

WATER PERMIT NO. 2649-2

Name of Applicant: Simpson, Inc. c/o James M & Marla J Simpson

Address: 12720 S Highway 16, Rapid City SD 57702 Phone: 605 574-9533

Amount of Water Claimed: 0.024 cfs Total Acres: XX

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Pennington

Type of Waste Disposal System: septic tank & drain field

Location: 4 east of Hill City

PRIORITY Date Received: 3-24-10 Application/License Fee: \$300

Corrected Application Received: 4-9-10 Period of Annual Use: Jan 1- Dec 30

Remarks: Well has been in existence since 50's but present owners could not find documentation for a vested right claim

Diversion Point: NE 1/4 NW 1/4 Sec 27-T1S-R5E

Land to be Irrigated: NA

Depth of Well: 40 feet

Well Driller:

Remarks:

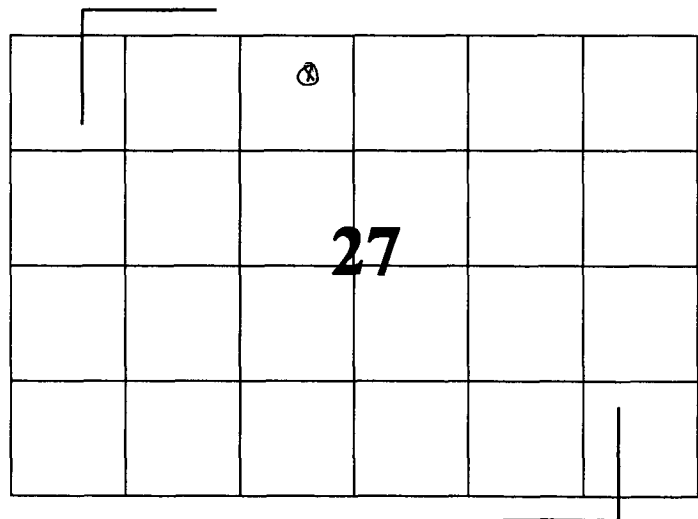
Type of Map: aerial

Prepared by: Kale R McNoboe, PE

Reviewed and the Number Assigned on: 4-12-10

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>2649-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	
	<u>605-394-8300</u>	<u>PO Box 450 57701</u>

RECEIVED
MAR 24 2010
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

- ☐ Municipal
☐ Rural Water System
☐ Domestic (over 18 gpm)

- ☐ Suburban Housing
☒ Commercial
☐ Industrial

- ☐ Recreational
☐ Fish & Wildlife
☐ Other

- ☐ Institutional
☐ Geothermal Heat

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.)

* this is an existing well. There is no record of installation that can be found. This property has been used commercially off & on since the 1950's.

1. Name of Applicant Simpson Inc. - James M & Marla J. Simpson Phone 605-574-9533
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12720 S. Highway 16, Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.024 *CFS or 11 **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 Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Pennington

One well - Lot 3 of Palmer Gulch MS 690 Section 27
Township One South, Range 5E of Black Hills Meridian CNE1/4 NW1/4

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used Commercial - April - Oct., Personally - Year round

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) Existing well since 1950's. We've been told it operated as the Indian Trails Motel.

Names associated with this property - Charles and Lucille Dunn, Lois Fisher, Charberg?, Mining Certificate - #476, Floyd & Arlean Crow - dka Crow Co. - 1989-2004 Koch Co. - 2004-2006

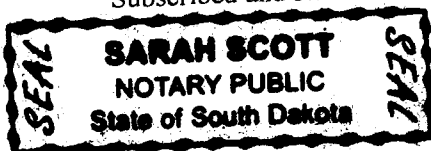
STATE OF SOUTH DAKOTA)
County of Custer SS

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, Marla J. Simpson, 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 Marla J. Simpson

Subscribed and sworn to before me this 22nd day of March 20 10



My Commission Expires
September 4, 2014

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2649-2**

Date of first receipt of application March 24, 2010.

Date of return to applicant for corrections, amendments or changes March 25, 2010.

Date of receipt of corrected application April 9, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2649-2 to Simpson Inc, c/o James M & Marla J Simpson, 12720 S Hwy 16, Rapid City SD 57702 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. 2649-2 appropriates 0.024 cubic feet of water per second from one well completed into the Precambrian aged Crystalline Rock (approximately 40 feet deep) located in NE ¼ NW ¼ Section 27-T1S-R5E.
2. The water appropriated shall be used for the purpose of commercial use 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 – October 31 (commercial use) and January 1 – December 31 (domestic use).
4. The date of approval of Permit No. 2649-2 is July 5, 2010.
5. The date from which applicant may claim right is March 24, 2010.
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 14 2010
date



(type or print in ink)

1. Well Information - ~~Proposed Construction~~ Existing

- a) Drill Hole Diameter 5" Depth 40' - per Alexander Well - Hill City
- b) Casing Type ? Diameter ? Thickness ?
- c) Screen Type ? Diameter ? Thickness ?
- d) Gravel Pack ? Length of Gravel Pack ?
- e) Depth to Top of Water Bearing Material ?
- f) Depth to Water (ground surface to water level) ?
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others Arlene Crow - Across Hwy 16' Dan Crow - Approx. 1000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank & drain field
- b) System Capacity (gallons) 2-1500 gal. tanks + 500 gal. lift station Year Constructed 2009
- c) Connected to the City of _____ Sanitary System

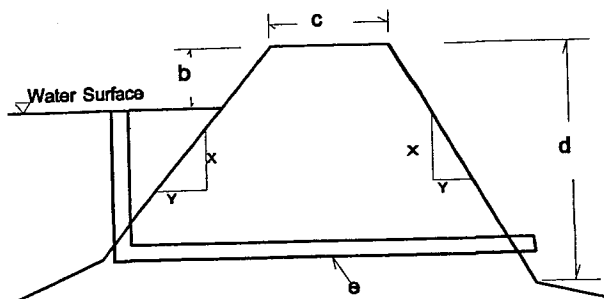
3. Dugout Information

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

4. Water Storage Dams - NA

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

EXHIBIT 'A'

A PORTION OF PALMER GULCH PLACER, M.S. 690

LOCATED IN THE NE¹/₄ OF THE NW¹/₄,

SECTION 27, T1S, R5E, B.H.M.,

PENNINGTON COUNTY, SOUTH DAKOTA

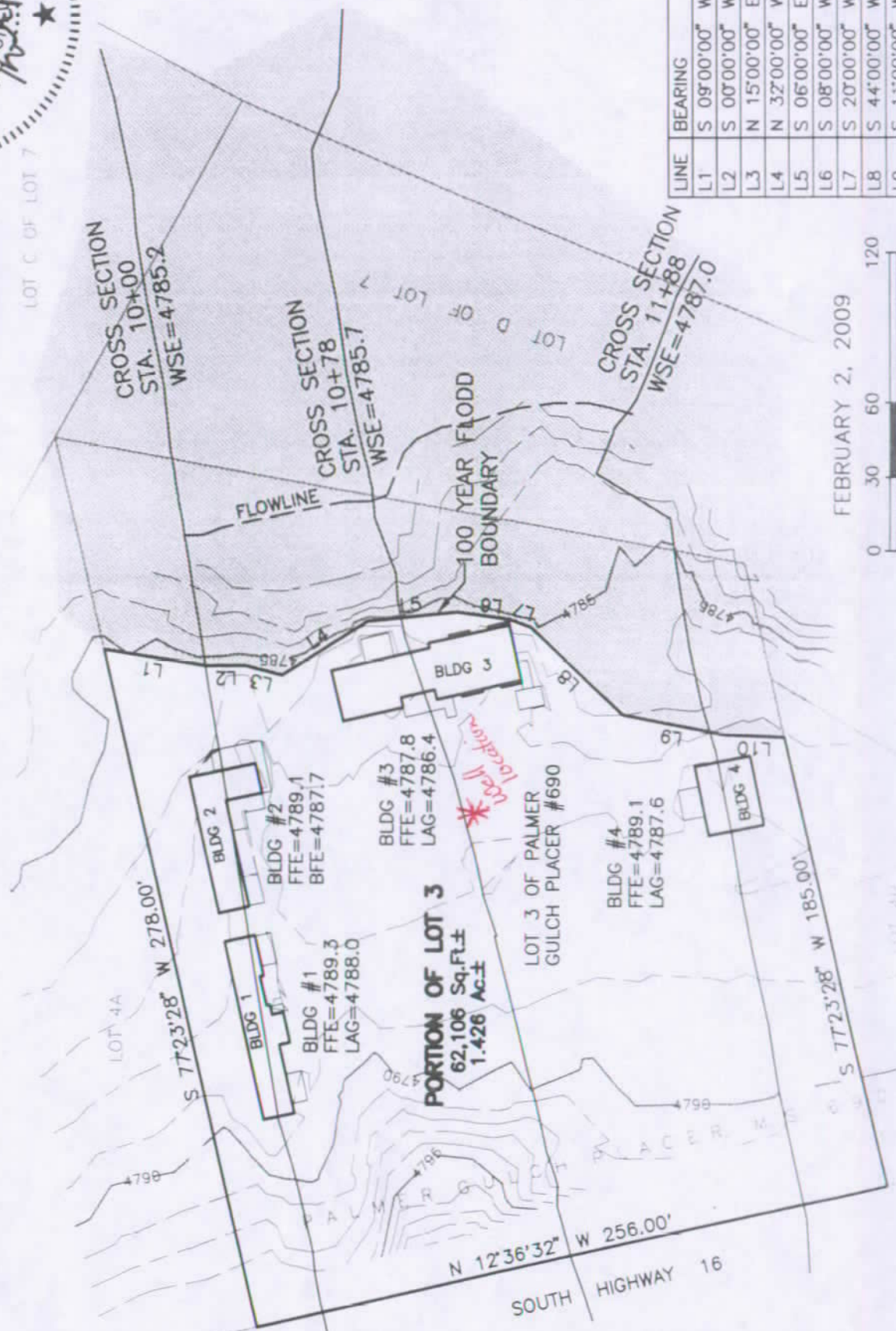
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APR - 9 2010

WATER RIGHTS
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LOT C OF LOT 7

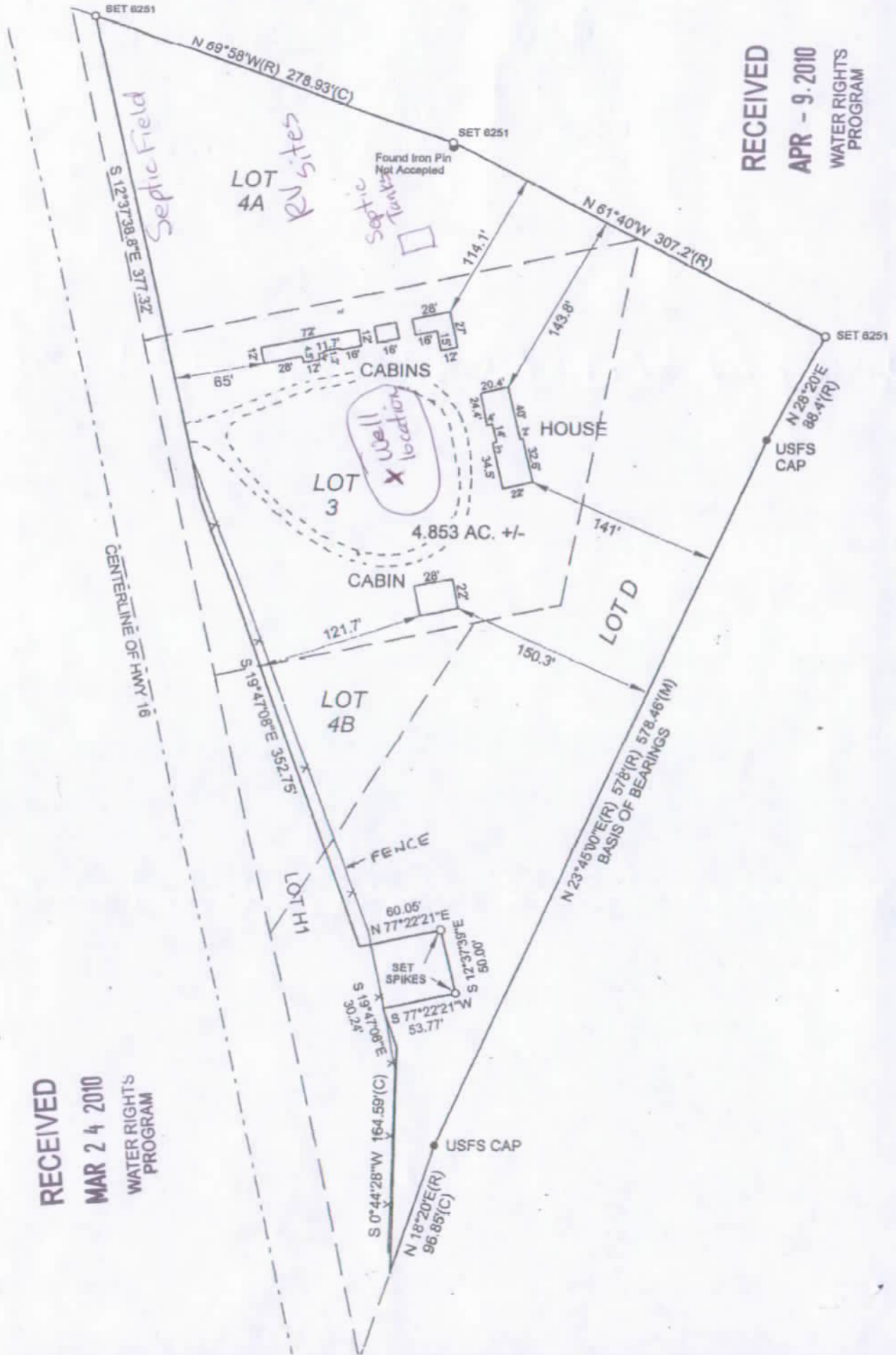


PLANNON SURVEYING & MAPPING

Michael R. Hanson - Registered Land Surveyor
832 Horace Mann Drive, Rapid City, SD 57701
(605)-388-9652

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MAR 24 2010
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WATER RIGHTS
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/24, 2010

RECEIVED OF Simpson Inc 12720 S Hwy 16 Rapid City SD 57702

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

Fee for Application for Permit No. <u>2649-2</u>	to Appropriate Water, to construct and to put water to beneficial use	100	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>2649-2</u>		200	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	300	00

No. 04516

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 25, 2010

Simpson, Inc.
James M & Marla J Simpson
12720 S Hwy 16
Rapid City SD 57702

Dear Mr. & Mrs. Simpson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map needs to reference a government section corner or quarter corner.
- The map must be signed with seal affixed by Hanson Surveying & Mapping who prepared the map.
- Also enclosed is an *Affidavit of Water Use* form to be completed, signed and notarized. This form documents historical water use for a vested water right claim.

You indicated on the application that water has been used commercially off and on since the 1950's. In order to qualify for a vested right state law requires that water, when available, has to be used at least once every three years unless legal excuse exists. Legal excuse as defined in Water Management Board rules includes, but is not limited to the following; 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent use of water; or 3) water use under existing climatic conditions would result in a waste of water. If documentation can not be provided to qualify for a vested right claim, then the application will be processed as a new application of water with a March 24, 2010 priority date.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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

enclosure

Here is the stamped &
signed map you
requested.

We do not have
enough history on
this property to
verify its use in the
past so it will have
to be processed as new.

Thanks Maulea Simpson

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, May 17, 2010 10:53 AM
To: 'Whispering Winds Cottages'
Subject: RE: Water Rights status - Simpson Inc. application

Marla,

I just checked with Ken Buhler, the engineer preparing the report on your application. He indicated the report should be complete next week. At that time, we will be sending you a copy of his report, the chief engineer's recommendations and information regarding the public notice. We will prepare the public notice and send it to the local newspaper. You will receive a letter from us explaining that you need to contact the paper immediately to authorize publication and arrange for payment. Again, it appears that will be sent out next week.

If you have any questions now or when you receive the above information, please contact me.

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us

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

From: Whispering Winds Cottages [mailto:wwcottages@yahoo.com]
Sent: Friday, May 14, 2010 1:01 PM
To: Schlaak, Karen
Subject: Water Rights status

Hi Karen,

This is Marla Simpson with Whispering Winds Cottages in Hill City. We applied for the required water rights permit under the name of Simpson Inc. several weeks ago. We were wondering what the status is for that permit?

Thank you
Marla

Whispering Winds Cottages and Campsites
www.whisperingwindscottages.com
605-574-9533 or 800-708-0212
3 miles from Sheridan Lake

05/17/2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2649-2, Simpson Inc.**

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. 2649-2, James M and Marla J Simpson, 12720 S Hwy 16, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2649-2 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 9, 2010

WATER PERMIT APPLICATION NO. 2649-2
SIMPSON INC
MAY 25, 2010

Water Permit Application No. 2649-2 proposes to appropriate 0.024 cubic feet of water per second (cfs), (11 gallons per minute) from one well completed into the Precambrian Crystalline Rock aquifer located in the NE¼ NW¼ Section. 27, T1S-R5E, Pennington, County. The water is for commercial use.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metamorphosed quartzite, debris flow conglomerate, Pelite and graywacke (Redden and DeWitt, 2008). The aquifer (crystalline rock) is exposed at the surface throughout this area, except where it is covered by alluvium along Spring Creek and its tributaries, including Palmer Creek (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 Palmer 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. Average annual recharge to the aquifer has not been quantified.

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 12 miles southwest of this site. The hydrograph for the well is shown in figure 1.

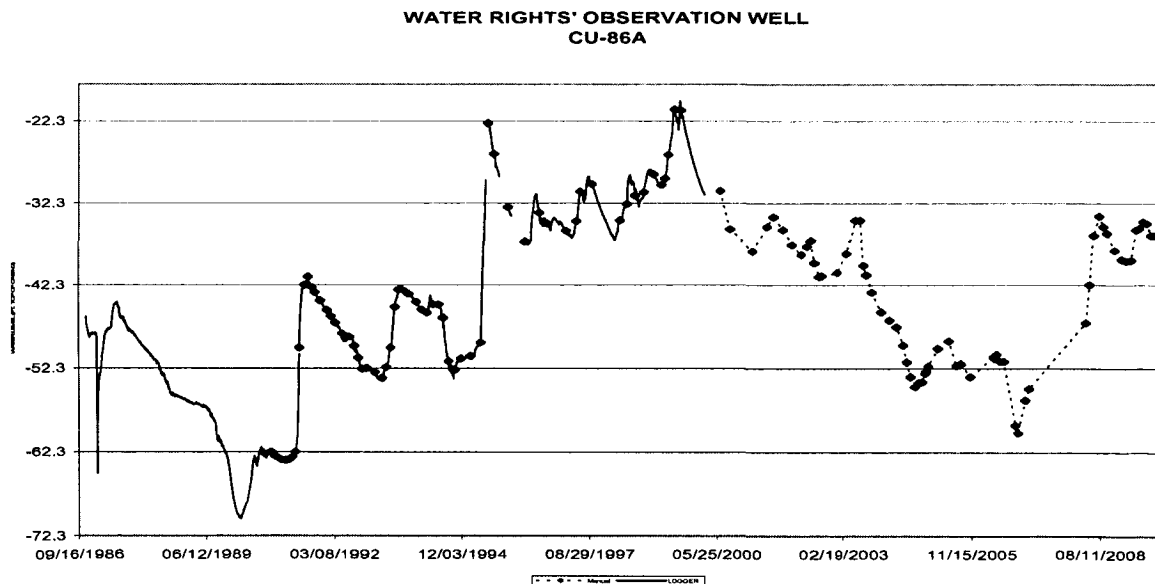


Figure 1. Hydrograph of Water Rights' Observation well CU-86A located about 12 miles southwest of 2649-2

The hydrograph documents that the water levels in the observation well fluctuate approximately 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. The aquifer in this area should behave similarly to the aquifer in the Custer area.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area and there are ten Water Rights/Permits appropriating water from the aquifer within approximately one and one quarter mile of this site. The appropriations include:

PERMIT NO	NAME	USE	CFS
2004-2	GUSTAVE A ORLOSKE	COM	0.02
2159-2	THREE FORKS CAMPGROUND	COM	0.07
2207-2	ROBINS ROOST CABINS	COM	0.02
2232-2	MOUNTAIN VIEW LODGE	COM	0.03
2238-2	LARRY & KAREN MOORE	COM	0.02
2246-2	GORDON W COLLINS	COM	0.02
2492-2	RUSHMORE FOREST PRODUCTS	IND	0.56
2506-2	CHEYENNE RIVER RANCHETTES	COM	0.04
2529-2	PRAIRIE BERRY LLC	COM	0.06
2589-2	ROLLAND AND DAWNETTE OWENS	COM	0.02

Table 1. Groundwater appropriations within approximately one and one quarter mile of the well site to be used to supply Water Permit No. 2649-2.

The nearest appropriations, No. 2232-2 and No. 2238-2 are located over one-half mile from the applicant's well site. 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, since the diversion rate proposed by this application is small (11 gpm), drawdown from this well should not be significant to existing appropriations.

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:

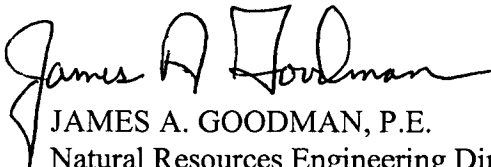
1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.
3. This is an application to divert water from an existing well. A completion report for the well is unavailable and the well construction cannot be evaluated.



KEN BUHLER

Natural Resource Engineering Specialist

approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineering Director

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.
- Redden, Jack A.; DeWitt, Ed, 2008, Maps Showing Geology, Structure, and Geophysics of the Central Black Hills, South Dakota, Scientific Investigations Map 2777 1:100,000
- 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, 2010a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2010b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2010c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

JUN 28 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K. Van Botten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 18, 2010

June 25, 2010

Cost of Printing Ninety-nine dollars

and seventy-six cents (\$99.76)

Patricia K. Van Botten
(Signature)

Legal Advertising Rep.
(Title)

06/25/10
(Date Signed)

June 18, 25 L20478058
NOTICE OF APPLICATION
NO. 2449-2

TO APPROPRIATE WATER

Notice is given that Simpson Inc., c/o James M. & Maria J. Simpson, 12720 S. Hwy 16, Rapid City, SD 57702, have filed an application for a water permit to appropriate 0.624 cubic feet of water per second from one well completed into the Precambrian aged Crystalline Rock (approximately 40 feet deep) located in NE1/4NW1/4 Section 27, T1S-R5E, for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2449-2 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 this 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 this application. Notice of the hearing will be given to the applicant and the 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 5, 2010.

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

(Published twice at the total approximate cost of \$99.76.)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 10, 2010

Rapid City Journal
Legal Advertising
PO Box 450
Rapid City SD 57701

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2649-2 to Appropriate Water to be published twice. Please publish the first notice on June 18, 2010 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 Simpson Inc., James J & Marla M Simpson, 12720 S Hwy 16, Rapid City SD 57702 (Ph # 605-574-9533).

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. 2649-2

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

Date _____

We are in receipt of your letter of June 10, 2010 enclosing Notice to Appropriate Water by Application No. 2649-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____

Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

June 10, 2010

Simpson Inc
James J & Marla M Simpson
12720 S Hwy 16
Rapid City SD 57702

Dear Mr. & Mrs. Simpson:

Water Permit Application No. 2649-2 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 Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). 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 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
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on June 18, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2649-2 to Appropriate Water

Notice is given that Simpson Inc., c/o James M & Marla J Simpson, 12720 S Hwy 16, Rapid City SD 57702 have filed an application for a water permit to appropriate 0.024 cubic feet of water per second from one well completed into the Precambrian aged Crystalline Rock (approximately 40 feet deep) located in NE ¼ NW ¼ Section 27-T1S-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2649-2 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 this 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 this 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 5, 2010.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 14 2010

Simpson Inc
James M & Marla J Simpson
12720 S Hwy 16
Rapid City SD 57702

Dear Mr. & Mrs. Simpson:

Enclosed is Water Permit No. 2649-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

2649-2

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 20, 2010 12:58 PM
To: 'Whispering Winds Cottages'
Subject: RE: Question about water permit

Marla,

I can see why you are confused. You should not have received the Notice of Completion form since your project is already completed. A member of our staff will contact you at a future date and schedule an inspection of your permit. This inspection will probably not take place this summer. You do not need to do anything more at this time.

Sorry for the confusion. If you have any other questions, please let me know.

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us

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

From: Whispering Winds Cottages [mailto:wwcottages@yahoo.com]
Sent: Tuesday, July 20, 2010 12:44 PM
To: Schlaak, Karen
Subject: Question about water permit

Hi Karen,

We received our Water Permit No. 2649-2. Because this had to be applied for as a new well, we received a Notice of Completion form to fill out when the well is completed. Our well is already here and in use. How do we handle this form? At the bottom it states that we need to schedule an investigation so that the water license may be issued.

Guess we are a little confused as to what action we need to take now.

Thanks
Marla Simpson

Whispering Winds Cottages and Campsites

www.whisperingwindscottages.com

605-574-9533 or 800-708-0212

3 miles from Sheridan Lake

4 miles from Hill City, SD and the 1880's Train

10 miles from Mount Rushmore

15 miles from Crazy Horse Memorial

15 miles from Bear Country and Reptile Gardens

Permit No. 2649-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have on this day, 10/25/2012 thorough examination of the water use system constructed by Simpson Inc., James M. & Marla J. Simpson, 12720 S Hwy 16, Rapid City, SD 57702 holder of Permit No. 2649-2, bearing the priority date of March 24, 2010. Permit No. 2649-2 is authorized to appropriate a total of 0.02 cfs (10 gpm) from one groundwater well (Precambrian Crystalline Aquifer) for commercial purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Jim Simpson,
Owner

A. Works used to divert the water:

38 feet deep well – drilled in the 1950's.

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

500 feet of 2" PVC pipe.

The system is in the following condition good. The point of diversion (well) is located specifically at Lat/Lon - N43.937879/W-103.509812 which is the approximately 1000 feet south and 2300 feet east of the NW corner of Section 27, T1S-R5E. The works are capable of diverting 0.02 cfs which is to be used for commercial purposes.

Water has been put to beneficial use to the extent of 0.02 cfs.

All structures, wells and lands on map Y

Exceptions to compliance are: none.

Comments:

Aaron R. Tieman

Aaron Tieman
Engineer II
DENR, Water Rights Program

Date report completed: November 27, 2012

FIELD INVESTIGATION REPORT FOR TEMPORARY PERMIT NO. 2649-2

DATE OF INVESTIGATION:	October 25, 2012
NAME & ADDRESS OF PERMIT HOLDER	Simpson Inc. James M. & Marla J. Simpson 12720 S Hwy 16 Rapid City, SD 57702
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jim Simpson (Owner)
DIVERSION POINT LEGAL LOCATION	NE¼ NW¼ Section 27, T1S-R5E
WATER SUPPLY SOURCE	Ground water, Precambrian Aquifer

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells One
- 3) Depth(s) 38 feet
- 4) Well log is available no (well drilled in the 1950's)
- 5) Comment: Alexander Drilling attempted to service in 2009 but was unable to pull pump. Pumped at 10 gpm (0.02 cfs) for extended period with no drop in rate.

Casing:

- 1) Diameter: N/A inches
- 2) Length: N/A feet
- 3) Type: N/A

Screen:

- 1) Type: N/A
- 2) Length: N/A feet
- 3) Static water level: N/A

Pump:

- 1) Make: N/A
- 2) Model: N/A
- 3) Capacity: N/A GPM

Motor:

- 1) Make: N/A
- 2) Model No.: N/A
- 3) Horsepower rating: N/A hp

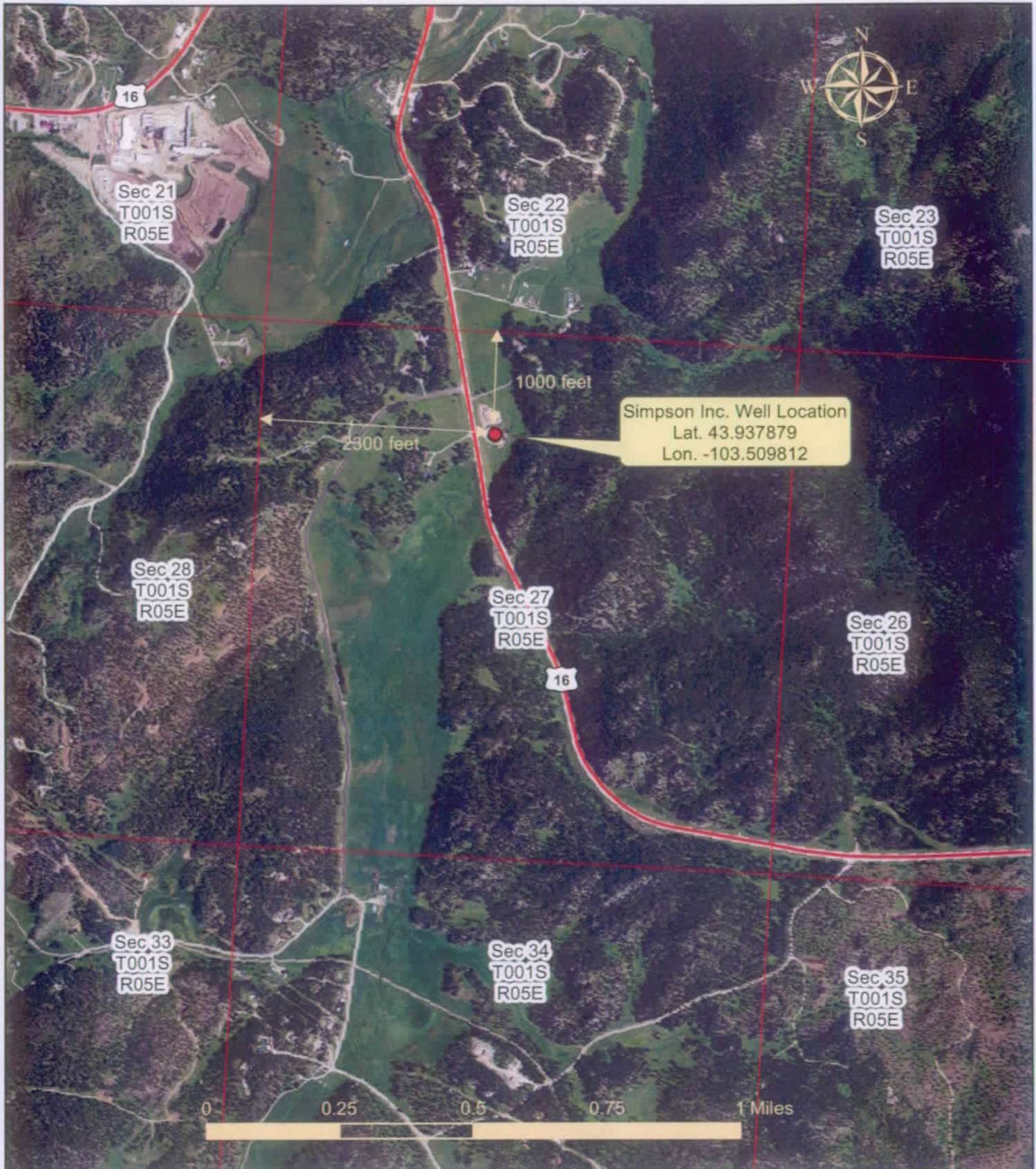
DISTRIBUTION LINES OR CANALS:

- 1) Type: 500 feet of 2" PVC pipe.

PERMIT QUALIFICATIONS:

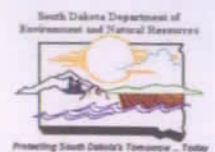
- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes

COMMENTS:



Aaron R. Tieman

Aaron Tieman
Engineer II
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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NOV 28 2012

2649-2

Simpson Inc
James M & Marla J Simpson
12720 S Hwy 16
Rapid City SD 57702

Dear Mr. & Mrs. Simpson:

Enclosed is Water License No. 2649-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2649-2, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2649-2

(1) Simpson Inc., % James M & Marla J Simpson, 12720 S Hwy 16, Rapid City SD 57702 made Application No. 2649-2, March 24, 2010 for a water permit to divert 0.024 cubic feet of water per second from ground water (one well - Precambrian aged Crystalline Rock), Pennington County, South Dakota for commercial and domestic use purposes. Permit No. 2649-2, with a priority date of March 24, 2010 was approved July 5, 2010 and issued to the applicants for diversion of water with construction of the described water supply system and application to beneficial use of water completed.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 0.02 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 1000 feet south and 2300 feet east of the NW corner of Section 27, T1S, R5E (NE ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Simpson Inc., % James M & Marla J Simpson, 12720 S Hwy 16, Rapid City SD 57702 the holders and/or owners of Water Right No. 2649-2 are issued a license to appropriate water, the right to use 0.02 cubic feet of water per second from ground water (one well - Precambrian aged Crystalline Rock) with a priority date of March 24, 2010 from the location specified in (2) of this license for commercial and domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2649-2 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.



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

NOV 28 2012

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 2015

2649-2

Chuck Voorhees
12720 S Hwy 16
Rapid City SD 57702

Dear Mr. Voorhees:

I am writing in follow-up to your July 31st phone conversation with Eric Gronlund in our Program. Eric indicated you had purchased Whispering Winds Cottages from James & Marla Simpson and would need the water right transferred to reflect new ownership.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions concerning completion of the transfer form, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 10 2015

WATER RIGHTS
PROGRAM

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

No. 2649-2

Date: 8-5-15

I/We request that Water Right No. 2649-2

formerly owned by: Simpson Inc., 12720 S Hwy 16, Rapid City SD 57702

be transferred to: (name & address) Voohees Hospitality LLC
12720 US Hwy 16 Rapid City SD 57702

Telephone No. 605-574-9533

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

well location: NE 1/4 NW 1/4 Section 27, T1S, R5E

I/We understand that the validity of Water Right No. 2649-2 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 Fifty Dollars (\$50.00) 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 [Signature], the new owner, certify that the above information is true and correct.

[Signature]

(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 8/10, 20 15

RECEIVED OF Voorhees Hospitality LLC 12720 S Hwy 16 Rapid City SD 57782

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>2649-2</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. 07461

By Jane Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 10, 2015

Voorhees Hospitality LLC
Charles Voorhees
12720 US Hwy 16
Rapid City SD 57702

Dear Mr. Voorhees:

Thank you for submitting the *Application for a Permit to Appropriate Water* for additional diversion rate authority to Water Right No. 2649-2. In order to complete the application the following is required.

- A review of the Secretary of State's website finds that Emily Sovall is the registered agent for Voorhees Hospitality LLC. DENR will need the application to be signed by Ms. Sovall or a statement of authority signed by Ms. Sovall granting you authority to act on behalf of Voorhees Hospitality on all matters involving the water permit application.

Also, enclosed is your receipt in the amount of \$50.00 for the transfer of ownership on Water Right No. 2649-2. The water right formerly listed in the name of Simpson Inc is now listed in the name of Voorhees Hospitality LLC.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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

enclosures

2649-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
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<http://denr.sd.gov>

AUG 03 2017

2742-2
2649-2

Charles Voorhees
Voorhees Hospitality LLC
12720 US Hwy 16
Rapid City SD 57702

Dear Mr. Voorhees:

Enclosed is Water License No. 2742-2. 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

Note: Upon licensing, the applicable portions of Water Right No. 2649-2 were incorporated into Water License No. 2742-2.