

WATER PERMIT NO. 2420-2

Name of Applicant: Dept of Veterans Affairs

Address: 500 N 5th St, Hot Springs SD 57747

Phone: 605 745-2054

Amount of Water Claimed: 700 gpm

Total Acres: NA

Source of Water Supply: springs

Water to be used for: institutional use

County: Fall River

Type of Waste Disposal System:

Location: north of Hot Springs

PRIORITY

Date Received: 3-17-1999

Fee:

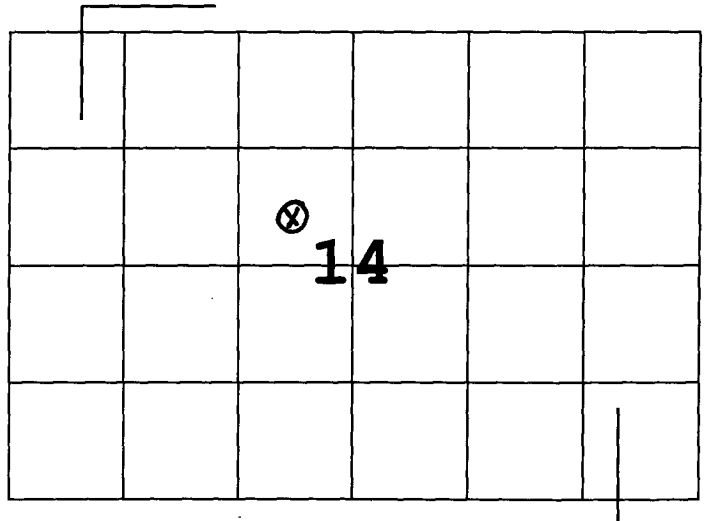
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Vested Right claimed with priority date of 1907

Diversion Point: SE ¼ NE ¼ Sec 14-T7S-R5E

Land to be Irrigated: NA



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Marlin Brensal, P.E.

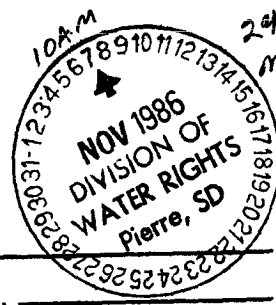
Reviewed and the Number Assigned on: 3-17-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

No. 2420-2 Hydrologic Unit 10/20/09
Map No. Upper Basin Cheyenne
Newspaper _____**Application For Permit To Appropriate Water Within The State Of South Dakota**Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☒ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant Dept. of Veterans Affairs
Veterans Administration Medical Center Phone No. 605/745-2054
500 N. 5th St.
Post Office Address Engineering Services Hot Springs, South Dakota State 57747
(Street, RR or Box) Zip Code
- Amount of water claimed (c.f.s) 60,202,700 gal per year (peak 1600 gpm) 700 gpm
- Source of water supply Spring
- Location of point of diversion City acreage in SE 1/4 NE 1/4, Section 14, Township 7,
Range 5,
County Fall River
- Counties where water will be used Fall River
- Annual period during which water is to be used Jan. 1 through Dec. 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
County of Fall River)^{ss}I, MARLIN D. BRENDSEL, for VA Medical Center the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed [Signature]Subscribed and sworn to before me this 6th day of NOVEMBER 1986[Signature]
BARBARA A. SUTTON, Notary Public
My Commission Expires 6/24/91

SOUTH DAKOTA
VESTED WATER RIGHT NO. 2420-2

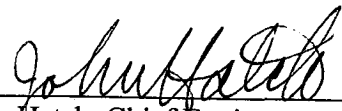
Date of Receipt of Claim November 7, 1986.

Date of Validation July 7, 1999.

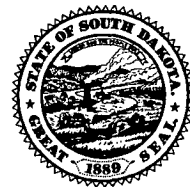
The Water Management Board validated Vested Water Right Claim No. 2420-2 for Department of Veterans Affairs, c/o Franklin W Maynard, 500 N 5th St, Hot Springs SD 57747 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2420-2 appropriates 700 gallons per minute (gpm) (1.56 cubic feet of water per second) from a spring located in the SE ¼ NE ¼ Section 14-T7S-R5E. Water from the spring flows into a cistern where it can be pumped for water needs as the Center's water source.
Water Permit No. 2421-2 authorizes 800 gpm from the same spring for a total appropriation of 1500 gpm.
2. The appropriated water is used for institutional purposes and may not exceed the amount of water needed for beneficial use including the Center's potable water, lawn watering and fire protection.
3. The water is to be used during the following annual period: January 1 – December 31.
4. The priority date of the Vested Water Right is January 1, 1907.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

AUG 6 1999
date



STATE OF SOUTH DAKOTA

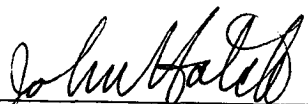
VESTED RIGHT WATER LICENSE NO. 2420-2

(1) Department of Veterans Affairs, c/o Franklin W Maynard, 500 N 5th St, Hot Springs SD 57747 made Application No. 2420-2, for validation of a vested right claim to appropriate 1.56 cubic feet of water per second (cfs) from a spring, Fall River County, South Dakota, for institutional purposes. Vested Water Right No. 2420-2 was validated July 7, 1999 with a priority date of January 1, 1907. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Water Permit No. 2421-2 authorizes 1.78 cfs from the same spring for a total appropriation of 3.34 cfs.

(2) It is certified that the vested right owner is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is SE ¼ NE ¼ Section 14-T7S-R5E.

(3) Pursuant to Section 46-5-30.1 Department of Veterans Affairs, c/o Franklin W Maynard, 500 N 5th St, Hot Springs SD 57747 the holder and/or owner of Vested Water Right No. 2420-2 is issued a license to appropriate 1.56 cubic feet of water per second from a spring with a priority date of January 1, 1907 from the location specified in (2) of this license. The water is to be used for the institutional purposes. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2420-2 and subject to South Dakota State Law.



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

AUG 6 1999

date



Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) Veterans Administration Medical Center
 Post Office Address Engineering Service; Hot Springs, South Dakota 57747
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

Where Book Page

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use est. 1915D. Name of owner of original water supply system unknownE. Amount of water originally applied to beneficial use 60,202,700 per yearF. Present Use of Water - Amount of water now being used 60,202,700 Gal. per Year (peak 1600 gpm)Date that this water was first used est. 1915

G. Chronological History of Water Use

(1915) A spring was diverted, through gravity flow, to supply the Medical Center with water. Through the years, a structure was erected over the spring. The water is fed to the Medical Center through piping and pumped to storage tanks. Exact dates are unknown. Water from this spring has always supplied this facility.

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

State of South Dakota)

County of Fall River) SS
 I, MARLIN D. BRENDSEL, for VA Medical Center the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed _____

Subscribed and sworn to before me 11-6, 1986
 Notary Public or other qualified officer
BARBARA A. SLETTOM, Notary Public
Notary Public in the State of South Dakota, Expires 6/1/91

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

Michael J. Kaspszak
 MICHAEL J. KASPSZAK
(Print name)
FRANKLIN W. MAYNARD
(Print name)

19

11-6 1986

27°30"

5270 / NE
MINNEKAHTA 10 MI
EDGE MOUNT 26 MI.
MINNEKAHTA 10 MI

48°09

48°08

25'

26
MORE 34 MI.
DE SPRINGS 7.4 MI.



signature:

Marlin D. Brendsel

MARLIN D. BRENDEL
PE SD 3595

2420-2

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 2, 1987, 19

RECEIVED OF Veterans Administration Medical Center, Engineering Service, Hot Springs, SD
the following amount in fees for services rendered as provided for by law: 57747

Fee for Application for Permit No. <u>2420-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	VR
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	15	00

By John Hatch
Chief Engineer JOHN HATCH (ms)

jc ORDER FOR SUPPLIES OR SERVICES

ISSUING OFFICE (If blank same as "Ship To")

Veterans Administration

VENDOR

S.D. Dept. of Water & Natural Resources
523 East Capitol
Pierre, SD 57501

773-3352

ATTENTION
DELIVERIES BETWEEN
8 00 AM TO 3 30 PM* THE PURCHASE ORDER NO. MUST
APPEAR ON ALL PACKAGES AND
PAPERS RELATING TO THIS ORDER.

REQUESTING OFFICE

Eng. Office

SHIP TO THIS ADDRESS ONLY:

P.O. NO. 579C71100
CHIEF SUPPLY SERVICE
V.A. MEDICAL CENTER
HOT SPRINGS, S.D.
57747A/C605 745 4101
EXT. 204/318

MAIL INVOICE TO THIS ADDRESS:

CHIEF FISCAL SVC.
V.A. MEDICAL CENT
HOT SPRINGS, S.D.
57747

(CAUTION: This address for billing purposes only)

F.O.B. POINT		TYPE OF ORDER		PROPOSAL DATED		MAIL INVOICE TO THIS ADDRESS:	
Destination		☒ PURCHASE ORDER (Subject to terms and conditions of the contract)		Written quote Ron			
GOV'T B/L NO.		☐ DELIVERY ORDER (Subject to terms and conditions of the contract)		12-15-86			
DISCOUNT TERMS		DELIVERY TIME		CONTRACT AND/OR INVITATION NO.			
Net 30		12-31-86					
SHIP VIA							
ITEM NO.	DESCRIPTION	QUANTITY ORDERED	UNIT	UNIT PRICE	AMOUNT	QUANTITY SHIPPED	AMOUNT BILLED
1.	Filing fee for a vested right application (water permit)	1	ea	15.00	15.00		
					TOTALS	15.00	

AUTHORITY FOR AND/OR METHOD OF PURCHASE

FAR 13

TYPED NAME AND SIGNATURE OF AUTHORIZED PURCHASING OR CONTRACTING OFFICER

WILFRED L. WEINBAUGH

CONTRACTING OFFICER

PURCHASE ORDER OR REQ. NO.

579C71100

DATE OF PURCHASE ORDER OR REQ.

12-23-86

FUND CERTIFICATION: The supplies/services listed on this request are properly chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof, and funds have been obligated.

APPROPRIATION AND ACCOUNTING SYMBOLS

3670160.01 046/8511/2660 0054

OBLIGATED BY

Joan M. Snider

DATE

12/23/86

VA FORM 90-138
JAN 1984SUPERSEDES VA FORM 90-2138, FEB 1983,
WHICH WILL NOT BE USED.

INSTRUCTION TO VENDOR

This form is so designed that Copy 1 may be used as an invoice in lieu of a separate commercial invoice by filling in the Amount Billed and, if pertinent to the transaction, the Point and Gross Shipping Weight.

If you prefer to use your own invoice form, submit an original only, with sufficient detail to permit identification of the item(s) billed with the item(s) ordered.

In either case, this copy (Copy 2) should be retained by you as your copy of the order.

VENDOR'S COPY OF ORDER 2

SOUTH Dakota Department of
Water & Natural Resources

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

December 15, 1986

Marlin D Brendsel
Veterans Administration Medical Center
Engineering Service
Hot Springs SD 57747

Dear Mr. Brendsel:

This letter is in response to the water permit application for the Medical Center received on November 7, 1986. The following information is needed before the application can be processed:

1. The amount of water claimed (maximum gallons per minute) needs to be specified in Question No. 2 on the enclosed Form 2.
2. A map with reference to a section corner also needs to be submitted. Enclosed is a map of the area. Mark the spring location with an "X" and have the map signed according to the enclosed instructions.
3. Water needs to have been used for institutional purposes since 1955 to qualify for a Vested Right. Enclosed are the Affidavits of Water Use which were submitted with the application. Questions C,E,F and G need to be completed. The maximum gpm needs to be the same in Question F and in Questions No.2 on Form 2.
4. A \$15.00 filing fee is needed for a Vested Right Application.

Please complete and return the enclosed forms and map with the \$15.00 application fee for a Vested Right. The permit application can be processed only when the permit application is complete. Contact us if you have any questions.

Sincerely,



RON DUVAL
Natural Resources Engineer

RD:ks

enclosures

December 15, 1986
Loren Green
Page 12

Please complete and return the enclosed forms and map with the application fee. The permit application can be processed only when the application is complete. Contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

enclosures



Department of Water & Natural Resources

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

January 9, 1987

Marlin D Brendsel
Veterans Administration Medical Center
Engineering Service
Hot Springs SD 57747

Dear Mr. Brendsel:

This letter is in response to our phone conversation on January 7, 1987 regarding the amount of water used by the Medical Center.

I was informed that prior to 1955, 700 gpm is the maximum amount of water put to use. Therefore, a new permit application is needed to cover the 100 gpm currently being diverted above the 700 gpm which qualifies for a vested right. Enclosed is a revised vested right application for 700 gpm and a new permit application for 100 gpm. The applications need to be signed and notarized. The \$15.00 purchase order for the vested right application is on file; however, the new permit application fee for 100 gpm is \$225.00 (see instruction sheet). Please contact us if you have questions.

Sincerely,

RON DUVALL
Natural Resources Engineer

RD:ks

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1996

Frank Maynard
Dept. of Veteran Affairs
Safety (00S)
500 North 5th Street
Hot Springs, SD 57747

Dear Mr. Maynard:

I am writing in response to our phone conversation on water right permitting for the VA Hospital. Your memory is correct and the hospital did file for a vested water right back in the late 1980's.

I am enclosing a copy of the pending application that is on file. I believe that when the application was filed in 1986, the Water Rights staff had questions about the quantity of water used at the facility. Ron Duvall, staff engineer, was informed by Mr. Brendsel that the facility actually used 800 gallons per minute (gpm). The maximum amount of water used prior to 1955 of 700 gpm qualifies for a vested water right which may retain a priority date when water was first used. The remaining 100 gpm requires a new water permit application.

Ron Duvall sent a letter to Mr. Brendsel on January 9, 1987, to explain that two applications are necessary (a vested water right application for 700 gpm and a new water permit application for 100 gpm). This letter included copies of a revised vested water right application and a partially completed water permit application. To my knowledge, this is the last correspondence that occurred. I am unable to explain why the Water Rights staff did not follow-up on this pending application.

Enclosed is a set of vested water right application and new water permit application forms. The application filing fee for the vested water right was paid back in 1987.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
773-3352

enclosure

**BLACK HILL HEALTH CARE SYSTEM
HOT SPRINGS**

March 15, 1999

Department of Environment & Natural Resources
Eric Gronlund
Water Rights Program
523 East Capitol
Pierre, SD 57501-3181



Dear Mr. Gronlund,

This letter is in addition to our water rights application. I will attempt to answer your questions of December 30, 1998.

a. The VA came into existence in 1907, as the Battle Mountain Sanitarium. At that time, the Domiciliary building complex was completed, along with the outbuildings needed to support the Domiciliary. Included in the outbuildings, was the Boiler Plant, Bldg. 18. Early information indicates the water usage started in 1907, and the method of water transmission was wooden water lines, buried in the street connecting the spring house (source) with the cistern (storage and pumping pit) located in the Boiler Plant.

b. It is uncertain what the volume of water per minute was at that time. The main hospital building (Bldg. 12) was completed in 1926, and was fully operational. At that time, I would assume the water capacity was at least 700 gpm, because of the large number of patients being treated. Additionally, during the early years, several hot baths were operational at the Sanitarium, and a small swimming pool was also operational. Both of these have been discontinued now. In 1937, the East wing was added to the hospital building, basically completing the existing shape of the building as we know it today.

The VA waste water system is connected to the City of Hot Springs sanitary system. We do not operate a waste water disposal plant.

The application is for the 700 gpm vested water, and per the pumping capacity we accomplished, we are requesting the additional 800 gpm, to total 1500 gpm.

If you have any questions, please feel free to contact Franklin W. Maynard at 605 745-2061.

Sincerely,


William A. Baker

Chief, Facilities Management

attachments



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 1999

John Scheltens, City Engineer
City of Hot Springs
303 N. River Street
Hot Springs SD 57747

Dear Mr. Scheltens:

Please find enclosed a copy of the report, recommendation and notice of hearing for Vested Water Right Application No. 2420-2 and Water Permit Application No. 2421-2 filed by the Department of Veterans Affairs for their water use at the VA Medical Center located in Hot Springs.

The notice of hearing is to be published May 25 and June 1, 1999, in the Hot Springs Star. A hearing on these applications is scheduled before the Water Management Board on July 7th in Pierre. Petitions in support or opposition to either application must be submitted by June 25, 1999.

If you have any questions about the applications, please call me at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

REPORT ON VESTED WATER RIGHT CLAIM NO. 2420-2
AND WATER PERMIT APPLICATION NO. 2421-2
DEPARTMENT OF VETERANS AFFAIRS
MAY 3, 1999

Vested Water Right No. 2420-2 claims an appropriation of 1.56 cubic feet of water per second (700 gpm) from a spring. The spring originates in the SE1/4 NE1/4 of Section 14 T7S-R5E and flows into a cistern where the water can then be pumped for the Veterans Administration (VA) Medical Center's needs. Historically, the spring has been allowed to flow continuously to the cistern to maintain full storage. Overflow from the cistern is discharged to the Fall River. Water is used for institutional purposes including the Center's potable water source, lawn watering and fire protection. The priority date claimed is January 1, 1907.

Application No. 2421-2, proposes to appropriate an additional 1.78 c fs (800 gpm) from the spring because the pump capacity in the cistern totals 1500 gpm. The VA Medical center is located in the City of Hot Springs in Fall River County.

Review of Existing Water Rights

The spring discharges and naturally flows into the Fall River. There are 5 existing vested water rights or water rights/permits appropriating 1.63 cfs from Fall River downstream from this project. Two of these have priority dates senior to the priority date of January 1, 1907, claimed by No. 2420-2. The Fall River is a tributary to the Cheyenne River having a point of confluence located approximately 5 miles downstream from Angostura Reservoir. There are 25 existing vested water rights or water rights/permits appropriating 68.75 cfs located on the Cheyenne River from its confluence with the Fall River to the confluence with Rapid Creek. Of these, one vested water right would have priority senior to No. 2420-2.

Junior water rights located on the Cheyenne River from Angostura Dam to the confluence with Rapid Creek has been subject to shutoff orders during dry periods. If approved Water Permit No. 2421-2 may also be subject to the same shutoff orders that would be issued to the junior Cheyenne River water rights.

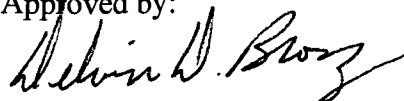
Conclusions

1. Vested Water Right Claim No. 2420-2 claims a January 1, 1907 priority date for 1.56 cfs from a spring which is a tributary to the Fall River for institutional use.
2. Water Permit Application No. 2421-2 proposes to appropriate an additional 1.78 cfs from the same springs.
3. There are 30 existing vested water rights, water rights and water permits located downstream from this project on the Fall River and Cheyenne River to the confluence with Rapid Creek. Only three of these would have priority dates senior to Vested Water Right No. 2420-2, if it is validated.
4. During dry conditions, there have been shutoff orders issued for junior priority water rights from the Cheyenne River for Angostura reservoir to the confluence with Rapid Creek. If approved, Water Permit No. 2421-2 may also be subject to shutoff orders issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineer III

Approved by:



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED
WATER RIGHT APPLICATION NO. 2420-2, Department of Veterans Affairs**

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 Validation of Vested Water Right Application No. 2420-2, Department of Veteran Affairs, c/o Franklin W. Maynard, 500 North 5th Street, Hot Springs SD 57747.

The Chief Engineer is recommending VALIDATION of Application No. 2420-2 for 1.56 cfs (700 gpm) because 1) water has been appropriated as described for institutional uses with a priority date of January 1, 1907, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
May 7, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 17, 1999

Department of Veterans Affairs
%Franklin W. Maynard
500 N. 5th St.
Hot Springs, SD 57747

Dear Mr. Maynard:

Vested Water Right Application No. 2420-2 and Water Permit Application No. 2421-2 for institutional use have 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 Hot Springs Star printed at Hot Springs, SD (Ph # (605) 745-4170). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1999

Hot Springs Star
Box 1000
Hot Springs, SD 57747-1000

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Vested Water Right Application No. 2420-2 and Application No. 2421-2 to Appropriate Water to be published twice. Please publish the first notice on May 25, 1999, 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 Department of Veterans Affairs, %Franklin W. Maynard, 500 N. 5th St., Hot Springs, SD 57747 (Ph # (605) 745-2054).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 2420-2 & 2421-2

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

Date _____

We are in receipt of your letter of May 17, 1999, enclosing Notice of Hearing to Appropriate Water by Application Nos. 2420-2 and 2421-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 25, 1999, with the second publication 7 days later. The applicant is responsible for payment.

**NOTICE OF HEARING to Validate Vested Water Right Application No. 2420-2 and
Approve Water Permit Application No. 2421-2 to Appropriate Water**

Notice is given that Department of Veteran Affairs, c/o Franklin W. Maynard, 500 North 5th Street, Hot Springs SD 57747 has filed applications to validate a vested water right claim and obtain a water right permit to reflect water use at the VA Medical Center located in Hot Springs.

The VA Medical Center uses a spring that originates in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T7S, R5E as its water source. Water from the spring flows into a cistern (storage and pumping pit) where it can be pumped for water needs as the Center's water source. Two pumps capable of a combined diversion rate of 1500 gallons per minute (gpm) are located in the cistern. Historically, the spring has been allowed to flow continuously to the cistern to maintain full storage. Overflow from the cistern is discharged to the Fall River. Water is used for institutional purposes including the Center's potable water source, lawn watering and fire protection.

Vested Water Right No. 2420-2 claims an appropriation of 700 gpm from the spring. The Center came into existence in 1907, as the Battle Mountain Sanitarium. The application claims a priority date of January 1, 1907.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Application No. 2420-2 for 700 gpm (1.56 cfs) because 1) water has been appropriated as described for institutional purposes with a priority date of January 1, 1907, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Right Permit Application No. 2421-2 requests appropriation of 800 gpm from the spring because the pump capacity from the cistern totals 1500 gpm.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2421-2 because 1) unappropriated water is available, 2) existing rights have not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting these applications 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 Program, 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 June 25, 1999. The petition may be informal, but must include a statement describing the petitioner's interest in these applications, the petitioner's reasons for opposing or supporting these applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 9:30 a.m. (CST), July 7, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny either application based on the facts presented at the public hearing. The July 7, 1999, 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 applications. The request for an automatic delay must be filed by June 25, 1999.

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 June 25, 1999, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These 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-18, 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, 74:02:01:19 thru 74:02:01:22. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) SS
 County of Fall River)

I, Tim Franklin

certify that the attached printed Notice was taken

from the Hot Springs Star

printed and published in Hot Springs

County of Fall River and

state of South Dakota. The notice was published in the newspaper on the following two dates:

May 25, 1999

June 1, 1999

Cost of Printing \$70.05

Tim Franklin
 (Signature)

Publisher
 (Title)

June 1, 1999
 (Date Signed)

142

NOTICE OF HEARING

to Validate Vested Water Right Application No. 2420-2 and Approve Water Permit Application No. 2421-2 to Appropriate Water

Notice is given that Department of Veteran Affairs, c/o Franklin W. Maynard, 500 North 5th Street, Hot Springs, SD 57747 has filed applications to validate a vested water right claim and obtain a water right permit to reflect water use at the VA Medical Center located in Hot Springs.

The VA Medical Center uses a spring that originates in the SE1/4 NE1/4 Section 14, T7S, R5E as its water source. Water from the spring flows into a cistern (storage and pumping pit) where it can be pumped for water needs as the Center's water source. Two pumps capable of a combined diversion rate of 1500 gallons per minute (gpm) are located in the cistern. Historically, the spring has been allowed to flow continuously to the cistern to maintain full storage. Overflow from the cistern is discharged to the Fall River. Water is used for institutional purposes including the Center's potable water source, lawn watering and fire protection.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2421-2 because 1) unappropriated water is available, 2) existing rights have not been unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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Engineer's address is "Water Rights Program, 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 June 25, 1999. The petition may be informal, but must include a statement describing the petitioner's interest in these applications, the petitioner's reasons for opposing or supporting these applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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May 25, June 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1999

Department of Veterans Affairs
%Franklin W. Maynard
500 N. 5th St.
Hot Springs, SD 57747

Dear Mr. Maynard:

Enclosed are your Validated Vested Water Right and Water License No. 2420-2. 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.

Also enclosed is Water Permit No. 2421-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures