

WATER PERMIT NO. 1846-1

Name of Applicant: Dennis or Anna Mae Beckham

Address: 12336 Erickson Ranch Rd, Piedmont SD 57769

Phone: 605 787-7036

Amount of Water Claimed: 0.1 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

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

County: Meade

Type of Waste Disposal System:

Location: 4 miles southeast of Piedmont

PRIORITY Date Received: 5-26-05

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Also has Water Permit No. 1796-1

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

Land to be Irrigated:

Depth of Well: 381 feet deep

Well Driller: : Taylor Drilling Co.

Remarks:

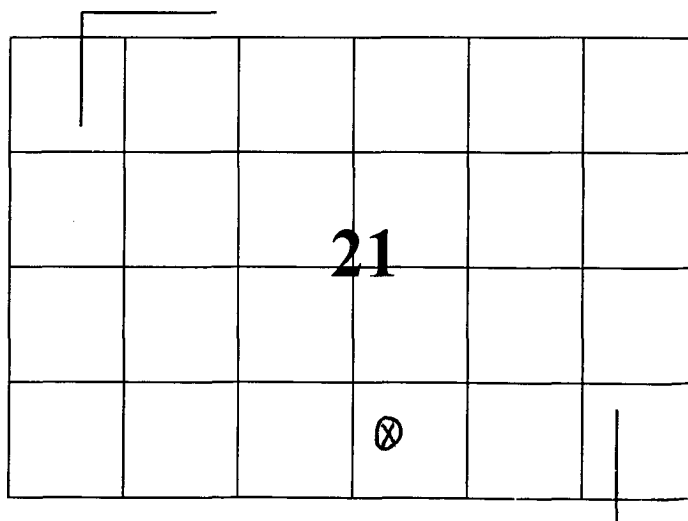
Type of Map: plat

Prepared by: Rick Bush, RLS

Reviewed and the Number Assigned on: 6-3-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

(office use only)
No. 1846-1 Hydrologic Unit 10120111
Basin Upper Cheyenne
Newspaper Meade Co Times-Tribune

RECEIVED
MAY 26 2005
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.) _____

- Name of Applicant Dennis and/or Anna Mae 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)
- Amount of water claimed 0.1 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
21-3-7 McEwen Ranch Sub Tract 1A
(SW1/4 SE1/4) County meade
- County or counties where water will be used Meade
- Annual period during which water is to be used Jan 1 - Dec 31
- 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)
Domestic - Livestock, Households

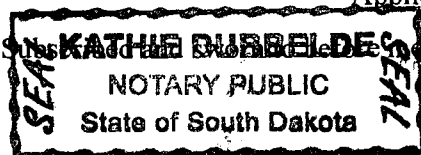
STATE OF SOUTH DAKOTA)

County of Pennington SS

I, Anna Mae Beckham

I, Dennis 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.

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)



Applicant's signature Anna Mae Beckham
Dennis Beckham

this 25th day of May 2005

Kathie Dubbelde
Notary Public signature

KATHIE DUBBELDE, Notary Public
Pennington County, South Dakota
My Commission Expires July 1, 2006

**SOUTH DAKOTA
WATER PERMIT NO. 1846-1**

Date of first receipt of application May 26, 2005.

Date of return to applicant for corrections, amendments or changes May 26, 2005.

Date of receipt of corrected application June 3, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1846-1 to Dennis or Anna Mae 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. 1846-1 appropriates 0.1 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (381 feet deep) located in the SW ¼ SE ¼ Section 21-T3N-R7E.
2. The water appropriated shall be used for the purpose of suburban housing development and livestock watering 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. 1846-1 is August 29, 2005.
5. The date from which applicant may claim right is May 26, 2005.
6. One-fifth of the construction is to be completed on or before March 1, 2007.
7. All construction is to be completed on or before August 29, 2010.
8. Water is to be put to beneficial use on or before August 29, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer

WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 30 2005

date





May 26, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dennis or Anna Mae 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 domestic and suburban development use. In order to complete the application the following is required.

Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

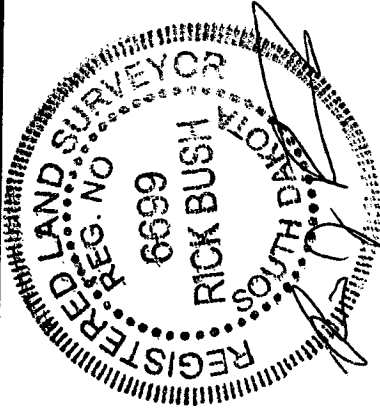
enclosure

WELL LOCATION EXHIBIT

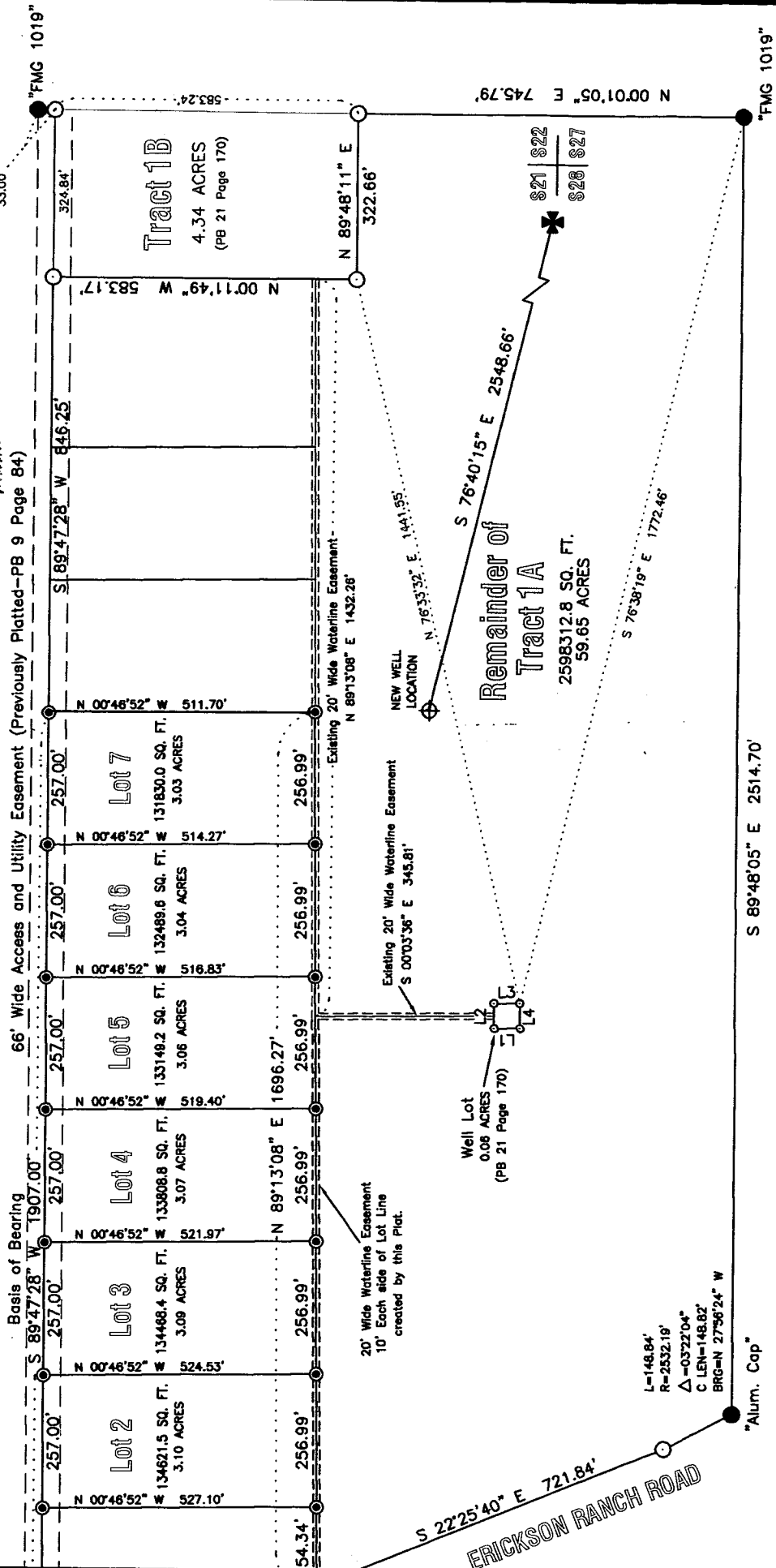
Showing location of well on Tract 1A, of McEwen Ranch Estates,
Located in the S1/2 of Section 21, T.3N., R.7E., B.H.M.,
Meade County, South Dakota.



1" = 300 FEET
MAY 2005



DROL C LANE



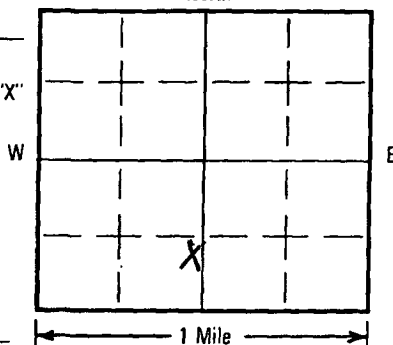
1846-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SW 1/4 Sec 21 Twp 3N Rg 7E
County Neade

Please mark well location with an "X"



Well Completion Date

8-30-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 300 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

air rotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15 1/2 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>357 FT</u>	<u>6 3/4 IN</u>
_____ 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>28</u>	<u>15 lb./gal</u>	<u>0 ft.</u>	<u>357 ft.</u>
_____	_____	_____ 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 analysispump
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>8</u>
<u>gray shale</u>	<u>8</u>	<u>117</u>
<u>gray shale some ss lenses</u>	<u>117</u>	<u>180</u>
<u>gray shale some red shale layers</u>	<u>180</u>	<u>231</u>
<u>gray shale</u>	<u>231</u>	<u>314</u>
<u>white ss</u>	<u>314</u>	<u>325</u>
<u>gray shale</u>	<u>325</u>	<u>352</u>
<u>white ss</u>	<u>352</u>	<u>380</u>
<u>red shale</u>	<u>380</u>	<u>381</u>

STATIC WATER LEVEL 12 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: _____

☐ Bailed☒ Otherair developed

Pumping Level Below Land Surface

380 ft. After 1 Hrs. pumped 75 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED
DEC - 8 2004WATER RIGHTS
PROGRAMThis well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 26, 20 05

RECEIVED OF Dennis Bookham, 12336 Erickson Ranch Rd., Piedmont SD 57768

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

Fee for Application for Permit No. <u>1411</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>1411-1</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.

0013.2

By

Darvond Ebel
Chief Engineer
gm

WATER PERMIT APPLICATION NO. 1846-1
DENNIS OR ANN BECKMAN
JUNE 28, 2005

Water Permit Application No. 1846-1 proposes to appropriate 0.1 cubic feet of water per second (cfs) [45 gallons per minute] from one existing well completed into the Inyan Kara aquifer (381 feet deep) located in the SW¼ SE¼ Sec. 21, T3N-R7E, in Meade County. The water is to be used for a suburban housing development.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara well this application proposes to use was completed August 30, 2004. 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 porous and permeable portions of Fall River Formation and the underlying Lakota Formation. 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 117 feet below grade from the log from this well and the static water level of the well was reported to be 12 feet below grade. The Inyan Kara is estimated to be between 200 and 250 feet thick in this area (Allen and others, 1985). The Completion Report indicates at least 263 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.

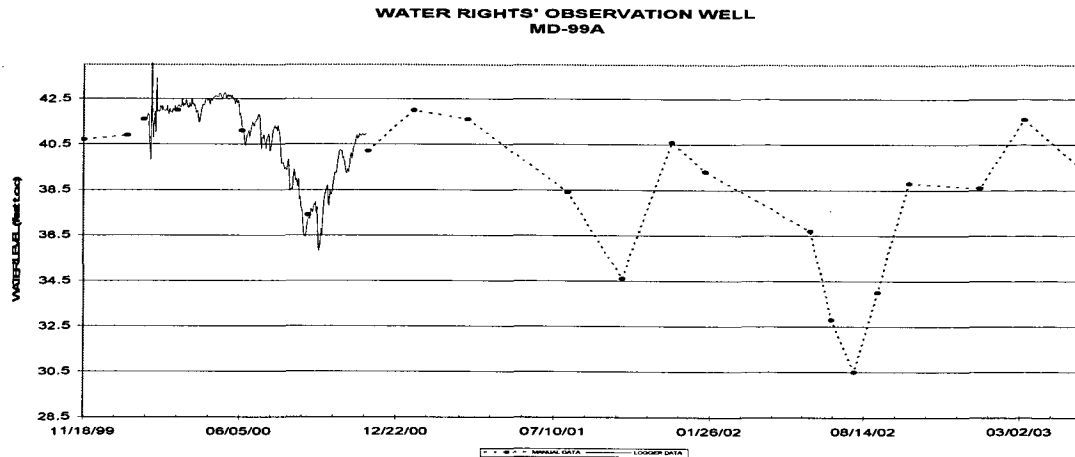


Figure 1. Hydrograph of Inyan Kara Observation Aquifer Well located approximately two miles northwest of the 1846-1

A second observation well, PE-95E is located approximately six miles southeast of 1846-1. The hydrograph for the well is included in figure 2.

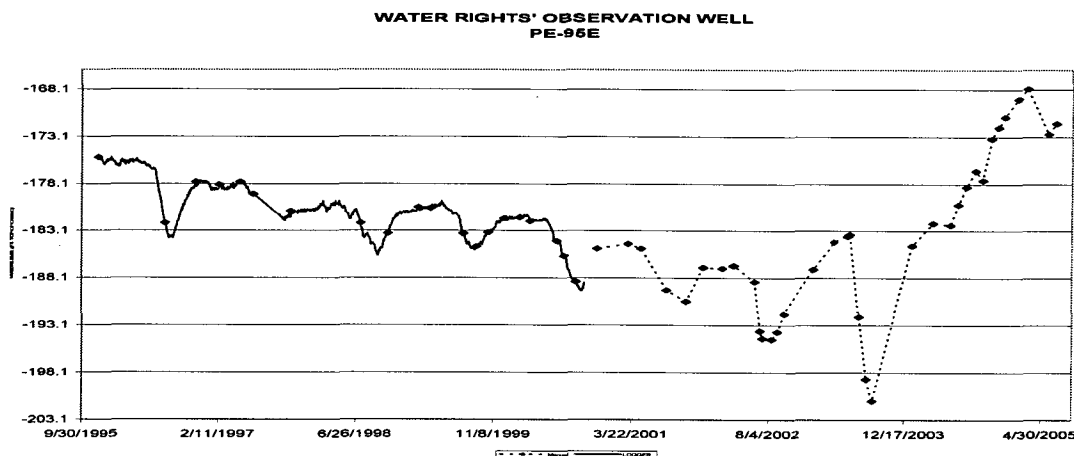


Figure 2. Hydrograph of Inyan Kara Observation Aquifer Well located approximately six miles southeast of the well to be used for 1846-1

The observation well data indicate water is available for this appropriation (Water Rights, 2005b).

EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 2005a).

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 154 Water Rights/Permits (Water Rights, 2005c). There are 33 rights/permits appropriating water from the Inyan Kara Aquifer in Meade County. There are 30 groundwater Permits/ Water Rights appropriating groundwater, including one future use reservation from the Madison aquifer, within approximately three and one-half miles of the well for this application. 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. Eleven of these permits/rights appropriate from the Inyan Kara aquifer, they include:

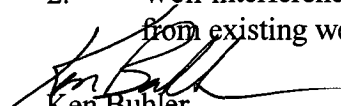
PERMIT NO	NAME	STATUS	USE	CFS
1664-1	BUFFALO RIDGE WATER USERS	LC	SHD	0.10
1597-1	CROOKED OAKS CANYON HOMEOWNERS ASSN	LC	SHD	0.10
1700-1	HART'S ELK CREEK	LC	SHD	0.11
1656-1	LOFTY PINES HOMEOWNERS	LC	SHD	0.09
1587-2	WESTON DEVELOPMENT INC	LC	SHD	0.11
1794-1	VITA ROYAL PRODUCTS INC	PE	COM	0.17
1796-1	DENNIS OR ANN BECKHAM	PE	SHD	0.10
1826-1	GOLDEN VALLEY WATER COMPANY LLC	PE	SHD	0.27
1793-1	KASKI HOMES INC	PE	SHD	0.17
1837-1	GUY MANN	PE	SHD	0.44
1812-1	RDT WATER ASSOCIATION LLC	PE	SHD	0.17

Table 1. Inyan Kara aquifer appropriations within three and one-half miles of 1846-1

The nearest appropriations from the Inyan Kara aquifer are Water Right No. 1793-1, Kaski Homes, Inc., located approximately one-half mile northwest of the well that is to be used to supply this application. Interference between the well that is to be used to supply this application and the well supplying 1793-1 is not expected to be adverse due to the distance from these wells, and relatively low diversion rate proposed by the application (0.10 cfs). This well is located approximately 650 feet from the well that is used to supply water appropriated by Water Permit No. 1796-1 which also serves this suburban housing development. Any interference caused by this appropriation would be greatest in the other housing development well, and could limit the development's ability to maximize withdrawals from the wells, thus limiting drawdown in wells not owned by the development.

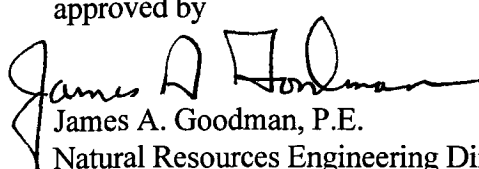
CONCLUSIONS:

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 owned by others.


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, 2005a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2005b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2005c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1846-1, 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. 1846-1, Dennis or Ann Beckman, 12336 Erickson Ranch Road, Piedmont SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1846-1 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:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer

See report on application for additional information.

Garland Erbele, Chief Engineer
July 28, 2005



**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.

August 1, 2005

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

Dear Mr. or Mrs. Beckham:

Water Permit Application No. 1846-1 for suburban housing development and livestock watering use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 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. 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

August 1, 2005

Meade Co Times-Tribune
PO Box 69
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1846-1 to Appropriate Water to be published twice. Please publish the first notice on August 10, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 and/or Anna Mae 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. 1846-1

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

Date _____

We are in receipt of your letter of August 1, 2005 enclosing Notice to Appropriate Water by Application No. 1846-1 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 10, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1846-1 to Appropriate Water

Notice is given that Dennis or Anna Mae Beckham, 12336 Erickson Ranch Rd, Piedmont SD 57769 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (381 feet deep) located in the SW ¼ SE ¼ Section 21-T3N-R7E. The water is to be used for a suburban housing development and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1846-1_ 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 29, 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. Pirner, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Pam Buhler, being duly sworn, says: That the Meade County Times Tribune/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 Lee Enterprises; that affidavit 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 printed copy which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>Aug 10</u>	200 <u>5</u>	_____	200 _____
<u>Aug 17</u>	200 <u>5</u>	_____	200 _____
_____	200 _____	_____	200 _____
_____	200 _____	_____	200 _____
_____	200 _____	_____	200 _____

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

Subscribed and sworn to before me this

18 day of Aug, 200 5
Pamela Buhler
Notary Public, South Dakota

RECEIVED
AUG 12 2005
WATER RIGHTS
PROGRAM

Account No. 200 27307
Total Amount _____



PUBLI

NOTICE OF APPLICATION NO. 1846-1 to Appropriate Water

Notice is given that Dennis or Anna Mae Beckham, 12336 Erickson Ranch Rd, Piedmont SD 57769 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (381 feet deep) located in the SW 1/4 SE 1/4 Section 21-T3N-R7E. The water is to be used for a suburban housing development and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1846-1 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 peti-

tion filed by either an interested person or the applicant must be filed by August 29, 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. Pirner, Secretary, Department of Environment and Natural Resources.

Publ. Aug. 10, 17, 2005
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 30 2005

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

Dear Mr. or Ms. Beckham:

Enclosed is Water Permit No. 1846-1 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

FROM: Dennis and Anna MacBeckham
(name)12336 Erickson Ranch Road
(address)Piedmont, SD 57769
(city, state, zip)605-787-7036
(phone)

RECEIVED
OCT - 5 2006
WATER RIGHTS
PROGRAM

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.

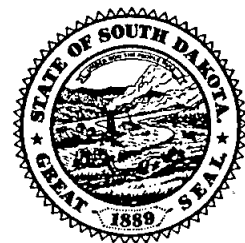
Water Permit No. 1846-1 states that the water use system is to be constructed by August 29, 2010, and water is to be put to beneficial use by August 29, 2014.
(date) (date)

The water use system was completed on November 20, 2005.
(date)

Applying the water to beneficial use was completed on September 19, 2006.
(date)

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

Dennis Beckham
(signature)



Permit No. 1846-1
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 Anna Mae Beckham of 12336 Erickson Ranch Rd. Piedmont, SD. 57769 holder of Permit No. 1846-1, bearing the priority of 26 May 2005 authorizing the diversion of 0.1 cu. ft. per second of the waters of the Inyan Kara Aquifer for suburban housing development and livestock watering purposes, in Meade County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor
- 2) No. of Wells: 1
- 3) Depth(s) 381 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 5.5 inches
- 2) Length 357 feet
- 3) Type steel

Screen:

- 1) Type none
- 2) Static water level 12 feet

Pump:

- 1) Make unknown
- 2) 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 2 inches
- 3) Length 1000 feet

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: SW ¼ SE ¼ Sec 21-T3N-R7E, approximately 2496 feet west and 583 feet north of the south east corner of section 21, N 44.20015 Latitude and W -103.28149 Longitude. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for suburban housing development and livestock watering. The license should be issued for 0.10 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

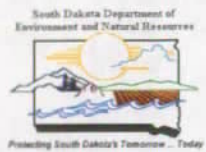
Date report completed: 17 January 2008



South Dakota

1846-1

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



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
17 January 2008



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1846-1

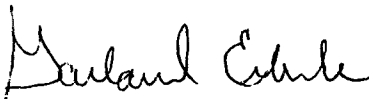
(1) Dennis or Anna Mae Beckham, 12336 Erickson Ranch Rd, Piedmont SD 57769 made Application No. 1846-1, May 26, 2005 for a water permit to divert 0.1 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development and livestock watering purposes. Permit No. 1846-1, with a priority date of May 26, 2005 was approved August 29, 2005 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 29, 2010 and for the application to beneficial use of water on or before August 29, 2014.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 1846-1 are issued a license, bearing a priority date of May 26, 2005 to appropriate 0.1 cubic feet of water per second from groundwater (one well) for suburban housing development and livestock watering purposes.

The diversion point is located: approximately 2,496 feet west and 583 feet north of the southeast corner of Section 21-T3N-R7E (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1846-1 including the following now applicable qualifications:

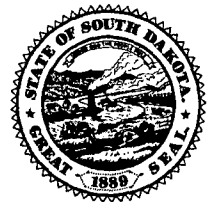
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Aquifer.



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

FEB 12 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 12 2008

1846-1

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

Dear Dennis or Anna Mae Beckham:

Enclosed is Water License No. 1846-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the 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. 1846-1, 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1846-1

Date: May 20, 2026

I/We request that Water Right/Permit No. 1846-1 formerly owned by: _____ be transferred to:

New Owner Name: Dennis Beckham Brett Beckham
Anne Mae Beckham Brooke Beckham
Address: 12306 Erickson Ranch Road mobile: 605-431-7199
City, State, Zip: Piedmont, SD 57169 email: annbackham@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. 1846-1 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, Anne Mae Beckham, the new owner, certify that the above information is true and correct.

Dennis Beckham
Anne Mae 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

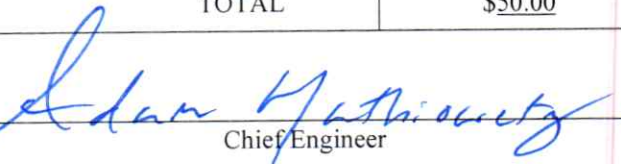
Date May 21, 2026

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 #1846-1	\$50.00
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
	\$50.00

By


Chief Engineer

~~XXXXXXXXXXXXXXXXXXXX~~

Amanda Dewell

Bratt's address:

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

Brock'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,



ATTORNEYS AT LAW SINCE 1889

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

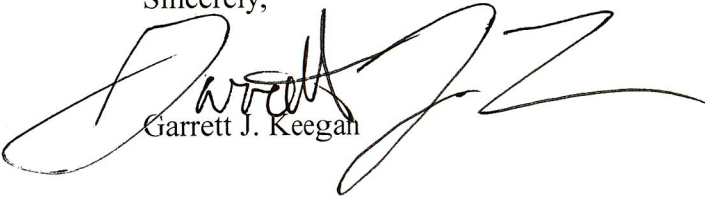
RECEIVED

JUL 14 2026

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

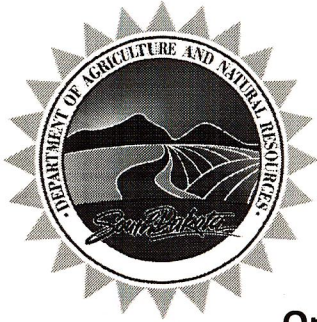
RECEIVED

JUL 14 2026

OFFICE OF
WATER

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.

RECEIVED

JUL 14 2026

OFFICE OF
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: