

WATER PERMIT NO. 1647-1

Name of Applicant: Catherine S Frey, Dakota Spirit Resort

Address: HC 80 Box 502-35, Piedmont SD 57769

Phone: 605 787-5981

Amount of Water Claimed: 0.10 cfs (45 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use

County: Meade

Type of Waste Disposal System: septic tank

Location: 1 southeast of Piedmont

PRIORITY

Date Received: 3-7-1997

Fee: \$50.00

Corrected Application Received: NA

Period of Annual Use: January 1 - December 1

Remarks:

Diversion Point: NW 1/4 SW 1/4 Sec 14-

T3N-R6E

Land to be Irrigated: NA

			14		
	x				

Depth of Well: 470 feet deep

Well Driller: Downen Drilling

Remarks: log is not available

Type of Map: aerial photo

Prepared by: Arvid C Meland

Reviewed and the Number Assigned on: 3-7-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1647-1**

Date of first receipt of application March 7, 1997.

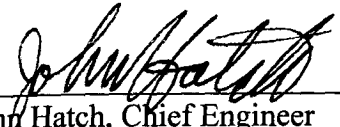
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1647-1 to Catherine S Frey, Dakotah Spirit Resort, HC 80 Box 502-35, Piedmont SD 57769 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1647-1 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Aquifer) 470 feet deep located in the NW 1/4 SW 1/4 Section 14-T3N-R6E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use for supplying water for the resort.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1647-1 is May 5, 1997.
5. The date from which applicant may claim right is March 7, 1997.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

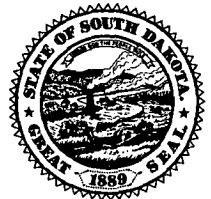
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

JUN 11 1997

date



FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1647-1</u> Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u> Newspaper <u>Meade Co. Times Tribune, Sturgis, SD</u>

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

Check use(s) of water:

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

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

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

- Name of Applicant Catherine S. Frey / DAKOTA SPIRIT RESORT Phone 605-787-5981
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 80 Box 502-35 Piedmont State SD 57769
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply PRIVATE WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 SW 1/4 SEC. 14-T3N-R6E
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used ongoing Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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)

SS

County of Pennington

I, Catherine S. Frey, 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 Catherine S. Frey
Subscribed and sworn to before me this 7 day of March 19 97

[Signature] 11/13/2000
Notary Public

Supplemental Information

(type or print in ink)

STATIC LEVEL & sealing
unknown.

1. Well Information - ~~Proposed Construction~~

Drilled Jan. 1963 (by) John & Marie Honerkamp
(605) 787-4888- Piedmont SD

- a) Drill Hole Diameter 5 Depth 470'
b) Casing Type (5") steel Diameter 5" Thickness Driller was Warren Downen
c) Screen Type _____ Diameter _____ Thickness no longer in business
d) Gravel Pack Thickness _____ Length of Gravel Pack (got old)
e) Depth to Top of Water Bearing Material _____
f) Depth to Water (ground surface to water level) _____
g) Distance to nearest existing domestic well: _____

Drilled into Minnelusa SAND.
Honerkamp's do not have nor
have access to the driller's log.
Honerkamp's was owner at well
drilling time.

On applicants property _____ On property owned by others 200 yards

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC TANK
b) System Capacity (gallons) 2500 gal c) Year Constructed _____
d) Connected to the City of N/A Sanitary System.

3. Dugout Information

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



4. Water Storage Dams

NA

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope _____

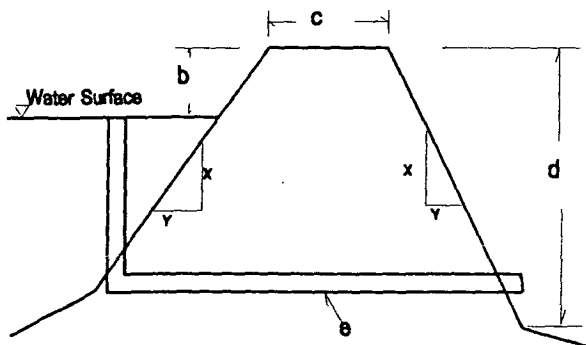
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

415265

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, March 7, 19 97

RECEIVED OF Dakota Spirit Resort, P.O. Box 384, Piedmont, SD 57769-0384

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

Fee for Application for Permit No. <u>1647-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

DOWNEN DRILLING CO.
4480 UNIVERSAL DRIVE
RAPID CITY, SD 57702-9395
(605) 787-4525



Covered Wagon - Campground.

1/25/63

Mr. John R. Honercamp

*SW 1/4 SW 1/4 of Sec 14
R. 6 E T. 3 N. Meade Co.*

Piedmont, S. Dak.

470' drilling
388' 5" casing
44' 8" casing

Sales tax

Well log:

0-40' dirt & gravel
40-170' red shale (Spearfish)
170'to 220' limestone hole in bottom (Minnekata)
220'to 320' red shale (Opeche)
320'to 415' Limestone mixed with shale
415' to 445' good yellow sandstone
445' to 447' yellow clay soft & sticky
447' to 466' soft yellow sandstone
466-470' white limestone

*MinneLusa
sandstone.*

Water level 32' from top test 50 gal. per. min at 120'
recomended pump setting at 130'.

Thank You.

Honercamp

*Ken: Hostis Found
B.D.*

To Whom This may Concern

The site of the well in the Dakota
Spirit Campground, is approximately 21
feet north of the north fence of the
Swimming pool.

Arvid C Meland Soil Scientist

Meadow County Planning

Oct 9, 1996





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

Catherine Frey
Dakotah Spirit
PO Box 384
Piedmont, SD 57769

Dear Ms. Frey:

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

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

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

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by April 14, 1995. If you have questions or need assistance contact **Barry McLaury, Environmental Scientist (605-773-3352)**.

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1995

Catherine Frey
Dakotah Spirit
PO Box 384
Piedmont, SD 57769

187-5981

Dear Ms. Frey:

I am writing to follow-up my March 15, 1995 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. **A business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.**

Please complete and return the application that was sent to you with my March 15, 1995 letter. Send the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by May 19, 1995. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

**WATER PERMIT APPLICATION NO. 1647-1
DAKOTAH SPIRIT RESORT
MARCH 27, 1997**

Water Permit Application No. 1647-1 proposes to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Aquifer) 470 feet deep located in the NW¼ SW¼ Section 14, T3N-R6E. The water is for commercial use.

INTRODUCTION:

SDCL 46-2A-9 requires that a permit to appropriate water may only be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the questions of water availability and the affects on existing rights.

WATER SOURCE: Minnelusa Formation (MNLS)

General Information:

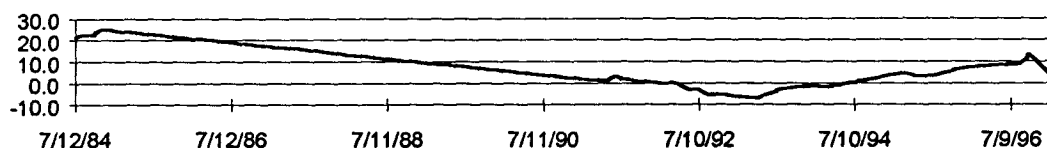
The Minnelusa Aquifer consists of alternating beds of sandstone and dolomitic limestone with lesser amounts of red and black shale and chert, approximately 450 feet thick in this area. The porosity of the Minnelusa formation is quite variable. Well sorted sand lenses have porosities approaching 25%, but generally the sands have porosities of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa formation underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage (Allen, 1984). The aquifer extends into Lawrence County to the north and west and into Pennington County to the south. The Minnelusa formation outcrops within one mile of this well site and the top of the formation is reported to be 320 feet below grade at this well site. The aquifer is under artesian conditions at this site.

Water Availability:

The availability of unappropriated water from the Minnelusa Formation in this area can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge to the Minnelusa is from infiltration of precipitation on the outcrop, from stream flow losses, and possibly upward leakage from the Madison Aquifer. Average annual recharge has not been estimated for the aquifer.

The Water Rights Program monitors 22 observation wells completed into the Minnelusa Aquifer in the Black Hills area. The nearest Minnelusa Observation well, (MD-84A) is located approximately one mile from this well. The hydrograph for this well (see figure 1) resembles other Water Rights' Minnelusa Wells.



WATER RIGHTS OBSERVATION WELL MD-84A

figure 1

The water levels for these wells indicate there is a response to climatic conditions, that is rising during wet years and declining during dry years. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious. Therefore, it is apparent that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

AFFECTS ON EXISTING RIGHTS:

There are 153 Water Rights/Permits appropriating water from the Minnelusa Aquifer in South Dakota. In Meade County alone there are 41 water rights/permits. The aquifer is used for primarily for domestic, commercial, municipal, suburban housing, and irrigation uses. There are several domestic wells on file with the Water Rights Program for this area and there are 13 Permits/Rights within one mile of the well that is to be used to supply this permit, they include:

Permit/Right No	Owner	Location	Distance from 1647-1
842-1	Robert Phelps	3N6E10D	1 mile
843-1	Lavern Wilburn	3N6E10B	1 mile
989-1	Trail West Development	3N6E14C	1/4 mile
1155-1	Donald/Betty Wittinger	3N6E10C	1 mile
1334-1	Stage Stop Plaza	3N6E23D	1 mile
1507-1	Piedmont Baptist Church	3N6E15A	1/2 mile
1512-1	Elk Creek Steakhouse	3N6E15A	1/2 mile
1533-1	Meade School Dist 46-1	3N6E23D	1 mile
1607-1	Black Hills Petrified Forest	3N6E11D	1 mile
1614-1	Dean Nickel	3N6E15D	1/4 mile
1640-1	John Boylan	3N6E15A	1/2 mile
1902-2	Carol's Slash J Bar	3N6E10C	1 mile
1907-2	Our Lady of the Back Hills	3N6E23D	1 mile

This is an existing well which has been in operation for several years with no complaints. Drawdown from pumping this well theoretically does have an affect on other wells in this area. Since the Minnelusa is under artesian conditions in this area, pumping may cause a decline in the potentiometric surface over a fairly widespread area. However, impact on area water rights/permits and domestic wells should not be significant since the pumping rate requested by this application is relatively low and, the pumping will be intermittent. In any event, pumps could be installed or lowered in the wells to maintain water use. It is interesting to note that the water levels in this area fluctuate considerably under natural conditions. It may be necessary to lower pumps during extended periods of drought.

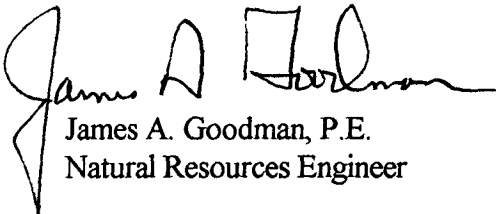
CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa Aquifer is confined in this area. Drawdown will occur as a result of this diversion. Pumping is not expected to adversely affect existing water rights. Well interference should not be a problem in this area.
3. This is an existing well and has been in use for a number of years with no reported controversy.
4. There have been no reported problems with water availability in this area. The Minnelusa is commonly used in the area between Rapid City and Sturgis to supply water for domestic and suburban housing use.
5. Dakota Spirit Resort utilizes a septic tank for wastewater disposal. DENR is not aware of any problems specific to this wastewater disposal system.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD

Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final

Water Rights Program, 1997, "Domestic Well Log Files, Observation Well Files, and Water Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

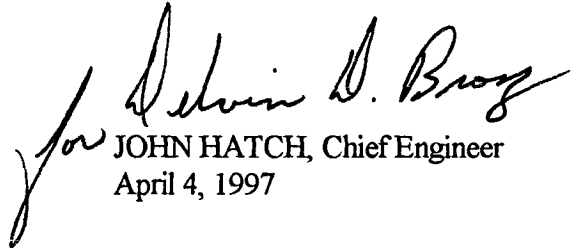
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1647-1, Dakota Spirit Resort**

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. 1647-1, Dakota Spirit Resort, c/o Catherine S. Frey, HC 80, Box 502-35, Piedmont, SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1647-1 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:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
April 4, 1997



**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.**

April 10, 1997

Catherine S. Frey
Dakotah Spirit Resort
HC 80, Box 502-35
Piedmont, SD 57769

Dear Ms. Frey:

Water Permit Application No. 1647-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
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

April 10, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1647-1 to be published twice. Please publish the first notice on April 16, 1997, 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 Catherine S. Frey, Dakotah Spirit Resort, HC 80, Box 502-35, Piedmont, SD 57769 (Ph # (605) 787-5981).

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
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. 1647-1

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 1647-1 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 April 16, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1647-1 to Appropriate Water

Notice is given that Catherine S Frey, Dakota Spirit Resort, HC 80 Box 502-35, Piedmont SD 57769 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Aquifer) 470 feet deep located in the NW 1/4 SW 1/4 Section 14-T3N-R6E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1647-1 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 May 5, 1997.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Meade) SS

I, Melinda Griffin

certify that the attached printed Notice was taken

from the Meade County Times

printed and published in Stargis

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 16, 1997

April 23, 1997

Cost of Printing 30.94

Melinda Griffin
 (Signature)

Brookkeeper
 (Title)

4/23/97
 (Date Signed)



ed in the NW 1/4 SW 1/4 Section 14-T3N-R6E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1647-1 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.

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**Publ April 16 and 23, 1997
 Meade County Times-Tribune**

Water application

**NOTICE OF APPLICATION
 NO. 1647-1 to Appropriate Water**
 Notice is given that Catherine S. Frey, Dakota Spirit Resort, HC 80, Box 502-35, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Aquifer) 470 feet deep locat-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

Catherine S. Frey
Dakota Spirit Resort
HC 80, Box 502-35
Piedmont, SD 57769

Dear Ms. Frey:

Enclosed is Water Permit No. 1647-1 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

August 27, 1999

1647-1

Catherine S. Frey
Dakota Spirit Resort
HC 80, Box 502-35
Piedmont, SD 57769

Dear Ms. Frey:

The investigation of your water use system was conducted on July 12, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1647-1. 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

N^o 416178

Pierre, September 1, 1999

RECEIVED OF Dakotah Spirit Campground & Lodge, HC 80, Box 502-35, 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 _____

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. 1647-1

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 Hatch (C)

Permit No. 1647-1
Upper Cheyenne - Water District

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

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

I have this day, July 12, 1999, made a thorough examination of the water use system constructed by Catherine S Frey, Dakota Spirit Resort of HC 80 Box 502-35, Piedmont SD 57769 holder of Permit No. 1647-1, bearing the priority of March 7, 1997 authorizing the diversion of 0.10 cu. ft. per second of the waters of Minnelusa Formation for commercial purposes, in Meade County.

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

A. Works used to divert the water:

Pump\Motor:

- 1) Make Unknown
- 2) Capacity 45 GPM
- 3) Horsepower rating 2 hp

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

Water is diverted to a 3,000 gallon storage tank and then distributed to the resort for sanitary and drinking purposes.

The system is in the following condition good. The point of diversion is located Well: $\approx$ 1,650 feet N and $\approx$ 165 feet E from the SW corner section 14-T3N-R6E (NW $\frac{1}{4}$ SW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.10 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: August 24, 1999



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1647-1

DATE OF INVESTIGATION	July 12, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Catherine S Frey
NAME & ADDRESS OF PERMIT HOLDER	Catherine S Frey Dakota Spirit Resort HC 80 Box 502-35 Piedmont SD 57769
DIVERSION POINT LEGAL LOCATION	Well: $\approx$ 1,650 feet N and $\approx$ 165 feet E from the SW corner section 14-T3N- R6E (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Downen Drilling Co
- 2) No. of Wells 1
- 3) Depth(s) 470 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 and 8 inches
- 2) Length 432 feet
- 3) Type steel

Screen:

- 1) Type unknown
- 2) Static water level 32 feet

Pump\Motor:

- 1) Make Unknown
- 2) Capacity 45 GPM
- 3) Horsepower rating 2 hp

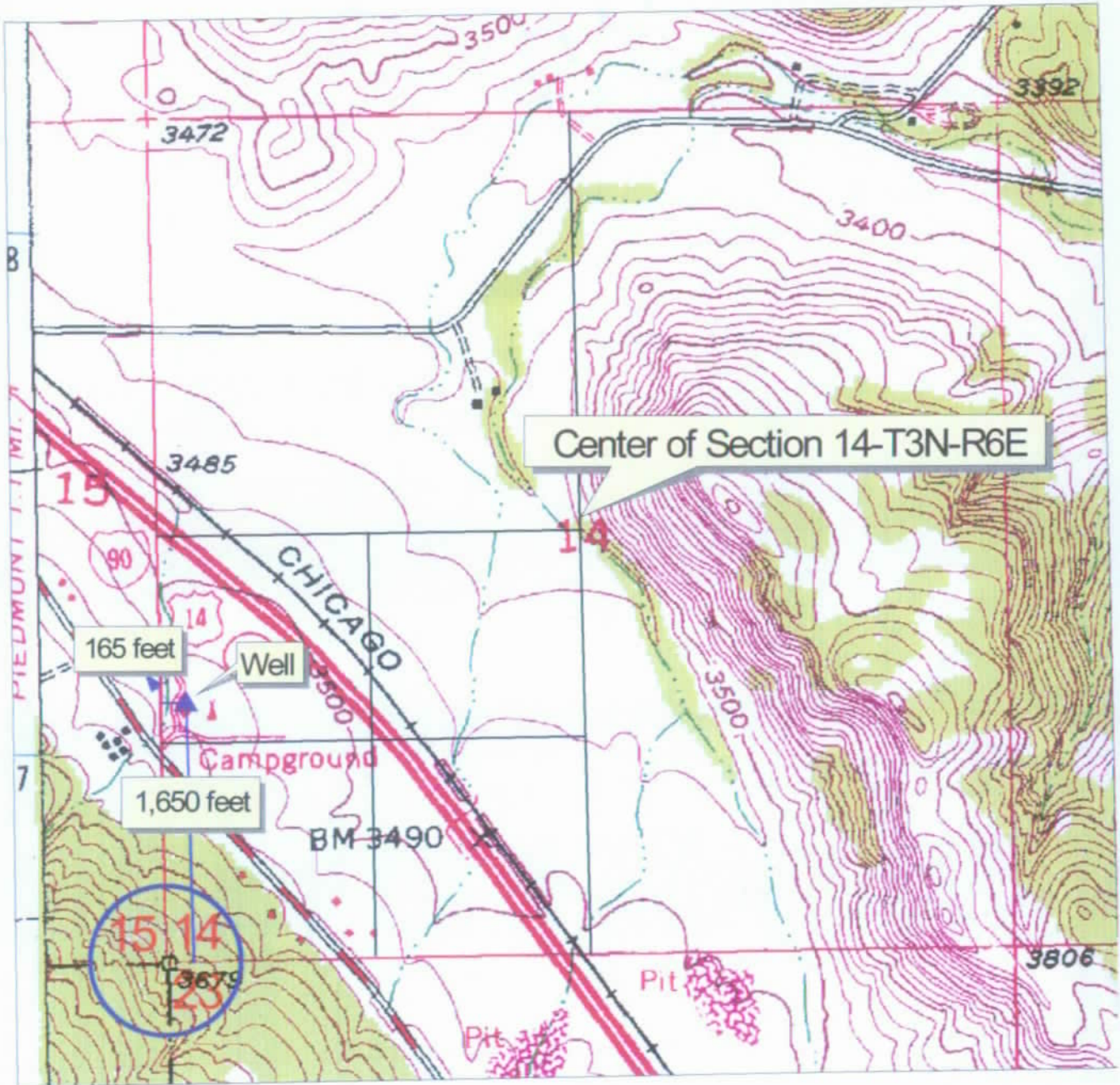
DISTRIBUTION LINES OR CANALS:

Water is diverted to a 3,000 gallon storage tank and then distributed to the resort for sanitary and drinking purposes.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

1000 0 1000 Feet



Ron Duvall, Nat Res Engineer

8/25/99

Water Right No. 1647-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1647-1

(1) Catherine S Frey, Dakotah Spirit Resort, HC 80 Box 502-35, Piedmont SD 57769 made Application No. 1647-1, March 7, 1997 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial use purposes. Permit No. 1647-1, with a priority date of March 7, 1997 was approved May 5, 1997 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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,650 feet north and 165 feet east from the southwest corner of Section 14-T3N-R6E (NW ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Catherine S Frey, Dakotah Spirit Resort, HC 80 Box 502-35, Piedmont SD 57769 the holder and/or owner of Water Right No. 1647-1 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of March 7, 1997 from the location specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1647-1 and subject to South Dakota State Law.

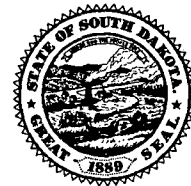


JOHN HATCH, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

SEP 3 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1999

1647-1

Catherine S. Frey
Dakotah Spirit Resort
HC 80, Box 502-35
Piedmont, SD 57769

Dear Ms. Frey:

Enclosed is Water License No. 1647-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416178 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. 1647-1, 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

Johnson Eiesland Quinn Huffman & Clayborne
Law Firm LLP

GLEN HERMAN JOHNSON*
GREGORY ALAN EIESLAND*
TERENCE ROBERT QUINN
RICHARD EARL HUFFMAN
COURTNEY RANDALL CLAYBORNE*
KRISTI WAMMEN WHITCHER
MICHAEL CHARLES LOOS

4020 JACKSON BOULEVARD ♦ P.O. Box 6900
RAPID CITY, SOUTH DAKOTA 57709-6900

PHONE 605.348.7300
FAX 605.348.4757

CYNTHIA J. JOHNSON
DENNYCE L. KORB
TAMARA L. MORRISON
JACKIE A. SCHAD
KAYNE R. LARIMER
CERTIFIED LEGAL ASSISTANTS

JERRY A. THOVSON
INVESTIGATOR

*CERTIFIED CIVIL TRIAL SPECIALIST
NATIONAL BOARD OF TRIAL ADVOCACY

June 5, 2002

LAURIE N. LAUGHTER, RN BSN

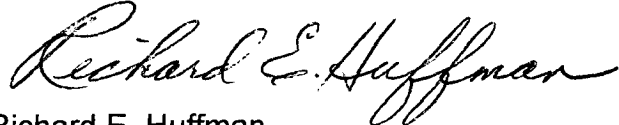
Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Re: Water Permit No. 1647-1

Gentlemen:

Enclosed herewith please find Notice of Transfer of Ownership pertaining to Water Permit No. 1647-1 together with my client's check made payable to DENR for \$2.50 for the transfer fee. If you have any questions, please advise.

Very truly yours,



Richard E. Huffman

REH: ~~sf~~
Enclosures
cc: Worman Corporation

RECEIVED

JUN 06 2002

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUN 06 2002

WATER RIGHTS
PROGRAM

No. _____

Date: May 29, 2002

I/We request that Water Right/Permit No. 1647-1

formerly owned by: Catherine S. Frey, Dakota Spirit Resort

be transferred to: (name & address) Worman Corporation, 14240 No Highway 79
Piedmont S.D. 57769 Telephone No. 605-787-5981

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

Lot A of Tract 1 of Honerkamp Subdivision, Meade County SD

I/We understand that the validity of Water Right/Permit No. 1647-1 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 Pennington)

I/We Lois Worman, President 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.


(Signed by new owner)
President Worman Corporation

Subscribed and sworn to before me this 5th day of June, 20 02


(Notary Public)

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

NO 417179

Pierre, June 6, 20 02

RECEIVED OF Worman Corporation, 14240 N Highway 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 _____		
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>1647-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Darland Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2002

1647-1

Richard E Huffman
Johnson, Eiesland, Quinn, Huffman & Clayborne
PO Box 6900
Rapid City, SD 57709-6900

RE: Transfer of Ownership – Water Right No. 1647-1

Dear Mr. Huffman:

The transfer of Water Right No. 1647-1, formerly held by Catherine S Frey, dba Dakotah Spirit Resort, has been completed. The water right is now listed as being owned by Worman Corporation, 14240 N Highway 79, Piedmont, SD.

Enclosed is Receipt No. 417179 in the amount of \$2.50 which was paid to cover the filing fees. It is my understanding that you wish to have the confirmation and receipt forwarded to you and you will in turn send them on to Ione Worman.

Thank you and if you have any questions, please get in touch with 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, 2006

1647-1

Dakota Spirit Resort
14240 N Hwy 79
Piedmont SD 57769

Dear Sir:

Enclosed are a 2005 Water Use Questionnaire and a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1647-1. We originally sent the questionnaire to Worman Corporation (the name the water right is currently listed under) but the letter was returned by the post office.

After reviewing the water right, it appears this well is utilized at Dakota Spirit Resort. If this is not the case, please let me. It is important for us to keep our records current.

Along with completing the questionnaire, please complete the enclosed Notice of Transfer form. The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form and questionnaire to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

1647-1

Sacora Station, LLC

Physical Location:
14200 North Hwy. 79
Piedmont, SD 57769
605-787-9797
www.sacorastation.com

Rod Woodruff, Owner
Mailing Address:
P.O. Box 909
Belle Fourche, SD 57717
605-892-2033
Fax: 605-892-4995

February 21, 2006

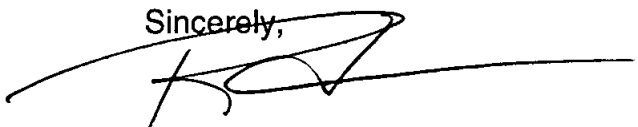
Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501

Re: Water Right/Permit No. 1647-1

Gentlemen:

The enclosed documents are furnished upon your request. A check for the fee of \$2.50 is included for the filing fee related to the transfer of ownership. Please contact us if any further information is desired.

Sincerely,



Rod Woodruff
RNW/lg

enc: Notice of Transfer of Ownership
2005 South Dakota Water Use Questionnaire
Check #3386 - \$2.50

RECEIVED

FEB 23 2006

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date FEBRUARY 23, 2006

RECEIVED OF Red Woodruff, PO Box 909, Belle Fourche SD 57717

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>1647-1</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02300

By

Darland Erbe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1647-1

Date: 2-21-06

I/We request that Water Right/Permit No. 1647-1

formerly owned by: Worman Corporation

be transferred to: (name & address) Rod Woodruff, P.O. Box 909,
Belle Fourche, SD 57717

Telephone No. 605-892-2033

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

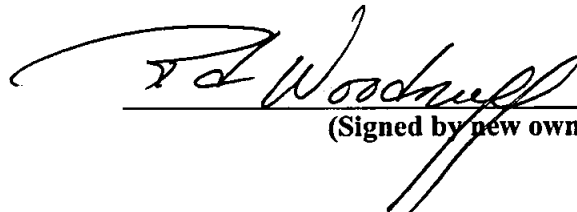
one well located in the NW ¼ SW ¼ Sec 14-T3N-R6E

I/We understand that the validity of Water Right/Permit No. 1647-1 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~~ Rod Woodruff, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED
FEB 23 2006
WATER RIGHTS
PROGRAM



**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 27, 2006

1647-1

Rod Woodruff
PO Box 909
Belle Fourche SD 57717-0909

Dear Mr. Woodruff:

Thank you for following up on the ownership change for Water Right No. 1647-1. The transfer has been completed. The water right formerly listed in the name of Worman Corporation is now listed in your name.

Enclosed is your Receipt No. 02308 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