

Considered: _____

WATER PERMIT NO. 2236-2

Phone: 666-4856

Name of Applicant: Elk Haven

Post Office Address: PO Box 717, Keystone SD 57751-0717

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

Source of Water Supply: spring

Water to be used for: commercial use County: Custer

About 5 miles sw of Keystone

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-9-92 Fee: \$50 Remarks _____

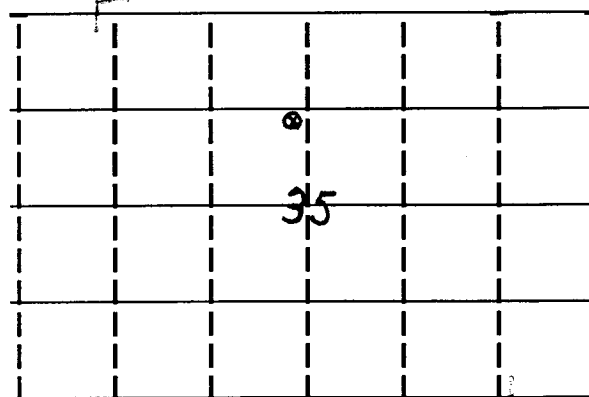
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SE 1/4 NW 1/4 Sec 35-T2N-R6E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

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

Assigned on 7-13-92 By Karen Schlaak

No. 2236-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Custer Co Chronicle, Box 551



Permit To Appropriate Water Within The State Of South Dakota

Check one of the following:
 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 ☒ Existing System

☐ 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 EIK Haven Phone No. 666-4856

Post Office Address PO Box 717, Keystone, SD State 57751-0717
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.5 GPM (0.033 cfs)

3. Source of water supply Spring

4. Location of point of diversion Judd Homesite SEC 35 T-2SR-6E Approx.
110 Feet SW of center North of sec. 35
(~~SEC 35 T2S, R6E~~) County Custer
SE 1/4 NW 1/4

5. Counties where water will be used Custer

6. Annual period during which water is to be used Jan 1 - Dec 31
~~Jan through Dec~~

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)

Permit for Existing water system.

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 Penn.)^{SS}

I, Larry L. Hartman 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 Larry L. Hartman

Subscribed and sworn to before me this 1 day of April 19 92

Alta Schmacker
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2236-2**

Date of first receipt of application July 9, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2236-2 to Elk Haven, PO Box 717, Keystone SD 57751-0717 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. 2236-2 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from a spring located in the SE 1/4 NW 1/4 Section 35-T2S-R6E.
2. The water appropriated shall be used for the purpose of supplying water to the resort and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2236-2 is September 22, 1992.
5. The date from which applicant may claim right is July 9, 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
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 12 1993

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- Spring 1 Elk Haven*
- a) Drill Hole Diameter 36" Depth 5'
- b) Casing Type Cement Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 400' On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

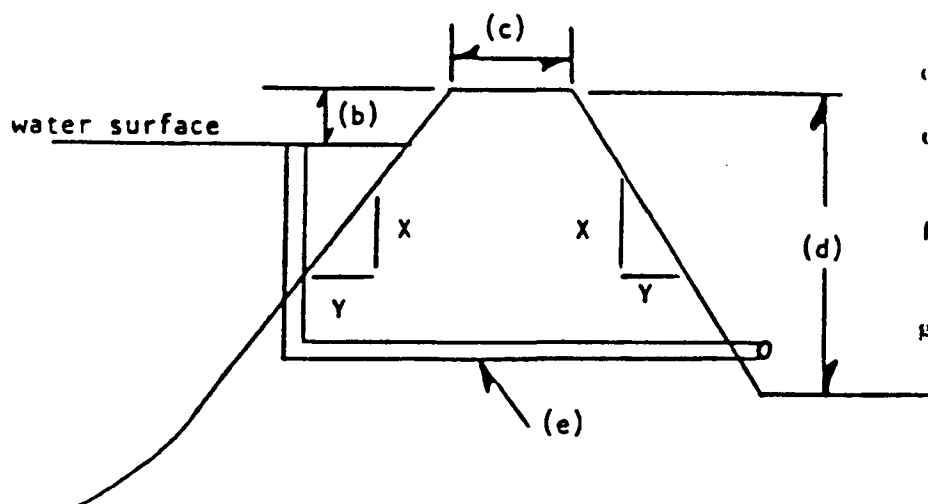
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Hute

07-92

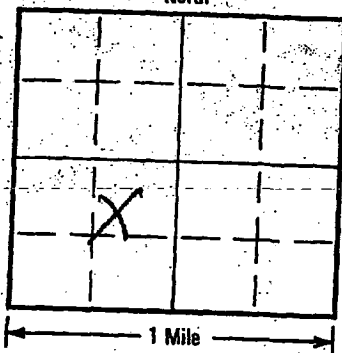
Location 1/4 SW 1/4 Sec 35 Twp 25 Rg 6E
County Custer

Please mark well location with an "X"

Hwy 16A E
SPOKANE

Well Completion Date

7-24-00



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from ALL source (identify source)

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 36" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	6 IN	0 FT	34 FT	8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Pert 1-11</u>	<u>4</u>	lb./gal	<u>6</u> ft	<u>34</u> ft
		lb./gal	ft	ft

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured None

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? Casing set HD Rock

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion? Chlorine Solution
☒ YES, How: Solution

Laboratory sent to for water quality analysis

____ NO, Why Not? _____

Well Owner: EIK HAUCH - SCOTT MALCOLM

Business Name: P.O. Box 717

Address: Keystone, S.D. 57751

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>2</u>
<u>Granite-pegmatite Hd.</u>	<u>2</u>	<u>76</u>
<u>Pegmatite-Fractured</u>	<u>76</u>	<u>78</u>
<u>H₂O - 60 gpm</u>		
<u>pegmatite Hd.</u>	<u>78</u>	<u>100</u>
<u>pegmatite Fractured</u>	<u>100</u>	<u>101</u>
<u>H₂O - 100 gpm</u>		
<u>pegmatite Hd.</u>	<u>101</u>	<u>120</u>

STATIC WATER LEVEL 4.0 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped w/Air Describe: 100 gpm

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: By Alexander

Carl Malcolm

Date: 8/17/2000



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 2, 1992

RECEIVED OF Norma L. Lutz, Elk River Resort, P.O. Box 117, Keystone, SD 577

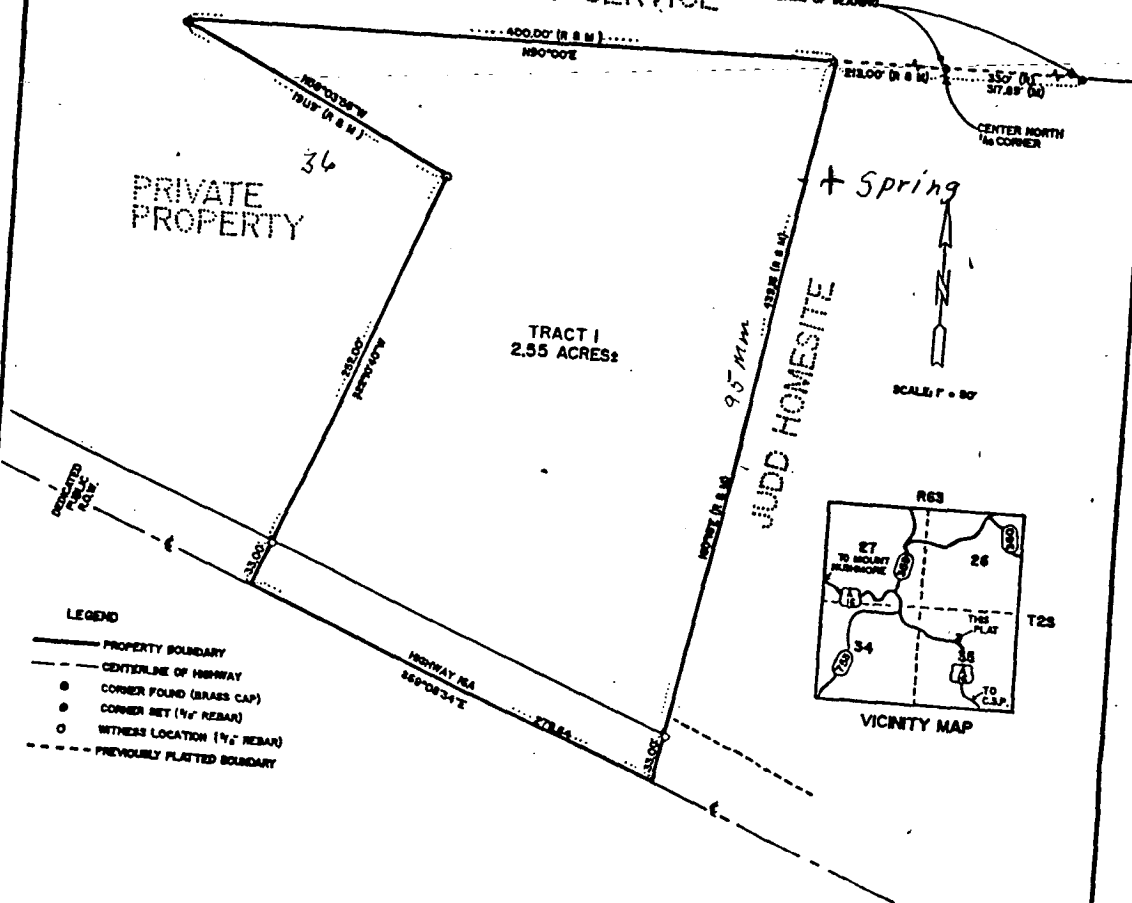
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2234-2</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 [Signature]
Chief Engineer

PLAT OF TRACT I OF ENGLAND SUBDIVISION LOCATED IN SE 1/4, NW 1/4, SECTION 35, T2S, R6E, B.H.P.M. CUSTER COUNTY, SOUTH DAKOTA

U.S. FOREST SERVICE



LEGEND

- PROPERTY BOUNDARY
- - - CENTERLINE OF HIGHWAY
- CORNER FOUND (BRASS CAP)
- CORNER SET (1/4" REBAR)
- WITNESS LOCATION (1/4" REBAR)
- - - PREVIOUSLY PLATTED BOUNDARY

APRIL, 1988

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER

I, JAMES H. & ANNE E. ENGLAND

I, hereby certify that we, the undersigned, of the tract of land shown and described herein, that the survey was done at our request for the purpose indicated herein, and that we do hereby approve the survey and within plat of said land, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

James H. England Anne E. England

Public personally appeared James H. England Ad

Notary Public: Lynde K. Riem

My commission expires: 12-11-92

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this 31 day of May, 1988.

Director of Equalization: Denise Riem, Deputy

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER

0322

Dated this 3 day of May, 1988.

Notary Public: Lynde K. Riem

My commission expires: 12-11-92

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Custer County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 31 day of May, 1988.

Treasurer: Barbara Parsons, Clerk

CERTIFICATE OF SURVEYOR

I, Mark Palmer, Registered Land Surveyor No. 1208 of the State of South Dakota, do hereby certify that, being so authorized, I made the survey and within plat of the land shown and described herein and that the same is in all things true and correct.

Mark Palmer Registered Land Surveyor

On the 31 day of April, 1988, I, the undersigned, being duly sworn, do hereby certify that the within described land shown and described herein and that the same is in all things true and correct.

Notary Public: Lynde K. Riem

My commission expires: 12-11-92

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA 88-6
COUNTY OF CUSTER

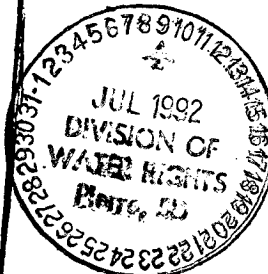
I, Auditor of Custer County, do hereby certify that an official meeting held on the 31 day of April, 1988, the Custer County Commissioners by resolution did approve the plat as shown herein.

Auditor: James H. England

PLANNING COMMISSION RECOMMENDATION

I, Chairman of the Custer County Planning Commission, do hereby certify that at an official meeting held on the 31 day of April, 1988, the Custer County Planning Commission recommended approval of the plat as shown herein.

Chairman: James H. England



246

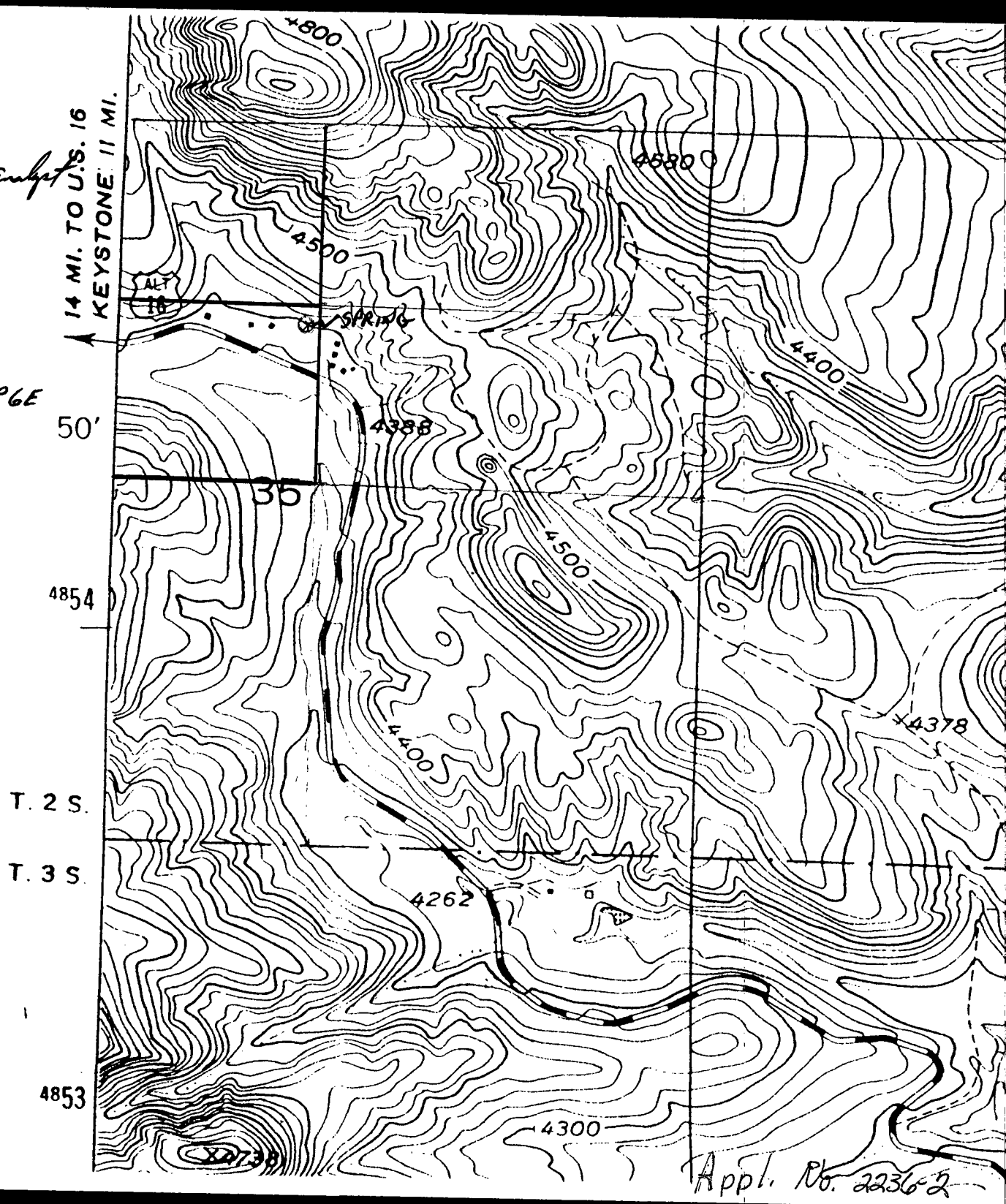
Prepared by: Don Frye

DON FRYE, Natural Resources Analyst

DENR, Water Rights

5/27/92

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SEC 35, T. 25, R. 6E



South Dakota

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE - SOUTH DAKOTA -- 57501-3181 --

GREAT FACES. GREAT PLACES.

June 19, 1991

C.S. ZIERKE
ELK HAVEN TRADING POST
BOX 717
KEYSTONE SD 57751

Dear MR. ZIERKE:

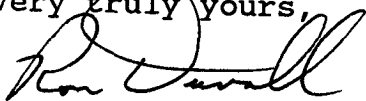
I am writing to follow-up on my December 18, 1990 letter concerning the requirement to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply.

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

November 4, 1991

ELK HAVEN TRADING POST
LARRY AND NORMA HARTMAN
BOX 717
KEYSTONE SD 57751

Dear MR. HARTMAN:

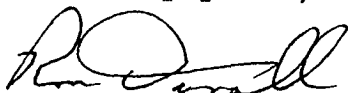
I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

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, 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 January 31, 1991. 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

LARRY AND NORMA HARTMAN
ELK HAVEN TRADING POST
BOX 717
KEYSTONE SD 57751

Dear MR. HARTMAN:

I am writing to follow-up on my December 18, 1990 and June 19, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 1992

Larry and Norma Hartman
Elk Haven Trading Post
Box 717
Keystone SD 57751

Dear Mr & Mrs Hartman:

I am writing this letter as a follow-up to the visit I made to your business on May 28, 1992. At that time, I was under the impression you were going to complete the application I left you, but I have not heard from you.

I would appreciate your attention to this matter. If you need further assistance, please feel free to call me at 605-773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

Report on Application No. 2236-2
Elk Haven
July 27, 1992

Application No. 2234-2, Elk Haven, proposes to appropriate 15 gallons per minute (0.033 cubic feet of water per second, cfs) from a spring located in the SE1/4 NW1/4 Section 35 T2S-R6E. The water is for commercial use at the Elk Haven Resort located approximately 9 miles west of Hermosa, SD in Custer County. This system has been in existence for approximately 30 years.

Water Source

The source of water for the project is from a spring located in the SE1/4 NW1/4 of Section 35 T2S-R6E. The spring flows into the Spokane Creek drainage that flows into Grace Coolidge Creek approximately 6 miles below the project diversion point. Grace Coolidge Creek is a tributary to Battle Creek.

Review of Existing Water Rights

There are 11 water permits/rights authorized to appropriate surface water downstream for the diversion point. The closest existing water right is located approximately 8 miles below the project on Grace Coolidge Creek. The water permits/rights issued include 10 for irrigation and 1 for commercial use. Water permits/rights appropriating surface water from the Battle Creek Basin below the project represent a total combined diversion rate of 17.22 cfs. Non-irrigation permits/rights, assuming up to 60 percent of the full time pumping amount, may divert up to 174 acre feet per year. Irrigation permits/rights authorize irrigation of 1119.3 acres. The maximum diversion allowed by law is 2 acre-feet per acre for permits approved after June 30, 1978, and 3 acre feet per year for prior permits. Table 1 lists the actual irrigation use as reported on the Irrigation Questionnaires for the water rights/permits required to submit a questionnaire:

TABLE 1. Annual reported irrigation use in acre-feet.

PERMIT NO.	1987	1988	1989	1990	1991
106A-2	7	0	0	0	2
319-2	79	0	0	22	176
969-2	329	50	0	108	28
1170-2	8	0	0	0	0
1209-2	0	0	0	0	0
1221-2	0	0	0	0	0
1275-2	0	0	0	0	0
2153-2	16	0	0	18	247

Response from the irrigators on the questionnaires indicate a lack of water to be a common occurrence.

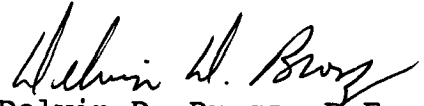
Conclusions

1. The application proposes to appropriate 0.033 cfs of surface water from springs for commercial use.
2. ~~There are 11 existing water permits/rights located~~ downstream of this project. The nearest water right is located approximately 8 miles below the project on Grace Coolidge Creek.
3. The system has been in existence for approximately 30 years.
4. Approval of Application No. 2236-2 will not adversely impact downstream water rights.

Mark D. Rath

Mark D. Rath 
Natural Resources Engineer II

Approved by:


Delvin D. Brosz, P.E.
Natural Resources Engineer IV



**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.

August 14, 1992

Larry Hartman
Elk Haven
PO Box 717
Keystone, SD 57751-0717

Dear Mr. Hartman:

Water Permit Application No. 2236-2 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 Custer County Chronicle printed at Custer, SD (Ph # 673-2217). 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

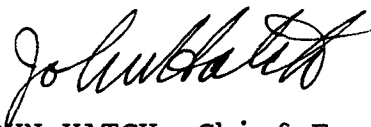
NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2236-2, Elk Haven

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. 2236-2, Elk Haven, c/o Larry Hartman, PO Box 717, Keystone, SD 57751-0717.

The Chief Engineer is recommending APPROVAL of Application No. 2236-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 12, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 1992

Custer Co. Chronicle
Box 551
Custer, SD 57730

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2236-2 to be published twice. Please publish the first notice on August 26, 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 Elk Haven, PO Box 717, Keystone, SD 57751-0717 (Ph # 666-4856).

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 26, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2236-2 to Appropriate Water

Notice is given that Elk Haven, PO Box 717, Keystone, SD 57751-0717 has filed an application for a water permit to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from a spring located in the SE 1/4 NW 1/4 Section 35-T2S-R6E. The water is for commercial use at the resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2236-2 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 September 14, 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. 2236-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 22, 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 22, 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 22, 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 September 14, 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 September 14, 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; 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 Custer) ss.I, Terrie Suggscertify that the attached printed Notice was taken
from the Custer Co. ChronicleA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____City of CusterCounty of Custer and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:8-26-929-2-92Terrie Suggs
(Signature)Publisher
(Title)9-14-92
(Date Signed)Cost of Printing: \$50.64

NOTICE OF HEARING

NOTICE OF HEARING on Application No. 2236-2 to Appropriate Water. Notice is given that Elk Haven, P.O. Box 717, Keystone, SD 57751-0717 has filed an application for a water permit to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from a spring located in the SE 1/4 NW 1/4 Section 35-T2S-R6E. The water is for commercial use at the resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2236-2 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 September 14, 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.

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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 September 14, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

#3020 8/26, 9/2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

Larry Hartman
Elk Haven
PO Box 717
Keystone, SD 57751-0717

Dear Mr. Hartman:

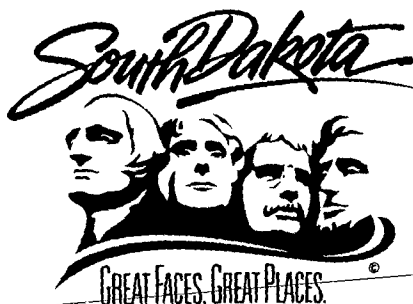
Enclosed is Water Permit No. 2236-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

August 1, 2002

2236-2

David and Jackie Canfield
Elk Haven Resort
24654 Iron Mt. Rd.
Keystone SD 57751

Dear Mr. & Mrs. Canfield:

On June 12, 2002, the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2236-2, was completed by Don Stroup, 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, we will complete processing the 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 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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT - 7 2002

WATER RIGHTS
PROGRAM

No. 2236-2

Date: _____

I/We request that Water Right/Permit No. 2236-2

formerly owned by: Elk Haven Resort, Larry Hartman

be transferred to: (name & address) Elk Haven Resort, David & Jackie Canfield, 24654 Iron Mt. Rd,
Keystone SD 57752

Telephone No. 606-4856

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

1 well - SE 1/4 NW 1/4 Section 35-T2S-R6E

I/We understand that the validity of Water Right/Permit No. 2236-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We DAVID R. CANFIELD, the new owner, certify that the above information is true and correct.

David R. Canfield
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 7, 20 02

RECEIVED OF David or Jackie Canfield, PO Box 146, Sundance WY 82749

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2236-2</u>	50	00
Fee for Filing Transfer Form <u>2236-2</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	52.50

No.

000310

By

J. Darland Eshel
Chief Engineer *gm*

Permit No. 2236-2

Custer County

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

Other permit/license(s) associated with project: **None**

Contact Person & Address: **David & Jackie Canfield, 24654 Iron Mt. Rd., Keystone, SD 57751**

Report of Examination of Works

On **June 12, 2002** I made a thorough examination of the water use system authorizing the appropriation of 0.033 cubic feet per second (cfs) of water from a spring for **commercial use** at **Elk Haven Resort** and bearing the priority date of July 9, 1992.

The previous owners, Scott and Carol Malcolm, had a well drilled on the property and discontinued use of the spring. The **120-foot well** presently in use was **completed 7/24/2000** and is in **good condition**. The well is located at the site of the old spring box in the **SE¼ NW¼ Section 35 T2S R6E (N43.83553° W103.36995°) 2480-feet East and 1425-feet South of the NW Corner of the Section, Custer County, SD** and is capable of diverting **0.033 cfs** of water for **commercial use**.

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: Alexander Well Drilling | 2) No. of Wells: 1 |
| 3) Depth(s): 120 feet | 4) Well log available: Yes |

Casing:

- 1) Diameter: **6-inch**
- 2) Length: **34 feet**
- 3) Type: **PVC**

Screen:

- | | |
|---------------------------------------|----------------------|
| 1) Type: None | 2) Length: NA |
| 3) Static water level: 40-feet | |

Pump\ Motor:

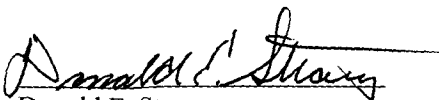
- | | |
|------------------------------------|---|
| 1) Pump Make: Grundfoss | 2) Pump Model: NA |
| 3) Capacity: 15 gpm | 4) Motor Make: 2 Sears |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: ¾ & ½ hp |

Distribution System:

- 1) Type: **6 & 1.5 inch PVC and Steel**
- 2) Length: **Unknown feet**

COMMENTS:

The well should be licensed for the as-built diversion rate of 0.033 cfs and the license transferred to the present owners of the property, David and Jackie Canfield, Elk Haven Resort, 24654 Iron Mt. Rd., Keystone, SD 57751.


Donald E. Stroup
Natural Resources Project Engineer
DENR, Water Rights Program

7/22/02
Date

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Elk Haven Resort

ADDRESS: 24654 Iron Mt. Rd., Keystone, SD 57751

DATE: June 20, 2002 COUNTY: Custer

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well location is the same as the originally permitted spring box diversion point. Cracks and fissures in the same intrusive and hypabyssal igneous rocks are the same water source for the spring and the well.

- **If irrigation, no new land is irrigated**

No land is irrigated. Water is for commercial use.

- **Review of Existing Diversions**

This source type change will not affect any other appropriations.

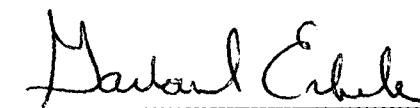
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.

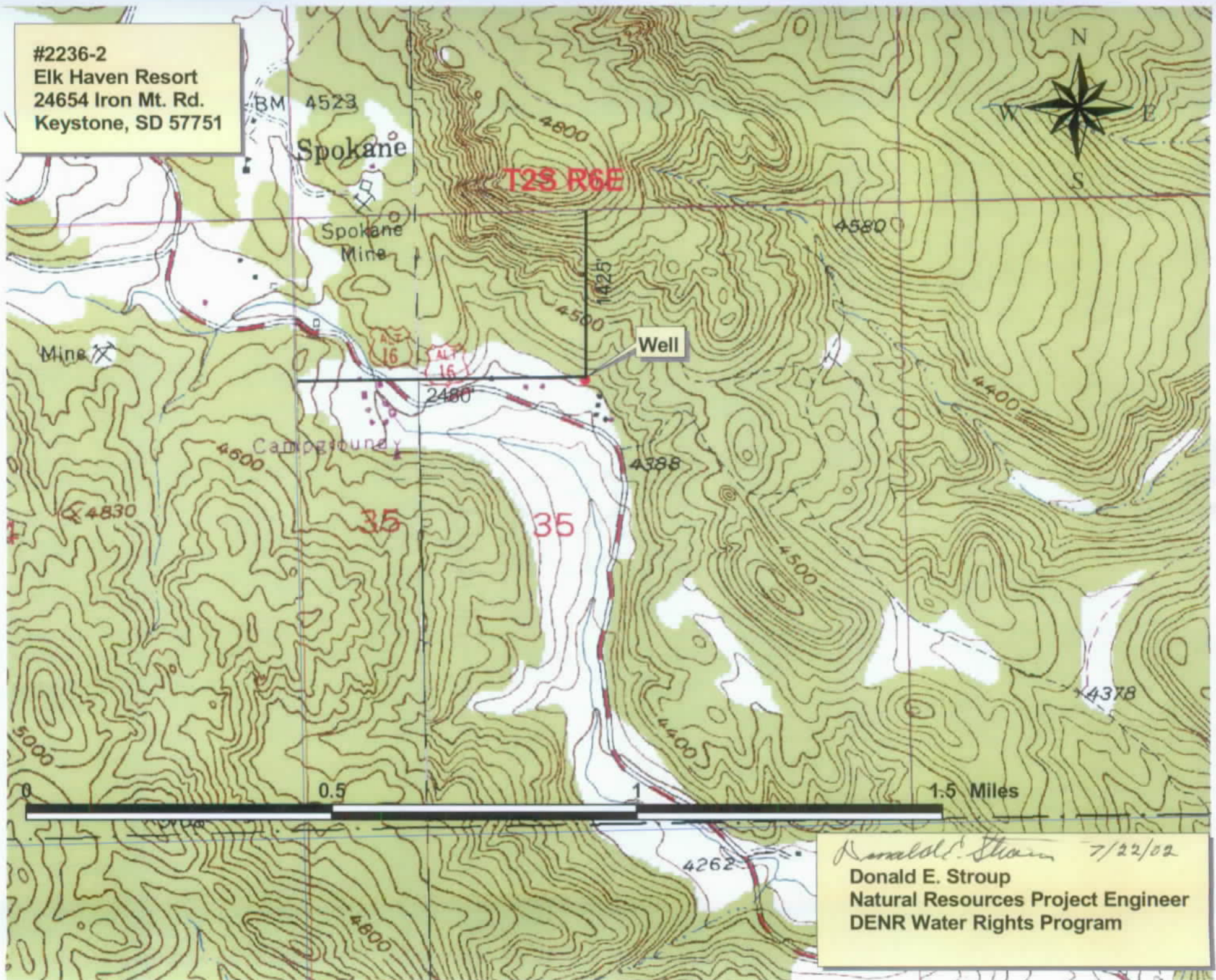
 7/22/02
Donald E. Stroup, Natural Resources Project Engineer
DENR Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

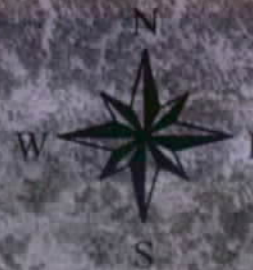

Garland Erbele, Chief Engineer
Water Rights Program

#2236-2
Elk Haven Resort
24654 Iron Mt. Rd.
Keystone, SD 57751



Donald E. Stroup 7/22/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

#2236-2
Elk Haven Resort
24654 Iron Mt. Rd.
Keystone, SD 57751



T2S R6E

1425'

Well

2480'

35

0 0.5 1.5 Miles

Donald E. Stroup 7/22/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2236-2

(1) Elk Haven, PO Box 717, Keystone SD made Application No. 2236-2, July 9, 1992 for a water permit to divert 0.033 cubic feet of water per second from a spring, Custer County, South Dakota for commercial purposes. Permit No. 2236-2, with a priority date of July 9, 1992 was approved September 22, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

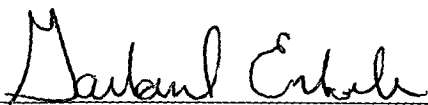
An investigation conducted for licensing purposes found a well at the location authorized by Water Permit No. 2236-2 and use of the spring discontinued. The spring and well are both the same water source. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change does not increase the potential for interference with existing water rights.

On October 7, 2002, Water Permit No. 2236-2 was transferred to Elk Haven Resort, David & Jackie Canfield.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 2,480 feet east and 1,425 feet south of the northwest corner of Section 35-T2S-R6E (SE ¼ NW 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 Elk Haven Resort, David & Jackie Canfield, 24654 Iron Mt. Rd, Keystone SD 57752 the holder and/or owner of Water Right No. 2236-2 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of July 9, 1992 from the location specified in (2) of this license for commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 2236-2 and subject to South Dakota State Law.



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

OCT 25 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 25 2002

2236-2

Elk Haven
David and Jackie Canfield
24654 Iron Mt. Rd.
Keystone SD 57752

Dear Mr. and Ms. Canfield:

Enclosed is Water License No. 2236-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000310 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and transfer of Water License No. 2236-2 into the name of David and Jackie Canfield, Elk Haven.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 2005

2236-2

Elk Haven Horse Camp
Attention: Mona
24654 Iron Mt Rd
Keystone SD 57752

Dear Mona:

Thank you for contacting us concerning the ownership change for Water Right No. 2236-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the copy of the water license and map. If I can answer any questions for you concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2236-2

Date: 9-17-05

I/We request that Water Right No. 2236-2

formerly owned by: David & Jackie Canfield, dba Elk Haven Resort

be transferred to: (name & address) Doug or Mona Zeek
24654 Iron Mt. Rd
Keystone, SD 57751 Telephone No. (605) 666-4856

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

Well located: SE ¼ NW ¼ Section 35, T2S, R6E

I/We understand that the validity of Water Right No. 2236-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Doug or Mona Zeek, the new owner, certify that the above information is true and correct.

Mona Zeek
(Signed by new owner)

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

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

RECEIVED
SEP 21 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 21, 2005

RECEIVED OF Eikhaven Horse Camp, 24654 Iron Mountain Rd., Haystack SD 57751

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2226-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001874

By

Dash & Sibley

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2005

2236-2

Doug or Mona Zeeck
Elk Haven Horse Camp
24654 Iron Mt Rd
Keystone SD 57752

Dear Mr. & Mrs. Zeeck:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" and the filing fee you submitted for transferring Water Right No. 2236-2. The transfer has been completed. The water right, formerly listed in the names of David & Jackie Canfield is now listed in your names.

Enclosed is your Receipt No. 001984 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

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

Water Right/Permit No. 2236-2Date: 05-02-2012

I/We request that Water Right/Permit No. 2236-2 formerly owned by:
DOUG OR MONA ZEECK be transferred to:

New Owner Name: JAMES AND SHERYL SMITHAddress: 24656 IRON MOUNTAIN ROADCity, State, Zip KEYSTONE SD 57751 Telephone No. 605-666-4856

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

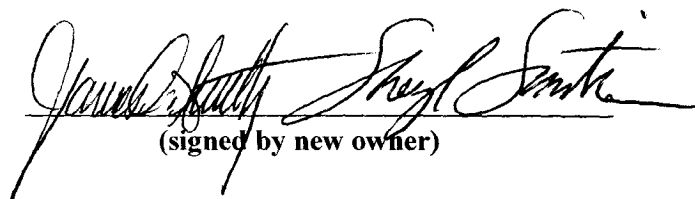
The Judd Homesite in Section 35 in Township 2 South of Range 6 East of the Black Hills Meridian, as shown on the plat filed in Plat Book 2, Page 18, TOGETHER with that land lying between the Judd Homesite and the right-of-way for U.S. Highway No. 16A, bounded on the west by the extension of the west boundary on the Judd Homesite and bounded on the east by the extension of the boundary line running from the southeast corner of the Judd Homesite to the southernmost corner of the Judd Homesite, this land also described as a portion of Section 35 in Township 2 South

☒ I understand that the validity of Water Right/Permit No. 2236-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, JAMES A SMITH SHERYL SMITH, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/11, 20 12

RECEIVED OF James A Smith 1391 Falcon Ave NW Swisher IA 52338

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2236-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05438**

By *Charles Enck*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 14, 2012

2236-2

James & Sheryl Smith
24656 Iron Mountain Rd
Keystone SD 57751

Dear Mr. & Mrs. Smith

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change with Water Right No. 2236-2.

The ownership change has been completed. Water Right No. 2236-2 formerly held by Doug or Mona Zeeck is now listed in your names.

Enclosed for your records is a copy of the water right and also your Receipt No. 05438 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures