

No. 426-1

Bella George

Water Division No. 1

(Blanks to be filled by the Engineer for the W. B. C.)

District

OCT 3 1959

S. B. A. M.

STATE WATER RESOURCES COM. S. D.

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ~~HORMAN IRRIGATION PROJECT~~ H. B. HORMAN & H. A. HORMANPostoffice address BELLA GEORGE, County BUTTE, State S. D.I. If a corporation X X X X(a) Name of stockholder X X X X(b) Date and place of incorporation X X X X(c) Amount of capital stock X X X X(d) Amount paid in X X X X(e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

X X(b) Cash on hand, \$ X X(c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X(e) Other resources, \$ X X2. Name of diversion work HORMAN IRRIGATION PROJECT3. Amount of water claimed 3.6 cubic feet per secondSource of water supply INDIAN CREEK and HORMAN LEAK

between a point S. 6° E 2660' from the NW 1/4 corner Sec. 19 & a point S. 40° W 495' from the E 1/4 corner Sec. 29, T. 11 N. E. & from Herman draw at a point N. 10° W 1160' from SE corner Sec. 20, T. 11 N. E.

6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 283 acres.

XXXXXX NE-SW-11 Ac., SE-SW-2 Ac., NW-SE-16 Ac., NE-SE-9 Ac., SW-SE-19 Ac., SE-SE-34 Ac., Sec. 19, T. 11, R. 3 E-ENM Total 91 Ac.

SW-SW-17 Ac., SE-SW-3 Ac., NW-SE-23 Ac., NE-SE-5 Ac., SW-SE-5 Ac., NE-SE-29 Ac., Sec. 20, T. 11 N., R. 3 E-ENM Total 90 Ac.

NW-NW-3 Ac., NE-NW-20 Ac., NW-NE-23 Ac., NE-NE-3 Ac., SW-NE-23 Ac., SE-NE-23 Ac., Sec. 29, T. 11 N., R. 3 E-ENM Total 99 Ac.

NE-NE-5 Ac., Sec. 30, T. 11 N., R. 3 E-ENM Total 5 Ac.
285 AC.

(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream X X

Map No. 370-1

8. Estimated cost of work:

(a) Head Gates, \$..... Pumping plants @ \$1500.00 (b) Pumping plant, \$3000.00
 (c) Fluming, \$..... (d) Canalearth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works.

Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
 Flood water to be pumped from Indian Creek at favorable locations
 Storage reservoir Sec. 30 T. 11 N., R. 3 E. from which water will be pumped,
 onto irrigable flats.

II. Dimensions of works:

(a) Dam: Height 18 feet; length at bottom 615 feet; length at top
600 feet; thickness at bottom 111 feet; thickness at top 1
 feet; slope at front water face 4:1; slope at back face 1 1/2:1
 material used in construction Earth
 (b) Reservoir: Capacity when filled 88 acre feet. Surface area at highwater
 mark 12 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width..... feet; height..... feet;
 Material.....

(d) Canal: Total length..... miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At..... Mile	 feet	 feet	 feet	 feet
At..... Mile	 feet	 feet	 feet	 feet
At..... Mile	 feet	 feet	 feet	 feet
At..... Mile	 feet	 feet	 feet	 feet
At..... Mile	 feet	 feet	 feet	 feet
At..... Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Belle Fourche Daily Post, Belle Fourche, S.D.

STATE OF SOUTH DAKOTA

County of Butte

I, HORMAN BROS. (L. W. HORMAN & H. C. HORMAN), being first duly sworn
 on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have
 read the above foregoing statement, examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters therein stated and shown are true.

Signed Horman Bros. L. W. Horman & H. C. Horman

Subscribed and sworn to before me this 12th day of September 19 58

Cori M. Cornell,

Notary Public (or other qualified officer.)

*Every diversion must have a headgate or measuring device.

My Commission expires 4/12/67.

PLAT OF
THE HORMAN BROTHERS IRRIGATION PROJECT
Sections 18, 20, 29 and 30, T.11 N., R.3 E-BHM
Butte County, South Dakota

Scale: 1 inch = 660 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Horman Brothers, I have made a survey and prepared this plat of the irrigable areas shown hereon for the purpose of furnishing the required form to complete their "Application for a Permit to appropriate water" for irrigation purposes.

I further certify that the lengths and bearings of the several lines hereon, and their location, with reference to the Government Land Corners shown, are correct, to the best of my knowledge and belief.

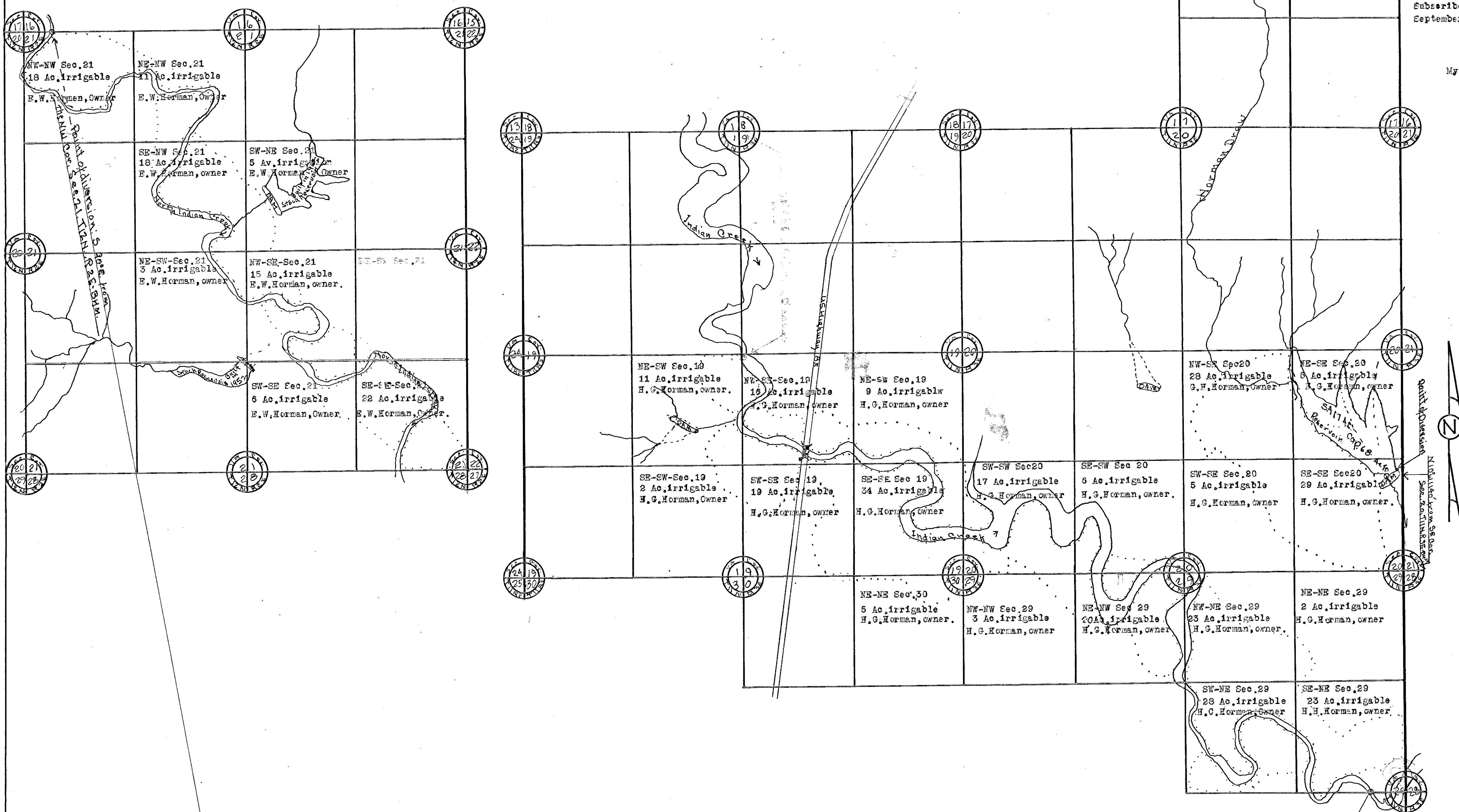
Subscribed and sworn to at Buffalo, South Dakota this 22nd day of September 1959.

SIGNED: *Carl M. Cornell*
Carl M. Cornell, Licensed Surveyor, #144

Subscribed and sworn to before me at Buffalo, South Dakota this 22nd day of September 1959. (SEAL)

M. R. Hann
Notary Public (SEAL)
M. R. Hann

My Commission expires Aug 9, 1966.



Remarks by State Water Resources Commission:

Use of the waters under the permit is contingent upon supplies being available for prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 10, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock A.m. upon the 3rd day of October, 1959

State Water Resources Commission

By: J. G. Brinner
Chief Engineer, Executive Officer

Number of permit 426-1

Date of first receipt of application October 3, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right October 3, 1959

Approved December 12, 1959, Recorded in Book 5 Page 278

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 2, 1962

2nd. The whole of said work is to be completed on or before December 2, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 2, 1968

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 3.6 cubic feet per second, neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before December 2, 1968; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 10th day of December, 1959

State Water Resources Commission

By: J. G. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 9, 1963

Water License Issued JANUARY 9, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 426-1

WHEREAS, On the 3rd day of October A. D. 1959
H. G. Horman

of Bella Fourche County of Butte and State of
South Dakota duly made application (No. 426-1) to us for a permit to use 3.6
cubic feet per second of the waters of Indian Creek and Horman Draw
County of Butte, State of South Dakota, for irrigation
purposes: and

WHEREAS, On the 10th day of December A. D. 1959
Permit No. 426-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion the in described on or before the 2nd day of
December A. D. 1964 and for the application to beneficial use of said
water on or before the 2nd day of December A. D. 1969
and,

WHEREAS, On the 10th day of December A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.6
cubic feet per second of said waters, as evidenced by our Certificate No. 426-1
dated January 9, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.6 cubic feet per second of water, with date of
priority of October 3, 1959 and,

WHEREAS, On the 10th day of December A. D. 1962
proof was duly made of the application to beneficial use of 3.6 cubic feet per second of said water;
for irrigating 285 acres in portions of Sections 19, 20, 29 and 30, all in T11N, R3E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to H. G. Horman
of Belle Fourche the holder and owner of said permit No. 426-1
a water right, dating from October 3, 1959 to the use of 3.6
cubic feet per second of the waters of Indian Creek and Horman Draw
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ between a point S 0° E 2,660 feet from
the NE corner, Sec. 19, & a point S 90° W 495 feet from the E 1/4 corner, Sec. 20, T11N, R3E &
from Horman Draw at a point N 10° W 1,140 feet from the SE corner, Sec. 20, T11N, R3E
and conducted to and on portions of Sections 19, 20, 29 and 30, T11N. R3E, more specifically
described in the Certificate of Completion of Works

for the purpose of public recreation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS. My hand and seal of our office at Pierre, South Dakota,
this 9th day of January A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 426-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That E. G. Horman

of Belle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 426-1, issued upon Application No. 426-1, bearing date of priority of October 3, 1959, authorizing the diversion of 3.6 cu. ft. per second of the waters of Indian Creek and Horman Draw County of Butte, State of South Dakota, between a point S 0° E 2660 ft. from the N $\frac{1}{2}$ corner, Section 19, and a point S 90° W 495 ft. from the E $\frac{1}{2}$ corner, Section 20, T11N, R3E & from Horman Draw at a point N 10° W 1,140 ft. from the SE corner, Sec. 20, T11N, R3E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 3.6 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T 11N, R 3E Section 19 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 "NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16 "NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 19 "SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 "Section 20 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 17 "SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 "NW $\frac{1}{4}$ SE $\frac{1}{4}$ 28 "NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 "SE $\frac{1}{4}$ SE $\frac{1}{4}$ 29 "Section 29 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 "NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 "NW $\frac{1}{4}$ NE $\frac{1}{4}$ 23 "NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 "SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28 "SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 "Section 30 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 "

Total 285 "

Witness my hand this 9th day of January A. D. 1963

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. ORMES

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

Permit No. 426-1Belle FourcheWater Division No. 1Pierre Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

I have this day made a thorough examination of the diversion works constructed by _____

H. G. HORMANof BELLE FOURCHEBottleCounty, South Dakota, holder of Permit No. 426-1

issued

upon Application No. 426-1, bearing date of priority of October 3, 1959, authorizing thediversion of 3.6 cu. ft. per second of the waters of Indian Creek Horman Ditch for Irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Three diversion ditches, two storage dams
and pumping system as follows:one Pacific Pumping Co. 3" outlet pump Model 4134-D,powered by attached gasoline motor400 + feet of 5" aluminum pipeand the system is in the following condition: FairThe point of diversion is located As shown on map No. 370-1The works are capable of diverting and conveying to the place of use 3.6 cu. ft. per second of water,
which is to be used for Irrigation

The legal sub-divisions to be irrigated are: _____

As shown on map No. 370-1comprising a total of 38.3 acres of land.

The domestic use intended comprises _____

Incidental stock waterThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 10 day of December, A. D. 1962.

--SEAL--

Harold J. Quinell

Examining Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } SS.

County ButteLawrence Waples being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Daily Belle Fourche Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Oct 27, 1959Nov 3, 1959Nov 10, 1959Nov 17, 1959

in each and every issue of the full number thereof, the first

publication being made on the 27 day of Oct19 59 and the last publication on the 17 day ofNov 19 59, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was publisher the printer and publisher of the said newspaper.Lawrence WaplesNo. 426-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission,
Pierre, S. Dak.,
October 22, 1959

Notice is hereby given that the Horman Brothers whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.6 cubic feet of water per second of time from Indian Creek and Horman Draw through the Horman Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW¹/₄ SE¹/₄ Sec. 19 and a point in the SE¹/₄ of the NE¹/₄ of Sec. 19 Twp. 11N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

DES¹/₄ SW¹/₄ SE¹/₄ Sec. 19;
NE¹/₄ NE¹/₄ Sec. 19; S¹/₄ SW¹/₄ and the SE¹/₄ Sec. 20; N¹/₂ NW¹/₄ and NE¹/₄ Sec. 29, all in T 11N R 3E

and for stockwatering purposes. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 1959, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

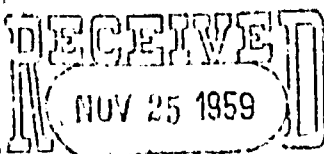
State Water Resources
Commission

By: Euton F. Jones.

Water Rights Specialist

At 10/27 11/2-10-17

Subscribed and sworn to before me this 21 day of November A. D. 19 59



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

By: Euton F. Jones.
Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 27, 1960

(First Publication on or before Oct. 29, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 22, 1959

Notice is hereby given that the Horman Brothers whose postoffice address is Belle Fourche S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.6 cubic feet of water per second of time from the xx Indian Creek & Horman Draw through the Horman Irrigation Project the point of diversion of which is to be located on the xx both banks of said stream in the xx between a point in the NW 1/4 Sec 19 and a point in SE NE 29 portions of Twp. 11N Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

E 1/2 SW 1/4, SE 1/4, Sec 19; NE 1/4 NE 1/4 Sec 30; S 1/2 SW 1/4, and the SE 1/4

Sec 20; N 1/2 NW 1/4 & NE 1/4 Sec 29 all in T 11N R 3E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 1959, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

CC Lawrence Wayler-Publisher
Belle Fourche Post
Belle Fourche, South Dakota

~~Chief Engineer, Executive Officer~~
Burton F. Jones, Water Rights Specialist

October 12, 1959

Mr. Carl Cornell
Buffalo, South Dakota

Dear Carl:

I have discussed the Horman Brothers Application (426-1) with Joe, and he feels that separate applications will be required to cover the two widespread areas noted in the application. He feels that the land to be irrigated should be adjoining land or at least in adjoining sections to qualify as one project.

Therefore, we request that you submit a separate application for the lands listed under the ownership of E. W. Horman. Upon receipt of this, we will change the present application to agree. An additional map will not be required and we request that you authorize us to change the map to agree with the two applications.

I am necessarily holding the advertising, so would appreciate it if you return this as soon as possible. The first advertisement must be in by October 28 if the applications are to qualify for the December meeting.

If you have any questions, feel free to call on us.

Sincerely,

Burton F. Jones
Water Rights Specialist

October 14, 1959

Mr. Carl Cornell
Buffalo, South Dakota

Dear Mr. Cornell:

In transmitting the applications of the Horman Brothers, Kiplinger & Son and Oliver G. Rose, you requested that the priority should be in that order.

As they were all received in the same mail, they carry the same priority as far as the Water Resources Commission is concerned. If the three parties have mutually agreed to the order of priority requested, it is necessary that we have a statement to that effect signed by all three. Otherwise, we have to accept them as having the same priority.

If this situation arises in the future, I would suggest you stagger the mailing to take care of the priority.

Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ:ls

426-1



February 4, 1997

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-318

NOTICE

TO: H G HOKMAN, FCR 64 BOX 46, BELLE FOURCHE, SD 57717

FROM: Ron Duval, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1268-1, 426-1 & 433-1 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1268-1, 426-1 & 433-1. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 426-1 & 433-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1268-1 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1268-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 426-1 & 433-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

426-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

426-1

433-1

1268-1

H G Horman
HCR 64 Box 46
Belle Fourche, SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

I completed questionnaires for you based on our February 10th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Gerry McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



426-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: H G HORMAN, HCR 64 BOX 46, BELLE FOURCHE, SD 57717 9503

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 426-1 & 433-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 426-1 & 433-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4190

Your item was delivered at 2:19 pm on January 25, 2006 in BELLE FOURCHE, SD 57717. The item was signed for by H HORMAN.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4190

H G HORMAN
HCR 64 BOX 46
BELLE FOURCHE SD 57717 9503

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

Form 150, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2006

426-1

433-1

Jeff Horman
17255 Old Hwy 85
Belle Fourche SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of the information for your 2005 irrigation questionnaires. I completed questionnaires for you based on our January 26th telephone conversation. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 426-1 and 433-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights listed under H G Horman. I found when reviewing the files that your dad has three water rights. There are two for irrigation and one for domestic use from a stock dam.

Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 426-1

Date: 1/30/06

I/We request that Water Right No. 426-1

formerly owned by: H G Horman

be transferred to: (name & address) Jeff Horman
17255 Old Hwy 85
Beile Furche SD 57711 Telephone No. 892-6221

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

285 acres in portions of Section 19, 20, 29 & 30, T11N, R3E

I/We understand that the validity of Water Right No. 426-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jeff Horman, the new owner, certify that the above information is true and correct.

Jeff Horman
(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
FEB 02 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 2, 20 06

RECEIVED OF Jeff Horman, 17254 Old Hwy 85, Belle Fourche SD 57717

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>426-1</u>	2	50
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	2.50

No.

02272

By

Darland Eide
Chief Engineer gm



426-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2006

426-1
433-1
1268-1

Jeff Horman
17255 Old Hwy 85
Belle Fourche SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 426-1, 433-1 and 1268-1. The transfers have been completed. The water rights formerly held by H G Horman are now listed in your name.

Enclosed are your Receipt Nos. 02271, 02272 and 02273 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



426-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JEFF HORMAN, 17255 OLD HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit Nos. 426-1 & 433-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 426-1 & 433-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



426-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

426-1
433-1

Jeff Horman
17255 Old Hwy 85
Belle Fourche SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 426-1 & 433-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



426-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: JEFF HORMAN, 17255 OLD HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 426-1 & 433-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 426-1 & 433-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



426-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2017

426-1
433-1

Jeff Horman
17255 Old Hwy 85
Belle Fourche SD 57717

Dear Mr. Horman:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 426-1 and 433-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

File No. 426-1
433-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jeff Horman, 17255 Old Highway 85, Belle Fourche SD 57717

DATE: July 3, 2019

TELEPHONE: 605 892-6221

RE: status of irrigation under water rights

COMMENTS:

Mr. Horman reported on his 2018 irrigation questionnaires that the use was abandoned. In reviewing the files, the system described in No. 433-1 consists of dikes for spreading water. He should not have been getting an irrigation questionnaire for No. 433-1. In reviewing No. 426-1, the water right mentions a pump diverting water and included 3 diversion dams and two storage dams.

I spoke with Mr. Horman today -- he indicated he does not physically pump water to irrigate anymore at all. However, the dikes are still there (have been since the 50's) and can divert water if water is high enough. The dams are still there as well.

I told him since the systems are totally water spreading, I would remove him from the questionnaire mailing each year. He wanted to know if he would still have water rights. I told him since the dams are present for storage and the dikes are in place for spreading water should water be available, we would not cancel the water rights. He just doesn't have to report anymore. He was agreeable to that.



Genny McMath
Water Rights Program