

Considered: _____

WATER PERMIT NO. 1563-1

Phone: 578-0070

Name of Applicant: Tomahawk Lake Country Club, Inc.

Post Office Address: Box 572, Deadwood SD 57732

Amount of Water Claimed: 15 gpm 0.033 cfs Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: irrigation - backup supply 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: \$50 Remarks backup water

supply for Permit No. 1471-1

Corrected Application Received _____ Period of Annual Use April 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED 10-5-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 Sec 19-T4N-R4E

Land to be Irrigated: SW 1/4 NE 1/4, SE 1/4

NW 1/4, W 1/2 SE 1/4, SW 1/4 Sec 19; NW 1/4

NE 1/4 Sec 30; all in T4N-R4E

Well Log: Driller: Chester Aman Licensed YES X NO _____

Depth of Well: 50' 100' REMARKS (see map for 1471-1)

Type of Map: plat PREPARED BY: John M Arleth Reviewed and the Number

Assigned on 10-6-92 By Karen Schlak

**SOUTH DAKOTA
WATER PERMIT NO. 1563-1**

Date of first receipt of application January 21, 1992.

Date Soil/Water Compatibility Permit received October 5, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1563-1 to Tomahawk Lake Country Club, Inc., 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. 1563-1 appropriates 0.033 cubic feet of water per second (cfs) from one well 100 feet deep (Crystalline Rock) to be used as 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 Section 19-T4N-R4E 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 Section 19; NW 1/4 NE 1/4 Section 30; all in T4N-R4E.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 5, 1992.
4. The date of approval of Permit No. 1563-1 is December 2, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

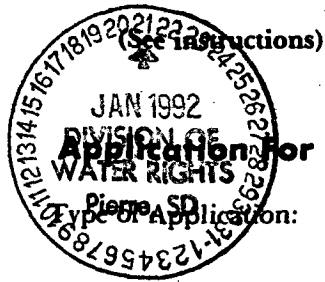
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 12 1993

date



No. 1563-1 Hydrologic Unit 10/20202
Basin Belle Fourche River
Newspaper Lead Daily Call, PO Box 876, Lead

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 _____
1. Name of Applicant Tamahawk 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) 0.033 cfs Total acres irrigated 15 gpm no add'l
3. Source of Water supply ground water - 1 well at clubhouse
4. Location of point of diversion well: SW 1/4 SW 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 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.
see Permit No. 1471-1	
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

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

" SW 1/4 SE 1/4 12.45 Attach sheet if more space is needed T4N-R4E Sec 30 NW 1/4 NE 1/4 6.0

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: sprinkler
9. Crops to be Irrigated: Fairways & greens
10. Give a description of proposed project. (Attach sheet if more space is needed)
This application is to add the clubhouse well as a backup supply if the permitted source does not supply sufficient water. Water will be piped down to the pumping pond.

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, Gary Todd, 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 Mary Todd
Subscribed and sworn to before me this 7 day of Jan 19 92
Alice V. Greenwood
Notary Public 4.4.92

TOMAHAWK cc

Supplemental Information

(type or print in ink)

Well drilled by Chet Amen
in 1978 - no longer drilling

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 _____

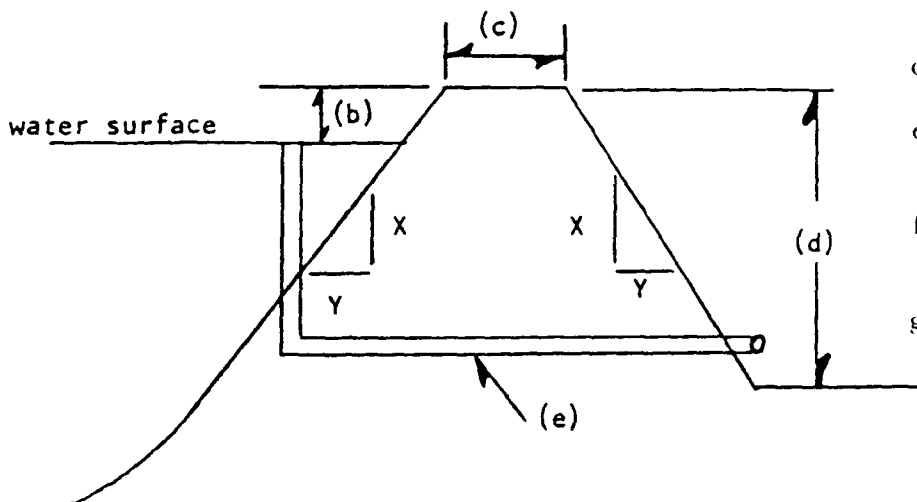
e) Primary Outlet Capacity _____
If Pipe, diameter _____f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

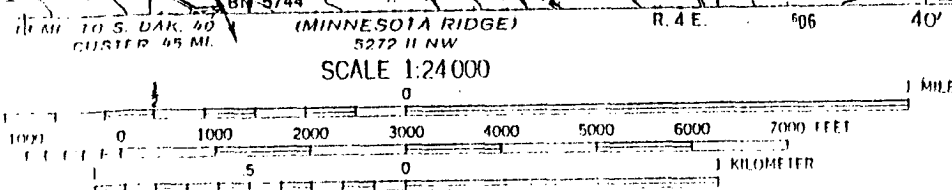
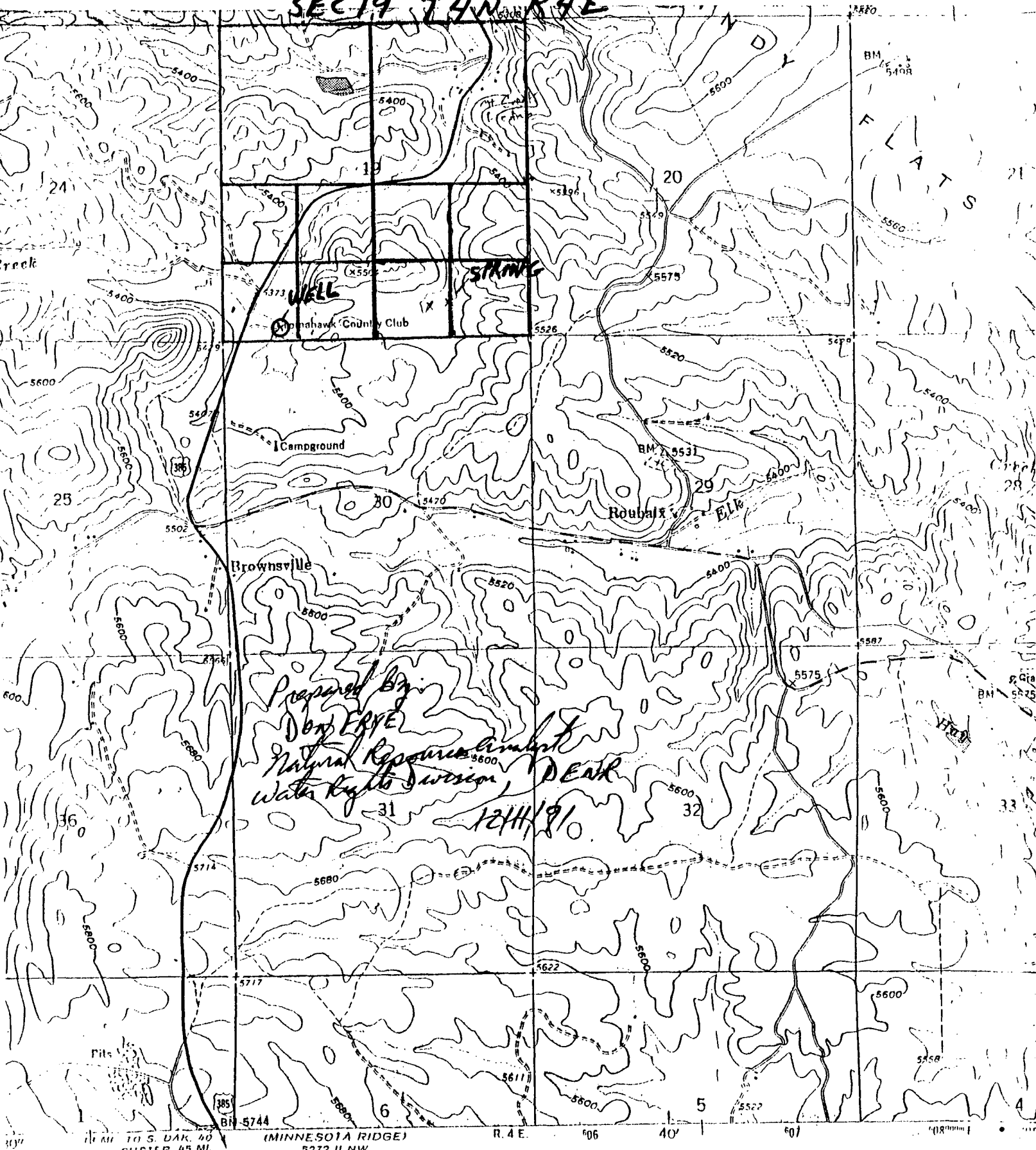
Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SEC 19 T4N R4E



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

• SOUTH DAKOTA

Appl 13.

1563-1

RECEIPT

Division of Water Rights

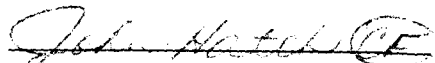
South Dakota Department of Water and Natural Resources

Pierre, _____ January 21, 19⁹²

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>1563-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

NOTICE OF WELL CONSTRUCTION

Lawrence

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section 19 Township 14N Range 10E

Well owner Th... (Name) _____ (Address) _____

Date well drilling completed 1-15-78 Purpose of well ... (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
20	10' Yellow
20	20' Sand +
30	30' ...
40	40' ...
50	50' Solid
60	60' ...
70	70' ...
80	80' ...
90	90' ...
100	100' Solid
110	110' ...
120	120' ...
130	130' ...
140	140' ...
150	150' ...
160	160' ...
170	170' ...
180	180' ...
190	190' ...
200	200' ...

Attach sheet if more space is needed

Depth to top of water producing aquifer 20 ft.

Depth to static water level 20 ft.

Name of producing aquifer (if known) ...

Total depth of drill hole 200 ft.

Depth to bottom of casing 20 ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

20' 1 1/2" steel production casing
180' 1 1/2" steel production casing

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 1 1/2" production casing
1" slots, 1/8" openings
3 perforations

If a flowing well, flow of completed well 32 G.P.M.

...
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Myers HP 1

Type of pump Submersible Capacity of installed pump 20 G.P.M.

Depth of pump placement 90 ft., Date of pump installation 1-15-78

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46 408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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



...
Name of Pump-Installation Contractor

Department of Agriculture
VI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4720

WR#

OWNERS NAME: TELMER ELEC. COUNTY CO., INC. OWNERS ADDRESS: 101 S. 57th

WAB CO., W 57th St

COUNTY LAND LOCATED IN: WAB CO. PHONE: 472-0000

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: Sec 14, 19-14N-24E

Depth: _____

Legal Description	Acres	Legal Description	Acres
Sec 14, 19-14N-24E	0.40	Sec 14, 19-14N-24E	0.30
Sec 14, 19-14N-24E	0.40	Sec 14, 19-14N-24E	0.70
Sec 14, 19-14N-24E	0.40	Sec 14, 19-14N-24E	1.00
Sec 14, 19-14N-24E	2.40	Sec 14, 19-14N-24E	7.10

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

3. CROPS TO BE IRRIGATED: RAISINS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 22-45 7. ADJUSTED (SAR): 0.11
5. SALINITY (EC X 10⁶): 170 8. PERCENT SODIUM: 0.00
6. SODIUM (SAR): 0.15

Requirements:

The areas, which are exclusively stored, under the above, will not be irrigated because of the erosional damage.

The area adjacent to the White Creek shall not be irrigated to avoid the potential stream bank erosion.



APPROVED _____ REQUIREMENTS _____
DISAPPROVED _____
WAIVER _____

Director, Division of Conservation

October 1, 1992

Date

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1563-1, 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 Water Permit Application No. 1563-1, Tomahawk Lake Country Club, Inc., c/o Gary Todd, Box 572, Deadwood, SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1563-1 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



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.

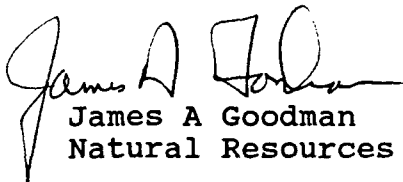
REVIEW OF EXISTING WATER PERMITS/RIGHTS

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:

Water Permit Application No. 1563-1 for irrigation (backup supply) use has 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 (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 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 action can be taken on the application.

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
PO Box 876
Lead, SD 57754

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1563-1 to be published twice. Please publish the first 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ 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 on Application No. 1563-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, Inc., Box 572, Deadwood, SD 57732 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (cfs) from one well 100 feet deep (Crystalline Rock) to be used as 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 Section 19-T4N-R4E 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 Section 19; NW 1/4 NE 1/4 Section 30; all in T4N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1563-1 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. 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 permit 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, 2) approve with qualifications, 3) defer, or 4) deny 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-20, 46-2A-21; 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; 46-6-3, 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. 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 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 1992 and on _____ 19____

19

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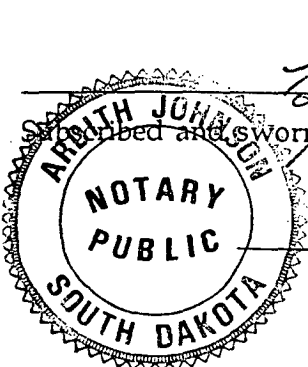
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and the last publication thereof on Nov 12 1992

and that the full amount of fees charged for publishing same, to-wit: the sum of \$ 65.39 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.

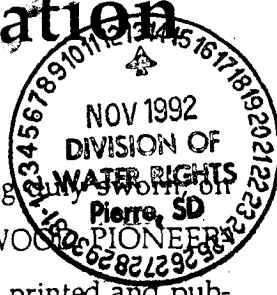


Subscribed and sworn to before me this 12 day of Nov 1992.

Arlith Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING To Validate Vested Water Right Application No. 1563-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, Inc., Box 572, Deadwood, SD 57732 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (cfs) from one well 100 feet deep (Crystalline Rock) to be used as 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 Section 19 T4N-R4E and is used as the water supply for the clubhouse. Water Permit No. 1471-1 authorizes 0.90cfs 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 Section 19; NW 1/4 NE 1/4 Section 30; all in T4N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1563-1 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. 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.

(over)

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 a.m., 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, 2) approve with qualifications, 3) defer, or 4) deny 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-20, 46-2A-21; 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; 46-6-3, 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.

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

122

L-766
November 5, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

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

Dear Mr. Todd:

Enclosed is Water Permit No. 1563-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures



**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

NE 416240

Pierre, _____ November 1, 1999

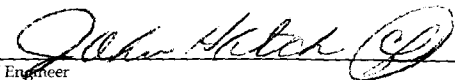
RECEIVED OF Tomahawk Lake Country Club, Box 572, Deadwood, SD 57732
the following amount in fees for services rendered as provided for by law:

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>1563-1</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



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**

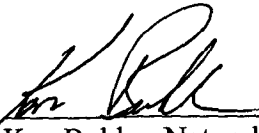
The acreage is all owned by Tomahawk Lake Country Club.

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

The acreage was developed prior to March 7, 1995

RECOMMENDED ACTION

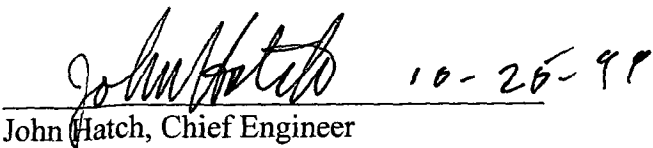
Based on the above criteria, it is recommended that the $\frac{3}{8}$ acre area be included in the water license.



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.



John Hatch, Chief Engineer
Water Rights Program

Permit No. 1563-1
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 313, Deadwood, SD, 57732 holder of Permit No. 1563-1, bearing the priority of October 5, 1992 authorizing the diversion of 0.033 cu. ft. per second of the waters of groundwater for use as a water supply for the clubhouse and backup 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 One horsepower submersible Meyers Pump.

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

Water is transported to place through approximately 8 feet of 1 1/4" diameter polyethylene pipe.

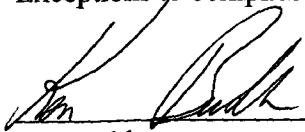
C. Works used to apply water to beneficial use:

Water is applied to beneficial use in the clubhouse restrooms, kitchen and bar.

The system is in the following condition good. The point of diversion is located 200 feet north and 900 feet east of the southwest corner of Sec. 19, T4N-R4E (SW1/4 SE1/4 SW1/4 SW1/4 Sec. 19, T4N-R4E) The works are capable of diverting and conveying to the place of use 0.033 cu. ft. per second of water which is to be used to supply the clubhouse. The license should be issued for 0.033 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

10/13/99

Date

REPORT ON INSPECTION OF PERMIT NO. 1563-1

Other permit(s) associated with the project: 1471-1, 1472-1

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: 200 feet north and 900 feet east of the south west corner of Sec.19, T4N-R4E, (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T4N-R4E)

WELL INFORMATION:

- 1) Well Drilling Firm: Chester Aman Drilling
- 2) No. of Wells One
- 3) Depth: 100 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5 inches
- 2) Length 90 feet
- 3) Type PVC

Screen:

- 1) Type perforated casing
- 2) Length 60 feet
- 3) Static water level 31 feet

Pump:

- 1) Make Myers submersible
- 2) Size one Horsepower
- 3) Capacity 15 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type Polyethylene 2) Size 1 ¼ inches 3) Length 8 feet

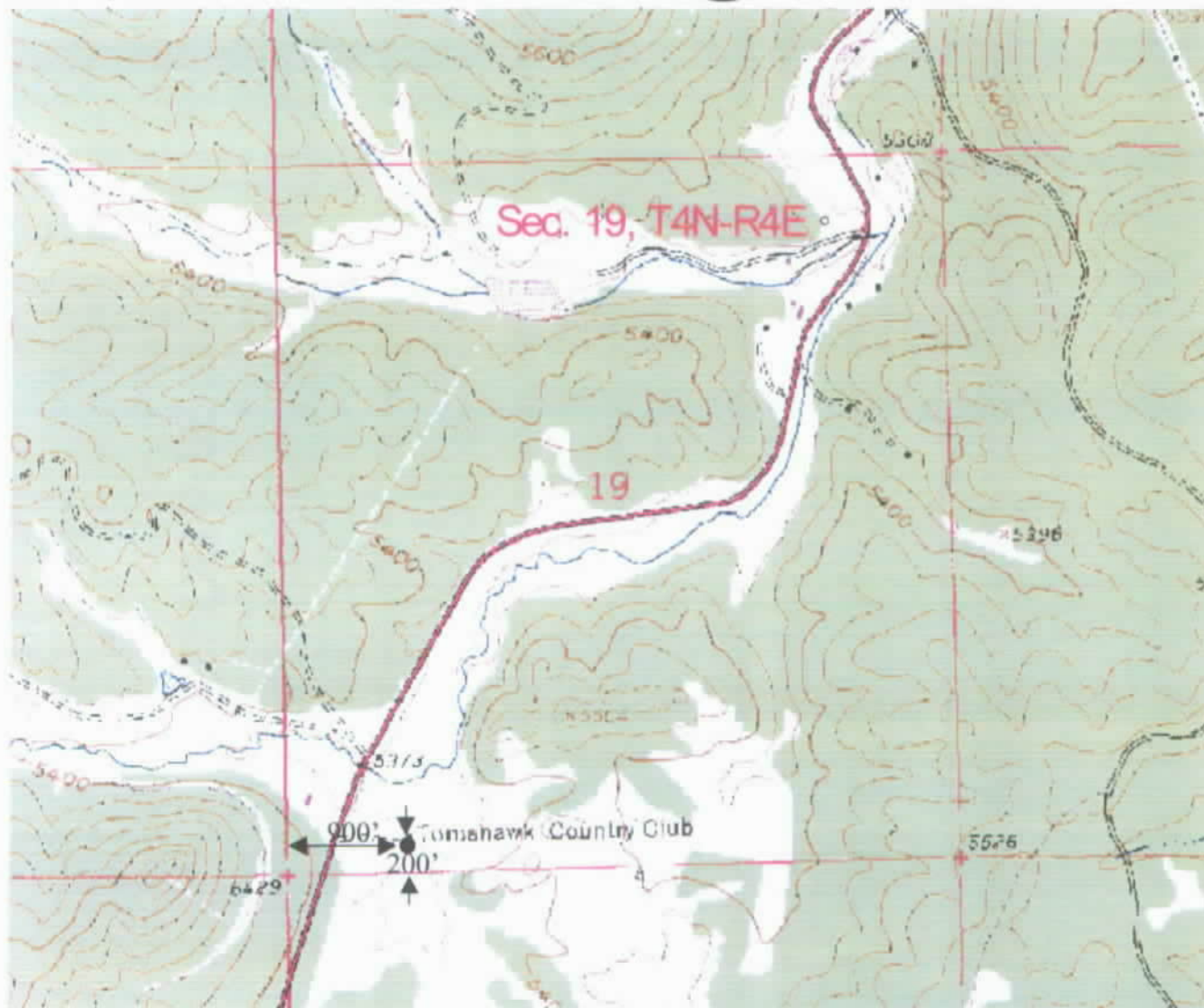
SYSTEM:

Water is pumped to a 30 gallon pressure tank and used in the clubhouse restrooms, kitchen and bar. Well is not used for irrigation

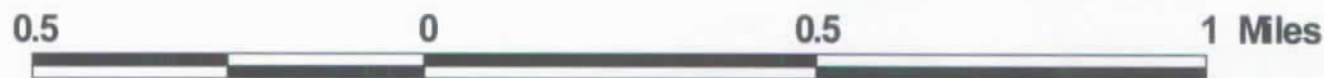
PERMIT QUALIFICATIONS AND REGULATIONS:

- 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

Water Right No. 1563-1




Ken Buhler
Natural Resources Engineer
Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1563-1

(1) Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 made Application No. 1563-1, January 21, 1992 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for commercial and irrigation purposes. Permit No. 1563-1, with a priority date of October 5, 1992 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 200 feet north and 900 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 supply water to the clubhouse. This well serves as a backup supply for irrigation of the lands authorized by Water Right Nos. 1472-1 and 1473-1.

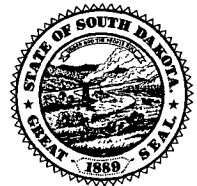
(4) Pursuant to South Dakota Water Law 46-5-30.1 Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 the holder and/or owner of Water Right No. 1563-1 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of October 5, 1992 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 commercial and irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1563-1 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



**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

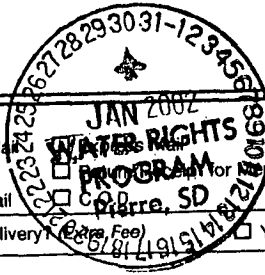
A. Received by (Please Print Clearly) LORE LOGAN B. Date of Delivery _____

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

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:

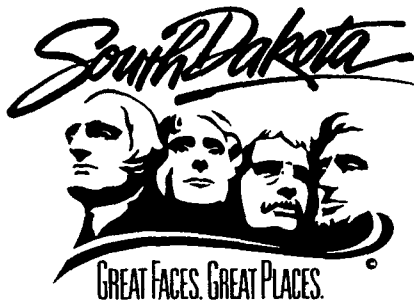
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 1471-1, 1472-1 and 1563-1.

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



1563-1
**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.



1563-1

**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



1563-1
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.



1563-1
**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



1563-1
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/efrms/secure/efrms/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

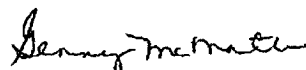
Dear Mr. Carter:

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,


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



1563-1
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.

1563-1



**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". The signature is written in a cursive, flowing style.

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



1563-1
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.



1563-1

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,

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



1563-1
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.



1563-1
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