

No. 1901-2 Hydrologic Unit 10/20109
 Map No. 1901-2 Basin UC
 Newspaper Custer County Record 5/10/84 67730

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 Permit No. _____ with old priority date retained☐ 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 Cody Tachenko Phone No. 255 4451 or 4101Post Office Address RT 1, Hermosa State SD 58744
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 0.28 Total acres irrigated 193. Source of Water supply well④ Location of point of diversion See enclosed Map
SW⁴ SW⁴ 27-2S-7E5. Counties where water will be used Custer6. Annual period during which water is to be used May → Sept.

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.
<u>SW⁴ SW⁴ Sec 27, T2, R7</u>	<u>> 18 (8)</u>
<u>SE⁴ SE⁴ Sec 28, T2, R7</u>	<u>(10)</u>
<u>Lot 8</u>	

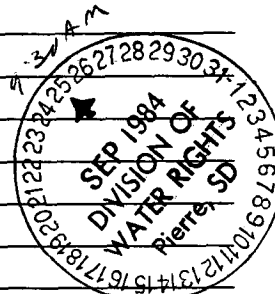
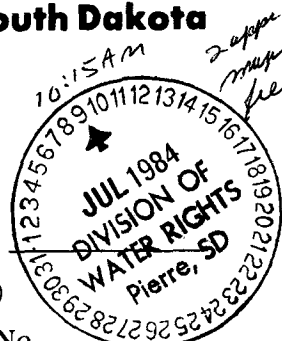
Land Description	No. Acres Irr.

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)

well supplying water for hand line set, irrigating
fruit + vegetables

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 ssI, Cody Tachenko 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 Cody TachenkoSubscribed and sworn to before me this 6th day of July 1984
Patricia A. Bechard
 Notary Public (or other qualified officer)


WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1901-2
Cody Tachenko RT. 1 Hermosa
 (Applicant) (Post Office Address)
S. D. 57744 With the following qualifications.
 (State) (Zip Code)

The irrigation well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.

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

Date of first receipt of application July 9, 1984
 Date of return to applicant for correction, amendments or changes required July 11, 1984
 Date of receipt of corrected application September 25, 1984 Approved December 5, 1984

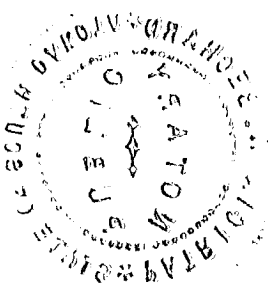
The Water Management Board hereby approves this Water Permit No. 1901-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 25, 1984
2. One-fifth of the work is to be completed on or before June 5, 1987
3. The whole of said work is to be completed on or before December 5, 1989
4. The time limit for proof of beneficial use of water is December 5, 1993
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 0.28 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 December 5, 1993; said water to be used during the following described annual period: May 1 to September 30

WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources

January 3, 1985



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" or 10" Depth 180 ft or deeper as needed
- b) Casing Type steel Diameter 8 Thickness _____
- c) Screen Type whatever is necessary Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 60 ft or less
- f) Depth of Water (ground surface to water level) 60 ft or less
- g) Distance to nearest existing domestic well:
 On applicants property none On property owned by others approx 500 ft

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

*enclosed is a well log drilled by
 Warren Dawson for Willard
 Worth, a near by well.*

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

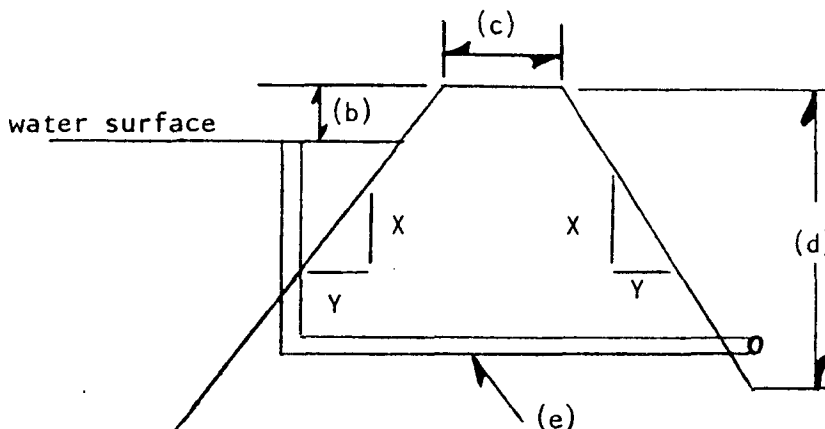
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



City of Larchmont
 Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9704

South Dakota Department of Water and Natural Resources

Pierre, July 1, 1900

RECEIVED OF Cody Jackson, Route #1, Lakota, SD 57755

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

Fee for Application for Permit No. 1901-2 to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By [Signature]

Chief Engineer



CONSERVATION COMMISSION

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4096

OWNERS NAME: Cody Tachenko OWNERS ADDRESS: RT HermosaS. DAK. 57744COUNTY LAND LOCATED IN: Custer PHONE: 605-255-4451 255 4101

TENANT'S NAME AND ADDRESS: _____

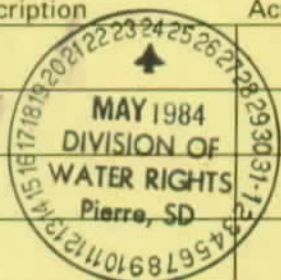
In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

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

1. WELL LOCATION: SE 1/4 of the SE 1/4 of sec 28, T2, R7

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 of the SW 1/4 of sec 27 T2 R7</u>	<u>10</u>		
<u>SE 1/4 of the SE 1/4 of sec 28, T2, R7</u>	<u>8</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: none

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: X CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)6. CROPS TO BE IRRIGATED: Fruit & Vegetables

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

7. WATER SAMPLE NUMBER: 84-0194 Percent Sodium 8.568. SALINITY (EC X 10⁶): 4009. SODIUM (SAR): 0.2610. ADJUSTED (SAR): 0.52

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at 6:30 a.m./p.m., on 4-18, 1984, at the following location: SE 1/4 of the SE 1/4 of sec 28 by (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 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

19th DAY OF April, 1984.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

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 Board of Water Management, Foss Building, Pierre.

X APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

RZE

Bennington Co.

Custer Co.

Mapping Unit 19 This deep, well drained, nearly level soil is on low terraces of loesslands.

Typically the surface layer is dark grayish brown fine sandy loam about 5 inches thick. Below this to a depth of 15 inches, is pale brown, loamy fine sand. The underlying material, to a depth of 60 inches, is brown fine sandy loam in the upper part and loamy fine sand below.

G. H. Lane

521

Preliminary Subid to Change
Pending Correlation of Soil
Survey to 2468

STATEMENT

Downen Drilling Company

Rt. 4, Box 1190
Rapid City, South Dakota 57702
Phone 787-4525

Cody Tachenko

Rt. 1

Hermosa, SD. 57744

Terms: 1% per month after 30 days!

Date

Well log for Willard Worth Well. (near house)

160' to 6 $\frac{1}{2}$ " Drilling

100' of 5" casing (Steel)

No screen.

Water Level 60' from top

Test 30 Gpm

Drilled 6/5/80

Water from the minnelusa sandstone

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of sec 28
T2 R7

Warren B. Downen



Well log submitted
w/app. 1st.

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location SW SW 28 Sec 28 Twp 2 Rg 7

County

Custer

Please mark well location with an "X"

W

North

E

1 mile

Well Completion Date 3-27-1985

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Cable Tool

WELL CONSTRUCTION:

Diameter of hole 7 inches Depth 70 feetCasing: ☒ Steel ☐ Plastic ☐ Other
Specify _____Pipe weight Diameter From 0 To 68
24 lb/ft 7 inches 0 feet 68 feet
lb/ft inches feet feetWas a well screen used? ☐ Yes ☒ NoIf Not Specify perforated 44-57Screen Type Horizontal Slot Size 1/2" x 1/2"
Length _____ Diameter _____Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? RubberWas well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure 1 remTo what depth? 44 FeetWhat was grouting material? Cement-JelIf cement, how many sacks? 11Location of packer(s) and screen or perforated pipe Packer 44-57
44-57 FTWAS WELL PLUGGED OR ABANDONED? ☐ Yes ☒ No

If so how and with what material?

Well Owner:

Name

Cody Tachento

Address

RT 1 Box 75E Hermosa SD

Well Log:

Depth

Formation

From

To

0-6 clay068-16 gravel816Red shale1644Red Broken ss4457Red + orange clay5765Orange Sandstone6570STATIC WATER LEVEL 8 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 60 gpm @ 46 FT
80 gpm @ 67 FT

Pumping Level below Land Surface

67 Ft. After 4 Hrs. pumped 80 GPM

ft. After _____ Hrs. pumped _____ GPM

ft. After _____ Hrs. pumped _____ GPM

Remarks:

Loose sandat BottomThis well was drilled under license # 492

and this report is true and accurate.

Drilling Firm Lewis DrillingSigned by LD LewisDate 4-3-855-16-85

WNR-836 4/82

Well log for actual well drilled. Not

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1ROLL NO 4-2DATE MICROFILMED 11-27-85CAMERA OPERATOR David Schmitt



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

May 7, 1984

Cody Tachenko
RR
Hermosa, SD 57744

Dear Mr. Tachenko:

In reviewing your soil and water compatibility application for the SW 1/4, 27; SE 1/4, 28-2-7 = 18 acres, the Irrigation Staff is recommending a Straight Approval of your application to the State Conservation Commission at their May 10, 1984 meeting. The Straight Approval recommendation has been made because with water of this quality and the soil types to be irrigated we feel with good management the potential for soil damage is minimal.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf

cc: ✓ Division of Water Rights
Water Quality Lab, SDSU
LeRoy Cluever, Extension Ag. Engineer

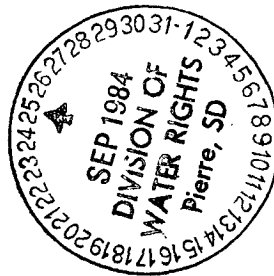


Sept 23, 1984

To Whom it May Concern:

This will verify that there is a contract for deed in force between Battle Mountain Heights Subdivision and Corby and Jonnell Truckenbro on the purchase of Lot 8.

Glen A. Barker



RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION NO. 1901-2, Cody Tachenko

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. 1901-2, Cody Tachenko, Rt 1, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 1901-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.

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

See the attached report for additional information.



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

REPORT ON APPLICATION NO. 1901-2

CODY TACHENKO

October 16, 1984

This application proposes to divert 0.28 cfs from one well 160 feet deep for irrigation. The point of diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T2S, R7E BHM.

Aquifer - Minnelusa

Geology and Aquifer Characteristics

The Minnelusa Formation is a various assemblage of sandstone, limestone, dolomite, and shale (Rahn, 1979). The average specific capacity is 1.06 gpm/foot of drawdown (Rahn, 1979) for the Minnelusa. The amount of recoverable water from the Minnelusa in Custer County is 25.9 million acre-feet (Allen Etal, 1984). One other high capacity well drilled in this area reported pumping 120 gpm with 4 feet of drawdown (30 gpm/foot of drawdown) (Water Rights Well Files, 1984). This well capacity is considerably higher than the average reported by Rahn. The Minnelusa is under water table conditions in this area and is approximately 600-700 feet thick (Allen, Etal, 1984).

Review of Existing Water Permits

There are three existing groundwater permits in this area.

1677-2	Donely	1	0.50	1) 225'	Minnelusa
1738-2	Werth	1	0.88	1) 100'	Minnelusa
1747-2	Barari	1	0.86	1) 300'	Minnelusa

Permit No. 1738-2 has been developed and Permits No. 1677-2 and 1747-2 are not developed. This application is approximately 3/4 mile east of No. 1738-2 and approximately 1 1/2 miles west of No. 1747-2 and No. 1677-2. There are numerous domestic wells finished into the Minnelusa in this area (Water Rights Division Well Files, 1984).

Conclusions

1. Water is available from the Minnelusa Formation.
2. Interference should not be a problem. The well should be under water table conditions and drawdown should be minimal.
3. The Water Rights Division presently monitors a well (CU-83A) which is located approximately 2 miles east of this application. CU-83A is a Minnelusa well.
4. There were a great number of protests concerning permit Application No. 1747-2. Most of these concerns were about the affect irrigation with-drawals would have on domestic supplies.
5. Recharge occurs by direct precipitation on the outcrop and by stream flow loses from Battle Creek into the Madison and Minnelusa (sink hole area) (see Darton's 1925 map and Rahn and Gries, 1973).
6. Battle Creek is spring fed from the Madison-Minnelusa approximately 1-2 miles upstream of this application.
7. A diversion of this magnitude (0.28 cfs) is small in comparison with the amount of water available. Any impacts from this diversion should not be noticeable.


JAMES A GOODMAN
Hydrologist

Bibliography

Allen, J.C., D. Illes, A. Petres, 1984, Draft Final Ground Water Resources Inventory, For U.S Army Corps of Engineers, DWNR, Division of Geological Survey, Vermillion SD. 57069.

Darton, N.H., 1925, Central Black Hills Folio No. 219, USGS, Washington, D.C.

Rahn, P.H., 1979, Ground Water Resource for Western S.D., For U.S. Army Corps of Engineers, SDSM & T Project No. 2533, Rapid City SD 57701

Rahn, P.H., Gries, J.P., Large Springs in the Black Hills and Wyoming, Report of Investigations No. 107, SDGS, Vermillion SD, 57069.

Water Rights Division, 1984, Observation Well CU-83A, DWNR, Water Rights, Joe Foss Building, Pierre SD, 57501

Water Rights Division, 1984, Well Files, DWNR, Water Rights, Joe Foss Building, Pierre SD, 57501.

Notice of Hearing

No. _____

NOTICE OF HEARING on Application No. 1901-2 to Appropriate Water.

Notice is hereby given that Cody Tachenko whose mailing address is Rt#1, Hermosa, South Dakota has made an application for a permit to appropriate 0.28 cubic feet per second of water from one well 160 feet deep in the Minnelusa formation located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27-T2S-R7E. The water will be used to irrigate 18 acres of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 all in T2S-R7E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1901-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) 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, South Dakota, December 5 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board of 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 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.

#1216 10-25-84

11-01-84

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Custer) ss.

I, Randall Oshull 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 and November 01, 1984

Randall Oshull
(Signature)

Publisher
(Title)

11/2/84
(Date Signed)

Cost of Printing: \$10.30

October 25, 1984 -- \$22.39

November 1, 1984 -- \$17.91



WP or WR No. 1901-2

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. 1901-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

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Rt#1, Hermosa,, South Dakota has made an application for a permit

to appropriate 0.28 cubic feet per second of water from one well 160 feet deep
 in the Minnelusa formation located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27-T2S-R7E. The water
 will be used to irrigate 18 acres of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 and SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 28 all in T2S-R7E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 1901-2 because 1) unappropriated water is available,
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 Board is authorized to make a determination on this application after it reaches a con-
 clusion 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
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 written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984.
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 interest in the application, the reason for the petitioner's opposition to or support of
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 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.~~

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 with the Chief Engineer by November 23, 1984.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

1901-2

January 3, 1985

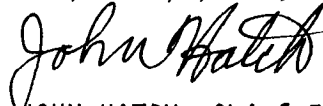
Cody Trachenko
Route #1
Hermosa, South Dakota 57744

Dear Mr. Trachenko:

Enclosed herewith is your Water Permit No. 1901-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1901-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Hermosa

Date May 1985

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

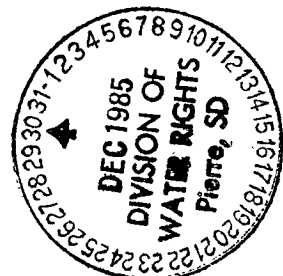
1901-2

Water Right Permit No. 1901-2 states that the diversion system is to be constructed by 1990, and that the water is put to beneficial use by Some.

The diversion system was completed on May 1985. Applying the water to beneficial use was completed on ~~May~~ June 1985

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Cody Tschert
(Signature)



NOTICE OF TRANSFER OF OWNERSHIP



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

No. _____

Date: 2-2-98

I/We request that Water Right Permit No. 1901-2

formerly owned by: Cody Tachenko

be transferred to: (name & address) Willard Werth, HCR 89 Box 178
Hermosa, SO. DAK. 57744 (Telephone No) 605-255-4579

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

I/We understand that the validity of Water Right No. 1901-2 has not been determined by the 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 at the Water Rights Program, as evidence of the change of ownership.

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

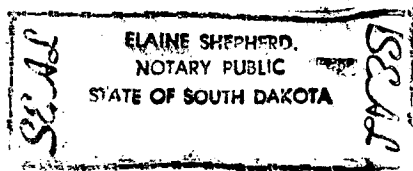
STATE OF SOUTH DAKOTA)

County of Custer Co.)

I/We Willard Werth being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Willard Werth
(Signed)

Subscribed and sworn to before me this 2 day of March, 19 98



Elaine Shepherd
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within a five year construction period. 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**

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

March 18, 1998

1901-2

Willard Werth
HCR 89 Box 178
Hermosa, SD 57744

Dear Mr. Werth:

This will acknowledge receipt of the transfer of ownership form for transferring Water Permit No. 1901-2 from Cody Tachenko to your name. The transfer form is complete, however can not be processed without a required filing fee of \$2.50.

Please remit a total of \$2.50 as soon as possible. Please make the check out to "Water Rights Program" and include the water permit number to insure proper credit. Upon receipt of the fee, the water permit will be transferred to your name. Thank you in advance for your assistance.

If you have any questions, please contact me.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415739

Pierre, April 16, 19 98

RECEIVED OF Willard Werth, Black Hills Auto Sales, 3325 Sturgis Rd., Rapid City, SD 57702-2341
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>Water Permit No. 1901-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John H. Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 15, 1998

No. 1901-2

Willard Werth
HCR 89, Box 178
Hermosa, SD 57744

Dear Mr. Werth:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1901-2.

Our records now show you as the owner of Water Permit No. 1901-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



1901-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: WILLARD WERTH, HCR 89 BOX 178, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1901-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 1901-2 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1901-2 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, 2000, 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.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: WILLARD WERTH HCR 89 BOX 178 HERMOSA SD 57744		C. Signature *H. 89 W. W. 19	
		☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Copy from service label) Z 227 670 236		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 10, 2000

1901-2

Willard Werth
HCR 89 Box 178
Hermosa, SD 57744

Dear Mr. Werth:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 1901-2.

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

Thank you and 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

June 4, 2004

1901-2

Willard Werth
HCR 89, Box 178
Hermosa SD 57744

Dear Mr. Werth:

On June 17, 2003 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1901-2, was completed by Don Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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 July 2, 20 04

RECEIVED OF Willard Werth, HCR 89 Box 178, Hermosa SD 57744

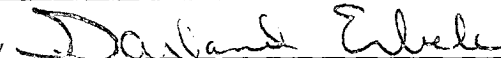
The following amount in fees for services rendered as provided for by law:

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>1901-2</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

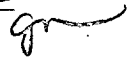
No.



By



Chief Engineer



**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, Willard 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 SE¼ SE¼ 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

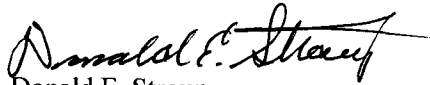
Comments:

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 long horizontal stroke extending to the right.

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

**Permit No. 1901-2
Custer County**

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

Other permit/license(s) associated with project: **None**

Contact Person & Address: **Willard Werth, HCR 89 Box 178, Hermosa, SD 57744**

Report of Examination Of Works

On **June 17, 2003**, I made a thorough examination of the water use system for Permit No. **1901-2**, bearing the priority of **September 25, 1984** authorizing the diversion of **0.28** cubic feet per second (cfs) of well water for **irrigation** in **Custer County**.

The system is in the following condition: **Good**. The point of diversion is located in the **SW¼ SW¼ Section 27 (103.29219W 43.8414N) 1895-feet East 564-feet North of the SW Corner of Section 27, all T2S R7E**. The well is capable of producing approximately 80 gallons per minute (0.18-cfs).

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: **NA**
- 2) All structures, wells and lands on map: **Diversion location on map.**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **Yes**
- 4) Exceptions to compliance are: **None**

Report on Specifics of the System

Diversion Point Information:

- | | |
|--|--------------------------------------|
| 1) Well Drilling Firm: Lewis Drilling | 2) No. of Wells: 1 |
| 3) Depth(s) 70 feet | 4) Well log is available: Yes |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter: 7 inches | 2) Length: 68 feet |
| 3) Type: Steel | |

Screen:

- | | |
|--------------------------------------|----------------------------|
| 1) Type: Homemade-Slotted | 2) Length: ~12 feet |
| 3) Static water level: 8 feet | |

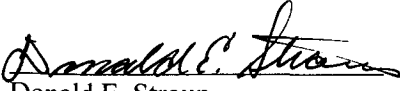
Pump\ Motor:

- | | |
|-------------------------------|------------------------------------|
| 1) Pump Make: NA | 2) Pump Model: NA |
| 3) Capacity: 1 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: NA | 6) Horsepower rating: NA hp |

Distribution System:

- | | | |
|-----------------------------|--------------------------|-------------------------------------|
| 1) Type: Handset PVC | 2) Size: 4 inches | 3) Length: Approx. 1400 feet |
|-----------------------------|--------------------------|-------------------------------------|

COMMENTS: This permit should be licensed for 0.18-cfs diversion rate for the irrigation of 18-acres in portions of the SW $\frac{1}{4}$ Section 27 (2-acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10-acres SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the SE $\frac{1}{4}$ Section 28 (2-acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, 4-acres SE $\frac{1}{4}$ SE $\frac{1}{4}$), all T2S R7E.


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

1/6/09
Date

1901-2
Willard Werth
HCR Box 178
Hermosa, SD 57744

T2S R7E

28

27

Irrigated
Acres

Well

0 0.1 0.2 0.4
Miles



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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1901-2

(1) Cody Tachenko, Hermosa SD 57744 made Application No. 1901-2, July 9, 1984 for a water permit to divert 0.28 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for irrigation purposes. Permit No. 1901-2, with a priority date of September 25, 1984 was approved December 5, 1984 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 5, 1989 and for the application to beneficial use of water on or before December 5, 1993.

On March 17, 1998, Water Permit No. 1901-2 was transferred to Willard Werth, HCR 89, Box 178, Hermosa SD 57744.

(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. 1901-2 is issued a license, bearing a priority date of September 25, 1984 to appropriate 0.18 cubic feet of water per second from groundwater (one well) to irrigate 18 acres.

The diversion point is located: 1,895 feet east and 564 feet north of the southwest corner of Section 27-T2S-R7E (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

All in T2S-R7E					
Section 27	NW ¼ SW ¼	2 acres	Section 28	NE ¼ SE ¼	2 acres
	SW ¼ SW ¼	10 acres		SE ¼ SE ¼	4 acres
Total 18 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1901-2 including the following now applicable qualifications:

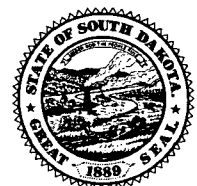
- The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells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



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

AUG 17 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 17 2004

1901-2

Willard Werth
HCR 89 Box 178
Hermosa SD 57744

Dear Mr. Werth:

Enclosed is Water License No. 1901-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001358 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

enclosures



1901-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: WILLARD WERTH, HCR 89 BOX 178, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1901-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(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) 1901-2 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 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1901-2 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 25, 2005**, 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.



1901-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1022

Your item was delivered at 3:21 pm on January 21, 2005 in HERMOSA, SD 57744. The item was signed for by L WERTH.

[Shipment Details >](#)

Notification Options

- Track & Confirm by email [What is this?](#) [Go >](#)
► Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1022

WILLARD WERTH
HCR 89 BOX 178
HERMOSA SD 57744

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

alling.

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2005

1901-2

Willard Werth
HCR 89 Box 178
Hermosa SD 57744

Dear Mr. Werth:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1901-2.

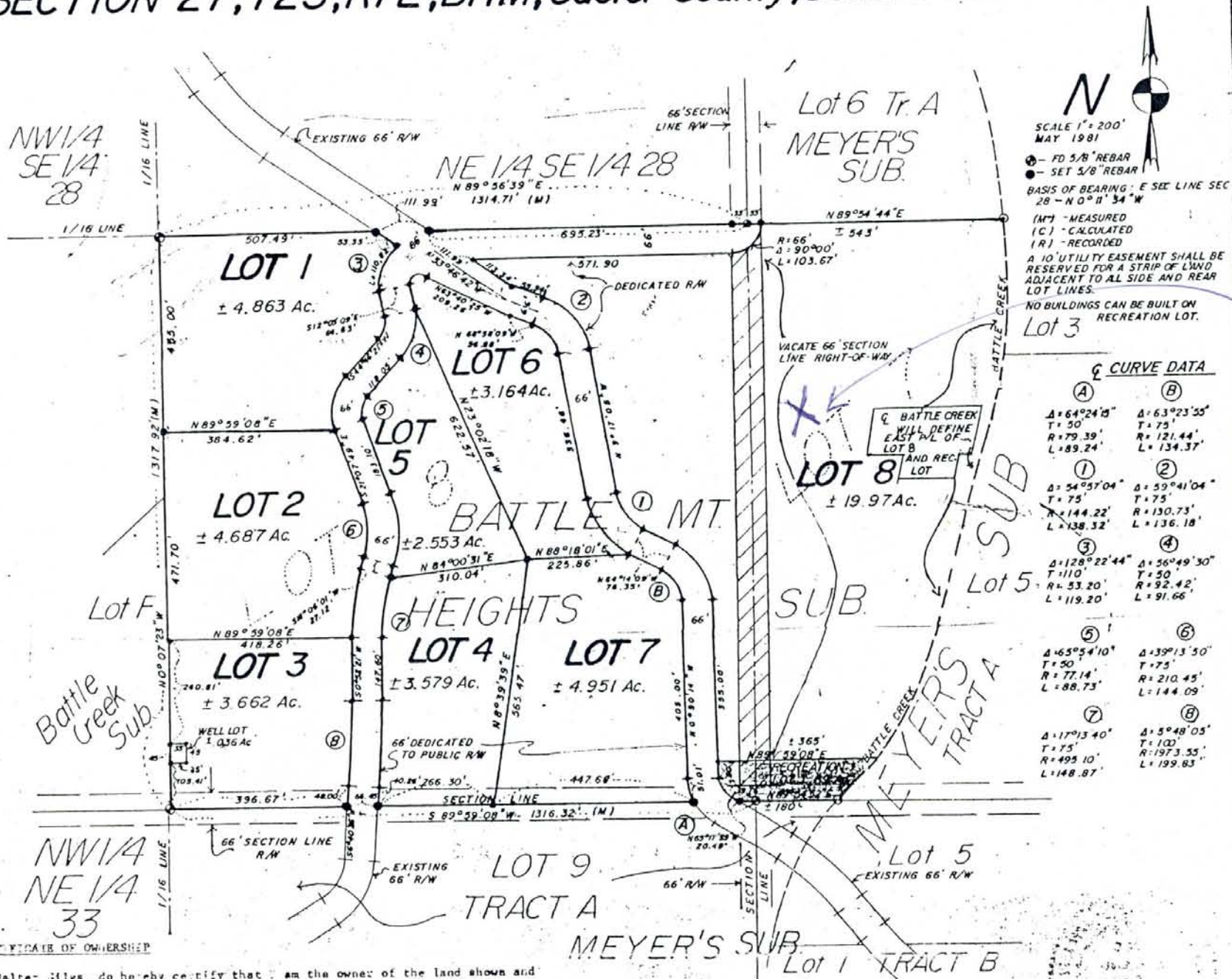
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

PLAT OF LOT 1-8(Inclusive), WELL LOT, AND RECREATION LOT of
BATTLE MOUNTAIN
HEIGHTS SUBDIVISION, (Formerly Lots 7 and 8 of Tract A,
Meyer's Subdivision), SE 1/4 SE 1/4 SECTION 28, SW 1/4 SW 1/4
SECTION 27, T2S, R7E, BHM, Custer County, South Dakota



Proposed
Well
location

CERTIFICATE OF OWNERSHIP

I, Walter Miles, do hereby certify that I am the owner of the land shown and described hereon, that the survey was done with my approval, and that I do hereby approve the survey and within plat of said land.

OWNER: ALLIE LORENE MILES, Independent Executrix
On the 13 day of May, 1981, before me a Notary Public, personally appeared Allie Lorene Miles, known to me to be the person described in the foregoing instrument and acknowledged to me that she signed the same.

NOTARY PUBLIC: Danell & Bishop
MY COMMISSION EXPIRES: Jan 11, 1986

CERTIFICATE OF CONTRACT OWNERSHIP

I, Elmer E. Iversen, do hereby certify that I am the contract owner of the land shown and described hereon, that the survey was done with my approval, and I do hereby approve the plat and survey of said land.

CONTRACT OWNER: Elmer E. Iversen
ELMER E. IVERSEN

On the 25 day of JUNE, 1981, before me, a Notary Public, personally appeared Elmer E. Iversen, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Danell & Bishop
MY COMMISSION EXPIRES: Jan 11, 1986

CERTIFICATE OF CONTRACT OWNERSHIP

I, Walter A. Meyer, do hereby certify that I am the contract owner of the land shown and described hereon, that the survey was done with my approval, and that I do approve of the plat and survey of said land.

CONTRACT OWNER: Walter A. Meyer
WALTER A. MEYER

On the 30 day of JUNE, 1981, before me, a Notary Public, personally appeared Walter A. Meyer, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Danell & Bishop
MY COMMISSION EXPIRES: Jan 11, 1986

CERTIFICATE OF CONTRACT OWNERSHIP

I, Glen Barber, do hereby certify that I am the contract owner of the land shown and described hereon, that I did approve of the survey of said land, and that I do approve the survey and plat of said land.

CONTRACT OWNER: Glen Barber
GLEN BARBER

On the 30 day of JUNE, 1981, before me, a Notary Public, personally appeared Glen Barber, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Danell & Bishop
MY COMMISSION EXPIRES: Jan 11, 1986

CERTIFICATE OF SURVEYOR

I, Jimmy Hilton, Registered South Dakota Land Surveyor No. 2696, do hereby certify that being so authorized, I made the survey and within plat of the land shown and described hereon and that the same is true and correct. All area amounts shall be followed with the words "more or less".

In Witness whereon, I have hereunto set my hand and seal.

REGISTERED LAND SURVEYOR: Jimmy Hilton
JIMMY HILTON

On the 28 day of May, 1981, before me, a Notary Public, personally appeared Jimmy Hilton, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Danell & Bishop
MY COMMISSION EXPIRES: Jan 11, 1986

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Custer County, do hereby certify that all taxes which are liens upon the within described land have been paid according to the records of my office.

Dated this day of , 19 .

Custer County Treasurer

RESOLUTION OF GOVERNING BOARD

I, Chairman of the Board of Custer County Commissioners, do hereby certify that at an official meeting held on the day of , 19 , the Custer County Commissioners did approve the plat as shown hereon.

CHAIRMAN

ATTESTED

OFFICE OF THE REGISTER OF DEEDS

Filed for record the 3 day of AUG, 1981, at 8:45 AM, and recorded in Book of Plats 9 on page 145 therein.

REGISTER OF DEEDS

DIRECTOR OF EQUILIZATION

I, Director of Equilization, do hereby certify that I have on file a copy of the within described plat.

DIRECTOR OF EQUILIZATION:

DATE:

APPROVED:

DATE:

Dear Betty,

Enclosed is the information that was
requested earlier.

Sincerely,
Dale Johnson





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2006

1901-2

Willard Werth
13868 Battle Creek Rd
Hermosa SD 57744

Dear Mr. Werth:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to HCR 89 Box 178, Hermosa, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 2008

1901-2

Donald P Wojciechowski
8039 Pierson Ct
Arvada CO 80005

Dear Sir:

I am contacting you in regard to ownership of land described in Water Right No. 1901-2. The water right is currently held by Willard Werth. I have enclosed a copy of the water license for your review.

Mr. Werth contacted our office today to let us know that you had purchased the land from him. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

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

enclosures

RECEIVED
JAN - 5 2009
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1901-2
Date: 31-DEC-2008

I/We request that Water Right No. 1901-2

formerly owned by: Willard Werth, 13868 Battle Creek Rd, Hermosa SD 57744

be transferred to: (name & address) DONALD P. WOSCIELOWSKI
8039 PIERSON CT
ARVADA CO 80005 Telephone No. 303 421 0504

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

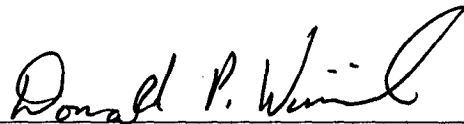
18 acres - W 1/2 SW 1/4 Section 27 and E 1/2 SE 1/4 Section 28, T2S, R7E

I/We understand that the validity of Water Right No. 1901-2 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 DONALD P. WOSCIELOWSKI, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/5, 20 09

RECEIVED OF Donald P Wojciechowski 8039 Pearson Court Arvada CO 80005

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	2 50	
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>1901-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03896

By

Richard E. Schuler
Chief Engineer



**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 5, 2009

1901-2

Donald P Wojciechowski
8039 Pierson Ct
Arvada CO 80005

Dear Sir:

Thank you for sending in the "Notice of Transfer of Ownership" form and filing fee for Water Right No. 1901-2. The transfer has been completed. The water right, formerly listed in the name of Willard Werth is now listed in your name.

Enclosed is your Receipt No. 03896 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure