

Considered: _____

WATER PERMIT NO. VR 2194-2

Phone: 348-2280

Name of Applicant: Jerry's Johnson Siding

Post Office Address: Rt 1, Box 2815, Rapid City SD 57702

Amount of Water Claimed: 20 gpm (0.04 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 9 miles NW of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8-5-91 Fee: \$15 Remarks Priority

date of 1951

Corrected Application Received 8-28-91 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 SE 1/4 Sec 31-T2N-R6E

Land to be Irrigated: _____

		3/		
			⊙	

Well Log: Driller: _____ Licensed YES _ NO _

Depth of Well: 33' REMARKS no log available

Type of Map: topo PREPARED BY: Gene Waterson Reviewed and the Number

Assigned on 9-4-91 By Karen Schlaak

No. 2194-2 Hydrologic Unit 10120110
Map No. _____ Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450

57709

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. _____

1. Name of Applicant

JERRY D DAUV Jerry's Johnson Siding Phone No. 348-2280

Post Office Address

Rt 1 Box 2815 Rapid City State SD 57702
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.)

20 GPM (0.04 cfs)

3. Source of water supply

Ground Water 1 Well

4. Location of point of diversion

Lot R, S, and T of Johnson Siding townsite and the West 40.61 ft of Lot B of Lot 2 of Lot D, Revised, of the South West Quarter of the South east Quarter (SW 1/4 SE 1/4) Section 31 Township Two (2) North, Range 54 (6) EAST of the Black Hills Meridian, Penn County South Dakota
County PENN

5. Counties where water will be used

Penn

6. Annual period during which water is to be used

Jan thru Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Drinking, Sanitary

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, JERRY D DAUV 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

[Signature]

Subscribed and sworn to before me this

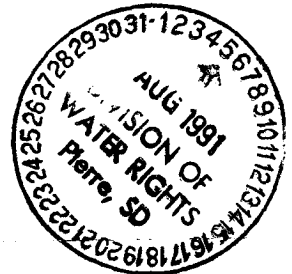
2nd day of August 1991

Charles M. Jones
Notary Public

My commission expires 12-5-97

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed construction~~

- a) Drill Hole Diameter 6" Depth 33
- b) Casing Type Steel Diameter 6" Thickness 3/16
- c) Screen Type Not Known Diameter _____ Thickness _____
- d) Gravel Pack Thickness Not Known Length of Gravel Pack Not Known
- e) Depth to Top of Water Bearing Material 8 ft
- f) Depth to Water (ground surface to water level) 8 ft
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1/4 mile

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 _____

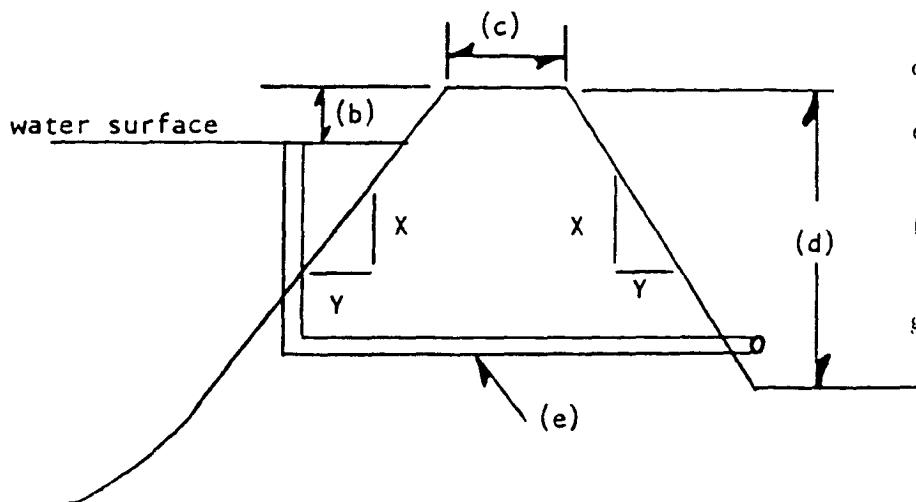
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

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) JERRY'S Johnson Siding
 Post Office Address Rt 1 Box 2815 South Dakota 57702
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system JUNE of 1951

C. Date that water was first applied to beneficial use JUNE 07 1951

D. Name of owner of original water supply system Bud Johnson

E. Amount of water originally applied to beneficial use 20 ~~acres~~ 21 PM

F. Present Use of Water - Amount of water now being used ~~20 gpm~~ 20 gpm

Date that this water was first used JUNE of 1951

G. Chronological History of Water Use

Put in for GENERAL STORE - 1951
General Store, Rest, Motel, Bar add 1972
To present (1991)

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 _____)
 County of Pennington) ss

I, JERRY D DAU the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed _____

Subscribed and sworn to before me _____

August 2, 1991
Charlene M. Jones
Notary Public or other qualified officer
My commission expires 12-5-97

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

 (Print name) 19____

 (Print name) 19____

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2194-2

Date of Receipt of Claim August 5, 1991.

Date of Validation February 10, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2194-2 for Jerry's Johnson Siding, Rt 1, Box 2815, Rapid City SD 57702 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2194-2 appropriates 20 gallons per minute (0.04 cubic feet of water per second) from one well (completed into Crystalline Rock) 33 feet deep located in the SW 1/4 SE 1/4 Section 31-T2N-R6E.
2. The appropriated water is used for supplying water to the business and may not exceed the amount of water needed for beneficial use for commercial use.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is June 1, 1951.
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

AUG 5 1992
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2194-2

(1) Jerry's Johnson Siding of RR 1, Box 2815, Rapid City, SD 57702 made Application No. 2194-2, August 5, 1991 for validation of a vested right claim to appropriate 0.04 cubic feet of water per second (20 gallons per minute) from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2194-2 was validated February 10, 1992 with a priority date of June 1, 1951. 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 0.04 cubic feet of water per second (20 gallons per minute) for beneficial use. The location of the diversion point is: in the SW 1/4 SE 1/4 Section 31, T2N, R6E.

(3) Pursuant to Section 46-5-30.1 Jerry's Johnson Siding of RR 1, Box 2815, Rapid City, SD 57702 the holder(s) and/or owners(s) of Vested Water Right No. 2194-2 is issued a license to appropriate 0.04 cubic feet of water per second (20 gallons per minute) from groundwater (one well) with a priority date of June 1, 1951 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. 2194-2 and subject to South Dakota State Law.



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

AUG 5 1992

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412817

Pierre, _____ September 4, 19 91

RECEIVED OF Diana Davy, RR 8 Box 2090, Rapid City, SD 57702

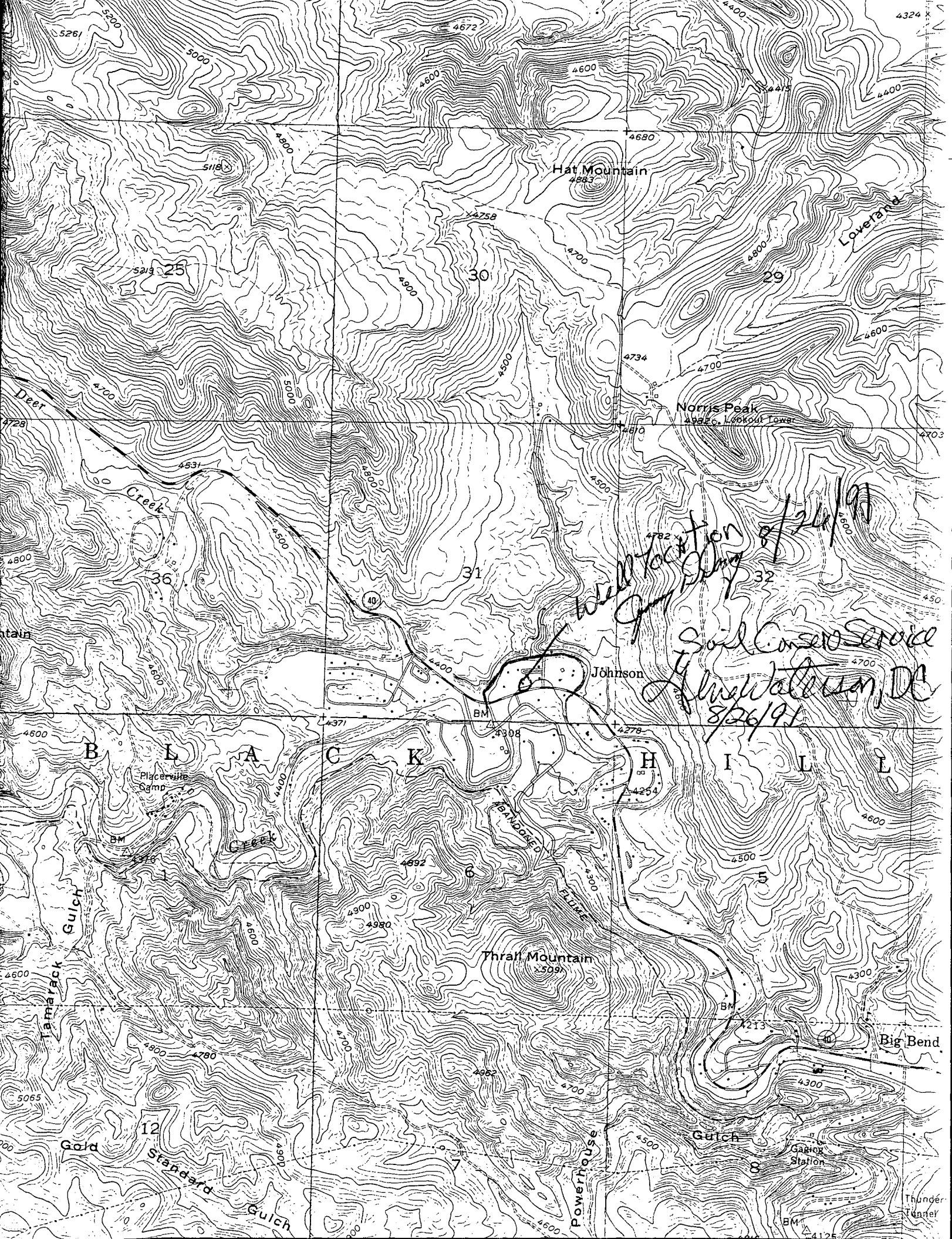
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2194-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 00

By

Chief Engineer

John Hatch



Hat Mountain
4883

Norris Peak
4982, Lookout Tower

Johnson

Thrall Mountain
5009

Big Bend

Gold

Standard

Gulch

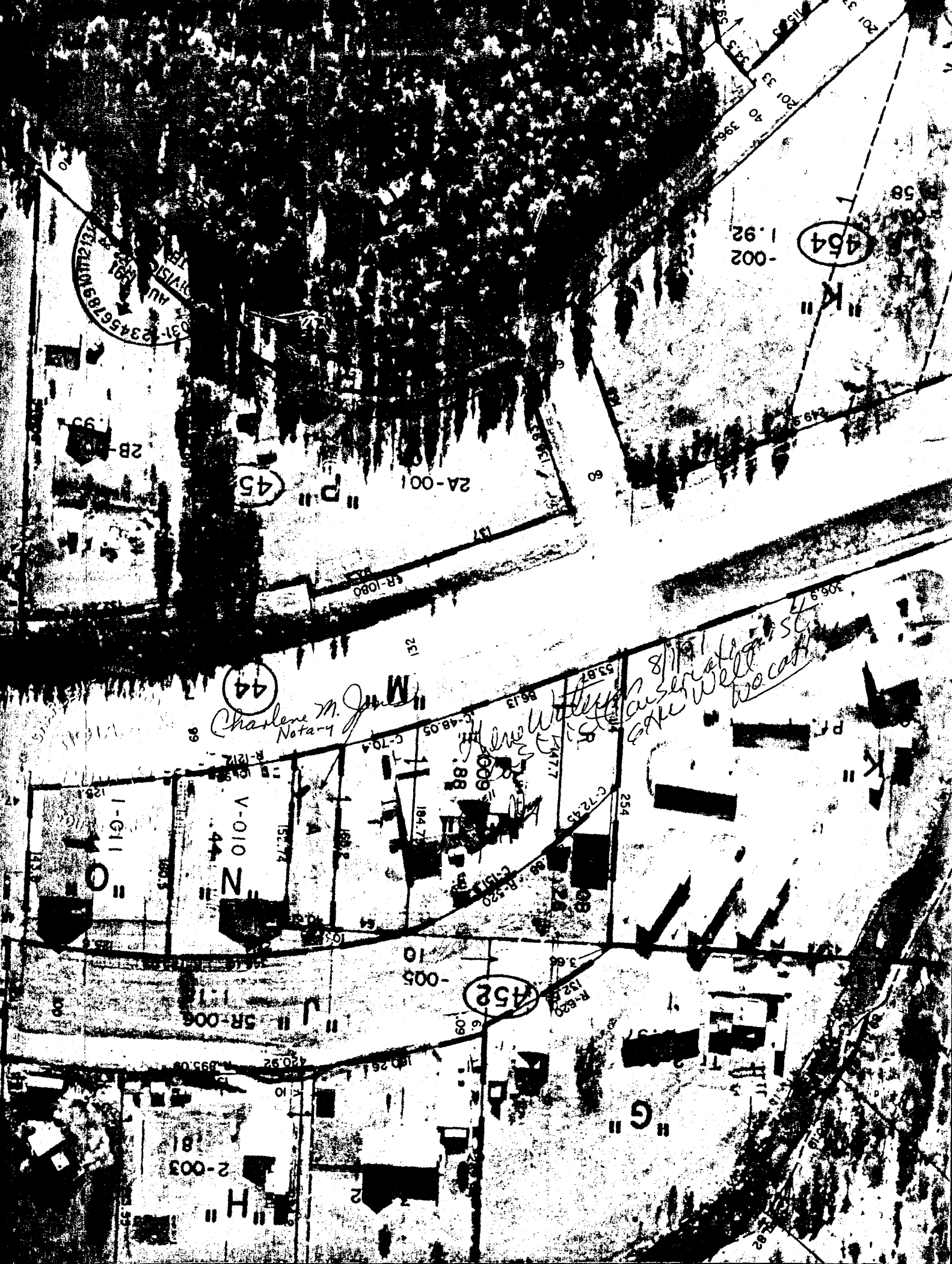
Gaging
Station

Thunder
Tank

will be taken of 24/91
Soil Conservation Service
H. W. Johnson, DC
8/26/91



Charles M. Jones
Notary Public
State of California
Commission No. 23456789
Expires 12/31/91





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 6, 1991

Jerry D Davy
Rt 1, Box 2815
Rapid City SD 57702

Dear Mr. Davy:

In regard to your water permit application received on August 5, 1991, the following information needs to be submitted and 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 map needs to reference a government section corner or quarter corner by direction and distance.
3. The application fee for filing a vested right will be \$15.00.

Also, would like prefer the application to be in your name [REDACTED]
[REDACTED] Jerry's Johnson Siding?

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Jerry's Johnson Siding - Jerry Dary
ADDRESS: Rapid City COUNTY Pennington
DATE: 9-4-91 TELEPHONE 348-2280

RE: Affidavit of Water Use

COMMENTS:

Mr Dary stated the amount of water
originally applied for on the Affidavit
should be 20 gpm and present use
should be 20 gpm also.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Karen Schlaak

REPORT ON VESTED WATER RIGHT No. 2194-2
JERRY'S JOHNSON SIDING
OCTOBER 25, 1991

Vested Water Right Application No. 2194-2 proposes validation of a vested water right claim to 0.04 cubic feet of water per second from one well, 33 feet deep located in the SW 1/4 SE 1/4 Sec. 31, T2N-R6E. The water use has a claimed priority date of 1951 and is used as a commercial water supply.

WATER SOURCE: Crystalline Rock (CRSL)

A well log is not available for this well, however, evaluation of the total depth, location and static water level, suggest this well is completed into Precambrian aged Crystalline Rock. The Precambrian Rock in this area consists primarily of Metaquartzite (Dewitt, et.al., 1989). Ground water is derived from thin bedding planes, joints, and fractures that occur in the metamorphic rock. Recharge is accomplished through precipitation infiltrating down into the rocks via fractures and fissures, and the aquifer is probably hydrologically connected to Rapid Creek in this area.

The affidavit provided with this application indicates a well at this site has provided water for the public since June 1951. There has been no controversy reported regarding this water use.

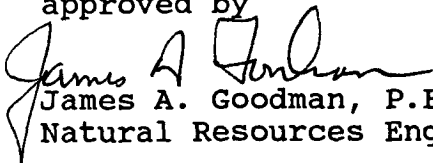
CONCLUSIONS:

1. Vested Water Right Application No. 2194-2 proposes validation of a vested water right claim to 0.04 cubic feet of water per second from one well, with a claimed priority date of June 1, 1951.
2. The affidavit provided with this application indicates the water has been put to beneficial use prior to February 28, 1955 as required by SDCL 46-6-1.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Dewitt, D., J.Redden, D.Buscher, A.Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, Map I-1910, United States Geological Survey, Washington, D.C. 20242

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 2194-2, Jerry's Johnson Siding

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 Validation of Vested Water Right Application No. 2194-2, Jerry's Johnson Siding, Rt 1 Box 2815, Rapid City, SD 57702.

The Chief Engineer is recommending VALIDATION of Application No. 2194-2 for 0.04 cfs (20 gpm) because 1) water has been appropriated as described for commercial use with a priority date of June 1, 1951, 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
October 25, 1991



GREAT FACES. GREAT PLACES.

**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.

December 16, 1991

Jerry D Davy
Jerry's Johnson Siding
Rt 1 Box 2815
Rapid City, SD 57702

Dear Mr. Davy:

Your Application No. 2194-2 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 Rapid City Journal printed at Rapid 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

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.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 1991

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2194-2 to be published twice. Please publish the notice on December 23, 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 Jerry's Johnson Siding, Rt 1 Box 2815, Rapid City, SD 57702.

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
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 December 23, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2194-2 to Appropriate Water

Notice is given that Jerry's Johnson Siding, Rt 1 Box 2815, Rapid City, SD 57702 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute from one well (completed into Crystalline Rock) 33 feet deep located in the SW 1/4 SE 1/4 Section 31-T2N-R6E. The water has a claimed priority date of 1951 and is used as a commercial water supply.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2194-2 because 1) water has been appropriated as described for commercial use with a priority date of June 1, 1951, 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 January 9, 1992. 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. 2194-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 January 21, 1992, 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 January 9, 1992.

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: Gerry Johnson's Siding

ADDRESS: _____ COUNTY _____

DATE: 1-3-92 TELEPHONE _____RE: Publication Notice

COMMENTS:

Talked w/ Sherri - Rapid City Journal. She said
Mr. Johnson just contacted her today about
publishing notice which was to be published 12-23-91.

I told her to disregard the notice and will
send another w/ correct info.

She said she'd call Mr. Johnson and tell
him that as soon as he gets the next
notice to call the paper.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Karen Schlaak



**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.

January 6, 1992

Jerry D Davy
Jerry's Johnson Siding
Rt 1 Box 2815
Rapid City, SD 57702

Dear Mr. Davy:

Your Application No. 2194-2 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 Rapid City Journal printed at Rapid City, SD. For your information, a copy of the notice is enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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Sincerely,

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

January 6, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2194-2 to be published twice. Please publish the notice on January 14, 1992, 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 Jerry's Johnson Siding, Rt 1 Box 2815, Rapid City, SD 57702.

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.

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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

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2194-2 because 1) water has been appropriated as described for commercial use with a priority date of June 1, 1951, 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 January 31, 1992. 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. 2194-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 February 10, 1992, 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 January 31, 1992.

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, Helena M. Bauer, Bookkeeper at the Rapid City Journal

certify that the attached printed Notice was taken
from the The Rapid City Journal

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 Rapid City of _____

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

January 14, 1992

January 21, 1992

Helena M. Bauer
(Signature)

Bookkeeper
(Title)

January 21, 1992
(Date Signed)

Cost of Printing: 12.00 inch legal published
twice @ 4.90 per inch \$117.60



JAN 14 21 1992

NOTICE OF HEARING TO
VALIDATE VESTED WATER
RIGHT APPLICATION NO. 2194-2
TO APPROPRIATE WATER

Notice is given that Jerry's Johnson, Slating, Rt. 1, Box 3818, Rapid City, SD 57702 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute from one well (completed into Crystalline Rock) 23 feet deep located in the SW 1/4 SE 1/4, Section 21, T2N-R6E. The water has a claimed priority date of 1951 and is used as a commercial water supply.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2194-2 because 1) water has been appropriated as described for commercial use with a priority date of June 1, 1951; 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 (605-773-2322)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 31, 1992. 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. 2194-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 10, 1992, at 9:00 a.m. in Room 412, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the February 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 February 10, 1992, hearing date will be automatically delayed for at least 30 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 January 31, 1992.

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 1-24. 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, 46-2-4, 46-2-11, 46-2-12, 46-2-17; 46-2A-1 thru 46-2A-16; 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-17, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25; 46-5-20.2; 46-6-10.4, 46-6-21; 46-6-49; 46-6-1, 46-6-3.1, 46-6-5.1, 46-6-10, 46-6-12, 46-6-14, 46-6-20; and Board Rules ARSD 74:02, 03, 04 thru 74:02, 03, 04; 74:02, 03, 19 thru 74:02, 03, 22.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

2194-2

Jerry's Johnson Siding
RR 1, Box 2815
Rapid City, SD 57702

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 2194-2. 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,

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

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

enclosures