

WATER PERMIT NO. 2329-2

Phone: 343-2971 or 666-4646

Name of Applicant: Powder House Lodge, Ron Heinis

Post Office Address: PO Box 714, Keystone SD 57751

Amount of Water Claimed: 0.10 cfs (45 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

Location: 1 northwest of Keystone

PRIORITY Date Received: 2-15-95 Fee: \$50.00

Corrected Application Received: 3-6-95 Period of Annual Use: April 1- Sep 30

Remarks: _____

Diversion Point: ^W 1/2 NW 1/4 Sec 5-T2S-R6E

Land to be Irrigated: _____

	⊗				
	⊗				
		5			

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

Depth of Well: 200', 205' & 205' REMARKS: Two of the three wells were drilled several years ago - no logs available

Type of Map: plat Prepared By: Gary D. Renner Reviewed and the Number

Assigned on: 2-7-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2329-2**

Date of first receipt of application February 15, 1995.

Date of return to applicant for corrections, amendments or changes February 16, 1995.

Date of receipt of corrected application March 31, 1995.

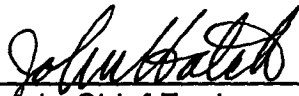
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2329-2 to Ron Heinis, Powder House Lodge, PO Box 714, Keystone SD 57751 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2329-2 appropriates 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 200 feet, 205 feet and 205 feet deep located in the W 1/2 NW 1/4 Section 5-T2S-R6E.
2. The water appropriated shall be used for the purpose of supplying water to the lodge and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: April 1 - September 30.
4. The date of approval of Permit No. 2329-2 is June 30, 1995.
5. The date from which applicant may claim right is February 15, 1995.
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 wells 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 Program
Department of Environment and Natural Resources

SEP 5 1995

date

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2329-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant RON HEINIS POWDER HOUSE LODGE Phone 343-2971
(check one) ☐ Owner ☐ Tenant/lessee 666-4646
Mailing Address P.O. Box 714 KEYSTONE State SD 57751
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 3 WELLS

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 WELLS IN 2S 06E
SEC 05 0001533 WEST STATE LODGE, MS + STATE LODGE, MS +
GARDNER FRAZ 1716W1/2NW1/4 SEC 5-T2S-R6E County PENNINGTON

5. County or counties where water will be used PENNINGTON

6. Annual period during which water is to be used APR 1 THRU SEPT 30

7. Give a description of the 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) 3 WELLS ARE USED
FOR POWDER HOUSE LODGE WHICH CONSISTS OF A RESTAURANT + 35 CABINS.
THE WELLS PUMP TO A 10,000 GAL STORAGE TANK WHICH IS THEN FED
TO THE RESTAURANT + MOTEL UNITS. TWO OF THE WELLS HAVE EXISTED FOR
MANY YEARS + ONE WELL WAS DRILLED IN 1989.

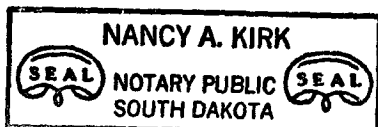
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of PENNINGTON)^{SS}

I, RONALD HEINIS, 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 Ronald Heinis
Subscribed and sworn to before me this 14th day of Feb. 19 95



Nancy A. Kirk
Notary Public

Supplemental Information

(type or print in ink)

WELL #1

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 200 FT
- b) Casing Type STEEL Diameter 6" Thickness 1/4"
- c) Screen Type NONE (OPEN-HARD ROCK) Diameter _____ Thickness _____
- d) Gravel Pack Thickness N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 165'
- f) Depth to Water (ground surface to water level) 165'
- g) Distance to nearest existing domestic well:
On applicants property 250' On property owned by others 1/2 MILE



2. Dugout Information

- a) Surface Dimensions N/A 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 for each dam. The locations of the dams need to 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

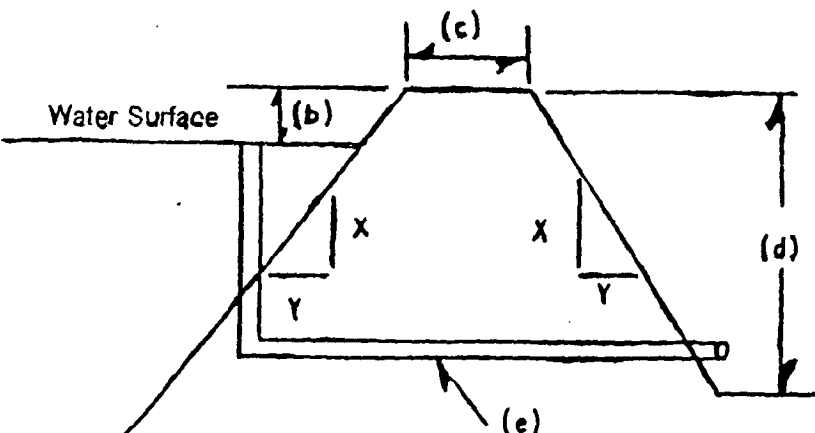
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

WELL #2

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 205 FT
- b) Casing Type PVC Diameter 6" Thickness 1/4"
- c) Screen Type OPEN (SOLID ROCK) Diameter _____ Thickness _____
- d) Gravel Pack Thickness N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 180'
- f) Depth to Water (ground surface to water level) 180'
- g) Distance to nearest existing domestic well:
On applicants property 800' On property owned by others 1/2 mi ?

2. Dugout Information

- a) Surface Dimensions N/A 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 for each dam. The locations of the dams need to 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

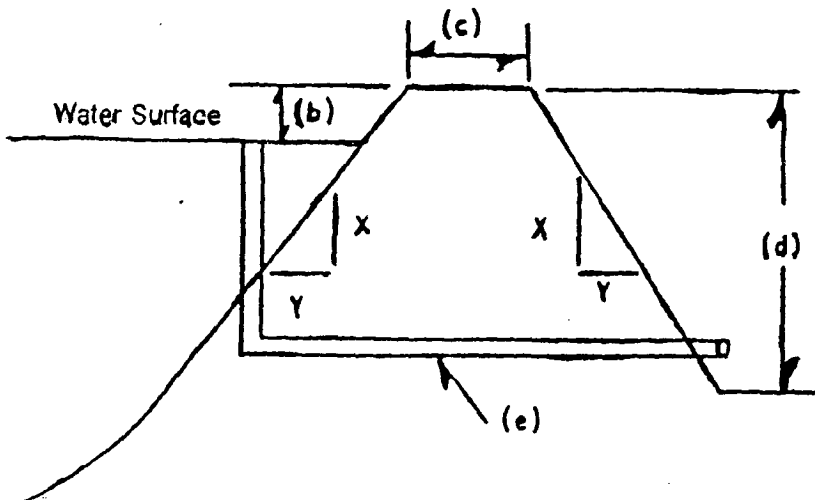
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 205'
- b) Casing Type STEEL Diameter 6" Thickness 1/4"
- c) Screen Type OPEN (HARD ROCK) Diameter _____ Thickness _____
- d) Gravel Pack Thickness N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 165'
- f) Depth to Water (ground surface to water level) 165'
- g) Distance to nearest existing domestic well:

On applicants property 250' On property owned by others 1/2 mi

2. Dugout Information

- a) Surface Dimensions N/A 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 for each dam. The locations of the dams need to 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

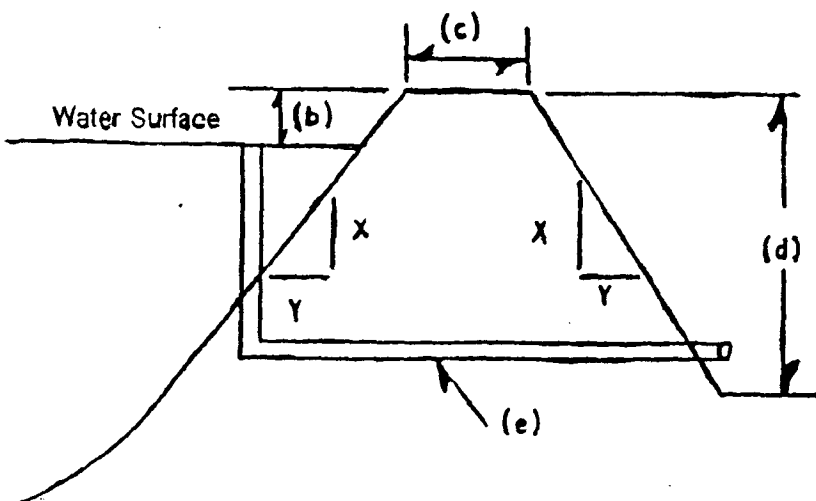
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 31, 1986

RECEIVED OF Powder House Lodge, Stanford R. Hale, 4523 W. Main, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

✓ Fee for Application for Permit No. <u>9229-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer
JOHN HATCH/MS

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NW 1/4 Sec 5 Twp 25 Rg 6E

County Penn.

Please mark well location with an "X"

Powder House Lodge
1 1/2 mi. North Keystone
on U.S. 16A.

Well Completion Date July 7, 1983

PROPOSED USE:

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

Method of Drilling: Down Hole Hammer

WELL CONSTRUCTION:

Diameter of hole 5 1/8 inches Depth 495 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To
_____ lb/ft 6 inches 0 feet 20 feet
_____ lb/ft _____ inches _____ feet _____ feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ No

Was a Packer or seal used? ☐ Yes ☐ No

If so what material? _____

Was well gravel packed? ☒ Yes ☐ No

Was well grouted? ☐ Yes ☐ No

Describe grouting procedure _____

Type III Cement

To what depth? 20' up Feet

What was grouting material? Type III Cement

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner:

Name Powder House Lodge

Address Keystone, S.D.

Well Log:

Formation	From	To
DRIFT	0	4
Schist Hd grey	4	38
Schist w/ qtz - water - 1/2 gpm	38	40
Schist Hd grey	40	100
Schist med. Hd BROWN	100	112
Schist Hd. grey	112	138
Schist Fractured	138	139
Schist grey to wh. etc	139	309
Schist Hd. grey	309	392
Schist Hd. grey To HORIZ. 392	392	495

STATIC WATER LEVEL 36 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped w/ AIR F pump - 2 1/2 gpm

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

This well was drilled under license # 328

and this report is true and accurate.

Alexander Deiga
Drilling Firm

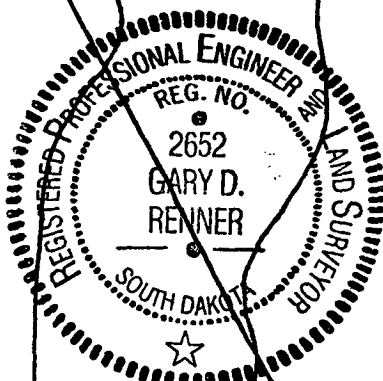
Signed by Roy Deiga

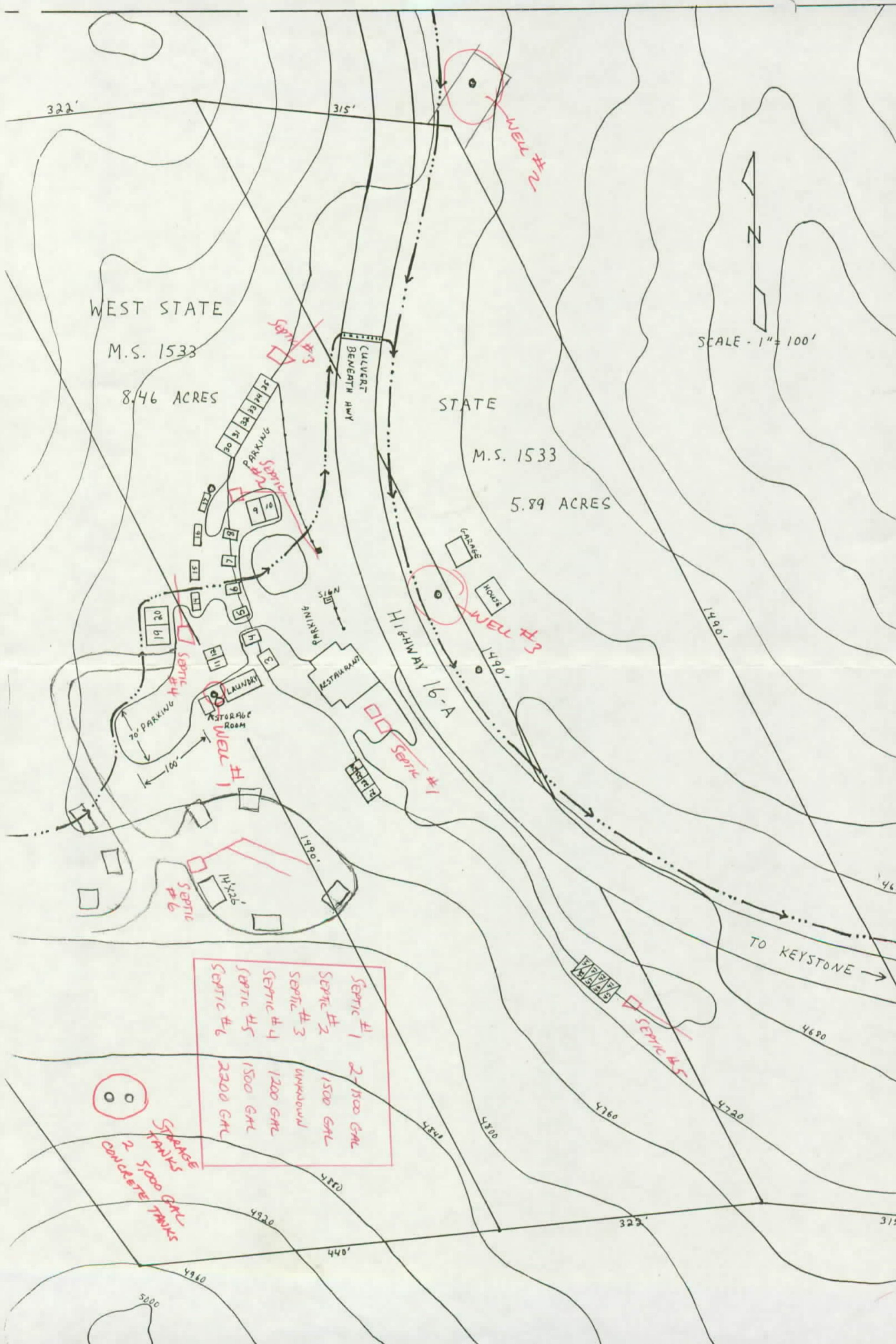
7-11-83
Date

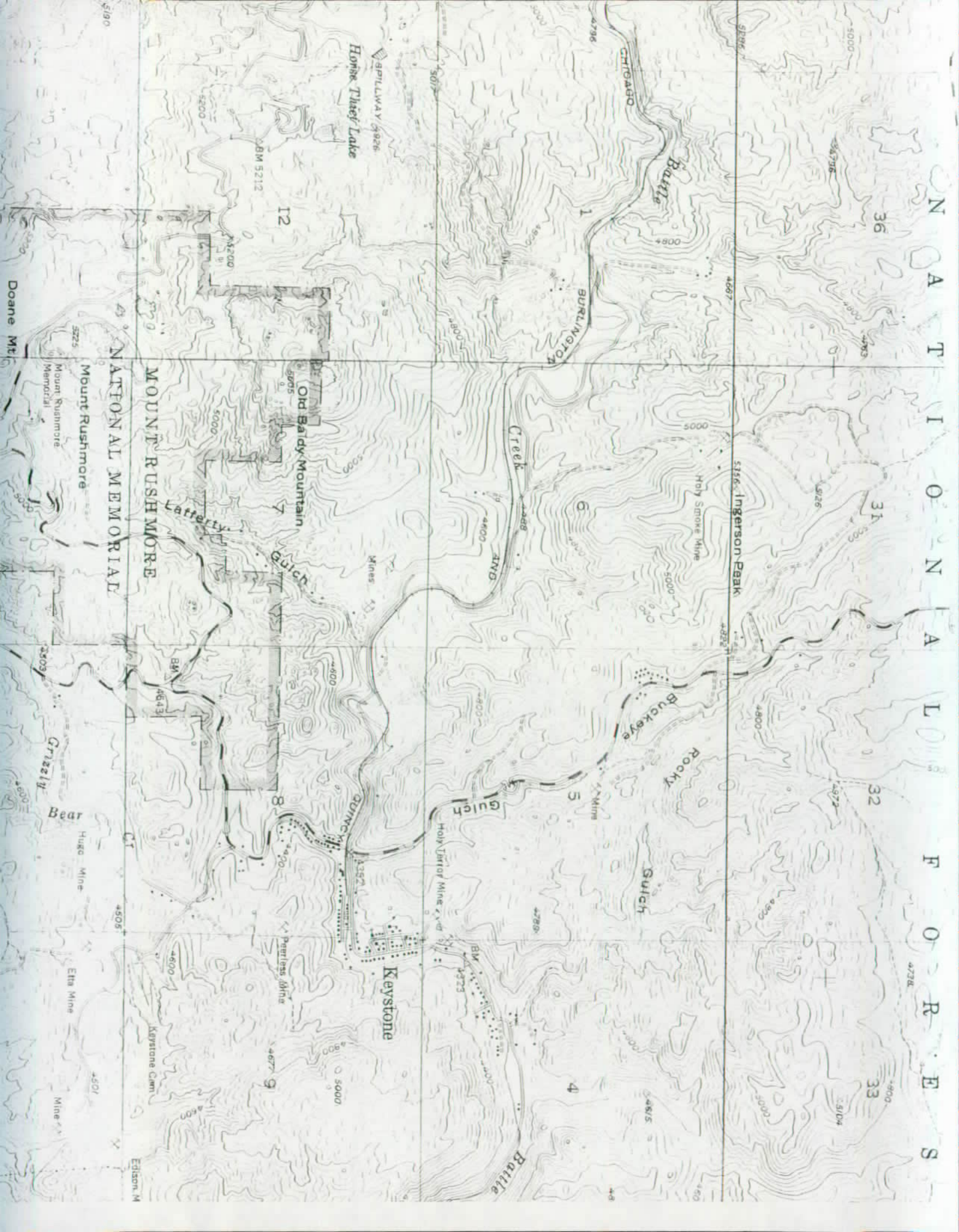
STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESSING AND DEVELOPING OF THE ABOVE REPRODUCED WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS. REDUCTION 25 ROLL NO 44-2 DATE MICROFILMED 7-23-83

07-92

Date: _____







NATIONAL MEMORIAL

MOUNT RUSHMORE

Old Baldy Mountain

Keystone

Buckeye
Rocky Gulch

Gulch

Chicago River

Burlington Road

Holy Smoke Mine

Keystone Cam

Pearless Mine

Hugo Mine

Etta Mine

Mine

Doane Mt.

Mount Rushmore Memorial

Edison M

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1984

Powder House Lodge
P.O. Box 714
Keystone, South Dakota 57751

Dear Mr. Niemann:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Powder House Lodge.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a \$50.00 filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

*will send in
APP.*

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 25, 1985

NOTICE

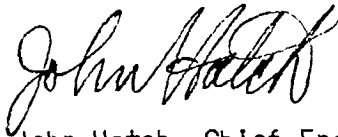
Powder House Lodge *attn: Stan Howe*
P. O. Box 714
Keystone, South Dakota 57751

Dear ~~Mr. Niemann~~:

August 28, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a business operation. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,



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

S519.WR



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOTICE

January 30, 1986

Stan Howe
Powder House Lodge
P.O. Box 714
Keystone, SD 57751

Dear Mr. Howe:

August 28, 1984 and April 25, 1985 we notified you that state law requires a water permit for water use by your business. We have not received an application from you for the required water permit. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, if you wish to continue to use water during 1986, you will need to have an application on file prior to April 1, 1986.

The filing fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use since prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$10.50.

If you need any help in preparing the application, map or additional forms, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

S522.wr

PS Form 3877, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery.. —¢

2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:** Stan Howe
Powder House Lodge
PO Box 714
Keystone, SD 57751

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P614 819 596

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY**
2/3/86

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

UK

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

April 10, 1986

Stanford R. Howe
4523 W Main
Rapid City SD 57702

Dear Mr. Howe:

This letter is in response to your water permit application for Powder House Lodge which was received on March 31, 1986. The following information is needed before the permit application can be processed:

1. The location of the diversion point must be specified in Question No. 4 on Form 2. The legal description needs to include the township, range and quarter-quarter. For example, 'NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 10, T1N, R5E'.
2. A map needs to be submitted showing the well location. The enclosed instruction sheet outlines the requirements for the map.
3. You indicated during a phone call on March 26, 1986, that 3 wells exist. One of the 3 wells was drilled about 4 years ago by Alexander Drilling. I believe you stated that this well is the only one currently used to supply the Lodge. Please correct me if I am wrong because it is necessary to include all the diversion points which supply the Lodge. A well log is also needed to complete the application. If a well log cannot be supplied by the driller, please let us know.
4. You referenced the permit application to permit No. 324. Please inform us of the connection of Permit No. 324 and your application. The Permit No. 324-2 that is on file specifies the Cheyenne River as the diversion source. Please give us any additional information you may have regarding Permit No. 324.

Please complete and return the enclosed forms and supply the other information that is requested. Contact us if you have any questions.

Thank you for your time and consideration.

Sincerely,



RON DUVALL
Natural Resources Engineer

RD:ks
enclosures

Equal Opportunity Employer



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

January 10, 1990

Powder House Lodge
Stanford R Howe
Keystone Rt
Keystone SD 57751

Dear Mr. Howe:

On March 31, 1986, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified 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.

Enclosed is another set of application forms and an instruction sheet. You should be aware that the \$50 filing fee has already been paid.

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. Currently, a water permit for the Powder House Lodge has not been found on file with the Division of Water Rights. If you believe you already have the required water permit or no longer use water, please inform us.

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 to use water for commercial purposes from a private water supply.

Please respond by completing the application forms or contacting me by March 15, 1991.

Sincerely,

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Ron Heinis - Power House Lodge

ADDRESS: Keystone SD COUNTY: Pennington

DATE: 3-3-95 TELEPHONE:

RE: Pending Application

COMMENTS:

Ron Heinis called concerning my letter dated February 10, 1995. Mr. Heinis stated he wanted to proceed with one application for all three wells. Mr. Heinis further stated that he would be submitted the map signed by a land surveyor.

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1995

Powder House Lodge
PO Box 714
Keystone SD 57751

Dear Sir:

Recently, we received a well completion report filed by Alexander Drilling Co. which states they drilled a well for the Lodge in April, 1994. A review of our files indicate several years ago an Application for Permit to Appropriate Water was submitted for Powder House Lodge by Stanford R. Howe. The application was not complete and Mr. Howe was informed of what was necessary to complete the application. A complete application was never recieved.

State Statutes require a water permit for commercial use of water from a private water source. Enclosed is a set of application forms and an instruction sheet. Please complete the application as outlined on the instruction sheet. In addition to the information requested on the application, please specify the type of wastewater disposal system that is utilized (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction. Our records indicated the \$50.00 application fee was submitted in 1986.

Obtaining a water permit ultimately benefits the Lodge by protecting it's 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
Environmental Scientist
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1995

Ron Heinis
Powder House Lodge
PO Box 714
Keystone SD 57752

Dear Mr. Heinis:

In regard to the water permit application received on February 15, 1995, the following information needs to be submitted and clarified in order to process the application for Powder House Lodge.

1. Enclosed is the map submitted with the application. The map showing the location of the wells must reference a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. On the application, you state the type of application is a Vested Right. A vested water right is water that has been applied to beneficial use prior to March 2, 1955. Enclosed is a Form 2B, Affidavit of Water Use. If you wish to apply for a vested water right for a total of 45 gallons per minute used prior to 1955, this form will need to be completed to document dates and amounts. If only a portion of the 45 gpm is eligible for a vested water right, you will need to obtain a vested water right for that portion used prior to 1955 and a new water permit for the remaining portion. Filing for a vested water right will require another set of application forms (one application for the vested right portion and another application for the well drilled in 1989). The filing fee for a vested right is \$15.00.
3. Please specify the type of wastewater disposal system that is utilized (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction.

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

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Powder House Lodge

ADDRESS: Keystone SD COUNTY: Pennington

DATE: 5-23-95 TELEPHONE:

RE: Publication Notice

COMMENTS:

Lory from the Rapid City Journal called. She stated the Powder House Lodge did not contact them to run the notice on May 23, 1995. She tried to call them several times. She said it would not be running on May 23rd.

She then had me explain about the correction I had faxed. She stated she was not aware that the correction did not get made. I indicated to her when I finally got the Affidavit of Publication, I talked with Samantha as to whether or not the clipping had been from the April 10 or 17 publication. (Samantha signed the affidavit). Lory stated she should have been made aware of the error for billing purposes. She indicated to me that Powder House Lodge would not have to pay for the second publication. I indicated that I felt that was an issue to be settled between the paper and the lodge.

I told her we would let the paper know when the notice was to run again.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 2329-2
for Powder House Lodge
March 29, 1995

Application No. 2329-2 proposes to appropriate 45 gpm (0.10 cfs) from three wells, 200 feet, 205 feet and 205 feet deep located in the W 1/2 NW 1/4 of section 5, T2S R6E in Pennington County. The water is for commercial use at the lodge.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of two basic rock types, first, metagraywacke and quartz mica schist or phyllite and second, a meta-iron formation (DeWitt, 1989). The aquifer is unconfined and under water table conditions. However, the aquifer is fractured and ground water is obtained from various fractures and other secondary permeability features. Generally, this means low capacity wells and large drawdown within the production well during pumping. A well log submitted with the application indicates a 205 feet deep well capable of producing at least 30 gpm using air to develop with a static water level of 4 feet below land surface. This log is apparently an old well which was deepened from an original depth of 54 feet to 205 feet by Alexander Drilling. No estimate of the amount of water in storage is available for the Precambrian rock.

The Division of Water Rights does not monitor any observation wells in this area. Historical water level records are not available. The nearest observation well completed into Precambrian rock is located near Custer. Records for this well show response to climatic conditions, that is, rising water levels during wet years (recharge) and declining water levels during dry years. It is expected that the Precambrian rock in this area will behave in a similar manner.

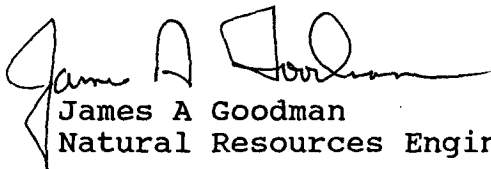
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits are over 1/2 mile away. Interference is not expected to be a concern. This application does not request very much water and the drawdown created by this diversion should not extend very far from the production wells. There is a record for one domestic well in the area in Water Right files.

CONCLUSIONS

1. Water is available from the Precambrian rock.
2. The aquifer is unconfined and water is obtained from fractures within the rock. Drawdown should not be significant at this relatively small diversion rate. Interference is not a concern.

3. These are existing wells and have been in use for many years with no apparent problems.
4. There is insufficient information to determine if these wells are completed in accordance with SD Well Construction Standards. The well that was rebuilt in 1994 appears to meet minimum standards. There is another well log for the Lodge drilled in 1983 in Water Right files for a 495 feet deep well which is also completed in accordance with standards. The information in the permit application conflicts with the information in Water Right files.
5. The facility disposes of wastewater through 6 septic tanks. One of the water supply wells is within 100 feet of a septic tank and drainfield. This conflicts with SD Well Construction Standards which would require a 150 spacing for the placement of a new well.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2329-2, Powder House Lodge**

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. 2329-2, Powder House Lodge, c/o Ron Heinis, PO Box 714, Keystone, SD 57751.

The Chief Engineer is recommending APPROVAL of Application No. 2329-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The wells 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.


for JOHN HATCH, Chief Engineer
March 30, 1995



**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.

April 3, 1995

Ron Heinis
Powder House Lodge
PO Box 714
Keystone, SD 57751

Dear Mr. Heinis:

Water Permit Application No. 2329-2 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 Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). 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

April 3, 1995

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2329-2 to be published twice. Please publish the first notice on April 10, 1995, 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 Powder House Lodge, c/o Ron Heinis, PO Box 714, Keystone, SD 57751 (Ph # 605-343-2971 or 605-666-4646).

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 April 10, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2329-2 to Appropriate Water

Notice is given that Powder House Lodge, c/o Ron Heinis, Po Box 714, Keystone, SD 57751 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 200 feet, 205 feet and 205 feet deep located in the W 1/2 NW 1/4 Section 5-T2S-R6E for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2329-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 April 27, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

Rapid City Journal

Black Hills Information and Perspective Since 1878

Division of Water Rights
523 E. Capitol
Pierre, SD 57501
Attention: Karen



Dear Karen:

Enclosed please find the Affidavit of Publication in which you requested. I apologize if you had requested it at an earlier date, I don't remember if you did or not.

If you have any further needs or questions please feel free to contact me at 605/394-8464.

Sincerely,

Samantha Wentworth

Samantha Wentworth



April 10, 1995 L610

NOTICE OF APPLICATION
NO. 2329-2

TO APPROPRIATE WATER

Notice is given that Powder House Lodge, c/o Ron Heinis, P.O. Box 714, Keystone, SD 57751, has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 20 feet, 205 feet and 205 feet deep located in the W1/4 NW1/4 Section 5-T2S-R6E, for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2329-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 April 27, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Steven M. Pirner
Acting Secretary
Department of Environment
and Natural Resources

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

ss.

Samantha Wentworth, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the *RAPID CITY JOURNAL COMPANY*, a corporation, of Rapid City, South Dakota, the owner and publisher of the *RAPID CITY JOURNAL*, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said *RAPID CITY JOURNAL*, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each _____ week _____ for _____ two _____ successive _____ weeks _____, the first publication thereof being on the _____ 10th _____ day of _____ April _____, 19 _____ 95 _____, that the fees charged for the publication thereof are _____ sixty six _____ Dollars and _____ thirty _____ cents.

Samantha Wentworth

Subscribed and sworn to before me this _____ 5th _____ day of

_____ May _____, 19 _____ 95 _____

Linda J. Harrington
Notary Public.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Powder House Lodge

ADDRESS: Keystone SD COUNTY: Pennington

DATE: 5-15-95 TELEPHONE:

RE: Publication Notice

COMMENTS:

Received the Affidavit of Publication from the Rapid City Journal which indicated that the correction which was faxed to the paper had not been made on the second publication. I talked with Samantha with the Rapid City Journal. She checked the second publication (April 17) and the correction had not been made. Therefore, it will be necessary to publish the notice for Water Permit No. 2329-2 again.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1995

Powder House Lodge
Ron Heinis
PO Box 714
Keystone SD 57751

Dear Mr. Heinis:

I am writing to advise you that the legal notice of hearing on Application No. 2329-2 for Powder House Lodge published in the Rapid City Journal was not correct. The depths of the three wells were listed as 20 feet, 205 feet and 205 feet deep. The correct well depths are 200 feet, 205 feet and 205 feet deep. The newspaper was faxed the correction on April 11, 1995. The correction should have been made in the second publication; however, the well depths were still incorrect in the April 17, 1995 publication.

As a result of the error, the legal notice will need to be readvertised. The readvertisement is needed to ensure the permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is enclosed. **Be sure to contact the Rapid City Journal (Phone # 605 394-8300) to authorize publication on May 23 and 30 and arrange for payment.**

If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

cc: Rapid City Journal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1995

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

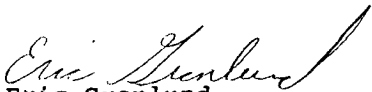
Enclosed is a Notice of Hearing on Application No. 2329-2 to be published twice. Please publish the first notice on May 23, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Also, please make arrangements for the cost of the publication with the applicant. The APPLICANT is Powder House Lodge, c/o Ron Heinis, PO Box 714, Keystone, SD 57751 (Ph # 605-343-2971 or 605-666-4646).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 23, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2329-2 to Appropriate Water

Notice is given that Powder House Lodge, c/o Ron Heinis, Po Box 714, Keystone, SD 57751 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 200 feet, 205 feet and 205 feet deep located in the W 1/2 NW 1/4 Section 5-T2S-R6E for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2329-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 June 9, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1995

Powder House Lodge
Ron Heinis
PO Box 714
Keystone SD 57751

Dear Mr. Heinis:

On May 16, 1995 a letter was sent to you regarding the legal notice of hearing on Application No. 2329-2 for Powder House Lodge (copy enclosed). As stated in the letter, because of the error in the first notice, it would be necessary to have the notice readvertised. On May 23, the Rapid City Journal called our office indicating you had not contacted them to authorize the readvertised publication. Consequently, the notice was not readvertised on May 23 and 30, 1995.

Enclosed is another copy of the Notice. It will be necessary for you to contact the Rapid City Journal (Phone # 605 394-8300) to authorize publication on June 13 and 20, 1995.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

cc: Rapid City Journal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1995

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2329-2 to be published twice. Please publish the first notice on June 13, 1995, 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. Also, please make arrangements for the cost of the publication with the applicant. The APPLICANT is Powder House Lodge, c/o Ron Heinis, PO Box 714, Keystone, SD 57751 (Ph # 605-343-2971 or 605-666-4646).

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. _____

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

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 June 13, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2329-2 to Appropriate Water

Notice is given that Powder House Lodge, c/o Ron Heinis, PO Box 714, Keystone, SD 57751 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 200 feet, 205 feet and 205 feet deep located in the W 1/2 NW 1/4 Section 5-T2S-R6E for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2329-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 June 30, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Pennington)



June 13, 20 L1012

NOTICE OF APPLICATION NO. 2329-2 TO APPROPRIATE WATER

Notice is given that Powder House Lodge, c/o Ron Heinis, P.O. Box 714, Keystone, SD 57751 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from three wells (Precambrian Rock) 200 feet, 205 feet and 205 feet deep located in the W½ NW¼ Section 5-T2S-R6E for commercial use at the lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2329-2 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 the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 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 June 30, 1995.

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. Contact Eric Granlund at the above Water Rights Division address to request copies of information pertaining to this application.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid City Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in the newspaper on the following two dates:

June 13, 1995

June 20, 1995

Cost of Printing: No Charge error on first one

Helena M. Bauer
(Signature)

Bookkeeper

(Title)

June 21, 1995

(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Ron Heinis
Powder House Lodge
PO Box 714
Keystone SD 57751

Dear Mr. Heinis:

Enclosed is Water Permit No. 2329-2 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 Program
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 2329-2Date: 10.23.05

I/We request that Water Right/Permit No. 2329-2 formerly owned by: Ron Heinis
_____ be transferred to:

New Owner Name: Little Guys LLC
Address: P.O. Box 714
City, State, Zip Keystone, S.D. 57251 Telephone No. 605-666-4646

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

☒ I understand that the validity of Water Right/Permit No. 2329-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

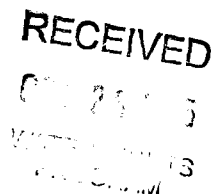
A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Steve Zwetzig Steve Zwetzig, the new owner, certify that the above information is true and correct.

Steve Zwetzig
(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 26, 20 05

RECEIVED OF Little Guys LLC, PO Box 714, Keystone SD 57551

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form <u>2329-2</u>			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

001912

By

Darlene S. Elbert
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2005

2329-2

Steve Zwetzig
Little Guys LLC
PO Box 714
Keystone SD 57751-0714

Dear Mr. Zwetzig:

I am writing to acknowledge receipt of the ownership change you submitted for Water Permit No. 2329-2. The transfer has been completed. The water permit formerly held by Ron Heinis dba Powder House Lodge is now listed in the name of "Little Guys LLC".

Enclosed is your Receipt No. 001992 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

Permit No. 2329-2
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 on this day, 3/26/2012 thorough examination of the water use system constructed by Little Guys LLC, PO Box 714, Keystone, SD 57751, holder of Permit No. 2329-2, bearing the priority date of February 15, 1995. Permit No. 2329-2 is authorized to appropriate a total of 0.1 cfs (45 gpm) from three groundwater wells (preCambrian) for commercial purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Ben, Manager

A. Works used to divert the water:

Grundfos submersible pumps 30 gpm, 2.5 gpm and unknown capacity.

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

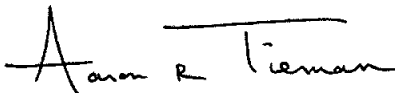
10,000 gallon storage tank and underground distribution lines.

The system is in the following condition good. The points of diversion (wells) are located specifically at Lat/Lon – #1 N44.907518/W-103.437698 which is the approximately 1530 feet south and 470 feet east of the NW corner of Section 5, T2S-R6E, Lat/Lon – #2 N44.909261/W-103.436853 which is the approximately 900 feet south and 700 feet east of the NW corner of Section 5, T2S-R6E, Lat/Lon – #3 N44.908045/W-103.436839 which is the approximately 1340 feet south and 700 feet east of the NW corner of Section 5, T2S-R6E. The works are capable of diverting 0.1 cfs which is to be used for commercial purposes. The license should be issued for 0.1 cfs.

All structures, wells and lands on map Y

Exceptions to compliance are: none.

Comments: The pump and motor information for well #3 could not be obtained. This well has existed for many years without any adverse impacts recorded.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: June 23, 2015

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2329-2

DATE OF INVESTIGATION:	March 26, 2012
NAME & ADDRESS OF PERMIT HOLDER	Little Guys LLC PO Box 714 Keystone, SD 57751
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ben (Manager)
DIVERSION POINT LEGAL LOCATION	W½ NW¼ Section 5, T2S-R6E
WATER SUPPLY SOURCE	Ground water, preCambrian

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: **Alexander**
- 2) No. of Wells **Three**
- 3) Depth(s) **205** feet, **495** feet & **219** feet
- 4) Well log is available **yes**
- 5) Comment:

Casing:

- 1) Diameter: **6** inches **6** inches **6⁵/₈** inches
- 2) Length: **20** feet **20** feet **215** feet
- 3) Type: **Steel** **Plastic** **Steel**

Screen:

- 1) Type: **Open Hole**
- 2) Length: feet
- 3) Static water level: **4** feet **36** feet **15** feet

Pump:

- 1) Make: **Grundfos** **Grundfos** **Unknown**
- 2) Model: **30GS15** **2.5S-50**
- 3) Capacity: **30** GPM **2.5** GPM

Motor:

- 1) Make: **Hitachi** **Franklin** **Unknown**
- 2) Model No.: **4367-293** **8165946**
- 3) Horsepower rating: **5** hp **2** hp

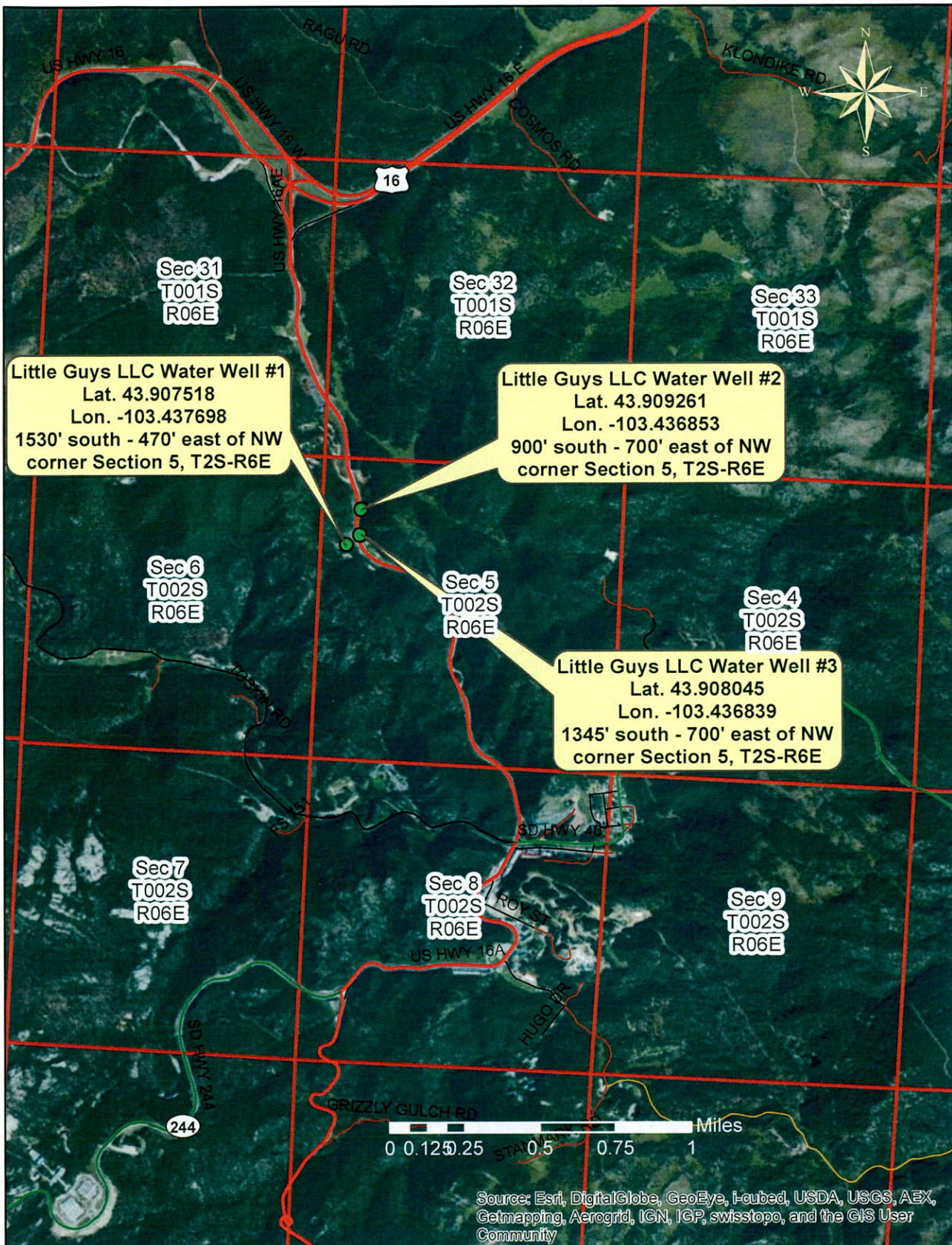
DISTRIBUTION LINES OR CANALS:

- 1) Type: **Underground distribution lines.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**

Water Right 2329-2
Little Guys LLC
March 26, 2012



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 23, 2015

2329-2

Steve Zwetzig
Little Guys LLC
PO Box 714
Keystone SD 57751 0714

Dear Sir:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2329-2, was completed by Aaron Tieman, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the **"Water Rights Program"**.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/4, 20 16

RECEIVED OF Powder House Lodge LLC PO Box 714 Keystone SD 57751

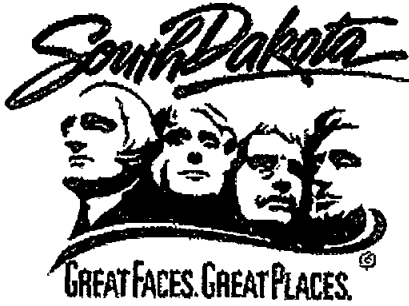
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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. <u>2329-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07588

By

James Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 22 2016

2329-2

Steve Zwetzig
Little Guys LLC
PO Box 714
Keystone SD 57751

Dear Sir:

Enclosed is Water License No. 2329-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 2329-2, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2329-2**

(1) Ron Heinis dba Powder House Lodge, Keystone SD 57751 made Application No. 2329-2, February 15, 1995 for a water permit to divert 0.10 cubic feet of water per second from ground water, three wells (Precambrian Rock), Pennington County, South Dakota for commercial purposes. Permit No. 2329-2, with a priority date of February 15, 1995 was approved June 30 1995 and issued to the applicant for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

Water Permit No. 2329-2 was transferred October 27, 2005 from Powder House Lodge to Little Guys LLC.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use.

The location of the diversion points are:

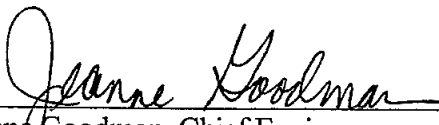
- 1,530 feet south and 470 feet east of the NW corner of Section 5, T2S, R6E (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
- 900 feet south and 700 feet east of the NW corner of Section 5, T2S, R6E (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
- 1,340 feet south and 700 feet east of the NW corner of Section 5, T2S, R6E (SW $\frac{1}{4}$ NW $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Little Guys LLC, PO Box 714, Keystone SD 57751 the holder and/or owner of Water Right No. 2329-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water, three wells (Precambrian Rock) with a priority date of February 15, 1995 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2329-2 and subject to the following qualification:

- The wells 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.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 22 2016
date

