

Considered: _____

WATER PERMIT NO. 1928-2

MAP No. same

Name of Applicant Hot Springs KOA

Post Office Address Box 112C

Amount of Water Claimed 20 gpm Total Acres _____

Source of Water Supply groundwater

Water to be used for com County Fall River

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 1st 2nd 6-6-85 Not Received _____

APPLICATION: Approved 7-10-85 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 5-6-85 Fee \$5000 Remarks _____

5-6-85

Corrected Application Received _____ Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point SE4 SW4 sec. 27 T7S R6E

Land to be Irrigated N.A.

27					
8					

Well Log: Driller Not available Licensed YES _____ NO _____

Depth of Well ≈ 640 Ft REMARKS Well Drilled in 1972 or 1973

Type of Map USGS Topo PREPARED BY Kevin Larson Reviewed and the Number

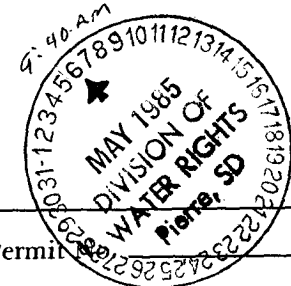
assigned on May 10, 1985 By Kevin C. Larson

No. 1928-2 Hydrologic Unit 10120109
 Map No. Same Basin Upper Cheyenne
 Newspaper Hot Springs Star Box 1000 Tues.

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 retainedChange 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 Hot Springs KOA Phone No. 745-6449Post Office Address Box 1120 S.R. State SD Zip Code 57747
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 20 GPM3. Source of water supply drilled well4. Location of point of diversion SE 1/4 SW 1/4 sec 27, T-7, R-6.
at Hot Springs KOACounty Fall River5. Counties where water will be used Fall River Co6. 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)

Well drilled 1972 or 73 information and driller
unknown

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 _____)

I, Hot Springs KOA the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Leslie L. HaasSubscribed and sworn to before me this 3 day of May 1985

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1928-2
Hot Springs KOA Box 112 C Hot Springs
(Applicant) (Post Office Address)
South Dakota 57747 With the following qualifications.
(State) (Zip Code)

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.

Date of first receipt of application May 6, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved July 10, 1985.

The Water Management Board hereby approves this Water Permit No. 1928-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 6, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is —, 19—.
5. The water appropriated shall be used for the purpose of Commercial use
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.044 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for — on or before —, 19—; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
 SEP 11 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 10" ~~8"~~ Depth 640
- b) Casing Type Steel Diameter 6 Thickness 1/4
- c) Screen Type ? Diameter ? Thickness ?
- d) Gravel Pack Thickness ? Length of Gravel Pack ?
- e) Depth to Top of Water Bearing Material ?
- f) Depth of Water (ground surface to water level) 2 190'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

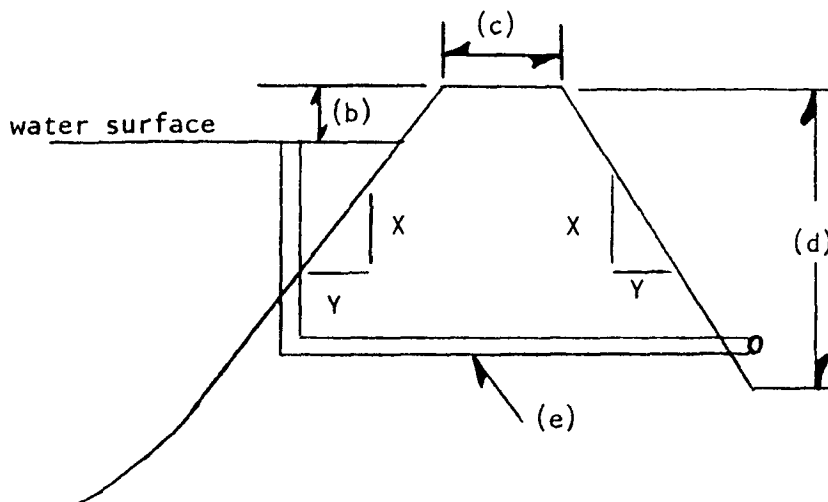
f) X & Y Slope
Upstream _____

Downstream _____

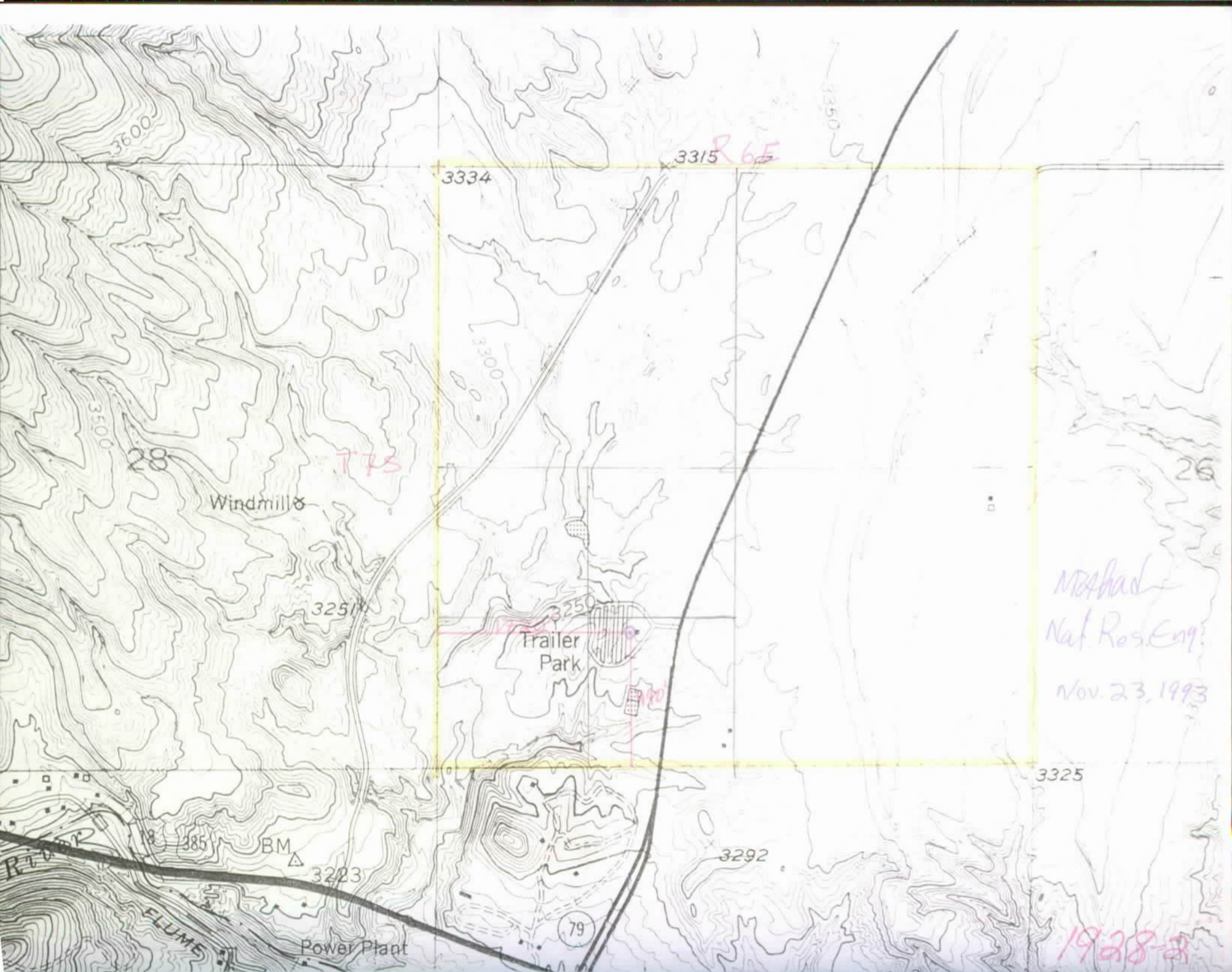
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



R 65

T 75

Mashed
Nat. Res. Eng.

Nov. 23, 1993

1928-2

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 10032

Pierre, May 6, 1985

RECEIVED OF Hot Springs, KOA, SR, Box 112-C, Hot Springs, SD 57747

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

Fee for Application for Permit No. 1928-2 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 (ms)

July 23, 1981

KOA Campground
% Merritt Pulkrabek
Hot Springs, South Dakota 57747

Dear Sir:

We are contacting all campground owners to advise them of the requirement and reasons for obtaining a water permit to use water from a well or surface supply for a commercial campground. If you obtain your water from a municipality, rural water system or other community system that already has water rights, you do not need a permit and this letter does not apply to your operation.

Enclosed are the application forms and instructions to apply for a water permit. Although State Law does require anyone using water for other than individual household domestic use or livestock watering to have a water permit, there are also several advantages to having a permit.

1. A water permit becomes a water right that entitles you to appropriate water for your commercial operation. The water right is also a property right that cannot be lost unless the water is not used.
2. In the event a large capacity well were to be authorized by a permit and pumped near your campground, you would have no protection if there were any adverse affects on your water supply. In fact, without a permit, the large capacity well owner would have seniority and you would have no rights to any water.
3. The State water rights system operates on the first in time is first in right basis. This means the senior water right has first call on the water except for domestic use. The non-domestic water user without a water right has no rights or protection in the event of water shortage conditions.

There are several commercial operations such as yours that have not established water rights. Normally there has been no problem even though the water user is operating without a permit. The reason being, the amount of water pumped is not large enough to adversely interfere with nearby domestic wells or existing rights. The difficulty occurs when we receive a legitimate complaint and it is necessary to shut down the water use operations that do not have permits. Since water use in South Dakota is increasing, the possibility of complaints or water

KOA Campground

Page 2

July 23, 1981

supplies being fully appropriated is also increasing. The Water Management Board approves or denies all water permit applications. At almost each meeting, someone appears to protest an application. Upon questioning it has been determined in several cases that the person protesting is a non-domestic water user and thus he has no rights or legal standing even though he may have been using water for several years.

I would certainly suggest that you establish your water rights at this time. Such rights would provide future protection for continuing your operation and give you legal rights in the event of future large capacity well development in your area.

I believe you can get by for the one time minimum filing fee of \$150.00. Other costs will be for preparation of a map, advertising twice in the newspaper, and a one time \$50.00 final inspection fee.

If you have any questions or need any assistance, please let us know.

Very truly yours,

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

Enclosure

a73202.jh

**South Dakota Department of
Water & Natural Resources**

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

August 28, 1984

Hot Springs KOA
Star Route, Box 112C
Hot Springs, South Dakota 57747

Dear Mr. & Mrs. Haas & Mr. Ehrman:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Hot Springs KOA.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

*Called 9-13-84
will complete and
send in.*



Department of Water & Natural Resources

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

April 25, 1985

NOTICE

Hot Springs KOA
St Rt, Box 112C
Hot Springs, South Dakota 57747

Dear Mr. and Mrs. Haas and Mr. Ehrman:

August 28, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a campground. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR

App. submitted

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION No. 1928-2, Hot Springs KOA

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1928-2, Hot Springs KOA, SR Box 112C, Hot Springs SD.

The Chief Engineer is recommending APPROVAL of Application No. 1928-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following 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.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the typed name and title.

JOHN HATCH, Chief Engineer
Water Rights Division
May 22, 1985

REPORT ON APPLICATION No. 1929-2, Floyd Simunek

AND No. 1928-2, Hot Springs KOA

May 23, 1985

Application No. 1929-2 proposes to divert 0.10 cfs from an existing 560 feet deep well in the NW 1/4 NW 1/4 Section 34, T7S, R6E BHM. The water is to be used for commercial purposes.

Application No. 1928-2 proposes to divert 0.045 cfs from an existing 640 feet deep well in the SE 1/4 SW 1/4 Section 27, T7S, R6E BHM. The water supplies a campground.

Aquifer - Inyan Kara Group (Fall River Formation)

Geology and Aquifer Characteristics

The Fall River Formation is the upper member of the Inyan Kara Group. The Fall River consists of marine sandstones with some shales, mudstones and siltstones and ranges in thickness from 110 feet to 200 feet in this area (Wolcott, 1967). The SDGS estimates there are 22.37 million acre feet of recoverable water from the Inyan Kara in Fall River County (Allen, 1984). The aquifer is under artesian conditions and a well log submitted by Russell Raby for Application No. 1929-2 indicates the well will produce 110 gpm. There is very little data for the KOA well. The Water Rights Division does not monitor any Inyan Kara wells in the area. The closest monitoring well is about 30 miles north which is just south of Hermosa.

Review of Existing Water Permits

These applications are about 1/2 mile apart. There are no other water permits for groundwater in this area.

Conclusions

1. Water is available from the Inyan Kara Group (Fall River Formation).
2. Interference should not be a problem because of the relatively low pumping rates.


JAMES A GOODMAN
Hydrologist

Bibliography

- Allen, J.C., D.L. Illes, A.K. Petres, 1984, Analysis of Ground Water and Streamflow Data Western South Dakotas Region of South Dakota, Task 3 and 4: Ground Water Resources Inventory, For US Army Corps of Engineers, DWNR, SDGS, Vermillion SD 57069.
- Wolcott, D.E., 1967, Geology of the Hot Springs Quadrangle, Fall River and Custer Counties, South Dakota, Geological Survey Bulletin 1063-K, For U.S. Atomic Energy Commission, U.S. Government Printing Office, Washington DC 20402.

No. 1928-2

Instruction to Newspaper - Publish first publication of the following Notice on or before May 28, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1928-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No.~~

Notice is hereby given that Hot Springs, KOA whose mailing address is
Box 112 C, Hot Springs, South Dakota has made an application for a permit

to appropriate 0.045 cfs from one existing well 640 feet deep (Fall River) located in
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T7S-R6E. Water will supply a campground.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1928-2 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense
Room, basement of Capitol Building, Pierre, SD, July 10 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by June 28, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; (10,000 AFA) ~~74:02:01:15:02 thru 74:02:01:15:05.~~

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 28, 1985.

STATE OF SOUTH DAKOTA)
) ss.
County Fall River)

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





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

1928-2

SEP 11 1985

Hot Springs KOA
Box 112 C
Hot Springs, South Dakota 57747

Dear Sir:

Enclosed is your Water Permit No. 1928-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

Permit No. 1928-2

Water District: Upper Cheyenne

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system owned by KOA/Douglas and DeeAnn Rosane of HCR 52, Box 112C, Hot Springs, SD 57747 holder of Permit No. 1928-2, bearing the priority of May 6, 1985 authorizing the diversion of 0.044 cu.ft. per second of groundwater for Commercial and Domestic purposes, in Fall River County.

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

A. Works used to divert the water:

A submersible pump, 18 gallons per minute capacity.

A submersible motor, 2 horse power.

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

30 feet of 1.25 inch PVC line.

C. Works used to apply water to beneficial use:

Water is used in KOA campground for commercial and domestic uses.

The system is in the following conditions: Very good. The point of diversion is located: Approximately 1190 feet north 1720 feet east from the Southwest corner of Section 27, T7S-R6E (SE1/4 SW1/4)

The works are capable of diverting and conveying to the place of use 0.04 cu.ft. per second of groundwater which is used for commercial and domestic uses.

The license should be issued for 0.40 cfs. Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: None

Date: 8/16/93

M. RASSOOL AHADI

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 1928-2

DATE 8/16/93

DIVERSION POINT LEGAL LOCATION: SE1/4 SW1/4 Section 27, T7S-R6E

WELL INFORMATION: Well Drilling Firm Unknown

- a) Pump 1) make Submersible No. of Wells 1 Depth(s) 640 feet
 2) model c) Casing: 1) diameter 6 inches
 3) size 4 inches 2) length 640? feet
 4) capacity 18 GPM 3) type Steel
 5) turbine pump - No. of stages d) Screen: 1) type Unknown
 6) operating pressure PSI 2) length feet
- b) Motor: 1) make Submersible e) Static Water Level 150 feet
 2) model No.
 3) horsepower rating 2 HP

DISTRIBUTION LINES OR CANALS:

- a) type Polyvinyl Chloride (PVC) b) size 1.25 inches c) length 30 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

**** Information regarding the pump and the motor was obtained from Panhandle Well Drilling Company from Haysprings Nebraska that installed the pump. There is no well log for the well**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1994

1928-2

Hot Springs KOA
%Douglas and DeeAnn Rosane
HCR 52, Box 112C
Hot Springs, SD 57747

Dear Mr. and Ms. Rosane:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1928-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414070

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 4, 19 94

RECEIVED OF Dec Ann Rosane, HOT SPRINGS KOA, HCR 52 Box 112C, Hot Springs, SD 57747

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>1928-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John W. Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

1928-2

Hot Springs KOA
%Douglas and DeeAnn Rosane
HCR 52, Box 112C
Hot Springs, SD 57747

Dear Mr. and Ms. Rosane:

Enclosed is Water License No. 1928-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414070 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1928-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

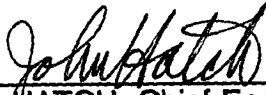
rd
enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1928-2

(1) Hot Springs KOA, c/o Douglas and DeeAnn Rosane of HCR 52, Box 112C, Hot Springs SD 57747 made Application No. 1928-2, May 6, 1985 for a water permit to appropriate 0.044 cubic feet of water per second from groundwater (one well), Fall River County, South Dakota for commercial and domestic purposes. Permit No. 1928-2, with a priority date of May 6, 1985 was approved July 10, 1985 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.04 cubic feet of water per second for beneficial use. The location of the diversion point is 1190 feet north and 1720 feet east from the southwest corner of Section 27-T7S-R6E (SE 1/4 SW 1/4).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Hot Springs KOA, c/o Douglas and DeeAnn Rosane of HCR 52, Box 112C, Hot Springs SD 57747 the holders and/or owners of Water Permit No. 1928-2 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from groundwater (one well) with a priority date of May 6, 1985 from the location specified in (2) of this license. The water to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 1928-2 and subject to South Dakota State Law.



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

AUG 19 1994

date

NOTICE OF TRANSFER OF OWNERSHIP

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



No. _____

Date: Feb. 25, 00

I/We request that Water Permit/Right No. 1928-2

formerly owned by: Rosane - Rose

be transferred to: (name & address) Anne And Chris Lippincott

HCR-5a Box 112C Hot Springs SD 57747 Telephone No. 605-745-6449

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

T7S R6E Sec. 27

I/We understand that the validity of Water Permit/Right No. 1928-2 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 attached to cover the filing fees as required under SDCL 46-2-13. The form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Fair River)

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

Anne Lippincott Chris Lippincott
(Signed)

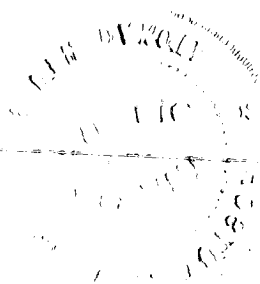
Subscribed and sworn to before me this 25th day of February, 2000.

Dawn M. Tetsch
(Notary Public)

My Commission Expires
January 23, 2002

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

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



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416399

Pierre, February 28, 2000

RECEIVED OF Anne & Chris Lippincott, HCR 5,2 Box 112C, Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1928-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

Harland Erbe



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2000

1928-2

Anne & Chris Lippincott
HCR 52 Box 112C
Hot Springs, SD 57747

Dear Mr. & Mrs. Lippincott:

Thank you for following up on the transfer of ownership for Water Right No. 1928-2. The water right, formerly listed in the name of Hot Springs KOA is now listed in your names.

Enclosed is your Receipt No. 416399 in the amount of \$2.50, which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please let me know.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1928-2

Date: 8-18-04

I/We request that Water Right/Permit No. 1928,2 formerly owned by:

ANN Lipencott

be transferred to:

New Owner Name: Leza & Charles Spencer Jr

Address: HC 52 Box 112-C

City, State, Zip HOT SPRINGS SD 5774 Telephone No. 605-745-6449

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

RECEIVED

SEP 28 2004

WATER RIGHTS
PROGRAM

☒ I understand that the validity of Water Right/Permit No. 1928-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Charles Spencer Jr, 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 SEPTEMBER 28, 20 04

RECEIVED OF HOT SPRINGS KOA, EC 52 BOX 112C, HOT SPRINGS SD 57747

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>1928-2</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.

001577

By

Darland Eide

Chief Engineer

gn



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2004

1928-2

Leza & Charles Spencer, Jr
HC 52 Box 112-C
Hot Springs SD 57747

Dear Mr. & Mrs. Spencer:

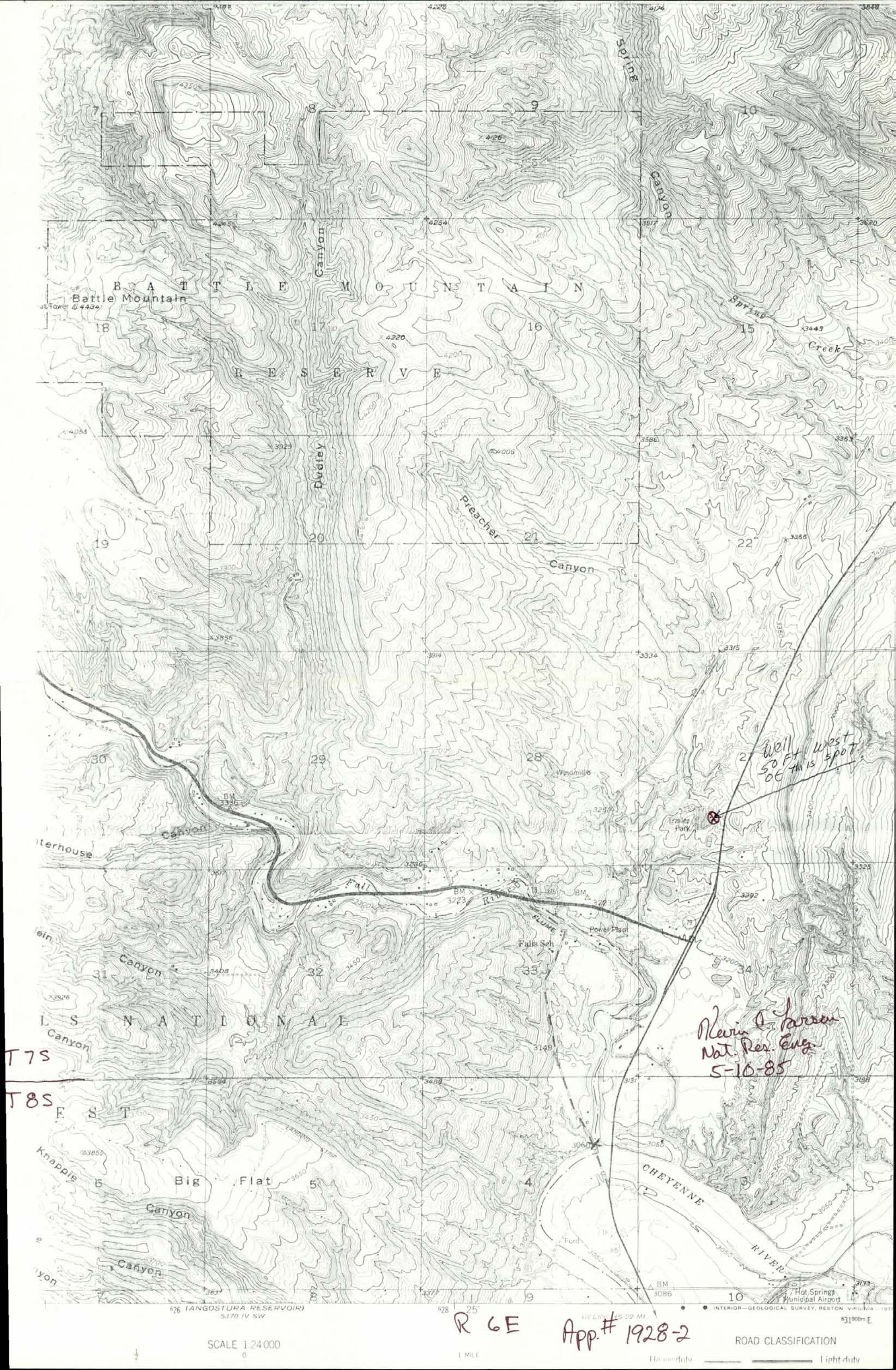
Thank you for following up on the ownership change for Water Right No. 1928-2. The transfer has been completed. The water right for the Hot Springs KOA formerly listed in the names of Anne & Chris Lippencott is now listed in your names.

Enclosed is your Receipt No. 001427 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



BATTLE MOUNTAIN

UL Tower 4434

RESERVOIR

Canyon

Dudley

Preacher

Canyon

Spring

Spring

Creek

terhouse

lein

Canyon

LS NATIONAL

Canyon

T7S

T8S

EST

Knappie

Big Flat

Canyon

Canyon

yon

626 (ANGOSTURA RESERVOIR)
5370 IV SW

628

R 6E

App. # 1928-2

SCALE 1:24000

1 MILE

ROAD CLASSIFICATION

No. of duty

Light duty

Flat Spring Municipal Airport

631000m E

Kevin S. Larson
Nat. Res. Eng.
5-10-85

Well 50 ft West of this spot

RECEIVED

DEC - 4 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1928-2

Date: 12-3-09

I/We request that Water Right/Permit No. 1928-2 formerly owned by:

Chuck + Leeza Spencer / Whispering Pines, LLC be transferred to:

New Owner Name: Tinisa Springs, LLC John & Cathy Adler

Address: 27585 SD Hwy 79

City, State, Zip Hot Springs, SD 57747

Telephone No. 605-745-6449

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

☒ I understand that the validity of Water Right/Permit No. _____ 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, Catherine Adler, the new owner, certify that the above information is true and correct.

Catherine K. Adler

(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 12/4, 20 09

RECEIVED OF Tinisu Springs LLC J Adler 27585 SD Hwy 79 Hot Springs SD 57747

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>1928-2</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	50 00

No. 04258

By Lakal Enchele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 2009

1928-2

John & Cathy Adler
Tinisus Springs LLC
27585 SD Hwy 79
Hot Springs SD 57747

Dear Mr. & Mrs. Adler:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 1928-2. The transfer has been completed. The water right formerly held by Chuck & Leza Spencer dba Whispering Pines LLC is now listed in the name of "Tinisus Springs LLC".

Enclosed for your records is Receipt No. 04258 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure