

Considered: _____

WATER PERMIT NO. 2152-2

Phone: 574-2582

Name of Applicant: Charles McKay

Post Office Address: PO Box 744, Hill City SD 57745

Amount of Water Claimed: 0.05 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Pennington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 6-3-85 Fee: \$10.50 Remarks Vested Right

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

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

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

Diversion Point: SW 1/4 NE 1/4 30-T1S-R5E

Land to be Irrigated: _____

			x		
			30		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 58' REMARKS _____

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

Assigned on 12-19-90 By Karen Schlaak

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352
(Thurs)

No. 2152-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington County Prevalier News, Box 266

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

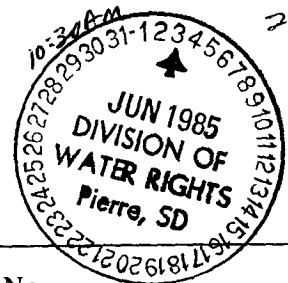
New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ 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 Charles McKay Phone No. 574-2582
Post Office Address P.O. Box 744 Hill City State S.D. Zip Code 57745
(Street, RR or Box) 2000 0.05 cfs
- Amount of water claimed (c.f.s) UNKNOWN Services 10 Motel units 2 domestic homes
- Source of water supply Well 58'
- Location of point of diversion + 15., RSE., Sec. 30 Reder Place Lot A of
Lot 22. Well located approx. 100' from the SE East
Corner. (See Map) SW 1/4 NE 1/4 30-T1S-R5E County PENnington
- Counties where water will be used Pennington
- Annual period during which water is to be used May 1 - Nov 30
51- thru 11-30 For Motel-yt. Around
For Domestic use
- 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)

Well was drilled in 1955 approx. the owner was Richard Miller, now retired in Custer. It's a grassy and gravelled area at the base of a pine covered hill. Water is pumped to a pressure tank by a surface pump and pushed into the distribution system.

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

STATE OF SOUTH DAKOTA)
County of _____)

I, Charles McKay 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

Charles B. McKay

Subscribed and sworn to before me this 31st day of May 19 85

Charlene L. Anderson

Notary Public (or other qualified officer)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2152-2

Date of Receipt of Claim June 3, 1985.

Date of Validation May 1, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2152-2 for Charles McKay, PO Box 744, Hill City SD 57745 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2152-2 appropriates 0.05 cubic feet of water per second from one well 58 feet deep located in the SW 1/4 NE 1/4 Section 30-T1S-R5E.
2. The appropriated water is used for supplying standby water for the Lantern Inn Motel 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 annual period: May 1 - November 30.
4. The priority date of the Vested Water Right is: January 1, 1948.
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

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" outside dia Depth 58'
- b) Casing Type Steel Diameter 6" Thickness 1/2
- c) Screen Type UNKNOWN Diameter UNKNOWN Thickness UNKNOWN
- d) Gravel Pack Thickness 6" Length of Gravel Pack 5 Ft. 5 Q.
- e) Depth to Top of Water Bearing Material UNKNOWN
- f) Depth of Water (ground surface to water level) UNKNOWN
- g) Distance to nearest existing domestic well: ~ 800 feet
 On applicants property 250' Approx. On property owned by others NONE

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:

Pipe diameter _____

Spillway width _____

f) X & Y Slope

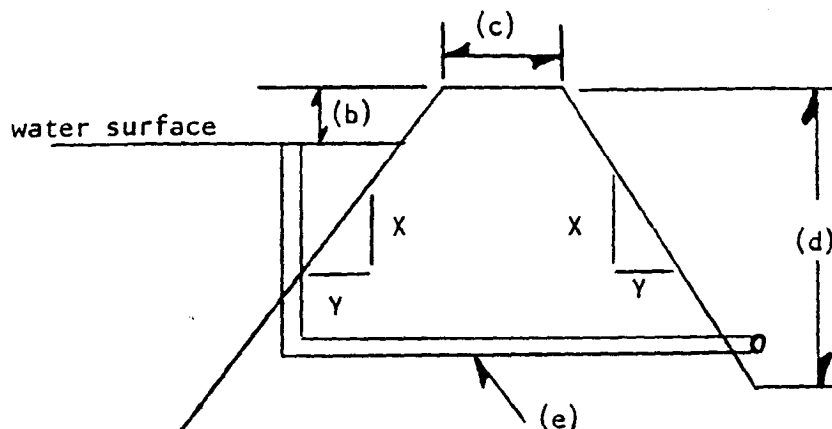
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Charles B. McKay
 Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) Charles McKay
 Post Office Address P.O. Box 744 Hill City S.D. 57745
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

B. Date of start of construction of water supply system APPROX. 1955 (Spring)
Where Book PageC. Date that water was first applied to beneficial use APPROX 1955 (Spring)D. Name of owner of original water supply system Richard C. MillerE. Amount of water originally applied to beneficial use UNKNOWN G.P.M. SUPPORTED 6 Motel units And
One Domestic householdF. Present Use of Water - Amount of water now being used UNKNOWN G.P.M. SUPPORTS 10 Motel
units And two Domestic households.Date that this water was first used APPROX 1955

G. Chronological History of Water Use the Motel was constructed in 1948 by
Richard Miller (Retired in Custer, S.D.) It was then the Miller Motel.
the first well was a dug well and was covered up in 1955. It was located
on the No. West corner of the office of the Lantern Inn. (see map) A well was
then drilled in 1955 at the present site and still in use. It's a grassy &
graveled area at the base of a pine covered hill. (Water is pumped to a pressure tank
by a surface pump.)

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

SS

County of _____)

I, Charles B. McKay the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Charles B. McKaySubscribed and sworn to before me May 31, 1985
Charlene W. Anderson
 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.

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

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2152-2

(1) Charles McKay of PO Box 744, Hill City, SD 57745 made Application No. 2152-2, June 3, 1985 for validation of a vested right claim to appropriate 0.05 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2152-2 was validated May 1, 1991 with a priority date of January 1, 1948. 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 0.05 cubic feet of water per second for beneficial use. The location of the diversion point is in the SW 1/4 NE 1/4 Section 30, T1S, R5E.

(3) Pursuant to Section 46-5-30.1 Charles McKay of PO Box 744, Hill City, SD 57745 the holder(s) and/or owner(s) of Vested Water Right No. 2152-2 is issued a license to appropriate 0.05 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1948 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. 2152-2 and subject to South Dakota State Law.



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

JUL 23 1991

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 30-T1S-R5E
near office door of motel

dams & structures: _____

2. Well Information: Well Drilling Firm no well log available
driller deceased

Completion Report Yes ___ No ☒ No. of Wells 1 Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Goulds Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating 5hp

d) capacity 20 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 1 $\frac{1}{2}$ " to units

b) type plastic

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?
___		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:

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 Charles McKay,
Lantern Inn Motel of PO Box 744, Hill City SD holder of
Permit No. _____, bearing the priority of _____ 19____ authorizing
the diversion of 0.05 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:

Goulds submersible pump
5hp

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

Water is pumped to a 200 gallon
storage reservoir and then to
18 buildings via 1½" pipeline.

C. Works used to apply water to beneficial use:

The pump was initially sized to
divert 50gpm, but Mr. McKay
believes the actual pump rate is
about 20 gpm.The system is in the following condition good - standby*The point of diversion is located SW¼NE¼ section 30-T1S-R5EThe works are capable of diverting and conveying to the place of use 0.05cu. ft. per second of water which is to be used for commercial use to supply motel

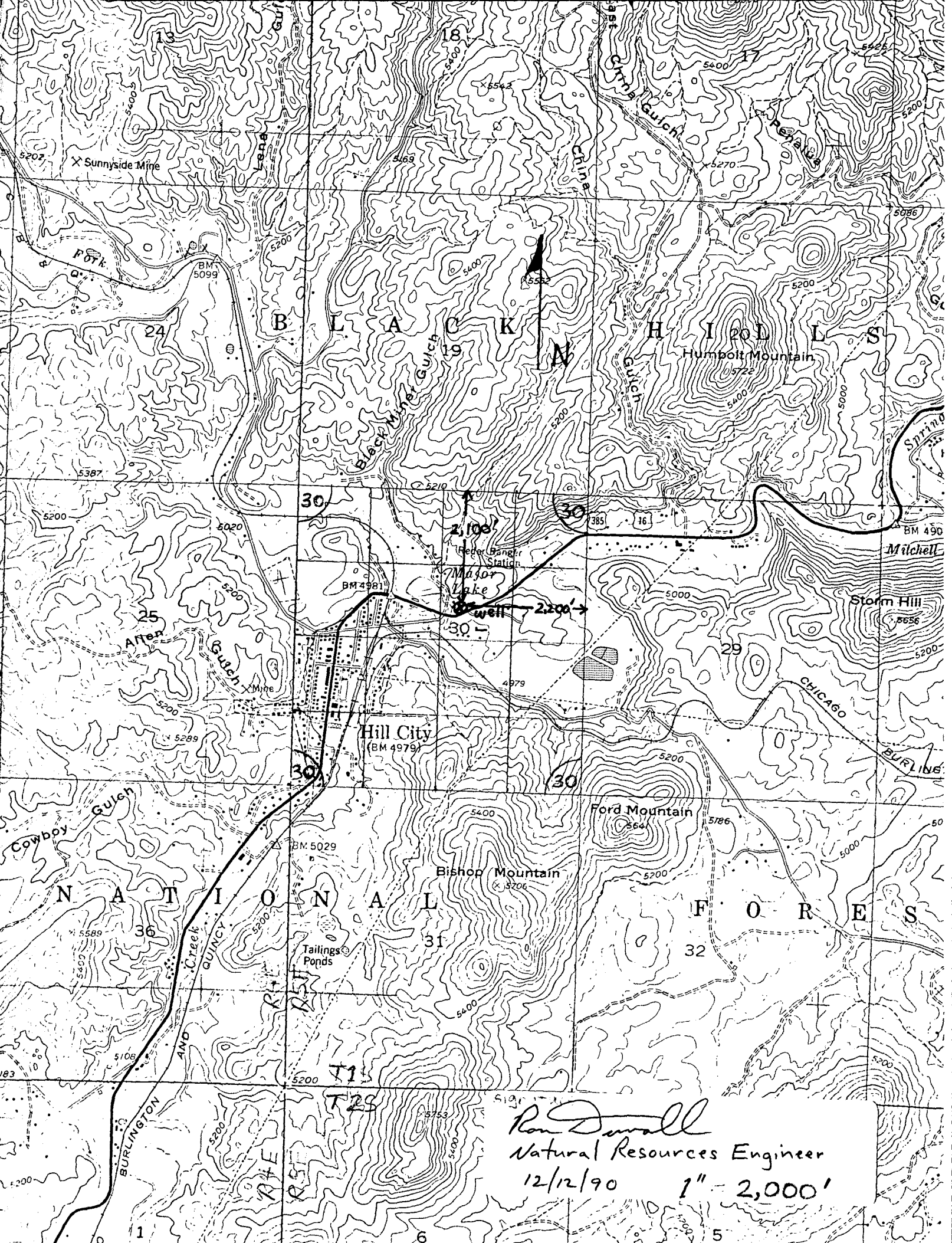
Water has been put to beneficial use to the maximum extent as follows: _____

* The system is used as a standby water source. The system is
functional according to Mr. McKay and can be upon demand
pursuant to General Rule 74:02:01:37.02. Water is currently
supplied by the city.

comprising a total of NA acres of land and the license should be issued for 0.05 cfs

Applicable permit qualifications have been complied with _____ Yes _____ No

Exceptions to compliance are: _____ Date Dec 4, 1990



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

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

NA = nonapplicable

ID# 4600564

Survey taken by Steve Naylor (SDSMT) Survey date 6-20-84

Is system active or inactive Active

If inactive, deactivation date NA

Deactivation reason NA

Location of NC PWS NE edge of Hill City on highway 385 and 16 comb.

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

Name of NC PWS Lantern Inn Motel

NC PWS mailing address Hill City Telephone # 574-2582

Name of Operator/Manager Charlie & Janet McKay

Owner of NC PWS Charlie & Janet McKay

Owner's mailing address Hill City

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

County NC PWS located in PENNINGTON Seasonal operation dates 5-1 to 11-30

Number of people served: Average daily 25 Peak daily 70

Comments on type of people (transient vs. permanent) trans, also (10)

Summer time residents and 4 perm. residents

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

Source name unknown

Visual inspection of water source (comments) NA

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

Surface Area Characteristics Grassy + graveled areas. Located at the base of a pine covered hill

Wells: drilled (x) bored () dug () driven ()

Well depth 58'

Casing material Steel

Casing diameter 6" outside dia Height casing top above ground

Grouted unknown Grouted to what depth NA

Date of well construction Approx 1949

Distance to: Septic tank SEE Page 4 Disposal field ✓

Is well situated in a pit or depression where it will be subject to flooding ✓
Well is in a cement ~~Top~~, wood walled pit. well casing exits from dirt floor at pits bottom
and is below dirt floor's ground level. Pit is in low spot and manhole cover leaks.
Well is very susceptible to flooding.

Any known private sewage systems nearby There are several neighbors
but owner thinks most are on city sewer system

Any known source of contamination Have had high bacteria counts (35 per
looml sample) within last week. It is suspected that the large amount
of rain in the area the past few weeks has caused the well to
be flooded and surface runoff has leaked down the well casing
Pump:

Well pump type Surface Capacity unknown GPM

Number of service connections 10 motel units, (1) trailer house,
office / ~~house~~

Pumphouse floor/ housekeeping OK

Storage:

Size and type of storage only storage is what is available in the
pressure tank

Cover/manhole conditions (overlapping cover?) NA

Overflow and vents screened NA

Distance from pits/ contamination/ drainage NA

General condition NA

WATER RIGHTS DIVISION
(605) 773-3352

June 3, 1985

Lantern Inn Motel
Charles McKay
P.O. Box 744
Hill City, South Dakota 57745

Dear Mr. McKay:

Thank you for receipt of your water permit application. I am returning your check, as the filing fee for a Vested Right claim is \$10.50. Upon receipt of the \$10.50 filing fee your vested right claim will be complete.

If you have any further questions please contact this office.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

RECEIPT

Division of Water Rights

No 4 10062

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF Lantern Inn Motel, Charles/Jan. City, S. D.

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

Fee for Application for Permit No. <u>2152-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	10	50
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	10 50

By John Hatch
Chief Engineer JOHN HATCH MS



Department of Water & Natural Resources

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

September 27, 1984

Lantern Inn Motel
Hill City, SD 57745

Dear Mr. & Mrs. McKay:

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 Lantern Inn Motel.

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

*Called
10-9-84
is sending app.
KCL*

Enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

April 25, 1985

NOTICE

Lantern Inn Motel
Hill City, South Dakota 57745

Dear Mr. and Mrs. McKay:

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,



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

S519.WR

REPORT ON APPLICATION NO. 2152-2
for Charles McKay
February 7, 1991

Permit application No. 2152-2 proposes to validate a vested water right claim to appropriate 0.05 cfs from one well 58 feet deep located in the SW 1/4 NE 1/4 of section 30, T1S R5E BHM in Pennington County. The water has a claimed priority date of 1948 and is for commercial use as a standby water supply for the Lantern Inn Motel.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of a thin bedded phyllite and schist (Redden, 1975). Ground water is found within the natural foliations and fractures inherent to the rock type. Well yields are difficult to predict and generally the specific capacity of completed wells is relatively small. Recharge to the ground water system is accomplished by rainfall and snowmelt percolating downward through fractures at the surface. There is no estimate available for total water in storage or for the amount of recharge to this system. The Division of Water Rights does not monitor any observation wells in this area so there is no historical water level information available.

The information submitted with this application is not sufficient to evaluate the construction of the well. Ground water has been used at this site since about 1948 or 1949 for the same purposes. The well is completed in a pit and according to a survey submitted with the application has a history of bacterial contamination. The motel is now obtaining water from Hill City and this system is used only as a backup.

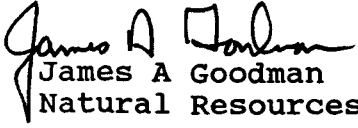
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permit has been issued to the City of Hill City (No. 2094-2). The well for this application is located approximately 660 feet northeast of the city well. Interference should not be a problem. The diversion rates are relatively small and drawdowns caused by pumping are not expected to be significant.

CONCLUSIONS

1. Water is available from the Precambrian aquifer.
2. The aquifer is probably under water table conditions and interference is not expected to be a problem.
3. The information submitted with this application indicates this system was completed in 1948 or 1949 and has been in continuous since that time and qualifies.
4. The water system and well is used as a backup to city water.

5. Information included with the application indicated the well is completed in a pit and water samples from the system have had high bacteria counts indicating contamination. This was probably due to flooding in the well pit.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 2152-2, Charles McKay

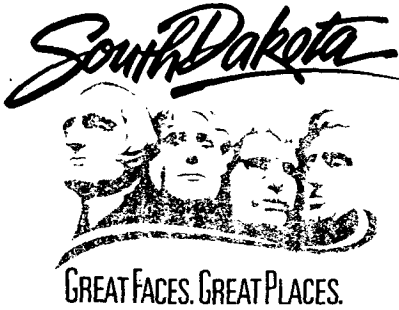
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 2152-2, Charles McKay, PO Box 744, Hill City, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2152-2 for 0.05 cfs because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1948, 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
February 8, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 20, 1991

Charles McKay
PO Box 744
Hill City, SD 57745

Dear Mr. McKay:

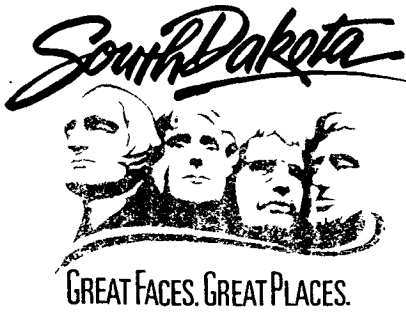
Your Application No.2152-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Pennington County Prevalier News printed at Hill City, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 20, 1991

Pennington County Prevalier News
Box 266
Hill City, SD 57745

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2152-2 to be published twice. Please publish the 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 Charles McKay, PO Box 744, Hill City, SD 57745.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered 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: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 28, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2152-2 to Appropriate Water

Notice is given that Charles McKay, PO Box 744, Hill City SD 57745 has filed an application to validate a vested water right claim to appropriate 0.05 cubic feet of water per second (cfs) from one well 58 feet deep located in the SW 1/4 NE 1/4 Section 30-T1S-R5E. The water has a claimed priority date of 1948 and is for commercial use as a standby water supply for Lantern Inn Motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2152-2 for 0.05 cfs because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1948, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (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 application, the petitioner's reasons for opposing or supporting the application, 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 No. 2152-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is 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 hearing, 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 a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. 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 this application or to assure access to the hearing by the handicapped.

This application is 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 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 Presailer - 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 town of Hill City

_____ of _____

County of Pennington and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

3-27-91

4-03-91

Don Gerken

(Signature)

mgr

(Title)

4-3-91

(Date Signed)

Cost of Printing: 70.27



NOTICE OF HEARING

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#165 3-27 4-01-91



GREAT FACES. GREAT PLACES.

JUL 23 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2152-2

Charles McKay
PO Box 744
Hill City, SD 57745

Dear Mr. McKay:

Enclosed are your Validated Vested Water Right and Water License No. 2152-2. 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 22, 2012

2152-2

Charles McKay
PO Box 744
Hill City SD 57745

Dear McKay:

Thank you for notifying us that an ownership change is needed for Vested Water Right No. 2152-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner will need to complete the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give me a call.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 31 2012

WATER RIGHTS
PROGRAM

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

No. 2152-2

Date: 5-23-12

I/We request that Vested Water Right No. 2152-2

formerly owned by: Charles McKay

be transferred to: (name & address) Drew Dawson 580 E. Main St. Hill
City SD 57745 P.O. Box 744

Telephone No. 605-574-2582

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

Well location: SW ¼ NE ¼ Section 30, T1S, R5E

I/We understand that the validity of Vested Water Right No. 2152-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Drew Dawson, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/31, 20 12

RECEIVED OF Lantern Inn PO Box 744 Hill City SD 57745

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2152-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05449**

By [Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 1, 2012

2152-2

Drew Dawson
580 E Main
PO Box 744
Hill City SD 57745

Dear Mr. Dawson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 2152-2.

The ownership change has been completed. Vested Water Right No. 2152-2 formerly held by Charles McKay is now listed in your name.

Enclosed for your records is Receipt No. 05449 in the amount of \$50.00. If you have any questions, please give me a call.

Sincerely,

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

enclosure