

WATER PERMIT NO. 1796-1

Name of Applicant: **Dennis or Ann Beckham**

Address: **12336 Erickson Ranch Rd, Piedmont SD 57769**

Phone: **605 787-7036**

Amount of Water Claimed: **0.1 cfs (45 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial, suburban housing, domestic**

County: **Meade**

Type of Waste Disposal System:

Location: **4 miles southeast of Piedmont**

PRIORITY Date Received: **6-4-2003**

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

Corrected Application Received: **6-19-2003**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SE ¼ SW ¼ Sec 21-T3N-R7E**

Land to be Irrigated: **NA**

Depth of Well: **321 feet deep**

Well Driller: : **Taylor Drilling**

Remarks:

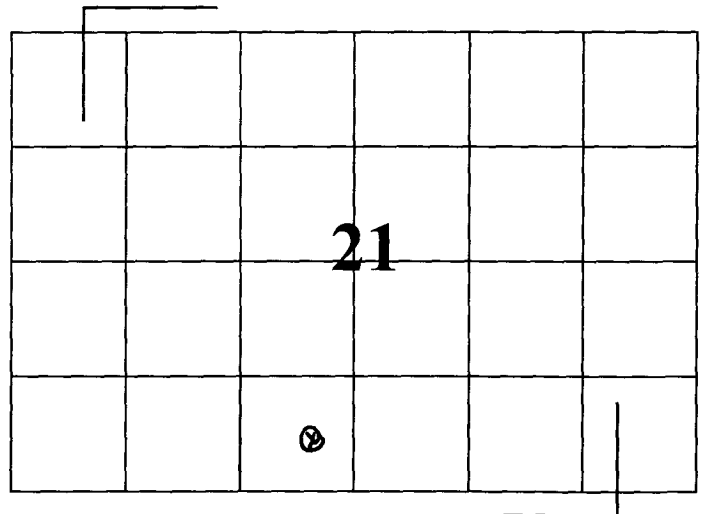
Type of Map: **aerial**

Prepared by: **Darrel Vig, NRCS**

Reviewed and the Number Assigned on: **6-19-03**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 1796-1

Date of first receipt of application June 4, 2003.

Date of return to applicant for corrections, amendments or changes June 4, 2003.

Date of receipt of corrected application June 19, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1796-1 to Dennis or Ann Beckham, 12336 Erickson Ranch Rd, Piedmont SD 57769 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. 1796-1 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 321 feet deep located in the SE ¼ SW ¼ Section 21-T3N-R7E.
2. The water appropriated shall be used for the purpose of suburban housing, commercial and domestic use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1796-1 is August 25, 2003.
5. The date from which applicant may claim right is June 4, 2003.
6. One-fifth of the construction is to be completed on or before February 25, 2006.
7. All construction is to be completed on or before August 25, 2008.
8. Water is to be put to beneficial use on or before August 25, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

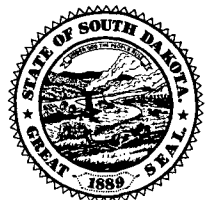
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 28 2003

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1796-1</u>	(office use only) Hydrologic Unit <u>10/20/11</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times Tribune, Sturgis</u>	

RECEIVED
JUN - 4 2003
WATER RIGHTS
PROGRAM

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	

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. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Dennis ^{or} Ann Beckham Phone 605-787-7036
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12336 Erickson Ranch Rd. Piedmont State S.D. 57769
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 450.1 *CFS or 45 **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 well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) S42 Section 21
T3N R7E B4M SE1/4 SW1/4
County meade

5. County or counties where water will be used meade

6. Annual period during which water is to be used 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)

For Domestic Use - For Livestock use (up to 500 sheep + up to 500 calves Oct. through Apr.) For 16 RV sites Apr. through Oct. For possible future development of 3+ acre home sites.

STATE OF SOUTH DAKOTA)

County of Meade 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, Dennis Beckham Ann Beckham, 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 Dennis Beckham Ann Beckham

Subscribed and sworn to before me this 02 day of June 2003

[Signature]
Notary Public signature

4-2000

CY peratrow Date 08-10-2008

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank, drain field
- b) System Capacity (gallons) Domestic - 1000 gal Year Constructed unknown
RV Park - 2000 gal
- c) Connected to the City of _____ Sanitary System _____

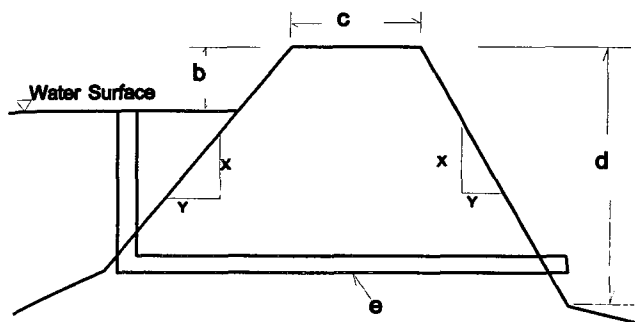
3. Dugout Information

- 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:



- 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

T395

Dennis and Ann Beckham
Well Water Right Application
12336 Erickson Ranch Rd.
Piedmont, SD 57769

Darrell Big, District Com.
NRCS
Sturgis, SD 57785

6/17/03

NW

HEL

11.3

①

58.8

②

NW
HEL

93.5

④

NW
HEL

25.0

⑨

NW
HEL

NA

COC 1131102

21

Center Sec. 21-T3-R7

NA

12.5

⑪

NW
HEL

T409

T410

39.8

①

NW
HEL

Well 2

②

7.3

N

(3-7)

CL

SW Corner of
Sec. 21-T3-R7
Meade County

1796-1

PLAT OF A PORTION OF McEWEEN RANCH SUBDIVISION
IN THE COUNTY OF MEADE, INCLUDING:

FRANCIS A. MEADOR & CELLHAUS, INC.

TRACTS 1 THRU 10 OF McEWEEN RANCH SUBDIVISION AND
66' WIDE DEDICATED PUBLIC RIGHT-OF-WAY AND
66' WIDE EASEMENTS FOR ACCESS AND UTILITIES
LOCATED IN:
S $\frac{1}{2}$ OF SECTION 21; W $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF SECTION 27; AND N $\frac{1}{2}$ OF SECTION 28
ALL IN T34N, R7E, D14M,
MEADE COUNTY, SOUTH DAKOTA

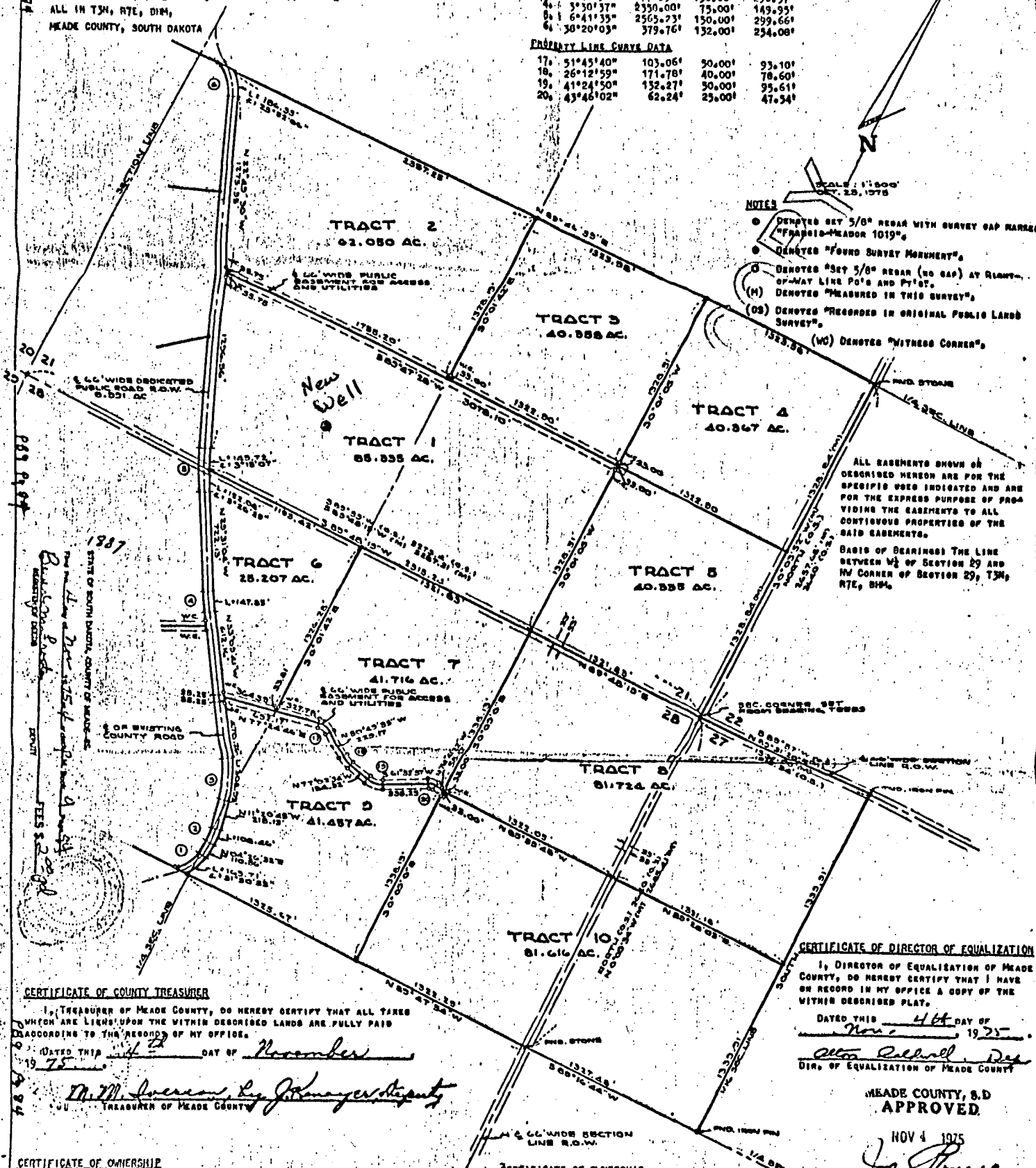
CURVE DATA

CERTIFICATE OF CURVE DATA

CURVE NO.	Δ	R	T	L
1	41°31'02"	261.53'	100.00'	191.03'
2	15°47'10"	360.60'	50.00'	99.37'
3	21°48'56"	770.30'	150.00'	206.37'
4	3°30'37"	2350.00'	75.00'	143.95'
5	6°41'35"	2565.73'	150.00'	299.66'
6	38°20'03"	379.76'	132.00'	294.08'

PROPERTY LINE CURVE DATA

17	51°45'40"	103.06'	50.00'	93.10'
18	26°12'59"	171.78'	40.00'	78.60'
19	41°24'50"	132.27'	50.00'	93.61'
20	43°46'02"	62.24'	25.00'	47.34'



NOTES

- DENOTES SET 5/8" REBAR WITH SURVEY CAP MARKED "FRANCIS-MEADOR 1019"
- DENOTES "FOUND SURVEY MONUMENT"
- DENOTES "SET 5/8" REBAR (NO CAP) AT RIGHT-OF-WAY LINE P.O.'S AND P.T.'S.
- (M) DENOTES "MEASURED IN THIS SURVEY"
- (OS) DENOTES "RECORDED IN ORIGINAL PUBLIC LANDS SURVEY"
- (WC) DENOTES "WITNESS CORNER"

SCALE: 1"=500'
OCT. 23, 1975

ALL EASEMENTS SHOWN OR DESCRIBED HEREON ARE FOR THE SPECIFIC USES INDICATED AND ARE FOR THE EXPRESS PURPOSE OF PROVIDING THE EASEMENTS TO ALL CONTIGUOUS PROPERTIES OF THE SAID EASEMENTS.

BASES OF BEARINGS: THE LINE BETWEEN W $\frac{1}{2}$ OF SECTION 29 AND NW CORNER OF SECTION 29, T34N, R7E, D14M.

CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF MEADE COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.
DATED THIS 4th DAY OF November 19 75
M. M. American, Esq. J. K. Hanger, Deputy
TREASURER OF MEADE COUNTY

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF MEADE COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD IN MY OFFICE A COPY OF THE WITHIN DESCRIBED PLAT.
DATED THIS 4th DAY OF November 19 75
John Cellhaus, Esq.
DIR. OF EQUALIZATION OF MEADE COUNTY

MEADE COUNTY, S.D.
APPROVED

NOV 4 1975

Joe P. Pense
CHAIRMAN

CERTIFICATE OF OWNERSHIP

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
VS: VIOLA J. McEWEEN AND JAMES W. McEWEEN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACTS OF LAND SHOWN AND DESCRIBED HEREON, THAT THE SURVEY WAS DONE AT OUR REQUEST FOR THE PURPOSES INDICATED HEREON, AND THAT WE DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND.
ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT IS HEREBY DEDICATED TO PUBLIC USE AND PUBLIC UTILITY USE AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

CERTIFICATE OF OWNERSHIP

STATE OF South Dakota
COUNTY OF Pennington
VS: JOHANN A. STRICKLAND, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE TRACTS OF LAND SHOWN AND DESCRIBED HEREON, THAT THE SURVEY WAS DONE AT MY REQUEST FOR THE PURPOSES INDICATED HEREON, AND THAT I DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND.
ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT IS HEREBY DEDICATED TO PUBLIC USE AND PUBLIC UTILITY USE AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2 June 4, 2003

RECEIVED OF Dennis Beckham, 12336 Erickson Ranch Road, Piedmont SD 57769

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

Fee for Application for Permit No. <u>1796-1</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>1796-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No. 000585

By Darland Ebele
Chief Engineer gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 Twp 3N Rg 7E

County

North

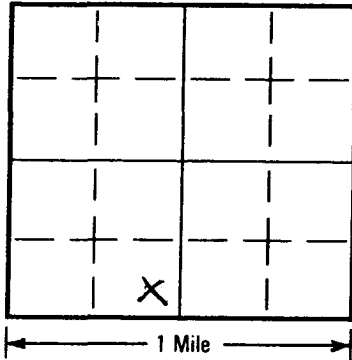
Meade

Please mark well location with an "X"

W

E

Well Completion Date

2-3-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? >100 ft. from septic system (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Air rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15 1/2</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>302</u> FT	<u>6 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>29</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>302</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure grouted
through casingSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine solution☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

pump not installed yetWell Owner: Dennis Beckham

Business Name: _____

Address: HC 80, Box 712Piedmont, SD 57769

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>silt + gravel brown</u>	<u>0</u>	<u>4</u>
<u>gray shale</u>	<u>4</u>	<u>95</u>
<u>gray shale w/ ss lenses</u>	<u>95</u>	<u>165</u>
<u>gray shale</u>	<u>165</u>	<u>230</u>
<u>red shale</u>	<u>230</u>	<u>238</u>
<u>gray shale</u>	<u>238</u>	<u>251</u>
<u>dk red shale</u>	<u>251</u>	<u>260</u>
<u>gray shale</u>	<u>260</u>	<u>295</u>
<u>white ss</u>	<u>295</u>	<u>321</u>

STATIC WATER LEVEL 19 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Bailedair developed☐ Other _____

Pumping Level Below Land Surface

300 ft. After 1 1/2 Hrs. pumped >100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

REFEB 14 2003WATER RIGHTS
PROGRAMThis well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Ralph Taylor

Signature of Well Owner or Equitable Property Holder:

Date: _____

2-18-03



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2003

Dennis Beckham
HC 80 Box 712
Piedmont SD 57769

Dear Mr. Beckham:

I am writing in regard to a well driller's report filed by Taylor Drilling Co. The report shows a new well was completed on February 3, 2003 with domestic/stock and business marked as proposed uses. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by May 1, 2003.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

enclosures

*called 5/28/03
helped him complete appl.*



June 4, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dennis & Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. & Mrs. Beckham:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial, domestic and suburban housing development. Enclosed is the map you submitted with your application.

During our phone conversation, I indicated I would review your existing map. The map must be prepared and 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. Our suggestion is you contact the Meade County Natural Resource Conservation Service and obtain an aerial photo map. Darrel Vig or someone from that office may help mark the location of your well and will be qualified to sign the map.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

WATER PERMIT APPLICATION NO. 1796-1
DENNIS OR ANN BECKMAN
JULY 23, 2003

Water Permit Application No. 1796-1 proposes to appropriate 0.1 cubic feet of water per second (cfs) [45 gallons per minute] from one well (Inyan Kara aquifer) 321 feet deep located in the SE¼ SW¼ Sec. 21, T3N-R7E, in Meade County. The water is to be used for suburban housing, commercial and domestic use.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara well this application proposes to use was completed February 3, 2003. The Water Well Completion Report on file for the well indicates the well was completed in accordance with the SD Well Construction Standards.

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The log for this well identifies Fuson Shale separating these two formations at this site, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen and others, 1985). The aquifer underlies 2,107,520 acres and contains an estimated 36,354,720 acre-feet of recoverable water in storage in Meade County alone (Allen and others, 1985). The Inyan Kara outcrops less than one-quarter mile west of this well site (Strobel and others, 1999). The top of the Inyan Kara is assumed to be 95 feet below grade from the log for this well and the static water level of the well was reported to be 19 feet below grade. The Inyan Kara is estimated to be between 200 and 250 feet thick in this area (Allen and others, 1985). The thickness of the Inyan Kara aquifer does however, vary considerably within short distances. The Completion Report indicates at least 226 feet from the top of the Inyan Kara Formation to its base, although not all of this is aquifer material.

WATER AVAILABILITY:

Average annual recharge to the Inyan Kara aquifer in the Black Hills area from 1950 through 1998, is estimated to be 11,600 acre-feet annually (Driscoll and others, 2002). The average annual withdrawals from the aquifer for the same time period were estimated to be 1,400 acre-feet/year (Driscoll and others, 2002). A simple water budget demonstrates that withdrawals from the aquifer do not exceed recharge.

The Water Rights Program monitors seven observation wells completed into the Inyan Kara aquifer in the Black Hills area. Hydrographs of most of these wells indicate the aquifer is in dynamic equilibrium showing only minor changes in water level corresponding with seasonal or climatic conditions. Water Rights' Observation Well MD-99A is located approximately two miles north of this well. The hydrograph for this well, figure 1, clearly demonstrates the aquifer is recharged and in general, water levels of the aquifer have remained relatively constant over the period of record.

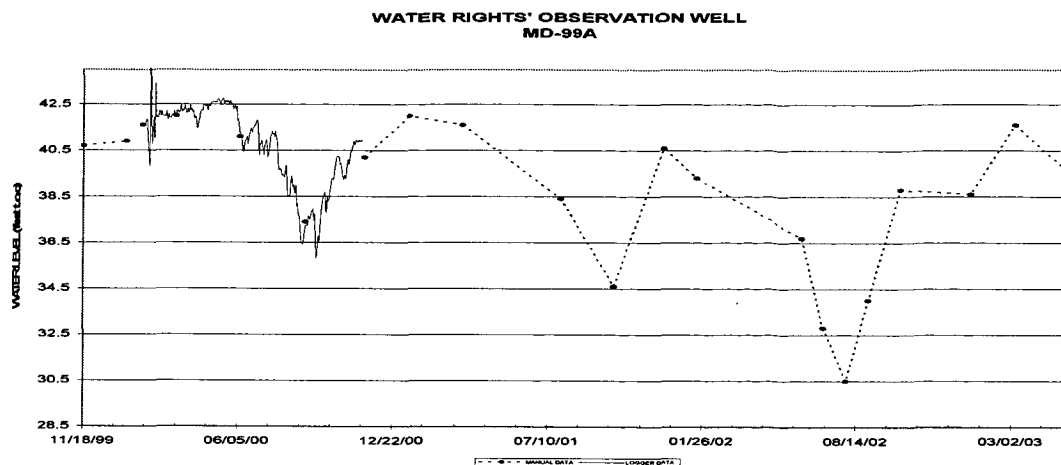


Figure 1. Hydrograph of Inyan Kara Observation Aquifer Well located approximately three miles northwest of the well to be used for 1796-1

A second observation well, PE-95E is located approximately six miles south-southeast of 1794-1. The hydrograph for the well is included in figure 2.

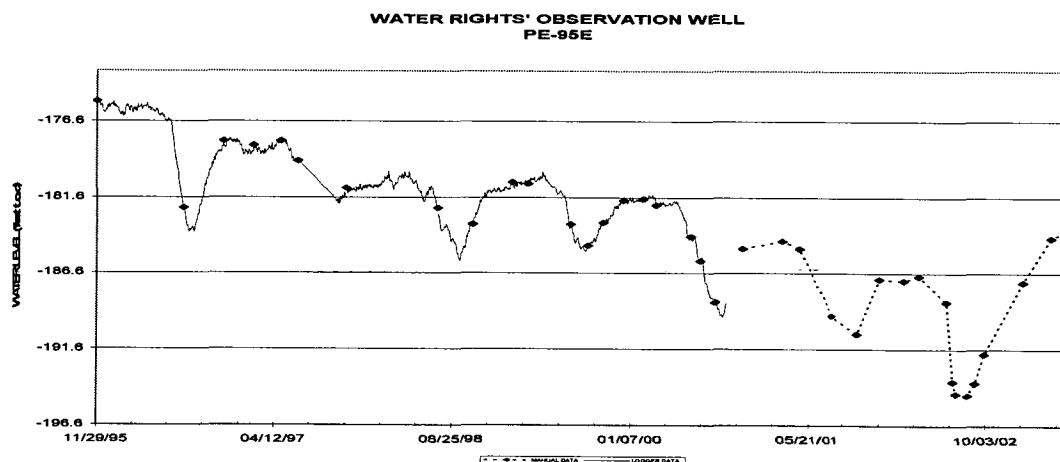


Figure 2. Hydrograph of Inyan Kara Observation Aquifer Well located approximately six miles south-southeast of the well to be used for 1796-1

The observation well data indicate water is available for this appropriation (Water Rights, 2003b).

EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 2003a).

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 137 Water Rights/Permits (Water Rights, 2003c). There are 25* rights/permits appropriating water from the Inyan Kara Aquifer in Meade County. There are 55* groundwater Permits/ Water Rights appropriating groundwater within approximately four and one-half miles of the well that is to

supply water for this application. Eight* of these permits/rights appropriate from the Inyan Kara aquifer, they include:

Permit No	Name	cfs
1338-1	Black Hills Petrified Forrest Campground	0.03
1587-2	Weston Dev. Inc.	0.11
1597-1	Crooked Oaks Canyon	0.10
1656-1	Lofty Pines Homeowners	0.085
1664-1	Buffalo Ridge Water Users	0.10
1688-1	Jake or Lynne Mooney	0.09
1700-1	Western Management Corp	0.111
1794-1*	Vita Royal Prod. Inc	0.17

(* Pending application as of July 23, 2003)

Wells completed into aquifers other than the Inyan Kara will not be affected by pumping from this well due to the hydraulic separation between the aquifers. The nearest appropriations from the Inyan Kara aquifer are Water Right No. 1597-1, Crooked Oaks Canyon and Water Permit No. 1656-1, Lofty Pines Homeowners. Interference with the wells supplying these appropriations is not expected to be adverse due to the distance from these wells (greater than $\frac{3}{4}$ mile), and relatively low diversion rate proposed by the application (0.10 cfs).

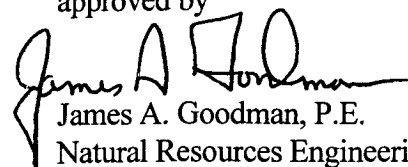
CONCLUSIONS:

1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem at the proposed well site because of the distance from existing wells.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Driscoll, D.G., Carter, J.M., Williamson, J.E. and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 02-4094, 150 p.
- Strobel, M.L., Jarrell, G.J., Swyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Water Rights, 2003a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2003b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2003c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1796-1, Dennis or Ann Beckman**

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. 1796-1, Dennis or Ann Beckman, 12336 Erickson Ranch Road, Piedmont SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1796-1 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 28, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

July 29, 2003

Dennis or Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. or Ms. Beckham:

Water Permit Application No. 1796-1 for commercial, suburban housing, domestic 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 Meade Co. Times Tribune printed at Sturgis, SD (Ph # 605-347-2503). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 29, 2003

Meade Co. Times Tribune
PO Box 129
Sturgis SD 57785-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1796-1 to Appropriate Water to be published twice. Please publish the first notice on August 6, 2003 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 Dennis or Ann Beckham, 12336 Erickson Ranch Rd., Piedmont SD (Ph # 605-787-7036).

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. 1796-1

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

Date _____

We are in receipt of your letter of July 29, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1796-1 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 August 6, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1796-1 to Appropriate Water

Notice is given that Dennis or Ann Beckham, 12336 Erickson Ranch Road, Piedmont SD 57769 have filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 321 feet deep located in the SE ¼ SW ¼ Section 21-T3N-R7E for suburban housing, commercial and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1796-1 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 August 25, 2003.

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

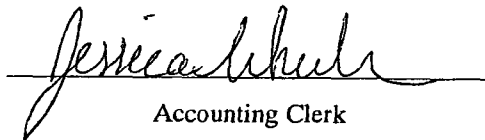
STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Jessica Wheeler, Being duly sworn, says, That the Meade County Times/Black Hills Press is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Sturgis, Meade 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 issue (s) bearing the following dates:

<u>August 6</u>	<u>2005</u>	<u>200</u>
<u>August 13</u>	<u>2005</u>	<u>200</u>
<u>200</u>		<u>200</u>
<u>200</u>		<u>200</u>
<u>200</u>		<u>200</u>

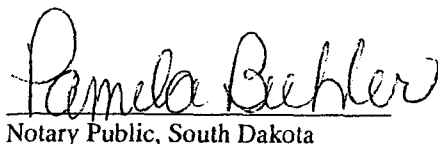
That the full amount of the fee charged for publishing the same, to-wit the sum of

\$ 35.91, I insure 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.


Accounting Clerk

Subscribed and sworn before me this

18 Day of Aug 2005


Notary Public, South Dakota

My Commission expires Feb 8, 2007

Water application

NOTICE OF APPLICATION
NO. 1788-1 to Appropriate Water
Notice is given that Dennis of Ann
Oheim, 12338 Erickson Ranch Road,

Friedmont SD 57769 have filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 321 feet deep located in the SE1/4 SW1/4 Section 21-T3N-R7E for suburban housing, commercial and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1788-1 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, Foas Building, 523 E Capitol, Pierre SD 57501 (605 773-3362)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 25, 2005.

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. Firmer, Secretary, Department of Environment and Natural Resources.

Publ Aug. 8 and 18, 2005
Meade County Times-Tribune

RECEIVED
AUG 20 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

AUG 28 2003

Dennis or Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. or Ms. Beckham:

Enclosed is Water Permit No. 1796-1 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 October 3, 2006

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

RECEIVED
OCT - 5 2006
WATER RIGHTS
PROGRAM

FROM: Dennis and Anna Mac Beckham
(name)

12336 Erickson Ranch Road
(address)

Piedmont, SD 57769
(city, state, zip)

605-987-7036
(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.

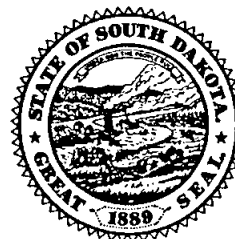
Water Permit No. 1796-1 states that the water use system is to be constructed by August 25, 2008, and water is to be put to beneficial use by August 25, 2012.
(date) (date)

The water use system was completed on October 16, 2004.
(date)

Applying the water to beneficial use was completed on October 23, 2004.
(date)

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

Dennis Beckham
(signature)



Permit No. 1796-1
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 this day, **18 September 2007**, made a thorough examination of the water use system constructed by **Dennis or Ann Beckham** of **12336 Erickson Ranch Rd., Piedmont, SD. 57769** holder of Permit No. **1796-1**, bearing the priority of **04 June 2003** authorizing the diversion of **0.1** cu. ft. per second of the waters of **the Inyan Kara Aquifer** for **commercial, domestic, and suburban housing** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **321** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5.5** inches
- 2) Length **302** feet
- 3) Type **steel**

Screen:

- 1) Type **none**
- 2) Static water level **19** feet

Pump:

- 1) Make **unknown**
- 2) Model **unknown**
- 3) Capacity **45** GPM

Motor:

- 1) Make **Franklin**
- 2) Model No. **2821139310**
- 3) Horsepower rating **5** hp

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

- 1) Type PVC 2) Size 6 / 4 inches 3) Length 400 / 1600 feet

3 pressure tanks operating at 125 psi.

C. 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 N
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: SE ¼ SW ¼ Sec 21-T3N-R7E, approximately 442 feet north and 2251 feet east of the south west corner of section 21, N 44.19978 Latitude and W -103.28372 Longitude. The works are capable of diverting and conveying to the place of use 0.1 cu. ft. per second of water which is to be used for commercial, domestic, and suburban housing purposes.

The license should be issued for 0.1 cfs.

All structures, wells and lands on map Y

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



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 12 December 2007



1796-1

**Dennis or Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769**



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
12 December 2007

0 500 1,000 2,000 3,000
Feet





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 28 2008

1796-1

Dennis & Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. & Mrs. Beckham:

Enclosed is Water License No. 1796-1. 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. 1796-1, 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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1796-1

(1) Dennis or Ann Beckham, 12336 Erickson Ranch Rd., Piedmont SD 57769 made Application No. 1796-1, June 4, 2003 for a water permit to divert 0.10 cubic feet of water per second (45 gallons per minute) from ground water (one well - Inyan Kara Aquifer), Meade County, South Dakota for commercial, domestic and suburban housing development purposes. Permit No. 1796-1, with a priority date of June 4, 2003 was approved August 25, 2003 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 25, 2008 and for the application to beneficial use of said water on or before August 25, 2012.

The Permit holders submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 5, 2006. The "*Notice*" stated the water use system was completed on October 16, 2004 and the water placed to beneficial use on October 23, 2004.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is 442 feet north and 2,251 feet east of the SW corner of Section 21, T3N, R7E (SE ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dennis or Ann Beckham, 12336 Erickson Ranch Rd., Piedmont SD 57769 the holders and/or owners of Water Right No. 1796-1 are issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water (one well - Inyan Kara Aquifer) with a priority date of June 4, 2003 from the location specified in (2) of this license for commercial, domestic and suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1796-1 and subject to the following qualification:

- 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.



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

JAN 28 2008

date



1796-1

September 3, 2017

I was looking at the aerial photo on No. 1796H1 and noticed the yellow-highlighted area was incorrect. Could you send a corrected copy that has our names on it.

Thank you.

Dennis & Ann Beckham

12336 Erickson Ranch Road

Piedmont, SD 57769



JAN 28 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECEIVED

SEP 07 2017

WATER RIGHTS
PROGRAM

1796-1

Dennis & Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. & Mrs. Beckham:

Enclosed is Water License No. 1796-1. 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. 1796-1, 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,

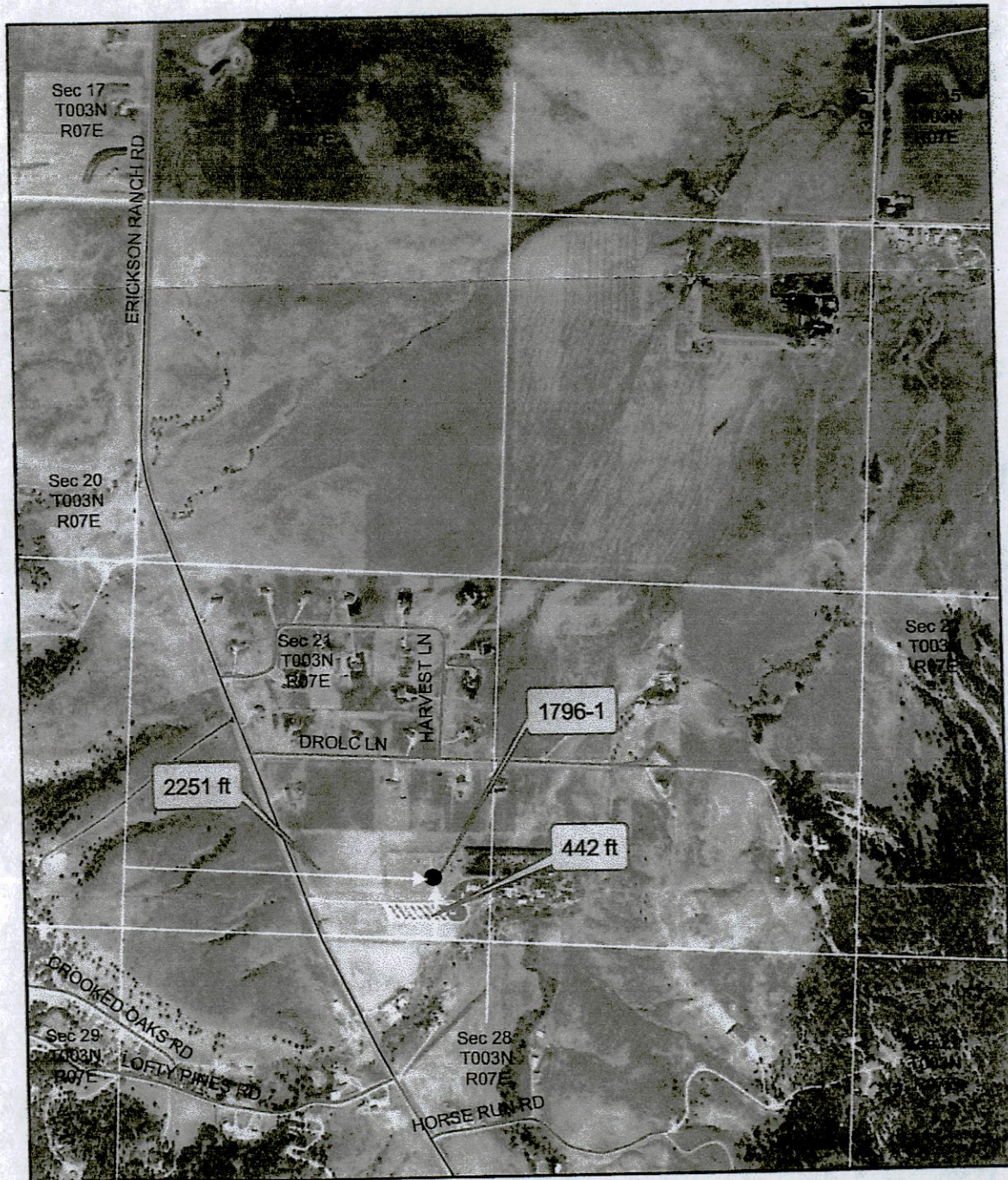
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



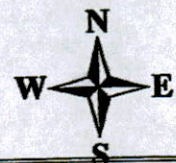
1796-1

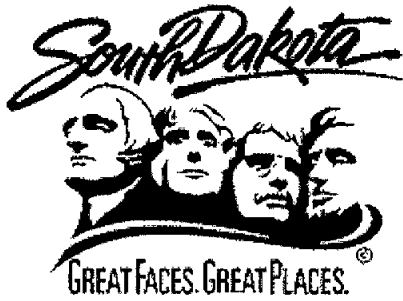
Smitty LLC.
2500 Fox Run
Sturgis, SD. 57785



Mark Costello
Mark Costello
Natural Resources Engineer
DENR, Water Rights
12 December 2007

0 500 1,000 2,000 3,000
Feet





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 7, 2017

Dennis and Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. & Mrs. Beckham:

I received your note on September 7, 2017, pointing out that the name on the map prepared by Mark Costello was incorrect. It appears the error came about by using the name from another nearby water permit.

Since Mr. Costello is no longer with our program, I was not able to make the change to the original map but I did edit the image of the map by adding a label with your names as shown on Water Right No. 1796-1. Enclosed is a copy of the updated map.

I apologize for the error. Thank you for catching that so we could get it corrected. If you have any other concerns, please let me know.

Sincerely,

Ron Duvall, Water Rights Permitting Administrator
SD DENR, Water Rights Program
605.773.3352

enclosure



South Dakota

1796-1

Dennis or Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
12 December 2007



1796-1

Chief Engineer

Water Rights Program, DANR

523 E. Capitol

Pierre, SD 57501-3181

This letter contains a Notice of Transfer of Ownership of water right 1796-1 from Dennis or Ann Beckham, to the McEwen Ranch Homeowners Association. Also included with this letter is a copy of the quit claim deed for the property on which the water right is located, and a copy of the Well Location Exhibit.

Thank you.

McEwen Ranch Homeowners Association

Troy Barry, Secretary

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

SEP 28 2023
Ck# 1020
Rec't# 9/28/23

No. 1796-1

Date: 9-22-23

I/We request that Water Right No. 1796-1

formerly owned by: Dennis or Ann Beckham

be transferred to: (name & address) McEwen Ranch Homeowners Association
12346 Erickson Ranch Road, Piedmont, SD 57769

Telephone No. N/A

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

"Well Lot" of McEwen Ranch Subdivision, Meade County. Plat Book 21 pg. 165, also on Corrective Plat in Plat Book 21 on Page 170 in Office of Register of Deeds, Meade County SD.

I/We understand that the validity of Water Right No. 1796-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We McEwen Ranch Homeowners Association, the new owner, certify that the above information is true and correct.

Troy Barry, Secretary, McEwen Ranch HOA
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED

SEP 28 2023

OFFICE OF
WATER

DOCUMENT PREPARED BY:

KENNETH L. HEISTERKAMP
P. O. BOX 290
RAPID CITY, SD 57709
(605) 343-2410



DOC. NO. 002721-CV.
BOOK 772 PAGE 188
FEE \$10.00 cash
DATE June 5, 2008
TIME 1:48 P.M.
ANGELA M. ROSS
MEADE COUNTY
REGISTER OF DEEDS

QUIT CLAIM DEED

Dave Bell Construction, Inc., a South Dakota corporation, Grantor, of 5321 Ebony Place, Piedmont, SD 57769, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys and quit claims to McEwen Ranch Homeowners Association, Grantee, of 12346 Erickson Ranch Road, Piedmont, SD 57769, all interest in the following described real estate in the County of Meade in the State of South Dakota:

Well Lot of McEwen Ranch Subdivision, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Page 165 and as shown on the Corrective Plat filed in Plat Book 21 on Page 170 in the Office of the Register of Deeds, Meade County, South Dakota; subject to covenants, restrictions, declarations, reservations, rights-of-way, and easements of record, if any.

EXEMPT FROM TRANSFER FEE SDCL 43-4-22(18)

Dated this 5th day of June, 2008.

☐ TRANSFER FEE PAID \$ _____
☒ EXEMPT FROM TRANSFER FEE # 18.

Dave Bell Construction, Inc.

By: Dave H. Bell

Its: President

State of South Dakota)
) ss.
County of Pennington)

On this the 5th day of June, 2008, before me the undersigned officer, personally appeared Dave H. Bell, who acknowledged him/herself to be the President of Dave Bell Construction, Inc., a South Dakota corporation, and that he/she, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as President.

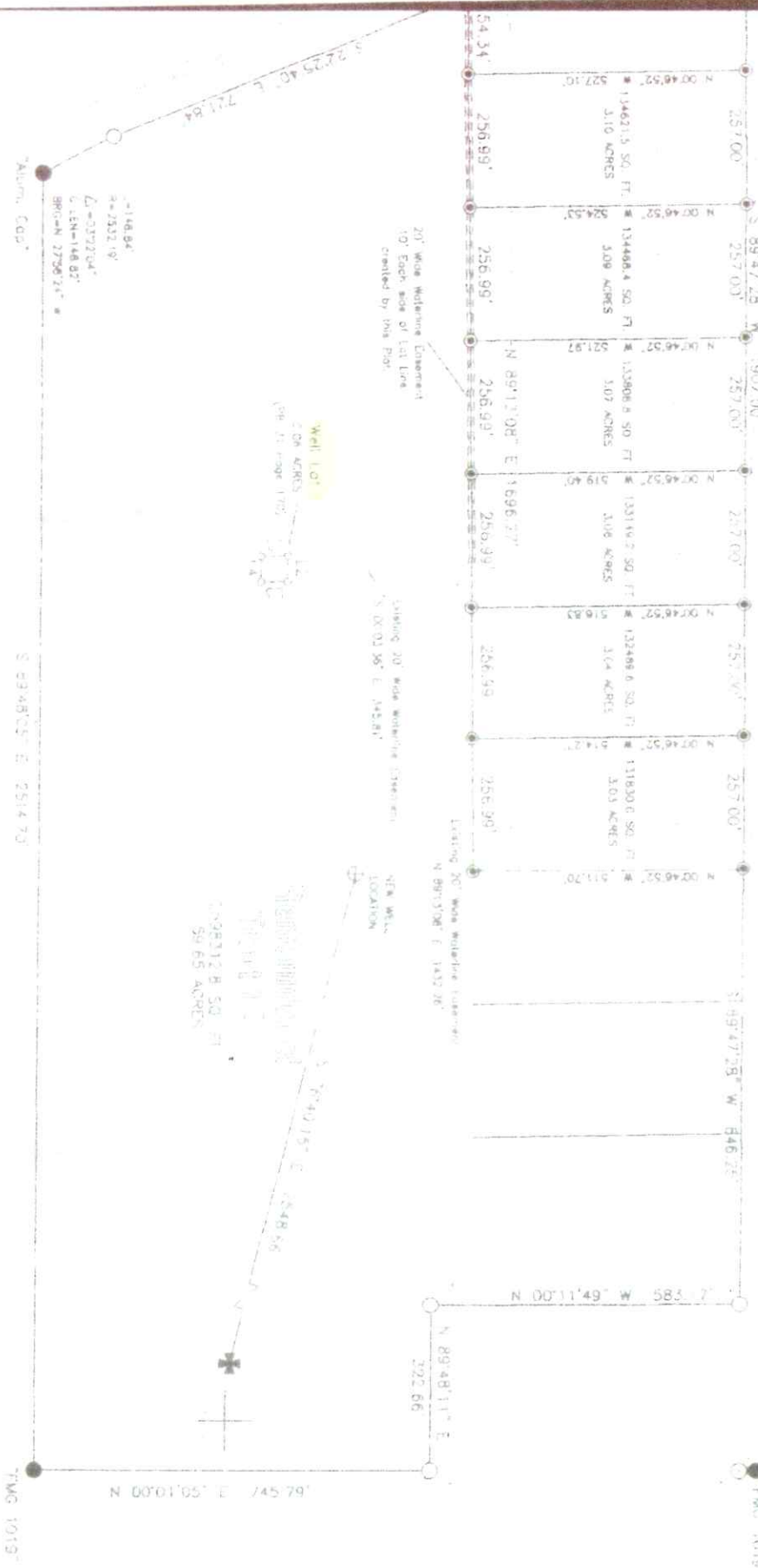
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Somer A. Kingsbury
Notary Public, South Dakota My Commission Expires
My Commission Expires: August 16, 2012



66. Wide Access and Entry Easement (Previously called "Page 64")



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 28, 2023

RECEIVED OF McEwen Ranch Home Owners 12346 Erickson Ranch Road Piedmont SD 57769

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1796-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 3, 2023

Troy Barry, Secretary
McEwen Ranch Homeowners Association
12346 Erickson Ranch Road
Piedmont SD 57769

Dear Mr. Barry:

The Water Rights Program of the SD Department of Agriculture and Natural Resources is in receipt of McEwen Ranch Homeowners Association's Notice of Transfer of Ownership of Water Right No. 1796-1. The submittal included a 2012 Quit Claim Deed for what is described as the Well Lot of McEwen Ranch Subdivision, a map, and the fee associated with the transfer of ownership of a water right.

Water Right No. 1796-1 originally filed in 2003 by Dennis or Ann Beckham appropriates 0.10 cubic feet of water per second from one well completed into the Inyan Kara aquifer located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T3N, R7E in Meade County for commercial, domestic and suburban housing development purposes. The water right has remained in the Beckham name from 2003 through present.

The documents submitted do not show that the Beckhams were part of the Quit Claim Deed in 2012, nor that transfer of ownership of the water right was part of the action. Do the Beckham's consent to the transfer of Water Right No. 1796-1 to the McEwen Ranch Homeowners Association or is there a legal document in place that provides the Association the right to be the holder of the water right? If so, please provide that documentation. This documentation is required to reflect the Association is entitled to hold the water right before the Water Rights Program proceeds to transfer ownership of Water Right No. 1796-1.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 3, 2023

Dennis and Ann Beckham
12336 Erickson Ranch Road
Piedmont SD 57769

Dear Mr. and Mrs. Beckham:

The Water Rights Program of the SD Department of Agriculture and Natural Resources is in receipt of McEwen Ranch Homeowners Association's Notice of Transfer of Ownership of Water Right No. 1796-1. Their submittal includes a 2012 Quit Claim Deed for what is described as the Well Lot of McEwen Ranch Subdivision, a map, and the fee associated with the transfer of ownership of a water right. A copy of the submittal is enclosed.

Water Right No. 1796-1 was filed by the two of you in 2003 and appropriates 0.10 cubic feet of water per second from one well completed into the Inyan Kara aquifer located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T3N, R7E in Meade County for commercial, domestic, and suburban housing development purposes. The water right has remained in your name from 2003 through present.

At some point in time, it appears a small square of property that is surrounded by your property (likely where the well is located) was sold and is now held by the Association. DANR is unaware whether the that transaction entitled the Association to the water right or what other contractual agreements or easements are in place.

The Water Right Program is contacting the McEwen Ranch Homeowners Association requesting any legal documents in place that entitle the Association to hold Water Right No. 1796-1.

If you have not consented to the transfer of Water Right No. 1796-1 to McEwen Ranch Homeowners Association, I encourage you to seek private legal counsel to represent your interests in this matter.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352

eric.gronlund@state.sd.us

enclosures

10-2-23

Mr. [unclear],
I am dropping off an
identical package to
Nabila today.
Recommendations by
appointment or telephone
conference call?
Ann Beckham

RECEIVED

OCT 04 2023

OFFICE OF
WATER

Lot Sales:

Tract 1B	01-20-04
Lot 1	08-13-04
Lot 2	11-29-05
Lot 3	05-31-06
Lot 4	10-08-04
Lot 5	08-13-04
Lot 6	04-08-05
Lot 7	02-23-05

HISTORY

South Dakota Water Permit No. 1796-1 to Dennis or Ann Beckham approved August 25, 2003 - 45 gallons per minute from Inyan Kara Formation - 321 feet deep.

Common Well Agreement dated January 15, 2004, entitles Tract 1B to receive water from the well (first water hookup).

Between Dennis E. Beckham and Anna Mae Beckham and Dennis G. Larson

Beckham are the owners of a water well located upon the well lot

Larson to pay \$15.00 per month for water service

Beckham intends to subdivide and allow others to connect to the well

Beckham reserves the right to organize a nonprofit Water Users Association under the statute of the State of South Dakota and convey the water and pump and all underground water lines to this Association (Beckham did not organize the Association).

Initially, the water provided to Larson shall not be metered

Contract for Deed between Dennis E. Beckham and Anna Mae Beckham, Sellers, and Dave Bell Construction, Inc., Buyer, dated August 2, 2004

Buyer purchases Well Lot for \$9,000.00; Plat Book 21, Page 170, of the records of the Register of Deeds office of Meade County, South Dakota.

Buyer agrees to pay the Seller \$25.00 for costs incurred in providing water service to the occupied residence.

Water Association - Buyer agrees at its expense to form a nonprofit water users association and become the owner of the well and all associated piping and controls; Buyer also agrees to assume the obligation to provide water to Tract 1B and Tract 1B shall be a member of the water association.

Survey of property - May 2005

Declaration of Covenants, Conditions and Restrictions (Residential) dated May 6, 2005

10. Community Water System - Each lot shall receive water service from the central water system. No individual water wells or systems shall be used to provide water service to any lots.

11. Membership in Water Association - Bell shall be the owner of the water system until five homes are occupied, then ownership and maintenance will be taken over by the Association.

12. Membership in Community Association - Association shall be organized and formed under the guidelines of South Dakota State Law - each lot owner accepting membership when taking title. Association shall maintain the roads and water system within the development and enforce the covenants. The Association shall assess and collect monies for road and water maintenance.

Warranty Deed dated December 29, 2006

Between Dennis E. Beckham and Anna Mae Beckham and Dave Bell Construction grants Well Lot.

Memorandum of Understanding dated December 29, 2006, between Dennis E. Beckham and Anna Mae Beckham and Dave Bell Construction, Inc.

Beckham owns real property east of Lot 7 and west of Tract 1B - two future residential lots - Bell owns water system and agrees Beckham can have two connections from the water system

First meeting to form the McEwen Ranch Subdivision Homeowners Association - January 25, 2008

Decided name = McEwen Ranch Home Owner's Association

Decided HOA will own the well and a separate association for water is not needed at this time.

Regarding Bell turning the well over to the HOA, Bell told them to get HOA in place so that he can legally turn the well over to HOA.

Discussion on charging of water usage - putting water meters in the houses and charging for usage = \$50 for 6,000 gallons and \$1 for 1,000 gallons after that - flat rate of \$35 month for first year was decided.

Quit Claim Deed from Dave Bell Construction, Inc. to McEwen Ranch Homeowners Association dated June 5, 2008

Conveys Well Lot

As there is no paperwork filed with the Secretary of State regarding Articles of Incorporation as of September, 2023, how can Bell sign a Quit Claim Deed on June 5, 2008 conveying the well lot?????

How can the HOA pretend and conduct business for 15 years????? Are there legal ramifications for their transactions?????

I cannot find anywhere in all the documents mentioned of the "water right" Beckhams have had for 20 years. If HOA paperwork is done in 2023 to establish a HOA, how can Beckhams lose their water right,

especially in view of the fact that 20% of water connections will remain vested in the Beckham property not yet sold?????

Why did Bell not set up a nonprofit water association as planned in August 2, 2004 Contract for Deed?????

August 11, 2023, letter from Smoot & Utzman, P.C., P.O. Box 899, Rapid City, South Dakota 57709 addressed to McEwen Ranch Homeowners Association with copies to Pete and Nancy Laber and Dennis and Anne Beckham.

"If you are not a member of the McEwen Ranch Homeowners Association you are hereby given formal notice that you may not attempt to operate the well, enter the well house, or the property surrounding it. The well house and the land surrounding it have been posted with no trespassing signs. Trespassing charges may be pursued against you if you trespass on the Association's property."

Neither the Labers or Beckhams are members of the Homeowners Association and have no desire to be members. For many years the Association has trespassed on Beckham's property to access the wellhouse, even though it was granted a 20-foot easement to access the wellhouse. The Beckhams have decided not to allow them access from their property any longer - they must use the easement for access. A letter will be sent to their attorney, Smoot & Utzman.

All of this controversy arises from a "grudge" from one of the lot owners against Pete Laber. It was Mr. Laber's property that the Association tried to shut off his access to water, even though it was the first property on the water system. The Association also wanted to disallow the Beckhams from their future access to two water hookups until they discovered the filings at the Meade County Court House in Sturgis. The offending lot owner is trying to get a "payback" against Mr. Laber over a matter having nothing to do with the water system.

A typed copy of the handwritten and hand delivered letter to Smoot & Utzman dated September 8, 2023, is attached with enclosures - Water Permit No. 1796-1 and Well Location Exhibit.

Prepared by Ann Beckham

12336 Erickson Ranch Road
Piedmont, SD 57769

(605) 787-7036

SMOOT & UTZMAN, P.C.
P.O. Box 899
Rapid City, South Dakota 57709-0899

OFFICE: (605) 343-1808

FAX: (605) 341-1337

Alan L. Smoot - of Counsel
Brian L. Utzman*

E-Mail: alsmoot@rushmore.com
E-Mail: brianutzman@smootandutzman.com

*(Also licensed in Colorado)

August 11, 2023

Certified Mail Return Receipt Requested

McEwen Ranch Homeowners Association
12346 Erickson Ranch Road
Piedmont, SD 57769

RE: McEwen Ranch Homeowners Association Well

Dear Concerned Parties:

This letter is written on behalf of the McEwen Ranch Homeowners Association (the "Association") concerning the well that it owns. The Common Well Agreement, dated January 15, 2004 ("Well Agreement,"), concerning this well entitles the owner of Tract 1B of McEwen Ranch Subdivision to receive water from the well, which is the full extent of said owner's interest in this well.

The Association owns this well pursuant to a Quit Claim Deed, dated June 5, 2008. Moreover, the Well Agreement states expressly that it is to be considered a covenant running with the land, which is binding upon Beckham and Larson's (Tract 1B), heirs, successors and assignees. Dennis and Anne Beckham own a parcel of land in Tract 1A, which is east of Lots 1-7 of Tract 1A, in the McEwen Ranch subdivision. Dennis and Anne Beckham are also entitled to receive water from the well pursuant to a Memorandum of Understanding, dated December 29, 2006.

If you are not a member of the McEwen Ranch Homeowners Association you are hereby given formal notice that you may not attempt to operate the well, enter the well house, or the property surrounding it. The well house and the land surrounding it have been posted with no trespassing signs. Trespassing charges may be pursued against you if you trespass on the Association's property.

The Association and its members thank you for your anticipated compliance. Stay healthy.

Sincerely yours,

SMOOT & UTZMAN, P.C.

A handwritten signature in dark ink, appearing to be 'B. Utzman', with a stylized flourish at the end.

Brian L. Utzman

cc: Members of the McEwen Ranch Homeowners Association, Pete and Nancy Laber, and Dennis and Anne Becham

September 8, 2023

12336 Erickson Ranch Road
Piedmont, SD 57769

Re: McEwen Ranch
Homeowners Association
Your Letter - Aug. 11, 2023

Brian L. Utzman
Smoot & Utzman, P.C.
14 St. Joseph Street
Rapid City, SD

Hand Delivered

Dear Mr. Utzman:

Dennis and Ann Beckham were issued South Dakota Water Permit No. 1796-1 dated August 25, 2003. This water right is still in existence. A copy of the Water Permit is enclosed. A copy of the Well Location Exhibit is also enclosed that shows the location of the well lot and the location of the 20' wide waterline easement from Lot 5 in the S ½ of Section 21, Township 3 North, Range 7 East, Black Hills Meridian, Meade County, South Dakota.

The McEwen Ranch Homeowners Association does not own the well. They own the piping and controls, the well lot, wellhouse and delivery system for the water. The owner of Tract 1B has as much interest in the well as any other lot owner. In fact Lot 1B was the first lot to be on the water delivery system so "the full extent of said owner's interest in this well" is inaccurate.

The Association's covenants do not apply to Beckham or Tract 1B as they are not part of the Association so their covenants cannot be "binding" upon either.

As to the matter of "trespassing", it has been Association members who have been trespassing on Beckham's property for many years. They were given the 20' easement for access to the well lot and they have been using the entrance road on the Beckham property instead. This will cease immediately. Everyone will start using the easement.

I understand the lot owners are having an evening meeting on Monday, September 11, 2023.

Perhaps you could visit with them before the meeting. You might also ask them to produce the Articles of Incorporation.

Sincerely,



Ann Beckham

2 enclosures

Gronlund, Eric

From: Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com>
Sent: Tuesday, October 17, 2023 1:50 PM
To: Gronlund, Eric
Subject: [EXT] Water Right No. 1796-1
Attachments: Letter From Eric Gronlund, Chief Engineer 10-3-23.pdf; Quit Claim Deed.pdf; Well Lot Deed From Beckham to Bell.pdf

Hello Mr. Gronlund

I am Troy Barry, Secretary of McEwen Ranch Homeowners association. This email is in reply to your letter to me from 10-3-23. A scanned copy of the letter is attached.

Recently I received from Meade Co Register of Deeds, a copy of the deed transferring the "Well Lot" from Dennis and Ann Beckham, to Dave Bell Construction. A copy of that is attached to this email.

Also attached to this email is a copy of the Quit Claim Deed transferring the "Well Lot" from Dave Bell Construction to The McEwen Ranch Homeowners Association. A paper copy of that document was included with the original Transfer of Ownership letter I sent to your office in September.

When I called the water rights program in September I was told that water rights go with the sale or transfer of the property the water right is located within. Is that correct? If so, is the documentation I have provided sufficient?

Thank you for your help.
Troy Barry

PREPARED BY:
Dale R. Hansen
Hansen & Hubbard
P. O. Box 580
Sturgis, SD 57785
(605) 347-2551

BOOK 753 PAGE 91



DOC. NO. 000185-01
BOOK 753 PAGE 91-92
FEE \$1200 & 4742
DATE January 11, 2007
TIME 19:30 P.M.
ANGELA M. ROSS
MEADE COUNTY
REGISTER OF DEEDS

000275 JAN-08

WARRANTY DEED

DENNIS E. BECKHAM and ANNA MAE BECKHAM, Husband and Wife, Grantors, of Meade County, State of South Dakota, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANT, CONVEY AND WARRANT, to DAVE BELL CONSTRUCTION, INC., Grantee of 5321 Ebony Place, Piedmont, SD 57769, the following-described real estate in the County of Meade, in the State of South Dakota:

Well Lot in Tract 1A of McEwen Ranch Subdivision, located in the South Half of Section 21, Township 3 North, Range 7 East of the Black Hills Meridian, Meade County, South Dakota, as shown on the Plat recorded in Plat Book 21, Page 170, of the records of the Register of Deeds Office of Meade County, South Dakota;

subject to easements, reservations, restrictions and covenants of record.

☒ TRANSFER FEE PAID \$ 9.00
☐ EXEMPT FROM TRANSFER FEE

SOUTH DAKOTA STATE TRANSFER FEE: \$9.00

Dated this 29th day of December, 2006.

Dennis E. Beckham
DENNIS E. BECKHAM

Anna Mae Beckham
ANNA MAE BECKHAM

STATE OF SOUTH DAKOTA)

COUNTY OF ^{Pennington}
~~MEADE~~)

BOOK 753 PAGE 92

On this 29th day of December, 2006, before me a Notary Public within and for said County and State, personally appeared DENNIS E. BECKHAM and ANNA MAE BECKHAM, known to me to be the persons who are described in and who executed the within and foregoing instrument and they acknowledged to me that they executed the same for the purposes therein contained.



Lori Blaha
NOTARY PUBLIC
Commission Exp.: _____

LORI BLAHA
My Commission Expires
March 21, 2008

DOCUMENT PREPARED BY:

KENNETH L. HEISTERKAMP
P. O. BOX 290
RAPID CITY, SD 57709
(605) 343-2410



DOC. NO. 002721-CV.
BOOK 772 PAGE 188
FEE \$10.00 cash
DATE June 5, 2008
TIME 1:48 P.M.
ANGELA M. ROSS
MEADE COUNTY
REGISTER OF DEEDS

QUIT CLAIM DEED

Dave Bell Construction, Inc., a South Dakota corporation, Grantor, of 5321 Ebony Place, Piedmont, SD 57769, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys and quit claims to **McEwen Ranch Homeowners Association**, Grantee, of 12346 Erickson Ranch Road, Piedmont, SD 57769, all interest in the following described real estate in the County of Meade in the State of South Dakota:

Well Lot of McEwen Ranch Subdivision, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Page 165 and as shown on the Corrective Plat filed in Plat Book 21 on Page 170 in the Office of the Register of Deeds, Meade County, South Dakota; subject to covenants, restrictions, declarations, reservations, rights-of-way, and easements of record, if any.

EXEMPT FROM TRANSFER FEE SDCL 43-4-22(18)

Dated this 5th day of June, 2008.

☐ TRANSFER FEE PAID \$ _____
☒ EXEMPT FROM TRANSFER FEE #18.

Dave Bell Construction, Inc.

By: Paul H. Bell
Its: President

State of South Dakota)
) ss.
County of Pennington)

On this the 5th day of June, 2008, before me the undersigned officer, personally appeared Dave Bell, who acknowledged him/herself to be the President of **Dave Bell Construction, Inc.**, a South Dakota corporation, and that he/she, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Somer A. Kingsbury
Notary Public, South Dakota
My Commission Expires: August 16, 2012



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 18, 2023

Dennis and Ann Beckham
12336 Erickson Ranch Road
Piedmont SD 57769

Dear Mr. and Mrs. Beckham:

On October 3, 2023, I sent you a letter informing you that the Water Rights Program of the SD Department of Agriculture and Natural Resources received a Notice of Transfer of Ownership of Water Right No. 1796-1 accompanied by a 2012 Quit Claim Deed, from the McEwen Ranch Homeowners Association. Water Right No. 1796-1 is currently in your name.

I also informed you that a letter was sent to McEwen Ranch Homeowners Association requesting any legal documents that entitle the Association to hold Water Right No. 1796-1. In response to that letter, the Association submitted a Warranty Deed dated December 29, 2006, signed by both of you granting the well lot to Dave Bell Construction, Inc. A copy of the warrant deed is enclosed.

Please provide any covenant, easement, or other supporting documentation to show cause why the filing of the transfer of ownership of Water Right No. 1796-1 should not be accepted putting Water Right No. 1796-1 in the name of McEwen Ranch Homeowners Association. The Water Rights Program will proceed with the transfer of Water Rights No. 1796-1 to the Association if documentation showing you have a right to continue holding the water right is not received by November 20, 2023,

I encourage you to seek private legal counsel to represent your interests in this matter.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
eric.gronlund@state.sd.us

enclosure

RECEIVED

NOV 08 2023

OFFICE OF
WATER

Hello Mr. Gronlund

I am Troy Barry, Secretary of McEwen Ranch Homeowners association. This letter is in reply to your letter to me from 10-3-23. A scanned copy of the letter is attached.

Recently I received from Meade Co Register of Deeds, a copy of the deed transferring the "Well Lot" from "Dennis and Ann Beckham" to "Dave Bell Construction". A copy of that is included in this letter.

Also included in this letter is a copy of the Quit Claim Deed transferring the "Well Lot" from Dave Bell Construction to The McEwen Ranch Homeowners Association. A paper copy of that document was included with the original Transfer of Ownership letter I sent to your office in September.

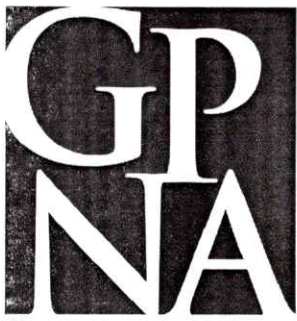
When I called the water rights program in September I was told that water rights go with the sale or transfer of the property the water right is located within. Is that correct? If so, is the documentation I have provided sufficient?

Thank you for your help.

Troy Barry
secretary.mcrhoa@gmail.com

-605-209-1169

A handwritten signature in black ink, appearing to be 'Troy Barry', written over the printed name and contact information.



506 Sixth Street
Post Office Box 8045
Rapid City, South Dakota 57709
Main: (605) 342-1078
Fax: (605) 342-9503

www.gpna.com

November 7, 2023

Matthew E. Naasz
Email: mnaasz@gpna.com
Direct Dial: (605) 719-3424

Eric Gronlund
Water Rights Program
South Dakota Department of Environment and Natural Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: Water Well Issue
GPNA File No. PENDING00016663

Dear Mr. Gronlund:

This firm has been retained by Dennis and Ann Beckham regarding the Notice of Transfer of Ownership of Water Right no. 1796-1.

As you identify in your October 18, 2023 correspondence, water right no. 1796-1 is currently in the name of Dennis and Ann Beckham.

Dennis and Ann Beckham intend to object to the transfer of water right no. 1796-1 to the McEwen Ranch Homeowners Association. The Warranty Deed attached to your October 18, 2023, correspondence purportedly transfers a well lot to Dave Bell Construction, Inc. from Dennis and Ann Beckham. This deed does nothing to convey the water right located on that site. The same is true of the Quit Claim Deed from Dave Bell Construction, Inc. to McEwen Ranch Subdivision. The information that has been provided to you does not authorize the transfer of water right no. 1796-1 to McEwen Ranch Homeowners Association. Your letter requests documentation as to why the transfer should not occur; the operative issue however is that there has been no documentation provided showing that the transfer is authorized by the current owners of the water right.

Water permit no. 1796-1 indicates that the water appropriated shall be used for the purpose of "suburban housing, commercial and domestic use." SDCL § 46-5-33 provides in part "A transfer of title to land shall carry with it all rights to the use of water appertaining to the land for irrigation purposes." As water permit number 1796-1 contains no allowable use for irrigation (other than that incidental to domestic use) SDCL § 46-5-33 does not apply to this situation. As Water Rights has not been provided any documentation authorizing the transfer of water right no. 1796-1 from Dennis and Ann Beckham, such transfer application should be denied.

RECEIVED

NOV 09 2023

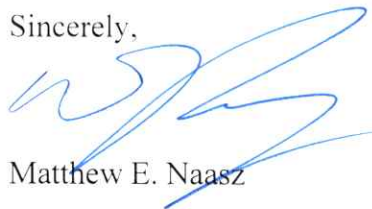
OFFICE OF
WATER

Offices in Rapid City and Pierre, South Dakota

Attorneys licensed to practice in South Dakota, North Dakota, Nebraska, Wyoming, and Montana

If there are any questions or comments, please don't hesitate to contact me.

Sincerely,



Matthew E. Naasz

MEN:aa
cc: client
cc: Bryan Utzman
Smoot & Utzman PC
14 St. Josephs Street, Rapid City, SD 57701

RECEIVED

NOV 09 2023

OFFICE OF
WATER

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, November 14, 2023 4:31 PM
To: Secretary McEwenRanchHOA
Subject: Water Right No. 1796-1
Attachments: DOC111423-11142023140710.pdf

Troy Barry:

This is follow-up to our phone conversation regarding the status of the notice of transfer of ownership of Water Right No. 1796-1 from Dennis and Ann Beckham to the McEwen Ranch Homeowners Association. As I stated legal counsel for Beckhams' filed a letter stating an intent to object to the transfer. Attached is my October 3rd letter to Beckhams and the response from their legal counsel.

As I stated during our conversation there is nothing clear in state law about the process when someone objects to the transfer of ownership of a water right for non-irrigation purposes. There is nothing in law for non-irrigation water rights that the owner of the property is entitled to the water right. In the case of water rights for irrigation state law does provide that irrigation rights are appurtenant to the land authorized for irrigation.

An option that I mentioned is for the Association to file a new water permit application. Application form can be found at <https://danr.sd.gov/OfficeOfWater/WaterRights/PermitForms/default.aspx>.

The cost associated with the filing the application for 45 gallons per minue will be \$300 (\$100 application filing fee + \$200 licensing fee). The Association will also be responsible for the cost for public notice in the local newspapers as required by law. Publication costs likely between \$100 - \$150. Finally, the Beckhams may petition to oppose the application which will cause a contested case hearing before the Water Management Board. If that were to occur, at hearing the Association will need to be represented by legal counsel and the cost associated with that.

The best of all options is if parties sat down and reached mutual agreement to resolve their differences and the Beckhams no longer objected to the transfer. If that occurs, Water Rights would proceed to process the transfer of ownership into the Association's name.

Please let me know if I can answer any questions.

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
Eric.gronlund@state.sd.us

Dewell, Amanda

From: Gronlund, Eric
Sent: Monday, July 8, 2024 11:11 AM
To: Secretary McEwenRanchHOA
Cc: Dewell, Amanda
Subject: RE: [EXT] Water Right No. 1796-1

I should have added – the water Rights Program takes your email as the Association's withdrawal of the transfer of ownership. The filing fee submitted with the transfer of ownership will be refunded. Eric

From: Gronlund, Eric
Sent: Monday, July 8, 2024 10:48 AM
To: Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Steen, Nakaila <Nakaila.Steen@state.sd.us>
Subject: RE: [EXT] Water Right No. 1796-1

Thanks for the information. Water Rights will wait for an application to be filed. Eric

From: Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com>
Sent: Monday, July 8, 2024 10:45 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Re: [EXT] Water Right No. 1796-1

Hello Mr Gronlund-

The Beckhams wish to retain the 1796-1 water permit, so we will not move forward with transfer. As the owners of the well, property, and distribution system, as well as being the actual users of the water, and based off of the information you have provided, the McEwen Ranch Homeowners Association believes that it needs to file for its own water permit to comply with state law.

The HOA will plan to gather the information on the well needed to complete the application package.

Please let us know if you have further information or questions.

thank you
Troy Barry

On Tue, May 7, 2024 at 1:53 PM Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com> wrote:

Eric,
I apologize I have not responded earlier. We found out that the family in possession of the water right stays south all winter, so we made no progress in coming to any terms with them. I do believe they have returned to South Dakota, so we will try to get ahold of them.

Troy Barry

On Sun, Mar 31, 2024 at 10:21 AM Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Mr. Barry:

Has the Association made a decision on how to proceed regarding Water Right No. 1796-1. Eric

From: Gronlund, Eric
Sent: Thursday, January 18, 2024 4:15 PM
To: Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com>
Subject: RE: [EXT] Water Right No. 1796-1

Mr. Barry:

Has the Association met and made any decision on how to proceed to a solution to this water right matter?

Eric Gronlund

Water Rights Program, DANR

From: Secretary McEwenRanchHOA <secretary.mcrhoa@gmail.com>
Sent: Thursday, December 7, 2023 10:29 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Re: [EXT] Water Right No. 1796-1

Thank you Mr. Gronlund. Our association will be working on some solutions on our end and will have a meeting after the holidays to decide on a plan going forward.

Troy Barry

On Tue, Nov 21, 2023 at 1:08 PM Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Mr. Barry - Just in follow-up to our phone conversation and my email below, the Water Rights Program of the Dept of Agriculture and Natural Resources will wait to hear from you before taking any action of the transfer of Water Right No. 1796-1. Eric



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 9, 2024

1796-1

McEwen Ranch HOA
c/o Troy Barry
12346 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. Barry:

The Water Rights Program received a "Notice of Transfer of Ownership" and the required fees for transferring of Water Right No. 1796-1 in September 2023. However, the transfer process was placed on hold pending legal proceedings.

On July 8, 2024, Chief Engineer, Eric Gronlund, received an email confirming that the request for the transfer of the above-mentioned water right be withdrawn.

The fees for transferring of the water right were paid in the amount of \$50.00. A copy of the receipt of payment is enclosed. With the request being withdrawn, DANR will issue a full refund in the amount of \$50.00. Please allow up to two (2) weeks for a refund to be made into the paid account.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: In your email to Eric Gronlund, you indicated that the HOA would be requesting a permit of their own. For your convenience I have enclosed a blank permit application.

enclosures



**DEPARTMENT of AGRICULTURE
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JOE FOSS BUILDING
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July 9, 2024

1796-1

Dennis or Ann Beckham
12336 Erickson Ranch Rd
Piedmont SD 57769

Dear Mr. & Ms. Beckham:

I am writing you today in regard to Water Right No. 1796-, authorizing the diversion of 0.1 cubic feet of water per second (approx. 45 gpm) from groundwater, one well, located in the SE ¼ SW ¼ Section 21, T3N-R7E, for commercial, domestic, and suburban housing development purposes.

On September 28, 2023, the Water Rights Program received a "Notice of Transfer of Ownership" and the required fees, requesting that Water Right No. 1796-1 be transferred from yourselves to the McEwen Ranch Homeowners Association. That request was placed on hold due to legal proceedings.

On July 8, 2024, Water Rights Program Chief Engineer, Eric Gronlund received an email correspondence from Troy Barry, Secretary of McEwen Ranch HOA, requesting that the transfer be withdrawn, and fees refunded.

With this letter I confirm that Water Right No. 1796-1 remains in the names of Dennis or Ann Beckham, that no transfer of ownership has taken place, and that the HOA has withdrawn their request to transfer the water right.

Please feel free to contact me with any questions or concerns.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 13, 2026

Kelly Moore
3985 Drolc Ln
Piedmont SD 57769

Re: *Water Right No. 1796-1, Dennis and Ann Beckham*

Dear Mr. Moore,

I have reviewed your request for clarification regarding Water Right No. 1796-1, held by Dennis and Ann Beckham. Based on the information available, Dennis and Ann Beckham's interest in Water Right No. 1796-1 is still valid. This permit was approved June 4, 2003, for commercial, domestic, and suburban housing development purposes. The permit is associated with the well in tract 1A of the McEwen Ranch Subdivision, located in the South half of Section 21, Township 3 North, Range 7 in Meade County, South Dakota ("the well"). The permit continues to be used for at least one of those purposes today.

I maintain the position the previous Chief Engineer had regarding the McEwen Ranch Homeowners Association's Notice of Transfer of Ownership of the above-mentioned water right in 2023. That position being that the transfer requires consent from the right holder. Dennis and Ann Beckham have indicated disapproval of transferring their water right. Moreover, documentation provided previously did not show an agreement to transfer Water Right No. 1796-1. South Dakota Codified Law (SDCL) § 46-5-33 provides that no permit to appropriate water for **irrigation** purposes may be transferred apart from the land to which it is appurtenant. However, Water Right No. 1796-1 is not a permit for irrigation, and this provision does not apply. Therefore, the Beckhams were entitled to transfer the well lot apart from the water right. Any dispute regarding the deed transferring the well lot apart from the water right, or the Memorandum of Understanding dated December 29, 2006, allowing the Beckhams an easement for use of the well and well lot are civil matters outside the scope of the Water Rights Program or Water Management Board.

You also alleged non-use between 2005 and 2008. The Chief Engineer is authorized to investigate whether a permit has been abandoned or forfeited pursuant to SDCL § 46-5-37.1. Provided with this letter is a petition to investigate for abandonment or forfeiture. If submitting a petition, please indicate on the petition whether water was being supplied to the HOA during the

2005 to 2008 timeframe. If water was being used by the HOA and the HOA asserts the use was not covered by Water Right No. 1796-1, then please identify the authority under which the HOA was making beneficial use of the water. After investigation, the Chief Engineer may or may not, recommend cancellation.

McEwen Homeowner's Association has been, and still is, encouraged to apply for a water permit to appropriate water from the well. Pursuant to SDCL § 46-1-15, a user must obtain a permit to appropriate water for uses greater than domestic use as defined by SDCL § 46-1-6(7).

Unauthorized use of water constitutes a Class 2 misdemeanor and is subject to a civil fine not to exceed \$500 dollars per day of noncompliance. SDCL § 46-1-11; SDCL § 46-5-46.

Sincerely,

A handwritten signature in blue ink, reading "Adam Mathiowetz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Adam Mathiowetz, PE
Acting Chief Engineer
DANR-Water Rights Program

CC: Dennis and Ann Beckham

PAID

MAY 21 2026

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Ck# echeck

Rec't# _____

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1796-1

Date: May 20, 2026

RECEIVED

MAY 22 2026

I/We request that Water Right/Permit No. 1796-1 formerly owned by:

be transferred to: **OFFICE OF WATER**

New Owner Name: Dennis Beckham & Anna Mac Beckham & Bratt Beckham & Brooke Beckham
Address: 1322 Erickson Ranch Road mobile: 605-431-7199
City, State, Zip: Piedmont, SD 57169 email: andbeckham@gmail.com

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

- ☒ I understand that the validity of Water Right/Permit No. 1796-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

Dennis Beckham
I, Anna Mac Beckham, the new owner, certify that the above information is true and correct.

Dennis Beckham
Anna Mac Beckham
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

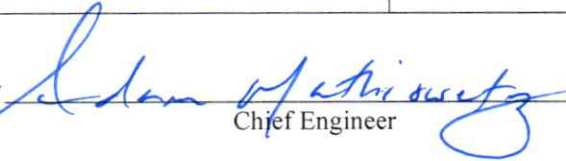
Date May 21, 2026

RECEIVED OF Dennis Beckham, Anna Mae Beckham, Brett Beckham & Brooke Beckham 12336 Erickson Ranch Rd
Piedmont SD 57769

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #1796-1 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By


Chief Engineer

~~XXXXXXXXXXXX~~

Amanda Dewell

Gratt's address:

2101 Twin Butte Drive
Gillette, WY 82418
(307) 660-2138

Brocke's address:

1231 Baldwin Avenue
Canon City, CO 81212
(605) 941-6660

Water Rights 1796-1 and 1846-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 1, 2026

1796-1 and 1846-1

Dennis or Anna Mae Beckham
12336 Erickson Ranch Rd
Piedmont, SD 57769

Dear Beckham Family:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the fees you submitted for Water Right No's. 1796-1 & 1846-1, enclosed is a \$50.00 receipt of payment for each of these transfers for your records.

Water Right No's. 1796-1 & 1846-1, previously held by Dennis or Anna Mae Beckham, is now listed with the additional names of Brett Beckham & Brooke Beckham. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No's. 1796-1 & 1846-1 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 15, 2026

Garrett J. Keegan
704 St. Joseph Street
P.O. Box 290
Rapid City, South Dakota 57709

Re: *Objection to Proposed Transfer of Water Permit No. 1796-1 & 1846-1*

Dear Mr. Keegan,

I have received your objection to transfer of Water Permit No. 1796-1 and 1846-1. SDCL § 46-5-32 authorizes assignment of water permits and is not subject to the contested case procedure in SDCL § 46-2A-1. Subject to certain limitations not applicable here, water permit holders may freely sell, grant, lease, convey, or otherwise transfer an application, permit, or license to appropriate water. Notice of such transfer must be filed with the Chief Engineer pursuant to SDCL § 46-5-30.3 and does not constitute an application or require approval. Because no agency action is required, McEwen Ranch Homeowner's Association does not have a right to contest or otherwise limit this transfer.

You previously submitted a notice of transfer of ownership in 2023. Former Chief Engineer Eric Gronlund determined that transfer to be invalid based upon communication with representatives of McEwen Ranch Homeowner's Association, communication with Dennis and Ann Beckham, and review of documents submitted by both parties. The information presented did not show Beckham's consented to the transfer of their water right.

Sincerely,

Adam Mathiowetz
Chief Engineer
DANR-Water Rights Program

cc: Emily Greco, attorney for Water Rights Program
Matthew Naaz, attorney for Plaintiffs
Matthew Lucklum, attorney for individual members of McEwen

Mathiowetz, Adam

From: Mathiowetz, Adam
Sent: Wednesday, July 15, 2026 2:42 PM
To: Rylee Berry
Cc: Garrett J. Keegan; Greco, Emily; Matthew Naasz; Mlucklum@bangsmccullen.com
Subject: RE: [EXT] Water Rights Objection
Attachments: Response to McEwen HOA Objection to Transfer.pdf

Rylee,

Attached is the DANR response to the letter Objecting to the proposed transfer of Water Permit No. 1796-1 & 1846-1 signed by Garret Keegan dated July 9, 2026.



Adam Mathiowetz, PE
Acting Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Rylee Berry <rberry@costelloporter.com>
Sent: Wednesday, July 15, 2026 11:51 AM
To: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>
Cc: Garrett J. Keegan <gkeegan@costelloporter.com>; Greco, Emily <Emily.Greco@state.sd.us>
Subject: Re: [EXT] Water Rights Objection

Adam,

Below is the contact information for Mr. Lucklum.

Matthew Lucklum
MLucklum@bangsmccullen.com
333 West Blvd #400
Rapid City, SD 57701
Phone: 605-343-1040

Thank you,



Rylee Berry
Legal Assistant to Garrett Keegan
704 St. Joseph St. | P.O. Box 290 | Rapid City, SD 57709-0290

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From: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>
Sent: Wednesday, July 15, 2026 10:41 AM
To: Rylee Berry <rberry@costelloporter.com>
Cc: Garrett J. Keegan <gkeegan@costelloporter.com>; Greco, Emily <Emily.Greco@state.sd.us>
Subject: RE: Water Rights Objection

Rylee,

The original attached letter included several CC'ed individuals. Can you please provide me contact information for Matthew Lucklum so we can ensure he receives a copy of our reply?

Additionally, the request for documents, correspondence, applications, etc. should be filed through the state's public records request portal (see the below link). Please include the information requested is from the Department of Agriculture and Natural Resources Water Rights Program in the request so the request gets routed appropriately.

https://www.sd.gov/cs?id=sc_cat_item&sys_id=f7f939eddbd4b150b2fb93d4f39619c0



Adam Mathiowetz, PE
Acting Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Rylee Berry <rberry@costelloporter.com>
Sent: Thursday, July 9, 2026 10:09 AM
To: DANR@state.sd.us
Cc: Garrett J. Keegan <gkeegan@costelloporter.com>
Subject: [EXT] Water Rights Objection

Good morning,

Please see the attached letter regarding objections made to the transfer of water rights with Petition Opposing Application for a Water Right Permit. The same has also been sent via U.S. Mail to your office in Pierre.

Thank you for your attention in this matter.



Rylee Berry

Legal Assistant to Garrett Keegan

704 St. Joseph St. | P.O. Box 290 | Rapid City, SD 57709-0290

Main: (605) 343-2410 | Fax: (605) 343-4262

rberry@costelloporter.com

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JUL 14 2026

OFFICE OF
WATER**COSTELLO PORTER**

ATTORNEYS AT LAW SINCE 1889

200 SECURITY BUILDING
704 ST. JOSEPH STREET
P. O. BOX 290
RAPID CITY, SD 57709

Attorneys admitted in
Nebraska
North Dakota
South Dakota
Wyoming

115 N. 7TH STREET, STE 3
SPEARFISH, SD 57783

J.M. COSTELLO 1923-2007
W. G. PORTER 1926-2004
K.L. HEISTERKAMP 1940-2025

Fax: (605) 343-4262
Telephone: (605) 343-2410
Reply to: gkeegan@costelloporter.com

July 9, 2026

Via certified mail and email at: DANR@state.sd.us

Adam Mathiowetz
Chief Engineer, DANR Water Rights Program
South Dakota Department of Agriculture and Natural Resources
523 East Capitol Ave.
Pierre, South Dakota 57501

Re: Objection to Proposed Transfer of Water Permit No. 1796-1 & 1846-1
Applicant/Transferor: Dennis and Anna Mae Beckham
Proposed Transferee: Brett and Brooke Beckham
Pending Litigation: Urban "Pete" Laber, Nancy Laber, Dennis Beckham &
Anna Mae Beckham v. McEwen Ranch Homeowner's Association et. al.;
46CIV25-197

Dear Mr. Mathiowetz:

Be advised that our law firm represents the McEwen Ranch Homeowner's Association ("McEwen") in the above-mentioned litigation. As you are likely aware, the above-mentioned water permits are currently the subject of pending litigation that remains unresolved. Please accept this letter and application as a formal objection to any approval, assignment, transfer, or recognition of the transfer of said water permit from Dennis and Anna Mae Beckham to Brett and Brooke Beckham, or the addition of Brett and Brooke Beckham to said water permit. Because ownership, authority to transfer, enforceability, scope, and/or continued validity of the permit are disputed in the above-mentioned lawsuit, approval of the transfer at this time is premature and will prejudice the parties, leading to further litigation.

Pursuant to SDCL § 46-2A-6, a copy of this objection will be served upon the attorney representing the Plaintiffs and the attorney representing the remaining Defendants. McEwen requests you circulate this letter and application in accordance with the statute to the Members of the Water Management Board. McEwen further requests any and all applications, submitted

Letter to DANR
Page 2
July 9, 2026

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OFFICE OF
WATER

amendments, correspondence by and between the Beckhams and the Department of Ag and Natural Resources, or other documentation surrounding the request to transfer the water permits.

Sincerely,



Garrett J. Keegan

Encl.

Cc:

Client

Matthew Naasz, attorney for Plaintiffs

Matthew Lucklum, attorney for individual members of McEwen

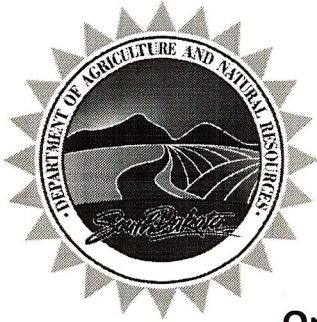
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DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov



Petition

Opposing Application for a Water Right Permit

Application No. 1796-1 and 1846-1 Name of Applicant Dennis or Ann Beckham

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. According to South Dakota Codified Law section 46-2A-4(5), all the following information is required.

Describe the unique injury approval of this application will have upon you.

McEwen Ranch Homeowner's Association ("McEwen") opposes the addition of any parties or transfer of permit nos. 1796-1 and 1846-1 because the transfer may determine water rights outside of the judicial process. Additionally, no public notice was given regarding the addition/transfer of the permits, with notice only being received after the fact when the permits were transferred/added.

List the reasons for your opposition to this application.

Inclusive of the above, the permit is being actively litigated and the Board should not treat the permit as freely transferable until the court resolves the parties' competing claims or until the applicant demonstrates clear legal authority to transfer the permit without impairing the rights of others. Approving a transfer while litigation is pending creates conflicting administrative and judicial determinations, impairing existing or claimed interests, and undermining orderly administration of South Dakota water rights. Therefore, McEwen requests the following:

Deny the transfer of Water Permit No. 1796-1 & 1846-1, or, at minimum, defer consideration of the transfer until final resolution of 46CIV25-197;
Provide McEwen notice of any hearing, administrative action, recommendation, or decision concerning the proposed transfer;
Allow McEwen to participate fully in any contested case proceeding, including the right to present evidence, cross-examine witnesses, and submit briefing; and
Grant such other relief as the Board determines is just, proper, and consistent with SDCL chapter 46-2A and South Dakota water-right law.

This objection is further submitted to preserve McEwen's rights and to ensure that no administrative transfer occurs before the court determines the disputed issues affecting the permit. McEwen does not waive, and expressly reserves, all claims, defenses, objections, and remedies available in the pending litigation and in any administrative proceeding before the Board.

Provide name and mailing address of the person filing this petition or the petitioner's legal counsel.

First Name: Garrett Last Name: Keegan

Mailing Address: PO Box 290

City: Rapid City State: SD Zip: 57709

Optional contact information. Phone: 605-343-2410 Email: gkeegan@costelloporter.com

Note. This petition needs to be submitted via mail or personally served upon Water Rights no later than the deadline date provided in the public notice. The mailing address is provided above and should be sent to "Attention - Water Rights Program." A copy of this petition also needs to be mailed to, or personally served upon, the applicant whose mailing address is provided in the public notice.

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WATER

Application No. 1796-1 and 1846-1

Petitioner's Name Garrett Keegan

Any additional description of the unique injury or reasons for opposing this application: