

Considered: _____

WATER PERMIT NO. 2211-2

Phone: 348-2082

Name of Applicant: Gold Nugget Motel

Post Office Address: HC 33, Box 1605, Rapid City SD 57701

Amount of Water Claimed: 12 gpm (0.03 cfs) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Pennington

About _____ miles _____ of in Rockerville

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 12-20-91 Fee: \$50 Remarks _____

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: NE 1/4 SE 1/4 Sec 14-T1S-R6E

Land to be Irrigated: _____

			14		
				8	

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 200' REMARKS no well log available

Type of Map: topo PREPARED BY: Don Frye Reviewed and the Number

Assigned on 1-3-91 By Karen Schlaak

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

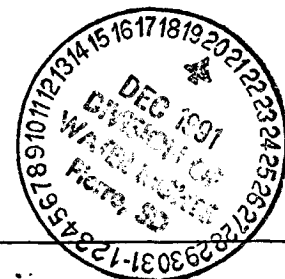
No. 2211-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450

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 retainedChange 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 GOLD NUGGET MOTEL Phone No. 348-2082Post Office Address HC 33 BOX 1605 RAPID CITY SD State 57701
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 12 GPM (0.03 cfs)3. Source of water supply WELL GROUNDWATER4. Location of point of diversion NE 1/4 SE 1/4 SEC 14, T15, R6ECounty PENNINGTON5. Counties where water will be used PENNINGTON6. 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 report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WELL PROVIDES WATER TO THE MOTEL COMPLEX AND ONE HOME.

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, ssI, Carl Stratmeyer 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 Carl StratmeyerSubscribed and sworn to before me this 13th day of December 1991Jeanette Fraser

Notary Public

Expires 10-31-97

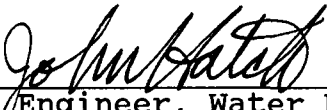
**SOUTH DAKOTA
WATER PERMIT No. 2211-2**

Date of first receipt of application December 20, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2211-2 to Gold Nugget Motel, HC 33, Box 1605, Rapid City SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2211-2 appropriates 12 gallons per minute (0.03 cubic feet of water per second) from one well 200 feet deep (Precambrian Rock) located in the NE 1/4 SE 1/4 Section 14-T1S-R6E.
2. The water appropriated shall be used for the purpose of supplying water to the Motel and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2211-2 is April 2, 1992.
5. The date from which applicant may claim right is December 20, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

AUG 7 1992
date

Supplemental Information

GOLD NUGGET MOTEL

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 200'
- b) Casing Type STEEL Diameter 6" 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:
- On applicants property NONE On property owned by others 1000'

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 _____

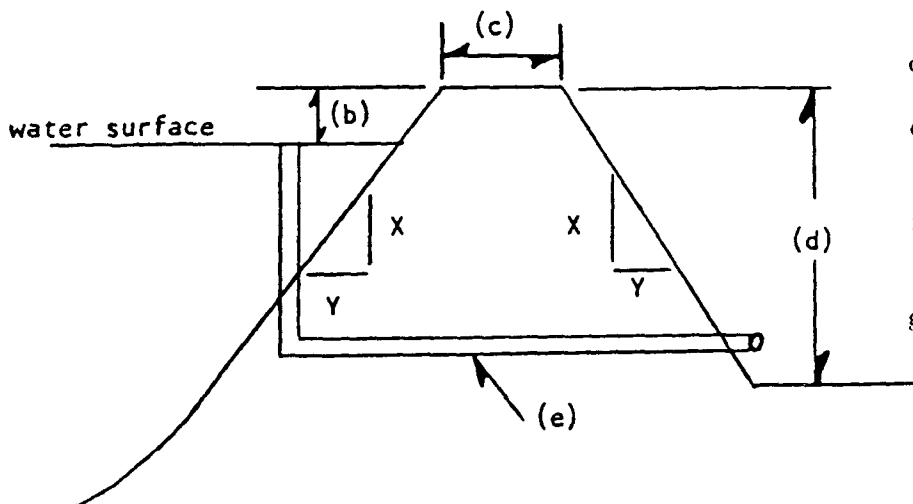
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412970

Pierre, _____, December 20, 19 91

RECEIVED OF Marian Stratmeyer, HC 33 Box 1542, Rapid City, SD 57701

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

Fee for Application for Permit No. <u>2211-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
[Signature]

REPORT ON APPLICATION NO. 2211-2
for Gold Nugget Motel
February 14, 1992

Application No. 2211-2 proposes to appropriate 12 gpm (0.03 cfs) from one well approximately 200 feet deep located in the NE 1/4 SE 1/4 of section 14, T1S R6E BHM in Pennington County. The water is used for commercial purposes at the Motel.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of a quartzite and sillimanite schist (Redden, 1975). Ground water is contained within fractures and natural porosity of the rock. Well yields are typically low yield and recharge to the formation is accomplished through rainfall and snowmelt directly into the rock. No estimate of recharge or water in storage is available for this area.

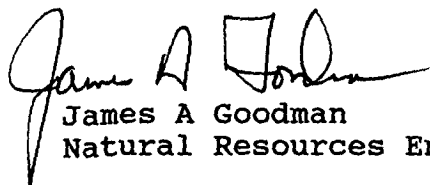
The Division of Water Rights does not monitor any observation wells in this area. The Precambrian rock is under water table conditions.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights Nos. 485-2, 483-2 and 479-2 within 1/2 mile of this application. Interference is not expected to be a problem. This is an existing well and has been in use with no apparent problem. All these wells are for relatively small diversion rates and drawdown caused by pumping should not be significant.

CONCLUSIONS

1. There is water available from the Precambrian rock.
2. Interference should not be a concern. This is an existing well and has been used with no apparent problem.
3. There is no well log or any reliable information to determine if this well is completed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

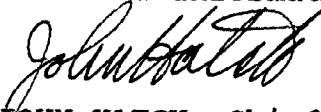
Redden, J.A., 1975, Precambrian Geology of the Black Hills, in SDGS Bulletin No. 16, SD DENR, SDGS, Vermillion, SD, 57069.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2211-2, Gold Nugget Motel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2211-2, Gold Nugget Motel, c/o Earl Stratmeyer, HC 33 Box 1605, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2211-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 18, 1992



**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 27, 1992

Earl Stratmeyer
HC 33 Box 1605
Rapid City, SD 57701

Dear Mr. Stratmeyer:

Water Permit Application No. 2211-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2211-2 to be published twice. Please publish the first notice on March 6, 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 Gold Nugget Motel, HC 33 Box 1605, Rapid City, SD 57701.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name Newspaper

Instruction to Newspaper - Publish first Notice on March 6, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2211-2 to Appropriate Water

Notice is given that Gold Nugget Motel, HC 33 Box 1605, Rapid City, SD 57701 has filed an application for a water permit to appropriate 12 gallons per minute (0.03 cubic feet of water per second) from one well 200 feet deep (Precambrian Rock) located in the NE 1/4 SE 1/4 Section 14-T1S-R6E. The water is for commercial use at the Motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2211-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 23, 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. 2211-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 2, 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 April 2, 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 April 2, 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 23, 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, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Pennington) ss.

I, Helena M. Bauer

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 _____

City _____ of Rapid City

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

March 6, 1992

March 13, 1992

Helena M. Bauer
 (Signature)

Bookkeeper

(Title)

(Date Signed)

Cost of Printing: 11 5/16 inch x2 times @ 4.90 per inch \$110.90



March 6, 13 L446
**NOTICE OF HEARING
 ON APPLICATION NO. 2211-2
 TO APPROPRIATE WATER**
 Notice is given that Gold Nugget Motel, HC 33 Box 1605, Rapid City, SD 57701 has filed an application for a water permit to appropriate 12 gallons per minute (0.03 cubic feet of water per second) from one well 200 feet deep (Precambrian Rock) located in the NEW SE¼ Section 14-T1S-R6E. The water is for commercial use of the Motel.
 Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2211-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 23, 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. 2211-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 2, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the April 2, 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 April 2, 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 23, 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, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3; 46-6-3.1, 46-6-8.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Road Rules ARSD 74:02:01:01 thru 74:02:01:15.



AUG 7 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Earl Stratmeyer
Gold Nugget Motel
HC 33 Box 1605
Rapid City, SD 57701

Dear Mr. Stratmeyer:

Enclosed is Water Permit No. 2211-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 2211-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Earl Stratmeyer
Gold Nugget Motel
HC 33, Box 1605
Rapid City, SD 57701

Dear Mr. Stratmeyer:

On August 7, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 2211-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 2211-2

Earl Stratmeyer
Gold Nugget Motel
Hwy 33, Box 1605
Rapid City, SD 57701

4a. Article Number
P 906 559 944

- 4b. Service Type
- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

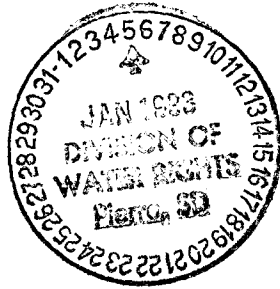
7. Date of Delivery
10-21-92

5. Signature (Addressee)
Earl Stratmeyer

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 1992

THIRD NOTICE

PERMIT NO. 2211-2

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 2211-2 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Earl Stratmeyer
Gold Nugget Motel
HC 33, Box 1605
Rapid City, SD 57701

Dear Mr. Stratmeyer:

On August 7, 1992 and October 13, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 2211-2 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 2211-2 until the \$50.00 fee is paid.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

*On Oct 23, 1992 I mailed you check #5150
in the amount of \$50. However, on checking our
bank statements, I find it hasn't come back,
so it seems it must have been lost in the
mail. I called the post office, but of course they
can't do anything about it. I am enclosing a new
check - & hopefully if you ever do get the other one,
you will return it to us -*

Earl Stratmeyer

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

2211-2

Earl Stratmeyer
Gold Nugget Motel
HC 33, Box 1605
Rapid City, SD 57701

L

4a. Article Number

P 906 559 966

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

Earl Stratmeyer

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413575

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 5 _____, 19 93

RECEIVED OF Gold Nugget Motel, HC 33 Box 1605, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2211-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2211-2
Upper Cheyenne - Water District

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

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

I have this day made a thorough examination of the water use system constructed by the Gold Nugget Motel of HC 33, Box 1605, Rapid City SD 57701 holder of Permit No. 2211-2, bearing the priority of April 2, 1992 authorizing the diversion of 0.03 cu. ft. per second of the waters of ground water (Precambrian rock) for commercial purposes, in Pennington County.

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

A. Works used to divert the water:

12 gpm submersible pump from a 200 feet deep well

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

Distribution lines to a motel complex and one home

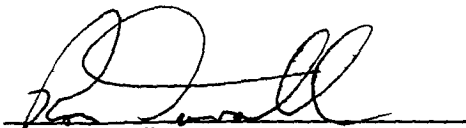
C. Works used to apply water to beneficial use:

see B.

The system is in the following condition good. The point of diversion is located 1510 feet north and 150 feet west of the SE corner of section 14-T1S-R6E (NE1/4 SE1/4) The works are capable of diverting and conveying to the place of use 0.03 cu. ft. per second of water which is to be used for commercial purposes by a motel complex.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: December 13, 1991



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Division

December 20, 1991/ks

REPORT ON INSPECTION OF PERMIT NO. 2211-2

DATE: December 13, 1991

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: one well: NE1/4 SE1/4 section 14-T1S-R6E.

WELL INFORMATION:

1) Well Drilling Firm: unknown

2) No. of Wells 1

3) Depth(s) 200 feet

4) Well log is available N

Casing:

1) Diameter 6 inches

Screen:

1) Type

2) Length feet

3) Static water level feet

Pump:

1) Make unknown

2) Model

3) Size

4) Capacity 12 GPM

Motor:

1) Make unknown

2) Model No.

3) Horsepower rating hp

DISTRIBUTION LINES OR CANALS:

1) Water distributed to motel and one home

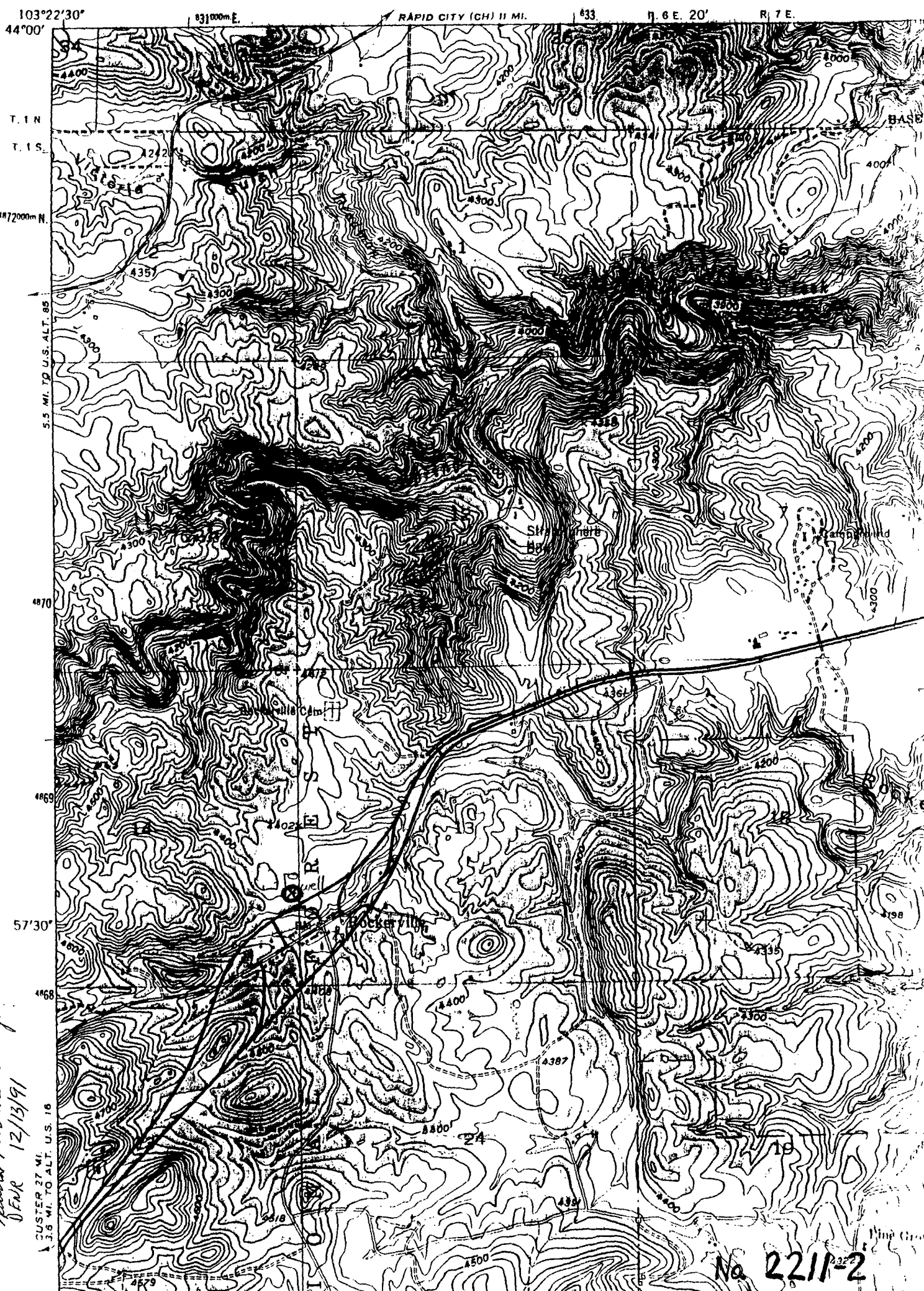
PERMIT QUALIFICATIONS AND REGULATIONS:

1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA

2) Special qualifications to permit being abided by Y

3) All structures, wells and lands on map Y

4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA



No. 2211-2

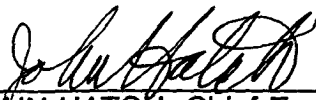
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2211-2

(1) The Gold Nugget Motel of HC 33 Box 1605, Rapid City, SD 57701 made Application No. 2211-2, December 20, 1991 for a water permit to divert 0.03 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota, for commercial purposes. Permit No. 2211-2, with a priority date of December 20, 1991 was approved April 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is in the NE1/4 SE1/4 Section 14 T1S-R6E (1510 feet north and 150 feet west of the southeast corner of Section 14).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 The Gold Nugget Motel of HC 33 Box 1605, Rapid City, SD 57701 the holder and/or owner of Water Permit No. 2211-2 is issued a license to appropriate water, the right to divert 0.03 acre feet of water from groundwater (one well) with a priority date of December 20, 1991 from the location specified in (2) of this license. The water is used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 2211-2 and subject to South Dakota State Law.



NOV 14 1994

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

2211-2

Earl Stratmeyer
Gold Nugget Motel
HC 33, Box 1605
Rapid City, SD 57701

Dear Mr. Stratmeyer:

Enclosed is Water License No. 2211-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413575 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2211-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 2001

No. 2211-2

Earl Stratmeyer
23798 Golden Hills Drive
Rapid City SD 57701

Dear Mr. Stratmeyer:

On November 14, 1994, Water License No. 2211-2 was issued for 12 gallons per minute from one well for commercial use at the Gold Nugget Motel located in the NE ¼ SE ¼ Section 14-T1S-R6E in Pennington County.

It has been brought to our attention that Gold Nugget Motel is no longer in operation. Do you still own this property? If so, is the well being used at this time and for what purpose? If you are not the owner, do you have information regarding ownership?

Enclosed is postage prepaid envelope for your reply. Any information would be appreciated. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

*The Gold Nugget Motel has been turned into an
assisted living home and is owned by
Kaye Knack & Judith Welsh
23776 Pinehaver Dr.
Rapid City, SD. 57702*





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2001

No. 2211-2

Kaye Knock & Judith Welsh
23776 Pinehaven Dr.
Rapid City SD 57702

Dear Ms. Knock and Ms. Welsh:

On November 14, 1994, Water License No. 2211-2 was issued for 12 gallons per minute from one well for commercial use at the Gold Nugget Motel located in the NE ¼ SE ¼ Section 14-T1S-R6E in Pennington County.

It is our understanding that Gold Nugget Motel has been converted into an assisted living home owned by you. Does this facility use water from the well authorized by Water License No. 2211-2? If so, the water right should be transferred to you.

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change. The transfer form should be checked over for accuracy and signed by the new owner(s) in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If the well is no longer utilized for commercial use it may be subject to cancellation. Your prompt response would be appreciated. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 2002

2211-2

Kaye Knock & Judith Welsh
23776 Pinehaven Dr
Rapid City, SD 57702

Dear Ms. Knock and Ms. Welsh:

I am contacting you in regard to ownership of the well described in Water Right No. 2211-2. On November 13, 2001, we wrote to you concerning the transfer of the water right. Enclosed is a copy of the water right for your review.

The water right authorizes use of ground water for commercial purposes. If the well is still in existence and used by the assisted living home, the water right should be transferred to reflect current ownership.

In the event you no longer have the original Notice of Transfer of Ownership form, enclosed is an additional one. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If the well is no longer being used or if we should be directing our correspondence to someone other than you, let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2211-2

RECEIVED
APR 19 2002

Date: 4-18-02

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 2211-2

formerly owned by: Gold Nugget Motel

be transferred to: (name & address)

KAY KNOCK + Judith Welsh

23776 Pine Haven Dr - Rapid City, SD 57702

Telephone No. 605-348-2145

Title to the following described land(s)/property has been transferred as described above:

1 well located in the NE 1/4 SE 1/4 Section 14-T1S-R6E

I/We understand that the validity of Water Right No. 2211-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

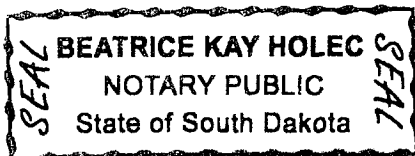
STATE OF SOUTH DAKOTA)

County of Pennington)

I/We KAY KNOCK being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Kay Knock
(Signed)

Subscribed and sworn to before me this 17th day of April, 20 02.



Beatrice Kay Holec
(Notary Public)

My Commission Expires
February 6, 2007

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417147

Pierre, April 19, 2002

RECEIVED OF Pine Haven Elderly Care Services, Inc., 23776 Pine Haven Dr., Rapid City SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 2211-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By David L. Elch
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2002

2211-2

Kay Knock & Judith Welsh
23776 Pine Haven Dr
Rapid City, SD 57702

Dear Ms. Knock and Ms. Welsh:

Thank you for following up on the ownership change for Water Right No. 2211-2. The transfer has been completed. The water right formerly listed in the name of the Gold Nugget Motel is now listed in your names.

Enclosed is your Receipt No. 417147 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure -

February 2, 2006

2005 South Dakota Water Use Questionnaire

2211-2

To:

~~KAY KNOCK~~
~~& JUDITH WELSH~~, 23776 PINE HAVEN DR
RAPID CITY SD 57702

Address correction requested:

Pine Haven Heritage Home
Attn: Jim Slichter
23776 Pine Haven Drive
Rapid City, SD 57702

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2211-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: PRECAMBRIAN ROCK
Management Unit: NOT APPLICABLE

County: PENNINGTON
Pumping Pt. Legal: SEC 14-T001S-R06E
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2005 water use from the above water source: 500,000 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

Contact Person:

Jim Slichter

Telephone No:

348-2145

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance...

Thank you for completing the 2005 water use questionnaire

Water Rights on the Web: www.state.sd.us/dcnr/wr



RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2006

2211-2

Pine Haven Heritage Home
Attn: Jim Slichter
23776 Pine Haven Drive
Rapid City SD 57702

Dear Mr. Slichter:

Thank you for returning the 2005 Water Use Questionnaire. The form indicated an ownership change for Water Right No. 2211-2. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water right is currently listed in the name of Kay Knock and Judith Welsh.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 21, 20 06

RECEIVED OF Pine Haven Inc., 23776 Pine Haven Dr, Rapid City SD 57702

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50=	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2211-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1.50

No.

02369

By

Darland White
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
MAR 21 2006
WATER RIGHTS
PROGRAM

No. 2211-2

Date: 3-16-06

I/We request that Water Right No. 2211-2

formerly owned by: Kay Knock and Judith Welsh

be transferred to: (name & address) Pine Haven Heritage Home

23776 Pine Haven Drive, Rapid City SD 57702

Telephone No. 605 348-2145

Title to the following described land(s)/property has been transferred as described above:

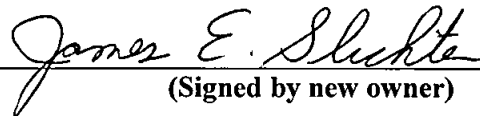
one well – NE ¼ SE ¼ Sec 14-T1S-R6E

I/We understand that the validity of Water Right No. 2211-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Pine Haven Heritage Home, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 2006

2211-2

Jim Slichter
Pine Haven Heritage Home
23776 Pine Haven Dr
Rapid City SD 57702

Dear Mr. Slichter:

Thank you for following up on the ownership change for Water Right No. 2211-2. The transfer has been completed. The water right formerly listed in the name of Kay Knock and Judith Welsh is now listed in the name of Pine Haven Heritage Home.

Enclosed is your Receipt No. 02369 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 4, 2020

Chad Timmer, Registered Agent
Rockerville Lodge and Cabins
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

The South Dakota Water Management Board recently conducted a hearing on a new water permit application to appropriate water from new wells to be completed for a proposed development in the Rockerville area. During the course of that hearing, the issue arose whether a number of existing business' in the area hold water rights for well(s) used to supply water at their business that reflect the actual use being made. This letter is to inquire whether Water Right No. 2211-2, originally held by the Gold Nugget Motel and currently in the name of Pine Haven Heritage Home, reflects the amount of water being diverted. It is our understanding that this is the same well used by Rockerville Lodge and Cabins. The Secretary of State website indicated you are the registered agent for Rockerville Lodge and Cabins. If the well does not supply Rockerville Lodge and Cabins and Pine Haven Heritage Home, please let me know.

Water Right No. 2211-2 appropriates 0.03 cubic feet of water per second (13 gallons per minute) from one well. Specifically, as part of the recent hearing, it was presented that Rockerville Lodge and Cabins wrote to the Pennington County Commissioners that the well produced 25 gallons per minute.

If the water right that is in place for 13 gallons per minute does not reflect the actual diversion being made, another water right permit will be needed for the pump rate in excess of the permitted amount.

Enclosed is an application form, instruction sheet and map to apply for a Permit to Appropriate Water within the State of South Dakota. If you have any questions, please contact Ron Duvall or me. We want to work with you to get the necessary permitting in place.

You can find more information about using water in South Dakota and the permitting process by visiting our website at <https://denr.sd.gov/des/wr/wr.aspx>

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 26, 2021

Chad Timmer, Registered Agent
Rockerville Lodge and Cabins
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

On November 4, 2020 we sent a letter inquiring if you are aware of water right permitting requirements in South Dakota and whether you are aware of any existing water right held for the well that supplies Rockerville Lodge and Cabins. Enclosed is a copy of that letter. To date we have had no response from you.

Please take the time to review the information in that letter to determine if the well authorized by Water Right No. 2211-2 is the same well being used by Rockerville Lodge and Cabins. If a water right is not in place for the well and/or for the amount of water being used to supply Rockerville Lodge and Cabins, a water right permit will need to be obtained.

Enclosed is another application form, instruction sheet and map to apply for a Permit to Appropriate Water within the State of South Dakota.

If you have any questions, please contact Ron Duvall or me. If this letter should be directed to someone else, let us know. We want to work with you to get the necessary permitting in place.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, March 12, 2021 10:02 AM
To: Schlaak, Karen
Cc: Duvall, Ron; Mathiowetz, Adam (DENR)
Subject: Rockerville Lodge and Cabins - WR No. 2211-2

Received a call from Chad Timmer regarding the letters sent to him regarding Water Right No. 2211-2 and whether the water right correctly reflected their water use. Water Right No. 2211-2 appropriates 0.03 cfs (13 gpm) from one well. It had been asserted that the actual pump rate is 25 gpm. Mr. Timmer said their use is within the authorized amount of 13 gpm. He went on to explain that they have significant storage which provides water during periods of peak demand.

Mr. Timmer said he didn't respond to our initial letter because he felt they were in compliance with the permitted amount.

Mr. Timmer was informed that I will document our conversation in the administrative record.

Karen – please put the two letters sent to Mr. Timmer and this email in the administrative record for Water Right no. 2211-2. Thanks

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 12, 2021

Chad Timmer, Registered Agent
Rockerville Lodge and Cabins
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

During your phone conversation with Eric Gronlund, you stated that the well authorized by Water Right No. 2211-2 did not pump more than authorized 13 gallons per minute. We have documented that amount for the file.

Our records indicate that Water Right No. 2211-2 is listed in the name of Pine Haven Heritage Home, signed by James E Slichter. If there has been an ownership change, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2211-2.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

If you have questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501-3182

RECEIVED

MAY 27 2021

WATER RIGHTS
PROGRAM

May 24, 2021

Dear Eric,

Please find enclosed the filled out "Notice of Transfer of Ownership" form for water right/permit No. 2211.2. The permit formerly owned by Pine Haven Heritage Homes will be transferred to Rockerville Lodge & Cabins, LLC.

Water is pumped out of the well at a rate of 13 gpm and into a large water storage system. Water is then pumped from the water storage system to pressurize the building.

The well has been in use the entire time that Rockerville Lodge & Cabins, LLC has owned the property. I am not aware of a period when the well was not in use.

Please let me know if you have any further questions.

Sincerely,



Chad Timmer, Member
Rockerville Lodge and Cabins, LLC
345 Millstone Way
Rapid City, SD 57701
605-270-4055
Chadkirsten.timmer@gmail.com
Enclosure

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov



May 17, 2021

Chad Timmer, Registered Agent
Rockerville Lodge and Cabins
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

I am writing again about water use by Rockerville Lodge and Cabins. We spoke after the February 26th letter regarding Water Right No. 2211-2 currently in the name of Pine Haven Heritage Homes. During your phone conversation, you stated that the well authorized by Water Right No. 2211-2 did not pump more than authorized 13 gallons per minute (gpm).

Since that time the petitioner contesting new water permit applications in the Rockerville area has filed a formal complaint with the Water Rights Program seeking formal investigation into various water rights and commercial entities, including Pine Haven Heritage Homes, in the vicinity of Rockerville that are not properly permitted.

First, can you verify that the water right held in the name of Pine Haven Heritage Homes is for the well currently used by Rockerville Lodge and Cabins?

Second, during our conversation you stated the well produces at the permitted peak pump rate of 13 gpm. Can you provide information on the pump in the well stating its rated pump capacity.

Third, the complaint states Pine Haven Heritage was permanently closed as some point prior to 2014 and the building was vacant for several years. Are you aware of a period when the well was not in use? If so, for how long? A water right can be subject to forfeiture for nonuse for periods of nonuse greater than three years unless there is legal excuse for the nonuse of water.

Finally, the March letter to you stated Water Right No. 2211-2 is listed in the name of Pine Haven Heritage Home. If there has been an ownership change, a "Notice of Transfer of Ownership" form needs to be completed, Enclosed is the transfer form to be completed and submitted along with the required filing fee of \$50.00. If you have questions, please contact the Water Rights Program.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
Eric.gronlund@state.sd.us

Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAY 27 2021

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

MAY 27 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 2211-2

Date: 5/24/21

Ck# 1154

I/We request that Water Right/Permit No. 2211-2 formerly owned by:

Pine Haven Heritage Homes

be transferred to:

New Owner Name:

Address:

City, State, Zip

Rockerville Lodge & Cabins, LLC
345 Millstone Way
Rapid City SD 57701 Telephone No. 605 270 4055

Title to the following described land(s)/property has been transferred as described above:

NE 1/4 SE 1/4 Section 14 - T001S - R06E

- ☒ I understand that the validity of Water Right/Permit No. 2211-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Chad Timmer, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 27, 2021RECEIVED OF Rockerville Lodge & Cabins, LLC 345 Millstone Way Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>2211-2</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief EngineerVM



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Rockerville Lodge & Cabins, LLC**

General Information

SOS Business ID **DL142698**
Filing Type: Limited Liability Company - Domestic
 01/17/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Chad Timmer
 345 MILLSTONE WAY
 RAPID CITY, SD 57701

Principal Address

13525 MAIN STREET
 ROCKERVILLE, SD 57702

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
11/02/2020	2021 Annual Report	B0157-3524
11/04/2019	2020 Annual Report	B0118-8118
12/27/2018	2019 Annual Report	B0086-1114
01/17/2018	Initial Filing	B0050-1060



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 27, 2021

2211-2

Chad Timmer
Rockerville Lodge & Cabins LLC
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2211-2.

The ownership change has been completed. Water Right No. 2211-2 formerly held by Pine Haven Heritage Homes is now listed under Rockerville Lodge & Cabins LLC.

Enclosed for your records is a receipt for the filing fee that was paid.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure