

Considered: _____

WATER PERMIT NO. 2238-2

Phone: 574-2329

Name of Applicant: Ken & Erin Halsey - Dairy Twist Drive-In

Post Office Address: HCR 87, Box 72, Hill City SD 57745

Amount of Water Claimed: 0.055 cfs 25 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 2 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: 7-28-92 Fee: \$50.00 Remarks _____

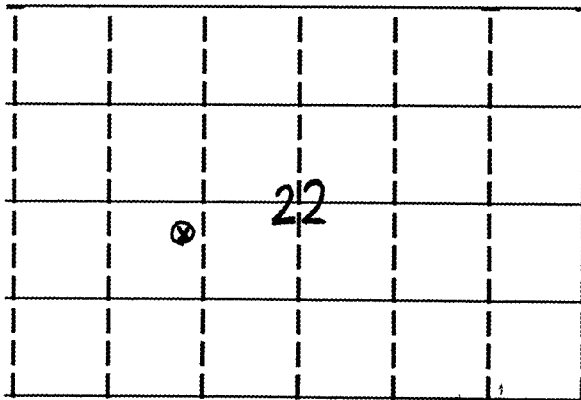
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

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

Land to be Irrigated: _____



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

Depth of Well: 63' REMARKS _____

Type of Map: topo PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on 7-29-92 By Karen Schlaak

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

No. 2238-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Pennington Co 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. _____

1. Name of Applicant Ken & Erin Nalsey - Dairy Twist Drive-in Phone No. 574-2329
Post Office Address WCR 87 Box 72, Hill City State S.D. 57745
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s.) 25 GPM (c.f.s.) Rated at drilling time (7/7/80)
3. Source of water supply 63 ft Hardrock "open hole" well - 32 ft 6" Steel Casing
4. Location of point of diversion Parcel B of Ewa 14 subdivision in the West Half
of Township 1 South, Range 5 East, Black Hills Meridian, Pennington
County South Dakota (NW 1/4 SW 1/4) County Pennington
5. Counties where water will be used Pennington
6. Annual period during which water is to be used May - Oct for Commercial - Year Round
Domestic Jan 1 - Dec 31
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
This well has been in production since 7-7-80. It services
three adjoining properties under three separate
ownerships. Two of the properties are seasonal commercial
properties. The Dairy Twist property owns the well used
also by Golden West Mini Golf (Commercial) and Monte Belson (Resid'l)

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 _____)^{ss}

1. Ken Nalsey (Ken Nalsey) 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 Ken Nalsey

Subscribed and sworn to before me this 27th day of July 1992

Janet R. Green
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2238-2**

Date of first receipt of application July 28, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2238-2 to Ken & Erin Halsey, Dairy Twist Drive-In, HCR 87, Box 72, Hill City SD 57745 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2238-2 appropriates 25 gallons per minute (0.055 cubic feet of water per second) from one well 63 feet deep located in the NW 1/4 SW 1/4 (Parcel B of Ewalt Subdivision) Section 22-T1S-R5E.
2. The water appropriated shall be used for the purpose of supplying water to the Dairy Twist Drive In and Golden West Mini Golf 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. 2238-2 is December 2, 1992.
5. The date from which applicant may claim right is July 28, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

DEC 24 1992
date

Supplemental Information

(type or print in ink)

Drillers
Log
enclosed

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 inch Depth 63 Feet
- b) Casing Type Steel Diameter 6" Thickness
- c) Screen Type Diameter Thickness
- d) Gravel Pack Thickness Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 150 ft >

2. Dugout Information Estimates NA

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

across Highway
16 ft.3. Water Storage Dams NA

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 _____

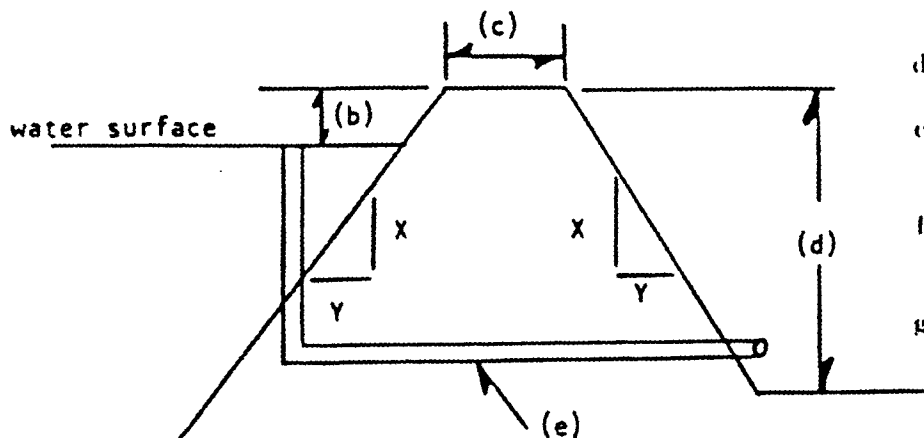
e) Primary Outlet Capacity _____
If Pipe, diameter _____f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

WELL DRILLERS REPORT

SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:

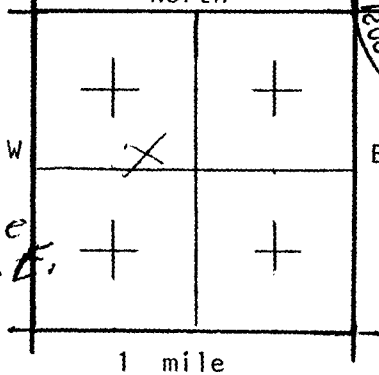
Name Alta EbelhoferAddress Hill City

Well Location:

North

Mark location
with an "X"

ACROSS Hwy. W
FROM PINES EDGE
Motel - North E.
of Hill City

County Penn1/4 1/4 1/4 Sec. 22 Twp. 15 Rg. 5E

Proposed Use:

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

Method of Drilling: 6" Hammer Drill

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 6"
Depth 63
Casing ☒ Steel ☐ Concrete

☐ Plastic ☐ OtherIf other, specify 32' of 6" 188 steelWas casing end left open yesWas a well screen installed no

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed noWas well grouted yesWas water sample taken no

Remarks:

Pump- 1/2 H.P. SD 12-50 Aeromator.
1 1/4" pitless adaptor from old well
(MARTINSON ADAPTOR)
1"-1601b Ditch pipe
50'-Sch. 80 1" drop pipe
12-3 wire.
203-x fresh tank.

Water Level Information:

Static water level 15 below land surface

If flowing: closed in pressure _____ PSI
rate of low _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

other; specify _____

Well Test Data:

☒ Pumped w. Air' 2.5 gpm.☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ " " _____ " " _____ " "

_____ " " _____ " " _____ " "

Well Log:

Formation	Depth	
	From	To
DRIFT, gravel	0	26
Schist Hd. grey	26	42
Schist BRN.	42	43
Schist Hd. grey	43	50
Schist w/ gtr	50	51
Schist Hd. grey	51	63

(Use Back if Necessary)

Date Completed: June 26 1980

Driller:

Alexander Diehl 324
Driller's or Firm's Name License N

Hill City S.D.
Address

Roy Alexander 7-7-8
Signed By Date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

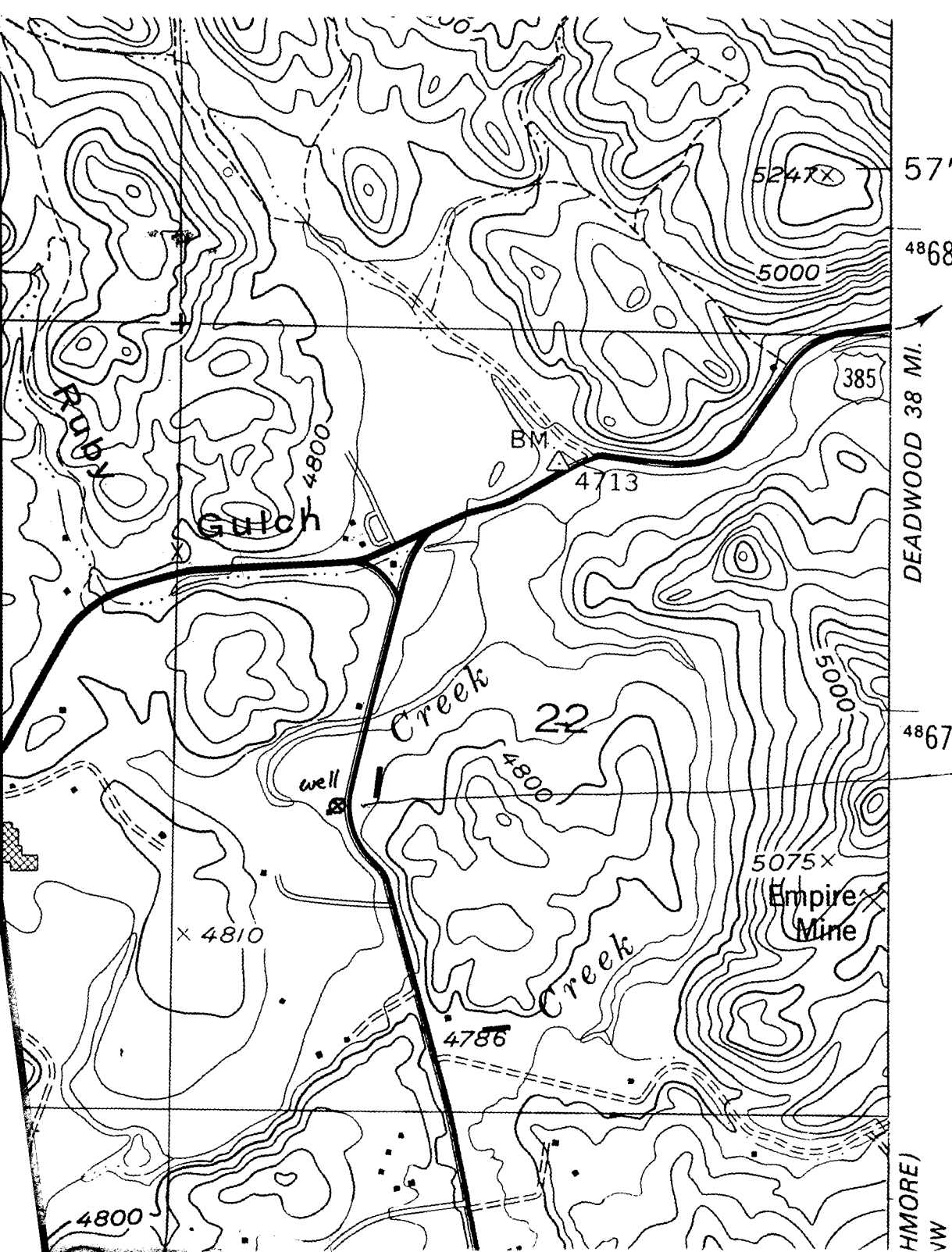
415847

Pierre, _____ July 28, 1992

RECEIVED OF Ken Halsey, Dairy Twist at Three Forks, HCR 67 Box 72, Hill City, SD
the following amount in fees for services rendered as provided for by law: 57745

Fee for Application for Permit No. <u>2238-2</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 Halsey
Chief Engineer



57'30"

4868

385

DEADWOOD 38 MI.

4713

Gulch

Creek

22

well

x 4810

4800

4786

5075x

Empire
Mine

4867

No. 1e location

Ron Duvall
Natural Resources Engineer
7/24/92

2232-2

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2238-2, Dairy Twist Drive-In

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. 2238-2, Dairy Twist Drive-In, c/o Ken and Erin Halsey, HCR 87 Box 72, Hill City, SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2238-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
September 24, 1992

REPORT ON APPLICATION NO. 2238-2
for Ken and Erin Halsey
Dairy Twist Drive In
September 23, 1992

Application No. 2238-2 proposes to appropriate 25 gpm (0.055 cfs) from one well approximately 63 feet deep located in the NW 1/4 SW 1/4 of section 22, T1S R5E BHM in Pennington County. The water is for commercial use at the Drive In and the Golden West Mini Golf facilities and for domestic use.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of metagraywacke, quartz mica schist or phyllite (Redden, 1975). Ground water is obtained from bedding planes, joints and fractures within the rock. The rock is under unconfined (water table) conditions and there is no estimate available for the amount of water in storage. The driller's log submitted with the application indicates that the rock type basically remained the same to a total depth of 63 feet with water produced from a probable fracture zone at 50 feet. The well reportedly produced 25 gpm using air to develop. The well is located near Spring Creek which will act as a discharge/recharge zone for ground water.

The Division of Water Rights does not monitor any observation wells completed into the Precambrian rock in this area. In other areas of the Black Hills the water level in the Precambrian rock responds with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years.

The well completion report filed with the application does not contain enough information to determine if this well was completed in accordance with SD Well Construction Standards.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Permit No. 2232-2 which obtains water from the Precambrian rock and is located within 1/4 mile of this application. Interference is not expected to be a concern. Both wells have been in existence for many years with no apparent problems. Also the diversions rates are relatively low and any drawdown created by pumping should not be significant.

CONCLUSIONS

1. Water is available from the Precambrian Rock.
2. The aquifer is under unconfined conditions. Drawdown caused by pumping at the requested rate should not be significant. Interference is not expected to be a concern.

3. There is not enough information in the application to determine if this well is constructed in accordance with SD Well Construction Standards.
4. The method of waste disposal is not known.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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



**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.

October 29, 1992

Ken and Erin Halsey
Dairy Twist Drive-In
HCR 87 Box 72
Hill City, SD 57745

Dear Mr. & Mrs. Halsey:

Water Permit Application No. 2238-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Pennington County Prevalier News printed at Hill City, SD (Ph # 574-2538). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1992

Pennington County Prevalier News
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2238-2 to be published twice. Please publish the first notice on November 5, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Ken and Erin Halsey, Dairy Twist Drive-In, HCR 87 Box 72, Hill City, SD 57745 (Ph # 574-2329).

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

No. _____

Date _____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2238-2 to Appropriate Water

Notice is given that Ken and Erin Halsey - Dairy Twist Drive-In, HCR 87 Box 72, Hill City, SD 57745 has filed an application for a water permit to appropriate 25 gallons per minute (0.055 cubic feet of water per second) from one well 63 feet deep located in the NW 1/4 SW 1/4 (Parcel B of Ewalt Subdivision) Section 22-T1S-R5E. The water is for commercial use at the Drive-In and Golden West Mini Golf.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2283-2 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 November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The December 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 November 23, 1992.

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 November 23, 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, PAT Lembkecertify that the attached printed Notice was taken
from the Hill City Peewalker NewsA 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 Peewalker News
Hill City of S.D.County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:November 4, 1992November 11, 1992PAT Lembke
(Signature)
Production Mgr.
(Title)11-11-92

(Date Signed)

Cost of Printing: 62.60NOTICE OF
HEARING
on Application No.
2238-2 to Appropriate
Water

Notice is given that Ken and Erin Halsey - Dairy Twist Drive-In, HCR 87 Box 72, Hill City, SD 57745 has filed an application for a water permit to appropriate 25 gallons per minute (0.055 cubic feet of water per second) from one well 63 feet deep located in the NW 1/4 SW 1/4 (Parcel B of Ewalt Subdivision) Section 22-T1S-R5E. The water is for commercial use at the Drive-In and Golden West Mini Golf.

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763, 11-4, 11-11-92



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

DEC 24 1992

Ken & Erin Halsey
Dairy Twist Drive-In
HCR 87 Box 72
Hill City, SD 57745

Dear Mr. & Mrs. Halsey:

Enclosed is Water Permit No. 2238-2 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

March 7, 2002

2238-2

Larry and Karen Moore
dba Dairy Twist Drive-In
12650 S Hwy 16
Hill City SD 57745

Dear Mr. & Mrs. Moore:

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. 2238-2, 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 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, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

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

Sincerely,

Karen Schlaak
Water Rights Program

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 2002

REMINDER NOTICE

2238-2

Larry & Karen Moore
dba Dairy Twist Drive In
12650 S Hwy 16
Hill City, SD 57745

Dear Mr. & Mrs. Moore:

On March 7, 2002, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit No. 2238-2. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue 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 any permit requirements.

Prior to licensing, the permit should be transferred to your names. Ownership is currently listed in the names of Ken and Erin Halsey. In the event you no longer have the original transfer form sent to you, enclosed is an additional one. Please review and complete as needed. Once completed, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

The total due for licensing and transfer of ownership is \$52.50. The check or money order for the fee can 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. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

CERTIFICATION

I hereby certify that on June 3, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 3, 2002 regarding Reminder Notice Water Permit Nos. 2238-2, 1884-2, 1822-2 addressed as stated below:

1822-2	1884-2
Tom & Bill Cox	Clyde E. Brewer
HC 14 Box 104	HC 93 Box 10
Valentine, NE 69201	Kilgore, NE 69216

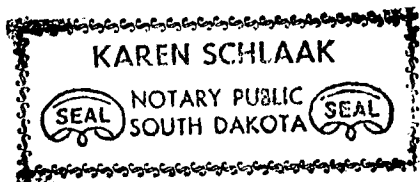
2238-2
Larry & Karen Moore
dba Dairy Twist Drive In
12650 S Hwy 16
Hill City, SD 57745


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of June, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Please make payments payable to the "Water Rights Program". Return this portion with payment to the Water Rights Program, Department of Environment & Natural Resources, 523 East Capitol, Pierre, SD 57501-3181

Please make any changes to the name & mailing address that are not correct.

Name: Larry & Karen Moore, dba Dairy Twist Drive In
Mailing Address: 12650 S Hwy 16
City, State, Zip: Hill City SD 57745

Type of Fee	Total Amount Due	Permit Number
license & transfer	\$52.50	2238-2

Signature



Date

10-03-02

Should you have any questions regarding the above fees, please contact Genny McMath (605) 773-3352
Water Rights Program, Department of Environment & Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 1, 2002

FINAL NOTICE
Permit No. 2238-2

Larry & Karen Moore
dba Dairy Twist Drive In
12650 S Hwy 16
Hill City, SD 57745

Dear Mr. & Mrs. Moore:

On March 7, 2002 and June 3, 2002, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit No. 2238-2. The fee also covers issuance of the water license which is the final document in obtaining and perfecting a water right. To date, the fee has not been received.

Prior to licensing, the permit should be transferred to your names. Ownership is currently listed in the names of Ken and Erin Halsey. Enclosed is a "Notice of Transfer of Ownership form. The form has been modified since the last one you received. The requirement for the signature of a notary public is no longer needed." Please review and complete as needed.

The total due for licensing and transfer of ownership is **\$52.50**. The check or money order for the fee can be made payable to the Water Rights Program.

A billing statement is also enclosed. If the fee is not paid within 30 days from the date of this letter, the water license will not be issued and the bill will be turned over to a collection agency. Please remit the required fee to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.

If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 2238-2
Larry + Karen Moore
dba Dairy Twist Drive In
12650 S Hwy 16
Hill City SD 57745

RECEIVED**OCT - 7 2002****WATER RIGHTS
PROGRAM**

2. Article Number (Copy from service label)

7001 1140 0003 1305 8349

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Larry Moore ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

OCT - 7 2002

No. 2238-2

WATER RIGHTS
PROGRAM

Date: 10-03-02

I/We request that Water Permit No. 2238-2

formerly owned by: Ken & Erin Halsey

be transferred to: (name & address)

Larry + Karen Moore

Telephone No. 574-2591

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

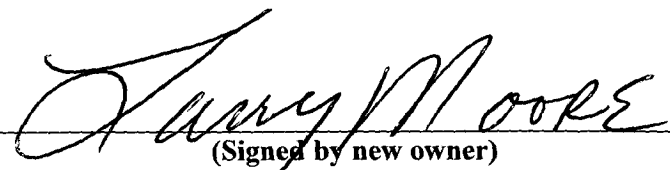
well location: NW 1/4 SW 1/4 Section 22, T1S, R5E

I/We understand that the validity of Water Permit No. 2238-2 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 Larry + Karen Moore, 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 October 7, 2002

RECEIVED OF Larry & Karen Moore, dba Dairy Twist, 12647 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. <u>2238-2</u>	50	00
Fee for Filing Transfer Form <u>2238-2</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.

000009

By

Darland Erbe
Chief Engineer gm

Permit No. 2238-2
Upper Cheyenne River - Water District

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

Contact Person & Address: Jerry Grover, 12650 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 constructed by Larry and Karen Moore, dba Dairy Twist Drive-In of 12650 S. Hwy 16, Hill City, SD 57745 holder of Permit No. 2238-2, bearing the priority of July 28, 1992 authorizing the diversion of 0.055 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 2040 feet north and 1080 feet east of the SW corner of Sec. 22, T1S-R5E with a longitude of -103.51428 and a latitude of 43.9464070. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.022 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: Alexander Drilling
- 2) No. of Wells one
- 3) Depth(s) 63 feet
- 4) Well log is available yes

Casing:

- 1) Diameter six inches
- 2) Length 32 feet
- 3) Type steel

Screen:

- 1) Type none (open hole completion)
- 2) Length of open hole interval 31 feet
- 3) Static water level 15 feet

Pump\ Motor:

- 1) Pump Make Grundfos
- 2) Pump Model 10S50-9

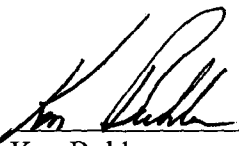
3) Capacity 10 GPM

4) Motor Make Franklin

5) Horsepower rating 1/2 hp

Distribution System:

1) Type polyethylene 2) Size 1 1/4 inches 3) Length 40 feet



Ken Buhler

Natural Resources Engineering Specialist
DENR, Water Rights Program

3/6/2002

Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2238-2

(1) Ken & Erin Halsey, Dairy Twist Drive-In, Hill City SD 57745 made Application No. 2238-2, July 28, 1992 for a water permit to divert 0.055 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2238-2, with a priority date of July 28, 1992 was approved December 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 October 7, 2002, Water Permit No. 2238-2 was transferred to Larry & Karen Moore.

(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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 2,040 feet north and 1,080 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 at the Dairy Twist Drive-In.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry & Karen Moore, 12647 S Hwy 16, Hill City SD 57745 the holders and/or owners of Water Right No. 2238-2 are issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of July 28, 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. 2238-2 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

2238-2

Larry and Karen Moore
Dba Dairy Twist Drive-In
12650 S Hwy 16
Hill City SD 57745

Dear Mr. or Ms. Moore:

Enclosed is Water License No. 2238-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000309 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and the transfer of Water License No. 2238-2 into the name of Larry & Karen Moore.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2238-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Water Right Map 2238-2

1080'

2040'

SW corner of
Sec. 22, T1S-R5E

500

0

500

1000 Feet



Ken Buhler

Ken Buhler
Natural Resources Engineer
SD DENR-Water Rights Program