

- Be considered*
1. Considered Jan 17, 1919 Appl. No. 4500-2
  2. Name of Applicant Edmund J. Smith (M)
  3. Post Office Address Wichita, Kan.
  4. Amount of water claimed 2.0 cfs
  5. Source of water supply well
  6. Water to be used for drinking and stock pond  
Acres to be irrigated \_\_\_\_\_
  7. Water to be diverted and used in Wichita County, about  
\_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_
  8. Proof of Publication Received ✓  
Not Received \_\_\_\_\_
  9. Application Approved ✓  
Subject to limitations as noted  
Not approved under former law  
Action deferred \_\_\_\_\_

10. Remarks:

*Water use approved for 1919*

No. 485-2Water Division No. 2 Bath Creek Dis.  
(Blanks to be filled by the Engineer for the W. R. C.)

# APPLICATION FOR PERMIT STATE WATER RESOURCES COM. S.D.

## To Appropriate Water within the State of South Dakota

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

1. Name of applicant Rockerville Park  
Postoffice address Rapid City, County Pennington, State South Dakota

## I. If a corporation

- (a) Name of same \_\_\_\_\_  
(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) \_\_\_\_\_

(b) Cash on hand, \$ 7,000.00

(c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_

(e) Other resources, \$ \_\_\_\_\_

## 2. Name of diversion work

## 3. Amount of water claimed

2.000 cubic feet per minute

## 4. Source of water supply

Well

## 5. Location of principal diversion

SE 1/4 Sec. 14, T1S, R6E, R4M, 21' N 13° 31' W,914.1 feet from the SE corner, bank Pennington County.6. Annual period or periods during which water is to be used May, June, July, August

## 7. To be used for:

## I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated \_\_\_\_\_ acres.

(b) Legal subdivisions to be irrigated None

(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.) kitchen facilities,lavatory facilities, drinking water

## II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Commercial Fishing Pond

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. 484-2

8. Estimated cost of work:

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

(c) Flaming, \$-----

### (e) Other structures

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

Well

\$ 322.50

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

Rock, "-----

Total, \$-----

9. Description of diversion works:

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

## II. Dimensions of works:

Dimensions of works:

(a) Dam: Height.....feet; larg<sup>st</sup>. at bottom ..... feet; length at top ..... feet; thickness at top .....

Dam: Height \_\_\_\_\_ 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 ----- are feet. Surface area at highwater -----

mark.....acres.

[illegible]

(c)\* Head gate: Width \_\_\_\_\_ feet; height \_\_\_\_\_ feet;

## Material

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

[illegible]

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 days ~~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 PENNINGTON } ss.

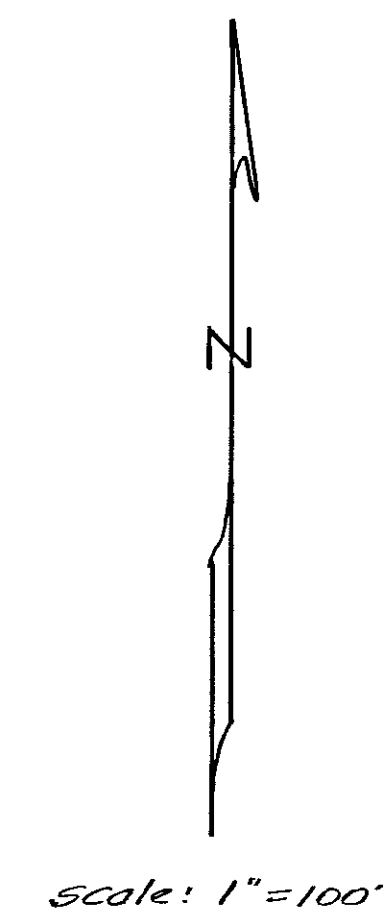
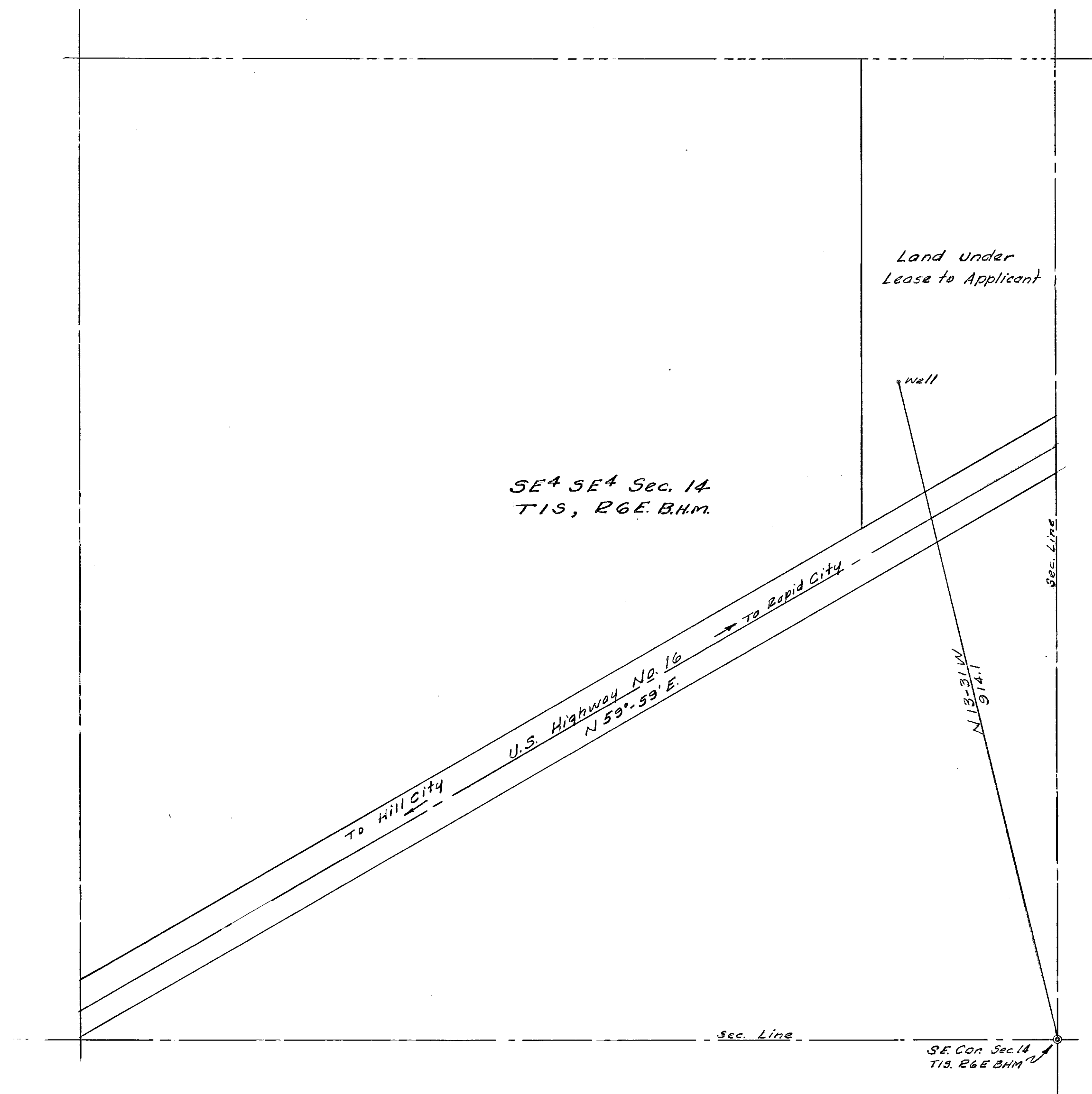
County of Los Angeles,  
I, Clifton E. Dillon, being first duly sworn  
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have  
read the above foregoing statement, examined the map accompanying the same, and that I know of my own  
personal knowledge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

**Signed**

Subscribed and sworn to before me this 20<sup>th</sup> day of April 1958

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.



#### SURVEYOR'S CERTIFICATE

I, Jerry K. Thomas, a Registered Land Surveyor, do hereby certify that the adjacent map correctly represents the location of the well from which Rockerville Park desires to appropriate water.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of April 1958.

*Jerry K. Thomas*  
JERRY K. THOMAS

#### ACKNOWLEDGMENT

State of South Dakota ss.  
County of Pennington

ON THIS DAY, before me the undersigned, a Notary Public, in and for the State and County aforesaid, personally appeared Jerry K. Thomas, known to me to be the person who executed the foregoing certificate, and acknowledged to me that he executed the same.

WITNESS my hand and seal this 14th day of April, 1958.

My Commission expires  
June 27, 1961

*V. L. Rugg*  
Notary Public

Map No. 484-2  
(Appl. No. 485-2)

#### WELL LOCATION MAP

TO ACCOMPANY APPLICATION FOR PERMIT  
TO APPROPRIATE WATER  
FOR

ROCKERVILLE PARK

IN SE 1/4 SE 1/4 SEC. 14, T1S, R6E  
B.H.M.

Prepared by  
STAVEN ENGINEERING CO.  
RAPID CITY, SOUTH DAKOTA

Remarks by State Water Resources Commission: Ground water supplies are limited in the locality of this application. The part of this Permit covering fish pond use is granted subject to (1) pumping of water into the pond shall occur only during periods when when the spring fed creek west of the pond and north of present Highway 16 is flowing visibly and (2) outflow from the pond shall be controlled to the minimum possible, in no case shall continuous discharge occur nor shall the discharge be sufficient to maintain a surface flow immediately downstream from the pond outlet. This Permit is

STATE OF SOUTH DAKOTA

County of Hughes

ss.

limited accordingly.

Pierre, South Dakota, May 1, 1958

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock A.m. upon the 1 day of May, 1958.

State Water Resources Commission

By:

J. J. Brinner

Chief Engineer, Executive Officer

Number of permit 485-2

Date of first receipt of application May 1, 1958

Date of return to applicant for correction, amendments or changes required as follows: May 2, 1958

Date of receipt of corrected application May 8, 1958

Date from which applicant may claim right May 1, 1958

Approved September 17, 1958 Recorded in Book 5 Page 2-8

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 on or before

March 17, 1958

2nd. The whole of said work is to be completed on or before September 17, 1959

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

September 17, 1960

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

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 20000 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 is 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 September 17, 1960, said water to be used during the following described annual period:

May to August inclusive

Witness my hand, this 7 day of October, 1958

State Water Resources Commission

By:

J. J. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 24, 1971

Water License Issued MAY 24, 1971

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 6", Depth 40 feet

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

Size of casing 6", Thickness of casing 3/8"

Length of casing 22 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 30 feet. Character of water bearing materials hard schist

Thickness of water bearing material 10 feet

(d) Pump and Motor

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

Name of pump McDonald, size 30 gal. per minute

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

Horsepower, Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost \$322.50

(f) Owner of land upon which well is located Boulah Hull  
Name

Rapid City, South Dakota  
Address

(g) Distance to nearest existing wells

On owner's property 50 rods. On property owned by others 45 rods

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 485-2.

(1) WHEREAS, On the 1st day of May A. D. 19 58

Rockerville Park

made Water Right Application No. 485-2 for a permit to use .066 cubic feet per second of the waters of ground water

County of Pennington, State of South Dakota, for commercial

purposes; and

(2) WHEREAS, On the 7th day of October A. D. 19 58

Permit No. 485-2, with a date of priority of May 1, 1958

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 17th day of September A. D. 19 59 and for the application to beneficial use of said water on or before the 17th day of September A. D. 19 60

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 .066 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,

for commercial purposes in operation of a tourist attraction at Rockerville  
Park.

(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 Park

\_\_\_\_\_ of Rockerville, S.D.

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 485-2 a water right, dating from May 1, 1952

\_\_\_\_\_ to use of .066 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 at a point North 13° 31' West, 914.1 feet from the SE Corner, Section 14, T1S, R6E

and conduct to ~~XXXXXX~~ five service connections

for the purpose of commercial use

~~Subject to any limitation listed in Water Right Permit No. 485-2 and subject to the laws of the State of South Dakota~~

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 24th day of May A. D.  
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

\_\_\_\_\_  
Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 485-2

Water Diversion No. 2 BATTLE CREEK Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Rockerville Park

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 485-2, issued upon Application No. 485-2, bearing date of priority of May 1,  
1958 authorizing the diversion of .066 cu. ft. per second of the waters of \_\_\_\_\_  
ground water County of Pennington, State of South Dakota at \_\_\_\_\_  
a point North 13° 31' West, 914.1 feet from the SE Corner,  
Section 14 T1S, R6E  
\_\_\_\_\_, for commercial

purposes, has \_\_\_\_\_ 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 .066 cu. ft. per second of water.

Date May 24, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication before June 6, 1958.)

# APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 12, 1958.

Notice is hereby given that Rockerville Park whose postoffice address is Box 294, Keystone Mt., Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.066 cubic feet of water per second of time from ground water through the well, the point of diversion of which is to be located SE 1/4 of the SE 1/4 of Section 14 Twp. 13 Range 6E. Said water to be used for commercial purposes in part of the SE 1/4, Sec. 14, T. 13, R. 6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. GRIMES  
Chief Engineer, Executive Officer

cc Mr. Theo. B. Werner, Publisher  
The Gate City Guide  
Rapid City, S. Dak.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.  
County of Pennington

-----Faye Crawford----- being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

-----Globe City Guide----- a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of ----- of ----- Rapid City ----- County of

Pennington ----- and State of South Dakota; that the said notice was published in said newspaper on the following dates:

-----May 22, 1958-----

-----May 29, 1958-----

-----June 5, 1958-----

-----June 12, 1958-----

In each and every issue of the full number thereof, the first publication being made on the -----22nd----- day of -----May-----

1958 and the last publication on the -----12th----- day of

-----June----- 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Business Manager, printer and publisher of the said newspaper.

-----Faye Crawford-----

Subscribed and sworn to before me this -----13th----- day of -----June----- A. D. 1958.

-----Theodore Bremer-----  
Notary Public -----Pennington----- County, S. D.

APPROPRIATION OF WATER  
Office of State Water Resources Commission  
Pierre, S. Dak. May 12, 1958  
Notice is hereby given that Rockerville Park whose postoffice address is Box 203, Hotstone, It., Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.000 cubic feet of water per second of time from ground water through the well, the point of diversion of which is to be located in the SE1/4 of the SE1/4 of Section 14 Twp. 18 Range 02. Said water to be used for commercial purposes in part of the SE1/4 SW1/4, Sec. 14, T. 18, R. 02.  
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of July, 1958, at 2:00 P.M. All interested persons may appear and be heard.  
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.  
State Water Resources Commission  
By: J. W. CHIMES  
Chief Engineer, Executive Officer  
Published May 22-41

RECEIVED  
SEP 5 1958  
STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Annual fee \$20.00 for each kind  
of fish raised, hatched or sold

No. \_\_\_\_\_

APPLICATION FOR PRIVATE FISH HATCHERY LICENSE

To Department of Game, Fish and Parks  
Pierre, South Dakota

I, Clifton C. Dillon of Rapid City County of Pennings  
South Dakota, hereby make application for license to operate a private fish hatchery  
in Sec. 14 Twp. 1 S Range 6 E County of Pennings South Dakota, said waters  
being wholly on deeded land located in

Pennings County, Owned by Beatrice Hull of Rapid City.

GENERAL INFORMATION

Pond Area: 2 1/2 acres, Average depth. 3 3/4 feet.

Maximum depth 4 1/2 Source of water supply: \_\_\_\_\_  
State whether natural or

Artificial  
artificial

Are waters directly or indirectly connected with any stream, water course or meandered  
waters? No If so, give name of stream \_\_\_\_\_

If so, what provisions have you made to prevent the coming or going of fish to or from  
such waters? (Described in detail) \_\_\_\_\_

What kinds of fish do you propose to propagate? Rainbow Trout

Where obtained? Ranch A, Billings, Wyoming

Do you intend marketing fish for food purposes or for breeding purposes? \_\_\_\_\_

Food purposes

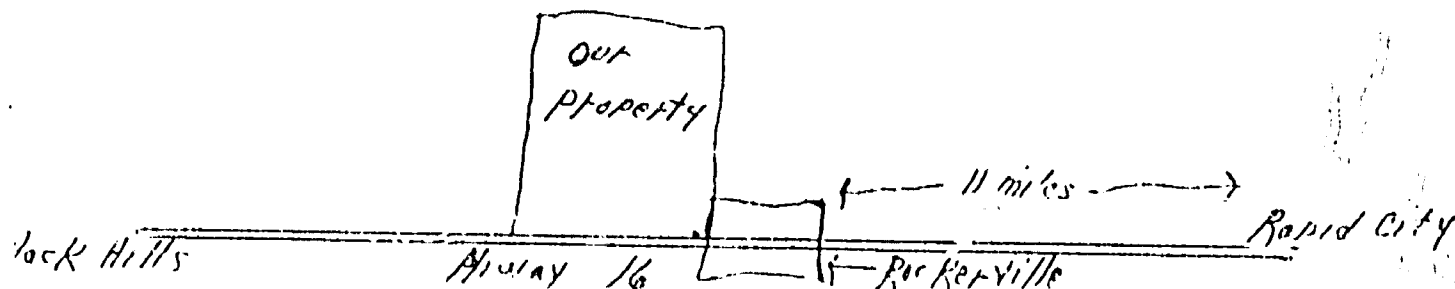
If for breeding purposes, state facilities for taking and handling eggs \_\_\_\_\_

Date 3/31/58 Signature Clifton C. Dillon

Note: Please submit with application a plat or pen and ink sketch of premises, this  
plat or sketch to show clearly relative position of premises to adjacent stream or  
other permanent water. No license will be issued on waters forming a part of a  
permanent creek or stream, nor will a license be issued covering waters directly  
connected with any permanent waters from which native stock could pass.

All private fish hatchery licenses expire June 30th following date of issuance.

There are no streams or ponds in this area.



# DRILLER'S LOG OF WELL

Location of Well: SE 1/4, SE 1/4, Section 14, Township 1 S, Range 6 E BHM/

Well to be drilled for: Cliff Dillon, Rockerville, South Dakota  
(Name) (Address)

Owner of land (If other than above) Beulah Hull, Rapid City, South Dakota  
(Name) (Address)

Date well drilling started finished April 4, 1958

Purpose of well Commercial (Domestic)  
(domestic, irrigation, municipal, industrial, other)

| Diameter<br>6<br>inches |                        |                                                                                                                    | Ground Surface Elevation: (If Available)                                                                                                                          |
|-------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 Feet                 | Overburden<br>Boulders | Describe<br>kind of<br>materials<br>drilled<br>through<br>(add<br>layers<br>on back<br>of form<br>if<br>necessary) | Kind and thickness of casing to be installed:<br>3/8" Thick Steel Casing                                                                                          |
| 18 Feet                 | Schist                 |                                                                                                                    |                                                                                                                                                                   |
| Feet                    |                        |                                                                                                                    | Size of casing to be installed:<br>22 feet of 6 inches diameter<br>feet of inches diameter<br>feet of inches diameter                                             |
| Feet                    |                        |                                                                                                                    | Type of seal between casing sizes:                                                                                                                                |
| Feet                    |                        |                                                                                                                    | Kind of perforated screen to be installed:<br>Material (steel, wood, concrete, etc.)<br>Size of screen:<br>Diameter inches<br>Length feet<br>Size openings inches |
| 10 Feet                 | Hard<br>Schist         | Water<br>bearing<br>material                                                                                       | Depth below ground surface to which water rises<br>in well 30 feet.                                                                                               |

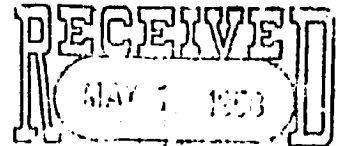
Joe T. Monger  
Drilling Contractor  
Custer, South Dakota

## WATER RIGHT APPLICATIONS

A complete Application for a Water Right includes the following items:

1. Two completed Form 2 - Application for Permit to Appropriate Water.
2. Map 24" x 36" in size, on tracing linen and a print showing:  
(attached by measurements)
  - (a) the location of diversion point (from stream, well, pond, or other water supply) in relation to a Government Section or quarter-section corner, by course and distance;
  - (b) if diversion is from reservoir, the location of the high water line and lands under water with names of owners and stating the capacity of the reservoir at high water; and
  - (c) if diversion is from stream, the location and name of stream;
  - (d) the location and total length of ditches;
  - (e) lands to be irrigated with names of owners; or for a municipality, the general area of use.
  - (f) a certificate of the Registered Land Surveyor or Government Engineer who made the survey, sworn before a Notary Public or other Officer having a seal.
3. If diversion is from a well, two completed Form 2A-Wells (Supplement to Form 2)
4. If distribution to lands is through sprinkler system, attach copy of sprinkler nozzle manufacturer's pressure-discharge data to each Application Form 2.
5. Examination fee of \$5.00

*This has been sent in previously*



STATE WATER RESOURCES COM.  
PIERRE, SOUTH DAKOTA

Permit No. 485-2Water Division 2 BATTLE CREEK Water District

# REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: 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 Park  
(Mrs. Beulah J. Hull) of Rockerville, S.D. holder \_\_\_\_\_  
of Permit No. 485-2, bearing date of priority of May 1, 19 58  
authorizing the diversion of .066 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, approximately 40 feet deep, cased with 6" dia., steel pipe  
1/2 HP submersible electric pump

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

Buried underground pipe

C. Works used to apply water to beneficial use.

Five Service connections

Good

The system is in the following condition: \_\_\_\_\_

The point of diversion is located N. 13° 31' W. 914.1 feet from the SE Corner of  
Section 14, T1S, R6E

The works are capable of diverting and conveying to the place of use .066  
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: \_\_\_\_\_

Well was constructed in 1958 and has been used as indicated since.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
The Commercial fish pond was abandoned after the first three months of operation.

Date May 17, 1971

Donald Driscoll  
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer  
Water Resources Commission

## Gronlund, Eric

---

**From:** Gronlund, Eric  
**Sent:** Wednesday, April 21, 2021 11:50 AM  
**To:** Mines Bailey, Ann (Ann.MinesBailey@state.sd.us)  
**Cc:** Mathiowetz, Adam (DENR)  
**Subject:** FW: [EXT] Rockerville Water Well

Here is my December 4, 2019 email that is referenced in Mr. Buehner's Exhibit No. 204.

Mr. Hammerbeck and Pat Hall work with Premier Properties LLC. My recollection is Mr. Buehner associated Pat Hall with the developer of the condominiums at Rockerville.

**From:** Gronlund, Eric  
**Sent:** Wednesday, December 4, 2019 11:04 AM  
**To:** Brian Hammerbeck <brian@premierrapidcity.com>  
**Subject:** RE: [EXT] Rockerville Water Well

Brian

Water Right No. 479-2 appropriates 0.09 cubic feet of water per second (40 gallons per minute) from one well  
Water Right No. 485-2 appropriates 0.066 cfs (30 gpm) from two wells.  
Both water rights are for commercial use.

If the intent is to drill a new well under either water right without a increase is the diversion rate authorized by the water right there is a statute that allows for an additional diversion point or change in location from the same source of water, and no additional water is appropriated if the chief engineer can make a finding that the change does not increase the potential for interference with existing diversions. This take a request that states what is proposed, provides general well construction information such as depth and a map showing the proposed location. If the chief engineer can make such a finding, the additional well is allowed with formal application including public notice. However, if the chief engineer can not make such a finding, then an application to amend the water right will need to be submitted. This will require a more formal review and public notice of the application. Given these are Precambrian Crystalline Rock well in which water is obtained through fractures and fissures, I can not predict which way DENR may go on this.

If the intent it to increase the diversion above what is authorized by the water rights, then a new water permit application needs to be filed for whatever the increase in the diversion rate will be.

So it really boils down to what is planned.

Eric

**From:** Brian Hammerbeck <brian@premierrapidcity.com>  
**Sent:** Wednesday, December 4, 2019 9:35 AM  
**To:** Gronlund, Eric <Eric.Gronlund@state.sd.us>  
**Subject:** [EXT] Rockerville Water Well

Eric,

My name is Brian Hammerbeck and I know your name as you're currently working with me on water rights on ag land near Caputa, SD. We met today with Erin Dreis with SDDENR at Rapid City and she said you were the contact for water wells / right at a Rockerville, SD development that we're also working on.

I've read most of Juston Eisenbraun's detail from the "Recommendation of Chief Engineer for Water Permit Application No. 2805-2, R&J LLC." Juston's property lies about 2,000' north/northeast of our Rockerville property. We currently have two wells on our Rockerville property and they're identified in Juston's report as 479-2 and 485-2. However, we feel we will need additional wells in the future and the purpose of this email is to determine what is required to drill additional well(s).

Thank you in advance for your guidance!

Brian Hammerbeck  
Rapid City, SD  
431-9291 cell

## Item #4 (Continued)

d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:

This water right is from 1953 and carries a 40 gpm allocation from one well.



479-2 + 485-2

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 28, 2021

Patrick Hall and Brian Hammerbeck  
2700 West Main Street  
Rapid City SD 57702

Dear Mr. Hall and Mr. Hammerbeck:

I am writing about water use from wells at property I believe you own or have involvement with in the Rockerville area. Water Right No. 479-2 appropriates 0.09 cubic feet of water per second (40 gpm) from two wells located in the SW 1/4 SW 1/4 Section 13-T1S-R6E to supply Rockerville Gold Town. Water Right No. 485-2 appropriates 0.066 cubic feet of water per second (30 gpm) from one well located in the SE 1/4 SE 1/4 Section 14-T1S-R6E to supply Rockerville Park. A copy of each water right is enclosed.

I recall email correspondence with Mr. Hammerbeck in December of 2019 regarding these water rights. Also involved in that discussion was water right permitting for the Gas Light Restaurant as there was discussion long ago that one of the wells under No. 479-2 was used to supply the Gas Light Restaurant.

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 these two water rights. Specifically, the complaint questions the status of the water rights as the wells have not been in use for an extended period of time.

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 the water rights can be subject to cancellation or reduced to the amount in use.

Please answer the following questions.

1. Do you own land and the wells authorized by Water Right Nos. 479-2 and 485-2? 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. Do all three wells still exist and do they 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](mailto:Eric.gronlund@state.sd.us)

Enclosures

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 485-2

Date: \_\_\_\_\_

I/We request that Water Right/Permit No. 485-2 formerly owned by:  
Rockerville Park be transferred to:

New Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Telephone No. \_\_\_\_\_

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

SE 1/4 SW 1/4 Section 14-T001S-06E

☐ I understand that the validity of Water Right/Permit No. 485-2 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, \_\_\_\_\_, 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.

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 479-2

Date: \_\_\_\_\_

I/We request that Water Right/Permit No. 479-2 formerly owned by:Rockerville Gold Town be transferred to:

New Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Telephone No. \_\_\_\_\_

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

SE 1/4 SW 1/4 Section 14-T001S-06E

☐ I understand that the validity of Water Right/Permit No. 479-2 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.

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I, \_\_\_\_\_, 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:

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3. For a third violation of a condition of a water permit/right.

485-2

RECEIVED

AUG 06 2021

WATER RIGHTS  
PROGRAM

COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP  
GENE R. BUSHNELL  
EDWARD C. CARPENTER  
DONALD A. PORTER  
JOSEPH R. LUX  
HEATHER LAMMERS BOGARD<sup>†</sup>  
JESS M. PEKARSKI

200 SECURITY BUILDING  
704 ST. JOSEPH STREET  
MAILING ADDRESS P. O. BOX 290  
RAPID CITY, SD 57709

Telephone: (605) 343-2410  
Fax: (605) 343-4262

PHILLIP R. STILES  
JONATHAN P. McCOY\*  
MICHAEL F. STEVE^  
KRISTEN E. BASHAM  
REECE R. WEBER

J.M. COSTELLO  
1923-2007

WILLIAM G. PORTER  
1926-2004

<sup>†</sup>Also available at Spearfish office  
115 N. 7<sup>th</sup> Street, Suite 3  
Spearfish, SD 57783

+ Also admitted in North Dakota

\* Also admitted in Wyoming

^Also admitted in Nebraska

August 4, 2021

Eric Gronlund, Chief Engineer  
DENR  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

Re: Water Permit Nos. 479-2 and 485-2  
Rockerville Water Rights  
Our File No. 212166

Dear Eric:

Enclosed please find the completed transfer of ownership forms and Applications for amendments to the existing Permits 479-2 and 485-2.

Also, in regard to the phone call from my assistant, Rose, this morning, you stated the fees for the two transfers are \$50 each and the fees for the two applications for amendments are \$100 each. In that regard, enclosed please find our four office checks in those amounts.

Thank you for your consideration in this matter and please do not hesitate to contact our office with any questions or concerns.

Sincerely,

**DICTATED BY ATTORNEY BUT  
NOT SIGNED TO EXPEDITE MAILING**

Jess M. Pekarski

JMP/rjw  
cc/clients

Enclosures

RECEIVED

SEP 20 2021

WATER RIGHTS  
PROGRAM

Costello, Porter, Hill, Heisterkamp,  
Bushnell & Carpenter, LLP

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP  
GENE R. BUSHNELL  
EDWARD C. CARPENTER  
DONALD A. PORTER  
JOSEPH R. LUX  
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200 SECURITY BUILDING  
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REECE R. WEBER  
GARRETT J. KEEGAN

J.M. COSTELLO  
1923-2007

WILLIAM G. PORTER  
1926-2004

September 16, 2021

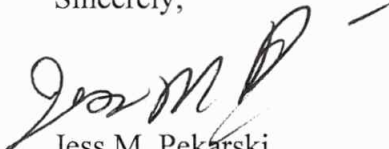
Eric Gronlund, Chief Engineer  
Water Rights Program, DANR  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

Re: Water Permit Nos. 479-2 and 485-2  
Rockerville Water Rights  
Our File No. 212166

Dear Eric:

Enclosed please find the replacement of the corrected, completed Notice of Transfer of Ownership forms for the existing Water Right Nos. 479-2 and 485-2. Thank you for your consideration in this matter and please do not hesitate to contact our office with any questions or concerns.

Sincerely,



Jess M. Pekarski

JMP/ro  
cc/clients

Enclosures

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 6, 2021

RECEIVED OF Costello Porter Hill Heisterkamp Bushnell & Carpenter LLP PO Box 290 Rapid City SD 57709

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

|                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$ _____       |
| 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>485-2</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*

RECEIVED

SEP 20 2021

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 485-2

Date: \_\_\_\_\_

I/We request that Water Right No. 485-2

formerly owned by: Rockerville Park

be transferred to: (name & address) Rockerville Gold Town LLC  
2700 W Main St, Rapid City SD 57702

Telephone No. 605 718-4000

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

SE ¼ SE ¼ Section 14, T1S, R6E

I/We understand that the validity of Water Right No. 485-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Patrick R. Hall, 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:

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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.

Filed this 27<sup>th</sup> day of July, 2011  
*John J. Hart*  
 SECRETARY OF STATE

ARTICLES OF ORGANIZATION  
 OF  
 ROCKERVILLE GOLD TOWN, LLC

RECEIVED  
 JUL 27 2011  
 S.D. SEC. OF STATE

The undersigned persons hereby form a limited liability company pursuant to South Dakota law, and adopt the following Articles of Organization:

1. The name of the limited liability company is **ROCKERVILLE GOLD TOWN, LLC**.
2. The period of its duration shall be perpetual.
3. The address of the initial designated office of the Limited Liability Company is 801 Mt. Rushmore Rd., Ste. 100, Rapid City, South Dakota 57701.
4. The name and street address of the initial agent for Service of Process of the Limited Liability Company is Patrick R. Hall, 530 Kansas City St., Rapid City, South Dakota 57701.
5. The name and address of each organizer for the Limited Liability Company are as follows:

| <u>Name</u>     | <u>Address</u>                            |
|-----------------|-------------------------------------------|
| Patrick R. Hall | 530 Kansas City, St., Rapid City SD 57701 |

6. The company will be member managed.
7. No member of the company is to be liable for its debts and obligations under SDCL 47-34A-303 (c).
8. Upon unanimous vote of the remaining membership interest of the company and as provided in the Operating Agreement of the company, the company may continue business upon the termination of the membership of a member.
8. The initial Operating Agreement will be adopted by a unanimous vote of the outstanding membership interest. The powers to alter, amend, or repeal the Operating Agreement or adopt a new Operating Agreement is vested in the Members by unanimous vote of the outstanding membership interest.

- 383 4510
10. These Articles of Organization may be amended, modified, supplemented or restated in any manner permitted by applicable law and approved by a unanimous vote of the outstanding membership interest.

Dated this 22 day of July, 2011.

  
Patrick R. Hall, Organizer

STATE OF SOUTH DAKOTA:

:SS.

COUNTY OF PENNINGTON:

On this 22 day of July, 2011, before me, the undersigned officer, personally appeared Patrick R. Hall who being duly sworn by me upon his oath, depose and acknowledged that he had read the contents of the foregoing Articles of Organization and further acknowledged that the facts alleged therein are true and correct.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)



  
Notary Public-South Dakota  
My commission expires: 6-27-2013