

WATER PERMIT NO. 2558-2

Name of Applicant: Horse Thief Campground and Resort LLC

Address: PO Box 307, Hill City SD 57745 Phone: 605 574-2668

Amount of Water Claimed: 40 gpm Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use County: Pennington

Type of Waste Disposal System:

Location: 4 miles south of Hill City

PRIORITY Date Received: 4-15-05 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: April 1 – November 1

Remarks: Already has existing Water Right No. 644-2 and Permit No. 2128-2

Diversion Point: SW ¼ SE ¼ Sec 13-T2S-R4E

Land to be Irrigated: NA

Depth of Well: 260

Well Driller: : Alexander Drilling Inc.

Remarks:

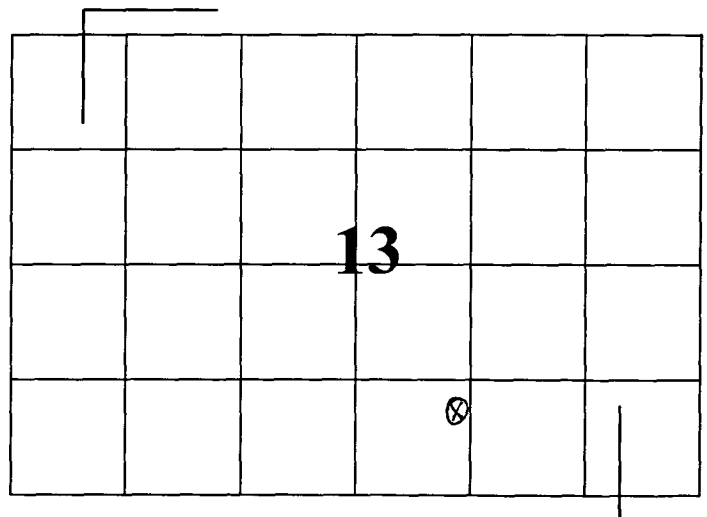
Type of Map: topo

Prepared by: Linda Harris, DENR

Reviewed and the Number Assigned on: 4-18-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2558-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hill City Prevalier News, Hill City</u>	

RECEIVED
APR 15 2005
WATER RIGHTS
PROGRAM

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

Check use(s) 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, 1955) ☐ Future Use Reservation
(check one)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

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

1. Name of Applicant Horse Thief Campground and Resort LLC Phone 574-2668
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 307 Hill City SD State 57745
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.09 *CFS or 40 **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 New Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 SE1/4 Section 13 Township 2 South Range 4 East
County Pennington

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used April 1 to November 1

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)

Campground - provide water for 12 RV locations, a new bathhouse
(to be built) and possible backup for existing water system.

STATE OF SOUTH DAKOTA)
County of Pennington SS

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)

I, Steve Ferrin, 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.

Applicant's signature Steve Ferrin

Subscribed and sworn to before me this 11th day of April 20 05

Alvin M. Kelley
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2558-2**

Date of first receipt of application April 15, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2558-2 to Horse Thief Campground and Resort LLC, PO Box 307, Hill City SD 57745 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2558-2 appropriates 0.09 cubic feet of water per second from one existing well completed into the Precambrian Crystalline Rock (260 feet deep) located in the SW ¼ SE ¼ Section 13-T2S-R4E. The water serves as a backup supply to existing Water Right No. 644-2 and Permit No. 2128-2.
2. The water appropriated shall be used for the purpose of commercial use at a campground and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 1.
4. The date of approval of Permit No. 2558-2 is July 18, 2005.
5. The date from which applicant may claim right is April 15, 2005.
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 well 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.

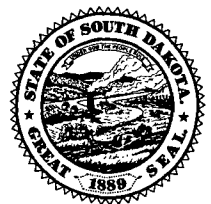
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 29 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 260'
- b) Casing Type PVC Diameter 6" Thickness 160 #
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material See well completion report attached
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
On applicants property $\frac{1}{4}$ mile On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

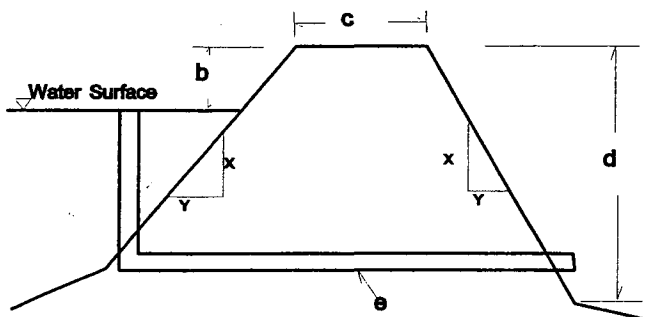
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 18, 2005

RECEIVED OF Horse Thief Campground, 24391 Hwy 87 Box 307, Hill City SD 57745

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

Fee for Application for Permit No. <u>2558-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2558-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

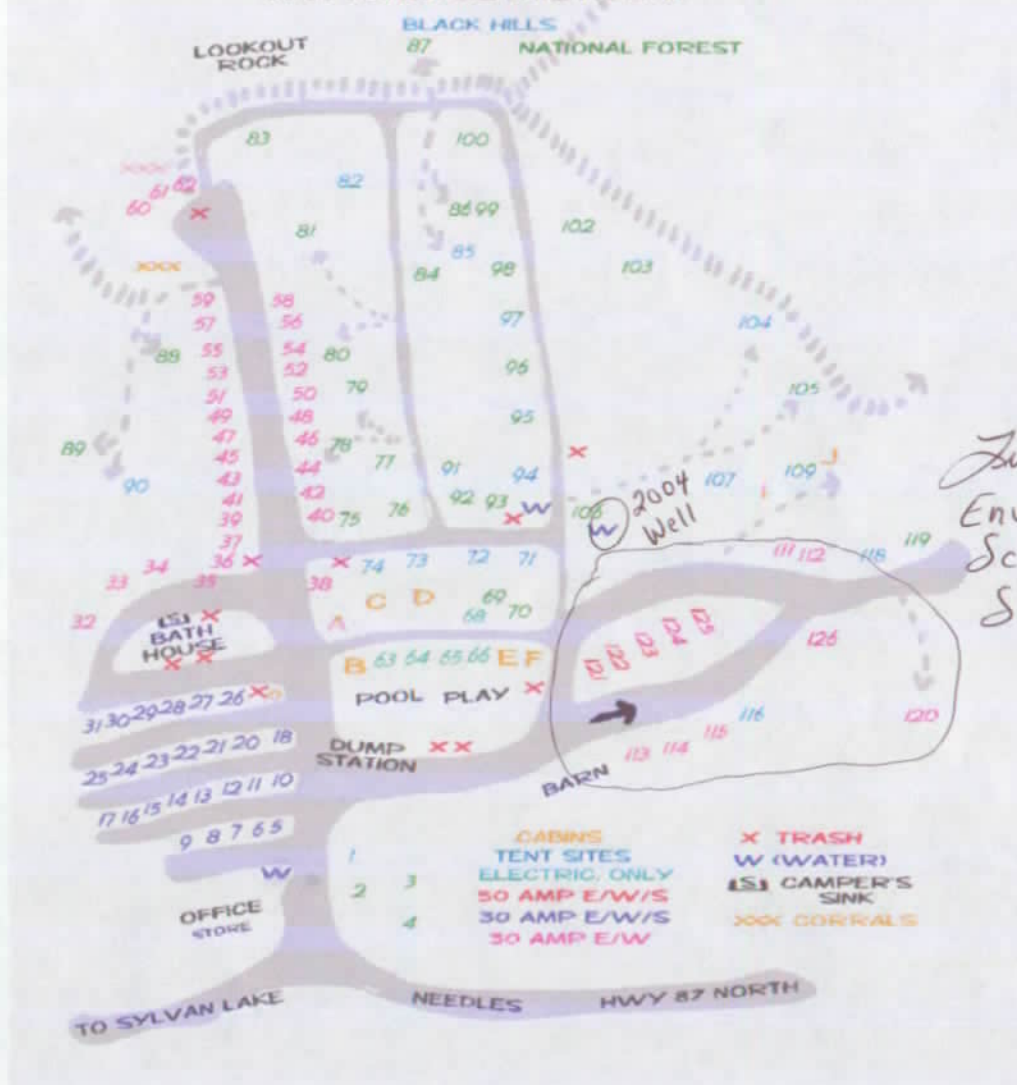
001219

By

Darlene Elise
Chief Engineer *gm*

HORSETHIEF CAMPGROUND

P.O. BOX 307 HILL CITY, SD 57745
1-800-657-58020 / 605-574-2668
www.horsethief.com



Linda J. Davis
Environmental
Scientist
SD DENR
4-14-05

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USA

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Home / Advanced / Address Search / 24391 SR-87, Hill City, SD 57745

Navigate

View: Topo Map



2 meter resolution



Map Size: Large

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Related Links:

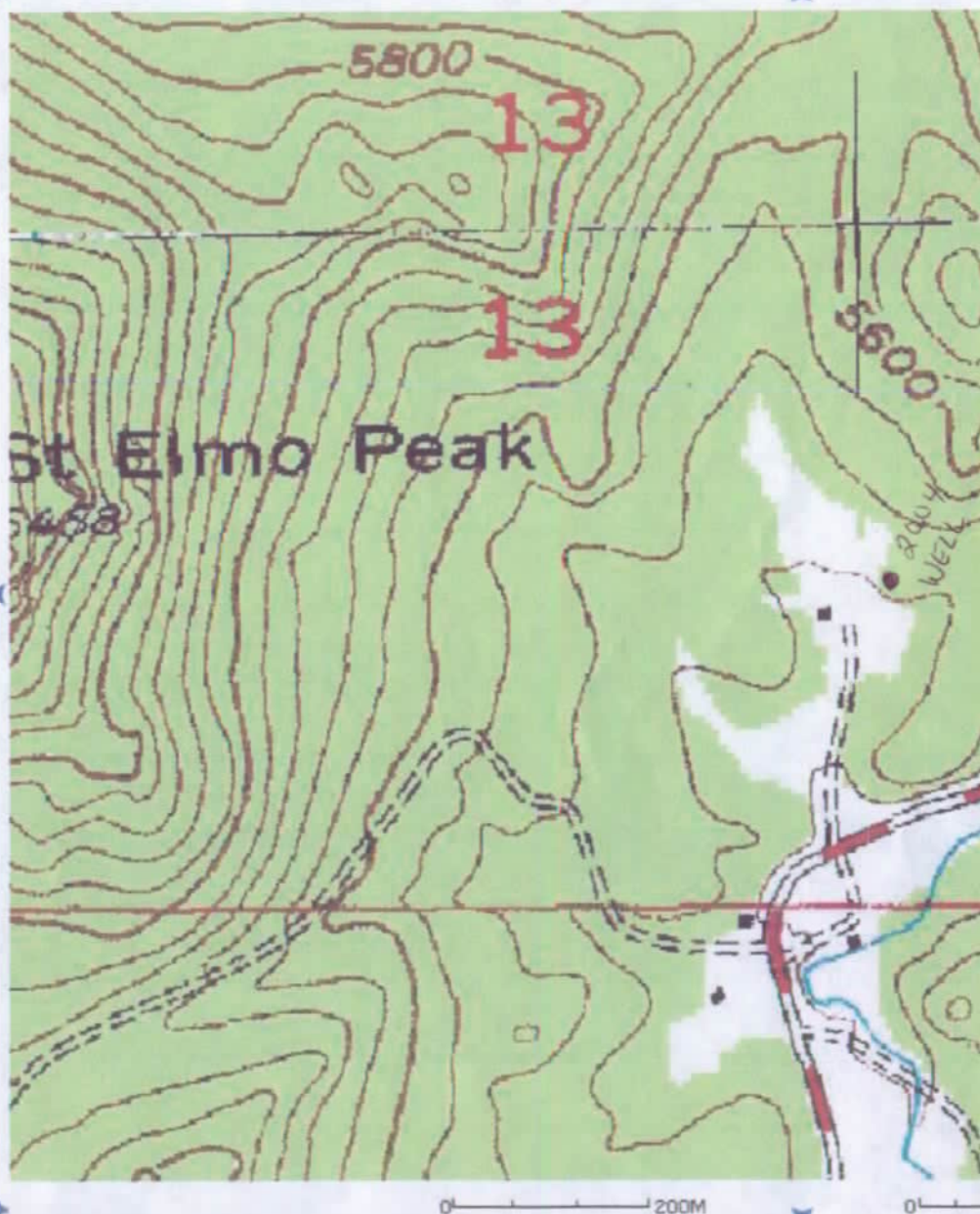
Other Imagery:

USGS Aerial Photo 29 Jun 1998

World File:

GIS World Coordinates

24391 SR-87, Hill City, SD 57745
 36 km SW of Rapid City, South Dakota, United States



Timberly Haver
 Environmental Scientist, SDDNR
 4-14-05

Image courtesy of the U.S. Geological Survey

Source=043103g5 Center=(-103.5836,43.8717) 233ms Running Time



4-14-05

Finley J. Davis, Environmental Scientist
SD DNR

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

HILL CITY 4.9 MI.
1.5 MI. TO U.S. 16 AND ALT. 85 (HILL CITY) R. 5 E

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SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

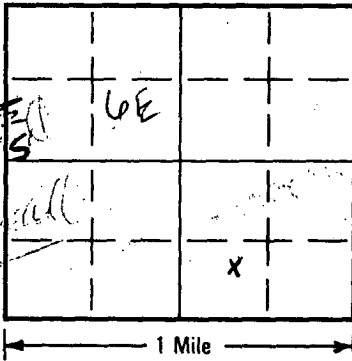
Location SW 1/4 SE 1/4 Sec 13 Twp 2 S Rg 4 E

County

Pennington

North

Please mark well location with an "X"



Well Completion Date

1/20/04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 250 ft. from septic (identify source).

PROPOSED USE:

- ☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary Downhole HammerCASING DATA: ☐ Steel ☒ Plastic ☐ OtherIf other describe 40' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
				<u>6</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type Portland II No. of Sacks 4 Grout Weight 15 lb./gal From 38 ft. To 6 ft.

Describe grouting procedure w/trim pipeSCREEN: ☐ Perforated pipe ☐ Manufactured None

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information open holeWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Packing Set in hd rockDISINFECTION: Was well disinfected upon completion? w/ chlorine solution
☒ YES, How: _____
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Steve FerrinBusiness Name: Horse Thief CampgroundAddress: P.O. Box 307
New City SD 57745

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	33
med hd grey/brown schist	33	50
Fracture-trickle	50	51
med hd grey schist	51	100
Schist fract 2 gpm	120	121
mid hd grey schist	121	191
Schist fract 1 gpm	191	192
med hd grey schist	192	243
Broken schist fract 100 gpm	243	246
mid hd grey schist	246	260

STATIC WATER LEVEL 40' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped w/air Describe: 100 gpm
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAR 30 2004

This well was drilled under license # 324 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Alexander Drilling IncSignature of License Representative: Sam JewellSignature of Well Owner or Equitable Property Holder: Steve FerrinDate: 1-30-04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 2004

Horse Thief Campground
Steve Ferrin
Box 307
Hill City SD 57745

Dear Mr. Ferrin:

I am writing in regard to a well driller's report filed by Alexander Drilling Inc. for a well completed on January 20, 2004. A review of our files indicates Horse Thief Campground holds Water Right No. 644-2 and Water Permit No. 2128-2. The two permits combined authorize a total of 45 gallons per minute (gpm) from four wells and Sunday Gulch Creek.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Ferrin, does the peak diversion rate from the wells exceed 45 gpm? If so, a new permit application will be required for the additional diversion rate above 45 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 45 gpm, please let me know.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 2004

Horse Thief Campground
Steve Ferrin
Box 307
Hill City SD 57745

Dear Mr. Ferrin:

On April 9, 2004, you were sent an *Application for a Permit to Appropriate Water* form based on a well completion report. Enclosed is a copy of that letter. An application may be necessary to obtain a permit which will reflect your water use. To date, we have not heard from you.

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

Enclosed is another set of application forms. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

WATER PERMIT APPLICATION NO. 2558-2
HORSE THIEF CAMPGROUND AND RESORT, LLC
JUNE 13, 2005

Water Permit Application No. 2558-2 proposes to appropriate 0.09 cubic feet of water per second (cfs), from one existing well completed into the Precambrian Crystalline Rock aquifer, 260 feet deep, located in the SW¼ SE¼ Sec. 13, T2S-R4E, Pennington County. The water is for commercial use at a campground and serves as a backup supply to existing Water Right No. 422-2 and Permit No. 2128-2.

AQUIFER: Precambrian Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock which is exposed at the surface throughout this area consists of metamorphosed greywacke (mica schist and impure quartzite), (Strobel and others, 1999). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as Sunday Gulch Creek. Groundwater is derived primarily through joints, fractures and foliation within the rock. The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. Recharge to the crystalline rock occurs through infiltration of precipitation and steamflow losses.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. The nearest observation well completed into this aquifer is located in Custer, about seven miles south of this site (Water Rights, 2005b). Water levels in the observation well fluctuate over 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years, see figure 1. The aquifer in this area should behave similarly to the aquifer in the Custer area.

WATER RIGHTS' OBSERVATION WELL
CU-86A

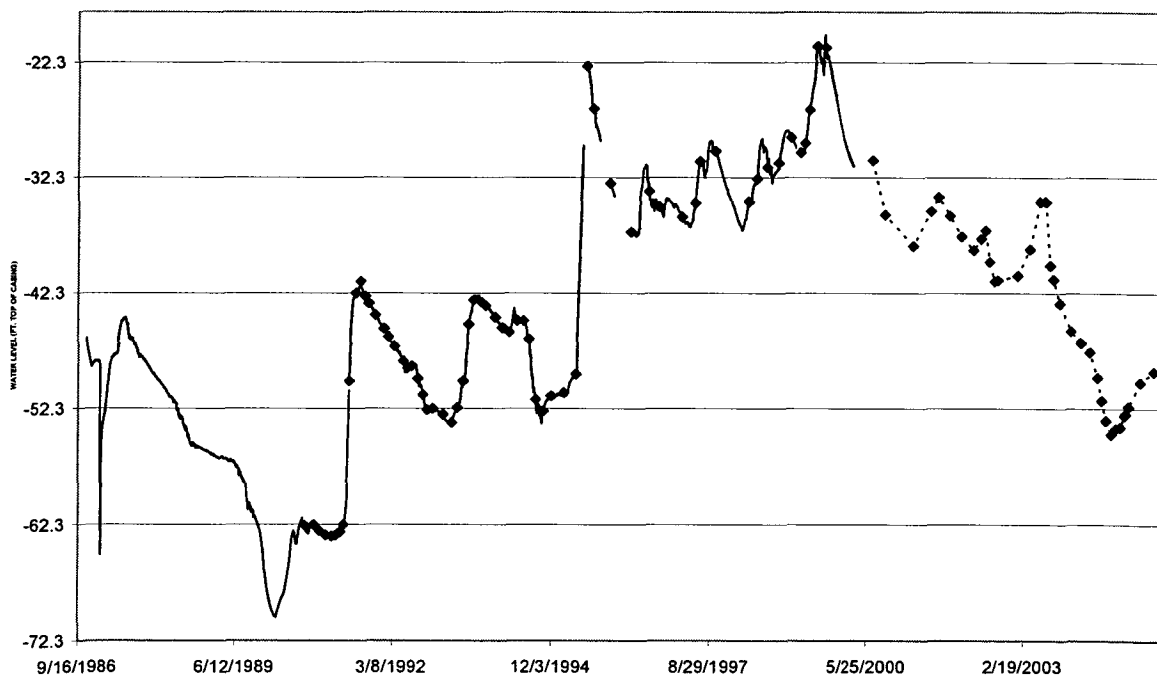


Figure1. Hydrograph of Crystalline aquifer observation well located approximately seven miles south of 2558-2.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area (Water Rights, 2005a) and there are, excepting the existing water rights for this facility, four Water Rights/Permits appropriating groundwater water from the aquifer within approximately one and one-half miles of this site (Water Rights, 2005c). None of these appropriations are within one mile of this well site. The appropriations are shown in Table 1.

PERMIT NO	NAME	USE	CFS
854-2	HICOW CO INC	COM	0.13
607-2	HARNEY CAMP CABINS	COM	0.22
2229-2	BLUE SPRUCE VALLEY CABINS & CAMPGROUND	COM	0.07
1113-2	RAFTER BAR J RANCH	COM	0.22

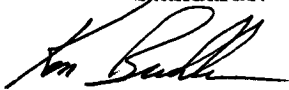
Table 1. Groundwater appropriations within approximately one and one-half miles of 2558-2

Since the porosity of the crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. However, any drawdown associated with the 0.09 cfs pumping rate proposed by this application should be insignificant to existing appropriative rights. Although the diversion rate proposed by this application is relatively small (40 gpm), it is possible that drawdown from this well could be measurable in nearby domestic wells.

ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. Since the porosity of the crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 50' at the Water Rights' Observation well; drawdown of a few feet could be considered insignificant.

Conclusions:

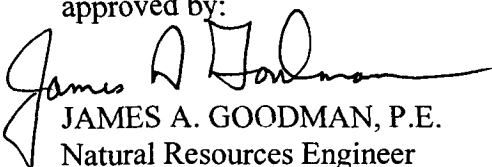
1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.
3. This is an application to divert water from an existing well. The completion report on file for the well indicates it was constructed in accordance with the SD Well Construction Standards.



KEN BUHLER

Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Driscoll, D.G., Carter J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 02-4094, 1503 p.
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Water Rights, 2005a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2005b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2005c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2558-2, Horse Thief Campground and Resort**

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. 2558-2, Horse Thief Campground and Resort, LLC, PO Box 307, Hill City SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2558-2 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) it is in the public interest with the following qualification:

The well 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.

Garland Erbele, Chief Engineer
June 17, 2005

*Attn: Karen Schlaack***Affidavit of Publication**

State of South Dakota)

)ss.

County of Pennington)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Hill City Prevalier-News, a weekly newspaper printed and published in Hill City, said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Horse Thief Campground
Notice of Application to
Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

June 29, 2005; July 6, 2005;
 _____;
 _____;
 _____;

as stipulated in SDCL 17-2-2.1 through 17-2-2.4 inclusive; the full amount of the fees for the publication of the annexed notice is \$ 35.94.

Charles W. Najacht

Subscribed and sworn to me before this 6

of July, 2005;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006

NOTICE OF APPLICATION**NO. 2558-2 TO APPROPRIATE WATER**

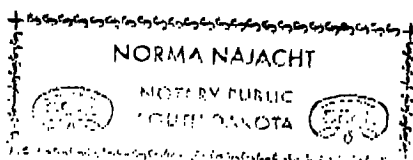
Notice is given that Horse Thief Campground and Resort, LLC, c/o Steve Ferrin has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one existing well completed into the Precambrian Crystalline Rock (260 feet deep) located in the SW 1/4 SE 1/4 Section 13-T2S-R4E. The water is for commercial use at a campground and serves as a backup supply to existing Water Right No. 644-2 and Permit No. 2128-2.

Pursuant to SDCL 46-2A-2, the chief engineer recommends **APPROVAL** of Application No. 2558-2 because 1) unappropriated water is available; 2) existing rights will not be unlawfully impaired; 3) it is a beneficial use of water; and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 July 18, 2005.

The petition may be informal, but must include the statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources
 #211, 6/29, 7/6

OK



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 20, 2005

Hill City Prevailier News
PO Box 266
Hill City SD 57745-0266

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2558-2 to Appropriate Water to be published twice. Please publish the first notice on June 29, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Horse Thief Campground and Resort LLC, % Steve Ferrin, Box 307, Hill City SD(Ph # 605-574-2668).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2558-2

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

Date _____

We are in receipt of your letter of June 20, 2005 enclosing Notice to Appropriate Water by Application No. 2558-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 29, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2558-2 to Appropriate Water

Notice is given that Horse Thief Campground and Resort LLC, c/o Steve Ferrin has filed an application for a water permit to appropriate 0.09 cubic feet of water per second from one existing well completed into the Precambrian Crystalline Rock (260 feet deep) located in the SW ¼ SE ¼ Section 13-T2S-R4E. The water is for commercial use at a campground and serves as a backup supply to existing Water Right No. 644-2 and Permit No. 2128-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2558-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 July 18, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 20, 2005

Horsethief Campground & Resort LLC
% Steve Ferrin
PO Box 307
Hill City SD 57745

Dear Mr. Ferrin:

Water Permit Application No. 2558-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Hill City Prevalier News printed at Hill City, SD (Ph # 605-574-2538). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 2005

Horsethief Campground & Resort LLC
% Steve Ferrin
PO Box 307
Hill City SD 57745

Dear Mr. Ferrin:

Enclosed is Water Permit No. 2558-2 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.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 16 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2558-2Date: February 12, 2010

I/We request that Water Right/Permit No. 2558-2 formerly owned by:
HORSE THIEF CAMPGROUND AND RESORT, L.L.C. be transferred to:

New Owner Name: PAHA SAPA ADVENTURE, L.L.C.Address: 24391 HIGHWAY 87City, State, Zip HILL CITY SD 57745 Telephone No. _____

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

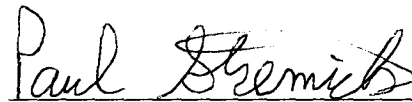
SW1/4 SE1/4 of Section 13, Township 2 South, Range 4 East of the Black Hills Meridian,
Pennington County, South Dakota.

☒ I understand that the validity of Water Right/Permit No. 2558-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, PAHA SAPA ADVENTURE, L.L.C., the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 20 10

RECEIVED OF First American Title (PahaSapa Adventure) 24391 Hwy 87 Hill City SD 57745

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 <u>2558-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04481**

By *Jane D. Erdell*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2010

Paul Stremick
Paha Sapa Adventure LLC
24391 Hwy 87
Hill City SD 57745

Dear Mr. Stremick:

I am writing to acknowledge receipt of the ownership change filed for Water Right No. 644-2 and Water Permit Nos. 2128-2 and 2558-2.

The transfer of each has been completed. Nos. 644-2, 2128-2 and 2558-2 formerly held by Horse Thief Campground and Resort LLC are now listed in the name "Paha Sapa Adventure LLC".

The receipts for the filing fees are being forwarded with a copy of this letter to First American Title Company in Rapid City.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

c: First American Title Company, PO Box 8181, Rapid City SD

-----Original Message-----

From: Cyndi Goetze [mailto:cyndig@taxcrew.com]
Sent: Friday, February 26, 2010 4:31 PM
To: McMath, Genny
Subject: Re: Horse Thief Campground and Resort, LLC

Hello,

The PO Box is PO Box 307, Hill City, SD 57745.

Cyndi

----- Original Message -----

From: Genny.McMath@state.sd.us
To: cyndig@taxcrew.com
Sent: Friday, February 26, 2010 8:11 AM
Subject: RE: Horse Thief Campground and Resort, LLC

I sent a letter to the new owner and it came back in the mail from the post office. Do you have any additional info I could use?

Letter went to:

Paul Stremick
Paha Sapa Adventure LLC
24391 Highway 87
Hill City SD 57745

Genny

-----Original Message-----

From: Cyndi Goetze [mailto:cyndig@taxcrew.com]
Sent: Tuesday, February 23, 2010 12:42 PM
To: McMath, Genny
Subject: Re: Horse Thief Campground and Resort, LLC

Hi Genny,

The contact person for Paha Sapa Adventure LLC would be Paul Stremick or Julie Stremick-- they are both managing members of the LLC.

The address for First American Title Company is: PO Box 8181, Rapid City, South Dakota 57709-8181

Glad to help--have a good day.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2558-2

I have this day, June 23, 2017 made a thorough examination of the water use system constructed by **Paha Sapa Adventure LLC, P.O. Box 307, Hill City, SD 57745** of Permit No. **2558-2**, bearing the priority of **4/15/2005** authorizing the diversion of **0.09** cu. ft. per second of the water from one well for commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Paul Stremick, owner**
Horse Thief Campground
24391 Hwy 87, Hill City, SD

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (2004)
- 2) No. of Wells 1
- 3) Depth(s) 260 feet
- 4) Well log is available Yes

Casing:

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

Screen:

- 1) Type open hole
- 2) Length 220 feet
- 3) Static water level 40 feet

Pump:

- 1) Make unknown
- 2) Model -----
- 3) Size 4"
- 4) Capacity 40 GPM (see below)
- 5) Horsepower rating --- hp

Note: The well was air tested at 100 gpm. The owner does not have any information on the pump installed. The well driller provided some of the material for the installation but did not install the pump. It is a constant pressure system operating at 40 psi that could easily deliver 40 gpm with a 3 hp single phase pump.

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

- 1) Type Plastic
- 2) Size various inches
- 3) Length ---- feet

C. Works used to apply water to beneficial use:

The well provides seasonal use for the campground, shower house, store and a mobile home. The facilities are also served by a well #2 authorized by permit # 2128-2.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes,
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,014' N and 1,575' W of the SE corner Section 13 T2S R4E (43.871439, -103.58389)
2. The works are capable of diverting and conveying to the place of use .089 cu. ft. per second (40gpm) of water which is to be used for **commercial** use and the license should be issued for .089 cfs.
3. All structures, wells and lands on map: **No, well only**

F. Comments or other permit(s) associated with the project: Paha Sapa Adventures also holds Water Right 644-2 and Water Permit 2128-2.



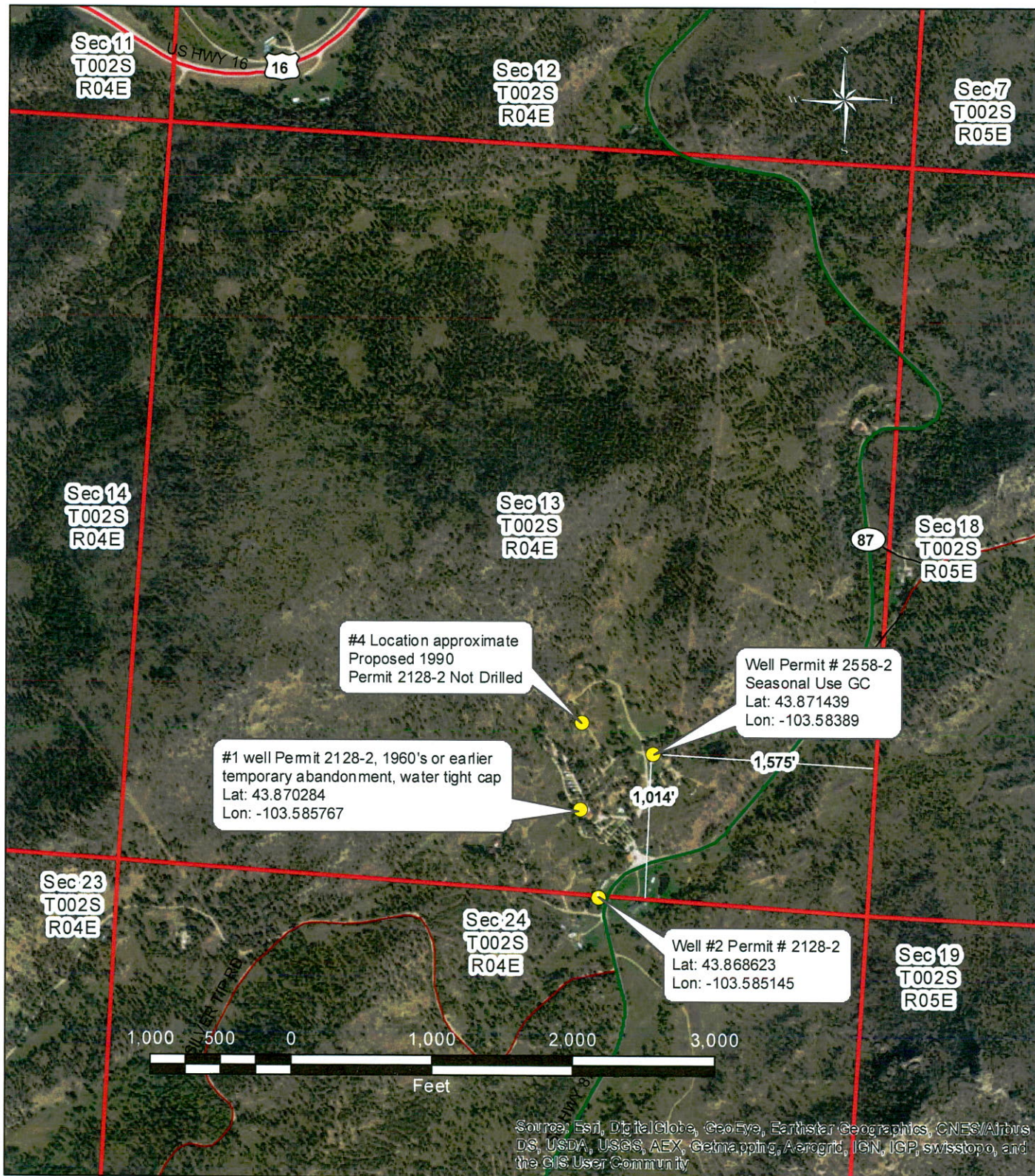
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 7/10/2017



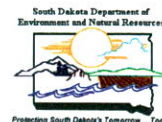
Well and pump/shower house

Water Right # 2558-2
Paha Sapa Adventure LLC
6/23/2017



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 12 2017

2558-2

Paul Stremick
Paha Sapa Adventure LLC
PO Box 307
Hill City SD 57745

Dear Mr. Stremick:

Enclosed is Water License No. 2558-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2558-2

(1) Horse Thief Campground and Resort LLC made Application No. 2558-2, April 15, 2005 for a water permit to divert 0.09 cubic feet of water per second from ground water, one existing well (Precambrian Crystalline Rock), Pennington County, South Dakota for commercial purposes at the campground. Permit No. 2558-2, with a priority date of April 15, 2005 was approved July 18, 2005 and issued to the applicant for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

Water Permit No. 2558-2 was transferred February 16, 2010 to Paha Sapa Adventure LLC.

(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 0.089 cubic feet of water per second for beneficial use. The diversion point is located in the SW ¼ SE ¼ of Section 13, T2S, R4E more fully described as follows:

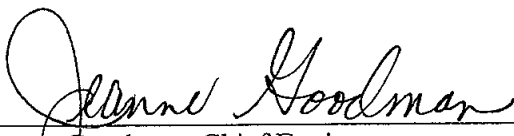
- 1,014'N and 1,575'W of the SE corner of Section 13 T2S R4E (43.871439, -103.58389)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The well provides seasonal use for the Horse Thief Campground, shower house, store and a mobile home.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paha Sapa Adventure LLC, PO Box 307, Hill City SD 57745 the holder and/or owner of Water Right No. 2558-2 is issued a license to appropriate water, the right to use 0.089 cubic feet of water per second from ground water, one well (Precambrian Crystalline Rock) with a priority date of April 15, 2005 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2558-2 and subject to the following qualification:

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

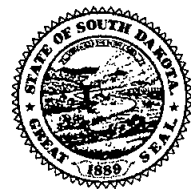


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 12 2017

date



2558-2

**DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

L A W Y E R S

P.O. BOX 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701-2703

MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH, ATTORNEY AT LAW, P.C.
ROGER A. TELLINGHUISEN

TELEPHONE
605-342-2814

FAX
605-342-0732

May 29, 2018

Department of Energy & Natural
Resources
523 East Capitol Avenue
Pierre, SD 57501

RECEIVED

MAY 31 2018

**WATER RIGHTS
PROGRAM**

Gentlemen:

Enclosed herewith please find three Notice of Transfer of Ownership and our check for \$150 to cover the filing fee.

Very truly yours,

/s/ Richard E. Huffman

REH/tls
Enclosure

Richard E. Huffman reh@demjen.com
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2558-2Date: February 12, 2010

I/We request that Water Right/Permit No. 2558-2 formerly owned by:
PAHA SAPA ADVENTURE, L.L.C. be transferred to:

New Owner Name: MOS-AMS, LLCAddress: 24391 HIGHWAY 87City, State, Zip HILL CITY SD 57745 Telephone No. _____

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

SW1/4 SE1/4 of Section 13, Township 2 South, Range 4 East of the Black Hills Meridian,
Pennington County, South Dakota.

☒ I understand that the validity of Water Right/Permit No. 2558-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, MOS-AMS, LLC, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 5, 20 18

RECEIVED OF Demersseman Jensen Tellinghuisen & Huffman, LLP PO Box 1820 Rapid City 57709

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 _____ 2558-2		
Fee for _____	50	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08653**

By Jeanne Goodman
Chief Engineer JM



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **MOS-AMS, LLC**

General Information

SOS Business ID DL147767
Filing Type: Limited Liability Company - Domestic
 05/03/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

RICHARD E. HUFFMAN
 516 FIFTH STREET
 RAPID CITY, SD 57701

Principal Address

24391 SOUTH HIGHWAY 87
 HILL CITY, SD 57745

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
05/03/2018	Initial Filing	B0060-4591

File No. 644-2

2128-2

2558-2 ✓

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Richard Huffman, Attorney w/DeMersseman, Jensen, Tellinghuisen & Huffman LLP, PO Box 1820, Rapid City SD 57709-1820

DATE: June 11, 2018

RE: ownership changes for Water Permit/Right Nos. 644-2, 2128-2 and 2558-2

COMMENTS:

The water permits/rights held by Paha Sapa Adventure LLC are being transferred to MOS-AMS LLC. I emailed Mr. Huffman because his firm had paid the filing fee and submitted the ownership changes on behalf of MOS-AMS LLC to find out a contact person to be used for correspondence and also to find out the correct mailing address.

Mr. Huffman responded to my email indicating Mark Stansberry should be listed as the contact person. The address to use for day-to-day correspondence can be directed to PO Box 307, Hill City SD 57745-0307.



Genny McMath
Water Rights Program

2558-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

June 11, 2018

644-2
2128-2
2558-2

Mark Stansberry
MOS AMS LLC
PO Box 307
Hill City SD 57745-0307

Dear Mr. Stansberry:

Recently, the law firm of DeMersseman, Jensen, Tellinghuisen and Huffman submitted transfer forms and filing fees for use in changing ownership on Water Right Nos. 644-2 and 2558-2 and Water Permit No. 2128-2.

The ownership changes have been completed. The above listed numbers formerly held by Paha Sapa Adventure LLC are now listed in the name of MOS-AMS LLC.

Receipt Nos. 08691, 08692 and 08693 in the amounts of \$50 each are being sent by copy of this letter to the law firm.

If you have any questions concerning the water permit and water rights, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Genny McMath', is written over a horizontal line.

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

c: Richard Huffman, DeMersseman, Jensen, Tellinghuisen and Huffman w/receipts