

Considered: _____

WATER PERMIT NO. 1525-1

Phone: 605 584-1052

Name of Applicant: Homestake Natural History & Cultural Center

Post Office Address: PO Box 798, Spearfish SD 57783

Amount of Water Claimed: 40 gpm (0.88⁰⁸⁸ cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lawrence

About _____ miles _____ of near Savoy

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-10-91 Fee: \$50 Remarks _____

Homestake requested we delay processing application 4-23-91.
6-27-91 authorized us to proceed with application.
Corrected Application Received 4-23-91 Period of Annual Use January 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NE 1/4 Sec 36-T5N-R1E

Land to be Irrigated: _____

		3/6	⊗	

Well Log: Driller: Alexander Drilling Licensed YES X NO _____

Depth of Well: 145' REMARKS _____

Type of Map: plat PREPARED BY: Robert J Sliper Reviewed and the Number

Assigned on 6-27-91 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT No. 1525-1**

Date of first receipt of application April 10, 1991.

Date the applicant requested Division delay processing of application April 23, 1991.

Date applicant authorized processing of application June 27, 1991.

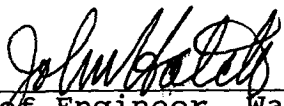
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1525-1 to Homestake Natural History & Cultural Center, PO Box 798, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1525-1 appropriates 0.089 cubic feet of water (40 gallons per minute) from one well (Deadwood Formation) 145 feet deep located in the SE 1/4 NE 1/4 Section 36-T5N-R1E.
2. The water appropriated shall be used for the purpose of supplying water to the facility and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1525-1 is September 9, 1991.
5. The date from which applicant may claim right is June 27, 1991.
6. One-fifth of the construction is to be completed on or before March 9, 1994.
7. All construction is to be completed on or before September 9, 1996.
8. Water is to be put to beneficial use on or before September 9, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 26 1992
date

RF

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 1525-1 Hydrologic Unit 10120203
Map No. _____ Basin Belle Fourche River
Newspaper Lead Daily Call, Box 876, Lead 57554

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 retained

Change 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 Homestake Natural History & Cultural Center Phone No. (605) 584-1052

Post Office Address P.O. Box 798, Spearfish, S.D. State 57783
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 40 gallons per minute 0.089 cfs

3. Source of water supply Deadwood formation

4. Location of point of diversion SE 1/4 NE 1/4 of Section Thirty-Six,
Township 5 North, Range 1 East, Black Hills
Meridian. County Lawrence

5. Counties where water will be used Lawrence

6. Annual period during which water is to be used year round Jan 1 - Dec 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)

This well was not drilled deep enough to keep the
hole from silting in. Originally used for the "Latchstring
Inn", it now serves the "Homestake Natural History
& Cultural Center" facility at the same location.

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 Lawrence, ss

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

Signed James B. Wainwright

Subscribed and sworn to before me this 8th day of April 19 91

4-87 My commission expires 9-15-96
Notary Public Karen L. Everett

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" dia. pipe Depth first 70' accomadates originally 70 and drilled down another 21'
- b) Casing Type steel Diameter 21' of 6" Thickness entirely 1/4"
- c) Screen Type none Diameter _____ Thickness _____
- d) Gravel Pack Thickness none/open hole Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) static 70'
- g) Distance to nearest existing domestic well:
On applicants property 296.80' 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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

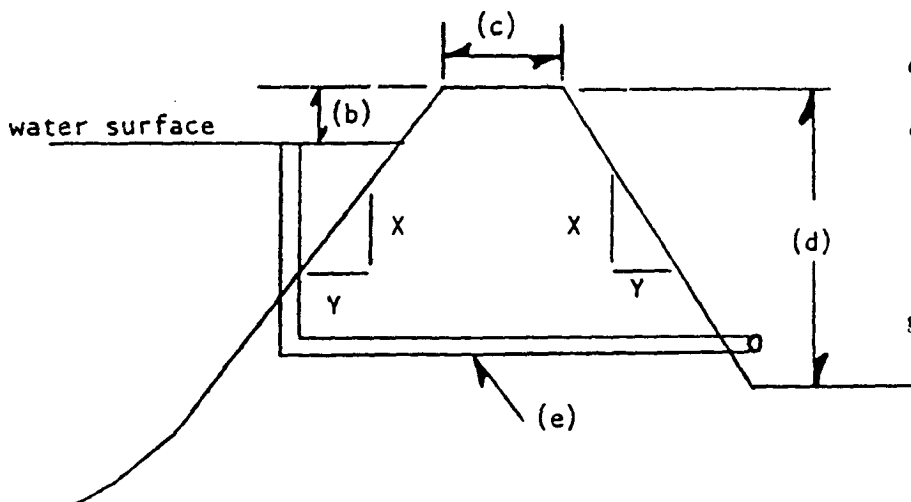
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



James B. Wainwright
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412638

Pierre, _____ April 10, 19 91

RECEIVED OF Homestake Mining Company, Lead, SD

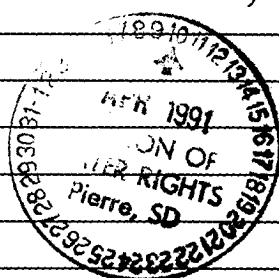
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1525-1</u> to Appropriate Water, to construct works 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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

10-85

Date _____





DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 11, 1991

James B. Wainwright
Homestake Natural History & Cultural Center
PO Box 798
Spearfish SD 57783

Dear Mr. Wainwright:

In regard to the three water permit applications received on April 10, 1991, the following needs to be clarified in order to process the applications.

On Item No. 4 of the application for the facility at the cultural center, the point of diversion is listed as the SE 1/4 SE 1/4 Section 36-T5N-R1E. After examining the map submitted with the application, it would appear that the well is located in the SE 1/4 NE 1/4. Please let us know, if you concur with this change on the application.

The depth of the well to be used for irrigation of the 3.162 acres is, at a minimum, necessary before processing of the application can proceed. Also, the application for irrigation can not be considered until a soil/water permit is obtained from the Department of Agriculture. This application has been forwarded to that office.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Homestake Natural History & Cultural Center

ADDRESS:

COUNTY:

DATE: 4-23-91

TELEPHONE:

RE: Pending applications

COMMENTS:

Talked with Jim Wainwright. He stated he agreed with the change in the legal description of the point of diversion on the application for the facility at the cultural center. It should be the SE 1/4 NE 1/4 Section 36-T5N-R1E.

In regard to the application for irrigation, Mr. Wainwright requested we hold the application until Homestake decides if they are going to proceed with the application. He will let us know when a decision is made.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

6-27-91

talked w/ Wainwright. He said to proceed w/ two complete applications for ^{snowmobile} concession and cultural center. They will let us know about the permit for irrigation. With the rain conditions this summer, they will probably wait awhile.

REPORT ON APPLICATION NOS. 1525-1 AND 1526-1
for Homestake Natural History and Cultural Center
July 23, 1991

Application No. 1525-1 proposes to appropriate 0.089 cfs (40 gpm) from one well approximately 145 feet deep located in the SE 1/4 NE 1/4 of section 36, T5N R1E BHM. The water is for commercial use at the facility.

Application No. 1526-1 is for 0.022 cfs (10 gpm) from one well approximately 75 feet deep located in the NE 1/4 SE 1/4 of section 36, T5N R1E BHM. The water is for commercial use at the snowmobile concession. Both permit applications are located in Lawrence County.

AQUIFER - DEADWOOD FORMATION (DDWD)

The Deadwood Formation consists of a massive brown sandstone typically overlain by green shale with greenish glauconitic shale, flaggy dolomite, flat pebble limestone conglomerate and conglomeritic sandstone at the base. (Darton, 1925). The Deadwood underlies approximately 428,800 acres and contains an estimated 7.5 million acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The Deadwood is approximately 100 to 200 feet thick in this area. The driller's logs submitted with these applications indicate these were existing wells which were deepened and the only information provided is the formation encountered below the existing casing. This description indicates the Deadwood Formation. The reports indicate the aquifer is under unconfined (water table) conditions and that the wells are capable of producing the amount of water requested.

These wells are located on the narrow canyon of Spearfish Creek. Undoubtedly there is alluvium in this area probably lying directly upon the Deadwood Formation. The creek and the Deadwood Formation are probably in hydraulic connection with the creek acting as a recharge discharge zone for the aquifer.

The Division of Water Rights does not monitor any observation wells in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permitted groundwater diversions in this area. Both of these wells seem to be obtaining water from the same groundwater source and are approximately 400 feet apart. Interference is not expected to be a problem. There are other domestic wells in the area which also should not be adversely affected.

CONCLUSIONS

1. Water is available from the Deadwood Formation.
2. Interference is not expected to be a problem. The driller's report indicates the wells are capable of producing the amount of water requested.

3. The aquifer is under unconfined conditions and is probably hydraulically connected to Spearfish Creek.
4. Both of these wells were existing and were recently rehabilitated. The report filed by the driller does not contain sufficient information to determine if these wells comply with SD Well Construction Standards for a public water supply well.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Darton, N.H., 1925, Central Black Hills Folio, No. 219, USGS, Washington D.C.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1525-1, Homestake Natural History & Cultural Center

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1525-1, Homestake Natural History & Cultural Center, P.O. Box 798, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1525-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 29, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE 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.**

August 5, 1991

Jim Wainwright
Homestake Natural History & Cultural Center
P.O. Box 798
Spearfish, SD 57783

Dear Mr. Wainwright:

Water Permit Application Nos. 1525-1 and 1526-1 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lead Daily Call printed at Lead, SD. For your information, a copy of the notice, the recommendations 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.

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1991

Lead Daily Call
Box 876
Lead, SD 57754

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1525-1 and 1526-1 to be published twice. Please publish the first notice on August 12, 1991 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 Homestake Natural History & Cultural Center, P.O. Box 798, Spearfish, SD 57783.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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

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

FIRST TRANSMITTAL NOTICE

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

No. _____

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 August 12, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 1525-1 and 1526-1 to Appropriate Water

Notice is given that Homestake Natural History & Cultural Center, P.O. Box 798, Spearfish, SD 57783 has filed an application for a water permit.

Application No. 1525-1 is for 0.089 cubic feet of water per second (cfs) (40 gallons per minute) from one well (Deadwood Formation) 145 feet deep located in the SE 1/4 NE 1/4 Section 36-T5N-R1E. The water is for commercial use at the facility.

Application No. 1526-1 is for 0.022 cfs (10 gallons per minute) from one well (Deadwood Formation) 75 feet deep located in the NE 1/4 SE 1/4 Section 36-T5N-R1E. The water is for commercial use at the snowmobile concession.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1525-1 and 1526-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the applications will NOT require the Board to hear the application.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 August 29, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 1525-1 and 1526-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 9, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If these applications are opposed or the recommendation is contested, the September 9, 1991 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 9, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 29, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.

Billy T. Masterson, Jr. of said County and State being his oath says: That The LEAD DAILY CALL/DEADWOOD TIMES is a legal daily newspaper of general circulation, printed and published in the City of Lead, in said County and State by Seaton Publishing Company, and has been such a newspaper during the times hereinafter mentioned; and that I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

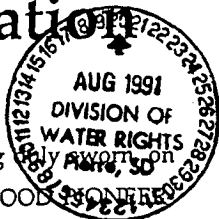
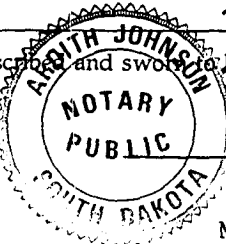
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks the respective publications thereof being made on Aug 12, 19 91 and on Aug 19, 19 91

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and the last publication thereof on _____, 19 _____ and that the full amount of fees charged for publishing same, to-wit: the sum of \$ 54.00, insures solely to the benefit of the publisher and that no arrangement or understanding for a division thereof has been made with any person other than the publisher, and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 19 day of Aug, 19 91.

Audith Johnson
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-96



NOTICE OF HEARING on Application Nos. 1525-1 and 1526-1 to Appropriate Water

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Application No. 1526-1 is for 0.022 cfs (10 gallons per minute) from one well (Deadwood Formation) 75 feet deep located in the NE 1/4 SE 1/4 Section 36-T5N-R1E. The water is for commercial use at the snowmobile concession.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1525-1 and 1526-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider these applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the applications will NOT require the Board to hear the application.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 August 29, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 1525-1 and 1526-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 9, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre SD. If these applications are opposed or the recommendation is contested, the September 9, 1991 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 9, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 29, 1991.

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These applications are made pursuant to SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10; 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

South Dakota

GREAT FACES. GREAT PLACES.

FEB 26 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James B. Wainwright
Homestake Natural History & Cultural Center
PO Box 798
Spearfish, SD 57783

Dear Mr. Wainwright:

Enclosed are Water Permit Nos. 1525-1 and 1526-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that the Water Licenses may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures



BLACK HILLS CORPORATE LAND DIVISION



December 17, 1993

John Hatch, Chief Engineer
Water Rights Division
Dept. of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Mr. Hatch:

I am contacting you on behalf of the Homestake Black Hills Foundation in Spearfish Canyon regarding two matters:

1. The corporation has two water permits, 1525-1 and 1526-1, under the name Homestake Natural History & Cultural Center. The original address was PO Box 798, Spearfish, SD 57783. The corporation has changed in name only to the Homestake Black Hills Foundation, HC 37 Box 1387, Spearfish Canyon, SD 57754-9725. This was approved by the office of the Secretary of State. Is this notification sufficient, or is there a procedure that must be followed?

2. Pursued to AR-SD 74:02:04:21 the Homestake Black Hills Foundation requests the Chief Engineer's permission to construct a test well prior to approval of a permit. The location of the test well would be at the general location as permitted by water permit 1526-1.

If you have any questions or comments, please do not hesitate to contact myself or Jim Wainwright at 584-4644.

Respectfully,

Denny McKay,
Director, Black Hills Land
Div., Homestake Mining Co.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1993

Denny McKay, Director
Black Hills Land Division
Homestake Mining Company
Box 777
Lead, SD 57754

Dear Mr. McKay:

I am writing in response to your letter to John Hatch, Chief Engineer of the Water Rights Division.

The first matter regarded a name change to Water Permit Nos. 1525-1 and 1526-1. The request is to change the corporation name on these permits from Homestake Natural History & Cultural Center to Homestake Black Hills Foundation. This action will require a simple "Notice of Transfer of Ownership" form to be completed and submitted along with a \$2.50 filing fee for each permit. Enclosed are two "Notice of Transfer of Ownership" forms. I believe the forms are self explanatory, however, if you have any questions, do not hesitate to contact me.

Your letter also requested permission to construct a test well prior to approval of a water permit. Please find enclosed a letter from Jim Goodman which specifically addresses authorization to construct a test well.

I hope this adequately addresses both the issues outlined in your letter.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

c: Jim Wainwright

RECEIPT

Division of Water Rights

414017

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 28, 19 94

RECEIVED OF Homestake Natural History & Cultural Center, PO Box 798, 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>Water Permit No. 1525-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: January 7, 1994I/We request that Water Permit/Right No. 1525-1formerly owned by: Homestake Natural History & Cultural Centerbe transferred to: (name & address) Homestake Black Hills FoundationHC 37 Box 1387, Spearfish Canyon, SD 57754-9725 (telephone No.) 584-3333

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

Property including the well covered by water permit 1525-1 located in the SE 1/4NE 1/4Section 36, T5N, R1E.

I/We understand that the validity of Water Permit/Right No. 1525-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Lawrence)

I/We Dennis L. McKay being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

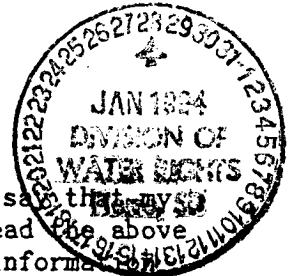
Dennis L. McKay
(Signed)

Subscribed and sworn to before me this 26th day of January, 1994.

Lyla J. Campbell
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1994

No. 1525-1
1526-1

Homestake Black Hills Foundation
HC 37, Box 1387
spearfish Canyon, SD 57754-9725

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1525-1 and 1526-1.

Our records now show you as the owner of Water Permit Nos. 1525-1 and 1526-1.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 1995

1525-1

Jerry Boyer
Homestake Black Hills Foundation
HC 37, Box 1387
Spearfish Canyon, SD 57754-9725

Dear Mr. Boyer:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1525-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

SPEARFISH CANYON LODGE

LATCHSTRING VILLAGE



November 1, 1995

Cheryl F. Frost
Water Rights Program
Dept. Env. & Nat. Resources
Joe Foss Bldg.
523 E. Capitol
Pierre, S.D. 57501-3181

Re: Permit #1525-1

Enclosed is a check for \$50.00 for our water license. This permit/license should be put in the following name:

SPEARFISH CANYON RESORTS, LLC
P.O. BOX 705
SPEARFISH, S.D. 57501

If you have any questions, please call Rich Harr at 642-2525 or Jerry Boyer at 584-2070. Thank you.

Sincerely,

Rich Harr, President
Spearfish Canyon Resorts, LLC

RECEIPT

Division of Water Rights

414659

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 2, 19 95

RECEIVED OF Spearfish Canyon Resorts, 140 W Jackson, 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. <u>1525-1</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

John Hatch
pmk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1995

1525-1

Rich Harr
Spearfish Canyon Resorts, LLC
PO Box 705
Spearfish, SD 57783

Dear Mr. Harr:

This will acknowledge receipt of the \$50.00 fee you paid for the investigation and subsequent issuance of Water License No. 1525-1. You indicated in your letter you would like the water license issued in the name of Spearfish Canyon Resorts, LLC. The permit is currently listed in the name of Homestake Black Hills Foundation.

In order to change the name and ownership of a Water Permit or Right, a transfer must be filed. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

We will delay issuance of the license until the transfer form has been filed. This will allow the license to be issued under the new name. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

414717

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 18, 19 95

RECEIVED OF Spearfish Canyon Resorts, L.L.C., P.O. Box 705, Spearfish, SD 57783-0705
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>Water Permit No. 1525-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John H. Hatcher

No. 1525-1

Date: 12-13-95

formerly owned by: **Homestake Black Hills Foundation**

be transferred to: (name & address) Spearfish Canyon Resorts, LLC, PO Box 705, Spearfish, SD 57783-0705

Telephone No. 605-584-3435

SE¼ NE¼ Section 36, T5N, R1E (well location)

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

STATE OF SOUTH DAKOTA)

County of Lawrence

W. H. H. H.

(Signed)

Subscribed and sworn to before me this 13 day of December, 1995

Susan E. Mudlin

(Notary Public)

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.

Permit No.1525-1
Belle Fourche River- Water District

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

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

I have this day, 9/14/1995, made a thorough examination of the water use system owned by Homestake Black Hills Foundation of HC 37, Box 1387, Spearfish Canyon, SD 57754-9725 holder of Permit No. 1525-1, bearing the priority of June 27, 1991, authorizing the diversion of 0.089 cu. ft. per second of the waters of groundwater for commercial purposes, in Lawrence County.

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

- A. Works used to divert the water:
A submersible pump, 17 gallons per minute capacity.
A submersible motor, 1 horse power.
- B. Works used to transport water to place of use:
200 feet of 2 inch PVC pipe.
- C. Works used to apply water to beneficial use:
Water is used for culinary and drinking purpose in a restaurant and cultural center.

The system is in the following condition Good. The point of diversion is located about 200 feet west, 2280 feet south from the northeast corner of Section 36, T5N-R1E (SE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 0.038 cu. ft. per second of water which is used for commercial purposes.

The license should be issued for 0.038 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date Report Completed: 10/11/1995



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO.1525-1

DATE OF INSPECTION: 9/14/1995

NAME & ADDRESS OF INSPECTION CONTACT/Jerry Boyer, HC 37, Box 1387, Spearfish Canyon, SD 57754-9725

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Board of Directors

NAME & ADDRESS OF PERMIT HOLDER: Same as above

DIVERSION POINT LEGAL LOCATION: SE1/4 NE1/4 Section 36, T5N-R1E

WELL INFORMATION:

- 1) Well Drilling Firm: **Alexander Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **145** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **6** inches
- 2) Length **70** feet
- 3) Type **Steel**

Screen:

- 1) Type **Steel**
- 2) Length **21** feet
- 3) Static water level **70** feet

Pump:

- 1) Make **Grundfos**
- 2) Model
- 3) Size **4** inch
- 4) Capacity **17**GPM** **** Information about the pump was received from Alexander Drilling.**

Motor:

- 1) Make **Franklin**
- 2) Model No.
- 3) Horsepower rating **1** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC**
- 2) Size **2** inches
- 3) Length **200** feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1525-1

(1) The Homestake Natural History and Cultural Center of PO Box 798, Spearfish, SD 57783-0798 made Application No. 1525-1, April 10, 1991 for a water permit to appropriate 0.089 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for commercial purposes. Permit No. 1525-1, with a priority date of June 27, 1991 was approved September 9, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 9, 1996 and for the application to beneficial use of said water on or before September 9, 2000.

On January 28, 1994, Water Permit No. 1525-1 was transferred to the Homestake Black Hills Foundation. On December 18, 1995, Water Permit No. 1525-1 was transferred to Spearfish Canyon Resorts, LLC.

(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 0.038 cubic feet of water per second for beneficial use. The location of the diversion point(s) is 200 feet west and 2,280 feet south of the NE corner of Section 36, T5N, R1E (SE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for culinary and drinking water purposes in a restaurant and cultural center.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Spearfish Canyon Resorts, LLC of PO Box 705, Spearfish, SD 57783-0705 the holder and/or owner of Water Permit No. 1525-1 is issued a license to appropriate water, the right to use 0.038 cubic feet of water per second from groundwater (one well) with a priority date of June 27, 1991 from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1525-1 and subject to South Dakota State Law.



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

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

1525-1

Spearfish Canyon Resorts, LLC
%Richard Harr, President
P.O. Box 705
Spearfish, SD 57783-0705

Dear Mr. Harr:

Enclosed is Water License No. 1525-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 414659 and 414717 in the amount of \$50.00 and \$2.50 which you paid for the transfer, inspection and issuance of the Water License.

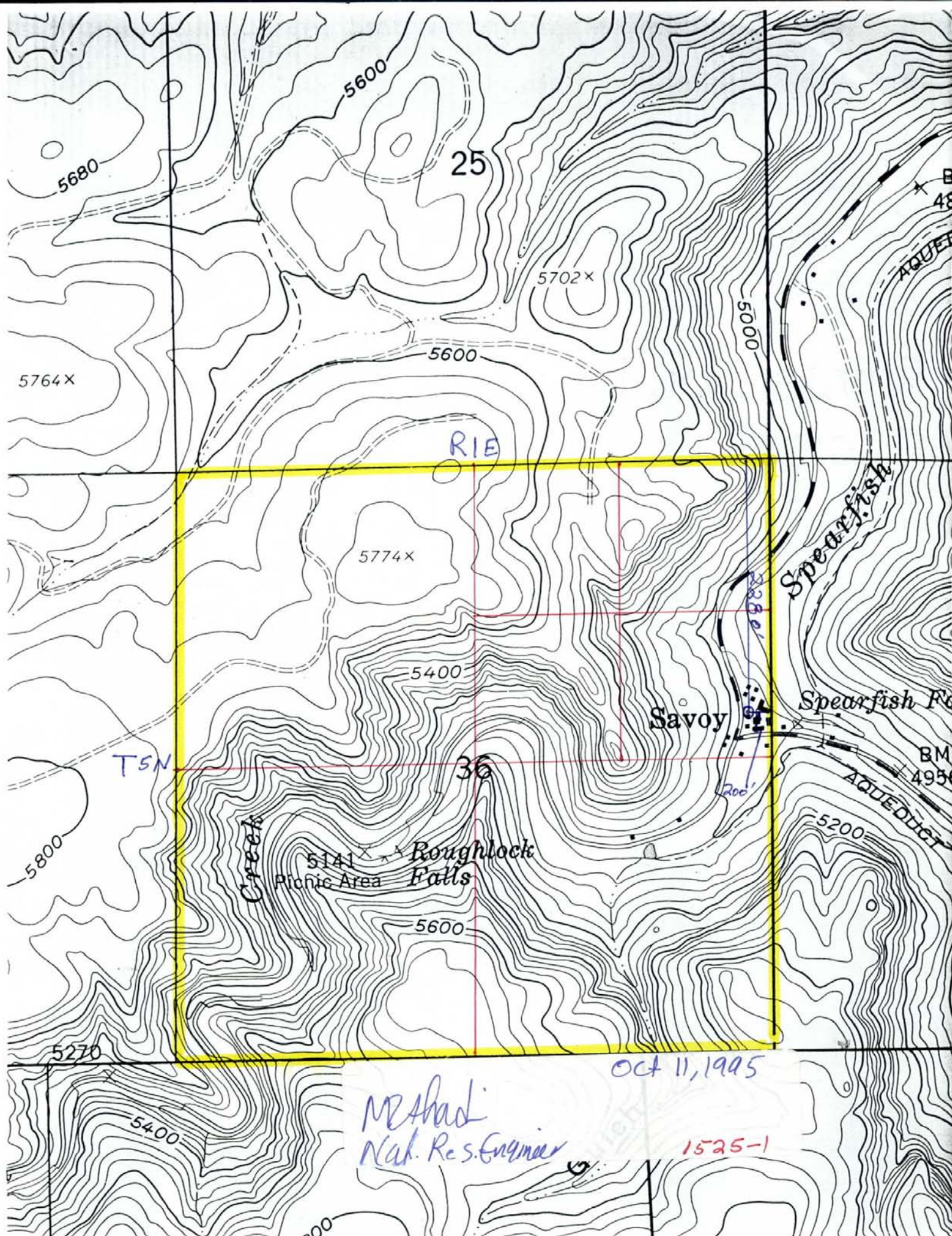
For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1525-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures



25

36

R1E

TSN

Savoy

Roughlock Falls

Picnic Area

Spearfish

Spearfish Falls

BM 4956

Oct 11, 1995

M. Shah
Nat. Res. Engineer

1525-1

(A)	R-561.71	A-50.43	C8-N 37°27'59"	E
	O-5°08'39"	A-133.55	C8-N 53°26'10"	W
	S-150.99	A-45.17	C8-N 60°30'28"	E
	O-4°03'22"	A-26.06	C8-N 63°43'09"	W
	S-150.99			
	O-5°53'25"			

