

Considered: _____

WATER PERMIT NO. 1560-1

Phone: 642-2220

Name of Applicant: Richard D. Sleep

Post Office Address: HC 66, Box 14, Spearfish SD 57783

Amount of Water Claimed: 35 gpm 0.078 cfs Total Acres: _____

Source of Water Supply: spring and 1 well

Water to be used for: commercial use County: Lawrence

About 7 miles SW of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-14-92 Fee: \$50 Remarks _____

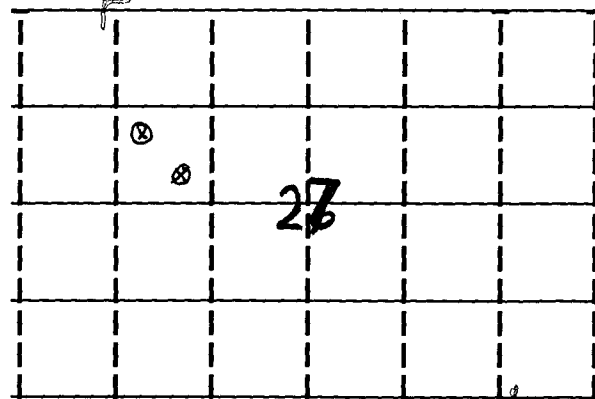
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NW 1/4 Sec 27-T1E-R5N

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 50' REMARKS no log available

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

Assigned on 9-22-92 By Karen Schlaak

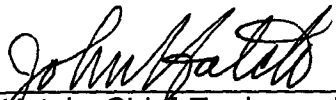
**SOUTH DAKOTA
WATER PERMIT NO. 1560-1**

Date of first receipt of application September 14, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1560-1 to Richard D. Sleep, HC 66, Box 14, 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. 1560-1 appropriates 35 gallons per minute (gpm) (0.078 cubic feet of water per second) from a spring located in the SW 1/4 NW 1/4 Section 27-T5N-R1E. This permit also authorizes 35 gpm diversion from one well (Deadwood Formation) 50 feet deep also located in the SW 1/4 NW 1/4 Section 27-T5N-R1E to be utilized as a backup water source. The combined diversion rate from the well and spring authorized by this permit shall not exceed 35 gpm.
2. The water appropriated shall be used for the purpose of supplying water at the Iron Creek Lake Store, cabins and a campground 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. 1560-1 is December 2, 1992.
5. The date from which applicant may claim right is September 14, 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: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 12 1993
date

523 E. Capitol
Pierre, SD 57501
(605) 773-3352
 No. 1560-1 Hydrologic Unit 10120203
 Map No. _____ Basin Belle Fourche
 Newspaper Spearfish Queen City Mail, Box 7

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant RICHARD D. SLEEP Phone No. 642-2220Post Office Address HC 66, BOX 14, SPEARFISH State SD Zip Code 57783
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 35 g.p.m. (0.078 cfs)3. Source of water supply UNDER GROUND SPRING + 1 WELL4. Location of point(s) of diversion SW 1/4 NW 1/4 SEC 27, T12, R5W, T5N, R1ECounty LAWRENCE5. Counties where water will be used LAWRENCE6. Annual period during which water is to be used JAN 1 TO 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)

WATER IS USED FOR A STORE, 2 CABINS AND A CAMPGROUND

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, Richard D. Sleep 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 Richard D. SleepSubscribed and sworn to before me this 10 day of September 1992TVA M. WALDRON, Notary Public
My Commission Expires September 10, 1993

Notary Public

Supplemental Information

IRON CREEK LAKE STORE

(type or print in ink)

SPRING
1. **Well Information - Proposed Construction**

- a) Drill Hole Diameter 3' Depth 8'
b) Casing Type CONCRETE Diameter _____ Thickness _____
c) Screen Type _____ Diameter _____ Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material _____
f) Depth to Water (ground surface to water level) _____
g) Distance to nearest existing domestic well:
On applicants property ~~1400'~~ 900' On property owned by others 3 1/2 MILES

2. **Dugout Information**

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

3. **Water Storage Dams**

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

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

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

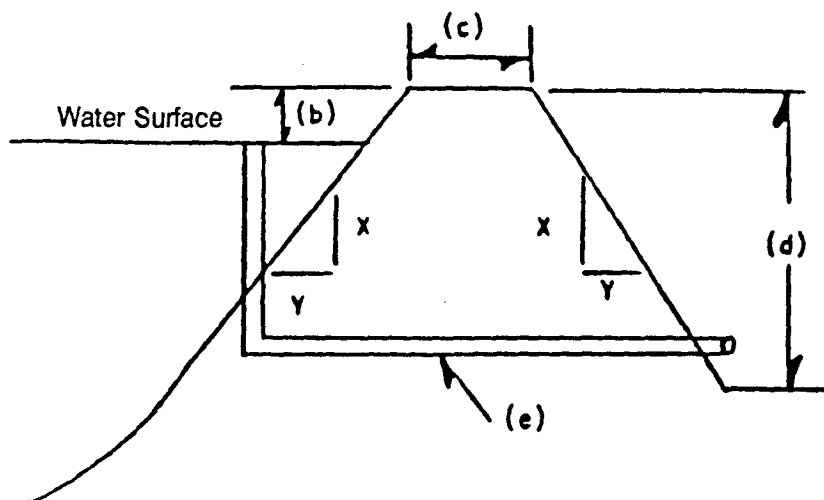
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



Supplemental Information*Iron Creek Lake Store*

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 50' NO WELL LOG AVAILABLE
- b) Casing Type steel Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 3½ miles

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 _____

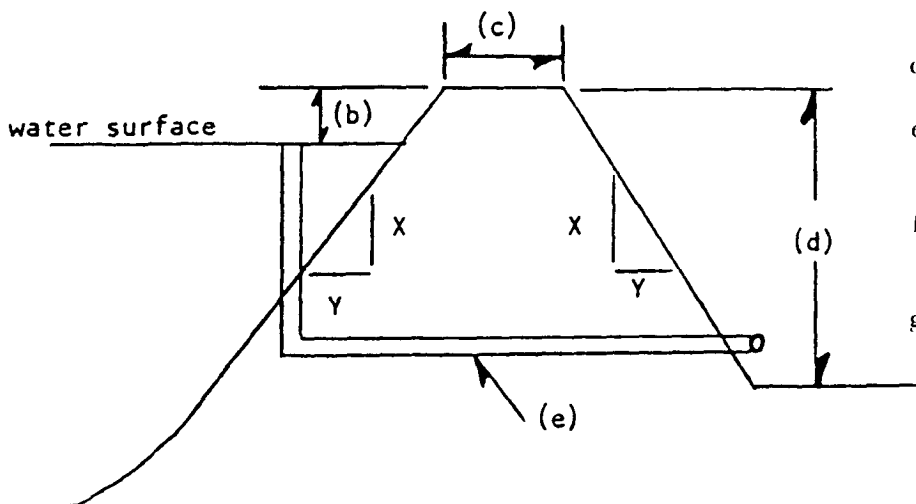
g) X & Y Slope
 Upstream _____

Downstream _____

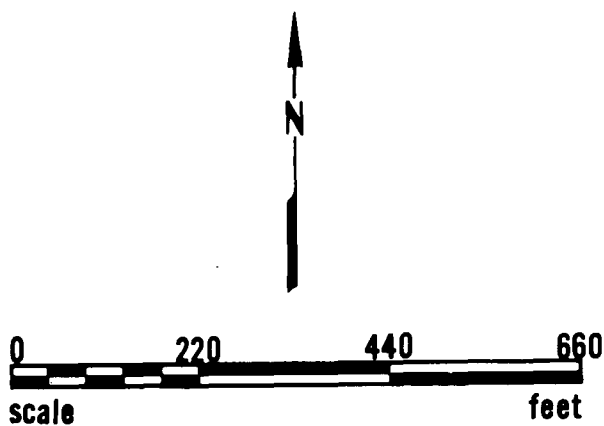
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



 Signature of Applicant



SPEARFISH 10 miles

SOUTH DAKOTA
DEPARTMENT OF GAME, FISH AND PARKS
IRON CREEK LAKE

LAWRENCE COUNTY

1986

SYMBOLS

-  FISHING ACCESS
-  BOAT LAUNCH
-  SWIMMING AREA
-  DAM
-  SPILLWAY
-  — 4 — DEPTH CONTOUR
-  GRAVEL ROAD
-  FOREST
-  EMERGENT VEGETATION

WATER LEVEL : 5444 MSL

MILES OF SHORELINE : .9

AVERAGE DEPTH IN FEET : 14.4

PLANIMETERED LAKE ACREAGE : 21.6 ac

MAP DATA

FIELD DATA COLLECTED : 6/25/86

AERIAL PHOTO NO.: 46081-180-61 L

AERIAL PHOTO DATE : 1980

SECTION : 27

TOWNSHIP : T.5N.

RANGE : R.1E.

SCALE : 1:220

VOLUME IN ACRE FEET :

depth	ac/ft
4	80.2
8	66.4
12	52.2
16	40.6
20	30.8
24	21.2
28	12.8
32	6.5
34	1.1
TOTAL	311.8

$44^{\circ}22'30''$

SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 27, ~~T5N, R1E~~ ^{T1N-R5E}

SPRING - 940' N AND 430' E
OF W $\frac{1}{4}$ CORNER

WELL - 470' N AND 1030' E
OF W $\frac{1}{4}$ CORNER

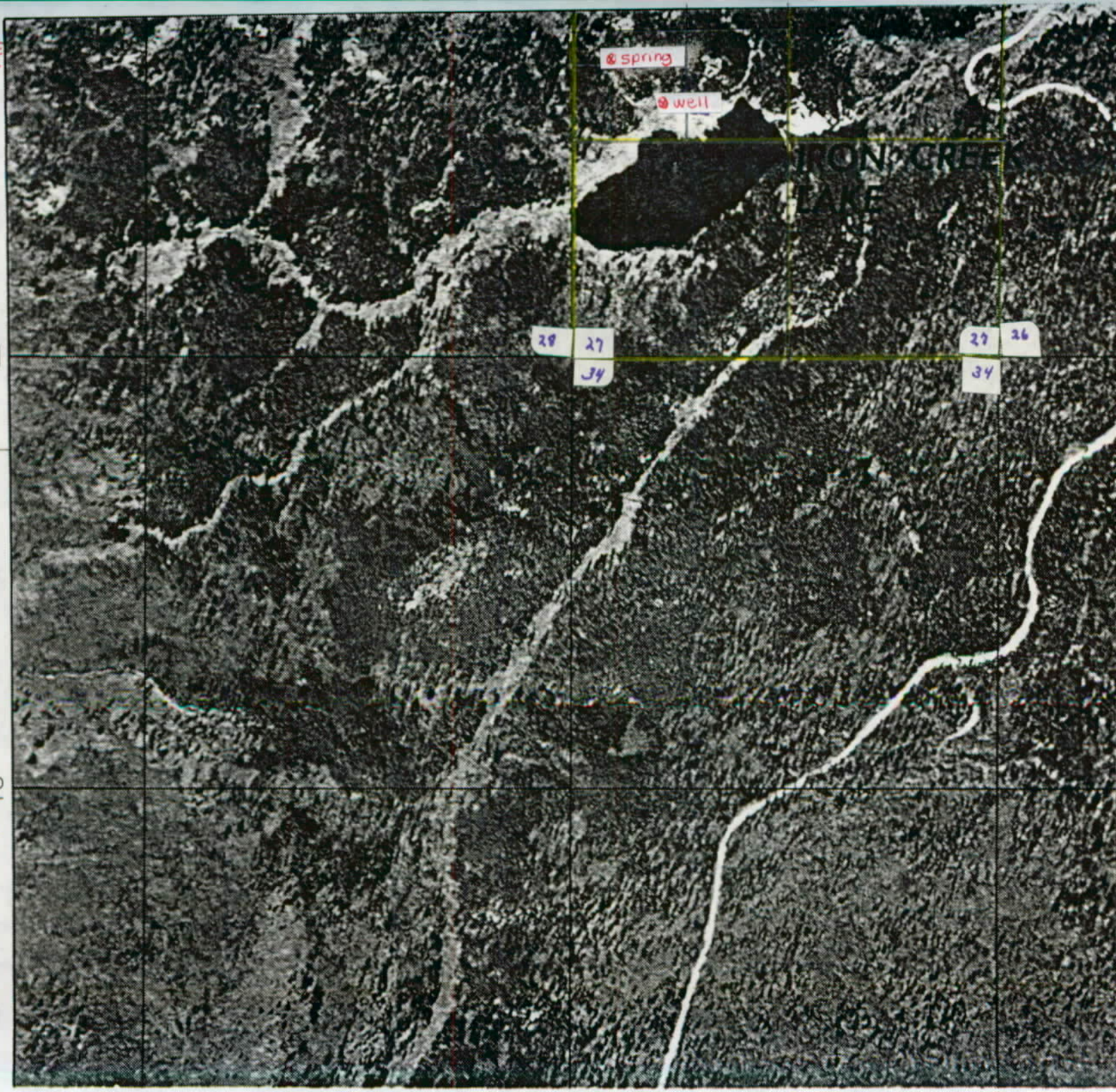
4913000m N

Prepared by:

4912

Don Frape
Natural Resources Analyst
Water Rights Division, DWR
May 27, 1992

Appl. No. 1560-1



RECEIPT

413432

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 17, 19 92

RECEIVED OF Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1560-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

South Dakota School of Mines and Technology
(Survey of Non-Community Water Supply)

ID# 4600672

Survey taken by DON BACHAND

Survey date 5/29/

Is system active or inactive ACTIVE

If inactive, deactivation date NIA

Deactivation reason NIA

Location of NC PWS 18th SW OF SPEARFISH

Type of NC PWS (campground, motel, resort, etc.) CAMPGROUND AND STORE

Name of NC PWS IRON CREEK STORE AND CAMPGROUND

NC PWS mailing address RR 2, SPEARFISH Telephone # 642-5851

Name of Operator/Manager PATRICK AND JANICE CRANGLE

Owner of NC PWS RICHARD AND KAREN SLEEP

Owner's mailing address STAR ROUTE, SUNDANCE

Type of owner: private (☒) city () state () federal () other ()

County NC PWS located in LAWRENCE Seasonal operation dates JUN-AUG

Number of people served: Average daily 10 Peak daily 45

Comments on type of people (transient vs. permanent) TRANSIENT

Water source (well, spring, lake, river, other) SPRING AND WELL

Source name UNKNOWN

Visual inspection of water source (comments) NIA

Observation of owner/operator making a turbidity test (if source is a surface supply). (comments) NIA

Surface Area Characteristics LOCATED IN THE BLACK HILLS
NATIONAL FOREST WITH GRAVEL ROADS,
GRASSED AREAS AND PINE TREES.

South Dakota School of Mines and Technology
(Survey of Non-Community Water Supply)
Page 2

Wells: drilled (☒) bored () dug () driven ()

Well depth 50'

Casing material STEEL

Casing diameter APP. 6" Height casing top above ground N/A

Grouted UNKNOWN Grouted to what depth UNKNOWN

Date of well construction UNKNOWN

Distance to: Septic tank 100 FT Disposal field 100 FT.

Is well situated in a pit or depression where it will be subject to flooding

NO

Any known private sewage systems nearby NO

Any known source of contamination NO

Pump:

Well pump type SURF Capacity UNKNOWN GPM

Number of service connections 1 - STORE

Pumphouse floor/ housekeeping OLD WOOD FRAME WITH A
WET CONCRETE FLOOR

Storage:

Size and type of storage 20 GALLON

Cover/manhole conditions (overlapping cover?) N/A

Overflow and vents screened NONE

Distance from pits/ contamination/ drainage N/A

General condition AVERAGE

Pressure Tanks:

N/A

Treatment:

Type of treatment: filtration () softening () disinfection () other ()
none (☒ describe other _____)

Type of filtration N/A

Type of disinfection N/A

Type of softening N/A

Noted defects (if any) in the treatment facility N/A

Chlorine Residual Test: Time and date sample taken N/A

Test conditions and location N/A

Test equipment N/A

Test results N/A

Turbidity Test: Time and date sample taken N/A

Test conditions and location N/A

Test equipment N/A

Test results N/A

Coliform Test and Nitrate Test: Time and date sample taken 3:35 PM 5/29

Test conditions and location CLEAN KITCHEN SINK

Name of lab TRAVIS LAB

Time and date sample received 5-29-84

Results COLIFORM BACTERIA = < 1 / 100 ml

NITRATE NITROGEN = < 0.1 ppm

Block diagram of system:



Short report on system:

THE CAMPGROUND AND STORE ARE SUPPLIED BY A SPRING LOCATED ON A HILL ABOVE THE STORE. THE SPRING WATER FLOWS INTO A SMALL STORAGE TANK WHICH IS ABLE (BECAUSE OF ITS ELEVATION) TO MAINTAIN PRESSURE AT ALL OUTLETS. THE WELL IS ONLY USED PART TIME. IT WAS NOT IN OPERATION AT THE TIME OF THE SAMPLING.

SURVEY OF NON-COMMUNITY WATER SUPPLY

Survey performed by Barbara Larsen, Natural Resource Analyst

Date 5/21/91

Person contacted Karen Sleep, Owner and Manager

NC PWS DATA -

Name of NC PWS IRON CREEK LAKE STORE AND CAMPGROUND

ID Number 0672

Location of NC PWS South west of Spearfish on Forest Service Road 134

Type (campground, motel, restaurant, etc.) CG, store, trailers

NC PWS Mailing Address & Phone HC 66, Box 14

Spearfish, SD 57783

642-2220

Operator/Manager Karen and Richard Sleep

Operator/Manager Address & Phone Same as above

Owner Karen and Richard Sleep

Owner Address & Phone Same as above

Type of owner: Private (X) City () State () Federal () Other ()

County NC PWS located in Lawrence

Seasonal operation dates Memorial Day to Labor Day and Dec 15 - Mar 15

Number of people served: Average daily Unknown

Type of people (transient vs. permanent) Transient

Number and listing of service connections 10--store and nine outdoor
spigots

WATER SOURCE & SOURCE ID -

Type of source Well

If surface, inspection of water source and turbidity test NA

Water rights and legal description None found for Iron Creek Lake
Store and Campground

SOURCE DATA -

Depth 8' Diameter 3' Casing Material Concrete

Date of construction At least 50 yrs ago

Is source in a pit or depression subject to flooding? No

Height of casing above ground 36"

Location of source(s) Up a small draw from the campground

Distance to: Septic tank By the store Lagoon NA
Any private sewage systems nearby Pit toilet by the cabin located by the source.
Any known or possible source of contamination Possibly from the pit toilet
Comments Mrs. Sleep said the water level in the casing stays very constant. She said she thought the pit toilet was lined and was pumped out periodically. Septic tank by the store is pumped out yearly. Spring is upgrade from the septic tank and the lake.

PUMP & STORAGE DATA -

Well pump type NA Capacity (GPM) NA
Condition of pump house NA
Size & type of storage 2500 gallon ground concrete (GC)
Overlapping covers Yes Overflows screened *
Vents screened Yes Cover locked Yes
Distance from possible sources of contamination Not a problem
Condition of storage facilities Good
Comments Water free flows into the casing and is pumped into the GC. Two inch line from source to reservoir. *Water overflows underground

TREATMENT -

Type of Treatment: Disinfection () Softening () Filtration ()
Other () None (X)
Type of Disinfection Periodically add bleach to source
Separate room ; Positive mechanical ventilation ;
Restraints ; Self contained air pack ; Scale present
Other chemicals stored in chlorine room
Type of Softening NA
Type of Filtration NA
Other NA
Noted defects None
Comments

Chlorine residual: Location of tap and result NA
Coliform sample: Location of tap and result None taken
Nitrate sample: Location of tap and result Store kitchen 0.2 ppm
Turbidity test: Location of tap and result NA

OPERATOR CERTIFICATION -

Classification of water system: NA Water Distribution

NA Water Treatment

Are the necessary certificates held by an operator? NA

Test kits present at system None

Are up-to-date reagents present? NA

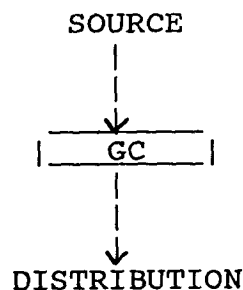
What tests and their frequency are performed by the operator? NA

Records kept concerning the water system Lab analyses

Total annual use Unknown

Comments

FLOW DIAGRAM OF SYSTEM -



DIRECTIONS TO IRON CREEK LAKE STORE AND CAMPGROUND: Take Kelly Inn exit. Continue on Jackson until directed to college and turn right. Go a couple of blocks to the Black Hills State sign and you will curve to the left. You will be driving around the campus to the dorms and then turn left. past the sawmill and continue to the edge of the sawmill property and turn left at Iron Creek Lake sign. This is Forest Service Road 134. It is approximately 12 miles back. Watch for the signs because you have to make a couple of turns.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 1991

IRON CREEK LAKE STORE
RICHARD SLEEP
HC 66 BOC 14
SPEARFISH SD 57783

Dear MR. SLEEP:

I am contacting you regarding the possibility that you need a permit to appropriate water for water use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

The enclosed "Summary of South Dakota Water Law and Water Right Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by August 9, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 9, 1991

RICHARD SLEEP
IRON CREEK LAKE STORE
HC 66 BOC 14
SPEARFISH SD 57783

Dear MR. SLEEP:

I am writing to follow-up on my July 2, 1991 letter concerning the requirement to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply.

Based on information we have received from the Office of Drinking Water, we believe you may need a water permit. A water permit must be obtained for any water use except for domestic uses. Water use by commercial businesses, such as campgrounds, tourist attractions, resorts, cafes, gas stations, etc. must be permitted regardless of the amount or type of water use. Schools using more than 18 gallons of water per minute must also be permitted. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 11, 1991.

If you need assistance completing the application forms or if you do not believe you need a water permit, please contact Don Frye at (605) 773-3352.

Thank you for your attention to this matter.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

RICHARD SLEEP
IRON CREEK LAKE STORE
HC 66 BOC 14
SPEARFISH SD 57783

Dear MR. SLEEP:

I am writing to follow-up on my July 2, 1991 and September 9, 1991 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building.

An existing business or institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

We have previously sent you water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501". If you have questions, or don't believe you need a water permit, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 1992

Richard Sleep
Iron Creek Lake Store
HC 66 Box 14
Spearfish SD 57783

Dear Mr. Sleep:

I am writing this letter as a follow-up to the visit I made to your business on May 27, 1992. At that time, I was under the impression you were going to complete the application I left you, but I have not heard from you.

I would appreciate your attention to this matter. If you need further assistance, please feel free to call me at 605-773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

Report on Water Permit Application No. 1560-1
Richard D. Sleep
September 28, 1992

Background

Water Permit Application No. 1560-1 requests appropriation of 35 gallons per minute (0.078 cubic feet of water per second) from one well and a spring located in the SW1/4 NW1/4 Section 27, T5N-R1E, in Lawrence County. Water is for commercial use at the Iron Creek Lake Store, 2 cabins, and a campground.

Discussion

According to an inspection conducted on May 27, 1992, by Don Frye, Natural Resources Analyst, water from the spring is transported through a 1 inch Polyvinyl Chloride pipe (PVC) to a 2500 gallon buried concrete storage tank. Water from the well is pumped into the storage tank. The capacity of the pump is not known. According to the applicant, the well is used as a backup water source and presently is not used.

The well is approximately 50 feet deep. The source of water in the well is probably from the Deadwood Formation of Early Ordovician and Late Cambrian age. The formation consists mostly of soft thin-bedded quartz sandstone, siltstone, and flaggy limestone. Commonly conglomerate, the formation also contains beds of partings of glauconite shale. In the Black Hills area, an aquifer(s) in the Deadwood yields small to moderate amounts of fresh to saline water for livestock and domestic use. Total storage of water in the Deadwood Formation probably exceeds 50 million acre-feet.

The nearest well completed into the Deadwood Formation, is located in the SE1/4 SE1/4 Section 19, T5N-R1E. This well is used for domestic purposes.

Conclusions and Recommendation

1. Water is available from the Deadwood Formation for this application.
2. There are no flow records for the spring.
3. Combined diversion rates from the well and the spring should not exceed 35 gallons per minute.
4. Well interference should not be a problem in this area.

5. It is recommended that Water Permit Application No. 1560-1 be approved with no qualification.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



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

References:

1. **Division of Water Rights Well Logs**, 1992, DENR, Division of Water Rights, Pierre, South Dakota.
2. **Mineral and Water Resources of South Dakota**, 1964, Bulletin No. 16, South Dakota State Geological Survey, Science Center, University Vermillion, South Dakota.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1560-1, Richard D. Sleep

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. 1560-1, Richard Sleep, HC 66 Box 14, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1560-1 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.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 27, 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.

October 30, 1992

Richard D. Sleep
HC 66 Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Water Permit Application No. 1560-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Spearfish 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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1992

Spearfish Queen City Mail
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1560-1 to be published twice. Please publish the first notice on November 5, 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 Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 (Ph # 642-2220).

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 November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1560-1 to Appropriate Water

Notice is given that Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 has filed an application for a water permit to appropriate 35 gallons per minute (gpm) [0.078 cubic feet of water per second] from a spring located in the SW 1/4 NW 1/4 Section 27-T5N-R1E. This application also authorizes 35 gpm diversion from one well (Deadwood Formation) 50 feet deep also located in the SW 1/4 NW 1/4 Section 27-T5N-R1E to be utilized as a backup water source. The combined diversion rate from the well and spring to be authorized by this application, if approved, shall not exceed 35 gpm. The water is for commercial use at the Iron Creek Lake Store, 2 cabins and a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1560-1 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 this application and the chief engineer will issue the permit 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 November 23, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 this application based on the facts presented at the public hearing. The December 2, 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 November 23, 1992.

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 Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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-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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

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 5 day of Nov, 1992 and the last publication on the 12 day of Nov, 1992 that the full amount of fees charged for publishing same, to-wit: The sum of \$64.33, 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.

Subscribed and sworn to before me this 12 day of Nov, 1992.



Ardith Johnson
Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING on Application No. 1560-1 to Appropriate Water

Notice is given that Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 has filed an application for a water permit to appropriate 35 gallons per minute (gpm) [0.078 cubic feet of water per second] from a spring located in the SW 1/4 NW 1/4 Section 27-T5N-R1E. This application also authorizes 35 gpm diversion from one well (Deadwood Formation) 50 feet deep also located in the SW 1/4 NW 1/4 Section 27-T5N-R1E to be utilized as a backup water source. The combined diversion rate from the well and spring to be authorized by this application, if approved, shall not exceed 35 gpm. The water is for commercial use at the Iron Creek Lake Store, 2 cabins and a campground.

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(over)

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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 Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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Robert E. Roberts,
Secretary
Department of Environment and
Natural Resources.

November 5, 1992

120



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

Richard D. Sleep
HC 66 Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Enclosed is Water Permit No. 1560-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1993

SECOND NOTICE

Permit No: 1560-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Richard D. Sleep
HC 66, Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

On March 12, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 1560-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1560-1

Richard D. Sleep
HC 66, Box 14
Spearfish, SD 57783

4a. Article Number

P 318 052 522

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

6-4-93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Richard D. Sleep

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

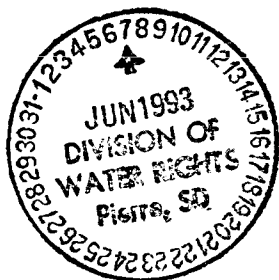
Dear Sir:

check enclosed for final
inspection fee for water license

No. 1560-1

Sorry I thought this had been
paid

Sincerely
Richard D. Sleep



RECEIPT

413794

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, June 7, 19 93

RECEIVED OF Richard Sleep, HC 66 Box 14, Spearfish, SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1560-1</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 John Hatch
Chief Engineer

Permit No. 1560-1
Water District: Belle Fourche River

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 The Iron Creek Lake Store holder of Permit No. 1560-1, bearing the priority of September 14, 1992 authorizing the diversion of 0.078 cu. ft. per second 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:

One spring as the primary supply and one backup well, 50' deep, with a 3/4 HP submersible pump. Water flows from the spring to a storage tank, then gravity fed to the distribution system.

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

One 2500 gallon concrete storage tank connected to the spring by 100' of 1" PVC pipe and 11000' of 1" PVC pipe from the storage tank to the store and campground.

C. Works used to apply water to beneficial use:

The plumbing system of the store and 8 faucets in the campground.

The system is in the following condition fair. The points of diversion are located 940' north and 430' east of the W1/4 corner for the spring and 470' north and 1030' east of W1/4 corner for the well; all in T5N, R1E. (Section 27)

The works are capable of diverting and conveying to the place of use 0.078 cu. ft. per second of water which is to be used for commercial purposes.

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

Water is used in a store and 8 campsites and should be issued for 0.078 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 5/27/92


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

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: NW 1/4 SEC 27, T1E, R5N

dams & structures: _____

2. Well Information: Well Drilling Firm MERLE BONDY (1965)

Completion Report Yes ___ No ___ No. of Wells 1 Depth 50'

Casing a) diameter 6" Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 1"

b) type PVC

c) length 1100'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
---	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	---	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

1560-1

Richard D. Sleep
HC 66, Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Enclosed is Water License No. 1560-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413794 in the amount of \$50.00 which you paid for the 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. 1560-1, 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 Division
(605) 773-3352

gm
enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1560-1

(1) Richard D Sleep, of HC 66 Box 14, Spearfish, SD 57783 made Application No. 1560-1, September 14, 1992 for a water permit to appropriate 0.078 cubic feet of water per second (35 gallons per minute) from groundwater (spring and a well), Lawrence County, South Dakota for commercial purposes. Permit No. 1560-1, with a priority date of September 14, 1992 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.078 cubic feet of water per second for beneficial use. The location of the diversion points are: spring - 940 feet north and 430 feet east of the W 1/4 corner; well - 470 feet north and 1030 feet east of the W 1/4 corner; both in the SW 1/4 NW 1/4 Section 27, T5N, R1E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water use system supplies water to the Iron Creek Lake Store, cabins and a campground.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard D Sleep of HC 66 Box 14, Spearfish, SD 57783 the holder and/or owner of Water Permit No. 1560-1 is issued a license to appropriate water, the right to use 0.078 cubic feet of water per second from groundwater (spring and well) with a priority date of September 14, 1992 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 or qualifications listed in Water Permit No. 1560-1 and subject to South Dakota State Law.



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

JUN 11 1993

