

WATER PERMIT NO. 1592A-1

Name of Applicant: South Dakota Parks & Wildlife Foundation

Address: 523 E Capitol, Pierre SD

Phone: 7734503

Amount of Water Claimed: 2.56 cfs

Total Acres: NA

Source of Water Supply: Whitewood Creek

Water to be used for: County: Lawrence

Type of Waste Disposal System: NA

Location:

PRIORITY Date Received: 10-14-1999

Fee:

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: change of use on Permit No. 1592-1

Diversion Point: SW ¼ Sec 9-T4N-R3E

Land to be Irrigated:

Depth of Well: NA

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 10-18-99

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1592A-1

Date of first receipt of application October 14, 1999.

The Water Management Board approved Water Permit Application No. 1592A-1 on December 1, 1999 for South Dakota Parks & Wildlife Foundation, 523 E Capitol Ave., Pierre SD 57501 authorizing the placement of water to beneficial use as an instream flow subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1592A-1 amends Vested Water Right No. 1592-1. Vested Water Right No. 1592-1 appropriates 2.56 cubic feet of water per second (cfs) from Whitewood Creek with a priority date of June 18, 1877. The amendment changes the use of water from industrial to instream flow use. Water Permit No. 1592A-1 defines the instream flow reach from the original diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E to the NW ¼ NE ¼ Section 23, T5N, R3E in the City of Deadwood.
2. The water appropriated shall be used for the purpose of fish & wildlife propagation and recreational uses and may not exceed the amount of water needed for beneficial use for instream flow purposes.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is June 18, 1877.
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. Water Permit No. 1592A-1 amends Vested Water Right No. 1592-1 by authorizing a change of use to instream flow purposes without an increase in the appropriation authorized by Vested Water Right No. 1592-1.
2. Water Permit No. 1592A-1 defines the instream flow reach from the original diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E to the NW ¼ NE ¼ Section 23, T5N, R3E in the City of Deadwood.
3. Development of the instream flow use authorized by Permit No. 1592A-1 constitutes an abandonment of the industrial diversion of water. The diversion structure on Whitewood Creek is abandoned and shall be dismantled.
4. Water Permit No. 1592A-1 retains a priority date of June 18, 1877, established by Vested Water Right No. 1592-1.

WATER MANAGEMENT BOARD

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

DEC 10 1999
date



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 1592A-1 Hydrologic Unit 10120202
Basin Belle Fourche R.
Newspaper Black Hills Pioneer, Spearfish, SD



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☒ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <u>Instream Flow Purposes</u>	

Type of Application: New Vested Right (Use predates Mar 2, 1955) Future Use Reservation
(check one) Place to Beneficial Use Water Reserved by Future Use Permit No.
X Amendment/Correction to Permit No. 1592-1

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Application is for a change in use from industrial to instream flow for fish and wildlife production and recreation.

1. Name of Applicant South Dakota Parks & Wildlife Foundation Phone 605-773-4503
(check one) X Owner Tenant/lessee
Mailing Address 523 E. Capitol Ave. Pierre State SD 57501
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 2.56 *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Whitewood Creek

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Present diversion located at SW1/4 sec. 9, T4N, R3E, Black Hills meridian. Instream flow will apply from present diversion upstream through White-County Lawrence

5. County or counties where water will be used Lawrence (Deadwood area)

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

7. Give a description of the 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)
Instream flow will be established by discontinuing industrial diversion and dismantling of diversion ovrks. Also see attached cover letter and map.

STATE OF SOUTH DAKOTA)
County of Hughes SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Timothy M. Bjork (Executive Director), 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 [Signature]

Subscribed and sworn to before me this 13th day of October 1999

8-96 My Commission expires 9-24-2003

[Signature]
Notary Public

BEFORE THE WATER MANAGEMENT BOARD

FOR THE STATE OF SOUTH DAKOTA

IN THE MATTER OF HOMESTAKE)
MINING COMPANY VESTED WATER) SETTLEMENT AGREEMENT
RIGHT APPLICATION NO. 1592-1)
(HEARST CLAIM))

This Settlement Agreement is entered into this ____ day of September, 1999, among Homestake Mining Company of California, the South Dakota Department of Environment and Natural Resources, Lloyd L. Eagan Company, Richard L. Fort, Jack R. Cole, Kenneth Blair, Kenny McFarland, and Pat and Tom Trask.

1. Intent. This settlement agreement is intended to completely and fully resolve all claims and issues pertaining to an application for validation of a vested water right claim filed by Homestake Mining Company of California (hereinafter "Homestake") on January 3, 1994 and November 17, 1994, and ~~designated by the Chief Engineer as "Vested Water Right~~
Application No. 1592-1(Hearst claim)." This Settlement Agreement is intended to fully and completely resolve the Hearst claim portion of the administrative appeal in the Sixth Judicial Circuit, County of Hughes, Civil No. 96-99, which is entitled In The Matter of Homestake Mining Company Vested Water Right Application No. 1592-1 (Hearst Claim) and its remand to the South Dakota Water Management Board. The parties agree that this settlement agreement is not intended to, in any manner, resolve that portion of the administrative appeal in the Sixth Judicial Circuit, County of Hughes, Civil No. 96-99, which is entitled In the Matter of Homestake Mining Company Vested Water Right Application Nos. 1587-1, 1588-1, 1589-1, 1590-1, 1591-1, 1594-1

(consolidated claims) or In the Matter of the Request for Declaratory Ruling Filed by Richard L. Fort Regarding Proposed Changes in the Spearfish Creek Watershed.

2. Jurisdiction. All parties agree that the South Dakota Water Management Board has jurisdiction to consider and validate vested water right claims, including the specific claim involved in this proceeding, under SDCL § 46-1-9 and SDCL § 46-5-49. Homestake agrees to such jurisdiction and specifically agrees that it will not dispute or appeal the South Dakota Water Management Board's authority to validate the vested water right as described herein, or regulate such claim, once validated.

3. Background. Homestake filed an application for validation of a vested right for the Hearst Claim on September 7, 1993, with further filings on January 3, 1994, and November 17, 1994. The application sought validation of a vested water right from Whitewood Creek with a diversion point located at the southwest quarter of section 9, township 4 north, range 3 east, of Black Hills PM, Lawrence County, South Dakota. The Chief Engineer recommended validation of the Hearst Claim (No. 1592-1) for 2.56 cfs for industrial use with a priority date of June 18, 1877, and with a qualification providing for the by-pass of low flows as needed for down stream domestic use, including livestock water. The Water Management Board validated the water right as recommended by the Chief Engineer. This decision was appealed (Civ. No. 96-99, referenced above) and ultimately remanded to the South Dakota Water Management Board in 1997. The matter is pending.

4. Parties. The Department of Environment and Natural Resources has the authority to regulate waters of the State by and through its Chief Engineer pursuant to SDCL 46-2-3.1. The Chief Engineer has authority to execute this document and make recommendations to the Water Management Board consistent with this agreement. Homestake Mining Company of California ("Homestake") is the applicant in the above-entitled matter. The undersigned corporate officer has been authorized to execute this agreement and bind the corporation to its terms. Pursuant to published notice, Richard L. Fort, Jack Cole, the Lloyd L. Eagan Co., Inc. and Pat and Tom Trask intervened in this Hearst Claim proceeding in February 1994. Pursuant to SDCL 1-26, each of these parties participated in the Hearst Claim portion of the Sixth Circuit Administrative Appeal referenced above. The undersigned corporate officer of the Lloyd L. Eagan Company has been authorized to execute this agreement and bind the company to its terms. Fort, Cole, and Pat and Tom Trask intervened individually and, as such, each is executing this agreement on his own behalf.

Kenny McFarland, individually and on behalf of an organization entitled Elk Creek Landowners, participated in a previous administrative proceeding pertaining to other water claims filed by Homestake. Ultimately, this Hearst claim was consolidated on appeal with other Homestake claims heard by the Sixth Judicial Circuit in Civil No. 96-99. Pursuant to a Notice of Appeal dated March 25, 1996, Mr. McFarland participated in Civil No. 96-99. Further, the above-entitled proceeding has been

subject to procedural motions, along with other Homestake claims, heard before the Water Management Board on remand. Kenny McFarland is authorized to execute this Settlement Agreement on his own behalf.

Kenneth Blair intervened and participated in the previous administrative proceeding pertaining to other Homestake claims. On remand, the Hearst Claim has been considered, at least for procedural purposes, together with other claims within which Kenneth Blair has an interest. Mr. Blair has filed his notice of intent to continue as a party in this remand proceeding. Mr. Blair intervened individually and, as such, is executing this agreement on his own behalf.

5. Validation and Transfer. By its execution of this settlement agreement, Homestake promises and assures the parties hereto that it will seek validation of Application No. 1592-1 for 2.56 cfs with a priority date of June 18, 1877, before the Water Management Board, that, immediately upon validation, the validated vested water right No. 1592-1 will be transferred to the South Dakota Parks and Wildlife Foundation (Foundation). Conditioned upon fulfillment of the terms of this Settlement Agreement, Fort, Cole, Eagan Co., McFarland, Blair, Tom Trask, Pat Trask, and DENR will not resist validation in the manner set forth above.

6. Parks and Wildlife Foundation. The Foundation has agreed to accept the transfer of this vested water right, once validated, subject to the terms of the attached Water Rights Transfer Agreement which is incorporated herein by this reference

and denominated as Exhibit A. Subject to the terms of the attached agreement, the Foundation, or its successor, will apply for a change in use of this water right from industrial use to instream flow for fish and wildlife production and recreation. The transfer, as proposed, will be effective immediately and no recommended action or Board approval is required. The change in use proposal will require further action by the Chief Engineer and the Board.

7. Chief Engineer's Recommendation. The Chief Engineer recommends validation of the Hearst Claim for 2.56 cfs with a priority date of June 18, 1877, consistent with the terms of the attached Water Rights Transfer Agreement, Ex. A. Following receipt of a proper and complete application, the Chief Engineer will recommend that the Water Management Board approve a change in use of vested water right No. 1592-1 from industrial to instream flow for fish and wildlife production and recreation.

8. Water Management Board Discretion. Pursuant to SDCL 1-26-20, all parties agree to the entry of an order by the South Dakota Water Management Board approving the validation of application No. 1592-1, in the form attached hereto and incorporated herein by this reference and denominated Exhibit B for reference. The parties further understand and agree that the proposed Order is not binding on the South Dakota Water Management Board. The Water Management Board may accept, reject, or modify the proposed Order. Each party understands and agrees that if the South Dakota Water Management Board enters the proposed Order, that party will not appeal the matter to the

Sixth Judicial Circuit, Hughes County, or elsewhere, or renew the previous appeal, Civil Docket No. 96-99. If, however, the Water Management Board fails to issue the Order Approving Validation, modifies it, fails to validate a vested water right of 2.56 cfs pursuant to Homestake's application No. 1592-1 (Hearst claim) with a priority date of June 18, 1877, or fails to approve a change in use of the water right from industrial to instream flow for fish and wildlife production and recreation, a) the consent of the parties to validation contained in this agreement shall become null and void, b) the parties consent to entry of an order canceling the validation of the vested water right, c) this Agreement shall be then canceled and set aside, d) the parties to this Agreement shall be returned to the position they enjoyed before this Agreement was signed and shall not be bound by it, and e) Application No. 1592-1 (Hearst claim) shall be returned to the docket of the Water Management Board for further proceedings as though this Agreement had not been made. This agreement has been entered into to facilitate settlement of a contested matter, and for no other reason.

9. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be deemed an original, but all of which together shall constitute one and the same instrument.

10. Effective Date. This agreement is effective upon execution and shall be binding upon all parties and their respective successors and assigns.

Bruce E. Bried
Homestake Mining Company
of California, by its
GEN. MGR.

Sept 28, 1999
Date

Department of Environment and
Natural Resources,
by its Chief Engineer

Date

William Taylor
Lloyd L. Eagan Company
by its Attorney in fact and
Secretary

9.29.1999
Date

Richard L. Fort

Date

Jack R. Cole

Date

Kenneth Blair

Date

Kenny McFarland

Date

Tom Trask

Date

a:9-17-99 Hearst Settlement Agreement (db)

10. Effective Date. This agreement is effective upon execution and shall be binding upon all parties and their respective successors and assigns.

Homestake Mining Company
of California, by its

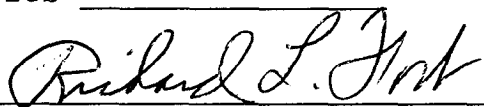
Date

Department of Environment and
Natural Resources,
by its Chief Engineer

Date

Lloyd L. Eagan Company
by its _____

Date



Richard L. Fort

Date 9/25/99

Jack R. Cole

Date

Kenneth Blair

Date

Kenny McFarland

Date

Tom Trask

Date

a:9-17-99 Hearst Settlement Agreement (db)

10. Effective Date. This agreement is effective upon execution and shall be binding upon all parties and their respective successors and assigns.

Homestake Mining Company
of California, by its

Date

John Hatch
Department of Environment and
Natural Resources,
by its Chief Engineer

9 - 28 - 99
Date

Lloyd L. Eagan Company
by its

Date

Richard L. Fort

Date

Jack R. Cole
Jack R. Cole

9/28/99
Date

Kenneth Blair
Kenneth Blair

9 - 28 - 99
Date

Kenny McFarland
Kenny McFarland

9-28-99
Date

Tom Trask

Date

WATER RIGHTS TRANSFER AGREEMENT

This Water Rights Transfer Agreement is made effective this 28th day of September, 1999, by and between the South Dakota Parks and Wildlife Foundation (Foundation) and Homestake Mining Company of California (Homestake).

WITNESSETH.

A. Background and Authority.

Homestake claims a vested water right from Whitewood Creek with a diversion point located in the Southwest 1/4 of Section 9, T4N, R3E, Lawrence County, South Dakota. Homestake claims 2.56 cfs for industrial use with a priority date of June 18, 1877. This claim is described as the "Hearst Claim."

Homestake has filed an application with the South Dakota Department of Environment and Natural Resources for validation of ~~its vested right claim pursuant to SDCL 49-1-9(4) and SDCL~~ 46-5-49. In support of its application under SDCL 46-1-9(4), Homestake relies upon the January 7, 1882, judgment and decree in Atchison, et al. v. Hearst, et al. (First Judicial District, Lawrence County, D.T.). The application is pending before the South Dakota Water Management Board as Application No. 1592-1 (Hearst Claim).

In recent years, the Hearst Claim has been utilized by the Black Hills corporation for its Kirk Power Plant. The Kirk Power Plant has ceased operation.

Homestake has agreed that, if the South Dakota Water Management Board validates Homestake's vested water right claim 1592-1, Homestake will transfer the validated vested water

right to Foundation. Foundation will accept the transfer of the vested water right once the claim has been validated.

Foundation has specific authority to acquire private property in order to manage, control, and improve such property for the purposes of managing and promoting fisheries, improving wildlife habitat, and providing for access to fishing and recreation areas.

B. Transfer and Assignment.

Subject to the terms, requirements, and conditions of this Water Rights Transfer Agreement, Homestake conveys to Foundation all right, title, and interest in its vested water right claim No. 1592-1, effective upon validation of the claim by the South Dakota Water Management Board.

C. Homestake Responsibilities.

~~In consideration of Foundation's observance and performance~~
of the agreement's terms and conditions set forth herein,
Homestake agrees as follows:

1. Homestake will promptly take all steps necessary to complete validation of the vested right claim described herein provided that intervenors in the pending validation proceeding do not oppose the validation as addressed herein.
2. Homestake agrees and understands that Foundation will file the attached "Notice of Transfer of Ownership" form for recording with the Chief Engineer, Water Rights Program, once the vested water right claim described herein has been validated. Homestake has no objection to this filing.
3. Homestake grants Foundation access to its premises for purposes of dismantling the Hearst dam in order to effectuate the contemplated change from industrial use to in-stream flow for fish and wildlife production and recreation. Further, Homestake grants Foundation the right to enter the property described in this Agreement

at any reasonable time for purposes of inspecting, studying, and managing its fishery and wildlife resources.

D. Foundation's Responsibilities.

In consideration of Homestake's observance and performance of the terms and conditions set forth herein, Foundation agrees as follows:

1. The transfer of the vested water right as contemplated herein is not effective until such time as the South Dakota Water Management Board validates the vested water right claim described herein.
2. Foundation will accept transfer of the water right described above and promptly file a Notice of Transfer of Ownership (attached) with the Chief Engineer, Water Rights Program, once the water rights validation described herein is effective.
3. Foundation will promptly file an application to change the use of this water right from industrial use to in-stream flow for fish and wildlife production and recreation. Further, Foundation will seek the authority to discontinue the historic diversion point ~~for the Hearst Claim and, instead, seek to utilize the~~ water for in-stream purposes. These changes are subject to the publication and hearing requirements of SDCL ch. 46-2A.
4. Foundation agrees to dismantle the historic diversion point for the water claim described herein or, in the alternative, to assist Homestake in dismantling such diversion works. Foundation's responsibilities herein apply only to the diversion structure itself and do not apply to any pipes or structures which previously conveyed water to the Kirk Power Plant or were used for water storage at that location.
5. Further, Foundation agrees to undertake the dismantling project and to use its water rights so as to keep the property free and clear from all mechanics', materialmen's, or suppliers' liens and other similar types of liens for work or labor done, services performed, materials, appliances or power contributed, used, or furnished in connection with the dismantling of the Hearst dam or the use of the water rights.
6. Foundation will notify Homestake when it enters Homestake's property to fulfill the purposes

contemplated in this Agreement.

7. Foundation covenants and assures Homestake, the public, the citizens of the State of South Dakota and the body politic, that it will not use the water right, or any portion of the water subject to the water right, for any purpose other than instream uses for fisheries, wildlife and recreation, subject to conditions and limitations lawfully imposed by the Water Management Board or its successor authority. Further, regardless of whether Foundation is successful in obtaining a change of use as contemplated by this Agreement, Foundation covenants and assures Homestake, the public, the citizens of the State of South Dakota and the body politic, that it will not sell, transfer or assign the water right or any portion of the water subject to the water right except to agencies, persons or parties who promise and assure Foundation, the public, the citizens of the State of South Dakota and the body politic, that the only use that will be made of the water is instream uses for fisheries, wildlife and recreation. Further Foundation will neither transfer the water right back to Homestake, nor agree to the reversion of this water right to Homestake.

E. Other Real Estate.

This Agreement does not, in any manner, convey any real property, buildings, improvements, fixtures, or goods (other than the works to be dismantled). This Agreement pertains only to the transfer of appropriative water rights.

The parties expressly agree that Foundation will not be responsible for or liable for, in any manner, any taxes or assessments which may be levied against any real property, buildings, improvements, fixtures, or goods owned by either Homestake or Black Hills Corporation.

F. Hold Harmless and Indemnity.

Homestake agrees to hold harmless and indemnify Foundation, its officers, agents, and employees from and against any and all actions, suits, damages, liabilities, or other proceedings including environmental compliance, civil penalties for

environmental violations, or liability for environmental torts, personal injury, and property damage arising out of Homestake's operation of the diversion works described herein on or before the date of execution of this Agreement. This section does not require Homestake to be responsible for or defend against claims or damages arising solely from errors or omissions of the Foundation, its officers, agents, or employees.

Foundation agrees to hold harmless and indemnify Homestake, its officers, agents, and employees from and against any and all actions, suits, damages, liabilities, or other proceedings resulting from Foundation's dismantling of the diversion works described herein after the water right is vested in the name of the Foundation.

G. Water Management Board Discretion.

The parties agree that transfer of the subject water right will be effective and effectuated immediately upon validation of the vested water right claim. The parties understand and agree that the proposed validation is not binding on the South Dakota Water Management Board. The Water Management Board may accept, reject, or modify the proposed validation. Each party understands and agrees that if the South Dakota Water Management Board does enter the proposed order, the transfer contemplated herein will be effective immediately. In the event that the South Dakota Water Management Board does not enter the proposed order, neither Homestake nor Foundation is bound by the terms of this Agreement and this Agreement shall be cancelled.

H. Approval and Effective Date.

This Agreement is effective upon execution and shall be binding upon all parties and their respective successors and assigns.

HOMESTAKE MINING COMPANY OF
CALIFORNIA

By: _____ Date _____

SOUTH DAKOTA PARKS
AND WILDLIFE FOUNDATION

By: _____ Date _____

BEFORE THE WATER MANAGEMENT BOARD

FOR THE STATE OF SOUTH DAKOTA

IN THE MATTER OF HOMESTAKE	)	ORDER
MINING COMPANY VESTED WATER	)	APPROVING VALIDATION
RIGHT APPLICATION NO. 1592-1	)	
(HEARST CLAIM)	)	

Hearing was held before the South Dakota Water Management Board on September 29, 1999, in Pierre, South Dakota, for the purpose of hearing a Settlement Agreement pursuant to SDCL 1-26-20.

Background:

This matter involves an application for a vested water right filed under SDCL 46-5-49 and SDCL 46-1-9. Homestake claims a vested water right from Whitewood Creek with a diversion point located in the Southwest 1/4 of Section 9, T4N, R3E, Lawrence County, South Dakota. Homestake claims 2.56 cfs for industrial use with a priority date of June 18, 1877. This Board previously approved the vested right claim for 2.56 cfs for industrial use with a priority date of June 18, 1877. Subsequently, this matter was appealed to the Sixth Judicial Circuit, Judge Zinter. Judge Zinter remanded this matter back to the South Dakota Water Management Board.

Settlement:

The parties have agreed to a Settlement. Under the terms of the Settlement, the parties agree that the vested water right application should be approved for 2.56 cfs with a priority date of June 18, 1877, provided that, upon validation, the vested water right will be transferred to the South Dakota Parks and

Wildlife Foundation (Foundation) pursuant to a Water Right Transfer Agreement entered into by and between the Foundation and Homestake. Both the Water Rights Transfer Agreement and the Settlement Agreement were presented and explained to the Board, and are incorporated herein, marked Exhibits A and B hereto respectively for reference.

Having reviewed the Settlement and Transfer Agreement, and having heard the representations of the parties at hearing and having considered the administrative record in the above-entitled proceeding, this Board now

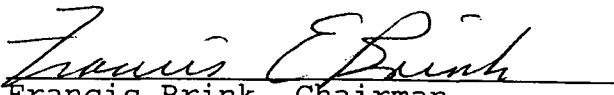
ORDERS, that the vested right claim in the above-entitled matter is hereby validated as recommended by the Chief Engineer on January 19, 1995:

VALIDATION of Application No. 1592-1 for 2.56 cfs for industrial use with a priority date of June 18, 1877, with the following qualifications:

Low flows as needed for downstream domestic use, including livestock water must be bypassed, and

FURTHER ORDERED, that this right is automatically transferred to the Foundation (without any further action of the Board) as set forth in the Water Rights Transfer Agreement referenced herein.

Dated this _____ day of September, 1999.


Francis Brink, Chairman
South Dakota Water Management
Board (on behalf of the Board)



October 13, 1999

Mr. John Hatch, Chief Engineer
Water Rights Program
S.D. Department of Environment and Natural Resources
Foss Building, 523 East Capitol Ave.
Pierre, SD 57501

RE: Application for change of use of Water Permit No. 1592-1 (Hearst Claim) from industrial use to instream flow use for fish and wildlife propagation and recreation.

Dear Mr. Hatch:

On behalf of the South Dakota Parks and Wildlife Foundation, I am filing the attached application for a change of use for Water Permit No. 1592-1 recently transferred to the Foundation by Homestake Mining Company. The change in beneficial use of Whitewood Creek water requested is from industrial use to instream flow for fish and wildlife propagation and recreational purposes.

In regard to the reach of stream to be protected by the proposed instream flow right, I believe this right should protect Whitewood Creek from its headwaters above the old Hearst diversion point, downstream to the next significant diversion point located downstream in the vicinity of Deadwood.

If you or your staff have any questions regarding this application please contact me at 773-4503.

Sincerely,

Timothy M. Bjork
Executive Director

Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. _____

Date: _____

I/We request that Water Permit/Right No. 1592-1

formerly owned by: Homestake Mining Company of California

be transferred to: (name & address) South Dakota Parks and Wildlife Foundation, 523 E.

Capitol Avenue, Pierre, SD 57501

Telephone No. 773-3387

Title to the following described ~~lands/property~~ ^{water right only} has been transferred as described above:

Water right w/diversion pt. located at SW1/4, Section 9, T4N, R3E, Lawrence County

I/We understand that the validity of Water Permit/Right No. 1592-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

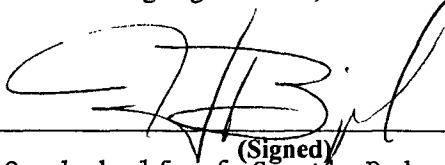
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

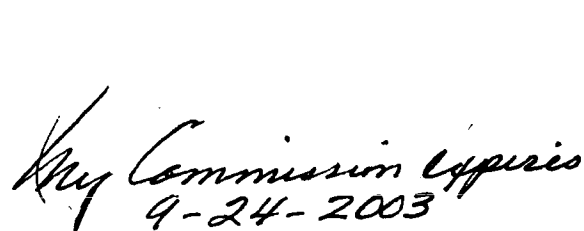
County of Hughes)

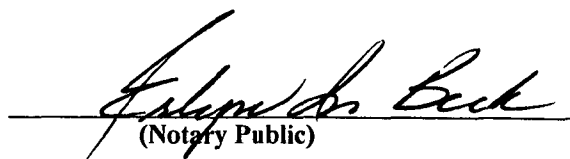
I/We TIMOTHY M. BJORCK being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



(Signed)
On behalf of South Dakota Parks and Wildlife
Foundation

Subscribed and sworn to before me this 18 day of October, 19 99.


My Commission Expires
9-24-2003


(Notary Public)

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

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1592A-1, South Dakota Parks and Wildlife Foundation**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1592A-1, South Dakota Parks and Wildlife Foundation, c/o Tim Bjork, Executive Director, 523 E. Capitol Avenue, Pierre SD 57501

The Chief Engineer is recommending APPROVAL of Application No. 1592A-1 because 1) the use of water can be changed to instream flow purposes without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Water Permit No. 1592A-1 amends Vested Water Right No. 1592-1 by authorizing a change of use to instream flow purposes without an increase in the appropriation authorized by Vested Water Right No. 1592-1.
2. Water Permit No. 1592A-1 defines the instream flow reach from the original diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E to the NW ¼ NE ¼ Section 23, T5N, R3E in the City of Deadwood.
3. Development of the instream flow use authorized by Permit No. 1592A-1 constitutes an abandonment of the industrial diversion of water. The diversion structure on Whitewood Creek is abandoned and shall be dismantled.
4. Water Permit No. 1592A-1 retains a priority date of June 18, 1877, established by Vested Water Right No. 1592-1.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 28, 1999

REPORT ON WATER PERMIT APPLICATION NO. 1592A-1
South Dakota Parks and Wildlife Foundation
October 20, 1999

Application No. 1592A-1, South Dakota Parks and Wildlife Foundation (Foundation), proposes to amend Vested Water Right No. 1592-1 by changing the use of water from industrial to an instream flow use for fish and wildlife production and recreation. The proposed instream flow reach begins at the original diversion point on Whitewood Creek, NE ¼ SW ¼ Section 9, T4N-R3E, and extends approximately 8 miles to the diversion point on Whitewood Creek authorized by Water Right 1459-1, NW ¼ NE ¼ Section 23, T5N-R3E, in Deadwood. The proposed instream flow reach is in Lawrence County.

Review of Vested Water Right No. 1592-1

Vested Water Right No. 1592-1, Homestake Mining Company (Homestake), was validated September 29, 1999 for 2.56 cubic feet of water per second (cfs) and a priority date of June 18, 1877. The diversion point is located in the NE ¼ SW ¼ of Section 9, T4N-R3E and transports water through the Hearst pipeline to the Kirk Powerplant located in the NW ¼ NE ¼ of Section 4, T4N-R3E. The water was used at the coal burning Kirk Powerplant for cooling and makeup water purposes. The water use at the plant was primarily non-consumptive with water returned to Whitewood Creek via Whitetail Creek. The diverted water was returned to Whitewood Creek about a quarter mile downstream of where the water was discharged into Whitetail Creek.

Before the Kirk Powerplant was built in 1935, water was transported from this diversion into the City of Lead for mining and milling purposes. The original means of transporting the water was an open 12" wood box. In 1912, an 18" tile pipe replaced the wood box and in 1951 the present 14" steel pipe was installed. Water was used at both the Kirk Powerplant and in the south mills until the after the Grizzly Gulch tailings dam was constructed. The pipeline into Lead was abandoned in the 1970's or 1980's and the water was only used for cooling and makeup water purposes at the Kirk Powerplant.

On October 18, 1999, Vested Water Right No. 1592-1 was transferred from Homestake to the Foundation. This transfer was completed to comply with the settlement agreement entered into by Homestake, the South Dakota Department of Environment and Natural Resources, Lloyd L. Eagan Company, Richard L. Fort, Jack R. Cole, Kenneth Blair, Kenny McFarland, and Pat and Tom Trask concerning the validation of Vested Water Right No. 1592-1.

Review of the Proposed Amendment

The Foundation is making this amendment application to comply with the settlement agreement previously referenced and transfer agreement between Homestake and the Foundation. The Foundation proposes to change the use from industrial to an instream flow use. The total authorized flow would remain at 2.56 cfs and the priority date of June 18, 1877 would be retained. The instream flow reach would begin at the existing diversion point on Whitewood Creek and extend 8 miles to the next existing diversion point downstream on Whitewood Creek. The next diversion point downstream is Water Right No. 1459-1, held jointly by the City of

Deadwood and Lead-Deadwood School District, and is located in the NW ¼ NE ¼ of Section 23, T5N-R3E. Water Right No. 1459-1 authorizes irrigation of the football and soccer field in Deadwood.

Review of Proposed Water Source

US Geological Survey (USGS) Stream Gage No. 06436156, Whitetail Creek at Lead, is located about ¼ mile upstream of the Kirk Powerplant. Records show an average flow of 4.8 cfs for the years 1989 to 1998. The lowest monthly average of 0.4 cfs occurred in December 1990. There are no existing water permits/rights located below the Kirk Powerplant on Whitetail Creek.

The nearest USGS stream gage on Whitewood Creek is USGS Stream Gage No. 06436180, Whitewood Creek above Whitewood, and is located about 1 mile south of Whitewood. Records show an average flow of 29.1 cfs for the years 1983 to 1998. The lowest monthly average of 7.6 cfs occurred in December 1990. The USGS published the report - "Streamflow Losses in the Black Hills of Western South Dakota" in 1998. The report states that Whitewood Creek is generally a gaining stream between Deadwood and Whitewood.

Conclusions

1. This water permit application seeks to amend Vested Water Right No. 1592-1 to change the use from industrial to an instream flow use.
2. The authorized flow and priority dates would not change and remain at 2.56 cfs and June 18, 1877.
3. Should this application be approved, the diversion structure authorized by Vested Water Right No. 1592-1 will be subject to abandonment.
4. The instream flow reach will begin at the diversion point of Whitewood Creek authorized by Vested Water Right No. 1592-1 and end at the diversion point authorized by Water Right No. 1459-1. The total length of the reach is approximately 8 miles.
5. Because Whitewood Creek is generally a gaining stream, no adverse impacts are expected to occur to downstream water permit/rights.
6. The Foundation is making this application to comply with the applicable parts of the settlement agreement and transfer agreement.



Jeffrey T. Shafer
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 29, 1999

South Dakota Parks & Wildlife Foundation
%Timothy M. Bjork, Executive Director
523 East Capitol Avenue
Pierre, SD 57501

Dear Mr. Bjork:

Water Permit Application No. 1592A-1 for instream flow purposes 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 Black Hills Pioneer printed at Spearfish, SD (Ph # (605) 642-2761). 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
Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Tim Olson, Water Permits Coordinator

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
www.state.sd.us/denr

October 29, 1999

Black Hills Pioneer
P.O. Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1592A-1 to Appropriate Water to be published twice. Please publish the first notice on November 3, 1999, 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 South Dakota Parks & Wildlife Foundation, %Timothy M. Bjork, Executive Director, 523 East Capitol Avenue, Pierre, SD 57501 (Ph # (605) 737-4503).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

~~After the second publication, please send us an affidavit or use the enclosed Proof of Publication form.~~ The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 1592A-1

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

Date _____

We are in receipt of your letter of October 29, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 1592A-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 3, 1999 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1592A-1 to Amend Vested Water Right No. 1592-1

Notice is given that the South Dakota Parks & Wildlife Foundation, c/o Timothy M. Bjork, Executive Director, 523 E. Capitol Avenue, Pierre SD 57501 has filed an application to amend Vested Water Right No. 1592-1. Vested Water Right No. 1592-1 appropriates 2.56 cubic feet of water per second (cfs) from Whitewood Creek with a priority date of June 18, 1877. The purpose of the amendment is to change the use of water from industrial to instream flow use.

Vested Water Right No. 1592-1 was validated on September 29, 1999 for 2.56 cfs from Whitewood Creek at a diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E. Water has been transported through the Hearst pipeline to the Kirk Powerplant and used in the coal burning power plant for cooling and makeup water with water being returned to Whitewood Creek via Whitetail Creek in Lawrence County. Vested Water Right No. 1592-1 was validated in the name of Homestake Mining Company. Homestake Mining Company has transferred the vested water right to the South Dakota Parks and Wildlife Foundation.

The Foundation has filed this application to change the use of water from industrial to instream flow purposes and to define the reach of instream flow. The Foundation intends to discontinue the diversion of water for industrial purposes and dismantle the diversion works with the 2.56 cfs remaining in Whitewood Creek for instream flow purposes from the location of the diversion structure in the NE ¼ SW ¼ Section 9, T4N, R3E to the diversion point located in the NW ¼ NE ¼ Section 23, T5N, R3E which is authorized by Water Right No. 1459-1 for irrigation of the football and soccer field in Deadwood. The instream flow is for fish and wildlife propagation and recreational purposes and the application, if approved, will retain the June 18, 1877 priority date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1592A-1 because 1) the use of water can be changed to instream flow purposes without unlawful impairment of existing rights, 2) it is a beneficial use of water, and 3) it is in the public interest.

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 Program, 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 22, 1999. 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.

The Water Management Board will consider this application at 2:30 PM, December 1, 1999, in the Conference Room of the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. 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 1, 1999 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 22, 1999.

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 22, 1999, at the above Water Rights Program 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lawrence) SS

I, Shirley Rehm

certify that the attached printed Notice was taken

from the Black Hills Pioneer

printed and published in Spearfish

County of Lawrence and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11/3/99

11/10/99

Cost of Printing \$73.60

Shirley A. Rehm

(Signature)

Acts Received Clerk

(Title)

11/10/99

(Date Signed)

NOTICE OF HEARING on Application No.

1592A-1

to Amend Vested Water
Right No. 1592-1

Notice is given that the South Dakota Parks & Wildlife Foundation, c/o Timothy M. Bjork, Executive Director, 523 E. Capitol Avenue, Pierre SD 57501 has filed an application to amend Vested Water Right No. 1592-1. Vested Water Right No. 1592-1 appropriates 2.56 cubic feet of water per second (cfs) from Whitewood Creek with a priority date of June 18, 1877. The purpose of the amendment is to change the use of water from industrial to instream flow use.

Vested Water Right No. 1592-1 was validated on September 29, 1999 for 2.56 cfs from Whitewood Creek at a diversion point located in the NE 1/4 SW 1/4 Section 9, T4N, R3E. Water has been transported through the Hearst pipeline to the Kirk Powerplant and used in the coal burning power plant for cooling and makeup water with water being returned to Whitewood Creek via Whittail Creek in Lawrence County. Vested Water Right No. 1592-1 was validated in the name of Homestake Mining Company. Homestake Mining Company has transferred the vested water right to the South Dakota Parks and Wildlife Foundation.

The Foundation has filed this application to change the use of water from industrial to instream flow purposes and to define the reach of instream flow. The Foundation intends to discontinue the diversion of water for industrial purposes and dismantle the diversion works with the 2.56 cfs remaining in Whitewood Creek for instream flow purposes from the location of the diversion structure in the NE 1/4 SW 1/4 Section 9, T4N, R3E to the diversion point located in the NW 1/4 NE 1/4 Section 23, T5N, R3E which is autho-

rized by Water Right No. 1459-1 for irrigation of the football and soccer field in Deadwood. The instream flow is for fish and wildlife propagation and recreational purposes and the application, if approved, will retain the June 18, 1877 priority date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1592A-1 because 1) the use of water can be changed to instream flow purposes without unlawful impairment of existing rights, 2) it is a beneficial use of water, and 3) it is in the public interest.

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 Program, 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 22, 1999. 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.

The Water Management Board will consider this application at 2:30 PM, December 1, 1999, in the Conference Room of the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. 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 1, 1999 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 22, 1999.

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 22, 1999, at the above Water Rights Program 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; and Board Rules

ARSD 74:02:01.01 thru 74:02:01.15.

Nettie H. Myers,
Secretary,
Department of
Environment
and Natural Resources.

8939
Nov. 3, 10



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 1999

David McDowall
Homestake Mining Company
630 E. Summit
Lead SD 57754

Dear Mr. McDowall:

I am writing to inform you of a pending water right permit application. Enclosed is a copy of the staff report, Chief Engineer's recommendation and the notice of hearing for Water Right Permit Application No. 1592A-1 filed by the SD Parks and Wildlife Foundation. A hearing on this application is scheduled before the Water Management Board for the afternoon of December 1, 1999.

- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

This application will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to the application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Max Main
Bennett, Main, Bailey & Gubbrud
618 State Street
Belle Fourche SD 57717-1489

Dear Mr. Main:

I am writing to inform you of a pending water right permit application. Enclosed is a copy of the staff report, Chief Engineer's recommendation and the notice of hearing for Water Right Permit Application No. 1592A-1 filed by the SD Parks and Wildlife Foundation. A hearing on this application is scheduled before the Water Management Board for the afternoon of December 1, 1999.

- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

This application will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to the application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Richard Fort
HC 37, Box 2421
Lead SD 57754

Dear Mr. Fort:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of your past involvement in Homestake Mining Company's water issues.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Jack R. Cole
P.O. Box 882
Spearfish SD 57783

Dear Mr. Cole:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of your past involvement in Homestake Mining Company's water issues.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Ken McFarland
HC 80, Box 747
Piedmont SD 57769

Dear Mr. McFarland:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of your past involvement in Homestake Mining Company's water issues.

- ◆ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ◆ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Kenneth Blair
P.O. Box 3363
Rapid City SD 57709-3363

Dear Mr. Blair:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of your past involvement in Homestake Mining Company's water issues.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ ~~Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow.~~ Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

William Taylor
Attorney at Law
300 S. Phillips Ave., Ste. 300
Sioux Falls SD 57104-6322

Dear Mr. Taylor:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of your past involvement in Homestake Mining Company's water issues.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Marlene Barrett, Commissioners Assistant
Lawrence County
P. O. Box F
Deadwood SD 57732

Dear Ms. Barrett:

I am writing to inform Lawrence County of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of Lawrence County's interest in past water issues within Lawrence County. Please share this information with the Commissioners as you see fit.

- ◆ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ◆ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,


Eric Gronlund
Water Rights Program
(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

November 1, 1999

Jeff Nettleton
U.S. Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Dear Mr. Nettleton:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of the Bureau of Reclamation past interest in Black Hills surface water issues.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Renel Hall-Beck
Belle Fourche Irrigation District
Box 225
Newell SD 57760

Dear Ms. Hall-Beck:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of the District's past interest in Black Hill surface water issues above Orman Reservoir.

- ♦ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ♦ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

November 1, 1999

Tim Olson
SD Dept. of Game, Fish and Parks
523 E. Capitol Ave.
Pierre SD 57501

Dear Tim:

I am writing to inform you of two pending water right permit applications. For each application a copy of the staff report, Chief Engineer's recommendation and the notice of hearing is enclosed. A hearing on these applications is scheduled before the Water Management Board for the afternoon of December 1, 1999. This information is being sent to you because of Game, Fish and Parks ongoing interest in Black Hills surface water issues.

- ◆ Water Right Permit Application No. 43B-1 is a request to amend Water Permit No. 43A-1 and Water Right No. 43-1. The proposed amendment will provide up to 20 cubic feet of water per second (cfs) for instream flows on a reach of Little Spearfish Creek and Spearfish Creek for the months of July, August, and September of each year.
- ◆ Water Right Permit Application No. 1592A-1 is a request to change the use of water to instream flow. Vested Water Right No. 1592-1 (Hearst Claim) was recently validated by the Water Management Board for 2.56 cfs from Whitewood Creek. As part of the settlement agreement, Homestake Mining Company transferred this vested water right to the SD Parks and Wildlife Foundation.

These applications will be public noticed in the Black Hills Pioneer on November 3 and 10, 1999. Petitions to intervene in the December 1st hearing, either in support or opposition to either application, must be submitted by November 22, 1999.

Please review this information and feel free to contact Jeff Shafer or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(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

DEC 10 1999

South Dakota Parks & Wildlife Foundation
%Timothy M. Bjork, Executive Director
523 East Capitol Avenue
Pierre, SD 57501

Dear Mr. Bjork:

Enclosed is Water Permit No. 1592A-1 that authorizes a change of use from industrial to instream flow use and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished removal of the Whitewood Creek diversion structure and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the conversion of the vested water right to instream flow use.

Very truly yours,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1592A-1

Date: 10/25/00

I/We request that Water Permit/Right No. 1592A-1

formerly owned by: South Dakota Parks and Wildlife Foundation

be transferred to: (name & address) SD Department of Game, Fish and Parks

523 East Capitol Ave, Pierre, S.D. Telephone No. 605-773-4501

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

NE 1/4 SW 1/4 Section 9, T4N R3E

I/We understand that the validity of Water Permit/Right No. 1592A-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

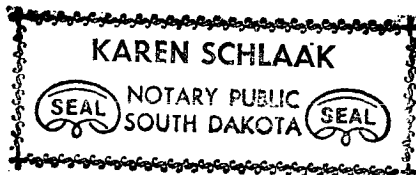
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hughes)

I/We John C. Kirk being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

John C. Kirk
(Signed)

Subscribed and sworn to before me this 25th day of October, 2000.



Karen Schlaak
(Notary Public)
KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

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

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

DEPT GAME FISH & PARKS
JOE FOSS BLDG, 523 E CAPITOL
PIERRE SD 57501

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1592-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: WHITEWOOD CREEK

County: LAWRENCE

Aquifer: NOT APPLICABLE

Pumping Pt. Legal: SEC 09-T004N-R03E

Management Unit: NOT APPLICABLE

Type of Water Use: INDUSTRIAL

2.56 cfs

1) Please estimate your year 2000 water use from the above water source: 603,876,556 gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

No longer industrial use - now fish & wildlife
propagation.

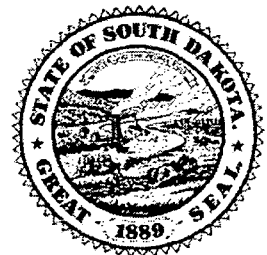
Contact Person:

Leslie Petersen

Telephone No:

6208

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



Thank you for completing the 2000 water use questionnaire.

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

Gronlund, Eric

From: Koth, Ron
Sent: Wednesday, November 21, 2001 3:53 PM
To: Unkenholz, Dennis
Cc: Kirk, John (GFP, Pierre); Gronlund, Eric; Bjork, Tim
Subject: Hearst Diversion

Fellows, the headworks and diversion at the Hearst Diversion on Whitewood Creek, old HMC water right 1592-1 for 2.56 cfs, has been dismantled as of today. GFP currently holds this water right for instream flow purposes. Attached is are



Hearst
Diversion.JPG



final day1.jpg

photos of the site before removal and just prior to final grading and cleanup work. RMK



Permit No. 1592A-1
Upper Cheyenne 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

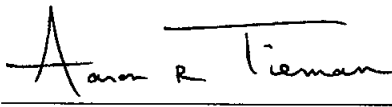
I have on this day, 9/15/2015, made a thorough examination of the water use system constructed by SD Department of Game, Fish & Parks, 523 E Capitol, Pierre SD 57501 holder of Permit No. 1592A-1 bearing the priority date of June 18, 1877.

Vested Water Right No. 1592-1 originally appropriated 2.56 cubic feet of water per second (cfs) from Whitewood Creek for industrial use in the generation of hydropower. Water Permit No. 1592A-1 amends Vested Water Right No. 1592-1. The amendment changes the use water from industrial to a year-round instream flow use and defines the instream flow segment of Whitewood Creek from the original diversion point located in the NE¼ SW¼ Section 9, T4N-R3E to a point located in the NW¼ NE¼ Section 23, T5N-R3E in the City of Deadwood.

Water Permit No. 1592A-1 does not authorize an increase in the diversion or the volume of water and will retain the June 18, 1877 priority date established by Vested Water Right No. 1592-1.

All structures, wells and lands on map Y
Exceptions to compliance are: none.

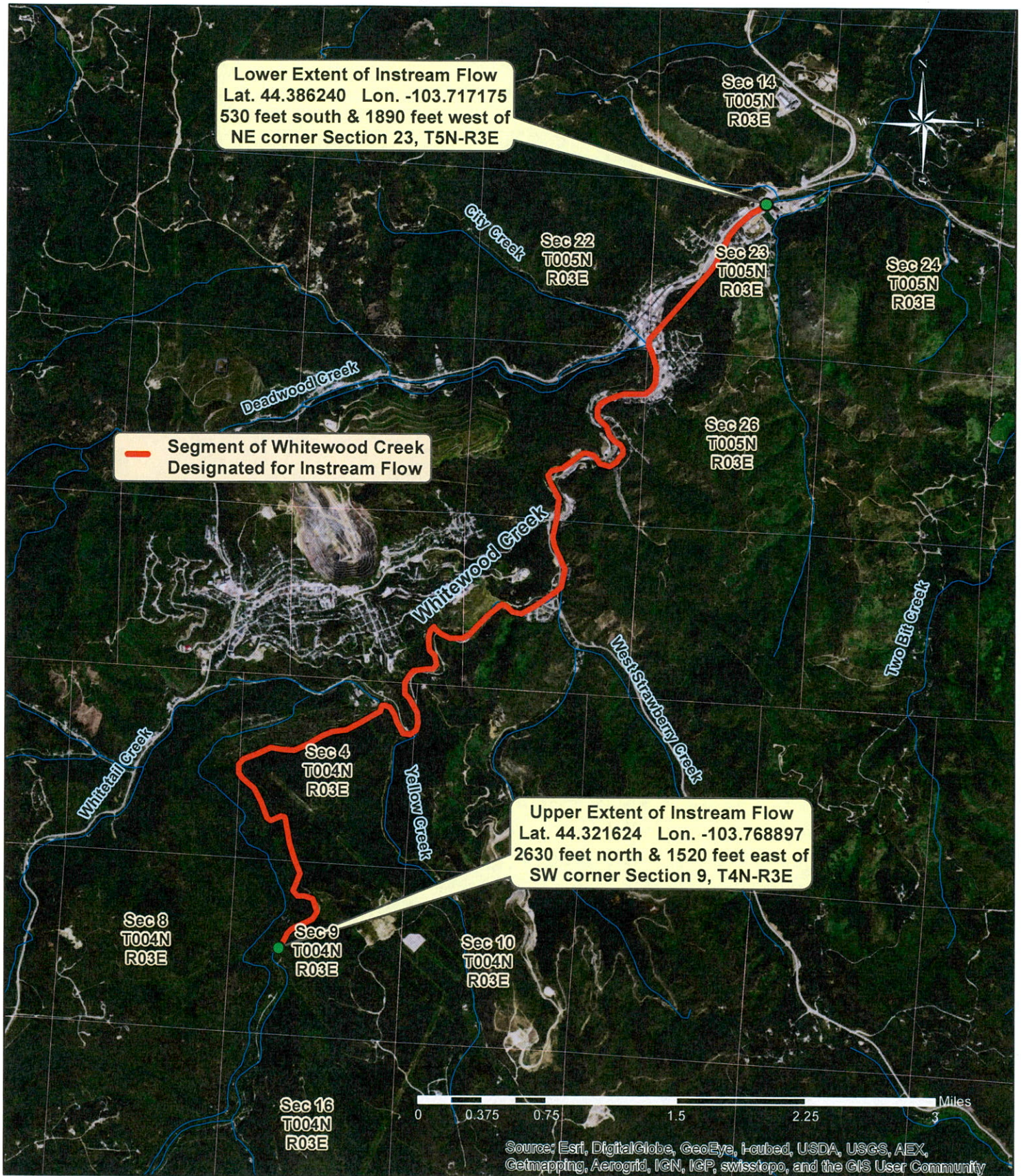
Comments: Development of the instream flow use authorized by Permit No. 1592A-1 constitutes an abandonment of the industrial diversion of water. The diversion structure on Whitewood Creek is abandoned and has been dismantled. The applicable portions of Vested Water Right No. 1592-1 should be incorporated into Water Permit No. 1592A-1.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

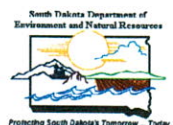
Date report completed: September 29, 2015

Water Right 1592A-1
SD Game, Fish & Parks
September 29, 2015



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1592A-1

(1) The South Dakota Parks & Wildlife Foundation made Application No. 1592A-1, October 14, 1999 for a water permit to amend Vested Water Right No. 1592-1 on Whitewood Creek from industrial use to instream flow use and to define the stream reach. Permit No. 1592A-1, with a priority date of June 18, 1877 (established under No. 1592-1) was approved December 1, 1999.

Vested Water Right No. 1592-1 authorized diversion of 2.56 cubic feet of water per second (cfs) from Whitewood Creek transported through the Hearst pipeline to the Kirk Power plant for industrial use at the plant for cooling and makeup water. Water Permit No. 1592A-1 amended No. 1592-1 to change the use of water from industrial use to year-round instream flow purposes.

On October 25, 2000, Vested Water Right No. 1592-1 and Water Permit No. 1592A-1 were transferred to the SD Department of Game, Fish & Parks.

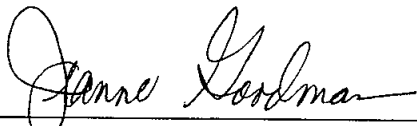
The applicable portions of Vested Water Right No. 1592-1 are incorporated into Water License No. 1592A-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial for fish & wildlife propagation and recreational uses.

(3) Pursuant to South Dakota Water Law 46-5-30.1 the SD Department of Game, Fish & Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Water Right No. 1592A-1 is issued a license for instream flow purposes on Whitewood Creek for fish & wildlife propagation and recreational uses beginning at the original diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E to a point located in the NW ¼ NE ¼ Section 23, T5N, R3E in the City of Deadwood.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1592A-1 and subject to the following qualifications:

- Water Permit No. 1592A-1 amended Vested Water Right No. 1592-1 by authorizing a change of use to instream flow purposes without an increase in the appropriation by Vested Water Right No. 1592-1.
- Water Permit no. 1592A-1 defines the instream flow reach from the original diversion point located in the NE ¼ SW ¼ Section 9, T4N, R3E to the NW ¼ NE ¼ Section 23, T5N, R3E in the city of Deadwood.
- Development of the instream flow use authorized by No. 1592A-1 constitutes an abandonment of the industrial diversion of water. The diversion structure on Whitewood Creek is abandoned and shall be dismantled.
- Water Permit No. 1592A-1 retains a priority date of June 18, 1877 established by Vested Water Right No. 1592-1.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 29 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 29 2016

1592A-1

Leslie Murphy
SD Department of Game, Fish & Parks
523 E Capitol Ave
Pierre SD 57501

Dear Ms. Murphy:

Enclosed is Water License No. 1592A-1. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures