

Considered: \_\_\_\_\_

WATER PERMIT NO. 2207-2

Phone: 605 574-2252

Name of Applicant: Robins Roost Cabins

Post Office Address: HCR 87 Box 62, Hill City SD 57745

Amount of Water Claimed: 9 gpm Total Acres: \_\_\_\_\_

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 1 E miles \_\_\_\_\_ of Hill City

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 12-2-91 Fee: \$15 Remarks priority

date of 1953

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: SW 1/4 SW 1/4 Sec 21-T1S-R5E

Land to be Irrigated: \_\_\_\_\_

|  |  |  |     |  |  |
|--|--|--|-----|--|--|
|  |  |  |     |  |  |
|  |  |  |     |  |  |
|  |  |  | 21/ |  |  |
|  |  |  |     |  |  |
|  |  |  |     |  |  |

Well Log: Driller: Hamm Drilling Licensed YES X NO \_\_\_\_\_

Depth of Well: 150 REMARKS \_\_\_\_\_

Type of Map: plat PREPARED BY: Jean Fuerst Reviewed and the Number

Assigned on 12-2-91 By Karen Schlaak

No. 2207-2 Hydrologic Unit 10120109  
 Map No. \_\_\_\_\_ Basin Upper Cheyenne  
 Newspaper Pennington Co. Preview News

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

Box 266, Hill City 57745 (Thurs)

# Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐  
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
 Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. \_\_\_\_\_ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ \_\_\_\_\_

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_

☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_

1. Name of Applicant Robins Roost Cabins Phone No. 605-574-2252

Post Office Address HCR 87 Box 62 Hill City State South Dakota  
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 9 gal. per minute (0.02 cfs)

3. Source of water supply ground Mica Schist

4. Location of point of diversion Lot C of Lot 2 of NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$

Sec. 21 T1S R5E BHM

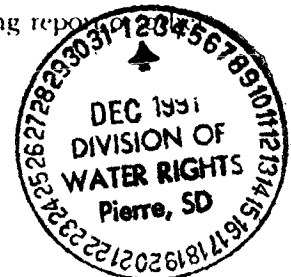
County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Jan. 1 - Dec. 31

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

Domestic household usage  
 Cabin housekeeping usage



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)<sup>ss</sup>

I, Darwin A. Sampson, 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 X Darwin A. Sampson

Subscribed and sworn to before me this 29th day of Nov. 1991

Diana Rome

Notary Public

# Supplemental Information



See Well Drillers Report (type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:  
     20 feet from  
     On applicants property unused well      On property owned by others 350 feet Hall  
     425 feet Gram

## 2. Dugout Information Estimates

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

## 3. Water Storage Dams

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

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

\_\_\_\_\_  
 \_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
     If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
     Spillway width \_\_\_\_\_

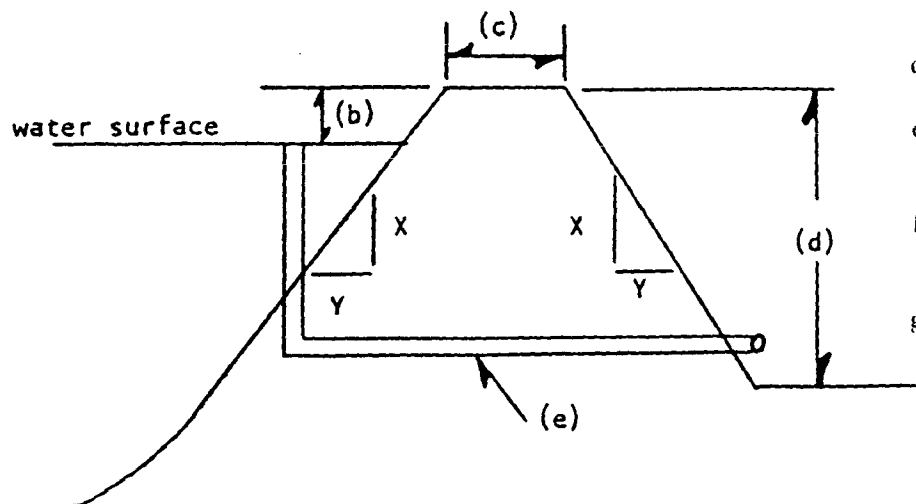
g) X & Y Slope  
     Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2207-2

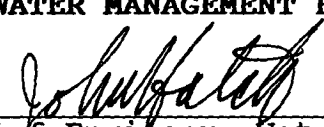
Date of Receipt of Claim December 2, 1991.

Date of Validation March 11, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2207-2 for Robins Roost Cabins, HCR 87, Box 62, Hill City SD 57745 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2207-2 appropriates 9 gallons per minute (0.02 cubic feet of water per second) from one well (Precambrian Phyllite/Schist) 150 feet deep located in the SW 1/4 SW 1/4 (Lot c of Lot 2) Section 21-T1S-R5E.
2. The appropriated water is used for supplying water for the cabins 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 August 1, 1953.
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 6 1992

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2207-2

(1) Robins Roost Cabins of HCR 87, Box 62, Hill City, SD 57745 made Application No. 2207-2, December 2, 1991 for validation of a vested right claim to appropriate 0.02 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Vested Water Right No. 2207-2 was validated March 11, 1992 with a priority date of August 1, 1953. 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 0.02 cubic feet of water per second (9 gallons per minute) for beneficial use. The location of the diversion point is: Lot C of Lot 2 of the NE 1/4 SW 1/4 SW 1/4 Section 21, T1S, R5E.

(3) Pursuant to Section 46-5-30.1 Robins Roost Cabins of HCR 87, Box 62, Hill City, SD 57745 the holder(s) and/or owners(s) of Vested Water Right No. 2207-2 is issued a license to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from groundwater (one well) with a priority date of August 1, 1953 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. 2207-2 and subject to South Dakota State Law.

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

\_\_\_\_\_  
AUG 6 1992

(Type or Print in Ink)

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

Ruby A. Robbins 1991  
(Print name)

R Douglas Hamm 1991  
(Print name)

# RECEIPT

## Division of Water Rights

### South Dakota Department of Water and Natural Resources

Pierre, December 2, 19 91

RECEIVED OF Robins Roost, HCR 07, Box 62, Hill City SD 57745

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

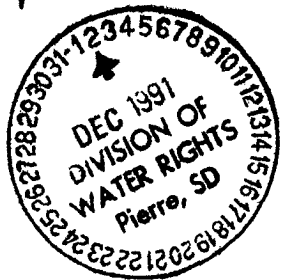
|                                                                                                                                    |       |       |
|------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>2207-2</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

We built Robbins Roast Cabin,  
the summer of 1953. Moved in August.  
Opened that fall for hunting season.  
operated it for 20 years.

Ruby A Robbins

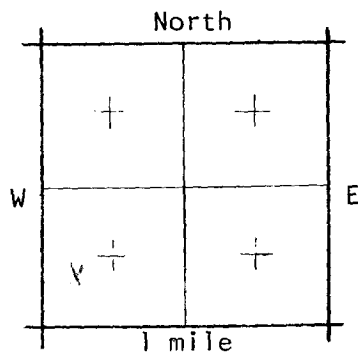


# STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location SW 1/4 SW 1/4 Sec 21 Twp 15 Rg 5E

County Penn

Please mark well location with an "X"



Well Completion Date Nov 83

## PROPOSED USE:

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

## Method of Drilling:

Rotary

## WELL CONSTRUCTION:

Diameter of hole 6 inches Depth 150 feet

Casing: ☒ Steel ☐ Plastic ☐ Other  
 Specify \_\_\_\_\_

Pipe Weight Diameter From To  
10 lb/ft 6 inches 0 feet 27 feet  
 \_\_\_\_\_ lb/ft \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify \_\_\_\_\_

Screen Type \_\_\_\_\_ Slot Size \_\_\_\_\_

Length \_\_\_\_\_ Diameter \_\_\_\_\_

Was Casing left open end? ☒ Yes ☐ No

Was a Packer or seal used? ☒ Yes ☐ No

If so what material? Cement

Was well gravel packed? ☐ Yes ☒ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure Grout  
in casing and around casing

To what depth? 27 Feet

What was grouting material? \_\_\_\_\_

If cement, how many sacks? 2

Location of packer(s) and screen or perforated pipe \_\_\_\_\_

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☐ No  
 If so how and with what material? \_\_\_\_\_

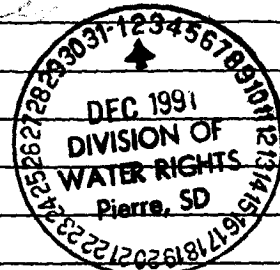
## Well Owner:

Name Frank Brundage

Address 1111 1st St

Well Log: \_\_\_\_\_ Depth 150

| Formation            | From       | To         |
|----------------------|------------|------------|
| <u>Caprock</u>       | <u>0</u>   | <u>3</u>   |
| <u>Shale</u>         | <u>3</u>   | <u>10</u>  |
| <u>Shale</u>         | <u>10</u>  | <u>25</u>  |
| <u>Gravelly silt</u> | <u>25</u>  | <u>125</u> |
| <u>Shale</u>         | <u>125</u> | <u>150</u> |



STATIC WATER LEVEL 40 Feet

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow 10 through 1 inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other

If other; specify \_\_\_\_\_

Can well be completely shut off? ☒

## WELL TEST DATA:

☐ Pumped  
☐ Bailed Describe: \_\_\_\_\_  
☐ Other air test

## Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

## Remarks:

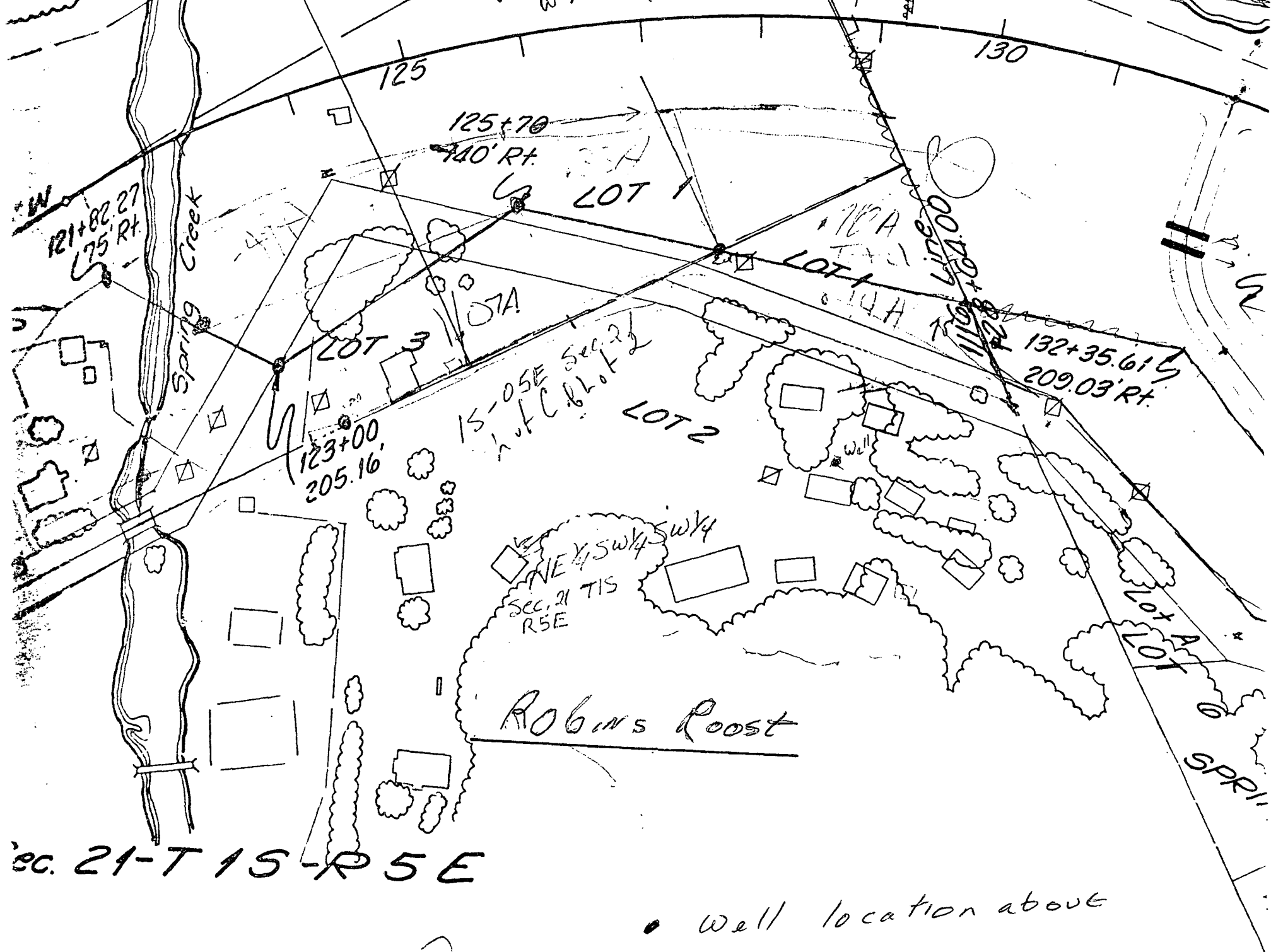
Well was pumped May 1981  
1.5 gpm

This well was drilled under license # 171

and this report is true and accurate.

Drilling Firm \_\_\_\_\_ Signed by \_\_\_\_\_

Date Nov 83



ec. 21-T 15-R 5 E

LOTS A, B, and C of LOT 2 of NE 1/4 SW 1/4  
 and  
 LOTS A and B of LOT 8 of SE 1/4 SW 1/4

Sec 21 T1S R5E B1M

May, 1958

Scale 1"=100'

STATE of SOUTH DAKOTA  
 COUNTY of PENNINGTON

We, the undersigned, do hereby certify that we are the owners of LOT 2 of NE 1/4 SW 1/4 SW 1/4 and LOT 8 of SE 1/4 SW 1/4 SW 1/4 of Sec. 21 T1S R5E B1M and that we authorized the survey and subdivision of above lots as shown hereon.

*Leland Robbins Lawrence J Robbins*  
*Ruby Robbins Rose L Robbins*

I, Claude E Bangs, a registered land surveyor, do hereby certify that, being so authorized, I made a survey and plat of the property shown hereon and that same is correct.

*Claude E Bangs*  
 surveyor

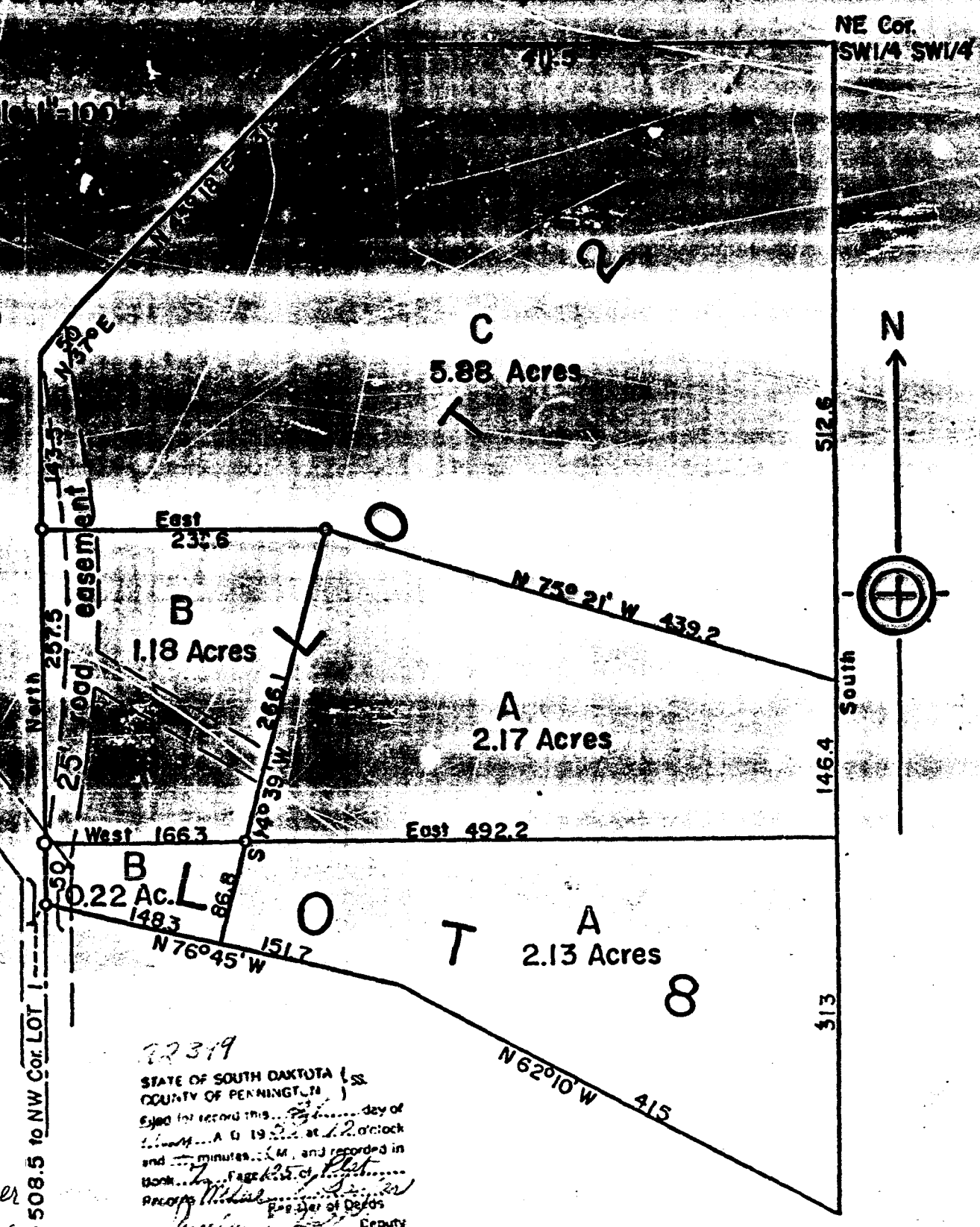
On the 27 day of May, 1958, before me, a notary public, personally appeared Leland Robbins, Ruby Robbins, Lawrence J Robbins, Rose L Robbins, and Claude E Bangs, known to me to be the persons described in the foregoing instruments and acknowledged to me that they signed the same.

*Eva H Bangs*  
 notary public

My commission expires Nov 24 1965

RECORDED IN PENNINGTON COUNTY BOOK 10 PAGE 10

State of South Dakota  
 County of Pennington ss  
 I hereby certify that the foregoing is a true correct and complete copy of the instrument as it appears in this office including the filing thereon.  
 Dated Nov 21, 1991  
*Mark L Lober*  
 Register of Deeds  
*Jean Fuest*  
 deputy



72319  
 STATE OF SOUTH DAKOTA  
 COUNTY OF PENNINGTON  
 Filed for record this... day of...  
 at 12 o'clock  
 and... minutes... M., and recorded in  
 Book... Page... of...  
 Record...  
 By... Deputy



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 30, 1991

ROBIN'S ROOST CABINS  
DARWIN & JEAN SAMPSON  
HCR 87 BOX 62  
HILL CITY SD 57745

Dear MR. & MRS SAMPSON:

I am contacting you regarding the possibility that you need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

The enclosed "Summary of South Dakota Water Law and Water Rights Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws (SDCL) 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). A vested water right can be claimed for water use beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 4, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
enclosure



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 8, 1991

ROBIN'S ROOST CABINS  
DARWIN & JEAN SAMPSON  
HCR 87 BOX 62  
HILL CITY SD 57745

Dear MR. & MRS SAMPSON:

I am writing to follow-up on my August 30, 1991 letter regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by . If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
enclosure

**Report on Application No. 2207-2**  
**Robins Roost Cabins**  
**January 28, 1991**

Water Permit Application No. 2207-2 was submitted to validate a vested water right claim to appropriate 0.02 cubic feet per second (cfs) or 9 gallons per minute (gpm) from one existing well, 150 feet deep, located in the SW1/4 SW1/4 of Section 21-T1S-R5E, Pennington County. The water use has a claimed priority date of 1953 and is used as a commercial water supply for Robin's Roost tourist cabins.

**Aquifer - Precambrian Phyllite/Schist**

The surface rock encountered in the the application area is a thin-bedded phyllite and schist, generally rich in biotite and locally graphitic (Redden, 1975).

Available water may be found in the fractures, joints and bedding planes within the metamorphosed sediments. Wells completed into the Precambrian rock are usually low-yielding with small specific capacities. Recharge to this system is via downward percolation by melting snowfall and rain through fractures at the surface. There are no figures on the estimated storage and recharge to the system in this area and there are no observation wells monitored by the Division of Water Rights nearby.

The well log accompanying the application indicates the well was drilled through ten feet of topsoil and gravel, then 140 feet of schist and quartz intrusives. Although not indicated on the well log, this water was likely produced from fractured zones in the schist and quartzite intrusive. The well was air pumped and produced a maximum of 10 gpm. The static water level is approximately 40'.

**Existing Water Permits**

Water permit No. 2004-2 is located in the NE1/4 SW1/4 of Section 21 (approximately 1000' NE of this application) and held by Gustave Orloske. Because of the complexity of flow in the groundwater system in the rock, it is difficult to predict the extent of interference. Due to the low diversion rates from both wells and the spacing of the wells, interference is unlikely. There are no other permitted wells within a mile of this application. There are domestic users in the area, but there are no known complaints of interference by this or other permitted wells in the area.

**Conclusions**

1. Water is available from fractures in the Precambrian rock.

2. Interference is not a problem - existing rights will not be unlawfully impaired.
3. It is a beneficial use of water.

*Jaci R Konop*

for Gregory C. Johnston  
Natural Resources Engineer

Reviewed by

*James A Goodman*

James A. Goodman  
Natural Resources Engineer IV

#### BIBLIOGRAPHY

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

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 2207-2, Robins Roost Cabins

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. 2207-2, Robins Roost Cabins, HCR 87 Box 62, Hill City, SD 57745.

The Chief Engineer is recommending VALIDATION of Application No. 2207-2 for 0.02 cfs (9 gallons per minute) because 1) water has been appropriated as described for commercial use with a priority date of August 1, 1953, 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  
January 28, 1992



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**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.

February 3, 1992

Darwin A Sampson  
Robins Roost Cabins  
HCR 87 Box 62  
Hill City, SD 57745

Dear Mr. Sampson:

Water Permit Application No. 2207-2 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 Pennington County Prevalier News printed at Hill City, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
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.



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**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 3, 1992

Pennington County Prevailer News  
Box 266  
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2207-2 to be published twice. Please publish the first notice on February 13, 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 Robins Roost Cabins, HCR 87, Box 62, Hill City, SD 57745.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund  
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 February 13, 1992, with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING To Validate  
Vested Water Right Application No. 2207-2 to Appropriate Water

Notice is given that the Robins Roost Cabins, HCR 87, Box 62, Hill City, SD 57745 has filed an application to validate a vested water right claim to appropriate 9 gallons per minute of water from one well (Precambrian Phyllite/Schist) 150 feet deep located in the SW 1/4 SW 1/4 (Lot C of Lot 2) Section 21-T1S-R5E. The water use has a claimed priority date of 1953 and is used as a commercial water supply for the cabins.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2207-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of August 1, 1953, 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 March 2, 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. 2207-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 11, 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 March 11, 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 March 11, 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 March 2, 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 9, 1992

Pennington County Prevailer News  
Box 266  
Hill City SD 57745

Dear Sir:

Enclosed is the Proof of Publication form which you submitted to our office. As stated on the form, a copy of the printed Notice needs to be attached to the form. Please submit a copy of the Notice of Hearing to Validate Vested Water Right Application No. 2207-2 to Appropriate Water as published on February 19, 1992. The February 12 notice contained an error. The February 19 notice should have the correction made.

If you have any questions, please contact this office.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Natural Resources Analyst  
605 773-3352

enclosure

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
 County Pennington } ss.

I, Don Gerkin

certify that the attached printed Notice was taken  
 from the Pennington County Prevailing News

A newspaper which during the whole time of publication of  
 said notice herein after stated, has been and is printed and  
 published in the Pennington County Prevailing  
News of Hill City

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

February 12, 1992

February 19, 1992

Don Gerkin  
 (Signature)

mgr  
 (Title)

3-6-92  
 (Date Signed)

Cost of Printing: \$72.11

### Notice Of Hearing

To Validate Vested  
 Water Right Application  
 No. 2207-2 To  
 Appropriate Water

Notice is given that the  
 Robins Roost Cabins, HCR 87,  
 Box 62, Hill City, SD 57745  
 has filed an application to  
 validate a vested water right  
 claim to appropriate 9 gallons  
 per minute of water from one  
 well (precambrian Phyllite-  
 Schist) 150 feet deep located in  
 the SW 1/4 SW 1/4 (Lot C of  
 Lot 2) Section 21-T1S-R5E.  
 The water use has a claimed  
 priority date of 1953 and is  
 used as a commercial water  
 supply for the cabins.

Pursuant to SDCL 46-2A-2,

the Chief Engineer recommends  
 VALIDATION of vested Water  
 Right Application No. 2207-2  
 because 1) water has been  
 appropriated as described for  
 commercial use with a claimed  
 priority date of August 1, 1953,  
 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  
 written petition if opposed to  
 the Chief Engineer's recom-  
 mendation. The Chief Engi-  
 neer's address is "Water Rights  
 Division, Foss Building, 523  
 E. Capitol, Pierre SD 57501  
 (605 773-3352)" and the  
 applicants mailing address is  
 given above. A petition filed by  
 either an interested person or  
 the applicant must be filed by  
 March 2, 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 sup-  
 porting the application, and the  
 signature and mailing address  
 of the petitioner or the peti-  
 tioner's legal counsel, if legal  
 counsel is obtained.

For purpose of publishing 1)  
 the notice of hearing on  
 Application No. 2207-2 and 2)  
 the Chief engineer's recom-  
 mendation, a meeting at the  
 Division of Water Rights office  
 to hear this application is  
 scheduled for March 11, 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 March  
 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 inter-  
 ested in attending the hearing,  
 may contact the Division of  
 Water Rights to confirm a  
 hearing date and location. The  
 March 11, 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  
 March 2, 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 appli-  
 cation based on the facts  
 presented at the public hearing.  
 Any hearing will be an adver-  
 sary 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 the 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.

• 467 2-12, 2-19-92





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

AUG 6 1992

2207-2

Robins Roost Cabins  
HCR 87, Box 67  
Hill City, SD 57745

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 2207-2. 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 that reads "John Hatch".

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

enclosures