

Considered: _____

WATER PERMIT NO. 2212-2

Phone: 574-2364

Name of Applicant: Quail's Crossing

Post Office Address: Box 63, Hill City SD 57745

Amount of Water Claimed: 15 gpm (0.033 cfs) Total Acres: NA

Source of Water Supply: groundwater - 2 wells

Water to be used for: commercial County: Pennington

About _____ miles south of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-24-91 Fee: \$50.00 Remarks _____

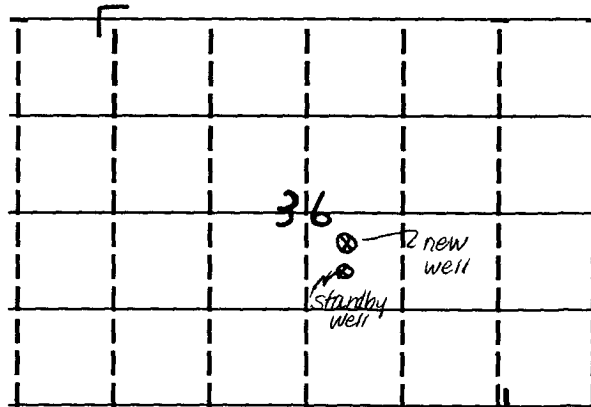
Corrected Application Received 12-11-91 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: NW 1/4 SE 1/4 Sec 36-T1S-R4E

Land to be Irrigated: NA



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

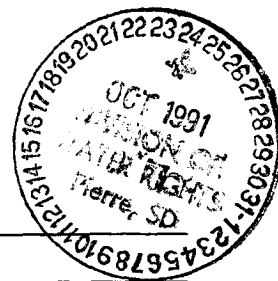
Depth of Well: 227' REMARKS the standby well is a shallow hand dug well

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

Assigned on 1-3-92 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 2212-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington Co. Prevalier NewsBox 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 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 Quail's Crossing
LEONORE MUSILEK JAY'S MOTEL Phone No. 574-2364
Post Office Address Box 63 Hill City State SO. DAK 57745
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 15 GAL MIN. 0.033 cfs
3. Source of water supply DRILLED WELL (2)
4. Location of point of diversion GERTIE PLACER MS 615 LOT 2
NW 1/4 SE 1/4 Sec 36 T1S, R4E
County PENNINGTON
5. Counties where water will be used PENNINGTON
6. Annual period during which water is to be used JANUARY 1 TO DECEMBER 31
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Pennington)^{ss}I, Leonore Musilek 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 Leonore MusilekSubscribed and sworn to before me this 22nd day of Oct. 1991DIANA RONNE, Notary Public
My Commission Expires 6-23-95Diana Ronne
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2212-2**

Date of first receipt of application October 24, 1991.

Date of return to applicant for corrections, amendments or changes
October 25, 1991.

Date of receipt of corrected application December 11, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2212-2 to Quail's Crossing, Box 63, Hill City SD 57745 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. 2212-2 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from one well (Precambrian Rock) 227 feet deep and one shallow hand dug well used for backup purposes. Both wells are located in the NW 1/4 SE 1/4 Section 36-T1S-R4E.
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. 2212-2 is April 1, 1992.
5. The date from which applicant may claim right is October 24, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Combination of diversions from the two wells authorized by Water Permit No. 2212-2 may not exceed 0.033 cfs.

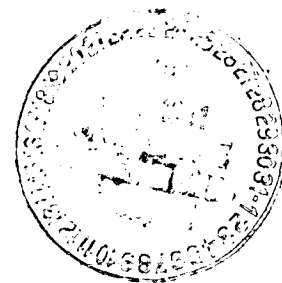
WATER MANAGEMENT BOARD

By: John H. Hates
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 7 1992
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 227'
- b) Casing Type 26 1/2 FT PVC Diameter 6" Thickness 1/4"
- c) Screen Type - Diameter - Thickness -
- d) Gravel Pack Thickness - Length of Gravel Pack -
- e) Depth to Top of Water Bearing Material 52'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
 On applicants property 300' On property owned by others 600'

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 _____

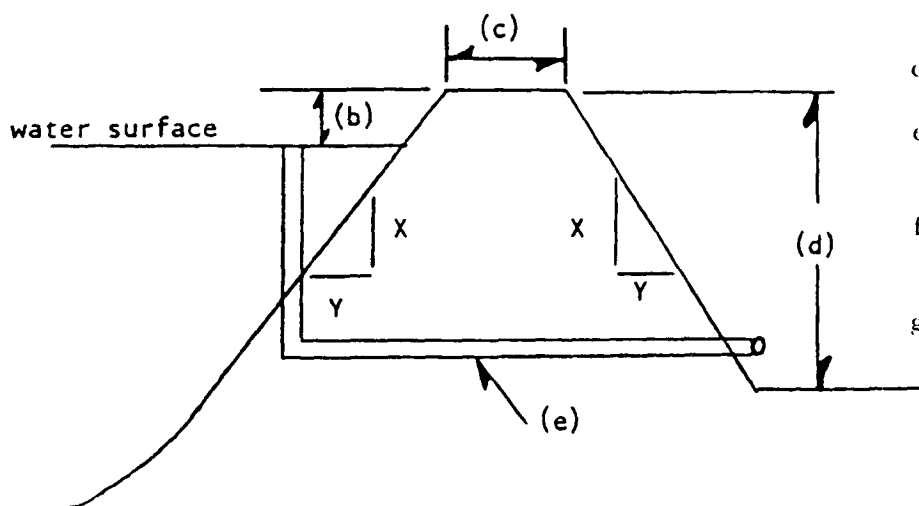
g) X & Y Slope
 Upstream _____

Downstream _____

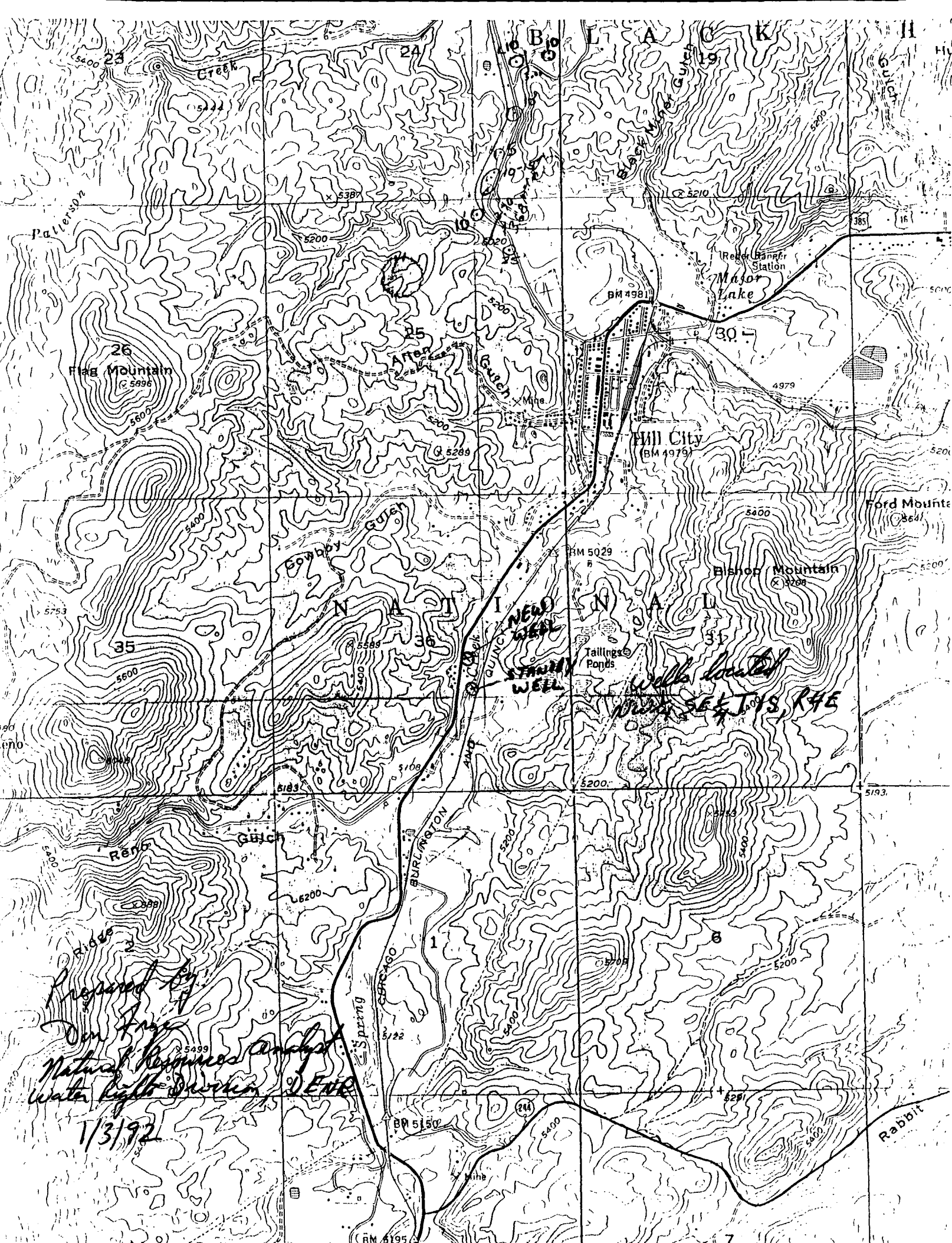
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



Prepared by
Don Frye
Natural Resources Analyst
Water Rights Division, DENR
1/3/92

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

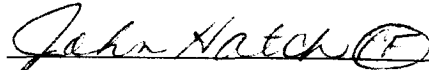
412088

Pierre, October 25, 1991

RECEIVED OF Jay's Motel, Box 522, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2212-2</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 John Hatch 
Chief Engineer

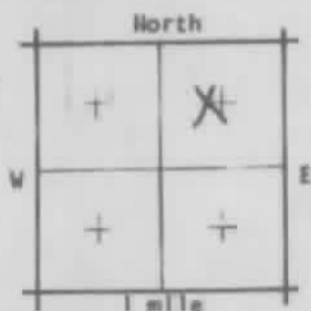
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NE 1/4 Sec 36 Twp 15 Rg 4E

County

Penn.

Please mark well location with an "X"



Well Completion Date 1-25-83

PROPOSED USE:

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

Method of Drilling:

6" Down-hole Hammer (5 7/8" Bit)

WELL CONSTRUCTION:

Diameter of hole 5 7/8" Depth 227'

Casing: ☐ Steel ☒ Plastic ☐ Other

Specify 6" - R.V.C. 160-

Pipe Weight Diameter From To 1/4" well

lb/ft inches feet 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?

Was well gravel packed? ☐ Yes ☐ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure type III

Cement As well casing - 26' - 28'
To what depth? Feet

What was grouting material? type III cement

If cement, how many sacks? 1

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 John Muslick

Address Hill City, S.D.

Well Log:

Depth

Formation	From	To
<u>Drift</u>	<u>0</u>	<u>23</u>
<u>Schist Hd gray</u>	<u>23</u>	<u>52</u>
<u>Quartzite Fractured (gpm)</u>	<u>52</u>	<u>53</u>
<u>Schist Hd gray</u>	<u>53</u>	<u>95</u>
<u>Schist Fractured</u>	<u>95</u>	<u>96</u>
<u>Schist Hd gray</u>	<u>96</u>	<u>140</u>
<u>Schist Hd gray - Brown</u>	<u>140</u>	<u>147</u>
<u>Schist Hd gray -</u>	<u>147</u>	<u>160</u>
<u>Quartzite Fractured (gpm)</u>	<u>160</u>	<u>164</u>
<u>Pyritic Qtz. mica</u>	<u>164</u>	<u>170</u>

STATIC WATER LEVEL 25 Feet Below

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify

Can well be completely shut off?

WELL TEST DATA:

☒ Pumped w/ AIR 15 gpm

☐ Bailed Describe:

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped

ft. After Hrs. pumped

ft. After Hrs. pumped

Remarks:

Schist Hd gray - 170 - 193

Pyritic Qtz. Fractured, etc - 193 - 220

Schist Hd. gray - 220 - 227

This well was drilled under license 1324

and this report is true and accurate.

Alexander Daly
Drilling Firm

Signed by

11-2-83
Date



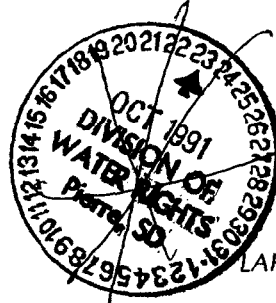
ATTRACTIVE FURNISHED COTTAGES
1 TO 3 BEDROOMS
COMPLETE KITCHENS



BOX 63
HILL CITY, SD 57745
(605) 574-2364

Jay's Motel

1/2 MILE SOUTH OF HILL CITY
HIGHWAYS 16 & 385



LARGE PLAYGROUND
TROUT STREAM
COMFORTABLE & QUIET

Oct 22-1991

Hi Mr Frye -

*Sorry I forgot to put this check
in my paper book I sent to your
office yesterday -*

*Would you please see that the
paper authorities receive this?*

Thank you -

Lorne Muehl-

ATTRACTIVELY FURNISHED COTTAGES
1 TO 3 BEDROOMS
COMPLETE KITCHENS



Jay's Motel

½ MILE SOUTH OF HILL CITY
HIGHWAYS 16 & 385



LARGE PLAYGROUND
TROUT STREAM
COMFORTABLE & QUIET

att: Ron Frye -

The name of the well driller is
Alexander Drilling - Roy Alexander -
Hill City. So Hill City 57745 - The well
was drilled on Oct 5-1983.

Lynne Musilek

Conversation or File Documentation

NAME OF PERSON OR FILE: Lenore MusilikADDRESS: _____ COUNTY PenningtonDATE: 10/25/91 TELEPHONE 574-2411RE: Application for Jay's Motel

COMMENTS:

Mrs. Musilik stated she would wait with her application until someone from our office could help her locate her well on a correct map. I told her Ron & Don would be in area in November sometime.

She can be reached at Cozy Motel in Hill City.

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Quail's CrossingADDRESS: Box 63, Hill City SD COUNTY PenningtonDATE: 12/11/91 TELEPHONE _____RE: Water Permit Application

COMMENTS:

Ron Duvall and I stopped by Jay's Motel to help finalize the application for a water right. The new owners of the motel are three partners who have renamed the motel to Quail's Crossing. We also discovered there are two wells on the property a new well and an old well which is maintained as a standby.

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

REPORT ON APPLICATION NO. 2212-2
for Quail's Crossing
February 5, 1992

Application No. 2212-2 proposes to appropriate 0.033 cfs (15 gpm) from one well approximately 227 feet deep and a shallow hand dug well used for backup purposes. Both wells are located in the NW 1/4 SE 1/4 of section 36, T1S R4E in Pennington County. The water is for commercial use at the motel.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area is a thin bedded metamorphic rock consisting of phyllite and schist (Redden, 1975). The driller's log accompanying this application indicates schist which is intruded by quartz (pegmatite) which apparently is the zone which produced water. The well is completed open hole and reportedly is capable of producing 15 gpm. The well is completed in accordance with SD Well Construction Standards.

Ground water is contained within fractures and the natural porosity within the rock. No estimate for the amount of water in storage or the amount of recharge is available. The Division of Water Rights does not monitor any observation wells in this area so there is no historical water level data available. Generally, in this geologic setting ground water would move toward the creek (Spring Creek). Usually along major creeks there is alluvium along the floodplain of the creek which can provide storage for ground water and a medium to transport water from the Precambrian rock to the stream or visaversa.

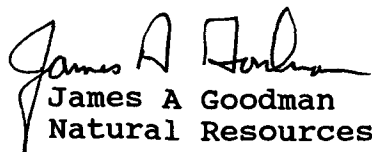
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 2149-2 and one vested right No. 2150-2 which is in the immediate area of this application. Interference is not expected to be a problem. The requested pumping rates are relatively small and drawdown created by these diversions should not be significant.

CONCLUSIONS

1. Water is available from the Precambrian rock.
2. The Precambrian rock is under water table conditions and no significant drawdown due to pumping is expected. Interference should not be a concern.
3. The well drilled in 1983 (227 feet deep) is constructed in accordance with SD Well Construction Standards. Information for

the old well (backup) is not sufficient to determine its construction. Apparently this well was hand dug and cased with culvert casing 2 1/2 feet in diameter.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

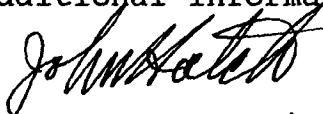
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2212-2, Quail's Crossing

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. 2212-2, Quail's Crossing, c/o Lenore Musilek, Box 63, Hill City, SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2212-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Combination of diversions from the two wells authorized by Water Permit No. 2212-2 may not exceed 0.033 cfs.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 6, 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

Lenore Musilek
Quail's Crossing
Box 63
Hill City, SD 57745

Dear Ms. Musilek:

Water Permit Application No. 2212-2 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.



February 27, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Pennington County Prevailer News
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2212-2 to be published twice. Please publish the first notice on March 5, 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 Quail's Crossing, Box 63, 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 March 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2212-2 to Appropriate Water

Notice is given that Quail's Crossing, Box 63, Hill City, SD 57745 has filed an application for a water permit to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well (Precambrian Rock) 227 feet deep and one shallow hand dug well used for backup purposes. Both wells are located in the NW 1/4 SE 1/4 Section 36-T1S-R4E. The water is for commercial use at the Motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2212-2 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. 2212-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 1, 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 1, 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 1, 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, Don Greken

certify that the attached printed Notice was taken
from the Pennington County Prevalier 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 Hill City Pennington Co. Prevalier
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:

March 4, 1992

March 11, 1992

Don Greken
(Signature)

Manager
(Title)

March 11, 1992
(Date Signed)

Cost of Printing: \$44.91



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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 file by March 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the appli-

cation, 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. 2212-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 1, 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 1, 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 1, 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 13, 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 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 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. # 488 3-4-3-11-92



AUG 7 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lenore Musilek
Quail's Crossing
Box 63
Hill City, SD 57745

Dear Ms. Musliek:

Enclosed is Water Permit No. 2212-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 15, 1999

2212-2

Quail's Crossing
%Kathy Heywood
Box 441
Hill City, SD 57745

Dear Ms. Heywood:

The investigation of your water use system was conducted on September 10, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2212-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416228

Pierre, _____ October 21, 19 99

RECEIVED OF Quail's Crossing, P.O. Box 441, Hill City, SD 57745
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. 2212-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 15, 1999

2212-2

George Heywood
PO Box 441
Hill City, SD 57745

Dear Mr. Heywood:

Enclosed, as you discussed with Jim Goodman, is a set of water permit application forms with instruction sheet, a well plugging report, a copy of Water Permit No. 2212-2 and a partially completed "Notice of Transfer of Ownership" form.

Please review the transfer 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.

Thank you for calling and visiting with Jim about the water permit. If you have any questions concerning any of the enclosed materials, please get in touch with us.

Sincerely,

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

enclosures

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

September 9, 1999

RE: Additional Diversion Points for Water Permit No. 2212-2, Quails Crossing

An inspection of Permit No. 2212-2 found an additional diversion point not authorized by Permit No. 2212-2. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 2212-2 appropriates 0.033 cubic feet of water per second (cfs) from groundwater located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 T1S-R4E. An inspection found an additional diversion point from groundwater located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 T1S-R4E. No additional appropriation of water is required for this diversion.



Ken Buhler
Natural Resources Engineer

The Chief Engineer makes a finding that the additional diversion points do not increase the potential for interference with existing diversions. In making the finding, "does not increases the potential for interference" is interpreted to mean potential for adverse interference.

 10-14-99

John Hatch, Chief Engineer
Water Rights Program

Permit No. 2212-2
Upper Cheyenne River - Water District

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

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

I have this day, September 10, 1998, made a thorough examination of the water use system constructed by Quail's Crossing of Box 441, Hill City, SD 57745 holder of Permit No. 2212-2, bearing the priority of October 24, 1991 authorizing the diversion of 0.033 cu. ft. per second of the waters of groundwater 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:

Water is diverted with a Grundfos submersible pump from a 6-inch diameter well 227 feet deep, located 2210 feet north and 1850 feet west of the southeast corner of Sec. 36, T1S-R4E, (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E). A shallow hand dug well 30-inches diameter, located 2000 feet north and 1780 feet west of the southeast corner of Sec. 36, T1S-R4E (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E) is available for "standby use".

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

Water is transported to place through buried 1 1/2-inch diameter polyethylene pipe.

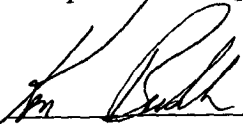
C. Works used to apply water to beneficial use:

Water is applied to beneficial use for sanitary and culinary purposes by the bed and breakfast and motel.

The system is in the following condition good. The point of diversion is located SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E. The works are capable of diverting and conveying to the place of use 0.033 cu. ft. per second of water which is to be used for commercial purposes. The license should be issued for 0.033 cfs

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

10/13/99
Date

REPORT ON INSPECTION OF PERMIT NO. 2212-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Kathy Heywood

Box 441

Hill City, SD 57745

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Owner

NAME & ADDRESS OF PERMIT HOLDER: Quails Crossing

Box 441

Hill City, SD 57745

DATE OF INSPECTION: September 10, 1998

DIVERSION POINT LEGAL LOCATION: Well No. 1: 2210 feet north and 1850 feet west of the
southeast corner of Sec. 36, T1S-R4E,
(SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E)

Well No. 2: 2000 feet north and 1780 feet west of the
southeast corner of Sec. 36, T1S-R4E
(SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E)

Well No. 3: 2100 feet north and 1850 feet west of the
southeast corner of Sec. 36, T1S-
R4E(SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E)

WELL INFORMATION:

Well No. 1	Well No. 2 (Backup well)	Well No. 3 (Basement well)
1) Well Drilling Firm: <u>Alexander Drilling</u>	1) Well Drilling Firm: <u>unknown (hand dug)</u>	1) Well Drilling Firm: <u>unknown</u>
2) No. of Wells <u>one</u>	2) No. of Wells <u>one</u>	2) No. of Wells <u>one</u>
3) Depth(s) <u>227</u> feet	3) Depth(s) <u>unknown</u> feet	3) Depth(s) $\cong$ <u>100</u> feet
4) Well log is available <u>yes</u>	4) Well log is available <u>no</u>	4) Well log is available <u>no</u>

Casing (Well No. 1):	Casing (Well No. 2):	Casing (Well No. 3):
1) Diameter <u>6</u> inches	1) Diameter <u>30</u> inches	1) Diameter <u>6</u> inches
2) Length <u>26</u> feet	2) Length <u>unknown</u> feet	2) Length <u>unknown</u> feet
3) Type <u>PVC</u>	3) Type <u>concrete</u>	3) Type <u>steel</u>

Screen (Well No. 1):	Screen (Well No. 2):	Screen (Well No. 3):
1) Type <u>None open hole completion</u>	1) Type <u>unknown</u>	1) Type <u>unknown</u>
2) Length <u>201</u> feet	2) Length <u>unknown</u> feet	2) Length <u>unknown</u> feet
3) Static water level <u>25</u> feet	3) Static water level <u>6</u> feet	3) Static water level <u>?</u> feet

Pump (Well No. 1):	Pump (Well No. 2):	Pump (Well No. 3):
1) Make <u>Grundfos</u>	1) Make <u>Franklin Electric</u>	1) Make <u>Flowtec</u>
2) Model <u>10S</u>	2) Model <u>c2017Xb30</u>	2) Model <u>FP2222</u>
3) Size <u>5 inch</u>	3) Size <u>½ HP</u>	3) Size <u>¾ HP</u>
4) Capacity <u>15</u> GPM	4) Capacity <u>10</u> GPM	4) Capacity <u>14</u> GPM

Motor:	Motor:	Motor:
1) Make <u>Franklin Electric</u>	1) Make <u>Franklin Electric</u>	1) Make <u>Franklin</u>
2) Horsepower rating <u>1</u> hp	2) Horsepower rating <u>½</u> h p	2) Horsepower rating <u>¾</u> hp

DISTRIBUTION LINES OR CANALS:

1) Type polyethylene 2) Size 1 ½ inches 3) Length 200 feet

SYSTEM :

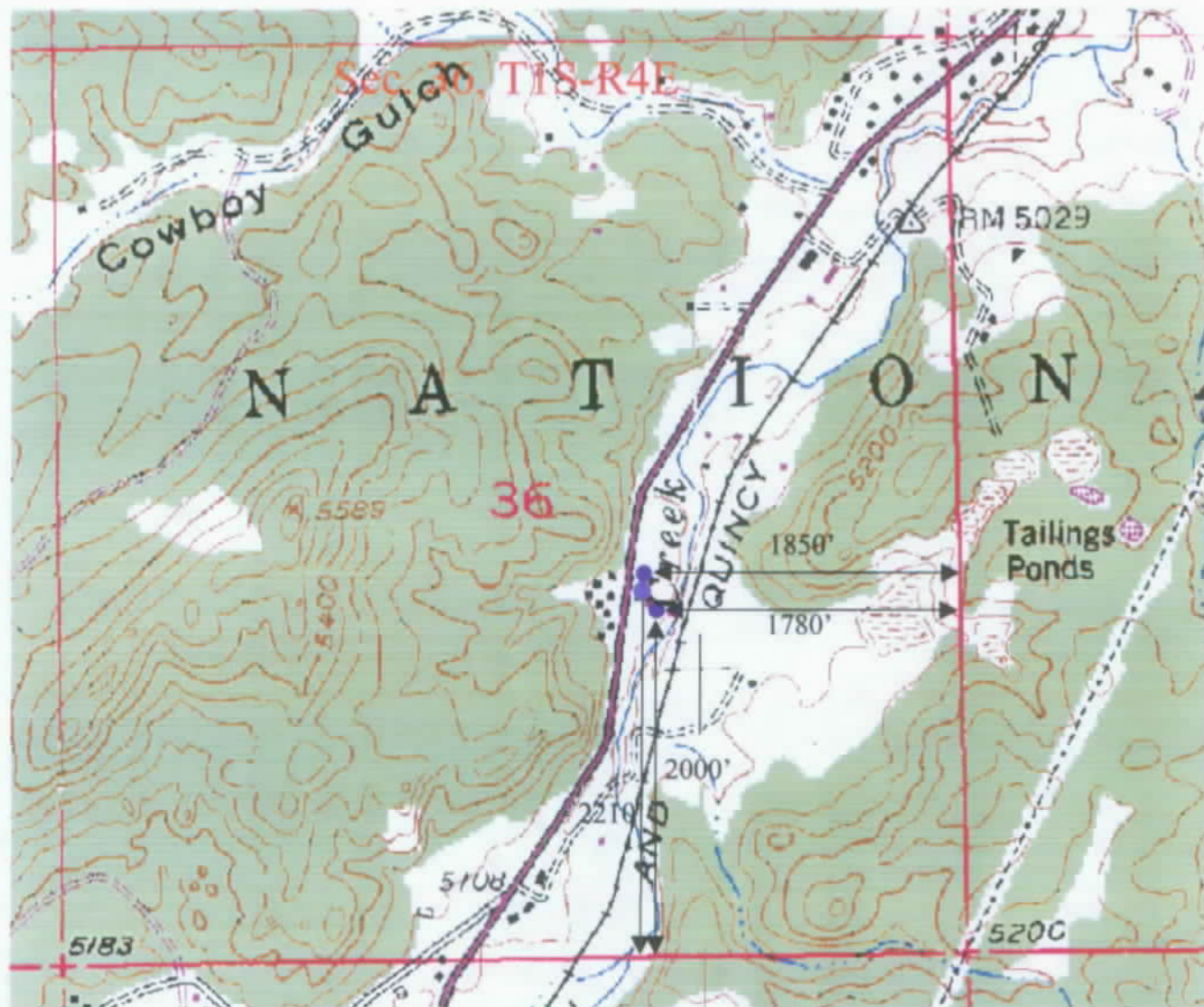
Water is used for a house and eight cabins. The hand dug well is currently not hooked into the system but equipment is available and the well can be considered a standby well. A third well is located on the property, in the house basement. A ¾ HP Flotec Pump, Model No. FP2222, Capacity 13-14 gpm with

40-60 feet of head. Has been purchased for the "basement well". The hand dug well may eventually be plugged and the "basement well" may be used as a backup well.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na

Water Right No. 2212-2



Ken Buhler
Natural Resources Engineer
Water Rights Program

0.4 0 0.4 0.8 Miles



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2212-2

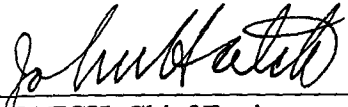
(1) Quail's Crossing, PO Box 441, Hill City SD 57745 made Application No. 2212-2, October 24, 1991 for a water permit to divert 0.033 cubic feet of water per second from groundwater (two wells), Pennington County, South Dakota for commercial purposes. Permit No. 2212-2, with a priority date of October 24, 1991 was approved April 1, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

An investigation conducted for licensing purposes found an additional well developed under Water Permit No. 2212-2 not authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing water rights.

(2) It is certified that the permit holder 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 0.033 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 – 2,210 feet north and 1,850 feet west; Well No 2. – 2,000 feet north and 1,780 feet west; and Well No. 3 - 2,100 feet north and 1,850 feet west; all from the southeast corner of Section 36-T1S-R4E (NW ¼ SE ¼). Well #2 is maintained at a standby well.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to supply a home and cabins.

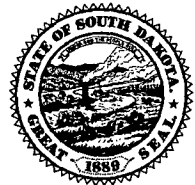
(4) Pursuant to South Dakota Water Law 46-5-30.1 Quail's Crossing, PO Box 441, Hill City SD 57745 the holder and/or owner of Water Right No. 2212-2 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (three wells) with a priority date of October 24, 1991 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2212-2 and subject to South Dakota State Law.



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

DEC 6 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

DEC 6 1999

2212-2

Quail's Crossing
%Kathy Heywood
P.O. Box 441
Hill City, SD 57745

Dear Ms. Heywood:

Enclosed is Water License No. 2212-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416228 in the amount of \$50.00 which you paid for the investigation 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. 2212-2, 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 Program
(605) 773-3352

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