

WATER PERMIT NO. 2421-2

Name of Applicant: Dept of Veterans Affairs

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

Phone: 605 745-2054

Amount of Water Claimed: 800 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:

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

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

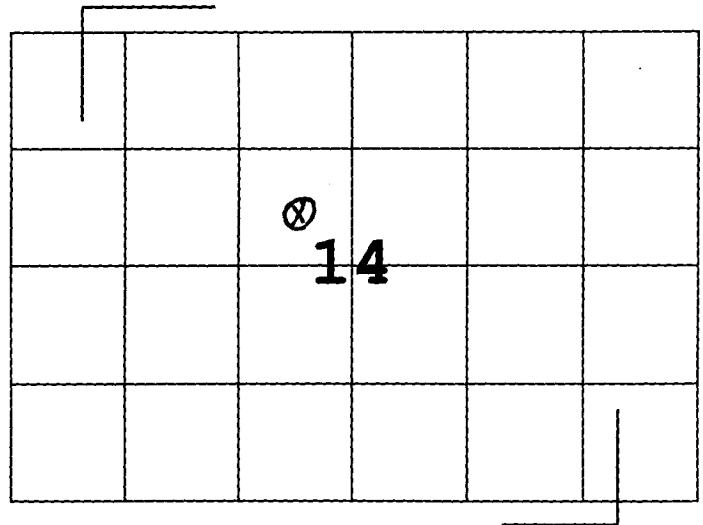
Type of Map: topo

Prepared by: Marlin Brensal, P.E.

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2421-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star, Hot Springs, SD</u>	



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☒ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

Application for peak diversion capabilities in excess of amount which qualifies for
a vested water right

- Name of Applicant Department of Veterans Affairs Phone 605-745-2054
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 500 North 5th Street, Hot Springs State SD 57747
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Spring
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 NE 1/4 Section 14 T7S R5E
County Fall River
- County or counties where water will be used Fall River
- Annual period during which water is to be used December 1 - January 31
- Give a description of the 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)

Water uses include: water supply to Center, lawn watering and fire protection

STATE OF SOUTH DAKOTA)
County of Fall River SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Franklin W. Maynard, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Franklin W. Maynard

Subscribed and sworn to before me this 16th day of March 19 99

Barbara A. Sletton
BARBARA A. SLETTON, Notary Public
My Commission Expires 7/15/99

SOUTH DAKOTA
WATER PERMIT NO. 2421-2

Date of first receipt of application March 17, 1999.

The Water Management Board approved Water Permit Application No. 2421-2 on July 7, 1999 for Department of Veterans Affairs, c/o Franklin W Maynard, 500 N 5th St, Hot Springs SD 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. 2421-2 appropriates 800 gallons per minute (gpm) (1.78 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.

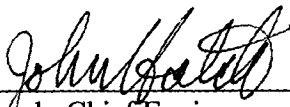
Vested Right No. 2420-2 authorizes 700 gpm from the same spring for a total appropriation of 1500 gpm.

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 described annual period: January 1 – December 31.
4. The date from which applicant may claim right is March 17, 1999.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

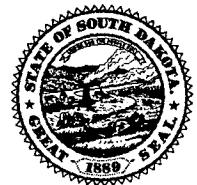
Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the spring at any time when the river flow is low as determined by the Chief Engineer. Diversions under this Permit shall be in accordance with any written order issued by the Chief Engineer.

WATER MANAGEMENT BOARD

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

AUG 6 1999

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416081

Pierre, _____ March 29, 1999

RECEIVED OF SS Dept. of Veterans Affairs, 500 N. 5th Street, Hot Springs, SD 57747-1497
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2421-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	450	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2421-2</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	500 00

By

Chief Engineer

John Hatch (C)

SPECIAL

REPRINT PURCHASE ORDER FOR SUPPLIES OR SERVICES (MAR 26, 1999@08:30:55)

ISSUING OFFICE:

Dept. of Veterans Affairs Medical Center
VA MEDICAL CENTER
FORT MEADE, SD 57741

REQUESTING SERVICE:

FACILITIES MANAGEMENT(FAC)

DEL. TO: HS FAC

VENDOR:

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES (DENR)
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE SD 57501

605-773-3352

FMS Vendor Code: 460191834

SHIP TO:

WHSE (HOT SPRINGS) ID9266
V.A. Medical Center
CHIEF A&MM (90)
VAMC
500 N 5TH STREET
HOT SPRINGS, SD 57747-1497

DELIVERY HOURS:

7:30AM TO 4:30PM

FOB POINT: DESTINATION

GOV'T BL #:

PURCHASE ORDER

DELIVER ON/BEFORE 4/5/1999

DISCOUNT TERM: NET30

SHIP VIA:

PROPOSAL: N/A

CONTRACT:

MAIL INVOICE TO:

FISCAL OFFICER

VA MEDICAL CENTER

113 COMANCHE ROAD

FIN 41

FORT MEADE, SD 57741

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	WATER RIGHTS FILING FEE BOC: 2660 FMS LINE: 001	1	JB	500.00	500.00

V.A. TRANSACTION NUMBERS:

568-99-2-5001-0390



AUTHORITY FOR PURCHASE	P.O. NO.	PO DATE	TOTAL:	500.00
FAR 13	568-ID9266	3/26/1999		
CONTRACTING OFFICER	DATE SIGNED	PHONE		
/ES/JOANN WALKER	3/26/1999@08:30	605-745-2070		

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: 3690160-5001

COST CENTER: 851100

SOURCE CODE: SUPPLY-2 FISCAL-3

FCP/PRJ: 010050100

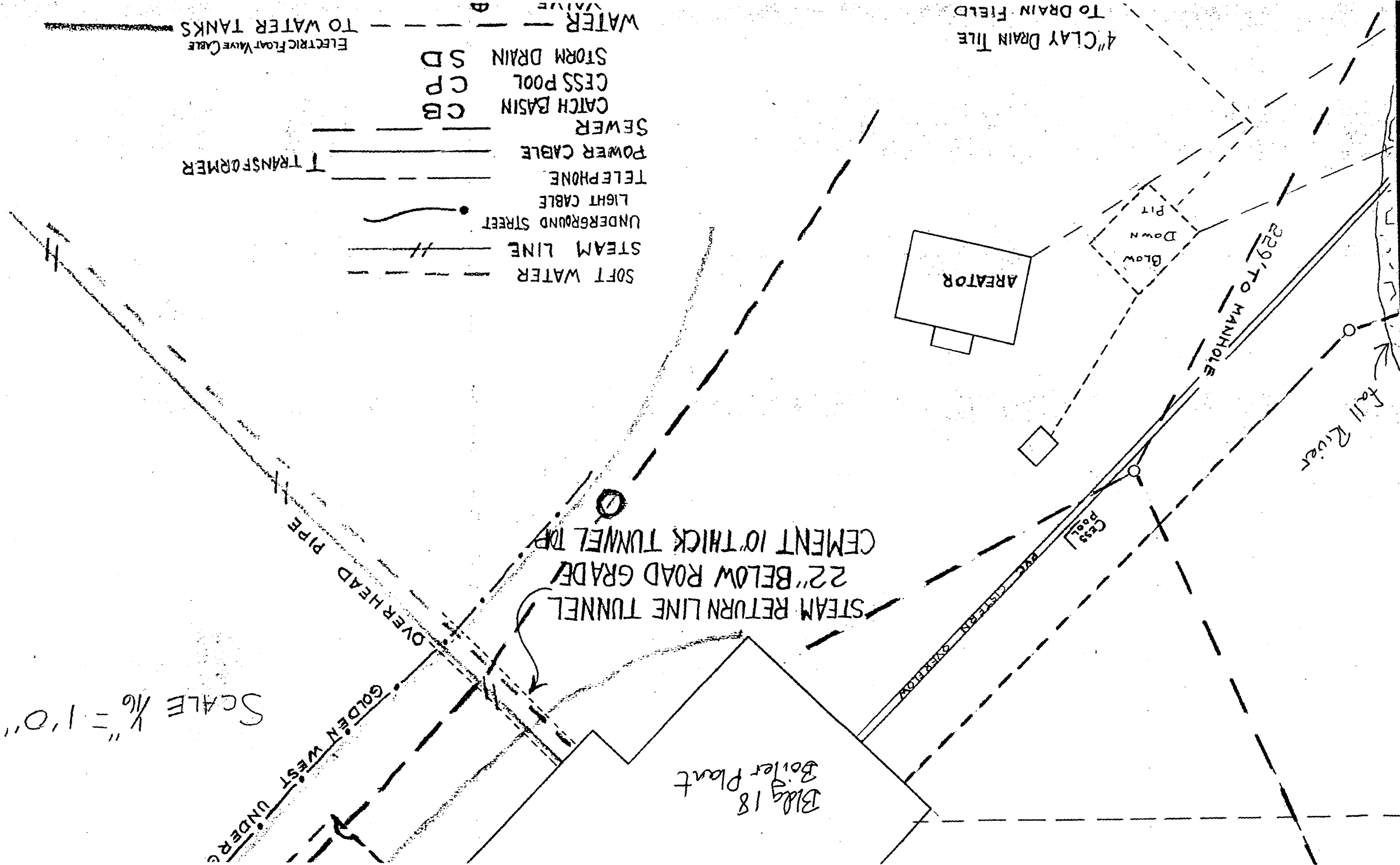
OBLIGATED BY:

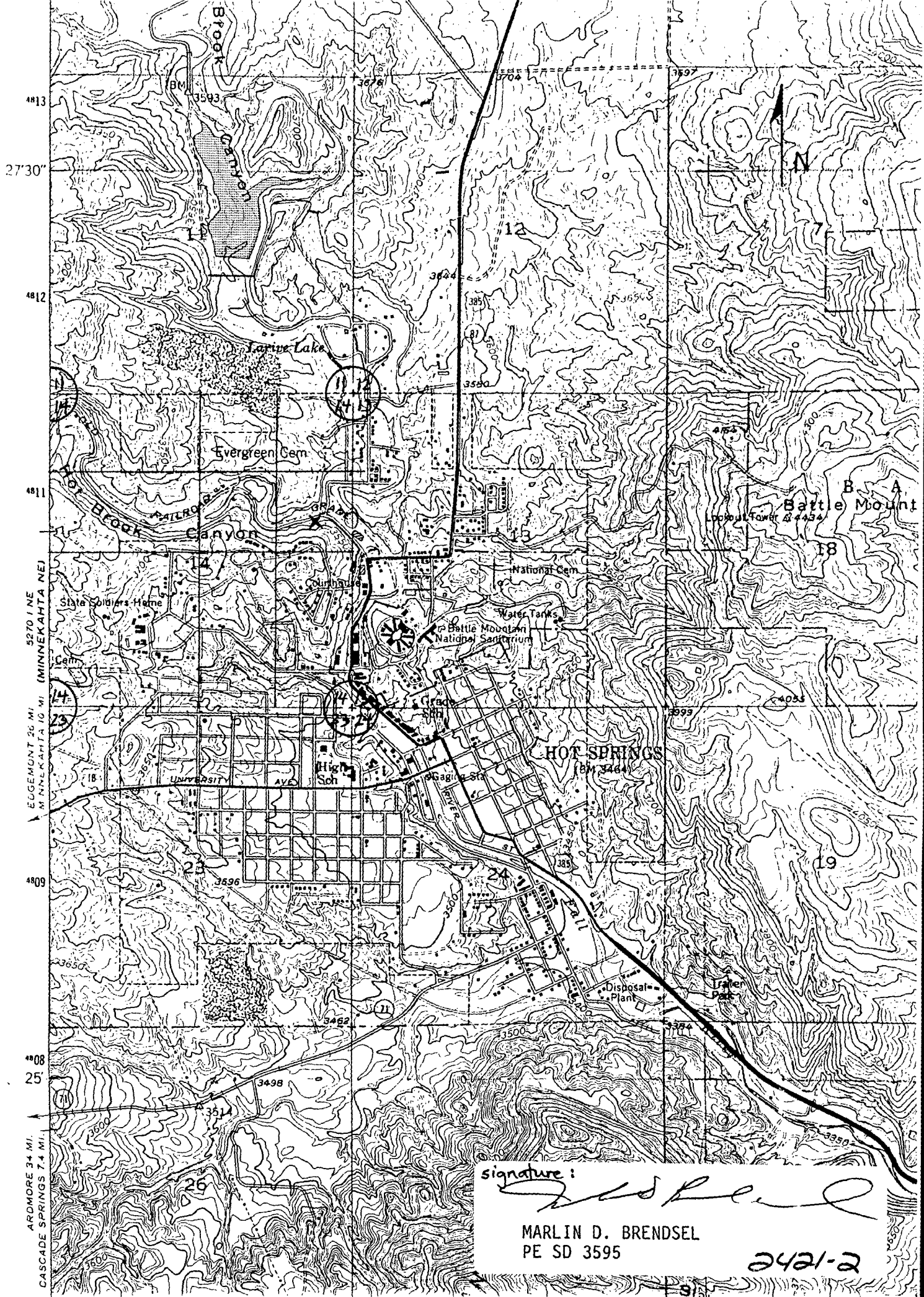
BOC1: 2660

AMOUNT1:

500.00 FMS LINE: 001

SCALE 1/8" = 1' 0"





signature: *[Handwritten Signature]*

MARLIN D. BRENDEL
PE SD 3595

2421-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1998

VAMC
Frank Maynard
500 North 5th Street
Hot Springs SD 57747

Dear Mr. Maynard:

I am writing to inform you what I believe is required to get the proper South Dakota water rights in place to reflect water use at the VA Medical Center. As we discussed, a vested water right application was filed for 700 gallons per minute (gpm) back in 1986. Over the years there has been some correspondence but essentially this application has remained in pending status awaiting a new water permit application for the Center's diversion capabilities in excess of 700 gpm.

As I understand the operation of the system, water from a spring is diverted from its natural course into a cistern/wet well storage facility. When the storage is full water free flows via an overflow to the Fall River which would be the spring's receiving stream. Water uses at the Center includes domestic uses, lawn watering of grounds and fire protection. The method of diversion and water uses will need to be specified when the Center's water right applications are public noticed. If I am in any way incorrect on the system's operation, please let me know so we describe it properly.

The maximum amount of water used prior to 1955 was 700 gpm according to a Marlin Brendsel back in 1987. This amount likely qualifies for a vested water right which retains a priority date of when the quantity of water was first used. The affidavit of water use filed with the original application estimated water was first used in 1915. I have three questions in regard to the vested water right application:

- ◆ In what year did the VAMC come into existence and was the original water system capable of a 700 gpm diversion?
- ◆ Is there any documentation you can provide to show when water use began?

I am enclosing water right permit application form and instruction sheet for the Center to file for a water permit for the diversion capabilities exceeding 700 gpm. You indicate that the peak diversion by the Center is limited by two pumps each capable of 750 gpm. The peak diversion capability by the facility is 1,500 gpm. If the Center qualifies for a vested water right of 700 gpm, then by simple math it is apparent the new application will need to claim an appropriation of 800 gpm.

I have partially completed a draft application (in red) of what I understand is necessary on the new water permit application. Please use this information only as a guide and make any changes necessary to correctly reflect the water system when completing the application. In addition to completing the application form the following will be necessary.

- ◆ The application filing fee based on diversion rate for 800 gpm is \$450 plus the \$50 inspection/licensing fee for a total of **\$500** will need to be submitted. However, if the Center limits its annual volume to 200 acre feet (based on my conversation with Mr. Baker) the filing fee combined with the licensing fee will be \$275.
- ◆ The original vested water right application included a map showing the location of the diversion point. Please supplement this map with a map showing where the overflow returns to the Fall River.
- ◆ Is the waste water disposal system for the Center connected to the City of Hot Springs sanitary system?

Once we receive a complete new water permit application, the Water Rights staff will process both applications. When the actual processing of the application takes place if may be necessary for the Water Rights staff person assigned to review the applications to contact you for supplemental information.

I have been unable to keep the letter short or simple. Please feel free to contact me if you have any questions. I will assist you in any way possible to get state water rights that accurately reflect the Center's water uses in accordance with the principles of state water law.

Sincerely,



Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1999

VA Medical Center
Frank Maynard
500 North 5th St
Hot Springs SD 57747

Dear Mr. Maynard:

I am writing to follow-up my December 30, 1998 letter regarding water rights for the VA Medical Center. Enclosed is a copy of that letter and another set of water permit application forms and instruction sheet.

It is important that the Center get water rights in place that accurately reflect it's water use. Please let us know if you have any questions or need help completing the application.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosures

**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

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

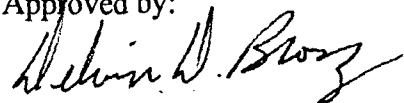
1. Vested Water Right Claim No. 2420-2 claims a January 1, 1907 priority date for 1.56 cfs from a spring which is a tributary to the Fall River for institutional use.
2. Water Permit Application No. 2421-2 proposes to appropriate an additional 1.78 cfs from the same springs.
3. There are 30 existing 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 WATER PERMIT
APPLICATION NO. 2421-2, Department of Veterans Affairs

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2421-2, Department of Veteran Affairs, c/o Franklin W. Maynard, 500 North 5th Street, Hot Springs SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2421-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed. This permit does not authorize diversion of water from the spring at any time when the river flow is low as determined by the Chief Engineer. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

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
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 SE¼ NE¼ 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. 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 been 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 E. 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 application, 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, 74:02:01:22, Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

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

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



**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: DEPT OF VETERANS AFFAIRS
FRANKLIN W MAYNARD
500 N 5TH ST
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. 2421-2

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.

Permit No. 2421-2
Upper Cheyenne River - 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, September 28, 2010, made a thorough examination of the water use system constructed by Department of Veterans Affairs of 500 N 5th St., Hot Springs, SD 57747 holder of Permit No. 2421-2, bearing the priority of March 17, 1999 authorizing the diversion of 1.78 cu. ft. per second of the waters of a spring for institutional purposes, in Fall River County.

Inspection contact & relationship to permit holder, if applicable: **Steve Provorse, Operations Supervisor, Facilities Management, Black Hills Health Care System**

A. Works used to divert the water:

Water is captured and diverted from a developed spring. The system is completely enclosed and only a vent consisting of an 8-inch diameter steel pipe is visible inside the spring building.

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

Water is transported from the spring to a cistern (cistern size: 11' deep x 9.5' diameter) located at the "Boiler Plant" through approximately 2,275 feet of buried 8-inch diameter pipe via gravity. The spring capacity that exceeds the demand at the Center (cistern overflow) is returned to Fall River at the Boiler Plant. Cistern overflow is estimated to be approximately 300 gpm. Water is pumped from the cistern with two Grundfos pumps (Pump Type: CR-90-42-A-G-A-E-KUBE; Pump #1 Model No.: A96416179-P20603129, Pump #2 Model No.: A96416179-P20603130) to two water towers (900,000 gallon capacity) through approximately 3,000 feet of buried 8-inch and 6-inch diameter pipe. The pumps are each capable of pumping 475.5 gallons per minute with 100 psi operating pressure. Typically, only one pump is operated at a time but both can be operated if necessary.

C. Works used to apply water to beneficial use:

Water from the towers is returned to the Boiler Plant and treated through a water softener. Softened water is either: 1) piped to the Center through a 4-inch diameter for all institutional uses; or 2) further treated with a Dept Filter, a Cullar Filer and a reverse osmosis unit for boiler use only.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 2421-3

The system is in good condition with the point(s) of diversion located as follows: **3,230 feet north and 610 feet west of the south east corner of Section 14, T7S-R5E, (NW¼ SE¼ SE¼ NE¼ Sec. 14, T7S-R5E), (Latitude: 43.44230611, Longitude: -103.48354250.** The works are capable of diverting and conveying to the place of use **2.79** cu. ft. per second of water which is to be used for institutional use. Water has been put to beneficial use to the maximum extent and the license should be issued for **1.23** cfs.

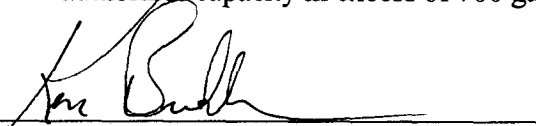
All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project:

All of the Center's water comes from the spring. Water uses include potable water, heating, fire protection and lawn watering. The entire facility encompasses 12 acres, of which only 4 acres is irrigated. Provorse estimates the Center uses 200,000 gallons per day when irrigating and 100,000 gallons per day when not irrigating.

Cistern overflow was measured by Provorse on 28 Oct. 2010 at 300 gpm with the pumps off. Provorse claims that overflow is constant and he can not draw the water level down in the cistern regardless of the pumping rate. The maximum pump capacity of this system is 951 gallons per minute (2.12 cfs). The spring discharge which is diverted by the system equal to the maximum pump capacity plus overflow totals 1,251 gallons per minute (2.79 cfs).

Vested Water Right No. 2420-2 was validated for 700 gallons per minute (1.56 cfs). Water Right No. 2421-2 authorizes capacity in excess of 700 gallons per minute, (551 gallons per minute (1.23 cfs)).



Ken Buhler

DENR, Water Rights Program

Date report completed: **October 29, 2010**

2421-2

610

Spring

8-inch buried pipe line

Boiler Plant

8-inch & 6-inch
buried pipe line

Water Towers

3230'

SE corner
Section 14, T7S-R5E

0 80160 320 480 640
Feet



29 Oct 2010

Tom Lusk

29 Oct 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 2011

2421-2

Steve Provorse, Facilities Mgmt
Dept of Veterans Affairs
500 N 5th St
Hot Springs SD 57747

Dear Mr. Provorse:

Enclosed is Water License No. 2421-2. Water License No. 2421-2 is the final document which completes the process of obtaining a water right. Included with the license is a map prepared by the engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2421-2

(1) Department of Veterans Affairs, 500 N 5th St, Hot Springs SD 57747 made Application No. 2421-2, March 17, 1999 for a water permit to divert 1.78 cubic feet of water per second (cfs) from a spring, Fall River County, South Dakota for institutional purposes. Permit No. 2421-2, with a priority date of March 17, 1999 was approved July 7, 1999 and issued to the applicant for diversion of water with construction of the described water supply system the application to beneficial use of water completed.

The Department also holds Vested Water Right No. 2420-2 which authorizes 700 gallons per minute (gpm) from the same spring. Water Permit No. 2421-2 was obtained to increase the diversion rate from the spring.

The license investigation found the total capacity of the spring discharge to the system was 2.79 cfs or 1,251 gallons per minute. With Vested Water Right No. 2420-2 authorizing up to 700 gallons per minute, (1.56 cfs), No. 2421-2 will be licensed for the remaining 551 gpm (1.23 cfs).

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system as described in Water Permit No. 2421-2 and is entitled to divert 1.23 cubic feet of water per second for beneficial use.

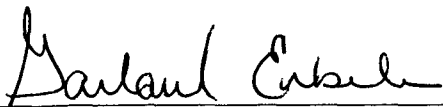
The location of the diversion point is 3,230 feet north and 610 feet west of the SE corner of Section 14, T7S, R5E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for institutional uses including potable water, fire protection and lawn watering.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Department of Veterans Affairs, 500 N 5th St, Hot Springs SD 57747 the holder and/or owner of Water Right No. 2421-2 is issued a license to appropriate water, the right to use 1.23 cubic feet of water per second from a spring with a priority date of March 17, 1999 from the location specified in (2) of this license for institutional purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2421-2 and subject to the following qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. This permit does not authorize diversion of water from the spring at any time when the river flow is low as determined by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



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

AUG 19 2011

date

