

Considered: _____

Vested Right
WATER PERMIT NO. 1999-2

MAP No. same

Name of Applicant Ray G. Estes

Post Office Address HCR52, Box 134-1B, Hot Springs SD 57747

Amount of Water Claimed .007 Total Acres NA

Source of Water Supply ground water

Water to be used for commercial purposes County Fall River

About 7 miles SE of Hot Springs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY _____ Date Received June 11, 1986 Fee \$10.50 Remarks _____

Jan 1, 1948

Corrected Application Received _____ 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 NE 1/4 section 22 -

T8S-R6E

Land to be Irrigated NA

						⊗

Well Log: Driller not available Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Del Brosz Reviewed and the Number

assigned on October 22, 1986 By Ron Duwall

No. 1999-2 Hydrologic Unit 10120109
 Map No. same Basin Upper Cheyenne
 Newspaper Hot Springs Star, Box 1000, (Tues)

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant Rays E. Est Phone No. 745-6693
 Post Office Address Hot Springs State S.D.
Heit 52-134-1-B Zip Code 57747
(Street, RR or Box)
- Amount of water claimed (c.f.s.) 3 SPT MIT .007 cfs
- Source of water supply Gravel Water
- Location of point of diversion N.E. OF N.E Sec-22
Township 8-S. R. 6-E
 County Fall River
- Counties where water will be used Fall River
- Annual period during which water is to be used Year Around January 1 - December 31
- 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 Fall River)^{ss}

I, Rays E. Est 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.

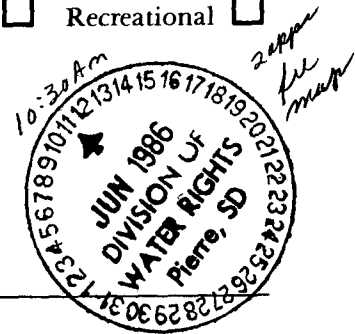
Signed

Rays E. Est

Subscribed and sworn to before me this 10th day of June 19 84

Lillian K. Hecker

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1999-2

Ray G. Estes HCR 52, Box 134-1B Hot Springs
(Applicant) (Post Office Address)

South Dakota 57747 With the following qualifications.
(State) (Zip Code)

SEE VR-2

Date of first receipt of application _____, 19____.

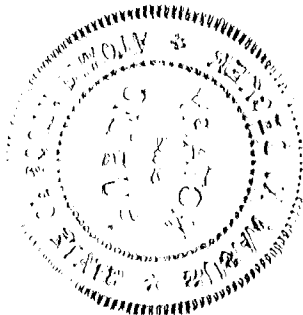
Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ 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 _____, 19____.
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 _____

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 _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____



WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 feet Depth 19 feet
- b) Casing Type Steel Diameter 8 feet Thickness 3/8
- c) Screen Type NR Diameter _____ Thickness _____
- d) Gravel Pack Thickness yes Length of Gravel Pack 19 feet
- e) Depth to Top of Water Bearing Material 19 feet
- f) Depth of Water (ground surface to water level) 19 feet
- g) Distance to nearest existing domestic well:
On applicants property ~~1/4~~ 300 yds On property owned by others 1/4 mi

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

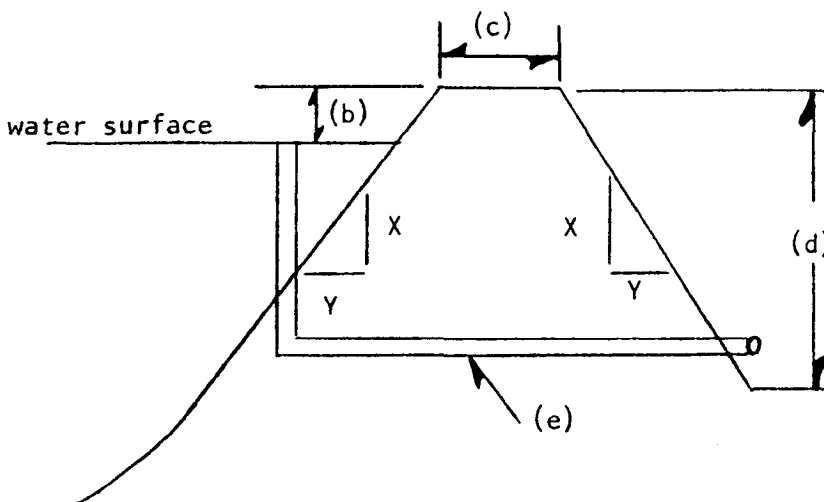
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Ray E. Carter
Signature of Applicant

VESTED WATER RIGHT

The Water Management Board hereby **validates** Vested Water Right No. 1999-2

Ray G. Estes
(applicant)

HCR 52, Box 134-1B, Hot Springs
(post office address)

SD 57747
(state) (zip code)

Date of receipt of Application June 11, 1986.

Validated December 10, 1986.

The Water Management Board hereby validates 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is Jan. 1, 1948.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of commercial use.
4. The prior rights 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.
5. The amount of appropriation hereby validated shall not exceed 0.007 cubic feet per second of time; 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 has been actually and beneficially applied for commercial use. The water to be used during the following described period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John H. H. H.
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 17 1987

, 1987

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1999-2

(1) Ray G Estes of HCR 52, Box 134-1B, Hot Springs SD 57747 made Application No. 1999-2, June 11, 1986 for validation of a vested right claim to appropriate 0.007 cubic feet per second of water from groundwater (one well), Fall River County, South Dakota for commercial purposes. Vested Water Right No. 1999-2, with a priority date of January 1, 1948 was validated December 10, 1986 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

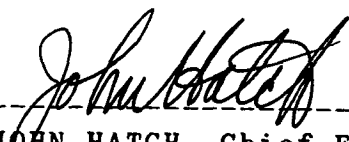
and

(2) It is certified that the application 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 0.007 cubic feet per second of water for beneficial use. The location of the diversion point(s) is NE 1/4 NE 1/4 Section 22, T8S, R6E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is used for a commercial water supply for the A & R Supper Club and Bait Shop.

(4) Pursuant to Section 46-5-30.1 Ray B Estes of HCR 52, Box 134-1B, Hot Springs SD 57747 the holder(s) and/or owners(s) of Vested Water Right No. 1999-2 is issued a license to appropriate water, the right to use 0.007 cubic feet per second of water from groundwater (one well) with a priority date of January 1, 1948 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1999-2 and subject to South Dakota State Law.



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

FEB 17 1987

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) RAY G ESTES
 Post Office Address H.C.F. 52-134-1-B S-DAK 57747
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page
B. Date of start of construction of water supply system 1948C. Date that water was first applied to beneficial use 1948D. Name of owner of original water supply system JACK KENDRICKE. Amount of water originally applied to beneficial use 3 CAN' MINTF. Present Use of Water - Amount of water now being used SAMEDate that this water was first used 1948
 G. Chronological History of Water Use WELL WAS DUG 1948 AND
HAS BEEN USED EVERY SINCE

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Fall River) ss
 I, Ray S Estes the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Ray S EstesSubscribed and sworn to before me June 10 1986
Susan K. Becker
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_________
(Print name) 19____

A & R SUPPER CLUB

STEAKS & SEAFOOD ARE OUR SPECIALTY

We feature South Dakota Beef — All Meals are #1 USDA Choice

"Country Dining near Angostura Reservoir"

Lunches Served 11:30 a.m. to 5:00 p.m. Every Day — Dinners Served from 5:00 p.m. Daily
Bar Open 7:00 a.m. to 2:00 a.m. Monday-Saturday and 1:00 p.m. to Midnight Sundays

A & R BAIT SHOP

COLD BEER
POP

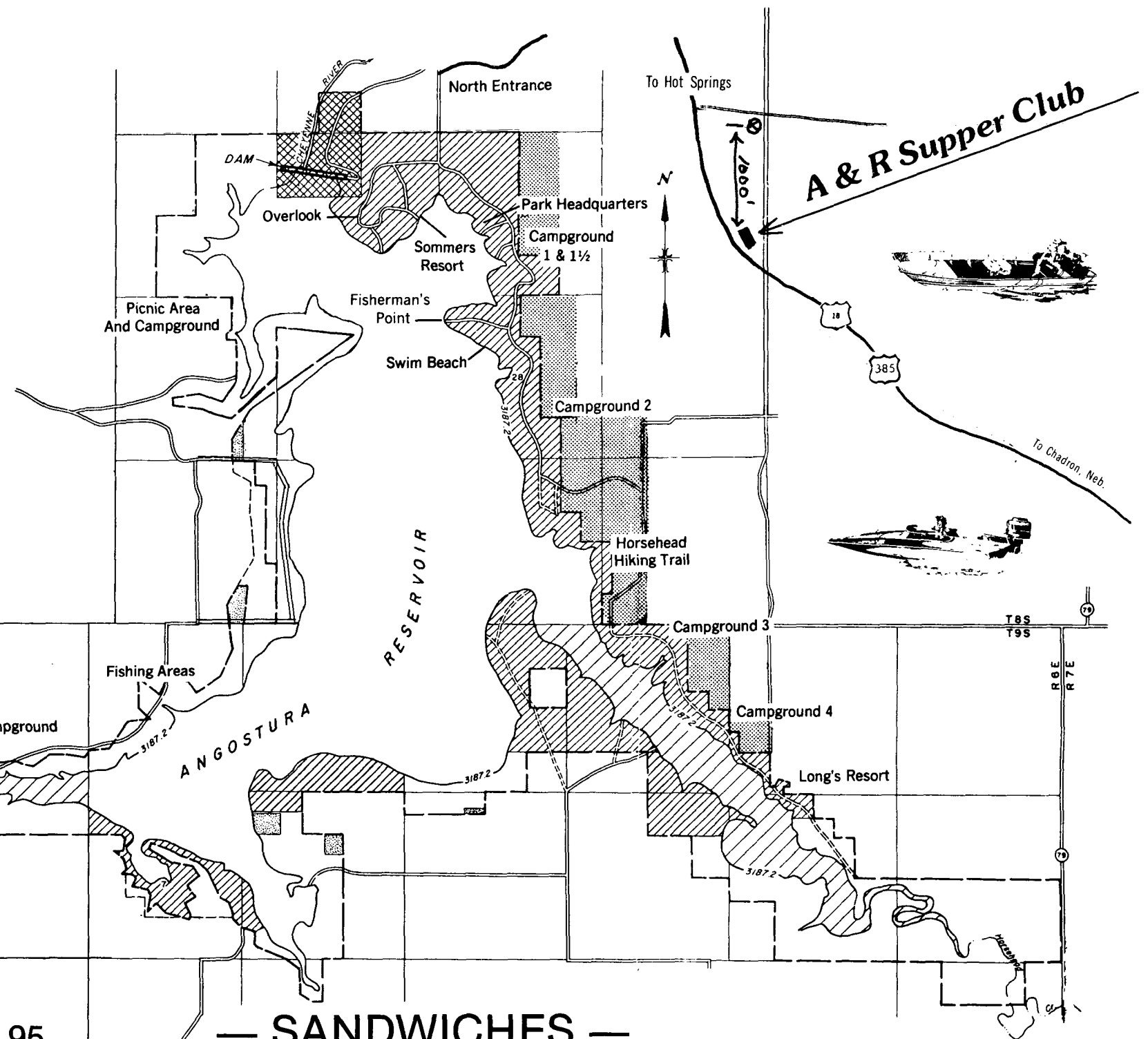
ICE
SNACKS
MINNOWS

NIGHT CRAWLERS
FISHING TACKLE

Open 7:00 a.m. to 2:00 a.m. Monday thru Saturday — 7:00 a.m. to Midnight Sundays
Located next to A&R Supper Club. Two miles east of Angostura Lake on Hwy. 385

745-6693

BLACK HILLS NATIONAL FOREST



— DINNERS —

T-Bone Steak 14 oz. Lean . .	9.95
Club Steak 14 oz.	8.95
Large Fillet 12 oz.	11.95
Crab & Steak	13.95
8 oz. King Crab, 7 oz. Steak	
Crab 14 oz. Alaskan King Crab . . .	14.95
Lobster & Steak	18.95
8 oz. Lobster, 7 oz. Steak	
Lobster 14 oz. Lobster Tail	24.95

— SEAFOOD —

Halibut Steak	8.95
Shrimp	8.95
Scallops	8.95
Seafood Platter	9.95

DINNERS SERVED WITH
SALAD BAR, POTATO, GARLIC TOAST

ALL MEAT SERVED IS USDA CHOICE #1

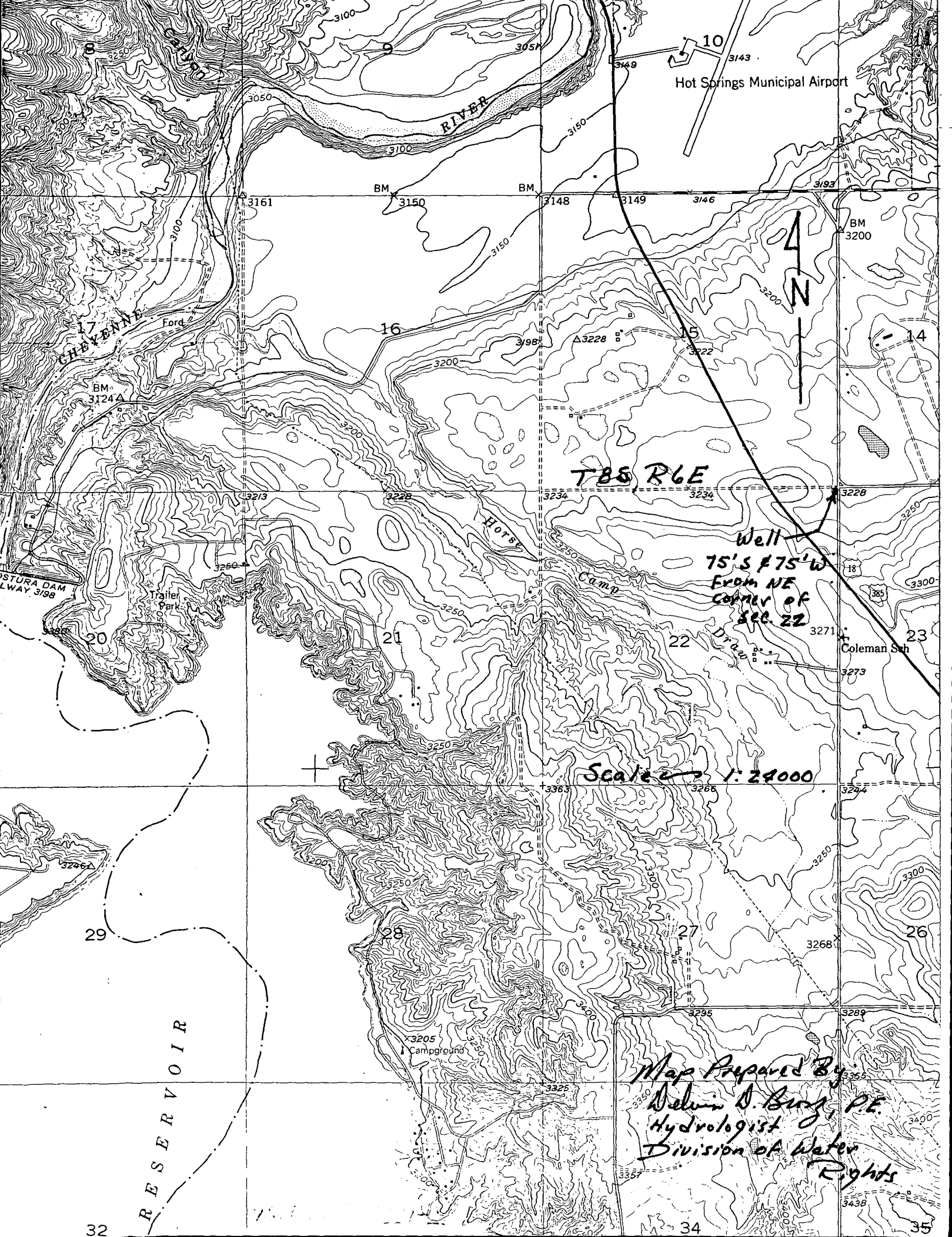
— SANDWICHES —

Hamburger	1.60
Cheeseburger	1.70
A & R Burger	3.95
Served with Fries	
Shrimp Basket	4.25
Served with Fries	
French Fries	.85

ALL DELUXES 20¢ EXTRA

— Other Specialties —

Chicken Fried Steak 7 oz.	6.25
Hamburger Steak 7 oz. . .	5.85
Small Fillet 7 oz.	7.95



Hot Springs Municipal Airport

T85 R6E

Well
75'S & 75'W
From NE
corner of
Sec. 22

Scale 1:24000

Map Prepared By:
Delvin D. Burg, P.E.
Hydrologist
Division of Water
Rights

RESERVOIR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410493

Pierre, June 11, 19 36

RECEIVED OF Ray G. Estes, HCR 52, Box 134-1B, Hot Springs, SD 57747

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

Fee for Application for Permit No. <u>1999-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	8	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. _____	2	50
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	10 50

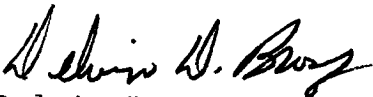
By John Hatch
Chief Engineer JOHN HATCH/ms

Report on Vested Right Application No. 1999-2
Ray G. Estes
August 4, 1986

Vested Water Right Application No. 1999-2 proposes to validate a vested right claim for the appropriation of .007 cubic feet of water per second from one well 19 feet deep located in the NE1/4NE1/4 Section 22-T8S-R6E. A priority date of January 1, 1948 has been claimed for the water use. Water is used as a commercial water supply for the A & R Supper Club and Bait Shop.

Conclusions:

1. According to the affidavit of water use the works were constructed during 1948 and water has been put to beneficial use.
2. A priority date of January 1, 1948 should be assigned since the exact date for start of construction during 1948 is unknown.
3. The amount of water appropriated seems reasonable for the claimed use.
4. It is recommended that the vested right claim be validated.


Delvin D. Brosz, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1999-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1999-2, Ray G. Estes, HCR 52, Box 134-1B, Hot Springs, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1992-2 because 1) water has been appropriated as described for commercial use with a January 1, 1948 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
August 5, 1986



Department of Water & Natural Resources

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

November 5, 1986

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

Ray G Estes
HCR 52, Box 134-1B
Hot Springs SD 57747

Dear Mr. Estes:

Your Application No. 1999-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the HOT SPRINGS STAR printed at Hot Springs SD. 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 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 intent to appropriate water 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

November 5, 1986

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1999-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 11, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication 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 before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

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

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before November 11, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1999-2 to Appropriate Water

Notice is hereby given that Ray G. Estes whose mailing address is HCR 52, Box 134-1B, Hot Springs, South Dakota has filed an application to validate a vested right claim to appropriate 0.007 cubic feet of water per second from one well 19 feet deep located in the NE 1/4 NE 1/4 Section 22, T8S, R6E. The water use has a claimed priority date of January 1, 1948 and is used as a commercial water supply for the A & R Supper Club and Bait Shop.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1999-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1948, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's 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, 46-2A-18; 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, 46-5-49; 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 and 74:02:01:19 thru 74:02:01:22.

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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

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

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

FEB 17 1987

Ray G. Estes
HCR 52, Box 134-1B
Hot Springs, South Dakota 57747

Dear Mr. Estes:

Enclosed are your Validated Vested Water Right and Water License No. 1999-2.
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.

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

JH: ms

enclosures

Equal Opportunity Employer

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

RAY G ESTES
A & R SUPPERCLUB, HCR 52 BOX 134-1B
HOT SPRINGS SD 57747

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 1999-2. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER

County: FALL RIVER

Aquifer: ALLUVIUM-QUATERNARY

Pumping Pt. Legal: SEC 22-T008S-R06E

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: _____ gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

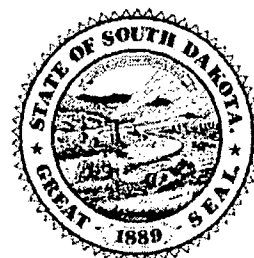
Comments:

Sold A & R in 1993

Contact Person: _____

Telephone No: _____

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.



Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





January 30, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Ray G Estes
A & R Supperclub
HCR 52 Box 134-1B
Hot Springs SD 57747

Dear Mr. Estes:

Thank you for returning the 2000 SD Water Use Questionnaire. On the form, you indicated the A & R Supperclub had been sold in 1993. Who was the business sold to? It is important to keep our records accurate.

Any information you give us such as name of owners, address, phone number, would be helpful. I have enclosed a postage paid envelope for your reply. Thank you for any help you can give us.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure