

Considered: _____

WATER PERMIT NO. 1929-2

MAP No. Same

Name of Applicant Floyd Simunek

Post Office Address Box 178 B Hot Springs

Amount of Water Claimed 0.10 cfs Total Acres N.A.

Source of Water Supply Groundwater

Water to be used for COM County Fall River

About _____ miles _____ of _____

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

APPLICATION: Approved 7-10-85 Subject to _____

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

PRIORITY _____ Date Received 5-1-85 Fee \$50.00 Remarks _____

5-1-85

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 NW⁴ NW⁴ sec. 34 T7S-R6E

Land to be Irrigated _____

⊗					
34					

Well Log: Driller Raby Drilling Licensed YES X NO _____

Depth of Well 560 Feet REMARKS _____

Type of Map USGS Topo PREPARED BY Steve Simunek/K. Larson Reviewed and the Number assigned on May 10, 1985 By Kevin C. Larson

No. <u>1929-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>Same</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Hot Springs Star</u>	<u>Box 1000 Tues.</u>

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 Floyd Simunek Phone No. 745-3631
Hot Springs
 Post Office Address Hot Brooks Canyon Box 178 B State SD Zip Code 57747
 (Street, RR or Box)

2. Amount of water claimed (c.f.s.) 10 45 gpm.

3. Source of water supply well

4. Location of point of diversion Crowell Tracts pt of NW 1/4
sec. 34 T 7 R 6, sec 33 T 7 R 6
 _____ County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used year around use

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)

Water will be used in campground, bait shop, second hand store, Restaurant, and house use.

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 Fall River)^{ss}

I, Floyd Simunek 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 Floyd Simunek

Subscribed and sworn to before me this 30th day of April 19 85

Kathleen R. Liskey
 Notary Public (or other qualified officer)

My commission expires: 3/13/91

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1929-2

Floyd Simunek
(Applicant)

Box 178B Hot Springs
(Post Office Address)

South Dakota
(State)

57747
(Zip Code)

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.

Date of first receipt of application May 1, 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. 1929-2 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 1, 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 0.10 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)

Raby Drilling CO
Edgemont S.D.**1. Well Information - Proposed construction**

- a) Drill Hole Diameter 8" Depth 685 FT.
- b) Casing Type PVC Diameter 6" Thickness 1/2" or schedule 40
- c) Screen Type PVC Diameter 6" Thickness " "
- d) Gravel Pack Thickness ~~2"~~ 2" Length of Gravel Pack 80 FT
- e) Depth to Top of Water Bearing Material 445' of water in well.
- f) Depth of Water (ground surface to water level) 240
- g) Distance to nearest existing domestic well: old well 100'
- On applicants property yes On property owned by others _____

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

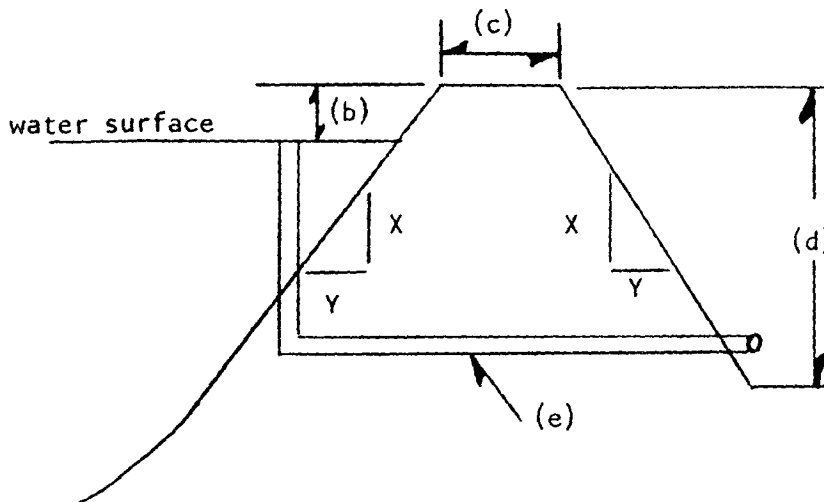
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

No 4 10027

South Dakota Department of Water and Natural Resources

Pierre, May 1, 1985

RECEIVED OF Floyd Simunek/Steve Simunek, Hot Brook Canyon, Box 178 B, Hot Springs, SD
the following amount in fees for services rendered as provided for by law: (Carla M. Christensen) 57747

Fee for Application for Permit No. <u>1929-2</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 (MS)

1929-2

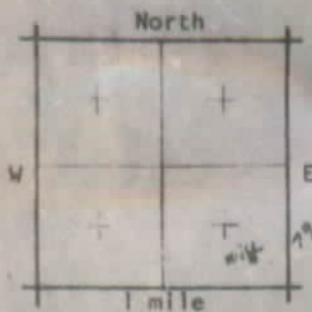
NN NW 34 STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NE 1/4 NE 1/4 Sec 33 Twp 7 Rg 6

County

FALL RIVER

Please mark well location with an "X"



Well Completion Date April 7, 1984

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary Mud

WELL CONSTRUCTION:

Diameter of hole 6 inches Depth 560 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To

5CH 40 lb/ft 6 inches 0 feet 420 feet

5CH 250 lb/ft 4 1/2 inches 400 feet 560 feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type PVC Slot Size 1/4" Holes

Length 60' Diameter 4 1/2"

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☒ Yes ☐ No

If so what material? RUBBER

Was well gravel packed? ☐ Yes ☒ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure PAVED 30

SACKS TYPE N DOWN & UP

To what depth? 420 Feet

What was grouting material? TYPE N CEMENT

If cement, how many sacks? 30

Location of packer(s) and screen or perforated pipe 1 PACKER AT 400 1 AT 500

SCREEN 500 - 560

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material?

Well Owner:

Name FLYNN SIMUNEK

Address HOT SPRINGS S.D.

Well Log:

Depth

Formation	From	To
<u>MOOREN</u>	<u>0</u>	<u>180</u>
<u>SKULL CREEK</u>	<u>180</u>	<u>410</u>
<u>SCABBY UNDER FALL RIVER</u>	<u>410</u>	<u>500</u>
<u>WHITE SAND STONE</u>	<u>500</u>	<u>560</u>

STATIC WATER LEVEL 118 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped

☒ Bailed Describe: AIR BAILED WELL
FROM 360, MISABUNCO
110 GPM

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:



This well was drilled under license 415
and this report is true and accurate.

BOB BAUMANN
Drilling Firm

Robert Baumann
Signed by

April 10 1984
Date

6-7-84



Department of Water & Natural Resources

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

August 28, 1984

Ponderosa Camping/
Sportsman Bait Shop
Maverick Junction
Hot Springs, South Dakota 57747

Dear Mr. Simunek:

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 Ponderosa Camping/Sportsman Bait Shop.

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 \$50.00 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

SOUTH Dakota Department of
Water & Natural Resources

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

April 25, 1985

NOTICE

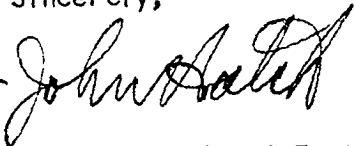
Ponderosa Camping/Sportsman Bait Shop
Maverick Junction
Hot Springs, South Dakota 57747

Dear Mr. Simunek:

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 and business operation. 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. received

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1929-2, Floyd Simunek

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. 1929-2, Floyd Simunek, Hot Brook Canyon, Box 178B, Hot Springs SD.

The Chief Engineer is recommending APPROVED of Application No. 1929-2 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 written over the typed name.

JOHN HATCH, Chief Engineer
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. 1929-2

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. 1929-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Floyd Simunek whose mailing address is
Box 178 B, Mc: Springs, South Dakota has made an application for a permit
 to appropriate 0.10 cfs from one existing well 560 ft deep (Fall River) in the NW¼NW¼
 Section 34 T7S-R6E. Water is used for commercial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 1929-2 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, May 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)

Cost of Printing: \$35.46

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. May 28, June 28



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

1929-2

SEP 11 1985

Floyd Simunek
Box 178 B
Hot Springs, South Dakota 57747

Dear Mr. Simunek:

1929-2

Enclosed is your Water Permit No. _____ 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,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 27, 1992

Darlene Simunek
Box 178B
Hot Brook Canyon
Hot Springs, SD 57747

Dear Mrs. Simunek:

I am writing in regard to our phone conversation in which you requested that I send you a copy of any water rights held by Floyd Simunek. Enclosed are Vested Right No. 1910-2 and Water Permit No. 1929-2

Vested Right No. 1910-2 appropriates 1.3 cubic feet of water per second (cfs) from Beaver Creek to irrigate 92.8 acres with a priority claim date of November 22, 1881.

Water Permit No. 1929-2 appropriates .10 cfs from a 560 feet deep well to provide water for commercial use by the Ponderosa Camping/Sportsman Bait Shop. This permit has a priority date of May 1, 1985.

If I may be of further assistance, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

1929A-2

Floyd and Steve Simunek
Box 178B
Hot Springs, SD 57747

Dear Sirs:

Enclosed is Water License No. 1929A-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 414304 and 414305 in the amount of \$25.00 each 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. 1929A-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.

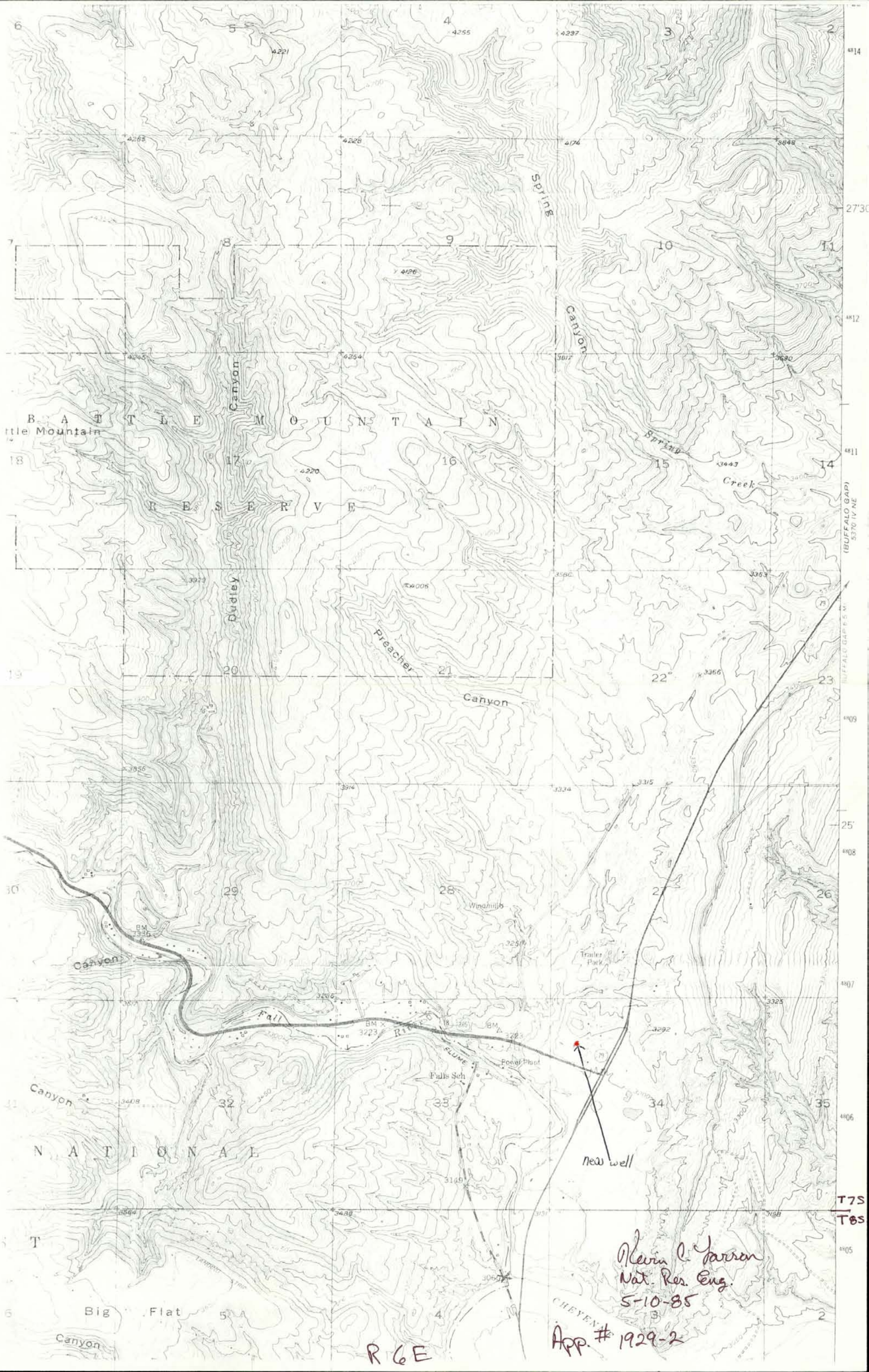
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 1929-2 have been incorporated into this Water License No. 1929A-2.



Kevin C. Yarron
Nat. Res. Eng.
5-10-85

App. # 1929-2

R 6 E