

WATER PERMIT NO. 2231-2

Name of Applicant: Garry Schrank

Amount of Water Claimed: 0.054 cfs Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial County: Pennington

About 1 _____ miles S _____ of Hill City

PROOF OF PUBLICATION: Received Not Received

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-12-91 Fee: \$50 Remarks

Corrected Application Received 5-28-92 Period of Annual Use May 1 - October 1

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

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

Diversion Point: **S 1/2 SW 1/4 Sec 1-T2S-R4E**

Land to be Irrigated:

A handwritten number '1' is shown on a grid. The number is formed by a single vertical stroke. It is positioned in the second column from the left and the second row from the top. The grid consists of 5 columns and 5 rows of squares, with dashed lines for the grid lines.

Well Log: Driller: Hamm Drilling Licensed YES X NO

Depth of Well: 120' each REMARKS

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

Assigned on 6-8-92 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 2231-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington Co. Prevalier News, Box 264Hill City

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 Carry Schrank Phone No. 574-2418 ^{camp ground}
574-4607 ^{home}Post Office Address Box 603 Hill City State SD Zip Code 57745
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 12 gal / minute each (0.054 cfs total)3. Source of water supply well (2)4. Location of point of diversion 2 mi. south of Hill CityLot 1 Tract C of Winnie Placer MS 835
S 1/2 SW 1/4 S 1 T 2 S R 4 E County Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used May 1 - to Oct 1 yearly

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)

Crooked Creek Campground

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, Carry Schrank 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 Diana RonneSubscribed and sworn to before me this 11th day of July 19 91DIANA RONNE, Notary Public
My Commission Expires 6-23-95Diana Ronne
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2231-2**

Date of first receipt of application July 12, 1991.

Date of return to applicant for corrections, amendments or changes July 15, 1991.

Date of receipt of corrected application May 28, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2231-2 to Garry Schrank, Box 603, 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. 2231-2 appropriates 0.054 cubic feet of water per second (24 gallons per minute) from two wells 120 feet deep (Precambrian Rock) located in the S 1/2 SW 1/4 Section 1-T2S-R4E.
2. The water appropriated shall be used for the purpose of supplying water to the Crooked Creek Campground 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: May 1 - October 1.
4. The date of approval of Permit No. 2231-2 is August 5, 1992.
5. The date from which applicant may claim right is May 28, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: _____

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

NOV 17 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 120
- b) Casing Type pvc Diameter 6" Thickness 180 lb
- c) Screen Type — Diameter — Thickness —
- d) Gravel Pack Thickness — Length of Gravel Pack —
- e) Depth to Top of Water Bearing Material 10
- f) Depth to Water (ground surface to water level) 3
- g) Distance to nearest existing domestic well:
- On applicants property — On property owned by others —

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 —

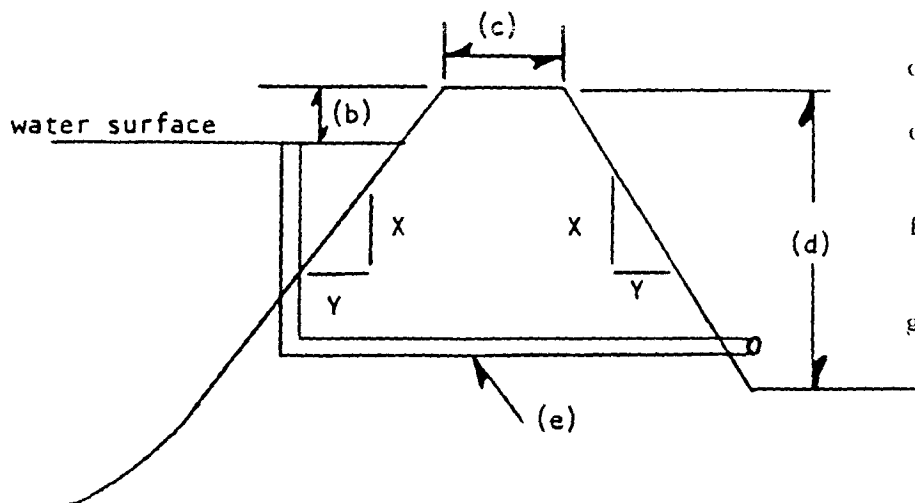
g) X & Y Slope
 Upstream —

Downstream —

Surface Area of Impoundment —

Storage — acre feet

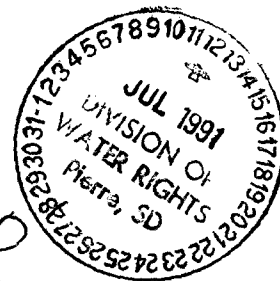
Drainage area above dam —



Signature of Applicant _____

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth pump is at 80
- 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) water in casing - 14'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1 block?

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 _____

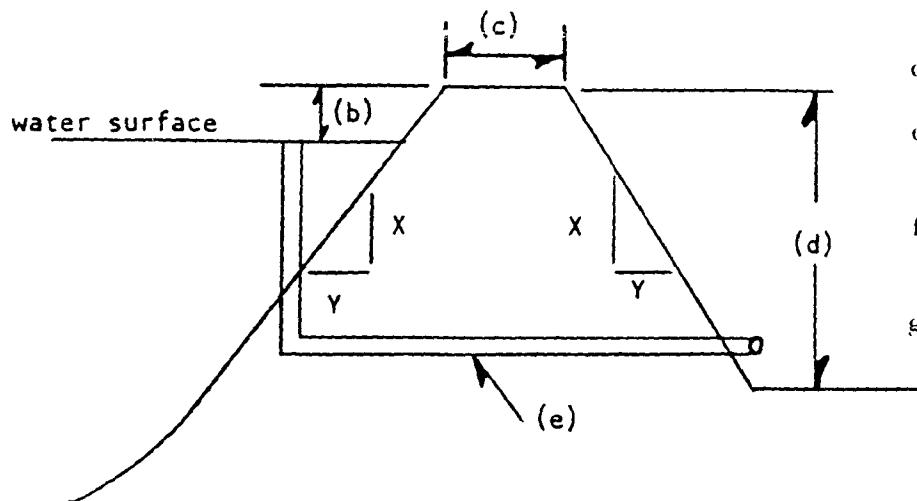
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

10-85

County Penn

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

AIR ROTARY

If other describe

PIPEWEIGHT		DIAMETER	FROM	TO	HOLE DIAMETER
<u>180</u>	LB/FT	<u>6</u> IN	<u>0</u> FT	<u>25</u> FT	<u>8 3/4</u> IN
_____	LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____	LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____	LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

What was grout weight? 14.8 LB/GAL

Other information

Describe packer(s) and location? Rubber is clamped
on at 25 ft

Laboratory sent to Tuam City Testing

Name Gary Schrank

Depth

From

Sample	From	To
Top Soil	0	7
micaceous schist	7	29
Quartz	29	31
Soft micaceous schist	31	85
Hard micaceous schist with layers of quartz	85	120

Can well be completely shut in? _____

Blend with air

Describe: _____

☒ Other

Pumping Level Below Land Surface

120 ft After 2 Hrs pumped 10 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 171

And this report is true and accurate.

Drilling firm Hamm Drilling

Signature of License Representative:

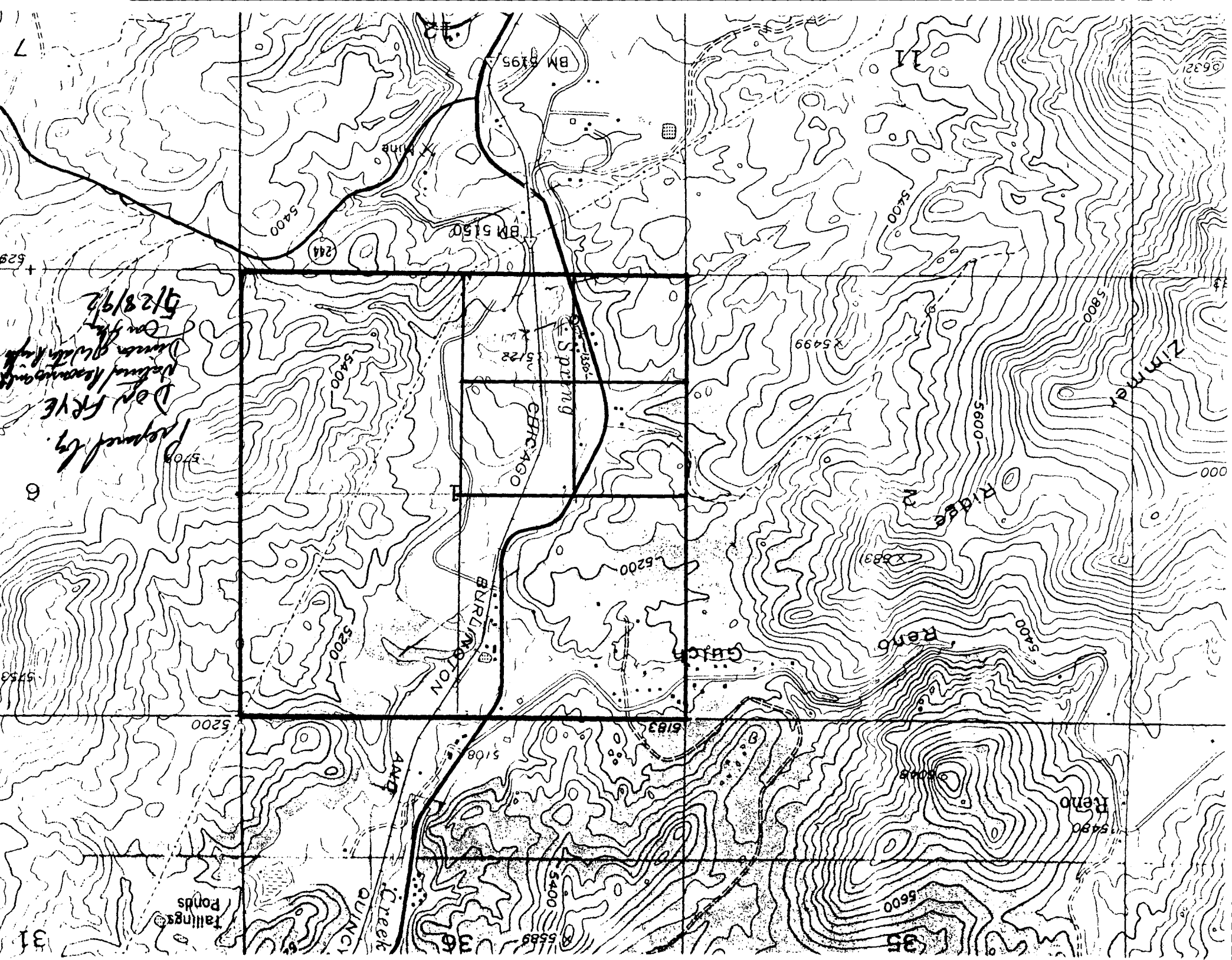
Douglas Hamm

Signature of Well Owner: _____

Date July 20 1998



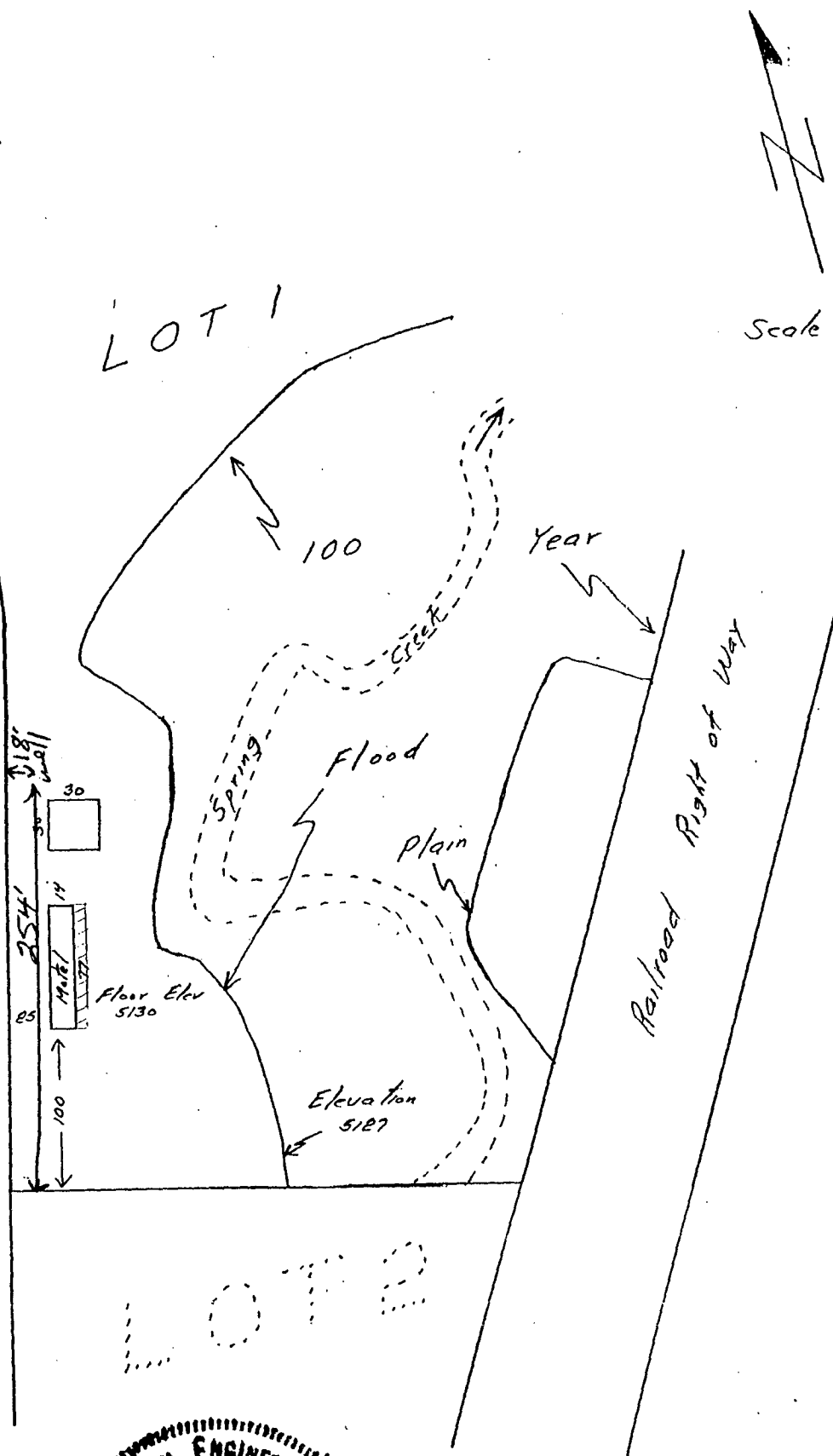
11-15-90



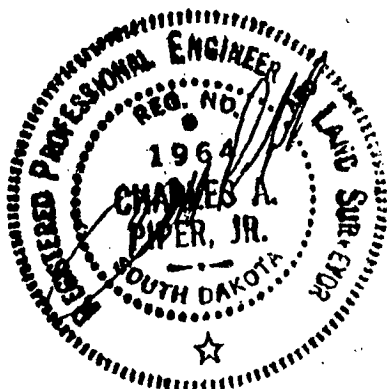
MAP OF 100 YEAR FLOOD PLAIN IN A PORTION OF
 LOT 1, TRACT C, WINNIE PLACER, M.S. 835,
 IN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 1, T2S, R4E, B.H.M.
 PENNINGTON COUNTY, SOUTH DAKOTA.



US 16-385 Right of Way



Scale: 1"=100'



There will be no encroachments by any structures upon the flood plain, nor will there be any alteration of the location of the flood plain. The flood carrying capacity will not be diminished and there will be no increase in flood levels during the occurrence of the base flood discharge

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

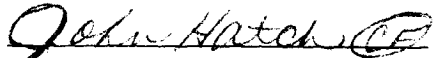
412920

Pierre, _____ November 19 _____, 19 91

RECEIVED OF Garry or Judy Schrank, P.O. Box 603, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2231-2</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 19, 1991

GARRY & JUDY SCHRANK
CROOKED CREEK CG
BOX 603
HILL CITY SD 57745

Dear MR. & MRS SCHRANK:

I am writing to follow-up on my October 1990 letter concerning the requirement to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply.

Based on information we have received from the Office of Drinking Water, we believe you may need a water permit. A water permit must be obtained for any water use except for domestic uses. Water use by commercial businesses, such as campgrounds, tourist attractions, resorts, cafes, gas stations, etc. must be permitted regardless of the amount or type of water use. Schools using more than 18 gallons of water per minute must also be permitted. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by July 31, 1991.

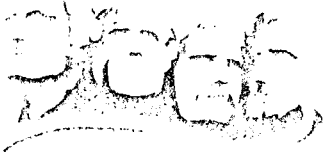
If you need assistance completing the application forms or if you do not believe you need a water permit, please contact Don Frye at (605) 773-3352.

Thank you for your attention to this matter.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 1991

Garry Schrank
Box 603
Hill City SD 57745

Dear Mr. Schrank:

In regard to your water permit application received on July 12, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. On Item No. 4 of the application, please indicate the quarter-quarter (40 acre parcel) where the well is located.
2. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
3. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
4. On the type of application you have indicated Vested Right. In order to qualify for a vested right, the well must have been constructed prior to March 2, 1955. If this is the case, the enclosed is a Form 2B Affidavit of Water Use must be completed, signed and notarized. This form will be used to establish a priority date for the vested right claim. The filing fee for a vested right application is \$15.00. If your application does not qualify for a vested right, the filing fee will be \$50.00.

Upon receipt of the above, further processing of your application 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

September 17, 1991

Garry Schrank
Box 603
Hill City SD 57745

Dear Mr. Schrank:

On July 12, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for the Crooked Creek Campground. You were notified on July 15, 1991 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

November 19, 1991

Garry Schrank
Box 603
Hill City SD 57745

Dear Mr. Schrank:

We received the requested information needed to process your water permit application. The map is being returned because it does not reference the location of the well in relation to a government section corner or quarter corner by direction and distance.

If you have any questions, please contact this office.

Sincerely,

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

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Mrs. SchrankADDRESS: Hill City COUNTY _____DATE: 12/10/91 TELEPHONE _____RE: Application map - Crooked Creek Campground

COMMENTS:

Mrs. Schrank stated she didn't know how to get a better map. I told her I could send a copy of a topo map, but she stated she worked during the week and couldn't get anywhere to get it signed.

I told her someone from our office would be in the area sometime and could help her with the map. She said someone is always at campground & could show the location of the well.

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: Karen Schlaak

REPORT ON APPLICATION NO. 2231-2
for Garry Schrank
June 25, 1992

Application No. 2231-2 proposes to appropriate 0.054 cfs (24 gpm) from two wells approximately 120 feet deep located in the S 1/2 SW 1/4 of section 1, T2S R4E BHM in Pennington County. The water is for commercial use at the Crooked Creek Campground.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian Rock in this area consists of thin bedded muscovite rich schist and phyllite (Redden, 1975). The Precambrian rock is unconfined and under water table conditions. Ground water is found within fractures and natural foliations within the rock type. Well yields are usually small and difficult to predict. Ground water probably moves towards Spring Creek which can act as a recharge or discharge zone although most of the time it is probably a discharge zone. The driller's logs submitted with the application indicate both wells were completed in accordance with SD Well Construction Standards. In each case the wells were completed open hole below the casing.

The Division of Water Rights does not monitor any observation wells completed in the Precambrian rock in this area. Ground water levels do respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights. The nearest diversion is Water Right No. 854-2 which is located more than 1/4 mile south of this application. Interference is not expected to be a concern. The diversion rates are relatively small and the distance between diversions is sufficient to minimize any potential effects.

CONCLUSIONS

1. Water is available from the Precambrian Rock.
2. Interference is not expected to be a problem.
3. There are two existing wells authorized by this application. Both wells have been constructed in accordance with SD Well Construction Standards.

4. Wastewater system is approved by DENR.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2231-2, Garry Schrank

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. 2231-2, Garry Schrank, Box 603, Hill City, SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2231-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 29, 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.

July 2, 1992

Garry Schrank
Box 603
Hill City, SD 57745

Dear Mr. Schrank:

Water Permit Application No. 2231-2 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 (Ph # 574-2538). 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

July 2, 1992

Pennington County Prevailer News
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2231-2 to be published twice. Please publish the first notice on July 9, 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 Garry Schrank, Box 603, Hill City, SD 57745 (Ph # 574-2418).

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

Instruction to Newspaper - Publish first Notice on July 9, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2231-2 to Appropriate Water

Notice is given that Garry Schrank, Box 603, Hill City, SD 57745 has filed an application for a water permit to appropriate 0.054 cubic feet of water per second (24 gallons per minute) from two wells 120 feet deep (Precambrian Rock) located in the S 1/2 SW 1/4 Section 1-T2S-R4E. The water is for commercial use at the Crooked Creek Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2231-2 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 July 27, 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. 2231-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 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 August 5, 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 August 5, 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 July 27, 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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24 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 Pennings) ss.

I, Pat Lemble

certify that the attached printed Notice was taken
from the Hill City Press-Record 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 Press-Record
News of Hill City

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

July 8 and July 15 of 1992

Pat Lemble
(Signature)
Production Supervisor
(Title)
July 5, 1992
(Date Signed)

Cost of Printing: 65.32



NOTICE OF HEARING

On Application No.
2231-2 to Appropriate
Water

Notice is hereby given that
Garry Schrank, Box 603, Hill
City, SD 57745 has filed an
application for a water permit to
appropriate 0.054 cubic feet of
water per second (24 gallons

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, 46-2A-20, 46-2A-21, 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.

652, 7-8-, 7-15-92

per minute) from two wells 120 feet deep (Precambrian Rock) located in the S1/2 SW1/4 Section 1-T2S-R4E. The water is for commercial use at the Crooked Creek Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2231-2 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 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 of 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 July 27, 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 purpose of publishing 1) the notice of hearing on Application No. 2231-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 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 August 5, 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 August 5, 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 July 27, 1992.



NOV 17 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Garry Schrank
Box 603
Hill City, SD 57745

Dear Mr. Schrank:

Enclosed is Water Permit No. 2231-2 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 57501-3182
www.state.sd.us/denr

January 8, 2002

2231-2

Crooked Creek Resort, Inc.
Doug Olson
PO Box 603
Hill City SD 57745

Dear Mr. Olson:

On October 10, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2231-2, was completed by Ken Buhler, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law 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 complete processing your water license.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 417076

Pierre, February 4, 20 02

RECEIVED OF Three Forks Country Store, Inc., (Crooked Creek Resort Inc), PO Box 107, Hill City
the following amount in fees for services rendered as provided for by law: SD 57745

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. 2231-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Ebele
Chief Engineer *gm*

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

ND 417075

Pierre, February 4, 20 02

RECEIVED OF Three Forks Country Store, Inc., PCrooked Creek Resort Inc. PO Box 107, Hill City, SD
the following amount in fees for services rendered as provided for by law: (Garry Schrank) 57745

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 2231-2

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbele
Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2231-2

RECEIVED
FEB - 4 2002

Date: 1-18-02

WATER RIGHTS
PROGRAM

I/We request that Water Permit No. 2231-2

formerly owned by: Garry Schrank

be transferred to: (name & address) CROOKED CREEK RESORT, INC. 24154 S. HWY 385
PO Box 603 HILL CITY, SD
Doug E. Olson - President - owner Telephone No. 605-574-2418

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

2 wells - SE 1/4 SW 1/4 Section 1-T2S-R4E

I/We understand that the validity of Water Permit No. 2231-2 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.

STATE OF SOUTH DAKOTA)
County of Pennington)

I/We _____ 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.

Doug Olson
(Signed by new owner)

Subscribed and sworn to before me this 30th day of JANUARY, 20 02

Alice M. Kellay
Commission Expires 10-2-07 (Notary Public)

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.

Permit No. 2231-2
Upper Cheyenne River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: **Doug Olson, PO Box 603, Hill City, SD 57745**

Report Of Examination Of Works

On, **October 10, 2001**, I made a thorough examination of the water use system constructed by **Crooked Creek Resort, Inc.** of **24184 S. Hwy 385, Hill City, SD 57745** holder of Permit No. **2231-2**, bearing the priority of **May 28, 1992** authorizing the diversion of **0.054** cu. ft. per second of the waters of **groundwater** for **commercial** purposes, in **Pennington** County.

The system is in the following condition **good**. The points of diversion are located: **Well #1, 950 feet north and 1400 feet east of the SW corner of Sec. 1, T2S-R4E** with a longitude of **-103.59275** and a latitude of **43.9000690**. **Well #2, 320 feet north and 1470 feet east of the SW corner of Sec. 1, T2S-R4E** with a longitude of **-103.59248** and a latitude of **43.8983110**. The works are capable of diverting and conveying to the place of use **0.054** cu. ft. per second of water which is to be used for **commercial purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.054** cfs.

Review of 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**
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well No. 1

- | | |
|--|---|
| 1) Well Drilling Firm: <u>Unknown</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>unknown</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|------------------------------------|--------------------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>unknown</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|---|--------------------------------------|
| 1) Type <u>steel</u> | 2) Length <u>unknown</u> feet |
| 3) Static water level <u>14</u> feet | |

Pump\ Motor:

- | | |
|---|---|
| 1) Pump Make <u>Unknown</u> | 2) Pump Model <u>submersible</u> |
| 3) Capacity <u>12</u> GPM | 4) Motor Make <u>unknown</u> |
| 5) Horsepower rating <u>unknown</u> hp | |

Well No. 2

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Hamm Drilling</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>120</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>30</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|---|---|
| 1) Type <u>none- open hole completion</u> | 2) Length <u>90</u> feet (open hole intraval) |
| 3) Static water level <u>3</u> feet | |

Pump\ Motor:

- | | |
|------------------------------------|---|
| 1) Pump Make <u>AY McDonald</u> | 2) Pump Model <u>4-inch submersible</u> |
| 3) Capacity <u>12</u> GPM | 4) Motor Make <u>Franklin Electric</u> |
| 5) Horsepower rating <u>3/4</u> hp | |

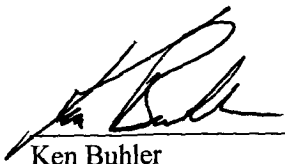
Distribution System:

- | | |
|-----------------------------|-------------------------|
| 1) Type <u>polyethylene</u> | 2) Size <u>one</u> inch |
|-----------------------------|-------------------------|

COMMENTS:

Well No. 1 is pumped to one 80-gallon pressure tank and to four 40-gallon pressure tanks. Water is piped through buried 1-inch diameter polyethylene lines to: Cabin Nos. 1, 2 & 3; the House; Cabin Nos. 8-14; Shower House; Laundry; and camping units 4-59.

Well No. 2 is pumped to three 50-gallon pressure tanks. Water is piped through buried 1-inch diameter polyethylene lines to: a shower house; camping units 15-18; the motel; camping units 71-76; and camping units 60-69.



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program

1/4/02
Date

Water Right Map 2231-2



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2231-2

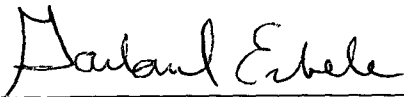
(1) Garry Schrank, Hill City SD made Application No. 2231-2, July 12, 1991 for a water permit to divert 0.054 cubic feet of water per second from groundwater (two wells), Pennington County, South Dakota for commercial purposes. Permit No. 2231-2, with a priority date of May 28, 1992 was approved August 5, 1992 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

On February 4, 2002, Water Permit No. 2231-2 was transferred to Crooked Creek Resort Inc.

(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 0.054 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1-950 feet north and 1,400 feet east;
Well #2-320 feet north and 1,470 feet east; both from the southwest corner of Section 1-T2S-R4E (SE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at Crooked Creek Resort, Inc.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Crooked Creek Resort Inc., PO Box 603, Hill City SD 57745 the holder and/or owner of Water Right No. 2231-2 is issued a license to appropriate water, the right to use 0.054 cubic feet of water per second from groundwater (two wells) with a priority date of May 28, 1992 from the locations specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2231-2 and subject to South Dakota State Law.



MAR 04 2002

date

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 04 2002

2231-2

Crooked Creek Resort Inc.
PO Box 603
Hill City, SD 57745

Dear Sir:

Enclosed is Water License No. 2231-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417076 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License and Receipt No. 417075 in the amount of \$2.50 which was the fee for filing the change of ownership.

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. 2231-2, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures