

Considered: _____

WATER PERMIT NO. 2247-2

Phone: 605 255-4675

Name of Applicant: James Borglum

Post Office Address: Box 165, Hermosa SD 57744

Amount of Water Claimed: 0.05 cfs Total Acres: 8

Source of Water Supply: groundwater

Water to be used for: irrigation County: Custer

About 6 miles SW of Hermosa

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-2-92 Fee: \$50 Remarks Same well as

approved on Permit No. 2028-2 for domestic and commercial use

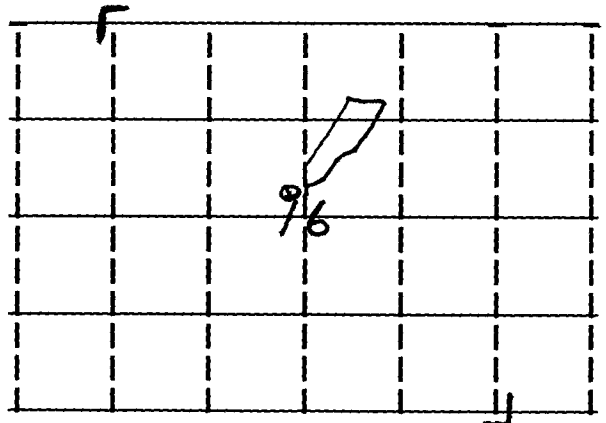
Corrected Application Received 9-10-92 Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 9-24-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center Sec 16-T3S-R7E

Land to be Irrigated: W 1/2 NE 1/4 Sec 16-T3S-R7E



Well Log: Driller: Downen Drilling Licensed YES X NO _____

Depth of Well: 500' REMARKS _____

Type of Map: plat PREPARED BY: Darrell J Bishop, P.E. Reviewed and the Number

Assigned on 9-28-92 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

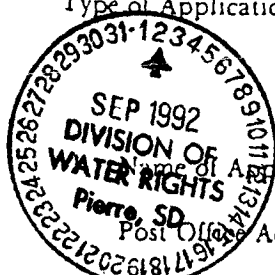
(See instructions)

No. 2247-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Custer County Chronicle, Custer

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 _____



Name of Applicant James Berglum Phone No. 605-255-4675
Post Office Address Box 165 Hermosa State SD 57744
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 8 Total acres irrigated 8
3. Source of Water supply EXISTING FLOWING WELL (1966)
4. Location of point of diversion SEE ATTACHED MAP
CENTER OF SEC. 16, T3S, R7E, BHM
County CUSTER
5. Counties where water will be used CUSTER
6. Annual period during which water is to be used APRIL 1 - 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.
Lot 1 Campground Subdivision	
W/4 NE 1/4 SEC 16	
T3S, R7E, BHM	2

Land Description	No. Acres Irr.
Lot 2 SW 1/4 NE 1/4	3
Sec 16 - T3S - R7E	
Lot 3 SW 1/4 NE 1/4	3
Sec 16 - T3S - R7E	

Attach sheet if more space is needed

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

This is a small nursery using bare root seedlings. A portion of the trees will be transplanted on this ranch for windbreak and environmental plantings, the remainder will be offered for resale.

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 CUSTER)^{ss}

I, JAMES BERGLUM, 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 JAMES BERGLUM

Subscribed and sworn to before me this 15th day of SEPTEMBER 1992

MY COMMISSION EXPIRES
12-19-94

Philip J. Dupert
Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 2247-2**

Date of first receipt of application September 2, 1992.

Date Soil/Water Compatibility Permit received October 5, 1992.

Date of return to applicant for corrections, amendments or changes September 2, 1992.

Date of receipt of corrected application September 10, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2247-2 to James Borglum, Box 165, Hermosa SD 57744 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. 2247-2 changes the use of 0.05 cubic feet of water per second (cfs) from one existing well (Minnelusa Formation) 500 feet deep located in the approximate center of Section 16 to irrigate 8 acres located in the W 1/2 NE 1/4 (Lots 1, 2 and 3) Section 16; all in T3S-R7E. The existing water is authorized by Water Permit No. 2029-2 to appropriate 0.09 cfs for commercial and domestic use.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: April 1 - October 31.
3. The date from which applicant may claim right is July 27, 1987.
4. The date of approval of Permit No. 2247-2 is December 2, 1992.
5. One-fifth of the construction is to be completed on or before June 2, 1995.
6. All construction is to be completed on or before December 2, 1997.
7. Water is to be put to beneficial use on or before December 2, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

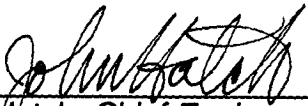
QUALIFICATIONS

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

(continued)

3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

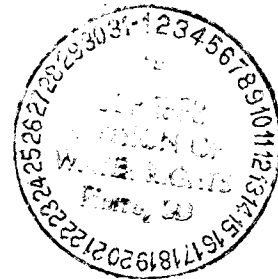
By: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 10 1993

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 5" Depth 500 ft.
- b) Casing Type STEEL Diameter 4-5" run in one Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) FLOWING
- g) Distance to nearest existing domestic well:
- On applicants property 800' On property owned by others 1500'

2. Dugout Information Estimates

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

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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

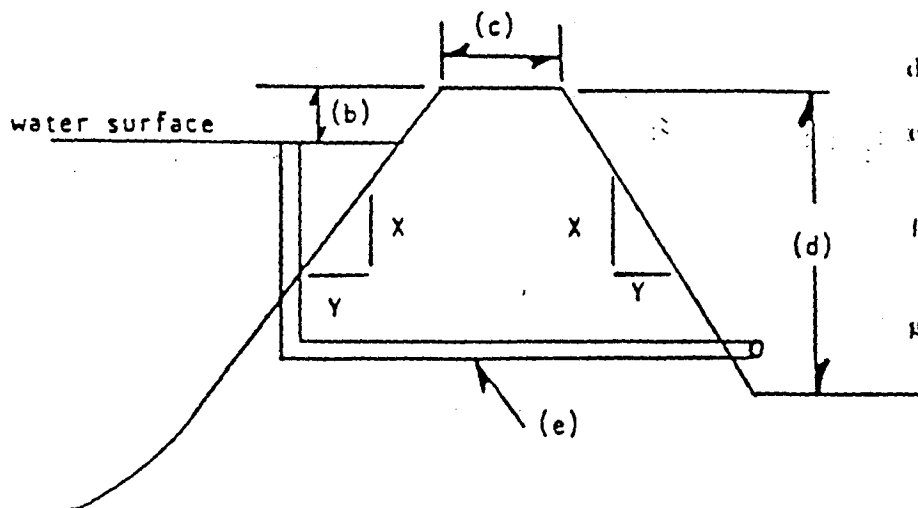
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Department of Agriculture

WI#1

5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4725

WR#

OWNERS NAME: BORGLUM, JAMESOWNERS ADDRESS: BOX 165HERMOSA, SD 57744COUNTY LAND LOCATED IN: CUSTER PHONE: 255-4675

LEGAL DESCRIPTION:

☒ Well☐ Surface1. LOCATION CENTER OF 16-T3S-R7E

Depth _____

Legal Description	Acres	Legal Description	Acres
LOT 1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E AND			
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E	2		
LOT 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E	3		
LOT 3 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E	3		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: XX (Specify) DRIP OTHER: _____3. CROPS TO BE IRRIGATED: SMALL TREES AND SHRUBS.

WATER QUALITY:

4. WATER SAMPLE NUMBER: 03117. ADJUSTED (SAR): 0.375. SALINITY (EC X 10⁶): 2758. PERCENT SODIUM 11.536. SODIUM (SAR): 0.22

Requirements:

The area mapped as Nevee Channery loam, 5 - 15% slope (Mac), is subject to an erosional hazard; therefore, irrigation shall be restricted on slopes greater than 9% slope.

XX APPROVED DISAPPROVED WAIVERXX REQUIREMENTS_____
Director, Division of Conservation

SEPTEMBER 30, 1992

Date

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4725

WR#

OWNERS NAME: BORGLUM, JAMES

OWNERS ADDRESS: BOX 165

HERMOSA, SD 57744

COUNTY LAND LOCATED IN: CUSTER PHONE: 255-4675

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION CENTER OF 16-T3S-R7E

Depth _____

Legal Description	Acres	Legal Description	Acres
LOT 1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E	2		
LOT 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E			
LOT 3 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T3S-R7E			

*sent back to Stukel
9-28-92*

*needs to correct
~~Lot 1~~ location*

2. TYPE OF IRRIGATION: GRAVITY: _____ TOW: _____

3. CROPS TO BE IRRIGATED: SMALL TREES

WATER QUALITY:

4. WATER SAMPLE NUMBER: 0311

5. SALINITY (EC X 10⁶): 275

6. SODIUM (SAR): 0.22

OTHER:
Specify) DRIP

Requirements:

The area mapped as Nevee Channery loam (Nac), 6 to 15% slope, is subject to an erosional hazard; therefore, irrigation shall be restricted on slopes greater than 9% slope.



Russell J. Stone

Director, Division of Conservation

SEPTEMBER 23, 1992

Date

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

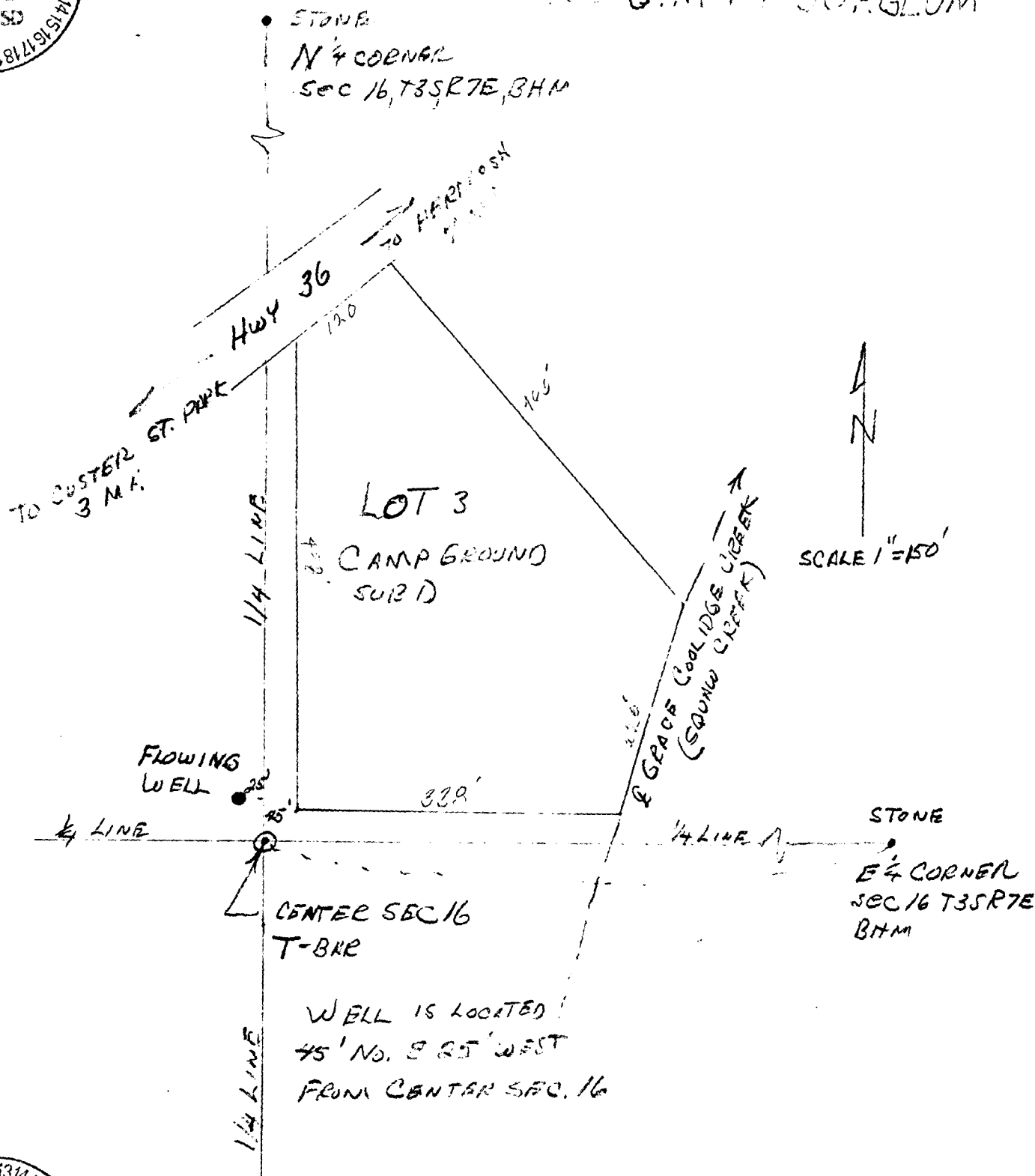
☒ REQUIREMENTS

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



WELL LOCATION

FOR JIMMY BORGLUM



DW N. 134:
Darrell & Bishop P.E.
JULY 20, 1987

Appl No. 2247-2

RECEIPT

413402

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 2, 19 92

RECEIVED OF James Borglum, Box 165, Hermosa, SD 57744

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

Fee for Application for Permit No. <u>2247-2</u> 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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Travis Laboratories

COAL — ORES — ENVIRONMENTAL WATERS — FEEDS — SOILS

1854 Lombardy Dr.
Rapid City, South Dakota 57701



JAMES H. TRAVIS
Laboratory Director

Water Supply: BORGLUM RANCH
City, County: FUSTER COUNTY
Source Sampled: Well# 3-ARIESIAN Depth 300'
Date drilled 1968? Other _____
Type of Sample: Raw X Treated _____ Composite _____
Treatment Process(s): _____

Date Collected: 1-21-87
Collected By: J. BORGLUM
Report Mailed To: JAMES BORGLUM
BOX 165
HERMOSA, S. DAKOTA 57744
Lat: _____ Long: _____
Comments: _____

Received By Lab: 1-21-87 87
Report Sent By Lab: 2-6-87

Parameter	Maximum Limit	Results	Parameter	Suggested Limit	Results
Arsenic (As)	50 ug/l		Chloride (Cl)	250 mg/l	4
Barium (Ba)	1000 ug/l		Iron (Fe)	0.3 mg/l	0.11
Cadmium (Cd)	10 ug/l		Manganese (Mn)	0.05 mg/l	<.03
Chromium (Cr)	50 ug/l		Sulfate (SO ₄)	250 mg/l	9
Lead (Pb)	50 ug/l		Tot. Diss. Solids (TDS)	500 mg/l	196
Mercury (Hg)	2 ug/l		pH	6.5-8.5	7.39
Nitrate (NO ₃) (as N)	10 mg/l	.18	Alkalinity-M (CaCO ₃)	mg/l	127
Selenium (Se)	10 ug/l		Alkalinity-P (CaCO ₃)	mg/l	
Silver (Ag)	50 ug/l		Bicarbonate (HCO ₃)	mg/l	155
Fluoride (F)	2.4 mg/l	.24	Carbonate (CO ₃)	mg/l	
Gross alpha	15 pCi/l		Spec. Cond. @ °C	umhos/cm	275
Gross radium	pCi/l		Calcium (Ca)	mg/l	35
Radium 226	5 pCi/l		Magnesium (Mg)	mg/l	11
OTHER PARAMETERS			Hardness (CaCO ₃) gpg:	8 mg/l	133
			Langelier Index		-0.75
			Sodium (Na)	mg/l	6
			Potassium (K)	mg/l	3
			Field temperature	°F	°C
			Nitrite (NO ₂) (as N)	mg/l	

LAB COMMENTS:

Percentage of Error:

WNR - 606R - 6/82

mg/l = milligrams/liter = parts/million (ppm)
ug/l = micrograms/liter = parts/billion (ppb)
gpg = grains per gallon
pCi/l = picocuries per liter

LAB NUMBER:

0311

Travis Laboratories

COAL — ORES — ENVIRONMENTAL WATERS — FEEDS — SOILS

1854 Lombardy Dr.
Rapid City, South Dakota 57701



JAMES H. TRAVIS
Laboratory Director

Water Supply: BORGLUM RANCH
City, County: CUSTER COUNTY
Source Sampled: Well # 2 ARTESIAN Depth 300 +
Date drilled 1968 Other _____
Type of Sample: Raw X Treated _____ Composite _____
Treatment Process(s): _____

Date Collected: 2-18-87
Collected By: J. BORGLUM
Report Mailed To: JAMES BORGLUM
BOX 165 25545-6
HICKMAN, S.D. 57744
Lat: _____ Long: _____

Received By Lab: 2-19-87
Report Sent By Lab: 3-6-87

Comments: META/S

Parameter	Maximum Limit	Results	Parameter	Suggested Limit	Results
✓ Arsenic (As)	50 ug/l	15.2	Chloride (Cl)	250 mg/l	
✓ Barium (Ba)	1000 ug/l	246.0	Iron (Fe)	0.3 mg/l	
✓ Cadmium (Cd)	10 ug/l	<0.5	Manganese (Mn)	0.05 mg/l	
✓ Chromium (Cr)	50 ug/l	22.9	Sulfate (SO ₄)	250 mg/l	
✓ Lead (Pb)	50 ug/l	<5.0	Tot. Diss. Solids (TDS)	500 mg/l	
✓ Mercury (Hg)	2 ug/l	1.34	pH	6.5-8.5	
✓ Nitrate (NO ₃) (as N)	10 mg/l	.44	Alkalinity-M (CaCO ₃)	mg/l	
✓ Selenium (Se)	10 ug/l	<2.0	Alkalinity-P (CaCO ₃)	mg/l	
✓ Silver (Ag)	50 ug/l	0.6	Bicarbonate (HCO ₃)	mg/l	
✓ Fluoride (F)	2.4 mg/l	.24	Carbonate (CO ₃)	mg/l	
Gross alpha	15 pCi/l	4.7 ± 1.8	Spec. Cond. @ °C	umhos/cm	
Gross radium	pCi/l		Calcium (Ca)	mg/l	
Radium 226	5 pCi/l		Magnesium (Mg)	mg/l	
OTHER PARAMETERS			Hardness (CaCO ₃) gpg:	mg/l	
Separate test by state			Langelier Index		
labs 2/23/87			Sodium (Na)	mg/l	
sent 3/6/87			Potassium (K)	mg/l	
			Field temperature	°F	°C
			Nitrite (NO ₂) (as N)	mg/l	

LAB COMMENTS:

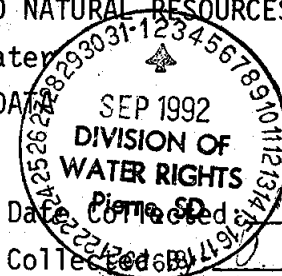
Percentage of Error:
WNR - 606R - 6/82

mg/l = milligrams/liter = parts/million (ppm)
ug/l = micrograms/liter = parts/billion (ppb)
gpg = grains per gallon
pCi/l = picocuries per liter
LAB NUMBER: D335

SOUTH DAKOTA DEPARTMENT OF WATER AND NATURAL RESOURCES

Office of Drinking Water

CHEMICAL ANALYTICAL DATA

Water Supply: Berglum RanchCity, County: Custer CountySource Sampled: Well# 3-arteria Depth 300+Date drilled 1968? Other _____Type of Sample: Raw ☒ Treated _____ Composite _____

Treatment Process(s): _____

Date Collected: Nov 16, 1987Collected by: J. J. Kuehn

Report Mailed To: _____

James Berglund_____
Box 165_____
Hermosa, SD 57744

Lat: _____ Long: _____

Comments: Bill ODUReceived By Lab: 11-17-87 99Report Sent By Lab: _____ DEC 18 1987 AK

Parameter	Maximum Limit	Results	Parameter	Suggested Limit	Results
☒ Arsenic (As)	50 ug/l	<1.0	Chloride (Cl)	250 mg/l	
☒ Barium (Ba)	1000 ug/l	250	Iron (Fe)	0.3 mg/l	
Cadmium (Cd)	10 ug/l		Manganese (Mn)	0.05 mg/l	
☒ Chromium (Cr)	50 ug/l	<1.0	Sulfate (SO ₄)	250 mg/l	
Lead (Pb)	50 ug/l		Tot. Diss. Solids (TDS)	500 mg/l	
☒ Mercury (Hg)	2 ug/l	<0.2	pH	6.5-8.5	
Nitrate (NO ₃) (as N)	10 mg/l		Alkalinity-M (CaCO ₃)	mg/l	
Selenium (Se)	10 ug/l		Alkalinity-P (CaCO ₃)	mg/l	
Silver (Ag)	50 ug/l		Bicarbonate (HCO ₃)	mg/l	
Fluoride (F)	2.4 mg/l		Carbonate (CO ₃)	mg/l	
Gross alpha	15 pCi/l		Spec. Cond. @ °C	umhos/cm	
Gross radium	pCi/l		Calcium (Ca)	mg/l	
☒ Radium 226	5 pCi/l	0.1 ± 0.1	Magnesium (Mg)	mg/l	
OTHER PARAMETERS			Hardness (CaCO ₃) gpg:	mg/l	
☒ Radium 228		0.3 ± 0.4	Langelier Index		
			Sodium (Na)	mg/l	
			Potassium (K)	mg/l	
			Field temperature	°F	°C
			Nitrite (NO ₂) (as N)	mg/l	
LAB COMMENTS: <u>9</u>			mg/l = milligrams/liter = parts/million (ppm)		
			ug/l = micrograms/liter = parts/billion (ppb)		
			gpg = grains per gallon		
			pCi/l = picocuries per liter		
Percentage of Error:			LAB NUMBER:		
WNR - 606R - 6/82					

TRAVIS LABORATORIES

TO

Borglum Ranch
PO Box 165
Hermosa, SD 57744

1854 Lombardy Drive - Rapid City, S. Dak. 57701 - (605) 341-7284

INVOICE

DATE 2-6-87

P.O. NUMBER

TERMS *Bills are due when received.
Accounts not paid within 30
days are subject to finance
charge.*

QUANTITY	DESCRIPTION	PRICE
1	Group K Water test	\$67.00
PLEASE PAY BY THIS INVOICE. NO STATEMENT WILL BE SENT.		

FEB 11 1987

TRAVIS LABORATORIES

TO

James Borglum

PO B ox 165

Hermosa, SD 57744

1854 Lombardy Drive - Rapid City, S. Dak. 57701 - (605) 341-7284

DATE

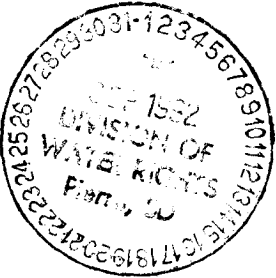
3-6-87

P.O. NUMBER

TERMS

*Bills are due when received.
Accounts not paid within 30
days are subject to finance
charge.*

INVOICE

QUANTITY	DESCRIPTION	PRICE
1	Inorganic chemical test 2-18-87	\$75.00
		
PLEASE PAY BY THIS INVOICE. NO STATEMENT WILL BE SENT.		

TRAVIS LABORATORIES

1854 Lombardy Drive - Rapid City, S. Dak. 57701 - (605) 341-7284

TO

James Borglum
PO Box 165
Hermosa, SD 57744

DATE 3-11-87

P.O. NUMBER

INVOICE

TERMS *Bills are due when received.
Accounts not paid within 30
days are subject to finance
charge.*

QUANTITY	DESCRIPTION	PRICE
1	Radiological analysis at State Health Lab	\$40.00 +75.00 115.00
PLEASE PAY BY THIS INVOICE. NO STATEMENT WILL BE SENT.		

MAR 17 1987

2029-2

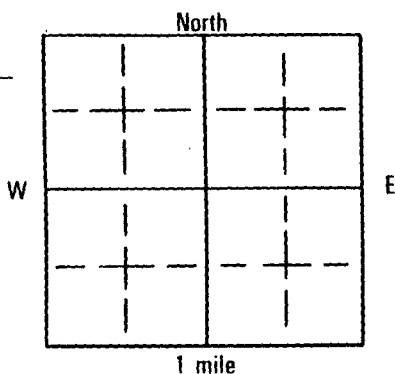
attn: Copy for Ron Duwell

10-85

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec 16 Twp 35 Rg 7ECounty Custer

Please mark well location with an "X"

Well Completion Date 10/26/66

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock
Method of Drilling: Cable Tool-

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

LB/FT 4" & 5" run in one IN

string with a reducing coupling at 153' IN

LB/FT _____ IN _____ FT _____ FT _____ IN

LB/FT _____ IN _____ FT _____ FT _____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? Cement

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

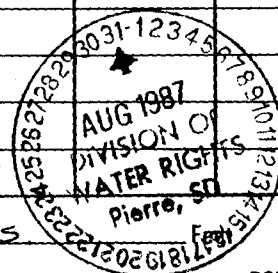
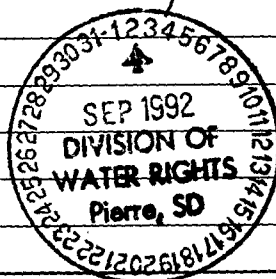
Laboratory sent to _____

Well Owner:

Name James Berglund Former owner Mark HansenAddress Hermosa, S.D.

Well Log: _____ Depth _____

Formation	From	To
<u>Black dirt</u>	<u>0</u>	<u>2</u>
<u>Gravel</u>	<u>2</u>	<u>10</u>
<u>Red shale</u>	<u>10</u>	<u>280</u>
<u>limestone</u>	<u>280</u>	<u>330</u>
<u>Red shale</u>	<u>330</u>	<u>450</u>
<u>Red sandstone</u>	<u>450</u>	<u>490</u>
<u>White limestone</u>	<u>490</u>	<u>495</u>
<u>Yellow limestone</u>	<u>495</u>	<u>500</u>

STATIC WATER LEVEL Flows

If flowing: closed in pressure _____ PSI

GPM flow 40 gpm through _____ inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS: This was drilled 21 years ago.This well was drilled under license # 38

And this report is true and accurate.

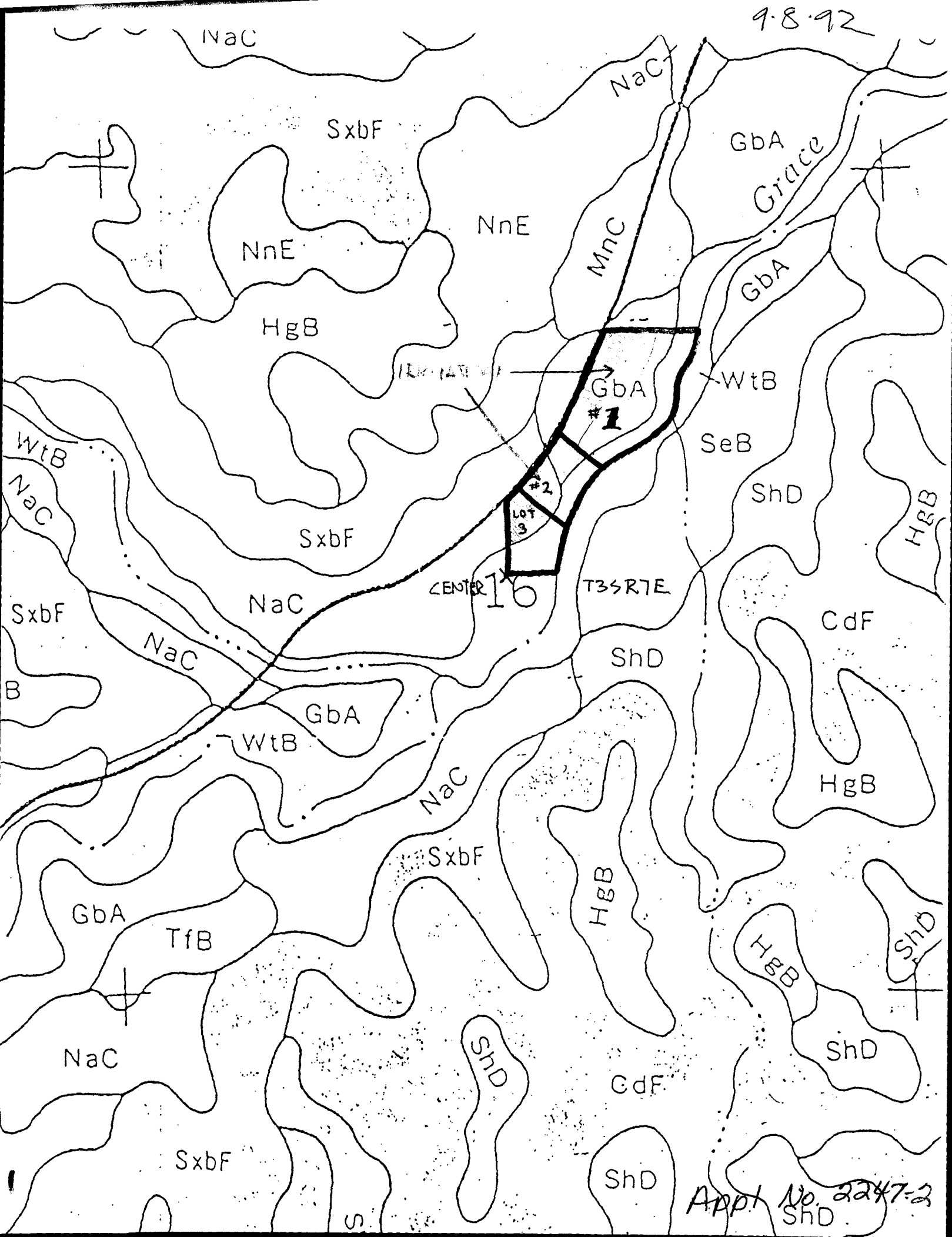
Drilling firm Downer Drilling Co.

Signature of License Representative: _____

Signature of Well Owner: _____

Date 8/28/87

9.8.92



Appl No. 2247-2
ShD.

South Dakota

GREAT FACES. GREAT PLACES.

September 2, 1992

James Borglum
Box 165
Hermosa SD 57744

Dear Mr. Borglum

In regard to your water permit application received on September 2, 1992, the following needs to be clarified in order to process your application.

Item No. 7 of the application, states that lands to be irrigated are located in Lot 1, Lot 2 and Lot 3 Section 16-T3S-R7E. The map submitted with the application only shows the location of Lot 3. Please outline the location of the lands to be irrigated in Lots 1, 2, and 3.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the map showing the lands to be irrigated, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: James Borglum
ADDRESS: Box 165, Hermosa, SD 57744 COUNTY: Custer
DATE: 1/15/93 TELEPHONE: 255-4675
RE: Documenting Water Permit No. 2247-2 in Permit No. 2029-2 file

COMMENTS:

Water Permit No. 2247-2 changes the use of 0.05 cfs of the water appropriated by Water Permit No. 2029-2 to irrigation of 8 acres. Since Permit No. 2247-2 was not an additional appropriation of water the file for Permit No. 2029-2 needs to reflect this change of use. This file documentation is intended to serve as the necessary documentation.

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:

Eric Honlund

REPORT ON APPLICATION NO. 2247-2
for James Borglum
October 22, 1992

Application No. 2247-2 proposes to appropriate 0.05 cfs (22.5 gpm) from one existing well approximately 500 feet deep located in the approximate center of section 16 to irrigate 8 acres located in the W 1/2 NE 1/4 of section 16; all in T3S R7E BHM in Custer County. Water Permit No. 2029-2 already authorizes appropriation of 0.09 cfs from this same well for commercial and domestic use. No additional diversion of water is requested by this application only a change in use.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation is an assemblage of alternating beds of sandstone, limestone, dolomitic limestone and minor amounts of red and black shale and chert. The Minnelusa Formation is approximately 600 feet thick in this area, underlies approximately 740,000 acres and contains an estimated 25.9 million acre feet of recoverable water in storage in Custer County (Allen, 1984). The aquifer is laterally extensive around the entire Black Hills and ground water movement is from west to east and probably north to south. The aquifer is confined at this site and under artesian conditions.

The driller's log submitted with the application indicates that Minnelusa was encountered at a depth of 450 feet below land surface and the well was completed at a depth of 500 feet. The well is free flowing at the land surface and was capable of producing 40 gpm when drilled.

The Division of Water Rights monitors an observation well CU-83A about 4 miles to the north of this application. Water levels for this observation well appear to respond to climatic conditions, that is, gradually rising water levels during wet years and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

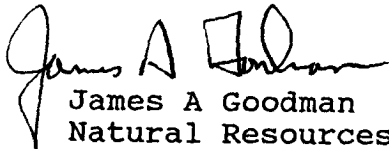
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing Minnelusa Water Permits/Rights in this area. The nearest permitted diversion for the Minnelusa Formation water is about 4 miles north of this application. Interference is not expected to be a concern. This is an existing well and has been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.

2. The Minnelusa Formation is confined and under artesian conditions. This well does free flow at the land surface. The well must be valved and controlled to prevent the waste of water.
3. Interference is not expected to be a concern. This application will not increase the permitted diversion rate for this well and there are no other nearby permitted users.
4. The well appears to be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Records for Custer County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2247-2, James Borglum

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2247-2, James Borglum, Box 165, Hermosa, SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 2247-2 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 27, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 29, 1992

James Borglum
Box 165
Hermosa, SD 57744

Dear Mr. Borglum:

Water Permit Application No. 2247-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 673-2217). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1992

Custer County Chronicle
Box 551
Custer, SD 57730

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2247-2 to be published twice. Please publish the first notice on November 4, 1992, 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 James Borglum, Box 165, Hermosa, SD 57744 (Ph # 255-4675).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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.

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on November 4, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2247-2 to Appropriate Water

Notice is given that James Borglum, Box 165, Hermosa, SD 57744 has filed an application for a water permit to change the use of 0.05 cubic feet of water per second (cfs) from one existing well (Minnelusa Formation) 500 feet deep located in the approximate center of Section 16 to irrigate 8 acres located in the W 1/2 NE 1/4 (Lots 1, 2 and 3) Section 16; all in T3S-R7E. The existing water is authorized by Water Permit No. 2029-2 to appropriate 0.09 cfs for commercial and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2247-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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 this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION OKSTATE OF SOUTH DAKOTA)
County Custer) ss.I, Terri Tugglecertify that the attached printed Notice was taken
from the Custer Co ChronicleA 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 CusterCounty of Custer and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:11/04/9211/11/92Terri Tuggle
(Signature)Owner Pub.
(Title)11/17/92

(Date Signed)

Cost of Printing: \$53.77NOTICE OF HEARING
ON APPLICATION NO. 2247-2
TO APPROPRIATE WATER

Notice is given that James Borglum, Box 165, Hermosa, SD 57744 has filed an application for a water permit to change the use of 0.05 cubic feet of water per second (cfs) from one existing well (Minnelusa Formation) 500 feet deep located in the approximate center of Section 16 to irrigate 8 acres located in the W 1/2 NE 1/4 (Lots 1, 2 and 3) Section 16; all in T3S-R7E. The existing water is authorized by Water Permit No. 2029-2 to appropriate 0.09 cfs for commercial and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2247-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary,
Department of Environment and Natural
Resources.

#3097.11/4, 11/11



MAR 10 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James Borglum
Box 165
Hermosa, SD 57744

Dear Mr. Borglum:

Enclosed is Water Permit No. 2247-2 authorizing construction of your water diversion system and beneficial use of the water, 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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 2000

2247-2

James Borglum
P.O. Box 167
Hermosa, SD 57744

Dear Mr. Borglum:

The investigation of your water use system was conducted on May 16, 2000, by Donald E. Stroup, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2247-2. Your final water right document, the Water License, can now be issued.

Statutes require 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 begin processing your Water License.

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

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416546

Pierre, June 13, 2000

RECEIVED OF James Borglum, Box 167, Hermosa, SD 57744
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2247-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Yvonne A. Eide (Y)

Chief Engineer

**Permits No. 2029-2 & 2247-2
Custer County**

Report Of Examination Of Works

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

Other permit/license associated with project: 1914-2

On May 16, 2000, I made a thorough examination of the water use system constructed by James Borglum holder of Permits No. 2029-2 & 2247-2 in Custer County, bearing the priority of July 27, 1987. Permit 2029-2 authorized an appropriation of 0.09 cfs for domestic and commercial water bottling. The commercial bottling operation was never started and permit 2247-2 changed the appropriation to use 0.05 of the 0.09 cfs for irrigation of an 8 acre tree nursery. The system is presently used to supply water to 3 houses and irrigation of the 8 acre tree nursery.

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

Works used to apply water to beneficial use:

500 ft. Minnelusa Formation, Flowing, Controlled and Valved Well

The system is in the following condition: Good. The point of diversion is located 2595 ft. South and 2615 ft. East from the NW corner of Section 16 T3S R7E. The well is capable of supplying 0.09 cfs of water for domestic and irrigation use. Water has been put to beneficial use for irrigating an 8 acre tree nursery in the SW ¼ NE ¼ of Section 16 T3S R7E and domestic use for three houses to the maximum extent. The system should be licensed for a total of 0.09 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None

Donald E. Stroup
Donald E. Stroup

Natural Resources Engineer
DENR, Water Rights Program

5/25/00
Date

REPORT ON INSPECTION OF PERMITS NO. 2029-2 & 2247-2

DATE OF INSPECTION: 5/16/00

Other permit/license(s) associated with the project: **1914-2**

Contact Person & Address:

James Borglum

Box 167

Hermosa, SD 57744

DIVERSION POINT LEGAL LOCATION:

2595 ft. South and 2615 ft. East from the NW corner of Section 16 T3S R7E

WATER SUPPLY Source: Ground Water, Minnelusa Aquifer

Well Information:

- 1) Well Drilling Firm: **Downen Well Drilling**
- 2) No. of Wells: **1**
- 3) Depth(s): **500 feet**
- 4) Well log is available: **Yes**. Well was drilled in 1966

Casing:

- 1) Diameter: **4 and 5 inch** in one run with **reducing coupler at 153 feet**
- 2) Length: **153 feet/347 feet**
- 3) Type: **Steel**

Screen:

- 1) Type: **Unknown**
- 2) Length: **NA**
- 3) Static water level: **Flowing Well**

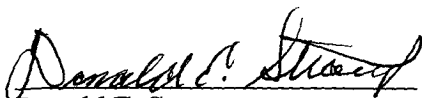
DISTRIBUTION LINES OR CANALS:

- 1) Type: **PVC**
- 2) Size: **1.5 inches**
- 3) Length: **1000 feet**

SYSTEM TYPE:

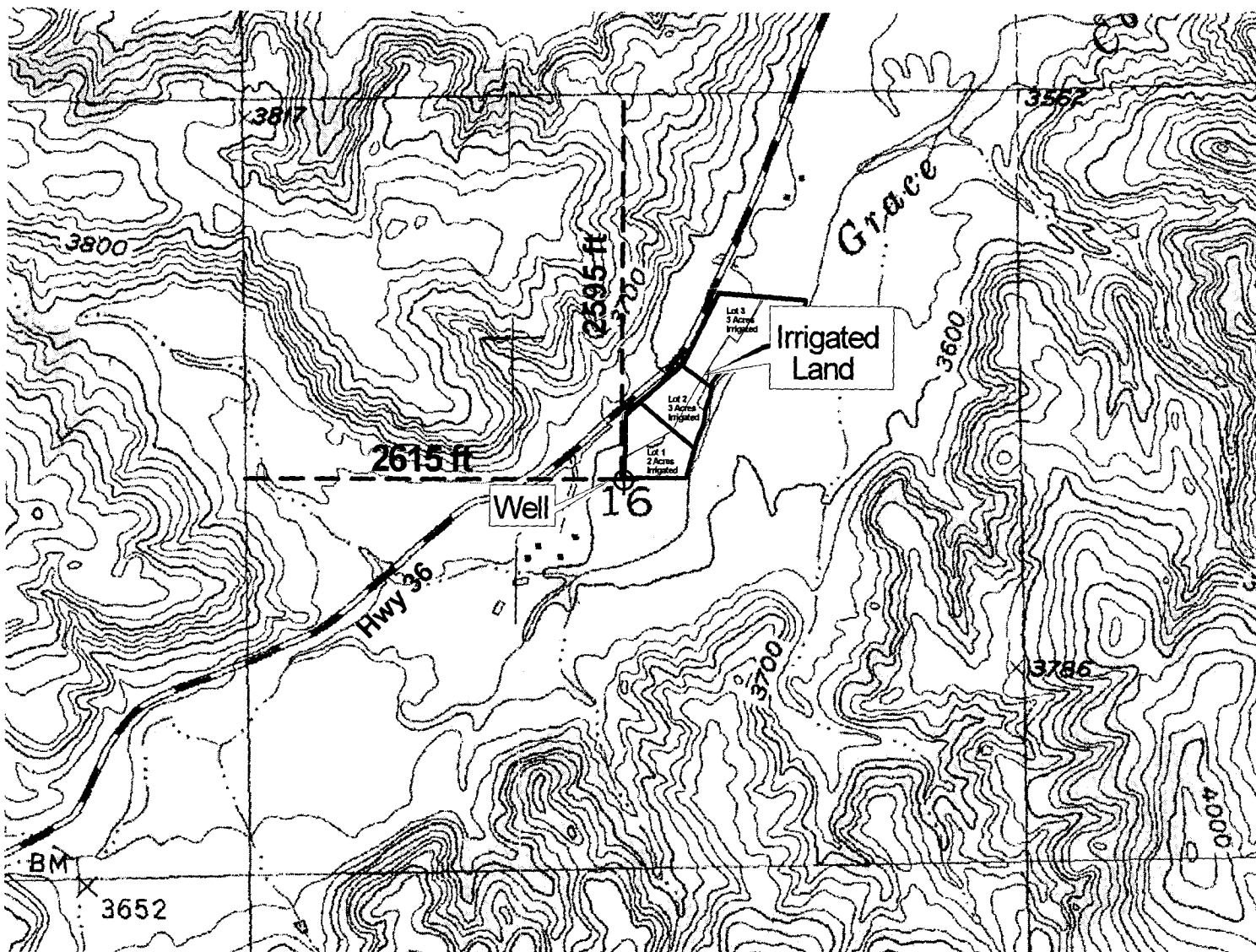
Flowing well. Water is for domestic and irrigation use. Well is capped and valved (35 psi on day inspected).

Well is the water source for Permits 2029-2 and 2247-2. These permits can be combined with a total authorization of 0.09 cfs for domestic and irrigation use.


Donald E. Stroup

Natural Resources Engineer
DENR, Water Rights Program

5/25/00
Date



Not to Scale

Permits 2029-2 and 2247-2

James Borglum
Box 167
Hermosa, SD 57744

Diversion Point (Well): SE1/4 NW1/4 Sec. 16 T3S R7E

Irrigated Land: SW1/4 NE1/4 Sec. 16 T3S R7E

Donald E. Stroup 5/25/00
Donald E. Stroup
Natural Resources Engineer
SD DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2247-2

(1) James Borglum, PO Box 167, Hermosa SD 57744 made Application No. 2247-2, September 2, 1992 to change the use of 0.05 cubic feet of water per second (cfs) from groundwater (one well), Custer County, South Dakota for irrigation purposes. Permit No. 2247-2, with a priority date of July 27, 1987 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 2, 1997 and for the application to beneficial use of said water on or before December 2, 2001.

Water Permit No. 2029-2, with a priority date of July 27, 1987, authorized diversion of 0.09 cfs from one well for domestic and commercial use. The commercial use portion of the permit was not developed. Permit No. 2247-2 authorized to change the use of 0.05 cfs for irrigation of a tree nursery. The applicable portions of Water Permit No. 2029-2 are incorporated into this license.

(2) It is certified that the permit holder 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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is 2,595 feet south and 2,615 feet east from the northwest corner of Section 16-T3S-R7E (SE ¼ NW ¼).

(3) The permit holder 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 16-T3S-R7E SW ¼ NE ¼ (Lots 1, 2 & 3) 8 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Borglum, PO Box 167, Hermosa SD 57744 the holder and/or owner of Incorporated Water Right No. 2247-2 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of July 27, 1987 from the location specified in (2) of this license for the purpose of domestic use (0.04 cfs) and irrigation use (0.05 cfs). This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 2247-2 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 10 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 10 2000

2247-2

James Borglum
P.O. Box 167
Hermosa, SD 57744

Dear Mr. Borglum:

Enclosed is Water License No. 2247-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416546 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2247-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2029-2 are incorporated into this license.



2247-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: JAMES BORGLUM, PO BOX 167, HERMOSA, SD 57744 0167

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2247-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2247-2 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 2247-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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www.state.sd.us/denr

February 22, 2011

2247-2

James Borglum
PO Box 167
Hermosa SD 57744 0167

Dear Mr. Borglum:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2247-2. 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
email: genny.mcmath@state.sd.us