

WATER PERMIT NO. 2341-2

Name of Applicant: Danielle & Arlie Elshere

Address: PO Box 684, Keystone SD 57751

Phone: 605 666-4616

Amount of Water Claimed: 0.013 cfs (6 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Depth of Well: 112 feet deep

Water to be used for: commercial

County: Pennington

Type of Waste Disposal System: septic tanks

Location: 1/2 mile north of Keystone

PRIORITY

Date Received: 3-22-95

Fee: \$15.00

Corrected Application Received: 8-7-95

Period of Annual Use: January 1 - December 31

Remarks: Claimed priority date of January 1, 1893

Diversion Point: SE 1/4 SE 1/4 Sec 31-T1S-R6E

Land to be Irrigated: NA

			31	⊗	

Reviewed and the Number Assigned on: 8-7-95

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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. 2341-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Pennington Co Prevalier, Box 266, Hill City
(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 (over 18 gpm) ☐ Industrial ☐ Other

Type of Application: ☒ New ☒ Vested Right (Use predates Mar 2, 1935) ☐ 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 Danielle & Arlie Elshere Phone (605) 666-4616
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 684 Keystone State S.D. 57751
(Street, RR, or Box) #1 2 City (Zip Code)
2. Amount of water claimed 0.013 *CFS or 12 x 8 x 6 **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 Private Wells
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 Wells in: (#1) left
MS1525 Utean Group (#2) 1565 Sec 31 G116 less ROW
SE1/4 SE1/4 Sec 31-T15-R6E County PENNINGTON
5. County or counties where water will be used PENNINGTON
6. Annual period during which water is to be used April - Dec #1 April 15 Oct 1 - #2
Jan 1 - Dec 31
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) Small Resort
Seasonal - 6 Cabins & Residence on #1
Restaurant on #2

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, Danielle Elshere, 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 Danielle Elshere

Subscribed and sworn to before me this 21 day of March 19 95

My Commission Expires
November 4, 1999

Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2341-2

Date of Receipt of Claim March 22, 1995.

Date of Validation October 2, 1995.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2341-2 for Danielle and Arlie Elshere, PO Box 684, Keystone SD 57751 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2341-2 appropriates 0.013 cubic feet of water per second (6 gallons per minute) from one well (Precambrian Rock) 112 feet deep located in the SE 1/4 SE 1/4 Section 31-T1S-R6E.
2. The appropriated water is used for supplying water to the Holy Smoke 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1893.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

DEC 18 1995

date



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2341-2

(1) Danielle & Arlie Elshere, PO Box 684, Keystone SD 57751 made Application No. 2341-2, March 22, 1995 for validation of a vested right claim to appropriate 0.013 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota, for commercial use purposes. Vested Water Right No. 2341-2 was validated October 2, 1995 with a priority date of January 1, 1893. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owners are entitled to divert 0.013 cubic feet of water per second for beneficial use. The location of the diversion point is: 480 feet west and 460 feet north of the southeast corner of Section 31-T1S-R6E (SE 1/4 SE 1/4).

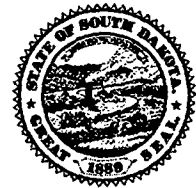
(3) Pursuant to Section 46-5-30.1 Danielle and Arlie Elshere, PO Box 684, Keystone SD 57751 the holders and/or owners of Vested Water Right No. 2341-2 are issued a license to appropriate 0.013 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1893 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2341-2 and subject to South Dakota State Law.



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

DEC 18 1995

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" But Depth _____
- b) Casing Type Rock & PVC Diameter 6" Thickness 1/4"
- c) Screen Type X Diameter X Thickness X
- d) Gravel Pack Thickness X Length of Gravel Pack X ALL But 18" in
- e) Depth to Top of Water Bearing Material 120' #1 200' #2 solid slate
- f) Depth to Water (ground surface to water level) 265' #2 Both wells
- g) Distance to nearest existing domestic well: 160' #1
- On applicants property 900 ft On property owned by others 1/4 mi

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic - ALL of this has been
- b) System Capacity (gallons) _____ c) Year Constructed inspected by State
- d) Connected to the City of _____ Sanitary System. & county before

We got our
Bldg Permits &
operating licences

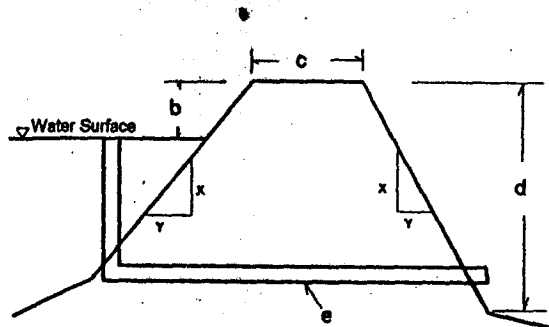
3. Dugout Information

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

4. 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

Affidavit of Water Use

#1500

No. _____

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Danielle + Arlie Elshere
Mailing Address P.O. Box 684 Keystone S.D. 57751
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of Recording _____ Recording Date _____

B. Date of start of construction of water supply system 1893

C. Date that water was first applied to beneficial use "

D. Name of owner of original water supply system Holy Smoke Mining Camp "Col. Clark"

E. Amount of water originally applied to beneficial use 6 GPM

F. Present use of water - amount of water now being used "

Date that this water was first used 1893 - 1900

G. Chronological History of Water Use Well orig with Holy Smoke camp
late 1800's + has been in continued use
for historic cabin + lodge since
that time. Located on Lot 1 M51525

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Pennington)
SS

I, Danielle Elshere the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Danielle Elshere

Subscribed and sworn to before me April 12, 1995

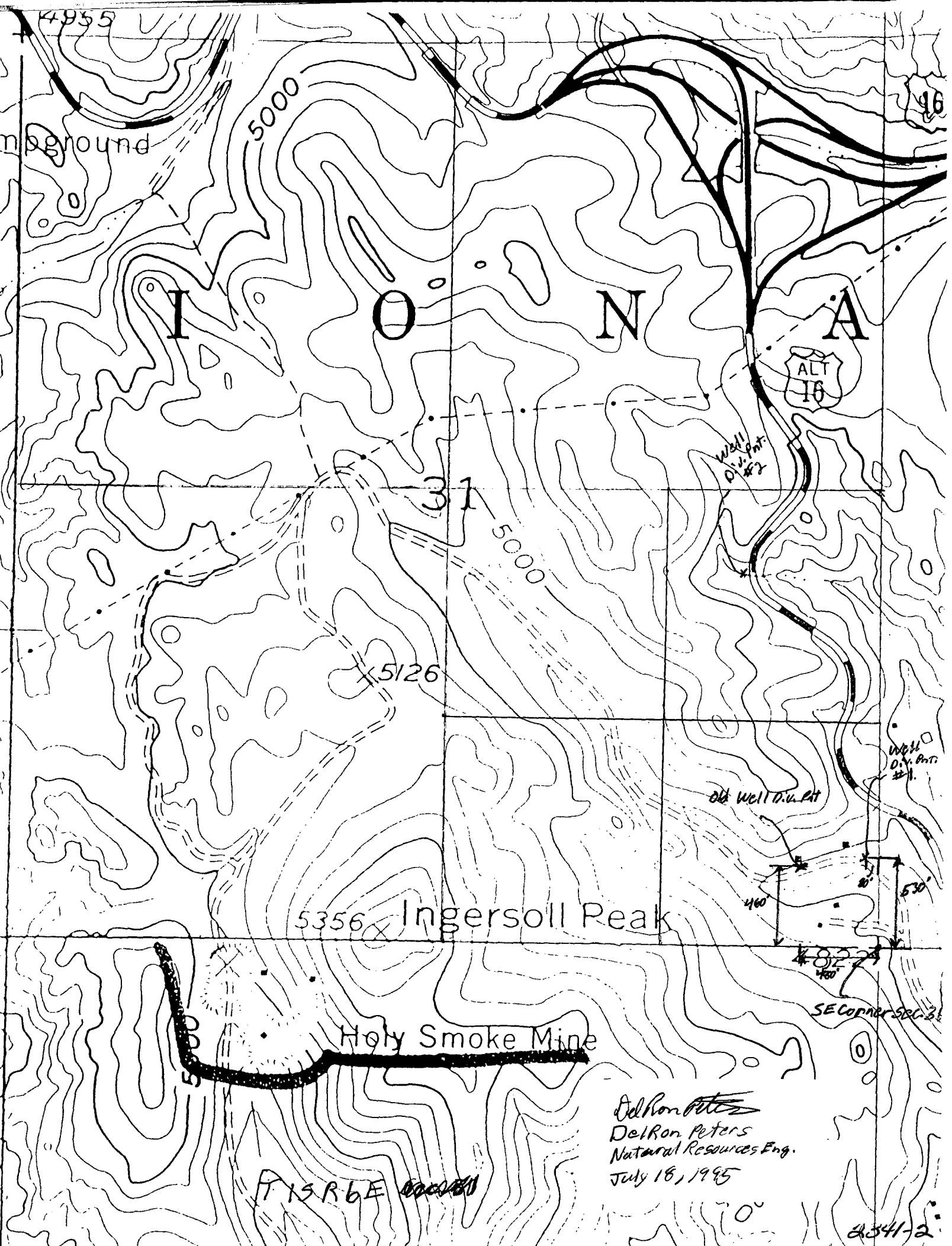
My Commission Expires
November 4, 1999

Notary Public

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Danielle Elshere 1995
(Print name)

_____, 19_____
(Print name)



magground

I N G E R S O L L

31

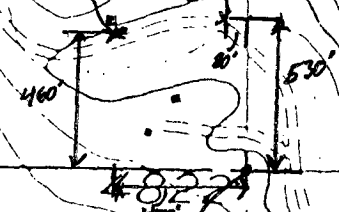
5126

5356 Ingersoll Peak

Holy Smoke Mine

Well Div. Pt. 1/2

Old Well Div. Pt.



SE Corner SEC. 36

4822

DelRon Peters
Natural Resources Eng.
July 18, 1995

T 15 R 6 E

4341-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

Arlie Elshere
Holy Smoke Lodge
Box 684
Keystone, SD 57751

Dear Mr. Elshere:

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

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

A business or an institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by April 14, 1995. If you have questions or need assistance contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



March 23, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Danielle & Arlie Elshere
PO Box 684
Keystone SD 57751

Dear Mr. & Mrs. Elshere:

In regard to your water permit application for Holy Smoke Lodge received on March 22, 1995, the following information needs to be submitted and clarified in order to process your application.

1. The application indicates that one of the wells has been used since the early 1900's. If the application of water to a beneficial use (such as at the lodge) has been made prior to March 2, 1955 you can apply for a vested right status on that well. This means that the well will retain the priority date from which time the water was actually first put to beneficial use. Enclosed is a Form 2B, Affidavit of Water Use, documenting water usage, dates of construction, etc. This form will need to be completed to the best of your knowledge in order to apply for a vested right. The filing fee for a vested right is \$15.00.

The second well will be treated as a new water permit application with a priority date based on when the application was submitted. The filing fee for this application will be \$50.00.

2. On the application, you indicated one well capable of producing 12 gallons per minute (gpm) while the other well produced 8 gpm. Is the old well the one capable of producing 12 gpm? What is the depth of the old well and the depth of the other well?
Three wells on property - 1 old - 2 New
3. It will also be necessary to submit a map showing the location of the diversion point (place where the well is located) in relation to 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).

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
Environmental Scientist
605 773-3352

enclosure

*Karen -
with regard to my dated
check. It is # 4348
3/18 & made out to D.E.N.R.
it has yet to clear my bank.
Danielle*

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Danielle Elshere - Holy Smoke Resort

ADDRESS: PO Box 684, Keystone SD COUNTY: Pennington

DATE: 4-10-95 TELEPHONE: 666-4616

RE: Pending application for Holy Smoke Resort

COMMENTS:

Danielle Elshere called regarding my letter dated 3-23-95. Mrs. Elshere stated the application we had only addressed the two newer wells. I told her the Affidavit form would need to be completed for the old well from the early 1900's. It would need to be notarized also. I told her this would be a separate application and would require an application fee of \$15.00.

Mrs. Elshere stated she would have problems getting the required map. At which time I talked with Eric and he said I could tell Mrs. Elshere that DelRon could help with preparing the map. I told her DelRon would call and set up a time.

I explained that as the applicants, they would be responsible for payment of the publication notice.

Mrs. Elshere stated she had submitted the \$50.00 application fee. After checking the log book, I called Mrs. Elshere back and told we did not have a record of receiving the check. Mrs. Elshere insisted she had submitted it and would send a copy of the cancelled check.

Karen Schlaak
Karen Schlaak
Environmental Scientist



June 2, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Danielle & Arlie Elshere
PO Box 684
Keystone SD 57751

Dear Mr. & Mrs. Elshere:

We have received your note regarding the already submitted filing fee for the water permit application for Holy Smoke Camp. I rechecked Water Rights Division records and with other divisions within our department, but am unable to find that the check was ever received. Would it be possible for you to make a copy (front and back) of this cancelled check? As stated in previous correspondence, the filing fee for the application for the two newer wells is \$50.00 and the filing fee for the vested right application for the old well is \$15.00.

Also, do you have any information regarding the depth of the old well? As I have stated in a previous conversation, after the filing fee has been submitted, DelRon Peters, an engineer in our Rapid City regional office, will contact you and assist in preparing the required map.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

*Old Well 117 ft.
15⁰⁰ ck. was sent
last time we talked.
Am re submitting
\$50⁰⁰ ck.
Danielle*

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414575

Pierre, August 7, 19 95

RECEIVED OF Danielle Elshere, Holy Smoke Camp, PO Box 684, 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 _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	15 00

By *John Hatch*
Chief Engineer



August 1, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Danielle & Arlie Elshere
PO Box 684
Keystone SD 57751

Dear Mr. & Mrs. Elshere:

This letter is regarding the water permit applications for Holy Smoke Camp. DelRon Peters, engineer with this office, stated he visited with you regarding the applications. DelRon indicated that you thought the filing fees for the applications had been submitted. A review of the Water Rights Program records indicates that one check for \$50.00 was received from Elshere Cattle Co, Holy Smoke Inn. The receipt is dated June 12, 1995.

As DelRon has explained, the three wells can be processed as one new water permit application. But in order to claim vested right status on the old well and retain the 1893 priority date, a separate vested water right application and fee is necessary. The filing fee for the separate vested water right application is \$15.00. Our records indicate the \$15.00 fee has not been submitted.

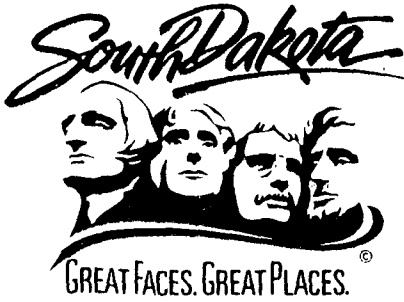
Upon receipt of the \$15.00 fee, or direction from you to process all three wells as one new water permit application, further processing of the applications will proceed. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

c: DelRon Peters



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 1995

Danielle Elshere
P.O. Box 684
Keystone, SD 57751

Dear Mrs. Elshere:

We are in receipt of your \$15.00 fee for a vested water right application (see enclosed receipt number 414575). Also enclosed is receipt number 414521 in the amount of \$50.00 which you submitted for a water permit application. Now that the appropriate fees have been received, we will begin the processing of your applications.

If you have further questions, please feel free to contact me.

Sincerely,

Eric S. Gronlund
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

enclosures

REPORT ON VESTED RIGHT WATER PERMIT APPLICATION NO. 2341-2 AND
WATER PERMIT NO. 2342-2
for Danielle and Arlie Elshere
August 31, 1995

Vested Right Claim No. 2341-2 appropriates 0.013 cfs (6 gpm) from one well approximately 117 feet deep located in the SE 1/4 SE 1/4 of section 31, T1S R6E for commercial use at the Holy Smoke Lodge in Pennington County. The water use has a claimed priority date of January 1, 1893.

Water Permit No. 2342-2 proposes to appropriate 0.044 cfs (20 gpm) from two wells approximately 130 and 260 feet deep located in the SE 1/4 SE 1/4 and NE 1/4 SE 1/4 of section 31, T1S R6E in Pennington County. The water is for commercial use at the Holy Smoke 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. Ground water is obtained from fractures and other secondary permeability features. Generally, this means low capacity wells with large drawdown within the production well during pumping. There are three well logs submitted with these two applications. The 130 feet deep well was completed in 1991 and the 280 feet deep well was completed in 1993. These wells produced 12 gpm and 8 gpm respectively using air to develop. These are the wells under water permit application No. 2342-2. The other "old well" well log was completed in 1976 and is apparently the Vested Right claim No. 2341-2.

The Water Rights Program does not monitor any observation wells completed into the Precambrian rock in this area. In fact, the only Precambrian rock observation well which is being monitored is located in Custer. This well does show water level trends which respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In all probability the groundwater conditions in this area are very similar (Water Rights, 1995).

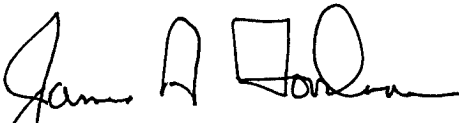
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit No. 2329-2 is located about 1/4 mile southeast of this application. Interference is not a concern. The pumping rates are relatively small and the distance between the wells is sufficient to minimize any potential impacts.

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 small diversion rate. Interference is not a concern.
3. These are existing wells and have been in use with no apparent problems.
4. The two wells for Water Permit Application No. 2342-3 are completed in accordance with SD Well Construction Standards. There is insufficient information to determine the construction of the well for Vested Right Application No. 2341-2.
5. The facility disposes of wastewater through septic tanks located on the property.
6. The affidavit filed with Vested Right claims a priority date of 1893 and states there has been continuous use at the facility since that time.



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.

Water Rights, 1995, Unpublished Observation Well Data for the Black Hills, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 2341-2, Danielle and Arlie Elshere

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2341-2, Danielle and Arlie Elshere, PO Box 684, Keystone, SD 57751.

The Chief Engineer is recommending VALIDATION of Application No. 2341-2 for 0.013 cfs (6 gallons per minute) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1893, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
September 1, 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.

September 5, 1995

Danielle and Arlie Elshere
PO Box 684
Keystone, SD 57751

Dear Mr. & Mrs. Elshere:

Your Vested Water Right Claim No. 2341-2 and Water Permit Application No. 2342-2 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Pennington County Prevaler printed at Hill City, SD (Ph # 605-574-2538). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1995

Pennington County Prevailer
Box 266
Hill City, SD 57745-0266

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2341-2 and 2342-2 to be published twice. Please publish the first notice on September 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. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Danielle and Arlie Elshere, PO Box 684, Keystone, SD 57751 (Ph # 605-666-4616).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 applications 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 Program
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 September 13, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2341-2 and 2342-2 to Appropriate Water

Notice is given that Danielle and Arlie Elshere, PO Box 684, Keystone, SD 57751 have filed the following applications:

Vested Water Right Claim No. 2341-2 appropriates 0.013 cubic feet of water per second (cfs) [6 gallons per minute] from one well (Precambrian Rock) 112 feet deep located in the SE 1/4 SE 1/4 Section 31-T1S-R6E for commercial use at the Holy Smoke Lodge. The water use has a claimed priority date of January 1, 1893.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2341-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1893, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 2342-2 appropriates 0.044 cfs (20 gallons per minute) from two wells (Precambrian Rock) 130 and 260 feet deep located in the SE 1/4 SE 1/4 and NE 1/4 SE 1/4 of Section 31-T1S-R6E. The water is for commercial use at the Holy Smoke Lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2342-2 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water-Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 October 2, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Pennington) SS

I, Patricia Lembke

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

printed and published in Hill City
 County of Pennington and State of

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

9-13, + 9-20-95

Cost of Printing: \$54.47

Patricia M. Lembke
 (Signature)

Office Manager
 (Title)

9-21-95
 (Date Signed)



NOTICE OF APPLICATIONS NOS. 2341-2 And 2342-2 To Appropriate Water

Notice is given that Danielle and Artie Elshere, PO Box 684, Keystone, SD 57751 have filed the following applications:

Vested Water Right Claim No. 2341-2 appropriates 0.013 cubic feet of water per second (cfs) (6 gallons per minute) from one well (Precambrian Rock) 112 feet deep located in the SE 1/4 SE 1/4 Section 31-T1S-R6E for commercial use at the Holy Smoke Lodge. The water use has a claimed priority date of January 1, 1893.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2341-2 because 1) water has been appropriated as described for commercial use with a claimed priority date of January 1, 1893, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 2342-2 appropriates 0.044 cfs (20 gallons per minute) from two wells (Precambrian Rock) 130 and 260 feet deep located in the SE 1/4 SE 1/4 and NE 1/4 SE 1/4 of Section 31-T1S-R6E. The water is for commercial use at the Holy Smoke Lodge.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2342-2 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition is filed by either an interested person or the

applicant must be filed by October 2, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

#1888, 9-13, 9-20-95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Danielle and Arlie Elshere
PO Box 684
Keystone, SD 57751

Dear Mr. & Mrs. Elshere:

Enclosed is Water Permit No. 2342-2 authorizing 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.

Also enclosed are your Validated Vested Water Right and Water License No. 2341-2. 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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 2001

2341-2
2342-2

Danielle Elshere
PO Box 684
Keystone, SD 57751

Dear Mrs. Elshere:

I am writing in regard to the ownership of Vested Water Right No. 2341-2 and Water Permit No. 2342-2. Ken Buhler, with our program, indicated he had received word from you that the vested right and the permit should now be listed in your name.

In order to change the name on a water permit or right, a transfer of ownership should be filed. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in transferring the vested right and the permit. Please complete as needed and sign the forms in the presence of a notary public. Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416849

Pierre, June 6, 20 01

RECEIVED OF Daniellee Elshere, 3421 Amberwood Ave., Lake Havasu City, AZ 86404
the following amount in fees for services rendered as provided for by law: (Danielle & Arlie Elshere)

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. _____

Fee for Filing Transfer Form 2341-2

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbe
Chief Engineer
gm

No. 2341-2

Date: 5-31-01

formerly owned by: **Danielle and Arlie Elshere**

be transferred to: (name & address) Danielle Elshere

P.O. Box 684 Keystone S.D. 57751

Telephone No. (605) 666-4616

diversion point location: SE ¼ SE ¼ Section 31, T1S, R6E

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.

STATE OF SOUTH DAKOTA)

County of Pennington

Lincoln Elbert

(Signature of new owner)

Subscribed and sworn to before me this 31 day of May, 2001.

Nancy Johnson

(Notary Public)

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.

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — SECTION OF VITAL STATISTICS
CERTIFICATE OF DEATH

LOCAL FILE NUMBER		STATE FILE NUMBER	
DECEASED—NAME First Middle Last 1. Arlie L. ELSHERE		DATE OF DEATH (Month, Day, Year) 2. January 21, 2001	
CITY, TOWN OR LOCATION OF DEATH 3b. Las Vegas		COUNTY OF DEATH 3a. Clark	
HOSPITAL OR OTHER INSTITUTION—Name (If not either, give street and number) 3c. Summerlin Hospital		If Hosp. or Inst. indicate DOA, OP/Emer. Rm. Inpatient (Specify) 3e. Inpatient	
RACE—(e.g., White, Black, American Indian, etc.) (Specify) 5. White		SEX 4. Male	
Was Decedent of Hispanic Origin? Specify ☐ yes ☒ no If yes, specify Mexican, Cuban, Puerto Rican, etc. 6.		AGE—Last Birthday (Years) 7a. 63	
CITIZEN OF WHAT COUNTRY 9b. USA		UNDER 1 YEAR MOS : DAYS 7b. :	
STATE OF BIRTH (If not U.S.A., name country) 9a. South Dakota		UNDER 1 DAY HOURS : MINS 7c. :	
SOCIAL SECURITY NUMBER 13. 504-34-3337		DATE OF BIRTH (Mo., Day, Yr.) 8. Dec. 15, 1937	
USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired) 14a. Owner-Operator		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) 11. Married	
KIND OF BUSINESS OR INDUSTRY 14b. Resort		SURVIVING SPOUSE (If wile, give maiden name) 12. Danielle Dell	
RESIDENCE—STATE 15a. South Dakota		CITY, TOWN, OR LOCATION 15c. Keystone	
COUNTY 15b. Pennington		STREET AND NUMBER 15d. Hwy 16 A	
FATHER—NAME First Middle Last 16. Paul Elshere		INSIDE CITY LIMITS (Specify Yes or No) 15e. Yes	
MOTHER—MAIDEN NAME First Middle Last 17. Ruth Eymer			
INFORMANT—NAME (Type or Print) 18a. Jennifer J. Kennedy		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip) 18b. 11153 Vivid Ave. Las Vegas, Nevada 89144	
BURIAL, CREMATION, REMOVAL, OTHER (Specify) 19a. Removal/Burial		CEMETERY OR CREMATORY—NAME 19b. Masonic Cemetery	
LOCATION City or Town State 19c. Philip, South Dakota			
FUNERAL DIRECTOR—SIGNATURE (Or Person Acting as Such) 20a. James H. Long		FUNERAL DIRECTOR LICENSE NUMBER 20b. 601	
NAME AND ADDRESS OF FACILITY 20c. Hites Funeral Home 438 W. Sunset Rd. Henderson, Nevada 89015			
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) DATE SIGNED (Mo., Day, Yr.) 21b. 1/25/01		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title) DATE SIGNED (Mo., Day, Yr.) 22b.	
HOUR OF DEATH 21c.		HOUR OF DEATH 22c.	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) 21d.		PRONOUNCED DEAD (Mo., Day, Yr.) 22d. ON	
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER). (Type or Print.) 23a. Gilbert Nyamuswa M.D. 653 Town Center Dr. Las Vegas, Nevada 89134		PRONOUNCED DEAD (Hour) 22e. AT	
REGISTRAR 24a. (Signature) <i>Patricia J. Smith</i>		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.) 24b. JAN 25 2001	
DEATH DUE TO COMMUNICABLE DISEASE 24c. YES ☐ NO ☒			
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).) PART I (a) CARDIORESPIRATORY ARREST DUE TO, OR AS A CONSEQUENCE OF: (b) MULTIPLE MYELOMA DUE TO, OR AS A CONSEQUENCE OF: (c)		Interval between onset and death Interval between onset and death Interval between onset and death	
PART II OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not resulting in the underlying cause given in Part I.		AUTOPSY (Specify Yes or No) 26. No	
WAS CASE REFERRED TO CORONER (Specify Yes or No) 27. No			
ACC., SUICIDE, HOM., UNDET., OR PENDING INVEST. (Specify) 28a.		DATE OF INJURY (Mo., Day, Yr.) 28b.	
HOUR OF INJURY 28c. M		DESCRIBE HOW INJURY OCCURRED 28d.	
INJURY AT WORK (Specify Yes or No) 28e.		PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify) 28f.	
LOCATION. 28g.		STREET OR R.F.D. No. CITY OR TOWN STATE	

No.171389

STATE REGISTRAR

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Clark County Health District from State certified documents as authorized by the State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE
RAISED SEAL OF THE CLARK
COUNTY HEALTH DISTRICT

DONALD S. KWALICK, MD, M.P.H.
Registrar of Vital Statistics

By:

Date Issued:

JAN 29 2001

CLARK COUNTY HEALTH DISTRICT
625 Shadow Lane P.O. Box 3902
Las Vegas, Nevada 89127
702-383-1223
Tax ID# 88-0151573





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2001

2341-2
2342-2

Danielle Elshere
PO Box 684
Keystone, SD 57751-0684

Dear Mrs. Elshere:

Thank you for following up on the ownership change for Vested Water Right No. 2341-2 and Water Permit No. 2342-2. The transfers have been filed and Nos. 2341-2 and 2342-2 are now listed in your name.

Enclosed are your Receipt Nos. 416849 and 416850 in the amounts of \$2.50 each. You may keep them for your records. I am returning the "Certificate of Death" you forwarded to us. I have made a copy for our files.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

2341-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2006

2341-2
2342-2

Danielle Banks
PO Box 684
Keystone SD 57751

Dear Ms. Banks:

The 2005 SD Water Use Questionnaire which you recently returned to our office indicated a name change for Water Right Nos. 2341-2 and 2342-2. Enclosed are partially completed "Notice of Transfer" forms for filing an ownership/name change.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50. Please let me know if no change is necessary. It is important for us to keep our records accurate.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

2005 South Dakota Water Use Questionnaire

To:

BANKS
DANIELLE ~~ELSHIRE~~
PO BOX 684
KEYSTONE SD 57751 0684

Address correction requested:

DANIELLE BANKS
PO Box 684
KEYSTONE, S.D. 57751

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2341-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: PENNINGTON

Aquifer: PRECAMBRIAN ROCK

Pumping Pt. Legal: SEC 31-T001S-R06E

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2005 water use from the above water source: 20,000 Est gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

I have no idea how to do
this. My occupancy was down 13%
for 2005 summer. I am only
open May thru Sept.
Fig 20g/pers 3/pers/unit x days open x 12 units

Contact Person:

Danielle Banks

Telephone No:

605 666 4616

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

RECEIVED

FEB 17 2006

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Danille Banks, PO Box 684, Keystone SD 57751 Date March 6, 20 06

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2341-2</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

0234

By Barland Erbeley
Chief Engineer

1145

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR - 6 2006
WATER RIGHTS
PROGRAM

No. 2341-2

Date: 3-03-06

I/We request that Water Right/Permit No. 2341-2

formerly owned by: Danielle Elshere

be transferred to: (name & address) Danielle Banks, PO Box 684, Keystone SD 57751

Telephone No. 605 666-4616

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

one well located - SE ¼ SE ¼ Sec 31-T1S-R6E

I/We understand that the validity of Water Right/Permit No. 2341-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Danielle Banks, the new owner, certify that the above information is true and correct.

Danielle Banks
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2006

2341-2
2342-2

Danielle Banks
PO Box 684
Keystone SD 57751

Dear Ms. Banks:

Thank you for following up on the ownership/name change for Water Right Nos. 2341-2 and 2342-2. The transfers have been completed. The water rights are now listed in your name.

Enclosed are your Receipt Nos. 02340 and 02341 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

enclosures