

Considered: _____

WATER PERMIT NO. 1961-2

MAP No. same

Name of Applicant Thomas J. O'Meara

Post Office Address 901 St. Cloud Str., Rapid City SD 57701

Amount of Water Claimed .10 cfs Total Acres NA

Source of Water Supply groundwater

Water to be used for commercial purposes County Pennington

About 1 1/2 miles S of Rapid City on 16.

PROOF OF PUBLICATION: Received May 20, 1986 Not Received _____

APPLICATION: Approved July 1, 1986 Subject to _____

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

PRIORITY _____ Date Received April 7, 1986 Fee \$50.00 Remarks _____

4/7/86

Corrected Application Received April 14, 1986 Period of Annual Use Jan 1 - Dec 31

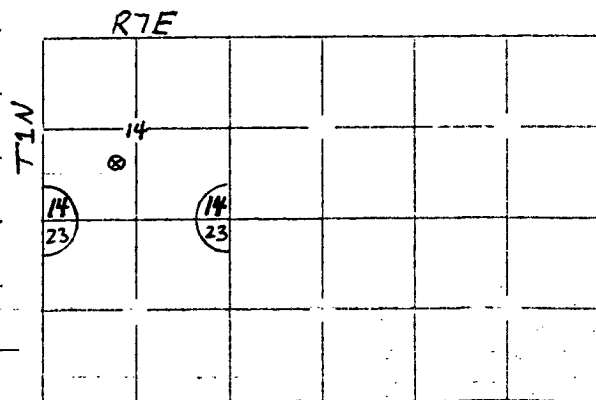
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: NE 1/4 SW 1/4 of section 14

-T1N - R7E

Land to be Irrigated NA



Well Log: Driller not available Licensed YES _____ NO _____

Depth of Well 1770 REMARKS _____

Type of Map Topo PREPARED BY R. Duvall Reviewed and the Number

assigned on April 14, 1986 By Ron Duvall

No. 1961-2 Hydrologic Unit 10120110
 Map No. same Basin Upper Cheyenne
 Newspaper Rapid City Journal, Box 450 daily

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 Thomas J O'Meara Phone No. 348-2171Post Office Address 901 St. Cloud St. Rapid City State S.D. Zip Code 57201
(Street, RR or Box)2. Amount of water claimed (c.f.s) 45 gpm or less .103. Source of water supply Well4. Location of point of diversion Well NE 1/4 SW 1/4 of Section 14 T1N-R7ECounty Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used year around January 1 - December 31
(Limited Winter)
usage

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)

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

STATE OF SOUTH DAKOTA)
County of Pennington)^{ss}I, Thomas J. O'Meara 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 Thomas J. O'MearaSubscribed and sworn to before me this 3rd day of April 19 86Charlene J. Smith
Notary Public

My Commission Expires Dec. 12th, 1993

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1961-2
Thomas J. O'Meara 901 St. Cloud Str., Rapid City
(Applicant) (Post Office Address)
SD 57701 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 April 7, 19 86.
 Date of return to applicant for correction, amendments or changes required April 10, 19 86.
 Date of receipt of corrected application April 14, 19 86. Approved July 1, 19 86.

The Water Management Board hereby approves this Water Permit No. 1961-2 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 April 7, 19 86.
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 by campground
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 .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 commercial use ~~on or before~~ , 19 ; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD
 By: John Hatch Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
AUG 18 1986

Supplemental Information

(type or print in ink)

Drilled 1966.

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 1/2" - 10" 1,085' - 6 1/4" Depth Total Depth 1,085'
- b) Casing Type Steel Diameter 8 1/2" I.D. 3/8" Thickness 1,085' - 5" I.D. 1/4"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1,770 ft
- f) Depth of Water (ground surface to water level) 380'
- g) Distance to nearest existing domestic well: 1/2 mile

On applicants property No On property owned by others Michael Dehnersseman

2. Dugout Information Estimates

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

*Box 2014 Limestone Rt
Rapid City
S.D.
57701*

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 _____

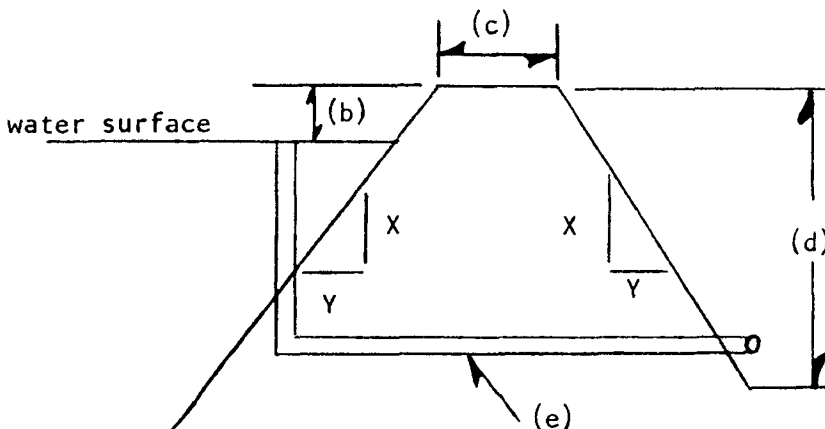
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Thomas O'Meara

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 9, 1985

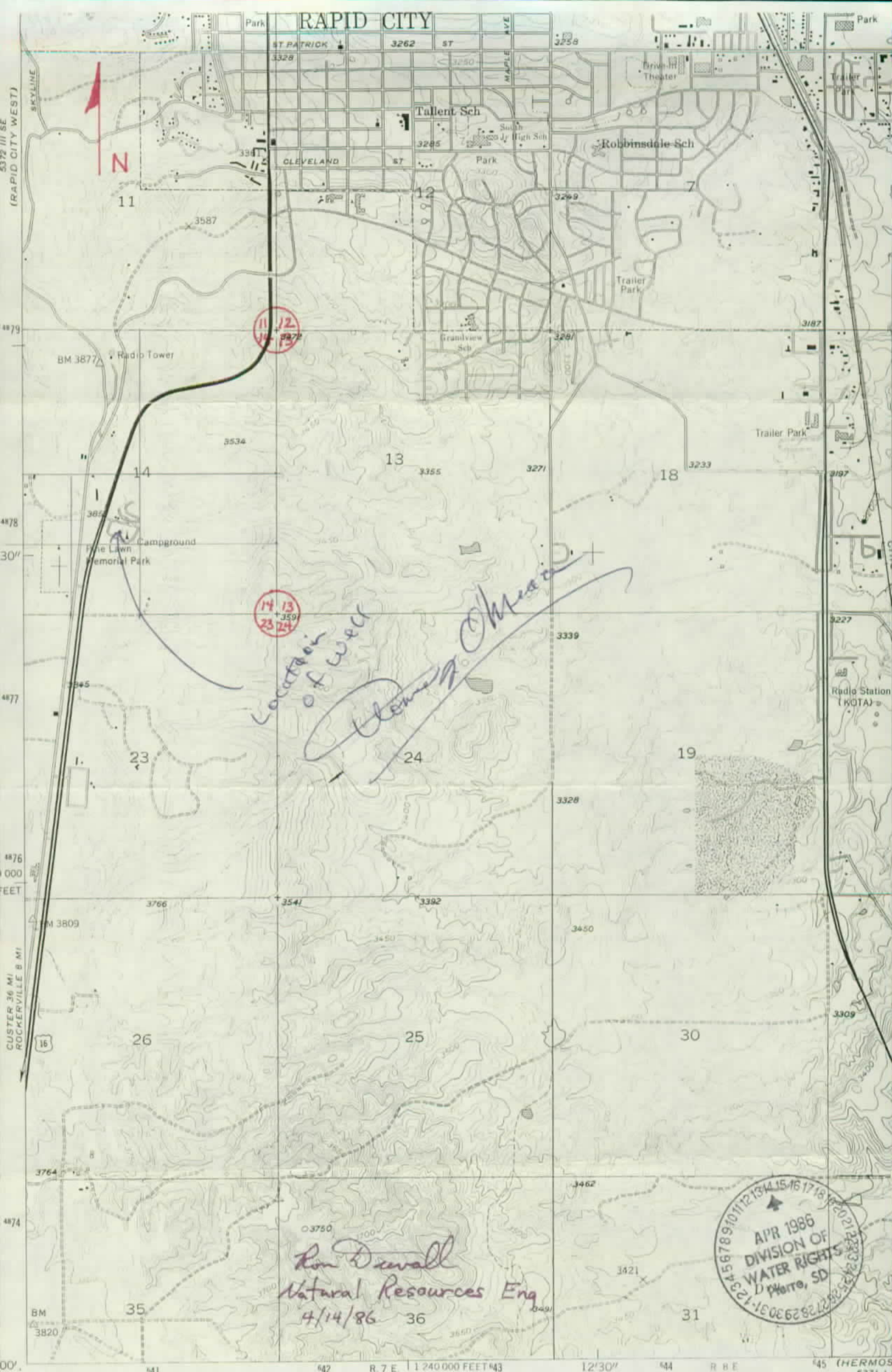
RECEIVED OF Thomas C. O'Hearn, 901 St. Cloud St., Rapid City, SD 57701

the following amount in fees for services rendered as provided for by law: (Lazy J Kampground)

Fee for Application for Permit No. <u>1961-2</u> to Appropriate Water, to construct works 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 _____		
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



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods

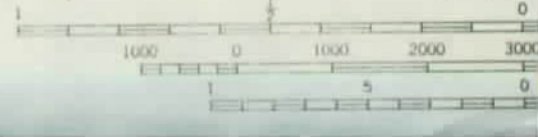
Aerial photographs taken 1952. Field check 1953

Polyconic projection. 1927 North American datum

10,000-foot grid based on South Dakota coordinate system.

Appl. No. 1961-2

SCALE 1:



July 23, 1981

Lazy J. Campground
% Thomas O'Meara
Rapid City, South Dakota 57701

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

Lazy J. 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



Department of Water & Natural Resources

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

June 21, 1984

Lazy J VIP Campground
Box 201, Keystone Rt.
Rapid City, South Dakota 57701

Dear Mr. O'Merea:

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 Lazy J VIP Campground.

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 \$150.00 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,

A handwritten signature in cursive script that reads "Kevin C. Larson".

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

Enclosures

Equal Opportunity Employer

SOUTH Dakota Department of
Water & Natural Resources

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

April 25, 1985

NOTICE

Lazy J. VIP Campground
Box 201, Keystone St
Rapid City, South Dakota 57701

Dear Mr. O'Merea:

June 21, 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



Department of Water & Natural Resources

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

NOTICE

January 30, 1986

Thomas O'Merea
Lazy J. VIP Campground
Box 201, Keystone Rt.
Rapid City, SD 57701

Dear Mr. O'Merea:

June 21, 1984 and April 25, 1985 we notified you that state law requires a water permit for water use by your business. We have not received an application from you for the required water permit. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, if you wish to continue to use water during 1986, you will need to have an application on file prior to April 1, 1986.

The filling fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use since prior to 1955, it may qualify for a vested right. The filling fee for a vested right is \$10.50.

If you need any help in preparing the application, map or additional forms, please contact us.

Very truly yours,

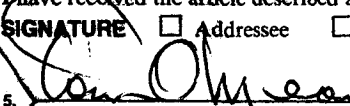
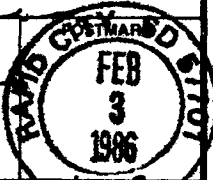
A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

S522.wr

PS Form 3817 Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered	—¢
☐ Show to whom, date, and address of delivery..	—¢
2. ☐ RESTRICTED DELIVERY	—¢
(The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Thomas O'Merea Lazy J VIP Campground Box 201 Keystone Rt. Rapid City, SD 57701	
4. TYPE OF SERVICE:	ARTICLE NUMBER
☐ REGISTERED ☐ INSURED	P614 819 590
☒ CERTIFIED ☐ COD	
☐ EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
	
5. DATE OF DELIVERY	
2-3-86	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS
	



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

AUG 18 1986

Thomas J. O'Meara
901 St. Cloud Street
Rapid City, South Dakota 57701

Dear Mr. O'Meara:

Enclosed is your Water Permit No. 1961-2 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 cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

March 13, 1986

Department of Water & Natural Resources
Division of Water Rights

John Hatch;

Dear Sir:

This letter is to confirm a conversation I had earlier this week with Ron of your office.

We purchased the Lazy J R V Park & Kampground Sept. 1 1985. In 1984 your office sent an application to the former owner, Tom Omerea, for a water permit. It was brought to our attention he has not returned the completed application to your office. We have visited with Mr. Omerea last Saturday and he assured us he will be completing that application and returning it to your office.

We would appreciate it if you would keep us advised of the progress of this permit.

Sincerely Yours,

Lenice Nicholson

Lenice Nicholson

Larry Nicholson

Lazy J R V Park & Kampground

Box 201 Keystone Rt

Rapid City S.D. 57701



March 27, 1986



Dear Sir:

The well at the Lazy J Kampground was drilled in the spring of 1966. Harry Jensen was the owner of the Kampground at that time. If a water permit was required at that time, it would have been in his name or under the Lazy J Kampground.

The well was drilled by Downen Drilling Co. (Warren Downen) of Rapid City. The information on form 2A was obtained from him. He stated that at the time the well was drilled a well log or driller's test log was not required.

I, Thomas J. O'Meara was the owner of the Kampground from 1975 to Sept 1, 1985. Larry Nicholson has been the owner since Sept 1, 1985.

I am enclosing check in the amount of \$50.00

Yours Truly,



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 10, 1986

Thomas J O'Meara
901 St. Cloud St
Rapid City SD 57701

Dear Mr. O'Meara:

This letter is in response to your water permit application for Lazy J Kampground which was received on April 7, 1986. The following information is needed before the permit application can be processed:

1. The location of the point of diversion needs to be specified in Question No. 4 on Form 2. Please indicate the township, range, and the quarter-quarter or lot number which describes the well location. The land description which was sent with the application does not indicate which land description covers the well.
2. A map must also be submitted with the permit application. The enclosed map shows the location of the campground. Please make an "X" on the map to show the location of the well and sign the map.

Please complete and return the enclosed form and map. Contact us if you have any questions.

Thank you for your time and consideration.

Sincerely,

RON DUVALL
Natural Resources Engineer

RD:ks

enclosures

Equal Opportunity Employer

REPORT ON APPLICATION No. 1961-2
THOMAS J O'MEARA
April 15, 1986

Application No. 1961-2 proposes to appropriate 0.10 cfs from one existing well located in the NE 1/4 SW 1/4, Section 14, T1N, R7E. The water is used for commercial purposes by the Lazy J Kampground.

Aquifer: Minnelusa

The well information for this application is poor, and a correlation was taken from other geologic logs in the area (Water Rights Files, 1986). The well supplying this application was constructed in 1966.

The Minnelusa Formation consists of alternating beds of sandstone, limestone, and dolomite, with lesser amounts of red and black shale and chert. The formation, which underlies approximately 1,372,520 acres of Pennington County and contains an estimated 51,432,000 acre feet of recoverable water in storage (Allen, 1984), is approximately 600 feet thick in this area. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is estimated to be 5% (Rahn, 1979). There are no aquifer test data for the Minnelusa aquifer in the Rapid City area, however, Peter (1985) estimates the aquifer transmissivity may range from 700 to $1000 \text{ ft}^2/\text{d}$ and the storage coefficient ranges from 2×10^{-4} to 3×10^{-4} . The specific capacity of Minnelusa wells in this area vary from 0.25 gpm/ft to 2.5 gpm/ft (Division of Water Rights, 1986).

Recharge to the Minnelusa is through infiltration of precipitation falling on the outcrop area, and possibly from upward leakage from the Madison Limestone.

Review of Existing Permits

<u>Permit</u> <u>No.</u>	<u>Owner</u>	<u>Use</u>	<u>Diversion</u> <u>Rate (cfs)</u>	<u>Source</u>
1131-2	Par Trust	SHD	0.22	1800' Minnelusa
1147-2	C. Knock	campground	0.08	850' Minnelusa
1537-2	1st Assembly of God	church	0.09	1840' Minnelusa
1880-2	David Norman	commercial	0.18	1545' Minnelusa

These permits are within 1 1/2 miles of the well for this application.

Conclusions

1. There is water available from the Minnelusa in this area.
2. The Division of Water Rights monitors an observation well (PE-64B) into the Minnelusa which is approximately 3-4 miles

northwest of this application. Water level records for this well do not indicate present withdrawals are affecting the aquifer.

3. The applicant's well has been in use since 1966 with no reported complaints of interference of water shortages.



KENT BUHLER
Natural Resources Engineer

References

- Allen, J.C., D. Illes, A. Petres, 1984, Groundwater Resource Inventory Draft Final Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, SDGS, Vermillion SD.
- Rahn, P. H., 1979, Ground Water Resources of Western South Dakota U.S. Army Corps of Engineers, SDSM & T, Project £2553, Rapid City SD.
- Peter, K.D., 1985, Availability and Quality of Water from Bedrock Aquifers in the Rapid City Area, South Dakota, USGS, Water-Resources Investigations Report 85-4022, Rapid City SD.
- Division of Water Rights, 1986, "Domestic Well Log and Water Permit Files", Joe Foss Building, Pierre SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1961-2, Thomas J. O'Meara

Pursuant to SDCL 46-2-A2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1961-2, Thomas J O'Meara, 901 St. Cloud St, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No.1961-2 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 right, 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.



JOHN HATCH, Chief Engineer
May 2, 1986

No. 1961-2

Instruction to Newspaper - Publish first publication of the following Notice on or before May 9, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1961-2 to Appropriate Water and/or to Amend Water Permit or Water Right No. _____.

Notice is hereby given that Thomas J. O'Meara whose mailing address is 901 St. Cloud Street, Rapid City, South Dakota has made an application for a permit

to appropriate .10 cubic feet of water per second from one existing well (Minnelusa Formation) 1770 feet deep in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14-T1N-R7E. The water is for commercial use by a campground.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1961-2 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, July 1 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 20, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(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 20, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Pennington)

I, Kathy White hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Rapid City Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

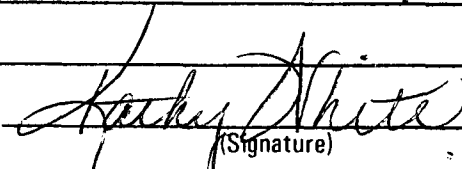
Rapid City Journal of Rapid City, SD

County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Ran 8 11/16 inch legal advertising

in The Rapid City Journal on May

9, and 16, 1986 @ \$4.20 per inch.


(Signature)

Credit Manager

(Title)

May 16, 1986

(Date Signed)

Cost of Printing: _____

\$4.20 per inch = \$72.98

May 9, 16 L058

**NOTICE OF HEARING
ON APPLICATION 1961-2
TO APPROPRIATE WATER**

Notice is hereby given that
Thomas J. O'Meara whose mailing
address is 901 St. Cloud Street,
Rapid City, South Dakota has made
an application for a permit to ap-
propriate .10 cubic feet of water per
second from one existing well (Min-
nelusa Formation) 1770 feet deep in
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T1N,
R7E. The water is for commercial
use by a campground.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends Approval of
Application No. 1961-2 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 con-
sidered by the Water Management
Board at Room 216, Joe Foss
Building, 523 E. Capitol, Pierre,
South Dakota, July 1, 1986 at 10:00
a.m.

The recommendation of the Chief
Engineer is not final or binding
upon the Board and the Board is
authorized to 1) approve, 2) ap-
prove with qualifications, 3) defer,
or 4) deny this application after it
reaches a conclusion based upon
facts presented at the public hear-
ing. Any interested person who
may be affected by a Board deci-
sion 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 20, 1986. The peti-
tion may be informal, but it must
include a statement describing the
petitioner's interest in the applica-
tion, the reasons for the petitioner's
opposition to or support of the ap-
plication, 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 pur-
suant 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; 46-2A-1 thru
46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13
thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3,
46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13,
46-6-14; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15.

This hearing is an adversary pro-
ceeding. The applicant or any per-
son, 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 ap-
pealed 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 applica-
tion or to assure access to the hear-
ing by the handicapped can contact
the Water Rights Division, DWNR,
Joe Foss Bldg., Pierre, S.D.,
(605-773-3352) for assistance prior
to the hearing date. The time of the
hearing will be automatically ex-
tended for at least twenty days
upon written request of the appli-
cant or any person who has filed a
petition to oppose or support the ap-
plication. The request for extension
must be filed with the Chief
Engineer by June 20, 1986.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 1997

Marvin Lutz
Lazy J Campground
4110 South Hwy 16
Rapid City, SD 57701

Dear Mr. Lutz:

I called you recently regarding Water Permit No. 1961-2 which appropriates water from a well for use at the campground. In South Dakota any commercial use of water requires a water right permit. The water right permit is currently in the name of Thomas J. O'Meara. As I indicated during our conversation, I am enclosing a partially completed 'Notice of Transfer of Ownership' for you to complete to get the permit in your name. Please review to ensure the information is correct, sign in the presence of a notary public, and return in the enclosed envelope along with the \$2.50 filing fee. Also enclosed is a copy of Water Permit No. 1961-2.

I also indicated that a licensing investigation needs to be conducted for the purpose of issuing the water license. This is the final step in perfecting your right to use water. I will be contacting you in the future to conduct this licensing investigation. Since you close on October 15th, it may not be until next spring that I get ahold of you.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1961-2

Date: _____



I/We request that Water Permit No. 1961-2

formerly owned by: Thomas J O'Meara

be transferred to: (name & address) Lazy J Campground % Marvin Lutz, 4110 S. Hwy 16, Rapid City, SD 57701

Telephone No. (605) 342-2751

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

well location: NE 1/4 SW 1/4 Section 14, T1N, R7E

I/We understand that the validity of Water Permit No. 1961-2 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.

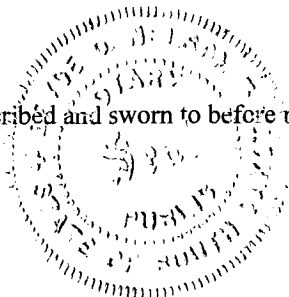
STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Marvin Lutz 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.

Lazy J Campground % Marvin Lutz
(Signed)

Subscribed and sworn to before me this 20 day of October, 19 97.



Bruce D. Nelson
(Notary Public)

my Commission Expires 3-23-2000

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4155J3

Pierre, _____, October 21, 19 97

RECEIVED OF Bryce D. Nelson Real Estate (Lazy J Campground), 19 Main St., Rapid City, SD 57701

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 Permit No. 1961-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

John Hatch (Signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1997

No. 1961-2

Lazy J Campground
%Marvin Lutz
4110 S. Hwy. 16
Rapid City, SD 57701

Dear Mr. Lutz:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1961-2.

Our records now show Lazy J. Campground as the owner of Water Permit No. 1961-2.

Sincerely,

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

enclosure

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1961-2

I have this day, March 2, 2016 made a thorough examination of the water use system constructed by Lazy J Campground, 4110 S. Highway 16, Rapid City, SD 57701 of Permit No. 1961-2, bearing the priority of 4/7/1986 authorizing the diversion of .10 cu. ft. per second of the water from one well for Commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Tom St. Hill, owner**
Rapid City RV Park and Campground
4110 S. Highway 16, Rapid City, SD 57701

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Downen Drilling (1966)
- 2) No. of Wells 1
- 3) Depth(s) 1,770 feet
- 4) Well log is available No

Casing:

- 1) Diameter 0-85' 8" steel surface casing, 0-685' 7" steel, 685-1,770' 5" steel
- 2) Length 1,770 feet
- 3) Type Steel

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level 380 feet (1966)

Pump:

- 1) Make AY McDonald
- 2) Model 24750T3Y
- 3) Size 4" pump end
- 4) Capacity 36 GPM (This is an 80 gpm pump end pumping 36 gpm as installed)
- 5) Horsepower rating 15 hp

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

- 1) Type Plastic pipe
- 2) Size various inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The well pumps to a 5,000 gallon cistern and uses two 18 gpm booster pumps to distribute water to the Campground, RV park, office and swimming pool.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
NE ¼ SW ¼ S 14, T1N, R7E (1,498 ft. north and 2,313 ft. east of the SW corner),
N 44.042656° W 103.243281°
2. The works are capable of diverting and conveying to the place of use .08 cu. ft. per second (36 gpm) of water which is to be used for **commercial use** and the license should be issued for **.08 cfs**.
3. All structures, wells and lands on map – **Yes**

F. Comments or other permit(s) associated with the project: none



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 3/3/2016

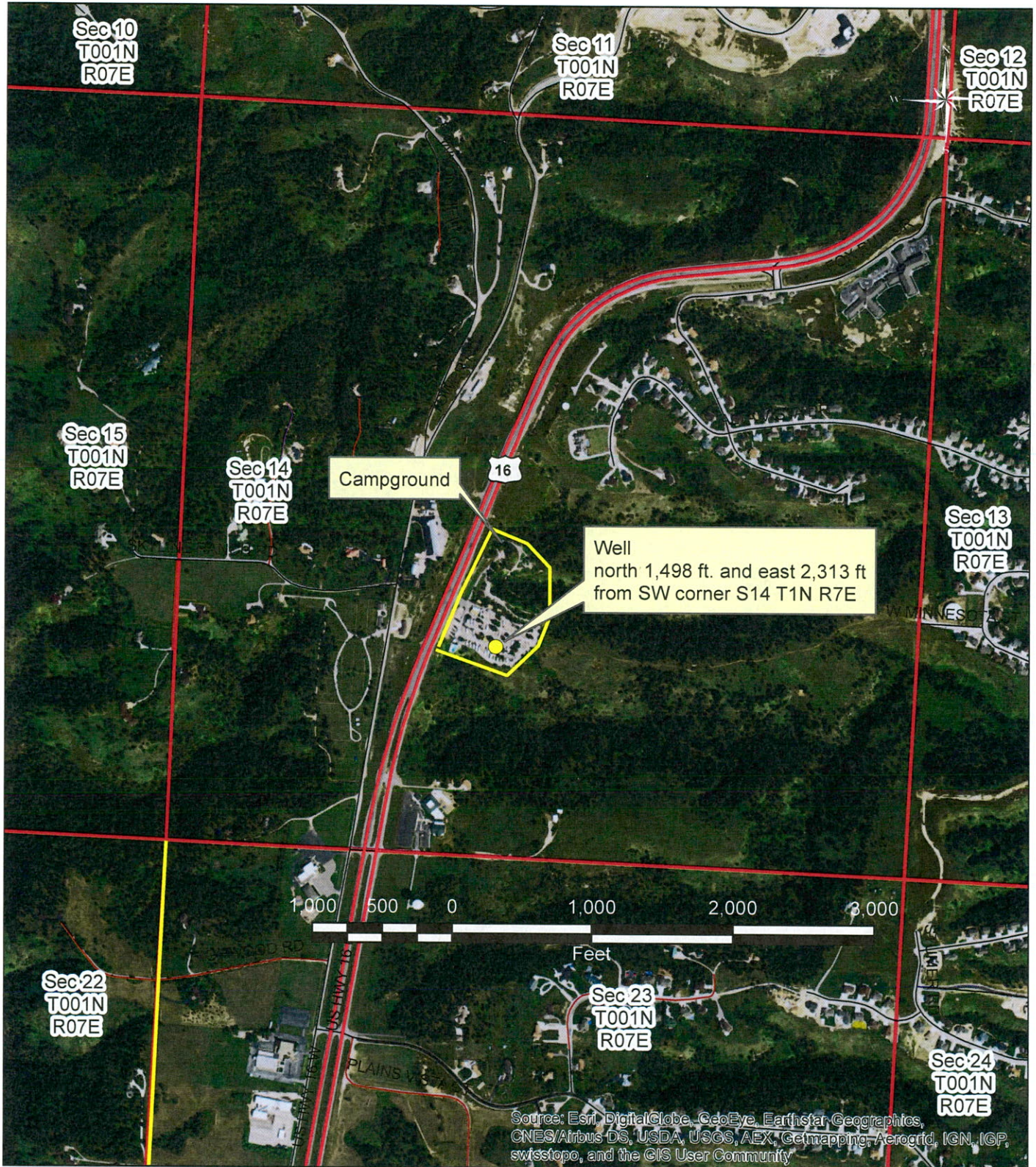


Campground well house



5,000 gallon cistern

Water Right # 1961-2
Lazy J Campground
3/2/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





RECEIVED

APR 13 2016

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 10, 2016

1961-2

Tom St. Hill
Rapid City RV Park and Campground
4110 S Highway 16
Rapid City SD 57701

Dear Mr. St. Hill:

On March 2, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1961-2, was completed by Steven Quissell, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license.

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

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, and returned with a \$50.00 filing fee. The check or money order for the fees (\$100.00 total) should be made payable to the "Water Rights Program". It is my understanding that Steve may have already left a transfer form with you during his visit.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program or me at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosure

3/28/16 9:30 PST

SPOKE WITH KAREN, she has received
the application and \$50 fee, still owe
\$50 for transfer fee.

4/9/2016
PAIDICK# 5212

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/10, 20 16

RECEIVED OF Thomas N St Hill II 4110 S Hwy 16 Rapid City SD 57701

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>1961-2</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. **07784**

By John Handman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR 10 2016

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1961-2Date: 3/2/2016I/We request that Water Right/Permit No. 1961-2 formerly owned by:MARVIN LUTZ

be transferred to:

New Owner Name: THOMAS N. ST. HILL IIAddress: 4110 SOUTH HIGHWAY 16City, State, Zip RAPID CITY, SD 57701Telephone No. 605-787-2496

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

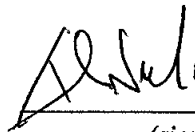
I PURCHASED THE LAND AND RV PARK ON 11/6/2015

☒ 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, THOMAS N. ST. HILL II, 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 4/13, 20 16

RECEIVED OF Rapid City RV Park & Campground 4110 S Hwy 16 Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1961-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07817**

By J. Anne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

1961-2

MAY 03 2016

Thomas N St Hill II
4110 S Hwy 16
Rapid City SD 57701

Dear Mr. St. Hill:

Enclosed is Water License No. 1961-2. This is the final water right document completing your process of obtaining a Water Right. The receipts for payment of the transfer fee and fee for the investigation and issuance of the Water License are enclosed as well as a map prepared by the staff engineer who conducted the investigation.

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. 1961-2, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1961-2

(1) Thomas J O'Meara, Rapid City SD made Application No. 1961-2, April 7, 1986 for a water permit to divert 0.10 cubic feet of water per second from one well – Minnelusa Aquifer, Pennington County, South Dakota for commercial use purposes. Permit No. 1961-2, with a priority date of April 7, 1986 was approved July 1, 1986 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

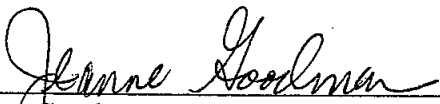
On March 10, 2016, Water Permit No. 1961-2 was transferred to Thomas N St. Hill II, 4110 S Hwy 16, Rapid City SD 57701.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1961-2 is issued a license, bearing a priority date of April 7, 1986 to appropriate 0.08 cubic feet of water per second from one well – Minnelusa Aquifer for commercial use purposes at the campground.

The diversion point is located: 1,498 feet north and 2,313 feet east of the SW corner of Section 14-T1N-R7E (NE 1/4 SW 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1961-2 including the following qualification:

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



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAY 03 2016

date

