



## SOUTH DAKOTA WATER PERMIT NO. 1607-1

Date of first receipt of application August 8, 1994.

Date of return to applicant for corrections, amendments or changes August 9, 1994.

Date of receipt of corrected application August 31, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1607-1 to Black Hills Petrified Forest - Elk Creek Resort, c/o Bryan Teachout, HC 80, Box 767, Piedmont SD 57769 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. 1607-1 to appropriate 0.07 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) approximately 1350 feet deep located in the SE 1/4 SE 1/4 (Lot No. 3) of Section 11-T3N-R6E.
2. The water appropriated shall be used for the purpose of supplying water to a motel, campground, swimming pool, residential homes and lawn watering and may not exceed the amount of water needed for beneficial use for commercial use 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. 1607-1 is October 24, 1994.
5. The date from which applicant may claim right is August 8, 1994.
6. One-fifth of the construction is to be completed on or before April 24, 1997.
7. All construction is to be completed on or before October 24, 1999.
8. Water is to be put to beneficial use on or before October 24, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

### QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1607-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

(continued)

3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

**WATER MANAGEMENT BOARD**

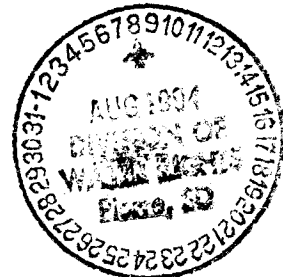
By:   
John Hatch, Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources

DEC 28 1994  
date

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. 11607-1 Hydrologic Unit 10120111  
Basin Upper Cheyenne  
Newspaper Meade Co Times-Tribune, Sturgis  
(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: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation  
(check one) ☐ 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 BLACK HILLS PETRIFIED FOREST-ELK CREEK RESORT Phone 605-787-4884  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address HC 80 Box 767 PIEDMONT State SD 57769  
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.07 \*CFS or 30 \*\*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 MINNELOUSA
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 WELL IN LOT NUMBER 3,  
OF SE1/4 of SE1/4, SECTION 11 - T3N R6E  
County MEADE
- County or counties where water will be used MEADE
- Annual period during which water is to be used Jan 1 - Dec 31
- 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)  
WATER SUPPLY TO MOTEL, CAMP GROUND, SWIMMING POOL AND TWO  
RESIDENTIAL HOMES. SOME IRRIGATION FOR LAWN GROUNDS MAINTENANCE.  
WELL TO BE ATTACHED TO ONE 5000 GALLON RESEVOIR.

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 Pennington ss

I, L. BRYAN TEACHOUT, 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 L. Bryan Teachout

Subscribed and sworn to before me this 3 day of Aug 1991

James Manton  
Notary Public

## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4' Depth ~~1000~~ 1350'
- b) Casing Type STEEL Diameter 7' Thickness 1/4"
- c) Screen Type X NONE Diameter — Thickness —
- d) Gravel Pack Thickness NONE Length of Gravel Pack NONE
- e) Depth to Top of Water Bearing Material 1300'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:  
On applicants property 800' On property owned by others ~~1500~~ 2000'

### 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

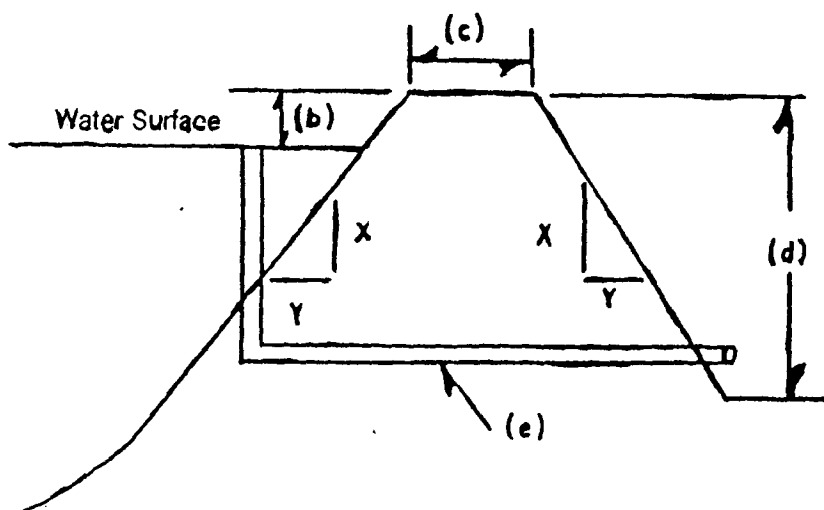
Upstream —

Downstream —

h) Surface Area of Impoundment —

i) Storage — Acre Feet

j) Drainage Area Above Dam — Acres



# RECEIPT

414264

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 31 19 94

RECEIVED OF Petrified Forest of the Black Hills, Elk Creek Resort, Inc., HC 80,  
the following amount in fees for services rendered as provided for by law: Box 767, Piedmont, SD 57769-9520

|                                                                                                                               |       |       |
|-------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>1607-16</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 |

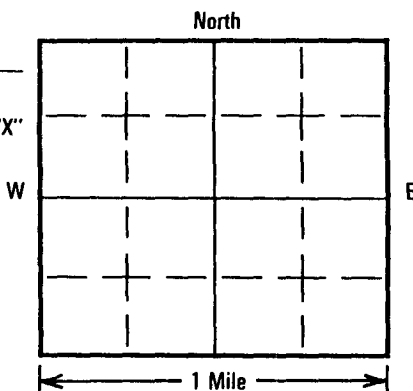
By John Hatch CE  
Chief Engineer

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SE 1/4 Sec 11 Twp 3N Rg 6E  
Lot #3County Meade

Please mark well location with an "X"

# 1607-1

Well Completion Date

10-18-94

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from Septic (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary Air-Water

## CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT        | DIAMETER    | FROM           | TO             | HOLE DIAMETER   |
|-------------------|-------------|----------------|----------------|-----------------|
| <u>23 LB/FT</u>   | <u>7 IN</u> | <u>0 FT</u>    | <u>1350 FT</u> | <u>8 3/4 IN</u> |
| <u>15.5 LB/FT</u> | <u>5 IN</u> | <u>1335 FT</u> | <u>1415 FT</u> | <u>6 1/4 IN</u> |
| _____ LB/FT       | _____ IN    | _____ FT       | _____ FT       | _____ IN        |

## GROUTING DATA

| Grout Type      | No. of Sacks | Grout Weight        | From           | To             |
|-----------------|--------------|---------------------|----------------|----------------|
| <u>Portland</u> | <u>170</u>   | <u>94/6 lb./gal</u> | <u>0 ft</u>    | <u>1350 ft</u> |
| <u>Portland</u> | <u>10</u>    | <u>94/6 lb./gal</u> | <u>1335 ft</u> | <u>1415 ft</u> |

Describe grouting procedure \_\_\_\_\_

Pressure grout thru casing with mud pump, displace cement with water to surfaceSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter \_\_\_\_\_ IN Length \_\_\_\_\_ FEET

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet to \_\_\_\_\_ Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

## DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: ChlorineNO, Why Not? injection& pellets

Laboratory sent to for water quality analysis

Huntingdon
 Well Owner: BRIAN TEACHOUT  
 Business Name: EIK CREEK RESORT  
 Address: HC 80 Box 767  
Piedmont S.D. 57769

## WELL LOG:

| FORMATION                      | DEPTH |       |
|--------------------------------|-------|-------|
|                                | FROM  | TO    |
| Surface Soil & overlay         | 0'    | 8'    |
| grey & green shale & clay      | 8'    | 135'  |
| Lt. gray & tan sand            | 135'  | 280'  |
| lt gray & tan shale            | 280'  | 320'  |
| white sand                     | 320'  | 385'  |
| grey-green maroon shale        | 385'  | 580'  |
| Red shale & clay               | 580'  | 605'  |
| gray shale turning to sand     | 605'  | 730'  |
| Red clay & siltstone & gyp     | 730'  | 1175' |
| Hard limestone (Minnehaha)     | 1175' | 1205' |
| Red shale turning to sandstone | 1205' | 1360' |
| Light purple & pink ss stone   | 1360' | 1385' |
| white granular sand            | 1385' | 1402' |
| (Minnehaha)                    |       |       |
| Cased to                       | 1350  |       |
| Had red water                  |       |       |

## STATIC WATER LEVEL

12'

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:

☐ PumpedDescribe: Air developed☐ Bailed☒ Other

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 1250 GPM540 ft. After 2 Hrs. pumped 250 GPM

If pump installed, pump rate \_\_\_\_\_ GPM

## REMARKS

Came back in Oct.  
Set 5" To 1415'  
Drilled  
1402'-1415' - white limestone  
1415'-1428' - light pink sand  
1428'-1445' - pink limestone  
1445'-1460' - coral colored S. Stone
This well was drilled under license # 568

And this report is true and accurate.

Drilling firm Cimarron Drilling

Signature of License Representative:

Michael J. Deutch

Signature of Well Owner or Equitable Property Holder:

Date:

12-15-94



BLACK HILLS PETRIFIED FOREST-  
ELK CREEK RESORT, INC.

MINNELOUSA WELL



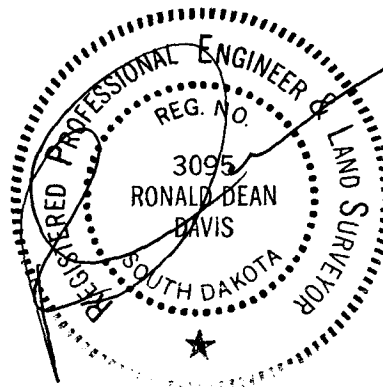
SE 1/4, SE 1/4, SEC 11-  
T 3 N R 6 E

150'

330'

SECT.

11 12  
14 13





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

July 1, 1994

Michael Deutsch  
Cimarron Drilling  
9017 S. Ridge Trail  
Sturgis, SD 57785

Dear Mr. Deutsch:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Elk Creek Resort, (Brian Teachout) is authorized to construct a test well prior to approval of a water permit. The test well must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.  
Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
(605) 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 9, 1994

L. Bryan Teachout  
Black Hills Petrified Forest-Elk Creek Resort  
HC 80, Box 767  
Piedmont SD 57769

Dear Mr. Teachout:

In regard to your water permit application received on August 8, 1994, the following information needs to be submitted and clarified in order to process the application.

Enclosed is the check for \$150.00. The filing fee to appropriate 45 gallons per minute or less of water is \$50.00. Also, the application indicated the water would be used for some irrigation of the lawns and grounds. If you intend to irrigate more than one acre, then the lands to be irrigated will need to be designated and also outlined on the map showing the location of the well.

Please specify the type of wastewater disposal system that is utilized (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction.

The water permit application can not be considered until the application is complete. Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak  
Environmental Scientist  
605 773-3352

enclosure

File No.

**Water Rights Division  
File Documentation**

NAME OF PERSON OR FILE: L. Bryan Teachout - Black Hills Petrified Forest - Elk Creek Resort

ADDRESS: HC 80, Box 767, Piedmont COUNTY: MD

DATE: 8-24-94 TELEPHONE: 605 787-4884

RE: Pending application

**COMMENTS:**

Mr. Teachout called and stated they have a septic tank system with a drainfield which is approximately 15 years old. The system is being updated and replaced with a larger sized septic system.

Mr. Teachout further stated they will only be spot watering a few small areas. No irrigation as such.

---

*Karen Schlaak*  
Karen Schlaak  
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 1607-1  
for Black Hills Petrified Forest - Elk Creek Resort  
September 12, 1994

Water Permit Application No. 1607-1 proposes to appropriate 0.07 cfs (30 gpm) from one well approximately 1350 feet deep located in the SE 1/4 SE 1/4 of section 11, T3N R6E in Meade County. The water is for commercial use to supply a motel, campground, swimming pool, residential homes and grounds watering.

**AQUIFER - MINNELUSA FORMATION (MNLS)**

The Minnelusa Formation consists of sandstone, dolomitic limestone with minor amounts of shale. The upper 200 to 300 feet of the Minnelusa is mostly sandstone and is an aquifer (Peter, 1985). The Minnelusa is confined and under artesian conditions at this site. The Minnelusa underlies 2.172 million acres and contains an estimated 81.48 million acre feet of recoverable water in storage in Meade County (Allen, 1984). The Minnelusa aquifer is areally extensive around the entire Black Hills and is hydraulically connected into Lawrence and Butte counties to the north and into Pennington County to the south. Water movement is probably from west to east in this area.

The Division of Water Rights monitors MD-84A (Minnelusa observation well) located about 1 1/2 miles west of this application. Water levels for this well show a general decline of over 30 feet since the well was installed. Until this past year the decline was relatively steady, but this past year the water levels rose this spring due to recharge. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

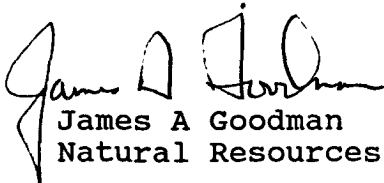
**REVIEW OF EXISTING WATER PERMITS/RIGHTS**

There are two existing Water Permits/Rights Nos. 989-1 and 1512-1 which are located approximately 1 mile from this application and obtain water from the Minnelusa Formation. The diversion rate for this application is relatively small and the distance between permitted wells is sufficient to minimize any potential impacts. Interference is not expected to be a concern.

**CONCLUSIONS**

1. Water is available from the Minnelusa Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will occur because of pumping but the diversion rate is relatively small and the distance to other permitted is sufficiently large to minimize any potential adverse impacts.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards. In July of 1994, the Division of Water Rights authorized the construction of test well for Elk Creek Resort prior to approval of a Water Permit.
4. The applicant also holds Water Right No. 1338-1 from the Inyan Kara aquifer to supply water to this facility.
5. This well may free flow at the land surface. The well must be controlled to prevent the waste of water.
6. A septic tank with drainfield is the method of wastewater disposal at the facility.



James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Peter, K.D., 1985, Availability and Quality of Water From The Bedrock Aquifers in the Rapid City Area, South Dakota, USGS WRI 85-4022, USGS, Rapid City, SD, 57701.
- Water Rights, 1994, Unpublished Observation Well Data for the Minnelusa Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1607-1, Black Hills Petrified Forest -  
Elk Creek Resort

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. 1607-1, Black Hills Petrified Forest - Elk Creek Resort, c/o L. Bryan Teachout, HC 80 Box 767, Piedmont, SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1607-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1607-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.

  
JOHN HATCH, Chief Engineer  
September 26, 1994



**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.

September 28, 1994

L. Bryan Teachout  
Black Hills Petrified Forest -  
Elk Creek Resort  
HC 80 Box 767  
Piedmont, SD 57769

Dear Mr. Teachout:

Water Permit Application No. 1607-1 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 Meade Co. Times-Tribune printed at Sturgis, SD (Ph # 605-347-2503). 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*  
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

September 28, 1994

Meade Co. Times-Tribune  
Box 69  
Sturgis, SD 57785-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1606-1 to be published twice. Please publish the first notice on October 5, 1994, 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 Black Hills Petrified Forest - Elk Creek Resort, c/o L. Bryan Teachout, HC 80 Box 767, Piedmont, SD 57769 (Ph # 605-787-4884).

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  
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 October 5, 1994, with the second publication 7 days later. The applicant is responsible for payment.

-----

NOTICE OF APPLICATION NO. 1607-1 to Appropriate Water

Notice is given that the Black Hills Petrified Forest - Elk Creek Resort, c/o L. Bryan Teachout, HC 80 Box 767, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.07 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) approximately 1350 feet deep located in the SE 1/4 SE 1/4 (Lot No. 3) of Section 11-T3N-R6E. The water is for commercial use to supply a motel, campground, swimming pool, residential homes and lawn watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1607-1 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 October 24,~~ 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

**Appropriate water****NOTICE OF APPLICATION**

NO. 1607-1 to

**Appropriate Water**

Notice is given that the Black Hills Petrified Forest — Elk Creek Resort, c/o L. Bryan Teachout, HC 80 Box 767, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.07 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) approximately 1350 feet deep locate in the SE 1/4 SE 1/4 (Lot No. 3) of Section 11-13N-R6E. The water is for commercial use to supply a motel, campground, swimming pool, residential homes and lawn watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1607-1 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 October 24, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Publ Oct. 5 and 12, 1994  
Meade County Times-Tribune

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
County of Meade ) ss

Faye D. Pate

that the attached printed Notice was

from the \_\_\_\_\_

Meade County Times-Tribune

and published in Sturgis

Meade and State of

South Dakota. The notice was published in  
the paper on the following two dates:

October 5, 1994

October 12, 1994

Cost of printing: 42.02

Faye D. Pate  
(Signature)

Accountant  
(Title)

10-12-94  
(Date Signed)





DEC 28 1994

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Bryan Teachout  
Black Hills Petrified Forest - Elk Creek Resort  
HC 80 Box 767  
Piedmont, SD 57769

Dear Mr. Teachout:

Enclosed is Water Permit No. 1607-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

**PLEASE NOTE:** Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 5, 1999

1607-1

Black Hills Petrified Forest - Elk Creek Resort  
%Bryan Teachout  
HC 80, Box 767  
Piedmont, SD 57769

Dear Mr. Teachout:

The investigation of your water use system was conducted on July 12, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1607-1. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 24, 2000

Permit No. 1607-1

**REMINDER NOTICE**

TO: Bryan Teachout, Black Hills Petrified Forest – Elk Creek Resort  
HC 80 Box 767, Piedmont, SD 57769

FROM: Garland Erbele, Chief Engineer  
Water Rights Program *Garland Erbele*

SUBJECT: Water License/Investigation Fee Requirement

On November 5, 1999, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 1607-1. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee; therefore, we can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water license. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources  
Water Rights Program  
523 E Capitol  
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416430

Pierre, March 20, 2000

RECEIVED OF Elk Creek Resort, Inc., HC 80, Box 767, Piedmont, SD 57769-9520  
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. 1607-1

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Any Other Work Provided by Law)

Total

50 00

By Harland Erbe  
Chief Engineer

**Permit No. 1607-1**  
**Upper Cheyenne River - Water District**

**Report of Examination of Works and/or Application of Water to Beneficial Use**

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

I have this day, **July 12, 1999**, made a thorough examination of the water use system constructed by **Black Hills Petrified Forest - Elk Creek Resort of HC 80 Box 767, Piedmont SD 57769** holder of Permit No. **1607-1**, bearing the priority of **August 8, 1994** authorizing the diversion of **0.07** cu. ft. per second of the waters of **ground water (Minnelusa Formation)** for **commercial** purposes, in **Meade** County.

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

A. Works used to divert the water:

**Pump\Motor:**

- 1) Make **Grundfos submersible**
- 2) Size **2.5 hp**
- 3) Capacity **30** GPM

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

**Water is diverted from the well to a 5,000 gallon storage tank and then to resort facilities (i.e. motel, campground, etc.) and to 2 residences.**

The system is in the following condition **good**. The point of diversion is located **Well: 330 feet W and 150 feet N from the SE corner section 11-T3N-R6E (SE¼SE¼)**. The works are capable of diverting and conveying to the place of use **0.07** 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 and the license should be issued for **0.07** cfs.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date report completed: **November 3, 1999**

  
Ron Duvall  
Natural Resources Engineer  
DENR, Water Rights Program

The well location is accurately depicted on the original map filed with the application for No. 1607-1.

## FIELD INVESTIGATION REPORT FOR PERMIT NO. 1607-1

|                                                                                          |                                                                                                                                             |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| DATE OF INVESTIGATION:                                                                   | <b>July 12, 1999</b>                                                                                                                        |
| NAME & ADDRESS OF INVESTIGATION CONTACT/<br>RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE | <b>Brent Teachout<br/>Bryan Teachout</b>                                                                                                    |
| NAME & ADDRESS OF PERMIT HOLDER                                                          | <b>Black Hills Petrified Forest - Elk Creek<br/>Resort, c/o Bryan Teachout<br/>HC 80 Box 767<br/>Piedmont SD 57769</b>                      |
| DIVERSION POINT LEGAL LOCATION                                                           | <b>Well: 330 feet W and 150 feet N from<br/>the SE corner section 11-T3N-R6E<br/>(SE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>)</b> |

Other permit(s) associated with the project: 1338-1

**NOTE:** The well authorized by Water Right No. 1338-1 is being maintained as a standby well.

### WELL INFORMATION:

1) Well Drilling Firm: Cimarron Drilling

**Screen:**

2) No. of Wells 1

1) Type none

3) Depth(s) 1415 feet

2) Static water level 12 feet

4) Well log is available Y

**Pump\Motor:**

**Casing:**

1) Make Grundfos submersible

1) Diameter 7 & 5 inches

2) Size 2.5 hp

2) Length 7 in - 1,350 feet & 5 in - 80 feet

3) Capacity 30 GPM

### DISTRIBUTION LINES OR CANALS:

Water is diverted from the well to a 5,000 gallon storage tank and then to resort facilities (i.e. motel, campground, etc.) and to 2 residences.

### PERMIT QUALIFICATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1607-1

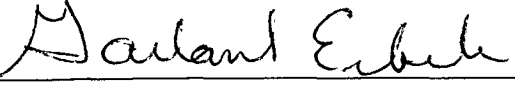
(1) Black Hills Petrified Forest – Elk Creek Resort, c/o Bryan Teachout, HC 80 Box 767, Piedmont SD 57769 made Application No. 1607-1, August 8, 1994 for a water permit to divert 0.07 cubic feet of water per second (cfs) from groundwater (one well), Meade County, South Dakota for commercial purposes. Permit No. 1607-1, with a priority date of August 8, 1994 was approved October 24, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 24, 1999 and for the application to beneficial use of said water on or before October 24, 2003.

Water Right No. 1338-1 authorizes 0.10 cfs from one well located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11-T3N-R6E. This well is now being maintained as a standby well for the resort facilities.

(2) It is certified that the permit holder 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 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is 330 feet west and 150 feet north from the southeast corner Section 11-T3N-R6E (SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to supply water to the resort facilities.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Black Hills Petrified Forest – Elk Creek Resort, c/o Bryan Teachout, HC 80 Box 767, Piedmont SD 57769 the holder and/or owner of Water Right No. 1607-1 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from groundwater (one well) with a priority date of August 8, 1994 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1607-1 and subject to South Dakota State Law.

  
Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 10 2000

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 10 2000

1607-1

Black Hills Petrified Forest - Elk Creek Resort  
%Bryan Teachout  
HC 80, Box 767  
Piedmont, SD 57769

Dear Mr. Teachout:

Enclosed is Water License No. 1607-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416430 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1607-1, 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.

Sincerely,

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

ks  
enclosures

RECEIVED

DEC 22 2014

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1607-1

Date: 12/17/14

I/We request that Water Right No. 1607-1

formerly owned by: Black Hills Petrified Forest - Elk Creek Resort % Bryan Teachout

be transferred to: (name & address) ELK-CREEK-RESORT-AT-ELK, LLC

% TIMOTHY T. SCOTT & ARVID T. SCOTT

Telephone No. 605-787-4884

CELL-605-481-2746-TIM

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

well located in the SE 1/4 SE 1/4 Section 11, T3N, R6E

I/We understand that the validity of Water Right No. 1607-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We ARVID T. SCOTT, the new owner, certify that the above information is true and  
TIMOTHY T. SCOTT correct.



(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 12/22, 20 14

RECEIVED OF Elk Creek Resort 8220 Elk Creek Rd Piedmont SD 57769

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 | 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 <u>1607-1</u>                                                                     |       |       |
| 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 | 50 00 |

No. 07036

By J. Anne Goodman  
Chief Engineer



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



December 24, 2014

1607-1

Arvid & Timothy Scott  
Elk Creek Resort  
8220 Elk Creek Rd  
Piedmont SD 57769

Dear Sirs:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1607-1. The ownership change has been completed.

Water Right No. 1607-1, formerly held by **"Black Hills Petrified Forest – Elk Creek Resort"** % Bryan Teachout is now listed in the name of **"Elk Creek Resort at Elk LLC"** % Timothy T Scott and Arvid T Scott.

Enclosed for your records is Receipt No. 07033 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure