

No. 518-2Water Division No. 2

(Blanks to be filled by the Engineer for the W. R. C.)

Battle Creek

District

JAN 27 1950

P.M.

FIVE MINUTE RECORD

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant H. J. Lorrmeier, M.D.
1835 W. Kansas City
 Postoffice address Rapid City, County Pennington, State S. Dak.

I. ~~Character of corporation~~

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

Work has been accomplished

- (b) Cash on hand, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work H. J. Lorrmeier Water Spreader Project
1.71 cfs. max. allowable
 3. Amount of water claimed 5.12 cubic feet per second or 359.4 acre feet
 4. Source of water supply surface runoff from local watersheds
 5. Location of point of diversion: 2 pts. of diversion: ① 170.6 rods South 68 degrees and 20 minutes West ② 186.5 rods South 51 degrees and 00 minutes West
both from the NE corner, Sec. 34, T. 35. R. 9E
on both banks, Custer County.
 6. Annual period or periods during which water is to be used anytime flow occurs during annual period
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation, Gravity

(a) Number of acres to be irrigated 119.8 acres.

(b) Legal subdivisions to be irrigated See attached sheet #1

(NOTE—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.)

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

(a) Nature of use
 Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head-Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal earth, \$----- Rock, \$-----
 (e) Other structures Plugs, spreader ditches & dikes \$500.00 Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Two plugs across two dry draws kicks water into a series of spreader ditches and dikes

II. Dimensions of works: 2.0 150
 2 Plugs 50
 (a) Dam Height 1.0 feet; length at bottom 50 feet; length at top 300 feet; thickness at bottom 35 feet; thickness at top 10.0 feet; slope at front water face 3:1; slope at back face 2:1
 material used in construction earth

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) * Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MIL
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 dimensions where reductions in size are made.)

10. Time required for completion of work is completed ----- years

11. Time required for complete application of water to the proposed beneficial use being used ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate no publication required

STATE OF SOUTH DAKOTA
 County of CUSTER ss.

I, -----, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed S. H. J. Bergman M.D.

Subscribed and sworn to before me this 16th day of January 1959

Kendall T. For Miste
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

KENDALL T. FOR MISTE • NOTARY PUBLIC
 Pierre, South Dakota
 MY COMMISSION EXPIRES 12/31/60

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, January 28, 1959

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock

9 a.m. upon the 27 day of January, 1959

State Water Resources Commission

By: Geo. R. Quinn
Chief Engineer, Executive Officer

Number of permit 18-2

Date of first receipt of application January 27, 1959

Date of return to applicant for correction, amendments or changes required as follows January 28, 1959

Date of receipt of corrected application February 3, 1959

Date from which applicant may claim right 1906, 1959

Approved February 11, 1959, Recorded in Book 3-417 Page 110

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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 Completed, 1959

2nd. The whole of said work is to be completed on or before Completed, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 1959

4th. The water appropriated shall be used for the purpose of 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 1.71 cubic feet per second; 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 Completed, 1959; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 4 day of March, 1959

State Water Resources Commission

By: Geo. R. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued March 4, 1959

Water License Issued March 4, 1959

7 (I) b

Legal subdivisions to be irrigated and the acreages thereof:

Area 1, NW¹SE¹ Section 27--8.4 Acres. (Twp 3)
Area 2, SW¹SE¹ Section 27--39.4 Acres (Twp 3)
Area 3, SE¹SE¹ Section 27--9.2 Acres (Twp 3)
Area 4, NE¹NE¹ Section 31--13.6 Acres (Twp 4)
Area 5, NW¹NE¹ Section 34--38.4 Acres (Twp 4)
Area 6, SW¹NE¹ Section 34--16.8 Acres (Twp 4)

All Above subdivisions are located in Township 3 ~~North~~^{South} and Range 9 East, of the Black Hills Meridian.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 518-2

WHEREAS, On the 27th day of January A. D. 1959
H. J. Borgmeyer, M.D.

of 1836 W. Kansas City
Rapid City County of Pennington and State of
South Dakota duly made application (No. 518-2) to us for Vested Right permit to use 5.13
cubic feet per second of the waters of dry draws
County of Custer, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 4th day of March A. D. 1959
Vested Right of 1.71 cubic feet per second
/ Permit No. 518-2 was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described XXXXXXXXXXXX XXXXXX
in 1906 XXXXXXXX and XXXX application to beneficial use of said
water XXXXXXXX the XXXX in 1906 XXXXXXXX
and,

WHEREAS, On the 27th day of January A. D. 1959
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.71
cubic feet per second of said waters, as evidenced by our Certificate No. 518-2
dated March 4, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.71 cubic feet per second of water, with date of
priority of 1906 and, and.

WHEREAS, On the 27th day of January A. D. 1959
proof was duly made of the application to beneficial use of 1.71 cubic feet per second of said water;
on 119.8 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; N $\frac{1}{2}$ NE $\frac{1}{4}$
and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34 all in T 3 S, R 9 E BHM more particularly described in
Certificate of Completion of Works No. 518-2

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 H. J. Borgmeyer, M.D.
of 1836 W. Kansas, Rapid City the holder and owner of said Vested Right
South Dakota of said permit No. 518-2
a water right, dating from 1906 to the use of 1.71
cubic feet per second of the waters of dry draws
in the County of Custer and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 140.6 rods, S 48° 20' W and
188.5 rods, S 51° 00' W both from the NE Cor., Sec. 34, T 3 S, R 9 E BHM
and conducted to and upon W₁SE₄ and SE₄SE₄, Sec. 27; N₁NE₄ and SW₄NE₄ Sec. 34
all in T 3 S, R 9 E, BHM more particularly described in Certificate
of Completion of Works No. 518-2
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 4th day of March A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 518-2Water Division No. 2Battle
Creek

Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That H. J. Borgmeyer, M.D.of 1836 W. Kansas City
Rapid City, County of Pennington, and State of South Dakotathe holder of Vested Right Permit No. 518-2, issued upon Application No. 518-2, bearing date of priority of 1906, authorizing the diversion of 1.71 cu. ft. per second of the waters of dry drawsCounty of Custer, State of South Dakota, at 140.6 rods, S 48° 20' W
and 188.5 rods, S 51° 00' W both from the NE Cor., Sec. 34, T 3 S, R 9 E BHM
for irrigationpurposes, has fully 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 1.71 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: <u>NW 1/4 SE 1/4, Sec. 27</u>	)	<u>2.4 acres</u>
<u>SW 1/4 SE 1/4, Sec. 27</u>	)	<u>39.4 acres</u>
<u>SE 1/4 SE 1/4, Sec. 27</u>	)	<u>9.2 acres</u>
<u>NE 1/4 NE 1/4, Sec. 34</u>	)	<u>13.6 acres</u>
<u>NW 1/4 NE 1/4, Sec. 34</u>	)	<u>38.4 acres</u>
<u>SW 1/4 NE 1/4, Sec. 34</u>	)	<u>16.8 acres</u>
Total		<u>119.8 acres</u>

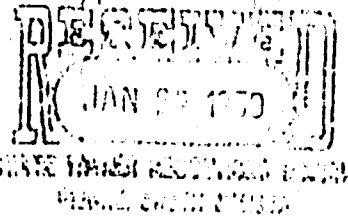
Witness my hand this 4th day of March A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 518-2Water Division No. 2Water District Battle Creek

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H. J. Loremever, M.D., 1136 W. Kansas City, Rapid City, S. Dak.

Occupation--Doctor, Medical

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. No.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Application for Permit to appropriate water (form 2) is being submitted along with Vested right.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Surface runoff from local water sheds. Two pts. of diversion are: (1) 140.6 rods South 48 degrees and 20 minutes West and (2) 188.5 rods South 51 degrees and 00 minutes West.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Plug at number 1 pt. of diversion above is 200 feet long and 2 feet high and plug at number 2 pt. of diversion above is 300 feet long and 4 feet high. Plugs and series of ditch and dikes are capable of conveying the max. amt. of 359.4 Ac. Ft. Date of completion was summer of 1906.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigation. See attached sheet number 1 for places of use, and number of acres irrigated.

~~Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.~~

~~Ans. _____~~

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 359.4 Acres feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. The water has been used whenever such water is available during annual period since 1906. It has been used in the amount of what the water shed above it has been able to produce from rains and snow melt as surface runoff to the extent of the maximum allowable which is 359.4 Ac. Ft.

(Sign) J. J. Borgmeyer M.S.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rapid City, County of Pennington.

State of South Dakota, on this 22nd day of December A. D. 1958

KENDALL J. EERHISE - NOTARY PUBLIC

Pennington County, South Dakota

MY COMMISSION EXPIRES DEC 20, 1960

Kendall J. Eerhise notary public or other qualified officer
I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

WITNESSES

M. C. Drop
Lee Wilsey

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Question 5:

Legal subdivisions and actual number of acres irrigated:

Area 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 27--2.4 Acres.	(Twp 3)	
Area 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 27--39.4 Acres	(Twp 3)	
Area 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 27--9.2 Acres	(Twp 3)	
Area 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 28--13.6 Acres	(Twp 4)	1
Area 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 34--38.4 Acres	(Twp 4)	3
Area 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 34--16.8 Acres	(Twp 4)	3

All Above subdivisions are located in Township 3^{South} and Range 9 East, of the Black Hills Meridian.

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

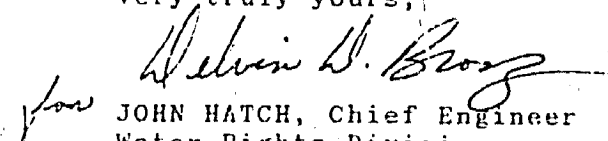
H. J. Borgmeyer
1721 11th St.
Rapid City SD 57701

Dear Mr. Borgmeyer:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 518-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water & Natural Resources

8 Oct 88

Dear Sir:

Our Water Right on Battle Creek about
9-11 Miles east of Harrois is in my name.

Please put it in the name of
Redies Corporation a Family Held
Corporation

Please let me know that you
received and acted on this
request

Thank you

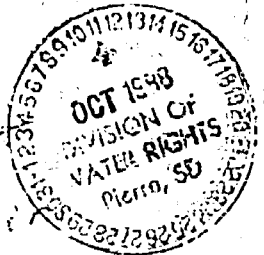
H. J. Bergman

H. J. Bergman

178114th St

Rapid City, S. Dak

57701



 **Department of
Water & Natural Resources**

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

October 12, 1988

518-2

H J Borgmeyer
1721 11th St
Rapid City, SD 57701

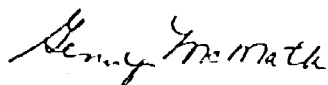
Dear Mr. Borgmeyer:

With regard to your request dated October 8, 1988, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 518-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The vested water right claim will then be transferred to the proper name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

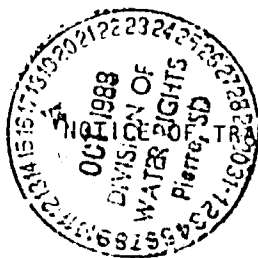


GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 518-2



TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10/14/88

This is to notify you that the title to the lands described as follows:
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T3S, R9E, BHM

formerly owned by H.J. Borgmeyer, MD, 1721 11th St, Rapid City SD 57701

has been transferred to Bordas Corporation, 1711 11th St Rapid City SD 57701
(please include complete mailing address.)
together with any rights to the beneficial use of water thereon as evidence.

Water Right Permit No. 518-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Melanie R. Roziewski being first duly sworn on my oath despose 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.

Melanie R. Roziewski
(Signed)

Subscribed and sworn to before me this 14th Day of October, 1988.

Melanie R. Roziewski
(Notary Public)
MELANIE R. ROZIEWSKI
NOTARY PUBLIC
STATE OF SOUTH DAKOTA
MY COMMISSION EXPIRES
11/2/89

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411452

Pierre, October 17, 1988, 19

RECEIVED OF Rodales Corporation, 1721 11th Street, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Permit No. <u>518-2</u>	2	50
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	2 50

By John Hatch
Chief Engineer JOHN HATCH (TS)

Genny McMath 37 Oct 88
Water Resource Analyst
Would you please send
me a copy of the letter
you wrote me after

I transferred the
Water Right on Green
Batt 17a Creek from
my name to Red Star
Corporation

By the way the water
comes from Batt 17a
Creek not "Dry Creek"

Thank you

H.J. Borgmeyer
H.J. Borgmeyer
1721 H 1st St
Rapid City, S.D. 57701

No. 518-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

November 4, 1988

Rodales Corporation
1721 11th Street
Rapid City, South Dakota 57701

Dear Sir:

Enclosed is receipt No. 411452 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 518-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

**SOUTH Dakota Department of
Water & Natural Resources**

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

(605) 773-3352

November 9, 1988

518-2

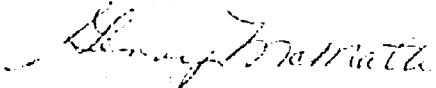
H J Borgmeyer
Rodales Corporation
1721 11th St
Rapid City, SD 57701

Dear Mr. Borgmeyer:

In response to your letter of October 27, 1988, enclosed is a copy of the "Notice of Transfer" you filed on Vested Water Right Claim No. 518-2. I apologize for not including this in our letter to you dated November 4th.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosure



REPORT ON INSPECTION OF VESTED RIGHT CLAIM No. 518 2

DATE OF INSPECTION: June 5, 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Jan Gallagher & Mark Warren

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Dr. Borgmeyer's daughter & her son-in-law

NAME & ADDRESS OF PERMIT HOLDER: Rodales Corporation, 1721 11th Street, Rapid City, SD 57701

DIVERSION POINT LEGAL LOCATION:

Div. Point #1-2250 feet South 43 degrees 20 minutes West and Div. Point #2-3070 feet South 51 degrees 00 minutes West, both from the NE corner of Section 34-T3N-R9E (SW 1/4 NE 1/4).

DISTRIBUTION LINES OR CANALS:

several hundred feet of earthen spreader dikes and ditches

DAM INFORMATION:

2 small earthen dams (plugs) approximately 2 feet and 4 feet high

Date constructed: 1906

CHEMIGATION EQUIPMENT:

1) Does chemigate NO

Comments: spreader irrigation system

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Vested Right Claim No. 518-2
Battle Creek - 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, June 5, 1996, made a thorough examination of the water use system constructed by Rodales Corporation of 1721 11th Street, Rapid City, SD 57701 holder of Permit No. 518-2, bearing the priority of 1906 authorizing the diversion of 1.71 cu. ft. per second of Dry Draws for irrigation purposes, in Custer County.

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

- A. Works used to divert the water:
 small diversion dams (plugs)
- B. Works used to transport water to place of use:
 ditches
- C. Works used to apply water to beneficial use:
 gravity irrigation

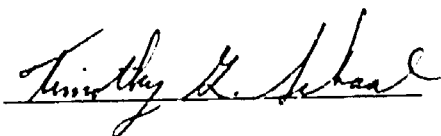
The system is in the following condition Good. The point of diversion is located Div. Point #1-2250 feet South 48 degrees 20 minutes West and Div. Point #2-- 3070 feet South 51 degrees 09 minutes West, both from the NE corner of Section 34-T3S-R9E (SW 1/4 NE 1/4). The works are capable of diverting and conveying to the place of use 1.71 cu. 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:

Area #1--NW 1/4 SE 1/4 Sec. 27-T3S-R9E--	2.4	Acres
Area #2--SW 1/4 SE 1/4	"	" --39.4
Area #3--SE 1/4 SE 1/4	"	" -- 9.2
Area #4--NE 1/4 NE 1/4 Sec. 34-T3S-R9E --	13.6	
Area #5--NW 1/4 NE 1/4	"	" -- 38.4
Area #6--SW 1/4 NE 1/4	"	" -- 16.8

comprising a total of 119.8 acres of land and the license should be issued for 1.71 cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: None Date Report Completed: June 18, 1996



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

AUG 8 1997

H J Borgmeyer
Rodales Corporation
1721 11th St
Rapid City SD 57701

Dear Mr. Borgmeyer:

The Water Management Board has validated the enclosed Vested Water Right No. 518-2. This validation is for the dry draws located in Section 34-T3S-R9E. The validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure

c: Robert Borgmeyer

VESTED WATER RIGHT NO. 518-2 FOR IRRIGATION

Date of Validation July 10, 1997.

1. Vested Water Right No. 518-2 appropriates 1.71 cubic feet of water per second from dry draws located in the SW 1/4 NE 1/4 Section 34 to irrigate 119.8 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 27 and the N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 34; all in T3S-R9E.

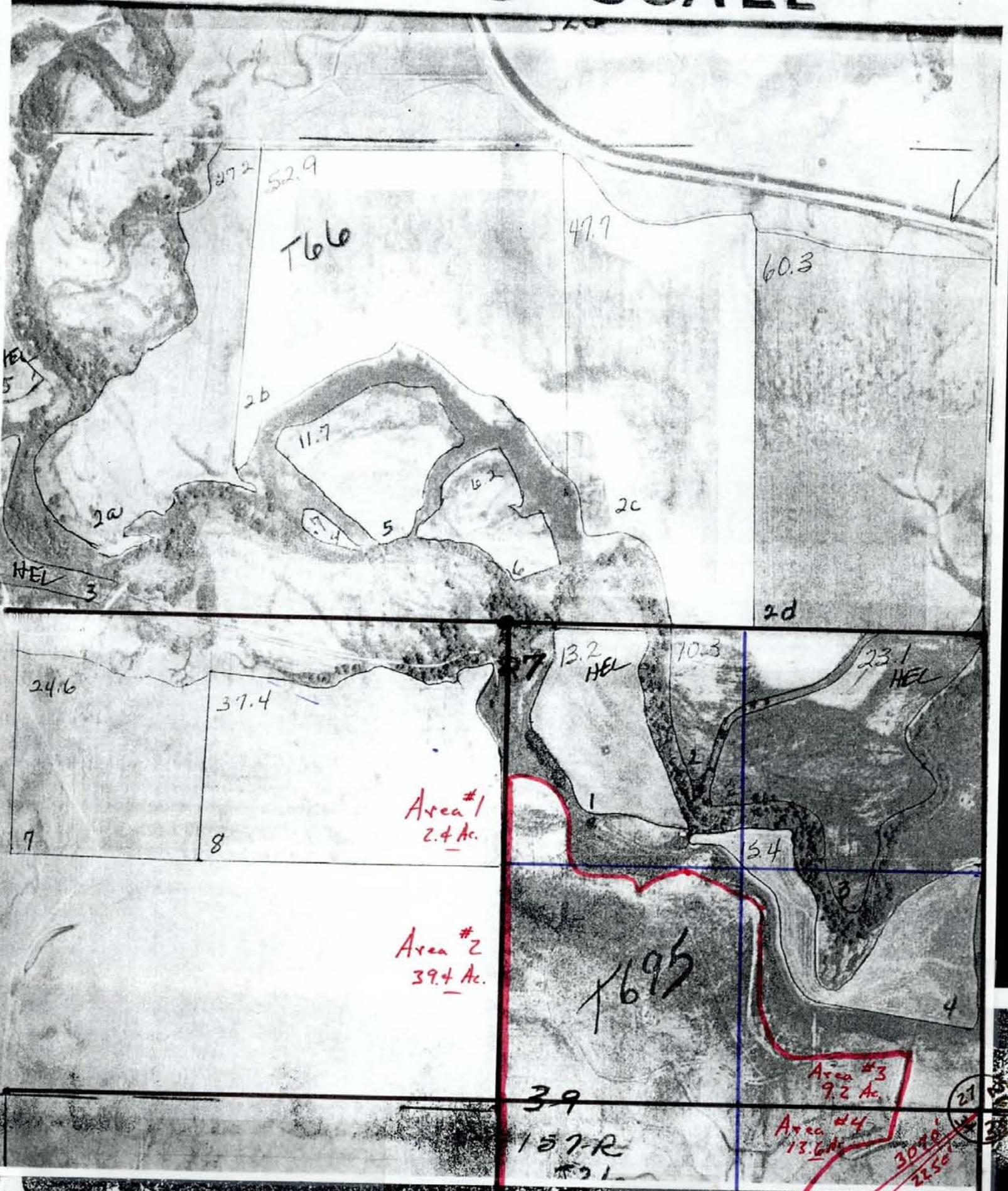
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1906.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

By: John H. H. H.
John H. H. H., Chief Engineer
Water Rig its Program
Department of Environment and Natural Resources

date



NOT TO SCALE



VESTED RIGHT CLAIM No. 518-2
RODALES CORPORATION

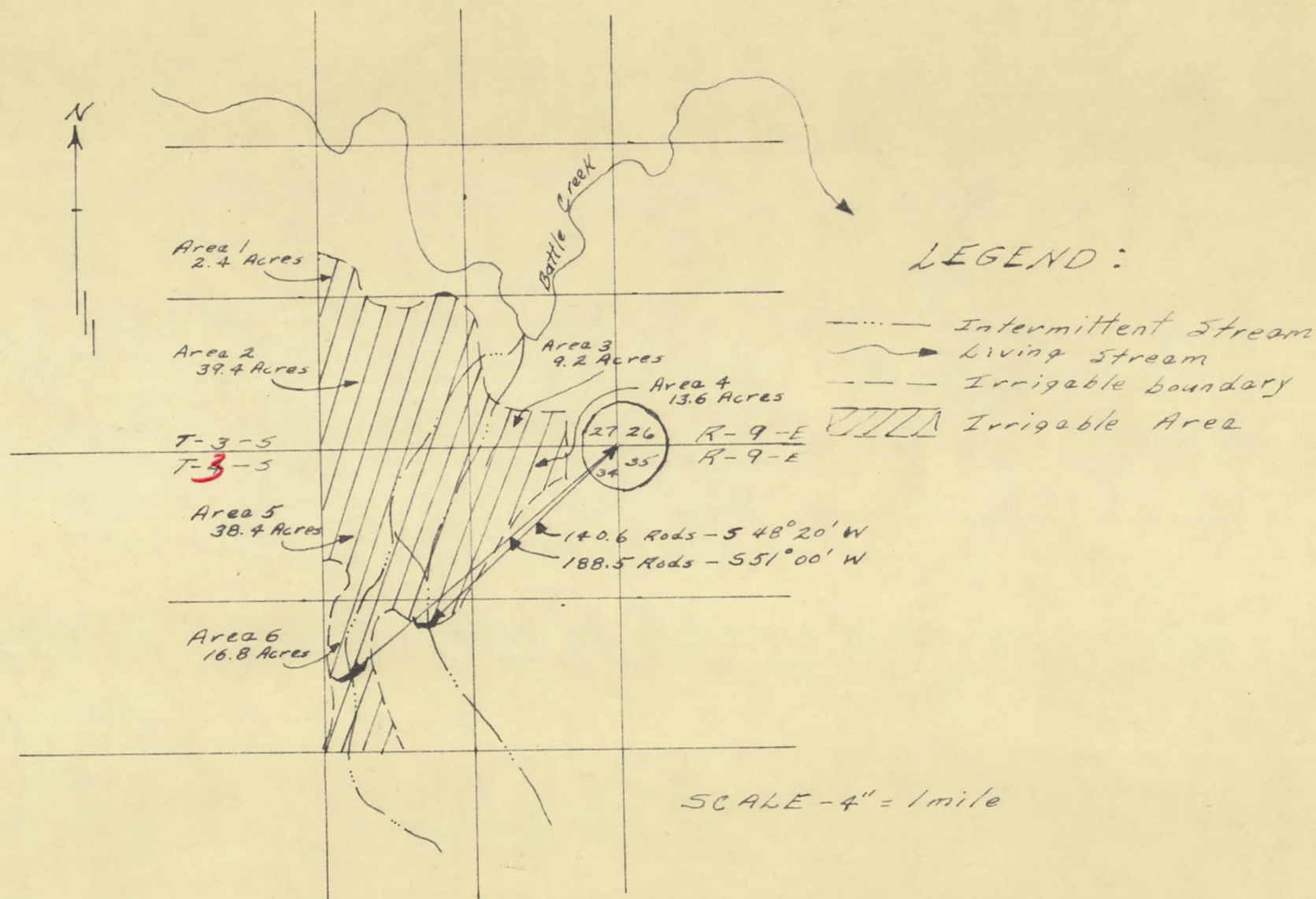
Timothy G. Schaal

Timothy G. Schaal
Natural Resources Engineer III
June 18, 1996

H. J. Borgmeyer

Water Spreader Project # 1

Total Irrigable Acres - 119.8



(App/# #518-2)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 2012

518-2
2373-2

Robert Borgmeyer
1721 11th St
Rapid City SD 57701-4406

Dear Mr. Borgmeyer:

Thank you for contacting us regarding the changes needed for Vested Water Right Nos. 518-2 and 2373-2.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the name or 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 \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

McMath, Genny

From: Borgsinaz@aol.com
Sent: Monday, June 25, 2012 12:52 PM
To: McMath, Genny
Subject: Re: Rodales Ranch

thank. please mail me all necessary forms to the address in Rapid. thanks bob borgmeyer

In a message dated 6/25/2012 10:39:51 A.M. US Mountain Standard Time, Genny.McMath@state.sd.us writes:

Mr. Borgmeyer,

The Department received an email from you indicating there was an address change for water rights in the name of Rodales Ranch. I noticed too that there was a name change for the ranch. Do you want to go thru the steps to transfer the water rights to the new name?

There are two that would be involved. No. 518-2 is listed as Rodales Corporation and No. 2373-2 is listed as Rodales Ranch Inc. If you would like to get them transferred to Rushmore View Ranch, you would need to file "Notice of Transfer" forms for each and there is a \$50.00 filing fee for each one. I can email the forms to you or just mail them regular mail, just let me know.

Thanks!

Genny McMath

Water Rights Program

605.773.5455

RECEIVED

JUL 19 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 518-2

Date:

7/17/12
JUST CHANGE IN
CORPORATE NAME
ms

I/We request that Vested Water Right No. 518-2

formerly owned by: Rodales Corporation

be transferred to: (name & address)

RUSHMORE VIEW RANCH

1721 11TH ST

RAPID CITY SD 57701-4406

Telephone No. 605 342 0927

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

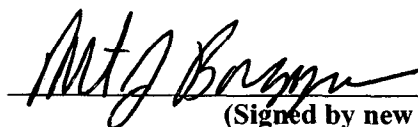
119.8 acres - W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 27 and N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 34, T3S, R9E

I/We understand that the validity of Vested Water Right No. 518-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We RUSHMORE VIEW RANCH, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/19, 20 12

RECEIVED OF Rushmore View Ranch INC 1721 11th St Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>518-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05490**

By *Halcyon Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2012

518-2
2373-2

Robert J Borgmeyer
Rushmore View Ranch Inc
1721 11th St
Rapid City SD 57701-4406

Dear Mr. Borgmeyer:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing the name on Vested Water Right Nos. 518-2 and 2373-2.

The changes have been made. Vested Water Right Nos. 518-2 and 2373-2 formerly listed in the name of Rodales Corporation and Rodales Ranches Inc., are now listed under Rushmore View Ranch.

Enclosed for your records are Receipt Nos. 05490 and 05492 in the amount of \$50.00 each. If I can answer any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

McMath, Genny

Subject: FW: New owner

Mark,

Here is the contact information that was provided:

Rushmore View Ranch Inc.
13245 Hisega Drive
Rapid City, SD 57702

Thanks.

Aaron T.

From: Tieman, Aaron
Sent: Tuesday, August 02, 2016 10:11 AM
To: Rath, Mark
Subject: RE: New owner

Hey Mark,

According to Kurt Solay, what occurred was an inter-family ownership change with Robert selling his shares of Rushmore View Ranch Inc. to his nieces. The listed Board of Directors are: Jan Gallagher (Robert's sister), Lesley Warren, Shannon Gallagher and Lisa Campbell are listed as the Board of Directors. Kurt will be sending the new mailing address to me shortly...

Aaron T.

From: Rath, Mark
Sent: Tuesday, August 02, 2016 7:29 AM
To: Tieman, Aaron
Subject: New owner

Did you figure out yet who is the property owner on the Bob Borgemeyer property along Battle Creek?

Mark Rath
SD DENR - Water Rights Program
605-773-3352