

Considered: _____

WATER PERMIT NO. VR 2150-2

Phone: 605 574-2416

Name of Applicant: Pine Rest Cabins

Post Office Address: Box 377, Hill City SD 57745

Amount of Water Claimed: 0.02 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: 6-14-85 Fee: \$10.50 Remarks _____

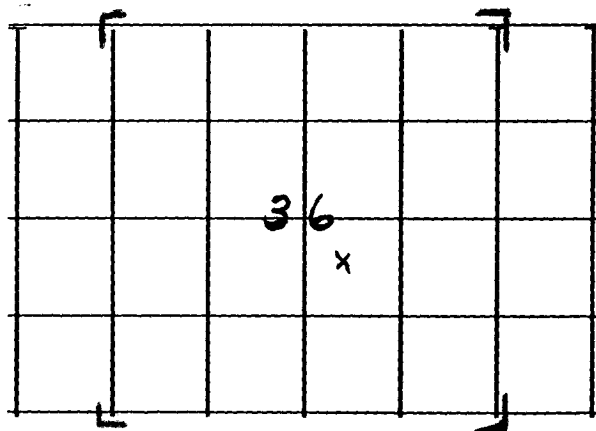
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

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

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

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

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 55' REMARKS Well Drilled before 1936

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

Assigned on 121-18-90 By Karen Schlaak

No. <u>2150-2</u>	Hydrologic Unit <u>10120109</u>
Map No. _____	Basin <u>Upper Cheyenne</u>
Newspaper <u>Pennington County Prevalier News</u>	
<u>Hill City (Thurs)</u>	

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 retained
 Change 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. _____



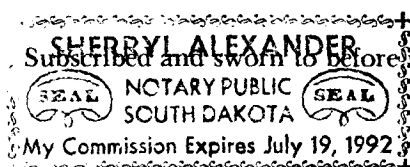
- Name of Applicant PINE REST CABINS Phone No. 605 5742416
 Post Office Address Box 377 Hill City State S.D. Zip Code 57745
(Street, RR or Box)
- Amount of water claimed (c.f.s.) 12 gpm 0.03 cfs
- Source of water supply well groundwater
- Location of point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 36-T1S-R4E

 _____ County Pennington
- Counties where water will be used PENNINGTON
- Annual period during which water is to be used YEAR AROUND Jan 1 - Dec 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

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

I, Gary R. Colby the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Gary R Colby

Subscribed and sworn to before me this 12th day of June 1985
Sherryl Alexander
 Notary Public (or other qualified officer)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2150-2

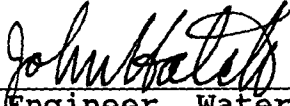
Date of Receipt of Claim June 14, 1985.

Date of Validation May 1, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2150-2 for Pine Rest Cabins, PO Box 377, Hill City SD 57745 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2150-2 appropriates 0.03 cubic feet of water per second from one well (Precambrian Rock) 55 feet deep located in the NW 1/4 SE 1/4 Section 36-T1S-R4E.
2. The appropriated water is used for supplying water to the cabins and may not exceed the amount of water needed for beneficial use for commercial use.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is: January 1, 1936.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

JUL 23 1991

date

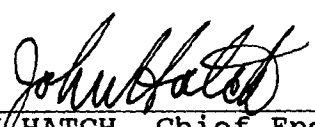
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2150-2

(1) Pine Rest Cabins of PO Box 377, Hill City, SD 57745 made Application No. 2150-2, June 14, 1985 for validation of a vested right claim to appropriate 0.03 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2150-2 was validated May 1, 1991 with a priority date of January 1, 1936. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is in the NW 1/4 SE 1/4 Section 36, T1S, R4E.

(3) Pursuant to Section 46-5-30.1 Pine Rest Cabins of PO Box 377, Hill City, SD 57745 the holder(s) and/or owner(s) of Vested Water Right No. 2150-2 is issued a license to appropriate 0.03 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1936 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2150-2 and subject to South Dakota State Law.



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

JUL 23 1991

Supplemental Information*1/3 hp submersible pump
jet pump*

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 55' *new measurement*
 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 of Water (ground surface to water level) 80'
 g) Distance to nearest existing domestic well:
 On applicants property 307 feet On property owned by others 300'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
 b) Depth to water (ground surface to water level) 80'

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:

Pipe diameter _____

Spillway width _____

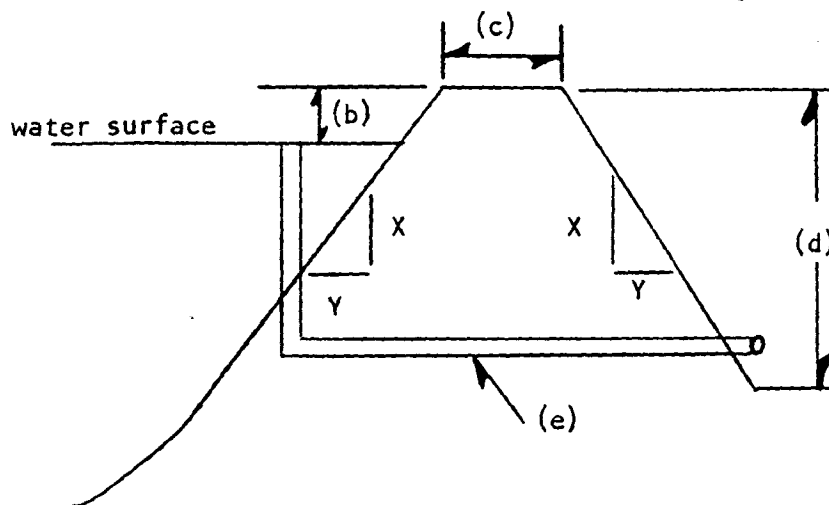
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Daryll Colby

Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use system already constructed is needed, primarily with vested right claims.



**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

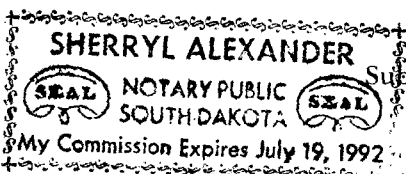
Name of Applicant (Same as Form 2) PINE REST CABINSPost Office Address P.O. BOX 377 HILL CITY, SD. 57745
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation UNKNOWN Date of Posting UNKNOWNDate of recording UNKNOWN* Recording date UNKNOWN*
Where Book PageB. Date of start of construction of water supply system Sometime back in the 1940'sC. Date that water was first applied to beneficial use UNKNOWND. Name of owner of original water supply system UNKNOWNE. Amount of water originally applied to beneficial use UNKNOWNF. Present Use of Water - Amount of water now being used approx 12 gpm UNKNOWN TO EXACT AMOUNT OF WATER USEDDate that this water was first used UNKNOWN

G. Chronological History of Water Use THE WELL HAS BEEN HERE SINCE BEFORE 1936 THE CABINS WERE BUILT SOME TIME IN THE FORTY'S *We have checked with the Pennington County Offices AND Before in Rapid City...with the Equalization & Taxation Departments and neither one of the offices have any records to answer the above questions...seems they have no official records from the early 40's to the middle 60's. Perhaps you could check with the state offices and find some- Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent. thing that would help answer these questions. I am sorry...hope this helps. Thank you.

State of South Dakota)

County of Pennington) SS

I, Gary R Colby the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed Gary R ColbySubscribed and sworn to before me June 12, 1985Sherryl Alexander
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_________
(Print name) 19____

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

TO: Chief Engineer, Division of Water Rights, DWNR, 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 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 & domestic purposes, in Pennington County.

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

A. Works used to divert the water:

1/3 hp submersible pump
in a 55 feet deep well located
under the house supplies
7 buildings including household.
(Pine Rest Cabins)

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

C. Works used to apply water to beneficial use:

The system is in the following condition goodThe point of diversion is located NW 1/4 SE 1/4 section 36-T1S-R4E

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 and domestic purposes

Water has been put to beneficial use to the maximum extent as follows: _____
supplies 7 buildings

comprising 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

Ron Small
(signature)

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: NW 1/4 SE 1/4 section 36 - T15 - R4E

dams & structures: _____

2. Well Information: Well Drilling Firm _____

not available

Completion Report Yes ___ No ☒ No. of Wells 1 Depth 55'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make submersible - jet Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating 1/3 hp

d) capacity 12 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

According to Gary Colby the old well fills the pressure tank in approximately the same length of time required for the new well which diverts 12 gpm.

Well constructed and used in the early 40's is best information available.

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

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? NA
3. All structures, wells and lands on map? ✓
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? NA

REMARKS:

OCCUPANT AND PROPERTY ADDRESS

BUILDING DESCRIPTION AND VALUE CALCULATION

PARCEL NUMBER Card 1 of 7 Cards

BUILDING CLASS 3A PRINCIPAL BUILDING DESCRIPTION

GROUND PLAN SKETCH

TYPE AND USE	(13) ROOFING	(14) INTERIOR FINISH
1-Family Dwelling	Hip Gable	Stories 1 2 3 1/2
2-Fam. Dble. Dwelling	Flat Other	Plaster
Row House	Asph. or Asbes. Shing.	Drywall
2-6 Family Apt.	Wood Shingles	Wood Panel
Multi-Fam. Apt. 2-4 Sty.	Slate	Unfinished
Form House	Tile	
Other	Metal	
	Composition	(9) HEATING
Stories 1 1/2 2 2 1/2 3	Other:	Floor or Wall Furnace
Number Apts. 1	(4) PORCHES	Pipeless Furnace
Number Bedrooms	Porch No. 1 2 3	Gravity Hot Air
	Own Roof	Forced Hot Air
CONSTRUCTION	Main Roof	Steam
Wood Frame	Open Porch	Hot Water or Vapor
Masonry and Wood	Glazed	Radiant
Masonry and Veneer	Encl. & Finished	Electric
Fireproof		Air Cond. Tons
(7) FOUNDATION	(5) BASEMENT	Auto. Burner
Concrete	None Full	No Heating () Stove
Mellow Tile or Block	Partial %	(10) PLUMBING
Brick or Stone	Finished Rooms %	Bathroom 3
Piers	Floor: Cement () Wood	Stall Shower Bath
Other	Fin. Floor S.F.	Toilet Room
	Fin. Ceiling S.F.	Extra Stall Shower
(11) EXTERIOR WALLS	Fin. Walls S.F.	Lavatory
Wood Siding	(6) HALF STORY OR ATTIC	Water Closet
Wood Shingles	Unfinished	Kitchen Sink
Aluminum	Finished %	No Hot Water
Asbestos Shingles		No Plumbing
Copper/Alum.	(7) FLOORS	(11) LIGHTING
Stucco on Frame	Joists x x O.C.	Elect. Gas Lamps
Masonry	Center Beam x	(12) OTHER ITEMS
Other		No. Wood Fireplaces
Brick Veneer	Reinf. Concrete	Gas Fireplaces
Brick on Masonry		B.I. Range
Stone Veneer		B.I. Oven
Stone on Masonry	Earth	B.I. Dishwasher
Stucco on Masonry	Cement	B.I. Disposal
Artificial Stone	Hardwood	B.I. Barbecue
Conc. or Cind. Block	Softwood	B.I. Incinerator
Hollow Tile	W/W Carpet	Intercomm.
	Asph. Tile	
	Single	

SPECIAL BUILDING NOTES

BUILDING AREA AND CUBE CALCULATIONS

GROUND AREA — SQUARE FEET

Floor or Port	Width	Length	Area	Height	Cubic Feet
DA	24	57	1368	11	
DB	8	47	372	11	
		33			
P#1	10x15				
P#2	10x12				
P#3	8x16				
PFT=10x21=270	Total Area	1760	Total Cube		

DATE OF CONSTRUCTION

MAJOR ALTERATIONS OR ADDITIONS ON PRINCIPAL BUILDING

OBSERVED PHYSICAL COND.

EFFECTIVE AGE

DATE	AGE	SOURCE	DATE	AGE	EXTENT AND COST	SOURCE	Good	Normal	Poor	DATE	YEARS
1946	38	Owner	1944	34	10000	Cond.				1975	35

DESCRIPTION, REPRODUCTION COST AND APPRAISAL OF ACCESSORY BUILDINGS AND OTHER IMPROVEMENTS

Cont. Lr.	Class No.	Width x Depth	Area x Height	Cube	Wall Ratio	Floor	Roof	Walls	2d Flr. Fin.	2d Flr. Unf.	Heat	Light	Pbpg.	Unit Cost	Adds, Deducts	Repro. Cost	Age	Net Cond.	%	Net Appraisal
		10 x 18	180																	
		4 x 8	32																	

MEASURED BY

DATE 12-9-71

CLASSIFIED BY

DATE 9-67

EXTENDED BY

DATE 9-67

CHECKED BY

REPRODUCTION COST AND NET BUILDING APPRAISAL

Item No.	Area	Quan.	Unit Cost	Total
Base	1760		5.80	10208

ADDITIONS AND DEDUCTIONS

4A				
49	270		.80	+216
50	1760		1.40	+2464
96	1760		.35	+616
109	2		330.	+660
10d	2		215	+430

Total Reproduction Cost 7574

DEPRECIATION AND OBSOLESCENCE

Depreciation: 01

- (a) Age or Normal Depreciation _____ %
 (b) Effective Age Depreciation _____ %
 (c) Net Condition (100-a or b) _____ %

Obsolence.

- (d) Structural _____
 (e) Interior Layout _____
 (f) Overimprovement _____
 (g) Underimprovement _____
 (h) Surplus Capacity _____
 (i) Location _____
 (j) Economic _____
 (k) Total Obsolence _____ %
 (l) Net Condition (100-k) _____ %
 (m) Final Net Condition (1 x c) _____ %

PRINCIPAL BUILDING APPRAISAL

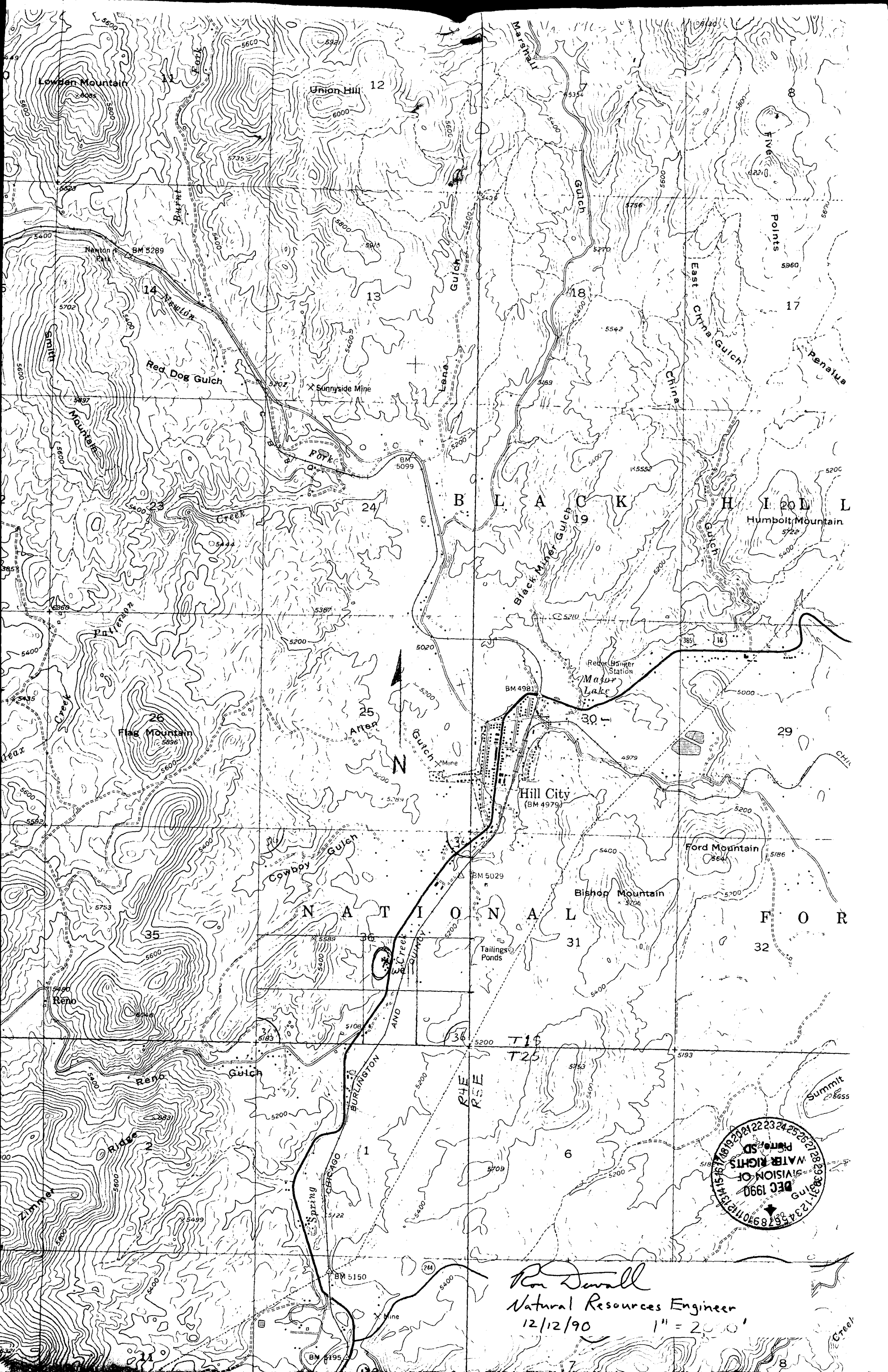
SUMMARY OF APPRAISAL VALUE

Principal Building Appraised \$

Other Principal Building Appraised \$

Accessories, Improvements and Other Improvements Appraised \$

Total Appraisal \$



Ron Duvall
Natural Resources Engineer
12/12/90 1" = 2,000'



Department of Water & Natural Resources

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

September 27, 1984

Pine Rest Cabins
P.O. Box 377
Hill City, SD 57745

Dear Mr. & Mrs. Colby:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Pine Rest Cabins.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

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

Sincerely,

Kevin C. Larson

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

*1 well 6" casing
80ft deep*

*1 mile south of Hill City
on 385 & 16*

Enclosures



Pine Rest Cabins

P. O. Box 377
Hill City, SD 57745
(605) 574-2416

Nov 20, 1984

Kevin C. Larson
SD Dept of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Larson:

First of all, we need to apology to you for our tardiness. Your letter came to us at the end of September, and somehow or another, it got put aside. During our year-end cleaning up of files and such, we found your letter.

We have a water permit to operate our business on, however, it is under Pine Rest Motel. We as new owners, changed the name of our establishment to Pine Rest Cabins on Jan 1, 1984. We are sorry for the mix-up and delay of this very important matter. We did not realize you were to be notified.

Sincerely,

Gary & De Colby
Owners-Managers



Water Rights Division
605 773-3352

December 3, 1984

Gary & DeColby
PO Box 377
Hill City SD 57745

Mr. & Mrs. Colby:

I cannot find anything on file for either Pine Rest Cabins or Pine Rest Motel. I have also checked our files according to your legal description and cannot find anything. If you have any further information such as previous owners name, permit number etc. please forward to me. Thank you for your response and if you have any questions I can answer, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks



Department of Water & Natural Resources

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

April 25, 1985

NOTICE

Pine Rest Cabins
P. O. Box 377
Hill City, South Dakota 57745

Dear Mr. and Mrs. Colby:

September 27, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a motel. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

A handwritten signature in cursive script that reads "John Hatch".

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

S519.WR

Sent Form 2B's



June 12, 1985

Dear Sir

I Filled out the forms the Best I know if there is ANY thing ELSE I CAN DO let me know I HAVE ENCLOSED A PICTURE I GOT FROM THE COUNTY FILES AND HAVE MARKED WHERE THE WELL IS AND HAS BEEN SINCE DAY ONE. I DONT KNOW HOW MUCH MONEY TO SEND SO WOULD YOU LET ME KNOW THEN I WILL SENT IT IF IT ISN'T TO MUCH. I GOT ME A 80 GALLON HOLDING TANK AND THE PRESSURE IS SET AT 30 AND 50. I CANT FIND ANY THING THAT TELLS ME THE GPM OR GPH I HAVE 7 BUILDINGS THAT USE THE WATER. DURING THE WINTER I ONLY HAVE 4 BUILDING USING THE WATER. IF THERE IS ANY QUESTIONS PLEASE CALL ME

THANK YOU

Gary R Celby

Water Rights Division
605 773-3352

June 17, 1985

Pine Rest Cabins
Box 377
Hill City SD 57745

Mr. Colby:

Thank you for your permit application. If a vested right is claimed Form 2B must be completed and returned. If it cannot be completed then we will process it as a new permit application. The fee schedule is as follows: Vested Right filing = \$10.50

New permit application less than 45 gpm = \$50.00

I am also enclosing a map, please mark the location of the well on it and return. Upon receipt of the completed Form 2B, filing fee and map we will continue processing your application. If you have any questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures

RECEIPT

Division of Water Rights

No 4 10099

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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

Fee for Application for Permit No. 2150-2 to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 2150-2 _____

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

By _____

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.

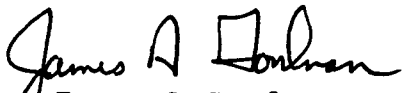
REVIEW OF EXISTING WATER PERMITS/RIGHTS

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 DWR, SDGS, Vermillion, SD, 57069.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 2150-2, Pine Crest 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 Validation of Vested Water Right Application No. 2150-2, Pine Crest Cabins, Box 377, Hill City, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2150-2 for 0.03 cfs 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) the use is a beneficial use, and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

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 Prevailer 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
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 Niel Cay

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

(Signature)

Mgr
(Title)

4-3-91

(Date Signed)

Cost of Printing: \$ 78.48

5-88



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
Ridge 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 Applica-
tion No. 2150-2 is to validate
a vested water right claim to
appropriate 0.03 cfs from one
well (Precambrian Rock) 35
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 46-1-1
the Chief Engineer

recommends APPROVAL of Applica-
tion No. 2149-2 because: 1)
the water is not already avail-
able; 2) existing rights will not
be substantially 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 recommenda-
tions, the Water Management
Board will NOT CONDUCT a
HEARING to consider the
applications and the chief engi-
neer 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
Chief Engineer'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 hear-
ings, may contact the Division
of Water Rights to confirm the
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 46-26. These and other
due process rights will be for-
feited if not exercised. Deci-
sions of the Board may be
appealed to the Circuit Court
and State Supreme Court as
provided by law. Contact the
Water Rights Division to re-
quest copies of information
pertaining to these applications
or to assure access to the hear-
ing 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, 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, 46-3-1 thru 46-
3-11, 46-3-13 thru 46-3-15,
46-3-24, 46-3-25, 46-3-30.2,
46-3-30.4, 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;
74:02:01:27, 4-03-91



JUL 23 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2150-2

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

Dear Mr. Colby:

Enclosed are your Validated Vested Water Right and Water License No. 2150-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2150-2

Date: May 23, 1995

I/We request that Vested Water Right No. 2150-2

formerly owned by: Gary Colby, dba Pine Rest Cabins

be transferred to: (name & address) Steven D Johnson, Box 377, Hill City, SD 57745

(Telephone No)

(605) 574-2416

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

NW 1/4 SE 1/4 Section 36, T1S, R4E (well location)

I/We understand that the validity of Vested Water Right No. 2150-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Pennington)

I/We Steve D. 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.

Steve D. Johnson
(Signed)

Subscribed and sworn to before me this 23rd day of May, 1995.

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 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

414505

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:

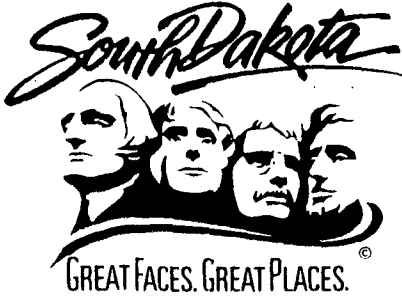
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 2150-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 1995

No. 2150-2

Steven D. Johnson
Box 377
Hill City, SD 57745

Dear Mr. Johnson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 2150-2.

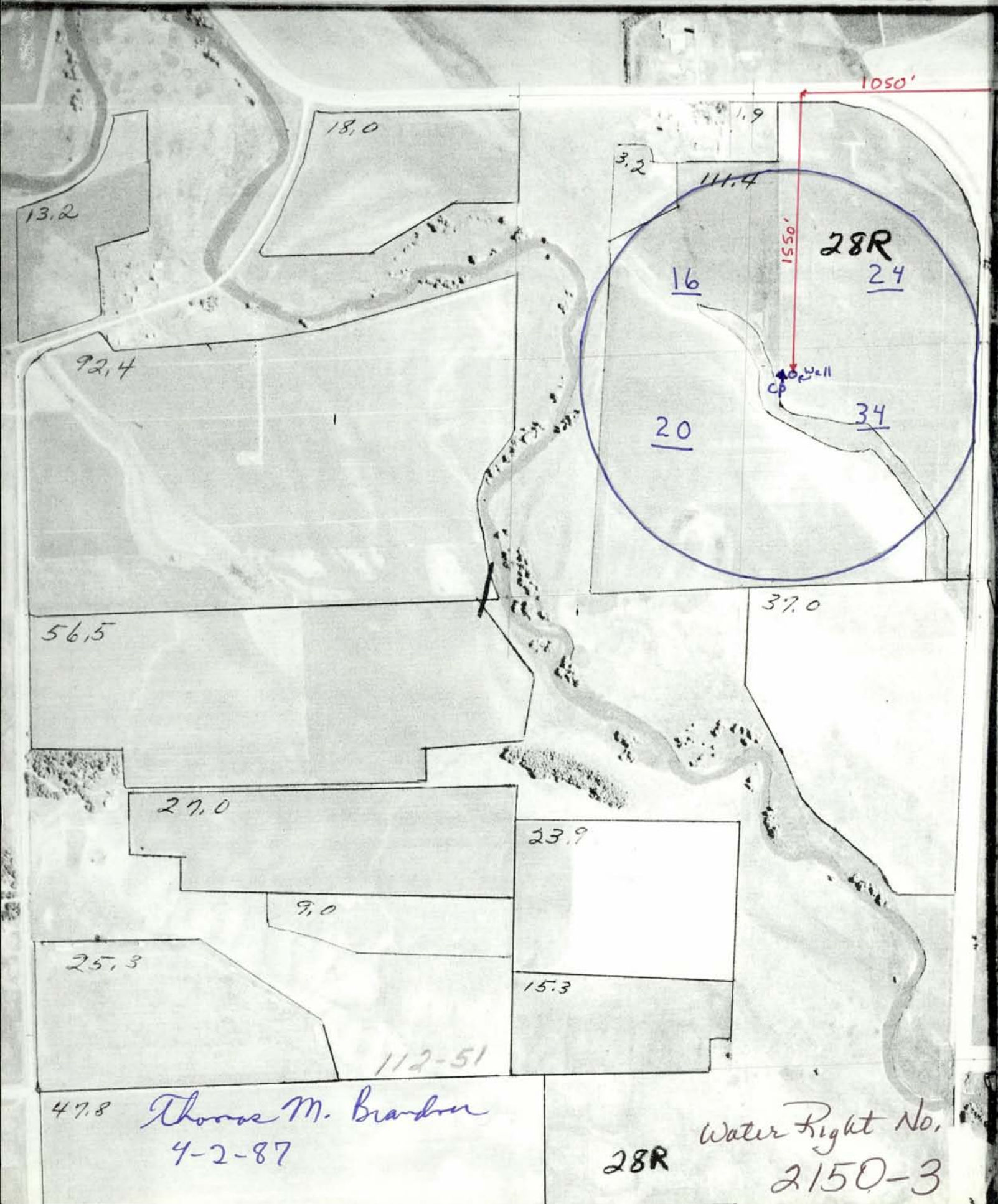
Our records now show you as the owner of Vested Water Right No. 2150-2.

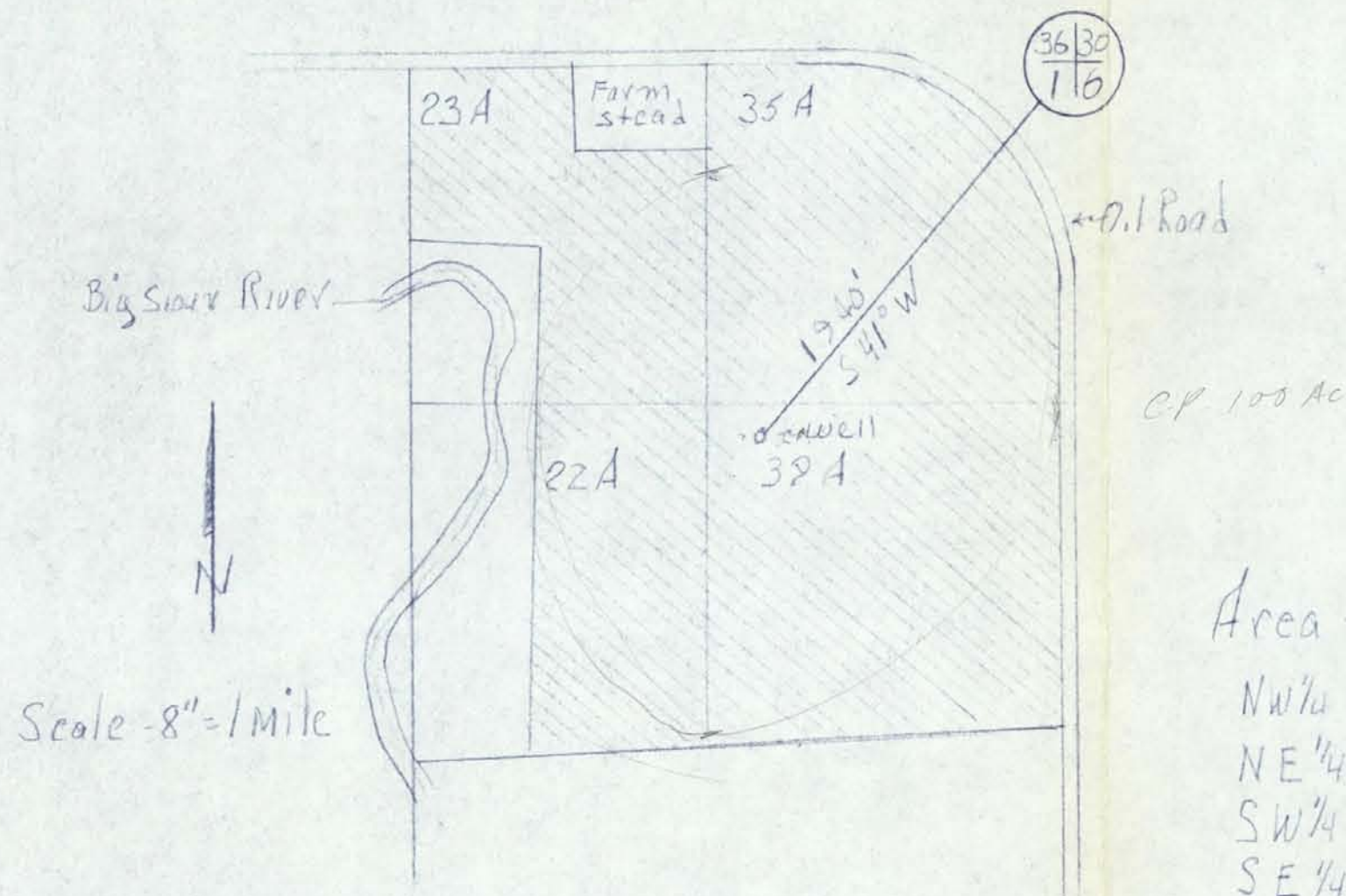
Sincerely,

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

enclosure

NOT TO SCALE 2150-3





RONALD FOSTER

IRRIGATION PROJECT #1
ESTELLINE SOUTH DAKOTA
BROOKINGS COUNTY

Area to be Irrigated Acres

NW 1/4 of NE 1/4 Sec 1 - <u>T112-R61</u>	23
NE 1/4 of NE 1/4 Sec 1	35
SW 1/4 of NE 1/4 Sec 1	22
SE 1/4 of NE 1/4 Sec 1	<u>39</u>

Total Acres 119

Water claimed - 1.7 cfs

Cross hatch indicates Irrigated Acres

Point of Diversion - Well - 1940' S 41° W
of NE corner Sec 1-112-51

It is to noted that County Convention line
and Big Sioux River distorts conventional
property lines

Surveyor's Certificate

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

Ronald Foster

Estelline S. Dakota

Brookings County

Drawn by J.L.W.

11-14-74

John L. Wiersma

P.E. # 1916

Brookings South Dakota



MAP NO ~~1544-3~~ APPL NO 2150-3