

WATER PERMIT NO. 1711-1

Name of Applicant: Hidden Valley Campground

Address: c/o Randy & Anita Aker, HC 73 Box 1115, Deadwood SD Phone: 605 578-1342

Amount of Water Claimed: 0.056 cfs (25 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lawrence

Type of Waste Disposal System: septic tanks and drainfields

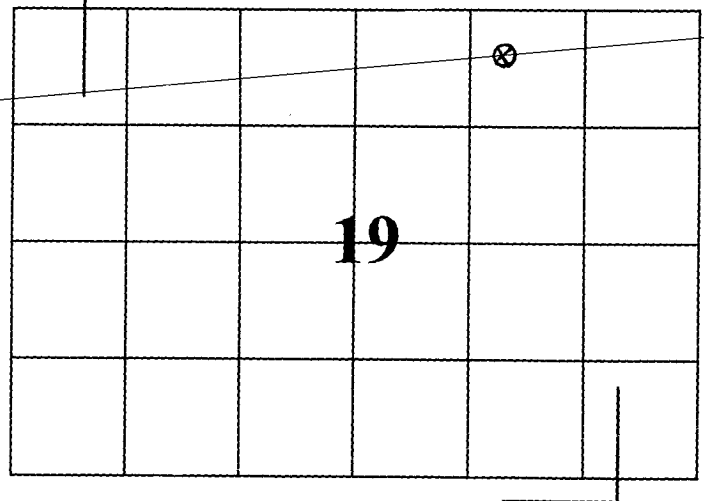
Location: 6 miles southeast of Deadwood

PRIORITY Date Received: 10-4-99 Fee: \$50

Corrected Application Received:: 2-16-2000 Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 19-T4N-R4E



Depth of Well: unknown

Well Driller: :

Remarks:

Type of Map: plat

Prepared by: John Paulson, RLS

Reviewed and the Number Assigned on: 2-16-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1711-1**

Date of first receipt of application October 4, 1999.

Date of return to applicant for corrections, amendments or changes October 12, 1999.

Date of receipt of corrected application February 16, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1711-1 to Hidden Valley Campground, c/o Randy and Anita Aker, HC 73 Box 1115, 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. 1711-1 appropriates 0.056 cubic feet of water per second (25 gallons per minute) from one well (Crystalline Rock) located in the NE ¼ NE ¼ Section 19-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. 1711-1 is April 24, 2000.
5. The date from which applicant may claim right is February 16, 2000.
6. One-fifth of the construction is to be completed on or before October 24, 2002.
7. All construction is to be completed on or before April 24, 2005.
8. Water is to be put to beneficial use on or before April 24, 2009.
9. 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: Garland Erbele

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

MAY 24 2000

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	No. <u>1711-1</u>	(office use only) Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche R.</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 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** Hidden Valley Campground **Phone** 605 578-1342
(check one) ☒ **Owner** ☐ **Tenant/lessee**
Mailing Address c/o Randy & Anita Aker, HC 73 Box 1115, Deadwood **State** SD **57732**
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed** 0.056 ***CFS or** 25 ****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** groundwater (one well)
- Location of point of diversion** (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 NE 1/4 Sec 19-T4N-R4E
County Lawrence
- County or counties where water will be used** Lawrence
- Annual period during which water is to be used** January 1 - December 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)

STATE OF SOUTH DAKOTA)

County of Pennington SS

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, Randy Aker, 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 Randy Aker

Subscribed and sworn to before me this 14th day of February 19 2000

Doreen K. Wittmer
Notary Public signature

Supplemental Information

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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 _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank & drainfield (3 systems)
- b) System Capacity (gallons) 1,000 gals each Year Constructed prior to 8/94
- c) Connected to the City of n/a Sanitary System n/a

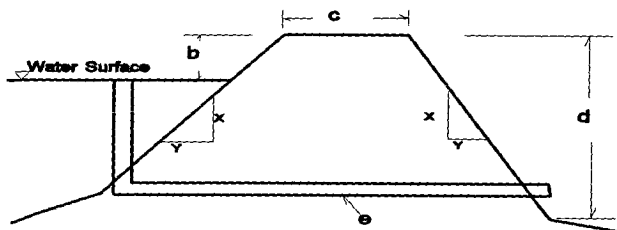
3. Dugout Information

- 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:

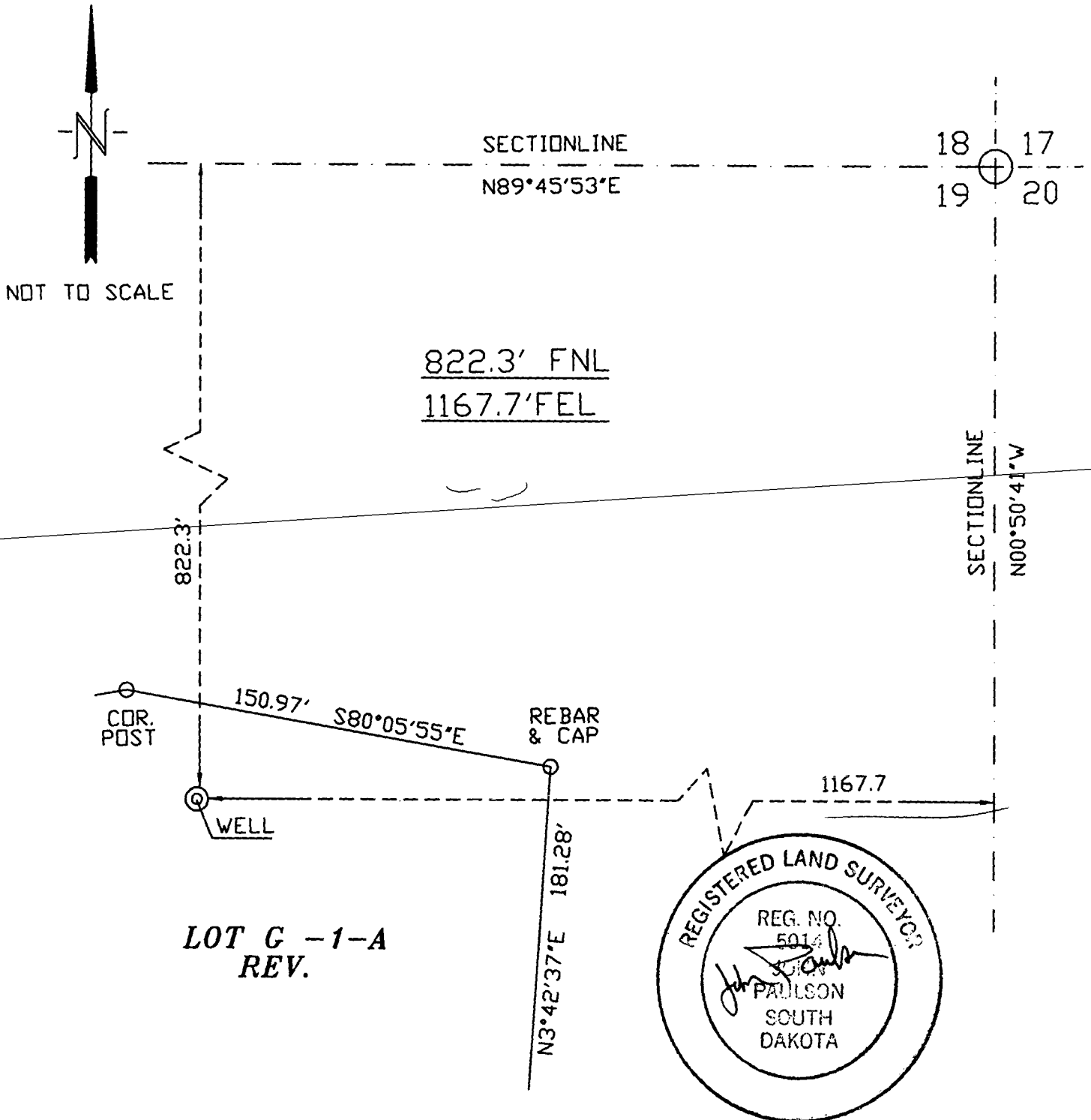


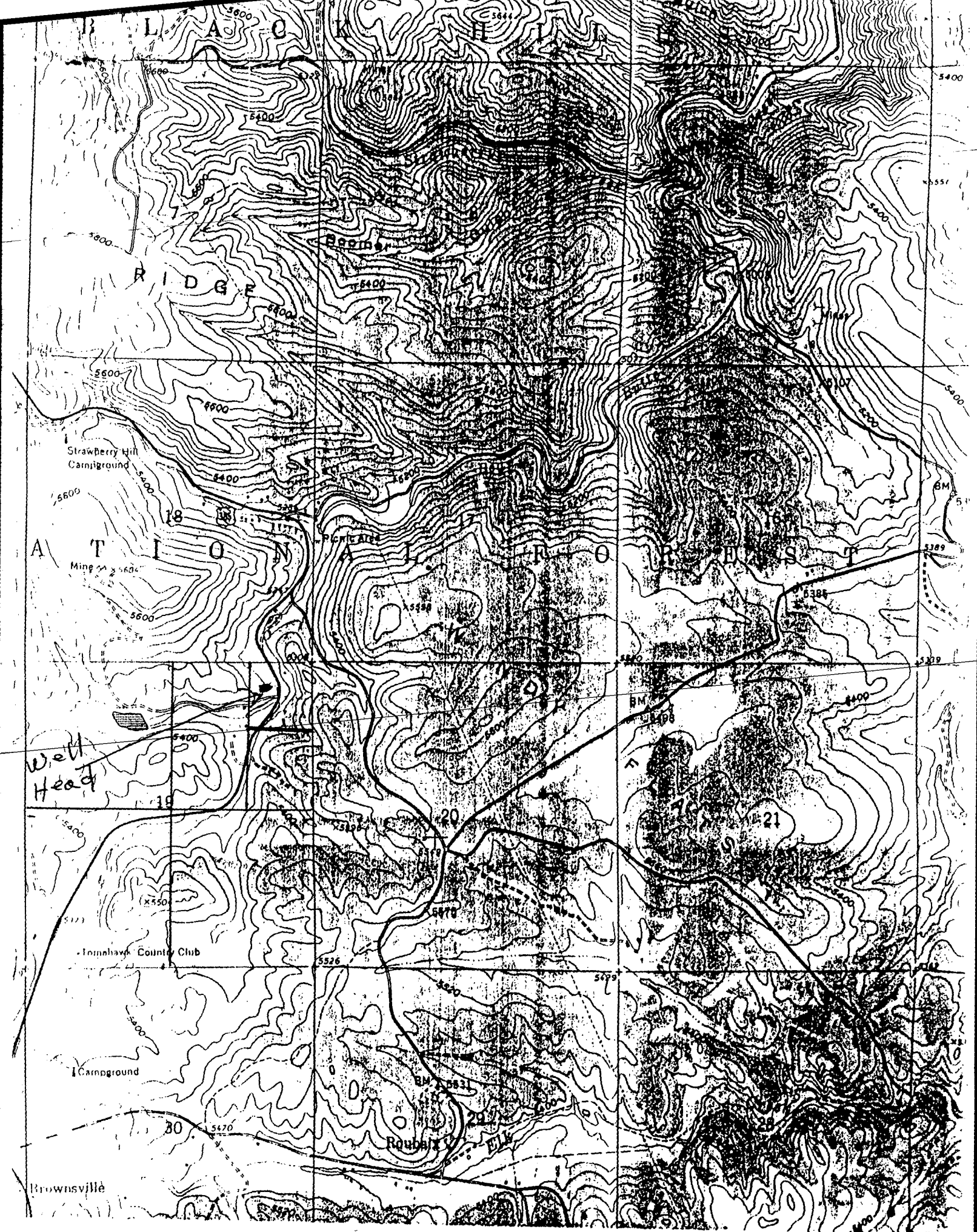
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

LEGAL DESCRIPTION - WATER WELL

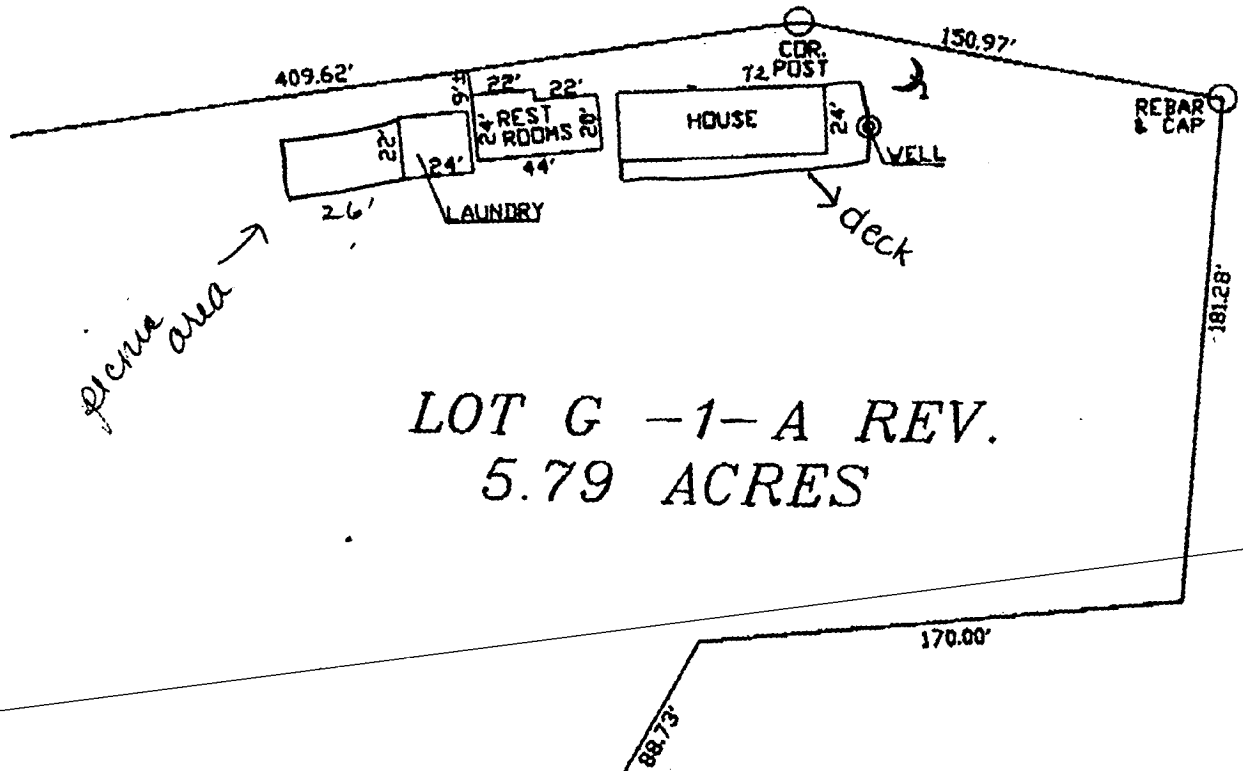
LOCATED IN LOT G-1-A REVISED

HES 297, NE 1/4 OF SEC. 19, T4N, R4E, BHM
LAWRENCE COUNTY, SD





PLAT DRAWING



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416211

Pierre, October 6, 1999

RECEIVED OF Hidden Valley Campground, HC 73, Box 1115, Deadwood, SD 57732
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1711-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	65	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	65 00

By John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

41002

Pierre, July 21, 19 92

RECEIVED OF Hidden Valley Campground, HC 73, Box 1115, Deadwood SD 57
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1711-1</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 JOHN HATCH

PAYMENT REQUEST FORM

PAYEE: Hidden Valley Campground
% Randy And Anita Aker
HC 73 Box 115
Deadwood, SD 57732

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant submitted application fee in the amount of \$65.00, but the correct fee is \$50.00; therefore, \$15.00 needs to be refunded.

AMOUNT: \$15.00

FUNDING SOURCE:

GENERAL: ☒ X

FEDERAL: ☐

COMMENTS:

AUTHORIZATION: _____

Darwin Erbe

1/28/02

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

State of South Dakota VOUCHER

Multiple pages
NRO1 WRRF
(E) ☐ Expenditure Correction
(R) ☐ Revenue Correction
(P) ☐ Period Ending Adjustment
(A) ☐ Other Adjustment

- ☐ Direct
(Z) ☐ Travel
(N) ☐ Non-Cash
(C) ☐ Cash Receipt
(T) ☐ Cash Transfer
(I) ☐ Investment
(B) ☐ Appropriation Budget Transfer

AGENCY USE ONLY			APPROVAL OFFICE ONLY	
Application Area <i>75</i>	Vendor Number	Invoice ID	Voucher Number	Date
Date <i>6-6-2001</i>	Purchase Order ID	Document ID <i>M20186</i>	Delivery Date	Payment Due Date
TO: (Payee, Billed Agency)			FROM: (Department, Billing Agency) <i>DENR</i>	

FUNDING INFORMATION												Debit/Credit		Dr.	Cr.	UC SO ED RE
S E Q	Company	Account		Center		Project		Company	Number	Amount	Invoices Other	Dr.	Cr.	Code		
		Required	User	Required	User											
1	3072	4299102		2020	000800					15.00						
2																
3																
4																
5																
6																
7																
8																
9																
10																
										Total						

Description of Service, Product, or Transfer	
~~Hidden Valley Company~~ ~~of [unclear] [unclear]~~ HC 73, Box 115 Deadwood, SD 57732	15.00
Total	

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Angie Verhelst *6-6-2001* *Clarice Blumer* *6/6/01*
 Claimant Date Authorization Date
 Authorization Date

Do not use this space

State of South Dakota
VOUCHER

*Multiple Payee
NR01 WRRF*

- ☐ Direct
☐ Travel
☐ Non-Cash
☐ Cash Receipt
- ☐ Cash Transfer
☐ Investment
☐ Appropriation Budget Transfer
- (E) ☐ Expenditure Correction
(R) ☐ Revenue Correction
(P) ☐ Period Ending Adjustment
(A) ☐ Other Adjustment

AGENCY USE ONLY			APPROVAL OFFICE ONLY	
Application Area <i>75</i>	Vendor Number	Invoice ID	Voucher Number	Date
Date <i>5-30-00</i>	Purchase Order ID	Document ID <i>M80174</i>	Delivery Date	Payment Due Date
S T A P L E	TO: (Payee, Billed Agency)		FROM: (Department, Billing Agency) <i>DEWK</i>	

FUNDING INFORMATION										Debit/Credit		Dr.	Cr.	UC S O E D R E
S E Q	Company	Account		Center		Project		Amount	Code	Invoices	Other	Dr.	Cr.	
		Required	User	Required	User	Company	Number			1	6			
										Dr.	Cr.			
1	3072	4249102		2080	000800			15.00	02					
2														
3														
4														
5														
6														
7														
8														
9														
10														
Total														

Description of Service, Product, or Transfer	
<i>Refund</i> <i>Hidden Valley Campground</i> <i>% Randy & Anita Aker</i> <i>HC 73, Box 115</i> <i>Deadwood, SD 57732</i>	<i>15.00</i>
Total	

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Randy Aker
Claimant
5242

5-30-00
Date

Cecilia Bruner
Authorization

5/30/00
Date

Authorization

Date

PAYMENT REQUEST FORM

PAYEE: Hidden Valley Campground
%Randy and Anita Aker
HC 73, Box 115
Deadwood, SD 57732

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant submitted application fee in the amount of \$65.00, but the correct fee is \$50.00; therefore, \$15.00 needs to be refunded.

AMOUNT: \$15.00

FUNDING SOURCE:

GENERAL: ☒ X

FEDERAL: ☐

COMMENTS:

AUTHORIZATION: _____

Daral Ebel

5/24/00

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 2, 1991

HIDDEN VALLEY CG
GENE & SHIRLEY MARTIN
HC 73 BOX 1115
DEADWOOD SD 57732

Dear MR. & MRS MARTIN:

I am contacting you regarding the possibility that you need a permit to appropriate water for water 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.

The enclosed "Summary of South Dakota Water Law and Water Right Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. ~~Domestic water uses that do not require permits are listed under~~ item 5. Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). 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.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

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 August 9, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, 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

February 12, 1992

GENE & SHIRLEY MARTIN
HIDDEN VALLEY CG
HC 73 BOX 1115
DEADWOOD SD 57732

Dear MR & MRS MARTIN:

I am writing to follow-up on my July 2, 1991 and September 9, 1991 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

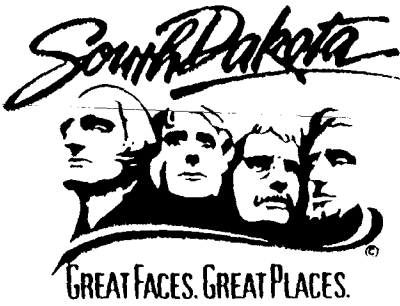
Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that ~~require permits for private water supplies~~ are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions 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.

An existing business or 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 already have a water permit or if you have a permit issued under another name, please contact us.

We have previously sent you 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". If you have questions, or don't believe you need a water permit, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 1992

Carole Wirt
Mountain Creek Lodge and Hidden Valley CG
HC 73 Box 1116
Deadwood SD 57732

Dear Ms. Wirt:

I am writing this letter as a follow-up to the visit I made to your businesses on May 29, 1992. At that time, I was under the impression you were going to complete the application I left you, but I have not heard from you.

I would appreciate your attention to this matter. If you need further assistance, please feel free to call me at 605-773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1992

Carole Wirt
Mountain Creek Lodge -
Hidden Valley Campground
HC 73, Box 1116
Deadwood, SD 57732

Dear Mrs. Wirt:

Following up on our phone conversation, I am writing regarding the use of water by the Mountain Creek Lodge and Hidden Valley Campground. Water permit applications have been submitted for the lodge and campground. Before the applications can be processed, the maps prepared by Don Frye must be submitted.

I have received a number of phone calls over the past months regarding water use by the campground and lodge. Concerns have ranged from adverse impacts to domestic use of water, the wastewater system and the discharge of water from the pool to the creek. I have addressed concerns relating to water use by stating that the Water Rights Division has directed the lodge and campground to apply for the necessary water permits for the commercial use of water. Subsequent to our direction you have applied for water permits.

Once the maps are submitted for these application, a report will be prepared by a staff engineer regarding whether 1) unappropriated water is available, 2) existing right will be unlawfully impaired, 3) it is in the public interest and 4) it is a beneficial use of water. Based on this report the Chief Engineer will make a recommendation on the permit applications. A notice of hearing for each applications will then be advertised for two consecutive weeks in a local newspaper.

Since you have been installing additional lodging units, a number of the people inquiring about your water use have insinuated that this office should discontinue water use by the campground and lodge until the necessary permit is obtained. I have stated that since the campground and lodge have applied for a water permit, that they could oppose the application, if recommended for approval. Filing a petition of opposition to the application will cause a formal hearing before the Water Management Board to be held.

If a formal complaint is received that requests the Water Rights Division to halt the illegal use of water by the campground and lodge, the Chief Engineer may issue an order to discontinue use of water. South Dakota Codified Law 46-5-9 state 'No person may begin or carry on any construction of works for storing or carrying water until a permit to appropriate the water has been issued. Obviously, I would prefer that an order discontinuing use of water be unnecessary and that this matter go before the Board for resolution.

I discussed with you a number of state statutes administrative rules which are relevant to this matter. The following is a brief description of these statutes and rules. I have also attached a copy of the specific statutes and rules that we discussed.

1. SDCL 46-1-5 Domestic use of water takes precedence over appropriative rights.
2. SDCL 46-1-6(7) Defines the domestic use of water.
3. SDCL 46-2-18 Chief Engineer's authority to order discontinuance of harmful illegal water use.
4. General Rule 74:02:01:01(4) Defines the commercial use of water.
5. ~~General Rule 74:02:01:03 Uses of water which require permits.~~
6. SDCL 46-2A-4 Publication of application (we will draft notice).
7. SDCL 46-5-9 Construction of works prior to obtaining permit to appropriate water prohibited.

If the Chief Engineer's recommendation is for approval of the applications, the permit will most assuredly have the following qualification attached to them.

The wells 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.

I realize these statutes may be somewhat overwhelming, so if you have any questions, please feel free to contact me. If any formal complaints are received regarding water use by the campground or lodge, I will contact you immediately.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1993

Carole Wirt
HC 73, Box 1116
Deadwood SD 57732

Dear Ms. Wirt:

On July 21, 1992, applications were submitted for permits to appropriate water (copies enclosed) for the Hidden Valley Campground and Mountain Creek Resort. You were notified on July 22, July 30 and October 7, 1992 that the applications were incomplete for the following reasons:

1. A map must be submitted showing the location each well. Enclosed is a copy of a topographic map for Section 19-T4N-R4E. On the map please identify each well location. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. On both applications the amount of water claimed is 45 gallons per minute which would appear to be excessive for the stated use. This figure should be based on the pump rate from each well.

You should be aware, I received inquiries regarding water use by the campground and the lodge during the summer of 1992. I stated to those people making inquiries, that you had submitted water permit applications which were incomplete. Upon completion, we would process the application and a notice of hearing would be published. If a formal complaint is filed, the chief engineer has authority to order discontinuance to the use of water which you have no legal right to without a water permit.

Please submit the signed map with the well locations marked and verify the pumping rates of your wells by February 16, 1993. We will then proceed with the processing of your water permit applications. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. _____ Hydrologic Unit _____
Map No. _____ Basin _____
Newspaper _____

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

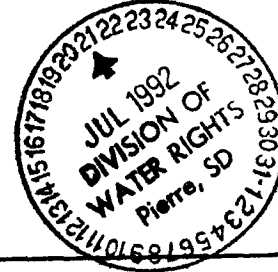
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant HIDDEN VALLEY CAMPGROUND Phone No. 578-1342

Post Office Address HC 73 Box 1115 DEADWOOD State SD Zip Code 57732
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 45 GPM

3. Source of water supply 1 WELL

4. Location of point of diversion NE 1/4 NE 1/4 SEC 19, T4N, R4E

County LAWRENCE

5. Counties where water will be used LAWRENCE

6. Annual period during which water is to be used JANUARY 1 TO DECEMBER 31

7. Give a brief description of proposed 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)

PROVIDES WATER FOR A MOTEL, STORE AND CAMPGROUND

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

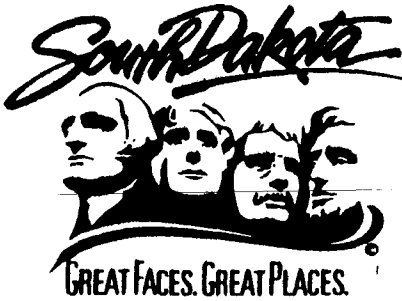
STATE OF SOUTH DAKOTA
County of Pennington)^{ss}

1. Helen Hope Daligny 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 Helen Hope Daligny

Subscribed and sworn to before me this 6th day of July 1992

Janet R. Greer 5-15-2600
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 1992

Carole Wirt
HC 73, Box 1116
Deadwood SD 57732

Dear Ms. Wirt:

On July 21, 1992, applications were submitted (copies enclosed) for permits to appropriate water for the Hidden Valley Campground and Mountain Creek Resort. You were notified on July 22, 1992 (copy enclosed) that the applications were incomplete and were instructed what additional information was necessary in order to complete the applications. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1992

Carole Wirt
HC 73, Box 1116
Deadwood SD 57732

Dear Ms. Wirt:

In regard to the water permit applications for Hidden Valley Campground and Mountain Creek Lodge received on July 21, 1992, the following information needs to be submitted and clarified in order to process the applications.

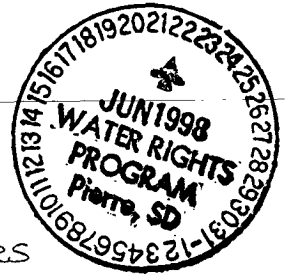
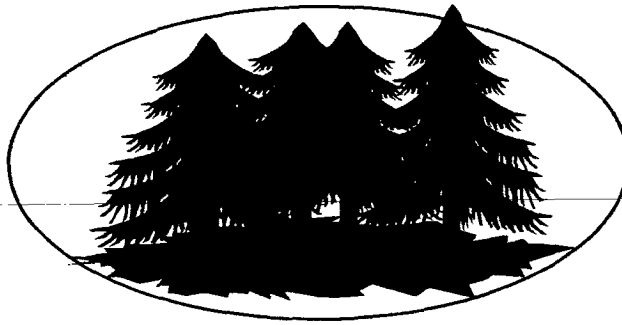
1. Don Frye, of this office stated when he visited with you about the applications, he left a topographic map with you so the well location could be verified by the executor of the estate. Please return the map.
2. On both applications, Item No. 2 indicates the amount of water claimed to be 45 gallons per minute. This amount would appear to be excessive for use in a motel, store and campground. Is this a correct figure?

Upon receipt of the above, further processing of the applications will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



June 19, 1998

HIDDEN VALLEY CAMPGROUND - RANDY & ANITA AKER OWNERS
John Goodman
DENR
Water Rights Program
523 E Capitol
Pierre, SD 57501

RE: Legal Description Lot 6-1-A Rev HES 297, Sec 18 & 19 of T4N - R4E - BMH -
Lawrence County

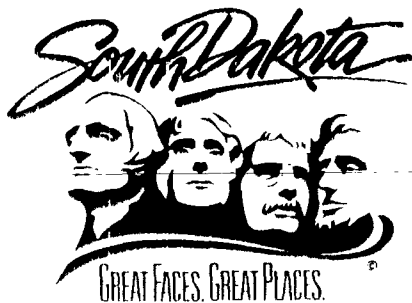
Mr. Goodman:

We are interested in finding out whatever information we can about the well located at the above referenced property, i.e. when it was built, how it was built, what kind it is, etc.

It is our understanding this property has been designated as a campground since sometime in the 1950's. As to when the well was actually dug, I have no idea.

Thank you in advance for whatever you can tell us about it.

Anita Aker
Owner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 1998

Anita Aker
Hidden Valley Campground
HC 73, Box 1115
Deadwood SD 57732

Dear Ms. Aker:

In reference to your phone conversation with Jim Goodman, enclosed is a partially completed *Application for a Permit to Appropriate Water Within the State of South Dakota* and a copy of the incomplete application submitted in 1992 for water use at Hidden Valley Campground.

On Item No. 2, regarding the amount of water claimed, Mr. Goodman has suggested contacting the person who worked on your well. That person should know what pump is installed and its capacity in gallons per minute (gpm), which would be the amount of water claimed. The 45 gpm amount on the incomplete application may be excessive for use at a campground. Additionally, please have the application signed and notarized.

On the Form 2A, Supplemental Information, complete Item No. 2, regarding the wastewater disposal system. We realize that you do not have any information concerning the well.

Enclosed is a copy of a topographic map for the area of the campground. The map needs to show the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Our records indicate the \$50.00 application was submitted in 1992. You should be aware that you are responsible for payment of the public notice published in a local county newspaper for 2 weeks. This notice will be sent to the newspaper by our office.

Ms. Aker, if you have any questions regarding the requirements for completing the application, please do not hesitate to contact Jim Goodman or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1999

Anita Aker
Hidden Valley Campground
HC 73 Box 1115
Deadwood SD 57732

Dear Ms. Aker:

On June 24, 1998, we sent you partially completed forms for an *Application for Permit to Appropriate Water Within the State of South Dakota*. To date, we have not received a response regarding this application.

Enclosed is another set of application forms and a copy of the June 24, 1998 letter stating the other required information needed to complete the application. In addition to the application filing fee which was submitted in 1992, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Ms. Aker, please take the time to complete the application and obtain a permit which will reflect your water use at the campground. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Hidden Valley Campground

ADDRESS: COUNTY: Lawrence

DATE: March 19, 1999 TELEPHONE:

RE: Call from owner trying to complete application.

COMMENTS:

The lady who currently owns this campground called regarding completing their water right permit application. She said she'd got our letter and has been trying to complete the application that the former owner never got done. I believe this is based on an application process that began in 1992. The only thing she doesn't know is the amount of water to claim. Since she's owned the campground in 1994 they have not needed to do anything to the pump in the well and has exhausted all avenues of finding any pump person who might have worked on the well. I agreed that we could wait until the end of May for her to complete the application. The later part of May is when she opens the campground and she's going to attempt to do the 5-gallon bucket test to determine the well production.

The lady also stated that she is the owner of Hidden Valley campground and this is separate from the motel/lodge that was on the original application

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 Handlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Hidden Valley Campground
c/o Randy & Anita Aker
HC 73 Box 115
Deadwood SD 57732

Dear Mr. & Mrs. Aker:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use at the campground. Enclosed is the application. The bottom portion of the application needs to be signed and notarized.

Also, enclosed is the plat drawing submitted with the application. The plat drawing needs to show the location of the well in relation to a government section corner or quarter corner by direction and distance. Is the signature on the map the person who prepared the map? If so, is that person a Registered Land Surveyor, Registered Professional Engineer or a government employee who normally prepares maps as a part of his assigned duties. ~~Please have the necessary corrections made.~~

It is my understanding that you do not have any information regarding the depth of the well. Is this correct?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1999

Hidden Valley Campground
c/o Randy & Anita Aker
HC 73 Box 115
Deadwood SD 57732

Dear Mr. & Mrs. Aker:

On October 4, 1999, you submitted an *Application for a Permit to Appropriate Water* for commercial use at the campground. On October 12, 1999, you were notified what was required to complete the application. A copy of that letter is enclosed. To date, we have not received this information.

~~If you have any questions, please contact me.~~

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



HIDDEN VALLEY CAMPGROUND - RANDY & ANITA AKER OWNERS

January 31, 2000

Karen Schlaak
Water Rights Program
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501



RE: Hidden Valley Campground Application for a Permit to Appropriate Water

Dear Ms. Schlaak:

Enclosed you will find:

1. Form 2 & 2A that was returned to us by your office dated October 4, 1999. Form 2 is now signed and notarized as was requested.
2. The Plat drawing that was returned to us by your office dated October 4, 1999. Along with this plat drawing is legal description of water well. These two documents will pinpoint the wellhead in relationship to a government section corner or quarter corner by direction and distance.

The signature on the returned plat drawing (Lot G-1-A REV) is Danny Brosz, one of the owners of Brosz Engineering with offices located in Pierre, SD and Bowman, ND. The attached legal description for water well is also a Brosz Engineering document from their office in Pierre, SD. If you have any further questions relative to Brosz Engineering please contact Blake Barringer at 224-1123 in Pierre, SD.

We have tried to find out information on the well but have had no luck. It is my understanding that there is not a log on our well filed in Pierre. We also made several phone calls in our area trying to find out whom originally drilled the well. So far, we have been unable to locate any information. We will continue to try to find out what we can and if we do get any information we will forward it to you.

Hope this finalizes this application, if not let me know.

Anita Aker

HC 73 BOX 1115 - DEADWOOD SD 57732-(605)578-1342
Email:hvcamp@deadwood.net WEB SITE:www.deadwood.net/hvcamp



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 2000

Brian Lundquist
HC 73, Box 1114
Deadwood, SD 57732

Dear Mr. Lundquist:

In the past we had a telephone conversation where you indicated an interest in the water right permit application for Hidden Valley Campground. I believe this conversation was years ago. At that time you requested a copy of information when the water permit application for this campground is public noticed. Please find enclosed a copy of the report, recommendation and public notice for Water Permit Application No. 1711-1. The public notice is scheduled to be published in the Lawrence Co. Centennial on April 6 and 13, 2000.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1711-1, Hidden Valley Campground**

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. 1711-1, Hidden Valley Campground, c/o Randy and Anita Aker, HC 73, Box 1115, Deadwood, SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1711-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 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.



Garland Erbele, Chief Engineer

March 29, 2000

WATER PERMIT APPLICATION NO.1711-1
HIDDEN VALLEY CAMPGROUND
MARCH 16, 2000

Water Permit Application No. 1711-1 proposes to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one well located in the NE¼ NE¼ Section 19, T4N-R4E. The water is used for commercial use at the campground.

AQUIFER: Crystalline Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

A well log is not available for this well, which is currently in use. The best available information regarding this well, is in the form of a partially completed Water Permit Application that was submitted in 1992, and information provided to the DENR-Drinking Water Program during an onsite evaluation. The well is purportedly 125 feet deep and has a 6-inch diameter casing.

Geologically, this area has been mapped as Precambrian aged crystalline rock (metamorphosed phyllite, schist, and graywacke), overlain with alluvial deposits (sand, gravel and clay) along Bear Butte Creek (Strobel, 1999). The alluvium mantled precambrian rock probably constitutes a single aquifer under unconfined (water table conditions). Estimates of the amount of water in storage or for recharge to the aquifer are not available. The aquifer is probably hydraulically connected to Bear Butte Creek. During periods of high flow, when the creek stage is higher then the water table of the aquifer, the creek is probably a "losing stream" (i.e. the stream flow recharges the alluvium). When the water table of the aquifer is higher than the creek stage the creek is probably a "gaining stream"; (i.e. the aquifer contributes to stream flow). In general the ground water probably discharges towards the creek. Recharge is accomplished through infiltration of precipitation and possibly through streamflow losses from Bear Butte Creek.

The Water Rights Program does not monitor any observation wells in this area. There is no historical water level data available.

AFFECTS ON EXISTING RIGHTS:

There are domestic wells in the area, which obtain water from the same source (Water Rights₁, 1999). Five Water Rights/Permits appropriate ground water within one mile of this well (Water Rights₂, 2000). They include:

Permit No.	Owner
407-1	Fish'N Fry Inn
1366-1	Wild Bill's Campground
1562-1	Tomahawk Lake Country Club
1563-1	Tomahawk Lake Country Club
1675-1	Black Hills Game Lodge

The nearest ground water appropriation (407-1, Fish'N Fry Inn) is an appropriation from the alluvium along Bear Butte Creek and is located approximately one-quarter of a mile north of this well. Interference with existing wells is not expected to be a concern. The amount of water withdrawn and the rate of withdrawals are relatively small and the well to be permitted has been in use for many years with no reported problems.

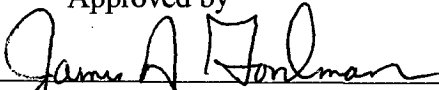
CONCLUSIONS:

1. Water is available from the alluvium mantled Precambrian aquifer.
2. The aquifer is under water table conditions and drawdown due to this diversion are not expected to adversely affect adequate wells in the area.
3. The effluent from this facility will be disposed of through a septic tank and drain field.
4. This appropriation will not adversely affect the flow of Bear Butte Creek.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

Strobel, M.L., G.Jarrell, J. Sawyer, J. Schleicher, M. Fahrenbach, 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota, USGS Hydrologic Investigations Atlas HA-743

Water Rights Program₁, 2000, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program₂, 2000, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**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.

March 30, 2000

Hidden Valley Campground
%Randy & Anita Aker
HC 73, Box 1115
Deadwood, SD 57732

Dear Mr. and Ms. Aker:

Water Permit Application No. 1711-1 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

March 30, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1711-1 to Appropriate Water to be published twice. Please publish the first notice on April 6, 2000, 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 Hidden Valley Campground, %Randy & Anita Aker, HC 73, Box 1115, Deadwood, SD 57732 (Ph # (605) 578-1342).

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
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1711-1

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

Date _____

We are in receipt of your letter of March 30, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1711-1 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 6, 2000, with the second publication 7 days later. The applicant is responsible for payment.

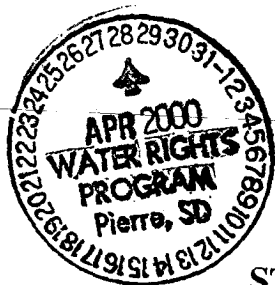
NOTICE OF APPLICATION NO. 1711-1 to Appropriate Water

Notice is given that Hidden Valley Campground, c/o Randy & Anita Aker, HC 73 Box 1115, Deadwood SD 57732 have filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one well (depth unknown) located in the NE ¼ NE ¼ Section 19-T4N-R4E. The water is for commercial use at the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1711-1 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 April 24, 2000.

~~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** and, during all the times hereinafter mentioned, was a legal newspaper SDCL 17-2-2, as amended, published at Deadwood, Lawrence Dakota, by Dickson Media, Inc.; that affiant is and, during all of employed as an accountant by the publisher of such newspaper and knowledge of the facts stated in the affidavit; that the notice, order or a printed copy of which is attached, was published in said newspaper issues, bearing the following dates:

<u>April 6</u>	200	<u>0</u>	
<u>April 13</u>	200	<u>0</u>	
_____	200	_____	_____
_____	200	_____	_____
_____	200	_____	_____

that the full amount of the fee charged for publishing the same, to-w \$ 36.38, insures solely to the benefit of the pub newspaper; that no agreement or understanding for the division of the made with any person, and that no part of the fee has been agreed to b other person.

Joan M. Lewis
Bookkeeper

Subscribed and sworn to before me this

13th day of April, 2000

Tanjee Stansbury
Notary Public, South Dakota

Tanjee Stansbury
Notary Public
My commission expires January 4, 2006

Water appropriation notice given

NOTICE OF APPLICATION NO. 1711-1
to Appropriate Water

Notice is given that Hidden Valley Campground, c/o Randy & Anita Aker, HC 73 Box 1115, Deadwood SD 57732 have filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one well (depth unknown) located in the NE 1/4 NE 1/4 Section 19-T4N-R4E. The water is for commercial use at the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1711-1 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 April 24, 2000.

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.

Publ. April 6, 13, 2000
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

MAY 24 2000

Hidden Valley Campground
c/o Randy and Anita Aker
HC 73 Box 115
Deadwood SD 57732

Dear Mr. & Mrs. Aker:

Enclosed is Water Permit No.1711-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An information sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

A \$65 fee was submitted with your application. The application filing fee is \$50. Therefore, you will be receiving a refund of \$15 within the next couple of weeks.

Sincerely,

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

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 5/30/00

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Hidden Valley Campground
(name)
HC 73 Box 1115
(address)
Deadwood SD 57732 605-578-1342
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1711-1 states that the water use system is to be constructed by

4/24/2005, and water is to be put to beneficial use by 4/24/2009.
(date) (date)

The water use system was completed on prior to when we purchased the property
(date)

Applying the water to beneficial use was completed on prior to when we purchased the property.
(date)

You may schedule an investigation so that the water license may be issued.

Grita Oker
(signature)



7-98

5/30/00 as per telephone conversation this date with
Genny McMath

1711-1



November 3, 2006

Harvey Kelly
Hidden Valley Campground
40580 250th St
Mitchell SD 57301

Dear Mr. Kelly:

I am writing regarding a well completion report filed by Lewis Drilling. The report shows a new well was completed for Hidden Valley Campground on October 12th. A review of our files indicates that Hidden Valley Campground holds Water Permit No. 1711-1 for 25 gallons per minute (gpm) from one well located in the NE ¼ NE ¼ Section 19-T4N-R4E for commercial use (copy enclosed).

South Dakota Codified Law 46-5-13.1 provides that a point of diversion (well) may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Kelly, does the peak diversion rate from the well exceed 25 gpm? If so, a new permit application will be required for the additional diversion rate above 25 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 25 gpm, please let me know.

Also, it appears that an ownership change may have occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1711-1, currently listed in the name of Hidden Valley Campground, c/o Randy and Anita Aker. The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

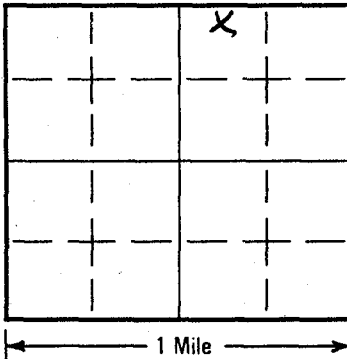
Location NW 1/4 NE 1/4 Sec 19 Twp 4N Rg 4ECounty Lawrence North

Please mark well location with an "X"

W

E

Well Completion Date

10-12-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from proposed Dr. Field Identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Cable ToolCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>+1</u> FT	<u>25</u> FT	<u>8</u> IN
<u>200</u> LB/FT	<u>4 1/2</u> IN	<u>25</u> FT	<u>50</u> FT	<u>8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Work log</u>	<u>8</u>	<u>11</u> lb./gal	<u>10</u> ft.	<u>25</u> ft.
<u>Portland</u>	<u>2</u>	<u>18</u> lb./gal	<u>0</u> ft.	<u>10</u> ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 7 1/2 IN Length 25 FEETMaterial PVCSlot Size 0.25 Set From 25 Feet to 50 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: HTH

Laboratory sent to for water quality analysis _____

☐ NO, Why Not? _____

Well Owner: Harvey Kelly
 Business Name: Hidden Valley Cg.
 Address: 40580 250th S.T
Mitchell S.D 57301

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>alluvial</u>	<u>0</u>	<u>8</u>
<u>Brown Porfomite</u>	<u>8</u>	<u>22</u>
<u>Hard Black Porfomite</u>	<u>22</u>	
<u>with gravel</u>	<u>24</u>	<u>29</u>
<u>Hard Black</u>	<u>24</u>	<u>50</u>

STATIC WATER LEVEL 8 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: No Draw Down☒ Bailedat 18 gpm☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 492

And this report is true and accurate.

Drilling firm Lewis DrillingSignature of License Representative: Dwane LewisSignature of Well Owner or Equitable Property Holder: OCT 16 2006Date: 10-14-06WATER RIGHTS
PROGRAM

December 4, 2006

Karen Schlaak
Water Rights Program
Department of Environment & Natural Resources
Pierre, SD 57501

RECEIVED
DEC - 6 2006
WATER RIGHTS
PROGRAM

Dear Karen:

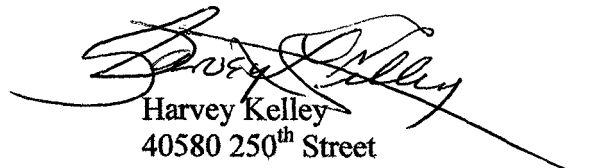
I spoke with Eric Gronlund on Friday Dec 1, 2006 when you were out. This is a follow-up to that conversation.

Enclosed is completed "Notice of Transfer of Ownership" form and a check for \$2.50 filing fee for the original well permitted under Water Permit No. 1711-1.

The new well which Mr. Lewis completed on Oct 12, 2006 is intended to serve as an additional point of diversion from the same source of water and will not increase the total appropriation of the authorized 25 gpm. Next spring we hope to install a pump in the new well so that we will have a back-up water supply for the campground in case of problems with the old well.

If you need additional information please so advise.

Thank you,


Harvey Kelley
40580 250th Street
Mitchell, SD 57301
605-996-8360
harvk@santel.net

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 6, 2006

RECEIVED OF Hidden Valley Camp Ground, 514 Wildwood Ave, Mitchell SD 57301

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>1711-1</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.

02666

By

Darland Ebel

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1711-1

RECEIVED

DEC - 6 2006

Date: _____

I/We request that Water Right/Permit No. 1711-1 WATER RIGHTS PROGRAM

formerly owned by: Hidden Valley Campground, c/o Randy and Anita Baker

be transferred to: (name & address)

Kelley Family Inc. dba Hidden Valley
Campground 40580 250th Street, Mitchell, SD
57301 Telephone No. 605-996-8360

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

1 well - NE 1/4 NE 1/4 Section 19-T4N-R4E

I/We understand that the validity of Water Right/Permit No. 1711-1 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 Harvey L. Kelley, the new owner, certify that the above information is true and correct.
PRESIDENT


(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.

Approval of an Additional Diversion Point

NAME: Hidden Valley Campground

ADDRESS: Harvey Kelley, 40580 250th Street, Mitchell SD 57301

DATE: December 6, 2006

COUNTY: Lawrence

TELEPHONE: 605 996-8360

BACKGROUND:

Kelley Family Inc. purchased the campground facility known as Hidden Valley Campground from Randy and Anita Aker. Water Permit No. 1711-1 appropriates 25 gallons per minute from one well located in the NE ¼ NE ¼ Section 19, T4N, R4E. The well and its commercial use supplying the campground existed when the Aker's purchased the property. They applied for the water right permit which was issued on May 24, 2000.

The Water Rights Program received a well completion report for a new well drilled for the campground in the NW ¼ NE ¼ Section 19, T4N, R4E. Mr. Kelley was sent a standard letter regarding potential water right permitting issues as well as the need for the permit to be transferred to Kelley Family, Inc. Mr. Kelley called to inform Water Rights that upon purchasing the property he saw a need for an additional well to serve as a back-up water supply. The additional well was completed on October 12, 2006.

Mr. Kelley filed a request to authorize an additional well to operate as a back-up water supply for the existing well authorized by Water Permit No. 1711-1. This request is made pursuant to SDCL 46-5-13.1 to authorize the additional wells. A transfer of ownership has also been filed.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Permit No. 1711-1 is Crystalline Rock. Although no well completion report is on file for the older well it is purported to be 125 feet deep. The well completion report for new well indicates a depth of 52 feet. Based on the well completion report the new well is approximately 900 feet west of the existing well.

No additional appropriation of water is requested. The original water permit appropriates 0.056 cfs (25 gpm). Mr. Kelley requests no increase in the 25 gpm appropriated by Permit No. 1711-1.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells.

There are five water rights that appropriate water from the Crystalline Rock within the same section and two water rights on file in neighboring section 18. Three of the water rights are held by Tomahawk Country Club at their golf course facility. The other water rights are in relatively close proximity for use at another campground and commercial business.

A review of well completion records in the Water Right database found 4 domestic well location in Section 19 and 33 domestic/stock wells constructed into the Crystalline Rock in neighboring sections. This review reflects only those well completion reports on file with the Water Rights Program and does not reflect the status of use from the domestic wells.

There have been no complaints recently in this area. This additional well is to be used only as a back-up water supply for the existing well. The additional well is actually located farther away from the existing permitted wells.

CONCLUSION

- The additional well does not appropriate additional water.
- The additional well is constructed into the Crystalline Rock which is the same water source as the existing well authorized by Permit No. 1711-1.
- Existing domestic wells and prior water rights should not be adversely impacted by authorizing this additional well.
- There have been no complaints regarding development at this site.
- Mr. Kelley has filed to transfer the water permit to Kelley Family, Inc.

RECOMMENDED ACTION

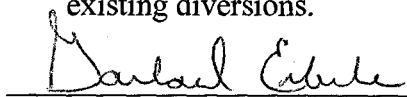
Based on the above criteria, it is recommended that the additional diversion be authorized under Water Permit No. 6540-3.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
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

December 7, 2006

Harvey Kelley
Hidden Valley Campground
40580 250th Street
Mitchell SD 57301

Dear Mr. Kelley:

I am writing in regard to your request for an additional well for Water Permit No. 1711-1 for Hidden Valley Campground. Water Permit No. 1711-1 appropriates 0.056 cubic feet of water per second (25 gpm) from one well to be completed into the Crystalline Rock located in the NE ¼ NE ¼ Section 19, T4N, R4E for commercial use at the campground.

You have requested authorization for an additional well that was drilled in October, 2006. The request states that the second well will be a back-up water supply for the campground in case problems are encountered with the original well. The wells will not be used at the same time, therefore, the use of water will not increase.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

A new water permit will need to be obtained if at any time in the future the diversion of water for use at the campground exceeds 25 gallons per minute.

Water Permit No. 1711-1 has been transferred into the name Kelley Family Inc., dba Hidden Valley Campground. A receipt for the transfer filing fee is enclosed.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 22 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1711-1Date: 2.20.13I/We request that Water Right/Permit No. 1711-1 formerly owned by:Harvey KelleyKelley Family properties/Hidden Valley Campground

be transferred to:

New Owner Name: Wichterman and Son's INC.Address: 21399 US HWY 385City, State, Zip Deadwood SD 57732 Telephone No. 1.605.578.1388

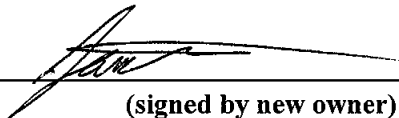
Title to the following described land(s)/property has been transferred as described above:

☐ I understand that the validity of Water Right/Permit No. 1711-1 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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jason Wichterman, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/22, 20 13

RECEIVED OF Wichterman & Sons Inc 21399 US Hwy 385 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1711-1</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. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06169

By

Samuel M. Moseley
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2013

1711-1

Jason Wichterman
Wichterman and Sons Inc
21399 US Hwy 385
Deadwood SD 57732

Dear Mr. Wichterman:

I am writing in regard to the ownership change for Water Permit No. 1711-1. The transfer has been completed.

Water Permit No. 1711-1 formerly held by Kelley Family Inc., dba Hidden Valley Campground is now listed in the name of "Wichterman and Sons Inc."

Enclosed for your records is Receipt No. 06169 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

enclosure

Water Permit No. 1711-1
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 made a thorough examination of the water use system constructed by **Wichterman and Sons, Inc.** of **21399 US Hwy 385, Deadwood, SD 57732** holder of Permit No. **1711-1**, bearing the priority of **February 16, 2000** authorizing the diversion of **0.056** cubic feet of water per second (cfs) from the **Crystalline Rock** for **Commercial** purposes, in **Lawrence** County.

Inspection contact & relationship **Jason Wichterman**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Lewis Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **52 and 125** feet
- 4) Well log is available **Y**
- 5) Comments:

The well information listed is only for one back-up well constructed in 2006. There is no well information available for the original well, but the applicant purported the well was 125 feet deep with a 6 inch casing.

Casing:

- 1) Diameter **5** inches
- 2) Length **25** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **25** feet
- 3) Static water level **8 feet**

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Original Well:

Approximately 800 feet south and 1,160 feet west of the NE corner of Section 19-T4N-R4E

(N 44.29760, W -103.67966) (NE ¼ NE ¼)

Back-Up Well:

Approximately 905 feet south and 1,800 feet west of the NE corner of Section 19-T4N-R4E

(N 44.29731, W -103.68211) (NW ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.056 cfs (25 gpm) of water which is to be used for Commercial use.

The license should be issued for 0.056 cfs.

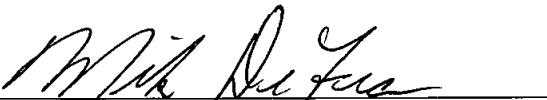
All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The well information listed above is for a back-up well constructed in 2006. There is no well log or pump information available for the original permit, but the permit was issued for 0.056 cfs.

At the time of the inspection, the original well was the only well being used because the back-up well did not have a pump installed. Duane Lewis of Lewis Drilling was contacted to confirm there was not a pump in the well. Since the time of the inspection, the campground has changed ownership and is now permitted under Wichterman and Sons, Inc.

On July 30, 2014, Jason Wichterman was contacted at 578-1342 to verify that there had not been a pump installed in the back-up well before licensing of the permit. He stated there is not a pump in the back-up well; however, in the future, he plans to install showers and restrooms and will need additional water. He was informed this permit will be licensed for 0.056 cfs (25 gpm) and any additional water use above this amount, they will need to apply for the additional water.



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

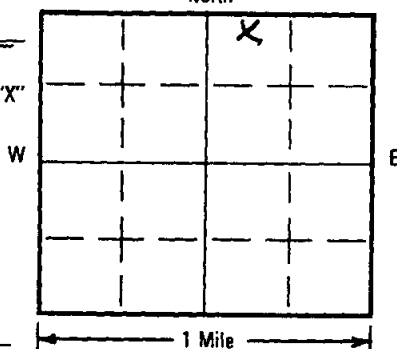
Date report completed: July 30, 2014

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 19 Twp 4N Rg 4E
County Lawrence

Please mark well location with an "X"



Well Completion Date

10-12-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from proposed Dr. Field (Identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Cable ToolCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>+1</u> FT	<u>25</u> FT	<u>8</u> IN
<u>200</u> LB/FT	<u>4 1/2</u> IN	<u>25</u> FT	<u>50</u> FT	<u>8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Volclay</u>	<u>8</u>	<u>11</u> lb./gal	<u>10</u> ft	<u>25</u> ft
<u>Portland</u>	<u>2</u>	<u>18</u> lb./gal	<u>0</u> ft	<u>10</u> ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 7 1/2 IN Length 25 FEETMaterial PVCSlot Size 0.25 Set From 25 Feet to 50 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: HTH

_____, NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Harvey KellyBusiness Name: Hidden Valley C. Co.Address: 40580 250th St
Mitchell S.D. 57301

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>alluvial</u>	<u>0</u>	<u>8</u>
<u>Brown Porifert</u>	<u>8</u>	<u>22</u>
<u>Hard Black porifert</u>	<u>22</u>	
<u>with quartz</u>	<u>in</u>	<u>24</u>
<u>Hard Black</u>	<u>24</u>	<u>50</u>

STATIC WATER LEVEL 8 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: No Draw Down☒ Bailed at 18 gpm☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 492

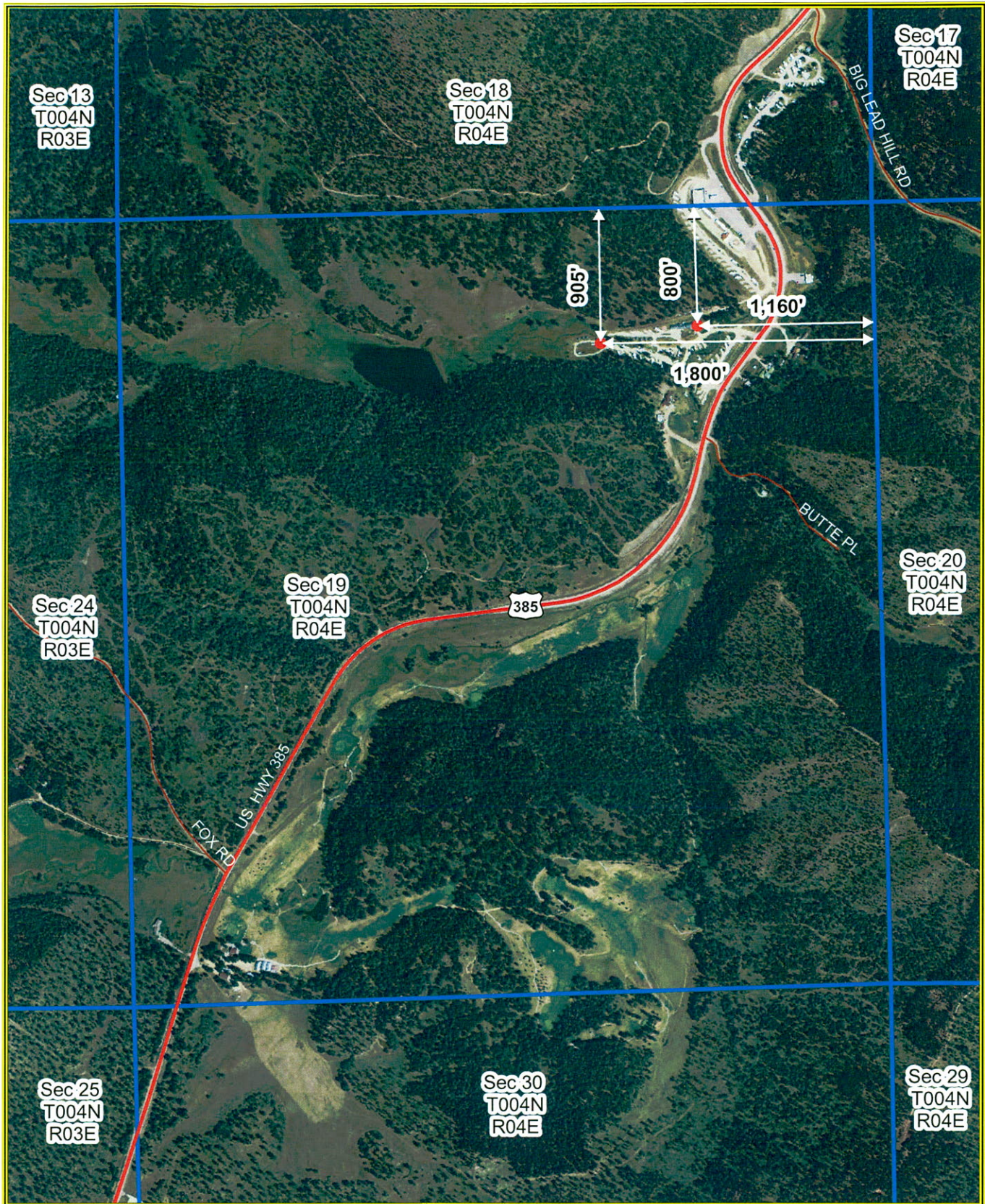
And this report is true and accurate.

Drilling firm Lewis DrillingSignature of License Representative: Dwene LewisSignature of Well Owner or Equitable Property Holder: OCT 16 2006Date: 10-14-06WATER RIGHTS
PROGRAM

10-24-06

Wichterman & Sons Inc.

Water Permit No. 1711-1



0 0.125 0.25 0.5 Miles


Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 23, 2014



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 31, 2014

1711-1

Jason Wichterman
Wichterman & Sons Inc
21399 US Hwy 385
Deadwood SD 57732

Dear Mr. Wichterman:

The investigation of the water use system for the campground, including the extent of application of water to beneficial use, as developed under Water Permit No. 1711-1, was completed by Mike DeFea, 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 \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 20 14

RECEIVED OF Wichterman & Sons Inc 21399 US Hwy 385 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	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. <u>1711-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06922**

By J. Dan Handman 20
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



SEP 04 2014

1711-1

Jason Wichterman
Wichterman & Sons Inc
21399 US Hwy 385
Deadwood SD 57732

Dear Mr. Wichterman:

Enclosed is Water License No. 1711-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1711-1, 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. 1711-1**

(1) Hidden Valley Campground, Deadwood SD 57732 made Application No. 1711-1, October 4, 1999 for a water permit to divert 0.056 cubic feet of water per second from ground water (one well – Crystalline Rock), Lawrence County, South Dakota for commercial purposes. Permit No. 1711-1, with a priority date of February 16, 2000 was approved April 24, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 24, 2005 and for the application to beneficial use of said water on or before April 24, 2009.

On December 6, 2006, a request was filed and approved for an additional well to be used as a backup well. Approval did not allow for an increase in the developed diversion rate. The Chief Engineer made a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the additional diversion point did not increase the potential for adverse effects to existing diversions.

Ownership changes filed with Water Permit No. 1711-1 are as follows:

- December 6, 2006, from Randy and Anita Baker dba Hidden Valley Campground to Kelley Family Inc., dba Hidden Valley Campground;
- February 22, 2013, from Kelley Family Inc. dba Hidden Valley Campground to Wichterman and Sons Inc.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 0.056 cubic feet of water per second for beneficial use. The location of the diversion points are:

- original well: approximately 800 feet south & 1,160 feet west of the NE corner of Section 19, T4N, R4E (NE ¼ NE ¼);
- back-up well: approximately 905 feet south & 1,800 feet west of the NE corner of Section 19, T4N, R4E (NW ¼ NE ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wichterman and Sons Inc., 21399 US Hwy 385, Deadwood SD 57732 the holders and/or owners of Water Right No. 1711-1 are issued a license to appropriate water, the right to use 0.056 cubic feet of water per second from ground water (two wells – Crystalline Rock) with a priority date of February 16, 2000 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1711-1 and subject to 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.



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

SEP 04 2014

date

