

WATER PERMIT NO. 2342-2

Name of Applicant: Danielle & Arlie Elshere

Address: PO Box 684, Keystone SD 57751

Phone: 605 666-4616

Amount of Water Claimed: 0.044 cfs (12 & 8 gpm)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Depth of Well: 130 & 260 feet deep

Water to be used for: commercial use

County: Pennington

Type of Waste Disposal System: septic tanks

Location: 1/2 north of Keystone

PRIORITY

Date Received: 3-22-95

Fee: \$50.00

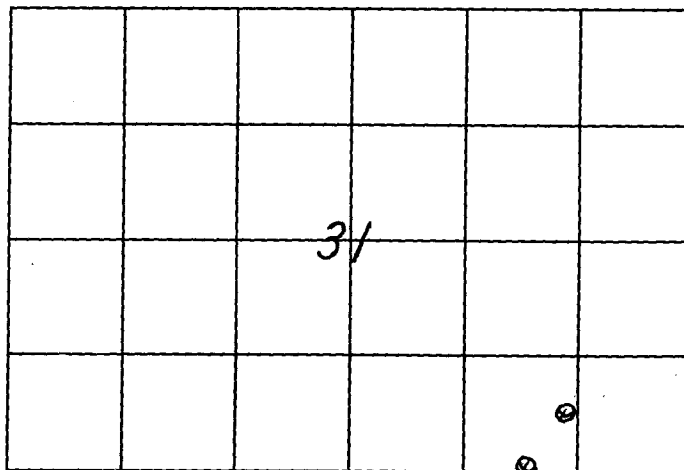
Corrected Application Received: 6-12-95

Period of Annual Use: January 1 - December 31

Remarks: For use at the Holy Smoke Lodge

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

Land to be Irrigated:



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

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2342-2**

Date of first receipt of application March 22, 1995.

Date of return to applicant for corrections, amendments or changes March 23, 1995.

Date of receipt of corrected application June 12, 1995.

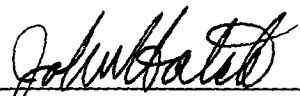
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2342-2 to Danielle & Arlie Elshere, PO Box 684, Keystone SD 57751 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2342-2 appropriates 0.044 cubic feet of water per second (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 Section 31-T1S-R6E.
2. The water appropriated shall be used for the purpose of 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 described annual period: January 1 - December 31
4. The date of approval of Permit No. 2342-2 is October 2, 1995.
5. The date from which applicant may claim right is June 12, 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

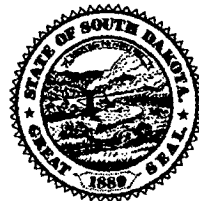
The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

DEC 18 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. 2342-2 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 ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application:

(check one)

☒ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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, R.R. or Box) #1 #2 (City) (Zip Code)
2. Amount of water claimed 0.044 *CFS or 12 + 8 **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) Lot 1
MS 1525 Vulcan Group (#2) 15 6E Sec 31 G116 less ROW
NE1/4 SE1/4, 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 - #1
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 ElshereSubscribed and sworn to before me this 21 day of March 19 95

My Commission Expires
November 4, 1999

Vanessa Row
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Bitch 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 solid slate Both wells
- e) Depth to Top of Water Bearing Material 130' #1 200' #2
- f) Depth to Water (ground surface to water level) 265' #2
- g) Distance to nearest existing domestic well: 140' #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 inspected by State & county before we got our Bldg Permits & Operating Licences
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

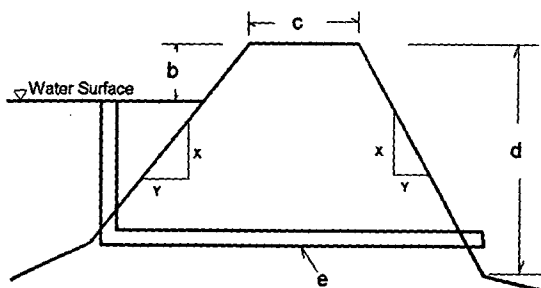
3. Dugout Information

- 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

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: Lot 2 Of 1/4 1/4 1/4 Section 21 Township 4 S Range 64 E

Well owner: Donald Darkson Box 117 Keystone SD Sdk (Name) (Address)

Date well drilling completed: April 9 1974 Purpose of well: Domestic (Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
Drilling Well	Deeper	70	ft.
100 Feet Deep	To Start 2-3 gpm	30	ft.
100-303	Slate		
103-117	Shale quartz	117	ft.
Core Water	3 G P M		

Casing information in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

APR 1974

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

Name of Pump Installation Contractor



THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION 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 LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS MEETS THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR MICROFILMING. AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR MICROFILMING. REPRODUCTION. REDUCTION 1/27/74 ROL NO. 1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

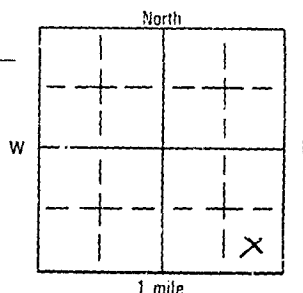
10-85

Location SE 1/4 SE 1/4 Sec 31 Twp 15 Rg 6E

County

Penn

Please mark well location with an "X"

Well Completion Date June 29 1991

PROPOSED USE:

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

Method of Drilling:

AIR ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>180 LB/FT</u>	<u>6 IN</u>	<u>0 FT</u>	<u>58 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 58 FEETWhat is grouting material? TYPE II Cement 2 1/2 BagsIf cement, number of sacks? 12Describe grouting procedure mixed cement + pump down thru pipe from bottom upWhat was grout weight? 14.5 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? Flared Rubber Champed on at 58 feetWas well disinfected upon completion? ☒ YES ☐ NOExplain Chlorin Powder

Well Owner:

Name Archie ElshereAddress Box 42 Milesville SD 57553

Well Log:

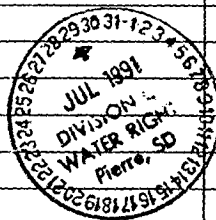
Depth

Formation

From

To

<u>topsoil</u>	<u>0</u>	<u>3</u>
<u>Soft Schist</u>	<u>3</u>	<u>50</u>
<u>mic Schist</u>	<u>50</u>	<u>130</u>

STATIC WATER LEVEL 80 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 in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☒ OtherDescribe: Blow with air

Pumping Level Below Land Surface

130 ft. After 2 Hrs. pumped 12 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 171

And this report is true and accurate.

Drilling firm Hamm Drilling

Signature of License Representative:

Douglas Hamm

Signature of Well Owner:

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

STATE OF SOUTH DAKOTA

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27-4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-04-01 AND 10-04-02 FOR MICROGRAPHIC REPRODUCTIONS.

25:1

4-6

6-9-92

Chloe M. Mc

MICROFILM CERTIFICATE OF AUTHENTICITY

RECEIPT

414521

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 12, 19 95

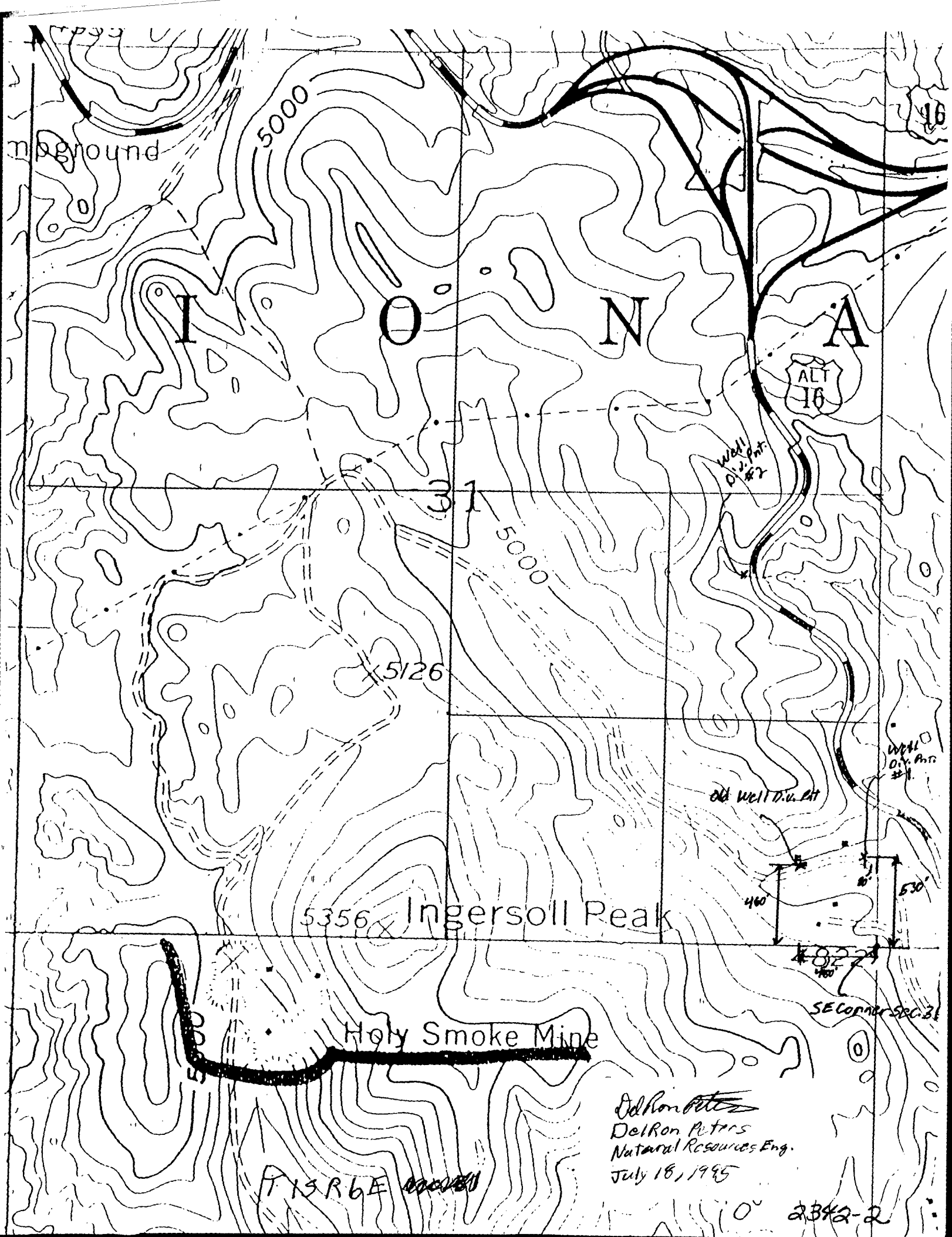
RECEIVED OF Elshere Cattle Co., Holy Smoke Inn, PO Box 684, Keystone, SD 57751

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 _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. Hatcher
Chief Engineer



maground

I O N A

ALT
16

Well
O.V. Pat.
#2

5126

5000

Well
O.V. Pat.
#1

Old Well O.V. Pat.

5356 Ingersoll Peak

460'

530'

8224

SE Corner SEC. 31

Holy Smoke Mine

Del Ron Peters
Natural Resources Eng.
July 18, 1995

T 15 R 6 E

2342-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 1995

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?
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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1995

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 1995

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).

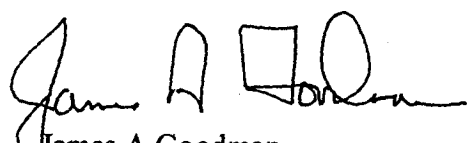
REVIEW OF EXISTING WATER PERMITS/RIGHTS

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 WATER PERMIT
APPLICATION NO. 2342-2, 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 Water Permit Application No. 2342-2, Danielle and Arlie Elshere, PO Box 684, Keystone, SD 57751.

The Chief Engineer is recommending APPROVAL of Application No. 2342-2 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 qualifications:

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.

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

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 Prevalier 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



1. Patricia Lembke

certify that the attached printed Notice was

taken from the Hill City Presswater
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 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
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beneficial use of water, and 4) it
is in the public interest.

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46-2A-23, the chief engineer
will act on the applications, as
recommended, unless a petition
is filed opposing the applica-
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petition contesting the chief
engineer's recommendations. If
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applications or contesting the
recommendations is filed, then
a hearing will be scheduled and
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will consider the applications.
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given to the applicant and any
person filing a petition.

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applications or recommenda-
tions must file a written petition
with BOTH the applicant and
chief engineer. The applicant
must file a petition if contesting
the chief engineer's recommen-
dations. 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 inter-
est 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

416850

Pierre, June 6, 2001

RECEIVED OF Danielle Elshere, 3421 Amberwood Ave., Lake Havasu, 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 2342-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbele

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2342-2



Date: 5-31-01

I/We request that Water Permit No. 2342-2

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

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

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

I/We understand that the validity of Water Permit No. 2342-2 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.

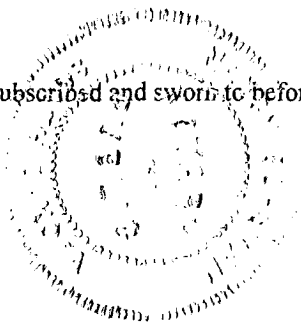
STATE OF SOUTH DAKOTA)

County of Pennington)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Danielle Elshere
(Signature of new owner)

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



Nancy Sherman
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

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		DATE OF DEATH (Month, Day, Year)	
1. Arlie L. ELSHERE		2. January 21, 2001	
CITY, TOWN OR LOCATION OF DEATH		COUNTY OF DEATH	
3b. Las Vegas		3a. Clark	
HOSPITAL OR OTHER INSTITUTION—Name (If not either, give street and number)		If Hosp. or Inst. indicate DOA, OP/Emer. Rm. Inpatient (Specify)	
3c. Summerlin Hospital		3e. Inpatient	
SEX		4. Male	
RACE—(e.g., White, Black, American Indian, etc.) (Specify)		DATE OF BIRTH (Mo., Day, Yr.)	
5. White		8. Dec. 15, 1937	
Was Decedent of Hispanic Origin? Specify ☐ yes ☒ no If yes, specify Mexican, Cuban, Puerto Rican, etc.		AGE—Last Birthday (Years)	
6.		7a. 63	
CITIZEN OF WHAT COUNTRY		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)	
9b. USA		11. Married	
Decedent's Education. Specify highest grade completed.		SURVIVING SPOUSE (If wife, give maiden name)	
10. 12		12. Danielle Dell	
SOCIAL SECURITY NUMBER		KIND OF BUSINESS OR INDUSTRY	
13. 504-34-3337		14b. Resort	
USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)		STREET AND NUMBER	
14a. Owner-Operator		15d. Hwy 16 A	
RESIDENCE—STATE		INSIDE CITY LIMITS (Specify Yes or No)	
15a. South Dakota		15e. Yes	
COUNTY		CITY, TOWN, OR LOCATION	
15b. Pennington		15c. Keystone	
FATHER—NAME First Middle Last		MOTHER—MAIDEN NAME First Middle Last	
16. Paul Elshere		17. Ruth Eymer	
INFORMANT—NAME (Type or Print)		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)	
18a. Jennifer J. Kennedy		18b. 11153 Vivid Ave. Las Vegas, Nevada 89144	
BURIAL, CREMATION, REMOVAL, OTHER (Specify)		CEMETERY OR CREMATORY—NAME	
19a. Removal/Burial		19b. Masonic Cemetery	
LOCATION City or Town State		19c. Philip, South Dakota	
FUNERAL DIRECTOR—SIGNATURE (Or Person Acting as Such)		NAME AND ADDRESS OF FACILITY	
20a. James W. Long		20c. Hites Funeral Home 438 W. Sunset Rd. Henderson, Nevada 89015	
FUNERAL DIRECTOR LICENSE NUMBER		20b. 601	
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)		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.)		DATE SIGNED (Mo., Day, Yr.)	
21b. 1/25/01		22b. 1/25/01	
HOUR OF DEATH		HOUR OF DEATH	
21c.		22c.	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		PRONOUNCED DEAD (Mo., Day, Yr.)	
21d.		22d. ON	
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER). (Type or Print)		LICENSE NUMBER	
23a. Gilbert Nyamuswa M.D. 653 Town Center Dr. Las Vegas, Nevada 89134		23b. 7231	
REGISTRAR		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)	
24a. (Signature) Kathie South		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).)		Interval between onset and death	
PART I (a) CARDIORESPIRATORY ARREST		Interval between onset and death	
(b) MULTIPLE MYELOMA		Interval between onset and death	
(c)		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		27. No	
WAS CASE REFERRED TO CORONER (Specify Yes or No)		27. No	
ACC., SUICIDE, HOM., UNDET., OR PENDING INVEST. (Specify)		DATE OF INJURY (Mo., Day, Yr.)	
28a.		28b.	
HOUR OF INJURY		28c.	
M		28d.	
DESCRIBE HOW INJURY OCCURRED		28e.	
INJURY AT WORK (Specify Yes or No)		PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)	
28e.		28f.	
LOCATION.		STREET OR R.F.D. No.	
28g.		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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 2001

2342-2

Danielle Elshere
PO Box 684
Keystone SD 57751

Dear Mrs. Elshere:

On October 9, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2342-2, was completed by Ken Buhler, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing 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 Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

417008

Pierre, December 7, 20 01

RECEIVED OF Holy Smoke Resort, Danielle Elshere, 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 _____

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. 2342-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Darland Erbe
Chief Engineer *gm*

Permit No. 2342-2
Upper Cheyenne River - Water District

Other permit/license(s) associated with project: 2341-2

Contact Person & Address: Sandy (?), PO Box 684, Keystone, SD 57751

Report Of Examination Of Works

On, October 9, 2001, I made a thorough examination of the water use system constructed by Danielle Elshere of PO Box 684, Keystone, SD 57751 holder of Permit No. 2342-2, bearing the priority of June 12, 1995 authorizing the diversion of 0.044 cu. ft. per second of the waters of groundwater for commercial purposes, in Pennington County.

The system is in the following condition good. The points of diversion are located (#1) 340 feet north and 50 feet west of the south east corner of Sec.31, T1S-R6E with a longitude of -103.44008 and a latitude of 43.914172; and (#2) 870 feet north and 150 feet west of the south east corner of Sec.31, T1S-R6E with a longitude of -103.439720 and a latitude of 43.91268. The works are capable of diverting and conveying to the place of use 0.044 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.044 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na
- 4) Exceptions to compliance are: na

Report On the Specifics of the System

Diversion Point Information:

- | | |
|---|--------------------------------------|
| 1) Well Drilling Firm: <u>Ham Drilling</u> | 2) No. of Wells <u>two</u> |
| 3) Depth(s) <u>130</u> feet & <u>260</u> feet | 4) Well logs is available <u>yes</u> |

Well No. 1

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>58</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--|--------------------------|
| 1) Type <u>none (open hole completion)</u> | 2) Length <u>72</u> feet |
| 3) Static water level <u>80</u> feet | |

Pump\ Motor:

- | | |
|------------------------------------|----------------------------------|
| 1) Pump Make <u>AY McDonald</u> | 2) Pump Model <u>submersible</u> |
| 3) Capacity <u>10</u> GPM | 4) Motor Make <u>Franklin</u> |
| 5) Horsepower rating <u>3/4</u> hp | |

Well No. 2

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>6</u> inches | 2) Length <u>40</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--|----------------------------|
| 1) Type <u>none (open hole completion)</u> | 2) Length <u>#220</u> feet |
| 3) Static water level <u>140</u> feet | |

Pump\ Motor:

- | | |
|------------------------------------|----------------------------------|
| 1) Pump Make <u>AY McDonald</u> | 2) Pump Model <u>submersible</u> |
| 3) Capacity <u>10</u> GPM | 4) Motor Make <u>Franklin</u> |
| 5) Horsepower rating <u>3/4</u> hp | |

COMMENTS:

Well No. 1 pumps to an 80 gallon pressure tank with a submersible pump. Water is used from the pressure tank in cabins 1-12 and at the laundry.

Well No. 2 pumps to an 80 gallon pressure tank with a submersible pump. Water is used from the pressure tank At the resturant.



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program



Date

Water Right Map

2342-2

O

N

A

L



31

5000

5/26

Well #2

Well #1

4800

5356

Ingersoll Peak

4822

Holy Sr

SE corner of
Sec. 31, T1S-R6E

Buckeye

1000

0

1000

2000

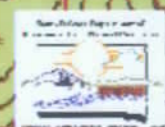
Feet

N

Ken Buhler

11/19/01

Ken Buhler
Natural Resources Engineering Specialist
SD DENR-Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2342-2

(1) Danielle and Arlie Elshere, PO Box 684, Keystone SD 57751 made Application No. 2342-2, March 22, 1995 for a water permit to divert 0.044 cubic feet of water per second from groundwater (two wells), Pennington County, South Dakota for commercial purposes. Permit No. 2342-2, with a priority date of June 12, 1995 was approved October 2, 1995 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

On June 6, 2001, Water Permit No. 2342-2 was transferred to Danielle Elshere.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.044 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 1 – 340 feet north and 50 feet west of the southeast corner of Section 31; and Well # 2 – 870 feet north and 150 feet west of the southeast corner of Section 31; all in T1S-R6E (SE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Danielle Elshere, PO Box 684, Keystone SD 57751 the holder and/or owner of Water Right No. 2342-2 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second from groundwater (two wells) with a priority date of June 12, 1995 from the locations specified in (2) of this license for commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 2342-2 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 15 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 15 2002

2342-2

Danielle Elshere
PO Box 684
Keystone, SD 57751

Dear Ms. Elshere:

Enclosed is Water License No. 2342-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417008 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2342-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures



2342-2

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Danielle 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	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>2342--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.

02342

By Garland Erbele
Chief Engineer KS

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. 2342-2
Date: 3-3-06

I/We request that Water Right/Permit No. 2342-2

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:

two wells located - E ½ SE ¼ Sec 31-T1S-R6E

I/We understand that the validity of Water Right/Permit No. 2342-2 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