

WATER PERMIT NO. 1774-1

Name of Applicant: **Tomahawk Lake Country Club**

Address: **PO Box 572, Deadwood SD 57732**

Phone: **605 578-9979**

Amount of Water Claimed: **0.066 cfs (30 gpm)**

Total Acres: **25.6**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Lawrence**

Type of Waste Disposal System:

Location: **5 southeast of Deadwood**

PRIORITY Date Received: **7-1-2002**

Application/License Fee: **\$100**

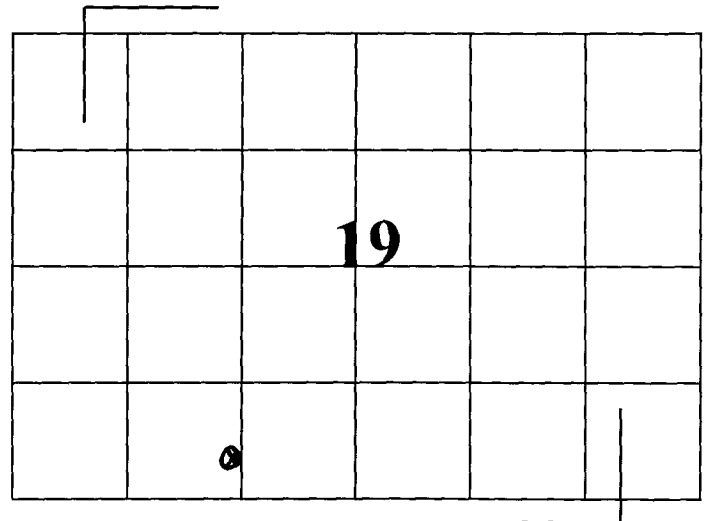
Corrected Application Received: **7-11-2001**

Period of Annual Use: **April 1 – Sept 30**

Remarks: **This well will supply a small dam authorized by Water Right Nos. 1471-1 and 1472-1 to irrigate the golf course**

Diversion Point: **SW ¼ SW ¼ Sec 19-T4N-R4E**

Land to be Irrigated: **portions of SW ¼, S 1/2 NE ¼, SE ¼ Sec 19 and NW ¼ NE ¼ Sec 30; all in T4N-R4E**



Depth of Well: **120 feet deep**

Well Driller: : _

Remarks:

Type of Map: **plat**

Prepared by: **John M Arleth, PLS**

Reviewed and the Number Assigned on: **7-12-2002**

By: **Karen Schlaak**

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1774-1</u>	(office use only) Hydrologic Unit <u>1012 0202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Lawrence Co. Centennial, Deadwood</u>	

RECEIVED
JUL 01 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1471-1 + 1472-1

1. Name of Applicant Tomahawk Lake Country Club Phone 605-578-9999
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 572 Deadwood State S.D. 57532
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.066 *CFS or 30 **GPM ***AF Total Acreage 25.6
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Well located in SE 1/4 SW 1/4 section 19, T4N-R4E The irrigated acreage
is located in the SW 1/4 NE 1/4 SW 1/4 SE 1/4 SW 1/4 section 19 County Lawrence
all in T4N-R4E

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used May thru October April 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
All in T4N-R4E (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>See acres under 1471-1 - 1472-1</u>		<u>Sec 19 SW 1/4 NE 1/4 .25 AC</u>	<u>Sec 19</u>
<u>Sec 19 SW 1/4 SW 1/4</u>	<u>3</u>	<u>SE 1/4 NE 1/4 .25 AC</u>	<u>SW 1/4 SE 1/4 8</u>
<u>SE 1/4 SW 1/4</u>	<u>3</u>	<u>NW 1/4 SE 1/4 6 AC</u>	
<u>NE 1/4 SW 1/4</u>	<u>2</u>	<u>NE 1/4 SE 1/4 1/8 AC</u>	<u>Sec 30 NW 1/4 NE 1/4 3</u>

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS

County of Lawrence

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, Tomahawk Lake Country Club, 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.

Applicant's signature John R. Schultz Board of Directors

Subscribed and sworn to before me this 28th day of June 2002

MY COMMISSION EXPIRES
FEBRUARY 2, 2006

Mary L. Slane
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1774-1**

Date of first receipt of application July 1, 2002.

Date of return to applicant for corrections, amendments or changes July 2, 2002.

Date of receipt of corrected application July 11, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1774-1 to Tomahawk Lake Country Club, PO 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. 1774-1 appropriates 0.066 cubic feet of water per second (30 gallons per minute) from one well (Precambrian Rock) 120 feet deep located in the SE ¼ SW ¼ Section 19 to irrigate 25.6 acres of the golf course located in the S ½ SW ¼, NE ¼ SW ¼, S ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼ Section 19 and NW ¼ NE ¼ Section 30; all in T4N-R4E. The well will serve as an additional water source to supply a small spring fed collection dam authorized by Water Right No. 1471-1 and Vested Water Right No. 1472-1 to irrigate the same acreage.
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 July 1, 2002.
4. The date of approval of Permit No. 1774-1 is September 9, 2002.
5. One-fifth of the construction is to be completed on or before March 9, 2005.
6. All construction is to be completed on or before September 9, 2007.
7. Water is to be put to beneficial use on or before September 9, 2011.
8. 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. The well authorized by Permit No. 1774-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 17 2002

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 120'
- b) Casing Type PVC Diameter 6" Thickness 1/4"
- c) Screen Type PVC Diameter 6" Thickness 1/4"
- d) Gravel Pack 3/4" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:

On applicants property 200 ydsOn property owned by others 1 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

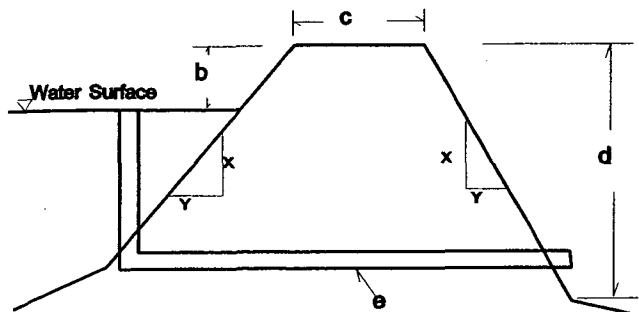
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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:

See permit #1471-1 1472-1



- 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NR 417212

Pierre, July 8, 20 02

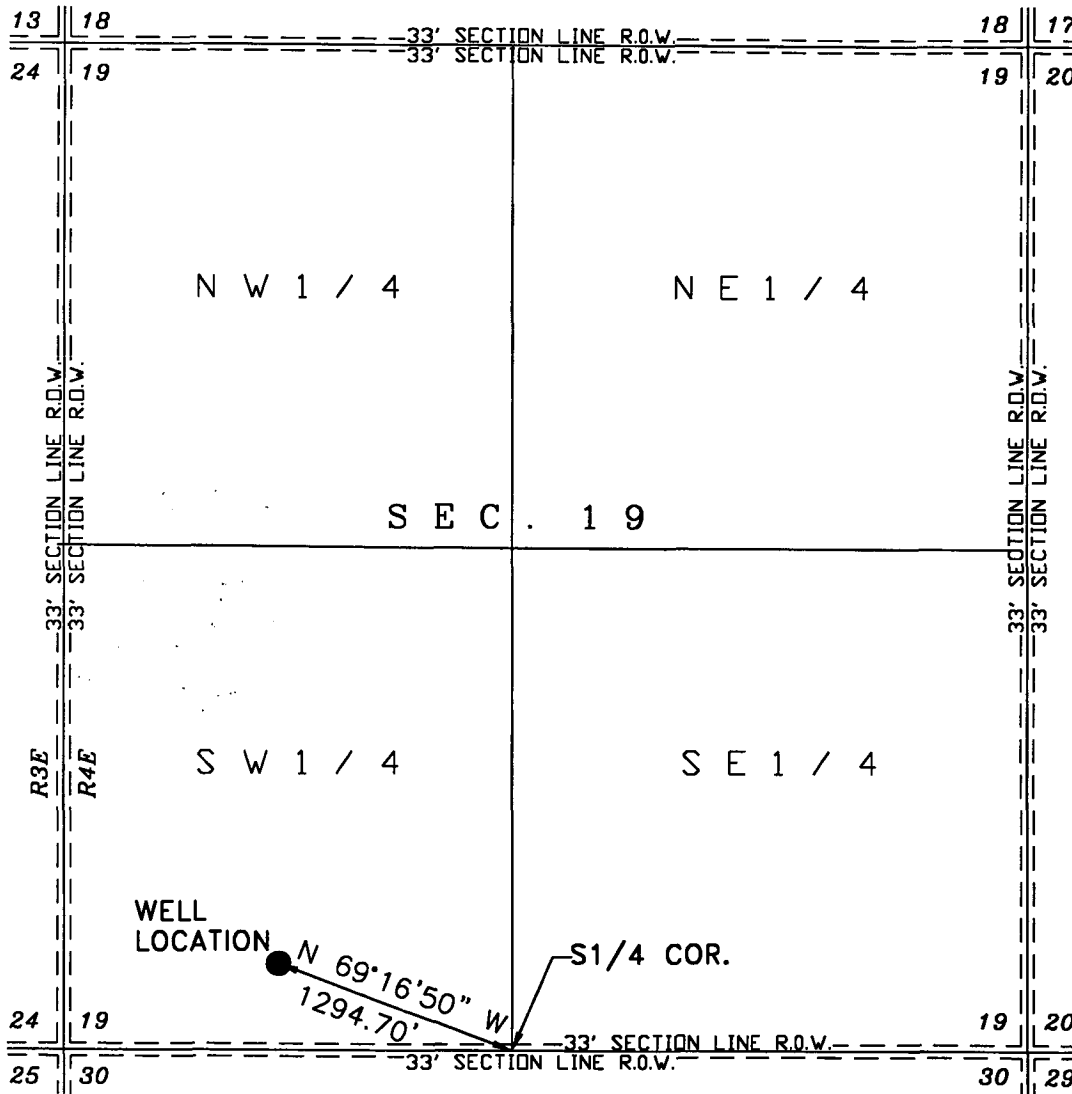
RECEIVED OF Tomahawk Lake Country Club, Box 572, Deadwood SD 57732
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1774-1</u> to Appropriate Water, to construct 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. <u>1774-1</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By Darland Ebel
Chief Engineer *gm*

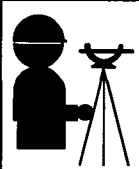
WELL LOCATION MAP
SW1/4 OF SECTION 19, T4N, R4E, B.H.M.,
LAWRENCE COUNTY, SOUTH DAKOTA



SURVEYOR'S CERTIFICATE

I, JOHN M. ARLETH, R.L.S. 3977, DEADWOOD, SD, DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON WAS SURVEYED AND STAKED UNDER MY SUPERVISION AND THAT ALL DIMENSIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. DATED THIS 16 DAY OF JULY, 2002

[Signature]
 JOHN M. ARLETH, R.L.S. 3977
 SOUTH DAKOTA



ARLETH & ASSOCIATES
 382 MAIN STREET
 DEADWOOD, SD 57732
 605-578-1637

PROJECT:
 WELL LOCATION MAP

DATE: JULY 10, 2002
 SCALE: 1" = 1000'
 DRAWN BY: T. VIG
 JOB NO: 5878

1774-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

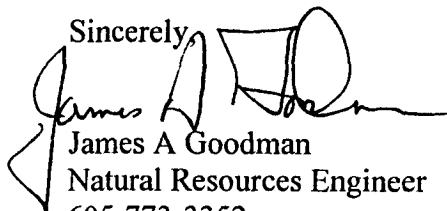
June 26, 2002

Conrad Comer
148 Mortenson Lane
Spearfish, SD 57783

Dear Mr. Comer:

As requested by your faxed letter of June 26, 2002, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well prior to approval of a water permit. The well will be completed into crystalline rock and must be constructed in accordance with South Dakota Well Construction Standards. The well will be located in the SW $\frac{1}{4}$ of section 19, T4N R4E in Lawrence County. The well will be used as an additional source of irrigation water to supply a small dam located in SW $\frac{1}{4}$ of section 19, T4N R4E. Tomahawk Lake Country Club is in the process of obtaining the necessary water permit for this diversion and has existing water rights in this area.

Sincerely,


James A Goodman
Natural Resources Engineer
605-773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 2, 2002

Tomahawk Lake Country Club
c/o John R. Shultz
PO Box 572
Deadwood SD 57732

Dear Mr. Shultz:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of the golf course. In order to complete the application the following is required.

Please submit a map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Based on the amount of water claimed (30 gallons per minute), the application/license filing fee will be \$100.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

WATER PERMIT APPLICATION NO.1774-1
TOMAHAWK LAKE COUNTRY CLUB
JULY 31, 2002

Water Permit Application No. 1774-1 proposes to appropriate 0.066 cubic feet of water per second (30 gallons per minute) from one well located in the SE¼ SW¼ Sec.19 to irrigate 25.6 acres of the golf course located in the S½SW¼, NE¼SW¼, S½NE¼, N½SE¼, SW¼SE¼ Sec.19 and NW¼ NE¼ Sec.30; all in T4N-R4E , T4N-R4E. The well will serve as an additional water source to supply a small spring feed collection dam authorized by Water Right Nos. 1471-1 and 1472-1 to irrigate the same acreage.

AQUIFER: Crystalline Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

This is an area in which Quaternary aged alluvium overlies a tertiary aged igneous intrusive. The igneous rock has intruded into precambrian aged crystalline rock. Geologically, this area has been mapped as Tertiary aged igneous rock intruded into Precambrian aged crystalline rock (metamorphosed phyllite, schist, and undifferentiated metamorphosed sedimentary deposits), overlain with alluvial deposits (sand, gravel and clay) along Bear Butte Creek (Strobel and others 1999). The alluvium mantled crystalline rock probably constitutes a single aquifer under unconfined (water table conditions). Estimates of the amount of water in storage or for recharge to the aquifer are not available. The aquifer is probably hydraulically connected to Bear Butte Creek. During periods of high flow, when the creek stage is higher than the water table of the aquifer, the creek is probably a "losing stream" (i.e. the stream flow recharges the alluvium). When the water table of the aquifer is higher than the creek stage the creek is probably a "gaining stream"; (i.e. the aquifer contributes to stream flow). In general the ground water probably discharges towards the creek. Recharge is accomplished through infiltration of precipitation and possibly through streamflow losses from Bear Butte Creek.

The Water Rights Program does not monitor any observation wells in this area. There is no historical water level data available.

AFFECTS ON EXISTING RIGHTS:

There are domestic wells in the area, which obtain water from the same source (Water Rights, 2002a). Tomahawk Lake Country Club has four other Water Rights for this facility, (1471-1 and 1472-1 from surface water; 1562-1 and 1563-1 from groundwater). There are seven Water Rights/Permits belonging to others that appropriate water within approximately one mile of this well site (Water Rights, 2002b). They include:

Permit No.	Name	Source	Use	cfs
1340-1	Jo M Brotsky	ALQ	COM	0.04
763-1	David Geary	SURFACE H2O	REC	0.00
813-1	Alimadad Jatoi	ALQ/SURFACE H2O	IRR	0.10
768B-1	Dennis Anderson	SURFACE H2O	IRR	0.22
768C-1	Darrell Iwan	SURFACE H2O	IRR	0.22
1711-1	Hidden Valley Campground	CRSL	COM	0.04

Surface water appropriations are not likely to be affected by withdrawals from a well at this site. The nearest ground water appropriation (831-1, Alimadad Jatoi) is an appropriation from the alluvium along Bear Butte Creek and is located within one-quarter of a mile of this well. Interference with existing wells is not expected to be a concern. The amount of water to be withdrawn and the rate of withdrawals are relatively small.

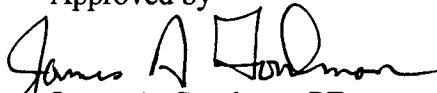
CONCLUSIONS:

1. Water is available from the alluvium mantled Precambrian aquifer.
2. The aquifer is under water table conditions and drawdown due to this diversion are not expected to adversely affect adequate wells in the area.
3. This appropriation will not adversely affect the flow of Bear Butte Creek.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D. 1999,
Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota, USGS
Hydrologic Investigations Atlas HA-743

Water Rights Program, 2002a, "Domestic Well Log Files" DENR-Water Rights Program,
Joe Foss Building, Pierre, SD

Water Rights Program, 2002b, "Water Permit Files" DENR-Water Rights Program, Joe
Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1774-1, Tomahawk Lake Country Club**

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. 1774-1, Tomahawk Lake Country Club, c/o John Shultz, PO Box 572, Deadwood SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1774-1 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. The well authorized by Permit No. 1774-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 9, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 12, 2002

Lawrence Co. Centennial
376 Main, Suite A
Deadwood, SD 57732-0512

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1774-1 to Appropriate Water to be published twice. Please publish the first notice on August 22, 2002 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, %John Shultz, PO Box 572, Deadwood, SD 57732 (Ph # 605-578-9979).

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
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1774-1

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

Date _____

We are in receipt of your letter of August 12, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1774-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 12, 2002

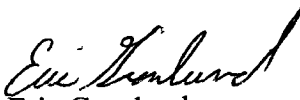
Tomahawk Lake Country Club
% John Shultz
PO Box 572
Deadwood SD 57732

Dear Mr. Shultz:

Water Permit Application No. 1774-1 for irrigation 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 Lawrence Co. Centennial printed at Deadwood, SD (Ph # 605-578-3305). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.

Instruction to Newspaper - Publish first Notice on August 22, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1774-1 to Appropriate Water

Notice is given that Tomahawk Lake Country Club, % John Shultz, PO Box 572, Deadwood SD 57732 has filed an application for a water permit to appropriate 0.066 cubic feet of water per second (30 gallons per minute) from one well (Precambrian Rock) 120 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19 to irrigate 25.6 acres of the golf course located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; all in T4N-R4E. The well will serve as an additional water source to supply a small spring feed collection dam authorized by Water Right Nos. 1471-1 and 1472-1 to irrigate the same acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1774-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 September 9, 2002.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY LAWRENCE

Theresa Finn, Being duly sworn, says: That the Lawrence County Centennial is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Deadwood, Lawrence County, South Dakota, by Country Media, Inc that affiant is and, during all of said times, was employed as an accounting clerk by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for the issues (s) bearing the following dates:

Aug 22 2002
Aug 29 2002
____ 200 ____
____ 200 ____
____ 200 ____

That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 35.71, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fees has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Theresa Finn

Accounting Clerk



Subscribed and sworn before me this

12 day of Sept 2002

Pamela Buhler
Notary Public, South Dakota

My commission expires Feb 8, 2007

Tomahawk Water Hearing scheduled

NOTICE OF
APPLICATION
NO. 1774-1 to Appropriate Water

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as an additional water source to supply a small spring feed collection dam authorized by Water Right Nos. 1471-1 and 1472-1 to irrigate the same acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1774-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will con-

sider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting the application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 September 9, 2002.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment and Natural Resources

Publish: August 22, 29, 2002
Lawrence County Centennial

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SEP 13 2002

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 2002

Tomahawk Lake Country Club
% John Shultz
PO Box 572
Deadwood SD 57732

Dear Mr. Shultz:

Enclosed is Water Permit No. 1774-1 authorizing construction of your water diversion system 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 the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 3 Oct 2002

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Tomahawk Lake Country Club.
(name)

P.O. Box 570
(address)

Deadwood, S.D. 57732
(city, state, zip)

578-9979
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1774-1 states that the water use system is to be constructed by

Sept 10th 2002, and water is to be put to beneficial use by Sept 12th 2002
(date) (date)

The water use system was completed on Sept 7th 2002
(date)

Applying the water to beneficial use was completed on Sept 12th 2002
(date)

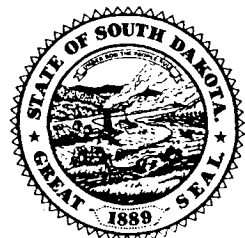
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OCT - 7 2002

WATER RIGHTS
PROGRAM

You may schedule an investigation so that the water license may be issued.

John R. Shultz
(signature)





1774-1

**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.



1774-1

**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



1774-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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523 EAST CAPITOL
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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.



1774-1

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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



1774-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

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

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1471-1, 1472-1, 1563-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1774-1

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2009

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

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

Dear Mr. Carter:

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in 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



1774-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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.


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Waiver of Signature ☐ YES ☐ NO

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(See Reverse)

1774-1



**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



1774-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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.

1774-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2013

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

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

Dear Sir:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

Water Permit No. 1774-1
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, May 23, 2011, made a thorough examination of the water use system constructed by Tomahawk Lake Country Club of PO Box 572, Deadwood, SD 57732 holder of Permit No. 1774-1, bearing the priority of July 1, 2002 authorizing the diversion of 0.066 cu. ft. per second of the waters of the Precambrian rock for Irrigation purposes, in Lawrence County.

Inspection contact & relationship **Dav Van denHeede**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 80 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 4 ½ inches
- 2) Length 80 feet
- 3) Type Plastic

Screen:

- 1) Type None
- 2) Static water level Unknown feet

Pump:

- 1) Make Grundfos
- 2) Model 40S-20-7
- 3) Capacity 40 GPM
- 4) Size 2 hp

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 800 feet north and 655 feet east of the SW corner of Section 19-T4N-R4E

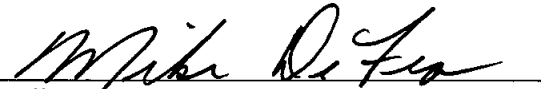
(N 44.2875, W -103.69186) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water which is to be used for Irrigation.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The well log and pump information were obtained on December 12, 2013, from Alexander Drilling for licensing of this permit. This permit is authorized to appropriate 0.066 cfs (30 gpm) for irrigation of the Tomahawk Lake Golf Course. Information provided by the driller indicated the applicant has a pump installed in the well capable of pumping more water than was permitted. The applicant will have to apply for an additional water permit for 0.024 cfs (10 gpm) to accommodate for the additional water usage.



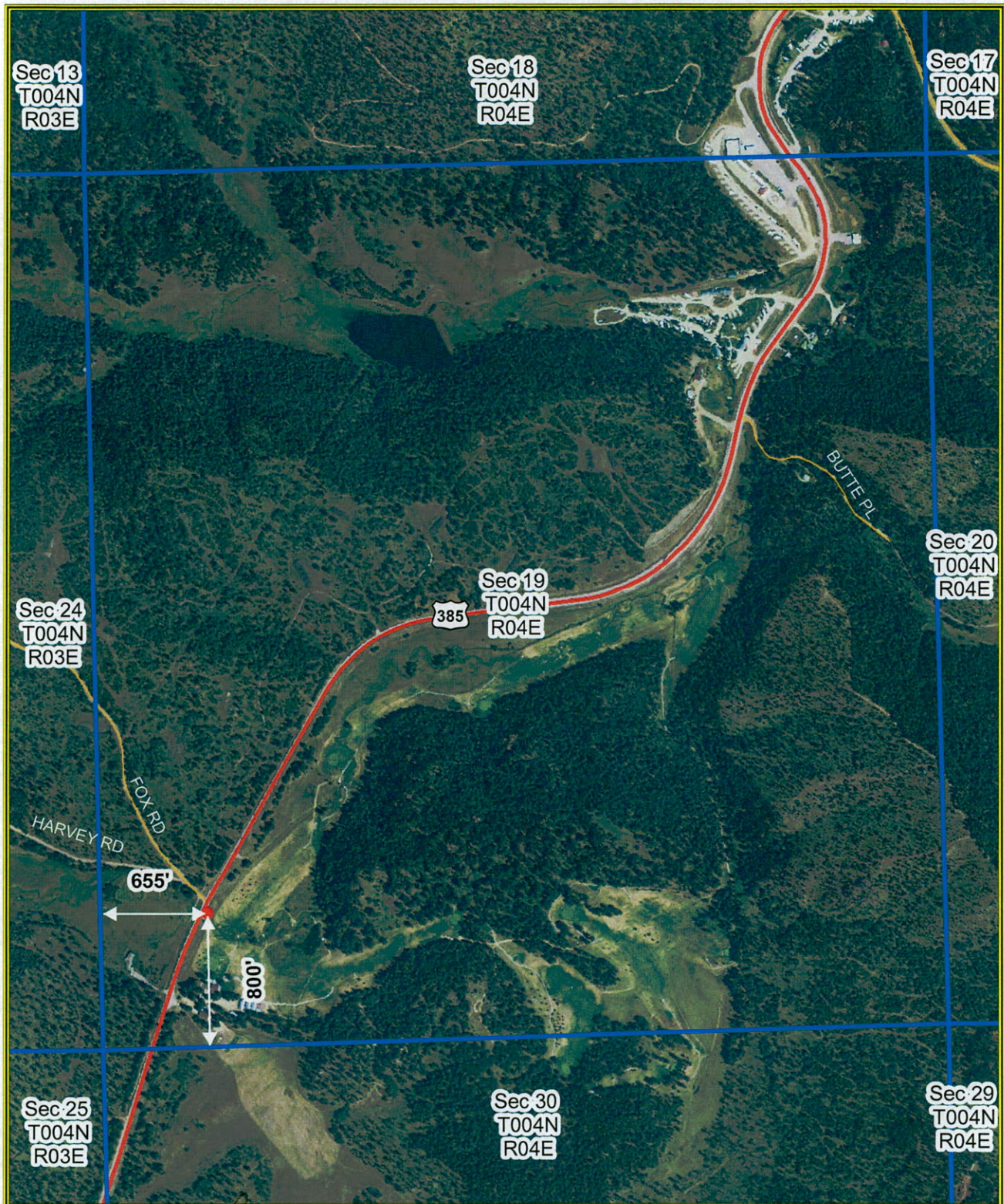
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **December 11, 2013**

Tomahawk Lake Country Club

Water Permit No. 1774-1



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 12, 2013

0 625 1,250 2,500 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



OCT 28 2014

1774-1

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

Dear Sir:

Enclosed is Water License No. 1774-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1774-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: An investigation conducted for licensing purposes along with a review of the well log submitted by Alexander Drilling found the well is capable of diverting 40 gallons per minute. Water Permit No 1774-1 was obtained for a diversion rate of 30 gallons per minute. The license was issued for the permitted diversion rate. Diversion of water under this water license is limited to 30 gallons per minute.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1774-1

(1) Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 made Application No. 1774-1, July 1, 2002 for a water permit to divert 0.066 cubic feet of water per second from ground water (one well – Precambrian Rock), Lawrence County, South Dakota for irrigation purposes. Permit No. 1774-1, with a priority date of July 1, 2002 was approved September 9, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 9, 2007 and for the application to beneficial use of said water on or before September 9, 2011.

(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 0.066 cubic feet of water per second for beneficial use.

The well is located approximately 800 feet north and 655 feet east of the SW corner of Section 19, T4N, R4E (SW ¼ SW ¼)*.

**The well serves as an additional water source to supply a small spring fed collection dam authorized by Water Right No. 1471-1 and Vested Water Right No. 1472-1 for irrigation of the golf course.*

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is diverted from the well to a spring fed collection dam. The acreage irrigated from the collection dam is described as follows:

Water Right No. 1471-1			Vested Water Right No. 1472-1		
T4N, R4E, Section 19	SW ¼ SW ¼	3.00 acres	T4N, R4E Section 19	SW ¼ NE ¼	0.10 acres
	SE ¼ SW ¼	3.00 acres		SW ¼ SE ¼	0.75 acres
	NE ¼ SW ¼	2.00 acres		SE ¼ SW ¼	0.20 acres
	SW ¼ NE ¼	0.25 acres		NE ¼ SW ¼	0.30 acres
	SE ¼ NE ¼	0.25 acres		NW ¼ SW ¼	0.10 acres
	NW ¼ SE ¼	6.00 acres		SW ¼ SW ¼	0.20 acres
	NE ¼ SE ¼	0.125 acres			
	SW ¼ SE ¼	8.00 acres		Total	1.65 acres
T4N, R4E, Section 30	NW ¼ NE ¼	3.00 acres			
	Total	25.625 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Tomahawk Lake Country Club, PO Box 572, Deadwood SD 57732 the holder and/or owner of Water Right No. 1774-1 is issued a license to appropriate water, the right to use 0.066 cubic feet of water per second from ground water (one well – Precambrian Rock) with a priority date of July 1, 2002 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1774-1 and subject to the following qualifications (see page 2):

continued

Page 2

Water License No. 1774-1

Tomahawk Lake Country Club

- 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.
- The well authorized by Permit No. 1774-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *Well completed in 2002 by Alexander Well Drilling.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



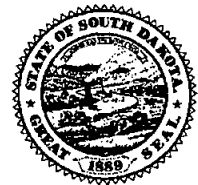
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 28 2014

date





1774-1
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.



1774-1
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



1774-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

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

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1471-1, 1472-1 & 1774-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1774-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2016

1471-1
1472-1
1774-1

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

Dear Mr. Anderson:

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

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

If you have any questions, please contact me.

Sincerely,

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