

WATER PERMIT NO. VR 1576-1

Phone: 578-2708

Name of Applicant: Nemo Guest Ranch

Post Office Address: Box 77, Nemo SD 57759

Amount of Water Claimed: 26 gpm 0.057 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lawrence

About _____ miles _____ of _____

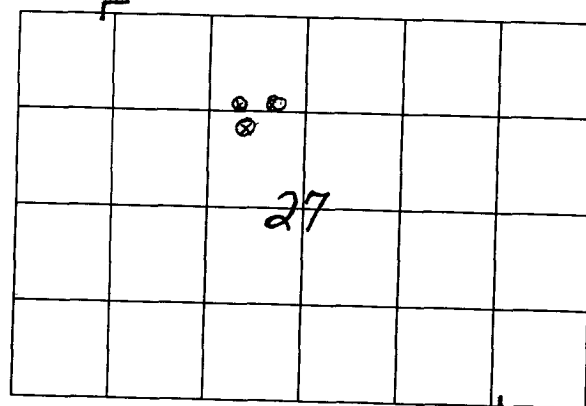
PRIORITY Date Received: 2-5-93 Fee: \$15 Remarks: Priority date of January 1, 1946

Corrected Application Received: 3-10-93 Period of Annual Use: Apr 1 - Nov 30

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

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

Diversion Point: E 1/2 NW 1/4 Sec 27-T3N-R5E



Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 30' REMARKS: well log not available

Type of Map: plat & aerial PREPARED BY: Robert A Rabja, ASCS Reviewed and the Number

Assigned on: 3-11-93 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1576-1

Date of Receipt of Claim February 5, 1993.

Date of Validation June 22, 1993.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1576-1 for Nemo Guest Ranch, Inc., Box 77, Nemo SD 57759 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1576-1 appropriates 26 gallons per minute (0.06 cubic feet of water per second) from three wells (Quaternary Alluvium and Precambrian Rock) 30 feet deep located in the E 1/2 NW 1/4 Section 27-T3N-R5E.
2. The appropriated water is used for supplying water to the guest ranch 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: April 1 - November 30.
4. The priority date of the Vested Water Right is January 1, 1946.
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.

WATER MANAGEMENT BOARD

By: _____

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

AUG 10 1993

date

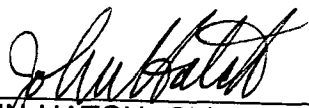
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1576-1

(1) Nemo Guest Ranch, Inc., of Box 77, Nemo, SD 57759, made Application No. 1576-1, February 5, 1993 for validation of a vested right claim to appropriate 0.06 cubic feet of water per second from groundwater (three wells), Lawrence, County, South Dakota, for commercial purposes. Vested Water Right No. 1576-1 was validated June 22, 1993 with a priority date of January 1, 1946. 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 vested right owner is entitled to divert 0.06 cubic feet of water per second for beneficial use. The wells are located in the E 1/2 NW 1/4 Section 27, T3N, R5E.

(3) Pursuant to Section 46-5-30.1 Nemo Guest Ranch, Inc., of Box 77, Nemo, SD 57759 the holders and/or owners of Vested Water Right No. 1576-1 is issued a license to appropriate 0.06 cubic feet of water per second from groundwater (three wells) with a priority date of January 1, 1946 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. 1576-1 and subject to South Dakota State Law.



AUG 10 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

FORM 2: Application for uses other than irrigation

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1576-1 Hydrologic Unit 10120111
Basin Upper Cheyenne
Newspaper Lead Daily Call, Box 876, Lead 57754
(office use only)

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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application:

(check one)

☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Nemo Rust Ranch, Inc. Phone 578-2708
Mailing Address Box 77 Nemo State SD 57759
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.06 *CFS or #1=16 #2+3=10 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 3 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 wells in Tract 4-T
of Nemo Placer M.S. 1368 in NW1/4 Sec. 27 T34N R53E, B.H.M.
E1/2 NW1/4 Sec 27-T3N-R5E County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used April - Nov 30
- Give a description of the 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)

Rust Ranch see enclosed info

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Lawrence)^{ss}

I, Dale Doremann, 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 comply with the provisions of the application.

Signed Dale Doremann

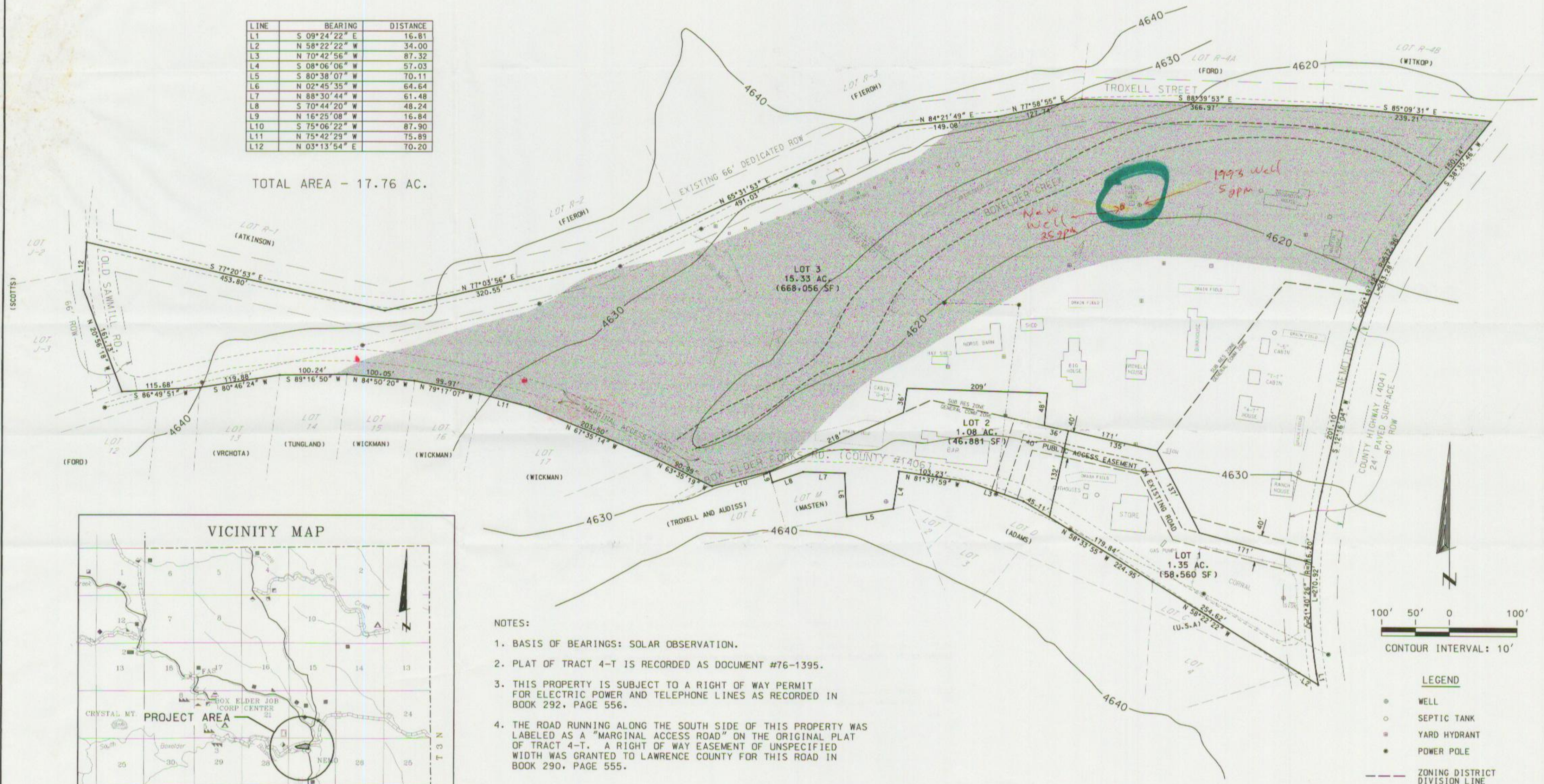
Subscribed and sworn to before me this 2 day of Feb 1993

Rita J. Mathis
Notary Public

PRELIMINARY PLAT
LOT 1, LOT 2 AND LOT 3 OF NEMO GUEST RANCH SUBDIVISION
A SUBDIVISION OF TRACT 4-T OF NEMO PLACER MS #1368,
LOCATED IN SECTION 27, T3N, R5E, BHM, LAWRENCE COUNTY, SD

LINE	BEARING	DISTANCE
L1	S 09°24'22" E	16.81
L2	N 58°22'22" W	34.00
L3	N 70°42'56" W	87.32
L4	S 08°06'06" W	57.03
L5	S 80°38'07" W	70.11
L6	N 02°45'35" W	64.64
L7	N 88°30'44" W	61.48
L8	S 70°44'20" W	48.24
L9	N 16°25'08" W	16.84
L10	S 75°06'22" W	87.90
L11	N 75°42'29" W	75.89
L12	N 03°13'54" E	70.20

TOTAL AREA - 17.76 AC.



NOTES:

1. BASIS OF BEARINGS: SOLAR OBSERVATION.
2. PLAT OF TRACT 4-T IS RECORDED AS DOCUMENT #76-1395.
3. THIS PROPERTY IS SUBJECT TO A RIGHT OF WAY PERMIT FOR ELECTRIC POWER AND TELEPHONE LINES AS RECORDED IN BOOK 292, PAGE 556.
4. THE ROAD RUNNING ALONG THE SOUTH SIDE OF THIS PROPERTY WAS LABELED AS A "MARGINAL ACCESS ROAD" ON THE ORIGINAL PLAT OF TRACT 4-T. A RIGHT OF WAY EASEMENT OF UNSPECIFIED WIDTH WAS GRANTED TO LAWRENCE COUNTY FOR THIS ROAD IN BOOK 290, PAGE 555.

OWNER:

James A. Hansen
 1550 North Main
 Longmont, CO 80501

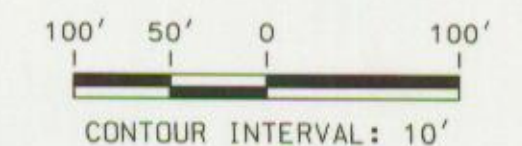
CURRENT ZONING:

POSTAL CODE: SUBURBAN RESIDENTIAL and
 SCHOOL DISTRICT: HIGHWAY SERVICE COMMERCIAL
 ADJACENT OWNERS: NEMO 57759
 CONTOUR LINES: LEAD-DEADWOOD
 TOTAL PLATTED AREA: SHOWN IN PARENTHESIS
 DIGITIZED FROM USGS QUADRANGLE
 17.76 AC.

APPROVAL BY LAWRENCE COUNTY PLANNING COMMISSION

Approved by the Lawrence County Planning Commission
 this _____ day of _____, 2000.

Signed: _____
 Chairman Secretary



LEGEND

- WELL
- SEPTIC TANK
- YARD HYDRANT
- POWER POLE
- - - ZONING DISTRICT DIVISION LINE
- 100 YR. FLOOD ZONE FROM FEMA MAP 460094 0250 B



P.O. BOX 226
 123 E. JACKSON BLVD. SUITE 1
 SPEARFISH, SD 57783

TELEPHONE: (605) 642-4772
 FAX: (605) 642-4773

SURVEY: JDW/GLM	DRAW: JDW/CDK	DATE: 02/01/00	JOB# 3021
DATE: 1999	CHECK:	DATE:	SHEET 1 OF 1

Supplemental Information

(type or print in ink)



1. Well Information - ^{AS}~~Proposed~~ ^{ed}Construction

- a) Drill Hole Diameter 6" Depth 30'
b) Casing Type Steel Diameter 6" Thickness 5/16
c) Screen Type Slotted pipe Diameter 6" Thickness 3/16
d) Gravel Pack Thickness Natural Length of Gravel Pack 8'
e) Depth to Top of Water Bearing Material ?
f) Depth to Water (ground surface to water level) 20'
g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 200 yards

2. Dugout Information

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

3. Water Storage Dams

See other side →

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

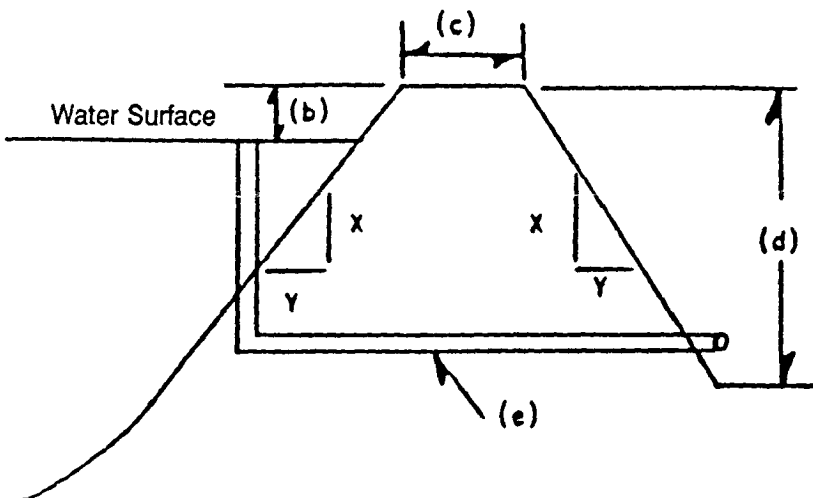
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



These questions were answered with the help of
Don Klapperich of Don's Pump Service, Rapid City, SD.

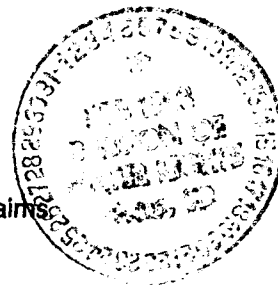
Don services these wells & pumps. The three wells were
in existence before our time. The questions were
answered to the best of our ability.

DRD

Affidavit of Water Use

No. _____

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) Nemo Bros. Ranch, Inc.
- ✓ Mailing Address Box 77 Nemo SD 57759
(Street, RR or Box) (City) (State) (Zip Code)
- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
- ✓ B. Date of start of construction of water supply system ?
- ✓ C. Date that water was first applied to beneficial use ? 1946
- ✓ D. Name of owner of original water supply system ?
- ✓ E. Amount of water originally applied to beneficial use ? 26 GPM
- ✓ F. Present use of water - amount of water now being used 500,000 gal. per yr. ?
Date that this water was first used ?
- ✓ G. Chronological History of Water Use

Nemo was a Home-stake logging town in the late 1800's to early 1900's. It has been a guest ranch since 1946 & has had 5 different owners. It has been operated as a summer tourist resort since 1946.



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, Dale Deierman the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Dale Deierman

Subscribed and sworn to before me Feb 2, 1993

Rita J. Martin
Notary Public

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.

_____, 19____
(Print name)

_____, 19____
(Print name)

RECEIPT

413626

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 8, 1993

RECEIVED OF Nemo Guest Ranch, Inc., Box 77, Nemo, SD 57759

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

Fee for Application for Permit No. <u>1576-1</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	15 00

By John Klatchko
Chief Engineer

Don't know

53

Handwritten notes in cursive script, possibly a list or description of items, including the word "Horse" and "Horse" repeated.

Handwritten number "100" or similar.



Handwritten letter "P" or similar, located in the bottom right corner.

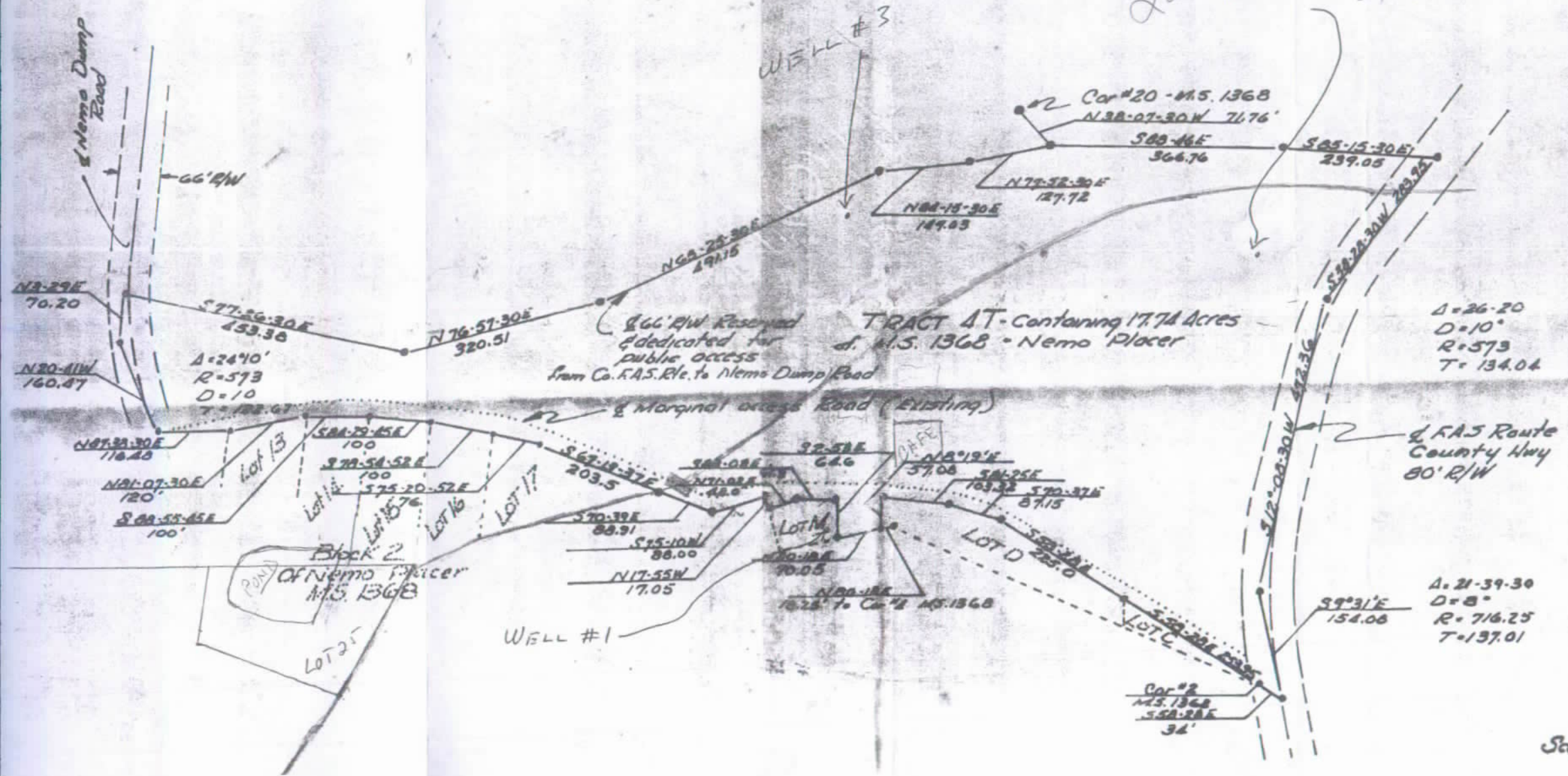
Located in Nemo Placer, Nemo, R. Co., Idaho
(containing 17.74 Acres)



This map certified for
application for a vested
water right
Robert H. Rabjo, CED
Lawrence Co ASCS - USDA
WELL #2 2/1/93

COPY

Appl No. 1576-1



Scale 1"=200'

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 Sec 22 Twp 3 Rg 56County LAWRENCE

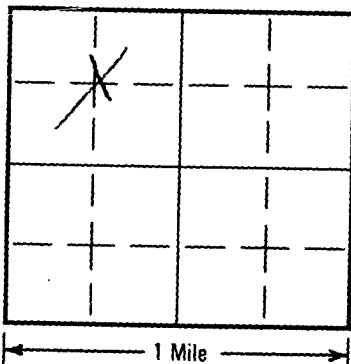
North

Please mark well location with an "X"

W

E

Well Completion Date

2-23-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from Sewer System (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA:

☒ Steel ☐ Plastic ☐ OtherIf other describe 38'-6" steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>6</u> IN	<u>0</u> FT	<u>36</u> FT	<u>8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Part 1-1'</u>	<u>3</u>	<u>14-15</u> lb./gal	<u>0</u> ft.	<u>22</u> ft.
		lb./gal	ft.	ft.

Describe grouting procedure to case pipeSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 6 IN Length 15 FEETMaterial steelSlot Size 1/8 Set From 22 Feet to 37 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Nco. 1 22'

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:Chlorine Solution☐ NO, Why Not?

Laboratory sent to for water quality analysis

Well Owner: Nemo Guest RanchBusiness Name: Jim HansenAddress: P.O. Box 143Nemo, S.D. 57759

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>25</u>
<u>Gravel H₂O - 35gpm</u>	<u>25</u>	<u>35</u>
<u>Quartzite Bk. Hd.</u>	<u>35</u>	<u>68</u>
<u>Quartzite Fractured</u>	<u>68</u>	<u>69</u>
<u>H₂O - 40°-9gpm</u>		
<u>Quartzite Hd.</u>	<u>69</u>	<u>90</u>

STATIC WATER LEVEL 20' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped w/air Describe: 40°-9gpm☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Inc.

Signature of License Representative:

Ry Alexander

Signature of Well Owner or Equitable Property Holder:

X Jim HansenDate: 3/22/00

07-92

County Lawrence

DEC 1993
DIVISION OF
WATER RIGHTS
HONOLULU, HI

Date: 12/21/12

1-21-94

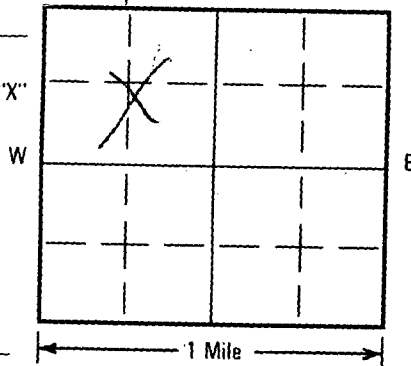
* Laboratory sent to for water quality analysis. Pump will be
this fall. d in Apr 94 & sample sent to Tamm C. T.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 Sec 27 Twp 3 Rg 5E
 County Lawrence

Please mark well location with an "X"



Well Completion Date

6-24-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from Septic (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary Downhole HAMMER

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 60' - 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>6</u> IN	<u>0</u> FT	<u>58</u> FT	<u>8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Port 1-11</u>	<u>5</u>	<u>14-15</u> lb./gal	<u>0</u> ft.	<u>30</u> ft.
		lb./gal	ft.	ft.

Describe grouting procedure PACKER AT 30 ft

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter 6 IN Length 40' - 60' FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? PACKER AT 30 ft.

Describe packer(s) and location? Neq.

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

Chlorine Solution

Laboratory sent to for water quality analysis

☐ NO, Why Not?

Well Owner: Nemo Guest Ranch

Business Name: P.O. Box 77

Address: Nemo, S.D. 57759

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>15</u>
<u>Schist Broken</u>	<u>15</u>	<u>24</u>
<u>Schist BIK. Hd.</u>	<u>24</u>	<u>35</u>
<u>Schist FRACTURE</u>	<u>35</u>	<u>38</u>
<u>H₂O - 50° gpm</u>		
<u>Quartzite</u>	<u>38</u>	<u>55</u>
<u>Quartzite FRACTURE</u>	<u>55</u>	<u>56</u>
<u>H₂O - Additional</u>	<u>56</u>	
<u>Quartzite HARD</u>	<u>56</u>	<u>125</u>

STATIC WATER LEVEL 20' Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped w/AIR Describe: 50° gpm +

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Inc

Signature of License Representative:

Boj Alexander

Signature of Well Owner or Equitable Property Holder:

X [Signature]

Date:





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1992

Nemo Guest Ranch Inc.
Box 77
Nemo SD 57759

Dear Sir:

Enclosed is your check for \$15.00. Our records indicate that this amount was paid on February 8, 1993. You should have received Receipt No. 413626 with the information regarding the publication of the Notice of Hearing.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 1992

Dale Deverman
Nemo Guest Ranch
PO Box 77
Nemo SD 57759

Dear Mr. Deverman:

I am contacting you regarding the possibility that you may need a permit to appropriate water for 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.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operation. Examples of noncommercial use 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. 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.

An existing business without a 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.

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 September 24, 1992. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

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

December 4, 1992

Dale Deverman
Nemo Guest Ranch
PO Box 77
Nemo SD 57759

Dear Mr. Deverman:

I am writing to follow-up my August 24, 1992 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. A business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.

Please complete and return the application that was sent to you with my August 24, 1992 letter. Send the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by January 15, 1993. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Barry McLaury, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVALL, 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

January 11, 1993

Dale Deverman
27050 Hickorey Blvd.
Bonita Springs, Fl.
33923

Dear Mr. Deverman:

I am writing to follow up our January 11, 1993 phone conversation on the Nemo Guest Ranch. Our records do not indicate your facility as having a permit or vested right claim.

Enclosed are vested right forms with instruction sheets for you to complete. Please return the completed forms by February 5, 1993. If you have questions concerning this matter, please contact me at 605-773-3352.

Very truly yours,

Barry A. McLaury
Natural Resources Analyst



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1993

Nemo Guest Ranch, Inc.
Dale Deverman
Box 77
Nemo SD 57759

Dear Mr. Deverman:

In regard to your water permit application received on February 5, 1993, the following information needs to be clarified in order to process your application.

On the Affidavit of Water Use Form, please complete Item C and Item E. It is stated on the form that the guest ranch has been in operation since 1946. This would appear to be the date that should be listed in Item C. The application states that the amount of water claimed would be a total of 26 gallons per minute (gpm) from all three wells. Since you do not know the amount of water originally applied to beneficial use, would you estimate 26 gpm would have been the approximate amount of water used back in 1946. If so, 26 gpm should be listed in Item E.

Upon receipt of the completed Affidavit of Water Use Form, 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

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nemo Guest Ranch

ADDRESS: _____ COUNTY: Lawrence

DATE: 5/3/93 TELEPHONE: 578-2708

RE: Waste water disposal system

COMMENTS:

I called Mr. Deverman regarding the waste water disposal system utilized at the Nemo Guest Ranch. Mr. Deverman stated the facility utilizes a system of numerous septic tanks with drainfields, most of which were constructed in 1985. At the time of constructed they were designed and installation overseen by Roger Marshall, Lawrence County Health Officer.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lund

REPORT ON VESTED RIGHT APPLICATION NO. 1576-1
for Nemo Guest Ranch, Inc.
April 28, 1993

Vested Right Application No. 1576-1 proposes to appropriate 26 gpm (0.06 cfs) from three wells approximately 30 feet deep located in the E 1/2 NW 1/4 of section 27, T3N R5E in Lawrence County. The water use has a claimed priority date of January 1, 1946 and is used as a commercial water supply at the guest ranch.

AQUIFER - QUATERNARY ALLUVIUM (ALQ) and PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of phyllite and schist (DeWitt, 1989). The Precambrian rock is apparently overlain by sand, gravel and clay (alluvium) associated with Box Elder Creek. The depth of the wells listed in this application would indicate that water is being obtained from alluvium or into the upper weathered rock because of the shallow depth. A nearby well log for Nemo Community Church indicates that 24 feet of alluvium and weathered rock were on top of the Precambrian. Box Elder Creek is probably hydraulically connected to the alluvium and the Precambrian rock in this area. Ground water probably discharges towards the creek.

The Division of Water Rights does not monitor any observation wells in this area. There is no historical water level data available.

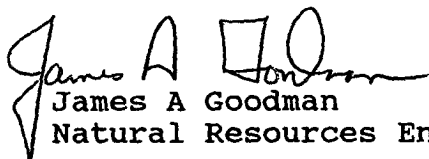
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 1536-1 for Nemo Community Church located about 1/4 mile south of this application. Interference is not expected to be a concern. The rates of water withdrawals are relatively small and these wells have been in use for many years with no reported problems.

CONCLUSIONS

1. Water is available from the alluvium.
2. The aquifer is unconfined and under water table conditions. Interference is not a concern.
3. The affidavit filed with the application indicates that water has been used for a summer tourist resort since 1946. This application can be recognized as a Vested Right.
4. There is not sufficient information to determine the construction of these wells.

5. The facility utilizes septic tanks with drainfields for wastewater disposal. According to the applicant most of the tanks were installed in 1985 under the supervision of Roger Marshall, Lawrence County Heath Officer.

James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

DeWitt, E., J.A. Redden, D. Buscher, A.B. Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, USGS Map I-1910.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1576-1, Nemo Guest Ranch

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. 1576-1, Nemo Guest Ranch, c/o Dale Deverman, Box 77, Nemo, SD 57759.

The Chief Engineer is recommending VALIDATION of Application No. 1576-1 for 0.06 cfs because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1946, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
May 3, 1993



**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.**

May 19, 1993

Dale Deverman
Nemo Guest Ranch
Box 77
Nemo, SD 57759

Dear Mr. Deverman:

Your Application No.1576-1 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 Lead Daily Call printed at Lead, SD (Ph # 584-2303). 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
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

May 19, 1993

Lead Daily Call
Box 876
Lead, SD 57754

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1576-1 to be published twice. Please publish the notice on May 26, 1993, 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 Nemo Guest Ranch, Box 77, Nemo, SD 57759 (Ph # 578-2708).

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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: 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 26, 1993, with the second publication 7 days later. The applicant is responsible for payment.

**NOTICE OF HEARING To Validate
Vested Water Right Application No. 1576-1 to Appropriate Water**

Notice is given that Nemo Guest Ranch, Inc., Box 77, Nemo, SD 57759 has filed an application to validate a vested water right claim to appropriate 26 gallons per minute (0.06 cubic feet of water per second) from three wells (Quaternary Alluvium and Precambrian Rock) 30 feet deep located in the E 1/2 NW 1/4 Section 27-T3N-R5E. The water use has a claimed priority date of January 1, 1946 and is used as a commercial water supply at the guest ranch.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1576-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1946, 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 June 14, 1993. 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. 1576-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 22, 1993, 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 22, 1993, 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 22, 1993, 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 June 14, 1993.

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 Eric Gronlund by June 14, 1993, 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-18, 46-2A-22; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Lawrence) ssI, Lauree Hardin

certify that the attached printed Notice was

taken from the Water Rights
Divisionprinted and published in Lead Daily MailCounty of Lawrence and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:May 26 & June 2Cost of Printing: \$ 20.76Lauree Hardin
(Signature)Acts Receivable
(Title)6-4-93
(Date Signed)

NOTICE OF HEARING To Validate Vested Water Right Application No. 1576-1 to Appropriate Water

Notice is given that Nemo Guest Ranch, Inc., Box 77, Nemo SD 57759 has filed an application to validate a vested water right claim to appropriate 26 gallons per minute (0.06 cubic feet of water per second) from three wells (Quaternary Alluvium and Precambrian Rock) 30 feet deep located in the E 1/2 NW 1/4 Section 27-T3N-R5E. The water use has a claimed priority date of January 1, 1946 and is used as a commercial water supply at the guest ranch.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1576-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1946, 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 June 14, 1993. 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. 1576-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 22, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 22, 1993, 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 22, 1993, 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 June 14, 1993.

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 Eric Grimlund by June 14, 1993, 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-18, 46-2A-22; 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.

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

132

L-896
May 26, June 2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 10 1993

1576-1

Nemo Guest Ranch, Inc.
Box 77
Nemo, SD 57759

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 1576-1. 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 Program - File Documentation

NAME: Jim Hanson

ADDRESS: Nemo

DATE: 2-23-00 **COUNTY:** LA **TELEPHONE:** 605 578-3299

RE: Well completion report

COMMENTS:

Jim Hanson called regarding our letter dated 2-7-00 and the well completion report submitted by Alexander Drilling. Mr. Hanson said the well drilled on 6-24-99 was contaminated and the Forest Service was going to use it for monitoring purposes. Nemo Guest Ranch would not be using the well.

They are in the process of drilling another well, not quite as deep. I told Mr. Hanson to submit the log and we would review it. It appears the well would be considered a replacement well, if peak diversion rate was 26 gpm or less as authorized by Water Right No. 1576-1.

Mr. Hanson stated that presently a 200 foot deep well which produces 5 gpm is being used. He said he had, in the past, contacted our office and we do not have a log for this well. I indicated the water right was for 3 wells approximately, 30 feet deep. He indicated he only knew of two wells and they were not using either of them, at this time.

Mr. Hanson stated he realized that if the peak-diversion rate from the well was more than 26 gpm, they would need to apply for a permit for the additional water.

Mr. Hanson further stated that he has sold the business to Ron Wick, but part of the deal was to get an uncontaminated well.

Karen Schlaak

Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 7, 2000

Nemo Guest Ranch
PO Box 77
Nemo SD 57759

Dear Sir:

I am writing in regard to a well driller's report filed by Alexander Drilling Inc. The report shows a new well was completed for Nemo Guest Ranch on June 24, 1999. A review of our files indicates that Nemo Guest Ranch holds Water Right No. 1576-1 for 26 gallons per minute (gpm) from three wells, approximately 30 feet deep located in the E ½ NW ¼ Section 27-T3N-R5E for commercial use.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Does the peak diversion rate from the three wells exceed 26 gpm? If so, a new permit application will be required for the additional diversion rate above 26 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 26 gpm, please let me know.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 30, 2000

Jim Hansen
Nemo Guest Ranch, Inc.
P.O. Box 77
Nemo, SD 57759

Dear Mr. Hansen:

I am writing in regard to Nemo Guest Ranch's request for a change of diversion points under Vested Water Right No. 1576-1. Vested Water Right No. 1576-1 appropriates 0.06 cubic feet of water per second (26 gallons per minute) from three wells approximately 30 feet deep.

The two wells now being used as the Ranch's water supply are located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T3N, R5E and constructed into the Precambrian Rock. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the Nemo Guest Ranch is authorized the change of diversion points without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

It is our understanding that the 5 gpm well will only be used when the 25 gpm well is out of service. A new water right permit will be necessary if more than 26 gallons per minute will be pumped.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

March 18, 2000

Mr. Eric Gronlund
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Re: Nemo Guest Ranch Water Right No. 1576-1

Dear Mr. Gronlund:

This letter is a follow up to our March 16, 2000 telephone conversation concerning the Nemo Guest Ranch water appropriation.

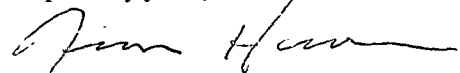
As we discussed, Nemo Guest Ranch has a Vested Right Water License No. 1576-1 which provides appropriation of 0.06 cubic feet of water per second (26gpm) from three wells. All three of these wells have been abandoned due to pollution. A well was drilled on December 8, 1993 and it delivers 5 gpm. Another well was drilled on June 24, 1999, but is abandoned due to EDB contamination.

On or about March 2, 2000 a final well was drilled and it appears to be a good well. It is 90 feet deep, forty feet cased with perforated casing below that. It produces 25gpm. I am the former owner of the Nemo Guest Ranch having sold it to Ron Wick in February of 2000. Mr. Wick and myself are requesting that the 1993 5gpm well and the new well be approved as replacement wells for the three abandoned shallow wells. We understand that we are only granted 26 gpm by our water right.

The new well would be our primary commercial use well. The 1993 5gpm will be used for back up. We understand that we cannot run both wells at the same time as that would exceed our 26gpm water right. Enclosed please find a Plat of the Nemo Guest Ranch. The Pressure Tank Shed is highlighted. The "X" to the right indicates the location of the 1993 well (5gpm) and the "X" to the left indicates the location of the new 25gpm well. The lower left corner of the Plat has a Vicinity Map which is helpful in locating the wells by section lines.

Thank you for your assistance in this matter. Jim Hansen may be reached at (605)578-3299 and Ron Wick may be reached at (605)578-2708.

Respectfully yours,


Jim Hansen

and

Ron Wick



enclosure(1)

These questions were answered with the help of
Don Klapperich of Don's Pump Service, Rapid City, SD.

Don services these wells + pumps. The three wells were
in existence before our time. The questions were
answered to the best of our ability.

WAD

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

March 29, 2000

RE: Request for a change of diversion point for Vested Water Right No. 1576-1, Nemo Guest Ranch, Inc.

The Nemo Guest Ranch has submitted a request for a change of diversion for Vested Water Right No. 1576-1. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Vested Water Right No. 1576-1 appropriates 0.06 cubic feet of water per second (26 gallons per minute) from three wells (Quaternary Alluvium and Precambrian Rock) 30 feet deep located in the E½ NW¼ Section 27, T3N, R5E. The wells are used to supply water to the guest ranch for commercial purposes with a priority date of January 1, 1946. The vested water right was validated June 22, 1993.

Mr. Hanson in a telephone conversation with Karen Schlaak indicated that none of the three wells originally authorized by this vested water right are still in use. The guest ranch has had an ongoing problem with contamination in their wells. The wells now used were drilled in December, 1993 (5 gpm) and March, 2000 (25 gpm). These two wells at the Nemo Guest Ranch are located in the same 17.76 acre parcel of land as the original wells. These new wells are 90 and 200 feet deep and constructed in the Precambrian Rock.

The Nemo Guest Ranch requests a change in the point of diversion to be the two new wells located in the NE¼ NW¼ Section 27, T3N, R5E. No additional appropriation of water is authorized. The two wells combined can produce 30 gpm which is 4 gpm more than the quantity authorized by Vested Water Right No. 1576-1. However, the 5 gpm well is to be used as a back-up well when the larger 25 gpm well is not in service.

As part of the review of this request for this change of diversion point, a review of well construction reports on file with the Water Rights Program and existing water rights within one mile was conducted. There are two existing water rights located near this area. The Nemo Community Church hold a water permit appropriating 0.03 cfs from a 104 foot deep well located approximately one quarter mile south of the Nemo Guest Ranch. The Ox Yoke Ranch holds a water permit to appropriate 0.089 cfs at a location approximately 1½ miles south east of the Nemo Guest Ranch. A review of domestic well logs on file with the Water Rights Program was also conducted on the sections that surround Section 27. A total of 13 domestic well completion reports were found, many in close proximity to the Nemo Guest Ranch. These wells divert relatively small quantities of water. There have been no recent complaints on water availability in this area.



Eric Gronlund
Natural Resources Engineer
Water Rights Program

(continued)

The Chief Engineer makes a finding that the change of diversion points does not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. The change of diversion points for Vested Water Right No. 1576-1 is authorized without requiring application or publication of a notice of hearing pursuant to SDCL 46-2A-4. A new water right permit is necessary for any diversions greater than 0.06 cfs (26 gpm) by the Nemo Guest Ranch from these two wells.



Garland Erbele, Chief Engineer
Water Rights Program
March 29, 2000

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1576-1

Date: Oct 15, 2000



I/We request that Water Permit/Right No. 1576-1

formerly owned by: James Hansen (or possibly Dale Deeverman)

be transferred to: (name & address) Ron Wick (d.b.a. Nemo
quest Ranch) P.O. 77, Nemo, SD. 57559 Telephone No. (605) 578-2708

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

Nemo quest Ranch Tract 4T of MS 1368 Section 27 T34N R 5E S40E Pierre City

I/We understand that the validity of Water Permit/Right No. 1576-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13. The form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

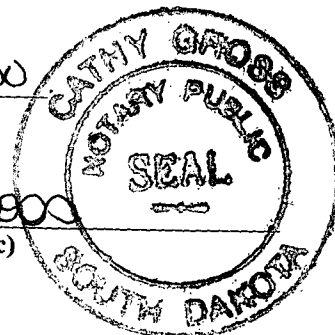
County of Pennington)

I/We Ron Wick 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.

Ron Wick
(Signed)

Subscribed and sworn to before me this 9th day of November, 192000

Cathy Gross
(Notary Public)
November 15, 2000



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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416688

Pierre, ~~November 13~~, 2000

RECEIVED OF Nemo Guest Ranch, PO Box 77, Nemo SD 57759
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 Water Permit No. 1576-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Harland Erbele
Chief Engineer

155



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3132
www.state.sd.us/denr

February 14, 2001

1576-1

Ron Wick
Nemo Guest Ranch
PO Box 77
Nemo, SD 57759-0077

Dear Mr. Wick:

I am contacting you in regard to ownership of Water Right No. 1576-1. I realized when going through my files that I neglected to write and let you know that the transfer of ownership you submitted back in November had been completed.

The transfer from James Hanson dba Nemo Guest Ranch to Ron Wick dba Nemo Guest Ranch was completed the day you filed the ownership change (November 13, 2000). Enclosed is your Receipt No. 416688 in the amount of \$2.50.

I apologize for the delay in sending the receipt and notifying you that the change had been completed. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

UNITED STATES COURT OF FEDERAL CLAIMS

JAMES A. HANSEN,

Plaintiff,

vs.

THE UNITED STATES,

Defendant.

NO. 02-21L

Judge Lawrence J. Block

**AFFIDAVIT OF
GARLAND ERBELE**

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Garland Erbele, being first duly sworn, on oath, deposes and states as follows:

1. I am the Chief Engineer of the Water Rights Program for the Department of Environment and Natural Resources for the State of South Dakota.

2. My office is the official repository for documents relating to the appropriation of groundwater and the recordation of well construction governed by S.D.C.L. Ch. 46-6.

3. The attached documents are true and correct copies of documents maintained by my office relating to Vested Water Right No. 1576-1, Nemo Guest Ranch, Inc.

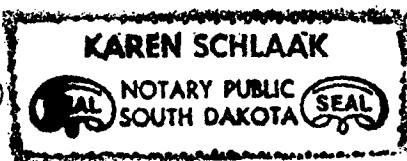
Dated this 23rd day of June, 2003.

Garland Erbele

GARLAND ERBELE

Subscribed and sworn to before me this 23rd day of June, 2003.

(SEAL)



Karen Schlaack

Notary Public, South Dakota

My Commission Expires: 4/01/07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 23, 2003

Ted McBride
Beardsley, Jensen & Von Wald
PO Box 9579
Rapid City SD 57709

Dear Mr. McBride:

Pleased find attached the true and correct copies of the documents you requested from Water Right No. 1576-1, Nemo Guest Ranch along with the affidavit of Garland Erbele.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

SEP 15 2006

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1576-1

Date: 9-14-06

I/We request that Water Right/Permit No. 1576-1 formerly owned by:

RON WICK

be transferred to:

New Owner Name: Troy or Wiladine Saye

Address: 12737 GUEST RANCH ROAD

City, State, Zip NEMO, SOUTH DAKOTA

Telephone No. 605-578-2708

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

LOT 1, LOT 2, and LOT 3 OF NEMO GUEST RANCH SUBDIVISION,
A SUBDIVISION OF TRACT 4-T OF NEMO PLACER MINERAL SURVEY
1368, LOCATED IN NW 1/4 OF SECTION 27, T3N, R5E, B.H.M.,
LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE PLAT FILED
IN DOCUMENT NO. 2000-582

☐ I understand that the validity of Water Right/Permit No. 1576-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, TROY OR WILADINE SAYE, the new owner, certify that the above information is true and correct.

Troy Saye or Wiladine Saye
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 15, 20 06

RECEIVED OF Nemo Guest Ranch Business, PO Box 77, Nemo SD 57759

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>1576-1</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02584

By Darland Ebele

Chief Engineer

gpc



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 18, 2006

1576-1

Troy or Wiladine Saye
12737 Guest Ranch Rd
Nemo SD 57759

Dear Mr. & Mrs. Saye:

I am writing to acknowledge receipt of the ownership change you filed with Vested Water Right No. 1576-1. The transfer has been completed. The vested water right formerly held by Ron Wick, dba Nemo Guest Ranch, is now listed in your names.

Enclosed is your Receipt No. 02584 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure