

Considered: _____

WATER PERMIT NO. 1546-1

Phone: 584-4613

Name of Applicant: Homestake Mining Company

Post Office Address: PO Box 777, Lead SD 57754

Amount of Water Claimed: 12 gpm - 0.026 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lawrence

About near miles of Cheyenne Crossing

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-10-92 Fee: \$50 Remarks _____

Corrected Application Received 4-2-92 Period of Annual Use May 30 - Sept 1

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

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

Diversion Point: NW 1/4 NW 1/4 Sec 22-T4N-R2E

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 5 1/2' REMARKS no log available

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

Assigned on 4-2-92 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT No. 1546-1**

Date of first receipt of application February 10, 1992.

Date of return to applicant for corrections, amendments or changes
February 11, 1992.

Date of receipt of corrected application April 2, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1546-1 to Homestake Mining Company, PO Box 777, Lead SD 57754 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. 1546-1 appropriates 12 gallons per minute (0.026 cubic feet of water per second) from one well (Spearfish Creek Alluvium) 5 1/2 feet deep located in the NW 1/4 NW 1/4 Section 22-T4N-R2E.
2. The water appropriated shall be used for the purpose of supplying water to the Wickiup Cabin Camp 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: May 30 - September 7.
4. The date of approval of Permit No. 1546-1 is August 4, 1992.
5. The date from which applicant may claim right is February 10, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

NOV 17 1992

date

No. 1546-1 Hydrologic Unit 10120203
 Map No. _____ Basin Belle Fourche
 Newspaper Lead Daily Call, Box 876 57754

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 Mining Company of California Phone No. 584-4613
 having a place of business at,
 Post Office Address P.O. Box 777, Lead State SD 57754
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 12 gallons per minute 0.0026

3. Source of water supply Groundwater

4. Location of point of diversion S1/2NW⁴, Sec 22, T4N, R2E (see attached map for further detail).

_____ County Lawrence

5. Counties where water will be used Lawrence

6. Annual period during which water is to be used May 30 - Sept 7
Memorial Day to Labor Day

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 is an existing well that has been used for an undetermined amount of time. We have no record of how long that has been, so I would feel safe in saying that the well was probably dug about the same time the original improvements were constructed on the property.

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.

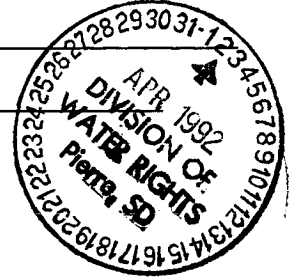
Signed James B. Wainwright

Subscribed and sworn to before me this 6th day of February 1992

Karen L. Everett
 Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6' x 6' SQUARE Depth 5 FEET 6 inches
- b) Casing Type CEMENT BLOCK Diameter 6' x 6' inside Thickness SQUARE
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2 FEET
- f) Depth to Water (ground surface to water level) unknown
- g) Distance to nearest existing domestic well:
- On applicants property 200 yards plus On property owned by others approx. 200 yards

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 _____

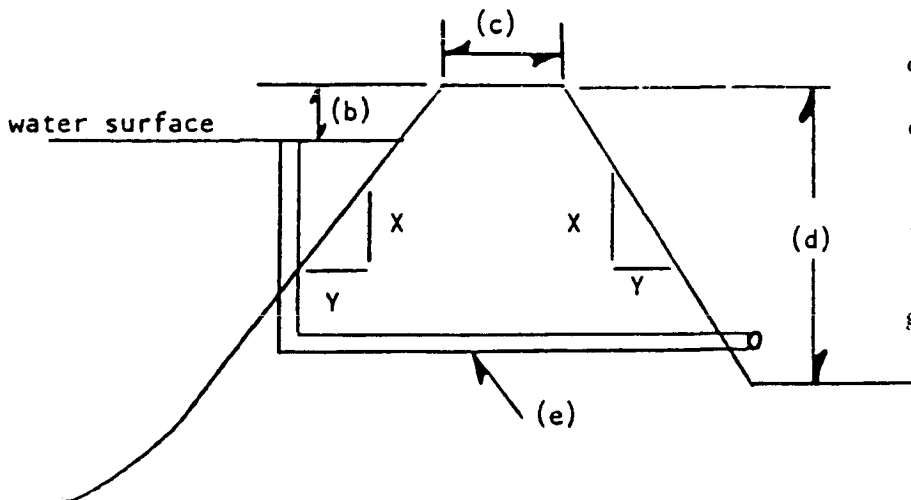
g) X & Y Slope
Upstream _____

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

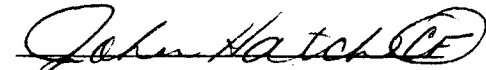
413107

Pierre, _____, March 2, 19 92

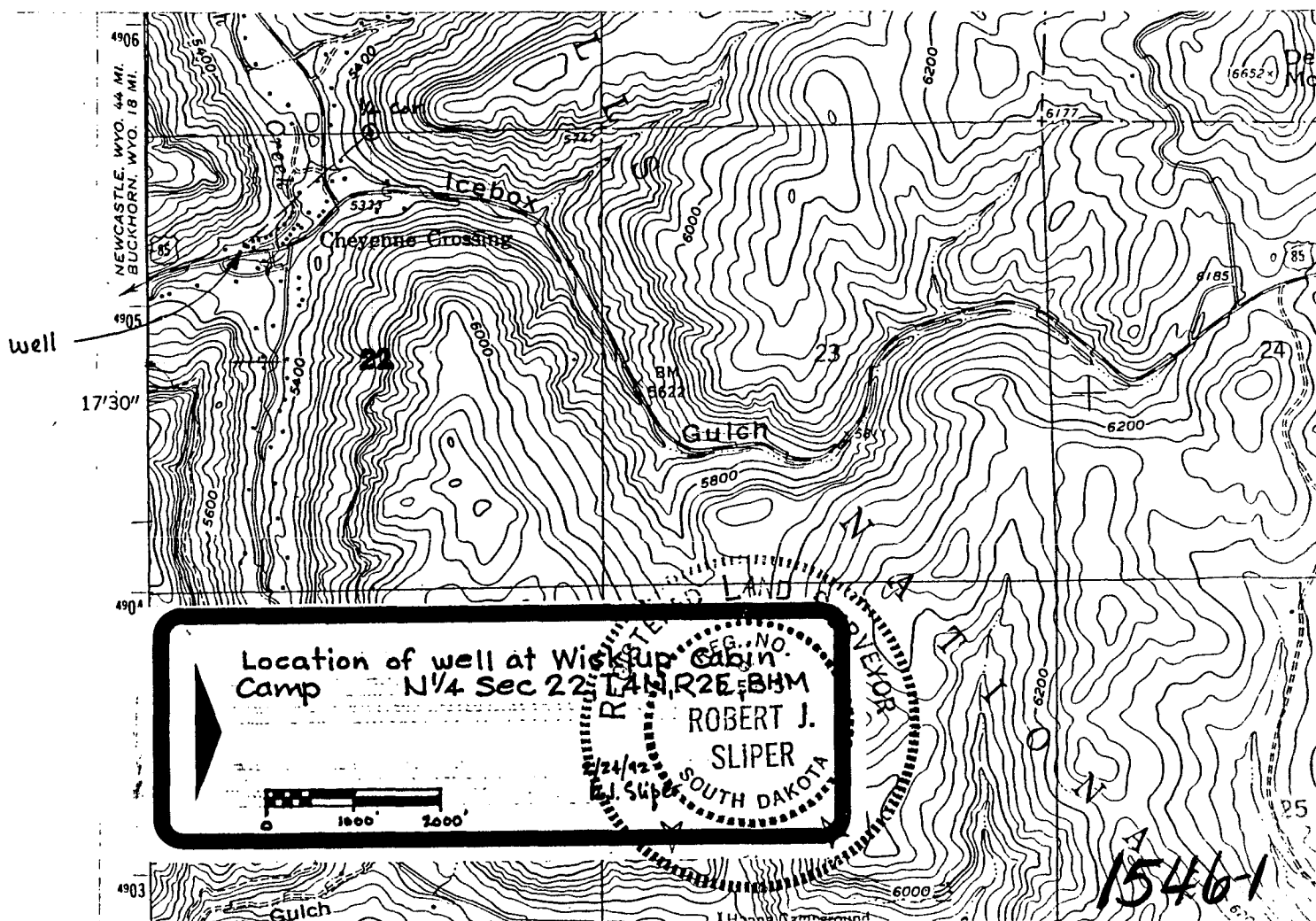
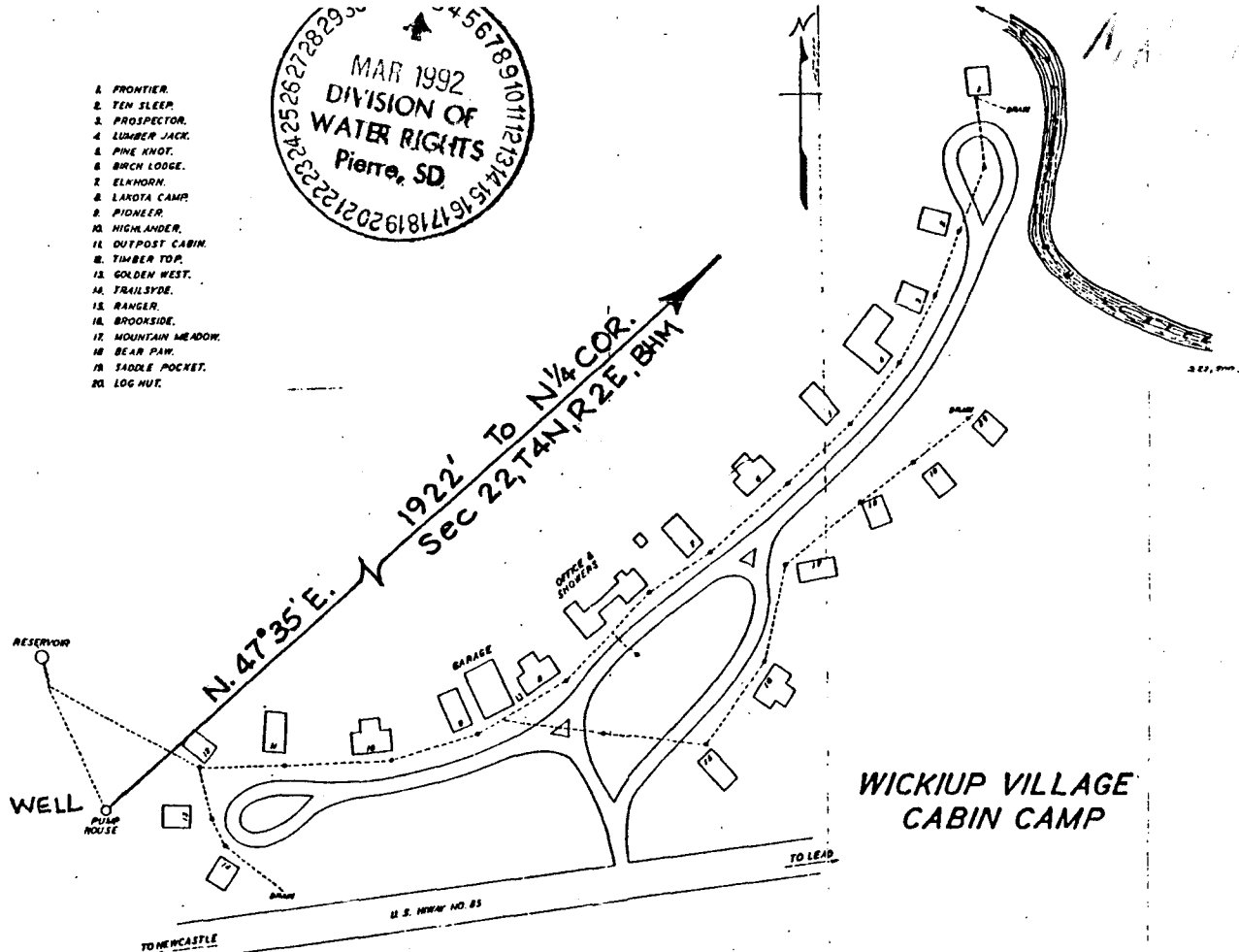
RECEIVED OF Homestake Mining Company, Lead, SD

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

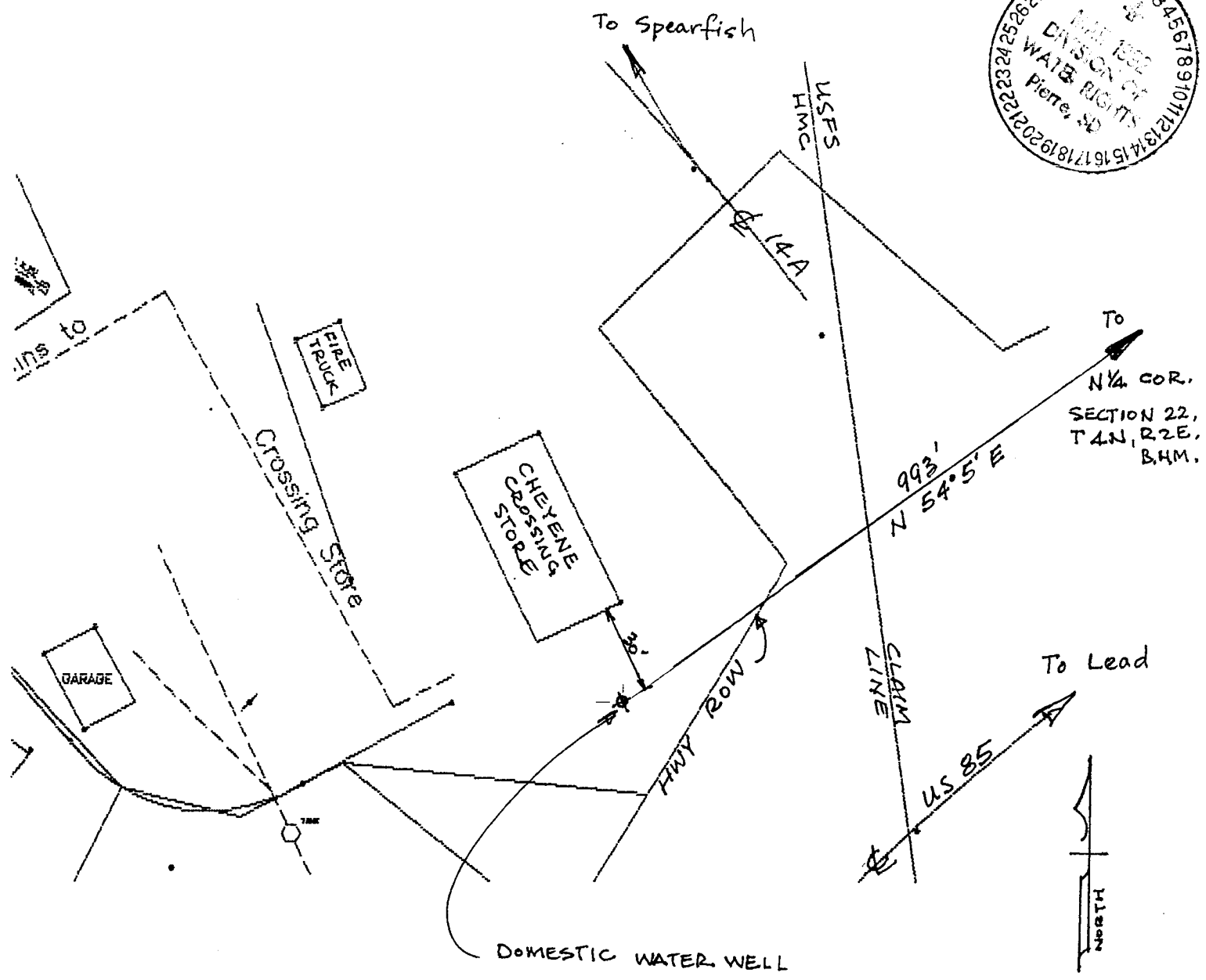
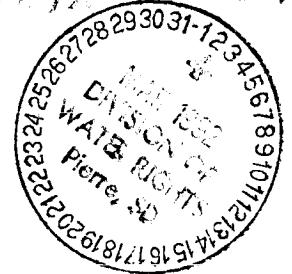
Fee for Application for Permit No. <u>1546-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for 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

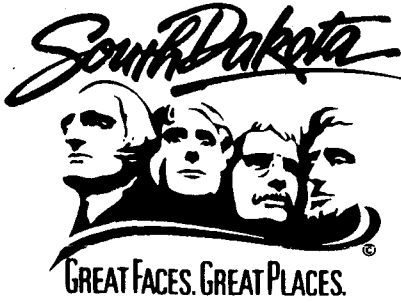
1. FRONTIER.
2. TEN SLEEP.
3. PROSPECTOR.
4. LUMBER JACK.
5. PINE KNUT.
6. BIRCH LODGE.
7. ELKHORN.
8. LANDA CAMP.
9. PIONEER.
10. HIGHLANDER.
11. OUTPOST CABIN.
12. TIMBER TOP.
13. GOLDEN WEST.
14. TRAILSYDE.
15. RANGER.
16. BROOKSIDE.
17. MOUNTAIN MEADOW.
18. BEAR PAW.
19. SADDLE POCKET.
20. LOG HUT.



1546-1



Robert J. [Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1992

Homestake Mining Company
James B Wainwright
PO Box 777
Lead SD 57754

Dear Mr. Wainwright:

In regard to the two water permit applications received on February 10, 1992, the following information needs to be submitted and clarified in order to process your application.

1. The maps for each application must show 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. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. The applications indicate industrial use. It would appear that the application for the Wickiup Village Cabin Camp would be commercial use. Is this correct? I can not determine what the other application is for.
3. Enclosed are the two checks for \$150.00. The filing fee for each application will be \$50.00 because they are both requesting less than 45 gallons per minute.

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

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1992

Homestake Mining Company
James B Wainwright
PO Box 777
Lead SD 57754

Dear Mr. Wainwright:

We have received the filing fee and maps for the two applications submitted for Homestake Mining Company. Enclosed are the Form 2A's "Supplemental Information" submitted with the applications. I realize that you do not have well logs for the two wells, but it will be necessary to know the drill hole diameter, well depth and any other information you can obtain for each well. I have checked our well log files and could not find logs for either of the two legal descriptions.

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

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Report on Water Permit Application No. 1546-1
Homestake Mining Company
May 28, 1992

Background

Homestake Mining Company has filed an application to appropriate 12.0 gallons per minute (gpm) of water (0.026 cubic feet of water per second) from a well 5 1/2 feet deep. The well is located in the NW1/4 NW1/4 Section 22, T4N-R2E, in Lawrence County. Water is for commercial use at the Wickiup Cabin Camp.

Discussion

According to the applicant, water has been used for "an undetermined amount of time." The applicant, however, is not sure of the exact year of the first continuous water use to claim a vested right.

The well is located approximately 200 feet north of Spearfish Creek. According to a log for a well located along Spearfish Creek in the SE1/4 NE1/4 Section 16, T4N-R2E, sand and gravel along the creek has a thickness of approximately 20 feet with the static water level at 7 feet.

The well is located in the Spearfish Creek flood plain. Due to the depth and the proximity of the well to Spearfish Creek, the well is mainly recharged by the creek.

There is no well log for the well.

The main water user in the area is Homestake Mining Company. Water Right No. 137-1 is authorized to divert 75 cfs from Spearfish and Little Spearfish Creeks for power generation purposes. The diversion point is located approximately 5 miles below the diversion point for Application No. 1546-1.

The United States Geological Survey (USGS) gauging station, near Cheyenne Crossing, approximately 1/4 miles downstream from the well, shows a maximum discharge of 30.0 cfs and a minimum daily discharge of 9.0 cfs.

Conclusions and Recommendations

1. According to the applicant, water has been used for many years.
2. Homestake Mining Company is the main water user from Spearfish Creek.
3. Flow records for Spearfish Creek show that water is available to recharge the well.

4. Well interference should not be a problem.
5. It is recommended that Water Permit Application No. 1546-1 be approved with no qualifications.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1546-1, Homestake Mining Company

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. 1546-1, Homestake Mining Company, c/o James Wainwright, PO Box 777, Lead, SD 57754.

The Chief Engineer is recommending APPROVAL of Application No. 1546-1 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) it is in the public interest.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 29, 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.

June 30, 1992

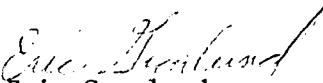
James Wainwright
Homestake Mining Company
PO Box 777
Lead, SD 57754

Dear Mr. Wainwright:

Water Permit Application Nos. 1545-1 and 1546-1 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 (Ph # 584-2303). 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 1992

Lead Daily Call
Box 876
Lead, SD 57754

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1545-1 and 1546-1 to be published twice. Please publish the first notice on July 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 Homestake Mining Company, PO Box 777, Lead, SD 57754 (Ph # 584-4613).

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 applications until proof of publication has been received.

Sincerely,

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 July 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 1545-1 and 1546-1 to Appropriate Water

Notice is given that Homestake Mining Company, PO Box 777, Lead, SD 57754 has filed applications for water permits.

Water Permit Application No. 1545-1 is to appropriate 25 gallons per minute (0.055 cubic feet of water per second) from one well (Quaternary Alluvium) 12 feet deep located in the SW 1/4 NW 1/4 Section 9-T4N-R2E. The water is for commercial use at the Spearfish Canyon Lodge.

Water Permit Application No. 1546-1 is to appropriate 12 gallons per minute (0.026 cubic feet of water per second) from one well (Spearfish Creek Alluvium) 5 1/2 feet deep located in the NW 1/4 NW 1/4 Section 22-T4N-R2E. The water is for commercial use at the Wickiup Cabin Camp.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1545-1 and 1546-1 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 applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the 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 applications.

Any person interested in opposing or supporting the 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 recommendations. 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 July 27, 1992. 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. 1545-1 and 1546-1 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for August 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the August 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 August 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 applications. The request for an automatic delay must be filed by July 27, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the 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 this application 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, 46-2A-20, 46-2A-21; 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 duly sworn, his oath says: That The LEAD DAILY CALL/DEADWOOD PIONEER-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

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive week the respective publications thereof being made on July 15 19 92 and on _____ 19 _____

and the last publication thereof on July 15 19 92 and that the full amount of fees charged for publishing same, to-wit: the sum of \$ 36.03 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 15 day of July 19 92

Ardith Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96

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see back

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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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-3.4, 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.

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NOV 17 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

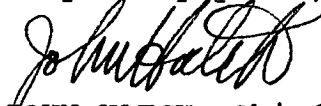
James B. Wainwright
Homestake Mining Company
PO Box 777
Lead, SD 57754

Dear Mr. Wainwright:

Enclosed are Water Permit Nos. 1545-1 and 1546-1 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 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 1994

1546-1
1546A-1

Riley Barker
Niwot Capitol Group
PO Box 939
7969 Niwot Road
Niwot, CO 80544

Dear Mr. Barker:

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Permit Nos. 1546-1 and 1546A-1. These permits currently listed in the name of Homestake Mining Company, are for the Wickiup Cabin Camp. It is our understanding that you now own the camp.

Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

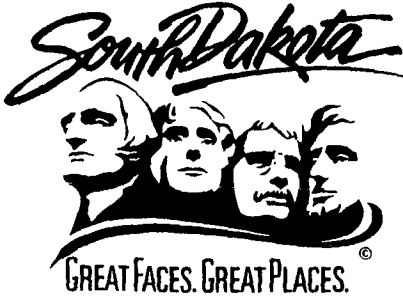
Water Permit Nos. 1546-1 and 1546A-1 will be transferred to you as soon as the forms and filing fee are returned to our office. I have enclosed a copy of each of the permits. You may keep them for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 1994

1546-1
1546A-1

Riley Barker
Niwot Capitol Group
PO Box 939
Niwot, CO 80544-0939

Dear Mr. Barker:

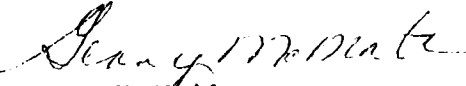
Enclosed are the "Notice of Transfer of Ownership" forms you submitted for filing an ownership change on Water Permit Nos. 1546-1 and 1546A-1.

Near the top of the forms, the line entitled **"be transferred to: (name & address) (Telephone No)"** needs to be completed. I could complete this section for you with the name and address on the letter, however, I am not sure if this is how you would like your permits to read.

A \$2.50 filing fee is required for filing a "Notice of Transfer of Ownership". Please remit a total of \$5.00 (\$2.50 each) along with the completed transfer forms. We can begin processing the ownership changes upon receipt of the forms and filing fees.

If you have any questions, please contact me.

Sincerely,


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

enclosures

RECEIPT

414301

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 17, 19 94

RECEIVED OF Riley Barker, Niwot Capitol Group, PO Box 939, Niwot, CO 80544-0939

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. 1546-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

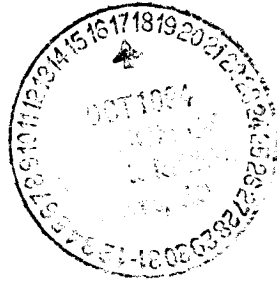
By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1546-1

Date: _____



I\We request that Water Permit No. 1546-1

formerly owned by: Homestake Mining Company, PO Box 777, Lead, SD 57754

be transferred to: (name & address) WICKIUP / Adelphi Partners, L.P.
(Telephone No) 605 584 3382

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

well location: NW 1/4 NW 1/4 Section 22, T4N, R2E (Wickiup Cabin Camp)

I\We understand that the validity of Water Permit No. 1546-1 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 _____)

I\We RILEY BARKER 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 30th day of September, 19 94.

[Signature]
(Notary Public)
my term expires 3/11/96

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 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

November 8, 1994

No. 1546-1
1546A-1

Riley Barker
Niwot Capitol Group
P.O. Box 939
Niwot, CO 80544-0939

Dear Mr. Barker:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1546-1 and 1546A-1.

Our records now show Wickiup/Adelphia Partners, L.P. as the owner of Water Permit Nos. 1546-1 and 1546A-1.

Sincerely,

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

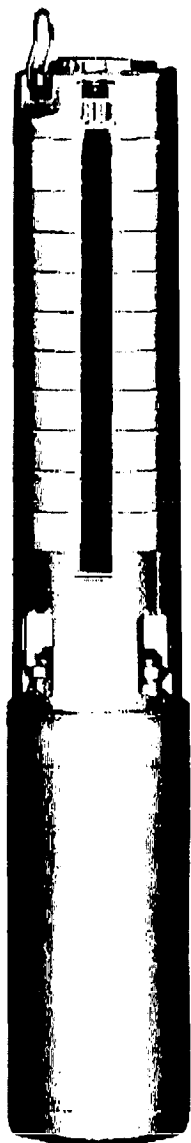
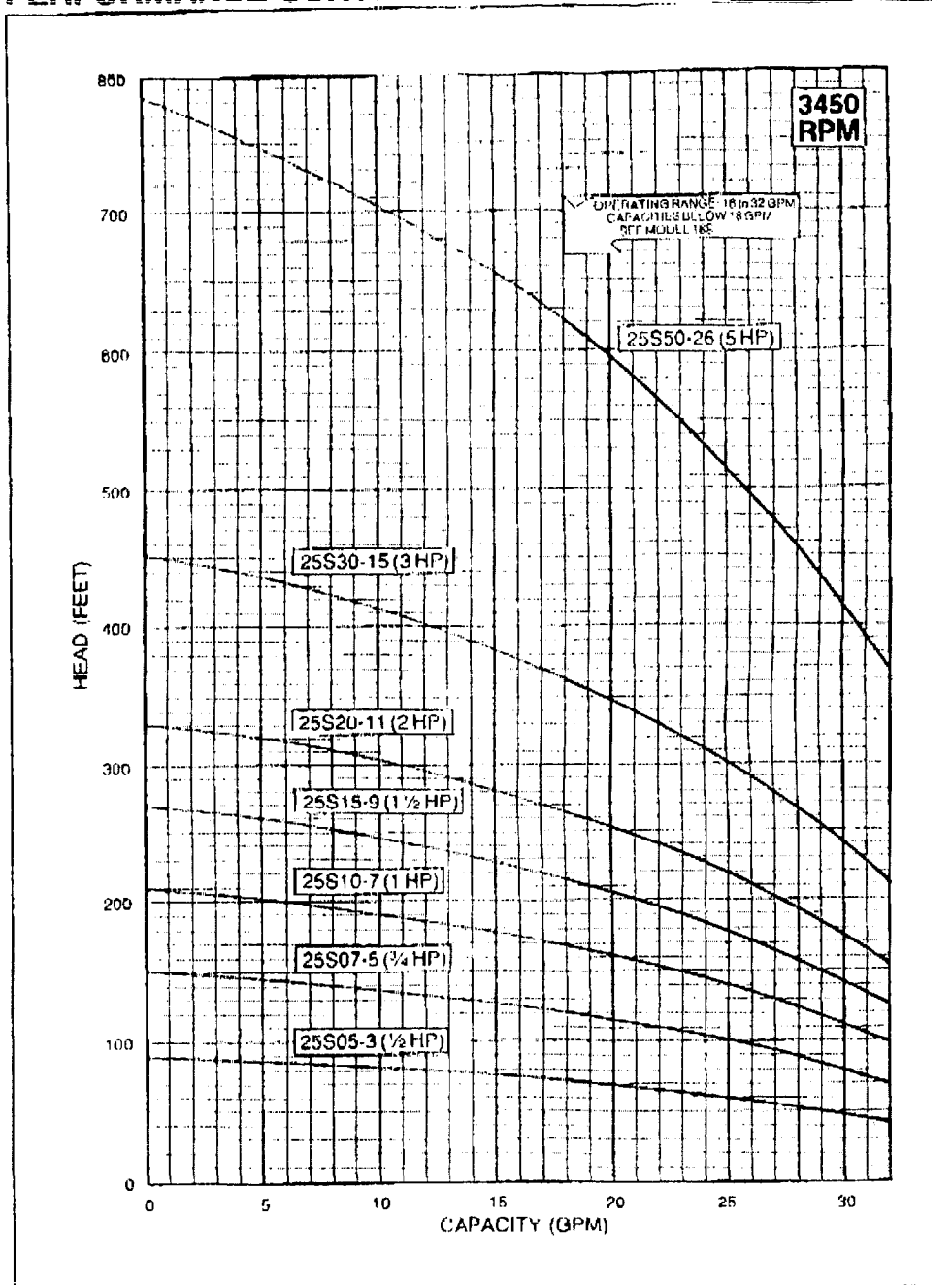
enclosure

From : SHARKEY PLUMBING & HEATING

PHONE No. : 6427423

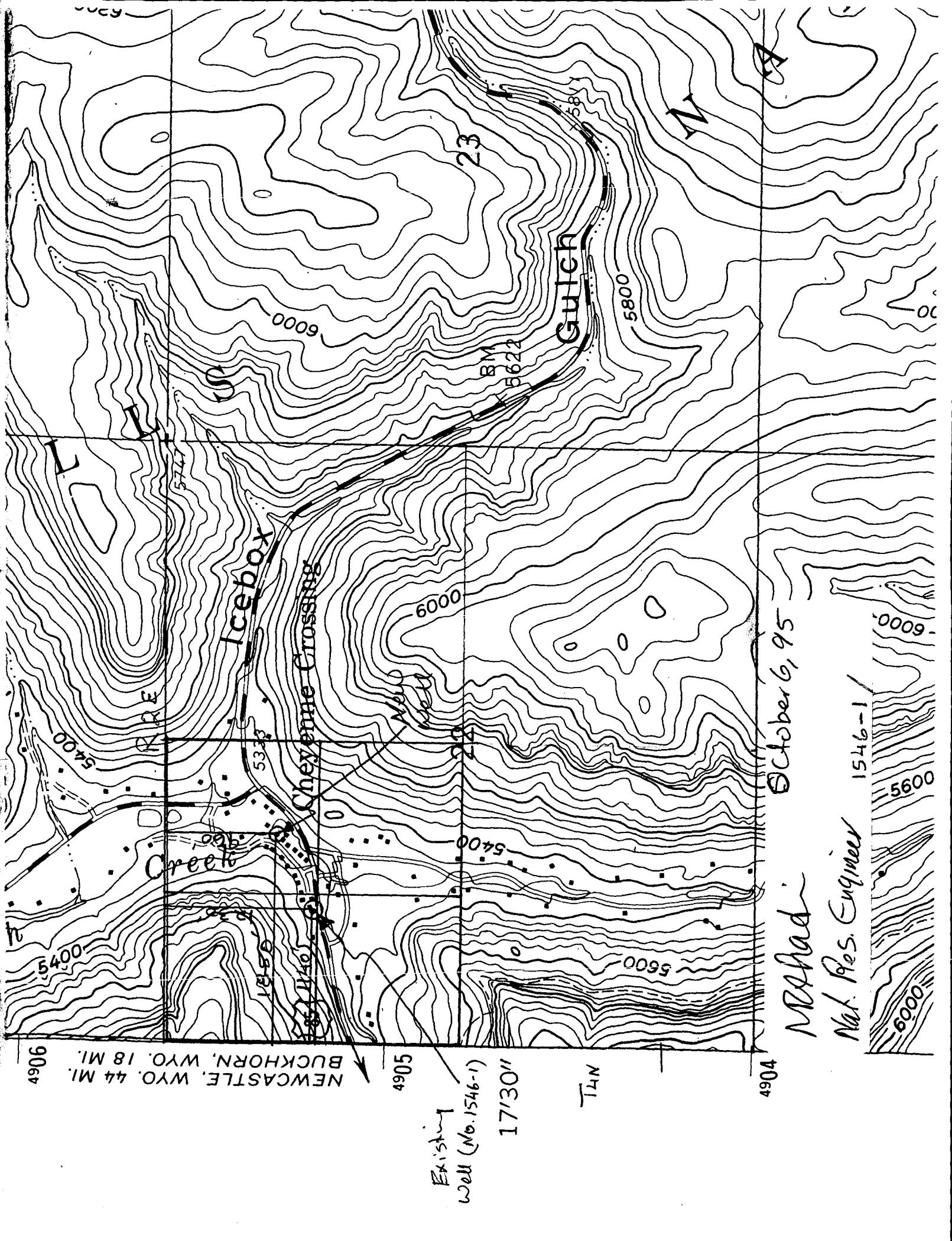
Sep. 18 1995 11:13AM P01

FAX TRANSMITTAL # of pages 4 including cover
FROM Deb TO: Mr. Ahadi
SHARKEY PLUMBING & HEATING
418 S. 32nd St Co
Spokane, ID 57783
605-642-7473 phone: 773-4068
605-642-8506 fax:

**MODEL
25S****25 GPM****GRUNDFOS**FLOW RANGE
18 to 32 GPMPUMP OUTLET
1½" NPT**PERFORMANCE CURVES****DIMENSIONS AND WEIGHTS**

MODEL NO.	HP	LENGTH (INCHES)	WIDTH (INCHES)	APPROX. UNIT SHIPPING WT. (LBS.)
25S05-3	½	19 ¾	3 15/16	28
25S07-5	¾	21 ¾	3 15/16	28
25S10-7	1	24 1/8	3 15/16	29
25S15-9	1 ½	28	3 15/16	34
25S20-11	2	28 7/8	3 15/16	37
25S30-15	3	39 1/8	3 15/16	59
25S50-26	5	51 1/8	3 15/16	76

Specifications are subject to change without notice.



4906

NEWCASTLE, WYO. 44 MI.
BUCKHORN, WYO. 18 MI.

4905

Existing
Well (No. 1546-1)

17'30"

T4N

4904

October 6, 95

NRShad

Nat. Res. Engineer 1546-1

6000
5600
5400
5200
5000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 17 1996

1637-1

Pat Peters
Wickiup/Adelphia Partners, L.P.
P.O. Box 939
Niwt, CO 80544-0939

Dear Mr. Peters:

Enclosed is Water License No. 1637-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414922 in the amount of \$50.00 which you paid for the investigation 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. 1637-1, 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

NOTE: The applicable portions of Nos. 1546-1 and 1546A-1 have been incorporated into this Water License No. 1637-1.