a spring because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1934, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
October 26, 1992

REPORT ON VESTED RIGHT APPLICATION NO. 1562-1
AND APPLICATION NO. 1563-1
for Tomahawk Country Club
October 22, 1992

Vested Right Application No. 1562-1 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 100 feet deep and 4 gpm (0.009 cfs) from a spring. The well is located in the SW 1/4 SW 1/4 of section 19 and the spring is located in the S 1/2 SE 1/4 of section 19; all in T4N R4E BHM in Lawrence County. The water use has a claimed priority date of January 1, 1934 and is a commercial water supply at the clubhouse and a drinking fountain.

Application No. 1563-1 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 100 feet deep to be used a backup supply to irrigate the lands covered by Water Permit No. 1471-1. The well is located in the SW 1/4 SW 1/4 of section 19, T4N R4E BHM and is used as the water supply for the clubhouse. Water Permit No. 1471-1 authorizes 0.90 cfs from a spring fed collection dam to irrigate 47.05 acres of a golf course. The irrigated land 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 of section 19; NW 1/4 NE 1/4 of section 30; all in T4N R4E BHM in Lawrence County.

AQUIFER - CRYSTALLINE ROCK (CRSL)

The rock in this area consists of rhyolitic intrusive of Eocene and Paleocene age. The rock can be described as light-tan to light-gray stocks and small laccoliths of rhyolite containing phenocrysts (DeWitt, 1989). Ground water is contained within fractures and natural foliations within the rock type. Also there is a mappable fault just to the north of this well site which probably forms a hydrologic barrier for ground water movement to the north. The fact that a relatively large spring exists in a low area near the fault would suggest that the source of water for the spring is these same rocks. According to the well log submitted with the application water is obtained from a well approximately 100 feet deep completed into what the driller called porphyry. The completion report indicates that the well produced 22 gpm and had a static water level 31.5 feet below land surface.

The Division of Water Rights does not monitor any observation wells completed into this rock type in this area. No information is available to determine any historical water level trends.

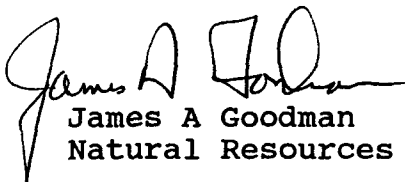
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 813-1 within 1/4 mile of these applications. The well for both Water Permit applications is located about 660 feet east of Well #2 for Water Right No. 813-1. Interference is not expected to be a concern. The diversion rates for the existing right and this application are relatively small (0.10 cfs and 0.033 cfs respectively) and

drawdown created by pumping should not be significant. These wells have been in existence for many years with no apparent problems. Water Right records indicate that Water Permit 813-1 has not been used for irrigation (no reported use) and may be subject to cancellation (Water Rights, 1992). Another inspection of the Water Right needs to be made.

CONCLUSIONS

1. Water is available from the crystalline rock in this area.
2. The rock is unconfined and drawdown is not expected to be significant. Interference is not a concern.
3. Water Permit Application No. 1562-1 is for a Vested Right. The affidavit filed with this application indicates that water has been used for the clubhouse since 1934. The well log in the file indicates that the well was drilled in 1978. This would be considered a replacement well and can be recognized as a vested right. Also a spring is included with the vested right application. Apparently a 4 gpm spring is developed for use at a drinking fountain on the course. This can also be recognized as a vested right. Since spring water may not be bacteriologically safe this source should be tested regularly.
4. Water Permit application No. 1563-1 is for backup water (supplement water authorized by Water Permit No. 1471-1) from the same well that Vested Right Application No. 1562-1 would authorize. The intent would be to use the well to provide backup water for the irrigation of the golf course. The diversion rate for both requests from the well are the same.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

DeWitt, E., J.A. Redden, D. Buscher, A.B. Wilson, Geologic Map of the Black Hills Area, South Dakota and Wyoming, USGS Map I-1910.

Water Rights, 1992, "Water Permit/Right Files, SD DENR, Division of Water Rights, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 30, 1992

Gary Todd
Tomahawk Lake Country Club, Inc.
Box 572
Deadwood, SD 57732

Dear Mr. Todd:

Your Application No. 1562-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Lead Daily Call printed at Lead, SD (Ph # 584-2303). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice 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 to validate a vested right 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. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1992

Lead Daily Call
Box 876
Lead, SD 57754

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1562-1 to be published twice. Please publish the notice on November 5, 1992, 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 Tomahawk Lake Country Club, Inc., Box 572, Deadwood, SD 57732 (Ph # 578-9979).

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 until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application 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 November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1562-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, Inc., Box 572, Deadwood, SD 57732 has filed an application to validate a vested water right claim to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well 100 feet deep (Crystalline Rock) and 4 gallons per minute from a spring. The well is located in the SW 1/4 SW 1/4 Section 19 and the spring is located in the S 1/2 SE 1/4 Section 19; all in T4N-R4E. The water use has a claimed priority date of January 1, 1934, and is a commercial water supply at the clubhouse and a drinking fountain.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1562-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1934, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-22; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.



Billy T. Masterson, Jr. of said County and State being duly sworn on his oath says: That The LEAD DAILY CALL/DEADWOOD PIONEER-TIMES is a legal daily newspaper of general circulation, printed and published in the City of Lead, in said County and State by Seaton Publishing Company, and has been such a newspaper during the times hereinafter mentioned; and that I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive Weeks the respective publications thereof being made on Nov 5 19 92 and on _____ 19 _____

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19

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and the last publication thereof on Nov 12 19 92

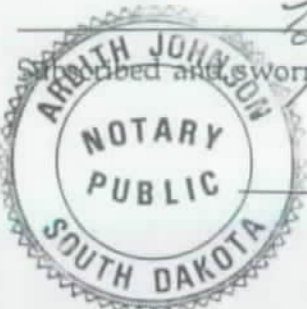
and that the full amount of fees charged for publishing same, to-wit: the sum of \$65.93, insures solely to the benefit of the publisher and that no arrangement or understanding for a division thereof has been made with any person other than the publisher, and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 12 day of Nov 19 92.

Ardith Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING To Validate Vested Water Right Application No. 1562-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, Inc., Box 572, Deadwood, SD 57732 has filed an application to validate a vested water right claim to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well 100 feet deep (Crystalline Rock) and 4 gallons per minute from a spring. The well is located in the SW 1/4 SW 1/4 Section 19 and the spring is located in the S 1/2 SE 1/4 Section 19; all in T4N-R4E. The water use has a claimed priority date of January 1, 1934, and is a commercial water supply at the clubhouse and a drinking fountain.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1562-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1934, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605) 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the

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signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., December 2, 1992, Floyd Marlow Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-22; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources.

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November 5, 12



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1562-1

Gary Todd
Tomahawk Lake Country Club, Inc.
Box 572
Deadwood, SD 57732

Dear Mr. Todd:

Enclosed are your Validated Vested Water Right and Water License No. 1562-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures