

Considered: _____

WATER PERMIT NO. ' 1900-2

MAP No. 1900-2

Name of Applicant Mrs Helen Callan and Minnie Bender Burns

Post Office Address Rt. 1, Box 41, Hermosa, S.D. 57744

Amount of Water Claimed 0.94 Total Acres 66

Source of Water Supply Grace Coolidge Creek (Squaw Creek) (CD)

Water to be used for IRR County CD

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 11-7-84 Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 9/26/84 Fee 50.00 Remarks _____

4/15/1887 See map to be received

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS not applicable

Diversion Point
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10 all
in T3S R7E

Land to be Irrigated _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9 and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10 all
in T3S R7E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial PREPARED BY Tim Schaal DWR Reviewed and the Number

assigned on 10/10/84 By Betty Westlund

Betty Westlund NRA III

Nelson and Hanten

No. 1900-2 Hydrologic Unit 10120109
 Map No. 1900-2 Basin UC
 Newspaper CUSTER Co CHRONICLE Box 551 57730
 thurs

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☐ Future Use ☐☒ Application to amend Water Right Filing No. 021-2 with old priority date retained April 15, 1887☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Mrs. Helen Callan & Minnie Bender Burns Phone No. 255-4335Post Office Address Rt 1, Box 41 Hermosa State SD Zip Code 57744
(Street, RR or Box)2. Amount of water claimed (c.f.s) XXXX 0.94 Total acres irrigated 663. Source of Water supply Grace Coolidge Creek (Squaw Creek)4. Location of point of diversion between a point located 260 ft West of the SW corner of
Section 10, T3S, R7E and a point located 1000 ft West of the center of
Section 10, T3S, R7E County Custer5. Counties where water will be used Custer6. Annual period during which water is to be used April 1st to October 31st

7. 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.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9-3-7	25.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10-3-7	19.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10-3-7	22.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Applicant plans on diverting directly from Grace Coolidge Creek and using flood irrigation and/or a big gun or sprinkler system.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Custer)^{ss}I, Minnie Bender Burns Helen M. Callan the applicant, certify that I have read the foregoing application, 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 Minnie Bender Burns
Helen M. CallanSubscribed and sworn to before me this 25 day of Sept. 1984My Commission Expires 22.1.91Patricia A. Beckman
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1900-2
Mrs. Helen Callan and Minnie Bender Burns RT. 1 Box 41 Hermosa
(Applicant) (Post Office Address)
South Dakota 57744 With the following qualifications.
(State) (Zip Code)

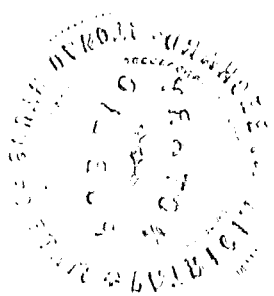
No diversions may be made unless there is a flow of at least 2.5 cubic feet per second * in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T3S, R7E.
 This permit is approved subject to the irrigation water use questionnaire being submitted each year.
 That approval of Permit No. 1900-2 recognizes and incorporates the applicable portions of Water Right Filing No. 021-2 into Permit No. 1900-2 and cancels the abandoned portions of Water Right Filing No. 021-2.

* See Recommendation of Chief Engineer

Date of first receipt of application September 26, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved May 15, 1985.

The Water Management Board hereby approves this Water Permit No. 1900-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 15, 1987.
2. One-fifth of the work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The time limit for proof of beneficial use of water is —, 19—.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.94 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. 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 —, 19—; said water to be used during the following described annual period: April 1 to October 31, 19—.



WATER MANAGEMENT BOARD
 By: John H. Hatcher
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
NOV 19 1985, 19—

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Mrs. Helen Callan & Minnie Bender Burns

Name of Applicant (Same as Form 2) _____

Post Office Address Rt 1, Box 41, Hermosa SD 57744
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation 021-2 Date of Posting April 15, 1887

Date of recording July 14, 1887 Recording date Custer 4 352
Where Book Page

B. Date of start of construction of water supply system April 15, 1887

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system Frank Bender & Charles BenderE. Amount of water originally applied to beneficial use 1500 miners inches (30 cfs)F. Present Use of Water - Amount of water now being used FS (SUMMER 1984) - 70 ACRESDate that this water was first used INTERMITTENTLY SINCE APRIL 1887.

G. Chronological History of Water Use

THE IRRIGATION SYSTEM WAS ESTABLISHED IN APRIL 1887 AND WAS CONTINUOUSLY USED UNTIL DROUGHT FORCED REEVALUATION OF THE WATER SYSTEM. IN ABOUT 1954, IRRIGATION WAS DISCONTINUED WHEN DRY YEARS FORCED DRILLING OF DEEP WELL IN 1961 (CREEK DRY). IRRIGATION INTERMITTENT UNTIL EARLY 1970'S, WATER FLOW PERMITTING (1967-1970 AVERAGE FLOW 1.03 CFS). IN THE YEARS BETWEEN 1948-1984 WE HAVE IRRIGATED APPROXIMATELY 14 TO 15 YEARS, WATER PERMITTING.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of CUSTER) SS

I, HELEN M. CALLAN/MINNIE B. BURNS, the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Minnie B Burns Helen M. CallanSubscribed and sworn to before me Oct 23, 1984

Patricia A. Bechard
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Larry R Church 10-22-1984
(Print name) LARRY R. CHURCH
Anna Christine Molitor 10/22 1984
(Print name) ANNA CHRISTINE MOLITOR

NOT TO

9

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86-6

160

A/M 1900-3

Timothy M. Schaaf
September 12, 1984

RECEIPT

Division of Water Rights

No 4 9765

South Dakota Department of Water and Natural Resources

Pierre, September 26, 19 84

RECEIVED OF Helen M. Callan, RR#1k Box 41, Hermosa, SD 57744

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

Fee for Application for Permit No. 1900-2 to Appropriate Water, to construct works and to put water to beneficial use 1/2 of fee	25	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
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	25	00

By

Chief Engineer

JOHN HATCH (MS)

RECEIPT

Division of Water Rights

No 4 9764

South Dakota Department of Water and Natural Resources

Pierre, September 26, 1984

RECEIVED OF Minnie B. Burns, Hermosa, SD 57744

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

Fee for Application for Permit No. 1900-2 to Appropriate Water, to construct works and to put water to beneficial use 1/2 of fee	25	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
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	25	00

By

John Hatch
Chief Engineer JOHN HATCH ms

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION No. 1900-2, Mrs. Helen Callan &
Minnie Bender Burns

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application NO. 1900-2, Mrs. Helen Callan and Minnie Bender Burns, Rt. 1, Box 41, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 1900-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. No diversions may be made unless there is a flow of at least 2.5 cubic feet per second* in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T3S, R7E.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. That approval of Permit No. 1900-2 recognizes and incorporates the applicable portions of Water Right Filing No. 021-2 into Permit No. 1900-2 and cancels the abandoned portions of Water Right Filing No. 021-2.

See attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 18, 1984

* The Chief Engineer will arrange for installation of a Staff Gauge in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. A Staff Gauge is a graduated scale mounted on a plank, wall or like object from which the water surface elevation may be read.

Instruction to Newspaper - Publish first publication of the following Notice on or before October 25, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1900-2 ~~to Appropriate Water~~
and ~~for~~ to Amend ~~Water Permit~~ or Water Rights No. Filing No. 021-2

Notice is hereby given that Mrs. Helen Callan & Minnie Bender Burns whose mailing address is Rt 1, Box 41, Hermosa, South Dakota has made an application for a permit to amend Water Right Filing No. 021-2 to change 1) the point of diversion on Grace Coolidge Creek from near the middle of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T3S, R7E to a location between points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 both in T3S, R7E; and 2) the method of diversion from gravity flow through a ditch, flume and pipe along and through the SE portion of Section 9 and through the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10 all in T3S, R7E to diversion through a pump at locations on Grace Coolidge Creek in Sec. 9 & 10, T3S, R7E to irrigate 66 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10 both in T3S, R7E. These acres are part of those lands claimed for irrigation under Water Right Filing NO. 021-2. The claimed rate of diversion of water under Application No. 1900-2 is 0.94 cubic feet per second.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1900-2 because 1) ~~unappropriated water is available~~, 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building
Room 216, 523 E Capitol, Pierre SD on December 5 19 84 at 11:¹⁵~~00~~ am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Randall O'Neill hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Custer County Chronicle

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 Custer

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

October 25, 1984

November 1, 1984

(Signature)

(Title)

(Date Signed)



Cost of Printing: \$44.28

October 25, 1984 -- \$24.60

November 1, 1984 -- \$19.68

WNR-808-7/79

Proof of Publication

Notice of Hearing

NOTICE OF HEARING on Application No.
1900-2 and to Amend Water Right Filing
No. 021-2.

Notice is hereby given that Mrs. Helen Callan & Minnie Bender Burns whose mailing address is Rt. 1, Box 41, Hermosa, South Dakota has made an application for a permit to amend Water Right Filing No. 021-2 to change 1) the point of diversion on Grace Coolidge Creek from near the middle of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T3S, R7E to a location between points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 both in T3S, R7E; and 2) the method of diversion from gravity flow through a ditch, flume and pipe along and through the SE portion of Section 9 and through the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10 all in T3S, R7E to diversion through a pump at locations on Grace Coolidge Creek in Sec. 9 & 10, T3S, R7E to irrigate 66 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10 both in T3S, R7E. These acres are part of those lands claimed for irrigation under Water Right Filing No. 021-2. The claimed rate of diversion of water under Application No. 1900-2 is 0.94 cubic feet per second.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1900-2 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building Room 216, 523 E Capitol, Pierre SD on December 5 1984 at 11:15 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR Joe Foss Bldg, Pierre, SD (605) 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

10-25-84

01-84



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 19, 1984

N O T I C E

TO: Rittberger Beef & Dairy
Rt 3, Box 13
Hermosa SD 57744

FROM: John Hatch, Chief Engineer
Water Rights Division

A handwritten signature in dark ink, appearing to read "John Hatch".

SUBJECT: Consideration of Water Permit Application No. 1687-2

Due to a typing error the hearing date for consideration of Water Permit Application No. 1687-2 was advertised for December 15, 1984. The scheduled hearing date is December 5, 1984 at 11:15 am in Conference Room 216, Joe Foss Building, Pierre SD. This hearing date and time is the same as for the Callan Application No. 1900-2 and Lintz Application No. 106A-2.

cc: James Lintz
Helen Callan and Minnie Bender Burns



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 21, 1984

N O T I C E

TO: Mrs. Helen Callan
 Rt 1, Box 41
 Hermosa SD 57744

 James A Lintz
 Rt 1, Box 23
 Hermosa SD 57744

 Mrs. Minnie B Burns
 Rt 1, Box 29
 Hermosa SD 57744

 Rittberger Beef & Dairy
 Rt 3, Box 13
 Hermosa SD 57744

FROM: John Hatch, Chief Engineer
 Water Rights Division

SUBJECT: Automatic Extension of Time on Water Permit Application Nos.
 1687-2 and 1900-2 and Recommended Delay of No. 106A-2

Pursuant to petitions received from Mrs. Helen Callan and Mrs. Minnie B. Burns and SDCL 46-2A-4 and 46-2A-5 the time of hearing for consideration of Water Permit Applications No. 1687-2 (Rittberger Beef & Dairy) and 1900-2 (Mrs. Helen Callan and Mrs. Minnie Burns) is automatically extended. The Water Management Board will now consider Water Permit Applications No. 1687-2 and 1900-2 at 1:15 pm, March 6, 1985 in Room 216, Joe Foss Building, Pierre SD. The Chief Engineer will also recommend to the Water Management Board on December 5, 1984 that consideration of Water Permit Application No. 106A-2 for James A Lintz be considered March 6, 1985 at the above stated place and time.

cc: Dan Doyle, Assistant Attorney General



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 4, 1985

NOTICE

TO: Mrs. Helen Callan, Rt 1, Box 41, Hermosa SD 57744
Mrs. Minnie Bender Burns, Rt 1, Box 29, Hermosa SD 57744
James A Lintz, Rt 1, Box 23, Hermosa SD 57744
Rittberger Beef & Dairy, Inc., Rt 3, Box 13, Hermosa SD 57744

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division

SUBJECT: Rescheduled Hearings on Water Permit Application Nos. 1687-2A,
1900-2 and 106A-2 and Rescheduled Cancellation Considerations
of Water Right Filing Nos. 0138-2 and 0185-2.

The hearings on the above Water Permit Applications and Water Right Filings were postponed pursuant to a request from Andrew Reid, attorney representing Mrs. Callan and Mrs. Burns. The hearings before the Water Management Board will now be at 11:00 am, May 15, 1985 in the Civil Defense Room, located in the basement of the Capitol Building, Pierre SD.

We are recommending the following addition to qualification No. 1 for Water Permit Application Nos. 1687-2A, 1900-2 and 106A-2:

"The 2.5 cfs flow bypass may be changed by the Water Management Board, if flow measurements indicate a need for change."

JH:TS:ks

cc: Daniel D Doyle, Assistant Attorney General
Andrew Reid, Attorney
Curt Ireland, Attorney



Water & Natural Resources

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

Water Rights Division
605 773-3352

1900-2

NOV 19 1985

Mrs. Helen Callan &
Mrs. Minnie Bender Burns
Route 1, Box 41
Hermosa, South Dakota 57744

Dear Mrs. Callan and Mrs. Burns:

Enclosed is your Water Permit No. 1900-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

RR #1 Box 41
Hermosa, SD 57744

For Dept. Use Only

Please fill out and return at once.

R	O
---	---

If you did not irrigate during 1985-check this box ☒

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

Type of Power	No. acres Irrigated
1. Electric	_____
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. Sidewheel	_____
6. Towlines	_____
7. Gun type	_____
8. Hydromatic	_____
9. Siphons	_____
10. Flood	_____
11. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Month									

Seesoozn Sima Kru Xwaten Xzewh xmn bech natin ngn	fdx	emz	fdx
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COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Owner or address change, if any:



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

I have this day made a thorough examination of the water use system constructed by Mrs. Helen Callan

Minnie Bender Burns of Rt. 1, Box 41, Hermosa, SD 57744 holder of

Permit No. 1900-2, bearing the priority of April 15, 1887 ~~19~~ authorizing

the diversion of 0.94 cu. ft. per second of the waters of Grace Coolidge Creek

for Irrigation purposes, in Custer County.

A. Works used to divert the water:

Chrysler-Nissan Motor, Model No. 0N3-33

Berkley Pump, Model No. B3TRBM-CW, Serial No. 140814

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

1300 feet Finch Alum

C. Works used to apply water to beneficial use:

350-400 feet of lowline w/ Rainbird sprinklers

The system is in the following condition Fair

The point of diversion is located Between a point located 260 ft. West of the SW corner of Sec. 10-T35-R7E & a point 1000 ft. West of the Center of Sec. 10-T35-R7E

of Sec. 10-735-K 7E
The works are capable of diverting and conveying to the place of use 0.94 cfs

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

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

25 Acres in SE 1/4 SE 1/4 Sec. 9-T35-R7E

19 Acres in NW 1/4 SW 1/4 Sec. 10-T3S-R7E-

22 Acres in NE 1/4 SW 1/4 Sec. 10 - T3S - R7E

comprising a total of 66 acres of land and the license should be issued for 0.99 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date June 10, 1988

Timothy L. Schaal
(signature)

LICENSE FOR PERMIT NUMBER 1900-2

1. ~~Legal location of wells:~~ Point of Diversion Between a point located 260 ft. West of the SW corner of Sec. 10-T35-R7E & a point 1000 ft. West of the Center of Sec. 10-T35-R7E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Berkley Motor a) make Chrysler-Nissan
b) model B3TRBM-CW b) model no. ON4-33
c) size 11" Imp. c) horsepower rating 4 cyl. Diesel
d) capacity 3200 RPM 2600 RPM
48 HP 26 HP d) motor efficiency rating _____
e) turbine pump Serial No. 140814
no. of stages _____

3. Distribution lines:

a) size of lines 4 inch
b) type Alum
c) length 1300 ft.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

- h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length 350-400 feet
2) make, model & number of sprinklers Rainbird
3) spacing of sprinklers 6-8 ft.
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

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

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

X

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X

2. Special Qualifications to permit being abided by.

X

3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1900-2 FOR IRRIGATION

(1) Mrs. Helen Callan and Minnie Bender Burns of HCR 89, Box 73, Hermosa, SD 57744 made Application No. 1900-2, September 26, 1984 for validation of a vested right claim to appropriate 0.94 cubic feet of water per second from Grace Coolidge Creek, Custer County, South Dakota for irrigation purposes. Vested Water Right No. 1900-2 was validated May 6, 1992 with a priority date of April 15, 1887. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.94 cubic feet of water per second for beneficial use. The location of the diversion point is between a point located 260 feet west of the SW corner of Section 10, T3S, R7E and a point 1000 feet west of the center of Section 10, T3S, R7E.

The location of the irrigated acreage is:

T3S, R7E Section 9	SE 1/4 SE 1/4	25 Acres
Section 10	NW 1/4 SW 1/4	19 Acres
	NE 1/4 SW 1/4	22 Acres
	Total-----	66 Acres

(3) Pursuant to Section 46-5-30.1 Mrs. Helen Callan and Minnie Bender Burns of HCR 89, Box 73, Hermosa, SD 57744 the holder(s) and/or owner(s) of Vested Water Right No. 1900-2 is issued a license to appropriate 0.94 cubic feet of water per second from Grace Coolidge Creek with a priority date of April 15, 1887 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1900-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

DEC 24 1992

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1900-2 FOR IRRIGATION

Date of Receipt of Claim September 26, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1900-2 for irrigation purposes for Mrs. Helen Callan and Minnie Bender Burns, HCR 89, Box 73, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1900-2 appropriates 0.94 cubic feet of water per second from Grace Coolidge Creek located between a point in the SE 1/4 SE 1/4 Section 9 to the NE 1/4 SW 1/4 Section 10; all in T3S-R7E to irrigate 66 acres located in the SE 1/4 SE 1/4 Section 9 and the N 1/2 SW 1/4 Section 10; all in T3S-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is April 15, 1887.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

No diversion may be made unless there is a flow of at least 2.5 cubic feet per second in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE 1/4 SE 1/4 Section 3-T3S-R7E.

This water right is approved subject to the irrigation water use questionnaire being submitted each year.

Validation of Permit No. 1900-2 incorporates the applicable portions of Water Right Filing No. 021-2 into No. 1900-2 and cancels the abandoned or forfeited portions of Water Right Filing No. 021-2.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

DEC 24 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 24 1992

Mrs. Helen Callan and Minnie Bender Burns
HCR 89, Box 73
Hermosa SD 57744

Dear Mrs. Callan and Mrs. Burns:

The Water Management Board has validated the enclosed Vested Water Right No. 1900-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the water license which reflects the acreage and diversion rate as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure



1900-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 11, 2003

Dear Water Right Holder;

The SD Department of Environment and Natural Resources is alerting Grace Coolidge Creek water right holders of low flows in the stream. On July 30, 2003 a staff engineer measured the flow in the creek at less than two (2) cubic feet per second (cfs) on the Lintz property. Water rights on Grace Coolidge Creek have the qualification that no diversions from the stream are authorized unless the flow at the lower end of the Lintz property is at least 2.5-cfs.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

This is not a shutoff order. This letter is only intended to give you advanced warning that flow in Grace Coolidge Creek is quite low and water right holders need to closely monitor water usage. If shut-off orders are issued, you will receive another letter from the department.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

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

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 20, 2017

MINNIE BENDER BURNS (deceased)
MRS HELEN CALLAN (deceased)
13915 SD HWY 36
HERMOSA SD 57744

future correspondence should be mailed to:
Anna C. Molitor (daughter of Helen Callan)
P.O. Box 74
Smithwick, SD 57782

RECEIVED

JAN 09 2018

WATER RIGHTS
PROGRAM

NOTICE TO SUBMIT THE 2017 IRRIGATION QUESTIONNAIRE

With the fall season upon us and the
Irrigation Questionnaire form(s).

- Please complete each form
- If you have multiple permits
for each permit. The water
- Submission is required when
cancelled.
- Submission does NOT protect
than 3 years unless legal ex
excessive precipitation, or p
Reserve Program.
- For more information regarding water rights visit our web site at <http://denr.sd.gov/wr>

Sorry this is late. I
received it this week from
the estate attorney. My
mother, Helen Callan, passed
away Jan. 4, 2017. Please
mail future correspondence
to me at;

Anna C. Molitor
P.O. Box 74
Smithwick, SD 57782
OR
molitors@gwtc.net

complete and return your 2017

by January 1, 2017.

water sources are not the same
questionnaire.

right may be suspended or

tion for periods of nonuse greater
includes unavailability of water,
program such as the Conservation

The information gathered from the questionnaire is a valuable tool for guiding the Water Rights Program in the
protection and beneficial use of the waters of the State. **Accuracy in your reporting is important.**

For the Water Management Board

Jeanne Goodman, Chief Engineer
Water Rights Program

enclosures

3 easy options to return your irrigation questionnaire(s)	1. Online (preferred method)	2. Mail	3. Fax
	http://denr.sd.gov/iq.aspx You need a PC able to send & receive email and uses the free Adobe Reader software. You can save a copy for your records and be notified by email when questionnaires are received.	Use the enclosed postage paid return envelope	Fax the completed form(s) to 605 773-4068
For assistance contact Genny McMath at 605 773-3352 or email: genny.mcmath@state.sd.us			
Note: Examples of how to complete questionnaires are on the reverse side of this page.			



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 2018

1900-2

Anna C Molitor
PO Box 74
Smithwick SD 57782-0074

Dear Ms. Molitor:

Thank you for sending in the 2017 irrigation questionnaire for Vested Water Right No. 1900-2.

I gather from your notes on the cover letter the vested water right will need to be transferred. I can make a notation in our files to send correspondence to you until the estate is settled. The vested water right will need to be transferred as soon as ownership is determined.

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

I have included a copy of the vested water right for your records. Thank you for contacting us about the needed changes to the vested water right. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



1900-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: ANNA C MOLITOR, MGR, PO BOX 74, SMITHWICK, SD 57782
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1900-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(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) 1900-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1900-2 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1900-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2019

1900-2

Anna C Molitor
PO Box 74
Smithwick SD 57782-0074

Dear Ms. Molitor:

I am writing to acknowledge receipt of the 2018 irrigation questionnaire for the vested water right listed in the name of Mrs. Callan.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Vested Water Right No. 1900-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

1900-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2019

1900-2

Anna C Molitor
PO Box 74
Smithwick SD 57782-0074

Dear Ms. Molitor:

In January, 2018, I forwarded you a copy of Vested Water Right No. 1900-2, listed under Minnie Bender Burns and Mrs. Helen Callen along with a transfer of ownership form. It is my understanding an ownership change was needed but would need to wait until the estate was settled to determine what the ownership would be.

To date, we have not heard from you regarding the transfer. If ownership has been determined, please complete the enclosed transfer form and return it to our office. A filing fee of \$50.00 is required. The check or money order for the fee can be made payable to the Water Rights Program.

If you need additional time to file the ownership change, or if you have any questions, please contact me.

Sincerely,

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

enclosure

1900-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 9, 2020

1900-2

Anna C Molitor
PO Box 74
Smithwick SD 57782-0074

Dear Ms. Molitor:

In January 2018 and June 2019, we contacted you in regard ownership of land described in Vested Water Right No. 1900-2. The vested right is currently listed in the name of Minnie Bender Burns and Mrs. Helen Callen. It was my understanding the land was in an estate and an ownership change would be filed once things were settled. To date, we have not heard from you on this matter.

I realize these things take time, but I wanted to touch base with you again to see if anything has changed. In the event you do not have the other transfer forms sent, enclosed is an additional partially completed form. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID

OCT 27 2020

Ck# 1026

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

No. 1900-2

Date: 10/24/2020

I/We request that Vested Water Right No. 1900-2

formerly owned by: Minnie Bender Burns, Mrs. Helen Callan

be transferred to: (name & address) Thomas H. Callan, TRUSTEE
11217 N OAKWOOD DR UNIT 16
PEORIA IL 61615-1038 Telephone No. 309-360-9298

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

66 acres - SE ¼ SE ¼ Section 9 and N ½ SW ¼ Section 10, T3S, R7E

I/We understand that the validity of Vested Water Right No. 1900-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Thomas H. Callan, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

1900-2

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date October 27, 2020

RECEIVED OF Callan North Ranch LLC, Thomas H Callan, Trustee, 13915 SD Hwy 36, 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	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>Vested Water Right No. 1900-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Nordlund
Chief Engineer *KS*



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 27, 2020

1900-2

Thomas H Callan
1110 N Hennes Rd, Lot 2163
Casa Grande AZ 85122

Dear Mr. Callan:

Thank you for following up on the ownership change for Vested Water Right No. 1900-2.

The ownership change has been completed. Vested Water Right No. 1900-2, formerly held by Minnie Bender Burns and Mrs. Helen Callan, is now listed under "Thomas H Callan, Trustee".

Enclosed as we discussed is a copy of the vested right, license and map. The entire administrative record can be found on our website at: <https://denr.sd.gov/des/wr/wr.aspx> Once you get to the site, view along the left side for "databases" and then go to Water Rights. You will be able to get to a spot to type in the water right number. Hit enter and a screen will come up with information about the water right and will include a link to click on the pdf image.

If you have any questions, let me know. I hope you have a warm winter in Arizona!

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION No. 1900-2, Mrs. Helen Callan &
- Minnie Bender Burns

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application NO. 1900-2, Mrs. Helen Callan and Minnie Bender Burns, Rt. 1, Box 41, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 1900-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. No diversions may be made unless there is a flow of at least 2.5 cubic feet per second* in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T3S, R7E.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. That approval of Permit No. 1900-2 recognizes and incorporates the applicable portions of Water Right Filing No. 021-2 into Permit No. 1900-2 and cancels the abandoned portions of Water Right Filing No. 021-2.

See attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 18, 1984

* The Chief Engineer will arrange for installation of a Staff Gauge in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. A Staff Gauge is a graduated scale mounted on a plank, wall or like object from which the water surface elevation may be read.

Report on Water Permit Applications
on Grace Coolidge Creek
October 18, 1984

Water Permit Application No. 1900-2 submitted by Mrs. Helen Callan and Minnie Bender Burns is an amendment to change the diversion point, method of diversion, and method of irrigation for Water Right Filing No. 021-2. Water Permit Application No. 106A-2 submitted by James A. Lintz is an amendment to change the diversion point, method of diversion, and method of irrigation for Water Right No. 106-2. Water Permit Application No. 1687-2A submitted by Rittberger Beef and Dairy Inc., requests 1.18 cfs from Grace Coolidge Creek to irrigate 82.5 acres, plus a 3 cfs diversion rate from Grace Coolidge Creek during high flow periods and local runoff to fill a 103 acre feet dry draw storage dam.

Discussion

Callan and Burns Application No. 1900-2

Water Right Filing No. 021-2 with an April 15, 1887 priority date was filed to divert 1500 miners inches (30 cfs) of water from Squaw Creek (Grace Coolidge Creek). The diversion point was to be near the middle of the SW1/4 NE1/4 of Section 16-T3S-R7E to irrigate land in the SE1/4 of Section 9-T3S-R7E and the NE1/2 SW1/4 of Section 10-T3S-R7E. The diversion dam was abandoned in approximately 1972. The ditch system is still in existence, although it is evident that it has not been used for years. Mrs. Callan's husband, Thomas (deceased) stopped in the Water Right Division Office in January 1980. He stated he had not been able to irrigate for several years because no water was available. Mr. Callan mentioned an interest in irrigating when water became available and asked about changing the point of diversion. Mrs. Callan has stated some irrigation was accomplished whenever enough water was available. The ditch system was not used, but water was pumped from the creek in 1980, 1983, and 1984.

Lintz Application No. 106A-2

Water Right No. 106-2 has a priority date of June 6, 1911 and was licensed in 1912 for a diversion rate of 1.0 cfs to irrigate 39.3 acres. The diversion rate does not comply with the 1907 law which said the maximum diversion rate cannot exceed 1.0 cfs for every 70 acres and should be changed. The diversion point is located in the SW1/4 NE1/4 Section 10-T3S-R7E and the irrigated lands are located in the SE1/4 SE1/4 of Section 3 and the NE1/2 NE1/4 and the SW1/4 NE1/4 of Section 10-T3S-R7E. The system consists of a diversion dam, wood flume, and ditches. The dam and flume would need major repair in order to function properly. Mr. Lintz reported water was diverted into the ditches in 1976, 1978, and some in 1980. Water was also pumped during 1984.

The Lintz and Callan systems were designed for gravity flow and would require a large flow in order to function properly. The applicants are requesting a change in diversion to modify the systems from gravity flow to systems that will pump water directly from Grace Coolidge Creek. The change will enable the applicants to utilize Grace Coolidge Creek during periods of flow which are considerably less than what is required for the old systems.

The portion of Grace Coolidge Creek, which runs through the Rittberger, Callan and Lintz properties, is below a large sink hole area located approximately 1 mile inside the Custer State Park boundary. The creek is usually dry between the sink hole area and just upstream of where Rittbergers want to irrigate. There are several springs along the creek on Rittberger's property and Mrs. Callan's property which contribute to the flow. Mrs. Callan also has a flowing Minnelusa well that is controlled.

We do not have good records of flow on Grace Coolidge Creek. There is a USGS gaging station located upstream of the sink hole area in the SW1/4 NE1/4 of Section 26-T3S-R6E. There were two gaging stations located below the sink holes in the SE1/4 SE1/4 of Section 24-T3S-R7E but these were discontinued because little or no flow was getting past the sink holes. Table No. 2 shows the flow records since 1950 for a gaging station located on Battle Creek approximately 2 miles downstream of the mouth of Grace Coolidge Creek. The table shows that in the months of May, June, and July there would be enough flow to irrigate at least 50 percent of the time. This data is misleading because Grace Coolidge Creek contributes one-third of the drainage area above the gaging station; however, this year the flows in Grace Coolidge Creek were approximately twice as large as Battle Creek flows.

Investigations were made in Grace Coolidge Creek area several times late in the summer of 1983. In the area where Rittbergers want to divert water, the estimated flow was 3 or 4 cfs. June 6, 1984, the flow using a Marsh McBirney flow meter was measured at 5.5 cfs just upstream from where Rittberger wants to divert water (Site No. 1). A flow of 6.0 cfs was measured at the lower end of Rittbergers property (Site No. 2), 6.6 cfs on Mrs. Callan's property (Site No. 3) and 7.7 cfs on Jim Lintz's property (Site No. 4). During several visits to the area since June 6, the flow appeared to be the same or higher. The flows in Grace Coolidge Creek appear to be greater this year than in previous years. The increased flows could be attributed to the increased precipitation resulting in an increase in groundwater levels and spring flow.

Conclusion and Recommendation

In order to establish some flow records on Grace Coolidge Creek and to maintain a flow for downstream domestic use, we are recommending the installation of a staff gage with a by-pass requirement of 2.5 cfs at the lower end of Lintz's property.

Application No. 1900-2

We are recommending approval of Water Permit Application No. 1900-2 with the following qualifications.

- 1) That a low flow by-pass of 2.5 cfs be required at the lower end of Lintz's property for downstream domestic use.
- 2) That the irrigation water use questionnaire be submitted each year.
- 3) That approval of No. 1900-2 recognizes and incorporates the applicable portions of water Right Filing No. 021-2 into Permit No. 1900-2 and cancels the abandoned portions of Water Right Filing No. 106-2.

021-2

BATTLE CREEK AT HERMOSA

Table 2

Mean Monthly Flow (cfs)

Year	April	May	June	July	Aug	Sept
1950	4.6	8.5	4.5	5.1	1.3	2.6
1951	3.0	3.0	12.9	16.2	4.7	5.7
1952	2.6	125.0	31.6	9.3	2.2	1.3
1953	3.3	7.5	13.3	2.5	12.3	1.1
1954	2.7	1.5	0.8	0.4	0.2	0.2
1955	1.4	0.7	1.3	0.7	0.2	0.1
1956	0.9	15.1	3.5	5.8	3.3	0.2
1957	2.2	88.0	97.7	49.7	25.5	5.2
1958	11.7	20.9	13.1	5.2	2.6	1.8
1959	2.2	2.2	4.8	5.3	0.7	0.7
1960	1.1	4.0	4.7	0.8	0.3	0.1
1961	0.9	0.9	3.2	3.9	0.2	0.1
1962	0.3	47.5	93.5	75.5	17.3	2.1
1963	17.3	26.5	100.0	25.5	5.6	5.8
1964	3.8	9.0	23.4	21.3	2.5	1.5
1965	3.0	129.0	102.0	46.5	13.6	5.6
1966	7.1	6.0	3.3	2.5	3.1	1.6
1967	2.9	3.8	158.0	25.8	9.0	6.9
1968	5.4	4.8	13.8	5.1	5.3	5.8
1969	4.2	3.3	2.8	29.5	3.2	3.7
1970	4.2	7.0	26.6	2.9	2.3	1.7
1971	31.9	57.2	80.8	14.3	6.1	5.0
1972	4.9	9.3	142.0	29.5	17.1	8.8
1973	28.7	31.8	19.0	8.1	6.4	8.8
1974	5.6	5.3	3.3	2.4	1.5	1.8
1975	9.0	6.6	18.6	2.6	2.0	1.7
1976	3.6	44.4	107.0	17.2	11.1	6.0
1977	6.1	5.0	2.5	4.1	3.6	2.9
1978	4.1	86.5	30.3	11.8	8.1	4.6
1979	5.3	4.9	2.1	19.6	16.5	9.6
1980	4.9	3.9	2.4	1.5	1.9	2.0
1981	1.9	38.5	4.8	2.9	2.2	2.0
1982	3.2	9.0	23.6	9.9	10.0	7.2
TOTAL	194.0	816.6	1151.2	463.4	201.9	114.2
Ave.	5.9	24.7	34.9	14.0	6.1	3.5
Median	3.8	7.5	13.3	5.8	3.3	2.1

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