

798A-2

WATER PERMIT NO. 798A-2

Name of Applicant: Dakota Partnership dba Triple Seven Ranch

Address: PO Box 8303, Rapid City SD 57709

Phone: 605 341-3620

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: Dry Creek

Depth of Well: NA

Water to be used for: irrigation - waterspreading

County: Custer

Type of Waste Disposal System: NA

Location: 12 miles southeast of Hermosa

PRIORITY

Date Received: 8-7-95

Fee: \$50.00

Corrected Application Received: NA

Period of Annual Use: March 1 - November 1

Remarks: Two additional diversion points and corrects the location of existing irrigation authorized by Water Right No. 798-2

Diversion Point: NE 1/4 NW 1/4 Sec 18 and
NW 1/4 SE 1/4 Sec 29; all in T4S-R9E

Correction Acres located: S 1/2 NW 1/4, SW 1/4
NE 1/4 Sec 18 and NW 1/4, SW 1/4 NE 1/4,
NE 1/4 SW 1/4, W 1/2 SE 1/4 Sec 29; all in
T4S-R9E

Reviewed and the Number Assigned on: 8-7-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 798A-2

(1) Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City, SD 57709 made Application No. 798A-2, August 7, 1995 for a water permit to correct the location of the irrigated acreage and authorize two additional diversion points from Dry Creek, Custer County, South Dakota for irrigation purposes. Permit No. 798A-2, with a priority date of May 1, 1963 was approved September 25, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The applicable portions of Water Right No. 798-2 have been incorporated into No. 798A-2. Water Right No. 798-2 appropriates 4.0 cubic feet of water per second from a dam (1319 acre-feet storage capacity) located on Dry Creek for irrigation via a waterspreading system. Water Permit No. 798A-2 authorizes two additional diversion points along Dry Creek and a tributary of Dry Creek and corrects the location of a portion of acres irrigated. No increase in the diversion rate or number of acres being irrigated is authorized by Permit No. 798A-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.0 cubic feet of water per second and to store 1,319 acre-feet of water annually for beneficial use. The location of the diversion points are: 1900 feet west and 2445 feet south of the northeast corner Section 13-T4S-R8E (SW 1/4 NE 1/4); 2010 feet east and 1155 feet south of the northwest corner of Section 18 (NE 1/4 NW 1/4); and 2340 feet west and 2210 feet north of the southeast corner of Section 29 (NW 1/4 SE 1/4); all in T4S-R9E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

all in T4S-R9E

Section 18	SW 1/4 NW 1/4	2 acres	Section 20	NW 1/4 SW 1/4	38 acres
	SE 1/4 NW 1/4	30 acres		NE 1/4 SW 1/4	5 acres
	SW 1/4 NE 1/4	8 acres		SE 1/4 SW 1/4	30 acres
	NE 1/4 SW 1/4	8 acres		SW 1/4 SW 1/4	40 acres
	NW 1/4 SE 1/4	36.5 acres	Section 29	NW 1/4 NW 1/4	36 acres
	NE 1/4 SE 1/4	3 acres		NE 1/4 NW 1/4	25 acres
	SW 1/4 SE 1/4	29 acres		SW 1/4 NW 1/4	11 acres
Section 19	SE 1/4 SE 1/4	14.5 acres		SE 1/4 NW 1/4	39.5 acres
	NW 1/4 NE 1/4	21.5 acres		SW 1/4 NE 1/4	3 acres
	NE 1/4 NE 1/4	21.5 acres		NE 1/4 SW 1/4	10 acres
	SW 1/4 NE 1/4	9.5 acres		NW 1/4 SE 1/4	9.5 acres
	SE 1/4 NE 1/4	31.5 acres		SW 1/4 SE 1/4	3.5 acres
	NW 1/4 SE 1/4	5 acres	Total	542.5 acres	
	NE 1/4 SE 1/4	34.5 acres			
	SE 1/4 SE 1/4	37.5 acres			

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City SD 57709, the holder and/or owner of Incorporated Water Permit No. 798A-2 is issued a license to appropriate water, the right to use 4.0 cubic feet of water per second and to store 1319 acre-feet of water annually from 1st Dry Creek and tributaries of Dry Creek with a priority date of May 1, 1963 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 798A-2 and subject to South Dakota State Law.



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

FEB 27 1996

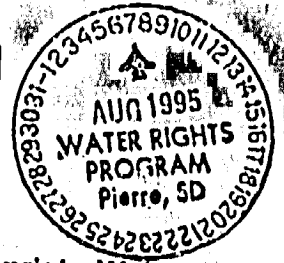
date



FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to:
Water Rights Division
Joni Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 798A-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Custer Co Chronicle, Box 551, Custer
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ___ New ___ Vested Right X Amendment/Correction to Permit No. 798-2
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
- Add Diversion: NE 1/4 NW 1/4 Sec. 18 T45 R9E
- Add Diversion: NW 1/4 SE 1/4 Sec. 29 T45 R9E (SEE ATTACHMENT FOR MAPAGE CHANGE)

- Name of Applicant DAKOTA PARTNERSHIP DBA TRIPLE SEVEN (check one) ___ Owner ___ Tenant/lessee ___ Phone 605-341-3670
Mailing Address P.O. BOX 8303 RAPID CITY State SD 57709
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 4.0 CFS or ___ GPM ___ AF Total acreage 542.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply Dry Creek Div. Dam - Morgan Reservoir, Dry Creek Trib.
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) SW 1/4 NE 1/4 Section 13-T45-R9E
and NE 1/4 NW 1/4 Section 19 T45-R9E and NW 1/4 SE 1/4 Sec. 29 T45-R9E
- County or counties where water will be used Custer County Custer
- Annual period during which water is to be used March 1 - Nov. 1
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed) [SEE ATTACHED SHEET]

Land Description	Acres	Land Description	Acres

- Type of Irrigation: Gravity: ___ Trough: ___ Center Pivot: ___ Gun: ___ Other (Specify): Spreader Ditch
- Crops to be irrigated: Pasture lands, grass
- Give a description of the project. (Attach sheet if more space is needed)

Water is collected in the main diversion dam and spread through ditches and spreader ditches upon the lands described on Attached sheet. Additional water is collected during high flow periods from the Dry Creek Drainage and diverted through ditches. The amended lands are located in Section 18 and 29 all in T45-R9E.

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

STATE OF SOUTH DAKOTA

County of Custer

I, RAY S. HILLGREN the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Ray S. Hillgren - Manager

Subscribed and sworn to before me this 4 day of August 19 96

Calvin L. Hill

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Dugout Information:

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

(Full description in WL # 798-2)

b) Freeboard 22'

c) Crest Width 25'

Crest Length _____

d) Height 48-50'

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

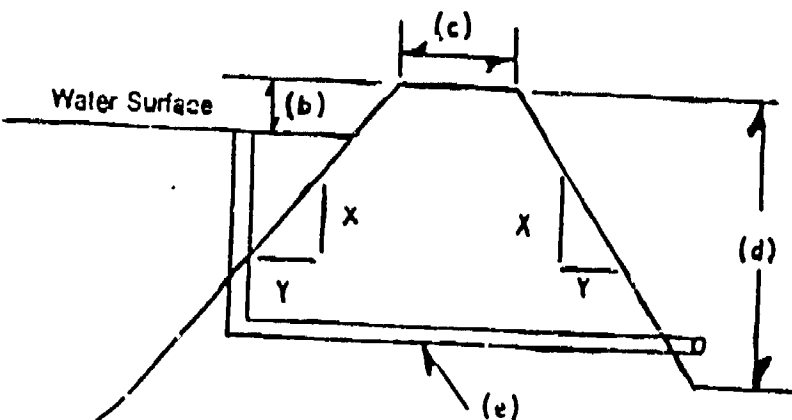
Upstream 2:1

Downstream 1.5:1

h) Surface Area of Impoundment 7.46' high water mark

i) Storage 1319 Acres F...

j) Drainage Area Above Dam _____ Acres



REPORT ON WATER PERMIT APPLICATION NO. 798A-2
Dakota Partnership
August 17, 1995

Application No. 798A-2, Dakota Partnership, proposes to correct the location of the irrigated acreage and points of diversion for irrigation authorized by Permit No. 798-2. Permit No. 798-2 authorizes the irrigation of 640.0 acres located in Sections 18, 19 and 20 with a diversion rate of 4.0 cubic feet of water per second (cfs) from a storage dam, with a capacity of 1319 ac-ft, on Dry Creek. The earth dam is referred to as the Horgan Reservoir. An inspection of Water Right No. 798-2 found an irrigation system capable of diverting 4.0 cfs from two diversions on Dry Creek and from a Dry Creek Tributary with diversion points located in the SW 1/4 NE 1/4 Section 13-T4S-R9E, NE 1/4 NW 1/4 Section 18-T4S-R9E and NW 1/4 SE 1/4 Section 29-T4S-R9E, to irrigate 542.5 acres. The inspection also found 177.5 acres of the total 640 acres not authorized to be irrigated by Permit No. 798-2. This application proposes to correct the location of these 177.5 acres. There will be no additional acreage and the diversion rate will remain the same.

Review of Existing Water Rights

This is the only water right/permit drawing directly from Dry Creek appropriating 4.0 cfs. Dry Creek is a tributary of French Creek. There are 10 water rights/permits diverting directly from French Creek, two of which are downstream of the confluence of Dry Creek with French Creek. The priority date of Permit No. 798-2 is junior to both of these water rights/permits appropriating 2.42 cfs between the confluence of Dry Creek with French Creek and the Cheyenne River.

Review of the Water Source.

Dry Creek is located in Custer County in the Upper Cheyenne Basin. Ordinarily, there is no or little flow in this section of Dry Creek. Irrigation on Dry Creek normally occurs during spring runoff and/or heavy rains in the Dry Creek drainage.

Review of the Project

Water Permit No. 798-2 authorizes the storage of 1319 ac-ft of water annually and appropriates 4.0 cubic feet of water per second (cfs) from a storage dam on Dry Creek to irrigate 640 acres located in the S 1/2 Section 18, E 1/2 Section 19, SW 1/4 Section 20-T4S-R9E. The point of diversion is located in the SW 1/4 NE 1/4 Section 13 T4S-R9E. An inspection of Permit No. 798-2 found two additional diversion points in the system, one located in the NE 1/4 NW 1/4 Section 18 on a tributary to Dry Creek and the other located in the NW 1/4 SE 1/4 Sec. 29 on Dry Creek, both in T4S-R9E. The total system will be limited to 4.0 cfs from these diversion points to irrigate 542.5 acres, all located in Sections 18, 19, 20, and 29, T4S-R9E. No increase in the diversion rate or number of acres being irrigated will be authorized by approval of this application. Table 1 shows the acreage indicated in Permit No. 798-2 and the proposed acres to be amended for irrigation under No. 798A-2.

Table 1. Land Description of Acres To Be Irrigated under No. 798A-2, all in T4S-R9E.

SECTION 18		
1/4, 1/4	ACREAGE	COMMENTS
SWNW	2.0	TO AMEND
SENW	30.0	TO AMEND
SWNE	8.0	TO AMEND
NESW	8.0	
NWSE	36.5	
NESE	3.0	
SWSE	29	
SESE	14.5	
TOTAL	131.0	40.0
SECTION 19		
NWNE	21.5	
NENE	21.5	
SWNE	9.5	
SENE	31.5	
NWSE	5.0	
NESE	34.5	
SESE	37.5	
TOTAL	161	
SECTION 20		
NWSW	38.0	

NESW	5.0	
SESW	30.0	
SWSW	40.0	
TOTAL	113.0	
SECTION 29		
NWNW	36.0	TO AMEND
NENW	25.0	TO AMEND
SWNW	11.0	TO AMEND
SENW	39.5	TO AMEND
SWNE	3.0	TO AMEND
NESW	10.0	TO AMEND
NWSE	9.5	TO AMEND
SWSE	3.5	TO AMEND
TOTAL	137.5	137.5
TO AMEND		177.5*
GRAND TOTAL	542.5	

*Of the total 542.5 ac. 177.5 ac. needs to be amended

Table 2 shows the correct location of the acres to be amended for irrigation under No. 798A-2.

Table 2. Description of Proposed Acres to be Amended under No. 798A-2, all in T4S-R9E.

SECTION 18		
1/4, 1/4	ACREAGE	COMMENTS
SWNW	2.0	TO AMEND
SENW	30.0	TO AMEND

SWNE	8.0	TO AMEND
TOTAL	40.0	
SECTION 29		
NWNW	36.0	TO AMEND
NENW	25.0	TO AMEND
SWNW	11.0	TO AMEND
SEnw	39.5	TO AMEND
SWNE	3.0	TO AMEND
NESW	10.0	TO AMEND
NWSE	9.5	TO AMEND
SWSE	3.5	TO AMEND
TOTAL	137.5	
TO AMEND	177.5	

The irrigation system consists of a system of gravity fed spreader ditches and dikes. Water is collected in the storage dam on dry creek and diverted from the drainage of an adjacent tributary to be spread on the lands described in Table 1 through the use of ditches and spreader dikes. Additionally, the diversion dam located in the NW 1/4 SE 1/4 Section 29 T4S-R9E diverts water out of dry creek into a spreader ditch irrigating lands in the S 1/2 Section 29.

Conclusions

1. Application No. 798A-2, Dakota Partnership, diverts 4.0 cfs from Dry Creek and a Dry Creek tributary to irrigate 542.5 acres.
2. Water for this project would only be available when downstream domestic uses have been satisfied.

3. No increase in the diversion rate or number of acres being irrigated is authorized by this application.
4. The priority date for this water right should be May 1, 1963.

DelRon Peters

DelRon Peters
Natural Resources Engineer II

Approved by:

Gale N Selken

Gale Selken
Natural Resources Engineer IV

References

S.D. Department of Environment and Natural Resources Division of Water Rights Records.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 798A-2, Dakota Partnership**

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. 798A-2, Dakota Partnership dba Triple Seven Ranch, c/o Ray Hillenbrand, Manager, PO Box 8303, Rapid City, SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 798A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 30, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 1, 1995

Ray J. Hillenbrand, Manager
Dakota Partnership dba
Triple Seven Ranch
PO Box 8303
Rapid City, SD 57709

Dear Mr. Hillenbrand:

Water Permit Application No. 798A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 605-673-2217). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



September 1, 1995

Custer County Chronicle
Box 551
Custer, SD 57730-0551

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 798A-2 to be published twice. Please publish the first notice on September 7, 1995, 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 Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City, SD 57709 (Ph # 605-341-3620).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

CUT HERE

No. _____

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on September 7, 1995, with the second publication 7 days later.
The applicant is responsible for payment.

**NOTICE OF APPLICATION NO. 798A-2 to Appropriate Water
and to Amend Water Right No. 798-2**

Notice is given that Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City, SD 57709 has filed an application for a water permit to specify the correct location of the irrigated acreage and authorize two additional diversion points. Water Right No. 798-2 appropriates 4.0 cubic feet of water per second from a dam (1319 acre-feet storage capacity) located on Dry Creek in the SW 1/4 NE 1/4 Section 13-T4S-R8E, for irrigation via a waterspreading system of 640 acres located in the S 1/2 Section 18, E 1/2 Section 19 and the SW 1/4 Section 20; T4S-R9E. An inspection of Water Right No. 798-2 found two additional diversion points along Dry Creek and a tributary of Dry Creek located in the E 1/2 NW 1/4 Section 18 and the NW 1/4 SE 1/4 Section 29; all in T4S-R9E for irrigation of 542.5 acres. This application also corrects the location of 177.5 of the 542.5 acres being irrigated. The correct location of the 177.5 acres is the S 1/2 NW 1/4, SW 1/4 NE 1/4 Section 18 and NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 29; all in T4S-R9E. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 798A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 September 25, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Custer } SS



Jim Anderson

certify that the attached printed Notice was

taken from the Custer Co
Chronicle

printed and published in Custer

County of Custer and State of

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

9/7/95

9/14/95

Cost of Printing: 49.90

Jim Anderson
(Signature)

(Title)

(Date Signed)

NOTICE OF APPLICATION NO. 798A-2

TO APPROPRIATE WATER AND TO AMEND WATER RIGHT NO. 798-2

Notice is given that Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City, SD 57709 has filed an application for a water permit to specify the correct location of the irrigated acreage and authorize two additional diversion points. Water Right No. 798-2 appropriates 4.0 cubic feet of water per second from a dam (1319 acre-foot storage capacity) located on Dry Creek in the SW1/4NE1/4 Section 13, T4S-R8E, for irrigation via a water spreading system of 640 acres located in the S1/2 Section 18, E1/2 Section 19 and the NW1/4 Section 20, T4S-R9E. An inspection of Water Right No. 798-2 found two additional diversion points along Dry Creek and a tributary of Dry Creek located in the E1/2 NW1/4 Section 18 and the NW1/4SE1/4 Section 29, all in T4S-R9E for irrigation of 542.5 acres. This application also corrects the location of 177.5 of the 542.5 acres being irrigated. The correct location of the 177.5 acres is the S1/2NW1/4, SW1/4 NE1/4 Section 18 and NW1/4, SW1/4NE1/4, NE1/4 SW1/4, W1/2 SE1/4 Section 29; all in T4S-R9E. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 798A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and the chief engineer. The applicant must file a petition if contesting 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 September 25, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

4813 9/7, 9/14

REPORT ON INSPECTION OF PERMIT NO. 799A-2

Other permit(s) associated with the project: Ln320-2, Ln321-2, Ln322-2, Ln323-2, Ln525-2,
Ln559-2, Ln560-2

DATE OF INSPECTION: June 15, 1994

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Duane Lammers, Operator
Hermosa, 57744

NAME & ADDRESS OF PERMIT HOLDER: Raymond Hillenbrand (Dakota Partnership)
606 Main St.
Rapid City, SD 57701

DIVERSION POINT LEGAL LOCATION: SW 1/4 NE 1/4 Section 13-T4S-R8E, E 1/2 NW 1/4 Section
18 and NW 1/4 SE 1/4 Section 29 in T4S-R9E.

WELL INFORMATION: N/A

DISTRIBUTION LINES OR CANALS:

- 1) Type Earthen ditches and dikes 2) Size +/-2.5 ft 3) Length Approx. 2.5 miles

SYSTEM TYPE: Gravity Spreader

DAM INFORMATION:

- 1) Height to crest 48 feet
- 2) Height to primary spillway 26 feet
- 3) Crest width 25 feet
- 4) Crest length 1200 feet
- 5) Spillway length feet
- 6) Spillway width 40 feet
- 7) Approx. storage 1319 ac-ft
- 8) Date constructed: Early 1960's

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 798A-2
Upper Cheyenne - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 15, 1994, made a thorough examination of the water use system owned by Raymond Hillenbrand (Dakota Partnership) of 506 Main St. Rapid City SD 57701 holder of Permit No. 798A-2, bearing the priority of May 1, 1963 authorizing the diversion of 4.0 cu. ft. per second and the storage of 1319 acre-feet of the waters of Dry Creek and an unnamed tributary 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:

A diversion dam in SW 1/4 NE 1/4 Section 13-T4S-R8E with 1319 Ac-ft of storage capacity, a diversion dam in the E 1/2 NW 1/4 Section 18 in T4S-R9E, and a diversion dam in the NW 1/4 SE 1/4 Section 29 in T4S-R9E.

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

Approximately 2.5 miles of gravity fed ditches

C. Works used to apply water to beneficial use:

A system of spreader ditches and dikes

The system is in the following condition good. The diversion points are located as described in the following table.

Table 1. Description of the Diversion Point Locations.

<u>SW 1/4 NE 1/4 Section 13-T4S-R8E</u>	<u>1900' west and 2445' south of NE Corner Sec. 13</u>
<u>E 1/2 NW 1/4 Section 18 in T4S-R9E</u>	<u>2010' East and 1155' south of NW corner Section 18.</u>
<u>NW 1/4 SE 1/4 Section 29 in T4S-R9E</u>	<u>2340' west and 2210' north of SE corner Section 29</u>

The works are capable of diverting and conveying to the place of use 4.0 cu. ft. per second of water and storing 1319 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as described in Table 2.

Table 2. Land Description of Acres To Be Irrigated under No. 798A-2, all in T4S-R9E.

SECTION 18		SECTION 20	
1/4, 1/4	ACREAGE	NWSW	38
SWNW	2	NESW	5
SENW	30	SESW	30
SWNE	8	SWSW	40
NESW	8		
NWSE	36.5		
NESE	3		
SWSE	29		
SESE	14.5	SECTION 29	
SECTION 19		NWNW	36
NWNE	21.5	NENW	25
NENE	21.5	SWNW	11
SWNE	9.5	SENW	39.5
SENE	31.5	SWNW NE ^{1/4}	3
NWSE	5	NESW	10
NESE	34.5	NWSE	9.5
SESE	37.5	SWSE	3.5
GRAND TOTAL			542.5

comprising a total of 542.5 acres of land and the license should be issued for 4.0 cfs and 1319 acre-feet of storage. Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None Date Report Completed: October 16, 1995


 DelRon Peters
 Natural Resources Engineer
 DENR, Water Rights Program

1/4, 1/4	ACREAGE	COMMENTS
SWNW	2.0	TO AMEND
SENE	30.0	TO AMEND
SWNE	8.0	TO AMEND
NESW	8.0	
NWSE	36.5	
NESE	3.0	
SWSE	2.0	
SESE	14.5	
TOTAL	131.0	40.0
SECTION 19		
NWNE	21.5	
NENE	21.5	
SWNE	9.5	
SENE	31.5	
NWSE	5.0	
NESE	34.5	
SESE	37.5	
TOTAL	161	
SECTION 20		
NWSW	38.0	
NESW	5.0	
SESW	20.0	
SWSW	40.0	
TOTAL	113.0	
SECTION 29		
NWNW	36.0	TO AMEND
NENW	25.0	TO AMEND
SWNW	11.0	TO AMEND
SENE	39.5	TO AMEND
SWNE	3.0	TO AMEND
NESW	10.0	TO AMEND
NWSE	9.5	TO AMEND
SWSE	3.5	TO AMEND
TOTAL	137.5	137.5
TO AMEND		177.5*
GRAND TOTAL	542.5	

1985
WATER RIGHTS
PROGRAM
Ft. SQ

Description of Amendment - TWN 45RNG 9E

SECTION 18

1/4, 1/4	ACREAGE	COMMENTS
SWNW	2.0	TO AMEND
SEnw	30.0	TO AMEND
SWNE	8.0	TO AMEND
TOTAL	40.0	

SECTION 29

NWNW	36.0	TO AMEND
NENW	25.0	TO AMEND
SWNW	11.0	TO AMEND
SEnw	39.5	TO AMEND
SWNE	3.0	TO AMEND
NESW	10.0	TO AMEND
NWSE	9.5	TO AMEND
SWSE	3.5	TO AMEND
TOTAL	137.5	

TO AMEND	177.5	
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Post-It Fax Note 7671		Date 9/1/95	# of pages 2
To DelRon Peters	From Water Rights Program		
Co./Dept. DENR	Co. DENR		
Phone #	Phone # 605-773-3352		
Fax # 605-394-5317	Fax #		

PIERRE, SOUTH DAKOTA 57501-3181

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: 9/1/95

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Custer County Chronicle

DESTINATION: Legal Department

ADDRESS: Box 551, Custer, SD

PHONE: 605-673-2217

FAX: 605-673-3321

MESSAGE: Enclosed is a cover letter and publication

Notice for Application No. 798A-2. Please publish the first Notice on September 7, 1995. The cover letter, Notice, and Proof of Publication for have been sent in the mail.

FROM:

AGENCY: DENR/WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 EAST CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352

FAX: (605) 773-4068

THIS TRANSMISSION INCLUDES 3 PAGES INCLUDING THIS PAGE

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Ray J. Hillenbrand, Manager
Dakota Partnership dba
Triple Seven Ranch
PO Box 8303
Rapid City, SD 57709-8303

Dear Mr. Hillenbrand:

Enclosed is Water Permit No. 798A-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 798A-2**

Date of first receipt of application August 7, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 798A-2 to Dakota Partnership dba Triple Seven Ranch, PO Box 8303, Rapid City SD 57709 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. 798A-2 specifies the correct location of the irrigator's acreage and authorizes two additional diversion points. Water Right No. 798-2 appropriates 4.0 cubic feet of water per second from a dam (1.319 acre-feet storage capacity) located on Dry Creek in the SW 1/4 NE 1/4 Section 13-T4S-R8E for irrigation via a waterspreading system of 640 acres located in the S 1/2 Section 18, E 1/2 Section 19 and the SW 1/4 Section 20-T4S-R9E. An inspection of Water Right No. 798-2 found two additional diversion points along Dry Creek and a tributary of Dry Creek located in the E 1/2 NW 1/4 Section 18 and the NW 1/4 SE 1/4 Section 29; all in T4S-R9E for irrigation of 542.5 acres. This permit corrects the location of 177.5 of the 542.5 acres being irrigated. The correct location of the 177.5 acres is the S 1/2 NW 1/4, SW 1/4 NE 1/4 Section 18 and NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 29; all in T4S-R9E. No increase in the diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 1.
3. The date from which applicant may claim right is May 1, 1963.
4. The date of approval of Permit No. 798A-2 is September 25, 1995.
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.

WATER MANAGEMENT BOARD

By: _____

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

DEC 18 1995

date





FEB 27 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

798A-2.

Ray J. Hillenbrand, Manager
Dakota Partnership dba
Triple Seven Ranch
P.O. Box 8303
Rapid City, SD 57709

Dear Mr. Hillenbrand:

Enclosed is Water License No. 798A-2 and Receipt No. 414724 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 798A-2 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Right No. 798-2 have been incorporated into No. 798A-2.

RECEIPT

798A-2
414576

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 7, 19 95

RECEIVED OF Triple Seven Ranch, PO Box 8505, Rapid City, SD 57709-8305

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

Fee for Application for Permit No. <u>798A-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer

RECEIPT

414724

Division of Water Rights

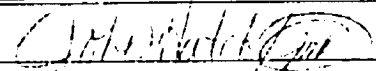
South Dakota Department of Environment and Natural Resources

Pierre, _____ December 27, 19 25

RECEIVED OF Triple Seven Ranch (Ray J. Hillenbrand), PO Box 8803, 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 _____		
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>793A-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By 
Chief Engineer

798A-2

PAID

OCT 21 2024

Ck# 255858

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 798A-2

Date: 10/16/2024

I/We request that Water Right/Permit No. 798A-2 formerly owned by:

Dakota Partnership be transferred to:

New Owner Name: The Nature Conservancy, District of Columbia non-profit corporation
Address: 1101 W River Pkwy, Ste 200 mobile:
City, State, Zip Minneapolis, MN 55415 email: rhampton@tnc.org

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

Re title transferred to The Nature Conservancy
by Special Warranty Deeds from GCH LLC
and HET LLC (successors in ownership to
Dakota Partnership) on October 16, 2024.
Legal Descriptions attached.

☒ I understand that the validity of Water Right/Permit No. 798A-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Rachel Hampton, Assistant Secretary, The Nature Conservancy, the new owner, certify that the above information is true and correct.

Rachel Hampton

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

2021-08

RECEIVED

OCT 21 2024

OFFICE OF
WATER

LEGAL DESCRIPTION

all in T4S-R9E

Section 18	SW 1/4 NW 1/4	2 acres	Section 20	NW 1/4 SW 1/4	38 acres
	SE 1/4 NW 1/4	30 acres		NE 1/4 SW 1/4	5 acres
	SW 1/4 NE 1/4	8 acres		SE 1/4 SW 1/4	30 acres
	NE 1/4 SW 1/4	8 acres		SW 1/4 SW 1/4	40 acres
	NW 1/4 SE 1/4	36.5 acres	Section 29	NW 1/4 NW 1/4	36 acres
	NE 1/4 SE 1/4	3 acres		NE 1/4 NW 1/4	25 acres
	SW 1/4 SE 1/4	29 acres		SW 1/4 NW 1/4	11 acres
	SE 1/4 SE 1/4	14.5 acres		SE 1/4 NW 1/4	39.5 acres
Section 19	NW 1/4 NE 1/4	21.5 acres		SW 1/4 NE 1/4	3 acres
	NE 1/4 NE 1/4	21.5 acres		NE 1/4 SW 1/4	10 acres
	SW 1/4 NE 1/4	9.5 acres		NW 1/4 SE 1/4	9.5 acres
	SE 1/4 NE 1/4	31.5 acres		SW 1/4 SE 1/4	3.5 acres
	NW 1/4 SE 1/4	5 acres			
	NE 1/4 SE 1/4	34.5 acres			
	SE 1/4 SE 1/4	37.5 acres			
			Total		542.5 acres

RECEIVED

OCT 21 2024

OFFICE OF
WATER

#1162652v.2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date October 22nd, 2024

RECEIVED OF The Nature Conservancy District of Columbia Non-Profit Corporation 1101 W River Prkwy Ste 200
Minneapolis MN 55415

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>WR No. 798A-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 23, 2024

798A-2

The Nature Conservancy DC Non-Profit Corp.
c/o Rachel Hampton, Assist. Secretary
1101 W River Parkway, Ste 200
Minneapolis MN 55415

Dear Ms. Hampton:

I have received your "Notice of Transfer of Ownership" form and the required fees associated with Water Right No. 798A-2. Enclosed is a receipt of payment and copy of the original license for your records.

Water Right No. 798A-2 previously owned by Dakota Partnership, dba Triple 7 Ranch, is now listed under the Nature Conservancy. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right No. 798A-2, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Right No. 798A-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: THE NATURE CONSERVANCY, RACHEL HAMPTON, SECRETARY, 1101 W RIVER
PKWY, STE 200, MINNEAPOLIS, MN 55415

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 798A-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 798A-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BBCCQP**

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