

Upper Cheyenne
10120129

Water Right No. 1138-2
1200-7

1. Considered September 25 19 80
2. Name of Applicant Willard Werth & LEON BRODIE 255-4579
3. Post Office Address P.O. Box 1, Hermosa, S.D. 57744
4. Amount of Water Claimed .85
5. Source of Water Supply 320 ft. well - Minnelusa
6. Water to be used for Irrigation
7. Acres to be irrigated 60 maximum acre feet
8. Water to be diverted and used in Custer County
about 5 miles West of Hermosa
9. PROOF OF PUBLICATION Received ☒ 9-9-80

Not Received

Approved 9-25-80

Subject to DW - IQ

Not Approved

Action deferred ~~9-25-80~~ further must

Priority

Date 7-11-78

Received 8/13/80

Application Complete yes x no FEE 150.00

Remarks trust farming horizon time curriculum for a

Small Jr. College See Part of Letter

Date information and/or
fee or corrected Application received

Period of Annual use June thru August

WATER
QUALITY

Received yes 8/18/80 no APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved

Returned

Diversion Point

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28-T2S-R7E

Lands to be irrigated

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$: NW $\frac{1}{4}$ SE $\frac{1}{4}$: NE $\frac{1}{4}$ SE $\frac{1}{4}$

All in Section 28 T2S, R7E

WELL
LOG

Remarks

Driller Downen Drilling Company Licensed yes xx no

Depth 320 feet deep

MAP Map No. 999-2
1009-1 Map located in Water Right X Map file _____

- Type of Map Aerial Prepared by ASCS

+++++

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 8/25/80

Dale Westlund
(Signed)

+++++

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

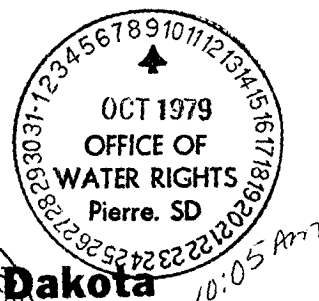
REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted 11-19-80
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted 12-2-80
ETC.

Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. ~~1200-1~~ 1738-2Map No. ~~1009-1~~ Water Division No. 1 UPPER CHEYENNE District

Above for Office Use



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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Willard Werth & Leon Brodie Phone No. 701-223-2354
 Post Office Address RR #2, Box 117A, Bismarck P.O. Box # 1 State SOUTH Dakota 57744
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____ in process

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Werth Irrigation Project4. Amount of water claimed (cubic feet per second) .855. Source of water supply groundwater - ~~two wells~~ ONE WELL6. Location of point of diversion NW 1/4 SE 1/4 and SE 1/4 SW 1/4, Section 28, T7S, R7ESEC. 28-T7S-R7ECounty Custer7. Annual period or periods during which water is to be used June thru August8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 60

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.
SW 1/4 SE 1/4	13
SE 1/4 SW 1/4	17
NW 1/4 SE 1/4	17
NE 1/4 SE 1/4	13

Land Description	No. Acres Irr.
all in Sec. 28-T7S, R7E	

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 county newspaper for publication of Notice of Intent to Appropriate Water Custer Co. Chronicle

12. Principal Features of the Proposed Water Supply System.

Jesse Sundstrom, Custer

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

wells - pump

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

pipe

C. Works proposed to apply water to beneficial use.

sprinkler system-probably gun type

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~~ NORTH DAKOTA)
) ss.
 County of BURLINGHAM)

I, Willard Werth 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 Willard WerthSubscribed and sworn to before me this 2nd day of October, 1979

Burt L. Biskamp
 Notary Public (or other qualified officer)
Burling County, North Dakota
 My Commission Expires 3-26-80

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 1738-2

WILLARD WERTH & LEON BRODIE P.O. Box 1 - HERMOSA
(Applicant) (Post Office Address)

SOUTH DAKOTA 57744
(State)

With the following qualifications.

This Permit is hereby approved subject to the qualification that the irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. The application is further subject to the qualification that the irrigation water use questionnaire be submitted each year.

Date of first receipt of application July 11, 19 78
Date of return to applicant for correction, amendments or changes required July 11, 19 78
Date of receipt of corrected application WQ August 18, 19 80
Approved November 19, 19 80, Recorded in Book 21 Page 295

WATER RIGHT PERMIT NO. 1738-2

The Board of Water Management hereby grants and issues this Water Right Permit No. 1738-2 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 August 18, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 19, 19 83
3. The whole of said work is to be completed on or before November 19, 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is November 19, 19 89
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 .85 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 irrigation on or before November 19, 19 89; said water to be used during the following described annual period: June thru August

Witness my hand this 2nd day of December, 19 80

THE BOARD OF WATER MANAGEMENT

By:

John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to Form 2)

12. Principal Features of the Proposed Water Supply System (continued).

D. Well Information

to be determined by well driller.

- (1) Drill Hole, Diameter 6", Depth 320
- (2) Casing, Type Steel, Diameter 5", Thickness 1/4"
(wood, concrete, steel, etc.)
- (3) Screen, Type Steel, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout. ~~SEE~~

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 90'
- Depth to bottom of water bearing material 320'
- Depth to water (ground surface to water level) 90'

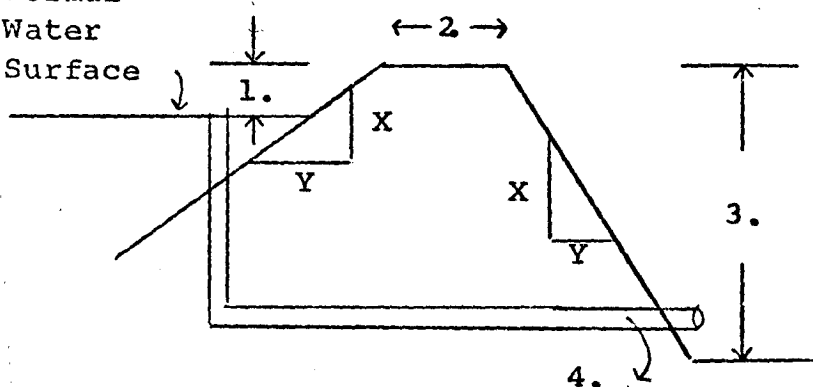
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 1/2 ~~mi~~ mile
- On property owned by others 1/2 ~~mi~~ mile

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

Signature Willard West Applicant

STATEMENT

Downen Drilling Company

Rt. 4 Box 109
Rapid City, South Dakota 57701
Phone 787-4525

*Herb Wagner is Werth's
Father-In-law. Well.*

Mr. Willard North

~~Herb Wagner~~ P.O. Box 1 ~~Orte~~

~~Rank, N. Dak. 58550~~ Hermosa, S.D.

Terms: 1% per month after 30 days!

Date

Well Log: West of Hermosa, S. Dak.

0-10' rocks & soil

10-50' red sandstone

15-100' red limestone

100-170' red sandstone

170-200' purple limestone

200-210' soft sandstone

210-150' limestone & silt

250-255' broken limestone

255-290' purple shale & limestone

290--320' limestone

Test 40 gal per min at 200'

Water level 90ft. from surface.

*Mrs Downen has no
records of this well
drilled for Werth
or Center. Well*

Attachment B

THE FOLLOWING INFORMATION IS GIVEN AS ADDITIONAL INFORMATION FOR CONSIDERATION BY THE WATER RIGHTS COMMISSION.

A small group of interested citizens in South Dakota and North Dakota are planning to build a small work-study college and a health conditioning center in the Black Hills. We have purchased 280 acres with option to purchase another 70 acres in Custer county. Sec. 28 and 33, T2S, R7E, BHM.

An integral part of the college curriculum will be to teach students how to work. We feel that horticulture is one of the best training grounds for teaching students to work with their hands. So we are planning a small truck farming operation and several green houses.

This will be a small private Junior college with a maximum student population of about 175. In addition to horticulture the curriculum will include various other vocational programs as well as a limited liberal arts program. In particular objectives for the college include:

1. To provide an opportunity for young people to develop physically, mentally, and spiritually in an optimum setting of natural beauty.
2. To help young people gain the benefits in character development that lead to responsibility and leadership through a program that combines study with useful work.
3. To provide a balanced educational program where work, study, and worship each contribute to development.

The Health Conditioning Center will provide a setting away from the sources of tension and stress where people seeking to improve their health can come and relax for a time and enjoy the natural beauty of the area. It will provide competent medical guidance, so that using proven programs of diet, rest, and exercise, patients can modify their whole life-style.

This program will provide a setting where students will physically (know how to work) mentally, (competent in communication skills) and spiritually (be of service to fellow man) grow to be better citizens.

We would like to stress that horticulture will be an important part of the curriculum and therefor are most interested in obtaining water rights out of Battle Creek.

We would like to appear before the Water Rights Commission in their July meeting to further explain or clarify any questions. Thank you,

Respectiffully,
Willard Werth

& Leon Brodie

JUL 26 1979

Division of Conservation

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Willard Worth & Leon Brodie OWNERS ADDRESS: RAZ Box 117-A

COUNTY LAND LOCATED IN: Custer PHONE: 701-223-2354 Bismarck, N.D. 58501

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NW 1/4 Sec 28, T2S, R2E

2. SURFACE WATER SOURCE: by 100 ft. well on 2/13/80 2S-7E

3. LOCATION OF AREA TO BE IRRIGATED: N 1/2 of SE 1/4 of sec. 28, SW 1/4 of SE 1/4 sec. 28, & SE 1/4 SW 1/4 of sec. 28

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.) _____

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY 20 TOWLINE _____ CENTER PIVOT _____ GUN 20 OTHER (Specify) 20 (pipe)

6. CROPS TO BE IRRIGATED: vegetables, fruit, & alfalfa

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: None

LAND: _____

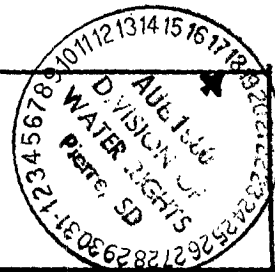
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: _____

9. SALINITY (EC X 10⁶) _____

10. SODIUM (SAR) _____ ADJUSTED (SAR) _____



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 7:22 A.M./P.M., on 7-22, 1980, at the following location: NW 1/4 Sec 28, T2S, R2E
by Willard Worth (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Willard Worth Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
23 DAY OF July, 1979.

Burt L. Riskedahl
(NOTARY PUBLIC)

BURT L. RISKEDAHL
NOTARY PUBLIC, BURLEIGH CO., ND
My Commission Expires MAR. 26, 1980



Willard Worth
APPLICANT'S SIGNATURE
Keith L. Harner
Director, Division of Conservation

☒ APPROVED

☐ DISAPPROVED

☐ CONDITIONALLY APPROVED

RECEIVED

AUG 13 1980

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Right Commission.

IMPORTANT

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Willard Werth & Leon Brodie

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Shallow soils, lack of sufficient organic matter, and slope
variances dictate the system type that causes the least erosion on
field crops.

Vegetable and fruit trees will probably best be irrigated by
pipe method or modified solid set

NOT TO SCALE

Fall River - Custer County
 ASCS Office
 Star Route Box 203
 Hot Springs, SD 57747

Clara M. Clay
 County Exec. Director

28

*proposed well
 site*

N.W. 1/4 of S.E. 1/4 Sec 28

15.2
 → X

N.E. 1/4 of S.E. 1/4 Sec 28

27.5
 S.E. 1/4 of S.W. 1/4 S. 28

S.W. 1/4 of S.E. 1/4 S. 28

Omit
 this
 Area
 from
 original

2-7
 8324

22.5
 15.2
 7
 49.7
 21.1
 70.8

Map # 1009-1
 (appl. 1200-1)
 1738-2

AUG 1

South Dakota
Division of Geology

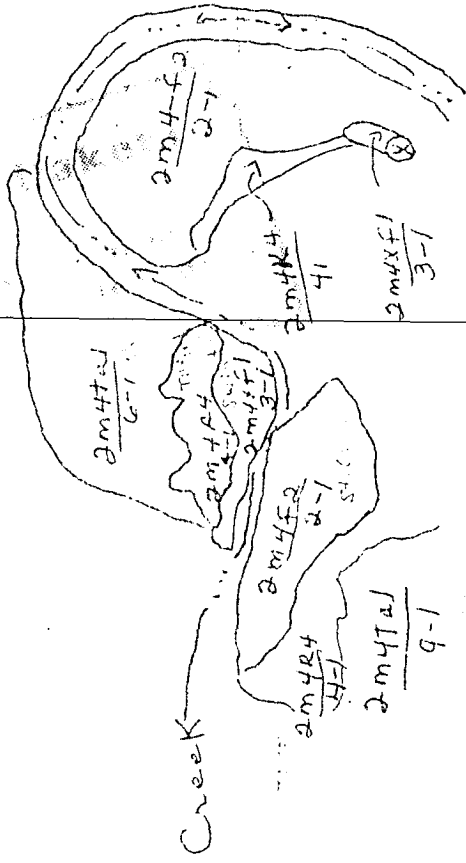
Sec. 27

2 m4t21 Nevee silt loam 10 intake pile family
2 m4k4 Tilford silt loam 15 intake family
2 m4f2 St. George 15 intake family
2 m4x51 - Swint silt loam 10 intake family

denominators indicate slope range

T2S R8E

Sec. 28



August 14, 1980

Willard Werth
P.O. Box 1
Hermosa SD 57744

Dear Mr. Werth:

Enclosed please find a copy of the corrections made on your application received August 13, 1980, as we discussed by phone. If the corrections are not right, please let us know.

Upon receipt of the soil/water compatibility permit approval from the State Conservation Commission, further processing will proceed.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures

*Called again 8/18/80
to verify location of dam.
also asked if section was oversized
as the map shows portion of (small portion)
the NE+SE Sec 28 to be in Sec. 27. Mr. Werth
stated that the land had been platted since
his appl went into our office. The description
will remain the same as SEC checked
all the land.*

Publish first publication, on or before September 4, 1980NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 19, 1980Notice is hereby given that Willard Werth & Leon Brodie whose post office

address is Hermosa, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 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 .85 cubic feet of water per second of time from ground water

(one well) through the Werth Irrigation Project, the point ~~(x)~~ of diversion of which is ~~(xxx)~~ to be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 28, Twp. 2S, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 28, T2S, R7E

This Application No. 1200-1 will be considered by the Water Management Board at the Knep Building, Meeting Room #1 Church & Illinois, Pierre, SD upon the 25th day of September, 1980

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, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Willard Werth & Leon Brodie
Box 1, Hermosa, SD 57744

BETTY WESTLUND
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Jessie Y. Sundstrom

certify that the annexed printed copy of Notice of In

Water was taken from the Custer Coun

A newspaper which during the whole time of public
herein after stated, has been and is printed and publi

City of Custer

County of Custer and Stat
that the said notice was published in said newspap
two dates:

Aug. 28, 1980

Sep. 4, 1980

Jessie Y. Sundstrom
(Signature)

Publisher

(Title)

Sept. 8, 1980

(Date Signed)

notice of hearing

NOTICE OF HEARING ON APPLI-
CATION TO APPROPRIATE WATER
Pierre, South Dakota 57501

August 19, 1980

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Werth & Leon Brodie whose post
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with the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 46-2-9 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 .85 cubic feet of water per second
of time from ground water (one well)
through the Werth Irrigation Project,
the point of diversion of which is to be
located in the NW 1/4 SE 1/4 of Section
28, Twp. 2S, Range 7E. Said water
to be used for the purpose of pro-
viding irrigation on portions of the
following described land: SW 1/4 SE 1/4,
SE 1/4 SW 1/4, NW 1/4 SE 1/4 and NE 1/4
SE 1/4 all in Section 28, T2S, R7E.
This Application No. 1200-1 will be
considered by the Water Management
Board at the Kneip Building, Meeting
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SD upon the 25th day of September,
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application at the hearing. All inter-
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Any person who may be affected by a
Board decision who desires to present
evidence or cross-examine witnesses ac-
cording to SDCL 1-26 may notify the
Board in writing prior to the hearing
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hearing date for assistance to assure
access to the hearing.

WATER MANAGEMENT BOARD

/s/ Betty Westlund

Water Rights Specialist

*242 9/4/80



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6494

PIERRE, July 20, 1978

RECEIVED OF Willard Werth, Route 2, Box 117-A, Bismarck ND FUND 290
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>1200-1</u> (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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

9 Sept 1980

Dear Sirs:

I seen by the County paper
that Willard North &
Leon Brody have applied
for a water right from
a well to irrigate.

I for one am totally
against any more water
rights from ground water
in this area. we are really
dependent on this same water
for our livestock and ranch
use.

Thank you
Alden C Baker
Hermosa, SD

Gene Baker

Rt 4 Box 11

Hermosa SD 57744





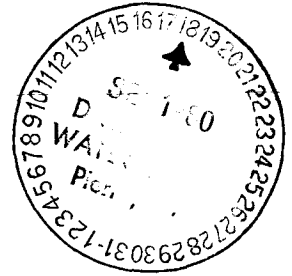
Hermosa So Dak
Sept. 8. 1980

To whom it may concern.

This letter is in protest
to water application no 1200-1
as I feel it could hinder
the water table below
enough to affect springs
of which is my source of
water for both household
& livestock & my ~~at~~ only
water source. So would
you please deny this
permit.

Yours truly
John M. Sherry
Hermosa
So Dak.

Hermosa, South Dakota
12 September 1980



Water Management Board
Pierre, South Dakota

Attn: Mrs. Betty Westlund
Water Rights Specialist

Dear Mrs. Westlund:

In reference to water right application No. 1200-1.

I must object to the application for the following reasons:

1. My ranch is located 5 miles east of Hermosa on Battle Creek. The last 2 years Battle Creek has all but dried up on my ranch, due to lack of rain fall. If this application were allowed and these people exercised their right we would have been out of water.

2. The people requesting this are not in the business of farming or ranching. They are land developers. The area they request to irrigate has been surveyed and broken up into building sites. So their purpose for this request is not clear. We certainly don't have the water source for recreational irrigation.

3. There are a lot of families below this point of diversion that rely on the water and the amount of water in the creeks cannot support an irrigation project and still meet the demands of their families.

I appreciate your consideration in this matter. Please consider the gain of 2 individuals verses the losses of many below them.

Respectfully yours,

Donald E. Knapp
Donald E. Knapp

Water Management Board
Pierre, South Dakota
57501

9 Sept 80

Dear Sir:-

I see by the Ouster Paper &
Willard Wentz & Leon Brodie at Hermon
S.D. have applied to drill a well
for irrigation purposes next to
Battle Creek. We object to this
because there is not enough
water in Battle Creek now for
us to get as much irrigation
as we need to get enough feed
for our live stock.

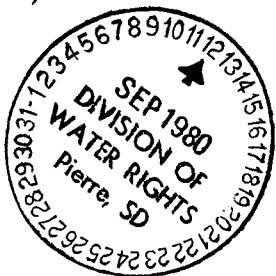
Our ranch is about Eleven Miles
below Hermon on Battle Creek.

Thank you
Yours truly

H. J. Borgmeyer

P.S:- Would you please acknowledge
receipt of this letter?

Our Water Right dates back to
March 1, 1891



H. J. Borgmeyer
1721 11th St
R.C. 50 57701

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF WILLARD WERTH)
AND LEON BRODIE FOR PERMIT)
NO. 1200-1)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on September 25, 1980 at the Richard B. Kneip Building, Pierre, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on August 13, 1980, an application for Water Permit No. 1200-1 was submitted.
2. That the application was duly advertised in the Custer County Chronicle on August 28 and September 4, 1980.
3. The land description included portions of the SW 1/4 SE 1/4, SE 1/4 SW 1/4, NW 1/4 SE 1/4, and NE 1/4 SE 1/4, all in Sec. 28, T2S, R7E.
4. A soil/water compatibility permit has been issued for this land.
5. That the source of water supply will be from a well, not surface waters from Battle Creek.
6. That withdrawals under this permit would not be likely to affect the flows in Battle Creek.
7. That there is unappropriated water available.
8. That granting Application No. 1200-1 will not adversely affect any senior water right holders.
9. That approving the application is in the public interest and the plan of the project is feasible.

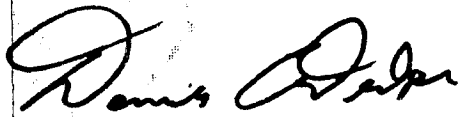
CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.
2. That it is in the best interest of the people of this State to maximize to the fullest extent the beneficial use of the waters of this State.
3. That all legal requirements for a water permit have been met and Application No. 1200-1 should be approved.

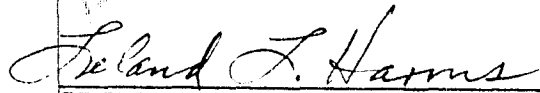
FINAL DECISION

Water Permit Application No. 1200-1 is hereby approved subject to the qualification that the irrigation well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. The application is further subject to the qualification that the irrigation water use questionnaire be submitted each year.

Dated this 20th day of November, 1980.



CHAIRMAN



SECRETARY

1738-2



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

December 13, 1983

Black Hills Education Center
Keystone Rt
Hermosa, SD 57744

Dear Sir:

A well drillers report filed with this office by Charles Howe indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter is to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

General Information. The following is being provided to all new well owners for information purposes and may not apply to you.

1. If a well will be allowed to flow or will be pumped more than 18 gallons per minute (gpm) or if a person intends to use more than 18 gpm or more than 26,000 gallons per day (average of 18 gpm) for domestic use, a water permit is required pursuant to SDCL 46-1-6(4) and (6), 46-1-15, 46-5-8 and Water Management Board Rules 74:02:01:01(1) and 74:02:01:03. A pump larger than 18 gpm may be used as long as the total daily domestic use does not exceed 26,000 gallons per day (gpd). Water for geothermal heating and/or cooling for a home is domestic use, and may be used without a water permit, if the use is no more than 18 gpm.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14 and 46-6-21.

Equal Opportunity Employer

3. Any common distribution system such as a city, town, subdivision or rural water system that pumps or diverts more than 18 gpm is required by SDCL 46-5-8.2 to have a water permit.
4. A water permit is required pursuant to SDCL 46-1-15 to use water for commercial business operations, industrial purposes, mining or irrigation of more than 1/2 acre.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,



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

cc: Well Driller

3514.wr



This permit is in the name
of Willard Werth & Leon Brodie,
1738-2

South Dakota
Department of
Water & Natural Resources
Joe Pace Building
525 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 1738-2

January 26, 1984

Willard Werth
Route #1, Box 76
Hermosa, South Dakota 57744

Dear Mr. Werth:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Melina Stirling
Staff Assistant

me/
Enc.

1738-2
Willard Werth & Leon Brodie
Hermosa SD 57744 G

This is the Water Management Board data
sheet for recording 1983 GROUNDWATER
source irrigation estimates.

November, 1983
For Dept. Use Only

Please fill out and return at once.

No. acres actually irrigated with Groundwater

R 0

If you did not irrigate during 1983-check this box ☐

If your system has not been constructed-check this box ☐

Type of Power	No. acres irrigated
1. <u>Electric</u>	
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	
6. Propane	
7. Other	

Type of System
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gated pipes
5. Siderwheel
6. Towlines
7. Gun type
8. Hydromatic
9. Siphons
10. Flood
11. Other

Owner or address change, if any:

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August	1	24	110	corn	10	340 gal.			
Sept.									
Oct.									
Other Month									

Season Static Water Level: beginning 57 ft. end 57 ft.

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD

Water Rights Division
Joe Foss Building
Pierre, SD 57501

We are now operating this land under the name of Black Hills Athletic & Educational Center which took them back & I as first manager. We need to change the name on the permit. I'll send letter.



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 4, 1984

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

60 Acres - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, T2S, R7E

formerly owned by Willard Werth & Leon Brodie

has been transferred to Black Hills Health & Education Center Box 1, Hermosa, SD
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1738-2 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 Div. 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 Custer) ss.

I, Willard Werth being first duly sworn on my oath despose 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.

Willard Werth
(Signed)

Subscribed and sworn to before me this 5th Day of April, 1984.

Patricia A. Bachard
(Notary Public)

my Commission Expires
Jan. 22, 1991



RECEIPT

Division of Water Rights

No 4 9632

South Dakota Department of Water and Natural Resources

Pierre, April 6

19 84

/s/Education BOX 1

RECEIVED OF Black Hills Health Center

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

Hermosa, SD 57744

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. _____

Fee for Filing Transfer Form 1738-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

JOHN HATCH

No. 1738-2

South Dakota
Department of
Water & Natural Resources

Joe Pace Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

April 3 1984

Black Hills Healths Education
Box #1
Hermosa, South Dakota 57744

Dear Sir:

Enclosed is receipt No. 1738-2 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1738-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

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

300 West Harding
3rd East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

BH HEALTH & EDUCATION CENTER
BOX 19
HEERMOSA, SD 57744

NOTICE

RE: Violation of Water Permit No(s). 1738-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1738-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1989 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1738-2 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1738-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 775-2302

**Department of
Water & Natural Resources**

Jefferson Building
500 East Capitol
Pierre, South Dakota 57501-3181

February 16, 1990

1738-2

BH Health & Education Center
Box 19
Hermosa SD 57744

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1738-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall/ks

RON DUVALL
Natural Resources Engineer
Water Rights Division

Permits No. 1738-2 & 1968-2
Custer County

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501

Other permit/license(s) associated with project: **Permit No.1901-2,Williard Werth**

Contact Person & Address: **Paul Pierson & Willard Werth, Black Hills Health & Education Center**

Report Of Examination of Works

On **June 13, 2002** I made an examination of the water use systems at the Black Hills Health and Education Center, Hermosa, Custer County, SD authorized the following appropriations:

Permit No. 1738-2 - 0.85 cubic feet per second (cfs) of water from a **320-foot** deep well in the NW¼ SE¼ Section 28 T2S R7E for **irrigation use**

Permit No. 1968-2 - 0.04 cfs of water from a **230-foot** deep well in the NW¼ SW¼ Section 28 T2S R7E for **institutional use**

Black Hills Health and Education Center was reorganizing at the time of my on-site examination. No one currently on the Center's staff has knowledge of the depths, capacities, or locations of all the wells at the Center. Doing the examination I located five (5) wells, four (4) of which were in use. One well, located behind the main lodge along Battle Creek, is no longer in use due to contamination. Paul Pierson stated that the contaminated well along Battle Creek was there before the lodge was built.

The well log database was checked on return to the office and nine (9) well logs for the Center or Willard Werth were located. Six (6) wells were drilled by Howe Drilling, five (5) in 1983 and one (1) in 1985. The log for the 320-foot well is supposedly the Permit No. 1738-2 water source drilled by Downen Drilling. No date or location are on this well log. Cody Tachenko submitted a log for a well by the Werth house with the application for Permit No. 1901-2. The log for the well drilled by Lewis is for the actual well drilled for Permit No. 1901-2.

I spoke with Mrs. Downen on 6/24/02. Downen Drilling is no longer in business, but Mrs. Downen has retained all the old files and well logs. Mrs. Downen has nothing on file for a 320-foot well drilled for the Center or Willard Werth. Mrs. Downen's records show a 160-foot well drilled in 1980 for the Center. This corresponds to the log for the Willard Werth well submitted by Cody Tachenko in lieu of the actual source well log for Permit No. 1901-2. Permit No. 1901-2 application lists the diversion point as in the SW¼ SW¼ Section 27 whereas the Soil/Water Compatibility Permit Application Form, South Dakota Department of Agriculture, and the log for the actual well drilled lists the diversion point as in the SE¼SE¼ Section 28, all in T2S R7E. Permit No.1901-2 was transferred from Tachenko to Werth in 1998.

I spoke with Charles Howe, Howe Drilling on 6/25/02. Howe drilled six (6) wells for the Center and Center personnel installed the pumps. He doesn't know the capacities of the pumps installed in these wells. Howe stated that he was on the property in the 70s and the well at the main lodge was there then. He believes the wells drilled by Downen are on the Werth property, which was previously part of the Tachenko/Center property. Howe stated there was some shuffling and splitting of property between the original founders of the Center.

A letter in the Permit No. 1968-2 file from Cody Tachenko states that two wells were drilled in the Fall of 1985; a 290-foot well producing 5 gpm for a single dwelling and a 200-foot well producing 18 gpm for a small dormitory. There is only one well log on file for the fall of 1985, the 215-foot well at the Wellness-Fitness Center drilled by Howe.

On August 5, 2002 I met with Willard Werth in Rapid City and went over an Aerial-Photo Map of the Center, the well logs on file, and the wells I had located during the on-site examination. Mr. Werth located three wells on the map for dwellings at the Center. Mr. Werth noted that the Downen 320-foot well log has his father-in-law's name and address (which is lined out and Werth's name and address penciled in) on it, but he doesn't know why. He believes this 320-foot well is located at Dwelling 1. Mr. Werth also believes the 425-foot well is located at Dwelling 2 and the well at the Dormitory is 200-foot deep. He also noted the location of the well on his property for Permit No. 1901-2 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 T2S R7E which doesn't correspond with the location (the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28) noted on the well log and the Soil/Water Compatibility Permit Application Form.

Table 1 contains a summary of the well logs on file and wells located during the on-site examination:

Table 1. Summary of BH Health & Education Center Wells

Map #	Permit # & Holder	Driller & Date	Location	Depth (ft)	gpm	Purpose	Remarks
1	1738-2 BH Health	Downen Unknown	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28	320	40 @ 200'	IRR	Mrs. Downen has no record of this well drilled for Werth or BH Health. Location is from the application. Werth located well @ Dwelling 1.
2	1968-2 BH Health	Howe 10/13/85	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28	215	15	INT	Well located by GPS on-site @ Wellness-Fitness Center. Location & depth correspond to Howe well log.
3	1901-2 Werth	Lewis 3/27/85	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28	70	80 @ 67'	IRR	Well located by Werth in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 27. Needs to be checked.
4	None	Howe 8/3/83	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28	167		DOM	Located in same quarter-quarter as #1738-2 and Dwelling 1 by Werth. Purpose and legal location taken from well log.
5	None	Howe 7/6/83	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28	425		DOM	Purpose and legal location taken from well log. Located @ Dwelling 2 by Werth.
6	None	Howe 7/29/83	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28	100	120	IRR	Well located by GPS on-site-corresponds to well log. Purpose taken from well log.
7	None	Howe 5/5/83	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28	77		DOM	Well located by GPS on-site @ Duplex-corresponds to well log. Purpose taken from well log.
8	None	Howe 5/5/83	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 29	75		DOM	Located @ Dwelling 3 by Werth. Purpose taken from well log.
9	None	Downen Unknown	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28 T2S R7E	160	30	DOM	Well log submitted by Tachenko for Application # 1901-2. Well supposed to be by Werth house.
10	None	No Log Unknown	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28	200			Well located by GPS on-site. In same quarter-quarter as Dwelling 2 425-ft well. 200-foot Depth from Werth.

IRR-Irrigation INT-Institutional DOM-Domestic

Comments:

All the wells in use on the Black Hills Health and Education Center property, to include those wells at the Center's dwellings, need to be permitted for institutional use. Due to varying depths, these wells need to be

permitted by source, i.e., the geologic aquifer the water is withdrawn from. Any wells not in use, such as the one by the main lodge, should be filled and plugged in accordance with state statutes. As far as practical, the Center should determine the location, depth, and diversion rate of each well in use for permitting purposes.

The director of the Black Hills Health and Education Center should be notified of these requirements

The actual location of the Permit # 1901-2 well can be determined during an on-site licensing examination.

A handwritten signature in black ink, appearing to read "Donald E. Stroup". The signature is fluid and cursive, with a large initial "D" and a stylized "S".

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Black Hills Health & Education
Nos. 1968-2 & 1738-2

T2S R7E



27

28

29

Dwelling 2

#5

Dwelling 1

#9, #4 & #1

Main
Lodge

#2

#10

Dwelling 3

#8

#7

#6

#3

1901-2

0 1 Miles

Attachment 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: BH HEALTH & EDUCATION CENTER, LEE L BENNETT, BOX 19, HERMOSA, SD 57744
0019

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1738-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1738-2 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 1738-2 in accordance with applicable provisions of SDCL 46-1-12;
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 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

TRACK & CONFIRM**Track & Confirm****Delivery Status**

You entered 2301 0370 0000 7540 6581

Your item was delivered at 11:19 am on January 21, 2003 in HERMOSA, SD 57744. The item was signed for by A GARNER.

[Shipment History >](#)[Request Delivery Record >](#)**Track & Confirm**

Enter label number:

[Track & Confirm FAQs](#)POSTAL INSPECTORS
Preserving the Trustsite map contact us government services
Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

SIGNATURE CONFIRMATION NUMBER:

2301 0370 0000 7540 6581

BH HEALTH & EDUCATION CENTER
LEE L BENNETT
BOX 19
HERMOSA SD 57744 0019Postmark
Here**POSTAL CUSTOMER:**Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811☐ Priority Mail
☐ Package Services



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2003

1738-2

Lee L Bennett
BH Health & Education Center
PO Box 19
Hermosa SD 57744-0019

Dear Mr. Bennett:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit No. 1738-2.

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



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 15, 2003

No. 1738-2

Arthur Garner
Black Hills Health & Education Center
PO Box 19
Hermosa SD 57744

Dear Mr. Garner:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1738-2. The water permit is currently listed in the name of Willard Werth and Leon Brodie.

The transfer form should be checked over for accuracy and **signed by the current owner**. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED No. 1738-2

JUL 24 2003

WATER RIGHTS
PROGRAM

Date: 7-21-03

I/We request that Water Right/Permit No. 1738-2

formerly owned by: Willard Werth and Leon Brodie

be transferred to: (name & address) Black Hills Health & Education Center, PO Box 19,
Hermosa SD 57744

Telephone No. 605 255-4101

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

1 well - SE 1/4 SW 1/4 Section 28-T2S-R7E

I/We understand that the validity of Water Right/Permit No. 1738-2 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We BH Health & Ed Center, the new owner, certify that the above information is true and correct.

Betty Barnes, Bus. Manager
(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.



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 25, 2003

1738-2

Art Garner
Black Hills Health & Education Center
PO Box 19
Hermosa SD 57744

Dear Mr. Garner:

Recently, we wrote to you and requested a ownership change be filed for Water Permit No. 1738-2 from Williard Werth & Leon Brodie to the Black Hills Health & Education Center. Further review of the file found the ownership change had already been done. The permit is currently listed in the center's name.

Enclosed is your check No. 2163 in the amount of \$2.50. As a normal procedure when handling checks, they are stamped on the back "for deposit only" as soon as they are received. Your check was stamped but not processed or deposited.

We apologize for the error. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

Permits No. 1738-2 & 1968-2**Custer County**

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501
 Other permit/license(s) associated with project: **Permit No.1901-2, Williard Werth**
 Contact Person & Address: **Art Garner, Black Hills Health & Education Center**

Report Of Examination of Works

On **June 17, 2003** I revisited the **Black Hills Health & Education Center (BHHEC)** after their reorganization concerning the following water rights:

Permit No. 1738-2 - 0.85 cubic feet per second (cfs) of water from a **320-foot** deep well in the NW¼ SE¼ Section 28 T2S R7E for **irrigation use**.

Permit No. 1968-2 - 0.04 cfs of water from a **230-foot** deep well in the NW¼ SW¼ Section 28 T2S R7E for **institutional use**.

The BHHEC has sold or is in the process of selling two of the staff dwelling sites labeled Dwellings 2 and 3 on Attachment 1. The wells associated with these properties will now be in private ownership and used for domestic purposes.

The following wells from the Minnelusa Formation are presently in use at the institution as shown on Attachment 2, all T2S R7E:

-
- Wellness-Fitness Center (Permit No. 1968-2) – 215-foot deep, rated at 15 gpm (0.03 cfs) in the NW¼ SW¼ Section 28 (W103.2990 N43.8467), 93-feet East 2692-feet South of the NW Corner Section 28.
 - Irrigation Well (Permit No. 1738-2) – 100-foot deep, rated at 120 gpm (0.27 cfs) in the SE¼ SW¼ Section 28 (W103.2920 N43.8413), 1950-feet East 640-feet North of the SW Corner Section 28.
 - Institution Staff Dwelling (Duplex) – 77-foot deep, estimated rate of 0.03 cfs, in the SE¼ SW¼ Section 28 (W103.2937 N43.8423), 1434-feet East 940-feet North of the SW Corner Section 28.
 - Main Lodge, Upper Lodge & New Building – 200-foot deep, estimated rate of 0.03 cfs, in the SE¼ SW¼ Section 28 (W103.2940 N43.8470), 1424-feet East 2641-feet South of the NW Corner Section 28.
 - Institution Staff Dwelling – 75-foot deep, estimated rate of 0.03 cfs, in the NE¼ SE¼ Section 29 (W103.3030 N43.8458), 712-feet West 2250-feet North of the SE Corner Section 29.

None of these wells are good producers, especially the one used for irrigation rated at 0.27 cfs on the well log. The institution cannot pump this well at this rate and is in the process of decreasing the pump size presently in use on the well by two-thirds. This well probably will produce at a rate of 0.09 cfs. As during

the previous visit to BHHEC, no one presently on the staff is sure of the pump sizes installed in the wells or the actual producing rate per well.

In the future the BHHEC plans to re-work the old well by the Main Lodge for use in irrigating garden plots. BHHEC also plans to drill a new well for use at planned staff dwellings. The institution will submit new applications for these projects.

COMMENTS:

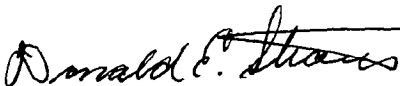
The 215-foot well at the Wellness-Fitness Center (No. 1968-2) should be licensed at the rate of 0.03 cfs for Institutional use.

The 100-foot well used for irrigation (No. 1738-2) should be licensed at the rate of 0.09 cfs and the use changed to Institutional.

The other three wells in use at the BHHEC need to be permitted for Institutional use. These wells are from the same source, the Minnelusa Formation, and can be combined on one application.

The planned well and the old well by the Main Lodge should be added to the inventory for BHHEC.

All of this could be accomplished by an amending application from BHHEC as all the wells are or will be from the same source, the Minnelusa Formation, and for the same purpose. A letter and amending application form has been sent to the Center.



Donald E. Stroup

Natural Resources Project Engineer
DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 2004

1738-2

Black Hills Health and Education Center
Arthur Garner, Manager
PO Box 19
Hermosa SD 57744

Dear Mr. Garner:

On June 13, 2003 the investigation of the center's water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1738-2 (irrigation well), was completed by Don Stroup, a staff engineer with our program. The final water right document, the water license, can now be issued. Permit No. 1968-2 (Wellness-Fitness Center well) will not be licensed at this time because ultimately it will be incorporated into Permit No. 2511-2 which was approved July 15, 2003. The license fee for No. 2511-2 has been submitted. All the wells for institutional use can be licensed as one.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 16, 20 04

RECEIVED OF Black Hills Health & Education Center, PO Box 19, Hermosa SD 57744

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. <u>1738-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

001317

By

Darland Erbe

Chief Engineer

gm

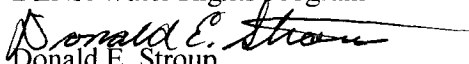


**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2004

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Licensing of Black Hills Health and Education Center Permit Nos. 1738-2 and 1968-2

Water Permit No. 2511-2 has been issued to the Black Hills Health and Education Center for four (4) existing and one (1) new well for Institutional use. Water Permit 2511-2 along with Permit Nos. 1738-2 and 1968-2 account for all the wells presently in use at the institution.

Permit No. 1738-2 can now be licensed at the rate of 0.09 cubic feet per second from a 100-foot well for irrigation of 60-acres in portions of the S½ of Section 28 T2S R7E.

Permit No. 1968-2 can now be licensed at the rate of 0.03 cubic feet per second from a 215-foot well for institutional use at the Wellness-Fitness Center.

Attachments:

Memo - Gronlund to No. 2511-2 file
Memo - Stroup to Nos. 1738-2 & 1968-2 files, June 2003 Examination of Works
Memo - Stroup to Nos. 1738-2 & 1968-2 files, June 2002 Examination of Works
Maps - Irrigated Acres & Well Location No. 1738-2. Wellness-Fitness Center Well Location
Copy - SD Water Permit No. 2511.-2

Attachment 1: Permit No. 1738-2, BH Health & Education Center

Irrigated Acres: All Section 28 T2S R7E

SE $\frac{1}{4}$ SW $\frac{1}{4}$	22
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Black Hills Health & Education Center

ADDRESS: PO Box 19 Attn: Auther Garner, Hermosa, SD 57744

DATE: June 18, 2004 **COUNTY:** Custer

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well location was reported as in the NW¼ SE¼ Section 28 T2S R7E. An on-site examination located the well as in the SE¼ SW¼ Section 28 T2S R7E. The water source for the well remains the same, the Minnelusa Formation, and no additional water will be appropriated.

- **If irrigation, no new land is irrigated**

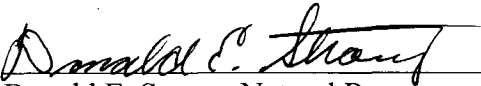
No new land is being irrigated.

- **Review of Existing Diversions**

This location change will not affect any other appropriations.

RECOMMENDED ACTION

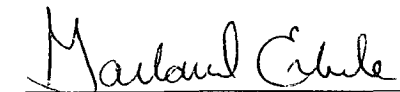
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Donald E. Stroup, Natural Resources Project Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

1738-2
Black Hills Health & Education
PO Box 19
Hermosa, SD 57744



Donald E. Stroup

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

T2S R7E

29

28

Well

Irrigated Acres

Irrigated Acres

0 0.1 0.2 0.4 Miles



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1738-2

(1) Willard Werth & Leon Brodie, Hermosa SD made Application No. 1738-2, July 11, 1978 for a water permit to divert 0.85 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for irrigation purposes. Permit No. 1738-2, with a priority date of August 18, 1980 was approved November 19, 1980 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before November 19, 1985 and for the application to beneficial use of water on or before November 19, 1989.

On July 24, 2003, Water Permit No. 1738-2 was transferred to Black Hills Health and Education Center, PO Box 19, Hermosa SD 57744.

An investigation conducted for licensing purposes found the well under Water Permit No. 1738-2 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

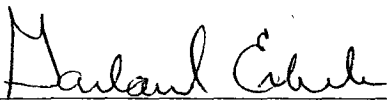
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1738-2 is issued a license, bearing a priority date of August 18, 1980 to appropriate 0.90 cubic feet of water per second from groundwater (one well) to irrigate 60 acres.

The diversion point is located: 1,950 feet east and 640 feet north of the southwest corner of Section 28-T2S-R7E (SE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 28-T2S-R7E	SE ¼ SW ¼	22 acres
	SW ¼ SE ¼	22 acres
	NW ¼ SE ¼	16 acres
Total 60 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1738-2 including the following now applicable qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



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

JUN 30 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 30 2004

1738-2

Black Hills Health and Education Center
Arthur Garner, Manager
PO Box 19
Hermosa SD 57744

Dear Mr. Garner:

Enclosed is Water License No. 1738-2 for irrigation use. This is the final water right document completing the process of obtaining a Water Right. Enclosed is Receipt No. 1347 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1738-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures



1738-2
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 24, 2013

NOTICE

TO: BH HEALTH & EDUCATION CENTER, RICHARD NELSON, PO BOX 19, HERMOSA, SD
57744 0019

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1738-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1738-2 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1738-2 in accordance with applicable provisions of SDCL 46-1-12;
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 **March 4, 2013**, 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
www.denr.sd.gov

February 25, 2013

1738-2

Matt Dearly
BH Health & Education Center
PO Box 19
Hermosa SD 57744 0019

Dear Mr. Dearly:

I am writing to acknowledge receipt of the 2012 irrigation questionnaire for Black Hills Health and Education Center.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1738-2. 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 written in a cursive, flowing style.

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



1738-2

**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: BH HEALTH & EDUCATION CENTER, MATT DEALY, PO BOX 19, HERMOSA, SD 57744 0019

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(s) has not been submitted for Permit No(s) 1738-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1738-2 qualification:

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

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. 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) 1738-2 in accordance with applicable provisions of SDCL 46-1-12;
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

January 22, 2016

1738-2

Rich Smith
BH Health & Education Center
PO Box 19
Hermosa SD 57744

Dear Mr. Smith:

I am writing to acknowledge receipt of the information for the 2015 irrigation questionnaire for the Black Hills Health & Education Center.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1738-2. 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

November 26, 2024

1738-2

BH Health & Education Center
c/o Willard Werth
PO Box 19
Hermosa SD 57744

Dear Mr. Werth:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaires you submitted for Water Right No. 1738-2.

Water Right No. 1738-2 authorizes the diversion of 0.90 cfs (405 gpm) from one well for the irrigation of 60 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T93N-R55W.

On this year's questionnaires you reported that use of the irrigation system had been abandoned.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of BH Health & Education Center's Water Right No. 1738-2.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 1738-2

Black Hills Health & Education Center
c/o Willard Werth
PO Box 19
Hermosa, SD 57744

Dear Mr. Werth:

I'm writing to you today in reference to Water Right No. 1738-2.

On November 26, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Water Right No. 1738-2, due to abandonment and/or forfeiture. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Right No. 1738-2.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure