

Considered: _____

Vested Right
WATER PERMIT NO. 1356-1

MAP No. SAME

Name of Applicant Stanley D Ainsworth dba Margie's Dinner Club

Post Office Address PO Box 190 Spearfish SD 57783

Amount of Water Claimed .022 cfs Total Acres n/a

Source of Water Supply groundwater (one well)

Water to be used for COM County Lawrence

About _____ miles N edge of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received February 10, 1986 Fee \$10.50 Remarks _____

1/1/55

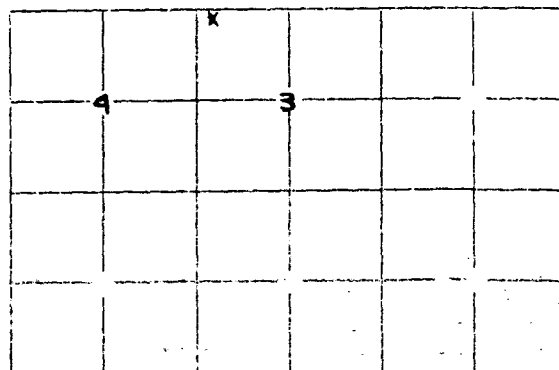
Corrected Application Received 3-3-86 Period of Annual Use Continuous

WATER QUALITY APPROVAL RECEIVED n/a APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point NW 1/4 NW 1/4 Section 3, T6N-R2E

Land to be Irrigated n/a



Well Log: Driller no log available Licensed YES _____ NO _____

Depth of Well 40' REMARKS _____

Type of Map topo PREPARED BY James D. Walker Reviewed and the Number

assigned on May 26, 1986 By Henry McMath

No. 1356-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche
 Newspaper Queen City Mail, Box 152, Spearfish
 (Wed)

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Stanley D. Ainsworth Phone No. 642-4765Post Office Address P.O. Box 190 Spearfish State SD Zip Code 57783
 (Street, RR or Box)2. Amount of water claimed (c.f.s) 0.10 10 gpm .022 cfs (phone call 7-22-86)3. Source of water supply well4. Location of point of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T6N-R2ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used all 365 days January 1-December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
County of _____)I, Stanley D. Ainsworth the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Stanley D. AinsworthSubscribed and sworn to before me this 28th day of February 19 86Rita Bobley
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

see Form VR-2

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of _____

6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby ^{claim}validates Vested Water Right, No. 1356-1

Stanley D. Ainsworth P.O. Box 190, Spearfish
(applicant) (post office address)

SD 57783
(state) (zip code)

Date of receipt of Application February 10, 19 86.

Validated September 3, 19 86.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 1, 19 55.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of commercial use.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of appropriation hereby validated shall not exceed .022 cubic feet per second of time; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water has been actually and beneficially applied for commercial use. The water to be used during the following described period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John W. Gatal
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986

, 19 86

State of South Dakota

VESTED RIGHT **Water License No. 1356-1**

(1) Stanley D. Ainsworth
of P.O. Box 190, Spearfish, South Dakota 57783
made Application No. 1356-1, February 10, 1986 for validation ^{/of a vested right claim} ~~for a water permit~~ to appropriate
0.022 cubic feet per second of water from groundwater (one well),
Lawrence County, South Dakota for commercial purposes.
Vested Right
~~Permit~~ No. 1356-1, with a priority date of January 1, 1955
validated
was ~~approved~~ September 3, 1986 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed.

and

(2) It is certified that the application 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 0.022 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is NW1/4NW1/4 Section 3, T6N-R2E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is diverted through distribution system for use in
Margie's Dinner Club

(4) Pursuant to §46-5-30.1 Stanley D. Ainsworth
of P.O. Box 190 Spearfish, South Dakota 57783
Vested Water Right
the holder(s) and/or owner(s) of ~~Water~~ Permit No. 1356-1 is issued a license to appropriate water, the right to use
0.022 cubic feet per second of water from groundwater (one well) with a priority date
of January 1, 1955 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 commercial use

Vested Water Right

This license is subject to any limitations or qualifications listed in ~~Water~~ Permit No. 1356-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 25 1986

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 4" Depth 40'
- 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 of Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well: 200'
- On applicants property ~~_____~~ On property owned by others ✓

2. Dugout Information Estimates

- 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. The locations of each dam should 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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

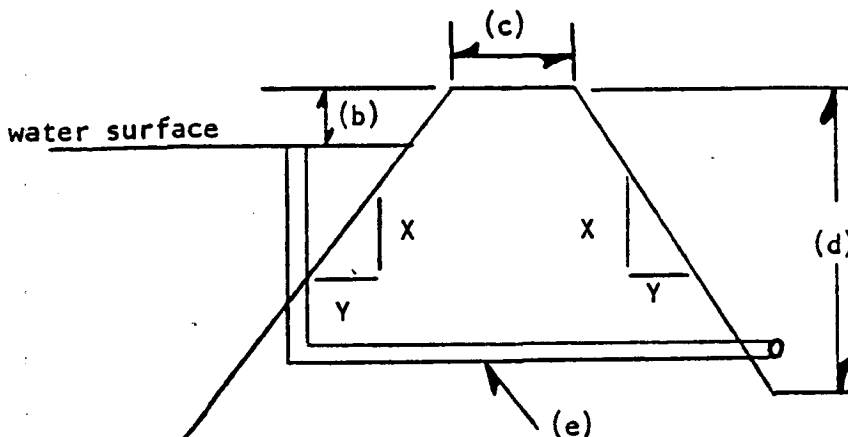
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) Stanley D Answorth
 Post Office Address P.O. Box 190 Spearfish SD 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page

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

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system Harry Dingeman

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used _____

Date that this water was first used _____

G. Chronological History of Water Use Early 1950's - Harry Dingeman

1956 - MARGE Marchiondo, d.b.a. Margies Dinner Club
 1965 - Lyle Answorth, d.b.a. Margies Dinner Club
 1966 - JL Answorth d.b.a. " " "
 1978 - SD Answorth d.b.a. " " "

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

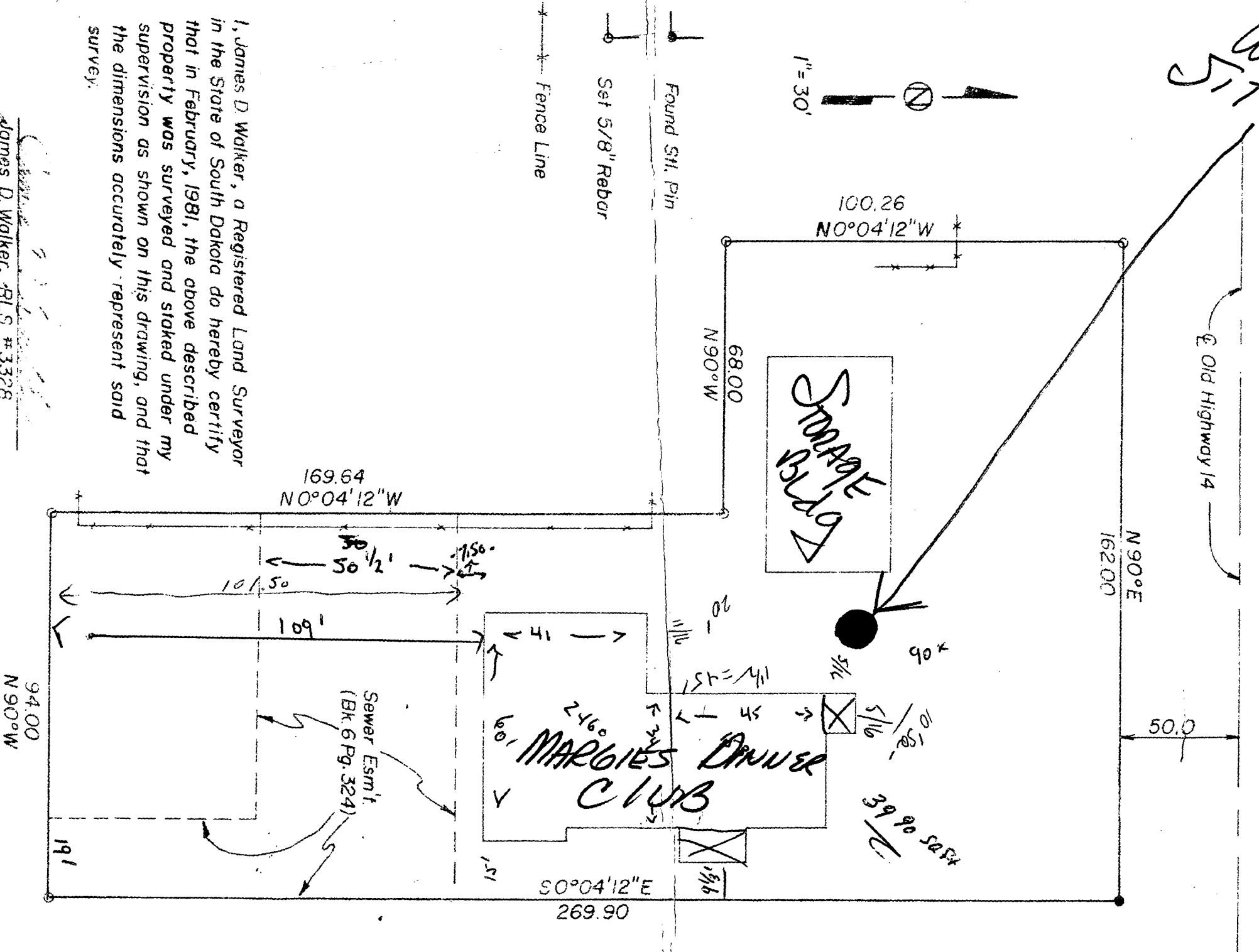
State of South Dakota)

County of Lawrence) ss
 I, Stanley D Answorth the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Stanley D AnsworthSubscribed and sworn to before me February 28, 1986Bita Balsley
Notary Public or other qualified officer

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

(Print name) 19_________
(Print name) 19____

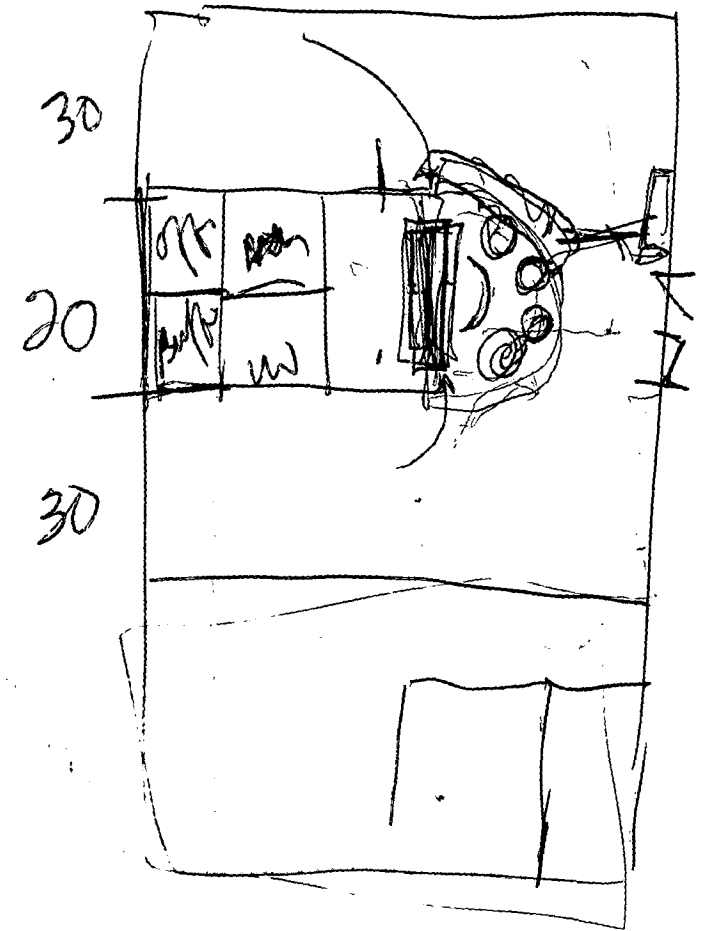
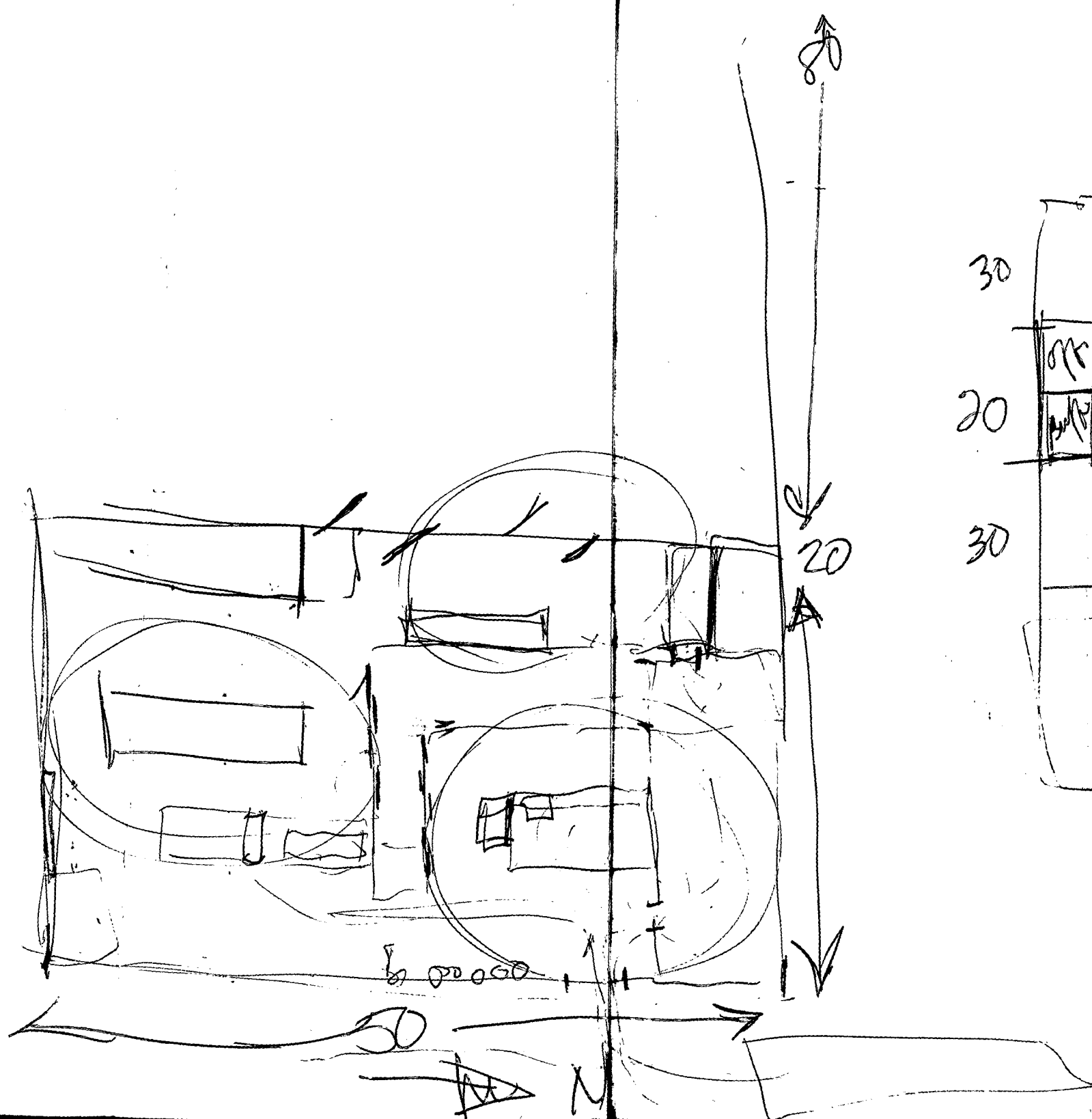
CERTIFICATE OF SURVEY
 Lot 3, E. 80 ft. of Lot 2, E. 12 ft. of Lot 4 Subdivision of Lot A,
 Subdivision of Lot 1, Subdivision of the NW 1/4 NW 1/4 of Section 3
 T6N R2E BHM and the E. 94 ft. of Lot B, Subdivision of Lot
 1 of NW 1/4 NW 1/4 of Section 3, T6N, R2E, BHM



I, James D Walker, a Registered Land Surveyor in the State of South Dakota do hereby certify that in February, 1981, the above described property was surveyed and staked under my supervision as shown on this drawing, and that the dimensions accurately represent said survey.

James D. Walker, RLS #3328

Prepared By
 SCOTT ENGINEERING COMPANY



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 3, 1988

RECEIVED OF Stanley L. Ninoworth, P.O. Box 126, Spearfish, SD 57769

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 _____

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

By

Chief Engineer



MAR 1986
 DIVISION OF
 WATER RIGHTS
 Pierre, SD
 605-771-1234
 605-771-1235
 605-771-1236
 605-771-1237
 605-771-1238
 605-771-1239
 605-771-1240
 605-771-1241
 605-771-1242
 605-771-1243
 605-771-1244
 605-771-1245
 605-771-1246
 605-771-1247
 605-771-1248
 605-771-1249
 605-771-1250

44°30' 103°52'30" 1990 000 FEET
 SPEARFISH 0.5 MI.
 DEADWOOD 16 MI.
 Mapped, edited, and published by the Geological Survey
 as part of the Department of the Interior program
 for the development of the Missouri River Basin

Don Duval
 Natural Resources
 Engineer

R. 2 E. (SPEARFISH)
 5272 IV NE
 SCALE 1:24,000
 1000 0 1000 2000 3000 4000 5000 6000

WATER RIGHTS DIVISION
(605) 773-3352

February 11, 1986

Margies Dinner Club
Stanley D. Ainsworth
P.O. Box 190
Spearfish, South Dakota 57783

Dear Mr. Ainsworth:

Thank you for receipt of your vested water right claim. I am returning both copies of form 2 and form 2B to be notarized. I am also enclosing a copy of a U.S.G.S. topographic map. Please mark the well location on it and return it along with both copies of form 2, form 2B and a \$10.50 filing fee. When we receive this information we will continue to process your vested water right claim.

If you have any questions concerning this please contact this office.

Thank You,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

SOUTH DAKOTA Department of
Water & Natural Resources

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

July 28, 1986

Stanley D. Ainsworth
PO Box 190
Spearfish SD 57783

Dear Mr. Ainsworth:

Your Application No. 1356-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the QUEEN CITY MAIL printed at Spearfish SD. 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 and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

September 27, 1984

Margie's Dinner Club
Box 231
Spearfish, SD 57783

Dear Mr. Ainsworth:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Margie's Dinner Club.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

A handwritten signature in dark ink, reading "Kevin C. Larson". The signature is written in a cursive, flowing style.

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

April 25, 1985

NOTICE

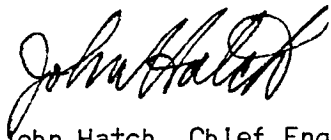
Margie's Dinner Club
Box 231
Spearfish, South Dakota 57783

Dear Mr. Ainsworth:

September 27, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a restaurant. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR



Department of Water & Natural Resources

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

NOTICE

January 30, 1986

Stan Ainsworth
Margie's Dinner Club
Box 231
Spearfish, SD 57783

Dear Mr. Ainsworth:

September 27, 1984 and April 25, 1985 we notified you that state law requires a water permit for water use by your business. We have not received an application from you for the required water permit. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, if you wish to continue to use water during 1986, you will need to have an application on file prior to April 1, 1986.

The filing fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use since prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$10.50.

If you need any help in preparing the application, map or additional forms, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

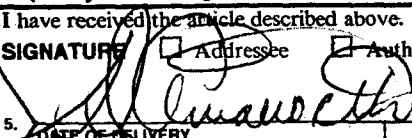
John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

S522.wr

forms mailed 2-4-86

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☒ Show to whom and date delivered —¢ ☐ Show to whom, date, and address of delivery.. —¢	
2. ☐ RESTRICTED DELIVERY —¢ (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Stan Ainsworth Margies Dinner Club Box 231 Spearfish, SD 57783	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☒ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER 8614 819 591
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☒ Authorized agent 	
5. DATE OF DELIVERY FEB 3 1986	POSTMARK FEB 3 1986
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS 

REPORT ON VESTED RIGHT APPLICATION NO 1356-1

Stanley D. Ainsworth

July 22, 1986

Vested Right Application No. 1356-1 proposes to validate a vested right claim for the appropriation of .022 cubic feet of water per second from one well 40 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3-T6N-R2E. The well is located in the alluvium along Spearfish Creek. Water has been used since the early 1950's for commercial purposes.

Conclusions

1. Water has been put to beneficial use since the early 1950's. January 1, 1955 is recommended as the priority date.
2. The amount of water appropriated is small and should not adversely affect existing water rights.
3. It is recommended that the vested right claim be validated.



Ron Duvall
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1356-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1356-1, Stanley D. Ainsworth, PO Box 190, Spearfish SD.

The Chief Engineer is recommending VALIDATION of Application No. 1356-1 because 1) water has been appropriated as described for commercial use with January 1, 1955 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
July 28, 1986



Department of Water & Natural Resources

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

July 28, 1986

QUEEN CITY MAIL
Box 152
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1356-1 publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 6, 1986.

Please bill the Water Rights Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date_____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of_____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before August 6, 1986 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate
Vested Right Application No. 1356-1 to Appropriate Water

Notice is hereby given that Stanley D. Ainsworth whose mailing address is PO Box 190, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 40 feet deep located in the NW 1/4 NW 1/4 Section 3, T6N, R2E. The water use has a priority date of January 1, 1955 and is used for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1356-1 because 1) water has been appropriated as described for commercial use with a January 1, 1955 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

No. 1356-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, William B. Kemper hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Queen City Mail

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of _____ Lead _____

County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

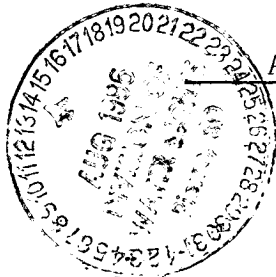
August 6, 1986

August 13, 1986

William B. Kemper
(Signature)

Publisher
(Title)

August 13, 1986
(Date Signed)



Cost of Printing: 97 lines X .2564 = 24.87

24.87 X 80% = 19.90

24.87 + 19.90 = 44.77

NOTICE OF INTENT TO VALIDATE VESTED
RIGHT APPLICATION
NO. 1356-1 TO
APPROPRIATE WATER

Notice is hereby given that Stanley D. Ainsworth whose mailing address is PO Box 190, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 40 feet deep located in the NW 1/4 NW 1/4 Section 3, T6N, R2E. The water use has a priority date of January 1, 1955 and is used for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1356-1 because 1) water has been appropriated as described for commercial use with a January 1, 1955 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre, South Dakota, 1986 at 10:00 AM.

CONTINUED FROM PAGE 9.7

The [redacted] Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986.

The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:09 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer [redacted] 6,13



Department of Water & Natural Resources

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

NOV 25 1986

Stanley D Ainsworth
PO Box 190
Spearfish SD 57783

Dear Mr. Ainsworth:

Enclosed are your Validated Vested Water Right and Water License No. 1356-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

JH: ks

enclosures

Equal Opportunity Employer

1356-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date April 27, 2023RECEIVED OF Vezaro Inc dba Guadalajara Mexican Restaurant 83 W Hwy 14 Spearfish SD 57783

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>1356-1</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
me

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

APR 27 2023

Ck# 2926
Rec'd# 4/27/23

No. 1356-1

Date: 04-19-23 X

I/We request that Water Right/Permit No. 1356-1

formerly owned by: Stanley D Ainsworth

X be transferred to: (name & address)

Claudia Garcia
83 W Hwy 14 Spearfish SD 57783

Telephone No. 605 642-47-65

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

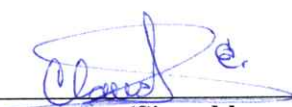
One well located in the NW 1/4 NW 1/4 Section 3-T6N-R2E for commercial use

I/We understand that the validity of Water Right/Permit No. 1356-1 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. Please make checks payable to Water Rights Program.

X I/We Claudia Garcia, the new owner, certify that the above information is true and correct.

X 
(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.

RECEIVED

APR 27 2023

**OFFICE OF
WATER**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 3, 2023

1356-1

Claudia Garcia
83 W Hwy 14
Spearfish SD 57783

Dear Ms. Garcia:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 1356-1.

The ownership change has been completed. Vested Water Right No. 1356-1 formerly listed under Stanley D Ainsworth is now listed in your name.

Enclosed is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us