

Considered: _____

WATER PERMIT NO. VR 2195-2

Phone: 584-2743

Name of Applicant: Moonshine Gulch Saloon

Post Office Address: Box 23, Rochford SD 57778

Amount of Water Claimed: 7 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 25 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: 9-6-91 Fee: \$15 Remarks Priority

date of 1-1-1936

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

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

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

Diversion Point: NW 1/4 NE 1/4 Sec 23-T2N-R3E

Land to be Irrigated: NA

			③	
		23		

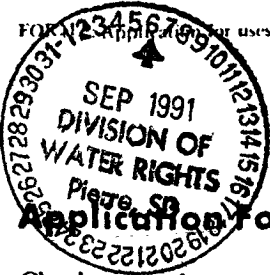
Well Log: Driller: Joe Neff Licensed YES X NO _____

Depth of Well: 120' REMARKS Replacement well drilled 1961

Type of Map: topo PREPARED BY: Glen Waterson, SCS Reviewed and the Number

Assigned on 9-9-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352



No. 2195-2 Hydrologic Unit 10120110
Map No. _____ Basin Upper Cheyenne
Newspaper Rapid City Journal, P.O. 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 MOONSHINE GULCH S ALCOH Phone No. 589-2743

Post Office Address Box 23 ROCHFORD State S.D. 57228
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s) 1 gallon per minute & low (0.015 cfs)

3. Source of water supply WELL

4. Location of point of diversion mineral Derryway 2109 LOT 1 Block 2
NW 1/4, NE 1/4, S 23 - T 2 N - R 3 E B H m Pennington Co
South Dakota County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used yearly Jan 1 - 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)

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, Betty R. Harn 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 Betty R. Harn

Subscribed and sworn to before me this 3 day of September 19 91

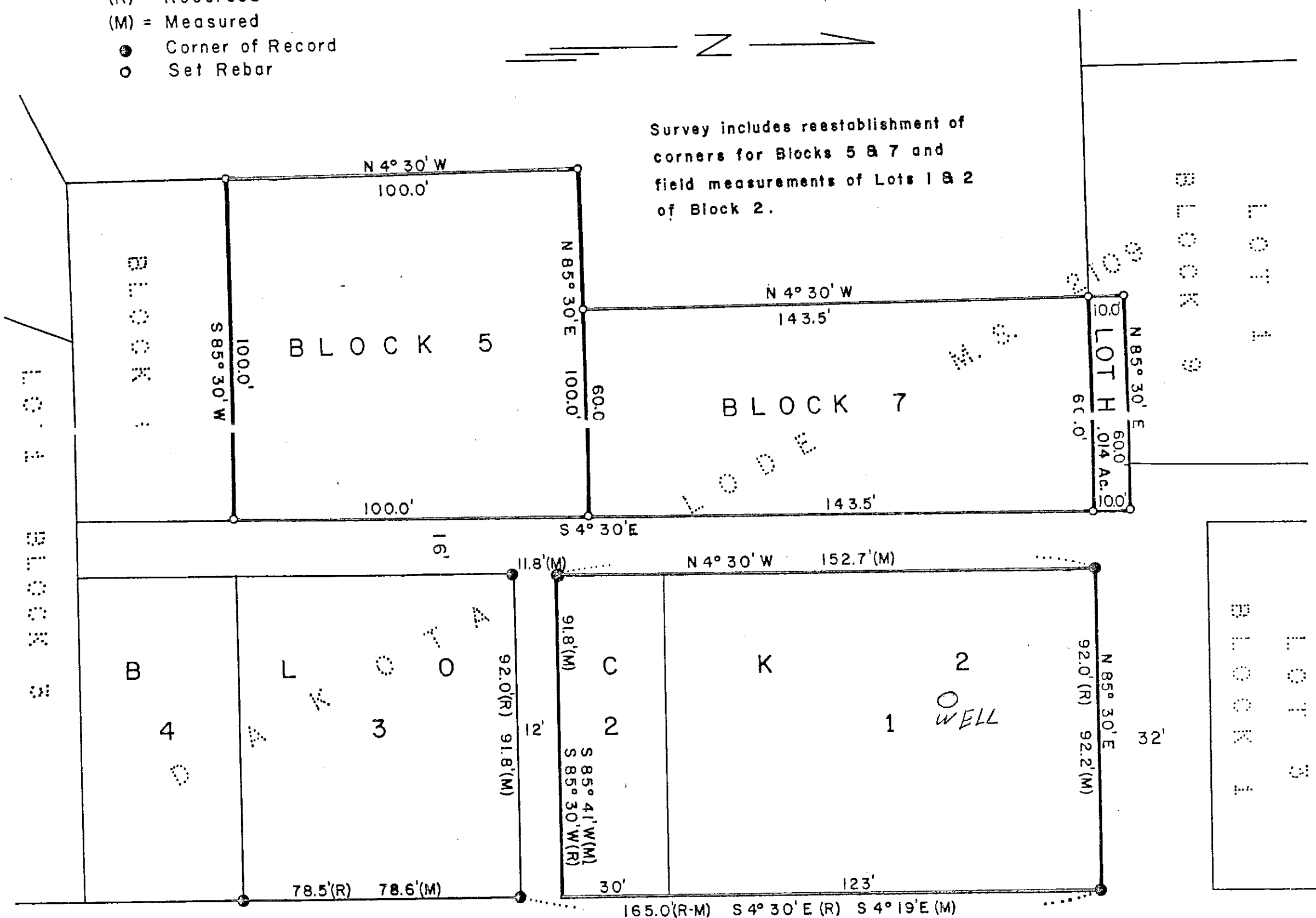
Dorothy McHarg
Notary Public



PLAT OF LOT H IN DAKOTA LODGE M.S. 2109
SUBDIVISION OF ROCHFORD
NW¼ NE¼ SEC. 23, T2N-R3E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1" = 30'

- (R) = Recorded
(M) = Measured
● Corner of Record
○ Set Rebar



OWNER'S CERTIFICATE

I, Roy Harn, do hereby certify that I am the Owner of the hereon described land and that I did authorize and do hereby approve the survey and this plat and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. In witness whereof, I have set my hand on this _____ day of _____, 19____.

Roy Harn, Owner

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)
COUNTY OF _____)

On this _____ day of _____, 19____, before me a Notary Public, personally appeared Roy Harn known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained. In witness whereof, I set my hand and official seal.

NOTARY PUBLIC
My Commission Expires _____

TREASURER'S CERTIFICATE

I, Treasurer of Pennington County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office. Dated this 14 day of July, 1986.

Alma Edlund, Deputy
Treasurer

PLANNING COMMISSION

The herein described plat is hereby approved by the Pennington County Planning Commission. Dated this _____ day of _____, 19____.

Chairman

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I, Director of Equalization of Pennington County, do hereby certify that I have on record in my office a copy of the within described plat. Dated this _____ day of _____, 19____.

Director of Equalization

SURVEYOR'S CERTIFICATE

I, Claus C. Kuehl, Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of the Owner, Roy Harn, I did make under my direction and control the survey of the tracts of land as shown and described by this plat. In witness whereof, I hereby set my hand and seal on this 10 day of July, 1986.

Claus C. Kuehl
Registered Land Surveyor No. 1788

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

On this 10 day of July, 1986, before me a Notary Public, personally appeared Claus C. Kuehl, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained. In witness whereof, I set my hand and official seal.

James Lee Peltier
NOTARY PUBLIC
My Commission Expires Feb 15, 1992

AUDITOR'S CERTIFICATE

I, Auditor of Pennington County, do hereby certify that at an official meeting held on the _____ day of _____, 19____, the Pennington County Commissioners did by resolution approve the plat as shown herein. Dated this _____ day of _____, 19____.

Auditor

HIGHWAY AUTHORITY

Access is hereby approved by the Pennington County Highway Department. Dated this _____ day of _____, 19____.

Highway Authority

OFFICE OF REGISTER OF DEEDS

Filed for record on this _____ day of _____, 19____, at _____ M and recorded in the Book of Plats No. _____ on page _____ therein.

Register of Deeds

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) Moonshine Gulch Saloon (Roy, Betty Harn)

Post Office Address Box 23 Rochford SD 57778
(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 1936

C. Date that water was first applied to beneficial use 1936

D. Name of owner of original water supply system Allie Hannen

E. Amount of water originally applied to beneficial use ~~1 1/2 gpm~~ 7 gpm

F. Present Use of Water - Amount of water now being used 7 gpm

Date that this water was first used 4/1/1961 (Replacement well drilled)

G. Chronological History of Water Use
Allie Hannen owned Moonshine Gulch Saloon in Rochford, SD. in 1936. Continued operation in the 1940's by leasing the building to Ted Brown. Sold the business to Chuck Hull in 1954, who in turn sold it to Bam Orlando. Kukul, Conlee and McKray bought it in 1960, sold to Olson and Glover in late 60's who sold it to Jones and Lowrey in 1970. They in turn sold it to Roy and Betty Harn in 1977, who presently own and operate it.

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

Signed Betty R. Harn
9/3

Subscribed and sworn to before me _____, 19 91

Darwin McKray
Notary Public or other qualified officer 9/1/98

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.

Betty R. Harn Sept. 3 19 91
(Print name)

_____, 19_____
(Print name)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2195-2

Date of Receipt of Claim September 6, 1991.

Date of Validation January 20, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2195-2 for Moonshine Gulch Saloon, Box 23, Rochford SD 57778 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2195-2 authorizes diversion of 7 gallons per minute (0.015 cubic feet of water per second) from one well (completed into Crystalline Rock) 120 feet deep located in the NW 1/4 NE 1/4 Section 23-T2N-R3E.
2. The appropriated water is used for supplying water to the Saloon and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1936.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. H. H.

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

JUN 10 1992

date

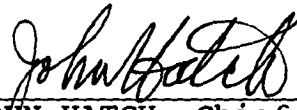
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2195-2

(1) Moonshine Gulch Saloon of Box 23, Rochford, SD 57778 made Application No. 2195-2, September 6, 1991 for validation of a vested right claim to appropriate 0.015 cubic feet of water per second (7 gallons per minute) from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2195-2 was validated January 20, 1992 with a priority date of January 1, 1936. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.015 cubic feet of water per second (7 gallons per minute) for beneficial use. The location of the diversion point is: Lots 1 and 2, Block 2, NW 1/4 NE 1/4 Section 23, T2N, R3E, BHM.

(3) Pursuant to Section 46-5-30.1 Moonshine Gulch Saloon of Box 23, Rochford, SD 57778 the holder(s) and/or owners(s) of Vested Water Right No. 2195-2 is issued a license to appropriate 0.015 cubic feet of water per second (7 gallons per minute) from groundwater (one well - 120' deep) with a priority date of January 1, 1936 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2195-2 and subject to South Dakota State Law.



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

JUN 10 1992

Appl. No. 21952

23 2N 3E



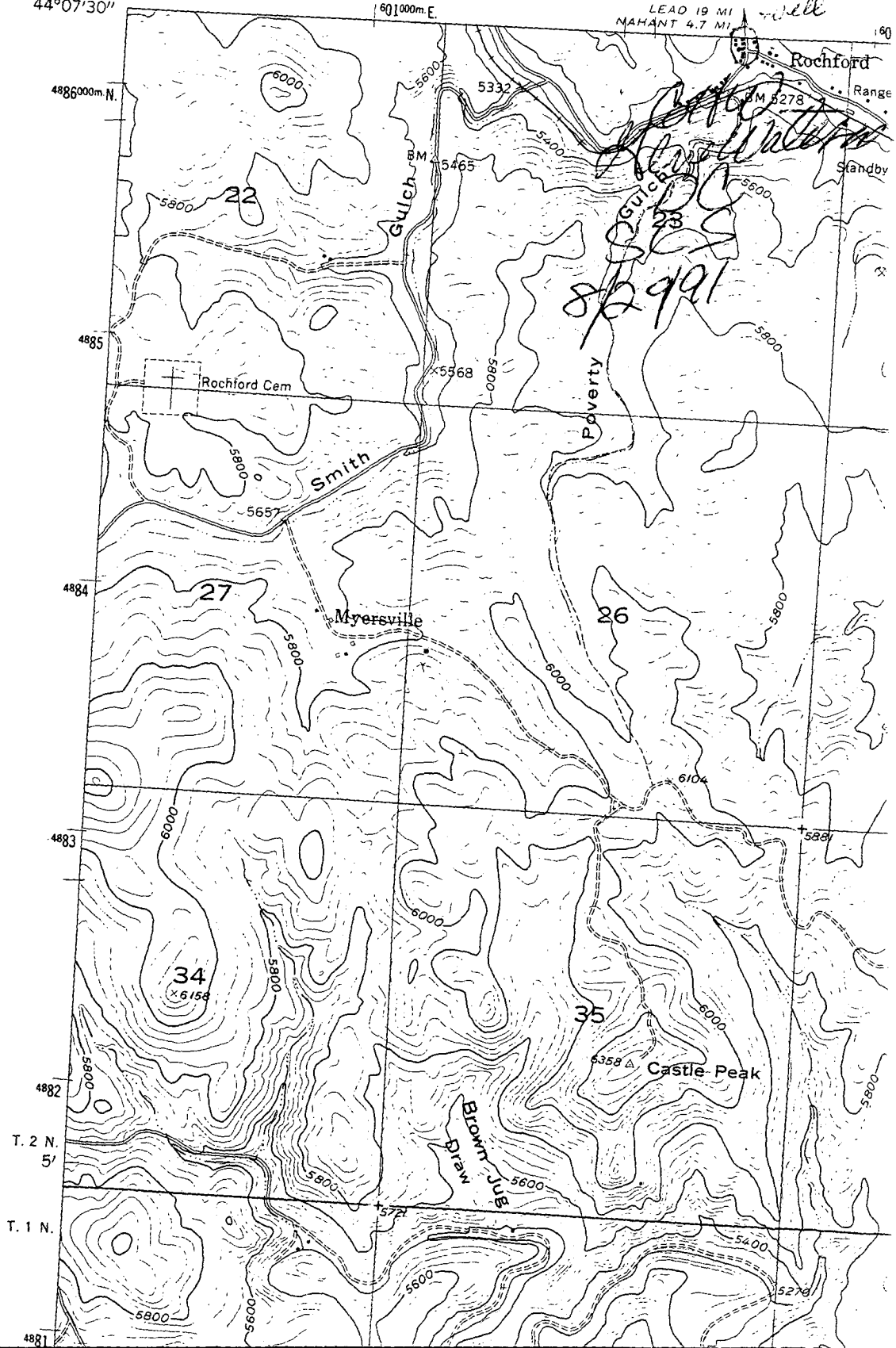
5272 III NE
(NAHANT)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

103°45'
44°07'30"

601000m E

LEAD 19 MI
NAHANT 4.7 MI



STATEMENT

Custer, S. D. *April 1* 196*1*

M *Art Amick*

Madoka S.D.

In Account With

JOE NEFF -- Water Well Drilling

S. D. License No. 36

Fine Material and Workmanship

One Mile West of Custer on Hiway 16

Telephone *242-1111*

242-1111



<i>Well at Royford S.D.</i>		
<i>92 ft well @ 8.00</i>		<i>736.00</i>
<i>35 1/2 ft Casing 19.15 lb</i>		
<i>Pipe & etc</i>		<i>129.00</i>
<i>1 shoe</i>		<i>19.25</i>
		<i>879.50</i>
<i>Pay</i>		<i>2.01</i>
		<i>882.37</i>
<i>JD 4-7-61</i>		
<i>6 in I.D.</i>		
<i>Bottom of well</i>		
<i>2 ft of water 5' from</i>		
<i>6 gal closer</i>		

Started Well at Rappahannock
Mar. 20 1961 Finished April 1st
Original Dug well 28 ft
Total Depth 120 ft
New well 92 ft

6 in dia -
35 $\frac{1}{2}$ ft 19.15 lb Casing
from bottom of 6 ft Pit
Loose Rock 28 to 40 ft
from top of ground

Trace of water at 53 ft
28 + 60 dark slate with brown
streaks

Hard black slate 60 to 120

1 $\frac{1}{2}$ gal Per min. at 60 ft

3 GPM at 53 ft

3 GPM - 55

Real Hard streak 105 to 106

6 G.P.M. @ 100 ft

7 G.P.M. 120 ft

Water comes to 29' of top of well

OVER

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412825

Pierre, _____ September 9, 1991

RECEIVED OF Moonshine Gulch Saloon, Box 23, Rochford, SD 57778

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

Fee for Application for Permit No. <u>2195-2</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 John Hatch (F)
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Moonshine Gulch Saloon, & Betty Harn

ADDRESS: Rochford COUNTY: Pennington

DATE: 9/9/91 TELEPHONE: 584-2743

RE: Phone Conversation regarding Amount of Water Originally Used

COMMENTS:

I called Mrs. Harn regarding the affidavit of water use submitted with the saloon's vested right application. She stated the amount of water originally applied to beneficial use had to be greater than the 1 1/2 gpm that she put on the affidavit. She said that she did not have a accurate knowledge of exactly how much water was used back in 1936 but that the saloon was probably more busy back then than it is now. She said that the 7 gpm that is presently used is as accurate an estimate of water use back in the 1930's as she can make.

She went on to say a new well was put in 1961 because the old well was only producing 1 1/2 gpm. I told Mrs. Harn that if she felt comfortable with the 7 gpm as the amount of water originally placed to beneficial use that I would change the affidavit. She said that the 7 gpm water use sounded reasonable and that I could change to affidavit to reflect this amount.

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: Eric Lund

REPORT ON VESTED WATER RIGHT No. 2195-2
MOONSHINE GULCH SALOON
NOVEMBER 1, 1991

Vested Water Right Application No. 2195-2 proposes validation of a vested water right claim to 0.015 cubic feet of water per second, (7 gallons per minute), from one well, 120 feet deep located in the NW 1/4 NE 1/4 Sec. 23, T2N-R3E, Pennington County. The water use has a claimed priority date of January 1, 1936 and is used as a commercial water supply for the saloon.

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 metamorphosed siltstone, locally intruded by thin sills of metagabbro. (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 January 1, 1936. There has been no controversy reported regarding this water use.

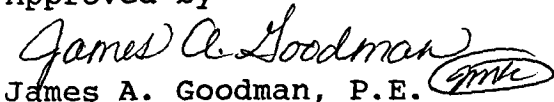
CONCLUSIONS:

1. Vested Water Right Application No. 2195-2 proposes validation of a vested water right claim to 0.015 cubic feet of water per second from one well, with a claimed priority date of 1936.
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:

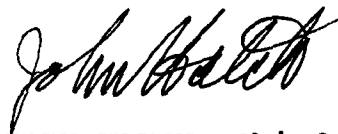
Dewitt, D., J.Redden, D.Buscher, A.Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, Map I-1910, United States Geological Survey, Washington, D.C. 20242

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2195-2, Moonshine Gulch Saloon

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. 2195-2, Moonshine Gulch Saloon, Box 23, Rochford, SD 57778.

The Chief Engineer is recommending VALIDATION of Application No. 2195-2 for 0.015 cfs (7 gpm) because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1936, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
November 4, 1991

South Dakota

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 13, 1991

Betty Harn
Moonshine Gulch Saloon
Box 23
Rochford, SD 57778

Dear Ms. Harn:

Your Application No. 2195-2 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
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 13, 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. 2195-2 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 Moonshine Gulch Saloon, c/o Betty Harn, Box 23, Rochford, SD 57778.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on 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. 2195-2 to Appropriate Water

Notice is given that Moonshine Gulch Saloon, c/o Betty Harn, Box 23, Rochford, SD 57778 has filed an application to validate a vested water right claim to appropriate 7 gallons of water per minute from one well (completed into Crystalline Rock) 120 feet deep located in the NW 1/4 NE 1/4 Section 23-T2N-R3E. The water use has a claimed priority date of January 1, 1936 and is used as a commercial water supply for the saloon.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2195-2 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1936, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the 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.

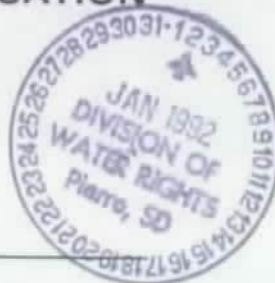
For purposes of publishing 1) the notice of hearing on Application No. 2195-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 20, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 20, 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 20, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Pennington)



I, Kathy White

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

_____ of Rapid City, SD

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

December 23 and 30, 1991

Ran 12 2/16 inch legal advertising

@ \$4.20 per inch = \$118.22

Kathy White
 (Signature)

Credit Manager

(Title)

12/30/91
 (Date Signed)

Cost of Printing: \$118.22

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 under 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, 46-5-47, 46-6-3, 46-6-3.1, 46-6-4.1, 46-6-10, 46-6-13, 46-6-14, 46-6-20, and Board Rules ARSD 74:02:01.01 thru 74:02:01.15, 74:02:01.19 thru 74:02:01.22.

Dec. 23, 30 L2387
 NOTICE OF HEARING
 TO VALIDATE
 VESTED WATER RIGHT
 APPLICATION NO. 2195-2
 TO APPROPRIATE WATER

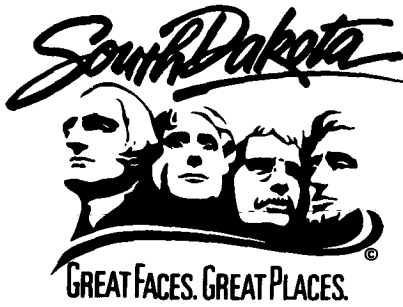
Notice is given that Moonshine Guich Saison, co Betty Horn, Box 22, Rochford, SD 57778 has filed an application to validate a vested water right claim to appropriate 7 gallons of water per minute from one well (completed into Crystal-line Rock) 120 feet deep located in the NW1/4NE1/4, Section 23, T2N-R3E. The water use has a claimed priority date of January 1, 1936 and is used as a commercial water supply for the salon.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2195-2 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1936, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the 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 (605-773-3332)" 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. 2195-2 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for January 20, 1992 at

Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the January 20, 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 20, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 10 1992

2195-2

Moonshine Gulch Saloon
Box 23
Rochford, SD 57778

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 2195-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures