

WATER PERMIT NO. 1675-1

Name of Applicant: **Black Hills Game Lodge, Inc.**

Address: **46 Mile High Dr., Deadwood SD 57732-9706**

Phone: **605 584-5054**

Amount of Water Claimed: **0.044 cfs (20 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial**

County: **Lawrence**

Type of Waste Disposal System: **septic tank and drain field**

Location: **5 miles southeast of Lead**

PRIORITY

Date Received: **9-4-1998**

Fee: **\$50.00**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SW ¼ NW ¼ (Lot E-3-B)**

Sec 17-T4N-R4E

Land to be Irrigated:

	x		17		

Depth of Well: **100 feet**

Well Driller:

Remarks: **well not complete yet**

Type of Map: **plat**

Prepared by: **James Walker, RLS**

Reviewed and the Number Assigned on: **9-8-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1675-1

Date of first receipt of application September 4, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1675-1 to Black Hills Game Lodge, Inc., 46 Mile High Dr, Deadwood SD 57732 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. 1675-1 appropriates 0.044 cubic feet of water per second (20 gallons per minute) from one well (Precambrian Rock) 100 feet deep located in the SW ¼ NW ¼ (Lot E-3-B) Section 17-T4N-R4E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
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. 1675-1 is November 2, 1998.
5. The date from which applicant may claim right is September 4, 1998.
6. One-fifth of the construction is to be completed on or before April 2, 2001.
7. All construction is to be completed on or before November 2, 2003.
8. Water is to be put to beneficial use on or before November 2, 2007.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1675-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

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

JAN 19 1999
date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1675-1</u> (office use only)
	Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Lawrence Co. Centennial, Deadwood, 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 products Mar 2, 1955) ☐ Future Use Reservation
 (check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Black Hills Game Lodge, Inc. Phone 584-5054 (605)
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 416 Mile High Dr. Deadwood State S.Dak. 57292
 (Street, R.R. or Box and City) (Zip Code)
- Amount of water claimed 0.044 *CFS or 20 **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acres Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply WELL SW 1/4 NW 1/4 (Lot E-3-R) Sec. 17-T4N-R4E
- Location of point of diversion (example: 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Well NE corner
pt. of E 1/2 of the sub. of E 1/2 of the sub. of
Lot E of NE 1/4 Sec 12 T4N-R4E County T4N-R4E Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Annual 12mo 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) Log Lodge
for hunting and snowmobiling, summer tourism.

STATE OF SOUTH DAKOTA) SS
 County of LAWRENCE

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)

I, DAVID GOODRICH, 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.

Applicant's signature David Goodrich

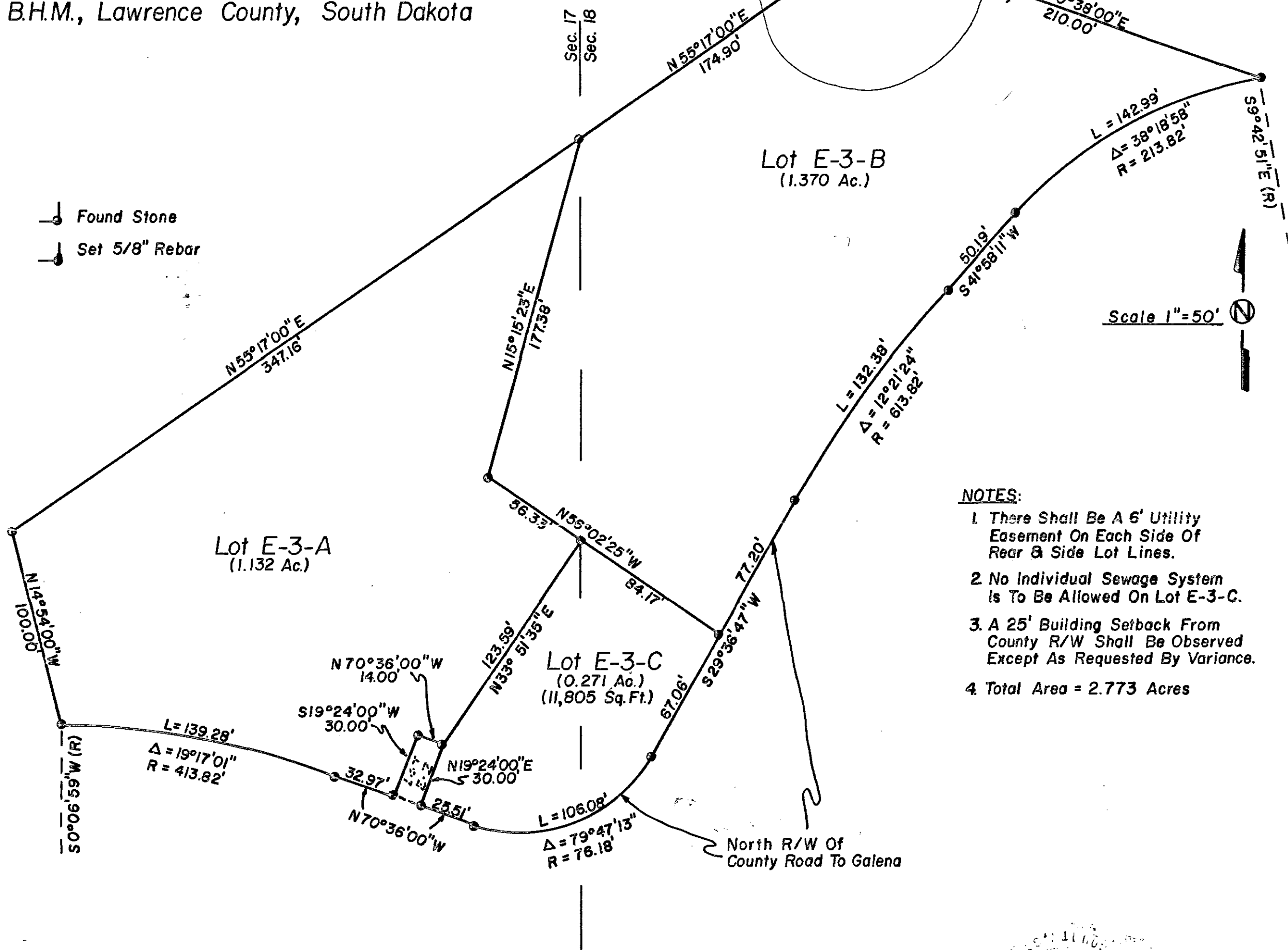
Subscribed and sworn to before me this 1 day of Sept. 19 98

Deane Carda
 Notary Public signature
 my comm. expires 4-18-01

81-2325

81-2325

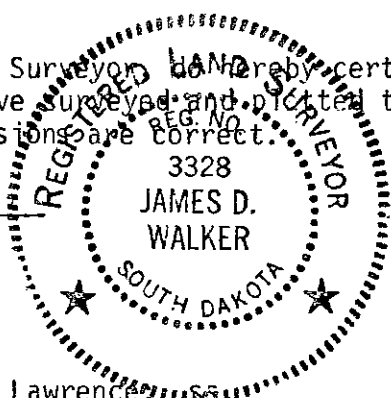
Plat Of Lots E-3-A, E-3-B, And E-3-C
Of The Subdivision Of Lot E-3 Of The
Subdivision Of Lot E (Bk. 6, Pg. 214) Of
H.E.S. 137 In Sections 17 & 18, T4N R4E,
B.H.M., Lawrence County, South Dakota



SURVEYOR'S CERTIFICATE

I, James D. Walker, Registered Land Surveyor, do hereby certify that, at the direction of the owner, I have surveyed and plotted the property as shown hereon, and that all dimensions are correct.

James D. Walker
James D. Walker
Registered Land Surveyor
Box 226, Spearfish, SD 57783



ACKNOWLEDGEMENT OF SURVEYOR

State of South Dakota County of Lawrence ss.

On this 24th day of July, 1981, before me, the undersigned officer, personally appeared James D. Walker, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 9-25-86 Janyah Moore
(Seal) Notary Public

OWNER'S CERTIFICATE

We, the undersigned owners of the land platted herein, as shown hereon, do hereby approve the survey and adopt the plat.

Ralph E. Ziehl Muriel Island
Owner 207 Polley Drive
Address Spearfish, S.D.

ACKNOWLEDGEMENT BY OWNERS

State of South Dakota County of Lawrence: ss.

On this 24th day of July, 1981, before me, the undersigned officer, personally appeared Ralph E. Ziehl and Muriel Island, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 9-25-86 Janyah Moore
(Seal) Notary Public

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Lawrence

I, Marie T. Farrier, County Treasurer of Lawrence County, do hereby certify that all taxes which are liens upon the lands platted hereon as shown by receipts of my office, have been paid to date.

Date August 6, 1981 Beth Jeffery, Clerk
County Treasurer

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Lawrence

Filed for record this 19 day of August, 1981 at
9:12 o'clock A. M., and recorded in document 81-2325.

Yvonne C. Jareman
Register of Deeds

OFFICE OF COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota County of Lawrence

I, Howard Larson, County Director of Equalization, hereby certify that I have received a copy of this plat.

James E. Easton, Deputy
County Director of Equalization

RESOLUTION OF COUNTY COMMISSIONERS

I, Shirley Hanzon, Auditor of Lawrence County do hereby certify that at an official meeting held on the 12th day of Aug, 1981, the Board of Commissioners by Resolution did approve the attached plat.

Shirley Hanzon
Auditor

APPROVAL BY LAWRENCE COUNTY PLANNING COMMISSION

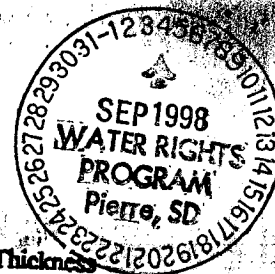
This Date: AUGUST 11th, 1981

ATTEST: John C. Cox, Jr.
Chairman
Robert Maguire
Secretary

COPY

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 100 FT +
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 100 + FT
- f) Depth to Water (ground surface to water level) 130 + FT
- g) Distance to nearest existing domestic well:
On applicants property 300' On property owned by others 300'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC TANK & DRAIN FIELD
- b) System Capacity (gallons) 2000 Year Constructed 1998
- c) Connected to the City of N/A Sanitary System

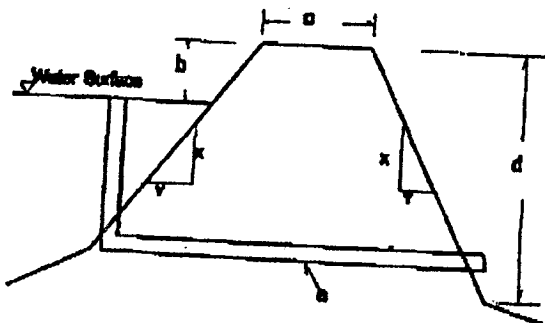
3. Dugout Information

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

4. Water Storage Dams

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

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



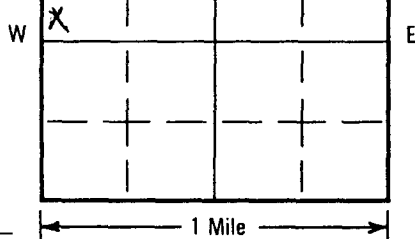
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S1W 1/4 NW 1/4 Sec 17 Twp 4N Rg 4ECounty Lawrence North

Please mark well location with an "X"



Well Completion Date

July 12, 2000

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

D H HCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>50</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>13</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>50</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure grouted
through casingSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine solution

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

no pump installedWell Owner: Don & Dave GoodrichBusiness Name: South Dakota Game LodgeAddress: HC 73 Box 444Deadwood, SD 57732

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>brown clay</u>	<u>0</u>	<u>38</u>
<u>gray to black schist</u>	<u>38</u>	<u>163</u>

STATIC WATER LEVEL 37 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other air developed

Pumping Level Below Land Surface

163 ft. After 2 Hrs. pumped 17 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 331

And this report is true and accurate.

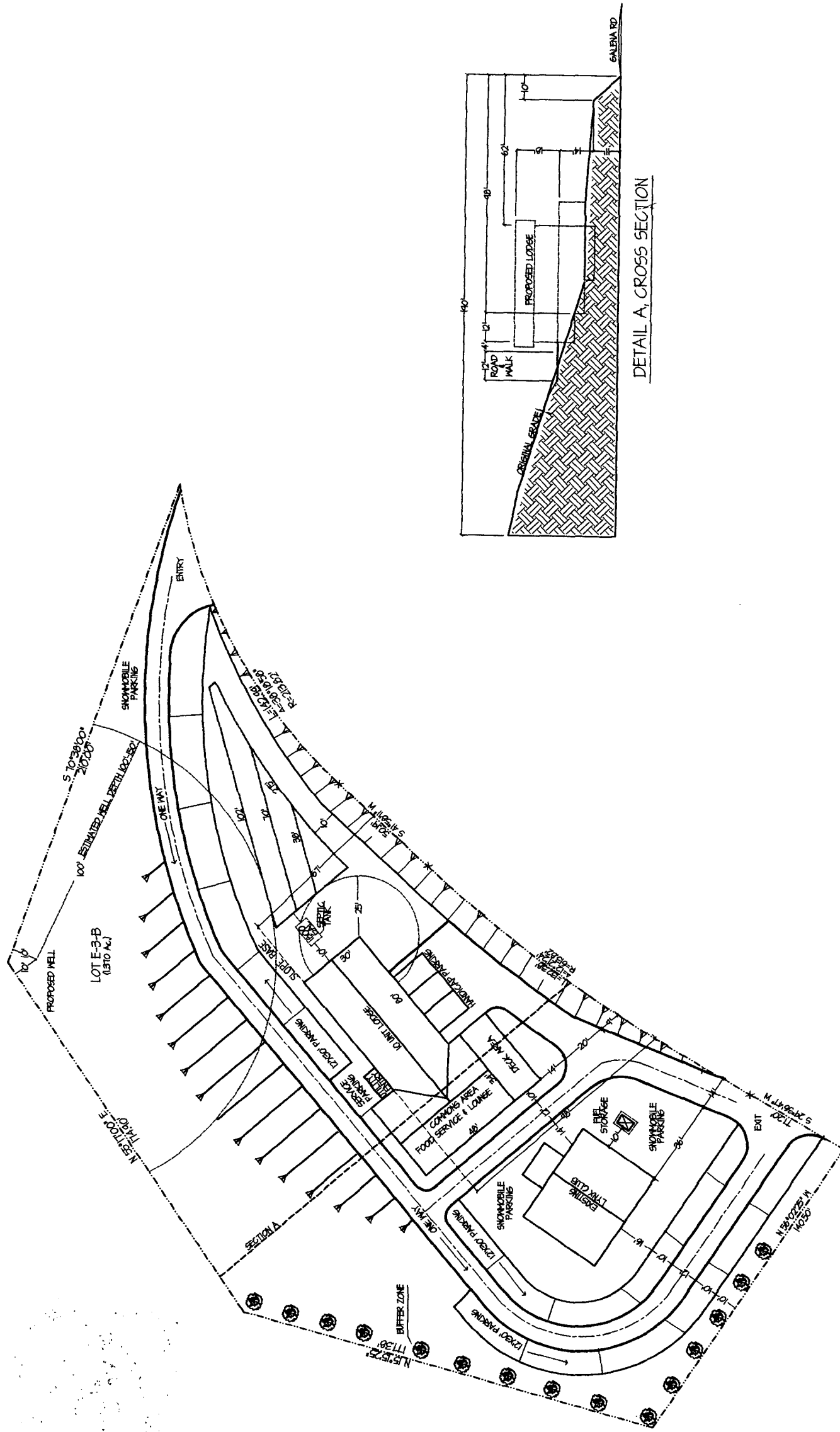
Drilling firm Taylor Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

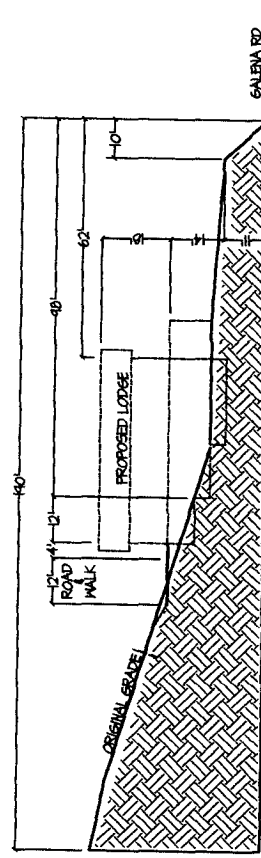


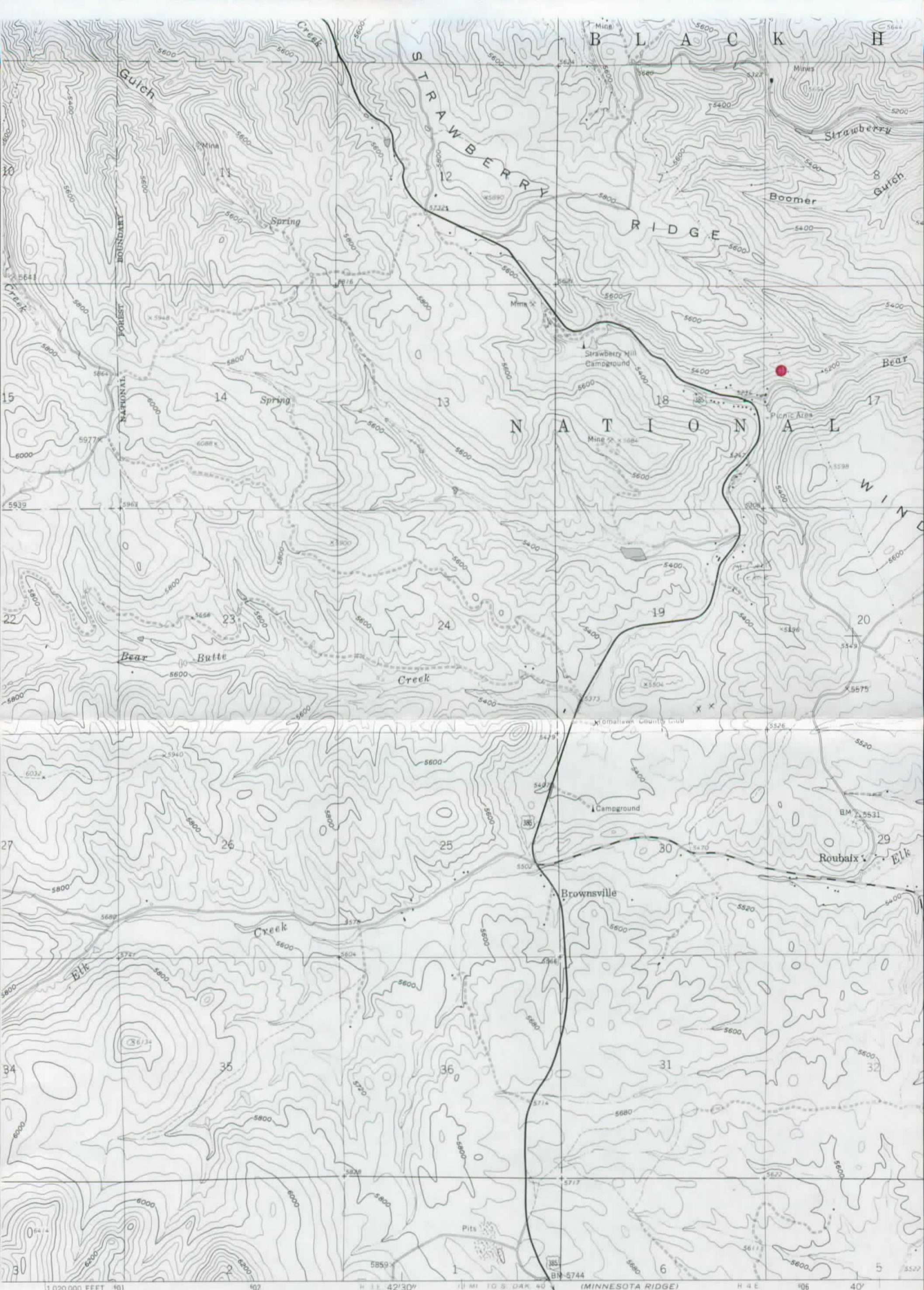


PLOT PLAN

SCALE 1"=50'

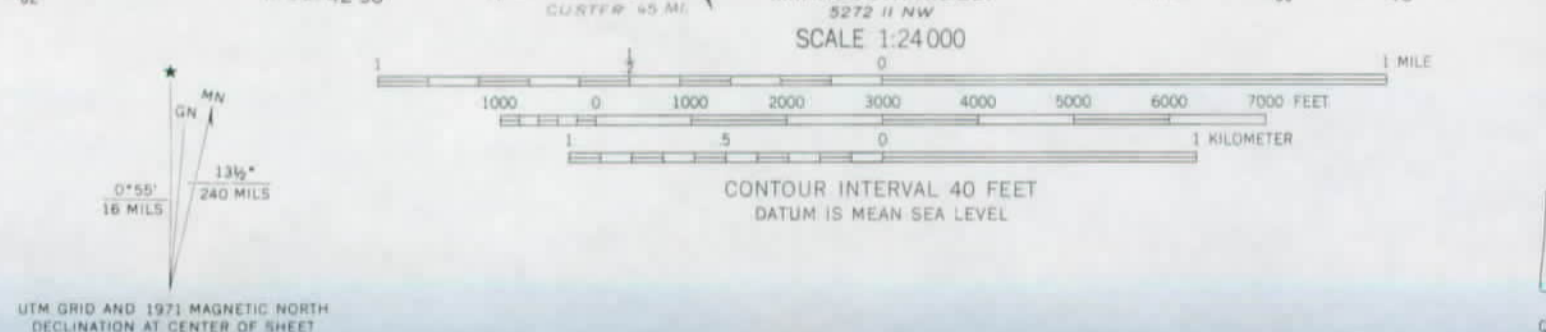
DETAIL A, CROSS SECTION





edited, and published by the Geological Survey
SGS and USC&GS
by photogrammetric methods from aerial
taken 1958. Field checked 1961
jection. 1927 North American datum
grid based on South Dakota coordinate system, north zone
Universal Transverse Mercator grid-ticks,
wn in blue

ed lines indicate selected fence and field lines where
ble on aerial photographs. This information is unchecked



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415854

Pierre, September 8, 19 98

RECEIVED OF Donald D. Goodrich (Black Hills Game Lodge, Inc.), 46 Mile High Dr., Deadwood, SD
the following amount in fees for services rendered as provided for by law: 57732-9706

Fee for Application for Permit No. <u>1675-1</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 _____
Chief Engineer

John Hatch

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Black Hills Game Lodge, Inc.

ADDRESS: COUNTY: Meade

DATE: September 4, 1998 TELEPHONE: 584-5054

RE: Call from Don Goodrich

COMMENTS:

Mr. Goodrich called to inform me that he forgot to include the \$50 check along with their water right permit application. He said the application filing fee is in the mail.

I asked whether this was an existing well or if it will be a new well. He indicated the well is not yet drilled.

Finally I said there appeared to be an error on the map he sent with the application. He sent in the map on file with the Register of Deeds. The map dates back to 1986. Mr. Goodrich has just marked the well location on this map. I told him that the two section references were transposed -- references to Sections 17 and 18 should be reversed. He indicated that he knew of this error and the correction is noted on the map filed in the Register of Deeds office.

I also explained that from what I could tell the map did not reference a specific section or quarter corner. It does show the section line and the county road right of way. From this it can be determined that the well will be located in the SW1/4 NW1/4 (Lot E-3-B) of Section 17, T4N, R4E.

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

REPORT ON WATER PERMIT APPLICATION NO. 1675-1
for Black Hills Game Lodge, Inc.
September 29, 1998

Application No. 1675-1 proposes to appropriate 0.044 cfs (20 gpm) from one well approximately 100 feet deep located in the SW 1/4 NW 1/4 (Lot E-3-B) of Section 17, T4N-R4E in Lawrence County. The water is for commercial use at the lodge.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area is a metagraywacke which consists of siliceous mica schist and impure quartzite (DeWitt, 1989) and is overlain in this immediate area by the Deadwood Formation. Ground water is obtained from fractures within the rock and the aquifer is probably under water table conditions. Recharge is accomplished through infiltration of rainfall and snowmelt directly into the rock and possibly through interconnection to Bear Butte Creek which flows through the immediate area.

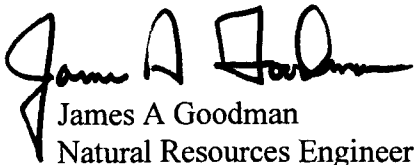
There is very little hydrogeologic data available for this area. What is available are numerous domestic well records which indicate ground water is readily available from fractures in the rock and that most of the domestic wells are relatively low yield (Water Rights, 1998). The Water Rights Program does not monitor any observation wells in this area which are completed into the Precambrian rock.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 1366-1 completed into Precambrian rock and located about 800 feet southwest of the site for this application. Interference is not expected to be a concern. Pumping rates are in the 20 to 30 gpm range and drawdown created by pumping at these rates should not be significant.

CONCLUSIONS

1. Water is available from the Precambrian rock.
2. The aquifer is under water table conditions and drawdown created by pumping at this rate should not be significant. Interference is not a concern.
3. This well must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 1998, Domestic Well Files, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

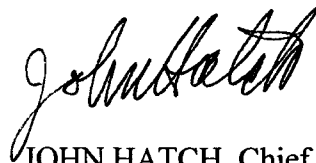
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1675-1, Black Hills Game Lodge, Inc.**

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. 1675-1, Black Hills Game Lodge, Inc., c/o David Goodrich, 46 Mile High Drive, Deadwood SD 57732-9706..

The Chief Engineer is recommending APPROVAL of Application No. 1675-1 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1675-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 5, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 6, 1998

Black Hills Game Lodge, Inc.
%David Goodrich
46 Mile High Drive
Deadwood, SD 57732-9706

Dear Mr. Goodrich:

Water Permit Application No. 1675-1 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 Lawrence Co. Centennial printed at Deadwood, SD (Ph # (605) 578-3305). 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
www.state.sd.us/denr

Lawrence Co. Centennial
Box 512
Deadwood, SD 57732-0512

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1675-1 to Appropriate Water to be published twice. Please publish the first notice on October 14, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Black Hills Game Lodge, Inc., %David Goodrich, 46 Mile High Drive, Deadwood, SD 57732-9706 (Ph # (605) 584-5054).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 1675-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 6, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 1675-1 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 October 14, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1675-1 to Appropriate Water

Notice is given that Black Hills Game, Lodge, Inc. 46 Mile High Dr., Deadwood SD 57732-9706 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from one well (Precambrian Rock) 100 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot E-3-B) Section 17-T4N-R4E. The water is for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1675-1 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 2, 1998.

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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Joan M. Lewis, being duly sworn, says: That the **Lawrence County Centennial**, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Deadwood, Lawrence County, South Dakota, by Dickson Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; the the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

October 15 1998 _____ 199_____
October 22 1998 _____ 199_____
_____ 199_____ 199_____
_____ 199_____ 199_____
_____ 199_____ 199_____

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 35.03, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan M. Lewis
Bookkeeper

Subscribed and sworn to before me this

22nd day of October, 1998

Leharita Brunner
Notary Public, South Dakota

My Commission Expires
February 1, 2001



Water application

NOTICE OF APPLICATION NO. 1675-1 to Appropriate Water

Notice is given that Black Hills Game Lodge, Inc., 46 Mile High Dr., Deadwood SD 57732-9706 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from one well (Precambrian Rock) 100 feet deep located in the SW1/4 NW1/4 (Lot E-3-B) Section 17-T4N-R4E. The water is for

commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1675-1 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 2, 1998.

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 Grunlund 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

Publ: Oct. 15 & 22, 1998

Lawrence County Centennial





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

Black Hills Game Lodge, Inc.
%David Goodrich
46 Mile High Drive
Deadwood, SD 57732-9706

Dear Mr. Goodrich:

Enclosed is Water Permit No. 1675-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1675-1

I have this day, October 13, 2016 made a thorough examination of the water use system constructed by **Coles Cabins (11904 Galena Road, Deadwood, SD)** of Permit No. **1675-1**, bearing the priority of **9/4/1998** authorizing the diversion of **.044** cu. ft. per second of the water from one well for commercial purposes, in Lawrence County.

Inspection contact & relationship to permit holder, if applicable:

Dave Cole, Owner

P.O. Box 512 Deadwood, SD 57732

605-641-7171

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling (2000)
- 2) No. of Wells 1
- 3) Depth(s) 163 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 7"
- 2) Length 50 feet
- 3) Type steel

Screen:

- 1) Type n/a
- 2) Length - feet
- 3) Static water level 37 feet

Pump:

- 1) Make Unknown
- 2) Model Unknown
- 3) Size 4"
- 4) Capacity 15 GPM
- 5) Horsepower rating 1/2 hp

Note: The well was air tested at 17 gpm by the driller in 2005. The well pump is estimated to have a maximum capacity of 15 gpm.

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

- 1) Type PE
- 2) Size 1 1/4" inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The well serves 7 cabins with kitchen and bath facilities and a shower house which serves 6 dry cabins.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes,
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
2,207' S and 245' E of the NW corner Section 17 T4N R4E (44.308094, -103.674231)
2. The works are capable of diverting and conveying to the place of use .033 cu. ft. per second (15 gpm) of water which is to be used for **commercial** use and the license should be issued for .033 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

F. Comments or other permit(s) associated with the project: none



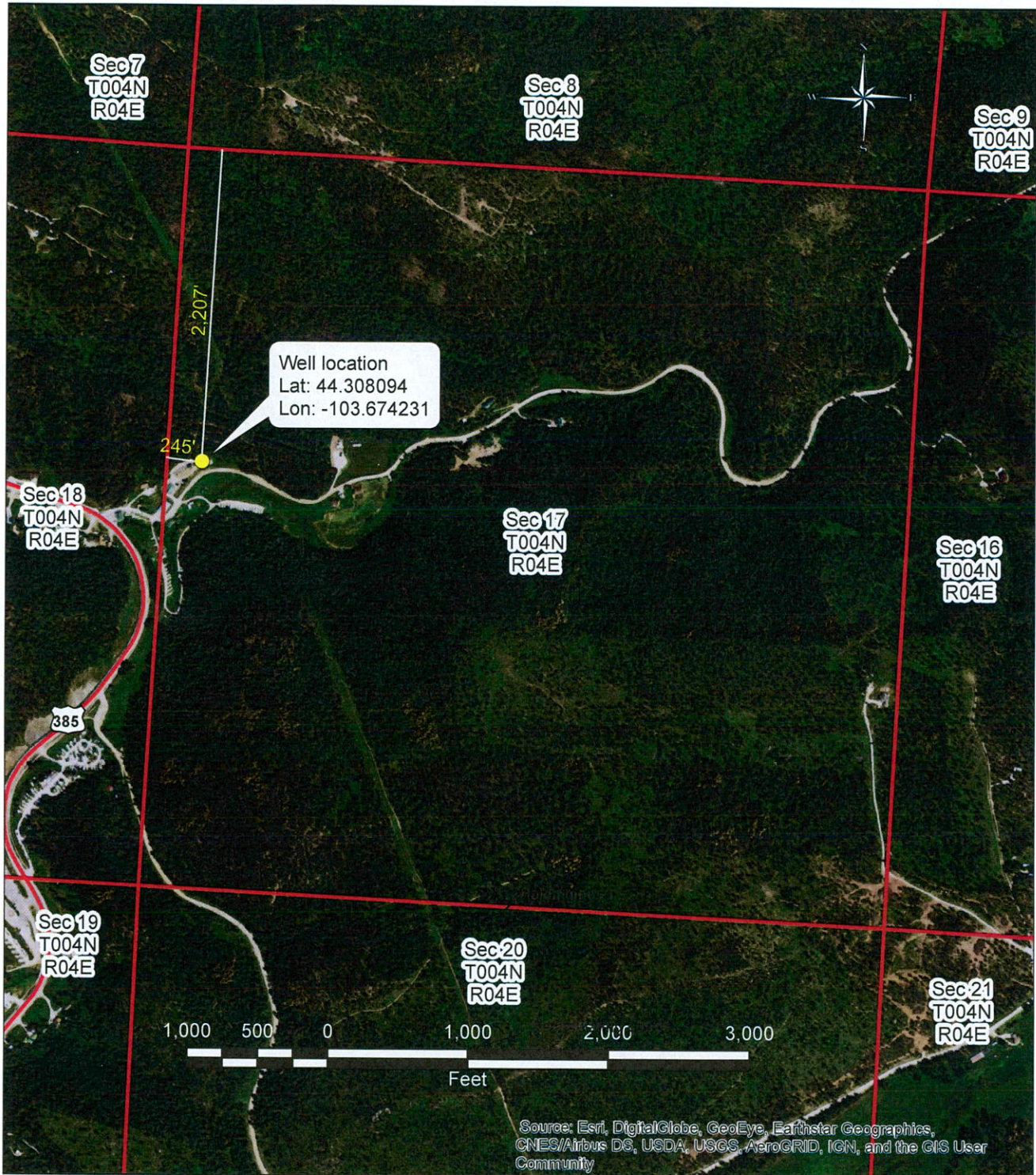
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 10/13/2016



Coles Cabins pump house

Water Right #1675-1
Coles Cabins
10/13/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 2, 2016

1675-1

Dave Cole
Coles Cabins
PO Box 512
Deadwood SD 57732

Dear Mr. Cole:

On October 12, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1675-1, was completed by Steven Quissell, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the fee, we will complete processing your water license.

Your licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, and returned with a \$50.00 filing fee. The check or money order for the fees (total \$100.00) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,


Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosure

RECEIVED

NOV 17 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1675-1

Date: _____

I/We request that Water Right/Permit No. 1675-1

formerly owned by: Black Hills Game Lodge, Inc.

be transferred to: (name & address) David B. Cole

Box 512

Deadwood, S.D. 57732

Telephone No. 605-441-7171

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

one well for commercial use located in the SW 1/4 NW 1/4 Section 17-T4N-R4E

I/We understand that the validity of Water Right/Permit No. 1675-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We David B. Cole, the new owner, certify that the above information is true and correct.

David B. Cole
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/17, 20 16

RECEIVED OF David B Cole Cole Cabins PO Box 512 Deadwood SD 57732

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. <u>1675-1</u>	50	00
Fee for Filing Transfer Form <u>1675-1</u>	50	00
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	100 00

No. **07951**

By James Houlman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

1675-1

FEB 06 2017

Dave B Cole
PO Box 512
Deadwood SD 57732

Dear Mr. Cole:

Enclosed is Water License No. 1675-1. This is the final water right document completing your process of obtaining a Water Right. The receipt for payment of the Notice of Transfer of Ownership is enclosed. The water right is now listed in your name. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

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. 1675-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1675-1

(1) Black Hills Game Lodge, Inc., Deadwood SD made Application No. 1675-1, September 4, 1998 for a water permit to divert 0.044 cubic feet of water per second from one well – Precambrian Rock Aquifer, Lawrence County, South Dakota for commercial use purposes. Permit No. 1675-1, with a priority date of September 4, 1998 was approved November 2, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 2, 2003 and for the application to beneficial use of water on or before November 2, 2007.

On November 17, 2016, Water Permit No. 1675-1 was transferred to David B Cole, Box 512, Deadwood SD 57732.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1675-1 is issued a license, bearing a priority date of September 4, 1998 to appropriate 0.033 cubic feet of water per second from one well - Precambrian Rock Aquifer for commercial use purposes.

The diversion point is located: 2,207 feet S and 245 feet E of the NW corner of Section 17-T4N-R4E (SW 1/4 NW 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1675-1 including the following qualifications:

- 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.
- The well authorized by Permit No. 1675-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Taylor Drilling in July, 2000. A copy of the log is on file with the Water Rights Program.*


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 06 2017

date

