

Considered: _____

Vested Right
WATER PERMIT NO. 2002-2

MAP No. same

Name of Applicant Black Hills Greyhound Racing Assn.

Post Office Address P.O. Box 9045, Rapid City, SD 57709

Amount of Water Claimed 35gpm .077 cfs Total Acres N/A

Source of Water Supply ground water

Water to be used for commercial purposes County Pennington

About 3 miles NW of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY _____ Date Received July 8, 1986 Fee \$15.00 Remarks _____

Jan 1, 1954

Corrected Application Received Aug 21, 1986 Period of Annual Use May 1 to Sept 30

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: SW 1/4 SE 1/4 section 17 -

T2N-R7E

Land to be Irrigated N/A

		17			
		⊗			

Well Log: Driller not available, Slim Rhodes Licensed YES _____ NO _____

Depth of Well 450 feet REMARKS _____

Type of Map plat PREPARED BY James P. Heald Reviewed and the Number

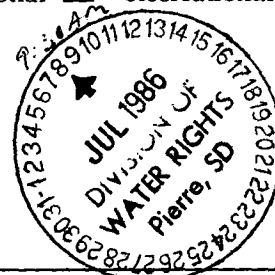
assigned on October 22, 1986 By Ron Duvall

No. 2002-2 Hydrologic Unit 1012011
 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 Black Hills Greyhound Racing Assn. Phone No. 787-4642Post Office Address P.O. Box 9045 Rapid City S.D. State 57709
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) ~~38 cfs~~ 35 gal./min. .077 cfs3. Source of water supply Well4. Location of point of diversion Lot 3 of the SW 1/4 of SE 1/4, Sec. 17, T2N,
R7E, BHMCounty Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used May 1 to September 307. 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)The well was drilled in 1954 by Slim Rhodes (deceased).

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 ssI, Bruce Hoon, 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 Bruce HoonEVELYN M. THOVSON, Notary Public
PENNINGTON COUNTY, SOUTH DAKOTA
My Commission Expires April 23, 1989Subscribed and sworn to before me this July day of 1986Evelyn M. Thovson
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2002-2
Black Hills Greyhound Racing Asscn. PO Box 9045 Rapid City
(Applicant) (Post Office Address)
South Dakota 57709 With the following qualifications.
(State) (Zip Code)

SEE VR-2

Date of first receipt of application _____, 19____.

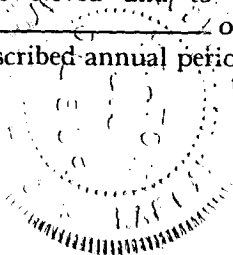
Date of return to applicant for correction, amendments or changes required _____, 19____.

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____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 2002-2

Black Hills Greyhound Racing Assn. P.O. Box 9045, Rapid City
(applicant) (post office address)

SD 57709
(state) (zip code)

Date of receipt of Application July 8, 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, 1954.
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 0.077 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 May 1 - Sept 30.

WATER MANAGEMENT BOARD

By: John Gatch
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 17 1987, 1987

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth 450'
- b) Casing Type Cast iron Diameter 8" Thickness 5/8"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 200'
- f) Depth of Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1500'

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 _____

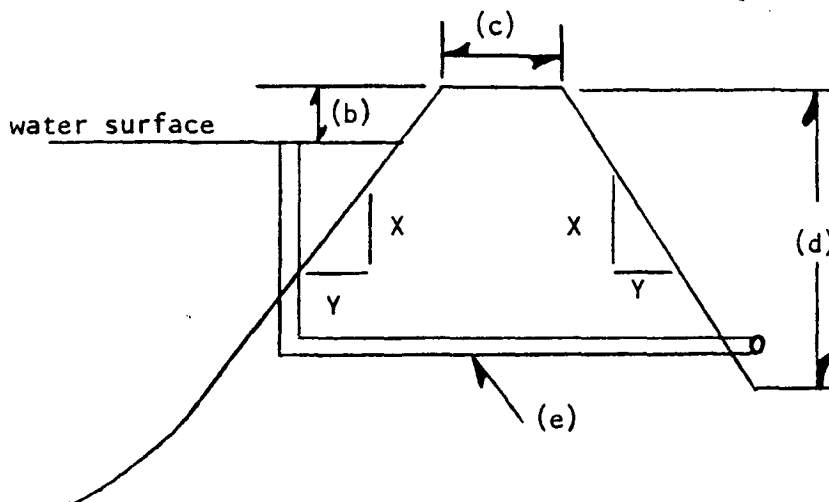
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2002-2

(1) Black Hills Greyhound Racing Association of PO Box 9045, Rapid City SD 57709 made Application No. 2002-2, July 8, 1986 for validation of a vested right claim to appropriate 0.077 cubic feet per second of water from groundwater (one well) Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2002-2, with a priority date of January 1, 1954 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.

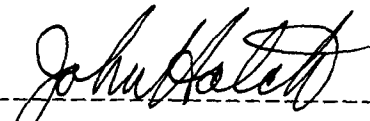
and

(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 0.077 cubic feet per second of water for beneficial use. The location of the diversion point(s) is Lot 3 of the SW 1/4 SE 1/4 Section 17, T2N, R7E.

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 racetrack facilities.

(4) Pursuant to Section 46-5-30.1 Black Hills Greyhound Racing Association, PO Box 9045, Rapid City SD 57709 the holder(s) and/or owners(s) of Vested Water Right No. 2002-2 is issued a license to appropriate water, the right to use 0.077 cubic feet per second of water from groundwater (one well) with a priority date of January 1, 1954 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. 2002-2 and subject to South Dakota State Law.



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

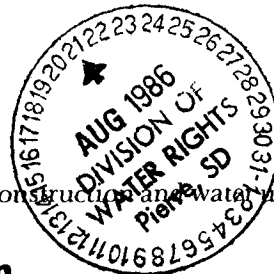
FEB 17 1987

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) Black Hills Greyhound Racing, Assoc.Post Office Address P.O. Box 9045 Rapid City, S.D. 57709
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book PageB. Date of start of construction of water supply system 1954C. Date that water was first applied to beneficial use 1954D. Name of owner of original water supply system Mr. Porter; Mr. BrockelsbyE. Amount of water originally applied to beneficial use 35 gpmF. Present Use of Water - Amount of water now being used 35 gpmDate that this water was first used 1954

G. Chronological History of Water Use

The Well was drilled in 1954 to service two bathrooms, a small concession stand, and a kennel which housed 80 greyhounds. It has been used from June to September since 1954 for track use only. (No irrigation)

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 Pennington) SS

I, J. Bruce Hoon (print or type) the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed J. Bruce HoonSubscribed and sworn to before me A. J. Ehlers August 18, 1986

Notary Public M. S. Ehlers, Notary Public
My Commission Expires June 27, 1994
Notary Public for 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.

J. Bruce Hoon 1986
(Print name)

_____, 19_____
(Print name)



Department of Water & Natural Resources

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

June 23, 1986

Ed Braunger, Mgr.
Black Hills Greyhound Track
Box 9045
Rapid City SD 57701

Dear Mr. Braunger:

The Division of Environmental Quality of this Department has conducted 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 Black Hills Greyhound Track .

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use and in some cases non-commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourists 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 minutes.

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 filing fee (see instructions). The filing 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 prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$15.00.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water users 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 users 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 uses does not require a permit and has preference over all other users of water.

If you have any question or need assistance with completion of the forms, please feel free to contact us.

Very truly yours,


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

enclosures

SURVEY OF NON-COMMUNITY WATER SUPPLY

ID# 6160263

Survey taken by D Miller Survey Date 8/28/85

Is system active or inactive Active

If inactive, deactivation date _____

Deactivation reason _____

Location of NC PWS Along Stungis Road Leading to Black Hawk

Type of NC PWS (campground, motel, resort, etc.) Dog Track, Restaurant

Name of NC PWS Black Hills Greyhound Track

NC PWS mailing address Box 9045 Rapid City Telephone # 787 4642

Name of Operator/Manager Bruce Hoon - Track Superintendent Ed Braungen -

Owner of NC PWS Bob Michaels - John Batesole General Manager

Owner's mailing address Town

Type of owner: Private (☒) City (☐) State (☐) Federal (☐) Other (☐)

County NC PWS located in Pennington Seasonal operation dates 5/15 to 10/15

Number of people served: Average daily 900 Peak Daily 1600

Comments on type of people (transient vs. permanent) Transient

Water source (well, spring, lake, river, other) Well

Source name _____

Visual inspection of water source (comments) Na

Observation of owner/operator making a turbidity test (if source is a surface supply).

Comments: Na

Surface Area Characteristics end of grandstands near gravelled parking lot.

WELLS: Drilled (X) Bored () Dug () Driven ()

Well depth 200' Well diameter 8" Casing material Steel

Casing diameter 8" Height casing top above ground 12"

Grouted unk. Grouted to what depth unk.

Date of well construction unk.

Distance to: Septic tank 1000' Disposal field 1000'

Is well situated in a pit or depression where it will be subject to flooding?

No

Any known private sewage systems nearby No

Any known source of contamination No

PUMP:

Well pump type Sub. Capacity unk CPM

Number of service connections Main Track Complex and Clubhouse

Pumphouse floor/housekeeping No Pumphouse

STORAGE:

Size and type of storage None

Cover/manhole conditions (overlapping cover?) NA

Overflow and vents screened NA

Distance from pits/contamination/drainage NA

General condition NP

PRESSURE TANKS:

3-80 gallon

TREATMENT:

Type of treatment: Filtration () Softening () Disinfection () Other ()
None (x) Describe other _____

Type of filtration _____

Type of disinfection _____

Type of softening _____

Noted defects (if any) in the treatment facility _____

Chlorine Residual Test: Time and date sample taken _____

Test conditions and location _____

Test equipment _____

Test results _____

Turbidity Test: Time and date sample taken _____

Test conditions and location _____

Test equipment _____

Test results _____

Coliform Test and Nitrate Test: Time and date sample taken 8/28/85 9:25 A

Test conditions and location Clubhouse Restroom

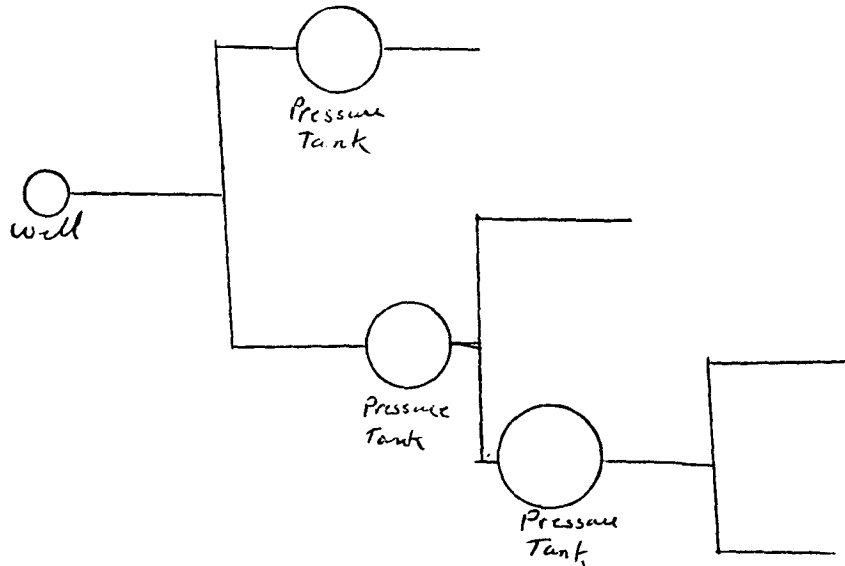
Name of lab Travis Labs

Time and date sample received 8:30 A 8/29/85

Results Coliform <1/100ml

Nitrate

Block diagram of system:

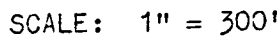


Short report on system:

Submersible pump + 3 pressure tanks are used to maintain pressure throughout the system.

No. defects were noted

CEN. SEC. 17 FND. 1" I.P.



NOTES:

(M) DENOTES "MEASURED IN THIS SURVEY".

(R) DENOTES "RECORDED IN PREVIOUS PLAT OR DESCRIPTION".

● DENOTES "FOUND SURVEY MONUMENT".

⊙ DENOTES SET 5/8" REBAR WITH SURVEY
CAP MARKED "FRANCIS - MEADOR 1019".

SURVEYOR'S CERTIFICATE

I, JAMES P. HEALD, REGISTERED LAND SURVEYOR
No. 2199 OF THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT ON DECEMBER 27, 1973, BEING SO
AUTHORIZED, I CAUSED THE ABOVE SHOWN SURVEY TO
BE MADE UNDER MY DIRECTION AND THAT THE WITHIN
MAP CORRECTLY SHOWS THE PERMANENT MARKERS AND
THEIR LOCATION.

DATE: Jan. 8, 1974 BY: James P. Heald
JAMES P. HEALD

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410485

Pierre, July 8, 1986

RECEIVED OF Black Hills Greyhound Racing Assn. PO Box 9045, Rapid City, SD 57709

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

Fee for Application for Permit No. <u>2002-2</u> to Appropriate Water, to construct works and to put water to beneficial use <u>(Vested Right)</u>	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer JOHN HATCH 



Water & Natural Resources

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

August 12, 1986

J Bruce Hoon
Black Hills Greyhound Racing Assn.
PO Box 9045
Rapid City SD 57709

Dear Mr. Hoon:

This letter is in response to your Vested Right Application received on July 8, 1986. The following information is needed before the application can be processed:

1. Enclosed is an Affidavit of Water Use form which needs to be submitted with all Vested Right applications. Complete as much as possible, sign and notarize the form, and return to the Division of Water Rights.

The Vested Right application can be processed only upon receiving a complete application. Contact us if you have any questions.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

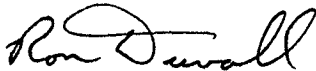
enclosure

Report on Vested Water Right Application No. 2002-3
Black Hills Greyhound Racing Association
October 3, 1986

Vested Water Right Application No. 2002-2 proposes to validate a vested right claim for the appropriation of .077 cubic feet of water per second from one well 450 feet deep located in the SW1/4 SE1/4 Section 17-T2N-R7E. A priority date of January 1, 1954 has been claimed for the water use. Water is used as a commercial water supply for the racetrack facilities.

Conclusions:

1. According to the affidavit of water use the works were constructed during 1954 and water has been put to beneficial use.
2. A priority date of January 1, 1954 should be assigned since the exact date for start of construction during 1954 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.



Ron Duvall
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2002-2

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. 2002-2, Black Hills Greyhound Racing Association, PO Box 9045, Rapid City, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2002-2 because 1) water has been appropriated as described for commercial use with a January 1, 1954 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, cursive script.

JOHN HATCH, Chief Engineer
October 4, 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.

J. Bruce Hoon
Black Hills Greyhound Racing Ass'n
PO Box 9045
Rapid City SD 57709

Dear Mr. Hoon:

Your Application No. 2002-2 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 RAPID CITY JOURNAL printed at Rapid City 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

RAPID CITY JOURNAL
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2002-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 12, 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 A Vested Right Application 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 12, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 2002-2 to Appropriate Water

Notice is hereby given that Black Hills Greyhound Racing Ass'n whose mailing address is PO Box 9045, Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 0.077 cubic feet of water per second from one well 450 feet deep located in the SW 1/4 SE 1/4 Section 17, T2N, R7E. The water use has a claimed priority date of January 1, 1954 and is used as a commercial water supply for the racetrack facilities.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2002-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1954, 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.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

Nov. 12, 19

L202

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Carness 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 _____

City of Rapid City

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

November 12, 1986

November 19, 1986

Mary K. Carness
(Signature)

Bookkeeper
(Title)

November 19, 1986
(Date Signed)



Cost of Printing: Ran 9 10/16 inch legal advertising
in the Rapid City Journal on November 12 & 19
@ \$4.20 per inch = \$80.86

Ran public notice of hearing
Greyhound Racing Association

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING
TO VALIDATE
VESTED RIGHT APPLICATION
NO. 2002-1 TO
APPROPRIATE WATER

Notice is hereby given that Black Hills Greyhound Racing Ass'n whose mailing address is PO Box 9045, Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 0.077 cubic feet of water per second from one well 450 feet deep located in the SW 1/4 SE 1/4 Section 17, T2N, R7E. The water use has a claimed priority date of January 1, 1954 and is used as a commercial water supply for the racetrack facilities.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2002-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1954, 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.



Department of Water & Natural Resources

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

FEB 17 1987

Black Hills Greyhound Racing Assn.
PO Box 9045
Rapid City, South Dakota 57709

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 2002-2.
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

2002-2

PETE

MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

LIEN

•PETE LIEN & SONS •BIRDSALL SAND & GRAVEL •COLORADO LIEN CO.
•DAKOTA BLOCK CO. •DAKOTA STEEL & SUPPLY •TRANS COLORADO CONCRETE

PETER C. LIEN
1898 - 1969 FOUNDER

BRUCE H. LIEN
FOUNDER

CHARLES H. LIEN
FOUNDER
CHAIRMAN

PETER C. LIEN
PRESIDENT

& Sons, Inc.

November 8, 2006

Chief Engineer
Attn: Mike Defea
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of ownership - Black Hills Greyhound Racing Assoc. to Pete Lien & Sons, Inc.

Dear Mike,

Enclosed please find the Notice of Transfer of Ownership for Water Right No. 2002-2. This transfer of ownership will change the name of the owner from Black Hills Greyhound Racing Association to Pete Lien & Sons, Inc. If you have any questions regarding this notice please feel free to contact me at 605-342-7224.

Sincerely,

Mitch Nachtigall

Mitch Nachtigall
Permitting Engineer

CC: Scott Landguth

RECEIVED
NOV 13 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 13, 20 06

RECEIVED OF Pete Lien & Sons Inc., PO Box 440, Rapid City SD 57709

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>2002-2</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.

02622

By Darland Ebel
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2002-2
Date: November 3, 2006

I/We request that Vested Water Right No. 2002-2

formerly owned by: Black Hills Greyhound Racing Association

be transferred to: (name & address) Pete Lien & Sons, Inc.
P.O. Box 440
Rapid City, SD 57709

Telephone No. (605) 342-7224

RECEIVED
NOV 13 2006
WATER RIGHTS
PROGRAM

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

Well located: SW ¼ SE ¼ Section 17, T2N, R7E

I/We understand that the validity of Vested Water Right No. 2002-2 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 Scott Landguth, the new owner, certify that the above information is true and correct.
Pete Lien & Sons, Inc.


(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 2006

2002-2

Mitch Nachtigall
Pete Lien & Sons Inc
PO Box 440
Rapid City SD 57709-0440

Dear Mr. Nachtigall:

Thank you for following up on the ownership change for Vested Water Right No. 2002-2. The transfer has been completed. The vested water right formerly listed in the name of Black Hills Greyhound Racing Association is now listed in the name of Pete Lien & Sons Inc.

Enclosed is your Receipt No. 02622 in the amount of \$2.50. You may keep this for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure