

Considered: _____

WATER PERMIT NO. 2161-2

Phone: 547-2347

Name of Applicant: Lode Stone Motel

Post Office Address: HCR 87, Box 57, Hill City SD 57745

Amount of Water Claimed: 8 gpm Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 6 miles N of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-24-91 Fee: \$50.00 Remarks _____

Corrected Application Received 2-11-91 Period of Annual Use May 1 - Sept 30

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

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

Diversion Point: NW 1/4 NE 1/4 29-1S-5E

Land to be Irrigated: _____

			8		
			29		

Well Log: Driller: Alexander Licensed YES X NO _____

Depth of Well: 185' REMARKS _____

Type of Map: topo PREPARED BY: Rassool Ahadi Reviewed and the Number

Assigned on 2-11-91 By Karen Schlaak

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

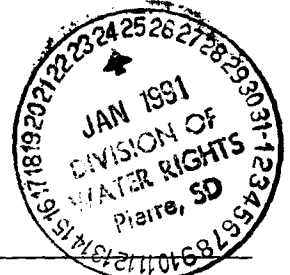
No. <u>2161-2</u>	Hydrologic Unit <u>10120109</u>
Map No. _____	Basin <u>Upper Cheyenne</u>
Newspaper <u>Pennington Co Prevalier News, Box 266</u>	
Hill City, SD (Thurs)	

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 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 Code Stone Motel Phone No. 574-2347
 Post Office Address HCR 87 Box 57 Hill City State S.D. 57245
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 8 per min 8 gpm
- Source of water supply 1 well
- Location of point of diversion NW 29 1 S 5 E
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29-T1S-R5E
 _____ County Pennington
- Counties where water will be used Pennington
- Annual period during which water is to be used May thru Sept 30 domestic year round
- 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 is used to supply eight units in Motel - May thru Sept,
well is also used to supply Household year round

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, Margaret R. Mittag 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 Margaret R. MittagSubscribed and sworn to before me this 18th day of January 1991Dele H. Matkins

Notary Public

My commission expires Oct 24, 1992

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 185'
- b) Casing Type 6" plastic Diameter _____ Thickness 25"
- c) Screen Type no screen Diameter _____ Thickness _____
- d) Gravel Pack Thickness no Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 81"
- f) Depth to Water (ground surface to water level) 50'
- g) Distance to nearest existing domestic well:
On applicants property 100+ feet old well On property owned by others 300 yds

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 _____

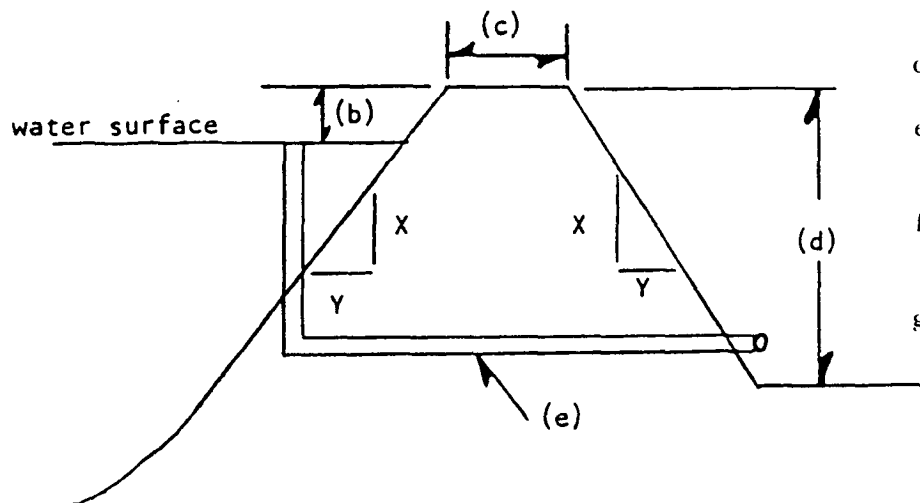
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

**SOUTH DAKOTA
WATER PERMIT No. 2161-2**

Date of first receipt of application January 24, 1991.
Date of return to applicant for corrections, amendments or changes
January 25, 1991.
Date of receipt of corrected application February 11, 1991.

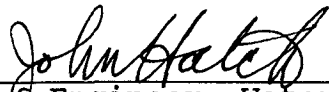
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2161-2 to the Lode Stone Motel, HCR 87, Box 57, Hill City SD 57745 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2161-2 appropriates 8 gallons per minute (0.017 cubic feet of water per second) from one existing well 185 feet deep located in the NW 1/4 NE 1/4 Section 29-T1S-R5E.
2. The water appropriated shall be used for the purpose of supplying water to the motel and may not exceed the amount of water needed for beneficial use for commercial and domestic purposes.
3. The water is to be used during the following described annual period: May 1 - September 30.
4. The date of approval of Permit No. 2161-2 is May 1, 1991.
5. The date from which applicant may claim right is January 24, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

SEP 18 1991
(date)



Department of Water & Natural Resources

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

October 18, 1990

LODE STONE 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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 25, 1991

Lode Stone Motel
Margaret R. Mittag
HCR 87, Box 57
Hill City SD 57745

Dear Ms. Mittag:

In regard to your water permit application received on January 24, 1991, the map submitted with your application does not indicate the location of your well. We are going to delay further processing of your application until an engineer from our office is in the area and can verify the location of your well.

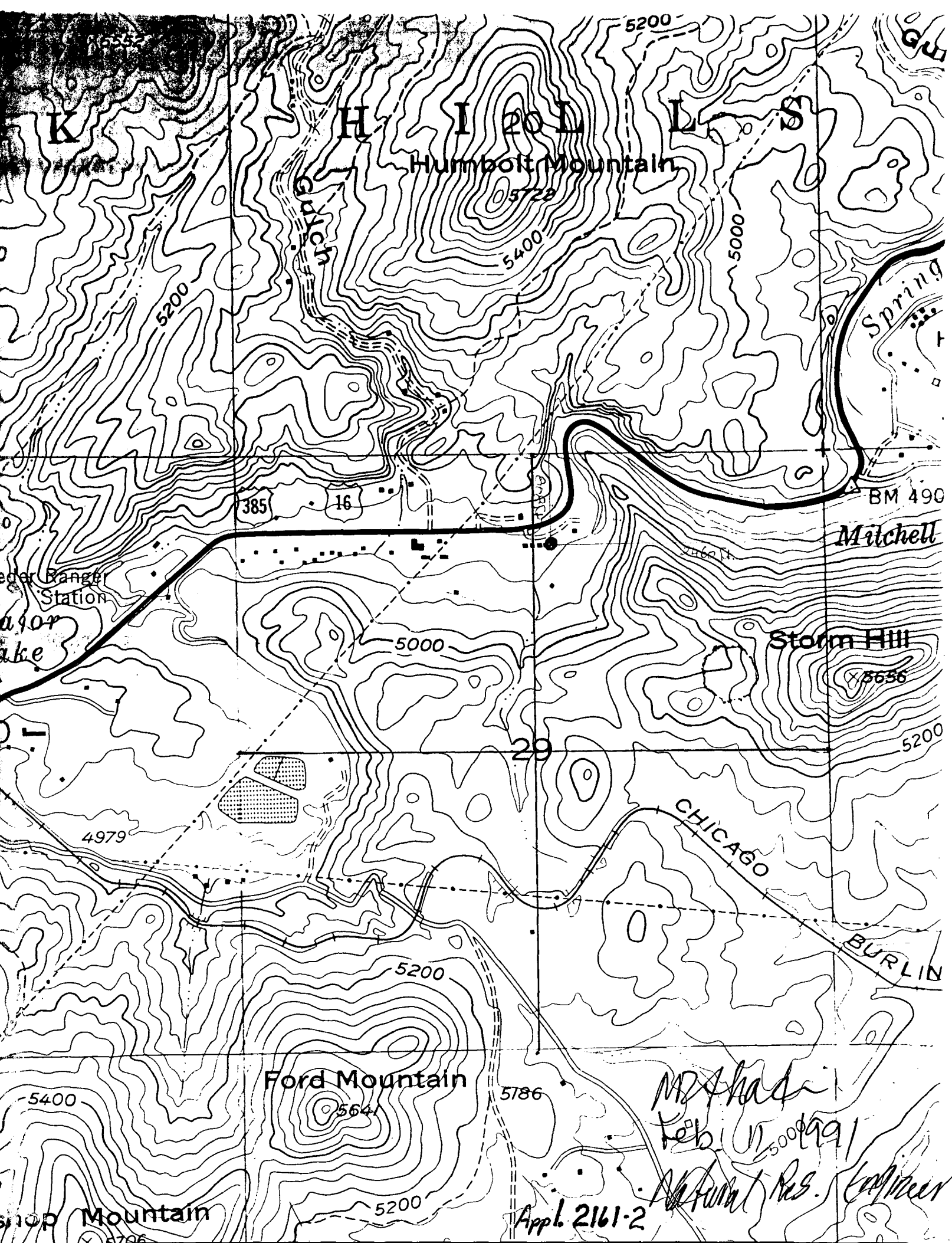
Upon verification of the well location, further processing of your application will proceed.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352





15-5E

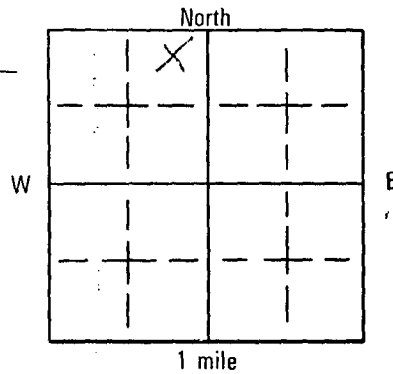
Handwritten signature and date:
D. C. ...
Sept 1966

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 Sec 29 Twp 1S Rg 5ECounty Penn

Please mark well location with an "X"

Well Completion Date 7-28-89

PROPOSED USE:

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

Method of Drilling:

Downhole Hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
If other describe 25'

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>6</u> IN	<u>0</u> FT	<u>25</u> FT	<u>8</u> IN
_____ 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' to 25' FEETWhat is grouting material? type III cementIf cement, number of sacks? 3Describe grouting procedure frame PipeWhat was grout weight? 14 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured NONE

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet 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? casing set Hd. Pack

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorineBacteriological analysis ☒ YES ☐ NOLaboratory sent to owner sent

Well Owner:

Name Lode Stone MotelAddress N. of Hill City, Hill City, S.D.Well Log: _____ Depth 157' 45"

Formation	From	To
Drift	0	41
Schist, Hd. grey	41	80
Schist, Fract. H ₂ O-34gpm	80	81
Schist, Hd. grey	81	110
Quartz, Fract. H ₂ O-10gpm	110	112
Schist Hd. grey	112	150
Quartz Fract. H ₂ O-30gpm	150	152
Schist Hd. grey	152	170
Schist Fract. H ₂ O-40gpm	170	171
Schist Hd. grey	171	185

STATIC WATER LEVEL 50 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 w/Air 40² 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:

This well was drilled under license # 324

And this report is true and accurate

Drilling firm Alexander Delf Co.

Signature of License Representative:

R. Alexander

Signature of Well Owner:

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 24, 1991

RECEIVED OF Loft-Stone Hotel, (Margaret Mittag) 108 87 Ave 67, Hill City SD 57741

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

Fee for Application for Permit No. <u>2161-2</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 [Signature]
Chief Engineer

REPORT ON APPLICATION NO. 2161-2
for Lode Stone Motel
March 18, 1991

This application proposes to appropriate 8 gpm (0.018 cfs) from one well approximately 185 feet deep located in the NW 1/4 NE 1/4 of section 29, T1S R5E in Pennington County. The water is being used to supply the Lode Stone Motel and for domestic purposes.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of thin bedded phyllite and schist (Redden, 1975). Ground water is contained within the natural foliations and fractures in the rock. Well yields are typically small with a relatively small specific capacity. Recharge to the ground water system is through rainfall and snowmelt percolating downward through the soil and fractures at the surface. There is no estimate available for the amount of water in storage or recharge to the system. The Division of Water Rights does not monitor any observation wells in this area.

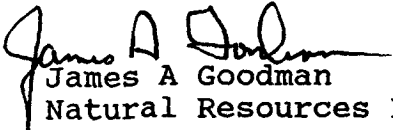
The well log submitted with the application indicates schist with quartz intrusives from the surface to a depth of 185 feet. The record indicates water was produced from the quartz and from fractures zones. The well produced 40 gpm with air pumping and had a static water level of 50 feet below land surface.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permits/rights in this area. The nearest permit is about one mile west of this application. There are domestic users in this area. Interference should not be a problem. The diversion rates are small and pumping should not cause significant drawdowns.

CONCLUSIONS

1. Water is available from the Precambrian rock.
2. Interference should not be a problem.
3. The well was completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2161-2, Lode Stone Motel

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. 2161-2, Lode Stone Motel, HCR 87 Box 57, Hill City, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2161-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualification:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 19, 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 27, 1991

Margaret R. Mittag
Lode Stone Motel
HCR 87 Box 57
Hill City, SD 57745

Dear Ms. Mittag:

Water Permit Application No. 2161-2 for commercial and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Pennington County Prevalier 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 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 application.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 27, 1991

Pennington County Prevailer News
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2161-2 to be published twice. Please publish the first notice on April 4, 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 the Lode Stone Motel, HCR 87, Box 57, 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 April 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2161-2 to Appropriate Water

Notice is given that the Lode Stone Motel, HCR 87, Box 57, Hill City, SD 57745 has filed an application for a water permit to appropriate 8 gallons per minute from one existing well 185 feet deep located in the NW 1/4 NE 1/4 Section 29-T1S-R5E. The water is to be for commercial use by the motel and for domestic purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2161-2 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. 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 permit 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. 2161-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 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, 2) approve with qualifications, 3) defer, or 4) deny this 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; 46-5-1 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Pennington) ss.

I, Don Gerken
 certify that the attached printed Notice was taken
 from the Pennington Co. 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 _____

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

4-3-91

4-10-91

Don Gerken
 (Signature)

managing editor
 (Title)

4-12-91

(Date Signed)

Cost of Printing: \$ 65.32



**NOTICE OF
 HEARING**
 On Application No.
 2161-2 To

Appropriate water

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For purposes of publishing 1) the notice of hearing on Application No. 2161-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chief Louie's, 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 of the Chief Engineers 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this 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; 46-5-1 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.

#173 4-03, 4-10-91



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 18 1991

Margaret R Mittag
Lode Stone Motel
HCR 87 Box 57
Hill City, SD 57745

Dear Ms. Mittag:

Enclosed is Water Permit No. 2161-2 authorizing construction of your water diversion system and beneficial use of the water, 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,

A handwritten signature in dark ink, appearing to read "John Hatch", with a stylized flourish at the end.

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

July 25, 1996

2161-2

Margaret R. Mittag
Lode Stone Motel
HCR 87, Box 57
Hill City, SD 57745

Dear Ms. Mittag:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2161-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Dept of Environment & Natural Resources
Water Rights Program
523 Capitol
Pierre, S.D. 57501-3181

Enclosed is the check
of \$50 for Water Permit --
2161/-2.

Thank you,
Margaret R. Mittag
Lodge Stone Motel
23884 Hwy 385
Hill City, S.D. 57451



Permit No. 2161-2
Upper Cheyenne River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, April 24, 1996, made a thorough examination of the water use system constructed by Lode Stone Motel - M. Mittag of HCR 87 Box 57, Hill City, SD 57745 holder of Permit No. 2161-2, bearing the priority of January 24, 1991 authorizing the diversion of 0.01/cu. ft. per second of the waters of the Precambrian formation for commercial and domestic purposes, in Pennington County.

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

A. Works used to divert the water:

Grundfoss model 10S10-15 pump operating at 45 psi. A Franklin Electric, model No. 2801084910, 1 hp motor.

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

pvc pipe to cabins and house

C. Works used to apply water to beneficial use:

cabins - showers, cooking facilities etc.

The system is in the following condition good. The point of diversion is located NW 1/4 NE 1/4 Sec. 29 T1S-R5E (1290' south and 2260' west of the NE corner Sec. 29 T1S-R5E). The works are capable of diverting and conveying to the place of use 0.01/cu. ft. per second of water which is to be used for commercial and domestic. Water has been put to beneficial use to the maximum extent as a **water supply for a motel/cabin facility.**

The license should be issued for 0.01/cfs. 

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: April 26, 1996



DelRon Peters

Natural Resources Engineer

DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2161-2

Other permit(s) associated with the project:

DATE OF INSPECTION: April 24, 1996

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: M. Mittag

P.O. Box 395

Hill City, SD 57745

DIVERSION POINT LEGAL LOCATION: NW1/4 NE1/4 SEC. 29 T1S-R5E

WELL INFORMATION:

- 1) Well Drilling Firm: Alexander Well Drillers
- 2) No. of Wells: 1
- 3) Depth: 185 feet
- 4) Well log is available: Y

Casing:

- 1) Diameter: 6 inches
- 2) Length: 25 feet
- 3) Type: pvc
- 4) Static water level 50 feet

Pump:

- 1) Make: Grundfoss
- 2) Model: 10S10-15
- 3) Size:
- 4) Capacity GPM

Motor:

- 1) Make: Franklin Electric
- 2) Model No.: 2801084910
- 3) Horsepower rating 1 hp

DISTRIBUTION LINES OR CANALS: PVC lines supply cabins and house

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period
N/A



Diversions Point NW 1/4 NE 1/4
Sec. 29
T15-R5E

NE corner
Sec 29

DeRon Peters
DENR
Natural Resources Eng II
April 24, 1996
DeRon Peters

46

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2161-2

(1) The Lode Stone Motel made Application No. 2161-2, January 24, 1991 for a water permit to divert 0.017 cubic feet of water per second from ground water (one existing well), Pennington County, South Dakota for commercial and domestic purposes. Permit No. 2161-2, with a priority date of January 24, 1991 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.

(2) It is certified that the applicant 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 0.017 cubic feet of water per second for beneficial use. The location of the diversion point is 1,290 feet S and 2,260 feet W of the NE corner of Section 29, T1S, R5E (NW¼ NE¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a motel from May through September and household use year around.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Lode Stone Motel, % Margaret R Mittag, 23884 Hwy 385, Hill City, SD 57745 the holder and/or owner of Water Permit No. 2161-2 is issued a license to appropriate water, the right to use 0.017 cubic feet of water per second from ground water (one well) with a priority date of January 24, 1991 from the location specified in (2) of this license, for commercial and domestic. This license is subject to any limitations or qualifications listed in Water Permit No. 2161-2 and subject to South Dakota State Law.


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

OCT 16 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 16 1996

2161-2

Lode Stone Motel
%Margaret R. Mittag
23884 Hwy. 385
Hill City, SD 57745

Dear Ms. Mittag:

Enclosed is Water License No. 2161-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415032 in the amount of \$50.00 which you paid for the investigation 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. 2161-2, 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 Program
(605) 773-3352

gm
enclosures