

WP
10/20/80

Water Right No. 1737-2

1. Considered 1-28 19 81
2. Name of Applicant H. Mac Ward - Black Hills Nursery
3. Post Office Address R.R. 1, Box 242, Rapid City 57701
4. Amount of Water Claimed .02 (11 GPM)
5. Source of Water Supply Well and infiltration gallery in water bearing gravel
6. Water to be used for Commercial - greenhouse and garden center
7. Acres to be irrigated --- maximum --- acre feet ---
8. Water to be diverted and used in Pennington County
about: 10 miles WEST of RAPID CITY
9. PROOF OF PUBLICATION Received (X) 1-5-81
Not Received ---
APPLICATION Approved 1/29/81
Subject to OK
Not Approved ---
Action deferred ---

Priority Date
Received 12/3/80 Application Complete yes --- no --- FEE ---

12/3/80

12-11-61

Priority on

1737-2

Remarks Need fee, log, report of uses Mr. Mernaugh (and map) has this as it
as been inspected by out of office
water us used basically in the greenhouse 1737-2

Product on hand 11/12-2

Date information and/or 1/29/81

fee or corrected Application received ---

Period of Annual use Continuously

WATER
QUALITY
n/a

Received yes --- no --- APPROVED/CONDITIONAL (Circle one)

Well Description same as application yes --- no --- Remarks ---

Disapproved ---

Returned ---

Diversion Point ---

SUN¹ NW¹ Sec. 9-T1N-R6E

Lands to be irrigated ---

WELL
LOG

Remarks Infiltration gallery in water bearing gravel by Rapid Creek

Driller --- Licensed yes --- no ---

Depth ---

MAP Map No. 637-2 Map located in Water Right #732-2 Map file _____
Type of Map Drawn Prepared by P.E.

+++++

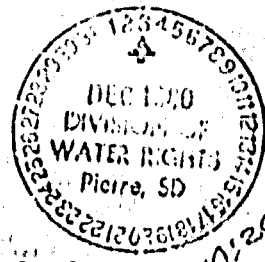
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-28-81.
B. J. McLaughlin
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. _____
Remarks _____

Map No. 637-2 Water Division No. 2 Above for Office Use 1012010



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant H. Mac Ward d/b/a Black Hills Nursery Phone No. 342-7895 - Home
342-3175 - Bus.
 Post Office Address RR 1 Box 242, Rapid City State South Dakota 57701
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation December 1, 1976, Pennington County, SD

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

3. Name of diversion work Greenhouses and garden center

4. Amount of water claimed (cubic feet per second) .02 (11 GPM)

5. Source of water supply Well and infiltration gallery in water bearing gravel.

6. Location of point of diversion 732-2 Diversion No. 2
Lot A of Ft. Meade Placer M.S. 244, NW 1/4 of Section 9, Township 1 North, Range 6 East of the Black Hills Meridian County of Pennington

7. Annual period or periods during which water is to be used continuously throughout entire year, each year

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Commercial

9. For irrigation use, _____ Total number of acres to be irrigated n/a

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.
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system -0- years. Additional time required to complete application of water to the proposed beneficial use -0- years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Rapid City Journal

12. Principal Features of the Proposed Water Supply System. - Intend to use existing water supply system owned by C & J Sanders, Inc.

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

n/a

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

n/a

C. Works proposed to apply water to beneficial use.

n/a

Estimated Total Cost \$ n/a

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)

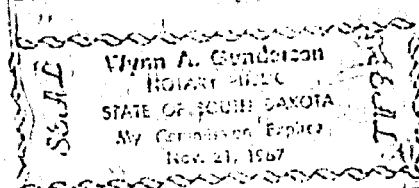
County of Pennington) ss.

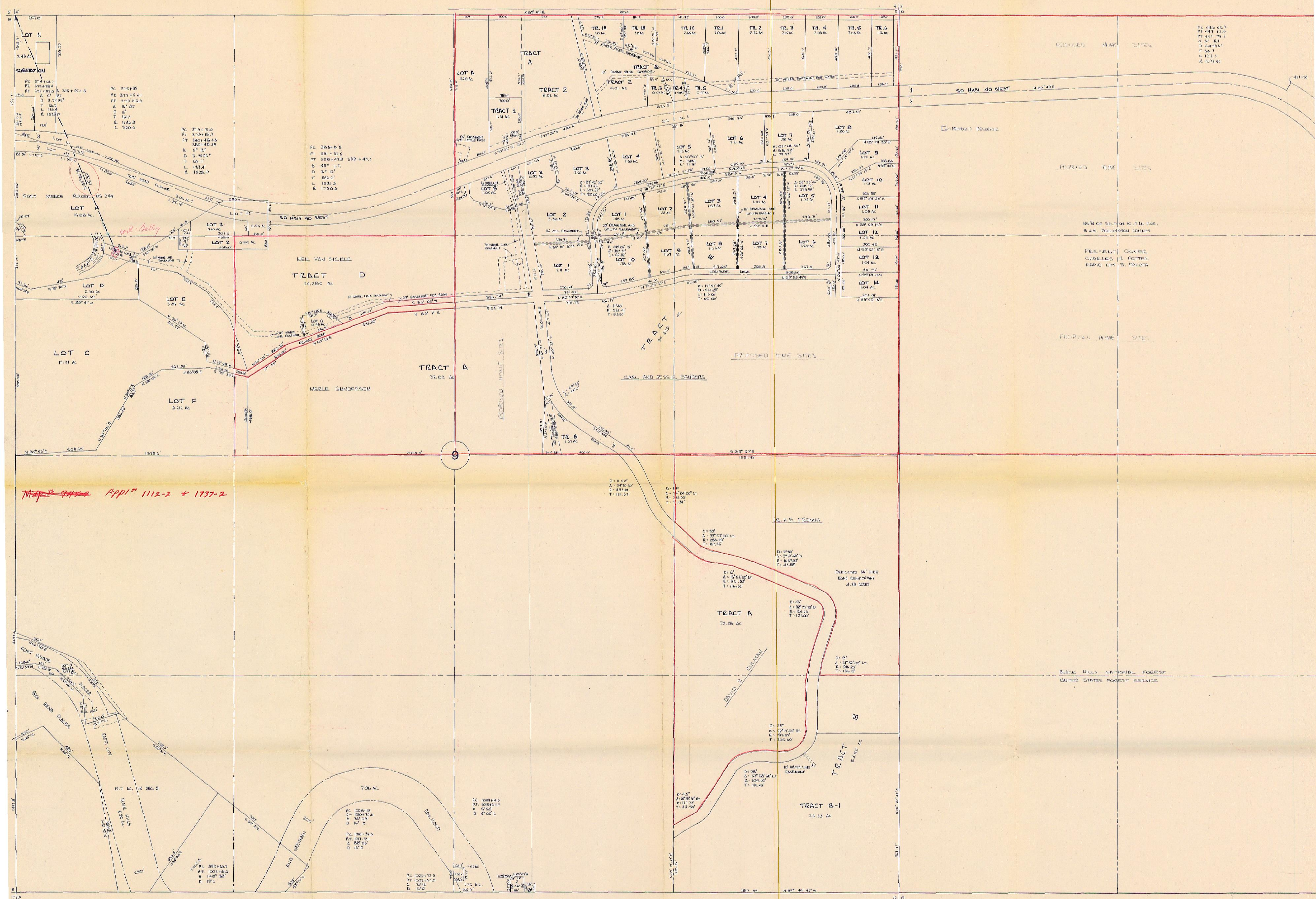
I, H. Mac Ward d/b/a Black Hills Nursery the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed H. Mac Ward

Subscribed and sworn to before me this 28th day of November, 1980

Wynn A. Genderson
 Notary Public (or other qualified officer)





Map # 9445-2 Appd # 1112-2 + 1737-2

THIS PLAN REPRESENTS A TRACING OF THE ORIGINAL PLAT BLUEPRINTS. DIMENSIONS AND DIRECTIONS (METES AND BOUNDS) OF EACH LINE WERE TRACED AS SHOWN. FOR EXACT PLAT INFORMATION REFER TO ORIGINAL DOCUMENTS AS RECORDED.



PHIL A. NICHOLS
consulting engineer

post office box 1411
rapid city, south dak.

REVISED JUNE 2, 1972

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1737-2
H. Mac Ward - Black Hills Nursery R.R. #1, Box 242, Rapid City
(Applicant) (Post Office Address)
South Dakota 57701 With the following qualification:
(State)

The priority date for this Water Right is established under Water Right No. 732-2.

Date of first receipt of application December 3, 1980
 Date of return to applicant for correction, amendments or changes required December 9, 1980
 Date of receipt of corrected application December 15, 1980
 Approved January 29, 1981, Recorded in Book 21 Page 331

WATER RIGHT PERMIT NO. 1737-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1737-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 11, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 1981
3. The whole of said work is to be completed on or before 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is Completed 1981
5. The water appropriated shall be used for the purpose of Commercial use - greenhouse and garden center
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 .02 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 irrigation purposes said appropriation must be limited to not more than 2 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 commercial purposes
 for irrigation on or before this date, 1981; said water to be used during the following described annual period: continuously

Witness my hand this 4th day of February, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights
 JOHN HATCH

Certificate of Construction Issued February 4, 1981

Water License Issued February 4, 1981

Permit No. 1737-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That H. Mac Ward - Black Hills Nursery

the holder of

Permit No. 1737-2, issued upon Application No. 1737-2, bearing date of priority of December 11, 1961

authorizing the diversion of .02 cu. ft. per second of the waters of groundwater (one well) County of Pennington, State of South Dakota at a point south 24° 20' east, 1530 ft. from the NW Corner of Section 9 - T1N - R6E

for commercial

purposes, has ye complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .02 cu. ft. per second of water.

Date February 2, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1737-2

(1) WHEREAS, On the 3rd day of December A. D. 1980
H. Mac Hard, Black Hills Nursery

made Water Right Application No. 1737-2 for a permit to use .02 cubic feet per second of the waters
 of groundwater

County of Pennington State of South Dakota, for irrigation
 purposes and

(2) WHEREAS, On the 29th day of January A. D. 1981

Permit No. 1737-2 with a date of priority of December 11, 1961*

was issued to said applicant for the diversion of said water, and ^{recognizing} ~~xxxxxxx~~ the completion of construction of the water
 supply system therein described ~~xx~~ and for the
 application to beneficial use of said water ~~xx~~

and

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert .02 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

water to be used for commercial purposes.

* The priority date for this Water License is established under Water License No. 732-2.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to H. Mac Ward, Black Hills Nursery

of Rapid City, SD
the holder _____ and owner _____ of said permit No. 1737-2 a water right, dating from December 11, 1961
to use of .02 cubic feet per second of the waters
of groundwater (one well)

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point south 24° 20' east, 1530 ft. from the NW Corner
of Section 9 - T1N - R6E

and conducted XXXXXXXXXXXX thru the Nursery's distribution system.
XXXXXXXXXXXX

for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1737-2 and subject to the laws of the State of South Dakota.

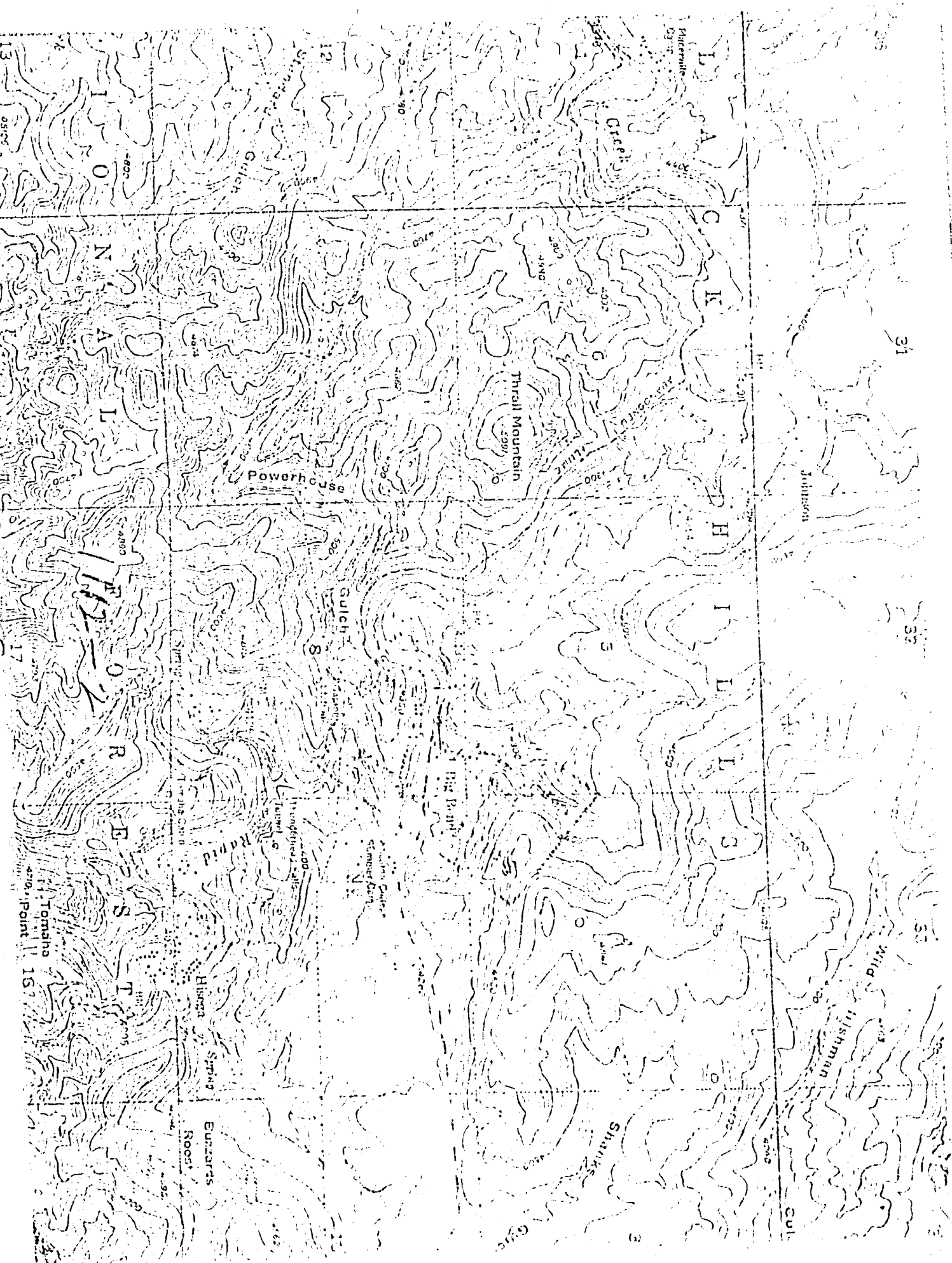
WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of February A.D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH



RECEIPT
WATER RIGHTS COMMISSION

State of South Dakota

No 4 7820

December 15, 1980

PIERRE,

RECEIVED OF H. MacHard, Black Hills Nursery, Rt. 1, Box 242, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1737-2 (examination,
processing, recording and filing) 150.00

Fee for inspecting Construction, and issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and issuing Water License No.

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for (any other work as provided by law)

TOTAL

150.00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH

No. 1737-2

Publish first publication, on or before December 26, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 16, 1980

Notice is hereby given that H. Mac Ward - Black Hills Nursery whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .02 cubic feet of water per second of time from groundwater ~~(one existing well)~~ through the Greenhouse & garden center, the point ~~(XX)~~ of diversion of which is ~~(XXX)~~ to be located in the SW 1/4 NW 1/4

of Section 9, Twp. 1 N, Range 6 E. Said water to be used for the purpose of providing ~~irrigation on portions of the following described land:~~

water supplies for commercial use.

This Application No. 1737-2 will be considered by the Water Management Board at the Kneip Building, Meeting Room #1 Illinois & Church Street, Pierre, SD upon the 26th day of January 1981

at 10 A .M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: H. Mac Ward
Black Hills Nursery
RR #1, Box 242
Rapid City, SD 57701

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss

I, Mary K. Garness hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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 Rapid City
County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates.

December 26, 1980

January 2, 1981

Mary K. Garness
(Signature)

Bookkeeper, Rapid City Journal
(Title)

January 2, 1981
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

No. 17372
Pierre, South Dakota 57501
December 16, 1980
Notice is hereby given that H. Mac
Ward - Black Hills Nursery whose post
office address is Rapid City, South
Dakota, has made an application in ac-
cordance with the provisions of SDCL 46-
11 thru 46-12; 46-14; 46-25 thru 46-27;
46-33; 46-51 thru 46-56; 46-510 thru 46-
521; 46-541; 46-63; 46-63.1; 46-65; 46-6-
61; 46-610; 46-614 and Board Rules
ARSD 32.01:01:01 thru 32.01:01:13, for a
permit to appropriate for beneficial use
02 cubic feet of water per second of time
from groundwater (one existing well)
through the Greenhouse & garden center,
the point of diversion of which is to be
located in the SW 1/4 NW 1/4 of Section 9,
Twp. 13N, Range 6E. Said water to be used
for the purpose of providing water sup-
plies for commercial use.

This Application No. 17372 will be con-
sidered by the Water Management Board
at the Knapp Building, Meeting Room No.
1, Illinois & Church Street, Pierre, SD
upon the 22nd day of January 1981 at 10
A.M. The Board is authorized to make a
determination on this application at the
hearing. All interested persons may ap-
pear and be heard. Any person who may
be affected by a Board decision who
desires to present evidence or cross-
examine witnesses according to SDCL 1-
28 may notify the Board in writing prior
to the hearing or orally at the hearing.

This hearing is an adversary pro-
ceeding. Any person 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 at
the hearing. Decisions of the Board may
be appealed to the Court as provided by
law.

Any handicapped person wishing to at-
tend this hearing can contact the Water
Rights Division, DWR, Joe Foss
Building, Pierre, SD, prior to the hearing
date for assistance to assure access to the
hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist
WRN 601A / 79 Notice of Intent to Ap-
propriate Water
GROUNDWATER



213-342-1078

Oct 30
1980
Merrill

H. Green, Portland.
Called about the 11/12/80. He said I might
want to pump out the water from the
sewer pump & make the water for the
house for use in the garden.
Heindman said that they pumped for cutting the plants etc
and not irrigation. He said that his family owned the
masonry and sold it about 5 yrs ago. They used the water
from C.T. Sanders well under permit #732-2 which was
commercial. Also C.T. Sanders has permit #1112-1.
He thought that the masonry should be covered under
#732-2.

I told Green that I would get back to him.
His phone is 342-1078.
Address is 2820 W Main. 57101 Heindman & Palmer.

He said I would be able to pump out the water from the
sewer pump & make the water for the house for use in the garden.
732-2 1112-1

10-30-80

I reviewed the above correspondence with Herb Green and found
that we could go ahead and use the commercial aspect of permit #732-2
for simply with the water house.

Herb said we should combine the two permits 732-2
and 1112-2, and leave it for 3719 pm under 1112-2 with
the #732-2 priority date.
(over)

11-3-80

I called Henderson's office Henderson was not there but told
the history that the Black Belt History had not been as
a permit as Bond # 732-2. Mentions communication and
it is from the same well before the history had not submitted
the application.

Permit No. 1737-2Water Division 2 Upper Cheyenne Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by H. Mac Ward
Black Hills Nursery of Rt #1, Box 242, Rapid City, S.Dak 57701 holder
 of Permit No. 1737-2, bearing date of priority of December 11, 1961
 authorizing the diversion of .02 cu. ft. per second of the waters of one well
 for Commercial purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor - Lincoln 1.0 H.P. Westinghouse
 Pump - Demming Double Acting 2 cylinder pump
 Pumps - 11 gpm

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

underground pipe to Nursery, ~~220~~

C. Works used to apply water to beneficial use.

Nursery, Green house & Garden Center

The system is in the following condition: GoodThe point of diversion is located South 24°20' East 1530 ft from the
NW Corner of Section 9, T1N R6EThe works are capable of diverting and conveying to the place of use .02
 cu. ft. per second of water which is to be used for Commercial Purposes

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

license for .02 cfs

Date June 13, 1980
DeRoy J. Merrough
 (Signature)

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7980

PIERRE, February 11, 1981

RECEIVED OF W. Mac Ward - Black Hills Nursery, RR #1, Box 242, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)	50.00
Fee for inspecting construction, and issuing Cert. of Construction No. <u>1737-2</u>	
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1737-2</u>	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	50.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / CH

Water Rights Division - DWR
Conversation or File Documentation

File No. 1737-2

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY Pennington

DATE: Feb 28, 1983 TELEPHONE: _____

RE: transfer

COMMENTS:

H. Mac Ward dba Black Hill Nursery sold operation
to Jon Paul Richt and Linda K. Richt. Mr. Richt's
father (Don) was in the office and picked up a
transfer from
Jon Richt address - RR 1, Box 242, Rapid City

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: Benny Young

NO. 1737-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3/2/83

This is to notify you that the title to the lands described as follows:

Commercial operation of Black Hills Nursery

formerly owned by H. Mac Ward

has been transferred to Jon Scot Licht and Linda K. Licht, RR#1, Box 242, Rapid City, SD 57701

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1737-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennings) ss.

I, Jon Scot Licht, being first duly sworn, on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jon Scot Licht
(Signed)

Subscribed and sworn to before me this 2nd Day of March, 1983.

Robert Krasnowski
(Notary Public)

WNR-820-7/79
Notice of Transfer of Water Permit



RECEIPT

WATER RIGHTS COMMISSION

No 4 9181

State of South Dakota

PIERRE, March 8, 1983, 10

RECEIVED OF Jon Scot and Linda K. Licht, RB#1, Box 242, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing <u>Transfer of WR#1737-2</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 1737-2

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

March 10, 1983

Jon Scot & Linda K. Licht
RR#1, Box 242
Rapid City, South Dakota 57701

Dear Mr. & Mrs. Licht:

Enclosed is receipt No. 4 9181 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1737-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.