

~~WATER PERMIT~~ NO. 2004-2

MAP No. same

Name of Applicant Dianna's Gift Corral

Post Office Address Star Rt. 63, Hill-City SD 57745

Amount of Water Claimed .022 cfs Total Acres NA

Source of Water Supply ground water

Water to be used for commercial purposes County Pennington

About 2 miles E of Hill 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 Sept 8, 1986 Fee 15⁰⁰ Remarks _____

Jan 1, 1948 _____

Corrected Application Received _____ Period of Annual Use May 1 - Sept. 30

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

WI-1 Description same as Application YES NO REMARKS

Diversion Point well: NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 21-T1S-

RSE _____

Land to be Irrigated NA

		21		
	⊗			

Well Log: Driller not available Licensed YES NO

Depth of Well 55 feet REMARKS _____

Type of Map Topo PREPARED BY Ron Duvall & Dianne Murray Reviewed and the Number 27

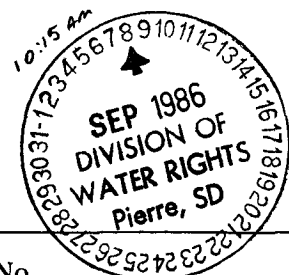
assigned on October 22, 1986 By Ron Tussell

No. 2004-2 Hydrologic Unit 10120109
 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 Dianne's Gift Corral Phone No. 574-2216Post Office Address Star Rt. 63 Hill City SD State 57745
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) .0223. Source of water supply well4. Location of point of diversion 3 mi. East of Hill City on Hyw 16 & 385NE 1/4 SW 1/4 section 21-T1S-R5ECounty Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used May 1 - 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 _____)I, Dianne Murray 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 Dianne MurraySubscribed and sworn to before me this 25th day of September 19 86

Notary Public (or other qualified officer)

SANDRA KRUSE, Notary Public
My Commission Expires 2-28-94

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2004-2

Dianne's Gift Corral

(Applicant)

SR 63,

Hill City

(Post Office Address)

South Dakota

(State)

57745

(Zip Code)

With the following qualifications.

SEE VR-2

Date of first receipt of application _____, 19____.

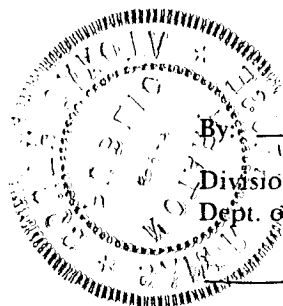
Date of return to applicant for correction, amendments or changes required _____, 19____.

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

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. 2004-2

Dianne's Gift Corral
(applicant)

Star Rt. 63, Hill City
(post office address)

SD 57745
(state) (zip code)

Date of receipt of Application September 8, 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 48.
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. H. H.
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 17 1987

_____, 19 ____

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2004-2

(1) Dianne's Gift Corral of St Rt 63, Hill City SD 57745 made Application No. 2004-2, September 8, 1986 for validation of a vested right claim to appropriate 0.022 cubic feet per second of water from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2004-2, with a priority date of January 1, 1948 was validated December 10, 1986 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet per second of water for beneficial use. The location of the diversion point(s) is NE 1/4 SW 1/4 Section 21, T1S, 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 supplied to Dianne's Gift Corral for commercial purposes.

(4) Pursuant to Section 46-5-30.1 Dianne's Gift Corral of St Rt 63, Hill City SD 57745 the holder(s) and/or owners(s) of Vested Water Right No. 2004-2 is issued a license to appropriate water, the right to use 0.022 cubic feet per second of water from groundwater (one well) with a priority date of January 1, 1948 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 2004-2 and subject to South Dakota State Law.



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

FEB 17 1987

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 55 ft.
- b) Casing Type Steel Diameter _____ Thickness _____
- 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: 400 ft.
- On applicants property yes. On property owned by others _____

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 _____

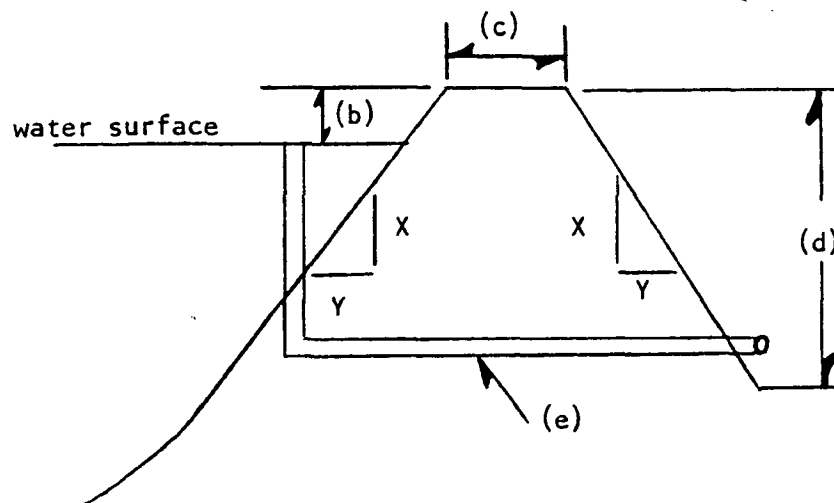
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Deanne Murray
Signature of Applicant

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) Diann's Gift Corral
 Post Office Address Star Rt 63 Hill City S.D. 57745
(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 1948

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system Diann's Gift Corral Dianne Clines Murray

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 10 gpm.Date that this water was first used 1948G. Chronological History of Water Use Summer Gift Shop. Open May - Sept.

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, Dianne Murray the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Dianne MurraySubscribed and sworn to before me September 5th, 19 86
Sandra Kruse **SANDRA KRUSE, Notary Public**
 Notary Public or other qualified officer **My Commission Expires 2-28-94**

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.

_____, 19_____
(Print name)_____, 19_____
(Print name)



Department of Water & Natural Resources

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

June 23, 1986

Dianne Murray
Dianne's Gift Corral
Sr Rt 63
Hill City SD 57745

Dear Ms. Murray:

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 Dianne's Gift Corral .

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# _____
 Survey taken by Waltner Survey Date 7/16/85
 Is system active or inactive active

If inactive, deactivation date _____

Deactivation reason _____

Location of NC PWS Hwy 16, 385 outside of Hill City (N.)

Type of NC PWS (campground, motel, resort, etc.) Store, Concessions

Name of NC PWS Dianna's Gift Corral

NC PWS mailing address Star Rt. 63 Hill City Telephone # 574-2216

Name of Operator/Manager _____

Owner of NC PWS Dianne Murray

Owner's mailing address same

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

County NC PWS located in Pennington Seasonal operation dates 5-7

Number of people served: Average daily 200 Peak Daily 1200

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

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

Source name _____

Visual inspection of water source (comments) _____

Well, pump, & P. tank are located under building - did not crawl under to look @ them!

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

Comments: _____

Surface Area Characteristics _____

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

Well depth 55' Well diameter 6" Casing material Steel

Casing diameter 7" Height casing top above ground Level

Grouted ? Grouted to what depth

Date of well construction 1961

Distance to: Septic tank 300 r' Disposal field 300 r'

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 jet pump Capacity ? CPM

Number of service connections 1

Pumphouse floor/housekeeping

STORAGE:

Size and type of storage 1- P.T. (25 gal)

Cover/manhole conditions (overlapping cover?)

Overflow and vents screened

Distance from pits/contamination/drainage

General condition

PRESSURE TANKS:

1-25 gal

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

7/16/85 3pm

Test conditions and location

outside

Name of lab

St. Health Lab

Time and date sample received

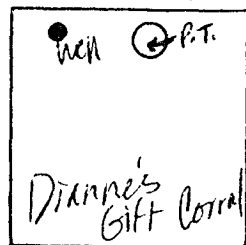
7/17/85

Results

1 Colony per 100 ml

Block diagram of system:

well ? pump under building



Hwy 385, 16

Short report on system:



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

August 15, 1986

Diane Murray
Diane's Gift Corral
Star Route 63
Hill City, South Dakota 57745

Dear Ms. Murray:

This letter is in response to our telephone conversation on August 14, 1986.

Enclosed is an Affidavit of Water Use form which needs to be submitted with Vested Right applications. Complete as many of the questions as possible and sign the form in the presence of a notary. I have also enclosed a map of the Hill City area. Mark the location of the well with an "X" and sign the map.

An estimate of the number of gallons per minute of water used needs to be included on line 2 of Form 2. A typical small business may use anything from 5 to 20 gallons per minute or more. The application for a Vested Right can not be processed without knowing how much water (g.p.m.) is being used.

Please contact us if you have any further questions.

Sincerely,

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

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Equal Opportunity Employer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410543

Pierre, September 8, 19 86

RECEIVED OF Dianne Murray, Diane's Gift Corral, SR 62, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2004-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	VR
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 MS

WATER RIGHTS DIVISION
(605) 773-3352

September 17, 1986

Dianne Murray
Dianne's Gift Corral
Star Route 63
Hill City, South Dakota 57745

Dear Ms. Murray:

I am writing in response to your permit application received on September 17, 1986.

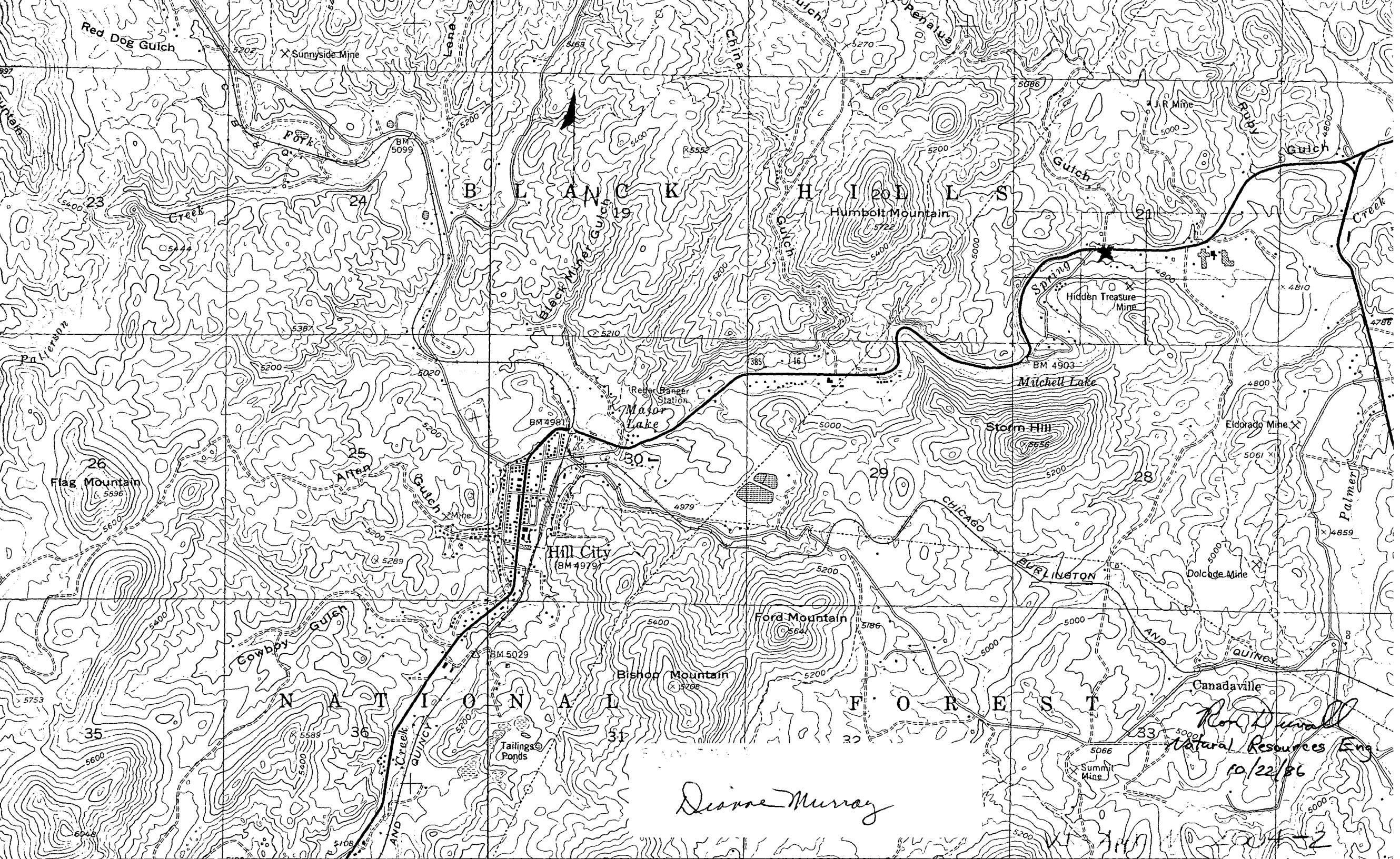
Enclosed are two typed copies of the permit application. The copy which you returned was not notarized. Please review the enclosed application forms, sign both copies in the presence of a notary and return them to the Division of Water Rights.

Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Dionne Murray

Ron Durrall
Natural Resources Eng
10/22/86

VT 110 10-24-2

Report on Vested Water Right Application No. 2004--2
Dianne's Gift Corral
October 22, 1986

Vested Water Right Application No. 2004-2 proposes to validate a vested right claim for the appropriation of .022 cubic feet of water per second from one well 55 feet deep located in the NE1/4SW1/4 Section 21-T1S-R5E. A priority date of January 1, 1948 has been claimed for the water use. Water is used as a commercial water supply for Dianne's Gift Corral.

Conclusions:

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



Ron Duvall
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2004-2

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. 2004-2, Dianne's Gift Corral, SR 63, Hill City, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2004-2 because 1) water has been appropriated as described for commercial use with a January 1, 1948 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
October 31, 1986



Department of Water & Natural Resources

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

November 5, 1986

RAPID CITY JOURNAL
Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2004-2. 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 Vested Right Applications 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 5, 1986

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

Dianne Murray
Dianne's Gift Corral
SR 62
Hill City SD 57745

Dear Ms. Murray:

Your Application No. 2004-2 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

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. 2004-2 to Appropriate Water

Notice is hereby given that Dianne's Gift Corral whose mailing address is Star Route 63, Hill City, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 55 feet deep location in the NE 1/4 SW 1/4 Section 21, T1S, R5E. The water use has a claimed priority date of January 1, 1948 and is used as a commercial water supply for Dianne's Gift Corral.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2004-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1948, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garness 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. Garness
(Signature)

Bookkeeper
(Title)

November 19, 1986
(Date Signed)



Cost of Printing: Ran 9 8/16 inch legal advertising

in the Rapid City Journal on November 12 & 19
@ \$4.20 per inch = \$79.80

Ran public notice of hearing
Dianne's Gift water application

Nov. 12, 19 L204

NOTICE OF HEARING
TO VALIDATE VESTED RIGHT
APPLICATION NO. 2004-2
TO APPROPRIATE WATER

Notice is hereby given that Dianne's Gift Corral whose mailing address is Star Route 63, Hill City, South Dakota has filed an application to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 55 feet deep located in the NE 1/4 SW 1/4 Section 21, T15, R5E. The water use has a claimed priority date of January 1, 1948 and is used as a commercial water supply for Dianne's Gift Corral.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2004-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1948, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.



Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

FEB 17 1987

Dianne Murray
Dianne's Gift Corral
Star Route 63
Hill City, South Dakota 57745

Dear Ms. Murray:

Enclosed are your Validated Vested Water Right and Water License No. 2004-2.
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 that reads "John Hatch". The signature is written in a cursive, flowing style.

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

JH: ms

enclosures

Equal Opportunity Employer

WATER USE FOR 1990



2004-2

* DIANNE'S GIFT CORRAL
DIANNE MURRAY
ST RT 63
HILL CITY, SD 57745

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER _____, NUMBER AND DEPTH OF WELLS _____

We were closed all of 1990
Did not use any water
Sold the property as of Jan 1, 1991

SURFACE WATER _____, NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERCIAL _____ INSTITUTIONAL _____

GEOHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE _____ GALLONS

NAME OF CONTACT PERSON _____

TELEPHONE NO. _____ *Sold to*

ADDRESS CORRECTION _____ *Mustar Orloske*

Hill City, S.D. 57745
P.O. Box 415



Department of Water & Natural Resources

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

March 8, 1991

2004-2

Gustave Orloske
PO Box 415
Hill City, SD 57745

Dear Mr. Orloske:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right No. 2004-2. The vested right claim (copy enclosed) is currently listed in the name of Dianne's Gift Corral.

The transfer form should be checked over for accuracy and signed 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.

The copy of Vested Water Right No. 2004-2 is yours to keep. If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 2004-2

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: 3-18-91

I/We request that ^{/ Vested} Water ~~Permit~~ Right No. 2004-2

formerly owned by: Dianne's Gift Corral, St Rt 63, Hill City, SD 57745

be transferred to: (name & address) Gustave Orloske, Box 415
Hill City, S.D. 57745 (telephone No.) 574-2181

Title to the following described land(s)/property has been transferred as described above:
(well location) NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T1S, R5E

I/We understand that the validity of ^{/ Vested} Water ~~Permit~~ Right No. 2004-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington)



I/~~we~~ Gustave Orloske 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.

x Gustave Orloske
(Signed)

Subscribed and sworn to before me this 18th day of March, 1990.

Diana Ronne
(Notary Public)
DIANA RONNE, Notary Public
My Commission Expires 6-23-95

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 water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412612

Pierre, _____ March 25, _____, 19 91

RECEIVED OF Gustave A. Orloske, Box 415, Hill City, SD 57745

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2004-2</u>	2	50
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	2 50

By John Hatch
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 4, 1991

No. 2004-2

GUSTAVE A ORLOSKE
BOX 415
HILL CITY SD 57745

Dear Mr. Orloske:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2004-2.

Our records now show you as the owner of Water Right No. 2004-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure