

380-2

No.

Office of State Engineer
DOCUMENT FILE

Darrel Hawthorne

Custer

Ground Water Supply
Well No. 2

NW 1/4 NW 1/4 Sec. 17-6 S-1 E

Custer County

Map No. 409-2

No. 380-2

Division No. 2

Fall River District

PERMIT

to appropriate water from

Ground Water Supply

Custer County, South Dakota

Name of applicant

Darrel Hawthorne

Name of diversion works

Golden Cliff Irrigation Project, add. No. 2

Date of first receipt at office of State

Engineer June 29 1951

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

June 29 1951

Recorded in Book 3 Section 2 Page 4

One-fifth of work to be completed

Sept. 12 1952

Whole work to be completed

Sept. 12 1953

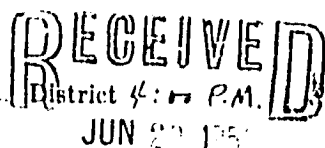
Final proof of use of water

Sept. 12 1953

Approved Sept. 12 1951

DEAN W. LOUCKS State Engineer.

NO. 380-2

Water Division No. 2 Fall River
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota
OFFICE OF STATE ENGINEER
Dakota, S. DAK.

(NOTE—Draw a line through items not applicable.)

trans
12-27-76

1. Name of applicant Star Route, Edgemont 57735
Postoffice address Star Route, Edgemont 57735, County Butler, State S. Dak.

I. If a corporation None

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock: _____
(d) Amount paid in _____
(e) Names and address of directors: _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct labor
(b) Cash on hand, \$ 3000.00 (c) Treasury stock, \$ none
(d) Bonds to be issued, \$ None (e) Other resources, \$ _____

2. Name of well Golden Cliff Irrigation Project Well No. 2
3. Quantity of water claimed 300 gal. per min.
4. Source of water supply (estimated depth) 276
5. Location of well (subdivision) NW 1/4, NE 1/4, Sec. 17, T. 6 S., R. 1 E.
6. Annual periods during which water is to be used April 1 to Oct. 1
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?(a) Number of acres to be irrigated 126.49 acres.(b) Legal subdivisions to be irrigated See List Attached

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use None
(b) Amount of power to be generated _____ horse power.
(c) Location of plant _____
(d) Method of developing power _____
(e) Point where return water will be diverted to stream _____

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$ 2000.00
(c) Flaming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Pipe 5000.00 \$ 6000.00 Total, \$ 3000.00

9. Description of works:

(a) Head gate: Width feet; height feet;
Material

(b) Log of well:

(To be completed when well is drilled)

FEET TO FROM	LOG OF WELL	
0 - 40	Shale and Top Soil	
40 - 50	Dakota Sand	
50 - 90	Fuson Formation	
90 - 270	Dakota Sand	
270 - 370	Morrison Formation	

(c) Measuring device Pressure Gauge and Nozzle Size

(d) Canal: Total length None miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimension) where reductions in size are made.)

(e) Was water tested for irrigation purpose?

Result: Excellent

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 1 1/2 years.

12. Choice of newspaper for publication of notice of intention to appropriate Custer

Chronicle, Custer, S.Dak.

STATE OF SOUTH DAKOTA

County of Custer

ss.

I, Darrel Hawthorne, being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed

Darrel Hawthorne

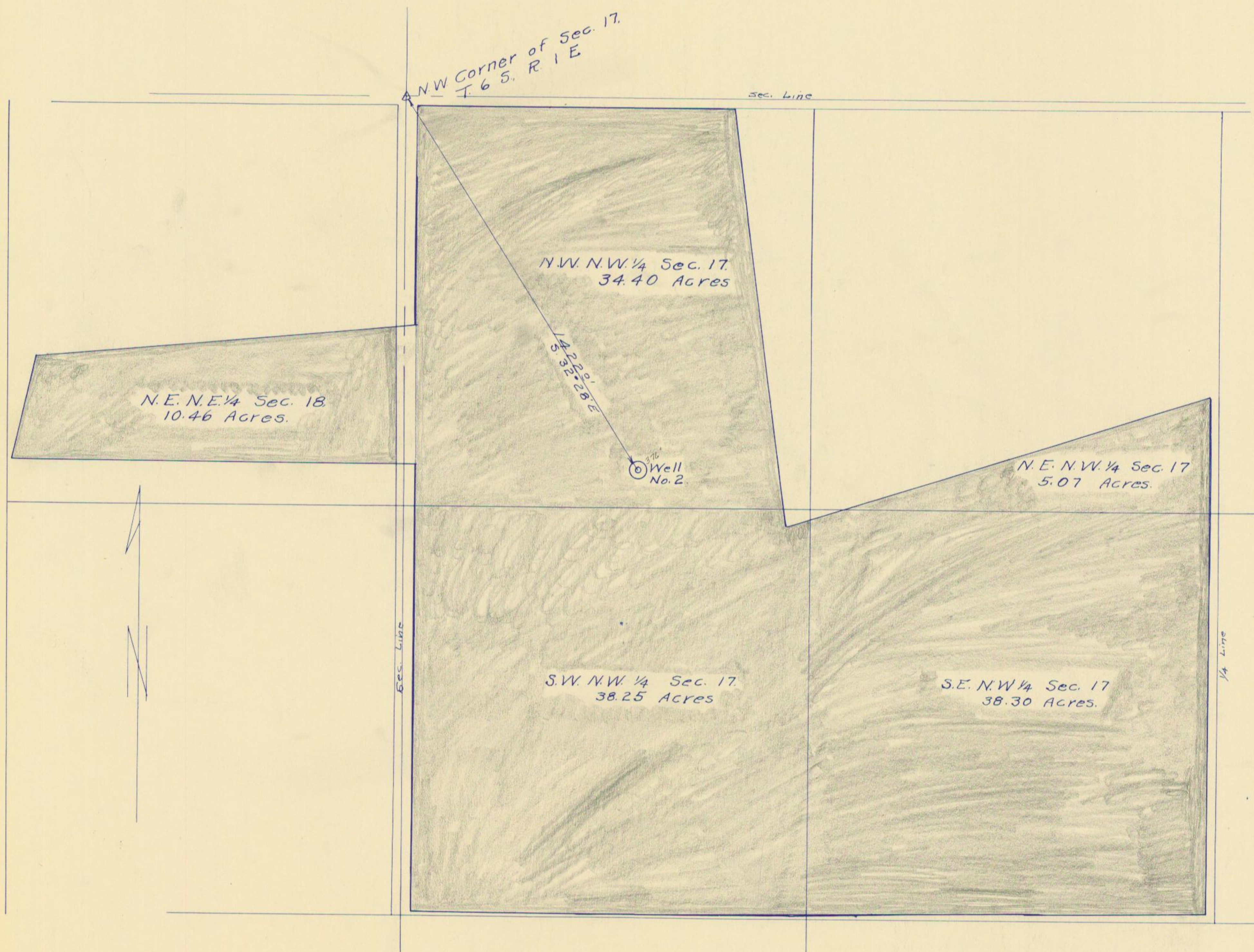
Subscribed and sworn to before me this 22 day of June, 19 31

Educa F. Richardson

Notary Public (or other qualified officer.)

GOLDEN CLIFF IRRIGATION PROJECT
WELL NO. 2 LOCATED IN S.W. 1/4 N.W. 1/4 SEC 17
T. 6 S., R. 1 E., CUSTER COUNTY, S. DAK.

SCALE 1" = 200'



SURVEYOR'S CERTIFICATE:

I, J. R. Richardson, Registered Professional Engineer and Land Surveyor No. 219, do hereby certify that I have made a careful survey of the Golden Cliff Irrigation Project Well No. 2, and that the accompanying plat is a true representation of the same.

In Witness Whereof:-
I have hereunto set my hand and seal this 25th day of June, A.D. 1951.

J. R. Richardson
Registered Professional Engineer and Land Surveyor.

Subscribed and sworn to before a Notary Public this 25th day of June, A.D. 1951.

Edna F. Richardson
Notary Public

Location of Lands to be Irrigated				
Location	Sec.	Twp.	Rge.	Acres.
N.W. N.W. 1/4	17	6 S.	1 E.	34.40
N.E. N.W. 1/4	17	6 S.	1 E.	5.07
S.W. N.W. 1/4	17	6 S.	1 E.	38.25
S.E. N.W. 1/4	17	6 S.	1 E.	38.30
N.E. N.E. 1/4	18	6 S.	1 E.	10.46
Total				126.48

(Water Right 380-2)

Map No. 409-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, Sept. 12, 1951, 19.....

This is to certify that the foregoing application was received at this office at 4:00 o'clock P. m. upon the 22th day of June, 1951 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

NO PROTESTS WERE RECEIVED.

Dean W. Loucks

DEAN W. LOUCKS

State Engineer.

Number of permit 340-2

Date of first receipt of application June 29, 1951

Date of return to applicant for correction, 19.....

Date of receipt of corrected application, 19.....

Date from which applicant may claim right June 29, 1951

Approved Sept. 12, 1951, Recorded in Book 3, Page 4

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before Sept. 12, 1952.

2nd. The whole of said work is to be completed on or before Sept. 12, 1953.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Sept. 12, 1953.

4th. The water appropriated shall be used for the purpose of Providing irrigation.

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 800 gallons per minute; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before Sept. 12, 1953; said water to be used during the following described annual period:

April 1 to October 1, Inclusive

Witness my hand this 12th day of Sept., 1951.

Dean W. Loucks

DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued SEPTEMBER 9, 1951

Water License issued SEPTEMBER 9, 1951

Location of Lands to be Irrigated by the Golden Cliff Irrigation
Well No. 2.

Location	Sec.	Twp.	Rge.	Acres
FW NW 17	17	6 S., 1 E.,		34.40
NE NW 17	17	6 S., 1 E.,		5.07
SE NW 17	17	6 S., 1 E.,		35.25
SW NW 17	17	6 S., 1 E.,		38.30
FW NW 18	18	6 S., 1 E.,		10.46
Total,				126.48

DISCHARGE OF ONE SPRINKLER HEAD - TWO NOZZLES - $7/32$ & $1/4$ "

Pressure in Pounds

Discharge in GPM.

25	14.8
30	16.2
35	17.6
40	18.9
45	20.1
50	21.2
55	22.4
60	23.4

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 380-2

(1) WHEREAS, On the 29th day of June A. D. 19 51
Darrel Hawthorne

made Water Right Application No. 380-2 for a permit to use 1.78 cubic feet per second of the waters
of artesian ground water

County of Custer State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 12th day of September A. D. 19 51

Permit No. 380-2, with a date of priority of June 29, 1951

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 12th day of September A. D. 19 53 and for the
application to beneficial use of said water on or before the 12th day of September A. D. 19 53

and, whereas, on the 25th day of November, 1975, the Permit was

transferred to Henry C. Hollenbeck

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .85 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating 60 acres in the E1/4 NW1/4, Section 17, T6S, R1E

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to

Henry C. Hellenbeck

of

Edgemont

the holder _____ and owner _____ of said permit No. 380-2 a water right, dating from June 29, 1951

to use of .85 cubic feet per second of the waters

of artesian ground water

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point in the center of NW $\frac{1}{4}$, Section 17, T6S, R1E

and conduct to and upon 60 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17, T6S, R1E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 380-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 9th day of September A. D.

Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch

Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 380-2

Water Diversion No. 2 Fall River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Henry C. Hollenback

the holder of

Permit No. 380-2, issued upon Application No. 380-2, bearing date of priority of June 29,

1931 authorizing the diversion of 1.78 cu. ft. per second of the waters of

artesian ground water county of Custer, State of South Dakota at

a point in the center of the NW 1/4, Section 17, T6S, R1E

for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date September 9, 1977

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

9--Notice of Intent to appropriate Water

Nos. 379-2 & 380-2

(First Publication _____, 19__)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., July 10, 1951

Notice is hereby given that Darrel Hawthorne whose postoffice address is Deway, South Dakota, has made applications in accordance with the provisions of the water laws of South Dakota for permits to appropriate for beneficial use as follows:

1000 gallons of water per minute of time from ground water supply through the Golden Cliff Irrigation Project, Well No. 1, the point of diversion of which is to be located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Twp. 6S., Range 1E. 800 gallons of water per minute of time from ground water supply through the Golden Cliff Irrigation Project, Well No. 2, the point of diversion of which is to be located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Twp. 6S., Range 1E. Said water to be used for the purpose of providing irrigation on the following described land: NW $\frac{1}{4}$ Sec. 17, NE $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 18, NW $\frac{1}{4}$ Sec. 6, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7. T. 6S., R. 1E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 21st day of August 1951, at 10:00 A.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

NCS:mt
Enc.
cc: Richardson

DEAN W. LOUCKS
State Engineer

Permit No. 380-2Water Division 2 Fall River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Darrel Hawthorne of Custer, SD holder of Permit No. 380-2, bearing date of priority of June 29, 1951 authorizing the diversion of 1.78 cu. ft. per second of the waters of ground water for irrigation purposes, in Custer County.

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

The Water Use System consists of,

A. Works used to divert the water:

376 foot flowing artesian well, steel cased; fill's storage dam, 15 foot high, 30 foot wide at the base and 50 foot in length on the west side and 60 foot in length on the south side.

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

Approx. 800 feet of natural ditch

C. Works used to apply water to beneficial use.

Flood irrigates by spreading

The system is in the following condition: FairThe point of diversion is located Center of NW $\frac{1}{4}$, Sec. 17, T6S., R1E., B.H.M.The works are capable of diverting and conveying to the place of use $\approx$ 1.78cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 17, T6S., R1E., B.H.M.comprising a total of 60 acres of land.

Henry C. Hollenbeck
Star Rt.
Edgemont, SD 57735

Date 8-25-75

Thomas A. Gardner
(Signature)

THOMAS A GARDNER
Water Resources Engineer

Form 20.

No. 380-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~
State Office Building No. 2
Pierre, South Dakota 57501

Date _____

This is to notify you that title to the lands described as follows:
E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 17, T6S., R1E., B.H.M.

formerly owned by Darrel Hawthorne

has been transferred to Henry C. Hollenbeck

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 380-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources, Commission, as evidence of the change of ownership.

A fee of one dollar is herein attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of _____) ss.

I, Henry C. Hollenbeck, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Henry C. Hollenbeck
(Signed)

Subscribed and sworn to before me this 24th day of Nov, 19 75

Geraldine B. Beard
(Notary Public)

380-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 6, 2013

379-2

380-2

Mark Hollenbeck
27772 Elbow Canyon Rd
Edgemont SD 57735

Dear Mr. Hollenbeck:

I am writing in follow-up to our phone conversation of May 3rd concerning water rights listed in Henry Hollenbeck's name. Enclosed are copies of Water Right Nos. 379-2 and 380-2.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Thank you in advance for helping to update the water rights. If you have any questions, please get in contact with me.

Sincerely,

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

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

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 1, 2014

379-2

380-2

Mark Hollenbeck
27772 Elbow Canyon Rd
Edgemont SD 57735

Dear Mr. Hollenbeck:

I am writing in regard to Water Right Nos. 379-2 and 380-2 listed in the name of Henry Hollenbeck. In May, 2013, I spoke with you on the phone and followed up by mailing copies of the water rights and transfer forms for filing ownership changes. To date, we have not received anything back from you.

It is very important to keep ownership records up to date. In the event you no longer have the transfer forms mailed to you in 2013, I am enclosing an additional set. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Please include a brief explanation of current use when returning the transfer forms.

If you have any questions, please let me know.

Sincerely,

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

enclosures



379-2 3 380-2
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 26, 2023

Mark Hollenbeck
27772 Elbow Canyon Rd
Edgemont SD 57735

379-2
380-2

Dear Mr. Hollenbeck:

I am writing you today in regard to Water Right Nos. 379-2 and 380-3 listed under Henry Hollenbeck. Back in May of 2013 you had spoken with office staff, Genny McMath, about the needed transfer of ownership for these Water Rights and she'd sent you partially completed forms. To date we have not received any transfer forms or fees.

It is very important to keep ownership records up to date. In case you no longer have those forms I am enclosing another set. Upon completion, please return the forms to our office with the required fee of \$50.00 each (\$100.00 total). Checks can be made payable to the SD Water Rights Program.

If you are no longer the owner, I apologize for sending you duplicate forms, but I would very much appreciate speaking to you about the current owners.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, August 14, 2025 1:36 PM
To: markholl@gwtc.net
Subject: Henry Hollenbeck Water Rights

Mark,

Thank you for taking a moment today to speak with me about Water Right No. 379-2 & 380-2, both presently held in the name of Henry Hollenbeck. As discussed, I have attempted to put together an email outlining the water rights, their history, and the possible actions that could be taken so you can get input from other family members with an interest in the corresponding properties.

[Water Right No. 379-2](#), bearing a priority date of June 29, 1951, authorizes the diversion of water from a dry draw located in the NW 1/4 SW 1/4, for irrigation of 200 acres located in portions of the SW 1/4 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4; all in Section 6-T6S-R1E, Custer County.

[Water Right No. 380-2](#), bearing a priority date of June 29, 1951, authorizes the diversion of water from an artesian well (Inyan Kara Aquifer) located in the approximate center of the NW 1/4, for irrigation of 60 acres located in portions of the E 1/4 NW 1/4; all in Section 17-T6S-R1E, Custer County.

Irrigation water use reports for either Water Right have not been submitted since 1985. Aerial imaging does not suggest irrigation has recently taken place on the above-described properties. Pursuant to [SDCL 46-5-37](#), if water is not placed to beneficial use, as described in the license, at least once every three years, the water right may be subject to cancellation for abandonment or forfeiture. However, [ARSD 74:02:01:37.1](#) allows for legal excuse for non-use, such as: the unavailability of water, legal proceedings preventing use of water, and extremely wet climactic conditions.

In 2013, 2014, and 2023, letters were sent to you with the goal of verifying irrigation practices, or the absence thereof; and bringing ownership of these water rights current.

- If water has not been used as described in Water Right Nos. 379-2 & 380-2, for a period exceeding three years, it would be recommended that the South Dakota Water Management Board review the water rights and determine whether they may be allowed to remain in place or are subject to cancellation.
- If irrigation is still taking place, ownership needs to be transferred, and annual water use reporting will need to resume.

I have linked the full Water Rights Program files for each water right in this email for you to review.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov