

Considered: _____

Vested Right
WATER PERMIT NO. 2003-2

MAP No. same

Name of Applicant Buzzards' Roost

Post Office Address HCR 83, Box 120, Custer SD 57730

Amount of Water Claimed .022 cfs Total Acres NA

Source of Water Supply ground water

Water to be used for commercial County Custer

About 1 miles E of Custer

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 27, 1986 Fee \$10.50 Remarks _____

Jan 1, 1945

Corrected Application Received Aug 11, 1986 Period of Annual Use May 1 to Sept. 30

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

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

Diversion Point well: NW 1/4 SE 1/4 section 19-T3S-

R5E

Land to be Irrigated NA

				19	
				⊗	

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 Duvall

No. 2003-2 Hydrologic Unit 10120109
 Map No. same Basin Upper Cheyenne
 Newspaper Custer County Chronicle, Box 551 (Wed)

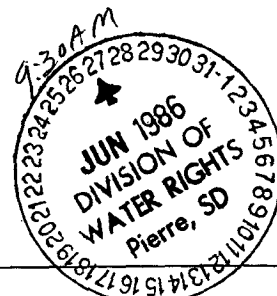
Application For Permit To Appropriate Water Within The State Of South Dakota

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 Buzzard's Roost Phone No. 673-2326Post Office Address HCR 83 Box 120 CUSTER State SD Zip Code 57730
(Street, RR or Box)2. Amount of water claimed (c.f.s) 10 gpm .022 cfs3. Source of water supply ground water4. Location of point of diversion SE 1/4 SEC. 19 T3S, R5ECounty CUSTER5. Counties where water will be used CUSTER6. Annual period during which water is to be used MAY 1 to SEPT. 30

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 Custer ssI, James R. Ferguson 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 James R. FergusonSubscribed and sworn to before me this 26 day of June 19 86Debra A. Bergen
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2003-2
Buzzard's Roost. HCR 83, Box 120 Custer
(Applicant) (Post Office Address)
South Dakota 57730 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. 2003-2

Buzzard's Roost
(applicant)

HCR 83 Box 120, Custer
(post office address)

South Dakota 57730
(state) (zip code)

Date of receipt of Application June 27, 19 86.

Validated December 10, 19 86.

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, 19 45.
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 0.022 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 H. [Signature]
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 17 1987, 19 87

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2003-2

(1) Buzzard's Roost of HCR 83, Box 120, Custer SD 57730 made Application No. 2003-2, June 27, 1986 for validation of a vested right claim to appropriate 0.022 cubic feet per second of water from groundwater (three wells), Custer County, South Dakota for commercial purposes. Vested Water Right No. 2003-2, with a priority date of January 1, 1945 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 0.022 cubic feet per second of water for beneficial use. The location of the diversion point(s) are in the NW 1/4 SE 1/4 Section 19, T3S, R5E.

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 as a commercial water supply for Buzzard's Roost.

(4) Pursuant to Section 46-5-30.1 Buzzard's Roost of HCR 83, Box 120, Custer SD 57730 the holder(s) and/or owners(s) of Vested Water Right No. 2003-2 is issued a license to appropriate water, the right to use 0.022 cubic feet per second of water from groundwater (three wells) with a priority date of January 1, 1945 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. 2003-2 and subject to South Dakota State Law.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over a horizontal dashed line.

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) BURZARD'S ROOST
 Post Office Address HCR 83 Box 120 CUSTER So. Dak. 57730
(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 1945C. Date that water was first applied to beneficial use 1945

D. Name of owner of original water supply system _____

E. Amount of water originally applied to beneficial use 10 gpmF. Present Use of Water - Amount of water now being used 10 gpmDate that this water was first used 1945

G. Chronological History of Water Use

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 Custer)
SS
James R. Ferguson
(print or type)

 _____ the applicant, certify that I have read the foregoing
 and that the matters therein stated are true.

Signed

James R. Ferguson
Subscribed and sworn to before me TERESA A. BORGEN, 19 86
Teresa A. Borgen
 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.

JAMES R. FERGUSON 19 86
(Print name)

 _____ 19 _____
(Print name)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction 3 wells

- a) Drill Hole Diameter 8 in Depth 100 + Ft.
- b) Casing Type steel Diameter 6 in. Thickness 1 in
- c) Screen Type ? Diameter ? Thickness ?
- d) Gravel Pack Thickness ? Length of Gravel Pack ?
- e) Depth to Top of Water Bearing Material ?
- f) Depth of Water (ground surface to water level) ?
- g) Distance to nearest existing domestic well: 1000 ft APPROX
- On applicants property ~~YES~~ On property owned by others YES.

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 _____

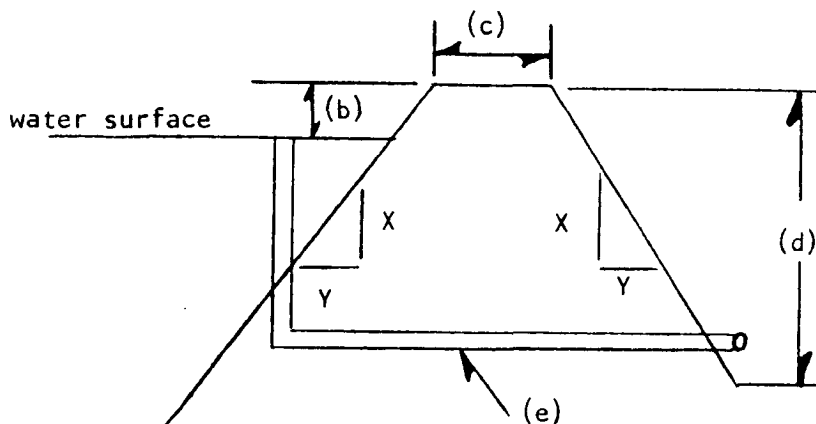
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



X James R. Ferguson
Signature of Applicant

South Dakota School of Mines and Technology
(Survey of Non-Community Water Supply)

NA = nonapplicable

ID# 4600732

Survey taken by Steve NAYLOR

Survey date 6-13-84

Is system active or inactive Active

If inactive, deactivation date NA

Deactivation reason NA

Location of NC PWS 1 1/2 mile EAST of Custer on highway 16A

Type of NC PWS (campground, motel, resort, etc.) Cabins & Campground

Name of NC PWS Buzzard's Roost

NC PWS mailing address RR #3 Box 120, Custer Telephone # 673-2326

Name of Operator/Manager James & Linda Ferguson

Owner of NC PWS James & Linda Ferguson

Owner's mailing address RR #3 Box 120 Custer

Type of owner: private (☒) city () state () federal () other ()

County NC PWS located in Custer Seasonal operation dates 5-1 to 9-30

Number of people served: Average daily unknown, New owner Peak daily 110

Comments on type of people (transient vs. permanent) 7 Cabin Campers, tourists, and 2 perm. residents

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

Source name unknown

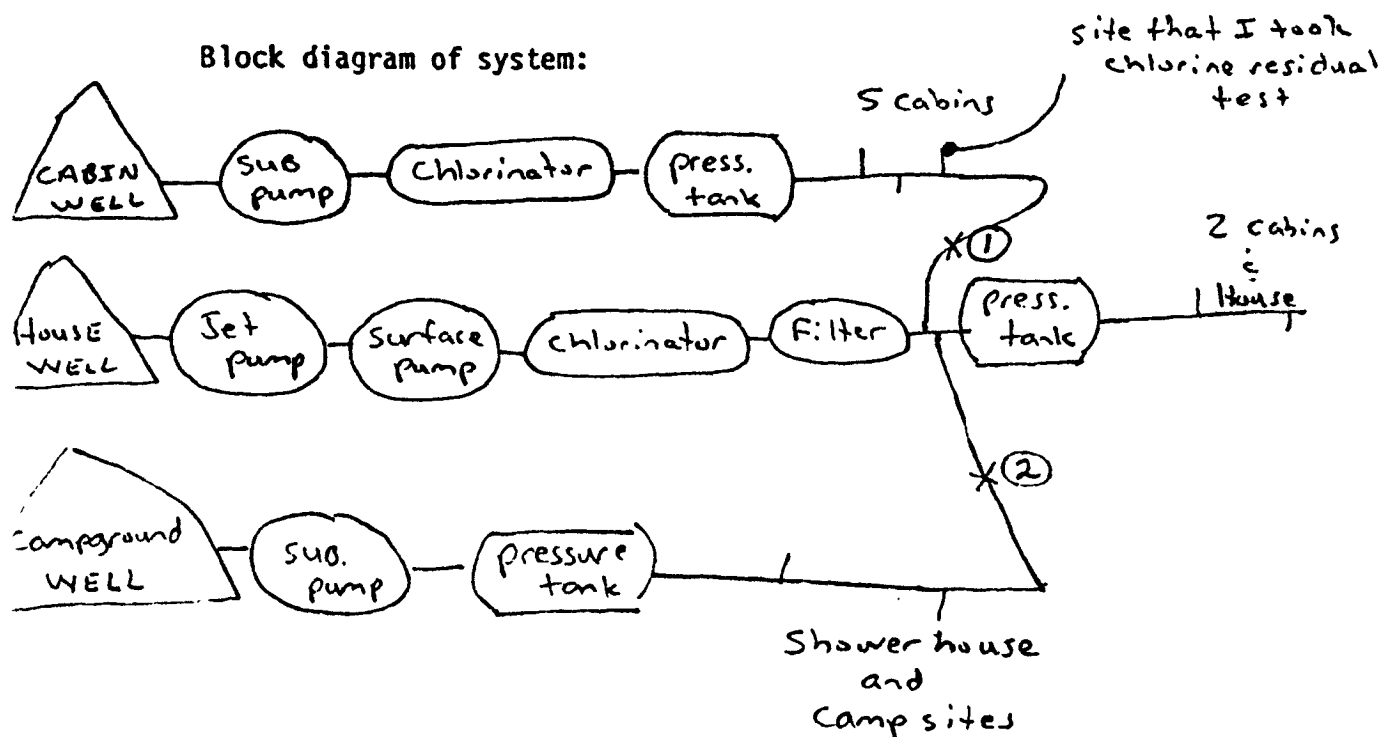
Visual inspection of water source (comments) NA

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

Surface Area Characteristics Located in a rolling hills area with pine trees, grassy

NOTE: There are 3 wells serving this motel. Information pertaining to each well will be expressed in this form cabinwell / house well / campground well

Block diagram of system:



X Valves

Short report on system:

NOTES ON SEWAGE SYSTEM : The owners home and the cabins

are all on the Custer City sewer system. At the campground area the dumpstation and showerhouse each have a septic tank and associated drain field. Both of these are about 100 ft from the campground well and further away from the other two wells.

Water is pumped by a jet pump (according to the manager) from the house well. The water then goes to a surface pump, a chlorinator, a filter and then a pressure tank, all located in the basement of the house, before going into the distribution system. The cabin well has a submersible pump. Water is pumped through the chlorinator into a pressure tank that serves cabins prior to the line connecting to the line just before the pressure tank that comes from the house well. The systems serving the house and the cabin wells are connected together. The campground well has a sub. pump that pumps water into a pressure tank that serves the campground sites and showerhouse. This line also continues and connects to the house well's line just prior to the press. tank. This whole system can be set up that if one of the wells go out the other two wells can supply the water to the out wells distribution points. At the time of this survey the campground is only serving the campground (Valve #2 closed) and the cabin and house wells are working together (Valve #1 open). No chlorine residuals and a leaky house basement were the only noted deficiencies in this system.

3
Wells: drilled (X) bored () dug () driven ()

Well depth All three wells over 100 ft

Casing material Steel All 3 wells

Casing diameter 6" / 6" / 6" Height casing top above ground 1' / 1' / 2"

Grouted unknown / unk / unk Grouted to what depth NA / NA / NA

Date of well construction unknown / unk / unk

Distance to: Septic tank SEE report on page 4 Disposal field -

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

No / No / No

Any known private sewage systems nearby NONE / NONE / NONE

Any known source of contamination NONE / NONE / NONE

Pump:

Well pump type sub. / ^{jet} surface / sub. Capacity unknown / unk / unk GPM

Number of service connections 7 cabins, 30 campsites, 1 owners house

Pumphouse floor/ housekeeping clean / house well line goes into the basement which leaks when it rains, it was wet / in a pit, clean

Storage:

Size and type of storage Only what is in the pressure tanks

Cover/manhole conditions (overlapping cover?) NA

Overflow and vents screened NA

Distance from pits/ contamination/ drainage NA

General condition NA



Department of Water & Natural Resources

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

August 28, 1984

Buzzard's Roost
RR3, Box 120
Custer, South Dakota 57730

Dear Mr. & Mrs. Ferguson:

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 Buzzard's Roost.

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 (see instructions) 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,

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

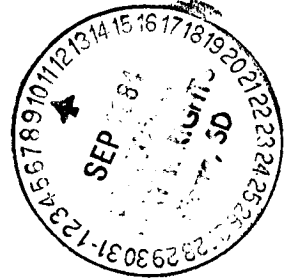
Enclosures

MORAN LAW OFFICE

ATTORNEYS:
Lynn A. Moran
Karen A. Johnson, Associate

Phone 673-2233
P. O. Box 529
CUSTER, SOUTH DAKOTA 57730

September 7, 1984



Kevin C. Larson
Water Resources Engineer
Office of Water Rights

Re: Buzzard's Roost water rights

Dear Kevin:

Please be advised that Buzzard's Roost in the above entitled manner was previously known as Tweden's Place. Is there a permit on file for this?

Also, what water is being used which requires a permit?

Please advise us. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Lynn A. Moran".

Lynn A. Moran
Attorney at Law

LAM/jn
cc. Mr. & Mrs. Ferguson

Water Rights Division
605 773-3352

September 17, 1984

Lynn A Moran
Box 529
Custer SD 57730

Re. Moran:

I am in receipt of your letter concerning water rights for the Buzzards Roost. I cannot find anything on file for Twedens place either. In answer to your questions SDCL 46-1-15 states "Except as otherwise provided throughout this title, no person may appropriate the waters of this state for any purpose without first obtaining a permit to do so.", SDCL 46-1-6(4) defines domestic use and SDCL 46-5-8 exempts domestic use from the permit process. Commercial use of water from a private well requires a permit. If you have any further questions, please contact this office.

Thank you,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

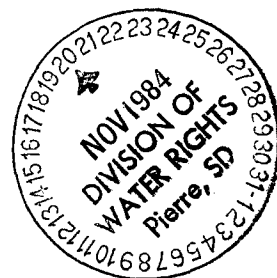
MORAN LAW OFFICE

ATTORNEYS:
Lynn A. Moran
Karen A. Johnson, Associate

Phone 673-2233
P. O. Box 529
CUSTER, SOUTH DAKOTA 57730

19 November 1984

Mr. Kevin C. Larson
Water Resources Engineer
Joe Foss Building
523 E Capitol
Pierre, SD 57501 3181



Re: Buzzards Roost

Dear Mr. Larson:

Enclosed herewith is a copy of the letter which you sent me on September 17, regarding Buzzards Roost. Please advise me what waters are being appropriated by Buzzards Roost. I have consulted with the Fergusons, and they are uncertain yet what your letter to them regards.

Any information which you can give me in this regard would be appreciated.

Very truly yours,

Lynn A. Moran
Attorney for Mr. and Mrs. Ferguson

LAM/dlo

no enclosure me

Three wells 100 ft

1 1/2 mi east of Custer

Water Rights Division
605 773-3352

December 3, 1984

Lynn A Moran
PO Box 529
Custer SD 57730

Ms. Moran:

I am not sure if I understand your question in your letter dated November 19, 1984, but I will try and answer it. The survey completed by the Division of Environmental Quality indicated that your clients business was using water from three wells. These wells are not covered by a water permit and South Dakota Law requires that they be. Technically the Fergusons are diverting water illegally thus the reason for obtaining a permit. If you have any further questions or require assistance in completing an application, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks



Department of Water & Natural Resources

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

April 25, 1985

NOTICE

Buzzard's Roost
RR 3, Box 120
Custer, South Dakota 57730

Dear Mr. and Mrs. Ferguson:

August 28, 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 business operation. 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,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

S519.WR

5-31-85

John Hatch, Chief Engineer
Water Rights Div.
Joe Foss Bldg.
Pierre, SD

Re: Water Permit.

Mr. Hatch:

We were unable to find anything regarding our wells. only that they're 40 years old or more.

Below is the legal description of our property. Surely there was a water permit issued, but we're helpless to find out.

DEADWOOD LODE in SECTION 19,
TOWNSHIP 3, SOUTH, RANGE 5, EAST,
BLACK HILLS MERIDIAN, CUSTER COUNTY,
SOUTH DAKOTA.

Good Luck!

Linda Ferguson
Benzards Road
HCR 83 Box 120
Custer SD 57730



Water Rights Division
605 773-3352

June 10, 1985

Buzzards Roost
Linda Ferguson
HCR 83, Box 120
Custer SD 57730

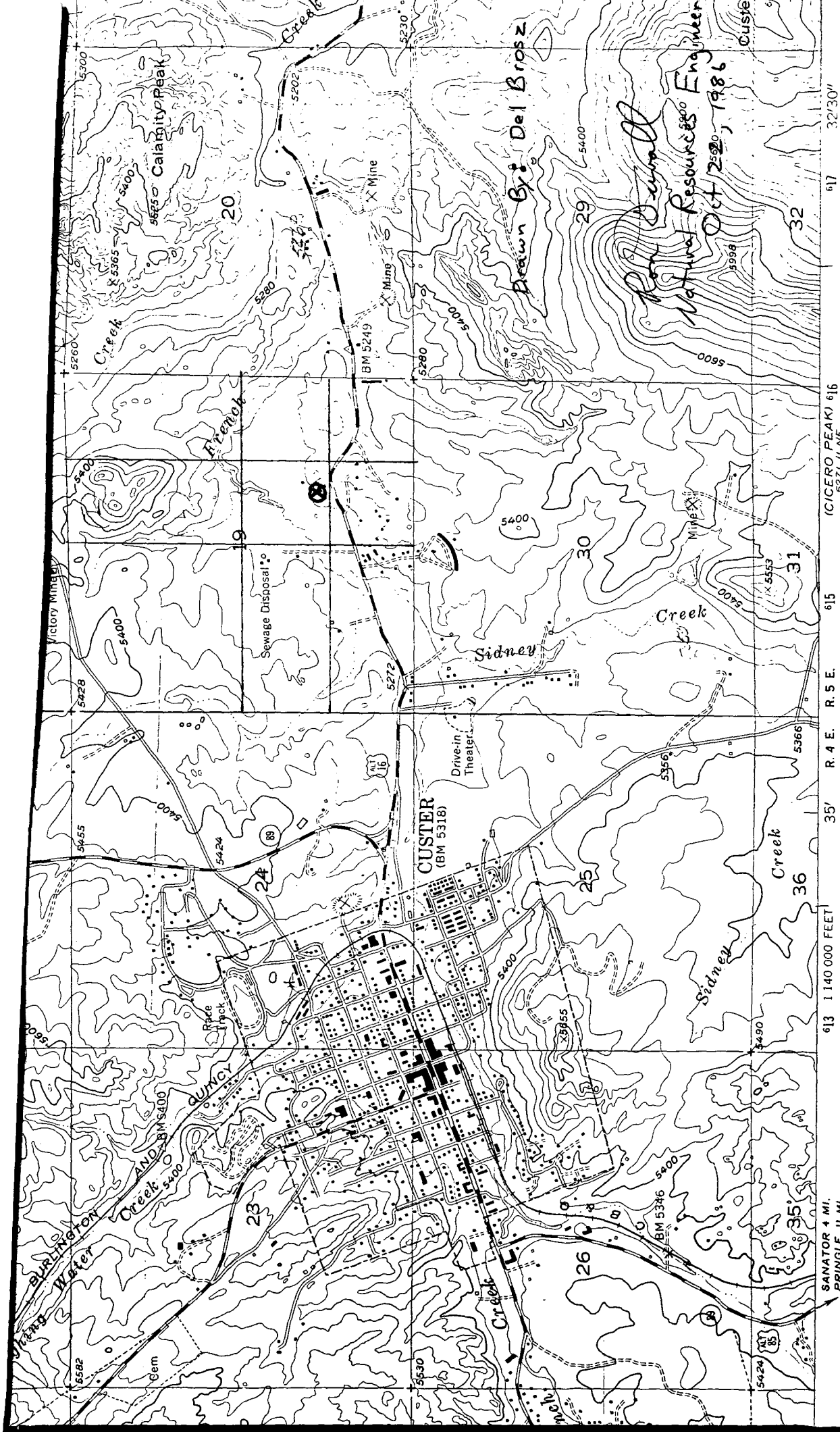
Ms. Ferguson:

I have reviewed our records and cannot find a water permit filed for your business. As stated in the notice dated April 25, 1985 a water permit is required. If the wells have been in place and used since prior to 1955 then they would qualify for a vested right. If this is the case, then Form 2B must be submitted along with the permit application. The filing fee for a vested right is \$10.50. If your system does not qualify for a vested right then a new permit application will be required. We will be happy to provide any assistance we can to help you comply with this requirement. If you have any questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL;ks



Sanator 4 MI.
Pringle 11 MI.
ed, and published by the Geological Survey
GS and USC&GS

SCALE 1:24 000

613 1 140 000 FEET 35' R. 4 E. R. 5 E. 615 (CICERO PEAK) 616 5271 11 NE 32'30"

RECEIPT

Division of Water Rights

No 410078

South Dakota Department of Water and Natural Resources

Pierre, June 18, 1985

RECEIVED OF Buzzard's Roost Inc., James or Linda Ferguson, Rt#3, Box 120, Custer SD 57730
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 2003-2 to Appropriate Water, to construct works and to put water to beneficial use	18	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)



Department of Water & Natural Resources

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

August 6, 1986



Linda Ferguson
Buzzard's Roost Inc.
Rt 83, Box 120
Custer SD 57730

Dear Ms. Ferguson:

This letter is in response to your permit application which was received on June 27, 1986.

Enclosed is a Form 2A which needs to be submitted with the permit application. Portions of the well information have been completed. Please make corrections as needed, complete whatever else is known about the well and sign the form. Upon receiving this Form 2A your application for a vested right can be processed.

Please contact us if you have any questions.

Sincerely,

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

RON DUVALL
Natural Resource Engineer
605 773-3352

RD:ks

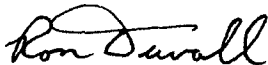
enclosure

Report on Vested Water Right Application No. 2003-2
Buzzard's Roost
October 3, 1986

Vested Water Right Application No. 2003-2 proposes to validate a vested right claim for the appropriation of .022 cubic feet of water per second from 3 wells 100+ feet deep located in the NW1/4SE1/4 Section 19-T3S-R5E. A priority date of January 1, 1945 has been claimed for the water use. Water is used as a commercial water supply for Buzzard's Roost.

Conclusions:

1. According to the affidavit of water use the works were constructed during 1945 and water has been put to beneficial use.
2. A priority date of January 1, 1945 should be assigned since the exact date for start of construction during 1945 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. 2003-2

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. 2003-2, Buzzard's Roost, HCR 83, Box 120, Custer, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2003-2 because 1) water has been appropriated as described for commercial use with a January 1, 1945 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 cursive script, reading "John Hatch".

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

CUSTER COUNTY CHRONICLE
PO Box 551
Custer SD 57730

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2003-2. 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



Department of Water & Natural Resources

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

November 12, 1986

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

James R Ferguson
Buzzard's Roost
HCR 83, Box 120
Custer SD 57730

Dear Mr. Ferguson:

Your Application No. 2003-2 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 CUSTER COUNTY CHRONICLE printed at Custer 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

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. 2003-2 to Appropriate Water

Notice is hereby given that Buzzard's Roost whose mailing address is HCR 83, Box 120, Custer, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from three wells 100+ feet deep located in the NW 1/4 SE 1/4 Section 19, T3S, R5E. The water use has a claimed priority date of January 1, 1945 and is used as a commercial water supply for Buzzard's Roost.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2003-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1945, 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.

No. 2003-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Custer)

I, Randall O'Neill hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Custer County Chronicle

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 Custer

County of Custer 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

Randall O'Neill
(Signature)

Publisher
(Title)

11/19/86
(Date Signed)

Cost of Printing: _____

November 12, 1986 - 24.84

November 19, 1986 - 19.87

Total - \$44.71

WNR-808-7/79
Proof of Publication



Notice of Hearing

To Validate Vested Right
Application No. 2003-2 to
Appropriate Water

Notice is hereby given that Buzzard's Roost whose mailing address is HCR 83, Box 120, Custer, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from three wells 100+ feet deep located in the NW 1/4 SE 1/4 Section 19, T3S, R5E. The water used as a commercial water supply for Buzzard's Roost.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2003-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1945, 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 a.m.

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 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 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, 46-2-6, 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 proceedings. 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.

#392 11-12-86



Department of

Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

2003-2

FEB 17 1987

Buzzard's Roost
HCR 83, Box 120
Custer, South Dakota 57730

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 2003-2.
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 cursive script, appearing to read "John Hatch".

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

ms
JH:

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 27, 1998

No. 2003-2

Gary Denker
HCR 83, Box 120
Custer, SD 57730

Dear Mr. Denker:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2003-2. The water right is currently listed in the name of Buzzard's Roost.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2003-2

Date: 10-28-98

I/We request that Water Right No. 2003-2

formerly in the name of: Buzzard's Roost

be transferred to: (name & address) The Roost Resort HCR 83 Box 120 Custer, S.D 57730

Telephone No. 605-673-2326

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

commercial use - NW 1/4 SE 1/4 Section 19-T3S-R5E

I/We understand that the validity of Water Right No. 2003-2 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)

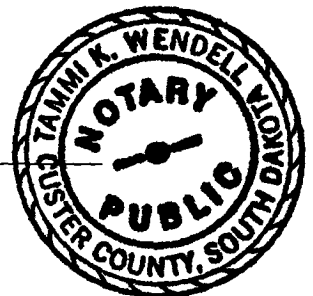
County of Custer)

I/We Larry and Nancy Cambier 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.

Larry Cambier Nancy Cambier
(Signed)

Subscribed and sworn to before me this 28th day of October, 1998.

Tammi K. Wendell
(Notary Public)
Expires 11-4-2003



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

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 415902

Pierre, _____ **October 29, 19 98**

RECEIVED OF Larry or Nancy Cambler (The Roost Resort), 611 Sherman, Boyden, IA 51234
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 Water Right No. 2003-2 2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 29, 1998

2003-2

Larry & Nancy Cambier
The Roost Resort
HCR 83 Box 120
Custer, SD 57730

Dear Mr. & Mrs. Cambier:

This will acknowledge receipt of the "Notice of Transfer of Ownership" form and fee you submitted for transferring Vested Water Right No. 2003-2. The vested water right has been transferred and is now listed as "The Roost Resort".

Enclosed is your receipt in the amount of \$2.50. Thank you for following up on the transfer of ownership. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 5, 2013

2003-2

Frank Swindal
12462 Hwy 16A
Custer SD 57330

Dear Mr. Swindal:

Thank you for contacting us with reference to the ownership change needed for Vested Water Right No. 2003-2, currently listed in the name of "the Roost Resort". I have included a copy of the vested water right for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have internet service, the following is a link to our website. <http://denr.sd.gov/des/wr/wr.aspx>
The site will give you information on water rights in general, who needs one, how you get one, various forms we use and it also has a link to sign up for alerts when new applications for water permits are applied for.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/16, 20 13

RECEIVED OF The Roost Resort 12462 Hwy 16A Custer SD 57730

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>2003-2</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. **06434**

By *Jeane Sealman*
Chief Engineer

RECEIVED

SEP 16 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2003-2

Date: 9-12-13

I/We request that Vested Water Right No. 2003-2

formerly owned by: The Roost Resort

be transferred to: (name & address) THE ROOST RESORT, INC.

FRANK & SUSAN SWINDAL

Telephone No. 605-673-2326

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

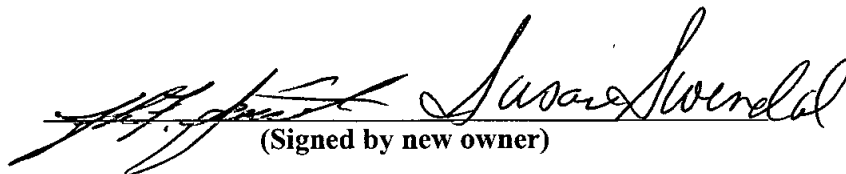
Well location: NW ¼ SE ¼ Section 19, T3S, R5E

I/We understand that the validity of Vested Water Right No. 2003-2 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 Fifty Dollars (\$50.00) 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 FRANK & SUSAN SWINDAL 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 17, 2013

2003-2

Frank & Susan Swindal
The Roost Resort, Inc.
12462 Hwy 16A
Custer SD 57730

Dear Mr. & Mrs. Swindal:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership of Vested Water Right No. 2003-2.

The ownership change has been completed. Vested Water Right No. 2003-2 is now listed in the name of "The Roost Resort, Inc." in care of you.

Enclosed for your records is Receipt No. 06434 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG 27 2018

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 2003-2Date: 8/22/18I/We request that Water Right/Permit No. 2003-2 formerly owned by:Frank and Susan Swindal

be transferred to:

New Owner Name: Shelah VavringAddress: 12462 US Highway 16ACity, State, Zip Custer SD. 57730 Telephone No. 605-673-2326

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

The ROOST Resort Campground and Lodging LLC.

☒ I understand that the validity of Water Right/Permit No. 2003-2 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, Shelah L. Vavring, the new owner, certify that the above information is true and correct.

Shelah L. Vavring
(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 **August 28**

, 20 **18**

Roost Resort Campground & Lodging LLC 12462 E HWY 16A Custer 57730

RECEIVED OF _____

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 2003-2	50	00
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)	50	00
TOTAL	50	00

No. **08751**

By

Jeanne Goodman
Chief Engineer

JM



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **Roost Resort Campground and Lodging LLC**

General Information

SOS Business ID DL145168
Filing Type: Limited Liability Company - Domestic
 03/12/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Shelah V Vavrina
 12462 EAST HWY 16A
 CUSTER, SD 57730

Principal Address

12462 EAST HWY 16A
 CUSTER, SD 57730

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
03/12/2018	Initial Filing	B0054-7836



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 30, 2018

2003-2

Shelah Vavring
12462 US Highway 16A
Custer SD 57730

RE: The Roost Resort Campground and Lodging LLC

Dear Ms. Vavring:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 2003-2.

The ownership change has been completed. Vested Water Right No. 2003-2, formerly listed under the name "The Roost Resort Inc.", is now listed in your name.

Enclosed for your records is Receipt No. 08751 in the amount of \$50. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure