

Considered: _____

WATER PERMIT NO. 1542-1

Phone: 642-3192

Name of Applicant: Rim Rock Lodge

Post Office Address: P.O. Box 365, Spearfish SD 57783

Amount of Water Claimed: 0.045 Total Acres: _____

Source of Water Supply: Spearfish Creek and spring

Water to be used for: commercial County: Lawrence

About 4 miles S of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-11-91 Fee: \$15 Remarks Priority date

January 1, 1933

Corrected Application Received 3-19-92 Period of Annual Use Jan 1 - Dec 31

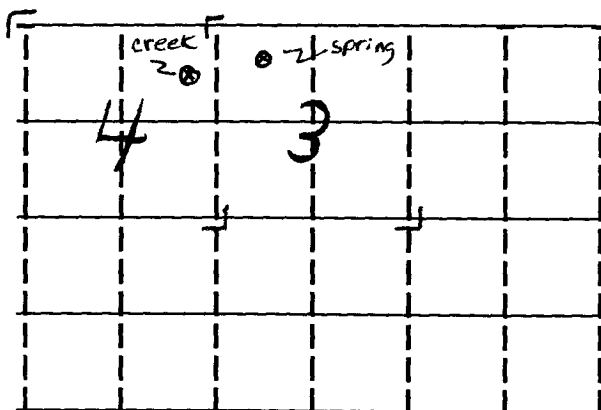
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: spring-N 1/2 NW 1/4 Sec 3;

Spearfish Cr-E 1/2 NE 1/4 Sec 4; T5N-R2E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Don Frye Reviewed and the Number

Assigned on 3-20-92 By Karen Schlaak

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1542-1

(1) Rim Rock Lodge of P.O. Box 365, Spearfish, SD 57783 made Application No. 1542-1, October 11, 1991 for validation of a vested right claim to appropriate 0.045 cubic feet of water per second (20 gallons per minute) from Spearfish Creek and a spring, Lawrence County, South Dakota for commercial purposes. Vested Water Right No. 1542-1 was validated June 4, 1992 with a priority date of January 1, 1933. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.045 cubic feet of water per second for beneficial use. The location of the diversion points are: in the E 1/2 NE 1/4 Section 4 (Spearfish Creek) and N 1/2 NW 1/4 Section 3 (spring); all in T5N, R2E.

(3) Pursuant to Section 46-5-30.1 Rim Rock Lodge of P.O. Box 365, Spearfish, SD 57783 the holder(s) and/or owners(s) of Vested Water Right No. 1542-1 is issued a license to appropriate 0.045 cubic feet of water per second (20 gallons per minute) from Spearfish Creek and a spring with a priority date of January 1, 1933 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1542-1 and subject to South Dakota State Law.



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

JUN 29 1992

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1542-1

Date of Receipt of Claim October 11, 1991.

Date of Validation June 4, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1542-1 for Rim Rock Lodge, PO Box 365, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1542-1 appropriates 20 gallons per minute (0.045 cubic feet of water per second) from Spearfish Creek located in the E 1/2 NE 1/4 Section 4; and a spring located in the N 1/2 NW 1/4 Section 3; all in T5N-R2E.
2. The appropriated water is used for supplying water to the Lodge 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1933.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

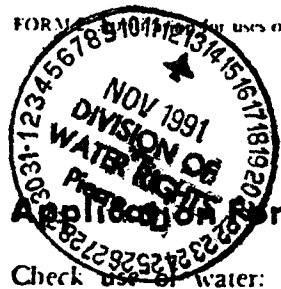
That validation of No. 1542-1 is subject to compliance with Water Management Board Rules Chapter 74:04:05, Drinking Water Standards.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Right Division
Department of Environment and Natural Resources

JUN 29 1992
date

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352



No. 1542-1 Hydrologic Unit 10120203
Map No. Same Basin Belle Fourche
Newspaper Spearfish Daily Queen City Mail

Box 7 642-2761

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 ☐

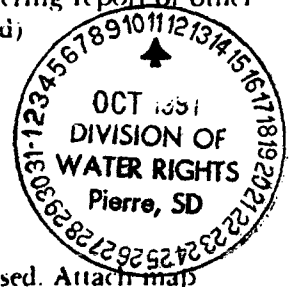
Type of Application: Check one or more of the following

* SEE LETTER TO
JOHN HATCH

- New ☐ 'GIFTED' ☒ 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. _____

- Name of Applicant RIM ROCK LODGE Phone No. 642-3192
Post Office Address P.O. Box 365, SPEARFISH State S.D. 57783
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) 20 gals/minute 0.045 cfs
- Source of water supply SPEARFISH CREEK and SPRING
- Location of point of diversion CORNER 13 MS 479 NW 1/4 NE 1/4 S4 T5N R2E B1M BHM
Spearfish Cr - E 1/2 NE 1/4 S4 T5N R2E B1M BHM
County LAWRENCE
- Counties where water will be used LAWRENCE
- Annual period during which water is to be used YEARLY JAN 1 - DEC 31
- 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)

NA



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, CLARA C. LIEBART the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true

Signed Clara C. Liebart

Subscribed and sworn to before me this 12 day of November 19 91

Tami Ch. Ward
Notary Public

Permit No. 1542-1
Water District:

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

I have this day made a thorough examination of the water use system constructed by Clara C. Ziebart holder of Permit No. 1542-1, bearing the priority of January 1, 1933 authorizing the diversion of 0.045 cu. ft. per second of water from Spearfish Creek 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:
An eight horsepower Briggs and Stratton industrial/commercial engine and a Myers Pump, casting number 3055.
- B. Works used to transport water to place of use:
Forty feet of 2" plastic and galvanized steel pipe.
- C. Works used to apply water to beneficial use:
A 5000 gallon holding tank with a 2" inlet and a 1" outlet coupled to 100 ' of 3/4" distribution pipe.

The system is in the following condition fair. The point of diversion is located 1600' south and 800' west of NE corner (E1/2 NE1/4), Section 4, T5N, R2E.

The works are capable of diverting and conveying to the place of use 0.045 cu. ft. per second of water which is to be used for commercial uses.

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

Water is used in cabins, a restaurant and a home and should be issued for 0.045 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

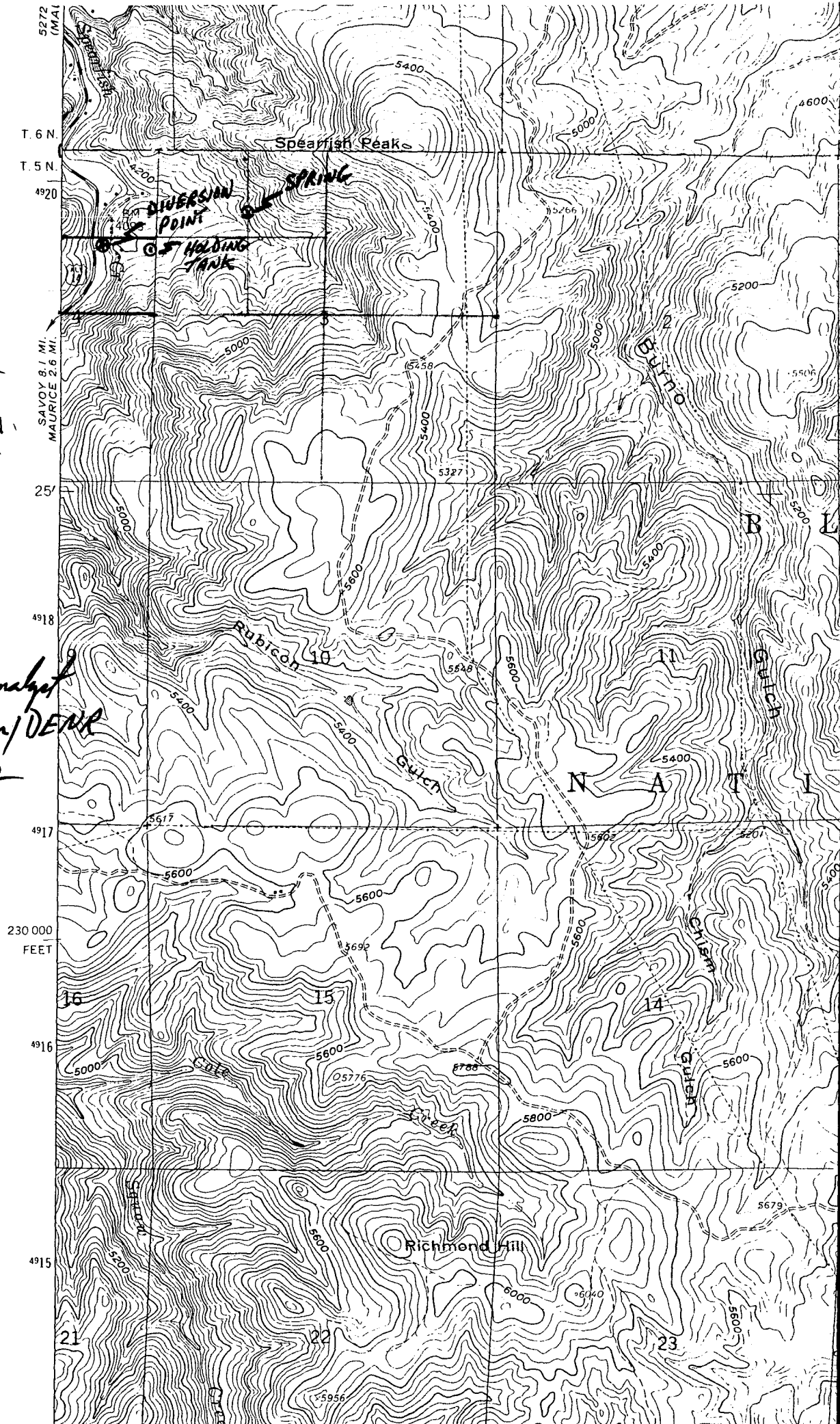
Exceptions to compliance are: None

Date Inspected: 12/12/91


DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division

DIVERSION FROM SPEARFISH CREEK
E 1/2 NE 1/4 SEC 4, T5N, R2E

Prepared by:
Don Frye
Natural Resources Analyst
Water Rights Division / DENR
1/30/92



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) Rim Rock LodgePost Office Address P.O. Box 365 Spearfish S.D. 57783
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation UNKNOWN Date of Posting UNKNOWNDate of recording UNKNOWN Recording date UNKNOWN
Where Book PageB. Date of start of construction of water supply system Early 1930'sC. Date that water was first applied to beneficial use Early 1930's 1933D. Name of owner of original water supply system Rim Rock LodgeE. Amount of water originally applied to beneficial use unknown ≈ 20gpmF. Present Use of Water - Amount of water now being used 5 ac. feetDate that this water was first used EARLY 1930's 1-1-33G. Chronological History of Water Use UNKNOWN. LARGE CARRIEN BUILT IN 1919.Rim Rock Lodge was built in early 1930's.Homestake Mining Co. purchased MS 479 about 1909-1910; they had purchased or claimed water rights PRIOR.

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, CHARL C. LIEBART the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed Charl C. LiebartSubscribed and sworn to before me Nov 12, 1991

Terrill A. Ward
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____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413133

Pierre, March 19, 1992

Rim Rock Lodge, PO Box 365, Spearfish SD 57783

RECEIVED OF

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

Fee for Application for Permit No. <u>1542-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 00

By

Chief Engineer

JOHN HATCH

ks

: Mr. Guy N. Bjorge, General Manager

October 6, 1952

: Spearfish Canyon Tourist Camps.

RIM ROCK LODGE

On part of Congress Placer, M. S. 479.

This claim was patented July 15, 1893 by J. B. Baker, Thomas White, Dan Shea, Alphonso S. Gates, John M. Dickson, and Mary Barclay.

It was acquired by Homestake Mining Company by deeds to Thomas J. Grier in 1899 and 1900, subject to 100 foot right-of-way to railroad.

On January 14, 1933 Homestake Mining Company issued a permit to Margaret Bridge for a cabin and premises, the northwest corner of the cabin being located in a southwesterly direction 450 feet from Corner No. 14 of said Congress Placer M. S. 479.

The growth of this cabin permit into what is now known as RIM ROCK LODGE is not recorded, but the camp was developed while Margaret Bridge was the permittee.

On February 15, 1945 the Margaret Bridge Permit was transferred to Willard Crain of Cincinnati, Ohio, who operated RIM ROCK LODGE until April 21, 1948 on which date the permit was transferred to J. Donald Hair of Spearfish, South Dakota, the present permittee.

The Hair interests have been sold to Bruce Yarborough, but payment has not been made in full so the permit is still in Hair's name.


J. D. Johnson
Chief Engineer

JDJ:m

NATIONAL FOREST SERVICE

TERRAIN SPECIAL USE PERMIT
For Recreation ResidencesAct of March 4, 1915, As Amended
(Ref. FSM 2710)

Holder No.	Type Code	Authority
50241 / 01	123	712
Auth. Type	Issue Date	Expir. Date
18	/ /	12/31/2008
Location Sequence No.	Stat. Ref.	
02031145021		
Latitude	Longitude	LOS Case
- -	- -	

ALICE JUNE DICKEY, TRUSTEE
(Holder Name)of 1919 HIDDEN CREEK LANE
(Billing Address - 1)

HOUSTON TX 77339
(Billing Address - 2) (City) (State) (Zip Code)

(hereafter called the holder) is hereby authorized to use National Forest lands, for a recreation residence for personal recreational use on the Black Hills National Forest, subject to the provisions of this permit including items I through XII, on page(s) 2 through 9. This permit covers .59 acres.

Described as: (1) Lot -- of the tract.

OR (2) T5N.R2E.B4M, Section 4 as shown on the attached map.
(Legal Description)

The following improvements, whether on or off the site, are authorized in addition to the residence structure:

Catch basin and pipeline

This use shall be exercised at least 15 days each year, unless otherwise authorized in writing. It shall not be used as a full-time residence to the exclusion of a home elsewhere.

THIS PERMIT IS NOT TRANSFERABLE
PURCHASERS OF IMPROVEMENTS ON SITES AUTHORIZED BY THIS PERMIT MUST SECURE A NEW PERMIT FROM THE FOREST SERVICE.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED: HOLDER'S NAME AND SIGNATURE Alice June Dickey, Trustee DATE

APPROVED: Forest Supervisor
AUTHORIZED OFFICER'S NAME AND SIGNATURE TITLE DATE



AMENDMENT
FOR
SPECIAL USE PERMIT
Ref: FSM 2714

APR 1982
DIVISION OF
WATER RIGHTS
Pierre, SD

Record no. (1-2) 70	b. Region (3-4) 02	c. Forest (5-6) 03
d. District (7-8) 11	e. User number (9-12) 5804	f. Kind of use (13-15) 132
g. State (16-17) 46	h. County (18-20) 081	i. Card no. (21) 1

THIS AMENDMENT IS ATTACHED TO AND MADE A PART
OF THE

☒ TERM

☐ ANNUAL PERMIT

For Hotel, motel

issued to

Clara C. & Walter E. Ziebart

(KIND OF PERMIT)

Jan. 3, 1978

(NAME OF PERMITTEE)

(DATE OF PERMIT)

which is hereby amended as follows:

- Front page of permit, Paragraph 1 is amended to read:

"An area of National Forest System land in the NE¹/₄, Section 4, T5N, R2E, BHM as more particularly shown on a map platted by D.A. Stark on December 16, 1969, and revised by L. Ederhoff September 15, 1982. A copy of this map is attached to and made a part of this permit."

Front page of permit, Paragraph 2 is amended to read:

"This permit covers 1.8 acres and is issued for the purposes of:
Maintaining 2 cabins"

Clause 2, 1st Paragraph is amended to read:

"2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Fifty four & no/100 Dollars (\$54.00) for the period from January 1, 1983, to December 31, 1983, and thereafter, annually on January 1, Fifty four and no/100 Dollars: "

Clause 20.B.1. is deleted in its entirety and the following substituted:

"Refunds from returned merchandise and receipts from sales of real and non-rental personal property used in the operation. Sales of property such as rental equipment previously used for generating operating revenue, when sold on the premises are to be included in gross receipts. Examples of this are rental items such as boats, motors, skis, or boots, which may be sold periodically and replaced. If such equipment is traded in or sold off-premises, the value or revenue shall be excluded from sales."

Clause 20.C. Delete in its entirety.

Clause 21.B. is amended to read:

"B. Beginning January 1, 1983, the annual flat fee will be Fifty four Dollars (\$54.00) which is due in advance of January 1 of each year and is not subject to refund. Provided, however, that the method of fee determination and/or the annual

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to
_____ attached hereto and made a part of this Amendment.

PERMITTEE	NAME OF PERMITTEE Clara C. & Walter E. Ziebart	SIGNATURE OF AUTHORIZED OFFICER <i>Clara Ziebart</i>	DATE 5/25/83
ISSUING OFFICER	NAME AND SIGNATURE <i>J.R. Mathers</i> James R. Mathers	TITLE Forest Supervisor	DATE 5/27/83

TERM SPECIAL USE PERMIT

Act of March 4, 1915, as amended July 28, 1956,
or Act of March 30, 1948
(Ref. FSM 2710)

a. Record no. (1-2) <u>70</u>	b. Region (3-4) <u>02</u>	c. Forest (5-6) <u>03</u>
d. District (7-8) <u>08</u>	e. User number (9-12) <u>5758</u>	f. Kind of use (13-15) <u>132</u>
g. State (16-17) <u>46</u>	h. County (18-20) <u>081</u>	k. Card no. (21) <u>1</u>

Permission is hereby granted to Clara C. and Walter E. Ziebart
of Box 365
1035 10th Street, Spearfish, SD 57783
hereinafter called the permittee, to use subject to the conditions set out below, the following described
lands or improvements for the period of 20 years ~~from the date hereof~~ or until **December 31, 1996**.

An area of National Forest land in the NE¹/₄, Section 4, T5N, R2E, B.H.M. as
more particularly shown on a map platted by D. A. Stark dated December 16,
1969. A copy of this map is attached to and made a part of this permit.

This permit covers 1.8 acres and is issued for the purpose of:

- Maintaining a resort which consists of:
1. Lodge half on National Forest land
 2. Two cabins
 3. Water tank
 4. Pipeline
 5. Utility sheds (2)



1. Construction or occupancy and use under this permit shall begin within _____ months, and construction, if any, shall be completed within _____ months, from the date of the permit. This use shall be actually exercised at least _____ days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Eighty-five & 00/100 Dollars (\$ 85.00) for the period from January 1 1978 to December 31, 1978, and thereafter annually on January 1 Eighty-five & 00/100 Dollars (\$ 85.00);

Provided, however, That the charges for this use shall be readjusted as of, and effective on, the beginning of each 5-year period from the due date of the first annual payment in order to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 20 to 41 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE Clara & Walter Ziebart	SIGNATURE OF AUTHORIZED OFFICER <i>Walter E. Ziebart</i>	DATE 12-23-77
ISSUING OFFICER	NAME AND SIGNATURE <i>James R. Morris</i> James R. Morris	TITLE Acting Forest Supervisor	DATE <i>Jan 3/1978</i>

(CONTINUED ON REVERSE)

2700-5 (9/72)

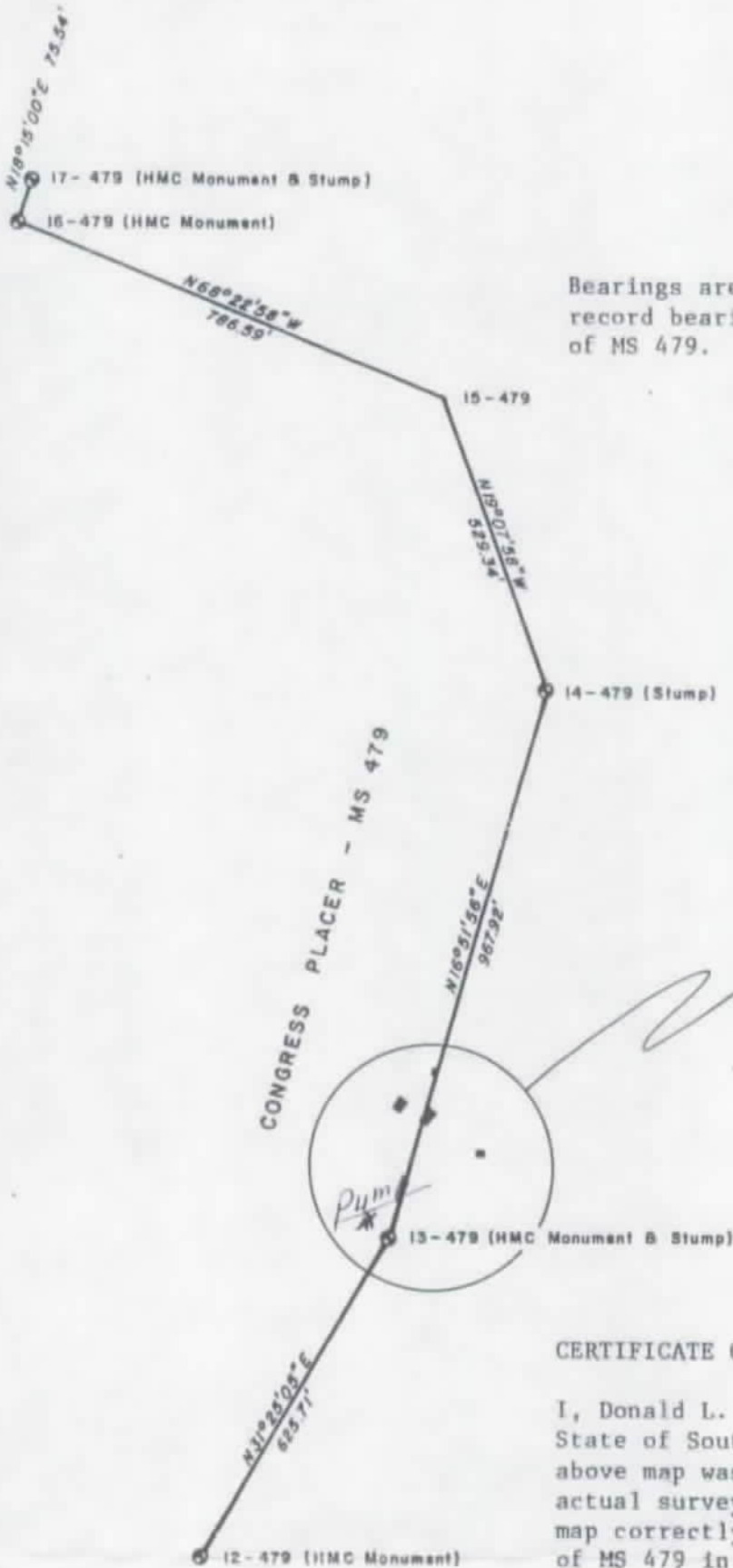
MAP OF SURVEY

LINE 13-14 OF MS 479

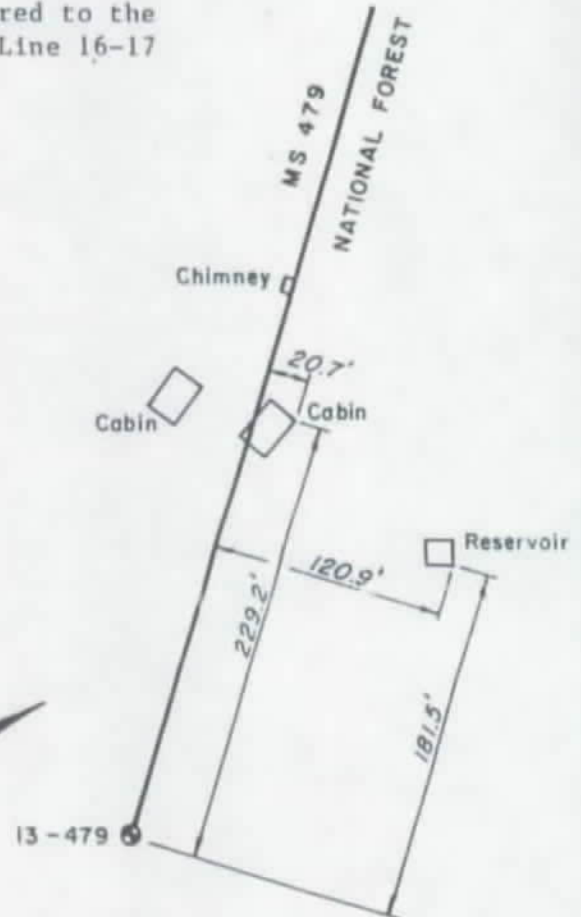
SECTION 4, T5N, R2E, B.H.M.

LAWRENCE COUNTY, SOUTH DAKOTA

NE 1/4 NE 1/4 34 T5N R2E, B.H.M.

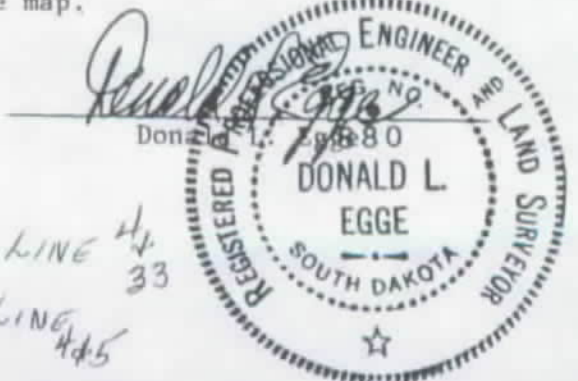


Bearings are referred to the record bearing of Line 16-17 of MS 479.



CERTIFICATE OF SURVEYOR

I, Donald L. Egge, registered land surveyor in the State of South Dakota, do hereby certify that the above map was prepared from notes taken during an actual survey made by me in May of 1985 and that the map correctly represents the location of Line 13-14 of MS 479 in Section 4, T5N, R2E, B.H.M., Lawrence County, South Dakota, and the location of the structures shown on the map.



* - PUMP IS LOCATED

APPROXIMATELY 2000 FT. S. OF SECTION LINE 44
" 800'-850' W. OF SECTION LINE 45

Spearfish, S. D. 57783
October 6, 1991



Mr. John Hatch
Chief Engineer - Water Rights Division
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S. D. 57501-3181

Dear Mr. Hatch,

I am contacting you because you are the person to whom I made inquiry about the Rim Rock Lodge at the meeting in Spearfish.

I beg your indulgence for the tardiness of the reply to your office. My husband was in the hospital for a month and underwent cancer surgery, is still returning for tests to the hospital. It has been a very busy time for me.

Rim Rock Lodge was built in 1933 and 1934 by Margaret Bridge, Dean of Women at the Black Hills Normal College. The Lodge property is owned by Homestake Mining Company which we lease and we own the buildings. Homestake allowed Miss Bridge to install a pump in Spearfish Creek prior to 1940 when I was a guest in the lodge because we had water and restrooms. It evidently was a gift from Homestake because neither the former owners nor we have been asked for payment for the water. The water is pumped from Spearfish Creek whose water rights are owned by Homestake Mining Company. Miss Bridge was also a friend of Mr. and Mrs. Walter Dickey; Walter Dickey developed a spring on Forest Service Ground and Mrs. Dickey said that the water was given 'as a gift' to the Rim Rock Lodge. The Forest Service has said that anyone on a Forest Permit is able to use spring water that has been piped to them.

I am enclosing copies of the survey map showing where the pump is located in the Spearfish Creek and also the Forest Service map showing where the spring is located. It appears to me that the water we use is 'gifted' from those who already own the water rights.

Sincerely yours,

(Mrs.) Clara C. Ziebart
P.O. Box 365
Spearfish, S. D. 57783



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1991

Rim Rock Lodge
Clara C. Ziebart
PO Box 365
Spearfish SD 57783

Dear Mrs. Ziebart:

I am writing in regards to your letter to John Hatch, Chief Engineer, inquiring whether Rim Rock Lodge requires a water permit. The use of water by the lodge is a commercial use of water which requires a permit to appropriate water under state statutes.

Homestake Mining Company does not have a permit from Spearfish Creek that allows diversions from the creek for commercial purposes such as provided you lodge water, so they could not have "gifted" you the use of the water. In the case of the use of water from the spring on Forest Service land, the Forest Service appears to have permitted you access to the water, however, they do not have the authority to grant you appropriative use of water for commercial purposes. From your letter, Rim Rock Lodge has been in existence since 1933 and this may qualify the lodge for a vested right. Vested Rights can only be obtained by going through the application process.

The following information needs to be submitted and clarified in order to process the application you submitted on October 11, 1991.

1. On Item No. 2 of the application, please indicate the maximum diversion rate in gallons per minute.
2. On Item No. 4, please indicate the quarter-quarter (40 acre parcel) section, township and range for both the Spearfish Creek diversion point and the spring.
3. The application must be signed and notarized.
4. On the type of application, you indicated vested right. In order to qualify for a vested right, the water must have been applied to beneficial use prior to March 2, 1955. If this is the case, then the enclosed Affidavit of Water Use form must be completed, signed, and notarized. The filing fee for a vested right application will be \$15.00.

5. The map submitted needs to reference the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance.
6. If any wells are used by the lodge they should be included on the application as a point of diversion.

Upon receipt of the above, further processing of your application will continue.

I realize that the water permitting process may be somewhat confusing to you so if you have any questions, please do not hesitate to contact me.

Sincerely,



Eric Gronlund
Water Rights Division
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

November 25, 1991

Rim Rock Lodge
Clara C. Ziebart
PO Box 365
Spearfish SD 57783

Dear Mrs. Ziebart:

We have received the additional information which you submitted in regard to your water permit application for the Rim Rock Lodge.

The map is being returned because 1) the actual location of the government section corner or quarter corner needs to be indicated on the map, 2) the location of both points of diversion (Spearfish Creek and the spring) needs to be marked on the map.

On Item No. B of the Affidavit of Water Use, would it be possible to determine a specific year. The vested right claim must be advertised for a specific year. Item No. E must also be completed. Please indicate the maximum diversion rate in gallons per minute diverted from the well in the 1930's. Do you believe the diversion rate is the same now as in the 1930's? The vested right claim will be based upon the amount diverted in the 1930's.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

South Dakota

GREAT FACES. GREAT PLACES.

January 30, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Rim Rock Lodge
Clara C. Ziebart
PO Box 365
Spearfish SD 57783

Dear Mrs. Ziebart:

In regard to your water permit application submitted on October 11, 1992, we now have the necessary map for processing the vested water right claim for Rim Rock Lodge.

The filing fee for the vested water right claim is \$15.00. Upon receipt of the fee, the application will be processed. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

#184 *I enclosed please find check in amount of \$15.00. Sorry it was "slow coming"; we were in Washington for surgery and then had a death in the family.*

May I have a copy of your map, please?
Thank you.
Clara C. Ziebart



United States
Department of
Agriculture

Forest
Service

Spearfish
Ranger
District

2014 N. Main Street
Spearfish,
South Dakota 57783
(605) 642-4622

Reply To: 2540/2720

Date: April 6, 1992

RASSOOL AHADI
DEPT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
JOE FOSS BLDG 523 E CAPITOL
PIERRE SD 57501



Dear Mr. Ahadi:

Thank you for your phone call of March 30, 1992, concerning the water rights on the spring currently used by Clara and Walter Ziebart at the Rimrock Lodge. In this letter I will restate what we discussed and try to clarify the Forest Service's position concerning the Ziebart's use of the spring.

The Forest Service has never authorized Rimrock's (Ziebart's) use of the spring. Rimrock Lodge had merely tied into a spring system which was an included part of a special use permit issued to Alice Dickey for a recreation residence. I have included copies of the front pages of both the Dickey permit and the Ziebart permit. As you will note, the Dickey permit clearly authorizes a catch basin and pipeline while the Ziebart permit does not list a catch basin or spring as authorized improvements.

Recently, the Dickey cabin property came under private ownership as part of the Homestake Land Exchange. As a result, the Dickey special use permit has been revoked. Ms. Dickey and the other Spearfish Canyon cabin owners who acquired their property in the land exchange have been granted a period of five years to develop alternate water sources and to remove all spring improvements from National Forest lands. It is Forest Service policy to issue special use permits only when it is determined that the use is in the best interest of the public. For this reason, we have not been issuing new permits for private use of springs and have been attempting to eliminate existing permits whenever possible. One additional concern the Forest Service has is that the reliability and the quality of water provided by springs for household use is questionable at best.

As you read the copies of the permits you will also see that each is a short term permit. As previously mentioned, the Dickey permit has already been revoked due to the land exchange. The Ziebart permit is scheduled to terminate on 12/31/96 and is not planned for renewal.





We appreciate your cooperation in this matter and if you should have any further questions please contact Galen Roesler at this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Ries", written over a large, loopy flourish.

PAUL RIES
District Ranger

Enclosures

cc:Corinne Darrow, S.O.

Gr:gr



Caring for the Land and Serving People



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 1992

Clara Ziebart
Rim Rock Lodge
PO Box 365
Spearfish, SD 57783

RE: Vested Water Right Application No. 1542-1, Rim Rock Lodge

Dear Ms. Ziebart:

Enclosed please find a copy of the report in regard to the
above-referenced matter.

If you have any questions, please feel free to write or call.

Sincerely,

Jaci R Konop

Jaci R Konop
Senior Secretary
Water Rights Division
(605) 773-3352

Enclosure

Report on Vested Water Right Application No. 1542-1
Rim Rock Lodge
March 27, 1992

Background

Vested Water Right Application No. 1542-1 requests validation of a claim for appropriation of 0.045 cubic feet of water per second (20 gallons per minute) from Spearfish Creek and a spring. The diversion point on Spearfish Creek is located in the E1/2 NE1/4 Section 4, and the spring is located in the N1/2 NW1/4 Section 3, all in T5N-R2E, in Lawrence County. Water has been used as a water supply for the lodge since January of 1933.

Discussion

Staff inspection of non-community water uses in the state showed that Rim Rock Lodge did not have a water right to appropriate water from Spearfish Creek and/or the spring.

The diversion point on Spearfish Creek is located below Homestake's diversion points. According to a document obtained from Homestake Mining Company, the permit to establish Rim Rock Lodge was given to a Margaret Bridge in January of 1933. Water from Spearfish Creek has been used for the cabins since 1933. No document exists showing that water from the spring has been used since 1933.

The spring is located on US Forest Service lands. There is no easement or permit from the US Forest Service allowing Rim Rock Lodge to use the spring water. According to a document obtained from the US Forest Service, Rim Rock Lodge has never had a permit from the Forest Service to use the spring. According to the US Forest Service, no new water use permit will be issued and those who have a water use permit will need to find another water source within the next five years. The Forest Service is also concerned with the poor water quality of the spring.

According to the Office of Drinking Water, public surface water users (similar to Rim Rock Lodge) must comply with the drinking water standards.

Section 74:04:05:51, Drinking Water Standards states:

Filtration and disinfection-General requirements.

"Filtration is required as a treatment technique for public water systems supplied by a surface water source or by groundwater under the direct influence of surface water..."

The deadline to comply is approximately one year after the system has been inspected. The Office of Drinking Water has not yet inspected the lodge's drinking water distribution system.

The applicant uses a pump to divert water from Spearfish Creek into a storage tank. Water from the spring flows under gravity into the storage tank.

Conclusions

1. Water from Spearfish Creek has been used since 1933.
2. Diversions from Spearfish Creek will not adversely affect downstream water uses.
3. The applicant does not have a water use permit from the US Forest Service for the spring.
4. The existing drinking water distribution system of the lodge may not meet the drinking water standards. The applicant must comply with the drinking water standards.
5. It is recommended that Vested Water Right Application No. 1542-1 be validated for 20 gallons per minute (the pump capacity) from Spearfish Creek with a priority date of January 1, 1933.

N. Rassool Ahadi / 

N. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1542-1, Rim Rock Lodge

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 Validation of Vested Water Right Application No. 1542-1, Rim Rock Lodge, c/o Clara Ziebart, PO Box 365, Spearfish, SD 57783.

The Chief Engineer is recommending VALIDATION of Application No. 1542-1 for 0.045 cfs (20 gallons per minute) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1933, 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 subject to the following qualification:

That validation of No. 1542-1 is subject to compliance with Water Management Board Rules Chapter 74:04:05, Drinking Water Standards.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 23, 1992



**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.

April 30, 1992

Clara Ziebart
PO Box 365
Spearfish, SD 57783

Dear Ms. Ziebart:

Your Application No. 1542-1 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 Spearfish Daily Queen City Mail printed at Spearfish, SD (Ph # 642-2761). 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.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right 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. We must receive Proof of Publication before the application can be considered.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1992

Spearfish Daily Queen City Mail
Box 7
Spearfish, SD 57783

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1542-1 to be published twice. Please publish the notice on May 8, 1992, 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 Rim Rock Lodge, PO Box 365, Spearfish, SD 57783 (Ph # 642-3192).

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. The permit application cannot be considered 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: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application 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 May 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1542-1 to Appropriate Water

Notice is given that Rim Rock Lodge, PO Box 365, Spearfish, SD 57783 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute (0.045 cubic feet of water per second) from Spearfish Creek located in the E 1/2 NE 1/4 Section 4; and a spring located in the N 1/2 NW 1/4 Section 3; all in T5N-R2E. The water use has a claimed priority date of January 1, 1933, and is used as a commercial water supply for the Lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1542-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1933, 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. 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 this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 May 26, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1542-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 4, 1992, 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 June 4, 1992, 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 May 26, 1992.

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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application 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 this application or to assure access to the hearing by the handicapped.

This application is 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, 46-2A-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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.

Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; 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 first publication being made on the 8 day of May 1992 and the last publication on the 15 day of May 1992 that the full amount of fees charged for publishing same, to-wit: The sum of \$68.08, insures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

B. T. Masterson Jr.

Subscribed and sworn to before me this 15 day of May 1992.



Ardith Johnson
Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING To Validate Vested Water Right Application No. 1542-1 to Appropriate Water

Notice is given that Rim Rock Lodge, P.O. Box 365, Spearfish, SD 57783 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute (0.045 cubic feet of water per second) from Spearfish Creek located in the E 1/2 NE 1/4 Section 4; and a spring located in the N 1/2 NW 1/4 Section 3; all in T5N-R2E. The water use has a claimed priority date of January 1, 1933, and is used as a commercial water supply for the Lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1542-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1933, 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. 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 this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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recommendation is contested, the June 4, 1992, hearing date will be rescheduled for a regularly scheduled Board hearing. 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 June 4, 1992, 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 May 26, 1992.

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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Anyone filing a petition and/or the applicant have the right to be represented by a lawyer and present evidence or cross-examine witnesses according to SDCL 1-2-1. 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 this application or to assure access to the hearing by the handicapped.

This application is 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, 46-2A-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; 46-6-3.1, 46-6-6.1, 46-6-6.2; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

S-671

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

1542-1

Rim Rock Lodge
P.O. Box 365
Spearfish, SD 57783

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 1542-1. 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,

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

enclosures

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Bonnie, US Forest Service** File No. **1542-1**
Address: **Spearfish** County: **Lawrence**
Date: **January 31, 2001** Telephone: **(605) 642-4622**
RE: **Use of a spring on Forest Service property under VR 1542-1.**

Comments:

VR 1542-1 Rim Rock Lodge authorizes commercial use of 0.045 cfs of water form Spearfish Creek and a spring. The spring is on Forest Service property. The Forest Service wants the water right holder to quit using the spring as a source of water because of a settlement agreement signed by the water right holder some years ago. The agreement said that Rim Rock Lodge would quit using the spring by 2001. The agreement was reached when Rim Rock Lodge's special use permit expired with the Forest Service.

Bonnie wanted to know if the vested right gave them the right to get the water on Forest Service land. I told her that typically a water right does not release the permit holder from acquiring any other necessary permits. It also does not necessarily give them the right to trespass to get the water. However there may be a prescriptive easement issue here. It is hard to tell because of the signed settlement agreement. I discussed this with Diane Best and she agreed. Bonnie will keep water rights informed as to what action the Forest Service will take.

A handwritten signature in black ink, appearing to read "Lynn Beck". The signature is fluid and cursive, with the first name "Lynn" being more prominent than the last name "Beck".

Lynn Beck
Natural Resources Engineer



Concerns Rim Rock Lodge's VR 1542-1
One of the div. pts. is on Forest Service Land.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 7, 2001

Bonnie Jones
U.S. Forest Service
2014 N. Main
Spearfish, SD 57783

Dear Ms. Jones:

I am responding to your request for clarification on South Dakota Water Rights Law and the authority they provide to someone using a permitted water source. A Water Right holder is responsible for any other legal requirements or access easements necessary to construct and use the project. If access to a diversion point is required, an agreement must be worked out between the landowners. However SDCL 46-7-3 states that for the purpose of making repairs, the owner of a water right may enter upon the lands where the works are located, taking care to avoid unnecessary damage, and shall pay the owner of the lands for any actual damage which is caused.

If you have any questions, please feel free to contact me at (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist
Water Rights Program

1542-1

Smith, Miranda

From: Dewell, Amanda
Sent: Tuesday, May 27, 2025 9:34 AM
To: Smith, Miranda
Subject: FW: [EXT] Rim Rock Lodge water rights transfer (Permit 1542-1)

Miranda,

Since the name of the business holding the water right is not changing, we don't need them to file any ownership xfer paperwork; however, we need to update the name of the contact and corresponding contact information in WR Info.

Feel free to print the email chain and include in the file as well.

Thank you,

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



From: rriley@rushmore.com <rriley@rushmore.com>
Sent: Tuesday, May 27, 2025 9:28 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Riley <rriley@rushmore.com>
Cc: Geoff Ziebart <geoff@ziebartconsulting.com>; vacation@rimrocklodge.com
Subject: Re: [EXT] Rim Rock Lodge water rights transfer (Permit 1542-1)

Good morning Amanda,

This is Roger Riley, the new owner of Rim Rock Lodge.

My email address is rriley@rushmore.com

Mailing address is PO Box 101, Spearfish, SD 57783

Thank you,

Roger Riley

On 2025-05-27 07:27, Dewell, Amanda wrote:

| Good morning, Geoff,

I appreciate you facilitating the transfer of Water Right No. 1542-1. So long as the dba remains Rim Rock Lodge, no transfer paperwork or fees will be required; however, I will be looking to confirm names, a preferred mailing address, telephone numbers, and emails for the new owners. My hope is that it can be as simple as them responding to this email.

Thank you,

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



From: Geoff Ziebart <geoff@ziebartconsulting.com>
Sent: Sunday, May 25, 2025 12:51 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: rriley@rushmore.com; vacation@rimrocklodge.com
Subject: [EXT] Rim Rock Lodge water rights transfer (Permit 1542-1)

Hello Amanda –

I apologize for the weekend email, but wanted this to be in your inbox after the holiday. I hope you are having / will have had a nice weekend.

Per our conversation earlier this year, this email confirms that my family has sold Rim Rock Lodge in Spearfish Canyon to Riley Homes, LLC and transferred the d/b/a Rim Rock Lodge as part of the transaction to the new owner (see attached). As you mentioned, so long as the business continues to operate as Rim Rock Lodge, the state-vested water rights (spring and surface) will transfer to the new owner. Attached for both you and Roger Riley (cc'd hereto) – the new owner – is a comprehensive history of the water rights at Rim Rock.

I have cc'd Roger to this email in the event there is any further communication you need to have with him. Thanks for all your help.

Best,

Geoff

Geoff Ziebart
Partner, Ziebart Consulting
geoff@ziebartconsulting.com
(202) 271-2321