

Considered: _____

WATER PERMIT NO. 2149-2

Phone: 574-2416

Name of Applicant: Pine Rest Cabins

Post Office Address: PO Box 377, Hill City SD 57745

Amount of Water Claimed: 0.03 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About _____ miles _____ of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-19-90 Fee: 50.00 Remarks _____

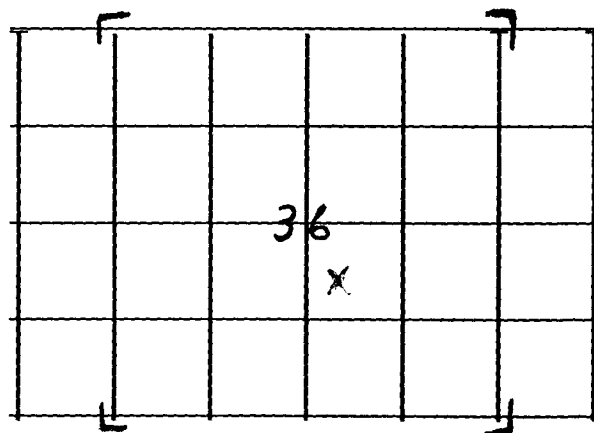
Corrected Application Received 12-6-90 Period of Annual Use May 1 - Dec 31

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

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

Diversion Point: ^WNE 1/4 SE 1/4 Sec 36-T1S-R4E

Land to be Irrigated: _____



Well Log: Driller: Alexander Drilling Licensed YES X NO _____

Depth of Well: 307' REMARKS _____

Type of Map: topo PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on 12-18-90 By Karen Schlaak

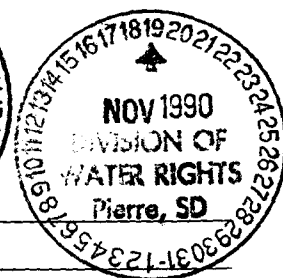
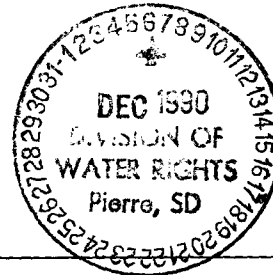
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 2149-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Pennington Co News Prevailer, Box 266
Hill City, SD (Thurs)

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant PINE REST CABINS Phone No. 574 2416Post Office Address PO Box 377 Hill City State SD. 57745
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 12 GPM 0.03 cfs3. Source of water supply GROUND WATER (WELL)4. Location of point of diversion N~~E~~ 1/4 of SE 1/4 sec 36 T15 R4ECounty PENNINGTON5. Counties where water will be used PENNINGTON6. Annual period during which water is to be used MAY 1 to Dec 31

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)

WATER USED FOR CABIN OPERATION

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, Gary R Colby 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 X Gary R ColbySubscribed and sworn to before me this 5th day of Dec. 1990.

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

**SOUTH DAKOTA
WATER PERMIT No. 2149-2**

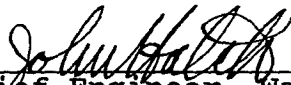
Date of first receipt of application November 19, 1990.

Date of receipt of corrected application December 6, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2149-2 to Pine Rest Cabins, PO Box 377, 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. 2149-2 appropriates 0.03 cubic feet of water per second from one well (Precambrian Rock) 307 feet deep located in the NW 1/4 SE 1/4 Section 36-T1S-R4E.
2. The water appropriated shall be used for the purpose of supplying water to the cabins 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 of approval of Permit No. 2149-2 is May 1, 1991.
5. The date from which applicant may claim right is November 19, 1990.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 18 1991
(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction *See well completion Report*

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 307' On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

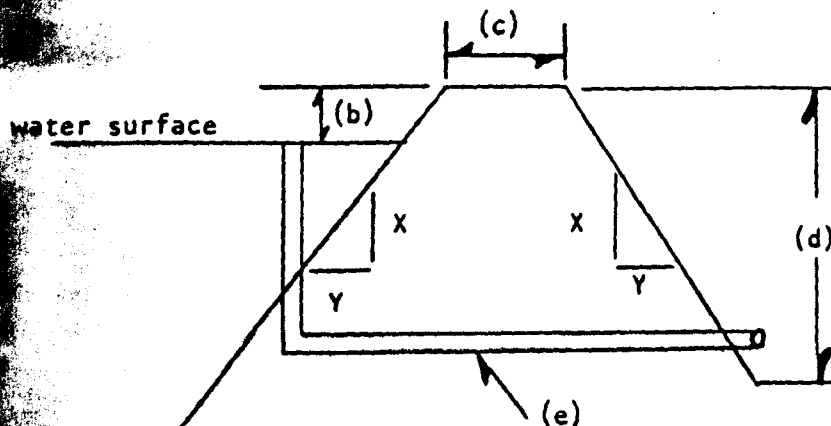
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____





Department of Water & Natural Resources

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

October 18, 1990

PINE REST MOTEL
HILL CITY SD 57745

Dear SIR :

A well drillers report filed with this office by ALEXANDER DRILLING CO indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water permit application.

Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by 11/19/90.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Regan Fanning, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Pine Rest Cabins

ADDRESS: _____ COUNTY _____

DATE: 6/12/91 TELEPHONE _____

RE: _____

COMMENTS:

When ~~was~~ writing the permit I could not find where a letter was sent to the applicant for corrections to the application to complete the application. I believe once we received the application Regan Fanning had scheduled a trip to the hills during the December WMR mtg and she stopped in a personally told the applicant of the deficiencies and helped him to correct the application.

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 Handberg



ALEXANDER DRILLING COMPANY

P.O. BOX 615
HILL CITY, SOUTH DAKOTA 57745
(605) 574-4200

NAME <i>Pine Rest</i>		DATE OF ORDER <i>8-1-89</i>			
ADDRESS <i>Si Hill City</i>		PHONE			
<i>Hill City, S.D. 57745</i>		DATE PROMISED			
JOB NAME/LOCATION		ORDER TAKEN BY			
DESCRIPTION OF WORK <i>Well Drilling Pump Installation</i>		☐ DAY WORK ☐ CONTRACT ☐ EXTRA			
QTY.	DESCRIPTION	PRICE	AMOUNT		
1	10515-21 pump		700.00		
280	1' sch. 80 Drupp Pipe	1.00	280.00		
1	Pump Control		80.00		
1	Forpus Adapter		15.00		
1	1" inline CK Valve		20.00		
1	6x1 Spool		20.00		
300	200 lb Ditch pipe	1.80	240.00		
1	Tank tee		16.00		
1	1" Brass Bull Valve		20.00		
1	1 1/4" PUC Male Adapt.		5.60		
3	1 1/4" PUC Bush x 1"	1.22	20.00		
1	pus. switch		5.00		
1	pus. ga.		5.00		
1	1/2" Bib.		5.00		
1	3/4 x 1" Brass Male Adapt.		4.50		
1	1 1/2 x 6" galv. n.p.		1.50		
1	1" steel cplg.		1.60		
		MTL.	1434.70		
		Sales tax MTL.	57.39		
LABOR		HOURS	RATE	AMOUNT	TOTAL MATERIALS
Inst Pump		6 1/2	60.00		390.00
					1882.09
WORK ORDERED BY		TOTAL LABOR			TAX
					37.64
WORK ORDER		DATE COMPLETED		Thank You TOTAL	
1164				1919.73	
SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)					
<i>Pump Installation</i>					

PRODUCT 621-3 (REV) Inc., Groton, Mass. 01471.





P.O. BOX 615
HILL CITY, SOUTH DAKOTA 57745
(605) 574-4200

PRODUCT 621-3 (News) Inc., Canton, Mass. 01421

SOUTH DAKOTA WATER WELL COMPLETION REPORT

21492 10-85

Location NE 1/4 Sec 36 Twp 1 So. Rg 4 E

County

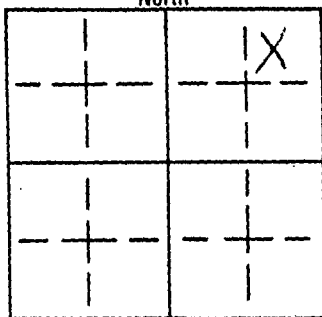
YONN

North

W

E

Please mark well location with an "X"

1/2 mi So. Hill City

1 mile

Well Owner:

Name

Pine Rest Motel

Address

Hill City, SD

Well Log:

Depth

Formation

From

To

Drift030Schist Hd. grey30130Schist w/ gtz. H₂O 7 ppm130135Schist Hd. grey135240Quartz - H₂O - 12 ppm240242Schist Hd. grey242307Well Completion Date 8-1-87

PROPOSED USE:

- ☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Downhole Hammer

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe 40' - 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>6</u>	IN <u>6</u>	FT <u>0</u>	FT <u>40</u> (39)	IN <u>8</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 5-30 FEETWhat is grouting material? 1 1/2" ETLIf cement, number of sacks? 4Describe grouting procedure Traverse PipeWhat was grout weight? 14 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NOIf so, what material? Coc Set Hdr Rock

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine SolutionBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

STATIC WATER LEVEL 100' ± Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped 4 1/2 12" gpm☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS: InstalledThis well was drilled under license # 324

And this report is true and accurate.

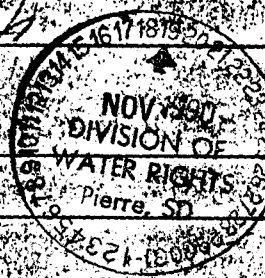
Drilling firm Alexander Drilling Co

Signature of License Representative:

Ray Alexander

Signature of Well Owner:

Date _____



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412429

Pierre, November 19, 19 90

RECEIVED OF Pine Rest Cabins, Gary Colby, Box 377, Hill City SD 57745

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

Fee for Application for Permit No. <u>2149-2</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

REPORT ON APPLICATION NO. 2149-2
AND VESTED RIGHT APPLICATION NO. 2150-2
for Pine Rest Cabins
January 15, 1991

Application No. 2149-2 proposes to appropriate 0.03 cfs (12 gpm) from one well approximately 307 feet deep located in the NW 1/4 SE 1/4 of section 36, T1S R4E BHM in Pennington County. The water is being used for commercial purposes by the lodging facility.

Vested Right Application No. 2150-2 proposes to appropriate 0.03 cfs (12 gpm) from one well approximately 55 feet deep located in the NW 1/4 SE 1/4 of section 36, T1S R4E BHM in Pennington County. The water use has a claimed priority date of 1936 and is used for commercial use by the lodging facility.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian in this area is a thin bedded metamorphic rock consisting of phyllite and schist (Redden, 1975). The driller's log accompanying application 2150-2 indicated the schist is intruded by quartz which produced water during drilling. Ground water is contained within fractures and the natural porosity within the rock. Wells completed in this type of geologic environment typically are low yield and the driller's log indicates a yield of 12 gpm.

Hydrologically the aquifer is recharged locally by rainfall and snowmelt percolating downward through the rock and soil. Also Spring Creek is a perennial stream and could contribute to the ground water system under the right conditions. Generally ground water would move toward the stream in this geologic setting. There is alluvium along the creek which provides a medium for ground water to move toward the stream or from the stream to the alluvium. The alluvium can provide storage for ground water and a medium to transport water to the Precambrian rock or to the stream.

The Division of Water Rights does not measure any observation wells nor is there any estimate of water in storage for this area.

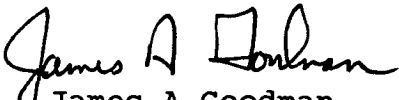
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water rights/permits in this area. The nearest permitted diversion is about 1 mile north in Hill City. There are domestic wells in the area which produce water from the Precambrian rock. Interference should not be a problem. The pumping rates are small and any drawdowns caused by these diversions should not be significant.

CONCLUSIONS

1. Water is available from the Precambrian rock.

2. The Precambrian aquifer is probably under water table conditions. However, since ground water is obtained from secondary permeability zones within the rock the hydrologic behavior of this aquifer is difficult to predict when stressed by pumping. The pumping rates are small and there are no other nearby permitted diversions so interference is not expected to be a problem. The reported water level for the well for application No. 2149-2 is about 45 feet lower than the depth of the well for the Vested Right claim 2150-2. If the reports are accurate then the two wells are not producing ground water from the same source even though the rock remains the same.
3. The existing well for Permit No. 2149-3 is constructed in compliance with SD Well Construction Standards.
4. Data is not available to evaluate the construction of the existing well for Vested Right Application No. 2150-2. The affidavit submitted with the application does not provide sufficient well information to evaluate the claim, but does establish a priority date.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

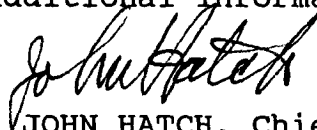
Redden, J.A., 1975, Precambrian Geology of the Black Hills, in Mineral and Water Resources of SD, Bulletin 16, SD DWNR, SDGS, Vermillion, SD, 57069.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2149-2, Pine Rest Cabins

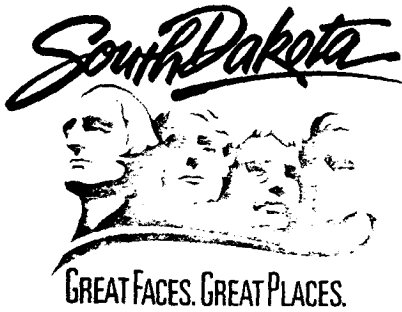
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2149-2, Pine Rest Cabins, Box 377, Hill City, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2149-2 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.

See report on application for additional information.

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the printed name.

JOHN HATCH, Chief Engineer
January 18, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

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

Gary R Colby
Pine Rest Cabins
PO Box 377
Hill City SD 57745

Dear Mr. Colby:

Water Permit Application No. 2149-2 and Vested Water Right Application No. 2150-2 for commercial use have 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 News Prevalier printed at Hill City SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

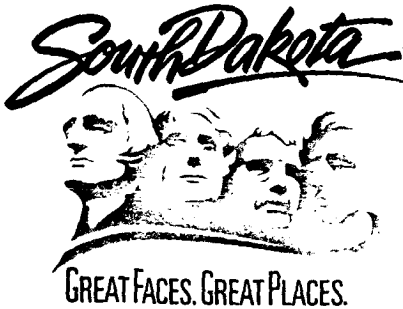
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during the hearings on the applications.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

Pennington County News Prevailer
Box 266
Hill City SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2149-2 and Vested Water Right Application No. 2150-2 to be published twice. Please publish the first notice on or before March 28, 1991 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 Pine Rest Cabins, PO Box 377, 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

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 March 28, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS

Application No. 2149-2 to Appropriate Water
and Vested Water Right Application No. 2150-2 to Appropriate Water

Notice is given that Pine Rest Cabins, PO Box 377, Hill City SD 57745 have filed the following applications.

Application No. 2149-2 is for a water permit to appropriate 0.03 cubic feet of water per second (cfs) from one well (Precambrian Rock) 307 feet deep located in the NW 1/4 SE 1/4 Section 36-T1S-R4E. Water is to be used for commercial purposes by the lodging facility.

Vested Water Right Application No. 2150-2 is to validate a vested water right claim to appropriate 0.03 cfs from one well (Precambrian Rock) 55 feet deep located in the NW 1/4 SE 1/4 Section 36-T1S-R4E. The water use has a claimed priority date of 1936 and is for commercial use by the lodging facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2149-2 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. The Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2150-2 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1936, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit and vested water right as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 2149-2 and 2150-2 and 2) the chief engineer's recommendations, a Board meeting is scheduled for May 1, 1991, at 10:00 AM at Chef Louie's, Meeting Room, 601 E Haven, Mitchell SD. If the applications are opposed or the recommendations contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearings are rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearings, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If the hearings are held, 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 these applications based on the facts presented at the public hearings.

(continued)

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Pennington) ss.

I, Don Gerken

certify that the attached printed Notice was taken
 from the Prevalier - News

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the 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:

3-27-91

4-03-91

Don Gerken

(Signature)

Mgr

(Title)

4-3-91

(Date Signed)

Cost of Printing: \$ 78.48



NOTICE OF HEARINGS

APPLICATION NO. 2149-2
 TO APPROPRIATE WATER
 AND VESTED WATER
 RIGHT APPLICATION NO.
 2150-2 TO APPROPRIATE
 WATER

Notice is given that Pine
 Rest Cabins, PO Box 377, Hill
 City SD 57745 have filed the
 following applications.

Application No. 2149-2 is
 for a water permit to appropriate
 0.03 cubic feet of water per
 second (cfs) from one well
 (Precambrian Rock) 307 feet
 deep located in the NW 1/4 SE
 1/4 Section 36-T1S-R4E. Water
 is to be used for commercial
 purposes by the lodging
 facility.

Vested Water Right Appli-
 cation No. 2150-2 is to validate
 a vested water right claim to
 appropriate 0.03 cfs from one
 well (Precambrian Rock) 55
 feet deep located in the NW 1/4
 SE 1/4 Section 36-T1S-R4E.
 The water use has a claimed
 priority date of 1936 and is for
 commercial use by the lodging
 facility.

Pursuant to SDCL 46-2A-
 2, the Chief Engineer recom-

mends APPROVAL of Applica-
 tion No. 2149-2 because 1) un-
 appropriated water is avail-
 able, 2) existing rights will not
 be unlawfully impaired, and 4)
 it is in the public interest. The
 Chief Engineer recommends
 VALIDATION of Vested
 Water Right Application No.
 2150-2 because 1) water has
 been appropriated as described
 for commercial use with a
 priority date of January 1,
 1936, 2) the use has been de-
 veloped without impairment of
 existing rights, 3) it is a bene-
 ficial use of water, and 4) it is
 in the public interest. Unless a
 petition is filed opposing the
 applications or the applicant
 files a petition contesting the
 chief engineer's recommendations,
 the Water Management
 Board will NOT CONDUCT a
 HEARING to consider the
 applications and the chief en-
 gineer will issue the permit and
 vested water right as recom-
 mended. Petitions filed in sup-
 port of the applications will
 NOT require the Board to hear
 the applications.

Any person interested in
 opposing or supporting these
 applications must file a written
 petition with BOTH the appli-
 cant and Chief Engineer. The
 applicant must also file a
 petition if opposed to the Chief
 Engineer's recommendations.
 The Chief Engineer's address is
 "Water Rights Division, Foss
 Building, 523 E Capitol, Pierre
 SD 57501-3181 (605 773-
 3352)" and the applicant's
 mailing address is given above.
 A petition filed by either an
 interested person or the appli-
 cant must be filed by April 22,
 1991. The petition may be in-
 formal, but must include a
 statement describing the peti-
 tioner's interest in the appli-
 cations, the petitioner's reasons
 for opposing or supporting the
 applications, and the signature
 and mailing address of the
 petitioner or the petitioner's
 legal counsel, if legal counsel is
 obtained.

For purposes of publish-
 ing 1) the notice of hearing on
 Application Nos. 2149-2 and
 2150-2 and 2) the chief
 engineer's recommendations, a
 Board meeting is scheduled for
 May 1, 1991, at 10:00 AM at
 Chef Louie's, Meeting Room,
 604 1/2 - Mitchell, SD. If
 the applications are opposed or
 the recommendations contested,
 the May 1, 1991 hearing date
 may be rescheduled for another
 Board meeting. If the hearings
 are rescheduled, notice of the
 time and place will be given by
 First Class Mail to the applicant
 and persons filing petitions.
 Anyone not filing a petition, but
 interested in attending the hear-
 ings, may contact the Division
 of Water Rights to confirm a
 hearing date and location. The
 May 1, 1991 hearing date will
 be automatically delayed for at
 least 20 days upon written re-
 quest to the Chief Engineer
 from the applicant or any inter-
 ested person opposing the
 application. The request for an
 automatic delay must be filed by
 April 22, 1991.

If the hearings are held,
 the Chief Engineer's recom-
 mendation is not final or bind-
 ing upon the Board. The Board
 is authorized to 1) approve, 2)
 approve with qualifications, 3)
 defer, or 4) deny these appli-
 cations based on the facts pre-
 sented at the public hearings.

Any hearing will be an
 adversary proceeding. Any per-
 son filing a petition and/or the

applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.
#163 3-27, 4-03-91



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

SEP 18 1991

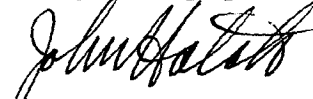
Gary R Colby
Pine Rest Cabins
PO Box 377
Hill City, SD 57745

Dear Mr. Colby:

Enclosed is Water Permit No. 2149-2 authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,


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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

May 12, 1995

2149-2

2150-2

Steven D Johnson
Box 377
Hill City, SD 57745

Dear Mr. Johnson:

This letter is in followup to our telephone conversation of May 11th. The following is needed to update your water rights:

Water Permit No. 2149-2:	\$2.50 for filing an ownership change (form was received in June, 1992)
	\$50.00 for inspection and issuance of the water license; (the water license is the final document to be issued)
Vested Water Right No. 2150-2:	Submission of a "Notice of Transfer" form and a filing fee of \$2.50.

I am enclosing a copy of the inspection report for No. 2149-2 which you may keep for your records. Also enclosed, is a partially completed "Notice of Transfer of Ownership" form. The form must be signed in the presence of a notary public before returning it to our office. The total amount due for licensing and recording of the transfers is \$55.00.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIPT

Division of Water Rights

414507

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 24 _____, 19 95

RECEIVED OF Steven D Johnson, PO Box 377, Hill City, SD 57745-0377

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2149-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch / [Signature]
Chief Engineer

RECEIPT

414506

Division of Water Rights

South Dakota Department of Environment and Natural Resources

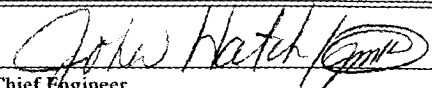
Pierre, _____ May 24 _____, 19 95

RECEIVED OF Steven D Johnson, PO Box 377, Hill City, SD 57745-0377

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 2149-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer

See pd 5-24-95

NOTICE OF TRANSFER OF OWNERSHIP

No. 2149-2

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

Date: 5/25/92

I, We request that Water Permit/Right No. 2149-2/2150-2

formerly owned by: Gary Colby

be transferred to: (name & address) ~~Steven D. Johnson~~ Steven D. Johnson, P.O.
Box 317, Hill City, SD 55745 (telephone No.) 574-2416

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

NW 1/4 SE 1/4 36-T15, R4E

I/We understand that the validity of Water Permit/Right No. _____ has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Pennings)

I/We ~~Steve Johnson~~ Steve Johnson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Steven D. Johnson
(Signed)

Subscribed and sworn to before me this 2ND day of June, 1992.

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

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

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



Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Pine Rest Cabins
c/o Gary Colby of PO Box 377, Hill City SD holder of
Permit No. _____, bearing the priority of _____ 19____ authorizing
the diversion of 0.03 cu. ft. per second of the waters of ground water
for commercial purposes, in Pennington County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Gundfos pump - 1½ hp
Model 10S1S-21

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

water diverted to storage tank
and then to 7 buildings
(Pine Rest Cabins and a home)

C. Works used to apply water to beneficial use:

The system is in the following condition goodThe point of diversion is located NW¼ SE¼ section 36-T1S-R4E
(2,100 ft W and 1,700 ft N of SE corner sec 36-1S-4E)The works are capable of diverting and conveying to the place of use 0.03
cu. ft. per second of water which is to be used for commercial purposesWater has been put to beneficial use to the maximum extent as follows: supplies 7 buildingscomprising a total of NA acres of land and the license should be issued for 0.03 cfs

Applicable permit qualifications have been complied with _____ Yes _____ No

Exceptions to compliance are: _____ Date 12/4/90

[Signature]
(signature)

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: NW¹/₄ SE¹/₄ section 36-T1S-R4E

dams & structures: _____

2. Well Information: Well Drilling Firm Alexander Drilling

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 307'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Gundfoss Motor a) make _____

b) model 10S15-21 b) model No. _____

c) size 1 1/2 hp c) horsepower rating _____

d) capacity 12 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

Water diverted to storage tank and then cabins & home.

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

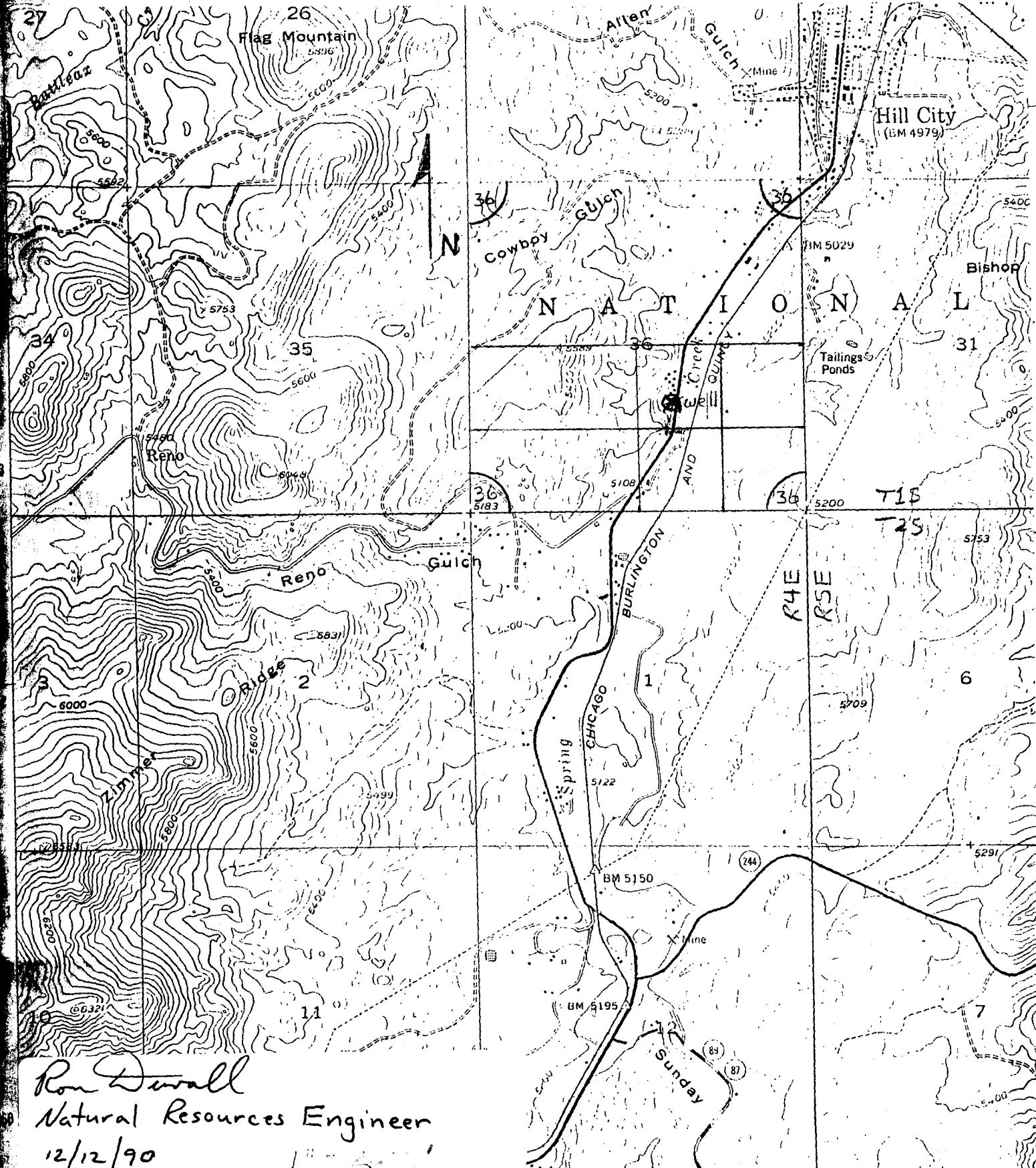
NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

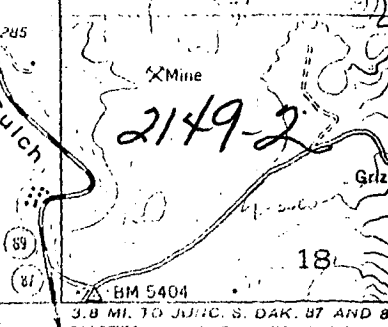
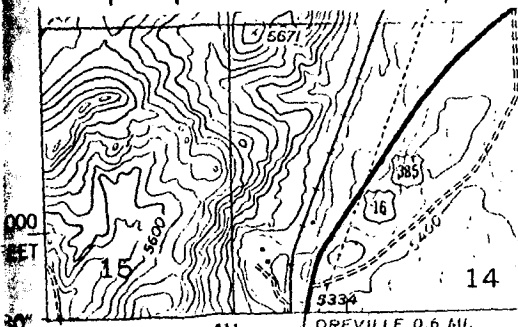
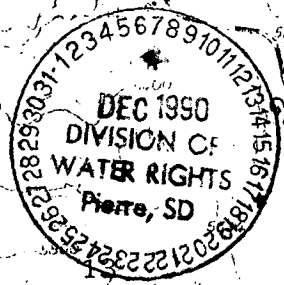
Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___ NA ___		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
___ NA ___		2. Special qualifications to permit being abided by?
___ ✓ ___		3. All structures, wells and lands on map?
___ NA ___		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___ NA ___		5. Is chemigation used?
___ NA ___		6. If yes, does equipment comply with chemigation rules?

REMARKS:



Ron Duvall
Natural Resources Engineer
12/12/90



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2149-2

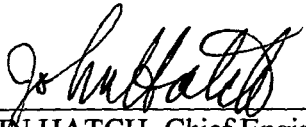
(1) Pine Rest Cabins of Hill City, SD 57745 made Application No. 2149-2, November 19, 1990 for a water permit to appropriate 0.03 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2149-2, with a priority date of November 19, 1990 was approved May 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On May 24, 1995, Water Permit No. 2149-2 was transferred to Steven D Johnson.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is 2100'W and 1700'N of the SE corner of Section 36, T1S, R4E (NW 1/4 SE 1/4).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steven D Johnson of PO Box 377, Hill City, SD 57745-0377 the holder and/or owner of Water Permit No. 2149-2 is issued a license to appropriate water, the right to use 0.03 cubic feet of water per second from groundwater (one well) with a priority date of November 19, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 2149-2 and subject to South Dakota State Law.



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

SEP 6 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

SEP 6 1995

2149-2

Steven D. Johnson
P.O. Box 377
Hill City, SD 57745-0377

Dear Mr. Johnson:

Enclosed is Water License No. 2149-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414506 in the amount of \$2.50 and Receipt No. 414507 in the amount of \$50.00 which you paid for the transfer, inspection and issuance of the Water License.

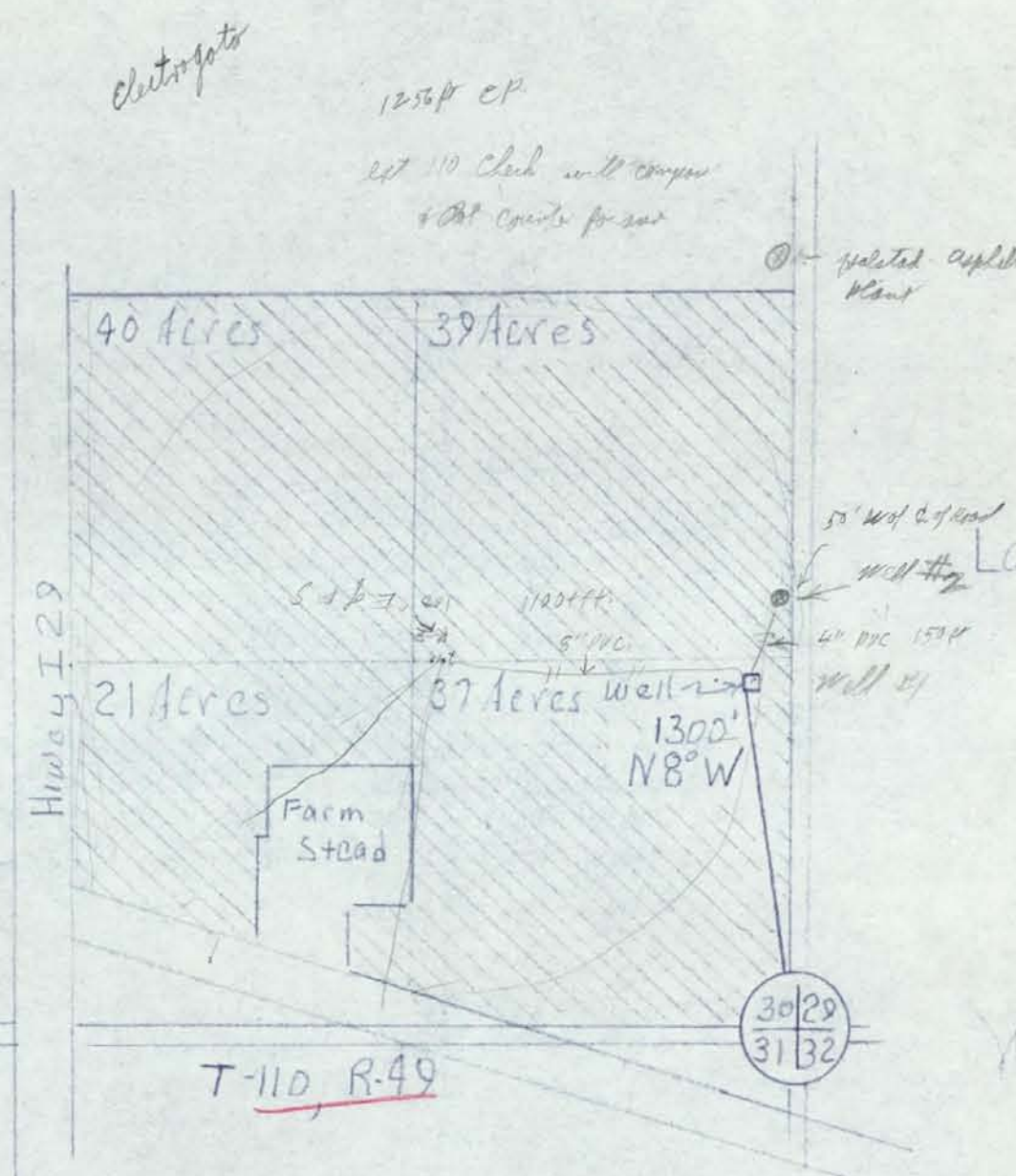
For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2149-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or 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.

Very truly yours,

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

gm
enclosures



EDWARD TELKAMP

IRRIGATION PROJECT # 1
 BROOKINGS S.D. BROOKINGS CO.
 T110N R49W

Land Description	Acres Irrigated
NW 1/4 of SE 1/4 Sec 30	40
NE 1/4 of SE 1/4 Sec 30	39
SW 1/4 of SE 1/4 Sec 30	21
SE 1/4 of SE 1/4 Sec 30	37
Total Acres	137

Water claimed - 1.9 cfs

Cross hatch indicates irrigated acres
 Point of Diversion 1300' N 8° W of SW corner
 of Sec 30 - 110-49

Scale - 8" = 1 Mile

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that
 This map identifies a reasonably accurate
 record of the land of:

Edward Telkamp

Brookings, South Dakota Brookings County

Drawn by J.L.W.

John L. Wiersma

Brookings S.D.

11-15-74

P.E. #1916