

WATER PERMIT NO. 1630-1

Name of Applicant: Spearfish Canyon Foundation

Address: HC 37, Box 1387, Spearfish Canyon SD 57754-9725

Phone: 605 684-2070

Amount of Water Claimed: 0.045 cfs

Total Acres: 3.162 acres

Source of Water Supply: groundwater (one well)

Depth of Well: approximately 25 feet deep

Water to be used for: irrigation

County: Lawrence

Type of Waste Disposal System: NA

Location: near Savoy

PRIORITY Date Received: 4-10-91

Fee: \$50.00

Corrected Application Received: 8-16-95

Period of Annual Use: March 1 - October 31

Remarks: No well log available

Diversion Point: SW 1/4 NW 1/4

Section 31-T5N-R2E

Land to be Irrigated: (Lot A of Cascade Placer

M.S. 991) W 1/2 Sec 31-T5N-R2E and E 1/2

Sec 36-T5N-R1E

T5N-R1E			T5N-R2E		
36			Ⓢ		31

Reviewed and the Number Assigned on: 8-21-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1630-1**

Date of first receipt of application April 10, 1991.

Date of return to applicant for corrections, amendments or changes April 11, 1991.

Date of receipt of corrected application August 16, 1995.

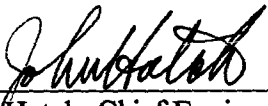
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1630-1 to Spearfish Canyon Foundation, HC 37, Box 1387, Spearfish Canyon SD 57754-9725 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1630-1 appropriates 0.045 cubic feet of water per second (20 gallons per minute) from one well (Alluvium) approximately 25 feet deep located in the SW 1/4 NW 1/4 Section 31-T5N-R2E to irrigate 3.162 acres located in (Lot A, Cascade Placer, M.S. 991) W 1/2 Section 31-T5N-R2E and E 1/2 Section 36-T5N-R1E. This is for lawn watering lands adjacent to the Latchstring Cultural Center.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - October 31.
3. The date from which applicant may claim right is August 16, 1995.
4. The date of approval of Permit No. 1630-1 is November 6, 1995.
5. ~~Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.~~

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 18 1995

date



(See instructions)

No. 1630-1 Hydrologic Unit 10/20203
Basin Belle Fourche, River
Newspaper Black Hills Pioneer, Spearfish



Application For Soil/Water Compatibility Permit and Permit To Appropriately Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

- Name of Applicant JB SPEARFISH CANYON FOUNDATION Phone No. (605) 584-2870
- Post Office Address JB HC 37 BOX 1387, SPEARFISH CANYON, SD 57754-9725
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 0.045 Total acres irrigated 3.162 acres
- Source of Water supply probably the Deadwood formation
- Location of point of diversion SW 1/4 NW 1/4 of Section Thirty-One, Township 5 North, Range 2 East, Black Hills Meridian. County Lawrence
- Counties where water will be used Lawrence March 1 - October 31
- Annual period during which water is to be used Spring, summer & fall growing season
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
Lot A of the Cascade Placer, M.S. 991, located in the W 1/2 of Section 31, T5N, R2E, B.H.M. and the E 1/2 of Section 36, T5N, R1E, B.H.M. Lawrence County, South Dakota	3.162 A

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: (Specify) sprinkler
- Crops to be Irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)

To provide water at the "Center" to maintain the grounds.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Lawrence, ss

I, James B. Wainwright, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed James B. Wainwright

Subscribed and sworn to before me this 8th day of April 19 91

Karen L. Everett
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction Little is known about this existing well that served the domestic use of the cabin Homestake purchased from Mrs. Einar Johnson. Homestake already owned the land.

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others 235.46'



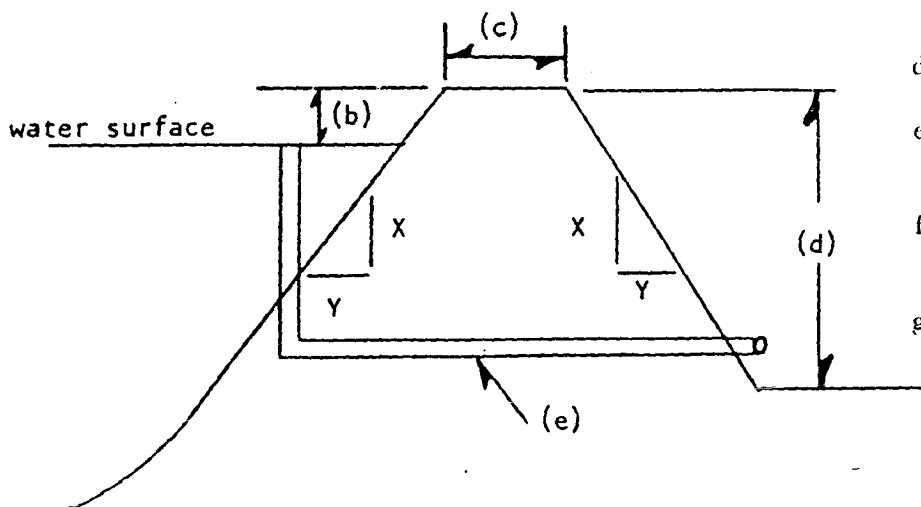
2. Dugout Information Estimates

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

3. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ acre feet
- Drainage area above dam _____

James B. Wainwright
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412639

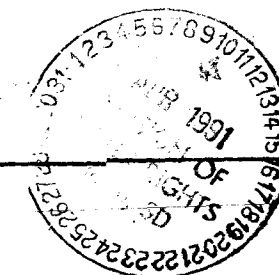
Pierre, _____ April 10, 1991

RECEIVED OF Homestake Mining Company, Lead, SD

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

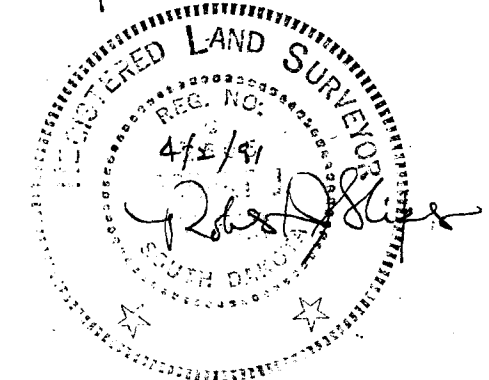
Fee for Application for Permit No. <u>1630-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



WELL AT SAVOY
BY CULTURAL CENTER

PLAT OF
LOT A OF THE CASCADE PLACER, M.S. 991, LOT B AND LOT C OF THE LITTLE SPEARFISH PLACER, M.S. 953
ALL LOCATED IN THE W 1/2 OF SECTION 31, T5N R2E, B.H.M.
AND THE E 1/2 OF SECTION 36, T5N R1E, B.H.M.
LAWRENCE COUNTY, SOUTH DAKOTA

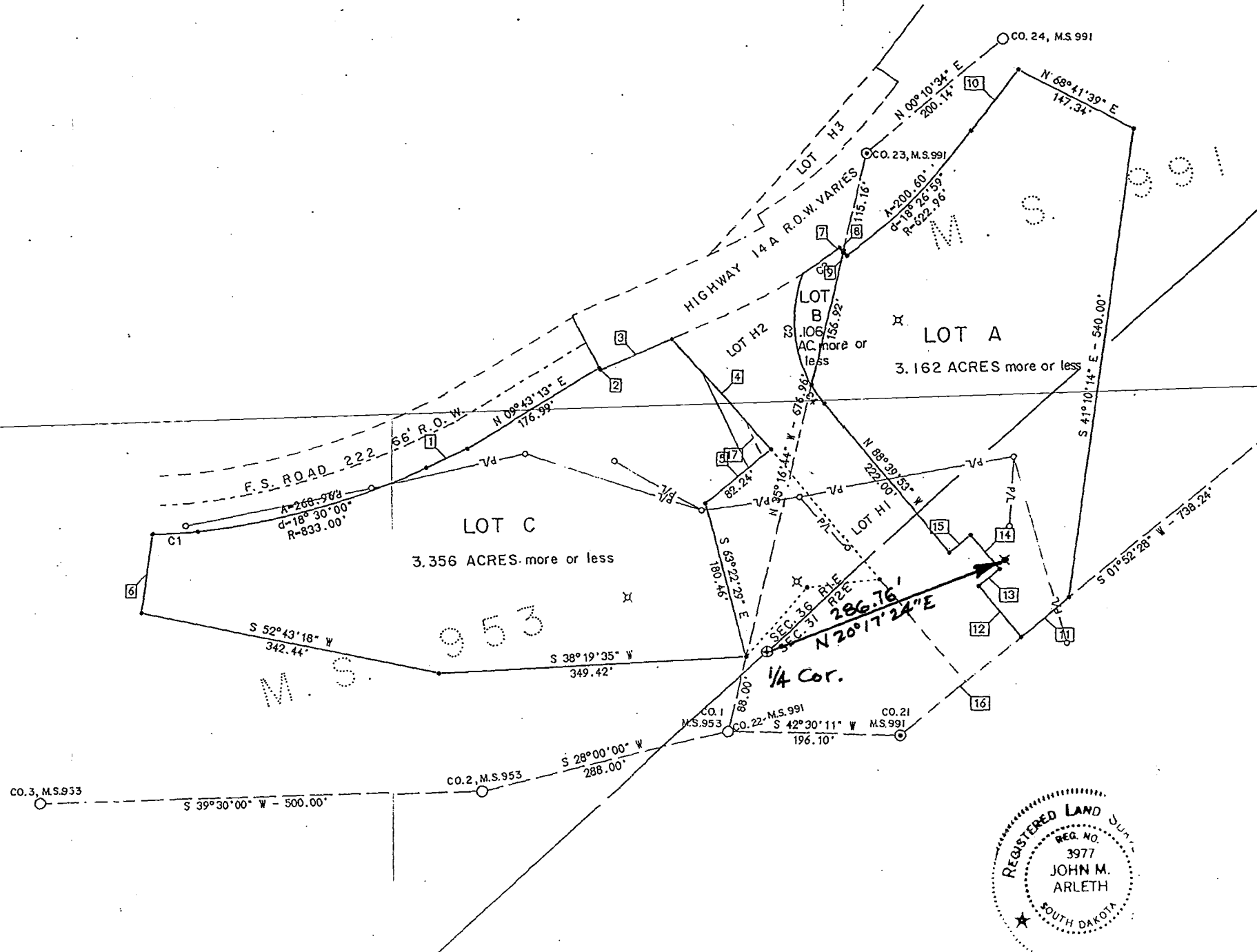


N 16°24'21" - 51.93'
S 76°12'53" - 2.01'
N 17°51'00" - 88.85'
S 89°51'32" - 168.65'
S 01°20'07" - 95.00'
N 40°54'18" - 90.00'
N 04°48'28" - 6.86'
S 85°30'56" - 7.50'
S 85°30'56" - 7.50'
N 12°22'30" - 97.46'
S 01°52'28" - 70.00'
N 88°39'53" - 74.28'
N 01°20'07" - 30.00'
N 88°39'53" - 50.00'
S 01°20'07" - 30.00'
N 01°52'28" - 175.13'
S 74°12'44" - 47.29'

(A) C-05°08'39" R-561.71'
C-50°40'36" R-150.99'
C-04°03'22" R-638.02'
C-09°53'25" R-150.99'

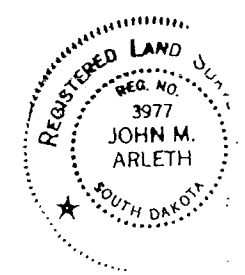
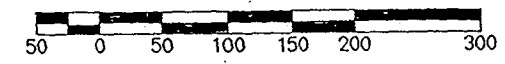
(L) A-50.43' CB-N 37°27'59" E
A-133.55' CB-N 53°26'10" W
A-43.17' CB-N 06°30'28" E
A-26.06' CB-N 83°43'09" W

(CHORD) C-50.41'
C-129.24'
C-45.16'
C-26.03'



LEGEND

- PIN & CAP SET
- ⊙ M.S. CORNER FOUND
- M.S. CORNER NOT FOUND
- ✕ WATER WELL
- P/L- OVERHEAD UTILITIES



1630-1



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 11, 1991

James B. Wainwright
Homestake Natural History & Cultural Center
PO Box 798
Spearfish SD 57783

Dear Mr. Wainwright:

In regard to the three water permit applications received on April 10, 1991, the following needs to be clarified in order to process the applications.

On Item No. 4 of the application for the facility at the cultural center, the point of diversion is listed as the SE 1/4 SE 1/4 Section 36-T5N-R1E. After examining the map submitted with the application, it would appear that the well is located in the SE 1/4 NE 1/4. Please let us know, if you concur with this change on the application.

~~The depth of the well to be used for irrigation of the 3.162 acres is, at a minimum, necessary before processing of the application can proceed. Also, the application for irrigation can not be considered until a soil/water permit is obtained from the Department of Agriculture. This application has been forwarded to that office.~~

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Homestake Natural History & Cultural Center

ADDRESS:

COUNTY:

DATE: 4-23-91

TELEPHONE:

RE: Pending applications

COMMENTS:

Talked with Jim Wainwright. He stated he agreed with the change in the legal description of the point of diversion on the application for the facility at the cultural center. It should be the SE 1/4 NE 1/4 Section 36-T5N-R1E.

In regard to the application for irrigation, Mr. Wainwright requested we hold the application until Homestake decides if they are going to proceed with the application. He will let us know when a decision is made.

Karen Schlaak

Karen Schlaak

Natural Resources Analyst

6-27-91

talked w/ Wainwright. He said to proceed w/ two complete applications for ^{snowmobile} concession and cultural center. They will let us know about the permit for irrigation. With the rain conditions this summer, they will probably wait awhile.

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Nos. 1526-1 and 1608-1

ADDRESS: COUNTY:

DATE: 8/4/95

TELEPHONE:

RE: Call from Jerry Boyer

COMMENTS:

Mr. Boyer called with two issues to discussed.

First, he stated that in accordance with Qualification No. 2 on Permit No. 1608-1 has been plugged in accordance with Well Construction Standard Rules.

Secondly, he said that the Spearfish Canyon Foundation sold the lodge to Spearfish Canyon Resorts, LLC. He asked what the process is for changing the name on Permit No. 1608-1. I explained the transfer of ownership form and stated I would send him a partially completed form.

Finally, I brought to his attention the application which is still pending on the well utilized for the lawn around the Latchstring. He asked that I send him a copy of the file and he would get moving on it.

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 Handberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 1995

Jerry Boyer
Spearfish Canyon Foundation
HC 37, Box 1387
Spearfish Canyon, SD 57754-9725

Dear Jerry:

Please find enclosed a copy a partially completed transfer of ownership form. As we discussed, filing this completed form is necessary for changing the name on Water Permit No. 1608-1 from Spearfish Canyon Foundation to Spearfish Canyon Resorts, LLC.

I have also enclosed a copy of our file on the pending water permit application for a well that serves for lawn watering at the cultural center. This application was put on hold by Jim Wainwright back in 1991. Please let me know whether proceed with processing the application. Prior to proceeding, check over the application to see if all the information is correct. One thing that comes to mind is that the name of the applicant may have changed.

Finally, you stated that the well authorized by Water Permit No. 1526-1 was abandoned and subsequently plugged as set forth in Qualification No. 2 of Water Permit No. 1608-1. I forgot to ask you whether Permit No. 1526-1 can be cancelled. If the well is plugged and water is no longer used for the snowmobile concession then the permit is subject to cancellation. However, if the snowmobile concession has been moved and is served by a new well then a change of diversion application may need to be filed. The concession may be provided by the well authorized by No. 1608-1, in which case Permit No. 1526-1 can be cancelled..

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosures

Spearfish Canyon Foundation
at Latchstring Village

August 14, 1995

Eric Gronlund
DENR-Water Rights Program
Foss Building
523 East Capitol
Pierre, SD 57501-3181

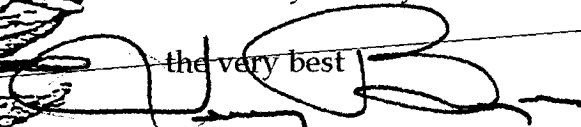


Dear Eric:

Please find enclosed, the updated application for the new water permit. I have changed the name and address, only, to properly reflect the current situation. I have also enclosed copies of the SD Secretary of State's name change authority.

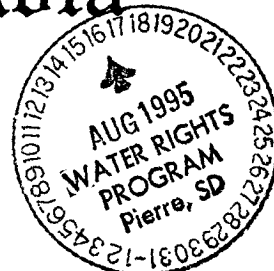
Thank you for your assistance.

the very best



Jerry J. Boyer
President

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

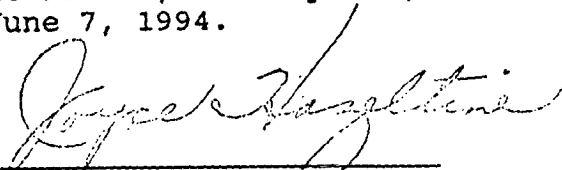
CERTIFICATE OF AMENDMENT

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Articles of Amendment to the Articles of Incorporation of HOMESTAKE BLACK HILLS FOUNDATION duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate of the Articles of Amendment of HOMESTAKE BLACK HILLS FOUNDATION changed its name to: SPEARFISH CANYON FOUNDATION.

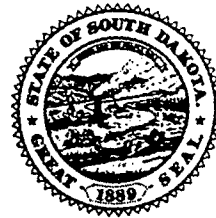


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this June 7, 1994.


JOYCE HAZELTINE
Secretary of State



STATE OF SOUTH DAKOTA
Secretary of State



Certificate Of Amendment

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that
duplicates of Amendment to Articles of Incorporation of
HOMESTAKE HISTORY AND CULTURAL CENTER, INC.....
duly signed and verified pursuant to the provisions of the South Dakota corporation acts, have been
received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this
Certificate of Amendment to the Articles of Incorporation of
HOMESTAKE HISTORY AND CULTURAL CENTER, INC.....
CHANGED ITS NAME TO: HOMESTAKE BLACK HILLS FOUNDATION.....
and attach hereto a duplicate of the Amendment.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the Great Seal of the
State of South Dakota, at Pierre, the Capital
this 10th day of

MARCH A.D. 19 .. 92

Joyce Hazeltine
Secretary of State

Deputy



Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Spearfish Canyon Foundation Application

ADDRESS: COUNTY: Lawrence

DATE: 8/18/95 TELEPHONE: 584-2070

RE: Discussion with Jerry Boyer on irrigation application for lawn watering around cultural center

COMMENTS:

I contacted Mr. Boyer regarding the application for lawn watering around the Latchstring cultural center. I stated that we received that application in which the applicant's name was amended for lawn watering around the center. I stated that when the application was originally filed in 1991 that no well information was provided. I asked if they had any knowledge of well construction (ie. depth, casing, etc.). Mr. Boyer stated that very little was known about the well. He believes the well was constructed prior to 1947. The well is directly adjacent to Little Spearfish Creek and constructed into the alluvium. The exact depth of the well is not know but is approximately 25 feet deep. This is all that is known about the well.

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 Henderson

REPORT ON WATER PERMIT APPLICATION NO. 1630-1
for Spearfish Canyon Foundation
September 26, 1995

Application No. 1630-1 proposes to appropriate 0.045 cfs (20 gpm) from one well approximately 25 feet deep located in the SW 1/4 NW 1/4 of section 31, T5N R2E to irrigate 3.162 acres located in the W 1/2 of section 31, T5N R2E and the E 1/2 of section 36, T5N R1E in Lawrence County. The water is for lawn watering adjacent to the Latchstring Cultural Center.

AQUIFER - ALLUVIUM ALONG SPEARFISH CREEK (ALQ)

The alluvium along Spearfish consists of clay, sand, gravel, cobbles and boulders and is variable in thickness although the driller's logs for the area indicate that 30 feet is about the maximum thickness (Water Rights, 1995). The alluvium lies directly on the Deadwood Formation in this area (Darton, 1925). Very little is known about this well. Reportedly the well is 25 feet deep which would mean it is probably completed into alluvium and it is located near Little Spearfish Creek. Other wells in this immediate area which are drilled deeper have static water levels which appear lower than the bottom of this well. The alluvium is probably hydraulically connected to Spearfish and Little Spearfish Creeks.

The Water Rights Program does not monitor any observation wells in the area. The only water level data available for the area is from driller's logs filed with the Water Rights Program. Historical information concerning water levels for the alluvium is not available. In general, in other parts of the Black Hills where observation wells are being monitored in alluvium, the water levels respond with climatic conditions. ~~That is, water levels rise during wet years and gradually decline during dry years.~~ Also in this area, it appears that the Deadwood Formation may be contributing groundwater to the creek and into the alluvium.

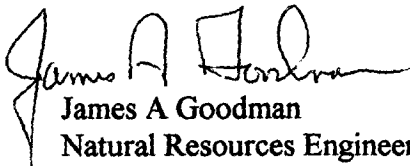
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights in this immediate area. These are Water Permit Nos. 1525-1 and 1608-1. Both of these permits are issued to the applicant and both obtain water from the Deadwood Formation. Interference is not expected to be a concern. If the well for this application is only 25 feet deep then it is unlikely that the existing permits and this application use the same source of water.

CONCLUSIONS

1. Water is available from the alluvium.
2. Interference is not a concern. The other permits in the area are probably not from the same water source.

3. The effect on Little Spearfish and Spearfish Creeks should not be significant. This a relatively small diversion rate and will be used only during the growing season. The application is for irrigation of lawns and ground surrounding the Latchstring Cultural Center.
4. The information in the application is not sufficient to determine if this well is constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Darton, N.H., 1925, Central Black Hills Folio, No. 219, USGS, Washington DC.

Water Rights, 1995, Unpublished Driller's Logs for Lawrence County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

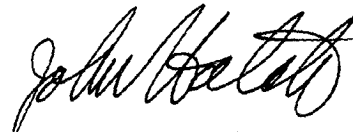
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1630-1, Spearfish Canyon Foundation**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1630-1, Spearfish Canyon Foundation, %Jerry Boyer, HC 37, Box 1387, Spearfish Canyon, SD 57754-9725.

The Chief Engineer is recommending APPROVAL of Application No. 1630-1 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 qualification:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 5, 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.

October 10, 1995

Jerry Boyer
Spearfish Canyon Foundation
HC 37, box 1387
Spearfish Canyon, SD 57754-9725

Dear Mr. Boyer:

Water Permit Application No. 1630-1 for irrigation 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-2761). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 10, 1995

Black Hills Pioneer
P.O. Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1630-1 to be published twice. Please publish the first notice on October 18, 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 Spearfish Canyon Foundation, %Jerry Boyer, HC 37, Box 1387, Spearfish Canyon, SD 57754-9725 (Ph # 605-584-2070).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 / ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 18, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1630-1 to Appropriate Water

Notice is given that Spearfish Canyon Foundation, HC 37, Box 1387, Spearfish Canyon, SD 57754-9725 has filed an application for a water permit to appropriate 0.045 cubic feet of water per second (20 gallons per minute) from one well (Alluvium) approximately 25 feet deep located in the SW 1/4 NW 1/4 Section 31-T5N-R2E to irrigate 3.162 acres located in (Lot A, Cascade Placer, M.S. 991) W 1/2 Section 31-T5N-R2E and E 1/2 Section 36-T5N-R1E. This is for lawn watering lands adjacent to the Latchstring Cultural Center.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1630-1 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 6, 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 Program address to request copies of information pertaining to this application.~~ Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

A.H.W.

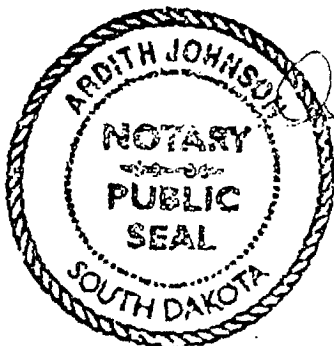
Affidavit of Publicat. *Karen*STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS. *OK*

Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

532

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 18 day of Oct 19 95 and the last publication on the 25 day of Oct 19 95, that the full amount of fees charged for publishing same, to-wit: The sum of \$41.27, insures soley to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 25 day of Oct 19 95.



[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-96

**NOTICE OF
APPLICATION NO. 1630-1
to Appropriate Water**

NOTICE IS GIVEN that Spearfish Canyon Foundation, HC 17, Box 1387, Spearfish Canyon, SD 5754-9725 has filed an application for a water permit to appropriate 0.045 cubic feet of water per second (20 gallons per minute) from one well (Alluvium) approximately 25 feet deep located in the SW 1/4 NW 1/4 Section 31-T5N-R2E to irrigate 3.162 acres located in (Lot A, Cascade Placer, M.S. 991) W 1/2 Section 31-T5N-R2E and E 1/2 Section 36-T5N-R1E. This is for lawn watering lands adjacent to the Latchstring Cultural Center.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1630-1 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 Program, Foxs Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 6, 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 Program address to request copies of information pertaining to this application.

Nellie H. Myers, Secretary,
Department of Environment
and Natural Resources

#532
Oct. 18, 95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Jerry Boyer
Spearfish Canyon Foundation
HC 37, Box 1387
Spearfish Canyon, SD 57754-9725

Dear Mr. Boyer:

Enclosed is Water Permit No. 1630-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
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

November 2, 1999

1630-1

Jerry Boyer
Spearfish Canyon Foundation
HC 37, Box 1387
Spearfish Canyon, SD 57754-9725

Dear Mr. Boyer:

The investigation of your water use system was conducted on September 9, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1630-1. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416273

Pierre, _____ November 22, 19 99

RECEIVED OF Latchstring Village, Spearfish Cyn. Foundation, HC 37, Box 1387, spearfish Cyn., SD
the following amount in fees for services rendered as provided for by law: 57754

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. 1630-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hater

Permit No. 1630-1
Belle Fourche 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, September 9, 1998, made a thorough examination of the water use system constructed by Spearfish Canyon Foundation of HC 37, Box 1387, Spearfish Canyon, SD holder of Permit No. 1630-1, bearing the priority of August 16, 1995 authorizing the diversion of 0.045 cu. ft. per second of the waters of groundwater for irrigation purposes, in Lawrence County.

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

A. Works used to divert the water:

Water is diverted with a submersible pump from a 6-inch diameter well 25 feet deep, located 2371 feet south and 100 feet east of the north west corner of Sec. 31, T5N-R2E (SW¼ SW¼ SW¼ NW¼ Sec. 31, T5N-R2E).

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

Water is transported to place through buried water lines as part of an underground sprinkler system

C. Works used to apply water to beneficial use:

Water is applied to beneficial use through an underground sprinkler system

The system is in the following condition good. The point of diversion is located in the SW¼ SW¼ SW¼ NW¼ Sec. 31, T5N-R2E. The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SW¼ SW¼ SW¼ NW¼ Sec. 31, T5N-R2E

3 acres

comprising a total of 3 acres of land and the license should be issued for 0.04 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler

10/13/99

Date

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1630-1

Other permit(s) associated with the project: 1525-1 is used inside building, 1630-1 for irrigation only

NAME & ADDRESS OF INSPECTION CONTACT: Roger Buchholz, HC 37, Box 1387, Spearfish,
Canyon, SD 57754-9725

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Maintenance Supervisor

NAME & ADDRESS OF PERMIT HOLDER: Spearfish Canyon Foundation, HC 37, Box 1387,
Spearfish Canyon SD 57754-9725

DATE OF INSPECTION: September 9 , 1998

DIVERSION POINT LEGAL LOCATION: 2371 feet south and 100 feet east of the NW corner of
Sec. 31, T5N-R2E (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T5N-
R2E)

WELL INFORMATION:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells one
- 3) Depth(s) 25 feet
- 4) Well log is available no

Casing:

- 1) Diameter 6 inches
- 2) Type steel

Pump:

- 1) Make unknown submersible
- 2) Capacity 20 GPM

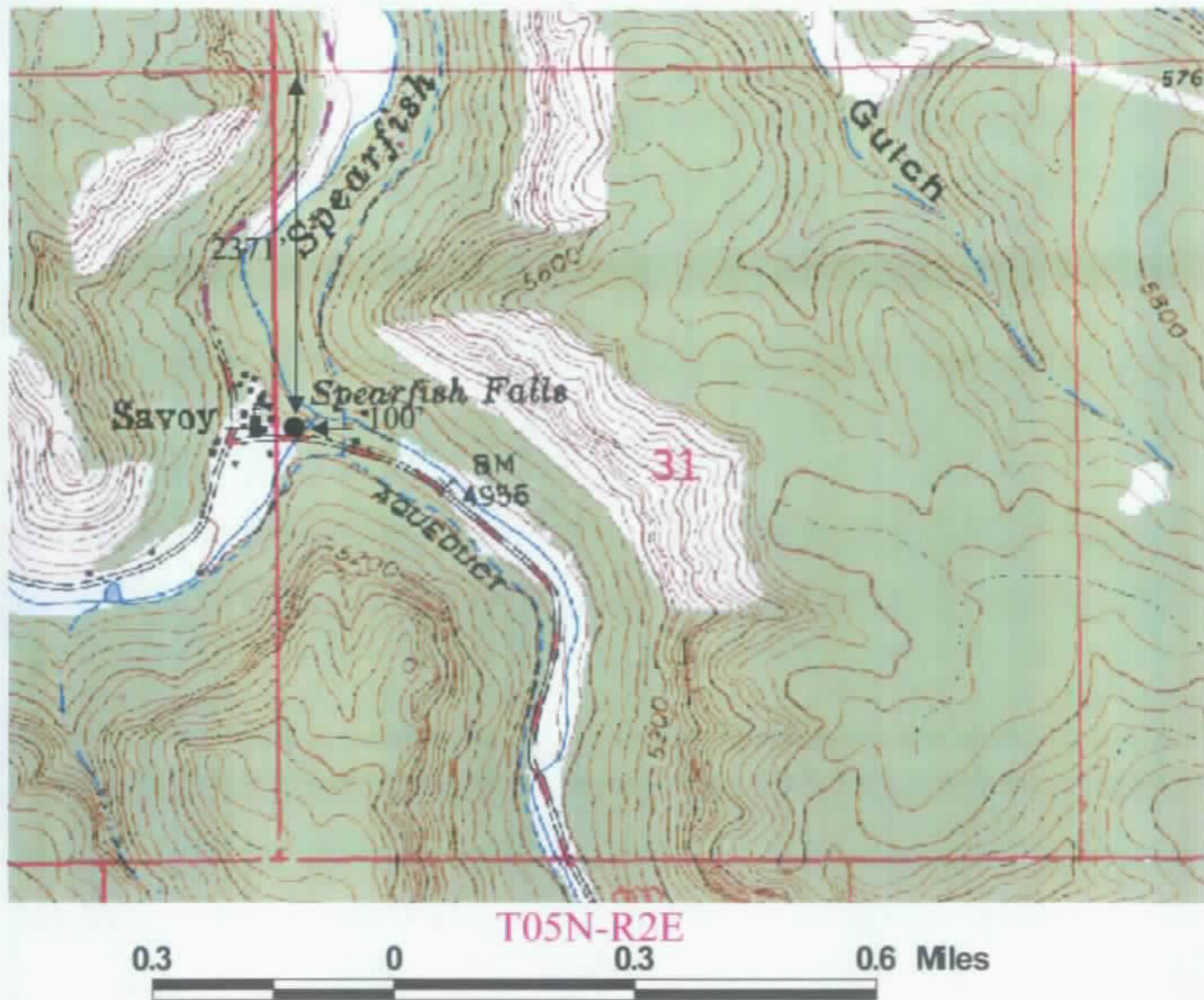
SYSTEM:

Underground sprinklers to irrigate botanical garden and trees. A maximum of three acres of the grounds are irrigated.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Water Right No. 1630-1



Ken Buhler

Ken Buhler
Natural Resources Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1630-1

(1) Spearfish Canyon Foundation, HC 37, Box 1387, Spearfish Canyon SD 57754-9725 made Application No. 1630-1, April 10, 1991 for a water permit to divert 0.045 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for irrigation purposes. Permit No. 1630-1, with a priority date of August 16, 1995 was approved November 6, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the 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 0.04 cubic feet of water per second for beneficial use. The location of the diversion point is 2,371 feet south and 100 feet east from the northwest corner of Section 31-T5N-R2E (SW ¼ NW ¼).

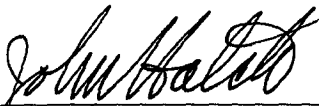
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 31-T5N-R2E

SW ¼ NW ¼

3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Spearfish Canyon Foundation, HC 37, Box 1387, Spearfish Canyon SD 57754-9725 the holder and/or owner of Water Right No. 1630-1 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from groundwater (one well) with a priority date of August 16, 1995 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1630-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

DEC 10 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1999

1630-1

Spearfish Canyon Foundation
%Jerry Boyer
HC 37, Box 1387
Spearfish, SD 57754-9725

Dear Mr. Boyer:

Enclosed is Water License No. 1630-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416273 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. 1630-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures



1630-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: SPEARFISH CANYON FOUNDATION, JERRY J BOYER, PRESIDENT, HC 37 BOX 1387,
SPEARFISH CANYON, SD 57754 9725

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1630-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1630-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1630-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: SPEARFISH CANYON FOUNDATION JERRY J BOYER, PRESIDENT HC 37 BOX 1387 SPEARFISH CANYON SD 57754 9725	COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) _____ Date of Delivery _____ B. Signature _____ JAN 29 2001 1115 USP 5775M delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 324 fish SD 57783
2. Article Number (Copy from service label) 7000 0600 0026 9814 1921	
3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2001

1630-1

Jerry J Boyer, President
Spearfish Canyon Foundation
HC 37 Box 1387
Spearfish Canyon, SD 57754-9725

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 1630-1.

I completed a questionnaire for you based on our January 31, 2001 telephone conversation. The questionnaire reflects that 3 acres of a botanical garden were irrigated during the months of July, August and September. The information was received in our office prior to the Water-----

Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

R. 1 E. R. 2 E. 975 000 FEET

(Joins sheet 17)



2 Miles
10 000 Feet

1 5000

Scale 1:24000

1 1/4 1/2 3/4 1 1 1/4 1 1/2 1 3/4 2 2 1/4 2 1/2 2 3/4 3 3 1/4 3 1/2 3 3/4 4 4 1/4 4 1/2 4 3/4 5 5 1/4 5 1/2 5 3/4

(Joins sheet 25) (Joins sheet 26)

11630-1



This map is compiled on 1917 aerial photographs by the U. S. Department of Agriculture, Soil Conservation Service and cooperating agencies. Contour and tick marks and land division corners, if shown, are approximately indicated.



HOMESTAKE MINING COMPANY
630 EAST SUMMIT
LEAD, SOUTH DAKOTA 57754
(605) 722-4817

1630-1

July 19, 2005

Todd Young
Spearfish Canyon Resort, LLC
P.O. Box 705
Spearfish, SD 57783

Re: Transfer of Water Right 1630-1 from Spearfish Canyon Foundation.

Dear Todd,

Attached is the Notice of Transfer of Ownership regarding Water Right No. 1630-1 to be executed and filed with the Chief Engineer of the Water Rights Program, DENR in Pierre.

Please sign where indicated, along with your position in the LLC, enclose a check for \$2.50 and mail all to the address indicated on the top left corner of the Notice.

If you have any questions or concerns, please feel free to give me a call.

Sincerely,


Julie Stone, Landman

Cc: Laurie Gehner

RECEIVED
AUG 26 2005
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1630-1

Date: 7/20/2005

I/We request that Water Right/Permit No. 1630-1 formerly owned by:

Spearfish Canyon Foundation

be transferred to:

New Owner Name: Spearfish Canyon Resort, LLC

Address: P.O. Box 705

City, State, Zip Spearfish, SD 57783

Telephone No. 605-717-1111

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

Lot A of the Cascade Placer, M.S. 991 located in the W/2 of Section 31, T5N, R2E, BHM and the E/2 of Section 36, T5N, R1E, BHM, Lawrence County, South Dakota, as shown on Plat Document Number 91-405 and comprising 3.162 acres, more or less.

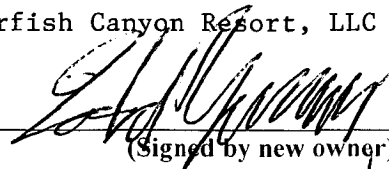
☒ I understand that the validity of Water Right/Permit No. 1630-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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, Spearfish Canyon Resort, LLC, the new owner, certify that the above information is true and correct.

Spearfish Canyon Resort, LLC

By: 

(Signed by new owner)

Its: Managing partner

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 August 25, 2005

RECEIVED OF Spearfish Canyon Resorts LLC, 140 W Jackson, Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>1630-1</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.

224979

By

Darlene Eide

Chief Engineer

grr



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 2005

1630-1

Todd Young
Spearfish Canyon Resort, LLC
PO Box 705
Spearfish SD 57783

Dear Mr. Young:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership of Water Right No. 1630-1. The transfer has been completed. The water right formerly listed in the name of Spearfish Canyon Foundation is now listed in the name of Spearfish Canyon Resort LLC.

Enclosed is your Receipt No. 001938 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**

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

October 24, 2007

1630-1

Todd Young
Spearfish Canyon Resort LLC
10619 Roughlock Falls Rd
Lead SD 57754-3783

Dear Mr. Young:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to PO Box 705, Spearfish SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: SPEARFISH CANYON RESORT LLC, TODD YOUNG, MANAGING PTR, 10619
ROUGHLOCK FALLS RD, LEAD, SD 57754 3783

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1630-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1630-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1630-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1630-1

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

March 3, 2008

1630-1

Todd Young
Spearfish Canyon Resort LLC
10619 Roughlock Falls Rd
Lead SD 57754-3783

Dear Mr. Young:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1630-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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