

Considered: _____

WATER PERMIT NO. 2128-2

Phone: 574-2668

Name of Applicant: Horse Thief Campground

Post Office Address: Box 307, Hill City, SD 57745

Amount of Water Claimed: 0.10 cfs Total Acres: N/A

Source of Water Supply: 4 wells (3 existing, 1 proposed)

Water to be used for: commercial County: Pennington

About 4 miles South of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 4/19/90 Fee: \$50.00 Remarks 2 additional wells and a 0.022 cfs (10 gpm) increase in diversion rate.

Corrected Application Received 5/7/90 Period of Annual Use January 1 - Dec. 31

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

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

Diversion Point: ^{existing} ~~Permit No 644-2~~ #1 - SW1/4 SE1/4 Sect. 13; #2 - NW1/4 NE1/4 Sect. 24; #3 - NW1/4 NE1/4 Sect. 24; #4 (proposed) - SW1/4 SE1/4 Sect. 13; all T2S-R4E

Land to be Irrigated: _____

13	
:	
:	
24	

Well Log: Driller: unknown, Hamm, Alexander Licensed YES _____ NO _____

Depth of Well: all approx. 100' REMARKS _____

Type of Map: Plat PREPARED BY: Stuart Ferguson Reviewed and the Number

Assigned on 5/8/90 By Eric Gronlund

No. 2128-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington County Prevalier News

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

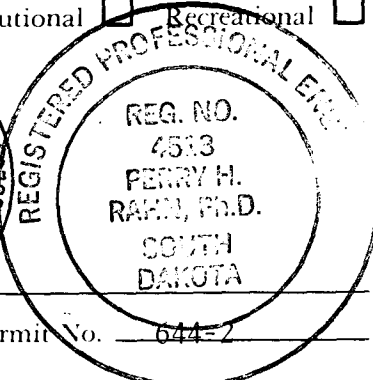
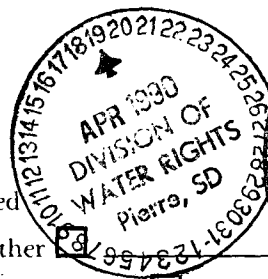
Box 266, Hill City 57745

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. 644-2 with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☒ Other ☐
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☒ on Permit No. 644-2
☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant Horse Thief Campground Phone No. 574-2668
Post Office Address Box 307, Hill City, SD State 57745
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) ~~less than 0.10 cfs~~ 10 gpm (additional)

3. Source of water supply ~~4 wells~~ 2 additional wells (1 existing, 1 proposed)

4. Location of point of diversion ~~located at 1, 2, 3, 4 on enclosed map~~
both SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 T2S-R4E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Primarily when campground is open (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)

My wife and I bought this campground (N of Rt. 87) about 4 years ago, and the lodge (S of Rt. 87) last year. Wells 1, 2, and 3 are located on the enclosed map; they supply the water for our property and were installed perhaps 10 to 20 years ago. Well 4 is the approximate location where I plan to put another well.

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

STATE OF SOUTH DAKOTA)
County of Pennington)^{ss}

I, Perry H. Rahn the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend and am able to complete the necessary construction.

Signed Perry H. Rahn

Subscribed and sworn to before me this 9th day of April 1990

Valerie J. Nelson
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction (for existing wells 1, 2 and 3, and proposed Well 4)

- a) Drill Hole Diameter _____ Depth All are approx. 100 ft deep
- b) Casing Type Steel Diameter 6" Thickness _____
- c) Screen Type (doubtful) Diameter _____ Thickness _____
- d) Gravel Pack Thickness (doubtful) Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material approx. 15 ft
- f) Depth to Water (ground surface to water level) approx. 15 ft
- g) Distance to nearest existing domestic well:
 On applicants property (see map) is 11 ft onto Ray Wolcott's property, but we have a right to use the well.
 On property owned by others Actually well 2

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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

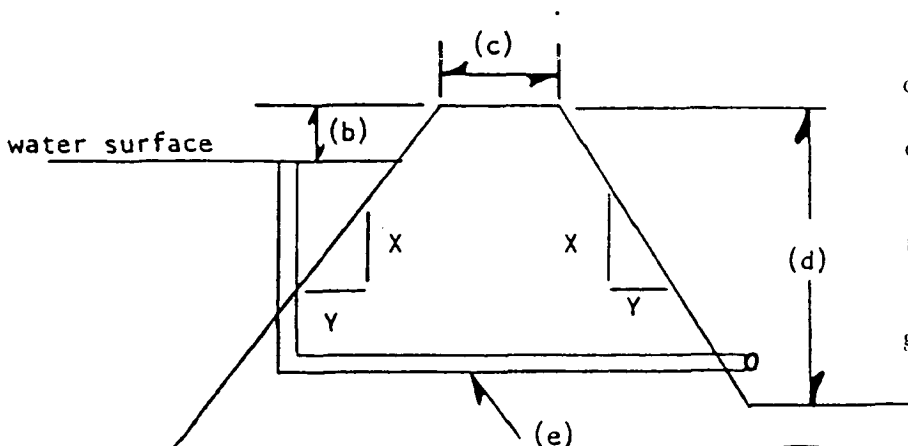
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Ray H. Pohn

Signature of Applicant



**SOUTH DAKOTA
WATER PERMIT No. 2128-2**

Date of first receipt of application April 19, 1990.

Date of return to applicant for corrections, amendments or changes
April 25, 1990.

Date of receipt of corrected application May 7, 1990.

The Water Management Board approved Water Permit Application No. 2128-2 on February 27, 1991 for Horse Thief Campground, Box 307, Hill City, SD 57745 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2128-2 appropriates 0.022 cubic feet of water per second (cfs) and two additional wells. Water Right No. 644-2 appropriates 1.00 cfs from Sunday Gulch Creek and 2 wells. The wells 100 and 156 feet deep are both located in the NW1/4 NE1/4 Section 24, T2S, R4E and are permitted under Water Right No. 644-2 to divert 0.078 cfs. This Permit increases the diversion rate by 0.022 cfs and adds two wells (one existing, one proposed) to be located in the SW1/4 SE1/4 Section 13, T2S, R4E. The combined diversion rate from groundwater sources from Water Right No. 644-2 and this Permit is 0.1 cfs (45 gallons per minute).
2. The water appropriated shall be used for the purpose of supplying water for a campground and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: May 1 - December 31.
4. The date from which applicant may claim right is April 19, 1990.
5. One-fifth of the construction is to be completed on or before August 27, 1993.
6. All construction is to be completed on or before February 27, 1996.
7. Water is to be put to beneficial use on or before February 27, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

(continued)

2. The wells authorized by Permit No. 2128-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. Plans and specifications for the wastewater system expansion need to be submitted to the Division of Environmental Regulation, DENR for review and approval.

WATER MANAGEMENT BOARD

By: _____

John H. Tate
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 25 1991

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412210

Pierre, April 20, 1990

RECEIVED OF Horse Thief Campground, Box 307, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2128-2</u> to Appropriate Water, to construct works 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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

SCALE 1" = 200'

Applic. No. 2128-2



HORSE THIEF CAMPGROUND
WELL INFORMATION

Well #1: This well has never been pumped, but we intend to get it operational this year. We have heard that it is a low yield well with high iron content water.

Location: SW1/4 SE1/4 Section 13-T2S-R4E
Total Depth: Unknown
Maximum Pump Rate: Unknown
Pump Location: Unknown
Well Casing: 4" Steel
Casing Depth: Unknown
Rock: Precambrian Schist
Well Driller: Unknown
Year Drilled: Unknown

Well #2: This is the main water supply for the campground. Good quality water.

Location: NW1/4 NE1/4 Section 24-T2S-R4E
Total Depth: 100 ft.
Maximum Pump Rate: 13 gpm
Pump Location: Approximately 80 ft.
Well Casing: 4" Steel
Casing Depth: Unknown
Rock: Precambrian Schist
Well Driller: Gene Hamm (?)
Year Drilled: 1973 (?)

Well #3: This is the water supply to the Lodge. High iron content water.

Location: NW1/4 NE1/4 Section 24-T2S-R4E
Total Depth: 156 ft.
Maximum Pump Rate: 11 gpm
Pump Location: 80 ft.
Well Casing: 4" Steel
Casing Depth: Approximately 40 ft.
Rock: Precambrian Schist
Well Driller: Gene Hamm (?)
Year Drilled: 1973 (?)

Well #4: We propose to drill a new well at this location to supplement the campground water supply.

Location: SW1/4 SE1/4 Section 13-T2s-R4E
Rock: Precambrian Schist
Well Casing: 4" Steel
Well Driller: Roy Alexander (?)

BLACK HILLS LEISURE LIVING, INC., a South Dakota Corporation, Grantor, for and in consideration of One Dollar and other valuable consideration, does hereby grant, convey and warrant to EUGENIA J. CHORD, Grantee, of Edgemont, South Dakota, all of the Grantor's right, title and interest, including that as may be hereinafter acquired in and to the following described real property in the County of Pennington and State of South Dakota, described as follows, to-wit:

EXEMPT FROM TRANSFER FEE

LULU TIN LODE CLAIM, located in the Southeast Quarter of the Southwest Quarter, the South Half of the Northeast Quarter and the Southeast Quarter of Section 11, and the Northwest Quarter of the Northeast Quarter of Section 24, Township 2 South, Range 4 East of the Black Hills Meridian, Pennington County, South Dakota, less LOT B, and including that portion of LULU TIN LODE CLAIM within TRACT 2, as shown on plat thereof recorded at Book 11 of Plats, Page 179, on September 13, 1971, in the Office of the Register of Deeds of Pennington County, South Dakota.

INCLUDING:

- A. All oil, gas and mineral estate held by Grantors.
- B. Any warranties or guarantees.
- C. Any interest in rights-of-way or easements reserved or established on other properties providing access and utility easements to the described premises.

SUBJECT TO:

- A. Easements and rights-of-way reserved or platted.
- B. All prior valid exceptions and reservations of oil, gas and minerals.
- C. Covenants, restrictions and reservations of record, if any, provided that the same are not violated by the existing improvements or the use thereof.
- D. Current 1978 real estate taxes not delinquent, which Grantee shall pay.



E. The water rights to one certain water well located in that portion of Lulu Tin Lode, West of the highway right-of-way, which is a part of Tract 2 of First Find Tin Lode, including perpetual right to remove water therefrom and to enter upon said property to service said well and an easement and right of way for water lines, a water storage tank and appurtenances thereto, leading from the adjacent property to the water well herein described, together with the right of ingress and egress over said right-of-way from the adjacent property retained by the Grantors, which hereinafter is described, to repair and maintain the pump in the well, water lines, water storage tank and appurtenances thereto which shall remain the property of the Grantors and to maintain and repair the well, all of which rights, easements and right-of-ways are reserved for the benefit of General Grant Lode; Tract 2 of First Find Tin Lode and of Lulu Tin Lode, excepting that portion of Tract 2 lying in Lulu Tin Lode, all being a portion of the First Find Group of Lode Mining Claim, M.S. #904, Pennington County, South Dakota, AND Tract D of Waco L.O. 7 and No. 9 Lodes, M.S. #1481, Pennington County, South Dakota, which real property is retained by Grantors and the reservations, easements, rights-of-way and rights created herein shall run with the land and shall be binding on all persons claiming under the Grantor and Grantee.

Grantors further covenant and agree that the herein described property is a portion of certain properties subject of one certain Contract for Deed dated June 29, 1970, between Roy E. Chord (now deceased) and Eugenia O. Chord, as Sellers, and whereon Charles J. Schmitt and Margaret M. Schmitt were the purchasers, which said purchasers rights are now assigned to your Grantors hereunder. That in reconveyance of the aforescribed real property, Grantors release Grantee of all obligations and liabilities whatsoever as pertains to the aforescribed real property only. Grantee, by execution hereof, and in consideration of this conveyance, does hereby release Grantors of all liability for performance of said contract as pertains to the herein



described real property only, and it is mutually stipulated and it is agreed that said contract shall be and is void and of no effect, and that all parties are released of liability thereunder, as pertains to the hereinabove described real property; and that in all other respects said contract shall remain in full force and effect as pertains to all other property subject to said contract, except for credit against remaining balance on said contract in the amount of the agreed purchase price for real property reconveyed by Grantors by this Deed and personal property conveyed by Bill of Sale as of this date.

RELEASE OF SECURITY INTEREST
NO TRANSFER FEE

Dated this 30th day of January 1978.

GRANTOR:

BLACK HILLS LEISURE LIVING, INC.
a South Dakota Corporation

By Charles E. Donnelly
Charles E. Donnelly
Its President

ATTEST:

James M. Schneider
James M. Schneider
Vice President and Treasurer

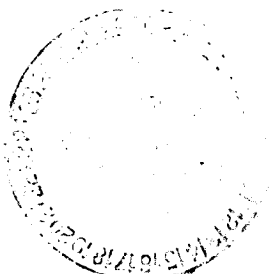
(CORPORATE SEAL)

GRANTEE:

Eugenia O. Chord
Eugenia O. Chord

STATE OF SOUTH DAKOTA.)
COUNTY OF Pennington SS.

On this the 30th day of January, 1978, before me Louis K. Freiberg, a Notary Public, personally appeared Charles E. Donnelly and James M. Schneider, who acknowledged themselves to be the President and Vice President-Treasurer respectively of BLACK HILLS LEISURE LIVING, INC., and being authorized so to do,



Mail ☐
Pickup ☒
On Hold ☐

MELY RAHN 394-4181

PERMIT # 8340

ISSUE DATE 10-5-88

BUILDING PERMIT APPLICATION

PENNINGTON COUNTY PLANNING & ZONING - 300 SIXTH STREET, RAPID CITY, S.D. 57701 - (605)394-2181

DATE OF APPLICATION: 9/2/88 ESTIMATED CONSTRUCTION COST: \$30,000 FEE: \$50⁰⁰

(X) BUILD

THE UNDERSIGNED HEREBY APPLIES TO () MOVE STORE WITH DWELLING ON 2ND FLOOR

Tract 2 of First Find Lode + Lulu Tin Lode #904 less r.o.w. + less that part of Lulu Tin Lode claim within Tract 2 (also in Sect. 24)

LEGAL DESCRIPTION: Lot - , Block - , Subdivision Name -

Located in the - 1/4 - 1/4, Sections 13+24, Township 2 South, Range 4 East, BHM

ACREAGE 8.94 ZONING H.S. MIN. SETBACKS: Front 25' Side 10' Rear 30' MAX. HEIGHT 35'

IS THIS PROPERTY LOCATED IN AN AICUZ OR AIRPORT NOISE ZONE? YES() NO(X) LDN - CUD -

IS THIS PROPERTY LOCATED IN A DESIGNATED FLOOD PLAIN? YES() NO(X) FW# - FI# -

IS THIS PROPERTY LOCATED IN A PLATTED AREA? YES(X) NO()

STAFF CONTACT NECESSARY? (Letter/Phone Call) YES() NO(X) (Attached)

ACCESS IS FROM SD 87 IS THIS A STATE/LOCAL ROAD? YES(X) NO()

Blg - 26' x 40' = 1040 x 2 = 2080^{sq} Deck = 8' x 40' + 8' x 34' = 592 x 2 = 1184

SQUARE FOOTAGE OF STRUCTURE (Include finished/unfinished basement, all floors, garage) 3264^{sq}

SOURCE OF WATER: Public () Private (X) SEWAGE DISPOSAL: Public () Private (X)

IF PRIVATE SEWAGE SYSTEM COMPLETE THE FOLLOWING: Number of Bedrooms: 2

{Septic Tank Liquid Capacity: Square/Linear Feet of Drainfield:

{Percolation Test (minutes/inch) (160 sq. ft. per Bedroom)

to be completed Spring 1989

PERRY & MELY RAHN, HORSE THIEF CAMPGROUND, P.O. BOX 307, HILL CITY

OWNER'S NAME, MAILING ADDRESS, DAYTIME PHONE NUMBER SD 574-2668

SELF

GENERAL CONTRACTOR'S NAME, MAILING ADDRESS, DAYTIME PHONE NUMBER

ALEXANDER EXCAVATING, HILL CITY, SD 57745 574-2280

DITCHING CONTRACTOR'S NAME, MAILING ADDRESS, DAYTIME PHONE NUMBER

CHRIS MONGER, HILL CITY, SD 57745 574-2164

PLUMBER'S NAME, MAILING ADDRESS, DAYTIME PHONE NUMBER

ELMER'S ELECTRIC, 202 FRANKLIN, RAPID CITY SD 343-5148

ELECTRICIAN'S NAME, MAILING ADDRESS, DAYTIME PHONE NUMBER

ALL ELECTRICAL AND PLUMBING WORK SHALL MEET STATE CODES

I hereby agree to do the proposed work in accordance with the description above set forth and in accordance with the codes/ordinances of Pennington County. I understand that this permit is void if work is not commenced within 90 days or is not completed within 2 years of date of issue

X Mely Rahn

Signature of Owner or Agent

Subscribed and sworn to before me at

Rapid City, SD, this 2nd

day of September, 1988

Notary Public

My Commission Expires: 01-01-91

to be signed Spring 1989

County Health Dept. Approval/Date

EXISTING

State/County Highway Dept. Approval/Date

Douglas G. Cook October 5, 1988

APPROVED (Staff Authorized Signature/Date)

FINAL INSPECTION (Staff Auth. Signature/Date)

BELOW DRAW: (1) North Arrow; (2) Section Lines; (3) Property Lines; (4) Streets/Access (inc. driveway); (5) Building location and setback distances from property lines; (6) Building Dimensions; (7) Easements (utility, drainage); (8) Irrigation Ditches; (9) Water and Sewer Lines OR (10) Location of Well and Septic Tank/Drainfield with distances from drainfield to buildings, property lines, public right-of-way, Class A Streams, well and ground water.

I talked to Bob Wernus on 10-5-88 regarding the septic arrangement for this store/caretaker residence. He stated that there would also be washing machines dumping into the septic system. He said that he was aware of their plans + had drawings + a letter from Perry Rahn. This Rahn info had been provided to the State and they had indicated, over the phone, no problem. Bob continued that the Rahns will have to do perc tests again as they had been dug with a backhoe, instead of a post-hole digger.

Bob + I agreed that the b.p. can be issued without his signature at this time as the Rahns do not anticipate installing the system until Spring 1989. However, once the system is in and approved, Bob will sign the permit.

I will give Bob a copy of this permit, + I will also keep a copy, to remind us of the need to monitor the septic situation. DEC 10-5-88.

STAFF COMMENTS:

HORSE TRAIL CAMPGROUND — % Perry + Mely Rahm (A,B,C)

Oct. 13, 1988 — "Perc" Test. All three holes are 3' deep, dug with a post-hole auger (6" Diam.), very close to original three holes used on 8/29/88 ("1, 2, and 3 respectively").

Measurements below are inches drop from a mark approximately 1 ft above bottom of hole:

Test Hole A		Test Hole B		Test Hole C	
Time	Drop	Time	Drop	Time	Drop
10:20 am	Full	10:22	Full	10:23	Full
10:24	1.2	10:25	1.5	10:25	0.8
10:26	2.2	10:27	2.0	10:28	1.3
10:28	2.8	10:29	2.3	10:30	1.5
10:31	3.0	10:32	2.7	10:32	2.0
10:34	3.6	10:35	3.2	10:36	2.2
10:37	4.0	10:38	3.7	10:39	2.6
10:40	4.3	10:41	4.1	10:42	3.0
10:43	4.6 refilled hole	10:44	4.5 refilled hole	10:45	3.4 refilled hole
10:47	0.7	10:48	0.8	10:49	0.4
10:51	1.2	10:52	1.2	10:53	0.8
10:55	1.9	10:56	1.6	10:57	1.3
10:59	2.4	11:00	2.3	11:01	1.6
11:03	2.9	11:04	2.6	11:05	1.9
11:07	3.3	11:08	2.9	11:09	2.2
11:11	3.6	11:12	3.2	11:13	2.4
11:15	4.0	11:16	3.5	11:17	2.7
11:19	4.3 refilled hole	11:20	4.0 refilled hole	11:21	3.0 refilled hole
11:24	0.5	11:25	0.6	11:26	0.3
11:29	1.0	11:30	1.1	11:31	0.8
11:34	1.5	11:35	1.5	11:36	1.1
11:39	2.0	11:40	1.9	11:41	1.4
11:44	2.5	11:45	2.3	11:46	1.7
11:49	2.9	11:50	2.7	11:51	2.2
11:54	3.4	11:55	3.0	11:56	2.5

$$\text{Perc. Rate} = \frac{4.6 + 4.3 + 3.4}{1 \text{ hr } 34 \text{ min}}$$

$$= \frac{16.3 \text{ in}}{94 \text{ min}} = 0.173 \text{ in/min}$$

{Equivalent to 1 inch / 5.8 min}

$$\text{Perc. Rate} = \frac{4.5 + 4.0 + 3.0}{1 \text{ hr } 33 \text{ min}}$$

$$= \frac{11.5 \text{ in}}{93 \text{ min}} = 0.124 \text{ in/min}$$

{Equivalent to 1 inch / 8.1 min}

$$\text{Perc. Rate} = \frac{3.4 + 3.0 + 2.5}{1 \text{ hr } 33 \text{ min}}$$

$$= \frac{8.9 \text{ in}}{93 \text{ min}} = 0.096 \text{ in/min}$$

{Equivalent to 1 inch / 10.4 min}

Ave. Perc. Rate = 1 inch / 8.1 min.

— PHR
10/13/88

PERRY H. RAHN, Ph. D.

Engineering Geologist

1530 FOREST HILLS DR. • RAPID CITY, SD 57701

9/27/88

Mr. Robert Wermers

Pennington Co. Planning Dept.

300 6th St.

City / School Administration Bldg.

Rapid City, SD, 57701

Dear Bob,

Here is the data I collected from a perc test at Horse Thief Campground. I dug three pits with my backhoe, each 3 ft deep. The holes took water at average rates of 0.13 in/min, 0.23 in/min, and 0.11 in/min.

As you know, we are building a new stone just west of the present stone. We need your advice on a septic system. We plan to have a laundrymat (3 washing machines) in the stone, as well as one rest-room. Upstairs there will be a bath in our living quarters.

I am thinking about a system whereby the waste would come out in one pipe to a septic tank, then overflow to a holding tank where we would pump it up to our "dump station" and thence to the sewage lagoon. Attached to the holding tank would be an outlet to a drain field to be built near the perc test area.

In the summer, the pump probe would activate the pump before water rises to the outlet. In the winter, we would disconnect the probe, and water would rise up to the outlet and then go out to the drain field.

In this way we could get rid of the voluminous water during the summer by pumping up to the lagoon, and yet the stone could be lived in all winter when we would just use the drain field.

Thanks for your help.

Sincerely,

Perry

Mon., Aug. 29, 1988 — Test Holes for sewage drain field

#1 0-1.5 ft Artificial fill (angular limestone gravel with black dirt)
 1.5-3.0 ft Dry, black dirt (silty, sandy clay loam with some angular schist cobbles)
TD 3.0 ft
 No water table

#2 0-1.0 ft Artificial fill
 1.0-3.0 ft black dirt as above, but damp
TD 3.0 ft
 No water table.

#3 same as #2

Each hole was dug by back hoe — approx. 2 ft x 4 ft dimensions

"Perc" Test:

(I used garden hose (5 gpm) to fill holes. After initial watering, the three holes were taking it at about this rate.)

#1
 2:40 pm — Filled w/ 1' deep
 2:45 1" down
 2:50 2" down
 2:55 2 1/2"
 3:00 4"
 3:05 4 1/2"
 (Refilled hole)
 3:10 — Filled up
 3:15 1"
 3:20 2"
 3:25 2 1/2"
 3:30 2 3/4"
 (Refilled again)
 3:35 — Filled up
 3:40 1"
 3:45 1 3/4"
 3:50 2 1/2"
 3:55 3"
 4:00 3 5/8"
 4:05 4 1/4"
 4:15 5 1/2"
 4:25 6"
 4:30 7 1/2" 24

$$\text{Rate} = \frac{4\frac{1}{2} + 2\frac{1}{4} + 7\frac{1}{2}}{25 + 20 + 63} = \frac{13.75}{108} = 0.127 \text{ in/min}$$

#2
 2:50 pm — Filled w/ 1' deep
 2:55 1 1/2"
 3:00 3 1/2"
 3:05 4 3/4"
 3:10 5 3/4"
 (Refilled hole)
 3:17 Filled up
 3:22 1 1/4"
 3:27 2 1/2"
 3:32 3 1/2"
 3:37 4 1/2"
 3:42 5 1/2"
 (Refilled again)
 3:48 Filled up
 3:53 1 1/2"
 3:58 3"
 4:03 3 5/8"
 4:08 5"
 4:13 5 1/2"
 4:23 7 1/2"
 4:39 10 1/2"

$$\text{Rate} = \frac{5\frac{3}{4} + 5\frac{1}{2} + 10\frac{1}{2}}{20 + 25 + 51} = \frac{21.25}{96} = 0.221 \text{ in/min}$$

#3
 3:00 pm — Filled
 3:05 1 1/4" w/ 1' deep
 3:10 1 1/2"
 3:15 1 3/4"
 3:20 2 1/2"
 3:25 2 5/8"
 3:30 3 1/4"
 (Refilled hole)
 3:38 Filled up
 3:43 1"
 3:48 2"
 3:53 2"
 3:58 2 3/8"
 4:03 3"
 4:08 3 5/8"
 4:13 4"
 4:23 4 7/8"
 4:40 6 1/2"

$$\text{Rate} = \frac{3\frac{1}{4} + 6\frac{1}{2}}{30 + 62} = \frac{9.75}{92} = 0.106 \text{ in/min}$$

[All holes dried up by 6 pm.]

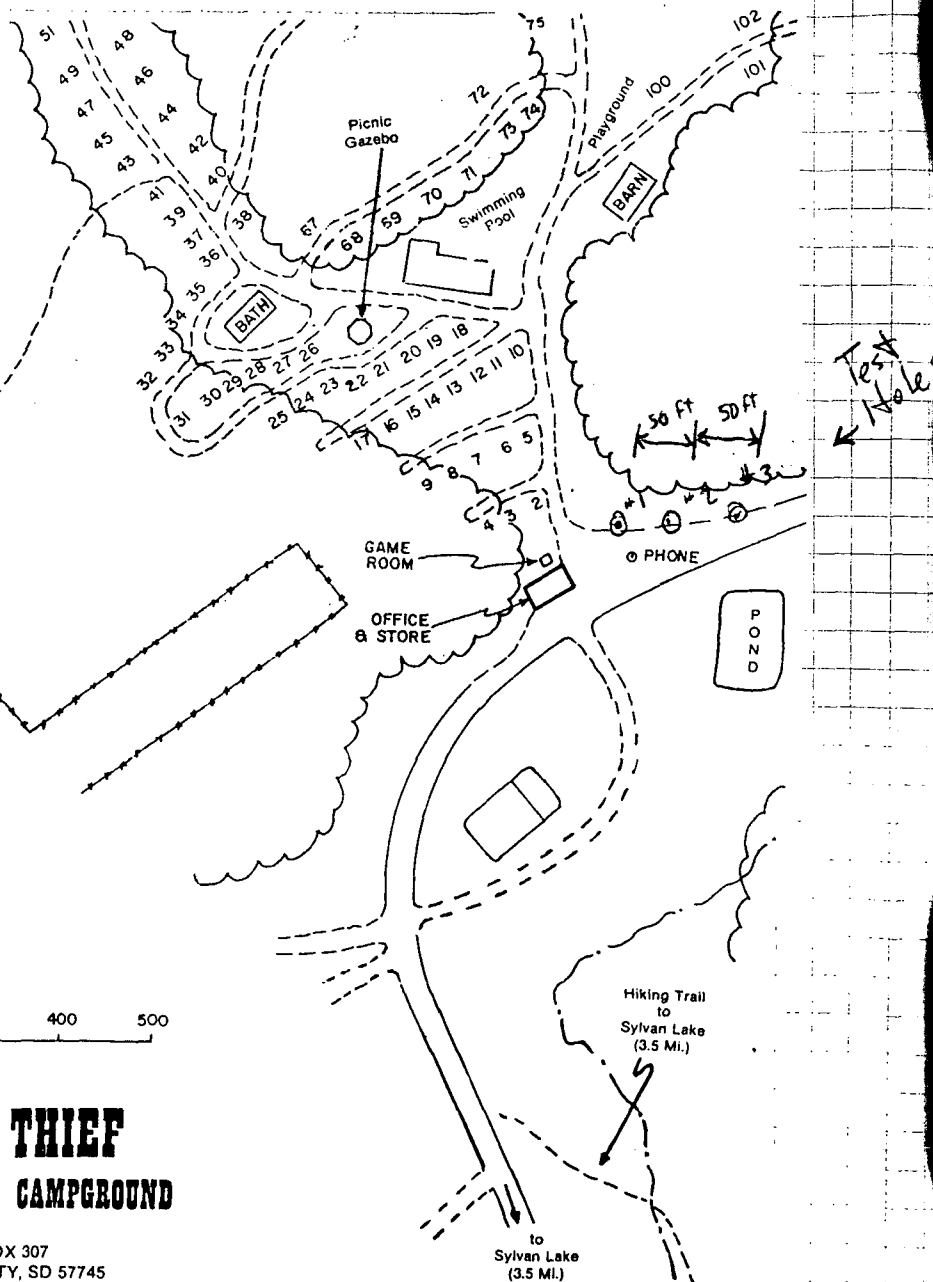


0 100 200 300 400 500
FEET



HORSE THIEF CAMPGROUND

P. O. BOX 307
HILL CITY, SD 57745
PHONE: (605) 574-2688



April 25, 1990

Horse Thief Campground
c/o Perry Rahn
Box 307
Hill City, SD 57745

Dear Mr. Rahn:

This letter is in response to your water permit application received on April 19, 1990. The following information needs to be submitted and/or clarified in order to process your application.

- 1) Is the total amount of water claimed (Item No. 2 on application) 5 gallons per minute from each well? If so, the amount of water claimed would be 0.05 cfs.
- 2) A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
- 3) The annual period of use as stated on your application is May 1 thru September 31. You may wish to amend this to year round if there is any chance that the campground will be open at other times of the year.
- 4) The legal descriptions of the points of diversion must be indicated in Item No. 4 of the application. From the map that you submitted it appears the wells are located in the following:

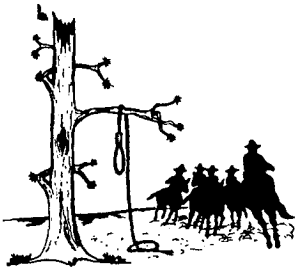
Well No. 1	-	SW1/4 SE1/4 Section 13-T2S-R4E
Well No. 2	-	NW1/4 NE1/4 Section 24-T2S-R4E
Well No. 3	-	NW1/4 NE1/4 Section 24-T2S-R4E
Well No. 4	-	SW1/4 SE1/4 Section 13-T2S-R4E

Please check these legal descriptions of the wells and let me know if they are accurate. The water permit application can not be considered by the Water Management Board until the application is complete.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enc.



HORSE THIEF RESORT

P.O. Box 307, Hill City, South Dakota 57745 • AC 605/574-2668
RECREATION CENTER • CAMPGROUNDS



May 3, 1990

Mr. Eric Gronlund, Natural Resources Engineer
South Dakota Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

This letter is in response to your letter of April 25. Here are the answers to your four questions as far as we know.

1. We have pumping information for two of the existing wells:

a. Well #1. We have no information about the pumping rate of this well. The pump has been broken since we bought the property.

b. Well #2. The maximum pumping rate of this well is 13 gpm. A pump test was run by Perry H. Rahn in 1989.

c. Well #3. The maximum pumping rate of this well is 11 gpm. A pump test was run by Perry H. Rahn in 1989.

d. Well #4. This well has not been drilled yet. We hope to complete it some time this year.

2. For wells #1, 2, and 3, we do not have either a well log or driller's test log because these wells were drilled 10 to 15 years before we bought this property. On the attached sheet, there is a list of all the facts we know about each well.

3. Please modify the annual period of use to a year around application as we discussed on the telephone.

4. The legal descriptions of the points of diversion are as you described them in your letter:

Well #1 - SW1/4 SE1/4 Section 13-T2S-R4E
Well #2 - NW1/4 NE1/4 Section 24-T2S-R4E
Well #3 - NW1/4 NE1/4 Section 24-T2S-R4E
Well #4 - SW1/4 SE1/4 Section 13-T2S-R4E

Sincerely,

Perry H. Rahn

Enclosures



Conversation or File Documentation

NAME OF PERSON OR FILE: Horse Thief CampgroundADDRESS: _____ COUNTY PenningtonDATE: 6/28/90 TELEPHONE Work 394-4181

RE: _____

COMMENTS:

Called Mrs. Rahn. Jim Goodman in researching the application found what he thought to be a permit that covered two of the wells being applied for. I told him I would follow up. ~~A~~ Permit No. 644-2 is for 1.00 cfs for the ~~S~~ Sunday Gulch weir and two groundwater wells whose legal description that matches those of well no 2 & 3 on the application. The well characteristics ~~of~~ in the file documentation matches that of the application.

Initially I did not find the permit in the computer system because the legal description had been encoded in T2N and not properly in T2S. This correction has been ~~corrected~~ made to the system.

Also the points of diversions are incorrectly licensed by referencing the two wells from the NW corner of Sect. 24 (this put the wells in the NW $\frac{1}{4}$ NW $\frac{1}{4}$) The original applic., legal notice, and new application show the wells in the NW $\frac{1}{4}$ NE $\frac{1}{4}$. I believe when licensed the reference point should have been the N $\frac{1}{4}$ section line of Section 24. This license should be reissued.

Finally, I called up Mrs. Rahn to see she concurred with my findings. The past history of ownership transferred match exactly what she said. However the names of the wells from the original permit (~~the~~ Mill House & Inn well) did not ring a bell. I decided to send the permit No. 644-2 off to them to see if they concur and she felt that would be most appropriate. I also sent transfer of ownership documents. File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Goodland



Department of Water & Natural Resources

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

June 29, 1990

Horse Thief Campground
Box 307
Hill City, SD 57745

Dear Mrs. Rahn:

This letter is in regards to the campground's water permit application and our subsequent phone conversation on June 28, 1990.

In researching existing permits in the area, staff found Water Right No. 644-2 which appropriates 1.00 cubic feet per second from Sunday Gulch Creek and two groundwater wells. The legal description of the two wells (referenced as the Mill House well and Inn well in file documentation) appears to have the same legal description as well No. 2 & 3 on your application.

From our conversation, the past history of the campground and lodge mirrors what the transfers of ownership show in the file. Also, the well characteristics between the examination of works and what was submitted with the application are nearly the same. If these wells are in fact the same wells, then a water permit may not be needed for these two wells. This is assuming that Right No. 644-2 is not subject to cancellation for any reason and that there is no increase in the diversion rate from what was originally permitted. I have made a copy of our file on Right No. 644-2, please review and advise me as to whether you concur with my findings. If so, I have enclosed a transfer of ownership form that would need to be filled out.

Also, your application would need to be amended to reflect only two additional wells (No. 1 & proposed No. 4) and any increase in the diversion rate from well No. 2 & 3 if you determine these are the same wells as described in Right No. 644-2.

I realize this may be extremely confusing, so if you have any questions while looking over the files please do not hesitate to call.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enc.

Water Rights Division - DWNR
File Documentation

Horse Thief Campground
Box 307
Hill City, SD 57745

7/16/90

Nelly Rahn called this office in regards to the water permit application for Horse Thief Campground. I had returned their application to them when it was discovered that two of the four wells that were on the application were already permitted under Permit No. 644-2. I sent it back for them to confirm that the two wells under this permit were indeed the same as on the application. Mrs. Rahn confirmed this and said she would be sending in the necessary transfer of ownership forms.

Discussion led next to how to proceed with the water permit application. Since two of the wells are already permitted they would not be included on the pending water permit application.

The total amount of water under the two permitted wells is 35 gpm of which Mrs. Rahn stated they are currently only producing about 22 gpm. Since the pending water permit application is for 45 gpm, I suggested that we amend No. 644-2 to add ~~a~~ diversion points and increase the diversion rate by 10 gpm. This would allow them to retain their priority date the 35 gpm and would receive a new priority date for the increase of 10 gpm. This is subject to the additional wells being put into the same water source as the previously permitted wells and that the 13 gpm (35 gpm - 22 gpm) was not subject to cancellation for non-use. Mrs. Rahn indicated that she would like to proceed under amending No. 644-2 to add additional diversion points and increase the diversion rate by 10 gpm.

Finally, Mrs. Rahn wanted to discuss the situation in which one of the wells is on Mr. Ray Wolcott's property (this is one of the wells permitted under No. 644-2). Supposedly, the agreement made when purchasing the well defines ownership of the well and who has rights to use the water. Mr. Wolcott had stated to Mrs. Rahn that he could put a pump down the well and would be able to pump from it and since domestic use of water takes precedence over appropriative rights that the campground's pumping could not interfere with his domestic use. He also supposedly said that I provided this information to him. The information that I provided him and as I told Mrs. Rahn is that domestic uses of water is the highest use of water and take precedence over all appropriative rights (SDCL 46-1-5) if it is exercised in a manner consistent with the public interest. The issue of use of the well as defined in the agreement between parties is a legal issue

which I couldn't address. Both parties said they wanted to send me the agreement for my review, to which in both cases my reply has been that this is a legal issue which I would not get involved in. Mrs. Rahn has a real concern that if domestic use of water takes precedence that the residences around the campground could effectively put them out of business.

I told Mrs. Rahn that I would put together a brief synopsis of our conversation for the file. I agreed to send her a copy of this file documentation.

Eric Hironaka 7/17/90



Department of Water & Natural Resources

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

July 17, 1990

Horse Thief Campground
attn: Nelly Rahn
Box 307
Hill City, SD 57745

Dear Mrs. Rahn:

As per your request, I have enclosed a copy of the file documentation from our July 16, 1990 conversation.

If you have any questions, please feel free to contact me

Sincerely,

Eric Gronlund
Eric Gronlund

Water Rights Division
605 773-3352

enc.

REPORT ON APPLICATION NO. 2128-2
FOR HORSE THIEF CAMPGROUND
August 8, 1990

This application proposes to appropriate 0.022 cfs from 2 wells approximately 100 feet deep. Water Rights No. 644-2 appropriates 1.00 cfs from Sunday Gulch Creek and 2 wells. These wells are 100 and 156 feet deep, located in the NW 1/4 NE 1/4 of section 24 T2S R4E in Pennington County and are licensed for 0.078 cfs. This application proposes to increase the diversion rate by 0.022 cfs and add two wells one existing and the other proposed both located in the SW 1/4 SE 1/4 of section 13, T2S R4E. The combined diversion rate from all four wells will be 0.1 cfs. The water is to be used for commercial purposes by the campground.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area is a metagraywacke which is described as a medium to dark gray siliceous mica schist and impure quartzite. The formation is subdivided into 3 stratigraphically distinct graywacke units where possible and this rock is a major rock unit in the southern and central core of the Black Hills (DeWitt, 1989). Ground water is found in the fractures and natural foliations within the rock. Sunday Gulch Creek is a perennial stream which acts as a potential recharge-discharge zone for ground water. In all likelihood because the stream is perennial ground water moves into the stream from the aquifer most of the time.

There are no available estimate for water in storage or for recharge rates into this aquifer. Also the Division of Water Rights does not monitor any observation wells completed into the Precambrian aquifer in this area. The nearest observation well is a recorder well located at Custer. This well shows good response to climatic conditions, that it, declining during dry conditions and rising during wet conditions (Water Rights, 1990).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing rights/permits in this area other than Water Right No. 644-2 which is for this same facility. This Right authorizes a total ground water diversion of 0.078 cfs from two wells (Mill House and Inn wells) also called #2 and #3 in the application. Interference should not be a problem. The pumping rates are small and water use is intermittent and any drawdowns caused by pumping should not be significant. Apparently these are low yield wells and this is expected for this type of rock.

CONCLUSIONS

1. Water is available from the Precambrian rock.
2. Interference should not be a problem. The relatively small pumping rates will not cause significant drawdowns.
3. The domestic well clause should be included as a qualification on this application.
4. Apparently well #2 is located on property owned by a Mr. Walcott. There is an agreement between the campground and Mr. Walcott concerning water use from this well. It is not known what this agreement is. The existing Water Right No. 644-2 establishes this well (#2, Mill House) as a diversion point for the campground. Apparently, this agreement has worked in the past and this application will not affect that agreement.
5. This facility was expanded in 1988 and the wastewater facility has not been approved by the Department. Plans and specifications for the wastewater system need to be submitted to the Division of Environmental Regulation for their review.
6. The new well authorized by this application must be completed in accordance with SD Well Construction Standard 74:02:04:30.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

DeWitt, E., etal, 1989, GEOLOGIC MAP OF THE BLACK HILLS AREA, SOUTH DAKOTA AND WYOMING, USGS MAP I-1910, US Dept. of Interior, USGS.

Water Rights, 1990, UNPUBLISHED RECORDS FOR CUSTER CITY OBSERVATION WELL, SD DWRN, Div. of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2128-2, Horse Thief Campground

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 Water Permit Application No. 2128-2, Horse Thief Campground, Box 307, Hill City SD.

The Chief Engineer is recommending APPROVAL of Application No. 2128-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2128-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 22, 1990

NOTE: Plans and Specifications for the wastewater system expansion need to be submitted to the Division of Environmental Regulation, DWNR for review and approval.



Department of Water & Natural Resources

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

August 23, 1990

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

Perry Rahn
Horse Thief Campground
Box 307
Hill City SD 57745

Dear Mr. Rahn:

Water Permit Application No. 2128-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Pennington County Prevalier printed at Hill City SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation. Please review the notice prior to publication 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

August 23, 1990

Pennington County Prevailer
Box 266
Hill City SD 57745

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2128-2 to be published twice. Please publish the first notice on or before August 30, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Horse Thief Campground, Box 307, Hill City SD 57745.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before August 30, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2128-2 to Appropriate Water
and to Amend Water Right No. 644-2

Notice is given that Horse Thief Campground, Box 307, Hill City SD 57745 has filed an application for a water permit to appropriate an additional 0.022 cubic feet of water per second (cfs) and add two additional wells. Water Right No. 644-2 appropriates 1.00 cfs from Sunday Gulch Creek and 2 wells. The wells 100 and 156 feet deep are both located in the NW1/4 NE1/4 Section 24 T2S-R4E and are permitted under Water Right No. 644-2 to divert 0.078 cfs. This application, if approved, will increase the diversion rate by 0.022 cfs and add two additional wells. The 2 wells, one existing and one proposed, are to be located in the SW1/4 SE1/4 of Section 13 T2S-R4E. The combined diversion rate from groundwater sources from Water Right No. 644-2 and this application, if approved, is 0.1 cfs (45 gallons per minute). The water is to be used for commercial purposes by the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2128-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Pennington) ss.I, Don Gerkencertify that the attached printed Notice was taken
from the Hill City PremaierA 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 Hill City

of _____

County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:8-30-909-06-90Don Gerken

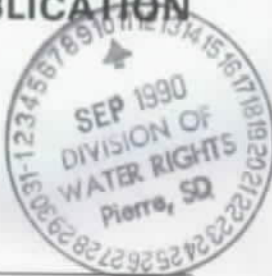
(Signature)

Managing Editor

(Title)

9-07-90

(Date Signed)

Cost of Printing: 50.78

September 8, 1990 • Page 11

responsible bidder as they so determine.

Julie A. Johnson, Auditor

END OF NOTICE

#1877 9-06-90

Notice Of
Hearingon Application No.
2128-2 toAppropriate Water
and to Amend Water

Right No. 644-2

Notice is given that Horse Thief Campground, Box 307, Hill City SD 57745 has filed an application for a water permit to appropriate an additional 0.022 cubic feet of water per second (cfs) and add two additional wells. Water Right No. 644-2 appropriates 1.00 cfs from Sunday Gulch Creek and 2 wells. The wells 100 and 156 feet deep are both located in the NW 1/4 NE 1/4 Section 24 T2S-R4E and are permitted under Water Right No. 644-2 to divert 0.078 cfs. This application, if approved, will increase the diversion rate by 0.022 cfs and add two additional wells. The 2 wells, one existing and one proposed, are to be located in the SW 1/4 SE 1/4 of Section 13 T2S-R4E. The combined diversion rate from groundwater sources from Water Right No. 644-2 and this application, if approved, is 0.1 cfs (45 gallons per minute). The water is to be used for commercial purposes by the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2128-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief

Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)". The petition maybe informal, but must include a statement of interest in the water right, a statement of the applicant's or petitioner's position or opposition to the application, and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

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

#1870 8-30, 9-06-90

WARDER LAW OFFICE
ROBERT A. WARDER
ATTORNEY AT LAW
107 ELM STREET • BOX 10
HILL CITY, SOUTH DAKOTA 57745
(605) 574-4112

September 20, 1990



Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501

Horse Thief Campground
Box 307
Hill City, SD 57745

Re: Objection to Application #2128-2 to Appropriate
Water and to Amend Water Right No. 644-2

Gentlemen:

Enclosed please find the Objection to the above
entitled Application being submitted by the Petitioner, Raymond
H. Wolcott.

This is intended as service by mail upon you. Thank
you very much.

Very truly yours,


Robert A. Warder

RAW:dw
Enc.

OBJECTION TO APPLICATION #2128-2 TO APPROPRIATE WATER
AND TO AMEND WATER RIGHT NO. 644-2



COMES NOW the Petitioner, Raymond H. Wolcott, and objects to the Application to Appropriate Water and to Amend Water Right. Said Raymond H. Wolcott has property located in the immediate area. There is a controversy as to the existing well on the property. He has his house on said property. At the present time, this is his only source of water.

Raymond H. Wolcott wishes to file Application to drill a well for residential purposes if the existing controversy on the existing well is not resolved. The increased diversion rate, plus the two additional wells, will have a detrimental affect upon him obtaining water for residential purposes.

Due to the time involved, the Petitioner herein hereby requests that the hearing on this Application be delayed until such time as he and his attorney can be present at a Board hearing.

Robert A. Warder
Attorney for Raymond H. Wolcott
107 Elm - P.O. Box 10
Hill City, SD 57745
(605) 574-4112



Department of Water & Natural Resources

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

September 24, 1990

NOTICE

TO: Perry Rahn
Horse Thief Campground
Box 307
Hill City, SD 57745
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Automatic Delay of Hearing on Water Permit Application
No. 2128-2

A petition opposing Water Permit Application No. 2128-2 has been filed by Robert Warder, attorney acting on behalf of Raymond Wolcott. The petition also requests postponement of the hearing. Therefore, the hearing on Application No. 2128-2 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 3, 1990.

The Water Management Board will now consider Application No. 2128-2 on December 5, 1990 at 11:30 am in the Deerfield Room, Hilton Inn, 445 Mt. Rushmore Road, Rapid City, SD. The agenda time is an estimate. The actual time of hearing may be later than 11:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on August 30 and September 6, 1990 in the Hill City Prevalier will still apply at this hearing.

cc: Water Management Board
John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

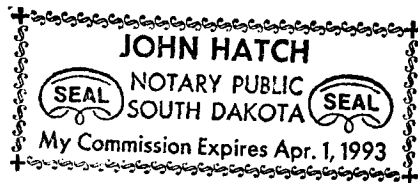
I hereby certify that on September 24, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Automatic Delay of Hearing on Water Permit Application No. 2128-2 addressed as stated on the attached list.

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of October, 1990.

John Hatch
Notary Public



9/21/90
(date)

page

Parties of Record before Water Management Board for Water Permit
Application No. 2128-2, Horse Thief Campground

Proponent

Perry Rahn

Horse Thief Campground

Box 307

Hill City, SD 57745

Opposition

Ray Wolcott

304 4th St

Edgemont, SD 57735

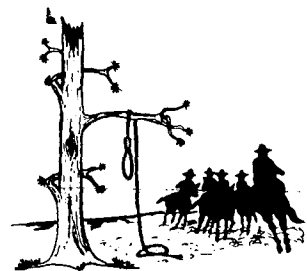
(attorney)

Robert Warden

107 Elm Street

Box 10

Hill City, SD 57745



HORSE THIEF RESORT

P.O. Box 307, Hill City, South Dakota 57745 • AC 605/574-2668
RECREATION CENTER • CAMPGROUNDS

October 28, 1990



Mr. Eric Gronlund
Water Rights Division
South Dakota Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501

Dear Mr. Gronlund:

As per our telephone conversation, enclosed is a copy of the warranty deed on file at the Pennington County Courthouse. In this warranty deed, Black Hills Leisure Living, Inc. returned to Eugenia Chord its interests in the Lodge property (Lots A and C of Lulu Tin Lode Claim) plus that portion of Lulu Tin Lode Claim within Tract 2, which is the property which Ray Wolcott owns now.

The section which deals with the water well is item E. under the paragraph headed "SUBJECT TO:".

If you need further information, please do not hesitate to contact me. My day time phone number is 394-4181.

Sincerely,

Mely Rahn
Mely Rahn

Enclosure





DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

December 11, 1990

NOTICE

TO: Perry Rahn
Horse Thief Campground
Box 307
Hill City, SD 57745
(and Parties of Record)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Water Permit Application No. 2128-2. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, Meeting Room, Governor's Inn, 700 W Sioux, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorney (copy enclosed) by February 7, 1991. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorney by February 18, 1991.

The public hearing was completed December 5, 1990. No additional testimony will be received on February 27, 1991.

cc: John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

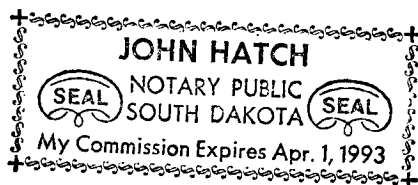
I hereby certify that on December 11, 1990, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice regarding Water Permit Application No. 2128-2 addressed as stated on the Notice.

Jaci Konop

JACI KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Hatch
Notary Public



GREAT FACES. GREAT PLACES.

January 23, 1991

10.3 Pennington County

MELY RAHN
1530 FOREST HILLS DRIVE
RAPID CITY SD 57701

Dear Ms. Rahn:

The Department of Water and Natural Resources (DWNR) is in receipt of the plans and specifications of the on-site wastewater treatment system serving the Horse Thief Campground Store located near Hill City, South Dakota. The plans and specifications have been reviewed for compliance with South Dakota's "Individual and Small On-site Wastewater Systems" regulations.

The results of this review process indicates that the wastewater treatment system serving the campground store, laundry and two bedroom residence is in compliance with the minimum regulatory requirements and is hereby approved. The DWNR would like to point out that the absorption system is designed to accommodate 1100 gallons of wastewater per day and the system is currently receiving an anticipated maximum daily flow of 1112 gallons per day. As a result, the system shall receive no additional flows to ensure that it will remain in compliance with design criteria.

The lifetime of this system is dependent upon proper construction and maintenance. If you have any further questions or comments, please feel free to contact this Office at (605) 773-3351.

Sincerely,

Raymond F. Birchem, P.E.

Raymond F. Birchem, P.E.
Staff Engineer
Division of Environmental Regulation

cc: Eric Gronlund, DWNR-DWR
Bill Baer, DWNR-DER
Gary Stephenson, DWNR-BHRO
Doug Kozel, Department of Health
Bob Wermers, Pennington County



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

AMENDED NOTICE

TO: Perry Rahn
Horse Thief Campground
Box 307
Hill City, SD 57745
(and Parties of Record)

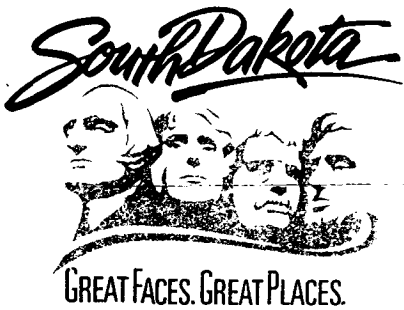
FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision for Water Permit Application No. 2128-2

The Notice of December 11, 1990, failed to include the date of the Water Management Board meeting at the Governors Inn in Pierre. This Amended Notice is to advise the parties that the Board will consider Findings of Fact, Conclusions of Law and Final Decision at 1:00 pm, February 27, 1991, Meeting Room, Governors Inn, 700 W Sioux, Pierre, SD.

Applicable provisions of the Notice of Preparation of Findings of Fact, Conclusions of Law and Final Decision dated December 11, 1990, will still apply at this time.

cc: John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 12, 1991

NOTICE

TO: Perry Rahn
Horse Thief Campground
Box 307
Hill City, SD 57745
(and Parties of Record)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for Water Permit Application No. 2128-2 which was considered at the February 27, 1991, meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 12, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 2128-2 addressed as stated on the Notice.

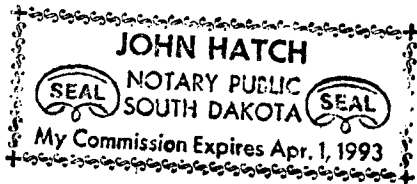
Jaci R. Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1991.

John Hatch
Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
FOR WATER PERMIT NO. 2128-2,	)	CONCLUSIONS OF LAW
HORSE THIEF CAMPGROUND	)	AND FINAL DECISION

FINDINGS OF FACT

I

This is an application to appropriate .022 cfs from two wells approximately 100 feet deep in Pennington County for use in a campground.

II

Water Right No. 644-2 presently appropriates .078 cfs from two wells which service the campground. The same water right also appropriates certain water from Sunday Gulch Creek but that is not of importance here.

III

This application proposes to increase the groundwater diversion right of .078 cfs by .022 cfs by adding two wells (one existing and the other proposed). The combined diversion rate for all four wells would then be .1 cfs.

IV

There is no contention that water is not available in the Precambrian rock fractures and natural foliations.

V

One of the existing wells permitted under Water Right No. 644-2 is located on the property of a Mr. Wolcott; an agreement, however, gives the campground, the applicant

here, the right to use that water. Mr. Wolcott admits that the campground has the right to use the water from well at issue by virtue of this agreement. Nonetheless, Mr. Wolcott desires to come to an agreement with the applicant for use of this well water. Proposals made to date have not been mutually satisfactory to the parties.

VI

The failure of the applicant to come to an agreement with Mr. Wolcott on the use of the well at issue does not cast doubt on whether this permit is within the public interest.

CONCLUSIONS OF LAW

I

The Board has jurisdiction of this matter.

II

There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.

III

The proposed diversion can be developed without unlawful impairment of existing rights.

IV

The proposed use, in a campground, is a beneficial use.

V

The proposed use is in the public interest as qualified below, despite the failure of the opponent of the

permit and the applicant come to an agreement for use of water from the well at issue.

FINAL DECISION

The application for Water Permit No. 2128-2 is granted subject to the following conditions:

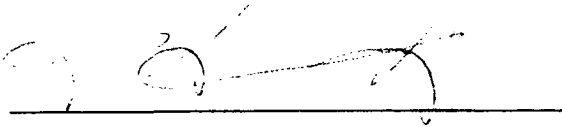
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells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

2. The wells authorized by Permit No. 2128-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.

3. Plans and specifications for the wastewater system expansion need to be submitted to the Division of Environmental Regulation, DENR for review and approval.

Dated this 17 day of March, 1991.

BY THE BOARD:



c-pld5.jpg



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

APR 25 1991

Perry H. Rahn
Horse Thief Campground
Box 307
Hill City, SD 57745

Dear Mr. Rahn:

Enclosed is Water Permit No. 2128-2 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 16 2010

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 2128-2Date: February 12, 2010

I/We request that Water Right/Permit No. 2128-2 formerly owned by:
HORSE THIEF CAMPGROUND be transferred to:

New Owner Name: PAHA SAPA ADVENTURE, L.L.C.Address: 24391 HIGHWAY 87City, State, Zip HILL CITY SD 57745 Telephone No. _____

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

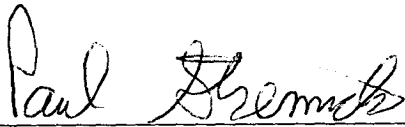
NW1/4 NE 1/4 of Section 24, and the SW1/4SE1/4 of Section 13, Township 2 South, Range 4 East
of the Black Hills Meridian, Pennington County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 2128-2 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, PAHA SAPA ADVENTURE, L.L.C., the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 20 10

RECEIVED OF First American Title (PahaSapa Adventure) 24391 Hwy 87 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 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>2128-2</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.

04480

By

Sandra Erbele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2010

Paul Stremick
Paha Sapa Adventure LLC
24391 Hwy 87
Hill City SD 57745

Dear Mr. Stremick:

I am writing to acknowledge receipt of the ownership change filed for Water Right No. 644-2 and Water Permit Nos. 2128-2 and 2558-2.

The transfer of each has been completed. Nos. 644-2, 2128-2 and 2558-2 formerly held by Horse Thief Campground and Resort LLC are now listed in the name "Paha Sapa Adventure LLC".

The receipts for the filing fees are being forwarded with a copy of this letter to First American Title Company in Rapid City.

If you have any questions, please contact me.

Sincerely,

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

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

c: First American Title Company, PO Box 8181, Rapid City SD

-----Original Message-----

From: Cyndi Goetze [mailto:cyndig@taxcrew.com]
Sent: Friday, February 26, 2010 4:31 PM
To: McMath, Genny
Subject: Re: Horse Thief Campground and Resort, LLC

Hello,

The PO Box is PO Box 307, Hill City, SD 57745.

Cyndi

----- Original Message -----

From: Genny.McMath@state.sd.us
To: cyndig@taxcrew.com
Sent: Friday, February 26, 2010 8:11 AM
Subject: RE: Horse Thief Campground and Resort, LLC

I sent a letter to the new owner and it came back in the mail from the post office. Do you have any additional info I could use?

Letter went to:

Paul Stremick
Paha Sapa Adventure LLC
24391 Highway 87
Hill City SD 57745

Genny

-----Original Message-----

From: Cyndi Goetze [mailto:cyndig@taxcrew.com]
Sent: Tuesday, February 23, 2010 12:42 PM
To: McMath, Genny
Subject: Re: Horse Thief Campground and Resort, LLC

Hi Genny,

The contact person for Paha Sapa Adventure LLC would be Paul Stremick or Julie Stremick-- they are both managing members of the LLC.

The address for First American Title Company is: PO Box 8181, Rapid City, South Dakota 57709-8181

Glad to help--have a good day.

2128-2

**DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

L A W Y E R S

**P.O. BOX 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701-2703**

**MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH, ATTORNEY AT LAW, P.C.
ROGER A. TELLINGHUISEN**

May 29, 2018

**TELEPHONE
605-342-2814**

**FAX
605-342-0732**

**Department of Energy & Natural
Resources
523 East Capitol Avenue
Pierre, SD 57501**

**RECEIVED
MAY 31 2018
WATER RIGHTS
PROGRAM**

Gentlemen:

Enclosed herewith please find three Notice of Transfer of Ownership and our check for \$150 to cover the filing fee.

Very truly yours,

/s/ Richard E. Huffman

**REH/tls
Enclosure**

**Richard E. Huffman reh@demjen.com
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 2128-2Date: February 12, 2010

I/We request that Water Right/Permit No. 2128-2 formerly owned by:
PAHA SAPA ADVENTURE, L.L.C. be transferred to:

New Owner Name: MOS-AMS, LLCAddress: 24391 HIGHWAY 87City, State, Zip HILL CITY SD 57745 Telephone No. _____

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

NW1/4 NE 1/4 of Section 24, Township 2 South, Range 4 East of the Black Hills Meridian,
Pennington County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 2128-2 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, MOS-AMS, LLC, 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.

RECEIVED

MAY 31 2018

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 5

, 20 18

Demersseman Jensen Tellinghuisen & Huffman, LLP PO Box 1820 Rapid City 57709

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	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 _____ 2128-2		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08652**

By

Jeanne Goodman
Chief Engineer

2471

2128-2



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **MOS-AMS, LLC**

General Information

SOS Business ID DL147767
Filing Type: Limited Liability Company - Domestic
05/03/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

RICHARD E. HUFFMAN
516 FIFTH STREET
RAPID CITY, SD 57701

Principal Address

24391 SOUTH HIGHWAY 87
HILL CITY, SD 57745

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

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
05/03/2018	Initial Filing	B0060-4591

File No. 644-2

2128-2

2558-2 ✓

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Richard Huffman, Attorney w/DeMersseman, Jensen, Tellinghuisen & Huffman LLP, PO Box 1820, Rapid City SD 57709-1820

DATE: June 11, 2018

RE: ownership changes for Water Permit/Right Nos. 644-2, 2128-2 and 2558-2

COMMENTS:

The water permits/rights held by Paha Sapa Adventure LLC are being transferred to MOS-AMS LLC. I emailed Mr. Huffman because his firm had paid the filing fee and submitted the ownership changes on behalf of MOS-AMS LLC to find out a contact person to be used for correspondence and also to find out the correct mailing address.

Mr. Huffman responded to my email indicating Mark Stansberry should be listed as the contact person. The address to use for day-to-day correspondence can be directed to PO Box 307, Hill City SD 57745-0307.



Genny McMath
Water Rights Program

2128-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 11, 2018

644-2
2128-2
2558-2

Mark Stansberry
MOS AMS LLC
PO Box 307
Hill City SD 57745-0307

Dear Mr. Stansberry:

Recently, the law firm of DeMersseman, Jensen, Tellinghuisen and Huffman submitted transfer forms and filing fees for use in changing ownership on Water Right Nos. 644-2 and 2558-2 and Water Permit No. 2128-2.

The ownership changes have been completed. The above listed numbers formerly held by Paha Sapa Adventure LLC are now listed in the name of MOS-AMS LLC.

Receipt Nos. 08691, 08692 and 08693 in the amounts of \$50 each are being sent by copy of this letter to the law firm.

If you have any questions concerning the water permit and water rights, please let us know.

Sincerely,

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

c: Richard Huffman, DeMersseman, Jensen, Tellinghuisen and Huffman w/receipts

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2128-2

I have this day, June 23, 2017 made a thorough examination of the water use system constructed for Horse Thief Campground and now owned by MOS-AMS LLC, P.O. Box 307, Hill City, SD 57745 of Permit No. 2128-2, bearing the priority of 4/19/1990 authorizing the diversion of 0.022 cu. ft. per second of the water and two additional wells for commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Paul Stremick, (owner at the time of inspection)** Horse Thief Campground
24391 Hwy 87, Hill City, SD

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown (1960's ?)
- 2) Well No. #1 (per application)
- 3) Depth Unknown feet
- 4) Well log No

Well Drilling Firm: Gene Ham ?(1973)

Well No. 2 (per application)

Depth 100 feet

Well log No

Casing:

- 1) Diameter 6 inches
- 2) Length Unknown feet
- 3) Type Steel

Diameter 6 inches

Length unknown feet

Type Steel

Screen:

- 1) Type ---
- 2) Length --- feet
- 3) Static water level --- feet

Type open hole ?

Length --- feet

Static water level 10 feet

Pump:

- 1) Make -----
- 2) Model -----
- 3) Size ---
- 4) Capacity -----
- 5) Horsepower rating ----- hp

Make Unknown

Model Unknown

Size 4" ?

Capacity 13 GPM (per P. Rahn test pump)

Horsepower rating - hp

Note: Well #1 was not operational at the time of permit application in 1990. There has been no work done on this well since 1990 and the current owner does not know if there is a pump installed or any details of the well. It has a water tight cap and considered temporarily abandoned. Well # 2 is used year round for the facility and supplements a 2004 well which is seasonal use only, used when campground is operational (permit # 2558-2). Well #4 proposed on the Permit # 2128-2 was not drilled. Permit # 2128-2 should have been issued for 3 additional wells (2 existing and 1 proposed), all located in the SW ¼ SE ¼ Section 13 T2S R4E.

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

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

C. Works used to apply water to beneficial use:

Well #2 is used year-round to supply a mobile home and the campground, store and shower house during the summer season. During the summer season well #2 supplements a 2004 well which is authorized by permit # 2558-2 to supply the entire facility.

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the points of diversion located as follows:

Well #1

590' N and 2,062' W of the SE corner Section 13 T2S R4E (43.870284, -103.585767)

Temporarily abandoned - will not be included on water license.

Well #2

15' S and 1,891' W of the NE corner Section 24 T2S R4E (43.868623, -103.585145)

2. The works are capable of diverting and conveying to the place of use .029 cu. ft. per second (13 gpm) of water which is to be used for **commercial** use. The license should be issued for **.022 cfs (amount permitted)**.
3. All structures, wells and lands on map – **No, wells only**

F. Comments or other permit(s) associated with the project:

Water Right 644-2 appropriated 1.0 cfs from Sunday Gulch Creek and two wells with a total diversion rate of .078 cfs. The survey information as submitted on application 644-2 appears to be for wells identified as the "Millhouse well" and well #3. The "Millhouse well" is still known by that name by local residents and is currently owned by the Beuller family corporation and is not believed to have ever supplied or been connected to the campground. Well #3 which formerly supplied the Horse Thief Lodge is now a private residence owned by Bob Irvine. Water Right 644-2 also authorized 1 cfs from Sunday Gulch for commercial use of a swimming pool, a fish pond and recreation. The diversion point in Sunday Gulch and the location of the pond is the Irvine property also.

Water Permit 2128-2 increased the diversion rate authorized by 644-2 by .022 cfs and added two wells (one existing and one proposed). Since only one of the Horse Thief wells licensed under Water Right 644-2 served the campground, Water Permit 2128-2 should have added three wells (two existing wells #1 and #2 and one proposed well #4). The combined diversion rate authorized from groundwater sources from Water Right 644-2 and Permit 2128-2 was 0.1 cfs (45 gpm). Permit # 2128-2 is to be licensed for one well located in the NW ¼ SE ¼ Section 24 T2S R4E and a diversion rate of .022 cfs.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 6/26/2017

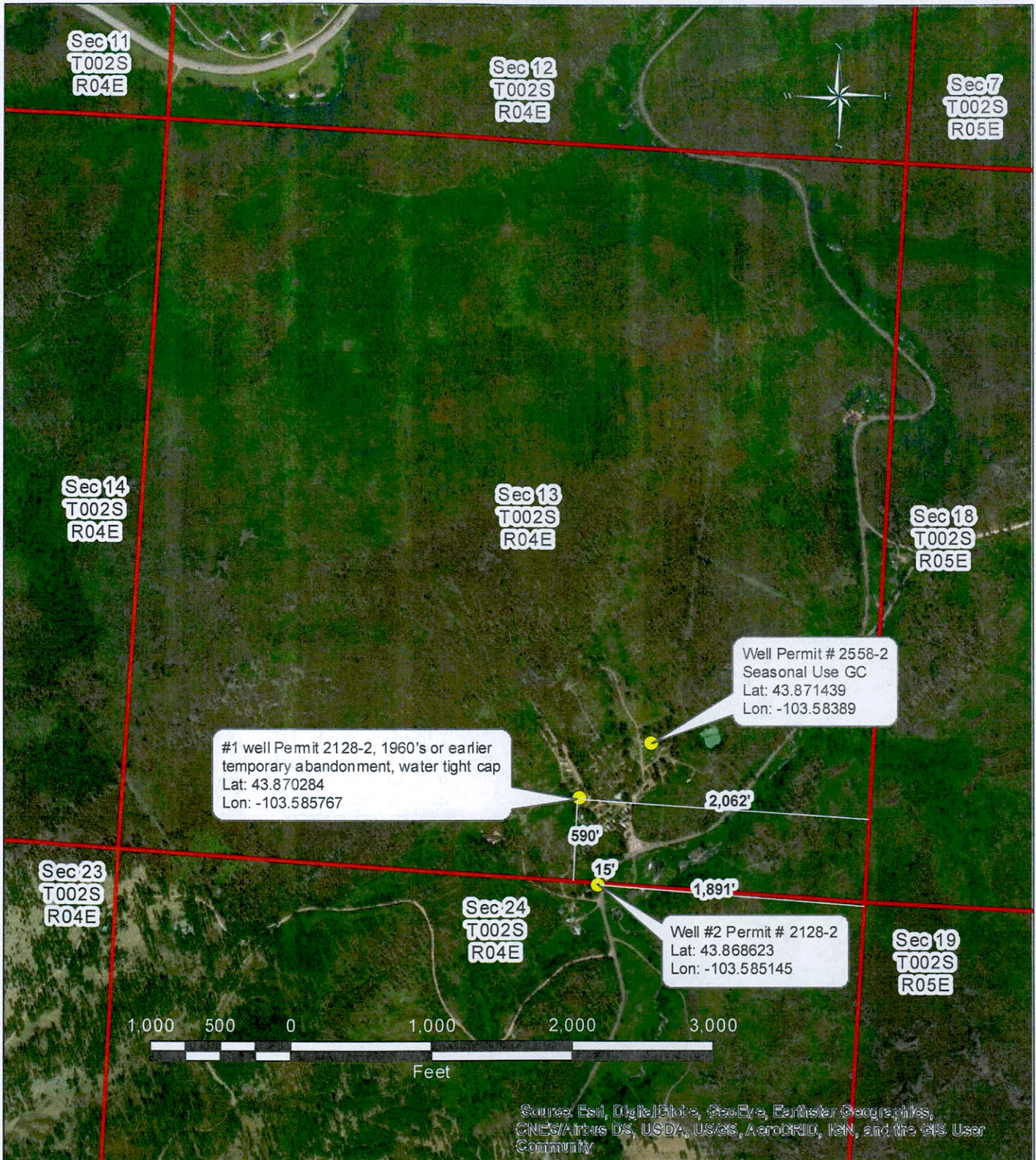


Well # 1 (temporarily abandoned)



Well #2 Year round facility use, mobile home in background

Water Right #2128-2
Paha Sapa Adventure LLC
6/23/2017



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Approval of Location Change of Diversion Point

NAME: MOS-AMS llc – Mark Stansberry

ADDRESS: PO Box 307, Hill City SD 57745

DATE: June 25, 2019

COUNTY: Pennington

TELEPHONE: xx

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Water Permit No. 2128-2 appropriates 0.022 cubic feet of water per second (10 gpm) from two additional wells to be completed into the Crystalline Rock to be located in the SW ¼ SE ¼ Section 13-T2S-R4E. The licensing investigation found one of the wells located in the NW ¼ NE ¼ of Section 24-T2S-R4E. The well in Section 13 is currently not in use and is temporarily abandoned. The well in Section 24 is the primary well in use.

The water permit was affiliated with two existing wells that appropriated water from two wells. Also there is another well in the area that is now used just for a private residence for domestic use.

- **Developed water source same as permitted source and no additional water appropriated**

The wells are completed in the Crystalline Rock. The water permit is for 0.022 cfs (10 gpm). However, a prior owner's test found 13 gpm being produced. The license can only be issued for 0.022 cfs unless the owner comes in for additional water.

- **If irrigation, no new land is irrigated**

Not applicable – the water permit is issued for commercial use.

- **Review of Existing Diversions**

There are a number of Crystalline Rock wells in relatively close proximity of one another at this location. The wells have been in place for many years without known interference. In addition, this change in well location is 15 feet from the section line between Section 13 and 24. If the well was 15 feet north of its present location it would be in the location identified on Water Permit No. 2128-2.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.

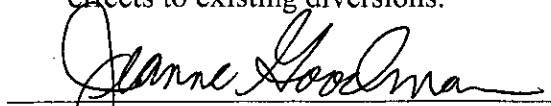


Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location of one of the diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer

Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 04 2019

2128-2

Mark Stansberry
MOS-AMS LLC
PO Box 307
Hill City SD 57745-0307

Dear Mr. Stansberry:

Enclosed is Water License No. 2128-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is written in a cursive, flowing style.

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2128-2

(1) Horse Thief Campground, Hill City, SD 57745 made Application No. 2128-2, April 19, 1990 for a water permit to divert 0.022 cubic feet of water per second from ground water, two wells (Crystalline Rock), Pennington County, South Dakota for commercial purposes. Permit No. 2128-2, with a priority date of April 19, 1990 was approved February 27, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 27, 1996 and for the application to beneficial use of water on or before February 27, 2000.

Ownership changes filed with the water permit:

- February 16, 2010, transferred from Horse Thief Campground to Paha Sapa Adventure LLC;
- May 31, 2018, transferred from Paha Sapa Adventure LLC to MOS-AMS LLC.

An investigation for licensing purposes found well #1 has not been operational since 1990 and is considered abandoned. Well #2 (is used year-round for the facility and supplements a 2004 well which is seasonal and used when the campground is operational (see Water Right No. 2558-2). Both wells were permitted for the SW ¼ SE ¼ Section 13. Well #2 is located 15 feet south of the section line and is in the NW ¼ NE ¼ Section 24, T2S, R4E.

Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and the application of water to beneficial use and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well #2: 15'S and 1,891' W of the NE corner Section 24 T2S R4E (NW ¼ NE ¼)
Latitude: 43.868623, Longitude -103.585145

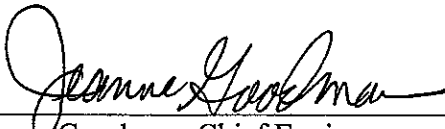
(3) Pursuant to South Dakota Water Law 46-5-30.1 MOS-AMS LLC, PO Box 307, Hill City SD 57745 the holder and/or owner of Water Right No. 2128-2 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water, one well (Crystalline Rock) with a priority date of April 19, 1990 from the location specified in (2) of this license for commercial purposes at the Horse Thief Campground.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2128-2 and subject to the following qualifications:

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

continued

- The well authorized by Permit No. 2128-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *No well log available for this well.*
- Plans and specifications for the wastewater system expansion need to be submitted to DENR for review and approval. *The plans and specifications for the wastewater system were approved.*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 04 2019

date

