



**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

RECEIVED

APR 28 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1929B-2

Date: 4-23-08

I/We request that portions of Water Right No. 1929A-2

formerly owned by: Floyd (Sr) and Steve Simunek

be transferred to: (name & address) Floyd Simunek, Jr., 646 S 5th St, Hot Springs SD 57747

Telephone No. 605 890-0202

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

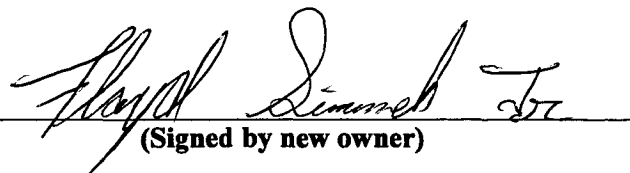
Well #1 - NW ¼ NW ¼ Section 34, T7S, R6E

I/We understand that the validity of Water Right No. 1929A-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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Floyd Simunek 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 4/28, 2008

RECEIVED OF Evergreen Roadside Adv. 646 5th St Hot Springs SD 57447

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>1929B-2</u>	2	50
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.

03045

By

Michael Erbe
Chief Engineer



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JOE FOSS BUILDING
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www.state.sd.us/denr

JUN 12 2008

1929B-2

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

Dear Mr. Simunek:

Enclosed is your Water License No. 1929B-2. Based on the ownership change you submitted for one of the wells authorized by Water Right No. 1929A-2, that license was divided and reissued to reflect separate ownership. Included with the license is your Receipt No. 03645 in the amount of \$2.50 which you paid for filing the ownership change.

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. 1929B-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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1929B-2
DIVISION OF NO. 1929A-2 INTO 1929B-2 AND 1929C-2

(1) Floyd Simunek Sr and Steve Simunek, Hot Springs SD were issued Water License No. 1929A-2, December 18, 1995 for a water permit to divert 0.10 cubic feet of water per second (cfs) from ground water (two wells – Inyan Kara), Fall River County, South Dakota for commercial purposes. Water License No. 1929A-2, with a priority date of May 1, 1985 was issued to the permit holders with construction and application of water to beneficial use completed.

An ownership change has occurred 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.

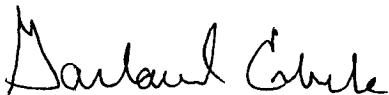
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and the application of water to beneficial use and is entitled to divert 0.05 cubic feet of water per second for beneficial use.

The location of the diversion point is Well #1 – 680 feet east and 1,240 feet south of the NW corner of Section 34, T7S, R6E (NW ¼ NW ¼).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Floyd Simunek, Jr., 646 S 5th St., Hot Springs SD 57747 the holder and/or owner of Water Right No. 1929B-2 is issued a license to appropriate water, the right to use 0.05 cubic feet of water per second from ground water (one well - Inyan Kara) with a priority date of May 1, 1985 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 1929A-2 and subject to the following qualification:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.



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

JUN 12 2008

date

