

1188-1

- 1. Considered MAY 24 1979
- 2. Name of Applicant BLUCKSBURG MOUNTAIN WATER ASSOC.
- 3. Post Office Address STURGIS, SD 36-5-6
- 4. Amount of Water claimed .17
- 5. Source of Water supply 1120' WELL - MINNELUSA
- 6. Water to be used for SUBURBAN HOUSING

Acres to be irrigated —

- 7. Water to be diverted and used in MEADE County  
about 3E, 3 miles SOUTH of STURGIS

- 8. Proof of Publication Received 5-11-79  
Not Received 5-17-79
- 9. Application Approved 5-24-79  
Subject to Domestic well Integ.  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:  
ADD DIVERSION  
ON 1018-1

P-4-19-79



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1188-1

BLUCKSBURG MOUNTAIN WATER ASSOC. Box 636, STURGIS  
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57185 With the following modifications.  
 (State)

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

Date of first receipt of application JANUARY 19 79  
 Date of return to applicant for correction, amendments or changes required JANUARY 1 19 79  
 Date of receipt of corrected application APRIL 19 19 79  
 Approved MAY 24 19 79 Recorded in Pack 20 Page 317

WATER RIGHT PERMIT NO. 1188-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1188-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 19 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before \_\_\_\_\_
3. The whole of said work is to be completed on or before \_\_\_\_\_ 19 \_\_\_\_\_
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING
6. 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.
7. The amount of the appropriation herein granted shall not exceed .17 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~domestic use~~ used for suburban housing purposes and if for the irrigation purpose, said appropriation must be limited to not more than 2 acre feet per acre per year and 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~~ applied for irrigation on or before THIS DATE 19 \_\_\_\_\_; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 31<sup>ST</sup> day of MAY 19 79

WATER RIGHTS COMMISSION  
 By: John Hatch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued June 26 19 80  
 Water License Issued June 26 19 80

# BICE & TAYLOR DRILLING CO.

1720 Evergreen Drive  
RAPID CITY, SOUTH DAKOTA 57701

RALPH TAYLOR

TELEPHONE:  
Office 348-3600  
After Hours 342-7119

WELL LOG: Goodwin Finney #2

6/9/76

Total Depth 1120'  
1035' 7" O.D. casing

Static 510'

0-40	gray shale (seepage)
40-120	blue green shale & sandstone
120-160	mixed gray shale & sandstone
160-180	multicolored (water)
180-230	brown sandstone
230-280	gray green sandstone & shale'
280-320	gray shale
320-340	hard fine grain gray sandstone
340-380	gray pink sandy shale
380-400	white sandstone
400-864	red siltstone
864-908	limestone
908-919	purple shale
918-917	red shale
917-923	white limestone
923-925	red shale & gyp
925-1015	red shale
1015-1017	black shale w/light gray sandstone layers
1017-1025	soft white (L.S.F) gray & yellow
1025-1035	white sandstone
1035-1042	white gray yellow broken sandstone (water)
1042-1048	broken yellow sandstone
1048-1049	void
1049-1056	white sandstone broken
1056-1080	white limestone (Dolomitic)
1080-1090	pink limestone
1090-1100	red & yellow broken sandstone
1100-1120	hard yellow sandstone

RECEIVED

MAR 26 1979

F.M.S., INC.

# BICE & TAYLOR DRILLING CO.

1720 Evergreen Drive  
RAPID CITY, SOUTH DAKOTA 57701

RALPH TAYLOR

TELEPHONE:  
Office 348-3600  
After Hours 42-7119

WELL LOG: Goodwin Finney  
7 mi. S. of Sturgis E of 190

10/5/73

Total Depth 1000'  
938' 7" O.D. Casing

Static 580  
70 GPM @ 1000'

0-2	topsoil 8"
2-17	gray shale
17-25	black shale
25-30	gray green shale hard layers from 25' on
30-36	green sandstone moist
36-47	gray green shale
47-65	blue gray shale
65-78	black shale
78-91	light brown sandy clay & dark brown shale
91-96	gray shale
96-175	red siltstone
175-277	black shale and light gray sandstone
277-285	sandstone mostly white to light gray small multicolored layers
285-320	black shale w/ light gray sandstone layers
320-750	spearfish shale
750-795	white limestone
795-805	purple shale
805-930	red shale
930-938	white sandstone
938-990	white sandstone (broken) water
990-1000	pink to red sandstone



RECEIVED

MAR 26 1979

F&G, INC.

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 8", Depth 1120'
- (2) Casing, Type STEEL Diameter 1035' OF 7" OD Thickness 0.371"  
(wood, concrete, steel, etc)
- (3) Perforated Screen. N/A - OPEN HOLE COMPLETION  
Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack. Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates

- (1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of water bearing materials: WELL DRILLER INDICATES WELL IS COMPLETED INTO THE MINNELUSA FORMATION.

Depth to top of water bearing material 1015'

Depth to bottom of water bearing material NOT THROUGH FORMATION

Thickness of water bearing material N/A

Depth to water (ground surface to water level) 510'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 290 rds. On property owned by others UNKNOWN rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Stanley Henry  
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1188-1

(1) WHEREAS, On the 19th day of January A. D. 19 79 Blucksburg Mountain Water Association

made Water Right Application No. 1188-1 for a permit to use .17 cubic feet per second of the waters of groundwater (two wells)

County of Hesler State of South Dakota, for Suburban housing purposes, and

(2) WHEREAS, On the 24th day of May A. D. 19 79 Permit No. 1188-1 with a date of priority of April 19, 1979

was issued to said applicant E for the diversion of said water, and provided for the completion of construction of the water supply system therein described and for the application to beneficial use of said water

Your inspection September 20, 1978, the applicable portions of Permit No. 1018-1 have been incorporated into this Water License and Permit No. 1018-1 has been placed in a cancelled status.

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 .26 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 supplies for Suburban housing purposes

(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 the Blackshurg Mountain Water Association

of Sturgis, South Dakota

the holder S and owner S of said permit No. 1188-1 a water right dating from .09 cfs from December 23, 1974 & .17 cfs from April 18, 1978 use of .26 cubic feet per second of the waters of groundwater (two wells)

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at Well #1, S 76° 28' W, 3221 ft. from E $\frac{1}{2}$  corner, Section 25, Well #2, N 27° 26' 26" W, 611.7 ft from E $\frac{1}{2}$  corner, Section 36 all in T5N, R6E

and conducted ~~by and through~~ thru the housing development water system

for the purpose of suburban housing

Subject to any limitations listed in Water Right Permit No. 1188-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 26th day of June A. D.  
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By: John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 1188-1

Water Diversion No. 1 Walle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Blacksburg Mountain Water Association

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1188-1, issued upon Application No. 1188-1, bearing date of priority of April 19, 1979 &  
December 23, 1974 authorizing the diversion of .26 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (two wells) County of Meade, State of South Dakota at \_\_\_\_\_  
Well #1, S76° 28'W, 2221 ft. from E4 corner, Section 25, Well #2, N77° 26' 26"W,  
611.7 feet from E4 corner, Section 36 all in T5N, R6E  
\_\_\_\_\_ for suburban housing

purposes, has va 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. 30 cu. ft. per second of water.

Date June 26, 1980

John Hatfield  
JOHN HATFIELD, Chief Engineer  
Water Rights, WMD

No. 1188-1

Publish first publication, on or before May 2, 1979

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

4 79

Notice is hereby given that Blucksberg Mountain Water Assoc. whose post office address is Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .17 cubic feet of water per second of time from ground water (one well) through the Ferney #2, to add an additional 000 point (0) of diversion, on an existing permit which is(are) to be located in the NE1/4 NE1/4

of Section 36, Twp. 5N, Range 6E. Said water to be used for XXXXXXXXXXXXXX  
XX  
water supplies for a suburban housing development

This Application No. 1188-1 will be considered by the Water Rights Commission at Howard Johnson's Motel  
2211 Lacrosse, Rapid City, SD 57701 upon the 24th day of May 1979

at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

**BETTY WESTLUND**  
Water Rights Specialist

cc: **Blucksberg Mountain Water Assoc.**  
**c/o Goodwin Ferney**  
**Pox 636**  
**Sturgis, SD 57785**

Mormans, Ernie, Dupont, J. Hughes



PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA )
COUNTY OF MEADE )

Teresa Shoun, of said County and State, being

duly sworn on oath says: THE Sturgis Tribune
is a weekly newspaper of general circulation, printed and published in STURGIS in
said County and State and has been such newspaper during the time hereinafter
mentioned; that the said Sturgis Tribune

is a legal newspaper and has been in existence for more than one year
immediate preceding the first publication herein mentioned; and has more than
200 bona fide subscribers; that the undersigned, am Bookkeeper
of said newspaper, and in charge of the advertising department thereof, and have
personal knowledge of all facts stated in this affidavit; and that the advertisement
headed Application To Appropriate Water

No. 1188-1, a printed copy of which is hereto attached, was printed,
and published in said newspaper for Two successive issues, the first
publication being on the 2nd day of May, 1979; and the last
publication on the 9th day of May, 1979; the \$19.44 being
the full amount of the fee for publication of the annexed notice insures solely to
the benefit of the publishers of the said newspaper; that no arrangement or under-
standing for a division thereof has been made with any person, and that no part thereof has
been agreed to be paid to any other person whomsoever.

Suscribed and sworn to before me this 10th day of May
1979

Bob Lee, Notary Public, Meade County

My Commission Expires March 31, 1984

No. 1188-1
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
4-18-79

Notice is hereby given that
Mucksberg Mountain Water
Assoc. whose post office
address is Sturgis, South
Dakota, has made an applica-
tion in accordance with
the provisions of SDCL 45-1-1
thru 46-1-5, 46-1-14; 46-2-9
thru 46-2-11, 46-2-13; 46-5-1
thru 46-5-8; 46-5-10 thru 46-5-
22, 46-5-41; 46-6-3, 46-6-3.1, 46-
6-5, 46-6-6.1, 46-6-10, 46-6-14
and Commission Rules
ARSD 52:01:01:01 thru
52:01:01:13, for a permit to
appropriate for beneficial
use .17 cubic feet of water
per second of time from
ground water (one well)
through the Fenney no. 2, to
add an additional point of
diversion on an existing
permit which is (are) to be
located in the NE 1/4 of
Section 25, Twp. 5N, Range
6E. Said water to be used for
water supplies for a
suburban housing
development.

This Application No. 1188-1
will be considered by the
Water Rights Commission at
Howard Johnson's Motel,
2211 Lacrosse, Rapid City,
SD 57701 upon the 24th day of
May, 1979 at 10 A.M. The
Commission is authorized to
make a determination on
this application at the
hearing. All interested
persons may appear and be
heard. Any person who may
be affected by a Commission
decision who desires to
present evidence or cross-
examine witnesses ac-
cording to SDCL 1-26 may
notify the Commission in
writing prior to the hearing
or orally at the hearing.

This hearing is
versary provided
person has the right
present or to be represent-
by a lawyer. These and other
due process rights will be
forfeited if they are not
exercised at the hearing.
Decisions of the Commission
may be appealed to the
Courts as provided by law.

WATER RIGHTS
COMMISSION
Betty Westlund
BETTY WESTLUND
Water Rights Specialist
Tribune, May 2, 1979

**OVERSIZE**

**DOCUMENT IS**

**SUPPLEMENTARY**

**TO MICROFILM FILE**

Law Offices

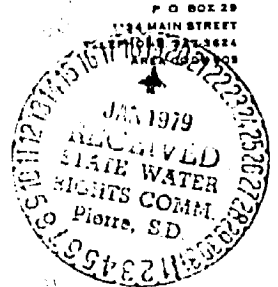
**MORMAN, SMIT, SHEPARD & HUGHES**

Sturgis, South Dakota 57785

DALE L. MORMAN  
KEITH R. SMIT  
JOHN H. SHEPARD  
JOHN T. HUGHES

January 13, 1979

Water Rights Commission  
Department of Natural Resource Development  
Building No. 2  
Pierre, SD 57501



Re: Blucksberg Mountain Estates - Goodwin Fenney -  
Water Right

Dear Sirs:

On January 22, 1975, Goodwin Fenney was granted a water right by permit no. 1018-1 for a well and water distribution system located on his suburban residential development in Meade County, South Dakota known as Blucksberg Mountain Estates.

This system has now been completed in all respects and is being transferred to the homeowners residing within the residential subdivision.

Mr. Fenney has caused a second well to be dug and connected to the same water distribution system. This second well serves as a backup to the first well upon which a water right was granted and also provides continuity of water supply in the event that the first well should become inoperable due to pump failure or other causes.

We are not sure whether or not Mr. Fenney has to obtain a second water right for this second well. Mr. Fenney's engineers, Francis, Meador, and Gellhaus of Rapid City, have prepared a water right application and I am enclosing the application herewith together with the attached maps required which are identical to the maps submitted to you in 1975. Also enclosed is Mr. Fenney's check for \$250.00. From literature supplied us by your office, we are not sure what the fee would be for a second water right on this system if, in fact, any fee is required at all. Ideally, I would assume that the water permit no. 1018-1 could be extended to cover both wells, but in the event a second water permit is necessary, the enclosed application is submitted to secure that water right. Also, would you please compute the necessary fee and remit to me any refund that might be forthcoming from the \$250.00 forwarded herewith or inform me if any additional sums are needed.

Water Rights Commission  
January 18, 1979  
Page 2

The water distribution system authorized in permit no. 1018-1 was to be completed by July 23, 1975 and water put to beneficial use on that date. The system was completed prior to July 23, 1975 and application of the water through the system for beneficial use was commenced prior to July 23, 1975. Additional building is still going on within the subdivision; therefore, the water distribution system has not yet reached its maximum as authorized by the permit. In lieu of submitting Form 10 to you, this statement is intended to serve as notice of completion of the works and application of the water to beneficial use.

Would you please let me know if water permit no. 1018-1 can be extended to the second well or if the second water right is necessary. If a second water right is necessary, would you proceed to process the enclosed application. Would you also please inform me of the fee requirements and adjust accordingly based upon the \$250.00 submitted herewith. Thank you.

Very truly yours,

MORMAN, SMIT, SHEPARD & HUGHES

By: 

JHS/mm

Enclosures

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

№ 4 6753

PIERRE, February 2, 1979

RECEIVED OF Gordwin Fenney, Box 636, Sturgis Sd 57705

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

Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) .....	150	00
Fee for inspecting Construction, and Issuing Cert. of Construction No. ....		
Fee for inspecting Beneficial Use, and Issuing Water License No. ....		
Fee for Issuing Location Certificate-Dry Draw, No. ....		
Fee for filing .....		
Fee for certified copy of .....		
Fee for Print copy of map .....		
Fee for Certifying .....		
Fee for .....		
(any other work as provided by law)		
<b>TOTAL</b>	<b>150</b>	<b>00</b>

WATER RIGHTS COMMISSION

By: [Signature]  
Chief Engineer, Executive Officer  
JOHN HATCH kJW

1018-1     Maximum Pump Tanker  
7-20-78     20,000 gal. Storage Tank  
2 No. 1     No. 11223' cap 80ppm  
April 1140     pump 75 710  
Submersible 15 HP No. 11223'  
"     10 HP No. 11223'

transferred to:

Blue Lake - Mountain Water  
Association, Box 570,  
Hersford Route, 54785

1188-1     To Dale Hansen, Box 573  
called Howard and found he  
would receive 1081-1 and 1188-1  
on my permit

Permit No. 1188-1

Water Division 1 Belle Fourche River Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Blacksburg Alouatta  
Water Assoc. of Box 676, Sturgis, S. Dak. - 57785, holder  
of Permit No. 1188-1, bearing date of priority of 109 cfs December 23, 1974  
April 19, 1978  
authorizing the diversion of 17 cfs cu. ft. per second of the waters of Two Wells  
for Suburban Housing Development purposes, in Meade 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 # 1 = 15 HP Submersible, Pumping 60 gpm

Well # 2 = 20 HP Submersible, Pumping 75 gpm.

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

Housing Development Main lines

C. Works used to apply water to beneficial use.

Housing Development water systems

The system is in the following condition: Good.

The point of diversion is located Well #1 = S 76° 28' W, 3224 ft from E 1/2 Cor Sec 25,

Well # 2 = N 27° 26' 26" W, 611.7 ft from E 1/2 Cor. Sec. 36. all in T5N R6E

The works are capable of diverting and conveying to the place of use .30 cfs.

cu. ft. per second of water which is to be used for Suburban Housing

Water has been put to beneficial use to the maximum extent as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

comprising a total of \_\_\_\_\_ acres of land.

Well data:  
Well # 1  
Depth = 1000 ft  
Pumping - 60 gpm  
Well # 2  
Depth 1140 ft  
Pumping 75 gpm.

This permit combines permits #1018-1 and 1188-1. Permit 1018-1 will be cancelled.

license = .30 cfs.

Date September 20, 1978

LeRoy J. Mernaugh  
(Signature)

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No. 4 7513

PIERRE, May 28, 1980

RECEIVED OF Bucksberg Mt, Water Association, Hereford Rt. -Bx 520, Sturgis, SD 57785  
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. <u>1188-1</u>	---	50 00
Fee for Inspecting Beneficial Use, and Issuing Water License No. <u>1188-1</u>		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		

TOTAL \$ 50.00

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH /st

**South Dakota**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building Water Rights, Water Management Division  
Pierre, South Dakota 57601 (605) 773-3352

June 27, 1980

Blacksburg Mountain Water Assn  
Box 636  
Sturgis SD 57785

Dear Sir:

Enclosed herewith are, Water License No. 1188-1 and Certificate of Construction.

Water License No. 1188-1 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights, WMD

JH:kn

enclosures

NOTE: The applicable portions of Permit No. 1081-1 have been incorporated into this Water License and Permit No 1081-1 has been placed in a cancelled status.

WNR-817-7/79  
Transmittal of Water License

## Water Rights Program -- File Documentation

**NAME:** Blucksberg Mt. Water Association

**ADDRESS:** 8262 S Blucksberg Mt. Road, Sturgis SD 57785

**DATE:** October 29, 1999      **COUNTY:** Meade      **TELEPHONE:** 347-4156


**RE:** Readvertisement of Water Right No. 1188-1

### **COMMENTS:**

Water Right No. 1188-1 was advertised with an incorrect legal description for the diversion point. The well is located in R5E and was incorrectly advertised as being in R6E. In addition, the well is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  section 36 and not in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  as advertised. The map filed with the permit application for No. 1188-1 shows the correct legal description of the well.

### **RECOMMENDED ACTION:**

The water license for No. 1188-1 which incorporates No. 1018-1 needs to be reissued with the correct legal description for well No. 2. Prior to doing this, a readvertisement of the notice of hearing for No. 1188-1 is necessary to correct the legal description. The correct legal description to include in the advertisement is the SE $\frac{1}{4}$ NE $\frac{1}{4}$  section 36-T5N-R5E. No change is needed to the legal description of well No. 1 originally authorized by No. 1018-1.

  
\_\_\_\_\_  
Ron Duvall, Natural Resources Engineer  
Water Rights Program

REPORT ON WATER RIGHT NO. 1188-1  
BLUCKSBERG MT. WATER ASSOCIATION  
November 1, 1999

Water Right No. 1188-1 authorizes 0.25 cubic feet of water per second from two wells located in the NE ¼ SW ¼ Section 25 and SE ¼ NE ¼ Section 36; all in T5N-R5E for use in a suburban housing development. Readvertisement is necessary to correct the location of the well located in Section 36. This well was incorrectly advertised on May 2 and 9, 1979 in the Sturgis Tribune as being located in the NE ¼ NE ¼ Section 36-T5N-R6E. This readvertisement does not authorize any increase in the developed water appropriation.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Right No. 1188-1.
2. This readvertisement is necessary to correct the legal description of the one of the wells prior to reissuing the water license. The correct location of the well was identified on the map submitted with the application.
3. The correct legal descriptions for the two wells authorized by Water Right No. 1188-1 are the NE ¼ SW ¼ Section 25 and SE ¼ NE ¼ Section 36; all in T5N-R5E.

*Karen Schlaak*  
Karen Schlaak  
Environmental Scientist

approved by

*Ron Duvall*  
Ron Duvall  
Natural Resources Engineer

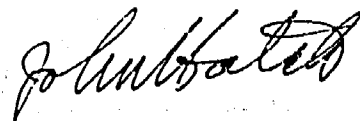
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT APPLICATION NO. 1188-1, Blucksberg Mountain Water Association**

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 readvertised Water Permit Application No. 1188-1, Blucksberg Mountain Water Association, 8262 S. Blucksberg Mt. Road, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 1188-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer  
November 9, 1999



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

November 10, 1999

Darrell Vig  
Blucksberg Mt. Water Association  
8262 S Blucksberg Mt. Road  
Sturgis SD 57785

Dear Mr. Vig:

The investigation of the association's water use system was conducted on July 12, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1609-1 (Madison well). Your final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License.

A review of the association's existing Water Right No. 1188-1 found that the original notice of hearing published in 1979 contained an error in the legal description of the well locations. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD (Ph # 605 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program.

After Water Right No. 1188-1 has been readvertised, the water license for the two Minnelusa wells will be reissued. Upon receipt of the \$50.00 fee, we will begin processing of the water license for the Madison well.

Mr. Vig, I realize this may be somewhat confusing, so if you have any questions, please feel free to contact Karen Schlaak or me.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

November 10, 1999

Meade Co. Times-Tribune  
Box 69  
Sturgis, SD 57785-0069

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 1188-1 to be published twice. Please publish the first notice on November 17, 1999, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. 1188-1

Date \_\_\_\_\_

We are in receipt of your letter of November 10 1999 enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. 1188-1 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

-----  
**READVERTISEMENT OF NOTICE OF WATER RIGHT NO. 1188-1 to Appropriate Water**

Notice is given of readvertisement of Water Right No. 1188-1 held by Blucksberg Mt. Water Association, 8262 S Blucksberg Mt. Road, Sturgis SD 57785. Water Right No. 1188-1 authorizes 0.26 cubic feet of water per second from two wells located in the NE ¼ SW ¼ Section 25 and SE ¼ NE ¼ Section 36; all in T5N-R5E for use in a suburban housing development. Readvertisement is necessary to correct the location of the well located in Section 36. This well was incorrectly advertised on May 2 and 9, 1979 as being located in the NE ¼ NE ¼ Section 36-T5N-R6E. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Right No. 1188-1 because 1) unappropriated water is available, 2) existing rights have not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 6, 1999.

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

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA  
COUNTY OF MEADE

Joan M. Lewis, being duly sworn, says: That the Meade County Times-Tribune, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Dickson Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

Nov. 17 199 9 \_\_\_\_\_ 199 \_\_\_\_\_  
Nov. 24 199 9 \_\_\_\_\_ 199 \_\_\_\_\_  
\_\_\_\_\_ 199 \_\_\_\_\_ 199 \_\_\_\_\_  
\_\_\_\_\_ 199 \_\_\_\_\_ 199 \_\_\_\_\_  
\_\_\_\_\_ 199 \_\_\_\_\_ 199 \_\_\_\_\_

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 41.35, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan M. Lewis  
Bookkeeper



Subscribed and sworn to before me this

24<sup>th</sup> day of November, 1999

Sharon Allison

Notary Public, South Dakota

**Sharon Allison**  
Notary Public

My commission expires March 22, 2001

## Readvertised well location

### READVERTISEMENT OF NOTICE OF WATER RIGHT NO. 1188-1

to Appropriate Water

Notice is given of readvertisement of Water Right No. 1188-1 held by Bucksberg Water Association, 6262 S Bucksberg Mt. Road, Sturgis SD 57785. Water Right No. 1188-1 authorizes 0.20 cubic feet of water per second from two wells located in the NE1/4 SW1/4 Section 25 and SE1/4 NE1/4 Section 36, all in T5N-R5E for use in a suburban housing development. Readvertisement is necessary to correct the location of the well located in Section 36. This well was incorrectly advertised on May 2 and 9, 1979 as being located in the NE1/4 NE1/4 Section 35-T5N-R6E. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCI, 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Right No. 1188-1 because 1) unappropriated water is available, 2) existing rights have not been unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCI, 46-2A-23, the chief engineer will act on the application, as recommended,

unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 6, 1979.

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

Publ Nov. 13 and 24, 1979  
Mead: County Times-Tribune



Dickson Media

# Dickson Media

Newspaper Publishers • Commercial Printers

1238 Main Street • P.O. Box 69 • Sturgis, South Dakota 57785

From:

*Joan Lewis*

Date: 11/22/99

Time: \_\_\_\_\_

OF:

## FAX COVER SHEET

- Meade County Times-Tribune
  - Black Hills Press
  - Black Hills News
  - Pra Print Shop
- 1238 Main Street  
P.O. Box 69  
Sturgis, SD 57785  
(605) 347-2503

TO: Water Rights

ATTENTION: Karen

Regarding: # 1188-1 notice

- Lawrence County Centennial
- Second Floor  
Post Office Bldg.  
P.O. Box 512  
Deerwood, SD 57132  
(605) 578-3305

Message: \_\_\_\_\_

- Belle Fourche Post
- Belle Fourche Bee  
1004 6th Street  
P.O. Box 400  
Belle Fourche, SD 57717  
(605) 892-2628

- Butte County Valley Inigator
- 119 Third Street  
P.O. Box 167  
Newell, SD 57760  
(605) 456-2585

To Fax No.: (605) 773-4068

Pages including cover letter: 2

PAYMENT REQUEST FORM

PAYEE: Meade County Times-Tribune  
P.O. Box 69  
Sturgis, SD 57785

FROM: Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Invoice #1220

Publication of Readvertisement of Notice of  
Water Right No. 1188-1 to Appropriate Water.

AMOUNT: \$41.35

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

*J. H. Hatched*

*12-13-99*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

DEC 30 1999

1188-1 and 1609-1

Darrell Vig  
Blucksberg Mt. Water Association  
8262 S Blucksberg Mt. Road  
Sturgis SD 57785

Dear Mr. Vig:

Enclosed is Water License No. 1609-1 and receipt for \$50.00 assessed for the inspection and issuance of the licensed. Also, enclosed is Reissued Water License No. 1188-1. These water licenses are the final documents completing the process of obtaining a water right.

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

Very truly yours,

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

enclosures

REISSUED STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1188-1

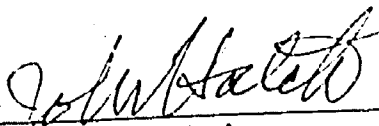
(1) Blucksberg Mt. Water Association, 8262 S Blucksberg Mt. Road, Sturgis SD 57785 was issued Water License No. 1188-1, June 25, 1980 for a water permit to divert 0.26 cubic feet of water per second from groundwater (two wells), Meade County, South Dakota for suburban housing purposes. Water Right No. 1188-1, with priority dates of December 23, 1974 and April 18, 1979 was issued for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The water license was readvertised November 17 and 24, 1999 to correct an error on the original notice of hearing in the legal description of the location of Well #2. The readvertisement of the original notice of hearing did not authorize an increase in the developed diversion rate. Water License No. 1188-1 is being reissued to correct the error.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.27 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - NE ¼ SW ¼ Section 25 and Well #2 - SE ¼ NE ¼ Section 36; all in T5N-R5E.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Blucksberg Mt. Water Association, 8262 S Blucksberg Mt. Road, Sturgis SD 57785 the holder and/or owner of Water Right No. 1188-1 is reissued a license to appropriate water, the right to use 0.26 cubic feet of water per second from groundwater (two wells) with priority dates of December 23, 1974 (0.09 cfs) and April 18, 1979 (0.17 cfs) from the location specified in (2) of this license for suburban housing purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1188-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

DEC 30 1999

date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 25, 2006

No. 1188-1  
1609-1

Sage Water Works, Inc.  
Allan Sage, Certified Operator  
5310 Ebony Place  
Piedmont SD 57769

Dear Mr. Sage:

Based on the return of the 2005 SD Water Use Questionnaire, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1188-1 and 1609-1. The water rights are currently listed in the name of Blucksberg Mtn Water Assn.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

I have tried for the past couple of days to reach you by phone. I wasn't certain if the water rights should be transferred to Sage Water Works, Inc. or if I just needed to change our records to indicate you as the contact person. If no transfer is required, please let me know; otherwise return the forms with the filing fee.

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352  
email: [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

6/27/06  
Called Allan Sage. He indicated the permits should not be transferred. He is just the operator for the assn.