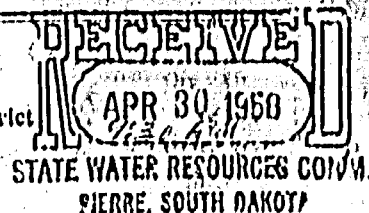


No. 483-2Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

District



APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Rockerville Trail MotelPostoffice address Rockerville, S.D., County Pennington, State S.D.I. ~~Applicant~~(a) ~~Date of birth~~(b) ~~Date and place of incorporation~~(c) ~~Amount of capital stock~~(d) ~~Amount paid in~~(e) ~~Names and addresses of directors~~

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) ~~Cash on hand~~(c) ~~Treasury stock~~, \$(d) ~~Bonds~~ issued, \$(e) ~~Other resources~~, \$2. ~~Name of utility or work~~3. Amount of water claimed 60 g.p.m. or 0.13 cfs cubic feet per second4. Source of water supply underground5. ~~Location of point of diversion~~In lot 4 of the SW 1/4 Sec. 13, T15S, R6E, E1/2 of the SW 1/4 of Sec. 13, T15S, R6E, E1/2 on bank County.6. Annual period or periods during which water is to be used Yearly basis

7. To be used for:

I. ~~Use of water~~ use: Gravity, overhead sprinkling or combination system?(a) ~~Number of acres to be irrigated~~ acres.(b) ~~Legal description of land to be irrigated~~

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) Motel and ResidenceRockerville, S.D.II. ~~Use of water for~~ing, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 483-2

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	FEET	ACRE- FEET CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet.
Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Pennings

SS.

I, Michael E. Lynn, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Michael E. Lynn

Subscribed and sworn to before me this

28th

day of

April

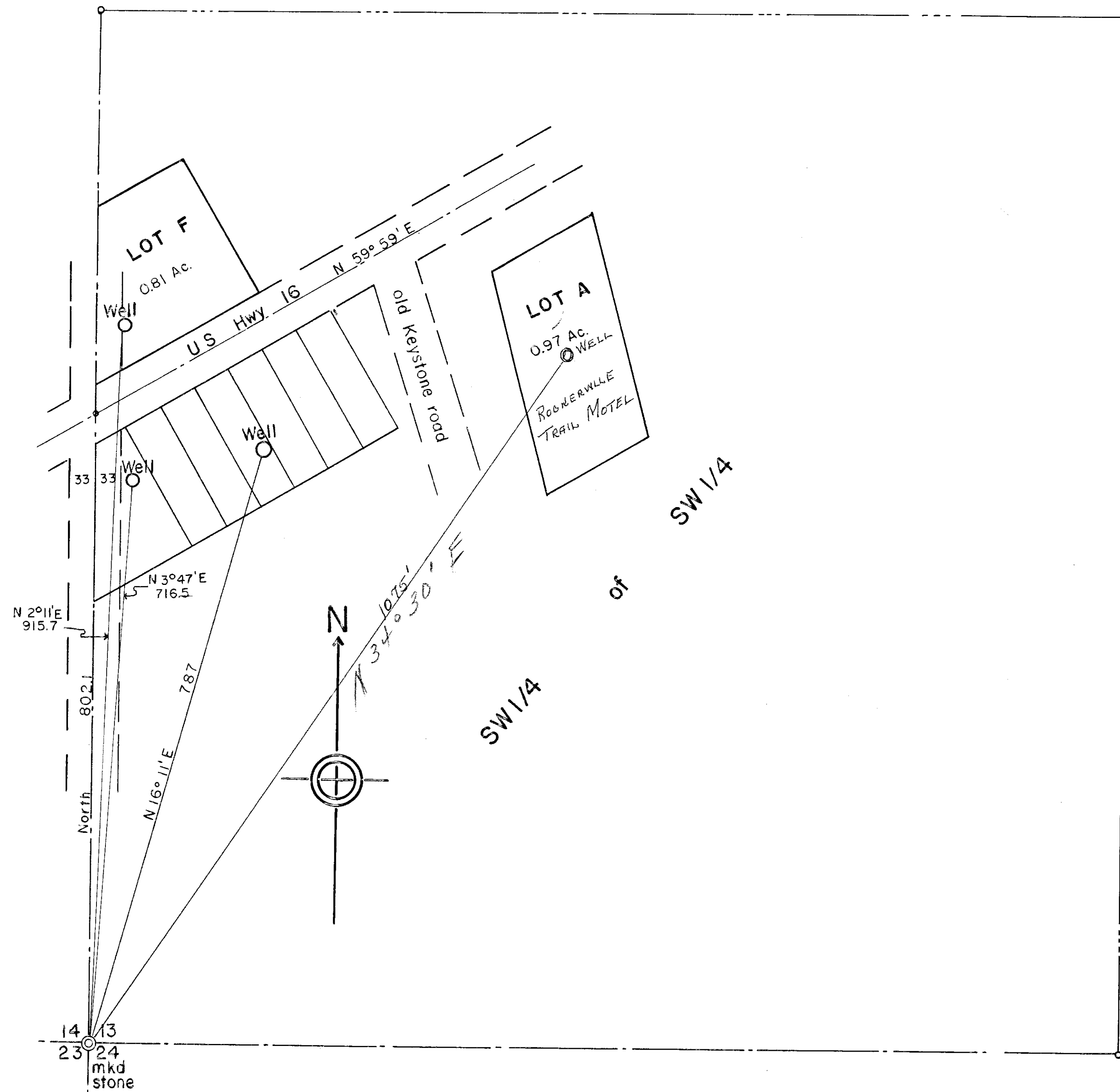
1958

Mike H. Bodemann
Notary Public (or other qualified officer.)

ROCKERVILLE TOWNSITE WATER RIGHT

SW1/4 of SW1/4 Sec. 13 T1S R6E BHM

Pennington Co., S. D.



STATE of SOUTH DAKOTA ss
COUNTY of PENNINGTON

I, Claude E. Bangs, a registered land surveyor, do hereby certify that on the 7th day of April, 1958, I made a survey to locate the wells at ROCKERVILLE TOWNSITE and that same is correctly shown hereon.

Claude E. Bangs

On the 9th day of April, 1958, before me, a notary public personally appeared Claude E. Bangs known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Eva H. Bangs

My commission expires Nov 24, 1965

Map No. 483-2
(App'l. No. 483-2)

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Blughes

ss.

Pierre, South Dakota,

May 1

10-58

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

9

30

day of

April

10-58

State Water Resources Commission

By:

J. D. Hines

Chief Engineer, Executive Officer

Vested Right

Number of permit

483-2

Date of first receipt of application

April

10-58

Date of return to applicant for correction, amendments or changes required as follows:

May 1

10-58

Date of receipt of corrected application

July 7

10-58

Date from which applicant may claim right

May 1954

10-58

Approved

July 19

10-58

Recorded in Book

25

Page

2-0

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed

ore

Completed

10-58

2nd. The whole of said work is to be completed on or before

Completed

10-58

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed

10-58

4th. The water appropriated shall be used for the purpose of

Commercial use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 0.158 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before August 21, 1958; said water to be used during the following described annual period:

Continuously

Witness my hand this

21

day of

August 1958

State Water Resources Commission

By:

J. D. Hines

Chief Engineer, Executive Officer

Certificate of Construction issued

August 21, 1958

Water License issued

August 21, 1958

Permit No. 483-2Water Division No. 2 Battle Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Rockerville Trail Motel

of Rockerville, County of Pennington, and State of South Dakota, the holder of Vested Right of Permit No. 483-2, issued upon Application No. 483-2, bearing date of priority of May 1954, authorizing the diversion of

0.13 cu. ft. per second of the waters of ground water County of Pennington, State of South Dakota, is in Lot "A" of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; 1075 feet, N 34° 30'E of the SW Cor., of Sec. 13, T 1 S, R 6 E BHM, for commercial

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 0.13 cu. ft. per second of water; and that ~~the use of said water is described as follows,~~ is for commercial purposes in Lot "A" to-wit:

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T 1 S, R 6 E BHM

Witness my hand this 21st day of August A. D. 1954

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 483-2

WHEREAS, On the 30th day of April, A. D. 1958

the Rockerville Trail Motel

of Rockerville County of Pennington and State of South Dakota duty made application (No. 483-2) to us for a permit to use 0.13 cubic feet per second of the waters of ground water County of Pennington, State of South Dakota, for commercial purposes; and

WHEREAS, On the 21st day of August, A. D. 1958, **Vested Right** recognizing Permit No. 483-2 was issued to said applicant for the diversion of said water, and

completion of the works of diversion therein described ~~as follows:~~ **in May** A. D. 1954 and ~~for~~ application to beneficial use of said water ~~on~~ **in May** A. D. 1954 and,

WHEREAS, On the 30th day of April, A. D. 1958, **Vested Right** 0.13 the holder of said permit duly made proof of the completion of adequate works for the diversion of cubic feet per second of said waters, as evidenced by our Certificate No. 483-2 dated August 21, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.13 cubic feet per second of water, with date of priority of May 1954 and,

WHEREAS, On the 30th day of April, A. D. 1958, proof was duly made of the application to beneficial use of 0.13 cubic feet per second of said water; **in Lot "A" of the SW1/4, Sec. 13, T1S, R6E**

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 the Rockerville Trail Motel ^{Vested Right}
of Rockerville, South Dakota the holder and owner of said permit No 403-2
a water right, dating from May 1954 to the use of 0.13
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 hereinafter mentioned, to be diverted at in Lot "A" of the SW 1/4 SW 1/4,
of Sec. 13; 1075 feet, N 34° 30' E of the SW Cor., of Sec. 13, T 1 S,
R 6 E, BHM
and conducted to and upon Lot "A" of the SW 1/4 SW 1/4, Sec. 13, T 1 S, R 6 E

for the purpose of commercial use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 21st day of August A. D. Nineteen
Hundred and Fifty eight.

State Water Resources Commission
By:
J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	
Water License No. _____	
To _____	

Source of Supply _____	
County _____	
Am't _____ c. f. s.	
Point of Diversion _____	

Place of Use _____	

Purpose _____	

Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10 " , Depth 65'

Type of casing 8" Steel
(wood, concrete, steel, etc.)

Size of casing 8" , Thickness of casing 5/16"

Length of casing 32" If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen (diameter) (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 42' . Character of water bearing materials Fractured

Thickness of water bearing material unknown

(d) Pump and Motor

Type of pump Vertical Centrifugal
(centrifugal, propeller, mixed flow, etc.)

Name of pump Barnes , size 1"

Kind of motor electric
(gasoline, electric, diesel, etc.)

Horsepower 1. H.P. , Name of Motor G.E.

(e) Complete well

Capacity 60 g.p.m. . at drawdown of 10' Estimated cost \$325.00

(f) Owner of land upon which well is located Rockerville Trail Motel
Name

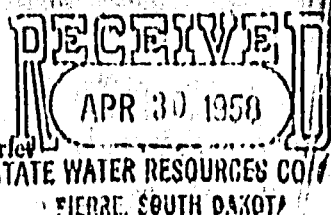
..... Rockerville, S.D.
Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 30 rods

Location No. 483-2Water Division No. 2Cattle Creek

Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Rockerville Trail Motel, Rockerville, S.D. Tourist Motel
and residence

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. None

Ques. 4. State source of water supply and give exact location of point of diversion.

✓ Ans. Lot A SW 1/4 Sec 13 T15 R6E Pennington
County South Dakota

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

✓ Ans. Barnes 1HP Jet pump Well 50' deep
casing 6" Dia.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

✓ Ans. Motel and residence

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 60 g.p.m.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. No permit

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

✓ Ans. Well completed May 1957 use began June 1959 Maximum pumping rate 160 G.P.M. Water used for water and household purposes.

(Sign) B. E. H. Miller

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rapid, County of Pennings, State of South Dakota, on this 1st day of July, A. D. 1958.

Witnesses, St. Phillips
Thorny Huber

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

✓ Ans. State when water diverted and when water use began, what about maximum pumping rate has been since that time (in gpm) and what water is used for

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be, and that said testimony was subscribed and sworn to before me, at my office in

State of South Dakota, on this

County of

day of

A. D. 10

Witnesses

I, the undersigned, do hereby certify that I am a duly qualified notary residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No.

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water c.f.s.

Source

County

Purpose

Place of Use

Date of recording

Received and filed

This was checked on 5-17-71. The
metal and water system are being used.
This is a conventional water right.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

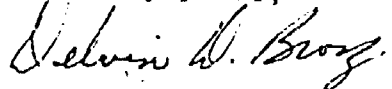
Rockerville Trail Motel
Rockerville SD 57701

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 483-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 1, 1988

Vested Water Right
Claim No. 483-2

Rockerville Trail Motel
Rockerville SD 57701

Dear Sir:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation



RECEIPT

412839

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ September 20, 19 91

RECEIVED OF Rockerville Trading Post & Motel, HC 33, Box 1607, 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 works 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 Water Right No. 483-2

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

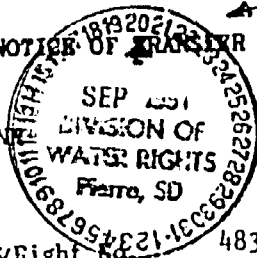
John H. Hatcher
Chief Engineer

Sept 20, 1991

NOTICE OF TRANSFER OF OWNERSHIP

No. 483-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181



Date: 9-17-91

I, We request that Water Permit/Right No. 483-2

formerly owned by: Rockerville Trail Motel

be transferred to: (name & address) Rockerville Trading Post, Keystone RT Box 1607

Rapid City SD 57701

(telephone No.)

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

SW1/4 SW1/4 Sec. 13, T001S R06E

I/We understand that the validity of Water Permit/Right No. 483-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA

County of Pennington

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

Gail Schwarz
(Signed)

Subscribed and sworn to before me this 17th day of September, 1991.

PEGGY BURKE

NOTARY PUBLIC
State of South Dakota

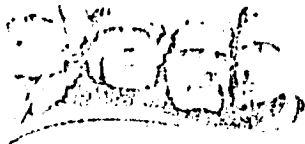
Peggy Burke
(Notary Public)

My commission expires 6/5/99

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

South Dakota



GREAT FACES. GREAT PLACES.

September 27, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 483-2

Rockerville Trading Post
Keystone Rt, Box 1607
Rapid City, SD 57701

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 483-2.

Our records now show you as the owner of Water Right No. 483-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Rocherville Trail Motel (X-name) Ed Schwartz, Present OwnerADDRESS: HCR 33, Box 1607, Rapid City, SD 57701 COUNTY PenningtonDATE: 10-4-90 TELEPHONE 341-7304RE: Vested right claim inspection

COMMENTS:

On August 15, 1990 the well under Vested Right claim
No. 483-2 was inspected

water
The well is used for a hotel and restaurant needs.

The claim, however, ~~was~~ when validated should be transferred
to new owner.

* Recommend in litigation

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: MPH Radt

483-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4P3-2

Date of Receipt of Claim April 30, 1958.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 483-2 for the Rockerville Trading Post, Keystone Rt, Box 1607, Rapid City, South Dakota 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 483-2 appropriates 0.13 cubic feet per second of water from one well located in the SW1/4 SW1/4 Section 13, T1S, R6E.
2. The appropriated water is used for supplying water for the Rockerville Trading Post and may not exceed the amount of water needed for beneficial use for commercial purposes.
The water is to be used during the following annual period:
January 1 - December 31.
3. The priority date of the Vested Water Right is: May 1, 1954
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAR 16 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

483-2



MAR 16 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3191

Rockerville Trading Post
Keystone Rt, Box 1607
Rapid City SD 57701

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 483-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

483-2



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

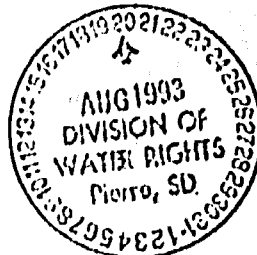
Newell, South Dakota 57760-0226

POSTED
OFFICE

WTR 4.10

BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 28, 2021

William Gikling
3005 Beale Street
Rapid City SD 57703

Dear Mr. Gikling:

I am writing about water use at Rockerville Trading Post in Rockerville. Water Rights No. 483-2 appropriates 0.13 cubic feet of water per second (58 gpm) from one well located in the SW 1/4 SW 1/4 Section 13-T001S-R06E to supply the business. A copy of the water right is enclosed. Water Rights records has the contact mailing address being 734 S May Avenue in Yuma Arizona. I am writing to you since the Secretary of State's website indicates you to be the owner or registered agent for Rockerville Trading Post.

In the past year, there have been two new water permit applications that were contested in the Rockerville area. The concern is water availability and impacts to domestic users and prior water rights. The petitioner in those matters filed a formal complaint with the Water Rights Program seeking formal investigation into various water rights and commercial entities, including the water right held in the name of Rockerville Trading Post. Specifically, the complaint questions the status of the water right or that a significant portion of the water right has not been used and should revert to the public.

South Dakota Codified Law 46-5-37 provides that failure to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years, can result in the unused portion reverting to the public. In other words, water right can be subject to cancellation or reduced to the amount in use.

Please answer the following questions.

1. Do you own Rockerville Trading Post? If so, please complete the partially completed transfer of ownership forms and return them in in the self-addressed envelope. If not, are you aware of who does own the business, and can you provide the contact information?
2. Does the well still exist and does it continue to be used for commercial purposes on the property?
3. Are you aware of the current pump rate from each well? If so, please provide.
4. Are you aware of any extended periods greater than three years when water was not used for commercial purposes?

If you have questions, please contact the Water Rights Program.

Sincerely,



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

Eric.gronlund@state.sd.us

Enclosures

483-2

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501-3182

RECEIVED
JUN 11 2021
WATER RIGHTS
PROGRAM

May 24, 2021

Dear Eric,

Please find enclosed the filled out "Notice of Transfer of Ownership" form for water right/permit No. 483-2. The permit formerly owned by Rockerville Trading Post will be transferred to Rockerville Lodge & Cabins, LLC.

The well is in use. At this time I am not aware of the pump rate.

The well has been in use the entire time that Rockerville Lodge & Cabins, LLC has owned the property. I am not aware of a period when the well was not in use.

Please let me know if you have any further questions.

Sincerely,



Chad Timmer, Member
Rockerville Lodge and Cabins, LLC
345 Millstone Way
Rapid City, SD 57701
605-270-4055

Chadkirsten.timmer@gmail.com

Enclosure

483.2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 11, 2021

RECEIVED OF Rockerville Lodge & Cabins, LLC 345 Millstone Way 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>483-2</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

vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUN 11 2021

RECEIVED

Ck# 1670

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

JUN 11 2021 Water Right/Permit No. 483-2WATER RIGHTS
PROGRAMDate: 6/7/21I/We request that Water Right/Permit No. 483-2 formerly owned by:Rockerville Trading Post

be transferred to:

New Owner Name:

Address:

City, State, Zip

Rockerville Lodge & Cabins, LLC
345 Millstone Way
Rapid City SD 57701 Telephone No. 605 270 4058

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

SW 1/4 SW 1/4 Section 13-T001S-R06E

☒ I understand that the validity of Water Right/Permit No. 483-2 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, Chad Timmer, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Rockerville Lodge & Cabins, LLC**

General Information

SOS Business ID DL142698
Filing Type: Limited Liability Company - Domestic
 01/17/2018
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Chad Timmer
 345 MILLSTONE WAY
 RAPID CITY, SD 57701

Principal Address

13525 MAIN STREET
 ROCKERVILLE, SD 57702

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

Date Filed	Filing Description	Image #
11/02/2020	2021 Annual Report	B0157-3524
11/04/2019	2020 Annual Report	B0118-8118
12/27/2018	2019 Annual Report	B0086-1114
01/17/2018	Initial Filing	B0050-1060



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 15, 2021

483-2

Chad Timmer
Rockerville Lodge & Cabins LLC
345 Millstone Way
Rapid City SD 57701

Dear Mr. Timmer:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 483-2.

The ownership change has been completed. Water Right No. 483-2 formerly held by Rockerville Trading Post is now listed under Rockerville Lodge & Cabins LLC.

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

Sincerely,

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

enclosure

Gronlund, Eric

From: Kirsten Timmer <chadkirsten.timmer@gmail.com>
Sent: Monday, June 14, 2021 7:18 PM
To: Gronlund, Eric
Subject: Re: [EXT] Rockerville water rights

Hello. Yes, to confirm what was filled out in the transfer of ownership forms and the attached letters that were sent with them, Rockerville Lodge & Cabins LLC owns both of these properties and associated wells (previously Rockerville Trading Post, and Pine Haven Heritage Homes. Rockerville Lodge & Cabins LLC has owned both properties for about 4-5 years. We have not had any work done on the well (483-2). I hope I have answered all of your questions. Please let me know if I missed any or if you have any further questions. Thank you, Chad Timmer (Rockerville Lodge & Cabins LLC).

On Jun 14, 2021, at 1:11 PM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Chad:

This is Eric Gronlund with the Water Rights Program. Still trying to get the Rockerville water rights issues straightened out.

Last Friday (June 11th), the Water Rights Program received a letter from you and the transfer of ownership form for Water Right No. 483-2 to transfer this water right from Rockerville Trading Post to Rockerville Lodge and Cabins LLC.

On May 17th, I sent you a letter to you to confirm whether the well authorized by Water Right No. 2211-2 (different well than No. 483-2) in the name of Pine Haven Heritage Homes is the well now in use by Rockerville Lodge and Cabins LLC. If so, a notice of transfer of ownership form was enclosed. On May 27th you filed the transfer of ownership so Water Right No. 2211-2 which authorizes a pump rate of 13 gpm is in the name of Rockerville Lodge and Cabins LLC. I also asked for any information you have to confirm the well is only capable of 13 gpm.

Here is where it gets confusing for me.

A letter was sent to Bill Gikling on May 28th regarding Water Right No. 483-2 which is the right we just received the transfer of ownership to put in the name of Rockerville Lodge and Cabins LLC. Mr. Gikling was sent the letter based on him being listed at the owner of Rockerville Trading Post on the Secretary of State's business registry. **Do you now own what was previously known at Rockerville Trading Post including the well associated with it?** It appears from your recent letter you are answering the questions I posed to Mr. Gikling. If you do own it, Water Rights will proceed to transfer the water right. And if that's the case you now own the property that was Pine Haven Heritage Homes and Rockerville Trading Post – is that correct?

Water Right No. 483-2 appropriates 58 gpm from a well. Your letter indicate you are not aware of the pump rate and that the well as been in use the entire time the Rockerville Lodge and Cabins LLC has owned the property. How long have you owned this property? During the time, have you had any work done on the pump in well? If so, who conducted that work so I can contact to find out the capacity of the pump.

Please understand Water Rights is just trying to get the water rights issue in the area straightened out and that is the reason for the questions.

Thanks - Eric

<image003.png>

Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov