

WATER PERMIT NO. 1929A-2

Phone: 745-3631 or 745-4972

Name of Applicant: Floyd & Steve Simunek

Post Office Address: Hot Brook Canyon, Box 178B, Hot Springs SD 57747

Amount of Water Claimed: no add'l (0.10 cfs) Total Acres: NA

Source of Water Supply: groundwater - one additional well

Water to be used for: commercial County: Fall River

About 1 miles South of Hot Springs

PRIORITY Date Received: 12-9-93 Fee: \$50.00 Remarks: _____

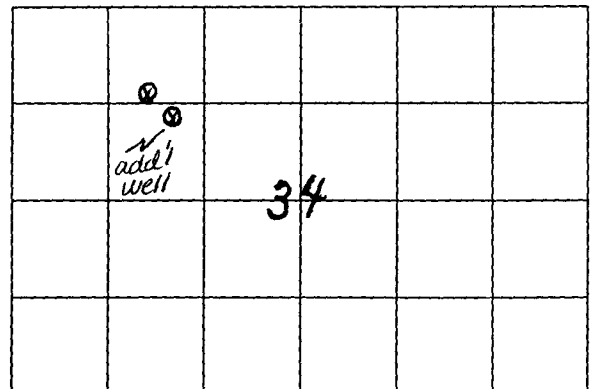
Corrected Application Received: 1-11-94 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 NW 1/4 Sec 34-T7S-R6E

Land to be Irrigated: _____



Well Log: Driller: De Lay Drilling Service Licensed YES X NO _____

Depth of Well: 575' REMARKS: _____

Type of Map: topo PREPARED BY: Rassool Ahadi Reviewed and the Number

Assigned on: 1-12-94 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1929A-2 Hydrologic Unit 10/20/09
Basin Upper Cheyenne
Newspaper Hot Springs Star, Box 1000
(office use only)



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

Check use of water:

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

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. 1929-2

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

1. Name of Applicant Floyd Simunek Steve Simunek Phone 745-3631
(check one) ☒ Owner ☐ Tenant/lessee 745-4972
Mailing Address Hot Brook Canyon, Box 178B, Hot Springs State SD 57747
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed No add'l (0.10) *CFS or _____ **GPM _____ ***AF _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet – storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 NW1/4 Section 34
T7S-R6E
- County Fall River
5. County or counties where water will be used Fall River
6. Annual period during which water is to be used January 1 through December 31
7. 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)

This application is to add a diversion point (well) to the existing one.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Fall River ss

I, Steve Simunek, 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 Steve Simunek
Subscribed and sworn to before me this 8th day of December 19 93

Barry Beery
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/8" Depth 640'
- b) Casing Type plastic Diameter 5 1/2" Thickness 3/8"
- c) Screen Type perfor. plastic Diameter 5 1/2" Thickness 3/8"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 540'
- f) Depth to Water (ground surface to water level) 200'
- g) Distance to nearest existing domestic well:
On applicants property 250' On property owned by others 1000'

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

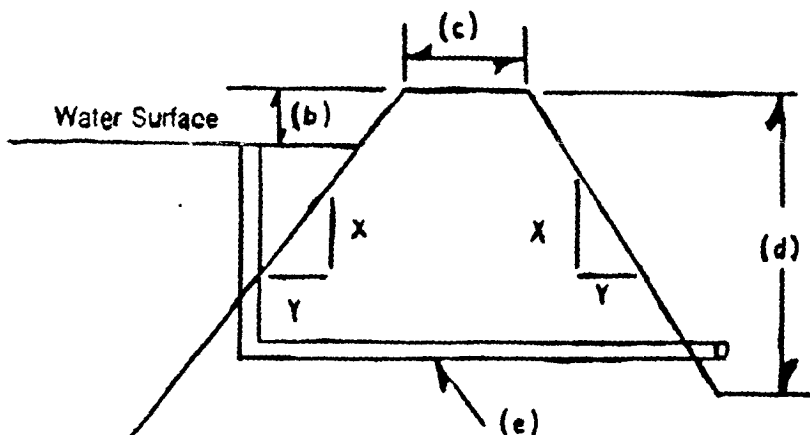
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 1929A-2**

Date of first receipt of application December 9, 1993.

Date of return to applicant for corrections, amendments or changes December 17, 1993.

Date of receipt of corrected application January 11, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1929A-2 to Floyd and Steve Simunek, Box 178B, Hot Springs SD 57747 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. 1929A-2 specifies the correct number of wells authorized by Water Permit No. 1929-2. Water Permit No. 1929-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well located in the NW 1/4 NW 1/4 Section 34-T7S-R6E. An inspection of Permit No. 1929-2 found 2 wells developed. The additional well 575 feet deep (Inyan Kara Formation) is located in the SW 1/4 NW 1/4 Section 34-T7S-R6E. This permit does not authorize any increase in the diversion rate.
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 for commercial use purposes.
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. 1929A-2 is April 4, 1994.
5. The date from which applicant may claim right is May 1, 1985.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

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

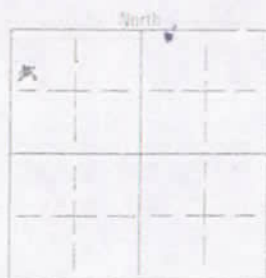
OCT 4 1994
date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 56° 14' N 104° 34' W = N 104° 34' W Rg. 6E

County

Fall River

Please mark well location with an 'X'

Well Completion Date 12-23-1989

PROPOSED USE

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

Method of Drilling

Mud Rotary

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

Sch. 40 LB/FT 6" IN 0 FT 515 FT 7 7/8 IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 515 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 45 SacksDescribe grouting procedure: Pressure grouted w/Slurry using big mud pump &pump down plug - cement circulated to topWhat was grout weight? 14 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain 3 gal 5.25% Sodium HypochloriteBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner

Name

Address

Well Log

Depth

Formation

From

To

<u>Sail</u>	<u>0</u>	<u>5</u>
<u>Sandy Clay w/ Bone Rock</u>	<u>5</u>	<u>36</u>
<u>Grey Shale</u>	<u>36</u>	<u>143</u>
<u>Sandstone</u>	<u>143</u>	<u>164</u>
<u>Grey Shale</u>	<u>164</u>	<u>310</u>
<u>Gravelly Sandstone</u>	<u>310</u>	<u>321</u>
<u>Grey Shale</u>	<u>321</u>	<u>502</u>
<u>Red Shale</u>	<u>502</u>	<u>506</u>
<u>Medium Hard Sandstone</u>	<u>506</u>	<u>528</u>
<u>Gravelly Sandstone (water)</u>	<u>528</u>	<u>568</u>
<u>Sandstone</u>	<u>568</u>	<u>575</u>

STATIC WATER LEVEL 115 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 in? _____

WELL TEST DATA

☐ Pumped☐ Bailed☐ OtherDescribe air developed 5 hrsapprox 30 g.p.m.

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

405-622-2515This well was drilled under license # 574

And this report is true and accurate

Drilling firm Life Day Drilling Service

Signature of License Representative

Gene Life Day

Signature of Well Owner

S.D. SmithDate Jan 13, 19902190

REPRODUCTIONS, REDUCTION 25% ROLL NO 4-3

3-9-90
DATE MICROFILMED

CAMERA OPERATOR

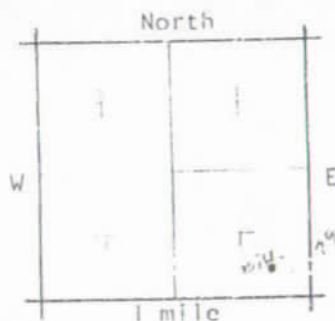
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

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 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To

SCH 40 lb/ft 6 inches 0 feet 420 feetSCH 250 lb/ft 4 1/2 inches 400 feet 560 feetWas a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type PVC Slot Size 11/4" HOLESLength 60' Diameter 4 1/2"Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? RUBBERWas well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure PLUGGED 30SACKS TYPE H DOWN 7 UPTo what depth? 490 FeetWhat was grouting material? TYPE II CEMENTIf cement, how many sacks? 30Location of packer(s) and screen or perforated pipe 1 PACKER AT 400 1 AT 500SCREEN 500 - 560WAS WELL PLUGGED OR ABANDONED? ☐ Yes ☒ No

If so how and with what material?

Well Owner:

Name FLOYD SIMONERAddress HOT SPRINGS S.D.

Well Log:

Depth

Formation	From	To
<u>MOOREY</u>	<u>0</u>	<u>180</u>
<u>SKULL CREEK</u>	<u>180</u>	<u>410</u>
<u>SLABBY UPPER FALL RIVER</u>	<u>410</u>	<u>500</u>
<u>WHITE SANDSTONE</u>	<u>500</u>	<u>560</u>

STATIC WATER LEVEL 118 FeetIf flowing: closed in pressure 131

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped☒ Bailed☐ OtherDescribe: AIR BAILED WELL
FROM 560, MEASURED
110 GPM

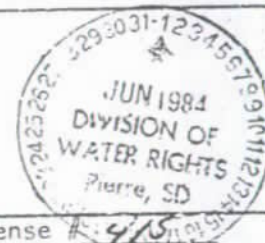
Pumping Level Below Land Surface

_____ 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.

DAVE DRILLING

Drilling Firm

Russell Baby

Signed by

APRIL 10 1984

Date

, 6-7-84

RECEIPT

413989

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 11, 19 94

RECEIVED OF Darlene Simunek, Hot Brook Canyon, Hot Springs SD 57747

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

Fee for Application for Permit No. <u>1929A-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. H. H. H.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 1993

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

Dear Mr. Simunek:

Enclosed you will find completed application forms, two copies of Form 2A, and instruction sheet to file your second well. As I mentioned in our telephone conversation yesterday, since this well is part of your existing system, you will need to have a permit for it. Please read the applications carefully, make any necessary changes, sign and notarize them, and return them with a \$50.00 filing fee. Both copies of Form 2A must also be completed. We will need the following information regarding the pump and the motor: Make, capacity of the pump (gallons per minute) and the horse power of the motor. I have highlighted the items on the instruction sheet that you need to submit.

If you have any questions, please feel free to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 1993

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

Dear Mr. Simunek:

In regard to your water permit application received on December 9, 1993, the filing fee of \$50.00 needs to be submitted in order to process your application.

Upon receipt of the filing fee, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

**Report on Water Permit Application No. 1929A-2
Floyd and Steve Simunek
February 7, 1994**

Background

Water Permit Application No. 1929A-2 requests to add a new well to the water use system authorized by Water Permit No. 1929-2. Water Permit No. 1929-2 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well located in the NW1/4 NW1/4 Section 34, T7S-R6E, in Fall River County. The new well is located in the SW1/4 NW1/4 Section 34, T7S-R6E. Water from both wells is used for commercial purposes.

Discussion

Inspection of Water Permit No. 1929-2, conducted on August 16, 1993, showed that two wells were constructed and used for the same system. The old well, completed in 1984, is 560 feet deep. The inspection also showed that the legal description of the old well on the well log is wrong. Russ Raby, with Raby Drilling Company, who drilled the old well, confirmed that the correct location of the well is the NW1/4 NW1/4 Section 34, T7S-R6E. The new well is 575 feet deep.

Both wells are completed in Inyan Kara Group, Fall River Formation. The formation consists of marine sandstone with some shale, mudstone and siltstone. The formation contains an estimated 537 million acre feet of recoverable water.

The nearest well to the applicant's wells, completed in the Inyan Kara, is the Hot Springs KOA Campground well, authorized by Water Permit No. 1928-2, for a diversion rate of 0.4 cfs.

This application does not authorize any increase in the diversion rate, the annual volume of water, however, may increase.

The applicant uses a 10,000 gallon tank to store water from the wells.

Conclusions

1. Both wells are completed in Inyan Kara Group (Fall River Formation).
2. This application does not authorize any increase in the diversion rate.
3. Due to the low diversion rate, well interference is not anticipated.

4. Water Permit Application No. 1929A-2 should be approved with standard qualifications.

M. Rassool Ahadi

M. Rassool Ahadi
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

Delvin D. Brosz, P.E.
Natural Resources Engineer IV

Reference

Rahn, Perry H. "Groundwater Resources of South Dakota", South Dakota School of Mines and Technology Project No. 2355, Department of Geology and Geological Engineering, Rapid City, SD, August 23, 1979.

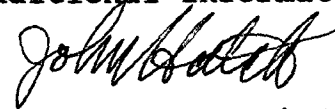
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1929A-2, Floyd and Steve Simunek

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1929A-2, Floyd and Steve Simunek, Hot Brook Canyon, Box 178B, Hot Springs, SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 1929A-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 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.



JOHN HATCH, Chief Engineer
March 4, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 7, 1994

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

Dear Sirs:

Water Permit Application No. 1929A-2 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 Hot Springs Star printed at Hot Springs, SD (Ph # 745-4170). 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
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

March 7, 1994

Hot Springs Star
Box 1000
Hot Springs, SD 57747

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1929A-2 to be published twice. Please publish the first notice on March 15, 1994, 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 Floyd and Steve Simunek, Hot Brook Canyon, Box 178B, Hot Springs, SD 57747 (Ph # 745-3631 or 745-4972).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ 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 March 15, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1929A-2
to Amend Water Permit No. 1929-2

Notice is given that Floyd and Steve Simunek, Hot Brook Canyon, Box 178B, Hot Springs, SD 57747 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 1929-2. Water Permit No. 1929-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well located in the NW 1/4 NW 1/4 Section 34-T7S-R6E for commercial use. An inspection of Permit No. 1929-2 found 2 wells developed. The additional well 575 feet deep (Inyan Kara) is located in the SW 1/4 NW 1/4 Section 34-T7S-R6E. This application does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1929A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 Division, 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 4, 1994.

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 Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Fall River) ss



I, Gregory R. Corr

certify that the attached printed Notice was

taken from the Hot Springs Star

printed and published in Hot Springs

County of Fall River and State of

South Dakota. The notice was published in the newspaper on the following two dates:

March 15, 1994

March 22, 1994

Cost of Printing: \$34.22

Gregory R. Corr
 (Signature)

Publisher
 (Title)

March 22, 1994
 (Date Signed)

62 NOTICE OF APPLICATION NO. 1929A-2 to Amend Water Permit No. 1929-2

Notice is given that Floyd and Steve Simunek, Hot Brook Canyon, Box 178B, Hot Springs, SD 57747 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 1929-2. Water Permit No. 1929-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well located in the NW 1/4 NW 1/4 Section 34-T7S-R6E for commercial use. An inspection of Permit No. 1929-2 found 2 wells developed. The additional well 575 feet deep (Inyan Kara) is located in the SW 1/4 NW 1/4 Section 34-T7S-R6E. This application does not authorize any increase in the diversion rate.

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Mar. 15, 22



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 4 1994

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

Dear Floyd and Steve:

Enclosed is Water Permit No. 1929A-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

414305

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 17, 19 94

RECEIVED OF Steve/Carla Simunek, PO Box 625, 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>1929A-2</u>	25	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	25 00

By John Hatch
Chief Engineer

RECEIPT

414304

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 17, 19 94

RECEIVED OF Floyd/Darlene Simunek, Hot Brook Canyon, 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>1929A-2</u>	25	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	25 00

By John Hatch/gmr
Chief Engineer

Permit No. 1929-2/1929A-2

Upper Cheyenne - Water District

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

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

I have this day, **August 18, 1993**, made a thorough examination of the water use system owned by **Floyd and Steve Simunek** of **Box 178B, Hot Springs, SD 57747** holder of **Permit No. 1929-2/1929A-2**, bearing the priority of **May 1, 1985**, authorizing the diversion of **0.10 cu. ft. per second** of the waters of **groundwater** for **commercial** purposes, in **Fall River County**.

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

A. Works used to divert the water:

Two identical submersible pumps, 26 gallons per minute capacity of each pump.

Two identical submersible motors, 2 horse power each.

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

350 feet of 2 inch PVC pipe.

C. Works used to apply water to beneficial use:

Water is used for commercial purposes in a restaurant and a gas station.

The system is in the following condition **Very good**. The points of diversion are located: **Well No. 1: about 680 feet east, 1240 feet south from the northwest corner of Section 34 (NW1/4 NW1/4); Well No. 2: about 960 feet east, 1520 feet south from the northwest corner of Section 34 (SW1/4 NW1/4), all in T7S-R6E**. The works are capable of diverting and conveying to the place of use **0.11 cu. ft. per second** of water which is used for **commercial** purposes. The license should be issued for **0.10 cfs**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None**

Date Report Completed: **8/3/1995**



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1929A-2

DATE OF INSPECTION: 8/16/1993

NAME & ADDRESS OF PERMIT HOLDER: Floyd and Steve Simunek, Box 178B, Hot Springs, SD 57747

DIVERSION POINT LEGAL LOCATION: SW1/4 NW1/4 Section 34, T7S-R6E

WELL INFORMATION:

- 1) Well Drilling Firm: **DeLay Drilling Service**
- 2) No. of Wells **1**
- 3) Depth(s) **575 feet****
- 4) Well log is available Y
- 5) Comment: **** The well depth is 575 feet and not 640 feet as indicated on Form2A**

Casing:

- 1) Diameter **6 inches**
- 2) Length **515 feet**
- 3) Type **PVC**

Screen: **Unknown**

- 1) Type
- 2) Length feet
- 3) Static water level **200 feet**

Pump: *******

- 1) Make **Submersible**
- 2) Model
- 3) Size **4 inches**
- 4) Capacity **26 GPM**

Motor: *******

- 1) Make **Submersible**
- 2) Model No.
- 3) Horsepower rating **2 hp**

***** Identical pump and motor as in 1929-2**

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **2 inches** 3) Length **320 feet**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

REPORT ON INSPECTION OF PERMIT NO. 1929-2

DATE OF INSPECTION: 8/16/1993

NAME & ADDRESS OF PERMIT HOLDER: Floyd and Steve Simunek, Box 178B, Hot Springs, SD 57747

DIVERSION POINT LEGAL LOCATION: NW1/4 NW1/4 Section 34, T7S-R6E

WELL INFORMATION:

- 1) Well Drilling Firm: **Raby Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **560** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **6-4 1/2** inches
- 2) Length **420-100** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC**
- 2) Length **60** feet
- 3) Static water level **128** feet

Pump:

- 1) Make **Submersible**
- 2) Model
- 3) Size **4** inch
- 4) Capacity **26** GPM

Motor:

- 1) Make **Submersible**
- 2) Model No.
- 3) Horsepower rating **2** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC**
- 2) Size **2** inches
- 3) Length **30** feet

One 80 gallon pressure tank and a 10,000 gallon storage tank are used for storage and distribution of water.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by **Y**
- 3) All structures, wells on map **Y**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1929A-2

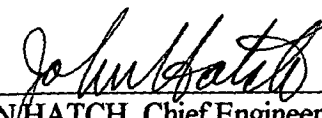
(1) Floyd and Steve Simunek, of Box 178B, Hot Springs made Application No. 1929A-2, December 9, 1993 for a water permit to appropriate no additional water from one additional well, Fall River County, South Dakota for commercial use purposes. Permit No. 1929A-2, with a priority date of May 1, 1985 was approved April 4, 1994 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.

Water Permit No. 1929A-2 specified the correct number of wells authorized by Water Permit No. 1929-2. No. 1929A-2 did not allow for an increase in the developed diversion rate. The applicable portions of Water Permit No. 1929-2 have been incorporated into this Water License No. 1929A-2.

(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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is: Well #1 - 680 feet east and 1240 feet south (NW 1/4 NW 1/4) and Well #2 - 960 feet east and 1520 feet south (SW 1/4 NW 1/4); both from the northwest corner of Section 34-T7S-R6E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Floyd and Steve Simunek of Box 178B, Hot Springs SD 57747 the holders and/or owners of Incorporated Water Permit No. 1929A-2 are issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (two wells) with a priority date of May 1, 1985 from the location specified in (2) of this license. The water used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1929A-2 and subject to South Dakota State Law.



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

DEC 18 1995

date





DEC 18 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

Water Rights Program - File Documentation

NAME: Floyd & Steve Simunek

ADDRESS: Hot Springs

DATE: 1-28-1999 **COUNTY:** Fall River **TELEPHONE:** 745-6252 (Steve)

RE: Ownership of No. 1929A-2

COMMENTS:

Linda Harris with Rapid City regional office called stating the ownership of Water Right No. 1929A-2 had changed.

I called Steve Simunek. Steve stated that currently his Dad (Floyd) owns the Ponderosa Trailer Park which is served by Well #1 located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34.

Steve stated Well #2 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, serves a motel and restaurant. The motel which Steve used to own, has been sold to Chadron Development (contract for deed). Steve owns the restaurant. If the development company would default on the loan, the motel goes back to him. They share Well #2.

Steve further stated that the two wells are backup supplies for each other.

After discussing the situation with staff, it was decided to leave the permit ownership as it is. Steve Simunek concurred with this.



Karen Schlaak
Environmental Scientist

-----Original Message-----

From: Harris, Linda (DENR)

Sent: Tuesday, April 01, 2008 2:59 PM

To: Genny McMath; Schlaak, Karen

Subject: 1929A-2

How about if I include the following statement in my inspection report.

5. The connection between the Ponderosa Subdivision and Big Bat's water systems has been removed so the respective wells can not serve as a back up supply for the other. If the Simunek family wishes to change the status or ownership of the water right permit (1929A-2), it will be necessary to contact the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Phone: 605-773-3352 or 800-438-3367.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 21, 2008

Floyd Simunek, Jr
646 S 5th St
Hot Springs SD 57747

Re: Division of Water Right No. 1929A-2

Dear Mr. Simunek:

Thank you for contacting us regarding the ownership change needed for Water Right No. 1929A-2. The water right is currently held by Floyd Simunek (Sr) and Steve Simunek. I have enclosed a copy for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

ATTACHMENT TO
WATER LICENSE NO. 1929A-2

On April 28, 2008, Floyd Simunek, Jr. submitted an ownership change for one of the wells described in Water Right No. 1929A-2. Since the wells are operated independently and no longer used as a back-up source for each other, the water right is being divided and reissued to reflect separate ownership as follows:

No. 1929B-2: Floyd Simunek, Jr, 646 S 5th St, Hot Springs SD 57747 authorizing diversion of 0.05 cfs from Well #1 to be used for commercial purposes at the Ponderosa Subdivision;

No. 1929C-2: Steve Simunek, 102 Sandpiper Dr, Hot Springs SD 57747 authorizing diversion of 0.05 cfs from Well #2 to be used for commercial purposes in a bar and restaurant.