

Considered: _____

WATER PERMIT NO. VR 2227-2

Phone: 673-4681

Name of Applicant: Ruth Ziolkowski

Post Office Address: Ave of the Chiefs, Crazy Horse SD 57730-4681 9506

Amount of Water Claimed: 0.155 cfs Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial County: Custer

About 4 miles NW of Custer

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-30-92 Fee: \$15 Remarks priority dates of 1948 and 1954

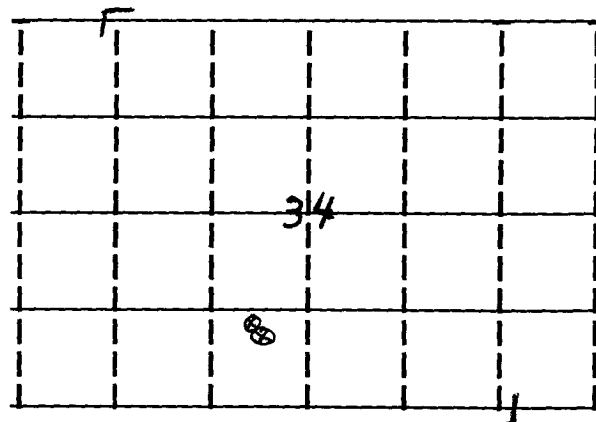
Corrected Application Received 4-6-92 4/13/92 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SE 1/4 SW 1/4 Sec 34-T2S-R4E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 90' REMARKS _____

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

Assigned on 4-7-92 By Karen Schlaak



Application for uses other than irrigation (type or print)

No. 227-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Custer Co Chronicle

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

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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

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

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

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



1. Name of Applicant RUTH ZIOLKOWSKI Phone No. 623-4681

Post Office Address AVE OF THE CHIEFS, CRAZY HORSE SD State 57730-9506
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 50.6 GPM (1946) 20.6 GPM (1954) total 0.156 cfs

3. Source of water supply 2 WELLS

4. Location of point of diversion BOTH WELLS LOCATED SE 1/4 SW 1/4 SEC 34, T2S, R4E

County CLUSTER

5. Counties where water will be used CLUSTER

6. Annual period during which water is to be used JAN 1 - DEC 31

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

ONE WELL PROVIDES WATER TO THE RESTAURANT AND THE HOME AND THE SECOND WELL PROVIDES WATER TO THE PUBLIC RESTROOMS.

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 Custer)^{ss}

1. Ruth Ziolkowski 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 Ruth Ziolkowski

Subscribed and sworn to before me this 12th day of December 1991

J. Dwight Zschultz
Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2227-2

Date of Receipt of Claim March 30, 1992.

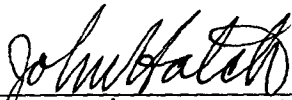
Date of Validation July 7, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2227-2 for Ruth Ziolkowski, Ave of the Chiefs, Crazy Horse SD 57730-9506 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2227-2 appropriates 0.155 cubic feet of water per second from two wells (Precambrian Rock) 90 feet deep located in the SE 1/4 SW 1/4 Section 34-T2S-R4E
2. The appropriated water is used for supplying water to a restaurant and public restrooms and may not exceed the amount of water needed for beneficial use for commercial use.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority dates of the Vested Water Right are:

January 1, 1948 - 50 gallons per minute
January 1, 1954 - 20 gallons per minute
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

AUG 6 1992

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2227-2

(1) Ruth Ziolkowski of Ave. of the Chiefs, Crazy Horse, SD 57730-9506 made Application No. 2227-2, March 30, 1992 for validation of a vested right claim to appropriate 0.155 cubic feet of water per second from groundwater (two wells), Custer County, South Dakota for commercial purposes. Vested Water Right No. 2227-2 was validated July 7, 1992 with priority dates of January 1, 1948 and January 1, 1954. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.155 cubic feet of water per second for beneficial use. The location of the diversion points are: in the SE 1/4 SW 1/4 Section 34, T2S, R4E.

(3) Pursuant to Section 46-5-30.1 Ruth Ziolkowski of Ave. of the Chiefs, Crazy Horse, SD 57730-9506 the holder(s) and/or owners(s) of Vested Water Right No. 2227-2 is issued a license to appropriate 0.155 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1948 for 50 gallons a minute and January 1, 1954 for 20 gallons a minute from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2227-2 and subject to South Dakota State Law.



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

AUG 6 1992

#1 - CRAZY HORSE

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 90'
- b) Casing Type STEEL Diameter 6" Thickness _____
- c) Screen Type PERFORATED STEEL 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 30' On property owned by others 1 MILE

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

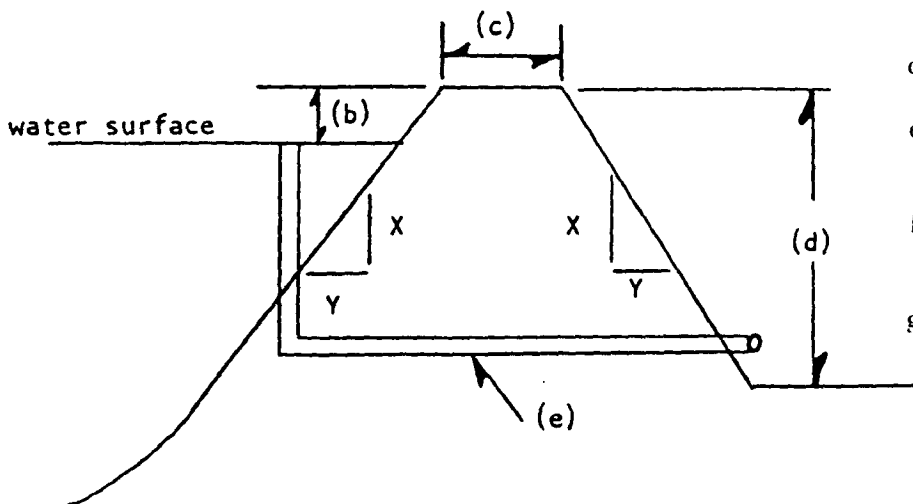
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

#2 CRAZY HORSE

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 90'
- 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 30' On property owned by others 1 MILE

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

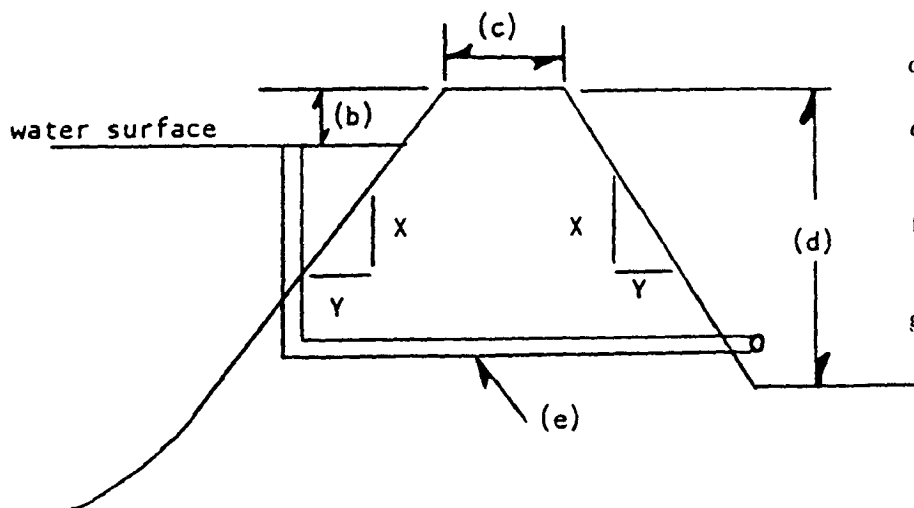
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Crazy Horse
CHUCK HOWE DRILLER
 706PM ±3

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 105'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 1130' On property owned by others 1 MILE

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

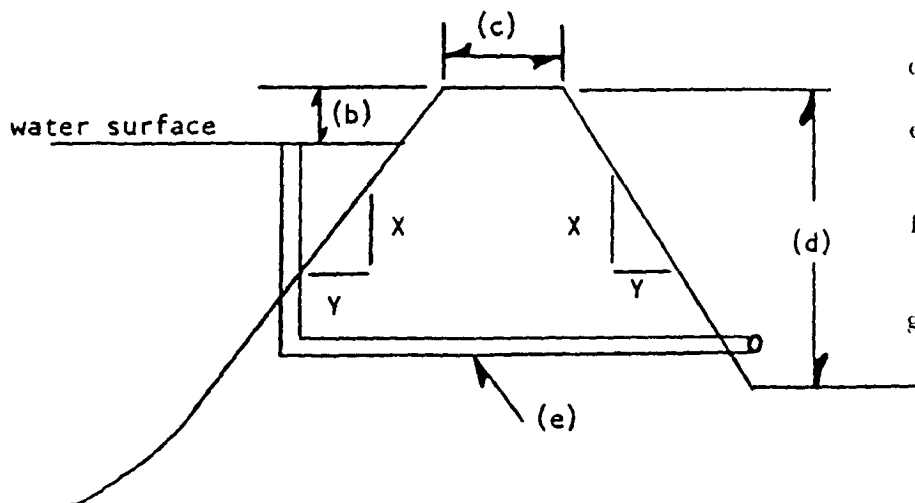
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of water use already constructed is needed, primarily with vested right claims.

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

Name of Applicant (Same as Form 2) Ruth Ziolkowski
 Post Office Address Ave of the Chiefs, Crazy Horse SD 57730-9506
 (Street, RR or Box) (State) (Zip Code)

☒ A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

Where Book Page

 B. Date of start of construction of water supply system 2 wells 1948 1954

 C. Date that water was first applied to beneficial use 1948 1954

 D. Name of owner of original water supply system Mrs. Korczak (Ruth)

E. Amount of water originally applied to beneficial use _____

 F. Present Use of Water - Amount of water now being used 50 gpm (1948) 20 gpm (1954)

Date that this water was first used _____

G. Chronological History of Water Use

Commercial operation began in late 1940's. Water use has been continuous since.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

 County of Custer) ss

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

Signed

 Subscribed and sworn to before me December 12, 1991
Idunna Z. Schultz
 Notary Public or other qualified officer

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

Jessie Y. Sundstrom Dec. 13, 1991
 (Print name)

(Print name)

19

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

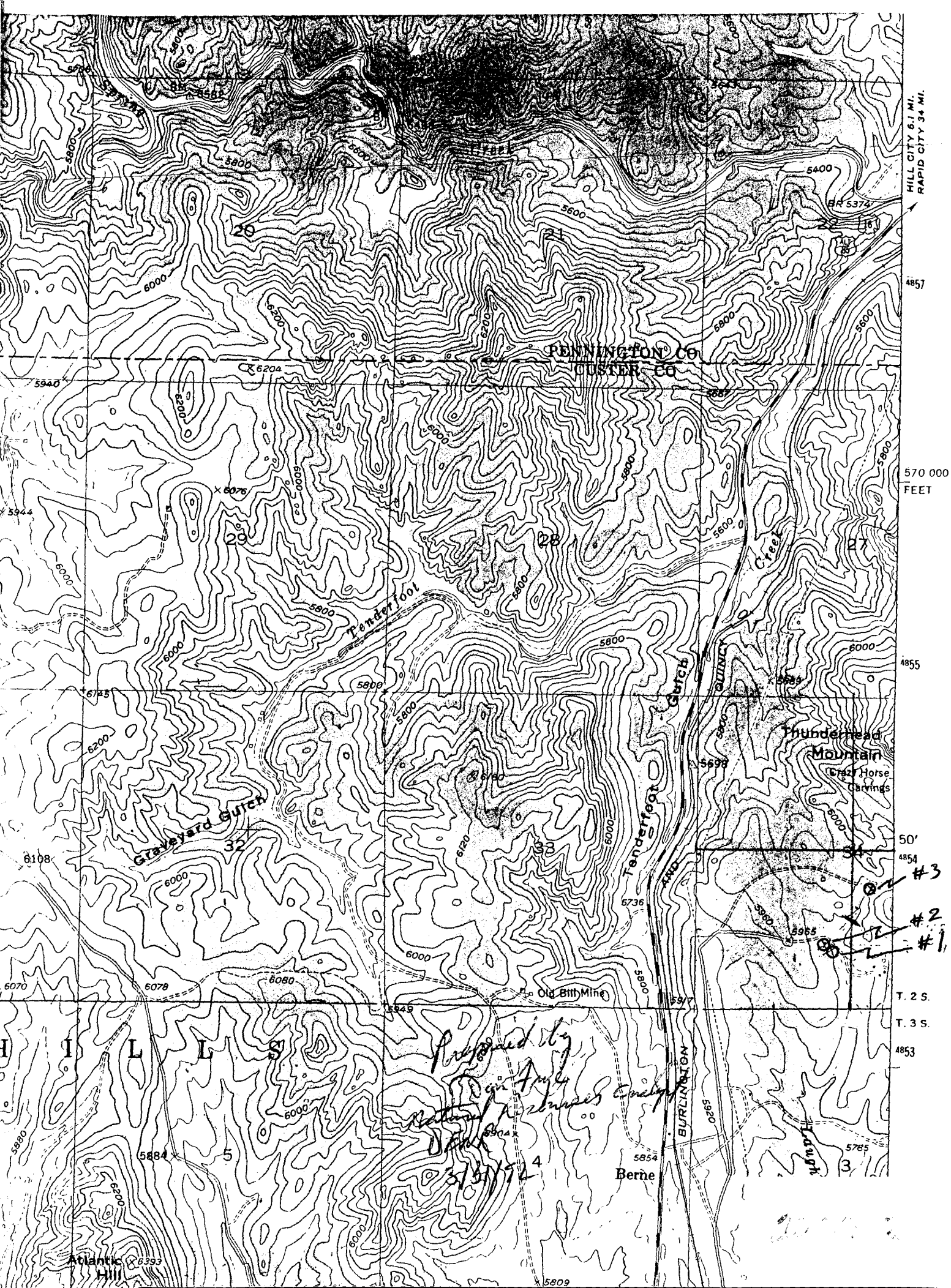
418185

Pierre, _____ April 6, 19 92

RECEIVED OF Ruth Ziolkowski (Korczak's Heritage Inc) Ave of the Chiefs, Crazy Horse SD
the following amount in fees for services rendered as provided for by law: 57730-9506

Fee for Application for Permit No. <u>2227-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Harkins
Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1992

Ruth Ziolkowski
Ave of the Chiefs
Crazy Horse SD 57730-9506

Dear Ms. Ziolkowski:

We received your water permit applications on March 30, 1992. Enclosed is the check for \$225.00. The filing fee for the vested right application will be \$15.00. The filing fee for the other application will be \$150.00 (total \$165.00).

Upon receipt of the correct fee, further processing of the two applications will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1992

Ruth Ziolkowski
Ave of the Chiefs
Crazy Horse SD 57730-9506

Dear Ms. Ziolkowski:

We have received the filing fees for your two water permit applications. Upon further review of the applications, it was noted the person notarizing the two applications and affidavit of water use form did not affix their notary seal on the documents.

Please have this done, and return the forms to this office. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Ruth Ziolkowski Application Nos. 2227-2 & 2228-2

ADDRESS: Crazy Horse COUNTY: Custer

DATE: 6/4/92 TELEPHONE: _____

RE: _____

COMMENTS:

An investigation of water use at the Crazy Horse Monument showed the existence of 8 wells. Five of the wells are being used at houses inhabited by the family and fall under the domestic use of water and hence do not require a permit. The other three wells which are used for commercial purposes are included in Application Nos. 2227-2 and 2228-2.

I contacted Bill Baer of the Division of Environmental Regulation and he informed me that the Monument had its wastewater disposal system approved in 1984. The system is comprised of a number of drain field systems.

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

NAME: Eric Lundberg

REPORT ON APPLICATION NOS. 2227-2 & 2228-2
for Ruth Ziolkowski
May 29, 1992

Vested Right Application No. 2227-2 proposes to appropriate 0.155 from two wells approximately 90 feet deep located in the SE 1/4 SW 1/4 of section 34, T2S R4E in Custer County. The use of water has claimed priority dates of January 1, 1948 (0.11 cfs) and January 1, 1954 (0.04 cfs) and is used for commercial water supplies for the facility.

Application No. 2228-2 proposes to appropriate 0.155 cfs from one well approximately 130 feet deep located in the NW 1/4 SE 1/4 of section 34, T2S R4E in Custer County. The well is used as a backup supply for the facility and is also used to fill a small concrete pond (Arrowhead Lake) for aesthetics and fire protection.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of schist intruded by pegmatite. Ground water is obtained from fractures and natural foliations within the rock type. Recharge is accomplished through direct infiltration of rainfall and snowmelt into the rock. Well yields are typically low and unpredictable for the rock type. The driller's log submitted with Application No. 2228-2 indicates that water was obtained from the pegmatite and that the well was capable of producing 70 gpm. The aquifer is unconfined and under water table conditions at the site.

The Division of Water Rights does not monitor any observation wells in this area completed into the Precambrian rock. The closest observation well completed into Precambrian rock is located in Custer. Water levels in this respond with climatic conditions, that is rising fairly rapidly during wet years (recharge) and gradually declining during dry years. No historical water level data is available for this area.

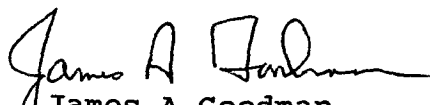
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area.

CONCLUSIONS

1. Water is available from the Precambrian rock in this area.
2. Interference is not expected to be a concern. There are no other water permits/rights in this area.
3. No information is available for the construction of the two wells listed under Vested Right Application No. 2227-2. The well information for Water Permit Application No. 2228-2 indicates that this well is completed in accordance with SD Well Construction Standards.

4. The affidavit filed with Vested Right Application No. 2227-2 indicates water has been used for commercial purposes continuously since 1948 and 1954 for the two wells. This would qualify for a vested right.



James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2227-2, Ruth Ziolkowski

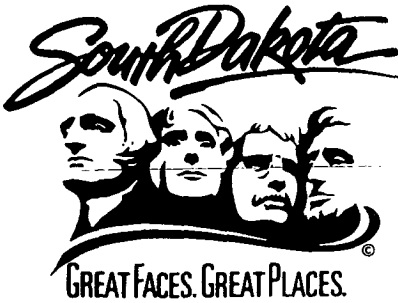
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2227-2, Ruth Ziolkowski, Avenue of the Chiefs, Crazy Horse, SD 57730-9506.

The Chief Engineer is recommending VALIDATION of Application No. 2227-2 for 0.155 cfs (70 gallons per minute) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1948 (50 gpm) and January 1, 1954 (20 gpm), 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.



for JOHN HATCH, Chief Engineer
June 3, 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.

June 5, 1992

Ruth Ziolkowski
Ave of the Chiefs
Crazy Horse, SD 57730-9506

Dear Ms. Ziolkowski:

Your Application No. 2227-2 for a vested water right claim and Water Permit Application No. 2228-2 have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notices of your claims have been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 673-2271). For your information, a copy of the notices, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notices 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 hearings to validate a vested right and permit application and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the applications can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearings. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1992

Custer County Chronicle
Box 551
Custer, SD 57730

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2227-2, and Notice of Hearing on Water Permit Application No. 2228-2, to be published twice. Please publish the notices on June 10, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICES ARE TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publications. The APPLICANT is Ruth Ziolkowski, Ave of the Chiefs, Crazy Horse, SD 57730-9506 (Ph # 673-4681).

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 publications for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notices and cause the applicant costly delays.

Please be sure the SECOND publications are returned IMMEDIATELY with the enclosed Proof of Publication forms. DO NOT WAIT until the end of the month or the billing cycle. The permit applications cannot be considered until proof of publications have been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearings to Validate a Vested Right Application and Water Permit Application which was first published in our issue of _____.

ENCLOSED IS A COPY OF THIS FIRST PUBLICATIONS.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 10, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2227-2 to Appropriate Water

Notice is given that Ruth Ziolkowski, Ave of the Chiefs, Crazy Horse, SD 57730-9506 has filed an application to validate a vested water right claim to appropriate 0.155 cubic feet of water per second from two wells (Precambrian Rock) 90 feet deep located in the SE 1/4 SW 1/4 Section 34-T2S-R4E. The water has claimed priority dates of January 1, 1948 [50 gallons per minute (gpm)] and January 1, 1954 (20 gpm) and is used as a commercial water supply for the facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2227-2 because 1) water has been appropriated as described for commercial use with claimed priority dates of January 1, 1948 (50 gpm) and January 1, 1954 (20 gpm), 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 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. 2227-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 7, 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 July 7, 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 July 7, 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 June 29, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13,
46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru
74:02:01:22.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF CUSTER)

James Anderson

of said county, being duly sworn, on oath says that he is publisher or OWNER of the CUSTER COUNTY CHRONICLE, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of

publication: that the Ruth Ziolkowski
Duple of Envir. + Nat.
Resources Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

6/10 1992 _____ 19_____
6/17 1992 _____ 19_____
_____, 19_____, _____ 19_____
_____, 19_____, _____ 19_____
_____, 19_____, _____ 19_____

the full amount of the fees for the publication of the annexed notice is \$ 62.12

Robert W. Wolf

Subscribed and sworn to me before this 16

of July, 1992;

Patricia L. Spurgeon
Notary Public

My commission expires: 12/16/94

NOTICE OF HEARING To Validate Vested Water Right Application No. 2227-2 to Appropriate Water

Notice is given that Ruth Ziolkowski, Ave of the Chiefs, Crazy Horse, SD 57730-9506 has filed an application to validate a vested water right claim to appropriate 0.155 cubic feet of water per second from two wells (Precambrian Rock) 90 feet deep located in the SE 1/4 SW 1/4 Section 34-T2S-R4E. The water has claimed priority dates of January 1, 1948 (50 gallons per minute (gpm)) and January 1, 1954 (20 gpm) and is used as a commercial water supply for the facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2227-2 because 1) water has been appropriated as described for commercial use with claimed priority dates of January 1, 1948 (50 gpm) and January 1, 1954 (20 gpm), 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 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. 2227-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 7, 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 July 7, 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 July 7, 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 June 29, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped. This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. #2029 6/10 & 6/17





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

2227-2

Ruth Ziolkowski
Ave. of the Chiefs
Crazy Horse, SD 57730-9506

Dear Ms. Ziolkowski:

Enclosed are your Validated Vested Water Right and Water License No. 2227-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 16, 2015

No. 2227-2
2228-2
2630-2

August Heyne
12151 Avenue of the Chiefs
Crazy Horse Memorial SD 57730-8900

Dear Mr. Heyne:

Based on my phone conversation with Rollie Noem, enclosed are three partially completed "Notice of Transfer" forms for filing an name/ownership change on the water permits/rights for Crazy Horse Memorial. The water rights are currently listed in the name of Ruth Ziolkowski. I have also included a copy of each water right.

The transfer forms should be completed, checked over for accuracy and **signed by the new owner or representative**. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$150.00 total).

At the same time, please submit the amount of water diverted during 2014 for the well authorized by Permit No. 2630-2.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 3, 2015

2227-2
2228-2
2630-2

August Heyne
12151 Avenue of Chiefs
Crazy Horse Memorial SD 57730

Dear Mr. Heyne:

I am writing in regard to the ownership changes needed for Vested Water Right No. 2227-2, Water Right No. 2228-2 and Water Permit No. 2630-2. All three are currently listed in the name of Ruth Ziolkowski. On January 16th, based on a phone conversation with Rollie Noem, transfer of ownership forms were sent to you for filing the changes. To date, we have not received anything back.

In the event you no longer have the original forms, I am enclosing another partially completed set. Please review and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance and if you have any questions regarding completion of the forms, please give me a call.

Sincerely,

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

enclosures

RECEIVED

AUG 17 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2227-2

Date: 8-14-15

I/We request that Vested Water Right No. 2227-2

formerly owned by: Ruth Ziolkowski

be transferred to: (name & address) Crazy Horse Memorial Foundation
12151 Avenue of the Chiefs
Crazy Horse, SD Telephone No. 605-673-4681
57730-8900

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

Two wells located in the SE ¼ SW ¼ Section 34, T2S, R4E

I/We understand that the validity of Vested Water Right No. 2227-2 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 Fifty Dollars (\$50.00) 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 Crazy Horse Memorial Fnd, the new owner, certify that the above information is true and correct.

Jadwiga Ziolkowski CEO
(Signed by new owner)
Crazy Horse Memorial Foundation

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 Environment and Natural Resources

Date 8/17, 20 15

RECEIVED OF Ruth C Kiolkowski Fam Tryst 12151 Ave of the Chiefs Crazy Horse SD 57730

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	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 <u>2227-2</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	50 00

No. 07471

By

Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 2015

2227-2
2228-2
2630-2

Jadwiga Ziolkowski, CEO
Crazy Horse Memorial Foundation
12151 Avenue of Chiefs
Crazy Horse Memorial SD 57730

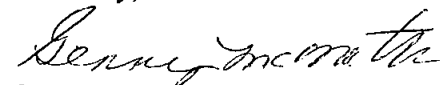
Dear Mr. Ziolkowski:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Vested Water Right No. 2227-2, Water Right No. 2228-2 and Water Permit No. 2630-2. The ownership changes have been completed.

Vested Water Right No. 2227-2, Water Right No. 2228-2 and Water Permit No. 2630-2 formerly held by Ruth Ziolkowski are now listed in the name of "Crazy Horse Memorial Foundation".

Enclosed for your records are Receipt Nos. 07471, 07473 and 07474. If you have any questions, please give me a call.

Sincerely,


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

enclosures