

WATER PERMIT NO. 2823-2

Name of Applicant: Steve Zwetzig

Address: 23809 Golden Hills Drive, Rapid City SD 57702

Phone: 605 391-7032

Amount of Water Claimed: 15 gpm (0.033 cfs)

Total Acres: NA

Source of Water Supply: groundwater (one existing well)

Water to be used for: commercial use

County: Pennington

Type of Waste Disposal System:

Location: in Rockerville

PRIORITY

Date Received: 6-16-21

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: for supplying Gaslight Restaurant

Diversion Point: SW 1/4 SW 1/4 Sec 13-T1S-R6E

Land to be Irrigated: NA

Depth of Well: 40 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-17-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			13		
	⊗				

**SOUTH DAKOTA
WATER PERMIT NO. 2823-2**

Date of first receipt of application June 16, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2823-2 to Steve Zwetzig, 23809 Golden Hills Drive, 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. 2823-2 appropriates an amount not exceeding 1 acre-feet of water annually at a maximum pump rate of 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into the Crystalline Rock Aquifer (40 feet deep) located in the SW 1/4 SW 1/4 Section 13-T1S-R6E for commercial use at the Gaslight Restaurant. This site is located in Rockerville SD.
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: January 1 – December 31.
4. The date from which applicant may claim right is June 16, 2021.
5. The date of approval of Permit No. 2823-2 is August 30, 2021.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2823-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2823-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

SEP 27 2021
date



RECEIVED

JUN 17 2021

PAID

JUN 16 2021

Ck# 1651

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2823-2</u> (office use only) Hydrologic Unit <u>10/20/09</u>	WATER RIGHTS PROGRAM
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	

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

Check use(s) of water:

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

Type of Application: (check one)

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

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

1. Name to Appear on Water Permit Steve Zwetzig

Mailing Address 23809 Golden Hills Drive Rapid City ☒ SD ☒ 57702
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605 391-7032 Email lzwet@aol.com

2. Amount of water claimed 0.033 *CFS or 15 **GPM and 1.0 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply well

4. Location of point of diversion SW 1/4 SW 14 Section 13-T1S-R6E County Pennington ☒
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used January 1 - December 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well used solely for supplying the Gaslight Restaurant

I, Steve A. Zwetzig, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 40 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 40

d) Distance to nearest domestic well on applicant's property _____ 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 (e.g. 3 to 1 is a typical slope)

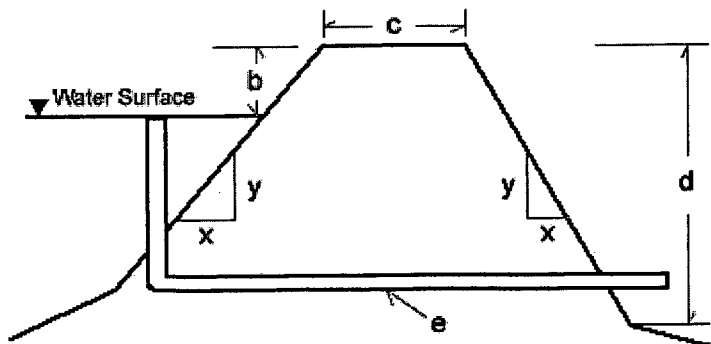
Upstream _____

Downstream _____

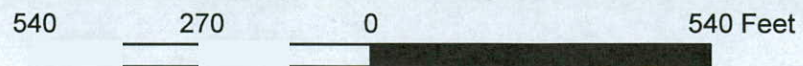
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



WATER PERMIT APPLICATION FOR WELL IN USE AT GASLIGHT RESTAURANT



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 17, 2021

RECEIVED OF Big Guys LLC/Steve Zwetzig 23809 Golden Hills Drive Rapid City SD 57702

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

Fee for Application for Permit No. <u>2823-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
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>2823-2</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>300.00</u>

By Eric Gronlund
Chief Engineer

me



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 2020

Gaslight Restaurant
13490 Main Street
Rockerville SD 57702

Owners of the Gaslight Restaurant:

The South Dakota Water Management Board recently conducted a hearing on a new water permit application to appropriate water from new wells to be completed for a proposed development in the Rockerville area. During that hearing, the issue arose whether a number of existing business' in the area hold water rights for well(s) used to supply water at their business. This letter is intended to make you aware of water right permitting requirements in South Dakota and inquire whether you are aware of any existing water right held for the well(s) supplying the Gaslight Restaurant .

In February of 2000, I had a phone conversation with Westley Parker who represented himself as the owner of the Gaslight Restaurant. Mr. Parker thought one of the wells authorized by Water Right No. 479-2 (copy enclosed) was used to supply the restaurant. The conversation with Mr. Parker led to the enclosed letter to determine if one of those wells was indeed used to supply the restaurant. No response was ever received from Mr. Parker.

Water Right No 479-2 is held in the name of Rockerville Gold Town Inc. with Patrick Hall being the registered agent. If you believe you own a well authorized by Water Right No. 479-2 we can work to transfer the applicable portion of the water right into the Gaslight Restaurant's name.

However, if a water right is not in place for the well(s) supplying the Gaslight Restaurant, a water right permit will need to be obtained. Under South Dakota law, any commercial use of water from a private well requires a water right permit.

Enclosed is an application form and instruction sheet to apply for a Permit to Appropriate Water within the State of South Dakota. For your use, enclosed is an aerial map. Please mark the location of the well with an "X" on the aerial map enclosed.

If you have any questions, please contact Ron Duvall or me. We want to work with you to get the necessary permitting in place.

You can find more information about using water in South Dakota and the permitting process by visiting our website at <https://denr.sd.gov/des/wr/wr.aspx>.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

enclosures



GREAT FACES. GREAT PLACES.
Westley Parker
13490 Main Street
Rockerville SD 57702

February 9, 2000

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Dear Mr. Parker:

I am writing as a follow-up to our telephone conversation regarding the well used for the water supply at the Gas Light. Currently, Water Right No. 479-2 in the name of Rockerville Gold Town authorizes a appropriation of 0.09 cfs (40 gallons per minute) from two wells. It was your belief that one of these two wells is the well used to supply the Gas Light.

Water Right No. 479-2 appropriates water from two wells dating back to 1953 and 1948. Both wells are located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T1S, R6E. The actual water right (copy enclosed) more specifically defines the distance and direction of each well from the SW corner of Section 13. I have also enclosed a map that shows the approximate location of each of the wells. This map is not precise but should show the well locations in relation to each other. I know you said the other well was on the other side of the road.

You indicated a desire to transfer the portion of Water Right No. 479-2 for the well on your property to your corporate name. I am enclosing notice of a transfer of ownership form for you to complete. Issues that need to also be addressed prior to completing the notice of transfer of ownership are:

1. Is one of the wells listed on the water right a well used at the Gas Light Restaurant? If not, a new water right permit will need to be obtained for the commercial use of water.
2. What proportionate share of Water Right No. 479-2 is to be transferred to you? The current water right is for 40 gpm. The diversion rate from each well is information that will be helpful in determining how the water right is split between the two separate owners.
3. Who is the owner of the other well? This information will be necessary to issue the other portion of the water right (well owned by other party) into their name.

Please look over the enclosed information and feel free to contact me if you have any question on how to complete the transfer of ownership form.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352
www.eric.gronlund@state.sd.us

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 479-2

(1) WHEREAS, On the 11th day of April A. D. 1958
Rockerville Gold Town, Inc.

made Water Right Application No. 479-2 for a permit to use .26 cubic feet per second of the waters
of ground water

County of Pennington, State of South Dakota, for Commercial
purpose and

(2) WHEREAS, On the 26th day of July A. D. 1958
Permit No. 479-2, with a date of priority of June, 1953 and April 11, 1948
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 9th day of July A. D. 1960 and for the
application to beneficial use of said water on or before the 9th day of July A. D. 1961

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .09 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent:
water is used in commercial purposes in operation of Rockerville Ghost Town.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to _____

Rockerville Ghost Town

_____ of Rapid City, S.D.

the holder _____ and owner _____ of said permit No. 479-2 a water right, dating from June, 1953 and April 11, 1958

_____ to use of .09 cubic feet per second of the waters of ground water

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted from the SW Corner, Section 13, T15, R6E, Well #1, North 44° East, 320 feet; Well #2, North 16° 11' East, 787 feet

and ~~conducted through the water distribution system~~

for the purpose of Commercial use

Subject to any limitations listed in Water Right Permit No. 479-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of December A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Water Division 2 BATTLE CREEK - Water District 1

TD: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Rockerville
Gold Town, Inc. of Rapid City, South Dakota holder
of Permit No. 479-2, bearing date of priority of 1953 and 1958, xxx
authorizing the diversion of .26 cu. ft. per second of the waters of ground water
for commercial purposes, in Pennington County

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:
Well No. 1, 200 feet Deep, 4 inch casing
1 H.P. Electric submersible pump
Well No. 2, 300 feet deep, 6 inch casing
1/2 H.P. jet pump

B. Works used to transport water to place of use, Underground mains and laterals

C. Works used to apply water to beneficial use.

18 service connections.

The system is in the following condition: good

The point of diversion is located from the SW Corner of Section 13, T1S, R6E. Well No. 1.
N. 44° E., 320 feet. Well No. 2, N. 16° 11' East, 787 feet

The works are capable of diverting and conveying to the place of use 0.39 (40 gpm)

cu. ft. per second of water which is to be used for Commercial purposes

Water has been put to beneficial use to the maximum extent as follows: One well constructed in 1953 has been abandoned. Two wells have been constructed since 1958.

~~CONFIDENTIAL - SECURITY INFORMATION~~

Send letter of notification to:
J.T. McCuller
3621-21 Vista Compansa South
Oceanside, California 92054

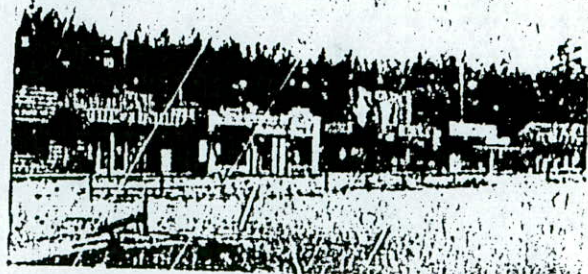
File _____ May 18, 1971

Donald L. Russell
(Signature)

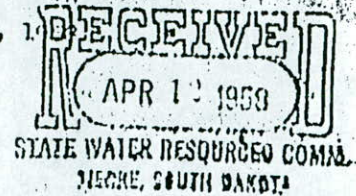
DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

ROCKERVILLE GOLD TOWN

ON HIGHWAY 16, THE ROAD TO MT. RUSHMORE
IN THE BLACK HILLS OF SOUTH DAKOTA
P. O. AND SHIPPING ADDRESS: BOX 728, RAPID CITY, S. D.
ARDIS AND TERRY McCULLEN, OWNERS
A GOLD CAMP REVIVED ON THE ORIGINAL SITE



April 10, 1953



Mr. Joe Grimes,
State Water Resources Commission,
Pierre, South Dakota.

Dear Sir:

The call from Mr. Wyborn was appreciated and I am enclosing the check for \$5.00 which should have accompanied the application.

I would like to have your office make some changes in the application filed, and add some information which was omitted.

One the well located on Lot 4, Block 1, which was first used in 1953, I should like to claim the capacity of the well, which is 60 gallons per minute. Also this well is equipped with a Fairbanks Morse jet pump, 1 horse power electric motor.

On the well to be located as No. 2, on Lot F, I should like to claim 60 gallons per minute, with the time for completion of the work at two years and an additional year for the application of the water to a beneficial use.

This application, not having been made in time for the commission to act upon in the meeting in April, will not permit us to go ahead with our plans to operate this summer tourist season. All other plans will be completed and we request permission to go ahead and use the water from a well, subject to the action of the commission at a later meeting. Will it be possible for us to secure a temporary permit to use the water during this emergency period and until such time as the commission has had an opportunity to act upon our application?

Yours truly,

J. T. McCullen
J. T. McCullen,
Box 728
Rapid City, S.D.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2021

Gaslight Restaurant
13490 Main Street
Rockerville SD 57702

Owners of the Gaslight Restaurant:

On November 4, 2020 we sent a letter inquiring if you are aware of water right permitting requirements in South Dakota and whether you are aware of any existing water right held for the well(s) that supply the Gaslight Restaurant. Enclosed is a copy of that letter. To date, we have had no response.

Please take the time to review the information in that letter to determine if you own the well authorized by Water Right No. 479-2. If so, the applicable portions can be transferred to you. If a water right is not in place for the well(s) supplying the Gaslight Restaurant, a water right permit will need to be obtained.

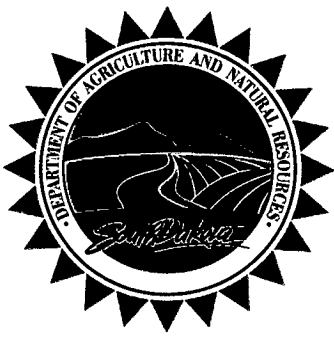
Enclosed is another application form, instruction sheet and map to apply for a Permit to Appropriate Water within the State of South Dakota.

If you have any questions, please contact Ron Duvall or me. We want to work with you to get the necessary permitting in place.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 17, 2021

Steve Zwetzig
Gaslight Restaurant
13490 Main Street
Rockerville SD 57702

Dear Mr. Zwetzig:

In response to two letters sent to you we spoke on March 30, 2021, regarding water right permitting for the well that supplies the Gaslight Restaurant. There is not a water right in place in the name of the Gaslight Restaurant in the Water Rights Program's records. At that time we spoke, another water permit application form was sent to the out of state address you provided. To date, a water permit application has not been filed.

As you may recall from our discussion, the Gaslight Restaurant not having a water permit was brought up by a petitioner contesting a new water permit application in the Rockerville area. Since the time we spoke, the individual has filed a complaint with the Water Rights Program seeking formal investigation into various water rights and commercial entities in the vicinity of Rockerville that are not properly permitted.

I am again contacting you to find out the status of filing the water permit application. Enclosed is the water permit application form. The completed form with the application fee and map can be returned to: Water Rights Program, 523 E Capitol Avenue, Pierre SD 57501. Please respond by June 17, 2021.

For your information, the commercial use of water from a private water source requires a water right permit to be in place. Please understand if a water right is not in place the Gaslight Restaurant does not have a legal right to use water from the well. The Water Rights Program's intent is to have the proper application filed and processed to bring the Gaslight Restaurant into compliance with South Dakota water rights law.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
Eric.gronlund@state.sd.us

Enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2823-2, Steve Zwetzig**

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. 2823-2, Steve Zwetzig, 23809 Golden Hills Drive, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2823-2 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 qualifications:

1. The well approved under Water Permit No. 2823-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2823-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
August 2, 2021

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2823-2
STEVE ZWETZIG
AUGUST 9, 2021

Water Permit Application No. 2823-2 proposes to appropriate up to 1 acre-foot of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.033 cubic feet of water per second (cfs) (15 gallons per minute) from one existing well completed into the Crystalline Rock aquifer for commercial use at the Gaslight Restaurant. The well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13-T1S-R6E in Pennington County. This site is located in Rockerville, SD

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY

The crystalline rock in the area of this application consists of Metagraywacke (Lester and Rahn, 2001; Redden et al, 2016), which is a siliceous mica schist with impure quartzite (Martin et al, 2004). The crystalline rock is generally exposed at land surface except where covered by localized gravel deposits and alluvium along stream beds (Lester and Rahn, 2001; Redden et al, 2016). The Crystalline Rock aquifer consists of numerous, localized aquifers in the Precambrian aged core of the Black Hills where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rocks that comprise the aquifer have very low primary porosity so water movement in the aquifer is along fractures, joints, and faults, which are called secondary porosity (Rahn, 1979). The distribution of secondary porosity features is uneven and unpredictable. Therefore, local aquifer characteristics are site specific and highly variable. Based on an estimated exposed area of 574,000 acres, water bearing material to a depth of 500 feet, and an effective porosity of one percent, Rahn (1979) estimated the amount of recoverable water in storage in the Crystalline Rock aquifer in western South Dakota to be 2,900,000 acre-feet. Driscoll and Carter (2001) estimated the outcrop of the "Localized aquifers in the crystalline core area (Precambrian/Tertiary/Other)" to be 616,800 acres.

Due to the unpredictable nature of secondary porosity and the very low primary porosity of crystalline rock, it is very difficult to determine if the aquifer is under confined or unconfined conditions. Depending on exactly what depth the secondary porosity was encountered in the well bore and the water level in the well compared to the secondary porosity features, the well may change from acting as a confined well to an unconfined well at various water levels that are not comparable to adjacent wells completed into the same aquifer.

Well completion reports on file with the DANR-Water Rights Program for wells completed into the Crystalline Rock aquifer within approximately one-half mile of the well for this application have depths ranging from 50 to 330 feet with an average depth of approximately 200 feet (Water Rights, 2021c). There does not appear to be a well completion report on file with the Water Rights Program for the applicant's well nor was a completion report submitted with the application.

Figure 1 is a map of the area near the applicant's well including Crystalline Rock aquifer water rights/permits (Water Rights, 2021b), locations of significant local faults (modified from: Redden et

al, 2016 & Lester and Rahn, 2001). It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults and other geological features (e.g. synclines and anticlines). Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized secondary porosity.

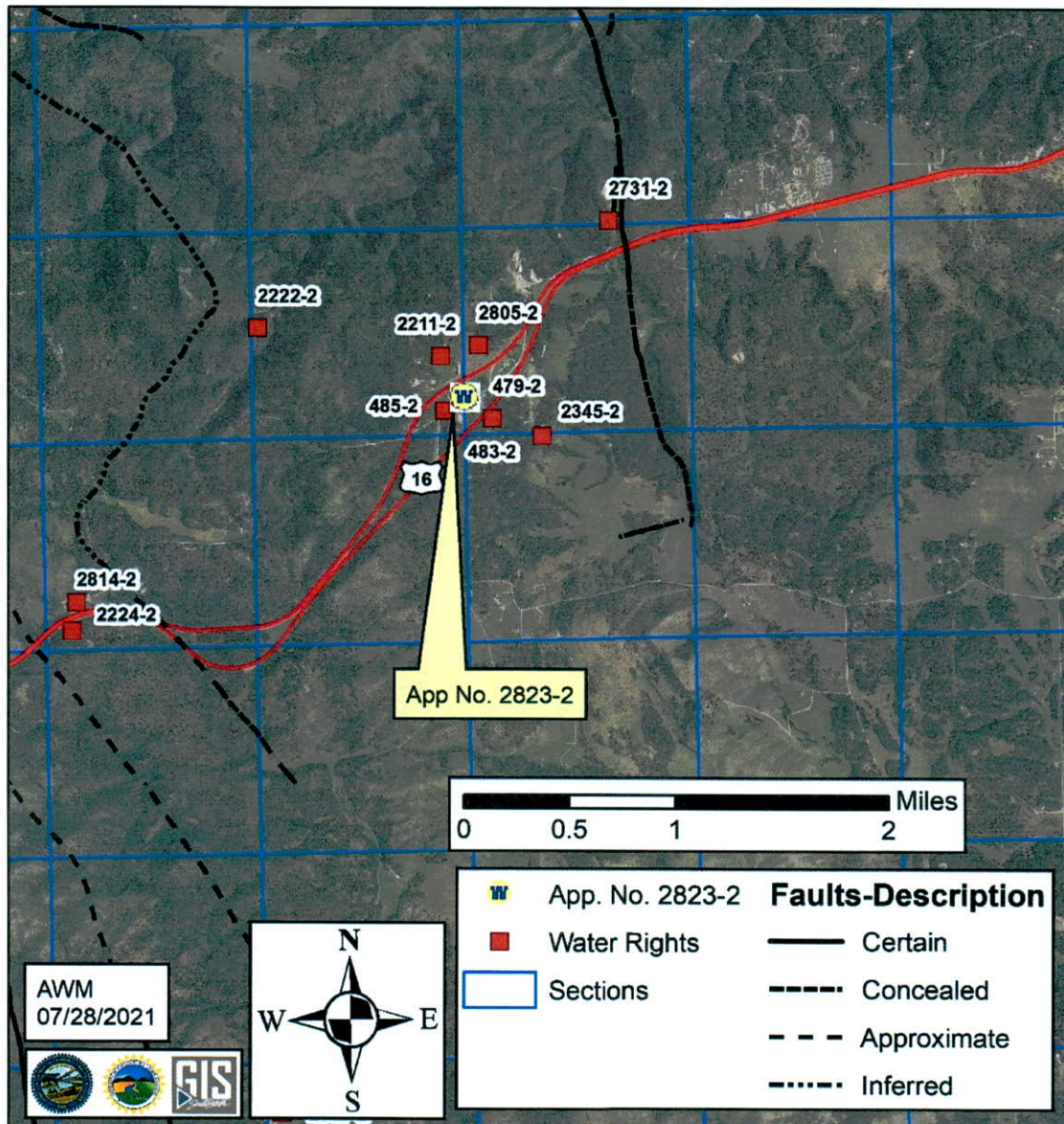


Figure 1- Map of area near Application No. 2823-2 with Crystalline Rock aquifer water rights (Water Rights, 2021b), and fault locations (modified from: Redden et al, 2016 & Lester and Rahn, 2001)

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and potential for unlawful impairment of existing water rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY

This application proposes to appropriate water from the Crystalline Rock aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.

The Crystalline Rock aquifer is stratigraphically lower/older than the Greenhorn Formation. However, the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to consider the relationship between estimated average annual recharge and average annual withdrawals for the Crystalline Rock aquifer.

Hydrologic Budget

Recharge

The Crystalline Rock aquifers are recharged through the infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001). Driscoll and Carter (2001) estimated the recharge to the entirety of the Crystalline Rock aquifers within the core of the Black Hills must be at least equal to average withdrawals, 3,600 acre-feet per year (ac-ft/yr), during their period of study, 1950-1998. Driscoll and Carter (2001) also noted the actual recharge to the Crystalline Rock aquifers must be much larger than estimated to account for discharge to streams. Additionally, Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifers, "Recharge conditions are highly transient and have large spatial variability; thus, quantification is not attempted." While looking at faults and other significant geological features may allow for some limiting of the areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation of this portion of the Crystalline Rock aquifer, simply applying the 3,600 ac-ft/yr equally over the entirety of the aquifer is inappropriate. However, the recharge rate using Driscoll and Carter's (2001) estimated minimum annual recharge, 3,600 ac-ft/yr, for the Crystalline Rock aquifers is approximately 0.07 inches/year (in/yr). It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Furthermore, Driscoll and Carter (2001) noted that recharge must be much greater to account for losses from the Crystalline Rock aquifers to streamflow.

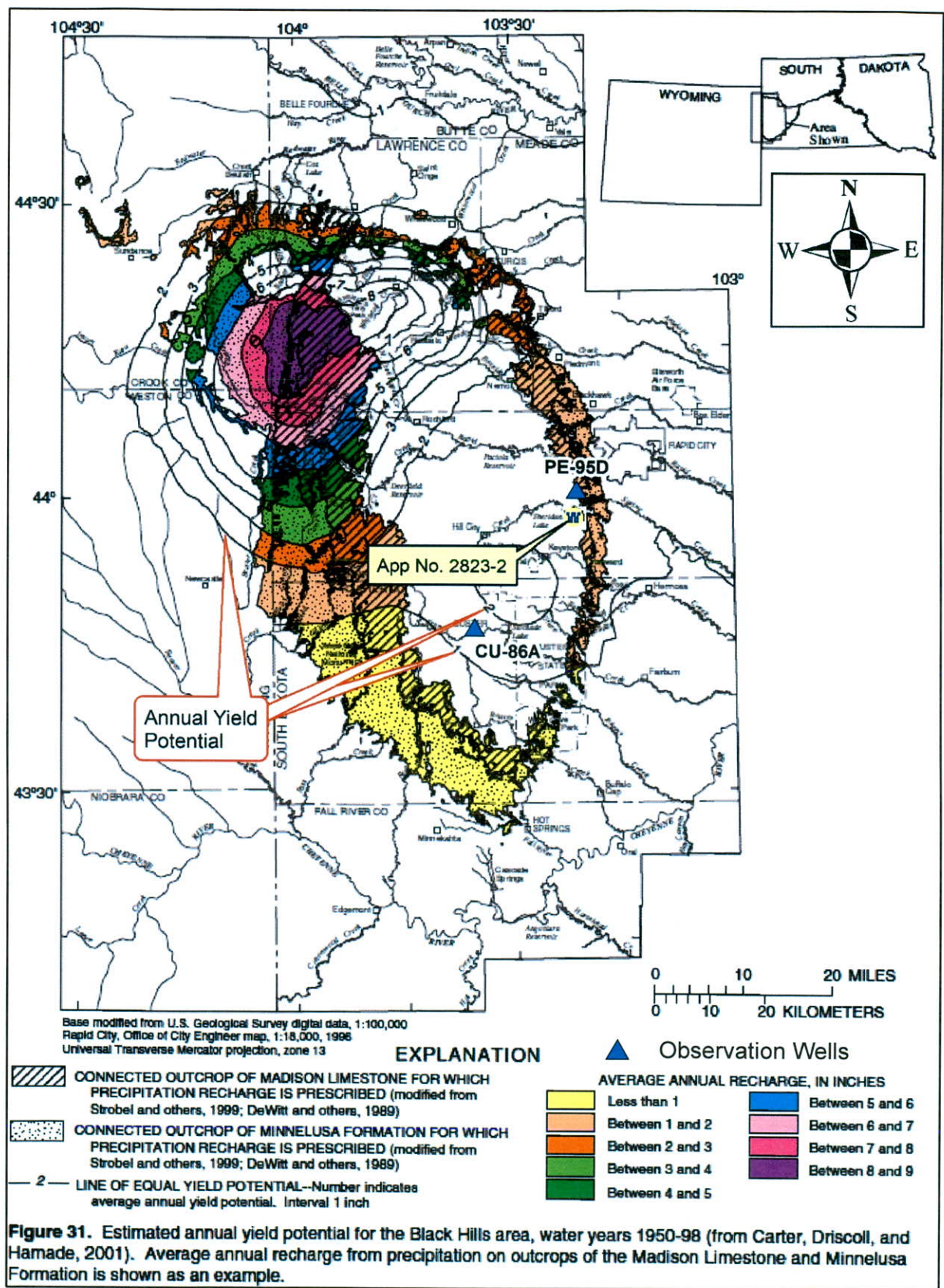


Figure 2- Estimated annual yield potential for Black Hills area (modified from: Driscoll and Carter, 2001) with Application No. 2823-2 and Crystalline Rock aquifer observation wells (Water Rights, 2021a)

Driscoll and Carter (2001) also estimated annual yield potential. The estimated annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Figure 2 is the map of the estimated annual yield from Driscoll and Carter's (2001) report with the location of the applicant's well marked and Crystalline Rock aquifer observation wells (Water Rights, 2021a). Driscoll and Carter (2001) used a recharge factor to estimate how much of the annual yield could infiltrate and recharge an aquifer. While other bedrock aquifers in the Black Hills area such as the Madison and Inyan Kara aquifers have a recharge factor, Driscoll and Carter (2001) did not estimate one for the crystalline core of the Black Hills. This is due to the fact that the localized Crystalline Rock aquifers are not extensive regional aquifers and are highly variable in nature. The Crystalline Rock aquifers near the applicant's location has an estimated annual yield between 1 and 2 in/yr. There is no average annual recharge estimate available for the localized Crystalline Rock aquifer the applicant proposes to use. The annual yield range is not appropriate to use as a recharge rate for the Crystalline Rock aquifers but does suggest a likely upper limit on a possible recharge rate.

Discharge

Discharge from the Crystalline Rock aquifer is through pumping of wells (Water Rights, 2021b and 2021c), seepage to streams (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is near ground surface. The water rights shown in Figure 1 are listed below in Table 1. The estimated average annual use for each permit was determined by assuming pumping at the permitted diversion rate 60 percent of the time or, if their permit was limited by an annual volume, the permitted volume is shown. It is likely the estimation of pumping 60% of the time is an over-estimation of annual water use. Especially considering, the limited diversion rate and seasonal use of several of the water rights. Water Permit Nos. 2805-2 and 2814-2 are the only permits listed in Table 1 limited by an annual volume.

Table 1- Water rights/permits shown in Figure 1 with permitted volume or estimated average annual use (Water Rights, 2021b)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	PERMITTED CFS	ESTIMATED ANNUAL USE (ac-ft/yr)
479-2	ROCKERVILLE GOLD TOWN INC	06/06/1953	LC	COM	0.09	39.1
483-2	ROCKERVILLE TRADING POST	05/01/1954	LC	COM	0.13	56.5
485-2	ROCKERVILLE	05/01/1958	LC	COM	0.07	30.4
2211-2	ROCKERVILLE LODGE & CABIN	12/20/1991	LC	COM	0.03	13.0
2222-2	STORM MOUNTAIN	02/24/1992	LC	REC/INS	0.04	17.4
2224-2	HILLSIDE COUNTRY CABINS	01/01/1898	LC	COM	0.004	1.7
2345-2	ROCKERVILLE ACRES SUB-DIV	08/28/1995	LC	COM	0.024	10.4
2731-2	JEFFERY A OR KRISTI HOFFMAN	10/27/2014	LC	DOM	0.1	43.4
2805-2	R & J LLC	09/25/2019	PE	COM	0.044	4*
2814-2	JUDE WILDEMAN	11/16/2020	PE	COM	0.037	2*
LC= Water Right, PE= Water Permit, COM= Commercial, REC= Recreational, INS= Institutional, DOM= Domestic, *= Limited by annual volume						

There are 28 well completion reports on file with the DANR-Water Rights Program for domestic wells that appear to be completed into the Crystalline Rock aquifer and map within approximately 1 mile and 8 that map within approximately 0.25 miles of the well the applicant intends to use (Water Rights, 2021c). The Water Rights Program Well Completion Report database maps well completion reports at the centroid of the smallest geographically division provided on the report. Therefore, the locations as mapped are not the exact locations of the wells. However, the data provide a sense of how many wells are generally in an area. There may be other domestic wells completed into the Crystalline Rock aquifer within that area that are not on file with the Water Rights Program. It is highly unlikely all of the wells within approximately 1 mile of the applicant's well and it is possible several of the wells within 0.25 miles of the applicant's well are completed into the same fracture system and thus the same localized portion of the Crystalline Rock aquifer as the applicant's well. In general, the volume of water pumped by domestic users is not a significant component of a hydrologic budget when compared to appropriative withdrawals from an aquifer due to the limited diversion rate and needs of domestic users. However, due to what is likely a relatively small areal extent of the localized portion of the Crystalline Rock aquifer, it is possible that domestic use is a significant portion of the local hydrologic budget.

In the past, the Water Rights Program has used, and the Water Management Board has accepted, a domestic water use estimation using the following assumptions: 1) 2.5 residents per rural dwelling, and 2) either the average per capita use by self-serve well users for the county in question or an average use from across the state if county specific data is not available in Carter and Neitzert's (2008) report on estimated water use in South Dakota. In this case, Pennington County self-supplied domestic users withdrew approximately 70 gallons per day per capita. That is equal to 0.20 ac-ft/yr for each rural dwelling, assuming each dwelling has 1 well, using the previously discussed assumptions, and that the dwelling is occupied year-round. Using the above mentioned estimate per dwelling, 0.20 ac-ft/yr, the 28 wells within approximately 1 mile equates to approximately 5.6 ac-ft/yr and the 8 wells within approximately 0.25 miles equates to approximately 1.6 ac-ft/yr for domestic use. It is possible some other domestic wells exist in this area that do not have completion reports on file with the Water Rights Program. Furthermore, it is possible several of the domestic wells on file with the Water Rights Program in this area are no longer in use. These estimates for domestic use presented in this report are provided to give a sense of scale to local domestic use from the Crystalline Rock aquifer rather than for the use of each domestic well that may be present but is not on record with the Water Rights Program.

The nearest appropriative water right to the applicant's well, Water Right No. 485-2, is approximately 0.1 miles southwest (Water Rights, 2021b). It is likely that only the water rights/permits and domestic wells within approximately 0.25 miles of the applicant's well may be completed into the same portion/fracture system that comprises the Crystalline Rock aquifer the applicant intends to use. That would exclude Water Right Nos. 2222-2, 2224-2, 2345-2, and 2731-2 and Water Permit No. 2814-2, included in Figure 1 and Table 1, from likely being in the same portion of the Crystalline Rock aquifer as the applicant.

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to

determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR-Water Rights Program maintains two observation wells that have historically been considered completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2021a). Observation well CU-86A is located approximately 17.3 miles southwest and observation well PE-95D is located approximately 3.3 miles north of the well the applicant intends to use (Water Rights, 2021a). Review of the construction of PE-95D determined the observation well is open to both the Deadwood Formation and the crystalline rock (Kilts, 2018). Both the Deadwood Formation and the crystalline rock can be aquifers at that location (Water Rights, 2021a and 2021c; Williamson et al, 2000). An examination of the water level data over the entire period of record of PE-95D determined the water levels appear to be more similar to the Deadwood aquifer than to the Crystalline Rock aquifer (Kilts, 2018; Strobel et al, 2000; Water Rights, 2021a and 2021c). Furthermore, the drilling records for PE-95D do not note encountering any large secondary porosity features (fractures, significant changes in water inflow or loss of water during drilling, etc.) in the crystalline rock portion of the borehole during drilling. Therefore, it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifers. Therefore, only observation well CU-86A will be considered in this report. Figure 3 shows the hydrograph for observation well CU-86A.

The hydrograph for CU-86A shows the water levels respond well to climatic conditions. Rising during wetter periods and declining during drier periods. The water levels have fluctuated approximately 45 feet over the period of record in response to climatic conditions. An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by the climatic conditions indicating that changes in water levels are governed by natural conditions, that is to say recharge to and natural discharge from the aquifer. Natural discharge from an aquifer can be captured for pumping. While CU-86A is not completed into the same localized portion of the Crystalline Rock aquifer as the applicant's well, it does show that the Crystalline Rock aquifer can be recharged.

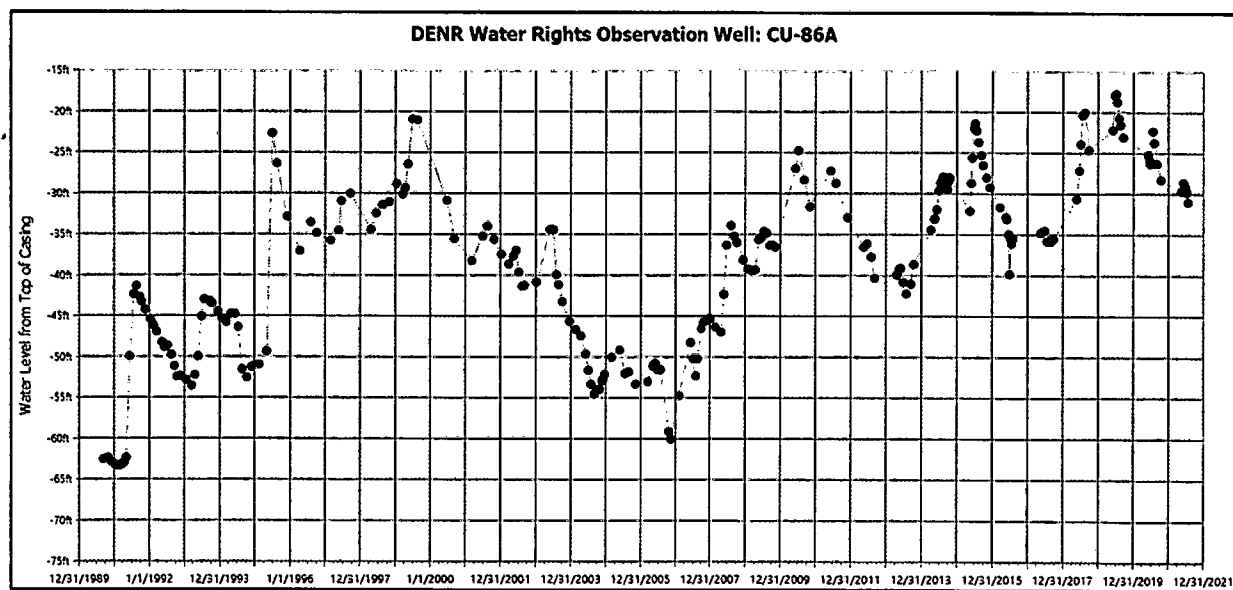


Figure 3- Hydrograph of Crystalline Rock aquifer observation well CU-86A (Water Rights, 2021a)

The commentary from Driscoll and Carter (2001) regarding how the recharge to the Crystalline Rock aquifer must be much greater than the estimated 5 cfs (3,600 ac-ft/yr) to account for the groundwater discharge that contributes base flow to many streams is well supported by the hydrograph for observation well CU-86A, which shows the water level generally rising over its period of record.

When considering the commentary from Driscoll and Carter (2001) regarding recharge to the Crystalline Rock aquifers, the hydrograph for CU-86A, the small annual appropriation requested by this application, and the fact the proposed appropriation has been occurring for some time, there is a reasonable probability unappropriated water is available for this proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There has been development of both domestic and appropriative wells completed into the Crystalline Rock aquifer with a minimal history of well interference complaints in Pennington County. This application is proposing a relatively limited diversion rate, appropriation volume, and has been in use for some time without an issue reported to the DANR-Water Rights Program (Water Rights, 2021d). Furthermore, the aquifer has large natural fluctuation of water levels that often mask or exceed drawdown caused by well pumping.

Figure 1 is a map of the Crystalline Rock aquifer water rights/permits in the vicinity of the applicant's well (Water Rights, 2021b). The nearest appropriative water right to the applicant's well, Water Right No. 485-2, is approximately 0.1 miles away (Water Rights, 2021b). There are a number of domestic wells on file with the Water Rights Program within 0.25 miles of the applicant's well (Water Rights, 2021c). Unless more accurate information is provided, well completion reports submitted to the DANR-Water Rights Program are mapped at the approximate center of the legal location provided on the well completion report, and multiple wells are mapped at the same location if they share the same legal location description (e.g. SW ¼ SW ¼ Sec 22-T1S-R6E). Therefore, there is not a better estimate of the exact distance to the nearest domestic wells on file with the Water Rights Program. It is also likely there are other wells completed into the Crystalline Rock aquifer within approximately 0.25 miles of the applicant's well that are not on file with the DANR-Water Rights Program. A review of information to attempt to locate dwellings determined the closest dwelling to the applicant's well is approximately 200 feet away (RapidMap, 2021).

The Water Management Board has defined an adequate well in Administrative Rule of South Dakota (ARSD) 74:02:4:20(6) as:

a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.

In the past the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. To protect domestic users, the Water Management Board defined an "adversely impacted domestic well" in 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 at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical 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.

For most aquifers, the placement of the pump intake 20 feet below the top of the aquifer is sufficient for domestic wells. However, for wells completed into the Crystalline Rock aquifer, 20 feet of saturated aquifer thickness may not be sufficient for a dependable water supply. This is due to the low primary porosity of the crystalline rock and the unpredictable occurrence of secondary porosity. Thus, wells that meet the definition of an adequate well and therefore should be easily protected by the definition of an adversely impacted domestic well may not yield sufficient water for a well owner's needs while still being adequate under the rule.

The precise drawdown effects caused by pumping a well cannot be determined without conducting an aquifer pumping test. Water levels in the Crystalline Rock aquifer are known to vary greater than 40 feet as a result of climatic conditions as shown in Figure 3. There has only been one reported instance of well interference in Pennington County for wells completed into the Crystalline Rock aquifer. This involved Water Right No. 2572-2 during the permit's initial development. The water right was limited to a maximum diversion rate of 18 gallons per minute, the limit for reasonable domestic use, by the Chief Engineer in October 2006. The permit holder reported to the Water Rights Program that the issue was resolved sometime before January 2009, and there have not been any other complaints of well interference issues since then (Water Rights, 2021d). The applicant's well and water use have been in place for several years without reported issue.

The Chief Engineer received a complaint in May 2021 regarding a number of entities in the Rockerville area that were suspected of using water without proper permitting. These entities have been contacted and the water permitting issues are being resolved. However, no complaints have been filed of well interference resulting in unlawful impairments of existing domestic or appropriative users with adequate wells.

South Dakota water law affords protection to adequate domestic wells. The above factors mean there is a reasonable probability this diversion will not unlawfully impair existing users with adequate wells. If this application is approved, a qualification should be included requiring the applicant to control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells that have prior water rights.

CONCLUSIONS:

1. Water Permit Application No. 2823-2 proposes to appropriate up to 1 ac-ft/yr at a maximum instantaneous diversion rate of 0.033 cfs (15 gpm) from an existing well completed into the Crystalline Rock aquifer for commercial use in the Gaslight Restaurant in Rockerville, SD
2. Based on the hydrologic budget and observation well data, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability this proposed diversion will not without unlawfully impair existing users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

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- Water Rights. 2021b. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021c. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2021d. Pennington County Complaint/Investigation File. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
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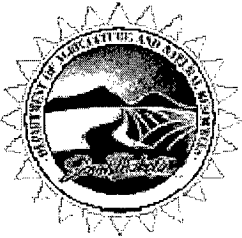
Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 10, 2021 11:40 AM
To: lzwet@aol.com
Subject: Water Permit Application No. 2823-2
Attachments: 1631.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

Steve Zwetzig

23809 GOLDEN HILLS DRIVE

RAPID CITY SD 57702

ORDER NUMBER 34913

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each week for one

successive week, the first publication there of being on the

19th day of August, 2021.

[Signature]

Section: Legal

Category: 0084 Water Permits

PUBLISHED ON: 08/19/2021

TOTAL AD COST: 47.98

FILED ON: 8/19/2021

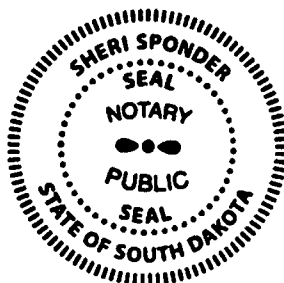
Subscribed and sworn to before me this

20th day of August, 2021.

[Signature] Notary Public

My commission expires

November 21, 2025



August 19 L34913

NOTICE OF APPLICATION NO. 2823-2 to Appropriate Water

Notice is given that Steve Zwetzig, 23809 Golden Hills Drive, Rapid City SD 57702 has filed an application for a water permit to appropriate an amount not exceeding 1 acre-feet of water annually at a maximum pump rate of 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into the Crystalline Rock Aquifer (40 feet deep) located in the SW 1/4 SW 1/4 Section 13-T1S-R6E for commercial use at the Gaslight Restaurant. This site is located in Rockerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2823-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 August 30, 2021.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

(Published once at the total approximate cost of \$47.98)

RECEIVED

AUG 23 2021

WATER RIGHTS PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 10, 2021 11:37 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2823-2, Steve Zwetzig
Attachments: 2823-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 19, 2021.

Steve Zwetzig, 23809 Golden Hills Drive, Rapid City SD 57702 (605 391-7032) has been notified to contact you to authorize publication and arrange for payment.

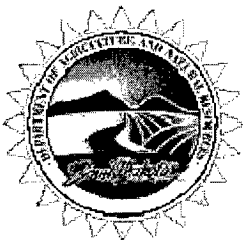
Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

August 10, 2021

Steve Zwetzig
23809 Golden Hills Drive
Rapid City SD 57702

Dear Mr. Zwetzig:

Water Permit Application No. 2823-2 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 Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). 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 from you, the publisher has been instructed to publish your notice. 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 2823-2 to Appropriate Water

Notice is given that Steve Zwetzig, 23809 Golden Hills Drive, Rapid City SD 57702 has filed an application for a water permit to appropriate an amount not exceeding 1 acre-feet of water annually at a maximum pump rate of 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into the Crystalline Rock Aquifer (40 feet deep) located in the SW 1/4 SW 1/4 Section 13-T1S-R6E for commercial use at the Gaslight Restaurant. This site is located in Rockerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2823-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 August 30, 2021.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Published once at the total approximate cost of__



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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523 E. CAPITOL AVE
PIERRE SD 57501-3182
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SEP 27 2021

Steve Zwetzig
23809 Golden Hills Drive
Rapid City SD 57709

Dear Mr. Zwetzig:

Enclosed is Water Permit No. 2823-2 authorizing construction of the 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.

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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 21, 2022

No. 2823-2

Steve Zwetzig
Gaslight Restaurant
23809 Golden Hills Drive
Rapid City SD 57702

Dear Mr. Zwetzig:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2823-2. Enclosed is a copy of the permit for the new owner.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

REMINDER NOTE: Please report the amount of water used from the well in 2021. Please make the new owner aware of Qualification No. 2 which requires reporting annually the amount of water withdrawn from the aquifer.

RECEIVED

JUL 28 2022

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2823-2

Date: 7/19/22

I/We request that Water Permit No. 2823-2

formerly owned by: Steve Zwetzig

X be transferred to: (name & address) Benjamin Klinkel
530 6th St Rapid City, SD 57701
Telephone No. 605 3818490

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

1 well located in the SW 1/4 SW 1/4 Section 13-T1S-R6E for commercial use at Gaslight Restaurant

I/We understand that the validity of Water Right/Permit No. 2823-2 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.

X I/We Benjamin Klinkel, the new owner, certify that the above information is true and correct.

X 
(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 Agriculture and Natural Resources

Date August 15, 2022

RECEIVED OF Benjamin Klinkel 530 6th St., Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>2823-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 16, 2022

2823-2

Benjamin Klinkel
530 6th St
Rapid City SD 57701

Dear Mr. Klinkel:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 2823-2.

The ownership change has been completed. Water Permit No. 2823-2 formerly held by Steve Zwetzig is now listed in your name.

Enclosed for your records is a receipt for the filing fee that was paid. If you have any questions, please let us know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

2823-2

June 3, 2024

Steve Zwetzig
23809 Golden Hills Drive
Rapid City SD 57702

Dear Mr. Zwetzig:

I spoke with Mr. Klinkel who informed me that he sold the Gaslight property back to you. Enclosed is a "Notice of Transfer" form for use in filing an ownership change on Water Permit 2823-2. I have also enclosed a copy of the water permit, please note qualification number 3 which requires annual reporting each year.

Please fill out the form and return to our office with a required \$50.00 filing fee.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352
Rachel.rodriquez@state.sd.us

2823-2

PAID

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

JUN 17 2024

Ck# 1203

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

Water Right/Permit No. 2823-2

Rec't#

Date: 6/12/24

I/We request that Water Right/Permit No. 2823-2 formerly owned by:

Benjamin Klinker be transferred to:

New Owner Name: Steve Zwetzig

Address: 23809 Golden Hills Dr mobile: 605-391-7032

City, State, Zip Rapid City, SD 57702 email: 12wet@aol.com

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

Lot 1 Revised of the Rockerville Ghost Town
Subdivision, Pennington County, South Dakota,
as shown on the plat filed in Plat Book 30,

☒ I understand that the validity of Water Right/Permit No. 2823-2 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, Steve Zwetzig, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

JUN 17 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 17th, 2024

RECEIVED OF Gold Town LLC

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>Permit No. 2823-2</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 17, 2024

2823-2

Steve Zwetzig
23809 Golden Hills Dr
Rapid City SD 57702

Dear Mr. Zwetzig:

I have received your "Notice of Transfer of Ownership" form and the required fees for Permit No. 2823-2. Enclosed is a receipt of payment for your records.

Water Permit No. 2823-2 previously owned by Benjamin Klinkel is now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure