

Considered: _____

WATER PERMIT NO. 2232-2

Phone: 574-2236

Name of Applicant: Pines Edge Motel, Roger L. Nelson

Post Office Address: HC 33, Box 2406, Rapid City SD 57702

Amount of Water Claimed: 15 gpm (0.034 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 3 miles NE of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-17-92 Fee: \$50 Remarks _____

Corrected Application Received 6-11-92 Period of Annual Use May 1 - Sept 30

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

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

Diversion Point: NW 1/4 SW 1/4 Sec 22-T1S-R5E

Land to be Irrigated: _____

Well Log: Driller: 60' Licensed YES _____ NO _____

Depth of Well: _____ REMARKS well log not available-driller deceased

Type of Map: topo PREPARED BY: Jane Jensen, ASCS Reviewed and the Number

Assigned on 6-11-92 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 2232-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington County Prevalier News**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. _____

- Name of Applicant ROGER L. NELSON, Pines Edge Motel Phone No. 574-2236
Post Office Address HC 33 Box 2406 Rapid City State S.D. 57702
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) 15 gallons per minute (0.034 cfs)
- Source of water supply ground water (Fracture Area)
- Location of point of diversion 15 - G5E SEC 22 Lot B LESS Lot 1
NW 1/4 SW 1/4
County Pennington
- Counties where water will be used Pennington
- Annual period during which water is to be used MAY 1 - Sept. 30
- 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)

1 house 1 motel 13 units MAX. Approx 35 people

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)⁵⁵I, Roger L. Nelson 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 Roger L. NelsonSubscribed and sworn to before me this 5 day of March 1992CATHE RAE WALKER, Notary Public
My Commission Expires Jan. 1, 1999

Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" - 8" Depth 60'
- b) Casing Type 24" Concrete 30'-8" casing Diameter 24" - 8" Thickness 2" Concrete S/R Casing
- 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) 15'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 100 yds

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) ~~15'~~

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

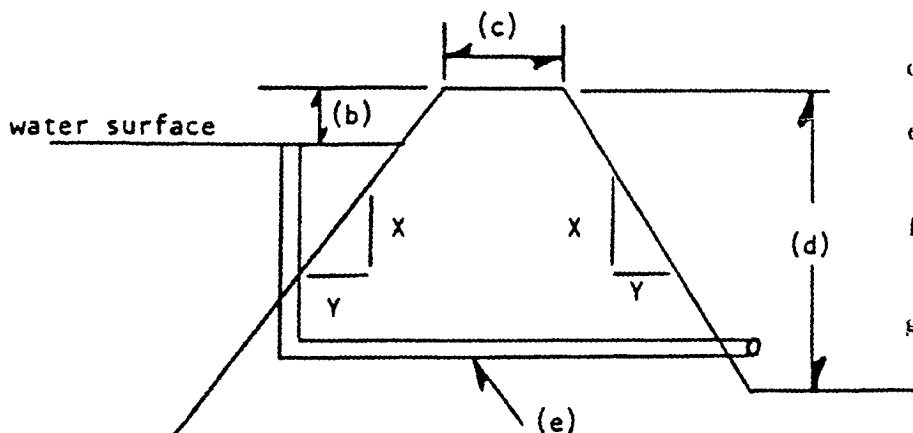
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 2232-2

Date of first receipt of application March 17, 1992.

Date of return to applicant for corrections, amendments or changes March 18, 1992.

Date of receipt of corrected application June 11, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2232-2 to Roger L. Nelson, Pines Edge Motel, HC 33, Box 2406, Rapid City SD 57702 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. 2232-2 authorizes 15 gallons per minute (0.034 cubic feet of water per second) from 1 well (Crystalline Rock) 60 feet deep located in the NW 1/4 SW 1/4 Section 22-T1S-R5E.
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: May 1 - September 30.
4. The date of approval of Permit No. 2232-2 is September 2, 1992.
5. The date from which applicant may claim right is June 11, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

NOV 17 1992

date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413131

Pierre, _____

March 18, 1992

RECEIVED OF Pines Edge Motel, Roger or Carolyn Nelson, Keystone Rt, Box 2406, Rapid City,
the following amount in fees for services rendered as provided for by law: SD 57701

Fee for Application for Permit No. <u>2232-2</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



3 forks

113
AW

20
AW

Pine's Edge
Motel
well

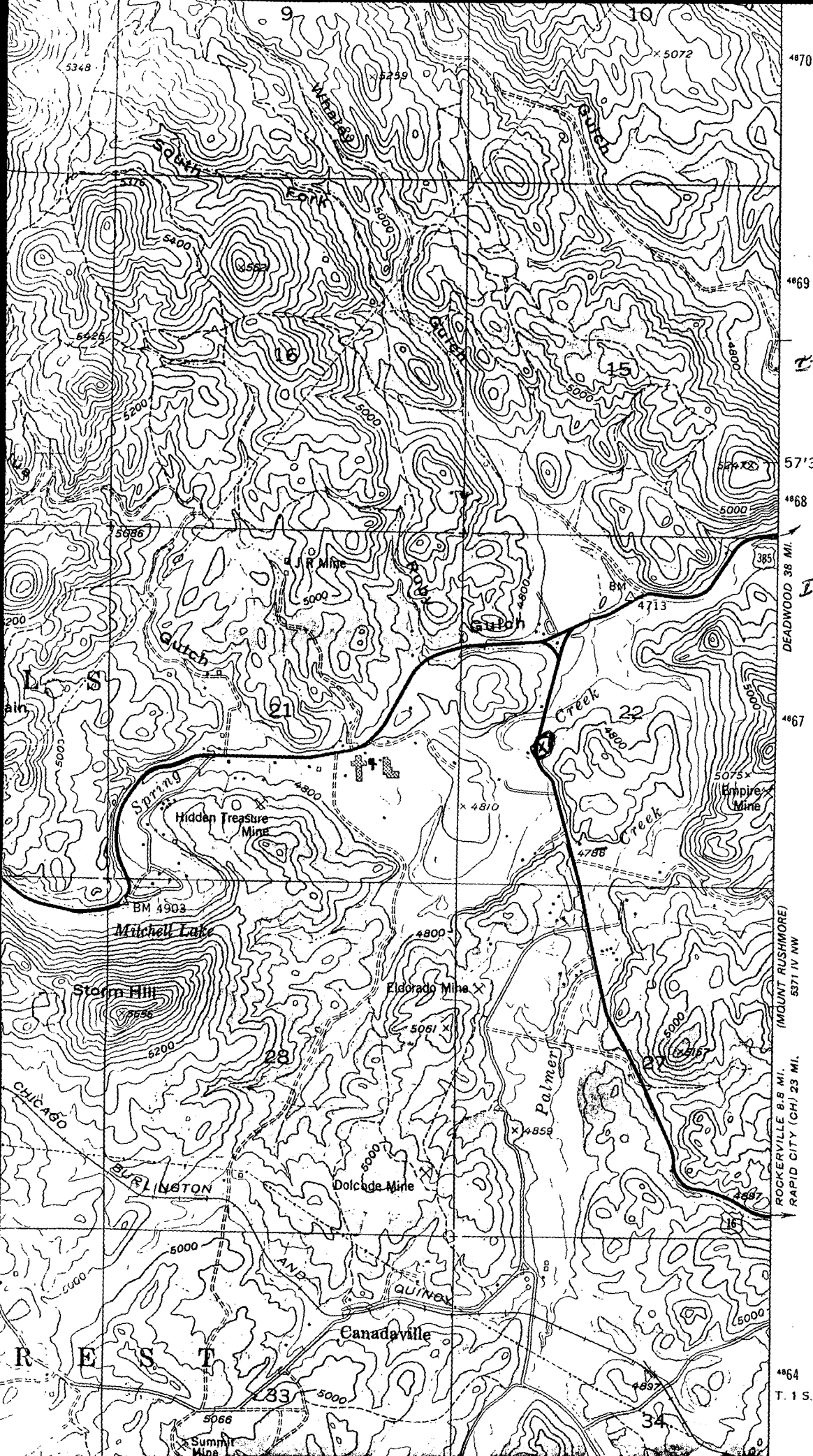
yng
Penn. Co.
ASCS



Item 2
Well log not
available,
57'30" Driller deceased.

Item 3
15 gallons
per min.

Jane Jensen
Program Assistant
Pennington Co. ASCS





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1991

PINES EDGE MOTEL
CAROLYN NELSON
BOX 2406 KEYSTONE RT
RAPID CITY SD 57701

Dear MS. NELSON:

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

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

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

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

Very truly yours,

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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 1991

PINES EDGE MOTEL
CAROLYN NELSON
BOX 2406 KEYSTONE RT
RAPID CITY SD 57701

Dear MS. NELSON:

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

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

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

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

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

CAROLYN NELSON
PINES EDGE MOTEL
BOX 2406 KEYSTONE RT
RAPID CITY SD 57701

Dear MS. NELSON:

I am writing to follow-up on my August 30, 1991 and November 8, 1991 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building.

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

We have previously sent you water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501". If you have questions, or don't believe you need a water permit, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours

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



March 18, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roger L. Nelson
Pines Edge Motel
HC 33, Box 2406
Rapid City SD 57702

Dear Mr. Nelson:

In regard to your water permit application received on March 17, 1992, the following information needs to be submitted and clarified in order to process your application.

1. Enclosed is the aerial photo submitted. From the aerial photo it is difficult to determine the location of the well (quarter-quarter, section, township and range). Enclosed is a copy of a topographic map. Please mark the exact location of the well on the topographic map. 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. Initials are not sufficient.

2. A well log signed by a South Dakota licensed well driller must accompany the application. I have checked our well log file but could not find a log for your well. If a well log can not be located, please let us know.

Item No. 2, states the amount of water claimed to be 1.5 cubic feet of water per second (cfs). This figure converts to 675 gallons per minute. This would appear to be excessive for the amount of water needed for a commercial use such as yours. The amount of water claimed should be the maximum diversion rate that your well can produce and can be listed in gallons per minute.

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

*Drilled
Dec 1991
no logs available
15 gal
per min*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1992

Roger L. Nelson
Pines Edge Motel
HC 33, Box 2406
Rapid City SD 57702

Dear Mr. Nelson:

On March 17, 1992, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. On May 15, 1992, you called in reference to my March 18, 1992 letter (copy enclosed) and stated that amount of water claimed on the application be amended to 15 gallons per minute and that you could not obtain a well log for the existing well. At that time you indicated, you would have the location of the well marked on the topographic map and then have the map signed as required. To date, we have not received the signed map 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

REPORT ON PERMIT APPLICATION No. 2232-2
PINES EDGE MOTEL
JULY 22, 1992

Water Permit Application No. 2232-2 proposes to appropriate 15 gallons per minute (0.034 cubic feet of water per second) from 1 well 60 feet deep located in the NW 1/4 SW 1/4 Sec. 22, T1S-R5E. The water is for commercial use at the motel.

WATER SOURCE: Crystalline Rock (CRSL)

A well log is not available for this well; however, evaluation of the total depth, location and static water level, suggest this well is completed into Precambrian aged Crystalline Rock. The Precambrian Rock in this area consists primarily of metagraywacke, metamorphosed black shale, and metaconglomerate (Dewitt, et.al., 1989). Ground water is derived from thin bedding planes, joints, and fractures that occur in the metamorphic rock. Recharge is accomplished through precipitation infiltrating down into the rocks via fractures and fissures, and the aquifer is probably hydrologically connected to Spring Creek in this area. The recoverable water in storage in the aquifer has not been quantified.

Although a completion report is not available for this well, the information that was provided with this application indicates that concrete casing was used in this well. South Dakota Well Construction Standard 74:02:04:46 requires that "Precast curbing or concrete curbing may not be used for public water supply wells or any other wells which require water permits."

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This application is to be supplied water from an existing well which has been in use for several years with no reported controversy. The Division of Water Rights has record of several domestic wells in the vicinity of the well to used to supply water for this application. There is an existing Vested Right and an existing water permit within approximately one mile of this well. They are:

NUMBER	OWNER	LOCATION	DISTANCE FROM 2232-2	DIVERSION RATE
2159-2	Three Forks Campground	T1SR5E22bc	.5 miles	0.02 cfs
2207-2	Robins Roost Cabins	T1SR5E21cc	1.25 miles	0.07 cfs

Due to the low diversion rate of this application and the existing appropriative rights in the area, interference is not expected to be a problem.

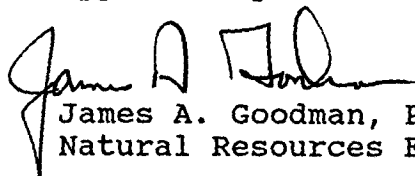
CONCLUSIONS:

1. There is a reasonable probability that unappropriated groundwater is available for this application.
2. This appropriation should not adversely impact existing users.
3. The well which has been used to supply this motel could not be completed in the manner, if it was subject to the current Well Construction Standards.
4. Gary Stephenson, DENR, Regional Office, Rapid City has advised that he has no information on the wastewater disposal system. He has received no complaints on the system.
5. Barbara Larsen, DENR, Office of Drinking Water, has advised that this system has failed to submit monthly samples for bacteriological analysis as by Chapter 74:04:05. One sample analysis has been received since January 1992 (received June 3, 1992). The sample was bacteriologically safe at the time of testing.



Ken Buhler
Natural Resources Engineer

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

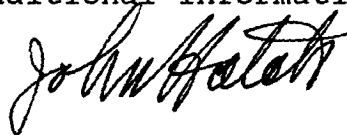
Dewitt, D., J.Redden, D.Buscher, A.Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, Map I-1910, United States Geological Survey, Washington, D.C. 20242

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2232-2, Pines Edge Motel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2232-2, Pines Edge Motel, c/o Roger L. Nelson, HC 33 Box 2406, Rapid City, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2232-2 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.

See report on application for additional information.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
July 27, 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 29, 1992

Roger L Nelson
Pines Edge Motel
HC 33 Box 2406
Rapid City, SD 57702

Dear Mr. Nelson:

Water Permit Application No. 2232-2 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 Co. 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 29, 1992

Pennington Co. Prevailer News
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2232-2 to be published twice. Please publish the first notice on August 6, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Pines Edge Motel, Roger L. Nelson, HC 33 Box 2406, Rapid City, SD 57702 (Ph # 574-2236).

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 August 6, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2232-2 to Appropriate Water

Notice is given that Pines Edge Motel, Roger L Nelson, HC 33 Box 2406, Rapid City, SD 57702 has filed an application for a water permit to appropriate 15 gallons per minute (0.034 cubic feet of water per second) from 1 well (Crystalline Rock) 60 feet deep located in the NW 1/4 SW 1/4 Section 22-T1S-R5E. The water is for commercial use at the motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2232-2 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 August 24, 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. 2232-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 2, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 24, 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 Eric Gronlund by August 24, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Pennington) ss.

I, Patricia Lemble

certify that the attached printed Notice was taken
 from the Hill City Pioneer 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 Pioneer News

Hill City of SD 57745

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

August 5, 1992

August 12, 1992

Patricia Lemble
 (Signature)

M R R
 (Title)

August 12, 1992
 (Date Signed)

Cost of Printing: \$69.84

NOTICE OF HEARING On Application No. 2232-2 To Appropriate Water

Notice is given that Pines Edge Motel, Roger L. Nelson, HC 33 Box 2406, Rapid City, SD 57702 has filed an application for a water permit to appropriate 15 gallons per minute (0.034 cubic feet of water per second) from 1 well (Crystalline Rock) 60 feet deep located in the NW 1/4 SW 1/4 Section 22-T1S-R5E. The water is for commercial use at the motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2232-2 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 or the applicant must be filed by August 24, 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. 2232-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 2, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E. Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone

not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 24, 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 be 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 Eric Gronlund by August 24, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, Robert E. Roberts, Secretary, Department of Environment and Natural Resources. #674, 8-5, 8-12



NOV 17 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roger L. Nelson
Pines Edge Motel
HC 33 Box 2406
Rapid City, SD 57702

Dear Mr. Nelson:

Enclosed is Water Permit No. 2232-2 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

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Pines Edge Motel
Greg & Marilyn Bolt
1703 11th St
Rapid City SD 57701

Address correction requested:

Mountain View Lodge
12654 5 Hwy 16
Hill City, SD 57701

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 2232-2. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

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

County: PENNINGTON
Pumping Pt. Legal: SEC 22-T001S-R05E
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 45000 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

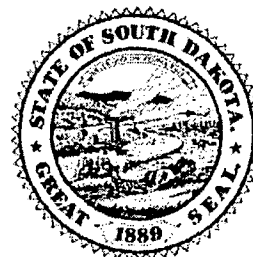
Comments:

Contact Person:

Greg or Marilyn Bolt

Telephone No:

605 574-2236



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

Thank you for completing the 2000 water use questionnaire.

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2001

No. 2232-2

Mountain View Lodge
Greg or Marilyn Bolt
12654 S Hwy 16
Hill City SD 57701

Dear Mr. & Mrs. Bolt:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2232-2. The water permit is currently listed in the name of Pines Edge Motel.

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

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 2001

2232-2

Greg or Marilyn Bolt
Mountain View Lodge
12654 S Hwy 16
Hill City, SD 57745

Dear Mr & Mrs. Bolt:

Thank you for following up on the ownership change for Water Permit No. 2232-2. The transfer has been completed. The water permit formerly listed in the name of Pines Edge Motel is now listed in the name of Mountain View Lodge.

Enclosed is your Receipt No. 416800 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2232-2

Date: 3/3/01

I/We request that Water Permit No. 2232-2

formerly owned by: Pines Edge Motel

be transferred to: (name & address) Mountain View Lodge
123654 S. Hwy 16 Hill City S.D. Telephone No. 605 584-2236
57745

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

one well - NW 1/4 SW 1/4 Section 22-T1S-R5E

I/We understand that the validity of Water Permit No. 2232-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We _____ 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.

Marilyn Balth N. Balth
(Signed)

Subscribed and sworn to before me this 23 day of March, 2000.



My Commission Expires May 21, 2004

Sandra K. Wheeler
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416800

Pierre, March 26, 2001

RECEIVED OF Mountain View Lodge, 12654 S Hwy 16, Hill City, SD 57745

the following amount in fees for services rendered as provided for by law: (Pines Edge Motel)

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 2232-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

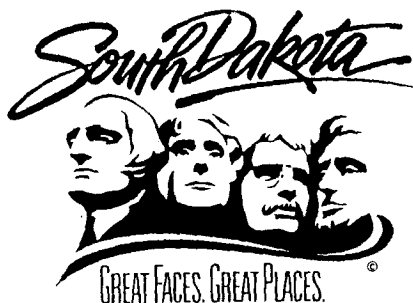
2 50

2 50

By

Darland Elvick
Chief Engineer

gmw



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2002

2232-2

Mountain View Lodge
Greg and Marilyn Bolt
12654 S Hwy 16
Hill City SD 57745

Dear Mr. & Mrs. Bolt:

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. 2232-2, 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 requires 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. The check or money order for the fee should be made payable to the "Water Rights Program".

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.

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

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417150

Pierre, April 22, 2002

RECEIVED OF Mt. View Lodge, Marilyn Bolt, 12654 South Hwy 16, 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. 2232-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Albrecht
Chief Engineer
gms

Permit No. 2232-2
Upper Cheyenne River - Water District

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

Contact Person & Address: Marilyn Bolt, 12654 S. Hwy 16, Hill City, SD 57745

Report Of Examination Of Works

On, **October 10, 2001**, I made a thorough examination of the water use system now owned by Greg and Marilyn Bolt dba Mountain View Lodge of 12654 S. Hwy 16, Hill City, SD 57745 holder of Permit No. 2232-2, bearing the priority of **June 11, 1992** authorizing the diversion of 0.034 cu. ft. per second of the waters of groundwater for commercial purposes, in Pennington County.

The system is in the following condition good. The point of diversion is located 2030 feet north and 1200 feet east of the southwest corner of Sec. 22, T1S-R5E with a longitude of -103.51384 and a latitude of 43.9462970. The works are capable of diverting and conveying to the place of use 0.034 cu. ft. per second of water 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 0.034 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:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>unknown</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>60</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|--|---|
| 1) Diameter <u>24" & 8"</u> inches | 2) Length <u>24' & 30</u> feet respectively |
| 3) Type <u>24"-concrete, 8"-steel</u> | |

Screen:

- | | |
|--------------------------------------|-------------------------------|
| 1) Type <u>unknown</u> | 2) Length <u>unknown</u> feet |
| 3) Static water level <u>15</u> feet | |

Pump\ Motor:

- | | |
|------------------------------|------------------------------|
| 1) Pump Make <u>Grundfos</u> | 2) Pump Model <u>10S75-9</u> |
|------------------------------|------------------------------|

3) Capacity 15 GPM

4) Motor Make Franklin

5) Horsepower rating 3/4 hp

COMMENTS: Water is pumped from the well to two storage tanks located in a house next to the motel. One pressure tank supplies the house and the second supplies the 13 unit motel and 3 cabins



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program

Mar 7, 2002

Date

Water Right Map

2232-2

1200'

2030'

SW corner of
Sec. 22, T18-R5E

0 0.1 0.2 Miles



Ken Buhler
Natural Resources Engineering Specialist
DENR-Water Rights Program

2232-2



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2232-2

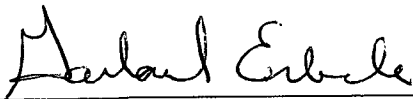
(1) Roger L Nelson, dba Pines Edge Motel, Rapid City SD made Application No. 2232-2, March 17, 1992 for a water permit to divert 0.034 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2232-2, with a priority date of June 11, 1992 was approved September 2, 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 March 26, 2001, Water Permit No. 2232-2 was transferred to Mountain View Lodge.

(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 0.034 cubic feet of water per second for beneficial use. The location of the diversion point is 2,030 feet north and 1,200 feet east of the southwest corner of Section 22-T1S-R5E (NW 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.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mountain View Lodge, 12654 S Hwy 16, Hill City SD 57745 the holder and/or owner of Water Right No. 2232-2 is issued a license to appropriate water, the right to use 0.034 cubic feet of water per second from groundwater with a priority date of June 11, 1992 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. 2232-2 and subject to South Dakota State Law.



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

MAY 31 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 31 2002

2232-2

Mountain View Lodge
Marilyn Bolt
12654 S. Hwy 16
Hill City, SD 57745

Dear Sir:

Enclosed is Water License No. 2232-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417150 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures