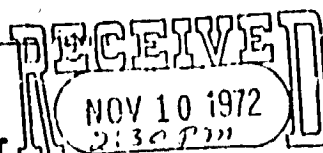


Water Right Number 11.28-2

1. Considered JANUARY 24, 1973
2. Name of Applicant CHARLES HELLMAN
3. Post Office Address MILLBORO, S.D.
4. Amount of Water claimed 4.20
5. Source of Water supply KEYAPAH RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 298.00
7. Water to be diverted and used in TRIPP County
about 1 N miles of MILBORO
8. Proof of Publication
Received 1-4-73
Not Received _____
9. Application
Approved _____
Subject to Keyapah River Statement
Not Approved _____
Action Deferred _____
10. Remarks: See Letter

No. 1128-2Map No. 959-2 Water Division No. 2 KEYAPAH RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

Charles Hellman

1. Name of Applicant _____

Post-office address Milboro State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Hellman Irrigation Project4. Amount of water claimed (cubic feet per second) 4.25. Source of water supply Keyapaha River6. Location of point of diversion Between points North 45° East, 3710 Ft. and North 56° East, 4160 Ft.,± both from the SW Corner, Section 32, T96N, R77WCounty Tripp7. Annual period or periods during which water is to be used April thru October8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, _____ Total number of acres to be irrigated 298

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32-96N-77W	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32-96N-77W	24.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32-96N-77W	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32-96N-77W	34.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32-96N-77W	40.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32-96N-77W	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32-96N-77W	40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32-96N-77W	40.0

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Winner Advocate, Winner, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pump and motor

B. Works proposed to transport water to place of use.

mainline

C. Works proposed to apply water to beneficial use.

pivot system and sprinkler system

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

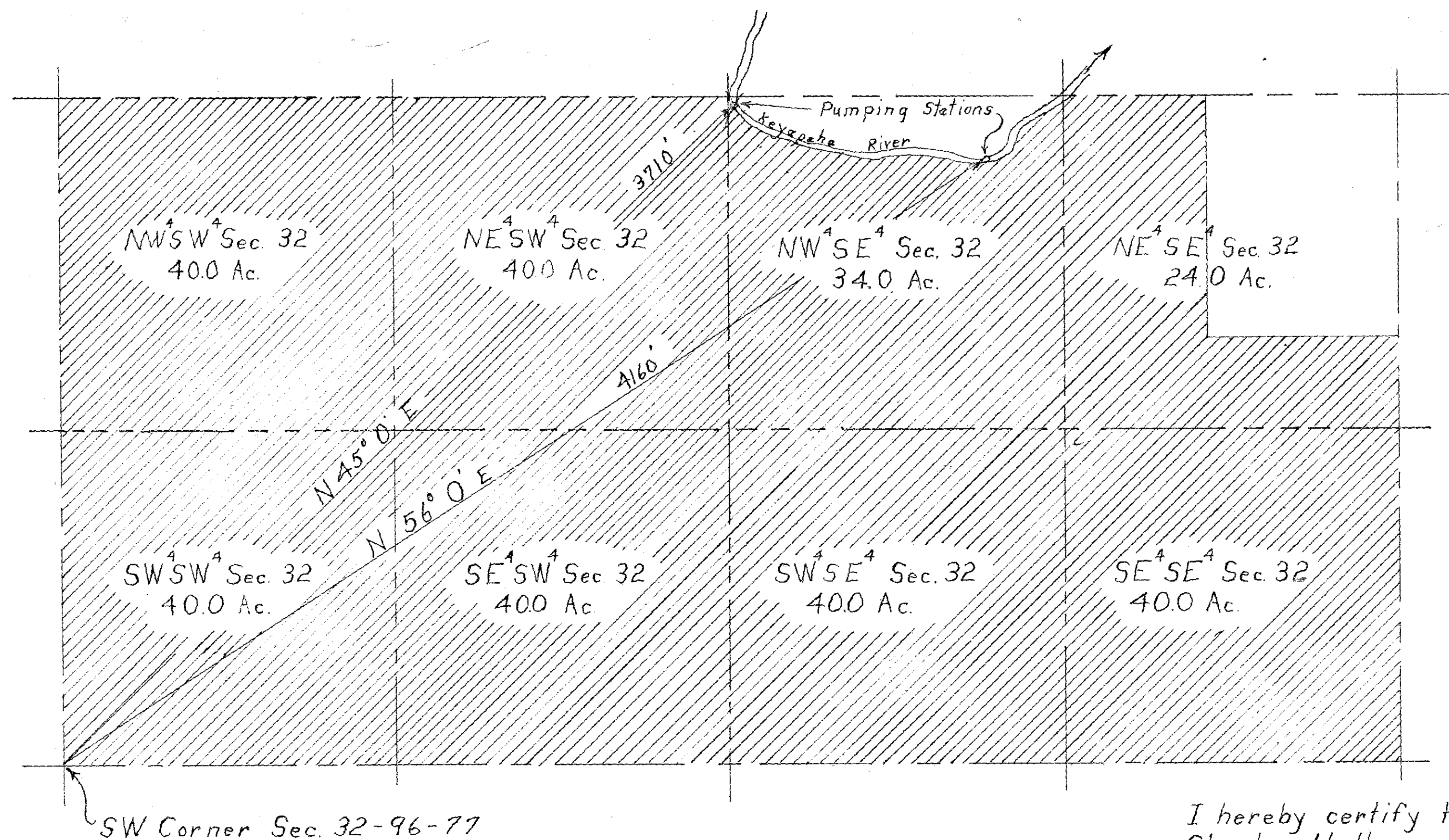
STATE OF SOUTH DAKOTA)

County of Hughes) ss.I, Charles Hellman

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Charles HellmanSubscribed and sworn to before me this 10th day of November, 19 72
Betty Westlund
 Notary Public (or other qualified officer)
 Betty Westlund, Technical Assistant
 Water Resources Commission

Charles Hellmann Irrigation Project
in S¹/₂ Section 32-T 96N-R 77W-Tripp County, S.D.
Scale 1"=400'



Land to be Irrigated

All Land to be Irrigated Owned by Charles Hellmann

Location of Lands to be Irrigated				
Location	Section	Township	Range	Acres
NE ¹ / ₄ SW ¹ / ₄	32	96	77	40.0
NW ¹ / ₄ SW ¹ / ₄	32	96	77	40.0
SW ¹ / ₄ SW ¹ / ₄	32	96	77	40.0
SE ¹ / ₄ SW ¹ / ₄	32	96	77	40.0
NE ¹ / ₄ SE ¹ / ₄	32	96	77	24.0
NW ¹ / ₄ SE ¹ / ₄	32	96	77	34.0
SW ¹ / ₄ SE ¹ / ₄	32	96	77	40.0
SE ¹ / ₄ SE ¹ / ₄	32	96	77	40.0
Total				298.0

I hereby certify that the map and plans of the Charles Hellmann Irrigation Project consisting of this sheet is an accurate representation of a survey made under my direction.
Dated September 26, 1972

W.R. Neufeld
W.R. Neufeld
Reg. Land Surveyor

MAP NO 959-2 (APPL NO 1128.2)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1128-2
CHARLES HELLMAN MILLBORO
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

THIS PERMIT AUTHORIZES THE DIVERSION OF WATER FROM THE KEVAPAH RIVER FOR IRRIGATION DIRECTLY TO THE LAND UNTIL JUNE 15 OF EACH CALENDAR YEAR. AFTER JUNE 15 THERE SHALL BE NO DIVERSION OF WATER FROM THE KEVAPAH RIVER UNDER THIS PERMIT UNLESS WRITTEN AUTHORIZATION IS ISSUED BY THE WATER RESOURCES COMMISSION OR ITS LEGALLY APPOINTED REPRESENTATIVE. DIVERSIONS UNDER THIS PERMIT SHALL BE IN ACCORDANCE WITH ANY WRITTEN ORDERS ISSUED BY THE COMMISSION OR ITS REPRESENTATIVE.

Date of first receipt of application NOVEMBER 10 19 72
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved JANUARY 24 19 73 Recorded in Book 12 Page 175

WATER RIGHT PERMIT NO. 1128-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1128-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 10 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 24 19 75
3. The whole of said work is to be completed on or before JANUARY 24 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 24 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 4.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JANUARY 24 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 26TH day of JANUARY 19 73

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction issued --- 19 ---

Water License issued --- 19 ---

1128-2

Publish first publication, on or before January 11, 1973NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 13, 1972Notice is hereby given that Charles Hellmanwhose post office address is Millboro, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4.2 cubic feet of water per second of time from the Keyapaha River through theHellman Irrigation Project, the point of diversion of which is to be located ~~at the~~between two points in the NW 1/4 SE 1/4, Section 32, T96N, R77W

~~of Section~~ ~~Two~~ ~~Range~~ ~~all or portions of~~
Said water to be used for the purpose
of providing irrigation ~~on~~ the following described land:

SW 1/4 and SE 1/4, Section 32, T96N, R77W

This application No. 1128-2 will be considered by the Water Resources Commission at their office at Pierre upon the 24th day of January, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

cc: Charles Hellman, Millboro, S.D. 57554

No. 1128-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Tripp) ss.

I, W. L. Johnson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wanna Advocate

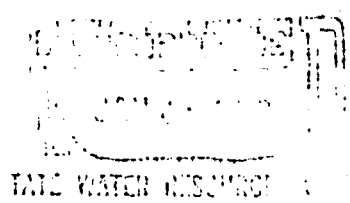
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the
city of Wanna

County of Tripp and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

November 15, 1972
November 22, 1972

W. L. Johnson
(Signature)
Publisher
(Title)
Nov. 22, 1972
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
November 1, 1972
Notice is hereby given that Charles
Hellman whose post office address is
Arlington, South Dakota, has made an ap-
plication in accordance with the provisions
of the water laws of South Dakota for a
permit to appropriate for beneficial use 4.2
cubic feet of water per second of time from
the Keyapaha River through the Hellman
Irrigation Project, the point of diversion of
which is to be located between two points in
the NW 1/4 SE 1/4, Section 32, T96N, R77W. Said
water to be used for the purpose of providing
irrigation on all or portions of the following
described land: SW 1/4 and SE 1/4, Section 32,
T96N, R77W.
This application No. 1128-2 will be con-
sidered by the Water Resources Commission
at their office at Pierre upon the 24th day of
January, 1973, at 2:00 P.M. All interested
persons may appear and be heard.
WATER RESOURCES COMMISSION
By: Burton F. Jones
BURTON F. JONES, Water Rights
Specialist (4647)



June 24, 1977

Charles Hellman
Millboro, South Dakota 57554

Dear Mr. Hellman:

On June 16, 1977, you made an oral request, to be allowed to divert water from the Keyapaha River, as specified in Water Permit No. 1128-2.

You may consider this letter as authorization to divert water from the Keyapaha River until July 10, 1977, as requested, except that you are to stop such withdrawals of water at an earlier date if you are so instructed by a representative of the Water Rights Commission.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

June 30, 1978

Charles Hellmann
Millboro SD 57554

Dear Mr. Hellmann:

You may consider this letter authorization to continue pumping under your Permit No. 1128-2 through July 10 of this year.

Sincerely,

Burton F. Jones
Water Rights Specialist III

BFJ:kjw

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501
Division of Water Rights
(605) 773-3352

August 11, 1980

Because of the existing deficient supply of water in the Keyapaha River (2.3 cfs at Wewela gage August 6, 1980) to provide water for domestic use including livestock watering, it is ordered that all withdrawals of water from the Keyapaha River for irrigation purposes cease effective 12:00 noon August 14, 1980 until January 1, 1981 or until further notice.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right in accordance with this order. You will be notified if the water supplies of the Keyapaha River become sufficient to permit irrigation water withdrawals again during 1980. If there are any questions on this order, please let me know.

Very truly yours,
John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

August 21, 1978

Charles Hellman
Milboro, SD 57554

Dear Mr. Hellman:

In response to your request of the continuation of pumping for irrigation, the flows are not sufficient to grant a further extension. Therefore, no further irrigation can be allowed for the remainder of this calendar year, under your permit No. 1128-2, because the present flows are needed for prior existing water rights and domestic users.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

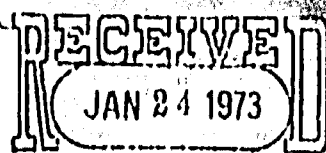
JH/gy

Wewela, S. Dak

Jan 22, 1973

State Water Resource Commission

Pierre, S. Dak.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sirs:

I just want to write a few lines in regard to the Hellman Water Right on the Kegonsa river, which is coming up for your consideration.

We have irrigated out of the Kegonsa since the 1940's so naturally watch the water quite closely. I don't think it can stand any more water rights in the summer fall and winter and not too much more in some of our drier spring seasons.

I thought the board did a good job of working out the Sargent Water Right application last summer. I knew the river couldn't stand that much pumping. Mr. Hellman had a very nice letter expressing our views at that meeting.

Thank you for taking time to study
this application out carefully. It means
quite a bit to some of us down stream
who don't farm many acres and depend
on the river for irrigating and water-
ing our livestock.

Sincerely Yours
Charles D. Richey

JAN 22, 1973

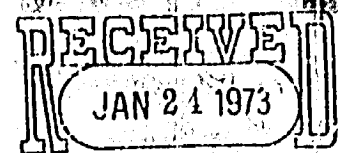
Dear Sirs:

In regard to the water permit of Hellmans on the K-ayapaha river. I don't think that amount of water is warranted for use especially in the summer time.

The river get pretty shallow at times during the summer when it gets extremely hot & windy.

Please consider this when issuing permits to irrigate.

Sincerely yours
Harry W Carlson
Colon, S. D.



STATE WATER RESOURCES COM. 1.
PIERRE, SOUTH DAKOTA



Department of Water & Natural Resources

Joo Foss Building
623 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1128-2

January 24, 1984

Charles Hellmann
Hillboro, South Dakota 57554

Dear Mr. Hellmann:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1128-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

September 4, 1984

SIXTH NOTICE
PERMIT No. 1128-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Charles Hollmann
Rt. 5, Box 84
Hillboro, South Dakota 57554

Dear Mr. Hollmann:

January 24, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 1128-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

SS08.WR

LICENSE FOR PERMIT NUMBER 1128-2

1. Legal location of wells: _____

Dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Cornell Motor a) make Deutz 6 cyl diesel

b) model _____ b) model no. FG413V

c) size 15" c) horsepower rating 150

d) capacity 1100 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines: _____

a) size of lines 8"

b) type Buried PVC

c) length 1400'

4. Dam Information: _____

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals: _____

1) size _____

2) type _____

3) length _____

5. System Type: a) sizeroll: _____

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

i) Outlet tubes: _____

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

b) towline: _____

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot
1) make Olsen
2) number of towers 11
3) distance between towers _____
4) overall length 1320
5) End gun (Y/N) Y Nelson
6) high or low pressure high
7) make & size of nozzles _____
8) PSI reading while system is running ≈ 70
9) GPM 1100

g) Gun
1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

d) Gate Pipe
1) length _____
2) diameter _____
3) spacing of gates _____

e) Siphons
1) number _____
2) size _____

f) Portable boom
1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

h) Hydromatic
1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capacity (GPM) _____

YES	NO	Check Items
<u>NA</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u>X</u>	___	2. Special Qualifications to permit being abided by.
<u>Y</u>	___	3. All Structures, wells and lands on map.

REMARKS:

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

I have this day made a thorough examination of the water use system constructed by Charles Hellmann

_____ of Millboro, SD holder of

Permit No. 1128-2, bearing the priority of November 10 1972 authorizing

the diversion of 4.2 cu. ft. per second of the waters of Keyapaha River

for Irrigation purposes, in Tripp County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Cornell centrifugal pump
15" Imp. dia.

Deutz 6 Cyl. diesel 150HP
model no. F6L 413V

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

1400' 8" Buried PVC pipe

C. Works used to apply water to beneficial use:

1/ tower Olson center pivot

The system is in the following condition: Good

The point of diversion is located 2630' E of 2630' N of SW corner 32-96-77
(NE 1/4 SW 1/4)

The works are capable of diverting and conveying to the piece of use 1.86 - 2.45

cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: 39 Ac. NE 1/4 SW 1/4,
29 Ac. NW 1/4 SW 1/4, 22 Ac. SW 1/4 SW 1/4, 26 Ac. SE 1/4 SW 1/4,
10 Ac. NW 1/4 SE 1/4, 9 Ac. SW 1/4 SE 1/4 all in
Section 32-96-77.

comprising a total of 130 acres of land and the license should be issued for 1.86 cts

Applicable permit qualifications have been complied with ~~X~~ Yes No

Exceptions to compliance are: _____ Date November 4, 1983

Timothy M. Lehaal
(signature)

State of South Dakota
Water License No. 1128-2

(1) Charles Hellmann
of Rt 5, Box 84, Hillboro SD 57554
made Application No. 1128-2, November 10, 1972 for a water permit to appropriate
4.20 cubic feet per second of water from the Keyapaha River
Tripp County, South Dakota for Irrigation purposes.
Permit No. 1128-2 with a priority date of November 10, 1972
was approved January 24, 1973 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before January 24, 1978 and for the application to beneficial use of said
water on or before January 24, 1982.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.86 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2630'E and 2630'N of the SW corner,
Section 32, T96N, R77W (CA)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 32,

T96N, R77W

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres (CA)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29 acres (CB)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 acres (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26 acres (CD)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres (DB)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres (DC)

TOTAL 130 acres

(4) Pursuant to § 46-5-30.1 Charles Hellman

of Rt 5, Box 84, Hillboro SD 57554

the holder(s) and or owner(s) of Water Permit No. 1128-2 is issued a license to appropriate water, the right to use

1.86 cubic feet per second of water from the Keyapaha River with a priority date

of November 10, 1972 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1128-2 and subject to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

September 20, 1984

RECEIPT

Division of Water Rights

No 4 9753

South Dakota Department of Water and Natural Resources

Pierre, September 20, 1994

RECEIVED OF Charles Hellmann, Rt 5, Box 84, Hillboro SD 57554
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1128-2 _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Priority Copy of Map _____		
Fee for Copying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (K)

No. 1120-2

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

September 24, 1984

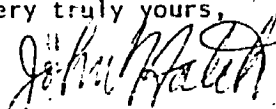
Charles Hellmann
Rt. 5, Box 84
Millboro SD 57554

Dear Mr. Hellmann:

Enclosed herewith is, Water License No. 1120-2. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT. 3. GREAT PLACES.

January 11, 1991

1128-2

NOTICE

TO: Charles Hellman
Rt. 5, Box 84
Millboro, SD 57554

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Amendment of Water Right No. 1128-2 Qualification Regarding
Cut Off Periods

Notice is given that the Water Management Board will consider deleting
and adding the following qualifications to Water Right No. 1128-2.

Qualification to be deleted:

This permit authorizes the diversion of water from the Keya Paha River for irrigation directly to the land until June 15 of each calendar year. After June 15 there shall be no diversion of water from the Keya Paha River under this permit unless written authorization is issued by the Water Resources Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by this commission or its representative.

Qualification to be added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

The hearing to consider amendment of Water Right No. 1128-2 to delete and add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The hearing is based on the review of Keya Paha River Water Permits/Rights and historic flow records of the Keya Paha River. The attached report summarizes the current water permits/rights on the Keya Paha River and contributing tributaries. Also enclosed is a notice of hearing that will be published in the Winner Advocate for two consecutive weeks. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party 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.

Attachment

1128-2

CERTIFICATION

I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right No. 1128-2 addressed as stated below.

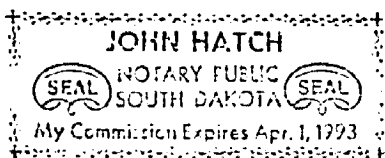
Charles Hellman, RR #5 Box 84, Millboro SD 57558

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 15th day of January, 1991.

John Hatch
Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

1128-2

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
TO AMEND WATER PERMITS AND WATER	)	CONCLUSION OF LAW
RIGHTS WHOSE WATER SOURCE IS THE	)	AND FINAL DECISION
KEYA PAHA RIVER, IN PARTICULAR,	)	
WATER PERMITS AND RIGHTS NOS. 281-2	)	
282-2 AND 710-2, CHARLES RICHEY;	)	
NO. 369-2, VICTOR WEICKUM; NO. 414-2	)	
H.W. CARLSON; NO. 465-2 LUCILE RICHEY;	)	
NOS. 835-3 AND 959-2 ALVA WILEY;	)	
NO. 1530-2, VERN KESZLER; NO. 879-2,	)	
RICHARD KIRSCH; NO. 931-2,, LLOYD	)	
BLOMSTROM NO. 1107-2, STANLEY HANSON;	)	
NO. 1108-2, GARRET SARGENT;	)	
NO. 1128-2, CHARLES HELLMANN; AND	)	
NO. 2122-2 RODNEY HOFELDT	)	



FINDINGS OF FACT

I

This is an application by the Chief Engineer to establish a more manageable "cutoff" system on the Keya Paha River.

II

The existing water permits and water rights on the Keya Paha River have various cutoff dates. The first three permits issued on the Keya Paha River have a 10 cfs bypass at the Wewela Gauging Station. Eight permits, issued in the 1950s and 1960s, do not have a specific low flow bypass or cutoff date, but do have a requirement to bypass water for downstream domestic use and prior water rights. Three permits, issued in the 1970's, have a June 15 cutoff date. The most recent permit granted in the Keya Paha system provides a May 20 cutoff date.

III

Keya Paha system includes not only diversions from the Keya Paha River itself, but from its tributaries.

IV

The Keya Paha River is a spring fed river.

V

The Wewela Gaging Station is located at a point downstream of most of the water permits at issue. Statistics developed at the Wewela Gaging Station demonstrate that for the past thirty-nine years there were at least 10 cfs water at Wewela 90% of the time during the driest months of July, August and September. The same gaging station statistics indicate that there was a 70% chance that there would be at least 20 cfs of water at Wewela during the driest months of August and September.

VI

That Wewela Gaging Station thus reflects the situation which has existed given actual diversions. The Wewela station statistics do not reflect, however, the withdrawals of the latest appropriator whose Water Permit Application No. 2122-2 was approved May 23, 1990. That permit was for 4.57 cfs of water from a dug out located on a spring fed draw and supplemental water from Lost Creek, a tributary of the Keya Paha River. That permit has a May 20 cutoff for the portion of the diversion from Lost Creek.

VII

At least one domestic user downstream of the Wewela Gaging Station has testified that even when there are 18 cfs of water in the stream, there is insufficient water for his livestock. His cattle are located several miles below Wewela.

VIII

The Board finds that a 10 cfs bypass at Wewela is insufficient to provide reasonable protection to downstream domestic use, including livestock watering and prior water rights. The Board finds, furthermore, that reasonable protection is provided, on the basis of data now available, by a 15 cfs bypass requirement.

IX

The Board of Water Management has jurisdiction to impose amendments on existing permits to protect downstream domestic use, including livestock watering and to protect prior water rights. Such amendments are justified by the Water Management Board's statutory authority and duty to protect such prior rights.

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 15 cfs bypass requirement, senior appropriators will be

allowed by the Chief Engineer to irrigate beyond the cutoff date before junior appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Board has general authority to amend existing water permits pursuant to SDCL 46-2A-12.
3. The amendment set out in the Final Decision does not unlawfully impair existing rights. This is so because the existing rights are all subject to downstream domestic use including livestock watering and, of course, prior water rights. Moreover, even when the flow is 15 cfs or less, any appropriator may receive written permission from the Chief Engineer to appropriate water and such permission shall be granted, insofar as reasonably possible under the circumstances, first to senior appropriators and then to later appropriators.
4. The cutoff requirement set out in the Final Decision provides reasonable direction to the Chief Engineer in his management of the Keya Paha system. The proposed amendment to the permits is for beneficial purposes and is in the public interest.
5. The Board has jurisdiction to provide for a 15 cfs bypass requirement despite the fact that the advertisement provided for a 10 cfs requirement. The Chief Engineer's recommendation, as advertised and served upon the present water right holders, authorized the Board to approve the recommendation with "additional qualifications. . . ."

This language vests the Board with the power to make reasonable modifications in the recommendation.

6. The Department of Game, Fish and Parks requested a 16 cfs bypass for fish and wildlife purposes. The Board, having determined to adopt a 15 cfs requirement, concludes that it is unnecessary to consider whether it is appropriate or lawful to impose new bypass requirements on existing permits for fish and wildlife purposes and therefore declines to act upon the GF&P suggestion.

FINAL DECISION

Each of the rights and permits identified in the caption of this proceeding is herewith amended to remove any previous cutoff dates and bypass requirements and the following qualification is hereby added to each of the above-identified water rights and water permits.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the chief engineer. Diversions under this permit shall be in accordance with any written orders issued by the chief engineer.

BY THE BOARD

Chairman
Water Management Board

m-pld51.jpg

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 1991

NOTICE

11282

Charles Hellman
Rt 5, Box 84
Millboro SD 57554

Dear Mr. Hellman

This letter is in response to action taken by the Water Management Board to amend Water Right No. 1128-2. The Board amended Water Right No. 1128-2 by deleting and adding the qualifications on the enclosed "Attachment" which should be placed with the water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

ATTACHMENT TO WATER RIGHT NO. 1128-2

CHARLES HELLMAN

The Water Management Board amended Water Right No. 1128-2 at the February 27, 1991 Board meeting to delete and add the following qualifications:

Qualification deleted:

This permit authorizes the diversion of water from the Keya Paha River for irrigation directly to the land until June 15 of each calendar year. After June 15 there shall be no diversion of water from the Keya Paha River under this permit unless written authorization is issued by the Water Resources Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by this commission or its representative.

Qualification added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

1128-2-

CERTIFICATION

I hereby certify that on June 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board to amend Water Right No. 1128-2 addressed as stated below:

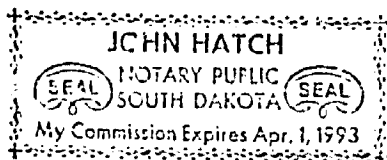
Charles Hellman, Rt 5, Box 84, Millboro, SD 57554.

Henry F Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of June, 1991.



John H. H. H.
Notary Public



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

August 29, 1991

NOTICE

PERMIT NO(S). 1128-2

TO: Charles Hellman
RR 5, Box 84
Millboro, SD* 57554

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Shutoff Order for Water Diversions from the
Keyapaha River.

The flows in the Keyapaha River are below 15 cubic feet
per second (cfs) at the Wewela gaging station. Therefore,
to protect domestic use (livestock watering), effective
immediately, no pumping of water is authorized from the
Keyapaha River or contributing tributaries until January
1, 1992 or until further notice.

The following is the latest flow (cfs) information on the
river:

GAGE	3/27/91	3/28/91	3/29/91
Wewela	15.9	13.5	12.6

If you have any questions, please contact Tim Schaal or
Del Brosz, Division of Water Rights, Joe Foss Building,
Pierre, SD 57501, phone (605) 773-3352.

1128-2

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Diversions from the Keyapaha River addressed as stated below:

Garnet Sargent, RR, Clearfield, SD 57581

Rodney Hofeldt, RR 5, Box 89, Millboro, SD 57554

Stanley Hanson, RR 5, Box 63, Millboro, SD 57554

Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.

Vern Keszler, HC 88, Box 12, Clearfield, SD 57581.

~~Dale Heese, SR Box 36, Millboro, SD 57554.~~

Charles Hellman, RR 5, Box 84, Millboro, SD 57554.

Alva Wily, SR 10, Box 34, Millboro, SD 57554.

Richard Kirsch, HC 80, Box 49, Springview, NE 68778.

Charles Richey, HC 88, Box 47, Wewela, SD 57578.

Lucile Richey, RR 10, Box 46, Wewela, SD 57578.

Victor Weickum, Wewela, SD 57578.

H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

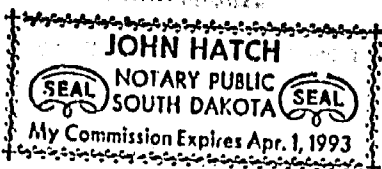
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 30th day of August, 1991.

John Hatch
Notary Public



South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 1991

NOTICE

PERMIT NO. 1128-2

TO: Charles Hellman
RR 5, Box 84
Millboro, SD 57554

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Authorization for additional diversion from the Keyapaha River and contributing tributaries.

Since our August 29, 1991 Shutoff Order, the flows of the Keyapaha River at the Wewela gaging station have increased to above 15 cfs. This NOTICE will serve as written authorization for you to continue diverting from the Keyapaha River or contributing tributaries.

It is our understanding that you would like to continue irrigating for a period of 4 or 5 days. You will need to monitor the flows in the Keyapaha River to insure flows for downstream domestic use.

If you have any questions, please contact Tim Schaal or Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

1128-2

CERTIFICATION

I hereby certify that on September 10, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Authorization for additional diversion from the Keyapaha River and contributing tributaries addressed as stated below:

Charles Hellman, RR 5, Box 84, Millboro, SD 57554.

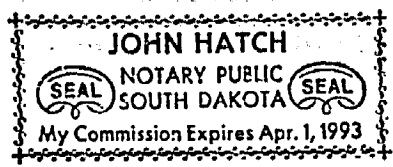
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 17th day of September, 1991.

John Hatch
Notary Public



**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 30, 1989

Charles Hellmann
Route 5, Box 84
Millboro SD 57554

Dear Mr. Hellmann:

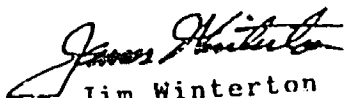
This letter is in response to a phone call informing us that you have been diverting water from the Keyapaha River for irrigation purposes. Water Right No. 1128-2 authorizes irrigation of 130 acres from the Keyapaha River and was approved with the following qualification:

This permit authorizes the diversion of water from the Keyapaha River for irrigation directly to the land until June 15 of each calendar year. After June 15 there shall be no diversion of water from the Keyapaha River under this permit unless written authorization is issued by the Water Resources Commission or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

Diversion of water after June 15th without written authorization is a violation of the above qualification on Water Right No. 1128-2. Violation of a water right qualification may be subject to a \$500.00 fine per each day of violation and/or suspension of the water right by the Water Management Board pursuant to SDCL 46-1-11 and 46-1-12. If you have been diverting water, please stop any further diversions for the remainder of this irrigation season unless you receive written permission from the Division of Water Rights.

Please contact me if you have any questions.

Sincerely,



Jim Winterton
Natural Resources Engineer
605 773-3352



Telephone 557-3377

1128-2

Charles Hellmann

July 1st 1989

Dear Sir:

In regard to irrigation permit 1128-2
I would like an extension as I
believe there is adequate water in
the river for this purpose during
this dry stress period.

Yours Truly

Charles Hellmann

JH

I will shut it off if anyone complains
about not having water for live stock.

S 11 1/4 32-96-72

on one mile north of Millboro

S K

Conversation or File Documentation

NAME OF PERSON OR FILE: Charles HellmanADDRESS: Route 5, Box 84, Millboro COUNTY _____DATE: Nov. 7, 1989 TELEPHONE _____

RE: _____

COMMENTS:

Del, I allowed him to pump during 1989 because the flows were sufficient to meet his needs as well as downstream domestic uses. We received no complaints from downstream water rights. There was a complaint from a domestic user immediately downstream, but checking the gaging station flows with the USGS - the complaint was unfounded because there was more than adequate flows for this downstream domestic user. Ron Duval knows about this.

A letter should be sent to Hellman that if he continues to pump beyond the shut off date of his permit that he needs to contact us first. Or he should pursue an amendment to his permit deleting the June 15th cutoff and requiring only the low flow bypass qualification. In reviewing the flow records, I believe the June 15th cutoff may not be needed.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: James E. Hinton

Conversation or File Documentation

NAME OF PERSON OR FILE: Charles Hellman
ADDRESS: Rt. 5 Box 84, Millrose, SD COUNTY: Tripp
DATE: July 31, 1990 TELEPHONE: _____
RE: _____

COMMENTS:

On July 27, 1990, I met with Charles Hellman to
discuss his Water Right on the Keyapaha River.
Talked to him about Jim Winstar's November 7, 1989
memo and Mr. Hellman's pumping after the June 15
cutoff date. Mr. Hellman was also irrigating this
year after the cutoff date, Mr. ^{Hellman} said he knew there
was enough flow. Told him he should still check
with us. Also told him we may be looking at
removing the cutoff date. He thought that would
be a good idea.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



1128-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: CHARLES HELLMAN, HCR 88 BOX 84, MILLBORO, SD 57554

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1128-2 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 27, 2004, 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.



1128-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8459

Your item was delivered at 2:18 pm on January 15, 2004 in WINNER, SD 57580. The item was signed for by B HELLMANN.

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SIGNATURE CONFIRMATION NUMBER:
545 5758 0000 046E 10E2

CHARLES HELLMAN
HCR 88 BOX 84
MILLBORO SD 57554

Waiver of Signature ☐ YES ☐ NO

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mailing.

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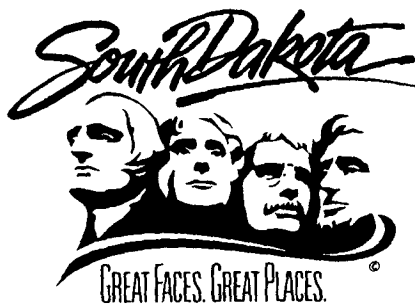
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PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2004

1128-2

Charles Hellman
29694 312th Ave
Winner SD 57580

Dear Mr. Hellman:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 1128-2.

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

I do have a couple questions for you on the days and hours your system was running last year. I am enclosing a copy of your questionnaire and have highlighted the areas needing completion. Please write in the number of days and hours on the form and return it to me in the enclosed envelope.

Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2004

1128-2

Charles Hellman
29694 312th Ave
Winner SD 57580

Dear Mr. Hellman:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire for Water Right No. 1128-2. In order for the form to be considered complete, the back side needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day that the system was running. The information is important to us in calculating how much water was used from a specific source.

Please complete the form and return it to us by **December 3rd**. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

enclosures



1128-2
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 20, 2005

NOTICE

TO: CHARLES HELLMAN, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1128-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1128-2 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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



1128-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1527

Your item was delivered at 2:09 pm on January 29, 2005 in WINNER, SD 57580. The item was signed for by C HELLMANN.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1527

CHARLES HELLMAN
29694 312th AVE
WINNER SD 57580

Waiver of Signature ☐ YES ☐ NO

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(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

February 3, 2005

1128-2

Charles Hellman
29694 312th Ave
Winner SD 57580

Dear Mr. Hellman:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1128-2.

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

(219-R)

32

83 83

106.5

23

32

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11.2

24.4
24.4

27.7
27.7

27.7

96.77

97.8 (219-R)

~~W/R # 984-2~~

W/R # 1128-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1128-2 2581-2

To: CHARLES HELLMAN
29694 312th AVE
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 1128-2 2581-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 17, 2006, the stream flow at the Wewela gage dropped to 14-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



January 26, 2007

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CHARLES HELLMANN, 29694 312th AVE, WINNER, SD 57580
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1128-2 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) 2581-2 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2581-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1128-2 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 questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



1128-2

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 27, 2007

1128-2
2581-2

Charles Hellman
29694 312th Ave
Winner SD 57580

Dear Mr. Hellman:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1128-2 and Water Permit No. 2581-2.

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

If you have any questions, please contact me.

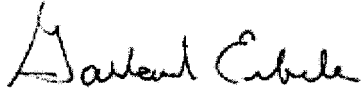
Sincerely,

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

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1128-2/2581-2

To: CHARLES HELLMAN
29694 312th AVE
WINNER, SD 57580



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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 1128-2 2581-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 16, 2006, the stream flow at the Wewela gage dropped to 13-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



1128-2

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 18, 2008

NOTICE

TO: CHARLES HELLMANN, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1128-2 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) 2581-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2581-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1128-2 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 questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

1128-2

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 4766

Status: **Delivered**

Your item was delivered at 1:21 PM on January 22, 2008 in WINNER, SD 57580. The item was signed for by C HELLMANN.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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No FEAR Act EEO Data

FOIA

Ask a Question
or Contact UsIntroduction
to the new site

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4766

CHARLES HELLMANN
29694 312th AVE
WINNER SD 57580

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

☐ Priority Mail™ Service
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☐ Package Services parcel



**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 31, 2008

1128-2
2581-2

Joe Anderson, Mgr
31150 296th St
Winner SD 57580

Dear Mr. Anderson:

I am writing to acknowledge receipt of the 2007 irrigation questionnaires for Charles Hellman. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit and Right Nos. 1128-2 and 2581-2.

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

As you requested, future correspondence concerning the irrigation questionnaires will be directed to your attention. If you have any questions, please contact me.

Sincerely,

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



February 22, 2008

1128-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

CHARLES HELLMAN
29694 312th AVE
WINNER, SD 57580

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 3, 2012

1128-2
2581-2

Joe Anderson
31150 296th St
Winner SD 57580

Dear Mr. Anderson:

I am writing in regard to Water Right No. 1128-2 and Water Permit No. 2581-2 listed in the name of Charles Hellman. Enclosed are copies of both.

Water Right No. 1128-2 should be transferred to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I note from the 2011 irrigation questionnaire you submitted that the irrigation system authorized under No. 2581-2 has not been constructed. The time frame for completion of works as specified on the permit lapsed May 3, 2011. If nothing has been constructed, the permit becomes subject to cancellation and therefore filing an ownership change will not be needed. If our records are in error and something has been constructed, please let me know.

If you have any questions concerning the enclosed information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: JOE ANDERSON
OPERATOR
29694 312th AVE
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 1128-1 2581-2

This is a **reminder** to water right holders along the Keya Paha River and its tributaries that the dry weather and low flows create a potential for shutoff orders to be issued. A qualification on your water right states that diversions are not authorized when the stream flow is 15 cfs or less at the USGS Wewela, SD gaging station. This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

Currently the stream flow at the Wewela gage is at 21 cfs. Only when flow in the Keya Paha River is greater than 15 cfs at the USGS Wewela, SD gage, are you authorized to divert water. This is **not** a shut-off order. However, if flows continue to drop, a shut-off order may be issued.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 153 stream gauging stations across the state including two gaging stations on the Keya Paha River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

If you have any questions, please feel free to contact Mark Rath or Lynn Beck at (605) 773-3352.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: JOE ANDERSON
OPERATOR
29694 312th AVE
WINNER SD 57580

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Keya Paha River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1128-2 2581-2

The flows in the Keya Paha River are below 15 cubic feet per second (cfs) at the USGS gaging station at Wewela, SD. Therefore to protect domestic use which includes livestock watering, the department is issuing shutoff orders for the Keya Paha River from the Todd-Tripp county line to the South Dakota-Nebraska border. Effective immediately, no diversions of water from the Keya Paha River is authorized under your Keya Paha River water rights.

Flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve.

If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 17, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 17, 2012 regarding shutoff order for Keya Paha River addressed as stated below:

PERMIT NO	PNO2	FIRST NAME	LAST NAME	CONTACT	TOWN	ADDRESS2	CITY	STATE	ZIP
1107-2		ROBERT/KIMBERLY	HANSON			29445 303 AVE	WINNER	SD	57580
2141-2		CORY C	SARGENT			29461 304th AVE	WINNER	SD	57580
1128-2	2581-2	JOE	ANDERSON	OPERATOR		29694 312th AVE	WINNER	SD	57580
414-2		H W OR BRAD	CARLSON			29716 315TH AVE	COLOME	SD	57528
835-2	959-2	ALVA LEE	WILEY			31450 301 ST	WINNER	SD	57580
710-2		JIM	RICHEY			30099 318TH AVE	WEWELA	SD	57580
465-2		E LUCILE	RICHEY			31856 RICHEY RD	WEWELA	SD	57578
369-2			HARTLAND FARMS INC	CORWIN HARTHOORN		88809 429TH AVE	AINSWORTH	NE	69212
931-2		VERNON & JEAN	VAN EPPS			93925 908TH RD	SPRINGVIEW	NE	68778
879-2		JEFF	KIRSCH			44326 905th RD	SPRINGVIEW	NE	68778

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

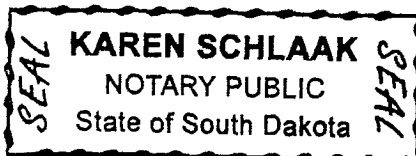
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 17th day of July, 20 12.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 3, 2012

1128-2

Joe Anderson
31150 296th St
Winner SD 57580

Dear Mr. Anderson:

I am writing in regard to Water Right No. 1128-2 listed in the name of Charles Hellman (copy enclosed). In April, 2012 we contacted you regarding the change of ownership for this water right and to date have not received anything back from you.

Water Right No. 1128-2 needs to be transferred to reflect current ownership. Under South Dakota Water Law 46-5-30.3, notice of any sale, grant, lease, conveyance, or other transfer of an application, permit, or license to appropriate water under the provisions of this title shall be filed with the chief engineer within ninety days.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please complete and sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures

RECEIVED

AUG - 9 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1128-2

Date: _____

I/We request that Water Right No. 1128-2

formerly owned by: Charles Hellman

be transferred to: (name & address) Hellman Quiet Creek Ranch LLC % Joe Anderson

29694 312th Ave, Winner SD 57580

Telephone No. _____

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

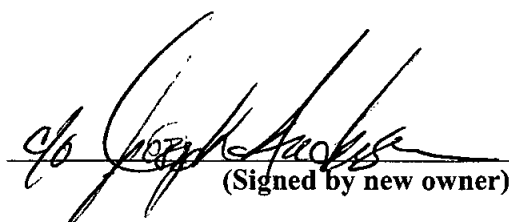
130 acres - SW ¼ and W ½ SE ¼ Section 32, T96N, R77W

I/We understand that the validity of Water Right No. 1128-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Hellman Quiet Creek Ranch LLC the new owner, certify that the above information is true and correct.


(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.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 8/9, 20 13

RECEIVED OF Hellmann Quiet Creek Ranch LLC Joe Anderson 29694 312th Ave Winner SD 57580

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	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. _____		
Fee for Filing Transfer Form <u>1128-2</u>		
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	50	00

No. **06402**

By *Jeanne Goodman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2013

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Mr. Anderson:

Thank you for submitting the ownership change for Water Right No. 1128-2. The transfer has been completed.

Water Right No. 1128-2 formerly listed in the name of Charles Hellmann is now listed in the name of "Hellmann Quiet Creek Ranch LLC".

Enclosed for your records is Receipt No. 06402 in the amount of \$50. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



1128-2
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: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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 No(s) 1128-2 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.

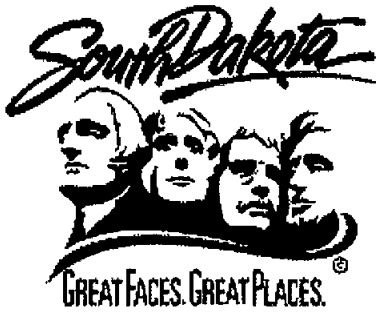
The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following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

1. Amend Permit No(s) 1128-2 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

March 3, 2015

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1128-2. 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



1128-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1128-2 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

1128-2

Hellmann Quiet Creek Ranch LLC
c/o Joe Anderson
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1128-2. 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



1128-2
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: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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) 1128-2 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) 1128-2 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.



1128-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 2, 2017

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 1128-2. 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



1128-2
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 26, 2018

NOTICE

TO: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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 7, 2018 at 10:00 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) 1128-2 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 7, 2018** 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2018

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 1128-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive.

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



1128-2
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 25, 2019

NOTICE

TO: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1128-2 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 6, 2019** 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.

1128-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2019

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1128-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1128-2
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 23, 2020

NOTICE

TO: HELLMANN QUIET CREEK RANCH LLC, JOE ANDERSON, 29694 312th AVE, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

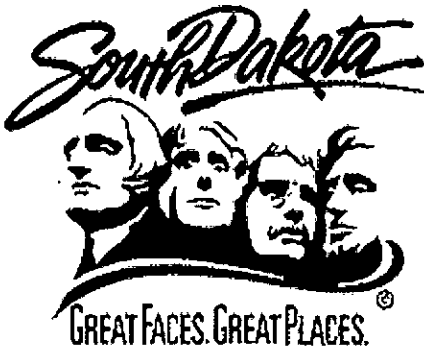
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1128-2 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: ZJWSAB**

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.



1128-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2020

1128-2

Joe Anderson
Hellmann Quiet Creek Ranch LLC
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 1128-2. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2022

HELLMANN QUIET CREEK RANCH LLC
29694 312TH AVE
WINNER, SD 57580

Dear Keya Paha River Water Right Holder:

I am writing to remind Keya Paha River water right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 – Keya Paha River near Wewala, SD to insure flows for domestic use and prior existing water rights.

Recently, river flows measured at **USGS Gage No. 06464500 – Keya Paha River near Wewala, SD** have been nearing the 15 cfs cutoff and when it does, diversion of water for irrigation purposes shall cease. This 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Mark Rath, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

1128-2

Hellmann Quite Creek Ranch LLC
c/o Joe Anderson
29694 312th Ave
Winner SD 57580

Dear Mr. Anderson:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Right No. 1128-2, authorizing diversion of 1.86 cubic feet of water per second (approx. 835 gpm) from the Keyapaha River for irrigation of 130 acres located in the SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32-T96N-R77W.

On this year's report, and all previous reports dating back to 2013 when the property was last irrigated, the selection of "System Not Constructed" has been made. Pursuant to SDCL 46-5-37, water appropriated under a permit/right that is not placed to beneficial use for a period of three (3) or more years, is subject to cancellation for abandonment, or forfeiture, or both.

Please contact me to discuss cancellation of Water Right No. 1128-2.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

August 7, 2026
HELLMAN QUIET CREEK RANCH LLC
C/O JOE ANDERSON
29694 312th AVE
WINNER, SD 57580

Permit No. 1128-2

Dear Appropriators:

I am writing to remind Keya Paha River Water Right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 - Keya Paha River near Wewala, SD to ensure flows for domestic use and prior existing water rights.

Recently, river flows measured at USGS Gage No. 06464500 – Keya Paha River near Wewala, SD have been as low as 25 cfs. If flows decrease to 15 cfs, diversion of water for irrigation purposes are required to cease. The 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office). We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program