

Considered: _____

WATER PERMIT NO. 2174-2

Phone: 605 342-3321

Name of Applicant: E & E Investment of Rapid City

Post Office Address: HC 41, Box 370, Rapid City SD 57701

Amount of Water Claimed: 45 gpm (0.1 cfs) Total Acres: NA

Source of Water Supply: groundwater

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: 3-28-91 Fee: \$50 Remarks _____

Corrected Application Received 4/17/91 Period of Annual Use April 1 - Oct 31

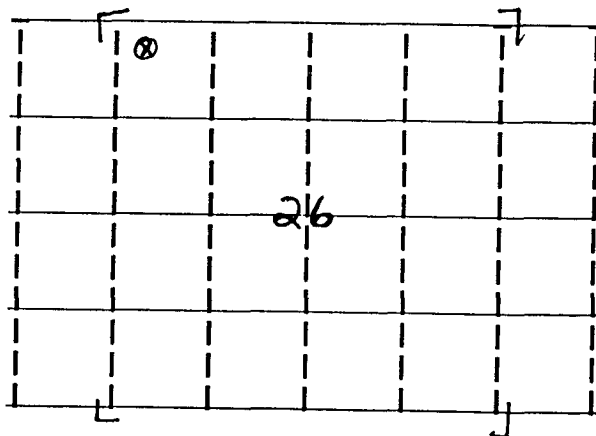
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 NW 1/4 (Lot A)

Section 26-T1N-R7E

Land to be Irrigated: _____



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

Depth of Well: 423' REMARKS _____

Type of Map: plat PREPARED BY: Ronald Dean Davis Reviewed and the Number

Assigned on 4-24-91 By Karen Schlaak

No. 2174-2 Hydrologic Unit 10120110
 Map No. Basin Upper Cheyenne
 Newspaper Rapid City Journal, PO Box 450 57709

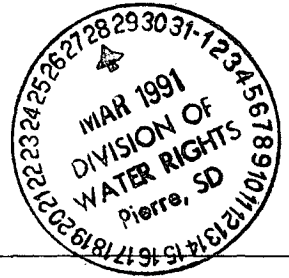
523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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 E & E Investment of Rapid City Phone No. (605) 342-3321
 Post Office Address HC 41 Box 370 Rapid City State SD Zip Code 57701
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) 45 gallon A minute 0.10 cfs
- Source of water supply water well groundwater
- Location of point of diversion Please See Attached sheet from
Denny/Anthony Assoc. NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot A) Section 26-T1N-R7E
 _____ County Pennington
- Counties where water will be used Pennington
- Annual period during which water is to be used April 1 - October 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)
Small Amusement Establishment on Hwy 16 South, Primary use is for Restrooms.

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, Robert Egermayer the applicant, certify that I have read
 this application and 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 Robert Egermayer

Subscribed and sworn to before me this 27 day of March 19 91

Albert L. Mills
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2174-2**

Date of first receipt of application March 28, 1991.

Date of return to applicant for corrections, amendments or changes April 2, 1991.

Date of receipt of corrected application April 17, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2174-2 to E & E Investment of Rapid City, HC 41, Box 370, Rapid City SD 57701 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. 2174-2 appropriates 0.10 cubic feet of water per second from one well (Unkpapa Sandstone Aquifer) 423 feet deep located in the NW 1/4 NW 1/4 (Lot A) Section 26-T1N-R7E.
2. The water appropriated shall be used for the purpose of supplying water to The Ranch Park and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: April 1- October 31.
4. The date of approval of Permit No. 2174-2 is August 14, 1991.
5. The date from which applicant may claim right is March 28, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

By: _____

John M. Hatch
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 16 1991

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 1/2" Depth 423'
- b) Casing Type Steel Diameter 5 1/2" O.D. Thickness .250
- c) Screen Type none Diameter _____ Thickness _____
- d) Gravel Pack Thickness none Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 384'
- f) Depth to Water (ground surface to water level) 300
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

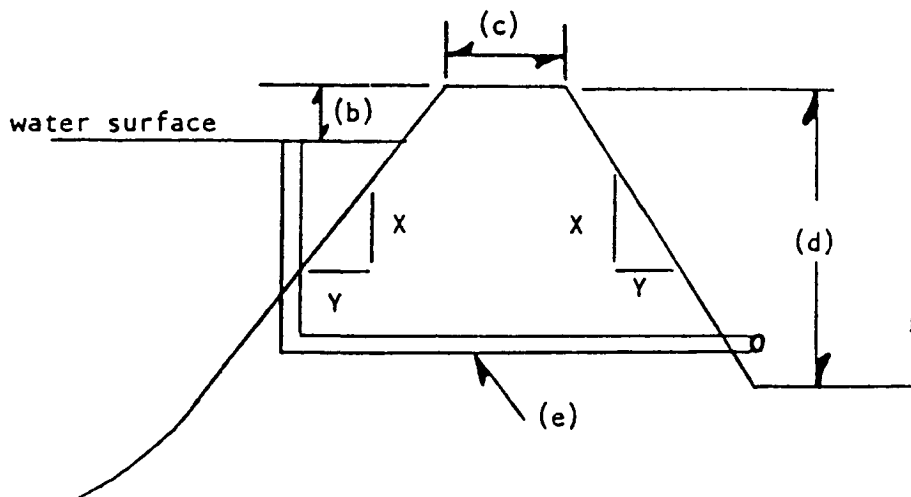
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

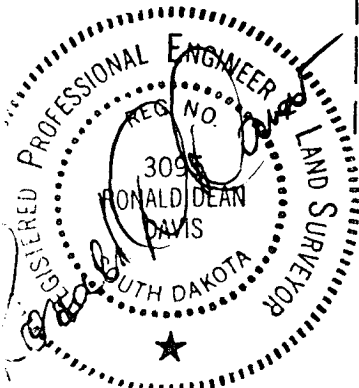
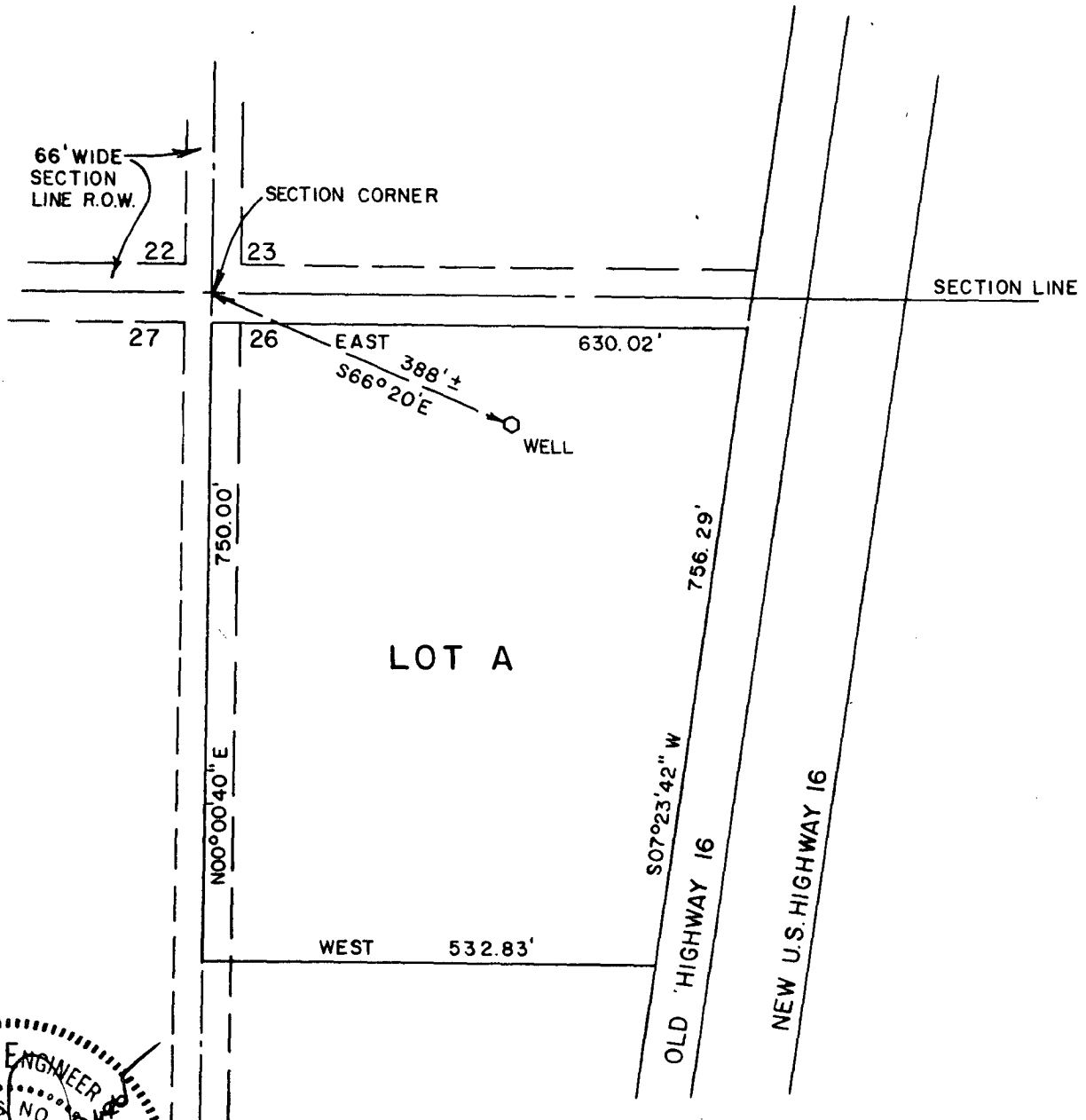
EXHIBIT "A"

Submitted of 4/17/91

App'l. No
2174-2

NORTH

SCALE 1"=200'
APRIL 9, 1991



DAVIS-ATKINS & ASSOCIATES, INC.
1141A RAND ROAD
RAPID CITY, SOUTH DAKOTA 57702

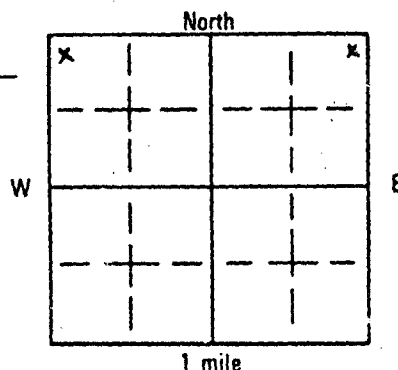
PHONE (605) 341-3095

WELL LOCATION - LOT A OF THE RANCH SUBDIVISION
LOCATED IN NW 1/4 NW 1/4 OF SECTION 26, T1N, R7E, BHM

Surveyed by: _____	Date: _____	Scale: _____	Location: _____
Designed by: _____	Date: _____	Revisions: _____	
Drawn by: _____	Date: _____		
Checked by: _____	Date: _____		Job Number: 89.077

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW NW Sec 26 Twp 1N Rg 7ECounty
PenningtonPlease mark well
location with
an "X"Well Completion Date January 5, 1990

PROPOSED USE:

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

Method of Drilling:

AIR - ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>25</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>45</u> FT	<u>8 3/4</u> IN
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>395</u> FT	<u>6 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? NEAT CEMENTIf cement, number of sacks? 20Describe grouting procedure PRESSURE GROUTED
THROUGH CASING
WITH TROUBLE FROM BOTTOM
TO TOPWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

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? PACKER

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain CHLORINE SOLUTION CIRCULATED BOTTOMS UPBacteriological analysis ☐ YES ☒ NOLaboratory sent to DID NOT SET PUMP

Well Owner:

Name The Ranch Amusement ParkHC Rt. 41 Box 370Address Se Hwy 16 Rapid City, SD 57701

Well Log:

Depth

Formation	From	To
GRAVEL & TOPSOIL	0	23
YELLOW S.S. GRAY CLAY	23	76
LIGHT GRAY S.S.	76	89
LIGHT GRAY SHALE	89	136
TAN S.S.	136	149
MULTI-COLORED SHALE	149	170
TAN S.S.	170	180
DARK SHALE (SOME TAN S.S.)	180	244
YELLOW S.S. (SOME PINK S.S.)	244	278
BLUE SHALE	278	285
MULTI-COLORED SHALE	285	352
LIGHT GRAY S.S.	352	364
LIGHT GRAY SHALE	364	384
MULTI-COLORED S.S. (RED BOTTOM)	384	423

STATIC WATER LEVEL 300 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☐ BailedDescribe: AIR DEVELOPED☒ Other

Pumping Level Below Land Surface

360 ft. After 2 Hrs. pumped 25 GPM400 ft. After 4 Hrs. pumped 40 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS: WELL OWNERS ADDRESS:

Bob Eatemeyer4022 So. 108th St.Omaha, Neb. 68137This well was drilled under license # 331

And this report is true and accurate.

Drilling firm TAYLOR DRILLING COMPANY

Signature of License Representative:

Ralph Taylor

Signature of Well Owner:

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412347

Pierre, _____ April 13, 1991

RECEIVED OF The Ranch of S.D., HC Route 41, Box 370, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatala (E)
Chief Engineer



Department of Water & Natural Resources

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

October 18, 1990

RANCH AMUSEMENT PARK
S HWY 16
RAPID CITY SD 57501

Dear SIR :

A well drillers report filed with this office by TAYLOR 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

February 22, 1991

RANCH AMUSEMENT PARK
S HWY 16
RAPID CITY SD 57501

Dear SIR :

I am writing to follow-up on my October 17, 1990 letter concerning the requirement to apply for a water permit.

Information we have indicates you may need a water permit to use water from your new well(s). A water permit must be obtained for any use of water other than domestic uses, such as individual farm or ranch use, not exceeding 18 gallons per minute during average daily use.

No response to the October 17, 1990 has been received. If you need assistance with completion of the application forms or if you do not believe you need a water permit, please contact Regan Fanning by March 29, 1991 at: Joe Foss Building, 523 E. Capitol, Pierre SD 57501-3181, (605) 773-3352.

Thank you for your attention to this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 2, 1991

E & E Investment of Rapid city
Robert Egermayer
HC 41, Box 370
Rapid City SD 57701

Dear Mr. Egermayer:

In regard to your water permit application received on March 28, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. On Item No. 2 of the application please include the maximum diversion rate in gallons per minute from the well.
2. The application fee for the amount of water claimed, if the maximum diversion rate is less than 45 gallons per minute, is \$50.00.
3. On Item No. 4, please indicate which quarter-quarter (40 acre parcel) of the Section, the well is located.
4. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



Davis-Atkins and Associates, Inc.

1141 A RAND ROAD, RAPID CITY, SOUTH DAKOTA 57702 PHONE (605) 341-3095

April 10, 1991

The Ranch Amusement Park
6303 S. Highway 16
Rapid City, SD 57701

RE: Location of Well for State Permit

ATTENTION: Bob Egermeyer

Dear Mr. Egermeyer:

Enclosed please find three copies of "Exhibit A" showing the location of your well with respect to the common corner to sections 22, 23, 26, and 27 of TIN, R7E, BHM.

The Exhibit should be all that is required for the permit, but if you find you need something else please call.

Sincerely,

DAVIS-ATKINS AND ASSOCIATES

Ron D. Davis

Enclosure

pc: Job No. 89.077

RD/sh



April 12

Ron

Hopefully I've put together everything that you and I discussed on the phone. Davis/Atkins came out and surveyed the spot, the check and the gallons are listed, so everything should be ready for the next step.

Please call Collect if something is still not correct, I appreciate your help.

Thank so much.

Craig Berry
(605) 342-3321

REPORT ON APPLICATION NO. 2174-2
for E & E Investment of Rapid City
June 7, 1991

Application No. 2174-2 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 423 feet deep located in the NW 1/4 NW 1/4 of section 26, T1N R7E in Pennington County. The water will be used for commercial purposes at The Ranch Amusement Park.

AQUIFER - UNKPAPA SANDSTONE (UKPP)

The Unkpapa Sandstone consists of 80 to 250 feet of white to yellow sandstone and is thickest where the overlying Morrison Formation is thinnest (Cattermole, 1969). According to the well log submitted with this application the Unkpapa would be the multi-colored sand from 384 to 423 feet below land surface. The well produced 40 gpm at 400 feet pumping with air and had a static water level of 300 feet below land surface. The Unkpapa lies between the Inyan Kara which contains an estimated 23.35 million acre feet of recoverable water and the Sundance Formation which contains an estimated 9.5 million acre feet of recoverable water (Allen, 1984) and may be hydraulically connected to either or both formations. This well is drilled upon the outcrop of the Inyan Kara (recharge zone). There is no estimate of water in storage for the Unkpapa Sandstone and it is considered an aquifer only locally. The Division of Water Rights does not monitor any observation wells completed into these formations in this area.

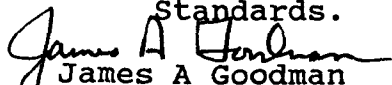
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Permit No. 1932-2 for water from the Unkpapa Sandstone which is located about 1/2 mile north of this application. Interference is not expected to be a problem. The diversion rates are relatively small and drawdown caused by pumping should not be significant even though the aquifer is under artesian conditions at this site.

CONCLUSIONS

1. Water is available from the Unkpapa Sandstone. The pumping record supplied by the driller indicates the completed well produced 40 gpm with air.
2. Interference is not expected to be a concern.

3. This well was completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Cattermole, M.J., 1969, Geologic Map of the Rapid City West Quadrangle, USGS Map GQ-828, USGS, Washington DC.

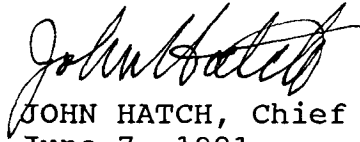
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2174-2, E & E Investment

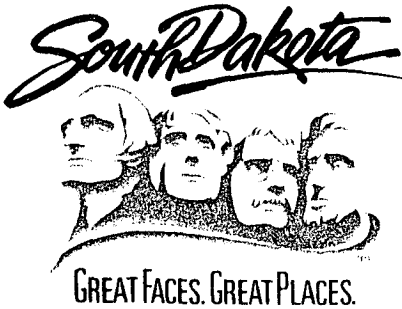
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2174-2, E & E Investment of Rapid City, HC 41, Box 370, Rapid City, SD 57701

The Chief Engineer is recommending APPROVAL of Application No. 2174-2 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
June 7, 1991



**DEPARTMENT of ENVIRONMENT
and 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.**

July 10, 1991

E & E Investment of Rapid City
HC 41, Box 370
Rapid City, SD 57701

Dear Sirs:

Water Permit Application No. 2174-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD. A copy of the notice, the recommendation of the Chief Engineer and a report on the application were forwarded to you at an earlier date. 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 ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1991

Rapid City Journal
P.O. Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2174-2 to be published twice. Please Publish the first notice on July 17, 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 E & E Investment, HC 41, Box 370, Rapid City, SD 57701.

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 July 17, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2174-2 to Appropriate Water

Notice is given that E & E Investment of Rapid City, HC 41, Box 370, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Unkpapa Sandstone Aquifer) 423 feet deep located in the NW 1/4 NW 1/4 (Lot A) Section 26-T1N-R7E. The water is for commercial use at The Ranch Park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2174-2 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 August 5, 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. 2174-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for August 14, 1991, at 10:00 am in Kneip Room, Governors Inn, 700 W. Sioux Ave., Pierre SD. If this application is opposed or the recommendation is contested, the August 14, 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 August 14, 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 August 5, 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.

**NOTICE OF HEARING
ON APPLICATION NO. 2174-2
TO APPROPRIATE WATER**

Notice is given that E & E Investment of Rapid City, HC 41, Box 370, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Unkapa Sandstone Aquifer) 423 feet deep located in the NW¼ NW¼ (Lot A) Section 26-T1N-R7E. The water is for commercial use at The Ranch Park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2174-2 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 August 5, 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. 2174-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for August 14, 1991, at 10:00 a.m. in Kneip Room, Governors Inn, 700 W. Sioux Ave., Pierre, SD. If this application is opposed or the recommendation is contested, the August 14, 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 August 14, 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 August 5, 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 74:02:01:04.



Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

ss.

Jerry J. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the 17th day of July, 1991, that the fees charged for the publication thereof are Ninety-seven Dollars and twelve cents.

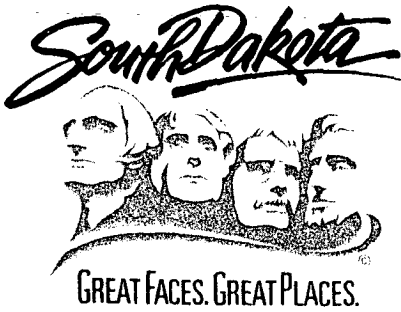
Jerry J. Shoener

Subscribed and sworn to before me this 24th day of

July, 1991.

Perry Weisburger
Notary Public.

Commission expires April 18, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 16 1991

Robert Egermayer
E & E Investment of Rapid City
HC 41 Box 370
Rapid City, SD 57701

Dear Mr. Egermayer:

Enclosed is Water Permit No. 2174-2 authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 3, 20 03

RECEIVED OF Douglas Whiteford, Whiteford Entp LLC, 6303 S Hwy 16, Rapid City SD 57701

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	2	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 <u>2174-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000908

By

Darland Erbe
Chief Engineer *gm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2004

2174-2

Douglas Whiteford
Whiteford Enterprises LLC
dba Ranch Amusement Park
6303 S Hwy 16
Rapid City SD 57701

Dear Mr. Whiteford:

On October 30, 2003, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2174-2, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 2, 20 04

RECEIVED OF Ranch Amusement, 6303 S Hwy, Rapid City SD 57702

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2134-2</u> <u>2164-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

001270

By

Harland Erbelev

Chief Engineer

145

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2174-2

DATE OF INVESTIGATION:	October 30, 2003
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Dave Everwold, General Manager
NAME & ADDRESS OF PERMIT HOLDER	Douglas Whiteford Whiteford Enterprises, LLC 6303 S Hwy 16 Rapid City SD 57701
DIVERSION POINT LEGAL LOCATION	<u>approximately 189 feet south and 306 feet east of the NW Corner (NW ¼ NW ¼) of Section 26, T1N, R7E (Lat/Lon N 44.023539 W- 103.250799).</u>

WATER SUPPLY Source: Unkpapa Sandstone Aquifer

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Taylor Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>approx. 423</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------|---------------------------|
| 1) Diameter <u>5"</u> | 2) Length <u>395</u> feet |
| 3) Type <u>steel</u> | |

Screen:

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

Pump:

- | | |
|-----------|----------------------------|
| 1) Make | 2) Model <u>18E30A</u> |
| 3) Size _ | 4) Capacity <u>18*</u> GPM |

Motor:

- | | |
|----------------------------------|--------------|
| 1) Make | 2) Model No. |
| 3) Horsepower rating <u>3</u> hp | |

Information obtained from Kim Taylor (2/18/04) with Taylor Drilling who drilled the well and installed the pump.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

Permit No. 2174-2
Bad River (10120110) - 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, **October 30, 2003**, made a thorough examination of the water use system constructed by **E & E Investments now held by Douglas Whiteford of Whiteford Enterprises, LLC** holder of Permit No. **2174-2**, bearing the priority of **March 28, 1991** authorizing the diversion of **0.10** cu. ft. per second of the waters from the **Unkpapa Sandstone Aquifer** for **commercial** purposes, with the diversion point located in **Pennington** County.

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

A. Works used to divert the water:

A 423 foot deep Unkpapa Sandstone Aquifer well with pump

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

Water is pumped to a cistern. There is a X-trol pressure tank and a 1 HP Fairbanks shallow jet pump.

C. Works used to apply water to beneficial use:

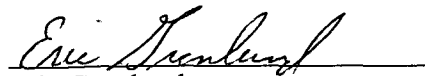
Water is used at The Ranch Amusement Park for drinking water, bumper boat pond, ponds, mini golf course and landscaping. The irrigation system is a Monarch Industries (MN NSPHE-S150 Type A) which irrigates approximately 2 ½ - 3 acres

The system is in the following condition **excellent**. The point of diversion is located **approximately 189 feet south and 306 feet east of the NW Corner (NW ¼ NW ¼) of Section 26, T1N, R7E (Lat/Lon N 44.023539 W-103.250799)**. The works are capable of diverting and conveying to the place of use **0.04** cu. ft. per second of water which is to be used for **commercial purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.04** cfs (18 gpm)

Applicable permit qualifications have been complied with: **YES**

Exceptions to compliance are: **none**

Date Report Completed: **February 18, 2004**

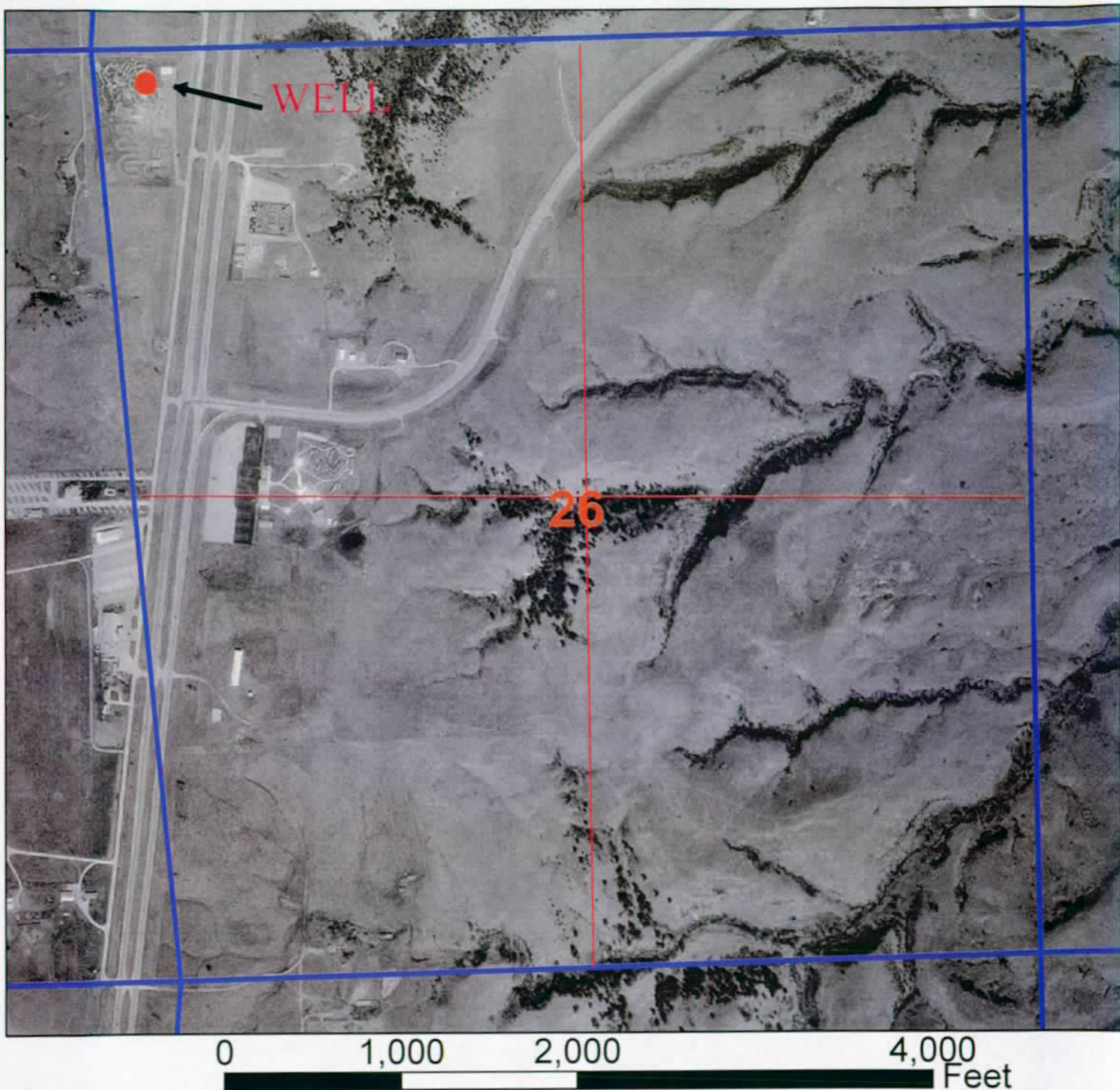


Eric Gronlund

Natural Resources Engineer
DENR, Water Rights Program



The well which supplies water for the Ranch Amusement Park
Authorized by Water Permit No. 2174-2



Well located approximately 189 feet south and 306 feet east of the NW corner (NW 1/4 NW 1/4) Section 26, T1N, R7E
Lat/Lon N44.023539 - W103.250799

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
License Investigation - October 30, 2003

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2174-2

(1) E & E Investments of Rapid City made Application No. 2174-2, March 28, 1991 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial use purposes. Permit No. 2174-2, with a priority date of March 28, 1991 was approved August 14, 1991 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On November 3, 2003, Water Permit No. 2174-2 was transferred to Whiteford Enterprises LLC, dba Ranch Amusement Park, 6303 S Hwy 16, Rapid City SD 57701.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2174-2 is issued a license, bearing a priority date of March 28, 1991 to appropriate 0.04 cubic feet of water per second from groundwater (one well) for commercial use purposes.

The diversion point is located: approximately 189 feet south and 306 feet east of the northwest corner of Section 26-T1N-R7E (NW ¼ NW ¼) for use at the Ranch Amusement Park.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2174-2 including the following now applicable 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.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 2004

2174-2

Douglas Whiteford
Whiteford Enterprises LLC
dba Ranch Amusement Park
6303 S Hwy 16
Rapid City SD 57701

Dear Mr. Whiteford:

Enclosed is Water License No. 2174-2. This is the final water right document completing the process of obtaining a Water Right.

Also, enclosed are the receipts for the transfer of ownership and the investigation and issuance of the Water License fees.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures