

WATER PERMIT NO. 2257-2

Phone: 605 574-4391

Name of Applicant: Harney Lounge/Garbanzo's Inc.

Post Office Address: Box 384, Hill City SD 57745

Amount of Water Claimed: 0.1 cfs 45 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About _____ miles just south of Hill City

PRIORITY Date Received: 7-13-92 Fee: \$50 Remarks: _____

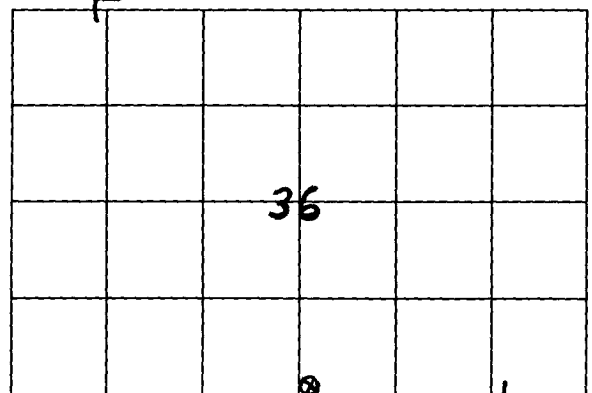
Corrected Application Received: 12-18-92 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 SE 1/4 Sec 36-T1S-R4E

Land to be Irrigated: _____

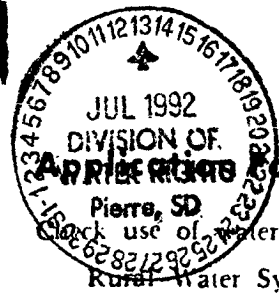


Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 50' REMARKS: no well log available

Type of Map: aerial PREPARED BY: L. Thouson Reviewed and the Number

Assigned on: 12-21-92 By: Karen Schlaak



No. 2257-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Pennington Co. Prevaler, Hill City

Application for Permit To Appropriate Water Within The State Of South Dakota

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date 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. _____

*New Permit - Business Has Been
Here For 20 years.*

1. Name of applicant HARLEY LOURGE/GARDANCO'S INC. Phone No. 574-4391

Post Office Address Box 384 Hill City State S.D. Zip Code 57745
(Street, RR or Box) City

2. Amount of water claimed (c.f.s.) 45 GPM (0.1 cfs)

3. Source of water supply Well

4. Location of point of diversion SHALLOW Well Located on Private
Property - ALL Property is zoned Commercial
SW 1/4 SE 1/4 Sec 36-T15-R4E County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used yearly 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 Establishment Has Been a Restaurant/Lounge
For The Last 20 years. Just Now Finding Out
We Need a Water Permit.*

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)^{ss}

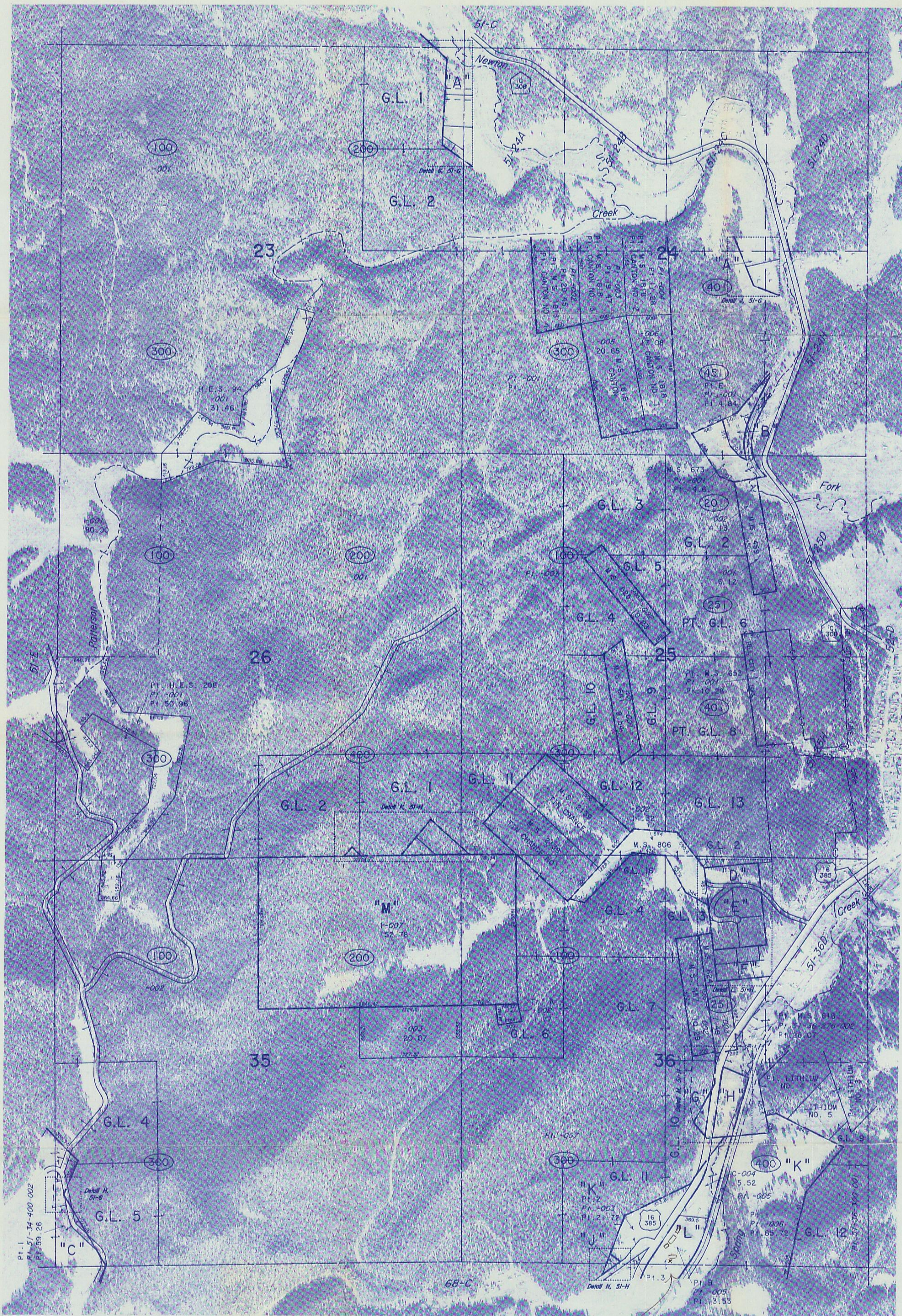
1. Ralph D. Kruse

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 Ralph D. Kruse

Subscribed and sworn to before me this 8th day of July 1992

Janet R. Greer
Notary Public



"A"
BURNS PLACER M.S. 697
"B"
HURON PLACER M.S. 673, PLAT OF LOTS E & F
B NEWTON LODGE M.S. 652, PLAT OF LOT A
"C"
RENO PLACER M.S. 823, PLAT OF LOTS 1 & 2
"D"
VENUS SUB.
"E"
VENUS SUB., PLAT OF LOTS 1 THRU 4 OF LOT 2

"F"
M.S. 619, PLAT OF LOTS A, B & C. M.S. 709,
PLAT OF LOTS A, B & C & M.S. 710, PLAT OF
LOTS A THRU E
"G"
GERTIE PLACER M.S. 618, PLAT OF LOT 1
"H"
GERTIE PLACER M.S. 618, PLAT OF LOT 2
"J"
IOWA PLACER M.S. 636, PLAT OF LOT A OF LOT
2

"K"
IOWA PLACER M.S. 636, PLAT OF LOTS 1 THRU 4
"L"
IOWA PLACER M.S. 636, PLAT OF LOTS B & C
OF LOT 4
"M"
COWBOY GULCH SUB., PLAT OF LOT 1

Well
LOCATION

REVISÉD 2-'92

SCALE: 1" = 600'

SECS. 23, 24, 25, 26, 35 & 36 T.IS. R.4E.

51-F

Appl. No. 2257-2

**SOUTH DAKOTA
WATER PERMIT NO. 2257-2**

Date of first receipt of application July 13, 1992.

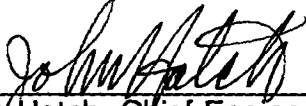
Date of return to applicant for corrections, amendments or changes July 14, 1992.

Date of receipt of corrected application December 18, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2257-2 to Harney Lounge/Garbanzo's Inc., Box 384, 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. 2257-2 appropriates 45 gallons per minute (0.1 cubic feet of water per second) from one existing well (Precambrian Rock) 50 feet deep located in the SW 1/4 SE 1/4 Section 36-T1S-R4E
2. The water appropriated shall be used for the purpose of supplying water for the businesses 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. 2257-2 is March 24, 1993.
5. The date from which applicant may claim right is December 18, 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

MAY 19 1993
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 50'
- b) Casing Type Steel Diameter 6 Thickness .280
- c) Screen Type N/A Diameter N/A Thickness N/A
- d) Gravel Pack Thickness HARD ROCK Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
 On applicants property 1/2 mile On property owned by others 1/2 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 _____

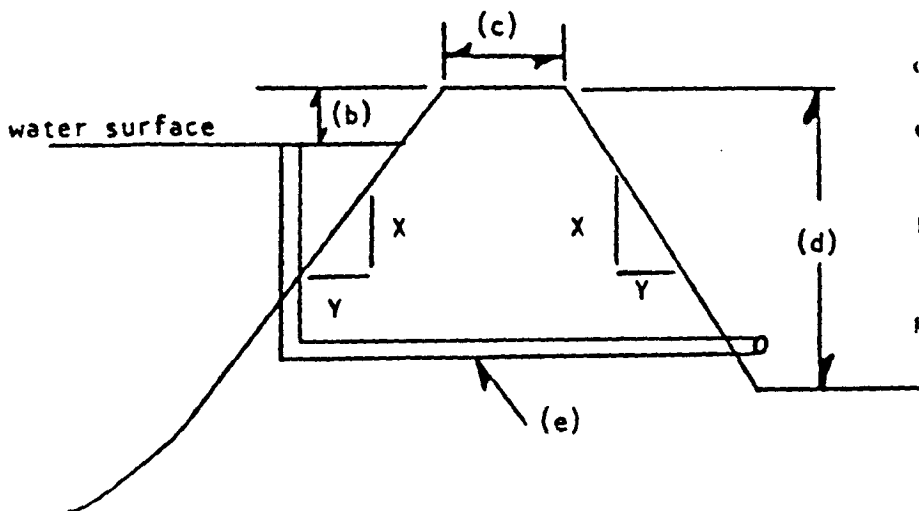
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



 Signature of Applicant

RECEIPT

Division of Water Rights /

South Dakota Department of Water and Natural Resources

413303

Pierre, July 13, 1992

RECEIVED OF Sandy Kruse, (Harney Lounge and Garbanzos Inc.), Box 384, Hill City, SD 57745
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2257-2</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

Chief Engineer

John Hatch

2257-2

Date: 11-26-96



July 14, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harney Lounge/Garbanzo's Inc.
Ralph D. Kruse
Box 384
Hill City SD 57745

Dear Mr. Kruse:

In regard to your water permit application received on July 13, 1992, the following information needs to be submitted and clarified in order to process your application.

1. Enclosed is the map submitted with the application. On the map, please mark the well location with an "X". We need to know the specific quarter-quarter, section, township and range where the well is located.
2. A well log signed by a South Dakota licensed well driller must accompany the application. I have checked our files and did not find a well log for this well. Please let us know if a well log is not available for the well.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 1992

Harney Lounge/Garbanzo's Inc.
Ralph D. Kruse
Box 384
Hill City SD 57745

Dear Mr. Kruse:

On July 13, 1992, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on July 14, 1992 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

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

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

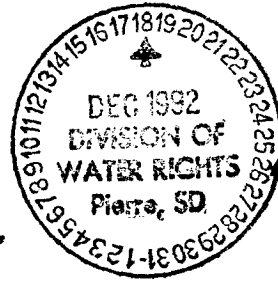
If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosures



HARNEY Lounge / GARIBANZO'S Inc.
RALPH D. KRUSE
Box 384
Hill City, SD
57745

Dept. of Environmental & Natural Resources
Karen Schlaak
Joe Fass Bldg.
523 East Capitol
Pierre, S.D. 57501-3181

Karen;

upon receipt of your letter of Oct 7, 1992
I Began the Search of a well Log for
this property. I Had two Local well drillers
go through their Logs and neither
could Find any information other than
what they knew from Service Calls.

During the Search one of them lost
the aerial maps, and other information.
Excuse my delay But I have just
Got another Photo and have marked the
well location with an "X".

the Photo is not the Best But is the
only one available From the Pennington County
Courthouse.

If any other information is needed, please
Feel Free to Write or call (574-4391) anytime.
I, also, would like to resolve this matter
as quickly as possible.

Respectfully
Alfred P. [Signature]
Pres/Treas.

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Harney Lounge - WP Application No. 2257-2

ADDRESS: _____ COUNTY: _____

DATE: 2/9/93 TELEPHONE: 574-4391

Discussion with Ralph Kruse regarding waste water system

COMMENTS:

I contacted Mr. Kruse regarding the method of waste water disposal at the lounge. Mr. Kruse said there were two 1000 gallon and one 3000 gallon tanks that drained to a leach field. He said the system was there prior to him owning the place and he assumed it had been there since the business was constructed.

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: Eric Hurland

REPORT ON APPLICATION NO. 2257-2
for Harney Lounge/Garbanzo's Inc.
February 4, 1993

Application No. 2257-2 proposes to appropriate 45 gpm (0.1 cfs) from one existing well approximately 50 feet deep located in the SW 1/4 SE 1/4 of section 36, T1S R4E BHM in Pennington County. The water is for commercial use.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists metamorphosed tuffaceous shale which is described as a light-gray to light-tan muscovite schist and muscovite phyllite (DeWitt, 1989). Ground water is obtained from fractures and natural foliations within the rock type. The well is located within the floodplain of Spring Creek and according to well records in the area as much as 30 feet of alluvium lying upon the bedrock can be expected along the creek (Water Rights, 1993). Ground water generally moves toward the creek but certainly under the right conditions creek water could recharge the alluvium and the bedrock. There is no information included in the application concerning the well other than the depth which is supposed to be 50 feet and the static water level which is reported to be 10 feet below land surface.

The Division of Water Rights does not monitor any observation wells completed into the Precambrian rock in this area. The nearest observation well completed into the Precambrian rock is located at Custer. Water levels will fluctuate with climatic conditions, that is, rising during wet years and gradually declining during dry years. There is no historical water level information available for this area and no estimate for water in storage.

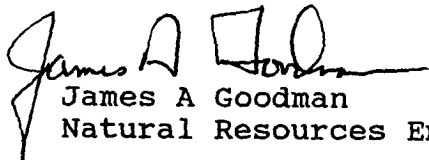
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights are Vested Right No. 2150-2 and Water Permit No. 2149-2 and are located about 1/2 mile north of this application. Interference is not expected to be a concern. Drawdown caused by pumping should not be significant.

CONCLUSIONS

1. Water is available from the Precambrian rock and alluvium.
2. The aquifer is under water table (unconfined) conditions. Drawdown created by pumping at this relatively small diversion rate should not be significant. Interference is not expected to be a concern. This well has been used for 20 years for these purposes with no apparent problems.

3. Very little is known of the well construction. It can not be determined if this well is completed in accordance with SD Well Construction Standards.
4. No information is included with the application which indicates that this well is capable of producing 45 gpm or that this facility uses that much water.
5. The applicant has indicated the wastewater system for the facility consists of two 1000 gallon and one 3000 gallon tanks with a drain field.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

DeWitt, J.A. Redden, D. Buscher, A.B. Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, USGS Map I-1910.

Water Rights, 1993, Unpublished, Well File Records, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2257-2, Harney Lounge/Garbanzo's Inc.

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. 2257-2, Harney Lounge/Garbanzo's Inc., c/o Ralph Kruse, Box 384, Hill City, SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2257-2 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) in the public interest.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
February 5, 1993



**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.

February 18, 1993

Ralph Kruse
Harney Lounge/Garbanzo's Inc.
Box 384
Hill City, SD 57745

Dear Mr. Kruse:

Water Permit Application No. 2257-2 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 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
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

February 18, 1993

Pennington Co. Prevailer
Box 266
Hill City, SD 57745

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2257-2 to be published twice. Please publish the first notice on February 25, 1993, 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 Harney Lounge/Garbanzo's Inc., Box 384, Hill City, SD 57745 (Ph # 574-4391).

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

FIRST TRANSMITTAL NOTICE

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.

-----CUT HERE-----

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on February 25, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2257-2 to Appropriate Water

Notice is given that Harney Lounge/Garbanzo's Inc., Box 384, Hill City, SD 57745 has filed an application for a water permit to appropriate 45 gallons per minute (0.1 cubic feet of water per second) from one existing well (Precambrian Rock) 50 feet deep located in the SW 1/4 SE 1/4 Section 36-T1S-R4E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2257-2 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 March 15, 1993. 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. 2257-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 24, 1993, 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 March 24, 1993, 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 March 24, 1993, 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 March 15, 1993.

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 March 15, 1993, 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 of Pennington) ssI, Pat Lemble

certify that the attached printed Notice was

taken from the Hill City Press-View
Newsprinted and published in H.C. Press-ViewCounty of Pennington and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:2-24, 3-3-93Cost of Printing: \$71.67Pat Lemble

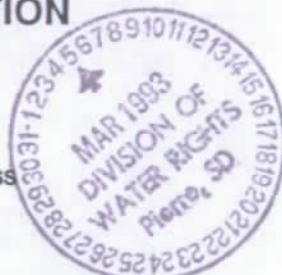
(Signature)

Editor Assistant

(Title)

3-3-93

(Date Signed)

NOTICE OF
HEARINGOn Application
No. 2257-2 to
Appropriate Water

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location. The March 24, 1993, 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 March 15, 1993.

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 March 15, 1993, 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.
#865, 2-24, 3-3-93



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Ralph Kruse
Harney Lounge/Garbanzo's, Inc.
Box 384
Hill City, SD 57745

Dear Mr. Kruse:

Enclosed is Water Permit No. 2257-2 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 57501-3181
www.state.sd.us/denr

October 14, 1999

2257-2

Harney Lounge/Garbanzo's, Inc.
%Jeff Larson
Box 384
Hill City, SD 57745

Dear Mr. Larson:

The investigation of your water use system was conducted on September 10, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2257-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416227

Pierre, October 21, 1999

RECEIVED OF Mesct, Inc., Harney Lounge-Garbanzo's, 24090 Hwy. 385, PO Box 384, Hill City, SD
the following amount in fees for services rendered as provided for by law: 57745-0384

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>2257-2</u>	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

REPORT ON INSPECTION OF PERMIT NO. 2257-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Jeff Larson

Box 384

Hill City, SD 57745

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: manager

NAME & ADDRESS OF PERMIT HOLDER: Harney Lounge/Garbanzo's Inc.

Box 384

Hill City, SD 57745

DATE OF INSPECTION: September 10, 1998

DIVERSION POINT LEGAL LOCATION: 100 feet north and 2530 feet west of the southeast corner of Sec. 36, T1W-R4E (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T1S-R4E)

WELL INFORMATION:

- 1) Well Drilling Firm: Alexander Drilling
- 2) No. of Wells one
- 3) Depth(s) 305 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 6 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type none, open hole completion
- 2) Length 267 feet
- 3) Static water level $\cong$ 50' feet

Pump:

- 1) Make Grundfos
- 2) Model submersible

- 3) Size ¾ horsepower
- 4) Capacity 7 GPM

DISTRIBUTION LINES OR CANALS:

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

SYSTEM:

Water from the well is pumped to a 50 gallon pressure tank located in the building. From the pressure tank it is used for restrooms and to supply the bar and grill

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

Note: Harney Lounge is currently using the 305 feet deep well that was constructed in 1996. This is a replacement well, in the same aquifer, for the 50' well originally used. The original well has been plugged.

Permit No. 2257-2
Upper Cheyenne River - Water District

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

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

I have this day, September 10, 1998, made a thorough examination of the water use system constructed by Harney Lounge/Garbonzo's, Inc. of Box 384, Hill City, SD 57745 holder of Permit No. 2257-2, bearing the priority of December 18, 1992 authorizing the diversion of 0.1 cu. ft. per second of the waters of groundwater 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:

Water is diverted from a 6-inch diameter well, 305 feet deep located 100 feet north and 2530 feet west of the southeast corner of Sec. 36, T1S-R4E (SW¼SW¼SW¼SE¼ Sec. 36, T1S-R4E) with a Grundfos submersible pump capable of diverting 7 gallons per minute.

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

Water is transported to place through 40 feet of 1 ½- inch diameter polyethylene pipe.

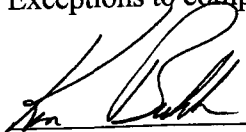
C. Works used to apply water to beneficial use:

Water is applied to beneficial use in restrooms and for the bar and grill.

The system is in the following condition good. The point of diversion is located 100 feet north and 2530 feet west of the southeast corner of Sec. 36, T1S-R4E. The works are capable of diverting and conveying to the place of use 0.016 cu. ft. per second of water which is to be used for commercial purposes. The license should be issued for 0.016 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler

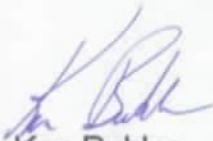
10/14/99

Date

Natural Resources Engineer
DENR, Water Rights Program

Water Right No. 2257-2




Ken Buhler
Natural Resources Engineer
Water Rights Program

0.4 0 0.4 0.8 Miles



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2257-2

(1) Mesot, Inc., Harney Lounge/Garbanzo's Inc., Box 384, Hill City SD 57745 made Application No. 2257-2, July 13, 1992 for a water permit to divert 0.1 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2257-2, with a priority date of December 18, 1992 was approved March 24, 1993 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 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 0.016 cubic feet of water per second for beneficial use. The location of the diversion point is 100 feet north and 2,530 feet west of the southeast corner of Section 36-T1S-R4E (SW ¼ SE 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 bar and grill.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mesot, Inc., Harney Lounge/Garbanzo's Inc., Box 384, Hill City SD 57745 the holder and/or owner of Water Right No. 2257-2 is issued a license to appropriate water, the right to use 0.016 cubic feet of water per second from groundwater (one well) with a priority date of December 18, 1992 from the location specified in (2) of this license commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2257-2 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 22 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 2000

2257-2

Mesot, Inc.
Harney Lounge/Garbanzo's, Inc.
%Jeff Larson
Box 384
Hill City, SD 57745

Dear Mr. Larson:

Enclosed is Water License No. 2257-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416227 in the amount of \$50.00 which you paid for the investigation 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. 2257-2, 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

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enclosures