

Considered: _____

WATER PERMIT NO. 2246-2

Phone: 574-2673

Name of Applicant: Gordon W. Collins

Post Office Address: Box 676, Hill City SD 57745

Amount of Water Claimed: 10 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About 1 1/2 miles northwest of Hill City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-16-92 Fee: \$50 Remarks _____

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

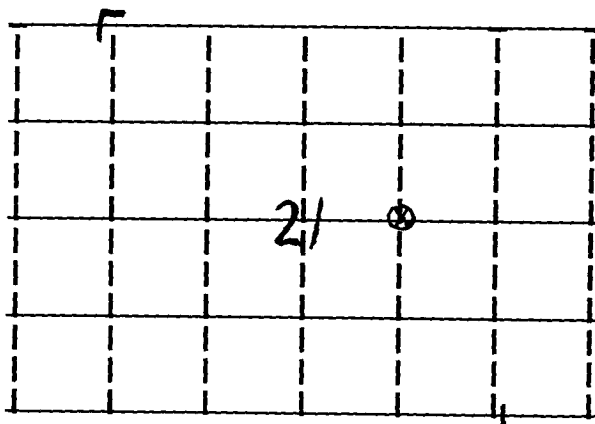
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: approx center of E 1/2

Sec 21-T1S-R5E

Land to be Irrigated: _____



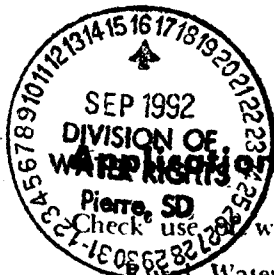
Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS applicant states they do not have any
information regarding the well

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

Assigned on 9-21-92 By Karen Schlaak

No. 2246-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Pennington Co Prevalier News

Hill City, SD**For Permit To Appropriate Water Within The State Of South Dakota**

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Gordon W. Collins Phone No. 574-2673Post Office Address Box 676 Hill City State SD 57745
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 106 PM (0.022 cfs)3. Source of water supply ground water 1 well4. Location of point of diversion approximate center of E 1/2
Sec 21-T15-R5ECounty Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used Jan 1 - Dec 31

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

Water supplied to G-Bob's bar and a nearby cabin.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)

County of Pennington) ssI, Gordon W. Collins 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 Gordon W. CollinsSubscribed and sworn to before me this 15th day of September 19 92Cathy Roe Walker

Notary Public

Supplemental Information

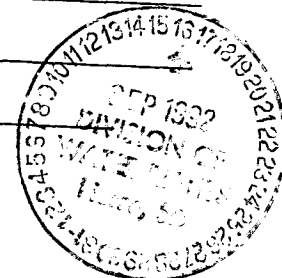
(type or print in ink)

Unknown, Purchased as is.
Old owners unavailable to ask.

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 500 Ft.

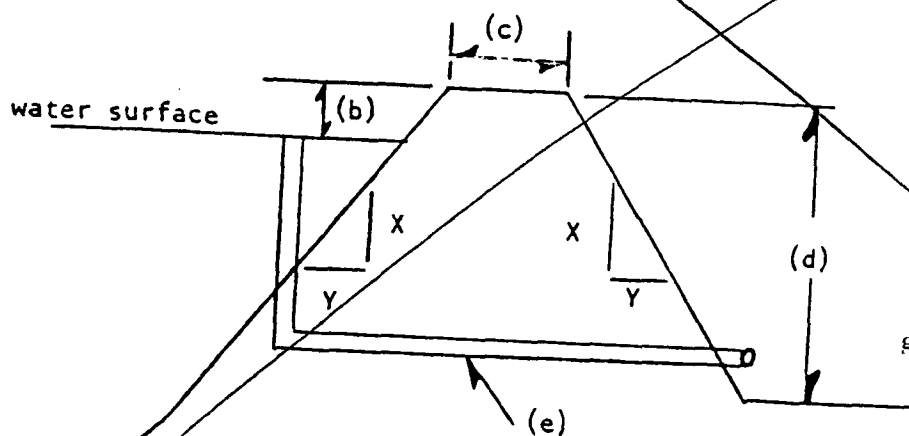
2. Dugout Information Estimates

- 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 _____

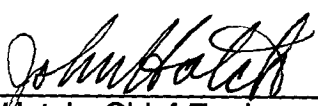
**SOUTH DAKOTA
WATER PERMIT NO. 2246-2**

Date of first receipt of application September 16, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2246-2 to Gordon W. Collins, Box 676, 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. 2246-2 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Precambrian Rock) located in the approximate center of E 1/2 Section 21-T1S-R5E.
2. The water appropriated shall be used for the purpose of supplying water at G-Bob's Bar and a nearby cabin 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. 2246-2 is December 2, 1992.
5. The date from which applicant may claim right is September 16, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAR 17 1993
date

RECEIPT

413393

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 26, 19 92

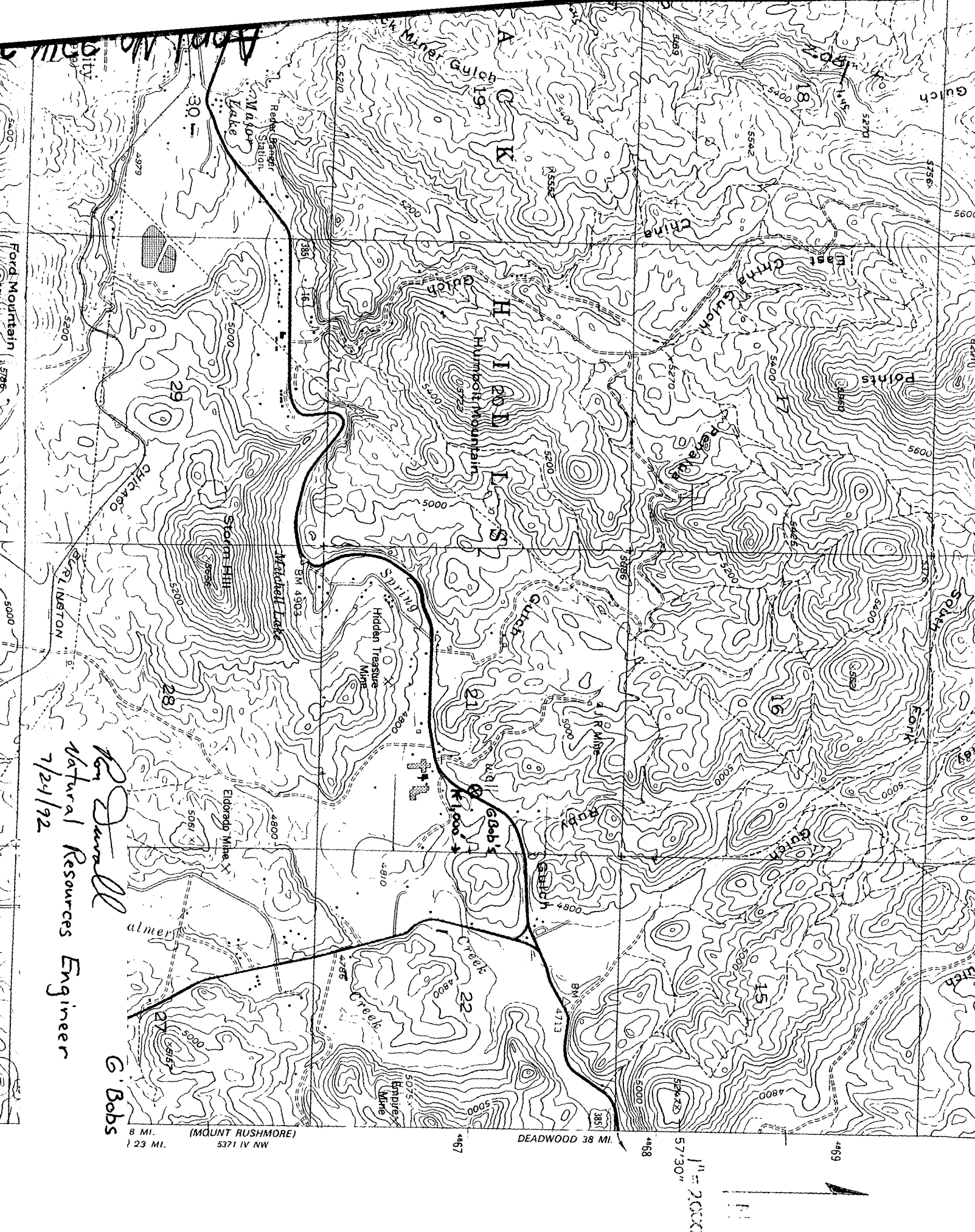
RECEIVED OF Gordon Collins, G-Bob's Place, Box 676, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2246-2</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



Well location - Section 21 - T15, R5E



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 2, 1991

G-BOBS
HALLEY COLLINS
BOX 676
HILL CITY SD 57745

Dear MR. COLLINS:

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

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

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

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by August 9, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

September 9, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

HALLEY COLLINS
G-BOBS
BOX 676
HILL CITY SD 57745

Dear MR. COLLINS:

I am writing to follow-up on my July 2, 1991 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 October 11, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

Halley Collins
G-Bob's
PO BOX 676
Hill City SD 57745

Dear Mrs. Collins:

I am writing this letter as a follow-up to the visit Don Frye and I made to your business back in December, 1991. At that time, we informed you of the requirement for you to apply for a water permit and left you partially completed application forms. We are still awaiting your application.

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

Very truly yours,

RON DUVALL, Natural Resources Engineer
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 10, 1992

NOTICE

TO: Tom and Halley Collins
Box 676
Hill City, SD 57745

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Final Notice of Requirement to Apply for a Water Permit

According to records on file with the Water Rights Division, you have been contacted by letter on July 2, 1991, September 9, 1991 and on February 12, 1992 to inform you of the legal requirement to obtain a water permit for your business. Ron Duvall and Don Frye, of the Water Rights Division, met with Halley Collins in Hill City on December 10, 1991. They left you a partially completed application after completing an on-site inspection.

South Dakota Codified Law (SDCL) 46-1-15 provides that no person may appropriate water for any purpose without first obtaining a permit to do so. To date, your application has not been received.

Pursuant to SDCL 46-2-18, you can be ordered to discontinue use of water to which you have no legal right. Refusal to obey the order can result in the circuit court issuing a temporary restraining order or an injunction. In addition, violation of a court order is a Class 2 misdemeanor and a civil fine of up to \$500.00 per day for each day of violation may be assessed.

Although an order to discontinue use of water could have been issued in 1991, the order was not issued in the interest of working with you on this matter. However, if you do not comply with the law and apply for a water permit by July 10, 1992, a shutoff order will be issued. Failure to comply with the shutoff order will result in legal action.

Please contact Don Frye, Natural Resources Analyst, if you have any questions (605 773-3352).

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 10, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated June 10, 1992, regarding "Final Notice of Requirement to Apply for a Water Permit" addressed to:

Tom and Halley Collins
Box 676
Hill City, SD 57745

and also a separate Notice addressed to:

Gay Hiebert
2811 W Madison St
Sioux Falls, SD 57102

A copy of the Notices were sent through inter-office mail to:

Diane Best, Assistant Attorney General

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of June, 1992.



John Hatch
Notary Public

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: G-BOB'S

ADDRESS: BOX 676 HILL CITY SD 57745

COUNTY: _____

DATE: 8/24/92

TELEPHONE: 574-2673

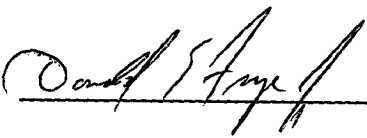
RE: Permit requirements for G-BOB's/shut-off order

COMMENTS:

I attempted to contact Mr. Gordon Collins on 8/12/92, but he was not at home. I left a message for him to call me because of possible shut-off order due to the fact that a water permit application had not been submitted. I never received a call back from Mr. Collins. I attempted to call several other times during the week of August 17, 1992, but never got an answer.

I called again today, August 24, 1992, and talked to Mrs. G. Collins. I explained the situation to her, and she said that her husband had no interest in the bar, and wasn't going to do anything about the application. I explained that a shut-off order would be issued if an application is not received soon, and that meant that the bar could not use the water from the well. She said the paperwork had been given to her son Tom and he wasn't doing anything with the application either. She said she was trying to stay out of the business, but would step back in and make sure the application was completed. I asked her to call me if she needed any assistance, and reminded her that the application needed to be submitted soon.

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

NAME: 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 31, 1992

Tom and Halley Collins
G-Bob's Place
Box 676
Hill City SD 57745

Dear Ms. and Mr. Collins:

On August 26, 1992, we received the filing fee for a water permit for G-Bob's Place. We cannot continue the permitting process until we receive the signed and notarized application forms.

Enclosed is another set of application forms. Please complete the forms and have them signed and notarized. On the Form 2A, Supplemental Information, please complete as much information as possible on Items No. 1 & 2. Upon receipt of the application, further processing will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 2246-2
for Gordon W Collins
October 15, 1992

Application No. 2246-2 proposes to appropriate 10 gpm (0.022 cfs) from one well located in the approximate center of E 1/2 of section 21, T1S R5E BHM in Pennington County. The water is for commercial use at G-Bob's Bar and a nearby cabin.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of metagraywacke and quartz-mica schist or phyllite (Redden, 1975). Ground water is obtained from fractures and natural features within the rock type. The aquifer is probably under unconfined (water table) conditions. Recharge is accomplished through infiltration of rainfall and snowmelt directly into the rock.

The Division of Water Rights does not monitor any observation wells completed into this rock type in this area. The nearest observation well completed into Precambrian rock is located near Custer. Water levels for this well respond with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The Precambrian rock in this area should behave similarly to the rock in the Custer area.

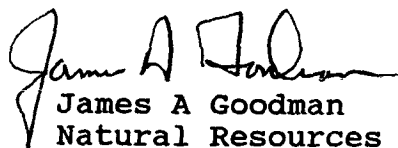
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights within 1/2 mile of this application. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Precambrian rock in this area.
2. The aquifer is unconfined (water table) and interference is not expected to be a concern.
3. No information is available to determine the well construction at this site. Even the depth is unknown.
4. The method of wastewater disposal is not known.

5. G-Bob's has failed to have the proper number of routine/repeat microbiological sample(s) analyzed during July of 1992. A public notice should have been published in September of 1992.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Redden, J.A., 1975, Precambrian Geology of the Black Hills, in Bulletin No. 16, Mineral and Water Resources of South Dakota, SD DENR, SDGS, Vermillion, SD, 57069.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2246-2, Gordon W. Collins

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. 2246-2, Gordon W. Collins, Box 676, Hill City, SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2246-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
October 28, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 30, 1992

Gordon W. Collins
Box 676
Hill City, SD 57745

Dear Mr. Collins:

Water Permit Application No. 2246-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Pennington Co. Prevalier News printed at Hill City, SD (Ph # 574-2538). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2246-2 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 Gordon W. Collins, Box 676, Hill City, SD 57745 (Ph # 574-2673).

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

NOTICE OF HEARING on Application No. 2246-2 to Appropriate Water

Notice is given that Gordon W. Collins, Box 676, Hill City, SD 57745 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Precambrian Rock) located in the approximate center of the E 1/2 Section 21-T1S-R5E. The water is for commercial use at G-Bob's Bar and a nearby cabin.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2246-2 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 Lembke

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

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Hill City Press-Advertiser 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:

Nov. 4, 1992
Nov. 11, 1992

Pat Lembke
 (Signature)
Production Mgr.
 (Title)
11-11-92
 (Date Signed)

Cost of Printing: 62.60

NOTICE OF HEARING

On Application No. 2246-2 To Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2246-2 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.

765, 11-4, 11-11-92



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

Gordon W. Collins
Box 676
Hill City, SD 57745

Dear Mr. Collins:

Enclosed is Water Permit No. 2246-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

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 57501-3181

June 2, 1993

SECOND NOTICE

Permit No: 2246-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gordon W. Collins
Box 676
Hill City, SD 57745

Dear Mr. Collins:

On March 17, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 2246-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 2246-2

Gordon W. Collins
Box 676
Hill City, SD 57745

4a. Article Number

P 318 052 523

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

6-4-93

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1993

No. 2246-2

Gordon W. Collins
Box 676
Hill City, SD 57745

Dear Mr. Collins:

The enclosed check is being returned to you, as it has not been signed.
Please sign and return it to our office as soon as possible.

Your immediate response is appreciated.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

RECEIPT

413813

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 22, 19 93

RECEIVED OF Gordon W Collins, G-Bob's Place, Box 676, 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. 2246-2	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2246-2
Upper Cheyenne - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Gordon W Collins of Box 676, Hill City SD 57745 holder of Permit No. 2246-2, bearing the priority of September 16, 1992 authorizing the diversion of 0.022 cu. ft. per second of the waters of Precambrian Rock - 1 well for commercial purposes, in Pennington County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One well: depth - unknown, motor/pump - unknown
Well delivered 10 gpm at outside hydrant

B. Works used to transport water to place of use:

Piped to G Bob's bar and nearby cabin

C. Works used to apply water to beneficial use:

Same as B.

The system is in the following condition functional. The point of diversion is located 1,000 feet W of the E1/4 corner of section 21-T1S-R5E. 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 by supplying G Bob's bar and also for use in a nearby cabin. Water has been put to beneficial use and should be issued for 0.022 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date: July 24, 1992


Ron Duvall
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2246-2

DATE: July 24, 1992

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: 1,000 feet W of the E1/4 corner of section 21-T1S-R5E.

WELL INFORMATION:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells 1
- 3) Depth(s) unknown feet
- 4) Well log is available N
- 5) Comment: Prior owner not available to discuss well construction

Casing: unknown

Screen: unknown

Pump:

- 1) Make unknown
- 2) Capacity 10 GPM

Motor:

- 1) Make unknown

DISTRIBUTION LINES OR CANALS:

- 1) Type distributes water to G Bob's bar and cabin

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by NA
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2246-2

(1) Gordon W Collins, of Box 676, Hill City, SD 57745 made Application No. 2246-2, September 16, 1992 for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2246-2, with a priority date of September 16, 1992 was approved December 2, 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.

(2) It is certified that the applicant 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 1000 feet west of the E 1/4 corner of Section 21, T1S, R5E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is utilized in G Bob's bar and a nearby cabin.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gordon W Collins of Box 676, Hill City, SD 57745 the holder and/or owner of Water Permit No. 2246-2 is 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 September 16, 1992 from the location specified in (2) of this license. The water is used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2246-2 and subject to South Dakota State Law.



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

SEP 20 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

2246-2

Gordon W. Collins
Box 676
Hill City, SD 57745

Dear Mr. Collins:

Enclosed is Water License No. 2246-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413813 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 2246-2, 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.

Very truly yours,

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

gm
enclosures