

Considered: _____

WATER PERMIT NO. 1313-1

MAP No. 1313-1

Name of Applicant GREG TEfertilizer

Post Office Address Sundance Star Rt Box 80 SPEAREISH 57783

Amount of Water Claimed 0.07 Total Acres -

Source of Water Supply 3 WELLS #1-220'; #2-120' & #3 220'

Water to be used for SHD County LA

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1st Aug 27, 1984 Not Received _____

APPLICATION: Approved 9-26-84 Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 5-23-84 Fee 50.00 Remarks 4/5/84 I was told

5-23-84 Advertising when completed 1984 well Driller license not paid

Corrected Application Received Board for relevant - JH 6-8-84 Period of Annual Use 1/1 To 12/31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

W-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Points SE⁴ SE⁴ SEC. 32-T7N-R2E

Land to be Irrigated -

	32				
		xxx			

Well Log: Driller BLACK HILLS Pump & Supply Terry TEfertilizer Licensed YES _____ NO X

Depth of Well 280' REMARKS _____

Type of Map Aerial PREPARED BY ASCS ROBERT PABJA Reviewed and the Number

assigned on 6/5/84 By Betty Westlund

No copy was sent to Nelson.

No. 1313-1 Hydrologic Unit 10120203
 Map No. 1313-1 Basin BF
 Newspaper Queen City Mail, Box 152 Spearfish 5783
 wed.

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

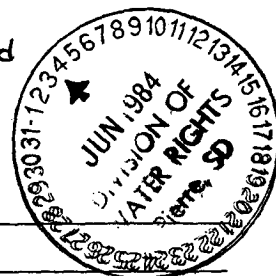
Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

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. _____

Originally Received

MAY 23, 1984

1. Name of Applicant Greg Tefertiller Phone No. 642-5493Post Office Address SUNDANCE STAR RT. BOX 8-D SPEARFISH State SD
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 30 gpm 0.07 CFS3. Source of water supply Drilled Wells (3 wells)4. Location of point of diversion Lot 7, Subdivision of Lot B, Subdivision of Lot 10
Subdivision of Tract D-1, SE 1/4 SE 1/4, Section 32, T1N, R2E
BHM County Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used Year around 1/1 to 12/31

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)

#3 - The new well is to be used to increase the water supply for the development. The well was drilled near the houses that have almost no water in the summer.

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 Lawrence ssI, Greg Tefertiller 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

Subscribed and sworn to before me this 1st day of June 19 84My Commission Expires
October 15, 1988

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1313-1

Greg Tefertiller

(Applicant)

Sundance Star RT. Box 80 Spearfish

(Post Office Address)

South Dakota

(State)

57783

(Zip Code)

With the following qualifications.

1. That the well that was improperly located, improperly grouted with cement and completed December 15, 1983 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T7N, R2E be plugged with cement grout from the top of the production formation to the surface.
2. That the new No. 3 well be located at least minimum distances from sources of pollution listed in Water Management Board Rules 74:03:01.
3. That the construction of a new No. 3 well include pressure grouting with cement (bottom to top) of the casing above the water producing formation and comply with the Board well construction rules.
4. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Date of first receipt of application May 5, 1984.

Date of return to applicant for correction, amendments or changes required —, 19—.

Date of receipt of corrected application —, 19—. Approved September 26, 1984.

The Water Management Board hereby approves this Water Permit No. 1313-1 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 May 5, 1984.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before March 26, 1987.
3. The whole of said work is to be completed on or before September 26, 1989.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is September 26, 1993.
5. The water appropriated shall be used for the purpose of suburban housing water supply.
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 0.07 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 on or before September 26, 1993; said water to be used during the following described annual period: continuous

WATER MANAGEMENT BOARD

John Hatch
Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

11 - 14, 1984

Supplemental Information

Well # 1

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 220' approx
- b) Casing Type Steel Diameter 4" Thickness 240
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well: 150'
- On applicants property Yes On property owned by others _____

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 _____

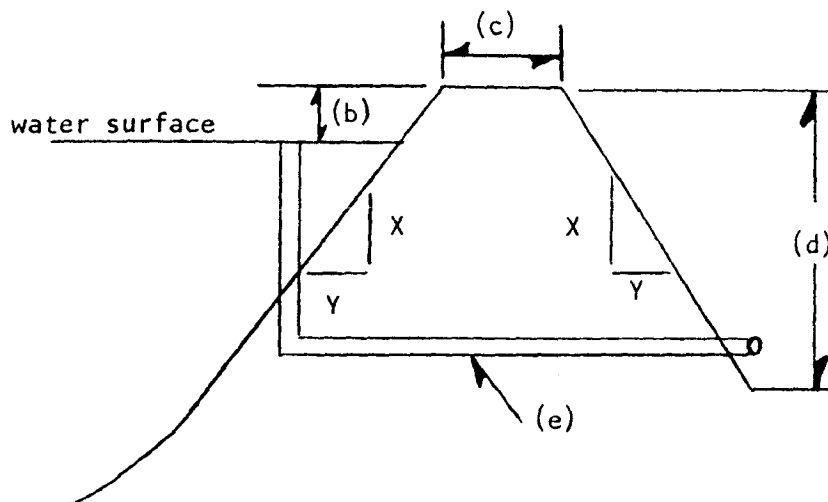
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Supplemental Information

Well # 2

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 120' approx.
- b) Casing Type Steel Diameter 4" Thickness .240
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 5'
- g) Distance to nearest existing domestic well: 300'
- On applicants property YES On property owned by others _____

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 _____

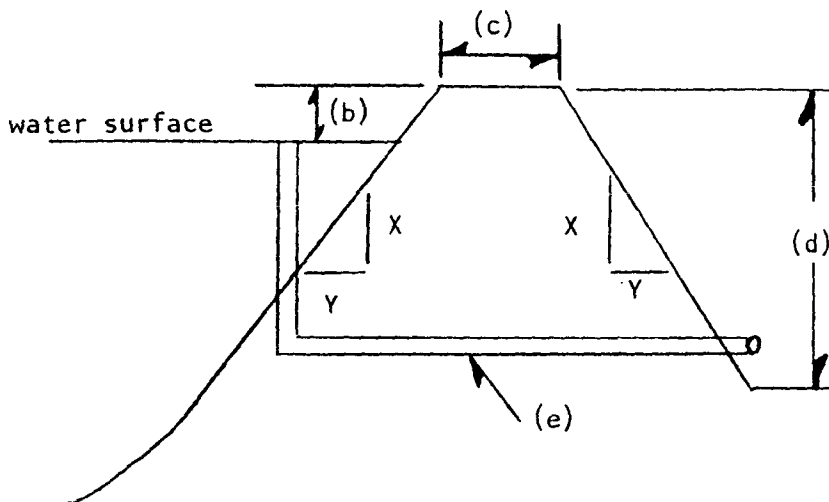
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Supplemental Information

Well # 3
New well

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 280'
- b) Casing Type 88' steel Diameter 6 5/8" Thickness .188"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 260'
- f) Depth of Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well: 300'
- On applicants property _____ On property owned by others X

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 _____

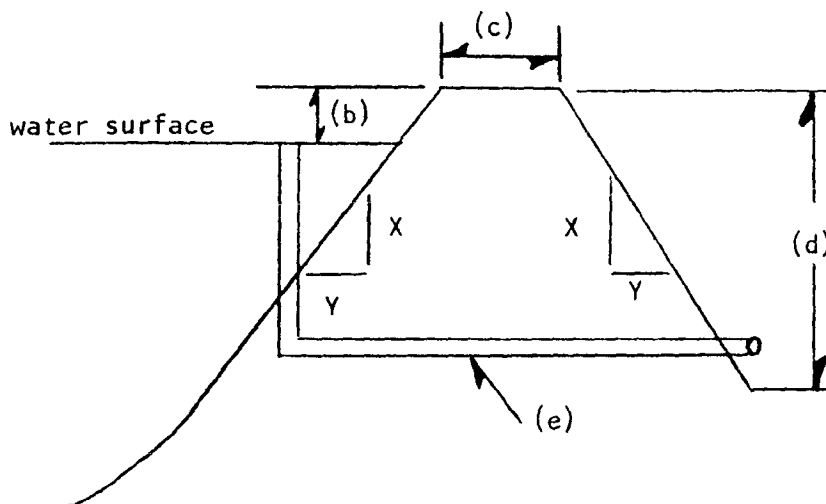
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 9" and 6" Depth 280 ft
- b) Casing Type 8 1/2" Steel Diameter 6 5/8" Thickness .188
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack Thickness N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 120 ft
- f) Depth of Water (ground surface to water level) 30 ft
- g) Distance to nearest existing domestic well: 300 ft
- On applicants property _____ On property owned by others X

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 _____

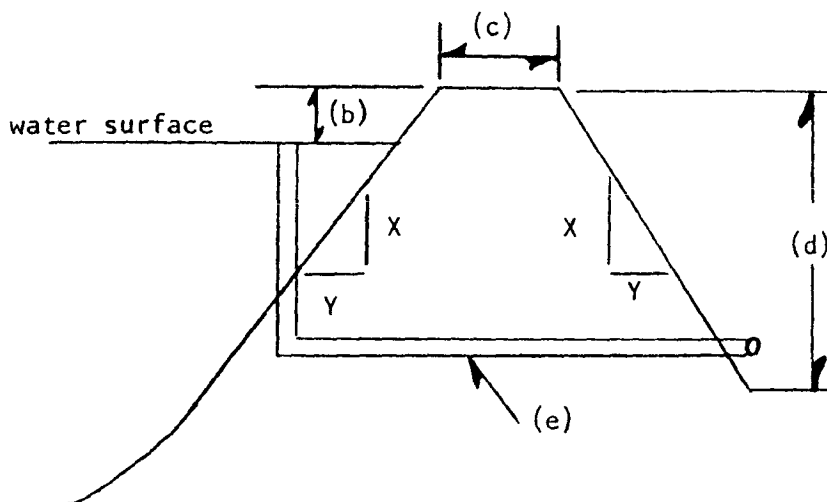
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

No 4 9679

South Dakota Department of Water and Natural Resources

Pierre, June 4, 1984

RECEIVED OF Greg Tefertiller, Sundance Star Route, Box 8-D, Spearfish, SD 57783

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

Fee for Application for Permit No. 1313-1 to Appropriate Water, to construct works 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		
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	50	00

By John Hatch
Chief Engineer JOHN HATCH (MIS)

1313-1
well #2

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well SE 1/4 SE 1/4 Section 32 Township 7N Range 2E BHM
 Well owner Mac Kahan Development Co 142 S 5th Spencer, SD
 Date well drilling completed Jan 20, 1973 Purpose of well domestic
(Name) (Address) (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-6	Topsoil	50	
6-50	gravel	20	
50-158	Spencer		
		Name of producing aquifer (if known)	ft.
		Total depth of drill hole	158
		Depth to bottom of casing	158
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
		4" X 21' blk steel 11" casing T+C	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		55' casing perforated touch cut	
		If a flowing well, flow of completed well _____ G.P.M.	

Attach sheet if more space is needed

Jerry Ellingson
 Name of Drilling Contractor

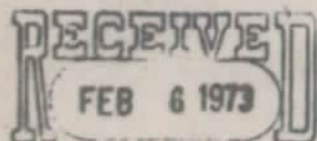
(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

 Name of Pump Installation Contractor

NR-836 4/82

REPORT ON GREAT WEST PUMP
WELL DRILLER LICENSE APPLICATION

June 29, 1984

May 31, 1984 an Application for a Well Drillers license was received from Great West Pump, 2737 Rawhide, Rapid City, SD. Terry Tefertiller is the proposed license representative. Great West Pump is a new well drilling firm. Terry Tefertiller operated Black Hills Pump and Supply, Well Drilling License No. 504 during 1983. License No. 504 was not renewed for 1984 by Terry Tefertiller. Prior to 1983, Terry Tefertiller or T.H. Tefertiller signed Well Driller Reports submitted by Forward Drilling Company Incorporated, License No. 412 from 1977 through 1982. License No. 412 for Forward Drilling Company was not renewed in 1983.

During March 1984, Joe Allender, a State Plumbing Inspector found a new well located a few feet from a septic tank drain field tile line. The well had been constructed to serve the MacKaben No. 1 Housing Subdivision near Spearfish SD. Mr. Allender notified the Department of Water and Natural Resources (DWNR). Fred Steece and Gary Stephenson, DWNR visited the site during April 1984. The legal location of the well is SE 1/4 SE 1/4 Section 32, T7N, R2E, Lawrence County.

The subdivision water supply is owned and operated by Greg Tefertiller. A water permit had not been issued for the well nor was a Well Drillers Report on file in the Water Rights Division.

During a telephone conversation with John Hatch May 17, 1984, Greg Tefertiller advised he had helped his brother, Terry Tefertiller, License No. 504 complete the well during December 1983.

A Well Drillers Report for the MacKaben Well signed by Terry Tefertiller was received in the Water Rights Division May 22, 1984. The Report stated the well was completed December 15, 1983.

The Report states that the well is 280 feet deep. There is 88 feet of 6 inch (6 5/8 O.D.) steel surface casing grouted with 5 bags of cement (9 3/4 inch drill hole). There is 270 feet of 4 inch 160 psi PVC from 10 to 280 feet (6 inch drill hole). A formation packer is located at a depth of 220 feet. Below 225 feet, 1/4 inch diameter holes are drilled in the 4 inch PVC. The static water level was 30 feet.

Greg Tefertiller reported that the well was located 17 feet from a septic tank drain field tile line.

The procedure used by Greg and Terry Tefertiller for grouting the surface casing was:

- 1) One bag of dry cement was poured into the space between the drill hole and the surface casing;
- 2) Five bags of cement were mixed, one bag at a time;
- 3) Each bag was mixed in a 55 gallon drum with 15-20 gallons of water per bag;
- 4) As each bag was mixed, the mixture was poured around the surface casing; and
- 5) The cement mixture did not fill the space between the surface casing and the drill hole all the way to the surface.

Background Information

The December 1983 MacKaben Subdivision well is not the first instance where knowledge of good well construction methods or compliance with the laws, by Black Hills Pump and Supply or its predecessor Forward Drilling Company, Incorporated has been questioned.

April 6, 1979, John Hatch notified Forward Drilling Co., Inc. that he had received reports that Forward Drilling was drilling wells. Forward Drilling did not have a 1979 license. The license fee was received April 23, 1979.

March 18, 1980, Mr. Hatch notified Forward Drilling Co., Inc. again that it was not licensed for 1980. Mr. Hatch also stated he had received reports that Forward Drilling was not grouting "hard rock" wells or sealing other wells in the Black Hills area as required by well construction rules.

April 21, 1980, Mr. Hatch received a complaint from Catherine Wahle concerning a well drilled by Forward Drilling, July 26, 1979 on her land in Fall River County. She reported she could only pump water a few minutes before pumping air.

April 23, 1980, Mr. Hatch wrote to Forward Drilling regarding the well drilled for Mrs. Wahle. A copy of the Well Drillers Report had not been submitted. Mr. Hatch requested a copy to allow the well construction to be reviewed.

July 3, 1980, Mr. Hatch again wrote to Mr. Tefertiller stating there had been no response to the April 23, 1980 letter. T.H. Tefertiller had called several weeks earlier and said he was coming to Pierre, but he did not come. Forward Drilling still was not licensed for 1980. However, the Wahle Well Drillers Report signed by Terry Tefertiller had been received.

July 14, 1980, T.H. Tefertiller came to the office. He paid his fee for a 1980 Well Driller License. The Wahle complaint was discussed. He explained that they usually test pumped a well after they installed the pump. Since Mrs. Wahle bought the pump from someone else, the well was not test pumped by Forward Drilling. Mr. Tefertiller stated he had offered to plug the Wahle well and give Mrs. Wahle her money back. Although the well construction practices were questionable, Mr. Hatch did not believe there was sufficient information to recommend that the Water Management Board deny the license.

Not cementing "hardrock" and other wells was also discussed with T.H. Tefertiller July 14, 1980. He agreed Forward Drilling would cement casing as required in the future. The license was then issued based upon the laws and rules in affect in 1980.

January 27, 1982, partially completed Well Driller Reports were returned to Forward Drilling because they did not include legal descriptions. May 6, 1982 a follow-up letter requested completion and return of the Well Driller Reports. There was no response to this request.

July 12, 1982, the Water Rights Division received a telephone complaint that a four inch plastic casing came out of a well drilled by Forward Drilling when another well driller pulled the four inch submersible pump. The well had been drilled in 1980.

Our office investigation found no Well Driller Reports on file for at least two wells near Custer, drilled by Forward Drilling. One well was located in Section 1, T3S, R2E and the second well was located in Section 31, T3S, R5E.

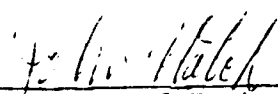
Our field investigation found no seal between the 4 inch well casing which was loose in the hole and the 6 inch surface casing. We wrote and requested the Well Driller Reports and an explanation of the construction. No response was received. Since Forward Drilling did not attempt to renew its license for 1983, no further action was taken under the laws and rules in effect.

Conclusions

1. The MacKaben No. 1 Housing Subdivision supplies water to the public and a South Dakota Well Drillers License was required for construction of the well.
2. The MacKaben well was not properly grouted with cement. The grout was not mixed correctly. Water Management Board Rule ARSD 74:02:04:16 requires the the MacKaben No. 1 well surface casing to be pressure grouted with portland cement grout. Board Rules ARSD 74:02:02:09 specifies grouting procedures and prohibits grouting by gravity. Board Rule ARSD 74:02:02:07 requires that cement grout be mixed at a ratio of no more than 7 gallons of water per one cubic foot of cement. An average sack of cement is 1.1 cubic feet.
3. SDCL 46-6-9 states that a Well Driller may not be licensed unless he is knowledgeable in good well construction methods. Terry Tefertiller has not demonstrated he is knowledgeable in good well construction methods.
4. The Well Drillers Report for the MacKaben well was not filed with the Chief Engineer within one month of well completion as required by SDCL 46-6-11. Terry Tefertiller has a history of not complying with the requirement to submit completed Well Driller Reports.
5. Although Board Rules for well construction do not contain any distance from pollution sources requirements, the location of the MacKaben Well does not represent knowledge in good well construction methods. The Board has already stated water permit applications for wells that supply water to the public will not be approved if not properly constructed and not located proper distances from pollution sources.

Recommendation

That the Water Management Board deny the Great West Pump Application by Terry Tefertiller for a 1984 Well Driller License.



JOHN HATCH, Chief Engineer
Water Rights Division

WELL AND WATER SYSTEM EASEMENT

This easement is granted on the 27th day of July, 1983, from RICHARD A. HARRIS and VALETTA G. HARRIS, of 10 Wagonwheel Drive, Spearfish, South Dakota 57783, grantors, to GREG TEFERTILLER, of Sundance Star Route, Spearfish, South Dakota 57783, his heirs and assigns, grantee.

WHEREAS, Tefertiller has constructed a private water system including a well and pressure tank and pipelines on, through and across the following described real property owned by the grantors, to-wit:

Lot 7, Subdivision of Lot B, Subdivision of Lot 10, Subdivision of Tract D-1, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T7N R2E, B.H.M., Lawrence County, South Dakota.

WHEREAS, the well and pumphouse will be situated approximately 18 feet east and 39 feet south of the northwest corner of said lot and a water line shall be run directly south from the well and pumphouse to the south boundary of the lot; and

WHEREAS, grantors desire to grant to grantee a perpetual easement as necessary for the maintenance and operation of the water system and well.

NOW, THEREFORE, grantors hereby grant to the grantee a perpetual and assignable easement over and across said property, as aforesaid, as necessary, for the establishment, maintenance and operation of a private water system and well serving the subdivision and shall be deemed to run with the said system and for the benefit of all of the lots in the said subdivision.

In the event that a public water supply becomes available, and this well is no longer used, this easement shall lapse as to any portions of the property for which the easement is no longer used and the easement or portion thereof shall revert to grantors, their heirs and assigns except that grantors shall first have the right to remove any property belonging to grantors.

This agreement shall be binding and inure to the benefit of the parties hereto, their heirs, successors and assigns in interests.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

GRANTORS

GRANTEE

Richard A. Harris
Richard A. Harris

Greg Tefertiller
Greg Tefertiller

Valetta G. Harris
Valetta G. Harris

Septic tank information

7'6" from House to Septic Clean-out

19'6" from Clean-out to SE Corner of House

10' from Clean-out to Septic tank

8'6" from tank to first Cross line

8'6" to Second crossline

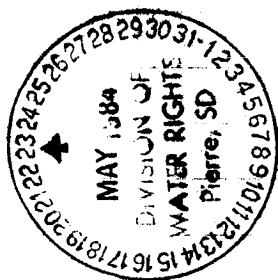
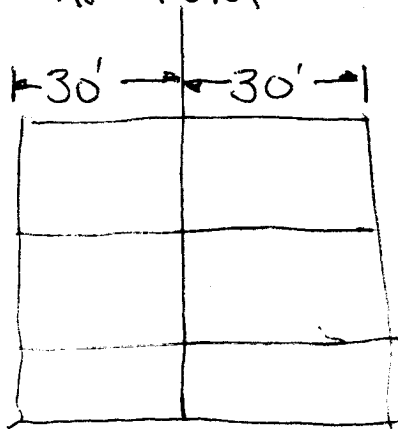
8' to Third Cross line

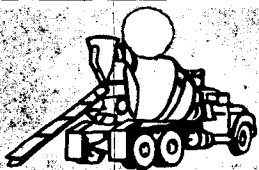
9' to Fourth Crossline

30'ft from Center line to edge of Cross

Cross lines are connected on the ends

Drain Field





K.H. RED-E-MIX

P.O. BOX 638
E. FAIRGROUND LOOP ROAD
SPEARFISH, SOUTH DAKOTA 57783
605/642-2033

THE BEST "POUR" HOUSE
IN THE WEST

Name Cash Date _____
Acct. # _____
Job # or Site _____

Concrete, Cu. Yds. 1 3000 3500 4000 52456

Accelerator ☐ 1% ☐ 2% _____

Hot Water ☐ _____

Sand: _____ per ton total tons = _____

Rock: _____ per ton total tons = _____

Misc. _____

Sub Total 5456

Tax 218

Total 5674

— DRIVER'S USE ONLY —

Rock # _____ Sand # _____ Cement # _____

Water Added On Job ☐ Hot ☐ Cold

Prokrete _____ oz. Accelerator _____ % # Yardage _____

Arrival Job Site _____ Departure _____

Rec. By: [Signature]

TEN (10) MINUTES PER CU. YD. ALLOWED FREE TIME
AFTER WHICH A HOLDING CHARGE OF \$30.00 PER HR. WILL BE MADE.

NOTICE: We assume no responsibility for damage to driveways, sidewalks, buildings, drains, trees, shrubs, etc.
when required to deliver beyond the curbline or edge of the traveled portion of the street or roadway.
TERMS: Net cash, all bills due and payable 10th of the month following date of purchase. Any invoice not paid by
due date is considered Past Due. SERVICE CHARGE of 2% per month will be charged on past due unpaid balance.

N^o 03077



K.H. RED-E-MIX

P.O. BOX 638
E. FAIRGROUND LOOP ROAD
SPEARFISH, SOUTH DAKOTA 57783
605/642-2033

THE BEST "POUR" HOUSE
IN THE WEST

MacKaben #1 Spearfish Meadow
Name _____ Date _____
Acct. # _____
Job # or Site MacKaben #1

Concrete, Cu. Yds. _____ 3000 3500 4000 _____

Accelerator ☐ 1% ☐ 2% _____

Hot Water ☐ _____

Sand: _____ per ton total tons = _____

Rock: _____ per ton total tons = 220 truck 1456 302

Misc. 6500 + 8000 = 14500 13156

Sub Total _____

Tax _____

Total _____

— DRIVER'S USE ONLY —

Rock # _____ Sand # _____ Cement # _____

Water Added On Job ☐ Hot ☐ Cold

Prokrete _____ oz. Accelerator _____ % # Yardage _____

Arrival Job Site _____ Departure _____

Rec. By: [Signature]

Great West Pump & Supply

1 Pioneer Lane
Spearfish, SD
57783

IE
BE MADE.

NOTICE: when required to deliver beyond the curbline or edge of the traveled portion of the street or roadway.
TERMS: Net cash, all bills due and payable 10th of the month following date of purchase. Any invoice not paid by
due date is considered Past Due. SERVICE CHARGE of 2% per month will be charged on past due unpaid balance.

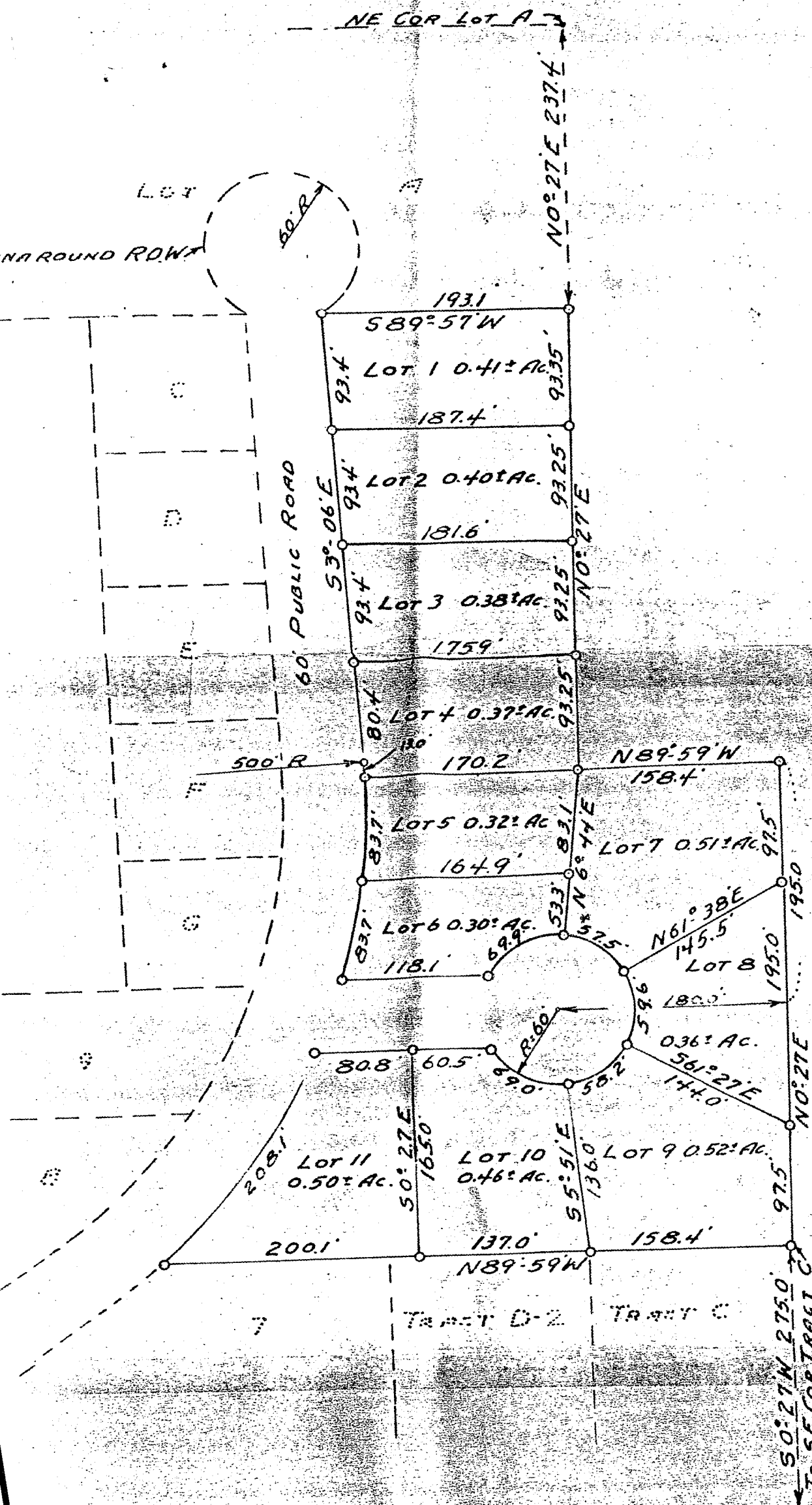
N^o 03012

A well log on the new well, #3 was sent with the application the first time. I do not have well logs on wells 1 & 2 and do not know who drilled them and when,

Thank you,

Doug Ziefert





PLAT
OF
SUBDIVISION OF LOT B SUBDIVISION OF LOT 10
SUBDIVISION OF TRACT D-1 SUBDIVISION OF SE 1/4 SE 1/4

*Application Form
12-1*

April 9, 1984

Re: 5.4 MacKaben I, Spearfish

Mr. Greg Tafertiller
Sundance St. Rt., Box 80
Spearfish, SD 57783

Dear Mr. Tafertiller:

Attached is a report entitled, "Routine Sanitary Survey of MacKaben I". This report has been prepared on the basis of a routine sanitary survey by the Department of Water and Natural Resources and is submitted for correction of the unsanitary features noted. Hopefully, these recommendations will be complied with at your earliest convenience. Please acknowledge receipt of this report together with action contemplated on the recommendations included in the report within 30 days.

You or your representative are invited to attend meetings and training short courses sponsored in part by the South Dakota Municipal League and the South Dakota Water and Wastewater Association. If you have any questions concerning dates and locations of training courses, contact Mr. William E. Alsenbrey at 773-3754 or write Suite 408, Joe Foss Building, Pierre, South Dakota 57501 at your convenience.

The State Office of Drinking Water is now administering the Public Water System Supervision program in South Dakota. This program was previously supervised by the Environmental Protection Agency in Denver. All water supply matters such as reporting laboratory analysis results, public notification for violations, and technical assistance will be handled through our Office in Pierre and the three State regional offices.

Copies of State drinking water regulations may be obtained from this office.

Sincerely,

Mark E. Stelchen
Office Administrator
Office of Drinking Water
Phone: (605) 773-3754

cc: Gary Stephenson, Black Hills Regional Office.

S433.dv

Water Rights Division
605 773-3352

May 17, 1984

NOTICE OF ORDER

Greg Tefertiller
Sundance Star Route, Box 8D
Spearfish SD 57783

Dear Mr. Tefertiller:

We are enclosing application forms to apply for a water permit for a well in MacKaben No. 1 Subdivision. We will need to have the application forms by Tuesday May 22, 1984 in order to advertise the application for the July 11-12 Water Management Board Meeting.

Until the Water Management Board has approved a water permit, you are ordered not to connect the well to the Subdivision distribution system or use water from the well. This order is issued pursuant to South Dakota Codified Law 46-2-18.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

encl.

CERTIFICATION FOR MAILING NOTICE

I hereby certify that on May 17, 1984, I have personally deposited with the U.S. Mail, postage prepaid envelope containing the attached Notice of Order to: Greg Tefertiller
Sundance St Rt, Box 8D
Spearfish SD 57783

Kathleen A. Loeck
Administrative Aide

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)^{SS}

Sworn to, before me, this 17 day of may, 1984.

Carolyn Jorgensen
Notary Public

WATER RIGHTS DIVISION
(605) 773-3352

May 28, 1984

Greg Tefertiller
Sundance Star Route, Box 8-D
Spearfish, South Dakota 57783

Dear Mr. Tefertiller:

Enclosed you will find your application, which has not been notarized, for a new well to be added to your suburban housing development. It is our understanding you have two other wells being used. Well #1 (south well) 220' deep and Well #2, 120' deep, both drilled in 1974. We are enclosing new forms and instructions. Please submit a corrected application, including all the wells supplying water for your suburban housing development along with the following:

1. A filing fee for the amount of water requested, 0.07 cfs, will be \$50.00.
2. A map showing the exact location of all the points of diversion will be required, signed by a S.D. Registered Professional engineer.
3. A log of the wells signed by a licensed South Dakota well driller and out Form 2A for each well.

To maintain your priority date of May 23, 1984 on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will not have sixty days from the date of this letter to correct your application and/or have the above information submitted to this office.

If you have any questions feel free to contact our office.

Sincerely,

Betty Westlund
Natural Resources Specialist

BW:ms
Enc.

cc: Judene Holan, Drinking Water

GREG TEFERTILLER

August 1, 1984

This application proposed to appropriate .07 cfs (30 gpm) to be used for Suburban Housing. There are three existing wells, all located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32 T7N, R2E (see application). Two wells were constructed several years ago. The third well was constructed in December 1983 and has not been connected to the distribution system.

Aquifer - Spearfish, Minnekahta

Geology and Aquifer Characteristics

The Spearfish Formation consists of silty shale and minor sandstones and varies in color from orange to brick red. The formation is interbedded with anhydrite and gypsum and locally high capacity wells can be developed where water has dissolved the gypsum leaving caves. The Minnekahta is a nearly pure white to lavender limestone which stratigraphically lies directly below the Spearfish formation (Allen et al 1984). There are many domestic and some high capacity wells in the northern Black Hills from the Minnekahta. Probably, most of the water attributed to the Minnekahta actually comes from the zone where the Spearfish contacts the Minnekahta.

In the area of this application, there is as much as 50-70 feet of alluvium overlying the Spearfish and this is in contact with Spearfish Creek. Probably, the Alluvium, the Spearfish formation and the Minnekahta are hydraulically connected, although this is not documented. Certainly, the geology of the rocks would indicate mixing of water is likely.

There are many domestic wells in the immediate area which produce water out of the 3 aquifers mentioned.

Review of Existing Water Permits

There are three existing water permits within a 1/2 mile radius of this application which obtain ground water from the Minnekahta, Spearfish and Alluvium.

<u>Permit No.</u>	<u>Name</u>	<u>Use</u>	<u>cfs</u>	<u>Depth</u>	<u>Formation</u>
952-1	W. McGuigan	Irrigation	.7	174'	Minnekahta
1194-1	E. MacKaben	Commercial	.2	304'	Minnekahta
1153-1	Thompson-Abernathy	SHD	.05	100' (?)	Spearfish

Altogether, there are about 30 ground water permits issued in the Spearfish Area. This would include development of the Minnelusa and Madison.

Also there has been an investigation conducted in this area concerning permit numbers 952-1 and 1186-1. The problem was reported as well interference (see permit number 952-1 for report)

Conclusions

1. There is water available. The wells are in existence and two have been used for some time. The third well is new and has not been used.
2. Because of the geology, the hydrology of this area is complicated. There is a very real possibility of intermingling of water between formations and possible contamination by surface water through improperly cased and grouted wells.
3. Water Rights does not monitor any observation wells in this area.


Jim Goodman, Hydrologist

Allen, J.C., D. Illes, A. Petres, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, SDGS, Vermillion, SD
Water Rights, 1984, Permit and Domestic Well Files, DWNr, Water Rights, Joe Foss Bldg., Pierre, SD

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

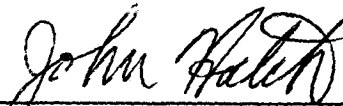
APPLICATION NO. 1313-1, Greg Tefertiller

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. 1313-1, Greg Tefertiller Sundance Star Route, Box 87, Spearfish, South Dakota.

The Chief Engineer is recommending APPROVAL of the Application No. 1313-1 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. That the well that was improperly located, improperly grouted with cement and completed December 15, 1983 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T7N, R2E be plugged with cement grout from the top of the production formation to the surface.
2. That the new No. 3 well be located at least minimum distances from sources of pollution listed in Water Management Board Rules 74:03:01.
3. That the construction of a new No. 3 well include pressure grouting with cement (bottom to top) of the casing above the water producing formation and compliance with Board well construction rules.
4. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See attached report for additional information



JOHN HATCH, Chief Engineer
Water Rights Division
August 9, 1984

Instruction to Newspaper - Publish first publication of the following Notice on or before August 15, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1313-1 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Greg Tefertiller whose mailing address is
Sundance Star, Route, Box 80, Spearfish, South Dakota has made an application for a permit

To appropriate 0.07 cubic feet of water per second for a suburban housing water distribution system from three wells all located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T7N, R2E. Well #1 penetrates the Minnekahta formation, Wells #2 and #3 penetrates the Spearfish formation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1313-1 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 the Civil Defense Room, Capitol Building, Pierre, South Dakota, September 26, 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 September 14, 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 September 14, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Bill Kunerth hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Queen City Mail

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Spearfish

County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

August 15, 1984

August 22, 1984

Bill Kunerth
(Signature)

Co-publisher
(Title)

August 22, 1984
(Date Signed)

Cost of Printing: 39.71



NOTICE OF HEARING ON
APPLICATION NO. 1313-1 TO
APPROPRIATE WATER

Notice is hereby given that Greg Tefertiller, whose mailing address is Sundance Star Route, Box 80, Spearfish, South Dakota has made an application for a permit to appropriate 0.07 cubic feet of water per second for a suburban housing water distribution system from three wells all located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T7N, R2E. Well No. 1 penetrates the Minnekahta formation, Wells No. 2 and No. 3 penetrate the Spearfish formation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1313-1 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 the Civil Defense Room, Capitol Building, Pierre, South Dakota, September 26, 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final nor 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 September 14, 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 46-1-4; 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-4, 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 ~~provided~~ 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, DWR, Joe Ross Bldg., Pierre, S.D. (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 September 14, 1984.

(33-21c, 86 lines)

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

August 31, 1984



Water Rights Division
DWNR
Joe Foss Bldg.
Pierre, SD 57501

Gentlemen:

Please furnish my office with a copy of the Chief Engineer's recommendations as per your Notice of Hearing on Application No. 1313-1 to Appropriate Water published in the Spearfish, South Dakota Queen City Mail on August 22, 1984. Thank you very much for your cooperation in this matter.

Sincerely yours,

Thomas E. Carr

TEC/cjv

Enclosure-copy of Notice

Spearfish, S. D.
Sept. 12, 1984

Chief Engineer
Water Rights Division
Joe Joss Building
Pierre, S. D.

We are protesting the water application
No. 1313-1 by Greg Repertiller, whose address
is Sundance Star Rte Box 80 Spearfish, S. D.

He is asking for three wells to be
placed in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 32 Twp 7N
R 2E in Lawrence County.

Our Buildings are in SW $\frac{1}{4}$ Sec 29
Twp 7 N. 2 of Lawrence County. We have
been dairy farmers on this place for
35 years using our artesian well, with a
pump. The past five years our water
table has dropped so we hardly have
sufficient water for our dairy herd.
We feel it is because of the new wells
drilled for housing and irrigation.

We suggest that applicants for water
permits in this area be required to
place their wells in the Madison
formation.

Thanks for your consideration

Mc Gugin Dairy, Inc

Regina Mc Gugin
Lex McGugin

Rt #1 Box 46 Spearfish 57783



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

September 12, 1984



Water Management Board
Water Rights Division
South Dakota Department of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Re: Greg Tefertiller
Water Permit Application #1313-1

Dear Sirs:

This office represents the William McGuigan family of Rural Route, Spearfish, South Dakota. The McGuigans are owners of a water right and well located in the SE $\frac{1}{4}$ of Section 5, Township 6 North, Range 2 East, Black Hills Meridian, Lawrence County, South Dakota.

The McGuigan family has consistently objected and opposed applications for water permits in and near their existing water right. These objections have been based on the fact that the Water Rights Division has failed to conduct a thorough and comprehensive study of the area in question. We have previously furnished information to the Water Rights Division from Dr. Gries of South Dakota School of Mines and Technology regarding the hydrology of this area, and we again refer you to this information.

The report of the hydrologist in this application indicates that there may be mixing of water from the various formations, and that probably most of the water attributed to the Minnekata formation actually comes from the zone where the Spearfish formation contacts the Minnekata. The hydrologist further indicates that the geology and hydrology of the area is complicated, and further acknowledges that the Division does not monitor or have any observation wells in the area. In addition, the Chief Engineer in his recommendation indicates that there is a "reasonable probability" that there is unappropriated water available for the applicant's proposed use.

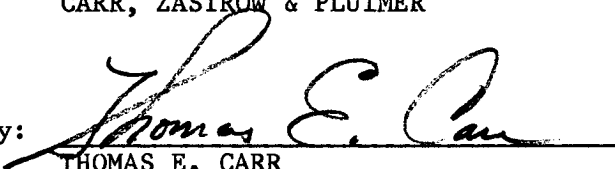
Water Management Board
September 12, 1984
Page Two

It is our opinion and position that the State's approach to issuance of water applications in this area is extremely short-sighted in light of the information contained in the reports and recommendations of your own hydrologist and chief engineer. We again urge the Board to undertake a study to obtain more precise information concerning the geology and water formations and hydrology of the area before issuing additional water permits. If the Board does not see fit to conduct a formal in-depth study of the area, at the very least, we request that any and all permits be issued subject to the priority rights of prior domestic wells and wells having prior water right, as recommended in Paragraph 4 of the Chief Engineer's Report and Recommendation.

Sincerely yours,

CARR, ZASTROW & PLUIMER

By:


THOMAS E. CARR

Attorneys for William McGuigan family

TEC/cjv
Certified Mail
Return Receipt Requested

Water Rights Division
605 773-3352

September 17, 1984

Greg Tefertiller
Sundance St Rt, Box 8D
Spearfish SD 57783

Dear Mr. Tefertiller:

For your information enclosed are copies of two letters our office
received in protest to your Application No. 1313-1.

Sincerely,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

enclosures



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 1, 1984

1313-1

Leo & Regina McGuigan
Rt #1, Box 46
Spearfish SD 57783

Dear Mr. & Mrs. McGuigan:

The Water Management Board at it's meeting September 26, 1984 approved Application No. 1313-1, Greg Tefertiller for 0.07 cfs of groundwater for a suburban housing development with the following qualifications:

1. That the well that was improperly located, improperly grouted with cement and completed December 15, 1983 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T7N, R2E be plugged with cement grout from the top of the production formation to the surface.
2. That the new No. 3 well be located at least minimum distances from sources of pollution listed in Water Management Board Rules 74:03:01.
3. That the construction of a new No. 3 well include pressure grouting with cement (bottom to top) of the casing above the water producing formation and compliance with Board well construction rules.
4. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

cc: Thomas E Carr, Attorney



Department of Water & Natural Resources

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

October 28, 1988

1313-1

Dean Sorenson
Sundance Star Route
Spearfish, SD 57783

Dear Mr. Sorenson:

The inspection of the water use system described in Water Permit No. 1313-1 (Greg Tefertiller) and the inspection of the extent of application of water to beneficial use, as developed under the permit have been completed. The final water right document, the water license, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and the issuance of the Water License. Upon receipt of the \$50.00 fee from you, Water License No. 1313-1 will be issued and sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Rassool Ahadi, the Staff Engineer who inspected the water use system, indicated you were taking care of things for the housing development, and should be contacted concerning the licensing requirements.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 14, 1984

Greg Tefertiller
Sundance Star Rt, Box 8D
Spearfish SD 57783

Dear Mr. Tefertiller:

Enclosed herewith is your Water Permit No. 1313-1 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. 1313-1.

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 black 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.

WNR-809-5/83

Mark Steichen
Office of Drinking Water
Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

September 17, 1985

Dear Mr. Steichen;

This letter is in regards to the situation which I spoke to you about on the phone this morning.

Spearfish Meadows Development, formerly MacKaben Development #1, has of April 9, 1985, a recorded Homeowners Association. We were promised by the developer that after this was done, the water system would be turned over to us. The developer, Everett MacKaben, sold his home to Greg Tefertiller and told him the water system would eventually belong to the homeowners.

We are now in the process of seeking to acquire ownership of the water system. The water system is inadequate. At this time we need some suggestions from your department about what we should do in order to have an adequate system.

There is one well in the middle of the development which supplies most of the water. There is another well on Tefertillers property that would be cut off from the homeowners if we acquired the water system. The 3rd well that Tefertiller dug and had planned to use was ordered capped by the State. You are aware of that situation. There was a 4th well dug in approximately the same place as the the 3rd well, but this was not capped. Our question is, if the Homeowners Association acquires the water system could we use this 4th well? There is one drainfield pipe within 100 feet of this well but we would be willing to move the drainfield. The new water lines are all in and it would be easy to hook up to that well and have adequate water for all homes.

The Homeowners would rather continue paying Tefertiller for water each month if we had an adequate supply.. He has been promising since February, 1984 that he would soon have ample water for all homes. The water supply to at least 8 homes is very poor. At times they have only a trickle of water. It is very frustrating to say the least.

We would appreciate any suggestions you could give us regarding this situation. I can be reached days at 642-4607 or evenings at 642-3088. If someone from the Rapid City office is going to be in Spearfish in the near future, please let me know and I will arrange to have some of our board members meet with him.

Sincerely,

Fran Fremont

Fran Fremont, Secretary

Spearfish Meadows Homeowners Association
9 Pioneer Lane
Spearfish, SD 57783

RECEIVED

SEP 17 1985

SOUTH DAKOTA DEPARTMENT OF
WATER RESOURCES
OFFICE OF DRINKING WATER



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

September 25, 1985

NOTICE OF ORDER TO PLUG WELL

Greg Tefertiller
Sundance Star Rt, Box 8D
Spearfish SD 57783

Dear Mr. Tefertiller:

I am writing in regard to Water Permit No. 1313-1 and the Permit Qualification that requires an improperly constructed and located well (known as Well No. 3) in the SE 1/4 SE 1/4 Section 32, T7N, R2E to be plugged with cement. The latest information I have is that this well which was completed December 15, 1983 has not been plugged.

The Spearfish Meadows Homeowners Association has now written regarding a fourth well located near Well No. 3. We have no records on any fourth well. Please provide information on the fourth well.

When the Water Management Board approved Permit No. 1313-1 with the plugging qualification, it was clear the Board would not allow Well No. 3 to be used. Therefore, pursuant to SDCL 46-6-18, Well No. 3 must be considered to be abandoned and be plugged. You are ordered to plug Well No. 3 from the bottom to the top with neat cement grout prior to November 1, 1985.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

cc: Daniel Doyle, Assistant Attorney General
bcc: Mark Steichen

Equal Opportunity Employer

CERTIFICATION

I hereby certify that on September 26, 1985, I have personally deposited with the U.S. Mail, postage prepaid envelope containing the NOTICE of Order to Plug Well address to: Greg Tefertiller

Sundance Star Rt, Box 8D
Spearfish SD 57783

cc: Daniel Doyle, Assistant Attorney General
bcc: Mark Steichen, Drinking Water

Karen Schlaak

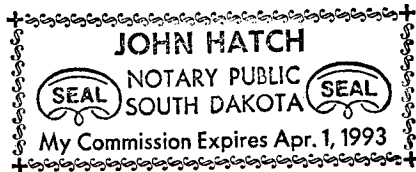
KAREN SCHLAACK
Administrative Aide

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Swore to, before me, this 27th day of September, 1985.



John Hatch

Notary Public

October 29, 1985

MEMO TO: Darron Busch

FROM: Mark Steichen *MS*

SUBJECT: 5.4 Spearfish Meadows



I spoke by telephone with Greg Tefertiller on 10/28/85 about the notice of violation for failure to monitor for SDWA compliance. He said he would contact Jim Travis of Travis Laboratories in Rapid City to arrange for inorganic and radiological analyses. A copy of the contract will be sent to us. I also indicated that bacteriological samples must be taken as required.

On another matter, he said the well that had been ordered to be plugged by the Water Management Board is scheduled to be plugged this week. A follow-up inspection should be performed by Water Rights' staff or Black Hills Regional Office.

cc: Roxanne Giedd
John Hatch ✓

Conversation or File Documentation

NAME OF PERSON OR FILE: Greg TefertillerADDRESS: Spearfish, SD COUNTY LawrenceDATE: OCT. 31, 1985 TELEPHONE -RE: Qualification #1 on permit

COMMENTS:

I stopped & discussed the plugging of the well with Mr. Tefertiller. He stated that he was planning to plug the well the next day Nov. 1, 1985. He stated that he would plug it to within 3 feet of the ground surface.

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: Elwin H. Bragg, P.E.

Conversation or File Documentation

NAME OF PERSON OR FILE: Greg TefertillerADDRESS: Speartish, SD COUNTY LawrenceDATE: December 22, 1985 TELEPHONE _____

RE: _____

COMMENTS:

On December 18, 1985, I talked to Greg Tefertiller about the well that they were to plug. He said they have it plugged but not all the way to the top. He said they used around 3600 to 3900 pounds of cement, but that was not enough to reach the top. They intended to finish to the top but the snow fall made it impossible to get a cement truck down to the well. I went over to the well with him. You could see that they had been working on it and it would be very hard to get a truck down to it. Mr. Tefertiller said he would send us a copy of his receipt for the cement.

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: Timi Schan



Department of Water & Natural Resources

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

November 8, 1988

1313-1

Dean Sorenson
Spearfish Meadows Subdivision
Sundance Star Route
Spearfish, SD 57783

Dear Mr. Sorenson:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 1313-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to the proper name.

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 us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



Conversation or File Documentation

NAME OF PERSON OR FILE: Fran Fremont w/Spearfish Meadows Subdivision

ADDRESS: _____ COUNTY _____

DATE: November 4, 1988 TELEPHONE _____RE: ownership of Water Permit No. 1313-1

COMMENTS:

Ms. Fremont called to inquire about the licensing process and also ownership of Water Permit No. 1313-1, listed in the name of Greg Tefertiller.

She indicated they had paid Mr. Tefertiller for the well and feels that the permit should be listed in the name of Spearfish Meadows Subdivision.

Send transfer form to Dean Sorenson, Sundance Star Route, Spearfish, SD

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: Denay McMath

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-6-88

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

two wells in the SE $\frac{1}{4}$ Section 32, T7N, R2E

formerly owned by Greg Tefertiller

has been transferred to Spearfish Meadows 3 Ferny Rd
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1313-1 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)
County of Lawrence) ss.

I, Bonnie Noteboom 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.

Dean Sorenson
(Signed) Spearfish Meadows.

Subscribed and sworn to before me this 16th Day of December, 1988

Bonnie Noteboom
(Notary Public)
Comm. Expires April 21, 1995



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411583

Pierre, January 9, 19 89

RECEIVED OF Spearfish Meadows, 3 Jerry Road, 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 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 <u>for Water Permit No. 1313-1</u>	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

Chief Engineer

John Hatch
15



Department of Water & Natural Resources

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

January 13, 1989

1313-1

Dean Sorenson
Spearfish Meadows
3 Jerry Road
Spearfish, SD 57783

Dear Mr. Sorenson:

This will acknowledge receipt of the "Notice of Transfer" form and the \$2.50 filing fee you submitted. Water Permit No. 1313-1 has been transferred from Greg Tefertiller to Spearfish Meadows.

Just a reminder, the \$50.00 fee for inspection and issuance of the water license, which was requested on October 28, 1988, has not yet been received. Upon receipt of the \$50.00 fee from you, Water License No. 1313-1 will be issued.

Enclosed is Receipt No. 411583 in the amount of \$2.50 which you paid for filing the "Notice of Transfer". If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



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

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

April 30, 1990

Mike Irish
#7 Pioneer Lane
Spearfish, SD 57783

1313-1

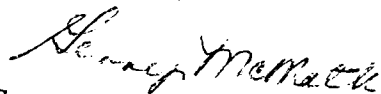
Dear Mr. Irish:

Enclosed, as you requested, are copies of Water Permit No. 1313-1, the inspection report, well log, staff report, last correspondence and other pertinent information contained in the permit.

Just a reminder, the \$50.00 fee is still due for the inspection and issuance of the Water License. Under South Dakota Water Law 46-5-30.1, a permit holder may not divert water until the \$50.00 fee is paid.

If you have any questions concerning the enclosed information, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412240

Pierre, May 14, 19 90

RECEIVED OF Spearfish Meadows, 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 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. <u>Water Right No. 1313-1</u>	50 00
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	50 00

By John Hatch
Chief Engineer

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Greg
Tefertiller of Sundance Star Rd. Box 80, Spearfish, SD holder of
Permit No. 1313-1, bearing the priority of May 5 ⁵⁷⁷⁸³ 19 ⁸⁴ 84 authorizing
the diversion of 0.07 cu. ft. per second of the waters of groundwater
for suburban housing purposes, in Lawrence County.

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

A. Works used to divert the water:

Two submersible pumps, 25 gallons per minute capacity each.

Two submersible motors, $1\frac{1}{2}$ horse power each.

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

1½ inche Polyvinyl Chloride (PVC) pipe, 800 feet long.

C. Works used to apply water to beneficial use:

Water is used for a suburban housing development.

The system is in the following condition Good

The point of diversion is located Well #1: Approximately 910 feet west; 550 feet north

Well #2: Approximately 1300 feet west; 240 feet north from the southeast corner of Section 32, T7N-R2E.

The works are capable of diverting and conveying to the place of use 0.11
cu. ft. per second of water which is to be used for suburban housing

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

Water is used for washing, cooking, sanitary in a suburban housing development.

comprising a total of NA acres of land and the license should be issued for 0.07 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 5/25/88

(signature)

nrshadi

dams & structures: _____

**Completion Report Yes No X No. of Wells 2 Depth Approx. 220 feet

** No well log available.

a) size 1 1/2 inches
b) type Polyvinyl Chloride (PVC)
c) length 150 feet

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	NA___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
___	NA___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

LICENSE FOR PERMIT NUMBER 1313-11. Legal location of wells: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T7N-R2Edams & structures:2. Well Information: Well Drilling Firm Gerry Ellingson

Completion Report	Yes <u>X</u> No <u> </u>	No. of Wells	<u>2</u>	Depth	<u>158 feet</u>
Casing	a) diameter	<u>4 inches</u>	Screen	a) type	<u>Unknown</u>
	b) length	<u>150 feet</u>		b) length	<u>NA</u>
	c) type	<u>Steel</u>	Static Water Level	<u>20 feet</u>	
Pump	a) make	<u>Submersible</u>	Motor	a) make	<u>Submersible</u>
	b) model	<u> </u>		b) model No.	<u> </u>
	c) size	<u> </u>		c) horsepower rating	<u>1$\frac{1}{2}$</u>
	d) capacity	<u>25</u> gpm			
	e) turbine pump - no. of stages	<u> </u>			
	f) operating PSI	<u> </u>			

3. Distribution lines or canals

a) size $\frac{1}{2}$ inch
 b) type Polyvinyl Chloride (PVC)
 c) length 650 feet

4. Dam Information:

a) height to crest <u> </u>	m) Outlet tubes:
b) height to primary spillway <u> </u>	1) diameter <u> </u>
c) height to secondary spillway <u> </u>	2) type <u> </u>
d) crest width <u> </u>	3) valved (Y/N) <u> </u>
e) crest length <u> </u>	4) valve type <u> </u>
f) spillway length <u> </u>	5) location on structure <u> </u>
g) spillway width <u> </u>	
h) approx. storage <u> </u>	n) Category of Dam <u> </u>
i) approx. storage to crest <u> </u>	
j) date constructed <u> </u>	
k) inspection sheet completed (Y/N) <u> </u>	
l) Name of Contractor <u> </u>	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

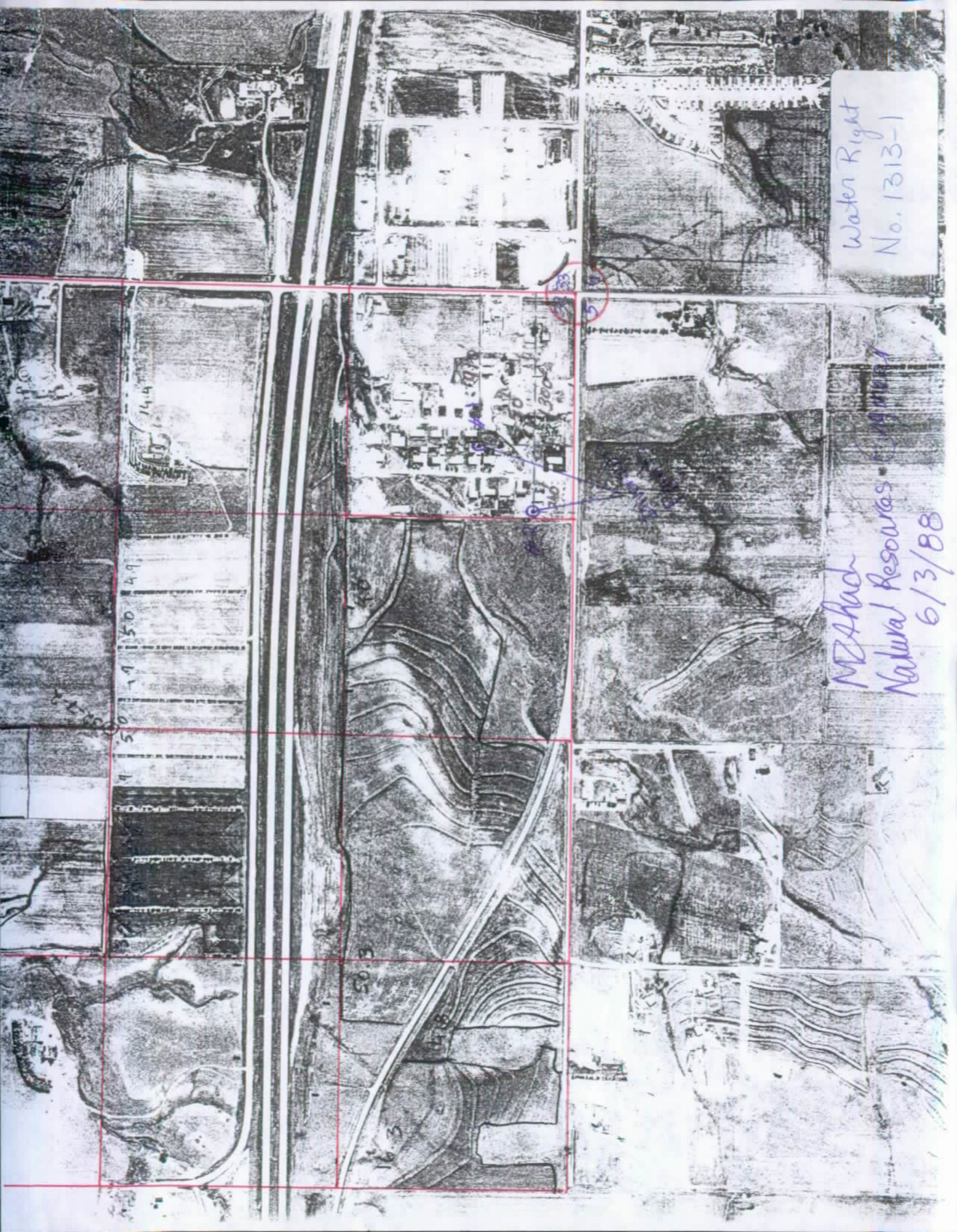
- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	NA ___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
X	___	2. Special qualifications to permit being abided by?
X	___	3. All structures, wells and lands on map?
___	NA ___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	X	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:



Water Right
No. 1313-1

MZshad
Natural Resources Center
6/3/88

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1313-1

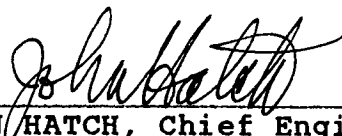
(1) Greg Tefertiller of Sundance Star Rt, Box 8D, Spearfish, SD 57783 made Application No. 1313-1, May 23, 1984 for a water permit to appropriate 0.07 cubic feet of water per second from groundwater, Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1313-1 with a priority date of May 5, 1984 was approved September 26, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 26, 1989 and for the application to beneficial use of said water on or before September 26, 1993.

On January 9, 1989, Water Permit No. 1313-1 was transferred to Spearfish Meadows, Spearfish, SD.

(2) It is certified that the applicant 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 0.07 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - approximately 910' W and 550' N; Well #2 - approximately 1300' W and 240' N, both from the SE corner of Section 32, T7N, R2E (SE1/4 SE1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 Spearfish Meadows of c/o Mike Irish, #7 Pioneer Lane, Spearfish, SD 57783-8704 the holder(s) and/or owner(s) of Water Permit No. 1313-1 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from groundwater (two wells) with a priority date of May 5, 1984 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1313-1 and subject to South Dakota State Law.



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

JUN 21 1990



Department of Water & Natural Resources

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

JUN 21 1990

1313-1

Spearfish Meadows
c/o Mike Irish
#7 Pioneer Lane
Spearfish, SD 57783-8704

Dear Mr. Irish:

Enclosed is Water License No. 1313-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412240 in the amount of \$50.00 which you paid for the inspection 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. 1313-1, 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,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures



A/M 1313-1

This is a photocopy of
Sec 32-7NRE taken from Aerial Photograph
46081-130-28R.

Robert H. Palmer 6/1/84
County Executive Director
Butte-Lawrence County AS68

Well #3

32