

Considered: \_\_\_\_\_

1311-1

WATER PERMIT NO. \_\_\_\_\_

MAP No. \_\_\_\_\_ 1311-1

Name of Applicant Northwest S.D. Production Credit Association

Post Office Address POB 758, Belle Fourche, S.D. 57717

Amount of Water Claimed 0.17 Total Acres 2220'

Source of Water Supply Madison Formation well Well #3, ~~XXXX~~' deep

Water to be used for SHD County Butte

About \_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_

PROOF OF PUBLICATION: Received 7-5-84 Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received 4/12/84 Fee 150.00 Remarks \_\_\_\_\_

4/12/84

Corrected Application Received \_\_\_\_\_ Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS \_\_\_\_\_

N/A

Diversion Point \_\_\_\_\_

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33-T8N-R2E

Land to be Irrigated \_\_\_\_\_

|  |  |  |  |  |  |
|--|--|--|--|--|--|
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|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Well Log: Driller Taylor Drilling Licensed YES x NO \_\_\_\_\_

2220'

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map drawn PREPARED BY James Heald Land Surveyor Reviewed and the Number

assigned on 4/24/84 By Betty Heald

cc Nelson

on CRT

No. 1311-1 Hydrologic Unit 10120203  
 Map No. 1311-1 Basin BF  
 Newspaper DAILY POST-1004 5<sup>th</sup> AVE BF 57117

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐  
 Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
 Domestic ☒ (above 18gpm) Other ☐ ~~Possible supplemental water for golf course~~

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. \_\_\_\_\_ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_1. Name of Applicant Prairie Hills Water & Development Co. Phone No. 605/892-2755  
~~Northwest S.D. Production Credit Association~~Post Office Address P.O. Box 596, Belle Fourche State SD Zip Code 57717  
 (Street, RR or Box)2. Amount of water claimed (c.f.s) 0.165 cfs - 74 gpm3. Source of water supply Prairie Hills Ranchettes, Well #3 - Madison Formation4. Location of point of diversion N 61 56' W 1046 feet from the east quarter corner  
of Section 33, T8N, R2E, BHMCounty Butte5. Counties where water will be used Butte6. Annual period during which water is to be used perpetually

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

The Prairie Hills Ranchettes, Well #3 was drilled in 1980, to provide water for the rural housing subdivision. Potential service includes 124 homes in the Prairie Hills Ranchettes Subdivision, 20 houses immediately north of the subdivision and ~~possibly~~ possibly providing supplemental water for the Belle Fourche Golf Course. The water system includes PVC piping, valves and a 48,000 gallon reservoir.

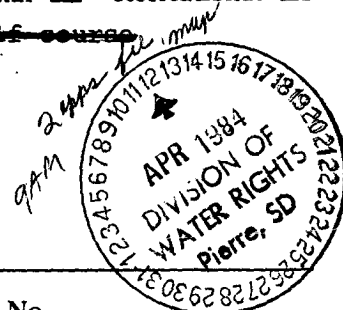
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)  
 County of Butte)<sup>ss</sup>

I, Lloyd Wenzel, Vice-Pres the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Lloyd Wenzel, Vice-PresSubscribed and sworn to before me this 11<sup>th</sup> day of April 1984Diane J. Schmidt

Diane J. Schmidt, Notary Public  
 My Commission Expires January 24, 1992



SEE 4/24/84  
 LTR BW

# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1311-1  
Northwest South Dakota P. C. A. Box 758 Belle Fourche  
(Applicant) (Post Office Address)  
South Dakota 57717 With the following qualifications.  
(State) (Zip Code)

The well approved under this Permit shall be valved and the flow reduced to minimum when not being used. The well shall also be equipped with a pressure guage and a record kept of any pressure fluctuations. Such records shall be available to the Board, upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

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

Date of first receipt of application April 12, 1984  
 Date of return to applicant for correction, amendments or changes required —, 19—  
 Date of receipt of corrected application —, 19—. Approved July 11, 1984

The Water Management Board hereby approves this Water Permit No. 1311-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 12, 1984
2. The equivalent of at least one-fifth of the specified work is to be completed on or before January 11, 1987.
3. The whole of said work is to be completed on or before July 11, 1989.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 11, 1993.
5. The water appropriated shall be used for the purpose of Suburban Housing Develop.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.17 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 beneficial uses served and to which water is actually and beneficially applied for Suburban housing water supply on or before July 11, 1993; said water to be used during the following described annual period: continuous

**WATER MANAGEMENT BOARD**

By: John Hallett

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

August 15, 1984

# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 8-3/4", 6-1/4" Depth 655', 1565'  
7" - 655'
- b) Casing Type Steel Diameter 5" - 1501' Thickness \_\_\_\_\_  
 NOTE: See drillers log and letter attached hereto
- c) Screen Type None Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness None Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 2110'+
- f) Depth of Water (ground surface to water level) 2220'+
- g) Distance to nearest existing domestic well:

On applicants property 150'+\* On property owned by others Unknown  
 \*The other well obtains water from the Lakota Formation, and is only 340'+ deep.

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

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

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Outlet Dimensions:  
 Pipe diameter \_\_\_\_\_

Spillway width \_\_\_\_\_

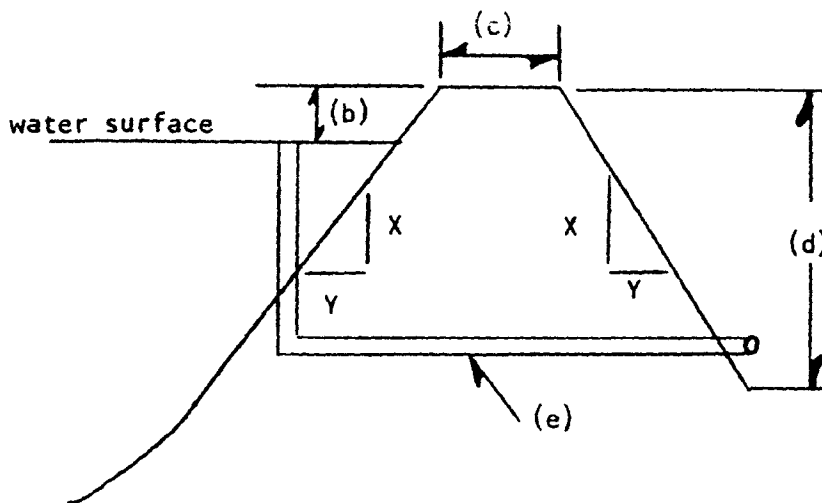
f) X & Y Slope  
 Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

WATER RIGHT MAP FOR WELL LOCATED IN LOT 23 OF PRAIRIE HILLS RANCHETTES NO. 2  
 LOCATED IN NE 1/4 OF SECTION 33, T8N, R2E, N34, BUTTE COUNTY, SOUTH DAKOTA

SCALE 1"=200'  
 DECEMBER 9, 1960

SEC. 1/16 LINE 7

LOT 24

LOT 11

LOT 23

PRAIRIE HILLS  
 RANCHETTES NO. 2

LOT 12

LOT 15

LOT 22

CERTIFICATE OF  
SURVEYOR

State of South Dakota  
 County of Pennington ss.

I, James P. Heald,  
 Registered Land Surveyor  
 No. 2199, of the State of  
 South Dakota, do hereby  
 certify that being so auth-  
 orized, the survey and within  
 map of the land shown and  
 described hereon were made  
 under my responsible direction  
 and supervision and that to the  
 best of my knowledge and belief  
 the within map is a representation  
 of said survey.

WELL 7 silver metal building

450'

900'

LOT 13

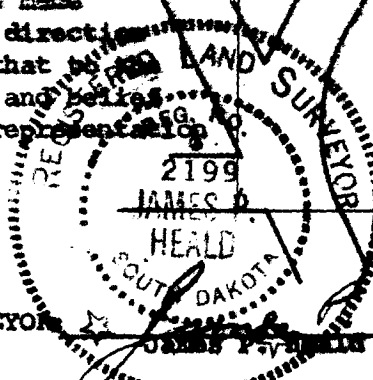
N61°56'W 1026'

LOT 14

SEC. 1/4 LINE

E 1/4 COR.  
 SEC. 33

REGISTERED LAND SURVEYOR



DATE:



FRANCIS-MEADOR-GELHAUS, INC.  
 1823 West Main  
 Rapid City, S. D. 57701

PROJECT: DARRELL NICKELSON

BY C.E.S.  
 12-9-60

LOCATION  
 NE 33-8N-2E

JOB NO.  
 3547.10

A/M# 1311-1

# RECEIPT

Division of Water Rights

No 4 9639

South Dakota Department of Water and Natural Resources

Pierre, April 12, 1984

RECEIVED OF Northwest S.D. Production Credit Association, PO Box 758, Belle Fourche, SD  
the following amount in fees for services rendered as provided for by law: 57717.

|                                                                                                                       |       |        |
|-----------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. 1311-1 to Appropriate Water, to construct works and to put water to beneficial use | 150   | 00     |
| Fee for Application for Permit No. to Appropriate Water for Future Use                                                |       |        |
| Fee to retain Future Use Permit No. after period of seven years.                                                      |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.                         |       |        |
| Fee for Filing Transfer Form                                                                                          |       |        |
| 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 | 150 00 |

By John Hatch  
Chief Engineer JOHN HATCH ms

is 15.7 gpg hard. This water quality has been consistent over the past 10 yrs. Radiological sampling was completed 11/81 with no violation of standards. Inorganic analysis was last performed 3/84 with no violation of standards.

No information available on type of sewage disposal system and location with respect to well. 1 suspect septic tanks. Did try to telephone owner, no response (6-5-84).

Well #1 is an existing source.

HART RANCH DEV. CO.: 1877-2

A new development that will eventually, if all development is completed, will have both community and non-community FWS. This well, #1, serve the horse arena and the RV park and is a non-community FWS. There is no water quality information available, at this time, for this well. As a non-community FWS only quarterly bacteriological and a nitrate samples are required. The well is located approximately 1/2 mile southwest up-gradient with about a 300 ft. vertical rise from the multistage lagoon site.

P & S have been submitted and approved for both the water and wastewater system.

NORTHWEST S.D. PCA: 1311-1 (Prairie Hills Ranchettes)

This FWS serves approximately 30 people from any of 3 wells. What we call #1 & #2 have existing permits, but are apparently not being used due to low yields and poor quality. #3, for which this application has been submitted, is now the source of prime use. The common ion water quality from well #3 is excellent with the only aesthetic inconvenience being water that is 15 gpg hard. Radiological sampling was completed 4/81 with no violations of standards. Inorganic analysis was last performed 12/82 with no violation of standards.

Well #3 is located about 3/4 of a mile in a southeasterly direction and down gradient from the nearest septic tank facility.

Well #3 is an existing source for which P & S has been approved.

Kieth A. Eidam: 5001-3

An existing Inyan Kara well (drilled in '61) serves 5 homes and a campsite (# of pads unknown) as well as some farm yard and pasture taps.

Wells appears (from ariel maps) to be located several hundred feet from farm buildings and septic tanks.

Presumed to be no P & S as is a private well. The Campsite is a possible NCW. No water quality available.

C62802MS.DW

April 17, 1984

Northwest South Dakota Production  
Credit Association  
P.O. Box 758  
Belle Fourche, South Dakota 57717

Dear Sir:

Enclosed is your application for suburban housing, domestic and possible supplemental water for the Belle Fourche Golf Course. The well is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33-T8N-R2E. If the supplemental water for the golf course includes irrigation of the course, the following will be required:

1. Your map must show the acres to be irrigated and so must the application.
2. Soil/Water Compatibility approval must be received from the State Conservation Commission. We are enclosing their form and instructions.

If you have any questions please contact our office. Your receipt No.4 9639 for \$150.00 is on file in this office along with the other information submitted with your application.

Sincerely,

Betty Westlund  
Natural Resources Analyst III

BW:ms  
Enc.

SEE CPA LETTER 4-24-84 RE GOLF CLB

BW

*Equal Opportunity Employer*

# Northwest South Dakota Production Credit Association — Belle Fourche, SD 57717

TO: Betty Westlund, Natural Resources Analyst

FROM: Floyd Wennberg, Vice-Pres, Northwest South Dakota Production Credit Assn

Application for permit to appropriate wather is being resubmitted with the request to supply water to the Belle Fourche Golf Course deleted. We had been negotiating with the Belle Fourche Country Club to supply supplement water for their golf course, they discovered that their lease with the city of Belle Fourche stipulates that "in the event that the well owned by the Country Club does not supply sufficient water to irrigated the golf course, the City of Belle Fourche must supply additional water for this purpose". Since the city must supply additional water if needed, the Country Club determined that there was no need to purchase additional water elsewhere, and are no longer interested in purchasing water from us.

If you have any additional questions about this application, please contact me.

Thank You,

*Floyd Wennberg*



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 1311-1, Northwest South Dakota Production Credit Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1311-1, Northwest South Dakota Production Credit Association, PO Box 758, Belle Fourche SD.

The Chief Engineer is recommending APPROVAL of Application NO. 1311-1 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) in the public interest with the following qualifications:

1. The well approved under this permit shall be valved and the flow reduced to minimum when not being used. The well shall also be equipped with a pressure guage and a record kept of any pressure fluctuations. Such records shall be available to the Board, upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer  
May 25, 1984

REPORT ON WATER PERMIT APPLICATION NO. 1311-1

NORTHWEST PRODUCTION CREDIT ASSOCIATION

MAY 24, 1984

This application requests 0.17 cfs from one 2220 feet deep well to be used for a suburban housing development. The point of diversion is in the SE 1/4 NE 1/4 Section 33, T8N, R2E BHM.

Aquifer - Madison Limestone

Geology and Aquifer Characteristics

The Madison Limestone is a Mississippian Age limestone and dolomite and is cavernous especially in the upper part. The Madison is well known as an excellent aquifer both in terms of quantity and quality especially near the outcrop (recharge) in the Black Hills (Rahn, 1979).

The aquifer is under artesian conditions. The completed well flows 375 gpm. The pressure at the well head is not reported, however, the new city well at Belle Fourche has a shut in of 175 psi (Water Right, 1984). Another well 6 miles southwest has a shut in pressure of 118 psi and flows 710 gpm (Water Rights, 1984). The well log submitted by the driller indicates 655 feet of 7 inch casing was cemented in. Casing was then set to 2140 feet and the well completed open hole below. The driller apparently feels the casing will seal the hole at this point because of the change in hole size (see sketch in application). The Madison should be about 600 feet thick at this location (Gries, 1981).

Review of Existing Water Permits

There is one existing Permit No. 1219-1 for the City of Belle Fourche for a Madison which is about 6 miles north of this application. Also there are 2 permits No. 1009-1 and No. 1185-1 for a Madison well approximately 6 miles southwest of this application. The amount of water requested by this application is relatively small and interference should not be a problem. The Water Rights Division presently has a Minnelusa observation well about 2 1/2 miles south of this application which is equipped with a continuous recorder (LA-62A). Other than that water level data is very scarce.

Conclusions

1. Water is available from the Madison Limestone.
2. Interference will not be significant.
3. There is a need to develop a data base (observation wells) to document changes in water levels.
4. The water in the Madison is under high pressure and adequate controls must be maintained on this well.

  
JAMES A. GOODMAN  
Hydrologist

### Bibliography

Gries, J.P., 1981, Elevation of the Top of the Madison Formation in South Dakota, unpublished map for Office of Drinking Water, DWNR, Pierre SD 57501.

Rahn, P.H., 1979, Ground Water Resources of Western SD, for U.S.A.C.E., SDSM & T, Project # 2533, Rapid City SD 57701.

Water Rights, 1984, Water Permit Files and Observation Well Files, DWNR, Joe Foss Bldg., Pierre SD 57501.

WP or WR NO. 1311-1

Instruction to Newspaper - Publish first publication of the following Notice on or before June 4, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1311-1 to Appropriate Water  
~~and/or to Amend Water Permit or Water Rights No. \_\_\_\_\_~~

Notice is hereby given that Northwest South Dakota Production /Credit Association whose mailing address is  
P.O. Box 758, Belle Fourche, South Dakota has made an application for a permit

to appropriate 0.17 cubic feet per second of water from one 2220 feet deep well in the Madison Formation. The point of diversion will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, T8N, R2E. The water will be used for the purpose of providing water for a Suburban Housing Development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1311-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Foss Building,  
Room 216, 523 E. Capitol, Pierre, South Dakota, July 11 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by June 29, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (Future use) ~~46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BUTTE,

SS.

Marion Lucca

of said County

and State, being first duly sworn, upon his oath says: That

### The Daily Belle Fourche Post

is a legal daily newspaper of general circulation, and an official newspaper as required by the Laws of the State of South Dakota, printed and published in Belle Fourche, in said County and State by NORTHWEST PUBLISHERS, INC., and has been such newspaper during the times

herein mentioned, and I,

Marion Lucca

the undersigned am Editor of said newspaper in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertising headed:

Notice of Hearing Application No. 1311-1 to appropriate water

a printed copy of which is hereto attached, was

printed and published in said newspaper for two issues,

the first publication being made on

June 1 1984

Date of second publication

19

Date of third publication

19

Date of fourth publication

19

Date of fifth publication

19

and the last publication

June 7 1984

That the full amount of the fees charged for publishing same, to-wit: the sum of \$ 34.56 inures solely to the benefit of Northwest Publishers, Inc.; that no arrangement or understanding or a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Marion Lucca

Subscribed and sworn to before me this 2 day of June

A.D. 1984

Ray Kennedy

Notary Public, Butte County  
My Commission Expires Sept. 29, 1990

## Attorney's Affidavit, Ex. Rel.

STATE OF SOUTH DAKOTA.

COUNTY OF BUTTE,

SS.

on his oath says, that I am

that I directed the publication of annexed notice; that no understanding of any division of the fees therefor has been made and that no part thereof has been refunded or rebated by the party, or parties publishing said notice.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

## Public Notice

### NOTICE OF HEARING ON APPLICATION NO. 1311-1 TO APPROPRIATE WATER

Notice is hereby given that Northwest South Dakota Production Credit Association whose mailing address is P.O. Box 758, Belle Fourche, South Dakota has made an application for a permit to appropriate 0.17 cubic feet per second of water from one 2220 feet deep well in the Madison Formation. The point of diversion will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, T8N, R2E. The water will be used for the purpose of providing water for a Suburban Housing Development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1311-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Foss Building, Room 216, 523 E. Capitol, Pierre, South Dakota, July 11, 1984 at 10:00 A.M.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross examine witnesses according to SDCL 1-26, must file a written petition with BOTH and Applicant and the Chief Engineer by June 29, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25; 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.

2t6/1-6/7

100

LAW OFFICES  
**Carr, Zastrow & Pluimer**

DON PRATT BUILDING, SUITE 104

704 SEVENTH AVENUE

P.O. BOX 580

BELLE FOURCHE SOUTH DAKOTA 57717-0580

TELEPHONE (605) 892-6383

THOMAS E. CARR  
LAURENCE J. ZASTROW  
RICHARD A. PLUIMER

OFFICE MANAGER  
DONNA BRADLEY

June 14, 1984

Water Rights Division  
Department of Water & Natural Resources  
Joe Foss Building  
Pierre, SD 57501

Re: Application No. 1311-1  
NWSD Production Credit Association

Gentlemen:

I have recently been elected as President of the Prairie Hills Water & Development Co. The Prairie Hills Water & Development Co. located south of the city limits serves Prairie Hills Subdivisions #1 & #2.

The subdivision is currently served with water from the well for which the application is being sought. The Prairie Hills Water & Development Co. is critically interested in the approval of the application for the use of the water for the Prairie Hills subdivision.

Prairie Hills Water & Development Co. was initially set up by the developer to provide water service to the subdivision, however, he failed to carry out the operation of the water company and it basically has not been functional for the past three years.

Since the developer, Darrell Nickelson, made certain representations to the lot purchasers regarding water, we hope that the application of PCA will carry out those promises.

Please forward a copy of the application and engineers recommendation so that the Board of Directors can consider the necessity of making an appearance at the July 11, 1984 hearing.

Sincerely yours,

*Laurence J. Zastrow*  
Laurence J. Zastrow

LJZ/cjv



WATER RIGHTS DIVISION  
(605) 773-3352

June 18, 1984

Carr, Zastrow & Pluimer  
Box 580  
Belle Fourche, South Dakota 57717

ATTENTION: Lawrence Zastrow

Dear Mr. Zastrow:

Enclosed please find copies of the following:

Permit Application No. 1311-1  
Chief Engineers recommendation and a report on the application

If you wish to come to the Board meeting and present testimony we must receive a letter from you stating your intent by June 29, 1984.

If you have any further questions please contact this office.

Thank you,

Kevin C. Larsen  
Natural Resources Engineer

KCL:ms  
Enc.



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

July 24, 1984

Northwest SD Production Credit Asso.  
Floyd Wennberg, Vice-Pres.  
PO Box 758  
Belle Fourche SD 57717

Dear Mr. Wennberg:

Enclosed herewith is your Water Permit No. 1311-1 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1311-1.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

**Belle Fourche, South Dakota 57717**

This is the water well  
belonging The Prairie Hill Water  
and Development Company and  
this is the Survey map of  
the well you granted a  
water right to P.C.A.

Perhaps your office should check to see if the PCA has a legal claim to the water right.

Thank you  
in fireflies



WARRANTY DEED

DARRELL J. NICKELSON, a married man claiming homestead elsewhere, Belle Fourche, Butte County, South Dakota, grantor, for and in consideration of One Dollar and other good and valuable consideration GRANTS, CONVEYS AND WARRANTS, TO PRAIRIE HILLS WATER AND DEVELOPMENT COMPANY, a non-profit corporation organized and existing under the laws of the State of South Dakota of Belle Fourche, South Dakota, the following described real estate and real property rights in the County of Butte, State of South Dakota:

Lot 22-A, a Subdivision of Lot 22, in Prairie Hills Ranchettes No. 2, located in the East Half of the Southeast Quarter of Section 28, and the East Half of the Northeast Quarter and Southwest Quarter of the Northeast Quarter of Section 33, in Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, as plated in Plat Book 11 on page 93 on June 12, 1978 at 11:00 A.M. in the office of the Butte County Register of Deeds.

Lot 2-A, a Subdivision of Lot 2 to the amended plat of Prairie Hills Ranchettes Located in the West Half of the Northwest Quarter in Section 27, Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, as plated in Plat Book 11 on page 92 on June 12, 1978 at 11:00 A.M. in the office of the Butte County Register of Deeds.

Lot 10 as amended and platted in Prairie Hills Ranchettes located in the West Half of the Northwest Quarter of Section 27, in Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, as plated in Plat Book 11 on page 91 on June 12, 1978 at 11:00 A.M. in the office of the Butte County Register of Deeds.

Together with all improvements and appurtenances situated on said Lots 22-A, Lot 2-A and Lot 10 as above described.

Also, all of the grantor's right, title and interest in the roads and utility easements and water lines, pumps, improvements and appurtenances utilized in connection with the water system as laid in the road and utility easements as hereinafter described and used in connection with the water system for the subdivision known as Prairie Hills Ranchettes in the following described property:

The roads and utility easements in the amended plat of Prairie Hills Ranchettes, a Subdivision, as plated in the West Half of the Northwest Quarter of Section 27, Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, as recorded in Plat Book 11 on page 60 on September 27, 1977 at 3:20 P.M. in the office of the Butte County Register of Deeds; and

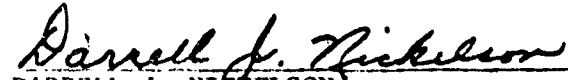
The roads and utility easements as plated in Prairie Hills Ranchettes No. 2, a Subdivision of the East Half of the Southeast Quarter of Section 28, the East Half of the Northeast

September 27, 1977 at 3:20 P.M. in the office of the Butte  
County Register of Deeds; and

The roads and utility easements as plated in Prairie Hills  
Ranchettes No. 2, a Subdivision of the East Half of the South-  
east Quarter of Section 28, the East Half of the Northeast  
Quarter and Southwest Quarter of the Northeast Quarter of  
Section 33, all in Township 8 North, Range 2 East, Black Hills  
Meridian, Butte County, South Dakota, as recorded in Plat Book 11  
on page 76 on February 9, 1978 at 9:45 A.M. in the office  
of the Butte County Register of Deeds.

Exempt from transfer fee 43-4-22 (11).

DRted this 10<sup>th</sup> day of July, 1978.

  
DARRELL J. NICKELSON

X

c within the State and County aforesaid, personally appeared Earl T. McArthur, Jr., known to me as the foregoing Surveyor's Certificate and acknowledged that he executed the same. In witness whereof, I  
this 16 day of April, 1978.

Earl T. McArthur, Jr.  
Notary Public, My commission expires: 10/24/83

do hereby certify that I am the sole owner of the lot shown in the above plat, that  
I approve the above survey and plat. In witness whereof, I have set my hand this 16 day of

Donald E. McArthur  
Owner

to within the State and County aforesaid, personally appeared Donald E. McArthur  
and acknowledged that he executed the same. In witness  
this 16 day of June, 1978.

Donald E. McArthur  
Notary Public, My commission expires: 05-18-84





WATER RIGHT MAP FOR WELL LOCATED IN LOT 22 OF PRAIRIE HILLS RANCHETTES NO. 2  
 LOCATED IN NE¼ OF SECTION 33, T8N, R2E, N3M, BUTTE COUNTY, SOUTH DAKOTA

P. C. A  
 Survey  
 map

SCALE 1"=200'  
 DECEMBER 9, 1988

SEC. 1/16 LINE 7

LOT 24

LOT 11

LOT 23

PRAIRIE HILLS  
 RANCHETTES NO. 2

LOT 12

LOT 15

CERTIFICATE OF  
 SURVEY

State of South Dakota  
 County of Pennington

I, James P. Heald,  
 Registered Land Surveyor  
 No. 2199, of the State of  
 South Dakota, do hereby  
 certify that being so auth-  
 orized, the survey and within  
 map of the land shown and  
 described hereon were made  
 under my responsible direction  
 and supervision and that to the  
 best of my knowledge and belief  
 the within map is a representation  
 of said survey.

WELL 7

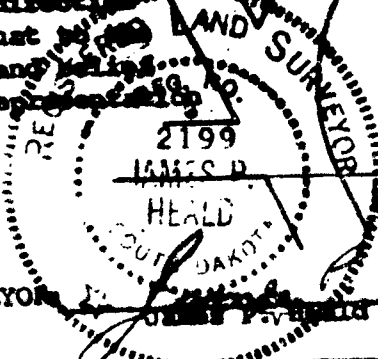
LOT 13

N 61° 56' W  
 1046'

LOT 14

SEC. 1/4 LINE

E 1/4 COR.  
 SEC. 33



REGISTERED LAND SURVEYOR

DATE:



FRANCIS-MEADOR-GELHAUS INC.  
 1823 West Main  
 Rapid City, S. D. 57701

PROJECT: DARRELL NICKELSON

BY C.E.S.  
 12-2-89

LOCATION

JOB NO

NE 23 R 12 E 354710

WATER RIGHTS DIVISION  
(605) 773-3352

March 7, 1985

Mike Steen  
PO Box 129  
Belle Fourche, South Dakota 57717

Dear Mr. Steen:

On February 20, 1985 I spoke with Floyd Wennberg at the P.C.A. Office in Belle Fourche, About the situation concerning Prairie Hills. As they are current holders of the property it is proper that their name be on the Water Permit. Prior to the filing of permit application No. 1311-1 there were no water rights filed on this well. Mr. Wennberg informed me that when the property is sold the water permit will be transferred to the appropriate party.

Thank you,

Kevin C. Larson  
Natural Resources Engineer

KCL:ms

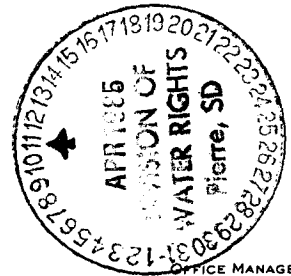
LAW OFFICES  
**Carr, Zastrow & Pluimer**

DON PRATT BUILDING, SUITE 104  
704 SEVENTH AVENUE

P.O. Box 580

BELLE FOURCHE SOUTH DAKOTA 57717-0580  
TELEPHONE (605) 892-6383

THOMAS E. CARR  
LAURENCE J. ZASTROW  
RICHARD A. PLUIMER  
ROGER A. COFFIELD



OFFICE MANAGER  
DONNA BRADLEY

April 10, 1985

Department of Water & Natural Resources  
Water Rights Division  
523 East Capitol  
Pierre, SD 57501

ATTENTION: Mr. John Hatch

Re: Permit No. 1311-1

Dear Mr. Hatch:

Enclosed is an ASSIGNMENT regarding the above water permit from Northwest South Dakota Production Credit Association to the Praire Hills Water & Development Co. of Belle Fourche, South Dakota. If any other documents are necessary to complete this transfer, please forward them to me. We will promptly execute them and return to you.

If you have any questions or need any additional information, please feel free to contact me.

Sincerely yours,

*Laurence J. Zastrow*

Laurence J. Zastrow

LJZ/agh

Enclosure

## ASSIGNMENT

For One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **NORTHWEST SOUTH DAKOTA PRODUCTION CREDIT ASSOCIATION** does hereby assign, transfer, and convey to **PRAIRIE HILLS WATER & DEVELOPMENT CO.**, all right, title, and interest in and to Water Permit No. 1311-1 as approved by the Water Management Board, Water Rights Division, South Dakota Department of Water and Natural Resources on August 15, 1984, subject to all terms and conditions thereunder.

A copy of the Application and Water Permit is attached hereto, and by this reference incorporated herein.

For its part, Prairie Hills Water & Development Co., by execution of this agreement, accepts this Assignment subject to all terms and conditions of the permit and agrees to comply therewith.

The parties agree to execute any and all other documents necessary to complete this transfer.

Dated at Belle Fourche, South Dakota this 9th day of April, 1985.

NORTHWEST SOUTH DAKOTA PRODUCTION  
CREDIT ASSOCIATION

By: *Floyd Wennberg*  
FLOYD WENNBERG, Vice President

(Corporate Seal)

PRAIRIE HILLS WATER & DEVELOPMENT CO.

By: *Laurence J. Zastrow*  
LAURENCE J. ZASTROW, President

(Corporate Seal)

STATE OF SOUTH DAKOTA     )  
                                      )SS.  
COUNTY OF BUTTE            )

On this the 9th day of April, 1985, before me the undersigned Notary Public, personally appeared FLOYD WENNERBERG, who acknowledged himself to be the Vice President of Northwest South Dakota Production Credit Association, a corporation, and as such Vice President, being authorized so to do, executed the foregoing Assignment for the purposes therein contained by signing the name of the corporation by himself as Vice President.

**In Witness Whereof**, I hereunto set my hand and official seal.

(Seal)

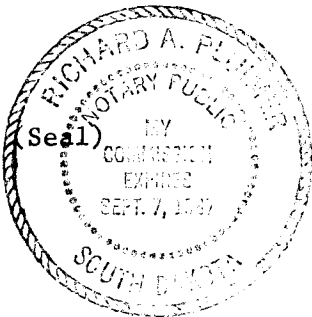
*Richard A. Plummer*

NOTARY PUBLIC

STATE OF SOUTH DAKOTA     )  
                                      )SS.  
COUNTY OF BUTTE            )

On this the 9th day of April, 1985, before me the undersigned Notary Public, personally appeared LAURENCE J. ZASTROW, who acknowledged himself to be the President of Prairie Hills Water & Development Co., a corporation, and as such President, being authorized so to do, executed the foregoing Assignment for the purposes therein contained by signing the name of the corporation by himself as President.

**In Witness Whereof**, I hereunto set my hand and official seal.



*Richard A. Plummer*

NOTARY PUBLIC

Water Rights Division  
605 773-3352

April 12, 1985

1311-1

Laurence J Zastrow  
Carr, Zastrow & Pluimer Law Offices  
PO Box 580  
Belle Fourche SD 57717-0580

Dear Mr. Zastrow:

This will acknowledge receipt of the ASSIGNMENT regarding Water Permit No. 1311-1 from Northwest SD Production Credit Assoc., to Prairie Hills Water & Development. In order to execute the transfer, a "Notice of Transfer" will need to be filed with our office.

Enclosed is a partially completed transfer form. The form should be checked over, dated, signed and notarized before returning it to this office with the required filing fee of \$2.50. Upon receipt of the transfer form and filing fee, Water Permit No. 1311-1 will be transferred to Prairie Hills Water & Development Co.

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

If you have any questions, please contact us.

Sincerely,

GENNY MCMAHON  
Natural Resources Analyst

GM:ks

enclosure

THOMAS E. CARR  
LAURENCE J. ZASTROW  
RICHARD A. PLUIMER

LAW OFFICES  
**CARR, ZASTROW & PLUIMER**

DON PRATT BUILDING, SUITE 104  
704 SEVENTH AVENUE  
P. O. BOX 580

BELLE FOURCHE, SOUTH DAKOTA 57717-0580

April 15, 1985

TELEPHONE  
(605) 892-6383

Water Rights Division  
SD Department of Water & Natural Resources  
Foss Building  
Pierre, SD 57501

Re: Water Permit No. 1311-1

Dear Sirs:

Enclosed is our check in the amount of \$2.50, along with the NOTICE OF TRANSFER OF WATER PERMIT regarding the above referenced permit. Please file the same in your office.

Thank you. If you have any questions, please contact us at your convenience.

Sincerely,

*Laurence J. Zastrow*  
Laurence J. Zastrow

LJZ/dgb  
Enclosures (2)

# RECEIPT

Division of Water Rights

No 4-10005-

South Dakota Department of Water and Natural Resources

Carr, Zastrow & Pluimer Pierre, April 16, 1985

RECEIVED OF Lawrence Zastrow, PO Box 580, Belle Fourche, SD 57717  
(for Prairie Hills Water and Development CO. Box 596, Belle Fourche, SD)  
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 1311-1 _____                                                                                  | 2     | 50   |
| 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 Hatch  
Chief Engineer JOHN HATCH/ms

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: April 15, 1985

This is to notify you that the title to the lands described as follows:

SE 1/4 NE 1/4 Section 33, T8N, R2E, BHM used for suburban housing development

for the Prairie Hills Ranchettes

formerly owned by Northwest SD Production Credit Association

has been transferred to Prairie Hills Water & Development Co., Box 596, Belle Fourche 57717  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1311-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA )  
 ) ss.  
County of Butte )

Floyd Wenneberg for NWSDFCA  
I, Laurence J. Zastrow for PHWD Co. 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 I know of my own personal knowledge that the information herein stated is true.

Northwest South Dakota Production Credit Prairie Hills Water & Development Co.  
Association

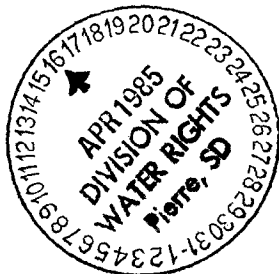
Floyd Wenneberg  
(Signed)  
Vice President, NWSDFCA

Laurence J. Zastrow  
(Signed)  
President, PHWD Co.

Subscribed and sworn to before me this 15th Day of April, 1985.

Donna Bradley  
(Notary Public)

DONNA BRADLEY  
Notary Public, BUTTE COUNTY, S. Dak.  
My Commission Expires DEC. 29, 1988





# Department of Water & Natural Resources

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

WATER RIGHTS DIVISION  
(605) 773-3352

No. 1311-1

April 16, 1985

Carr, Zastrow & Pluimer  
Lawrence Zastrow  
P.O. Box 580  
Belle Fourche, South Dakota 57717

Dear Mr. Zastrow:

Enclosed is receipt No. 4-10005 in the amount of \$2.50 which you paid  
for transfer of Water Permit No. 1311-1.

Our records now show Prairie Hills Water & Development Company, as  
the owner of this Water Permit.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/

Enc.

cc: Prairie Hills  
Box 596, Belle Fourche, SD

*Equal Opportunity Employer*

LAW OFFICES  
**Carr, Zastrow & Pluimer**

DON PRATT BUILDING, SUITE 104

704 SEVENTH AVENUE

P.O. Box 580

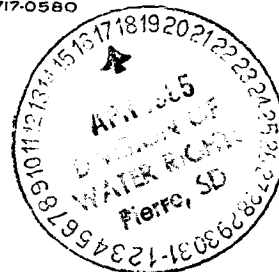
BELLE FOURCHE SOUTH DAKOTA 57717-0580

TELEPHONE (605) 892-6383

THOMAS E. CARR  
LAURENCE J. ZASTROW  
RICHARD A. PLUIMER  
ROGER A. COFFIELD

OFFICE MANAGER  
DONNA BRADLEY

April 16, 1985



Department of Water & Natural Resources  
Water Rights Division  
Joe Foss Building  
Pierre, SD 57501

ATTENTION: Genny McMath

Re: Water Permit No. 1311-1

Dear Ms. McMath:

In regard to the transfer of Water Permit No. 1311-1 from Northwest South Dakota Production Credit Association (PCA) to Prairie Hills Water & Development Company (PHWD Co.), PCA delivered a packet of letters and materials. Among them is a letter dated July 24, 1984 from Mr. Hatch to PCA, a copy of which I have attached. I have the Water Permit signed by Mr. Hatch on August 15, 1984, however, I am not certain whether Form 10 was completed. I assume it was because of the dates of the letter and the permit. However, because of past communication problems concerning the well, PHWD Co. as the new owner wishes to insure that all requirements are met.

Your letter of April 12, 1985 states that notice of any sale, grant, lease, conveyance or other transfer of the Water Permit or water rights to be appropriated to be filed with your office. I seek your assistance in determining whether any action needs to be taken because of the following situation.

PCA had made the original application to allow the well to supply water to "20 houses immediately north of the subdivision" (i.e. Prairie Hills Ranchettes). PCA had agreed in principle to provide the water to the developers of that subdivision (i.e. Country Club Estates and individual lots). We are now in the process of finalizing the details of that agreement. The developers intend to provide taps for 24 single family residences.

Since the Water Permit indicates: "5. The water appropriated shall be used for the purpose of suburban housing development", I am uncertain whether the permit must be amended to allow 24 houses (versus 20 houses) to be served north of the subdivision. Obviously the appropriation grant of .17 cubic feet per second would not be exceeded by this small increase, however, we are very sensitive to the intent under which the Water Permit was issued. We do not wish to jeopardize the permit in any fashion and would appreciate directions from your Department.

Sincerely yours,

*Laurence J. Zastrow*  
Laurence J. Zastrow

LJZ/dgb

cc: Dennis McKay

*no action taken*

## Conversation or File Documentation

NAME OF PERSON OR FILE: Laurence J ZastrowADDRESS: CARR, ZASTROW & PLUIMER LAW OFFICES COUNTY Belle Fourche, SDDATE: June 12, 1985 TELEPHONE 892-6383RE: addition of houses to Prairie Hills Water & Development

## COMMENTS:

In reference to the letter received from Mr. Zastrow dated April 16,I called his office and spoke with his secretary concerninghis inquiry on the number of houses allowed for the subdivisionI indicated to her that the permit would not have to be amendedto add houses to the development, as long as they did notexceed the cfs diversion rate specified on the permit, itdid not matter how many houses they had.

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: Jenny McMath

June 28, 1985



Department of Water & Natural Resources  
Water Rights Division  
Joe Foss Building  
Pierre, SD 57501

ATTENTION: Genny McMath

Re: Water Permit No. 1311-1

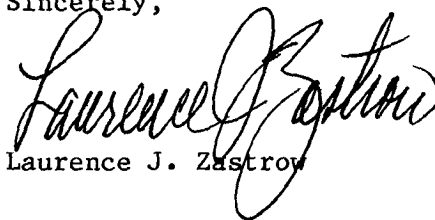
Dear Ms. McMath:

Some time ago, I wrote you a letter inquiring relative to the use of water by Country Club Estates. On June 12, 1985, my secretary took a telephone call from you wherein you indicated that the answer to my question was that so long as the water drawn from the well did not exceed .17 cfs that the location and number of units receiving water from the well were not a concern to the Division of Water Rights.

Based upon that assurance, we have entered into an agreement to allow Country Club Estates to receive water for a perspective 24 units as opposed to the 20 units which had originally been indicated on the permit application.

If there is any misunderstanding in this regard, I would appreciate it if you would please advise us.

Sincerely,

  
Laurence J. Zastrow

LJZ/cjv

*Omohundro and Palmerlee*

*Attorneys at Law  
100 South Main Street  
Buffalo, Wyoming 82834*

*William D. Omohundro, P.C.*

*David F. Palmerlee*

August 7, 1985

*Telephone 684-2207*

*Area Code 307*

Kevin Larson  
Division of Water Rights  
Department of Water and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501



Dear Mr. Larson:

Submitted herewith is a copy of an agreement between the Northwest South Dakota Production Credit Association, the Prairie Hills Water Company and Mr. R. A. "Dick" Mader. This agreement pertains to a water well constructed under permit #1311-1. This document is submitted pursuant to §45-5-30.3 of the South Dakota laws to record evidence of ownership of one-half of the well by Mr. Mader, our client. We do not believe that it is necessary for your agency to do more than record this document at this time in the file for permit #1311-1.

According to the materials you sent to me from the permit file, you have previously received evidence of assignment by the PCA to the Prairie Hills Water Development Company of PCA's one-half interest in the well. Under that document, the Prairie Hills Water Development Company is now an owner of a one-half interest in the well; Mr. Mader is the owner of the other half.

Please advise if it is necessary or advisable for us to submit additional or certified documentation.

Any correspondence regarding this permit sent out by your office should be sent to the Prairie Hills Water Development Company and also to Mr. Mader in care of our office. It is not necessary at this time to add Mr. Mader's name to the permit, unless you think that it is necessary. We are currently negotiating arrangements with the Prairie Hills Water Development Company, and at the conclusion of these

*Omohundro and Palmerlee*

Kevin Larson  
August 7, 1985  
Page 2

discussions we may request further action by your agency. We are not doing so at this time.

Thank you very much for sending us copies of the South Dakota Water Laws and Rules and the permit file. Please let me know if you have any questions.

Sincerely,

OMOHUNDRO & PALMERLEE

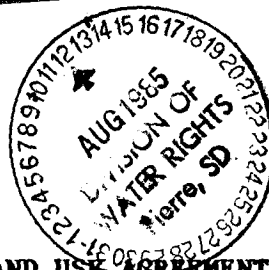
A handwritten signature in dark ink, appearing to read "Randall T. Cox", written over the typed name.

Randall T. Cox

RTC/cws

Enclosure

526-85



BOOK 233 PAGE 835

**WATER WELL EASEMENT AND USE AGREEMENT**

This Agreement, made and entered into this 25<sup>th</sup> day of February, 1985, by and between **NORTHWEST SOUTH DAKOTA PRODUCTION CREDIT ASSOCIATION** and **R. A. "DICK" MADER** (referred to as OWNERS), and **PRAIRIE HILLS WATER AND DEVELOPMENT COMPANY** (referred to as USER).

**RECITALS**

1. Northwest South Dakota Production Credit Association acquired an ownership interest consisting of an undivided one-half interest in a well located on Lot 22, Prairie Hills Ranchettes No. 2, a subdivision located in the East Half of the Southeast Quarter of Section 28, the East Half of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter in Section 33, all in Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, (referred to as WELL). The interest of PCA was acquired through a Judgment and Decree of Foreclosure against Darrell J. Nickelson and Elinor C. Nickelson, et al, on October 21, 1983.

2. The ownership interest of the other undivided one-half interest was decreed in favor of R. A. "Dick" Mader pursuant to the same Judgment and Decree of Foreclosure based upon a prior partnership existing between R. A. "Dick" Mader and Darrell J. Nickelson.

3. The WELL described above was developed to serve as the primary source of water supply to the following described property:

Lots 1 through 16, Prairie Hills Ranchettes, located in the West Half of the Northwest Quarter of Section 27, Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota; and

Lots 1 through 35, Prairie Hills Ranchettes No. 2 located in the East Half of the Southeast Quarter of Section 28, the East Half of the Northeast Quarter and the Southwest Quarter of the Northwest Quarter of Section 33, Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota; and

Lots 1 through 22, inclusive, of Prairie Hills Ranchettes No. 3, a subdivision located in the East Half of the Northwest Quarter of Section 27, Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota as recorded in Plat Book 12 on Page 28 on March 7, 1984 at 12:05 p.m. in the Office of the Butte County Register of Deeds.

4. The purpose of this Agreement is to provide for the recognition of the use rights of Prairie Hills Ranchettes, Prairie Hills Ranchettes No. 2 and Prairie Hills Ranchettes No. 3, to provide for the continuing priority of such rights, and to provide for the well users to assume responsibility for all costs associated with the future use of the WELL, except as hereinafter otherwise provided.

5. The parties also understand and agree that the capacity of the WELL exceeds the anticipated requirements of all Prairie Hills Ranchette subdivisions and this agreement is also intended to provide a mechanism whereby the excess capacity of the WELL can be made available to third parties under specific conditions.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties do hereby agree as follows:

**I. GRANT OF EASEMENT AND WATER RIGHT:**

OWNERS hereby grant to USER an easement and priority right to the use of the water from the WELL described above for domestic consumption for all lots

located or to be developed in Prairie Hills Ranchettes, Prairie Hills Ranchettes No. 2 and Prairie Hills Ranchettes No. 3, including the subdivision of any lots where permissible. The easement and use right granted under this agreement shall be superior to the rights of any and all other parties which may be provided water from the WELL.

**II. NO WARRANTIES:**

OWNERS make no warranty as to the quantity or quality of water delivered from the WELL. USER has utilized the WELL as the primary source of water supply for a substantial period of time and agree to accept the use right to the WELL and water supply in its present condition.

**III. LIMITATIONS ON USE:**

USER agrees that the water supply shall be utilized and limited to reasonable domestic consumption and use, including lawn, tree, shrub and water sprinkling. The parties agree that no waste of the supply shall be allowed, nor shall the USER utilize the water supply for irrigation purposes. USER shall not enter into any agreements, written or oral, to resell any water supply from the WELL. USER shall not be permitted to transfer, convey or assign all or any portion of this agreement without the express written consent of the OWNERS. OWNERS do, however, specifically reserve the right to sell all or any portion of the excess capacity of the WELL as set forth in this agreement.

**IV. DELIVERY SYSTEM:**

The parties understand and agree that all facilities to deliver the water from the wellhead to the actual users is owned and controlled by the USER and OWNERS shall not be responsible for maintenance, repair or replacement to the

delivery system. OWNERS' sole obligation shall be to provide to third parties information regarding the financial obligations of third parties to pay to USER the amounts required under the terms of this agreement and to use OWNERS' best efforts to assist in setting up the system for collection of payments, but OWNERS shall not be liable for collection of payments from third parties.

**V. WATER PRESSURE:**

The parties understand and agree that water pressure for the system is dependent upon wellhead pressure and an existing storage facility owned by the USER. OWNERS make no warranties or representations regarding the adequacy of the system for either domestic use or fire protection. OWNERS shall not be liable for any deviation in pressure, regardless of whether the deviation causes reduced or increased pressure on the system. In the event any future modifications of the WELL or delivery system may be necessary, the same shall be made at USER'S sole expense, except as otherwise specifically provided herein.

**VI. USER OBLIGATIONS:**

In consideration of the grant of this easement and priority use right, without payment from the USER to the OWNERS, USER hereby agrees to assume any and all obligation for maintenance, replacement, supervision, testing, modifications, repairs and any and all other expenses associated with the WELL, valve, delivery system, transportation lines, and control system, the wellhouse enclosure and any and all other costs associated therewith. In the event any future modifications to the WELL become necessary to comply with any local, state or federal regulations, the same shall be made at the sole expense of the USER unless the reason for the additional expense is within the sole control of the OWNERS, i.e., the sale of water to third parties. If, despite the contents

of this provision, it should become necessary for OWNERS to incur any expense in regard to the WELL or delivery system, USER agrees to hold OWNERS harmless from such expense.

**VII. WATER CHARGES:**

In consideration of USER'S agreement to hold OWNERS harmless from any future expense associated with the WELL, OWNERS agree that water shall be supplied to the USER at no charge.

**VIII. ADDITIONAL SALES OF WATER:**

The parties understand and agree that the present capacity of the WELL far exceeds the anticipated reasonable use by the Prairie Hills subdivisions.

OWNERS, by this Agreement, specifically reserve the right to supply excess water to third parties, on the following conditions:

1. Any third party served by the WELL shall be required to recognize the priority use right of the Prairie Hills subdivisions and any such additional use shall be inferior to the rights of USER. In the event of any reduction in capacity of the WELL, OWNERS shall use their best efforts to limit the supply of water transported to third parties prior to a reduction in use by USER.

2. Owners shall notify and consult with the USER prior to any such future sale and provide to the USER a copy of any applications to amend the current Water Permit No. 1311-1 issued by the South Dakota Department of Water and Natural Resources. This Agreement shall be for informational purposes and shall not create a right on the part of USER to interfere or deny the right of OWNERS to enter into agreements to resell waters if the OWNERS, in their discretion, elect to do so.

3. OWNERS agree to hold USER harmless from any and all costs which may be necessary to supply third parties, including modifications of the well, transportation lines or storage capacity. OWNERS further agree to accept responsibility for breaks or leaks in the water line caused by third party usage for a period of forty-five (45) days following the connection of any third party. This provision shall also apply to any modifications of the well, storage facilities and delivery system necessary to supply Prairie Hills Ranchettes No. 3, which is not being currently served by the WELL or delivery system.

4. USER shall be provided with a copy of any engineering studies performed in connection with the proposed supply of water to third parties.

5. Extraordinary expenses associated with the WELL or WELL appurtenances shall be shared by all parties then actually using or entitled to use water from the WELL, with the expenses to be paid pro rata based on actual use over the preceding twelve (12) month period. Extraordinary expenses shall consist of WELL expenses in excess of Three Hundred Dollars (\$300.00) in any calendar year.

6. If connection to USER'S distribution lines is necessary to transport water to any third party, OWNERS agree to pay USER a one time fee of \$500.00 for each main line tap (except the tap to supply Prairie Hills Ranchettes No. 3), and an additional payment of twenty percent (20%) of gross revenue collected on a monthly basis, if any, or fifty percent (50%) of the base fees charged to members of USER for water line maintenance, whichever sum shall be greater. At the present time it is understood and agree that members of Prairie Hills Water and Development Company are currently paying a \$15.00 per month charge to USER

to maintain existing lines, therefore, charges to be paid by third parties shall be not less than \$7.50 per month, per household user, which sum shall fairly compensate USER for any additional maintenance costs. This amount is subject to increase or decrease in the future.

7. Nonhousehold users such as commercial, agricultural, or golf courses, including seasonal uses, shall pay to USER for line maintenance charges an amount calculated as follows:

|                                           |   |                  |   |                  |   |             |
|-------------------------------------------|---|------------------|---|------------------|---|-------------|
| <u>number of gallons used (per meter)</u> | x | number of months | x | \$7.50 base rate | = | line        |
| average Prairie Hills household use       |   | water used       |   | (as adjusted)    |   | maintenance |
| (in gallons)                              |   |                  |   |                  |   | charges     |

8. OWNERS shall be responsible for providing a metering system to determine actual use by third parties, including Prairie Hills No. 3.

9. Any costs which become necessary solely because of the acts of the OWNERS in supplying, or agreeing to supply, water to third parties (excluding routine maintenance, testing, supervision, etc.) shall become the obligation of the OWNERS. It is the intent of this provision to protect USER from costs for modifications to the system that would have not otherwise been necessary except for a supply agreement to third parties.

10. USER hereby grants to OWNERS an easement through the water line owned by the USER for the purpose of transporting water to Prairie Hills No. 3 and any third party served under the terms of this agreement.

11. Prairie Hills Water and Development Company makes no representations regarding water pressure, quantity and quality and shall not be liable to any third parties utilizing the water and delivery system under this agreement.

**IX. MEMBERSHIP CHARGES:**

USER agrees that so long as Production Credit Association is the OWNER of any lots in Prairie Hills Ranchettes or Prairie Hills Ranchettes No. 2, USER will not impose any initial tap charges, hook-up charges, or membership charges to its members in excess of \$250.00 per tap without the express written consent of Production Credit Association.

**X. ABANDONMENT:**

If OWNERS, in their discretion, should abandon the WELL, and OWNERS reserve the right to do so, upon abandonment OWNERS will convey any interest in the WELL, the well permit, and real property upon which the WELL is located to USER.

**XI. RIGHT OF FIRST REFUSAL:**

OWNERS grant to USER a right of first refusal to purchase the WELL and adjacent real estate in the event that OWNERS sell the WELL, water permit or any portion thereof. This agreement shall not apply to sales of water by OWNERS as provided above.

**XII. AMENDMENTS:**

This agreement may be amended, from time to time, provided that any amendment is reduced to writing, signed by all parties. and attached to this agreement.

**XIII. BINDING EFFECT:**

This agreement shall be binding upon the parties, their heirs, successors and assigns.

**XIV. ENTIRE AGREEMENT:**

This constitutes the entire agreement between the parties and incorporates and supersedes all prior oral or written agreements.

Water Well and Use Agreement  
PCA/Mader-Prairie Hills  
Page Nine

**XV. RECEIPT OF COPY:**

Each party acknowledges receipt of an executed copy of this agreement.

Executed in duplicate, this 25<sup>th</sup> day of February, 1985.

**NORTHWEST SOUTH DAKOTA PRODUCTION  
CREDIT ASSOCIATION, OWNER**

By: Floyd Wennberg  
Floyd Wennberg, Vice President

R. A. "Dick" Mader  
R. A. "DICK" MADER, OWNER

**PRAIRIE HILLS WATER & DEVELOPMENT  
COMPANY, USER**

By: John W. Left  
Vice President  
Title

ATTEST:

Eddie Humann  
Secretary

STATE OF SOUTH DAKOTA     )  
                                      )SS.  
COUNTY OF BUTTE         )

On this, the 14<sup>th</sup> day of March, 1985, before me, the undersigned Notary Public, personally appeared FLOYD WENNBERG who acknowledged himself to be the Vice President of NORTHWEST SOUTH DAKOTA PRODUCTION CREDIT ASSOCIATION, and that he, as such Vice President, being authorized so to do, executed the foregoing Water Well Easement and Use Agreement for the purposes therein contained, by signing the name of the Association by himself as Vice President.

Water Well Easement and Use Agreement  
MCA/Mader-Prairie Hills  
Page Ten

In Witness Whereof I have hereunto set my hand and official seal.



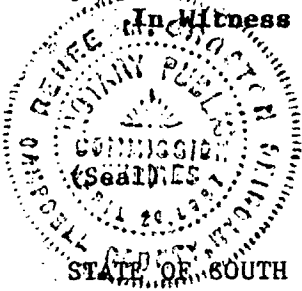
Diane J. Schmidt  
NOTARY PUBLIC

DIANE J. SCHMIDT, Notary Public  
My Commission Expires January 24, 1992

STATE OF WYOMING )  
 )SS.  
COUNTY OF CAMPBELL )

On this, the 25 day of February, 1985, before me the undersigned Notary Public, personally appeared R. A. "DICK" MADER, known to me or satisfactorily proven to be the person whose name is subscribed to the within Water Well Easement and Use Agreement and acknowledged that he executed the same for the purposes therein contained and as his own free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.



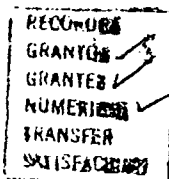
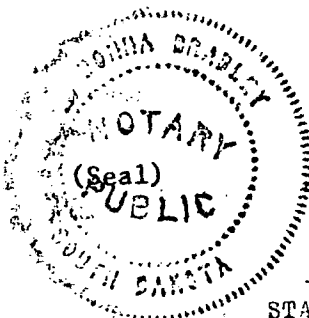
Renee M. Carstensen  
NOTARY PUBLIC

STATE OF SOUTH DAKOTA )  
 )SS.  
COUNTY OF BUTTE )

March

On this, the 12th day of ~~FEBRUARY~~, 1985, before me, the undersigned Notary Public, personally appeared JOHN W. LUFT who acknowledged himself to be the Vice President of Prairie Hills Water and Development Company, and that he, as such Vice President, being authorized so to do, executed the foregoing Water Well Easement and Use Agreement for the purposes therein contained, by signing the name of the Corporation by himself as Vice President.

In Witness Whereof I have hereunto set my hand and official seal.



Donna Bradley  
NOTARY PUBLIC  
DONNA BRADLEY  
Notary Public, BUTTE COUNTY, S. Dak.  
Commission Expires DEC. 29, 1988



526-85  
STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 14th day of March, 1985 at 3:45 o'clock,

Book 233 Page 835 By Paul C. White  
Register of Deeds

WATER RIGHTS DIVISION

November 26, 1985

John Luft  
RR#1, Box 179  
Belle Fourche, South Dakota 57717

Dear Mr. Luft:

I am contacting you concerning Water Permit No. 1311-1 for Prairie Hills Water and Development Company (Prairie Hills Ranchettes). Our office has been notified by the Office of Drinking Water within our Department that you would like a copy of the permit.

Enclosed is a copy of Water Permit No. 1311-1. If you have any questions or would like further information, please contact us.

Sincerely,

Genny McMath  
Natural Resources Analyst

GM:ms  
Enc.

HARLAN A. SCHMIDT  
ATTORNEY AT LAW  
1230 NORTH AVENUE - SUITE 8  
P.O. BOX 1048  
SPEARFISH, SOUTH DAKOTA 57783-7048  
TELEPHONE (605) 642-2622

November 11, 1987



Division of Water Rights  
Department of Water and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

I am writing to verify that a subdivision named Prairie Hills No. 3 consisting of 22 lots has well rights to a well constructed under Permit No. 1311-1.

The owner of a one-half interest, being Prairie Hills Water Development Company, has entered into a water supply agreement with a subsequent subdivision entitled Country Club Estates. They have agreed to furnish up to 24 residential taps to that subdivision.

I am concerned that these taps may diminish the number of taps available to the Prairie Hills Subdivision, specifically Prairie Hills No. 3 which has not used any taps or hookups as yet.

Would you check the file and see if my fears have foundation? Would you also please send me a copy of the permit and of any supporting materials or abstracts of the application which would clearly indicate where the approved potential users are situated?

Yours truly,

Harlan A. Schmidt

HAS/jh

# Maycock Law Offices, P.C.

Attorneys at Law  
Michael A. Maycock  
Mike D. Fuller

Carol Seeger



400 South Kendrick, Suite 302  
P.O. Box 1068  
Gillette, WY 82717  
(307) 682-4949

June 2, 1993

WATER RIGHTS DIVISION  
DEPARTMENT OF WATER AND NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SD 57501-3181

Re: Water Rights Application form

Dear Sir:

I have been informed that you are the entity in South Dakota which is in charge of water rights applications. Please provide me with a water rights application form. I have a client who has obtained a property in South Dakota and is in need of a form to transfer any rights that he may have obtained through the purchase of some property. Please send me any forms which you think I will need in order to effectively transfer the water rights to him. My client obtained an interest in the Prairie Hills Ranchette Well No. 3, South Dakota Water Permit Number 1311-1, located in Section 33, Township 8 North, Range 2 East, BHM, Butte County, South Dakota.

I would appreciate your cooperation in sending me the form.

Sincerely yours,

A handwritten signature in cursive script that reads "Mike D. Fuller".

Mike D. Fuller

MDF:mt

cc: Marge and Dale Ruby



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

June 8, 1993

Mike D Fuller, Attorney  
Maycock Law Offices, P.C.  
PO Box 1068  
Gillette, WY 82717-1068

Dear Mr. Fuller:

This letter is in reference to your June 2, 1993, correspondence in which you indicated your client has obtained an interest in the Prairie Hills Ranchette Well #3 (described in Water Permit No. 1311-1).

It is my understanding that your client has obtained half ownership of Well #3 and distribution system and wishes to transfer half of the permit to his name. Typically, if a portion of a water use system changes hands, the appropriate part can be transferred and the permit divided into respective names. For example, if an individual purchased 40 acres within a 160 acre unit, specific ownership can be easily determined. However, in this case where ownership has been divided for "a distribution system", it is difficult to determine who gets what portion of the system and permit.

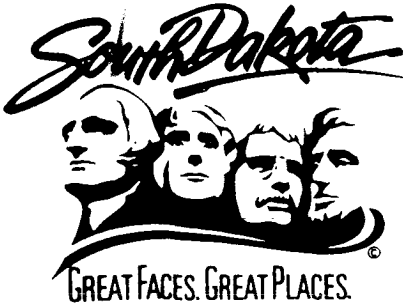
Eric Gronlund, Staff Engineer with our Division, discussed with you the option of filing a "Co-ownership Agreement". This type of agreement would be filed with the water permit reflecting individual ownership, but at the same time, not dividing the water permit. The agreement must contain the percent of ownership of the well and system for each individual or entity and include names, addresses and signatures of those involved. This type of document will need to be prepared by your office. We do not have a standard form and/or agreement designed for this purpose.

I have enclosed a blank "Notice of Transfer of Ownership". If you choose to go ahead with filing the transfer, the form must be completed, signed and notarized. The fee for filing either the transfer or "Co-ownership Agreement" is \$2.50.

I have included a copy of Water Permit No. 1311-1 for your records. If you have any questions, please contact either myself or Eric Gronlund at (605) 773-3352.

Sincerely,

Genny McMath  
Natural Resources Analyst  
Water Rights Division



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 13, 1993

**SECOND NOTICE**  
**Permit No. 1311-1**

Mike D. Fuller, Attorney  
Maycock Law Office, P.C.  
P.O. Box 1068  
Gillette, WY 82717-1068

Dear Mr. Fuller:

On June 8, 1993, notice was sent to you concerning the transfer of Water Permit No. 1311-1, which was to be transferred into your client's name. To date, we have not heard from you on this matter.

A blank transfer form was previously sent to you, enclosed is an additional form. Please have your client sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred into their name. If your client is not the present owner of the land covered under this permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL  
Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1311-1

Mike D. Fuller, Attorney  
Maycock Law Office, P.C.  
P.O. Box 1068  
Gillette, WY 82717-1068

4a. Article Number

P 318 052 604

4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

9/15/93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

**Water Rights Division -DENR  
Conversation or File Documentation**

**NAME OF PERSON OR FILE:** Mike Fuller, Attorney

**ADDRESS:** PO Box 1068, Gillette, WY 82717-1068

**DATE:** November 9, 1993

**RE:** status of ownership under No. 1311-1

**BACKGROUND:**

Mr. Fuller contacted us in June, 1993 to inquire if an interest in the Prairie Hills Ranchette Well #3 could be transferred. He indicated his client was going to obtain an interest in the well. He was told he could either file a "Notice of Transfer" or perhaps a "Co-ownership Agreement".

**COMMENTS:**

Mr. Fuller called November 9th and indicated his client did not end up owning an interest in Well #3. He stated that for the time being, the permit should be left under the current name. A transfer or "Co-Ownership Agreement" is no longer necessary.



Genny McMath  
Natural Resources Analyst

**File Nos. 1311-1, 1143-1 and 1167-1**

## **Water Rights Program -- File Documentation**

---

**NAME:** Prairie Hills Water & Development Company c/o Jeff Rutz

**ADDRESS:** RR1, Box 566, Belle Fourche SD 57717

**DATE:** August 20, 1997      **COUNTY:** Butte      **TELEPHONE:** 892-2140

**RE:** Cancellation of Water Right Nos. 1143-1 and 1167-1

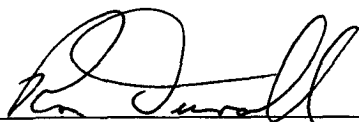
### **COMMENTS:**

On August 12, 1997, I spoke with Jeff Rutz at the Belle Fourche Chamber of Commerce concerning licensing of Water Permit No. 1311-1 and the current status of Water Right Nos. 1143-1 and 1167-1. All of these water permit/rights authorize use of ground water to supply the Prairie Hills ranchettes.

Mr. Rutz indicated that the well authorized by No. 1311-1 had been constructed and was the only well currently in use. Future plans for this well involved recasing the well due to problems with pumping sand and possibly drilling a new well and using the well authorized by No. 1311-1 as a standby well. Mr. Rutz also believed that the needed maintenance of recasing the well would again allow the permitted diversion rate to be used without pumping sand. According to Mr. Rutz, the two wells authorized by Nos. 1143-1 and 1167-1 have been abandoned and will be plugged when the other well work is being completed.

### **RECOMMENDED ACTION:**

Water Right Nos. 1143-1 and 1167-1 can be scheduled for cancellation due to abandonment and/or forfeiture.



Ron Duvall, Natural Resources Engineer  
Water Rights Program

**Permit No. 1311-1**  
**Belle Fourche River - Water District**

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

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

I have this day, August 12, 1997, made a thorough examination of the water use system constructed by **Prairie Hills Water & Development Co. of c/o Jeff Rutz RR 1 Box 566, Belle Fourche SD 57717** holder of Permit No. 1311-1, bearing the priority of April 12, 1984 authorizing the diversion of 0.17 cu. ft. per second of the waters of **ground water – Madison Formation** for **suburban housing** purposes, in **Butte** County.

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

A. Works used to divert the water:

1. Well Drilling Firm: **Taylor Drilling Co**
2. No. of Wells 1
3. Depth(s) 2,220 feet
4. Well log is available Y

**Casing:**

1. Diameter **7 and 5** inches
2. Length **655 (7 in) and 1,501 (5 in)** feet

**Pump:**

1. Make **none – flowing well**

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

**Water is supplied to the Prairie Hills Ranchettes Subdivision via a water distribution system.**

The system is in the following condition fair. The point of diversion is located **Well: 900 feet W and 450 feet N from the E¼ corner section 33-T8N-R2E (SE¼NE¼)**. The works are capable of diverting and conveying to the place of use 0.17 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 and the license should be issued for 0.17 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: **December 23, 1997**



Ron Duvall  
Natural Resources Engineer  
DENR, Water Rights Program

The map filed with the permit application for No. 1311-1 accurately shows the location of the well. Therefore, this map also serves as the map for the Report of Examination of Works.

## FIELD INVESTIGATION REPORT FOR PERMIT NO. 1311-1

|                                                                                          |                                                                                                                                |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| DATE OF INVESTIGATION                                                                    | August 12, 1997                                                                                                                |
| NAME & ADDRESS OF INVESTIGATION CONTACT/<br>RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE | c/o Jeff Rutz<br>RR 1 Box 566<br>Belle Fourche SD 57717                                                                        |
| NAME & ADDRESS OF PERMIT HOLDER                                                          | Prairie Hills Water &<br>Development Co.                                                                                       |
| DIVERSION POINT LEGAL LOCATION                                                           | Well: 900 feet W and 450 feet N<br>from the E $\frac{1}{4}$ corner section 33-<br>T8N-R2E (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) |

Other permit(s) associated with the project: 1311-1 and 1143-1 (both cancelled)

### WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Drilling Co
- 2) No. of Wells 1
- 3) Depth(s) 2,220 feet
- 4) Well log is available Y
- 5) Comment: Existing well prior to permit approval

#### Casing:

- 1) Diameter 7 and 5 inches
- 2) Length 655 (7 in) and 1,501 (5 in) feet

#### Pump:

- 1) Make none – flowing well

Flow from the well has been restricted to 44 gpm to prevent sand from being carried into the water system. Plans are being made to recase the well to address the sand problem and return the flow back to the permitted diversion rate. If a second well is constructed in the future, this existing well will be maintained as a standby well.

### DISTRIBUTION LINES OR CANALS:

Water is supplied to the Prairie Hills Ranchettes Subdivision via a water distribution system.

### PERMIT QUALIFICATIONS:

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 16, 1998

1311-1

Prairie View Water & Development Co.  
%Jeff Rutz  
RR 1, Box 566  
Belle Fourche, SD 57717

Dear Mr. Rutz:

The investigation of your water use system was conducted on August 12, 1997, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1311-1. 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. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

10 415612

Pierre, January 22, 19 98

RECEIVED OF Prairie Hills Water & Development Co., Belle Fourche, SD 57717

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

|                                                                                                                         |       |       |
|-------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                  |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. <u>1311-1</u>          | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                      |       |       |
| Fee for Filing Extension Request _____                                                                                  |       |       |
| Fee for _____                                                                                                           |       |       |
| _____                                                                                                                   |       |       |
| _____                                                                                                                   |       |       |
| (Any Other Work Provided by Law)                                                                                        | Total | 50 00 |

By \_\_\_\_\_  
Chief Engineer

John Hatch (y)



2310-12 Commerce Road  
RAPID CITY, SOUTH DAKOTA 57701

RALPH L. TAYLOR, SR.  
RALPH L. TAYLOR, JR. (Randy)  
KIM E. TAYLOR

TELEPHONE:  
Office 605-348-3600  
After Hours 605-342-7119

September 11, 1980

Francis-Meador-Gellhaus  
1823 W. Main  
Rapid City, S.D. 57701

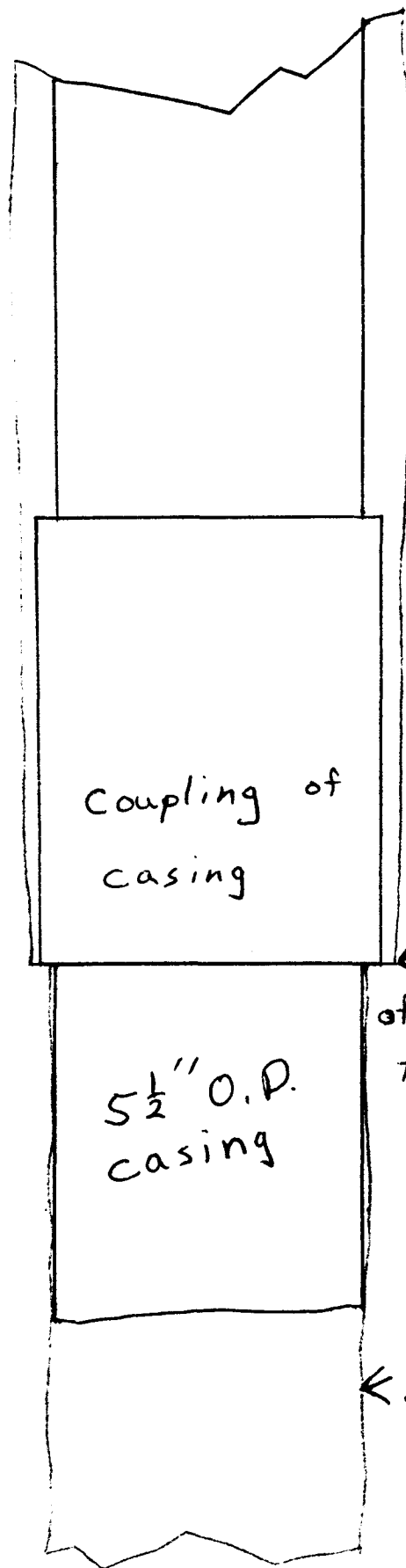
Attn: Al Foster

Approximately 30 feet into the Madison formation the diameter of the borehole is reduced from  $6\frac{1}{4}$ " to  $5\frac{5}{8}$ ". The bottom casing seal is made at this point (Approx. 2140'). The casing coupling with a 6" diameter rests on the shoulder of the hole reduction with a 3' toil section of  $5\frac{1}{2}$ " O.D. casing extending down into the  $5\frac{5}{8}$ " borehole to centralize the coupling over the hole. this effectively seals the water from any formation above this point.

RECEIVED

SEP 15 1980

FMG, INC.



←  $6\frac{1}{4}"$  Borehole

Coupling of  
casing

← shoulder where dia.  
of hole is reduced  
to form seal

$5\frac{1}{2}"$  O.D.  
casing

←  $5\frac{5}{8}"$  Borehole

RECEIVED

SEP 15 1980



## TAYLOR DRILLING CO.

2310-12 Commerce Road  
RAPID CITY, SOUTH DAKOTA 57701

RALPH L. TAYLOR, SR.  
RALPH L. TAYLOR, JR. (Randy)  
KIM E. TAYLOR

TELEPHONE:  
Office 605-348-3600  
After Hours 605-342-7119

Sept. 18, 1980

Al Foster  
1829 W. Main St.  
Rapid City, S.D. 57701

Well Log: Darrell Nickelson  
Well Completed 3/11/80

|       |                    |              |
|-------|--------------------|--------------|
| 2220' | Total Depth        | Static       |
| 655'  | drilling 8 3/4"    | 375 GPM Flow |
| 655'  | 7" Casing Cemented |              |
| 1115' | drilling 6 1/4"    |              |
| 1801' | reaming            |              |
| 450'  | 6 1/4" drilling    |              |
| 1501' | 5" casing          |              |

|           |                                                     |
|-----------|-----------------------------------------------------|
| 0-100     | black shale                                         |
| 100-110   | brown sandstone                                     |
| 110-140   | gray shale                                          |
| 140-160   | green & maroon shale                                |
| 160-640   | green & black shale & sandstone                     |
| 650-655   | brown & red shale                                   |
| 655-1470  | Spearfish                                           |
| 1470-1510 | Minnekahta                                          |
| 1510-1600 | Opeche                                              |
| 1600-1665 | limestone                                           |
| 1665-1715 | limestone                                           |
| 1745-1753 | gray sandstone                                      |
| 1753-1830 | limestone hard                                      |
| 1830-1837 | red sandstone                                       |
| 1837-1883 | limestone                                           |
| 1883-1910 | red sandstone                                       |
| 1910-1920 | limestone                                           |
| 1920-1975 | mostly sandstone red & gray (some small hard layers |
| 1975-1985 | hard probably lime or hard sandstone                |
| 1985-2070 | softer limestone some fractures(fairly soft 2070)   |
| 2070-2110 | gray sandstone                                      |
| 2110-2130 | limestone not very hard                             |
|           | 2130 soft spot possible sandstone                   |
| 2130-2145 | hard limestone                                      |
| 2145-2150 | softer limestone                                    |
| 2150-2175 | fractured limestone(water)                          |
| 2175-2220 | harder some small fractures                         |

RECEIVED

SEP 22 1980

F-M-C, INC.

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1311-1

(1) Northwest South Dakota P.C.A., Belle Fourche SD 57717 made Application No. 1311-1, April 12, 1984 for a water permit to divert 0.17 cubic feet of water per second from groundwater, Butte County, South Dakota for suburban housing development purposes. Permit No. 1311-1, with a priority date of April 12, 1984 was approved July 11, 1984 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 11, 1989 and for the application to beneficial use of said water on or before July 11, 1993.

On April 16, 1985, Water Permit No. 1311-1 was transferred to Prairie Hills Water & Development Co.

(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 0.17 cubic feet of water per second for beneficial use. The location of the diversion point is 900 feet west and 450 feet north from the east quarter corner of Section 33-T8N-R2E (SE 1/4 NE 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Prairie Hills Water & Development Co., c/o Jeff Rutz, RR 1 Box 566, Belle Fourche SD 57717 the holder and/or owner of Water Permit No. 1311-1 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from groundwater (one well) with a priority date of April 12, 1984 from the location specified in (2) of this license for suburban housing development purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1311-1 and subject to South Dakota State Law.

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

FEB 27 1998

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**FEB 27 1998**

1311-1

Prairie Hills Water & Development Co.  
%Jeff Rutz  
RR 1, Box 566  
Belle Fourche, SD 57717

Dear Mr. Rutz:

Enclosed is Water License No. 1311-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415612 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1311-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks  
enclosures



# BUCKMASTER LAW OFFICES, PC

Wesley W. Buckmaster  
Attorney at Law

**Staff:**

Cheryl Brewer  
Paralegal

Patti L. Pierce  
Legal Assistant

1501 5<sup>th</sup> Avenue  
P.O. Box 726  
Belle Fourche, SD 57717

Phone: (605) 892-2623

Fax: (605) 892-6337

E-Mail: [buckmaster@rushmore.com](mailto:buckmaster@rushmore.com)

June 13, 2005

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

Re: Prairie Hills Water and Development Company/Fuller  
Water Right/Permit No. 1311-1

Dear Sir:

Enclosed please find a Notice of Transfer of Ownership for the above-referenced Water Right/Permit No. 1311-1. Also enclosed is a check for \$2.50 for the filing fee. If you need anything further please contact this office. Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Patti L. Pierce".

Patti L. Pierce  
Legal Assistant

Enclosures

cc: Prairie Hills Water & Development Co.

**RECEIVED**

**JUN 15 2005**

**WATER RIGHTS  
PROGRAM**

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JUNE 15, 2005

RECEIVED OF Wesley Buckmaster, Attorney At Law, PO Box 736, Belle Fourch SD 57717

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 | 2 50  |      |
| 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>1311-1</u>                                                                     |       |      |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No _____ for C.Y. _____                                              |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 2.50  |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

00183

By

David E. Elbe  
Chief Engineer gm

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1311-1

Date: 6/9/2005

I/We request that Water Right/Permit No. 1311-1 formerly owned by:  
Prairie Hills Water and Development Company be transferred to:

New Owner Name: Gene Fuller

Address: 19230 Prairie Hills Rd

City, State, Zip Belle Fourche SD 57717 Telephone No. (605) 892-2609

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

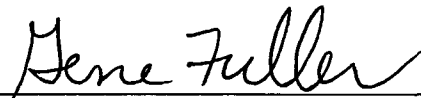
Lot 22A of Prairie Hills Ranchettes #2, City of Belle Fourche, Butte County South Dakota as shown by the Plat recorded as Document #2001-2360, and in the Annexation Map recorded as Document #2005-178.

☒ I understand that the validity of Water Right/Permit No. 1311-1 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.**

I, Gene Fuller, 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.



**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)

June 15, 2005

1311-1

Gene Fuller  
19230 Prairie Hills Rd  
Belle Fourche SD 57717

Dear Mr. Fuller:

I am writing to acknowledge receipt of the ownership change for Water Right No. 1311-1. The transfer has been completed. The water right formerly listed in the name of Prairie Hills Water and Development Company is now listed in your name.

In the event you do not have one, I am sending you a copy of Water Right No. 1311-1. You may keep this for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Patti L Pierce, Buckmaster Law Offices w/Receipt No. 001883

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1311-1

Date: 5/8/2006

I/We request that Water Right/Permit No. 1311-1 formerly owned by:

GENE FULLER be transferred to:

New Owner Name: Philip Cundy & Gene Fuller

Address: 12229 Prairie Hills Rd

City, State, Zip Belle Fourche SD 57717 Telephone No. \_\_\_\_\_

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

Lot 22A of Prairie Hills Ranchettes #2, City of Belle Fourche, Butte County, South Dakota, as shown by the Plat recorded as Document #2001-2360, and in the Annexation Map recorded as Document #2005-178.

☒ I understand that the validity of Water Right/Permit No. 1311-1 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Philip  
\* We, Philip Cundy and Gene Fuller, the new owner, certify that the above information is true and correct.

Gene Fuller  
Philip G. Cundy  
(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.

RECEIVED  
MAY 10 2006  
WATER RIGHTS  
PROGRAM

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 10, 20 06

RECEIVED OF Lawrence Title Co., 245 N Main Street, PO Box 459, Spearfish SD 57783

Philip Cundy & Gene Fuller

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 | 2     | 50   |
| 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>1311-1</u>                                                                     |       |      |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

02436

By

Darland Ebele

Chief Engineer

*gn*



**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)

May 10, 2006

1311-1

Philip Cundy &  
Gene Fuller  
12229 Prairie Hills Rd  
Belle Fourche SD 57717

Dear Sirs:

Thank you for following up on the ownership change for Water Right No. 1311-1. The transfer has been completed. The water right formerly listed in the name of Gene Fuller is now listed in both your names.

The receipt for the filing fee, paid for by Lawrence Title Company is being forwarded to them under separate cover.

If I can answer any questions for you, please contact me.

Sincerely,

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

c: Lawrence Title Company, PO Box 459, Spearfish SD 57783 (w/Receipt No. 02436)

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY - 6 2013

WATER RIGHTS  
PROGRAM

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

Water Right/Permit No. 1311-1

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

I/We request that Water Right/Permit No. 1311-1 formerly owned by: \_\_\_\_\_  
\_\_\_\_\_ be transferred to:

New Owner Name: Cody Kloerck  
Address: 19229 Prairie Hills RD  
City, State, Zip Belle Fourche SD 57717 Telephone No. 605-641-7776

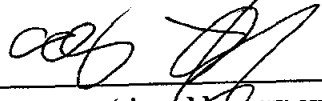
Title to the following described land(s)/property has been transferred as described above:

☒ I understand that the validity of Water Right/Permit No. 1311-1 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, Cody Kloerck, 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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/6, 20 13

RECEIVED OF Black Hills Title & Abstract PO Box 459 Spearfish SD 57783

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

|                                                                                                                |       |    |
|----------------------------------------------------------------------------------------------------------------|-------|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |    |
| Fee for Filing Transfer Form <u>1311-1</u>                                                                     |       |    |
| Fee for _____                                                                                                  |       |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. 06325

By Samuel Erbe  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 7, 2013

1311-1

Cody Kloeckl  
19229 Prairie Hills Rd  
Belle Fourche SD 57717

Dear Mr. Kloeckl:

I am writing to acknowledge receipt of a "transfer of ownership" form and filing fee for changing ownership on Water Right No. 1311-1.

The ownership change has been completed. Water Right No. 1311-1 (for Prairie Hills Ranchettes No. 2) formerly held by Philip Cundy and Gene Fuller is now listed in your name.

The receipt for the filing fee in the amount of \$50 is being forwarded by copy of this letter to Black Hills Title and Abstract.

Sincerely,

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

c: w/ No. 06325 to Black Hills Title and Abstract, PO Box 459, Spearfish SD 57783