

WATER PERMIT NO. VR 1614-1

Phone: 605 787-4440

Name of Applicant: Dean W. Nickel

Post Office Address: HC 80, Box 424, Piedmont SD 57769

Amount of Water Claimed: 0.08 cfs (35 gpm) Total Acres: _____

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Meade

Location: south of Piedmont

PRIORITY Date Received: 1-25-95 Fee: \$15.00

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

Remarks: Claimed priority date of August 20, 1950

Diversion Point: E 1/2 SE 1/4 Sec 15-T3N-R6E

Land to be Irrigated: _____

			15		
				9	

Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: 470 feet REMARKS: _____

Type of Map: aerial Prepared By: DelRon Peters Reviewed and the Number

Signed on: 1-27-95 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1614-1

Date of Receipt of Claim January 25, 1995.

Date of Validation March 13, 1995.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1614-1 for Dean W. Nickel, HC 80, Box 424, Piedmont SD 57769 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1614-1 to appropriate 35 gallons per minute (0.08 cubic feet of water per second) from one well 470 feet deep (Minnelusa Formation) located in the E 1/2 SE 1/4 Section 15-T3N-R6E.
2. The appropriated water is used for supplying water at the Covered Wagon Resort 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is: August 20, 1950.
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, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 29 1995

date

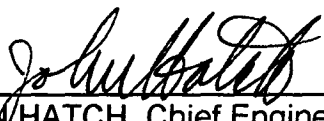
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1614-1

(1) Dean W. Nickel, HC 80, Box 424, Piedmont SD 57769 made Application No. 1614-1, January 25, 1995 for validation of a vested right claim to appropriate 0.08 cubic feet of water per second from groundwater (one well), Meade County, South Dakota, for commercial use purposes. Vested Water Right No. 1614-1 was validated March 13, 1995 with a priority date of August 20, 1950. 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 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320 feet north and 330 feet west of the southeast corner of Section 15-T3N-R6E (SE 1/4).

(3) Pursuant to Section 46-5-30.1 Dean W. Nickel, HC 80, Box 424, Piedmont SD 57769 the holder and/or owner of Vested Water Right No. 1614-1 is issued a license to appropriate 0.08 cubic feet of water per second from groundwater (one well) with a priority date of August 20, 1950 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. 1614-1 and subject to South Dakota State Law.



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

MAR 29 1995

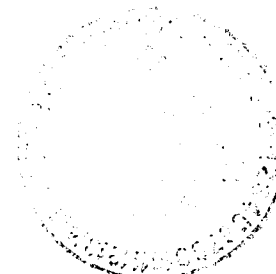
date

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. 1614-1 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.) _____

1. Name of Applicant Dean W. Nickel Phone 787-4440
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address HC 80 Box 424 Piedmont State SD 57769
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.08 *CFS or 35 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well - Minnelusa

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well 1320' N + 330' W
of SE corner sec 15-T3N-R6E
County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used Year Round Jan 1 - Dec 31

7. 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)

The well supplies water to 12 cabins, shower house and the main residence.

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 Pennings SS

I, DEAN NICKEL, 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 Dean Nickel
Subscribed and sworn to before me this 23rd day of January 19 95
Shyllis B. Van Dilt
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4-5" Depth 470'
- b) Casing Type STEEL Diameter 4" Thickness 1/4"
- c) Screen Type NA Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 76'
- g) Distance to nearest existing domestic well:

On applicants property NONE On property owned by others 175-200 YARDS

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

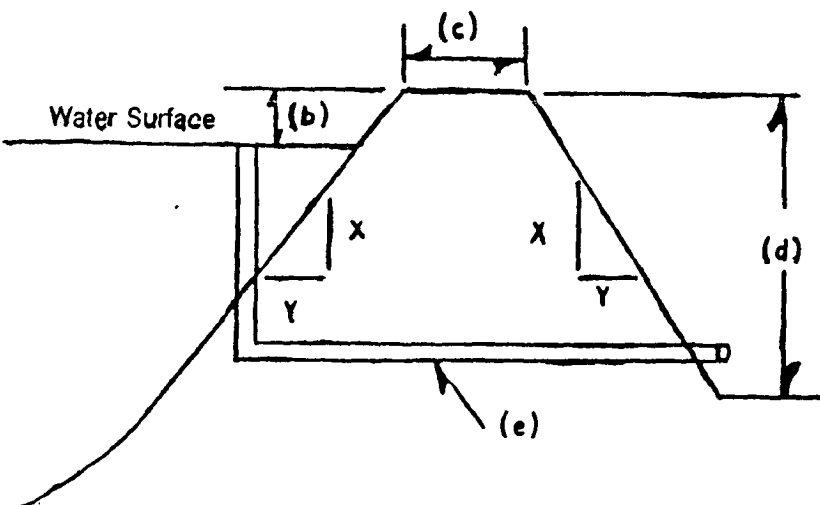
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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) Dean W. Nickel
Mailing Address HC 80 BOX 424 PIEDMONT SD. 57769
(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 AUGUST 1 1950
- C. Date that water was first applied to beneficial use AUGUST 20, 1950
- D. Name of owner of original water supply system JOHN HONERKAMP
- E. Amount of water originally applied to beneficial use 35gpm
- F. Present use of water - amount of water now being used 35gpm
Date that this water was first used AUGUST 1950
- G. Chronological History of Water Use

This well has been in continuous use since 1950.
It provides water to 12 cabin units and a small showerhouse.
There have been no major changes since 1950.

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 Meade)
SS

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

Signed Dean Nickel

Subscribed and sworn to before me 23rd January, 1995

Shirley B. Danbolt
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.

John R. Honerkamp Sr. JAN. 1995
(Print name)
JOHN R. HONERKAMP SR. 1995
(Print name)

RECEIPT

414383

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 25, 19 95

RECEIVED OF Covered Wagon Resort, HC 80 Box 424, Piedmont, SD 57769

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

Fee for Application for Permit No. <u>1614-1</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 H. Haddad
Chief Engineer

NOT TO SCALE

T3N-R6E

(4-259)

15

1320' N 330' W of
SE corner SEC. 15-T3N-R6E
Location of
River Pt. - Well

330'

1320'

3-6

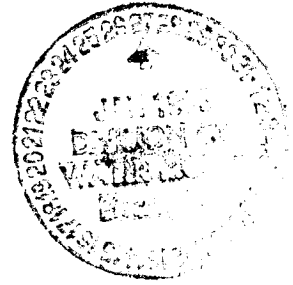
E
SW corner
SEC 15

Del Rio Petroleum
Natural Resources F
DENR
DEC 16, 1994

1614-1

Covered Wagon Motel

HC 80, Box 424
Piedmont, SD 57769
(605) 787-4440



KAREN SCHLAAK :

I FORGOT TO SEND THIS FORM
WITH THE OTHERS. I THINK YOU
WANTED TWO COPIES. IF YOU NEED
ANYTHING ELSE GIVE ME A CALL.

Dea Nick



REPORT ON VESTED WATER PERMIT APPLICATION NO. 1614-1
for Dean W. Nickel
January 31, 1995

Application No. 1614-1 proposes to appropriate 35 gpm (0.08 cfs) from one well approximately 470 feet deep located in the E 1/2 SE 1/4 of section 15, T3N R6E in Meade County. The water use has a claimed priority date of August 20, 1950 and is used as a commercial water supply at the Covered Wagon Resort.

AQUIFER - MINNELUSA (MNLS)

The Minnelusa Formation is an assemblage of sandstone, dolomite, limestone with some shale which is confined and under artesian conditions at this site. The Minnelusa is approximately 560 to 640 feet thick in this area with the upper few hundred feet of the formation mostly sand and sandstone and is the aquifer (Peter, 1985). The Minnelusa underlies 2.17 million acres and contains an estimated 81.48 million acre feet of recoverable water in storage in Meade County (Allen, 1984). Ground water movement is from west to east with a probable north to south component.

There is no driller's log available for this application. What information is available on the Form 2A is reasonable. There is no way to determine if the well is completed in accordance with SD Well Construction Standards.

The Division of Water Rights does monitor an observation well MD-84A completed into the Minnelusa Formation and located about 1/2 mile northeast of this application. Water levels for this well show response to climatic conditions, that is, rising water levels during wet years and gradually declining during dry years. Since 1984 when the well was installed, water levels generally trend downward with slight seasonal variations until 1993. Prior to 1993 the water levels reflect generally dry conditions and area withdrawals but since then the water levels have begun to trend upward indicating a wet year and more recharge to the system. The record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

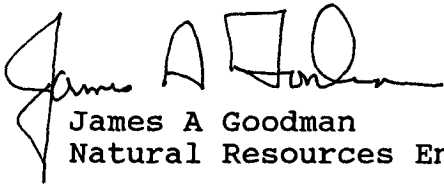
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights (1507-1, 987-1 and 1512-1) within a 1/2 mile radius of this application. Interference is not a concern. This is an existing well which has been in use for many years with no apparent problem. Also there are many domestic wells in this area which obtain water from the Minnelusa Formation.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.

2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. Interference is not expected to be a concern. The well for this application has been in use for many years with no apparent problems.
3. According to the affidavit filed with the application this well has been in use since August of 1950 for the same purpose as the present use. This application can be validated as a Vested Right.
4. The information on well construction is not sufficient to determine if this well is constructed in accordance with SD Well Construction Standards.



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, 57609.

Peter, K.D., 1985, Availability and Quality of Water From the Bedrock Aquifers in the Rapid City Area, South Dakota, Water-Resource Investigations Report 85-4-22, USGS, Rapid City, SD, 57701.

Water Rights, 1995, Unpublished Observation Well Data for Meade County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

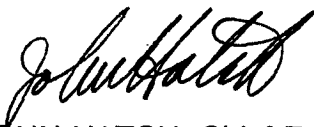
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED

WATER RIGHT APPLICATION NO. 1614-1, Dean W. Nickel

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. 1614-1, Dean W. Nickel, HC 80 Box 424, Piedmont, SD 57769.

The Chief Engineer is recommending VALIDATION of Application No. 1614-1 for 0.08 cfs because 1) water has been appropriated as described for commercial use with a priority date of August 20, 1950, 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", is positioned above the printed name.

JOHN HATCH, Chief Engineer
February 10, 1995



**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.

February 15, 1995

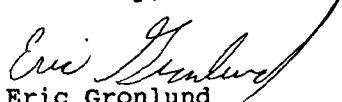
Dean W. Nickel
HC 80 Box 424
Piedmont, SD 57769

Dear Mr. Nickel:

Your Application No. 1614-1 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 Meade County 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 and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

Meade County Times-Tribune
Box 69
Sturgis, SD 57062

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1614-1 to be published twice. Please publish the notice on February 22, 1995, 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 Dean W. Nickel, HC 80 Box 424, Piedmont, SD 57769 (Ph # 605-787-4440).

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 February 22, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1614-1 to Appropriate Water

Notice is given that Dean W. Nickel, HC 80 Box 424, Piedmont, SD 57769 has filed an application to validate a vested water right claim to appropriate 35 gallons per minute (0.08 cubic feet of water per second) from one well 470 feet deep (Minnelusa Formation) located in the E 1/2 SE 1/4 Section 15-T3N-R6E. The water use has a claimed priority date of August 20, 1950, and is used as a commercial water supply at the Covered Wagon Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1614-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of August 20, 1950, 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. 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 March 13, 1995.

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. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) ss

I, Faye D. Pate

certify that the attached printed Notice was
taken from the _____

Meade County Times-Tribune

printed and published in Sturgis

County of Meade and State of

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

February 22, 1995

March 1, 1995

Cost of Printing: 37.03

Faye D. Pate
(Signature)

Accountant
(Title)

(Date Signed)



Validate water right

NOTICE OF HEARING To Validate Vested Water Right Application NO. 1614-1 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1614-1 because 1) water has been appropriated as described for commercial use with a claimed priority date of August 20, 1950; 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. 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 March 13, 1995.

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. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

**Publ Feb. 22 and March 1, 1995
Meade County Times-Tribune**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

VR 1614-1

Dean W. Nickel
HC 80 Box 424
Piedmont, SD 57769

Dear Mr. Nickel:

Enclosed are your Validated Vested Water Right and Water License No. 1614-1. 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,

A handwritten signature in dark ink, appearing to read 'John Hatch', written over a horizontal dashed line.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 26, 2001

No. 1614-1

Eugene Bergan
HC 80 Box 424
Piedmont SD 57769

Dear Mr. Bergan:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1614-1. The water right is currently listed in the name of Dean W. Nickel.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

For your information, I have enclosed a copy of the Water Right No. 1614-1. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 2, 2001

SECOND NOTICE
1614-1

Eugene Bergan
HC 80 Box 424
Piedmont, SD 57769

Dear Mr. Bergan:

On July 26, 2001, we wrote to you concerning the ownership change for Vested Water Right No. 1614-1. The vested right, currently listed in the name of Dean W Nickel, authorizes diversion of ground water to be used for commercial purposes in supplying cabins, shower house and a main residence.

To date, we have not heard from you on this matter. If you are now the owner, it is important to get the vested water right transferred to your name. In the event you no longer have the original form, I am sending along a another copy. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you are not the owner and I should be contacting someone else, please give me a call and let me know. Thank you in advance for your help.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1614-1

RECEIVED

MAR 14 2003

WATER RIGHTS
PROGRAM

Date: 3/12/03

I/We request that Vested Water Right No. 1614-1

formerly owned by: Dean W Nickel

be transferred to: (name & address)

Eugene B. Bergan

14189 No. Hwy 79, Piedmont, SD 57769

Telephone No. (605) 787-4440

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

well location: SE 1/4 Section 15, T3N, R6E

I/We understand that the validity of Vested Water Right No. 1614-1 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Meade)

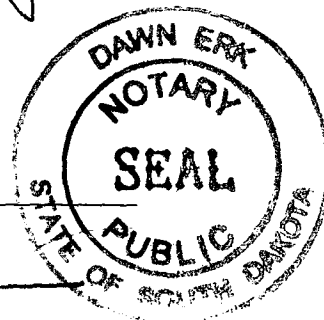
I/We Eugene B. Bergan being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Eugene B. Bergan
(Signature of new owner)

Subscribed and sworn to before me this 12 day of March, 2001.

Dawn Erik
(Notary Public)

My Commission Expires 7-5-07



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.

WARRANTY DEED

BOOK 529 PAGE 648

DEAN W. NICKEL and SANDRA L. NICKEL, husband and wife, Grantors, of

3901 Clover, Rapid City, South Dakota 57702, for and in consideration of Two Hundred

Thousand Dollars (\$200,000), GRANT, CONVEY, and WARRANT to **EUGENE B.**

BERGAN, a single person, Grantee, of HCR 80, Box 424, Piedmont, South Dakota 57769,

the following described real estate in Meade County, South Dakota:

Tract A of Honerkamp Subdivision (formerly Lots 1, 2 and an unplatted portion of the SE¼SE¼); and Lot One (1) of Honerkamp Subdivision (formerly a portion of Honerkamp Lot in the NE¼SE¼); all located in Section Fifteen (15), Township Three (3) North, Range Six (6) East of the Black Hills Meridian, Meade County, South Dakota, as shown on the plat filed in Plat Book 8, Page 68.

Dated this 1 day of November, 1999.



☒ TRANSFER FEE PAID \$ 200⁰⁰ Chk 45193
☐ EXEMPT FROM TRANSFER FEE -----

Dean W. Nickel

DOC. NO. 04599-CV

BOOK 529 PAGE 648

REF 10⁰⁰ Chk 45193

Sandra L. Nickel

DATE Dec 2, 1999

TIME 10:31 am

State of South Dakota)
County of Pennington) ss.

ANGELA M. ROSS
MEADE COUNTY

REGISTER OF DEEDS

On this 1 day of December, 1999, before me, the undersigned officer, personally appeared Dean W. Nickel and Sandra L. Nickel, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public, South Dakota

My Commission Expires:

(SEAL)

Paulette M. Hutchings

NOTARY PUBLIC

of South Dakota

PREPARED BY:
Richard E. Huffman
Johnson Eiesland Huffman & Clayborne Law Firm, LLP
P. O. Box 6900
Rapid City, SD 57709-6900
(605) 348-7300

mc TC 2/023

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 14, 2003

RECEIVED OF Covered Wagon Resort, 14189 N Hwy 79, Piedmont SD 57769-2012

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>1614-1</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.

000684

By

Darland Elbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 2003

1614-1

Eugene B Bergan
14189 N Hwy 79
Piedmont SD 57769

Dear Mr. Bergan:

Thank you for following up on the ownership change for Vested Water Right No. 1614-1. The transfer has been completed. The vested right formerly listed in the name of Dean W Nickel is now listed in your name.

Enclosed is your Receipt No. 000684 in the amount of \$2.50. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2005

1614-1

Eugene Bergan
14189 N Hwy 79
Piedmont SD 57769

Dear Mr. Bergan:

Thank you for contacting us about the pending ownership change for Vested Water Right No. 1614-1.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner will need to complete, sign and return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the vested water right for you to give to the new owner(s) for their records. If I can answer any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1614-1

Date: 5/05/05

I/We request that Vested Water Right No. 1614-1

formerly owned by: Eugene B Bergan, 14189 N Hwy 79, Piedmont SD 57769

be transferred to: (name & address) OPEN SEASON LLC
14189 N. Hwy 79 PIEDMONT, SD. 57769

Telephone No. 605-787-4410

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

well location: SE ¼ Section 15, T3N, R6E

I/We understand that the validity of Vested Water Right No. 1614-1 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We OPEN SEASON LLC, the new owner, certify that the above information is true and correct.
Penny Thorpe/mgr.

Penny A. Thorpe Owner/mgr.
(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.

RECEIVED
MAY - 9 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 9, 20 05

RECEIVED OF Open Season LLC, 14189 N Hwy 79, 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	2 50	
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>1614-1</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	2 50

No.

001363

By

Darland Erbe
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 2005

1614-1

Penny Thorpe
Open Season LLC
14189 N Hwy 79
Piedmont SD 57769

Dear Ms. Thorpe:

I am writing to acknowledge receipt of the ownership change for Vested Water Right No. 1614-1. The transfer has been completed. The vested water right formerly listed in the name of Eugene B Bergan is now listed in the name of Open Season LLC.

Enclosed is your Receipt No. 001863 in the amount of \$2.50. 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