

Considered: _____

WATER PERMIT NO. 2083-2 • 44

HAP No. same 745-6331

Name of Applicant Helen Bennett

Post Office Address P.O. Box 688 Hot Springs, SD 57747

Amount of Water Claimed 0.10 Total Acres 2.5

Source of Water Supply Fall River

Water to be used for irrigation/commercial County Fall River

About 4 miles SE of Hot Springs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received April 12, 1989 Fee \$50⁰⁰ Remarks _____

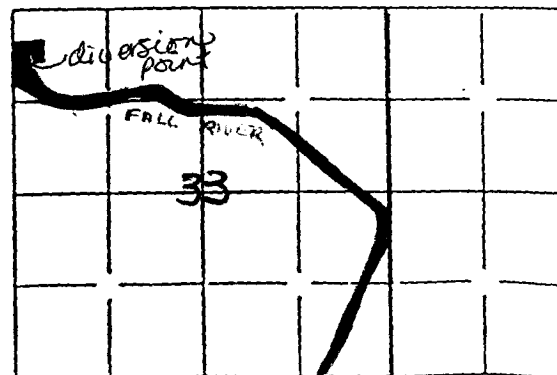
Corrected Application Received April 24, 1989 Period of Annual Use 3/15 - 10/31

WATER QUALITY APPROVAL RECEIVED May 9, 1989 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point NW¹/₄ NW¹/₄ Sect 33 T7S R6E

Land to be Irrigated NW¹/₄ NW¹/₄ Sect 33 T7S R6E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Cons. Plan Map PREPARED BY Gary Kruse Reviewed and the Number

assigned on May 12, 1989 By Susan Bowser

(See instructions)

No. 2083-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Hot Springs Star Box 1000 57747(w)



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant HELEN BENNETT Phone No. 745-6331
Post Office Address P.O. Box 688, Hot Springs State SD 57747
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.10 Total acres irrigated 2.5
3. Source of Water supply Fall River
4. Location of point of diversion approx 1106' S and 125' E of the NW corner (NW 1/4 NW 1/4)
of Section 33 T7S, R6E
County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used March 15 - October 31
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.
NW 1/4 NW 1/4 Sec 33 T7S, R6E	2.5

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

Water will be used to water a small nursery including bedding plants and a 2.5 acre truck garden (commercial and irrigation)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Fall River ss

I, Helen Bennett, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Helen Bennett

Subscribed and sworn to before me this 17th day of April 19 89

BY COMMISSION EXPI. 8-25-90

Gertrude P. Mower
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2083-2 FOR IRRIGATION

Date of first receipt of application April 12, 1989.

Date Soil/Water Compatibility Permit received May 9, 1989.

Date returned to applicant for required corrections, amendments or changes April 14, 1989.

Date of receipt of corrected application April 24, 1989.

The Water Management Board approved Water Permit Application No. 2083-2 on July 26, 1989 for Helen Bennett, P.O. Box 688, Hot Springs, South Dakota 57747 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2083-2 appropriates 0.10 cubic feet of water per second from Fall River. The point of diversion is to be located in the NW1/4 NW1/4 Section 33-T7S-R6E. Water is to be used to irrigate a 2.5 acre truck garden located in the NW1/4 NW1/4 Section 33-T7S-R6E and to supply a small nursery for commercial purposes.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 15 - October 31.
3. The date from which applicant may claim right is April 12, 1989.
4. One-fifth of the construction is to be completed on or before January 26, 1992.
5. All construction is to be completed on or before July 26, 1994.
6. Water is to be put to beneficial use on or before July 26, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

SEP 12 1989

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 24, 19 89

RECEIVED OF Farrell, Farrell & Sinsbach, Hot Springs SD for Helen Bennett

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

Fee for Application for Permit No. <u>2083-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	50 00

By

Chief Engineer

JOHN HATCH

(KS)

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell

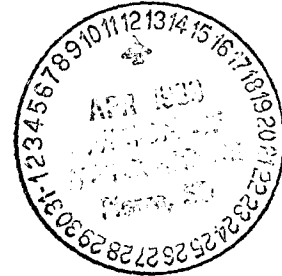
Jane M. Farrell

Patrick M. Ginsbach

(605) 745-5161

April 11, 1989

Susan A. Bowar
Natural Resource Engineer
Division of Water Rights
Joe Foss Building
523 East Capitol Ave.
Pierre, SD 57501



Re: Helen Bennett applications for water permits

Dear Ms. Bowar:

Enclosed please find the applications of Helen Bennett for water permits. I am also enclosing a check for \$50.00. If you have any questions, please feel free to contact me.

Yours truly,

Patrick M. Ginsbach
PATRICK M. GINSBACH

PMG/bji

Enclosure

cc: Client

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4380

WR#

OWNERS NAME: Helen Bennett OWNERS ADDRESS: PO Box 688
Hot Springs, SD 57747

COUNTY LAND LOCATED IN: Fall River PHONE: 745-6331

LEGAL DESCRIPTION:



Well



Surface

1. LOCATION approximately 1106' S & 125 E of NW corner (NW 1/4 NW 1/4) Sec. 33-T7S-R6E

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NW 1/4 Sec. 33-T7S-R6E</u>	<u>2.5</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) sprinkler

3. CROPS TO BE IRRIGATED: small nursery including bedding plants

WATER QUALITY:

4. WATER SAMPLE NUMBER: Fall River

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 1225 - 1300

8. PERCENT SODIUM 25.56 - 36.86

6. SODIUM (SAR): 1.26 - 2.07

Requirements: The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.



X

APPROVED

X

REQUIREMENTS

DISAPPROVED

WAIVER

Peter Daniel
Director, Division of Conservation

Date

5/5/89

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Department of Water & Natural Resources

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

April 14, 1989

Patrick M. Ginsbach
Farrell, Farrell & Ginsbach
441 North River Street
Hot Springs, SD 57447

Dear Mr. Ginsbach:

This letter is in reference to the water permit applications for Helen Bennett received from on April 12, 1989.

Since the water use indicated on the applications involves irrigation as well as commercial use, I have transferred your applications onto the application entitled "Application for Soil/Water Compatibility Permit and Permit to Appropriate Water". Permit applications received for irrigation must receive a soil/water compatibility permit from the Division of Conservation, Department of Agriculture prior to consideration of the water permit. Please have Helen Bennett sign and notarize these forms.

In addition to the above two application forms, the applications are not complete for the following reasons:

- (1) Each application is requesting the appropriation of less than 0.10 cubic feet of water per second (cfs) and each application requires a fee of \$50. We have received a \$50 fee for one of the applications. The remaining \$50 fee needs to be submitted.
- (2) For the application requesting appropriation of 0.04 cfs from one well, the enclosed Form 2A needs to be completed and returned. It is also necessary to submit a well log, signed by a South Dakota Licensed Land Surveyor for the well.

I have highlighted each of these requirements on the enclosed instruction sheet.

The Water Management Board cannot consider a water permit application until it is complete. Please have the enclosed forms signed and notarized and return them along with the fee for the second application, Form 2A, and a signed well log to begin processing of your water permit applications.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure



Conversation or File Documentation

NAME OF PERSON OR FILE: Helen Bennett c/o Pat Ginsbach, attnyADDRESS: _____ COUNTY Fall RiverDATE: 5/18/89 TELEPHONE _____RE: Combining 2 applications into 1 application

COMMENTS:

I called Mr. Ginsbach to see if he would prefer to combine Helen Bennett's applications into 1 application. He said he would prefer to leave them separate. In addition, the fee would be higher if the applications were combined.

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

NAME: Susan Bowler

CONSERVATION PLAN MAP

Owner HELEN BENNETT Operator SAME
County FALL RIVER State SO. DAK. Date 9/89
Approximate acres 2.5 ac Approximate scale 1" = 155.76'
Cooperating with FALL RIVER Conservation District
Plan identification SOUTH DAKOTA, DC Photo number _____
Assisted by HOT SPRINGS F.O. USDA Soil Conservation Service

-103-

PLAT OF
RE-SUBDIVISION OF TRACT "B" & TRACT D1 "A"
NW 1/4 NW 1/4 SECTION 33, T7S, R6E, B.H.M.
FALL RIVER COUNTY, SOUTH DAKOTA

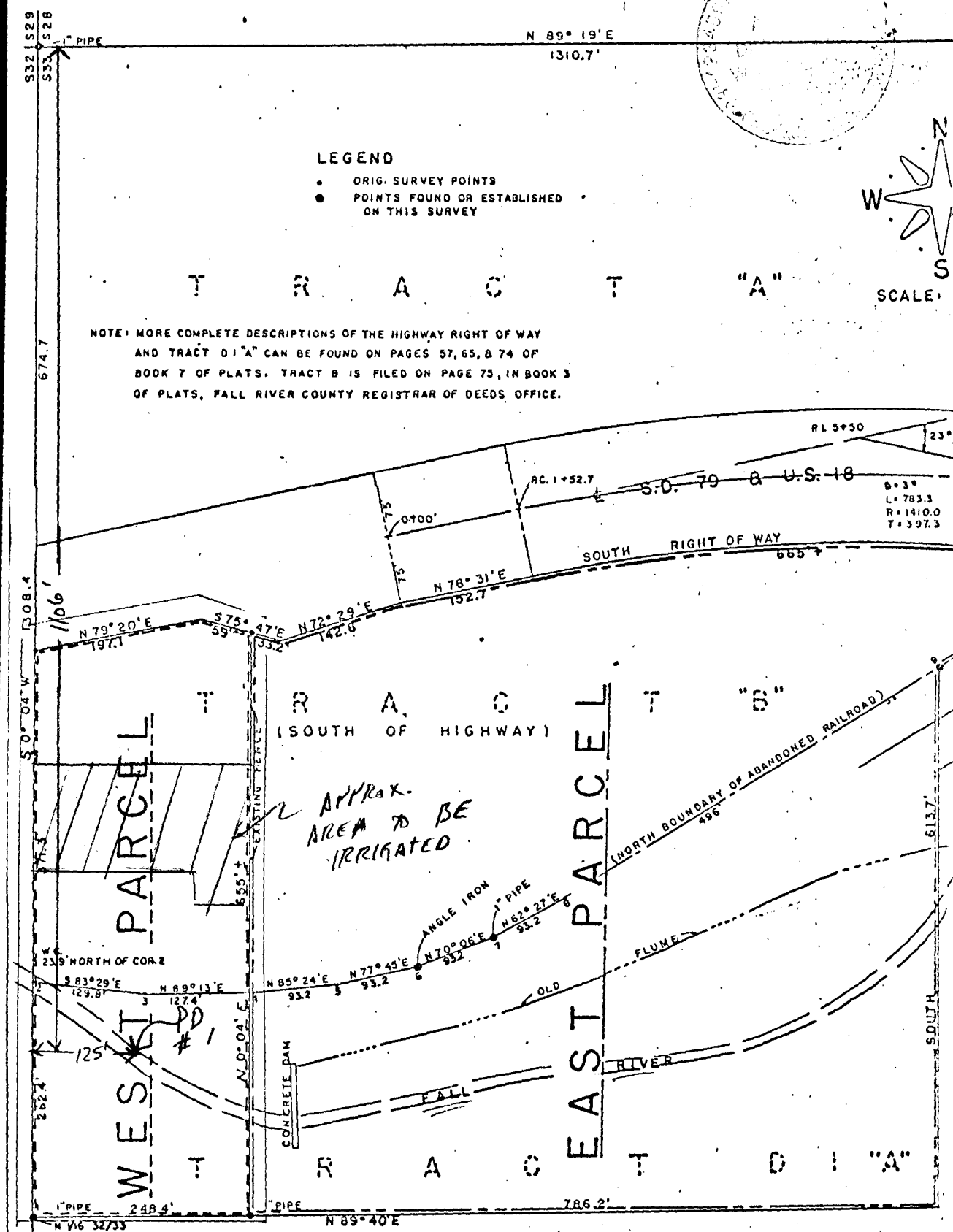
LEGEND

- ORIG. SURVEY POINTS
- POINTS FOUND OR ESTABLISHED ON THIS SURVEY

T R A C T "A"

NOTE: MORE COMPLETE DESCRIPTIONS OF THE HIGHWAY RIGHT OF WAY AND TRACT D1 "A" CAN BE FOUND ON PAGES 57, 65, & 74 OF BOOK 7 OF PLATS. TRACT B IS FILED ON PAGE 73, IN BOOK 3 OF PLATS, FALL RIVER COUNTY REGISTRAR OF DEEDS OFFICE.

SCALE:



Appl. No. 2083-2

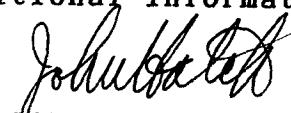
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2083-2, Helen Bennett

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. 2083-2, Helen Bennett, PO Box 688, Hot Springs SD.

The Chief Engineer is recommending APPROVAL of Application No. 2083-2 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 qualification:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. 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
June 20, 1989

REPORT ON APPLICATION NOS. 2082-2 and 2083-2

Helen Bennett

June 12, 1989

Application No. 2082-2 proposes to appropriate 0.04 cubic feet of water per second (cfs) from one existing well 60 feet deep, located in the NW 1/4 NW 1/4 Sec.33, T7S-R6E. Application No. 2083-2 proposes to appropriate 0.10 cfs from the Fall River. Both points of diversion are to be located in the NW1/4 NW1/4 Sec.33, T7S-R6E. These proposed appropriations are to be used to supply a nursery and to irrigate a 2.5 acre garden located in NW1/4 NW 1/4 Sec.33, T7S-R6E.

Discussion (Application No. 2082-2):

Water Permit Application No. 2082-2 proposes to appropriate 0.04 cfs from one existing well. No well completion record exists for this well and only limited information was supplied with the application. The well to be used to supply water for this application was supposedly hand dug in 1949 or 1950. The applicant believes the well is approximately 60 feet deep. A review of the geologic map of the Hot Springs Quadrangle (Wolcott, 1957), identifies the surface geology at this well site as Quaternary aged alluvium. Domestic well logs (Division of Water Rights, 1989), suggest the alluvium may be as much as 30 feet thick in this area. The alluvium overlies the Chilson Member of the Lakota Formation. The Chilson member consists of a sandstone-mudstone complex which commonly contains more mudstone than sandstone. The Chilson is composed of lenticular sandstone bodies interfingered with mudstone. This well is probably supplied from either the alluvium, the Chilson Member, or both. This well has been in existence for many years with no reported controversy. The lack of details for this well prevent identification of the exact source at this time.

The alluvium along Fall River is probably under water table conditions and hydrologically connected to Fall River. The static water level of a well completed into the alluvium is estimated to be approximately the same as the river elevation. The alluvium along Fall River is locally a viable aquifer and water is available from the aquifer for this appropriation. The Lakota Formation underlies approximately 917,760 acres of Fall River County (Allen, 1984). The ability of the Lakota to supply a well is highly variable because of the varied lithology of the formation. In places, the Chilson member of the Lakota Formation is a viable aquifer and unappropriated water is available from the Lakota. An appropriation of 0.04 cfs from either the alluvium or the Lakota should have no adverse effect on existing water rights or domestic users.

Discussion (Application No. 2083-2):

Permit Application No. 2083-2 proposes to appropriate 0.10 cfs from Fall River. The proposed diversion point for this application is located approximately one and one half miles upstream from the confluence of Fall River and the Cheyenne River. This proposed diversion point is located approximately three miles downstream of a stream gage located in the NW 1/4 NW 1/4 Sec.24, T7S-R5E. Flows along this stretch of river are regulated by dams forming Coldbrook Reservoir and Cottonwood Springs Lake. Stream gage data from October 1937 to 1987 indicate the average streamflow at the gage for the period of record was 24.7 cfs and the minimum streamflow was 4.0 cfs. There are no existing water rights between this proposed diversion point and the confluence of the Cheyenne River.

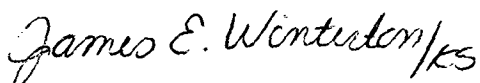
Conclusions:

1. Permit application No. 2082-3 proposes to appropriate 0.04 cfs from one well approximately 60 feet deep, completed into either the alluvium along Fall River or into the Chilson Member of the Lakota Formation.
2. The alluvium along Fall River and the Lakota Formation are viable aquifers in this area and there is a reasonable probability that unappropriated water is available for this appropriation.
3. There should be no adverse impact on existing groundwater permits or adequate domestic wells because of the relatively low pumping rate requested (0.04 cfs).
4. Permit application No. 2083-2 proposes to appropriate 0.10 cfs from Fall River.
5. There is a reasonable probability that unappropriated water is available for this appropriation.
6. There are no existing water rights on Fall River downstream of this proposed appropriation.



Ken Buhler
Natural Resources Engineer

Approved by:



James E. Winterton, P.E.
Natural Resources Engineer

References:

- Allen, J.C., D. Illes, A. Petres, 1984, "Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory", U.S. Army Corps of Engineers Contract DAWC 45-82-C-0151, SD Dept. of Water and Natural Resources- Division of Geological Survey, Vermillion, SD 57069
- Division of Water Rights, 1989, "Domestic Well Log Files", SD Dept. of Water and Natural Resources-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Hoffman, E.B., R. Benson, S. Lawrence, 1988, "Water Resources Data, South Dakota, Water Year 1987", U.S. Geological Survey Water-Data Report SD-87-1
- Wolcott, D.E., 1967, "Geology of The Hot Springs Quadrangle, Fall River and Custer Counties, South Dakota", Geological Survey Bulletin 1063-K, Prepared on behalf of the U.S. Atomic Energy Commission, United States Government Printing Office, Washington, DC



Department of Water & Natural Resources

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

June 21, 1989

Hot Springs, Star
Box 1000
Hot Springs, SD 57747

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 2082-2 and 2083-2 to be published twice. Please publish the first notice on or before June 28, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Helen Bennett, Box 688, Hot Springs, SD 57747.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____





Department of Water & Natural Resources

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

June 21, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Helen Bennett
P.O. Box 68
Hot Springs, SD 57747

Dear Ms. Bennett:

Water Permit Application Nos. 2082-2 and 2083-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. The notice of hearing has been sent to the Publisher of the Hot Springs Star printed at Hot Springs SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also included. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 2082-2 and 2083-2 to Appropriate Water

Notice is given that Helen Bennett, PO Box 688, Hot Springs, SD 57747 has filed two applications for water permits to appropriate water. Application No. 2082-2 is to appropriate 0.04 cubic feet of water per second (cfs) from one existing well 60 feet deep located in the NW1/4 NW1/4 Section 33-T7S-R6E.

Application No. 2083-2 is to appropriate 0.10 cfs from Fall River. The point of diversion is to be located in the NW1/4 NW1/4 Section 33-T7S-R6E. The water appropriated under each application, if approved, is to be used to supply a nursery and to irrigate a 2.5 acre garden located in NW1/4 NW1/4 Section 33-T7S-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2082-2 and 2083-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

These applications are made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Christopher N. Spencer

certify that the attached printed Notice was taken
from the Hot Springs Star

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 Hot Springs

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

June 27, 1989

July 4, 1989

Christopher N. Spencer
(Signature)

Publisher
(Title)

July 4, 1989
(Date Signed)

Cost of Printing: \$36.26



192 NOTICE OF HEARINGS ON APPLICATION Nos. 2082-2 and 2083-2 TO APPROPRIATE WATER

Notice is given that Helen Bennett, PO Box 688, Hot Springs, SD 57747 has filed two applications for water permits to appropriate water. Application No. 2082-2 is to appropriate 0.04 cubic feet of water per second (cfs) from one existing well 60 feet deep located in the NW1/4 NW1/4 Section 33-T7S-R6E.

Application No. 2083-2 is to appropriate 0.10 cfs from Fall River. The point of diversion is to be located in the NW1/4 NW1/4 Section 33-T7S-R6E. The water appropriated under each application, if approved, is to be used to supply a nursery and to irrigate a 2.5 acre garden located in NW1/4 NW1/4 Section 33-T7S-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2082-2 and 2083-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

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These applications are made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 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.

June 27, July 4



Department of Water & Natural Resources

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

SEP 12 1989

Helen Bennett
Box 688
Hot Springs, SD 57747

Dear Mr. Bennett:

Enclosed are Water Permit Nos. 2082-2 and 2083-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 a Water License may be issued, thus completing your acquisition of the Water Rights.

Very truly yours,

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

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

enclosures

PLEASE NOTE: Certain changes can be made in your permits 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 1993

2082-2
2083-2

N J Varick
HCR 52 Box 111
Hot Springs, SD 57747

Dear Mr. Varick:

The irrigation questionnaires you submitted for Water Permit Nos. 2082-2 and 2083-2 have been received. According to the notation you made on the forms, you now own the land described within the water permits currently listed in the name of Helen Bennett.

Water Permit No. 2082-2 authorizes irrigation of 2.5 acres in the NW¼ NW¼ Section 33, T7S, R6E from a well approximately 60 feet deep. Water Permit No. 2083-2 authorizes irrigation of the same land from Fall River.

I am enclosing two partially completed "Notice of Transfer" forms for use in filing an ownership change with the water permits. Please review the forms for accuracy and make any necessary corrections. The transfer forms should be signed in the presence of a notary public and returned to our office with a required filing fee of \$2.50 each (total of \$5.00).

Upon receipt of the completed forms and filing fees in our office, Water Permit Nos. 2082-3 and 2083-2 will be transferred to your name. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2083-2

Date: Dec. 28/93

I\We request that Water Permit No. 2083-2

formerly owned by: Helen Bennett

be transferred to: N J Varick, HCR 52 Box 111, Hot Springs, SD 57747 (Telephone No) 745-6874

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

NW¼ NW¼ Section 33, T7S, R6E

I\We understand that the validity of Water Permit No. 2083-2 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 at the Division of Water Rights, 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 Fall River)

I\We Nancy J. Varick 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.

Nancy J. Varick
(Signed)

Subscribed and sworn to before me this 30th day of December, 1993.

Sherrill A. Dryden
(Notary Public) Commissioner

NOTE: Water permits may be cancelled for nonconstruction within the 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.

RECEIPT

413981

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 3, 19 94

RECEIVED OF Susan Ganje, HCR 52 Box 111, Hot Springs, SD 57747

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. 2083-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 7, 1994

No. 2082-2
2083-2

N. J. Varick
HCR 52, Box 111
Hot Springs, SD 57747

Dear Ms. Varick:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 2082-2 and 2083-2.

Our records now show you as the owner of Water Permit Nos. 2082-2 and 2083-2.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 1995

2083-2

N. J. Varick
HCR 52, Box 111
Hot Springs, SD 57747

Dear Mr. Varick:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2083-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Permit No.2083-2
Upper Cheyenne - Water District

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

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

I have this day, August 15, 1995, made a thorough examination of the water use system owned by NJ Varick of HCR 52, Box 111, Hot Springs, SD 57747, holder of Permit No. 2083-2, bearing the priority of April 12, 1989, authorizing the diversion of 0.10 cu. ft. per second of the waters of Fall River for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water:
A Flint-Walling pump, 18 gallons per minute capacity.
A Flint-Walling motor, 1 1/2 horse power.
- B. Works used to transport water to place of use:
25 feet of 2 inch plastic pipe and 300 feet of 1 inch rubber hose.
- C. Works used to apply water to beneficial use:
Gravity system of irrigation is used to apply water to the land.

The system is in the following condition Good. The point of diversion is located about 130 feet east and 1060 feet south from the northwest corner of Section 33, T7S-R6E (NW1/4 NW1/4). The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW1/4 NW1/4 Section 33, T7S-R6E 2.5 ac.

comprising a total of 2.5 acres of land and the license should be issued for 0.036 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: 10/6/1995



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2083-2

DATE OF INSPECTION: 8/15/1995

NAME & ADDRESS OF INSPECTION CONTACT/ NJ Varick, HCR 52, Box 111, Hot Springs SD 57747

NAME & ADDRESS OF PERMIT HOLDER: Same

DIVERSION POINT LEGAL LOCATION: NW1/4 NW1/4 Section 33, T7S-R6E

Pump:

- 1) Make **Flint-Wallinig**
- 2) Model **94J115**
- 3) Size **2** inches
- 4) Capacity **18** GPM

Motor:

- 1) Make **Flint-Walling**
- 2) Model No. **94**
- 3) Horsepower rating **1 1/2** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **Plastic**
- 2) Size **2** inches
- 3) Length **25** feet** (from the river to the pump)

**** 300 feet of 1 inch rubber hose is used to transport water from the pump to the garden.**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



Area Irrigated
Div. Point



Water
License No. 2083-2

M. Shadi, Nat. Res. Engineer Oct. 6, 1995

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2083-2

(1) Helen Bennett of Hot Springs, SD 57747 made Application No. 2083-2, April 12, 1989 for a water permit to appropriate 0.10 cubic feet of water per second from the Fall River, in Fall River County, South Dakota for commercial and irrigation purposes (truck garden/nursery). Permit No. 2083-2, with a priority date of April 12, 1989 was approved July 26, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 26, 1994 and for the application to beneficial use of said water on or before July 26, 1998.

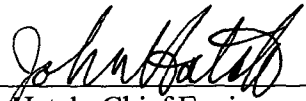
On January 3, 1994, Water Permit No. 2083-2 was transferred from Helen Bennett to N J Varick.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.036 cubic feet of water per second for beneficial use. The location of the diversion point is 130 feet east and 1,060 feet south of the NW corner of Section 33, T7S, R6E (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 33, T7S, R6E NW 1/4 NW 1/4 2.5 acres

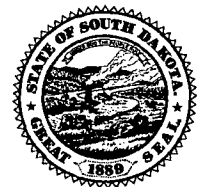
(4) Pursuant to South Dakota Water Law 46-5-30.1 N J Varick of HCR 52 Box 111, Hot Springs, SD 57747 the holder and/or owner of Water Permit No. 2083-2 is issued a license to appropriate water, the right to use 0.036 cubic feet of water per second from the Fall River with a priority date of April 12, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation/commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2083-2 and subject to South Dakota State Law.



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

DEC 18 1995

date





DEC 18 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2083-2

N. J. Varick
HCR 52, Box 111
Hot Springs, SD 57747

Dear Mr. Varick:

Enclosed is Water License No. 2083-2 and Receipt No. 414646 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2083-2 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures



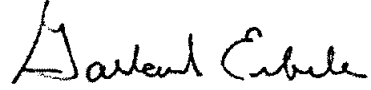
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: N.J. VARIK
HCR 52 BOX 111
HOT SPRINGS SD 57747

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program 

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 2083-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

2083-2

N.J. VARIK
HCR 52 BOX 111
HOT SPRINGS SD 57747

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

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

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

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: N J VARICK
13199 FALL RIVER RD
HOT SPRINGS SD 57747

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

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 2083-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

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

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

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

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 7, 2021

2083-2

Sue Ganje
13199 Fall River Rd
Hot Springs SD 57747

Dear Ms. Ganje:

I am writing in follow-up to your 2020 irrigation questionnaire for Water Right No. 2083-2.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. 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 I can answer any questions for you, please let me know.

Sincerely,

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

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

enclosure

PAID

JAN 14 2021

Ck# 2137

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 14 2021

WATER RIGHTS
PROGRAM

No. 2083-2

Date: 1/12/21

I/We request that Water Right No. 2083-2

formerly owned by: N J Varick

be transferred to: (name & address) Sue Ganje, 13199 Fall River Rd, Hot Springs SD 57747

Telephone No. 605 745-6874

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

2.5 acres – NW ¼ NW ¼ Section 33, T7S, R6E

I/We understand that the validity of Water Right No. 2083-2 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 Sue Ganje, 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.

2083-2

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Environment and Natural Resources

Date January 14, 2021RECEIVED OF Susan Ganje 13199 Fall River Rd. Hot Springs SD 57747

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>2083-2</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 Gronlund
 Chief Engineer
 vm



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2021

2083-2

Sue Ganje
13199 Fall River Rd
Hot Springs SD 57747

Dear Ms. Ganje:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2083-2.

The ownership change has been completed. Water Right No. 2083-2, formerly held by N J Varick is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid.

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

Sincerely,

A handwritten signature in blue ink that reads 'Genny McMath'.

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

enclosure