

Considered: _____

WATER PERMIT NO. 1337-1

MAP No. Same

Name of Applicant Vern Backens

Post Office Address Box 5107 Spearfish S.D.

Amount of Water Claimed 0.33 Total Acres _____

Source of Water Supply Groundwater 1 well Minnehaha

Water to be used for Com County Lawrence

About 2 miles N of Spearfish

PROOF OF PUBLICATION: Received let 8-30-85 Not Received _____

APPLICATION: Approved 10-16-85 Subject to _____

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

PRIORITY _____ Date Received 6-21-85 Fee \$225.00 Remarks Map
received 6-21-85

Corrected Application Received _____ Period of Annual Use 1-1 to 12-31

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point NW⁴ NE⁴ NW⁴ sec. 32 T7N-R2E

Land to be Irrigated N.A.

32					

Well Log: Driller N&L Licensed YES X NO _____

Depth of Well 462 feet REMARKS _____

Type of Map Plat PREPARED BY Mark Backens Reviewed and the Number
assigned on 6-25-85 By Kevin P. Larson

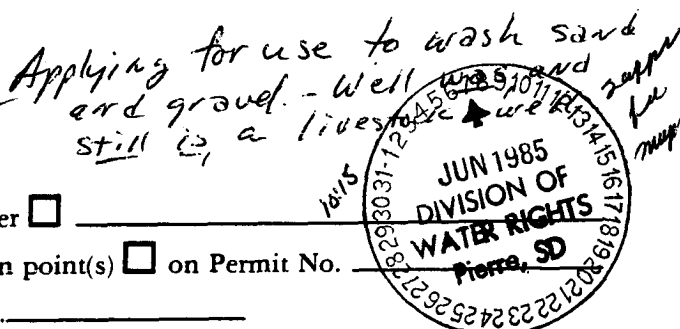
No. <u>1337-1</u>	Hydrologic Unit <u>10120203</u>
Map No. <u>Same</u>	Basin <u>Belle Fourche</u>
Newspaper <u>Queen City Mail Box 7</u>	<u>Spearfish (Wed)</u>

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 retained
 Change 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. _____



- Name of Applicant Vern Backens Phone No. 642-2159
 Post Office Address Box 5107 Spearfish State SD 57783
(Street, RR or Box) Zip Code
- Amount of water claimed (c.f.s) 150 gal/min. 0.33
- Source of water supply Minnelusa
- Location of point of diversion Well - SW 1/4 NE 1/4 NW 1/4 Sec 32 Twp 7N
Rg. 2E Lawrence County South Dakota.
 _____ County Lawrence
- Counties where water will be used Lawrence
- Annual period during which water is to be used Annual

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)

Well is pumped an average of 3 hours a day into a holding pond where it is pumped and recirculated through a sand and gravel wash plant. The sand and gravel operation is closed during the winter and on week-ends.

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)^{ss}

I, Vern Backens 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 Vern Backens

Subscribed and sworn to before me this 4th day of June 1985

Julie Ann Schmitt
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1337-1

Vern Backens (Applicant) Box 5107 Spearfish (Post Office Address)
South Dakota (State) 57783 (Zip Code) With the following qualifications.

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.

Date of first receipt of application June 7, 1985.

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

Date of receipt of corrected application —, 19—. Approved October 16, 1985.

The Water Management Board hereby approves this Water Permit No. 1337-1 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 June 7, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is —, 19—.
5. The water appropriated shall be used for the purpose of Commercial use
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 0.33 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 Commercial use on or before —, 19—; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD
 By: John H. Hater Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
NOV 19 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 7/8" surface Depth 20' 402'
- b) Casing Type Iron Diameter 12 3/4" OD Thickness _____
- c) Screen Type Open Hole - 20' below casing Diameter _____ Thickness _____
- d) Gravel Pack Thickness Pressure Grout (30 sacks of cement) Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) Static level 60' when drilled (Aug. 1983)
- g) Distance to nearest existing domestic well:
On applicants property 1/4 mi On property owned by others 1/2 mi

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 _____

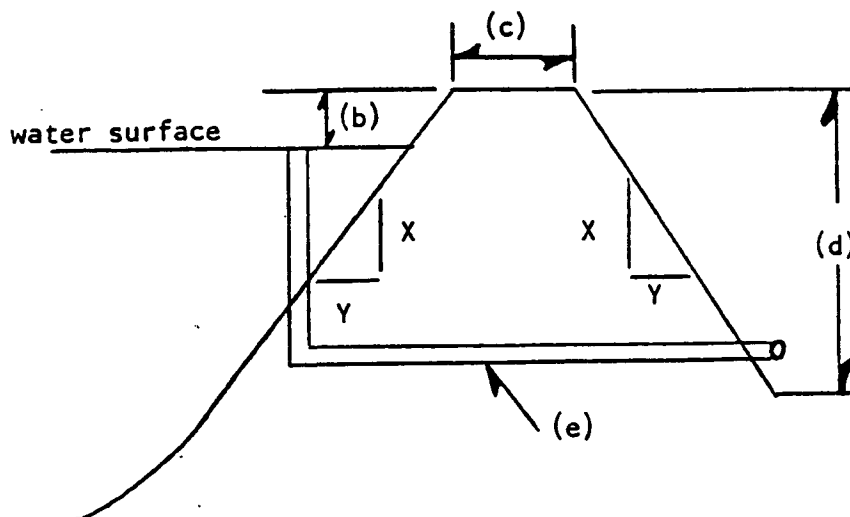
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

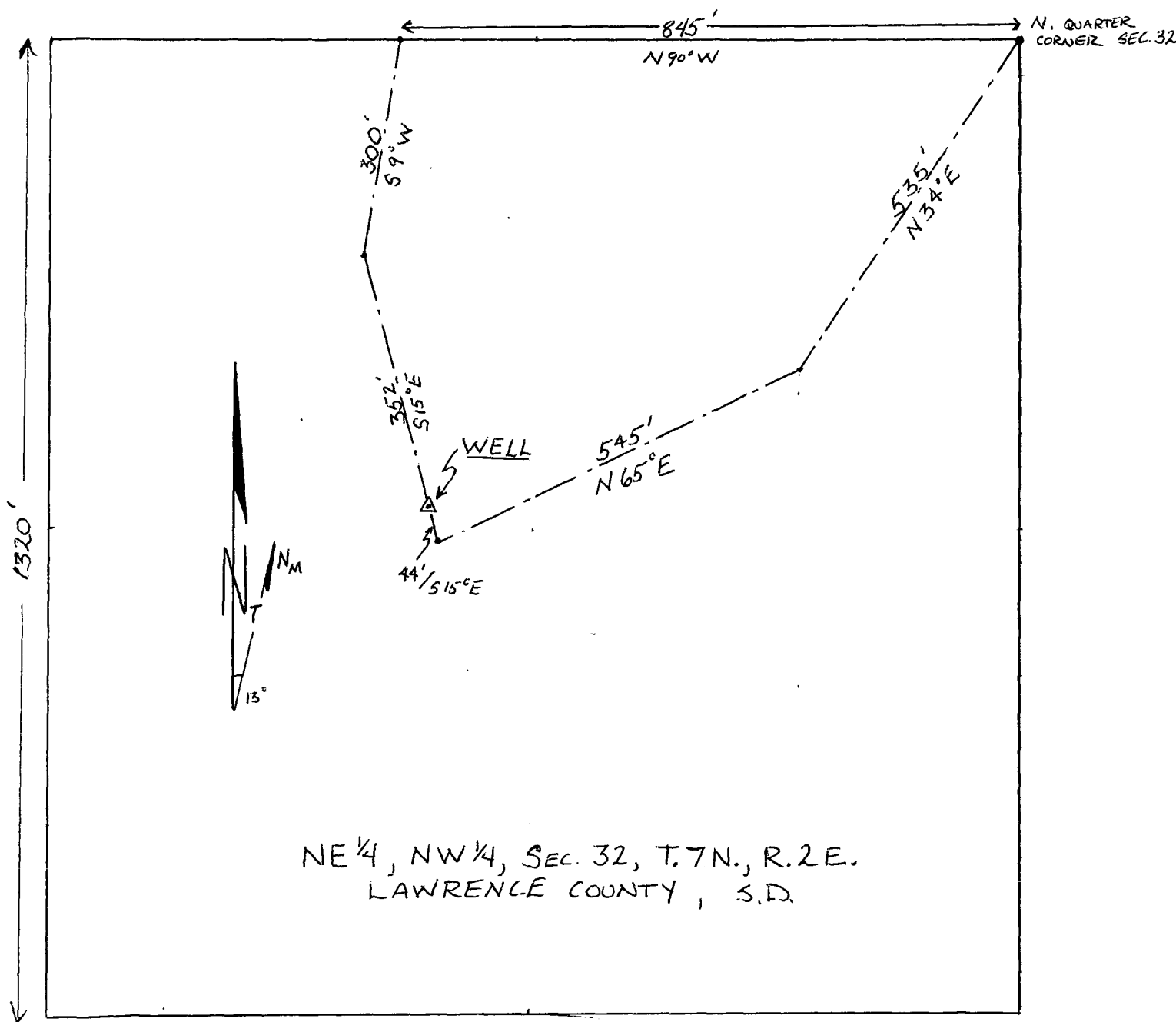


Signature of Applicant _____

LOCATION MAP OF DIVERSION POINT

LEGAL DESCRIPTION: NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SEC. 32, T.7N., R.2E.

FILED BY: VERN BARKENS, 19 JUNE, 1985



SCALE



1:2400

PREPARED BY: MARK BARKENS

GEOLOGICAL ENGINEER

1337-1

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

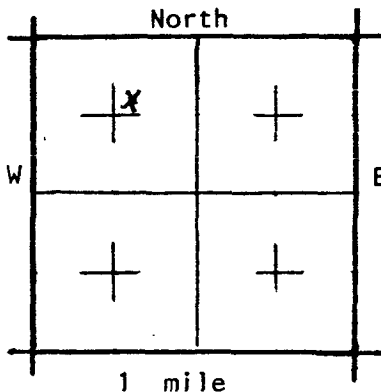
Well Owner:

Name Kern Backens

Address Spanish S.D.

Well Location:

Mark location
with an "X"



County Lawrence

NE 1/4 NE 1/4 Sec. 32 Twp. 7N Rg. 2E

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 6" 5 1/2" 4" 500

Depth 426

Casing ☐ Steel ☐ Concrete

☒ Plastic ☐ Other

If other, specify _____

Was casing end left open YES

Was a well screen installed NO

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed NO

Was well grouted YES

Was water sample taken NO

Remarks:

WE DEEPEMED WELL FROM
354' TO 500 FT CASED WITH
4" PLASTIC.

Water Level Information:

Static water level 11' below land surface

If flowing: closed in pressure _____ PSI

rate of low _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☐ Pumped

☐ Bailed

☒ Other

Describe: _____

Pumping Level Below Land Surface

100 ft. After 2 Hrs. pumped 60 GPM

40 " " 1 " " 12 "

Well Log.

Formation	Depth	
	From	To
<u>Red shale/stripe gyp</u>	<u>354</u>	<u>417</u>
<u>Red sand</u>	<u>417</u>	<u>419</u>
<u>white, cream & pink limestone</u>	<u>419</u>	<u>437</u>
<u>fine white & tan sand</u>	<u>437</u>	<u>455</u>
<u>limestone & sand</u>	<u>455</u>	<u>463</u>
<u>limestone</u>	<u>463</u>	<u>470</u>
<u>sand & limestone</u>	<u>470</u>	<u>500</u>

(Use Back if Necessary)

Date Completed: 11-11-80

Driller:

N & L Drilling
Driller's or Firm's Name

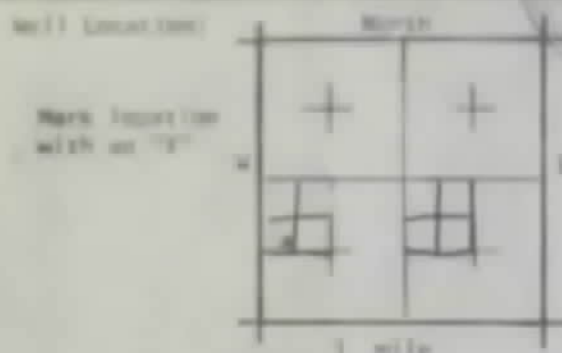
457
License NO.

HULETT, WY. 82720
Address

William Lindemann 11-11-80
Signed By Date

WELL DRILLERS REPORT
SOUTH DAKOTA WATER & POWER COMMISSION

Well Owner:
 Name Tom Doherty
 Address Lawrence, S.D.



County LAWRENCE
 SW 1/4 Sec. 31 Twp. 7N R. 2E

Proposed Use:
☒ Domestic ☐ Municipal ☐ Test
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
 Diameter of Hole 6" 4"
 Depth 393
 Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
 If other, specify _____

Was casing and left open YES
 Was a well screen installed YES
 Describe Well Screen
 Diameter _____ Material _____
 Slot size _____
 Was well gravel packed YES
 Was well grouted YES
 Was water sample taken NO

Remarks: REPLACEMENT WELL

Water Level Information:
 Static water level _____
 Pumping level _____
 Depth to water _____
 Depth to bottom _____
 Depth to bedrock _____
 Depth to other _____

Well Test Data:
☐ Pumped A.R. 1000
☐ Bailed _____
☐ Other _____
 Pumping Level Below Land Surface
2.80 ft. 1.5 ft. 6.0 ft.

Well Log:

Formation	Feet	%
Surface	0	1
Gravelly sand	1	4
Gravelly sand	4	6
Gravelly sand	6	12
Gravelly sand	12	10.5
Gravelly sand	10.5	10.5
Gravelly sand	10.5	11.9
Gravelly sand	11.6	11.9
Gravelly sand	11.9	14.4
Gravelly sand	12.4	17.9
Gravelly sand	12.4	18.9
Gravelly sand	14.4	24.2
Gravelly sand	14.4	28.0
Gravelly sand	18.0	18.1

(Use Back if Necessary)

Date Completed: 11/28/80

Driller:
W & L Drilling 457
 Driller's or Firm's Name (License No.)
Hallett, W & L
 Address
Tom & Margaret
 Signed By
11/28/80
 Date

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

2-78

Well Owner:

Name Victor Becken
Address RT 2 Beaver Springs SD

Water Level Information:

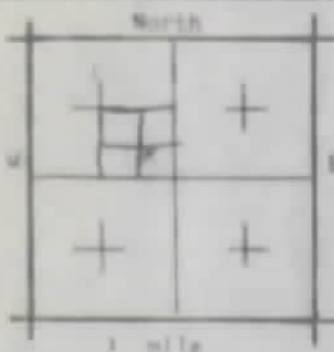
Static water level 561 Above land surface
If flowing: a used in pressure PSI
rate of flow gpm

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Well Location:



Mark location
with an "X"

County Lawrence

SE 1 SE 1 NE 4 Sec. 32 Twp. 7N Rg. 2E

Well Test Data:

☒ Pumped

☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

130	140	150	160	170
ft. After	1	1	1	1
hrs. pump	1	1	1	1
	1	1	1	1
	1	1	1	1

Well Log:

Formation	Depth	
	From	To
Surface	0	1
Reddish sandy loam	1	4
red & gray	4	23
red & white shale/silt	23	316
pink & gray limestone	336	371
red & white shale/silt	371	420
white limestone	420	478
gray & white fine sand	478	486
white limestone	486	506
gray & white sand	506	540
limestone	540	545

(Use Back if Necessary)

Proposed Use:

☒ Domestic ☐ Municipal ☐ Test
Holes

☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted

☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 6" 4"

Depth 480 486-545

Casing ☐ Steel ☐ Concrete

☒ Plastic ☐ Other

If other, specify _____

Was casing end left open

YES

Was a well screen installed

NO

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed

NO

Was well grouted

YES

Was water sample taken

NO

Date Completed:

07/12/81

Driller:

H. L. Pulling

457

Driller's or Firm's Name

License NO.

HULETT, INC

Address

Tom G. McNamee

07/13/81

Signed By

Date

Remarks:



Graf Drilling repaired the existing well by redrilling and putting in larger casing. The existing well had plugged.

TO

ADDRESS

CITY

SHIP TO

ADDRESS

CITY

REQ. NO.

FOR

DATE REQUIRED

TERMS

HOW SHIP

DATE

	QUANTITY		PLEASE SUPPLY ITEMS LISTED BELOW	PRICE	UNIT
	ORDERED	RECEIVED			
1	20'	(2)	15" hole	300	
2	20'		12 3/4" hole	110	
3	460'	(2)	8 3/4" hole	5060	
4	462'		6" ID. Iron Casing @ 6.80 FT	314160	
5	35 sks		Common @ 5.50 sks	19250	
6			Pressure proof	25	
7	30 sks		Cement	165	
8	50 #		Calcium chloride	10	
9			Pressure proof sand @ 460	25	
10	3 bags		Water with air @ 65	195	
11	1 hr.		Running Tubing for compressor	65	
12					
13			Tax 475 on \$3539.10	14164	
14				988074	
15			Tax 1.67		
16				15801	
17				10,038.83	
18					
19					
20					
21					
22					

DISPOSITION OF MATERIAL

Receiving Clerk

PURCHASING AGENT

RECEIPT

Division of Water Rights

No 410063

South Dakota Department of Water and Natural Resources

Pierre, June 7, 1985

RECEIVED OF Vern W. Backens, P.O. Box 5107, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1337-1</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

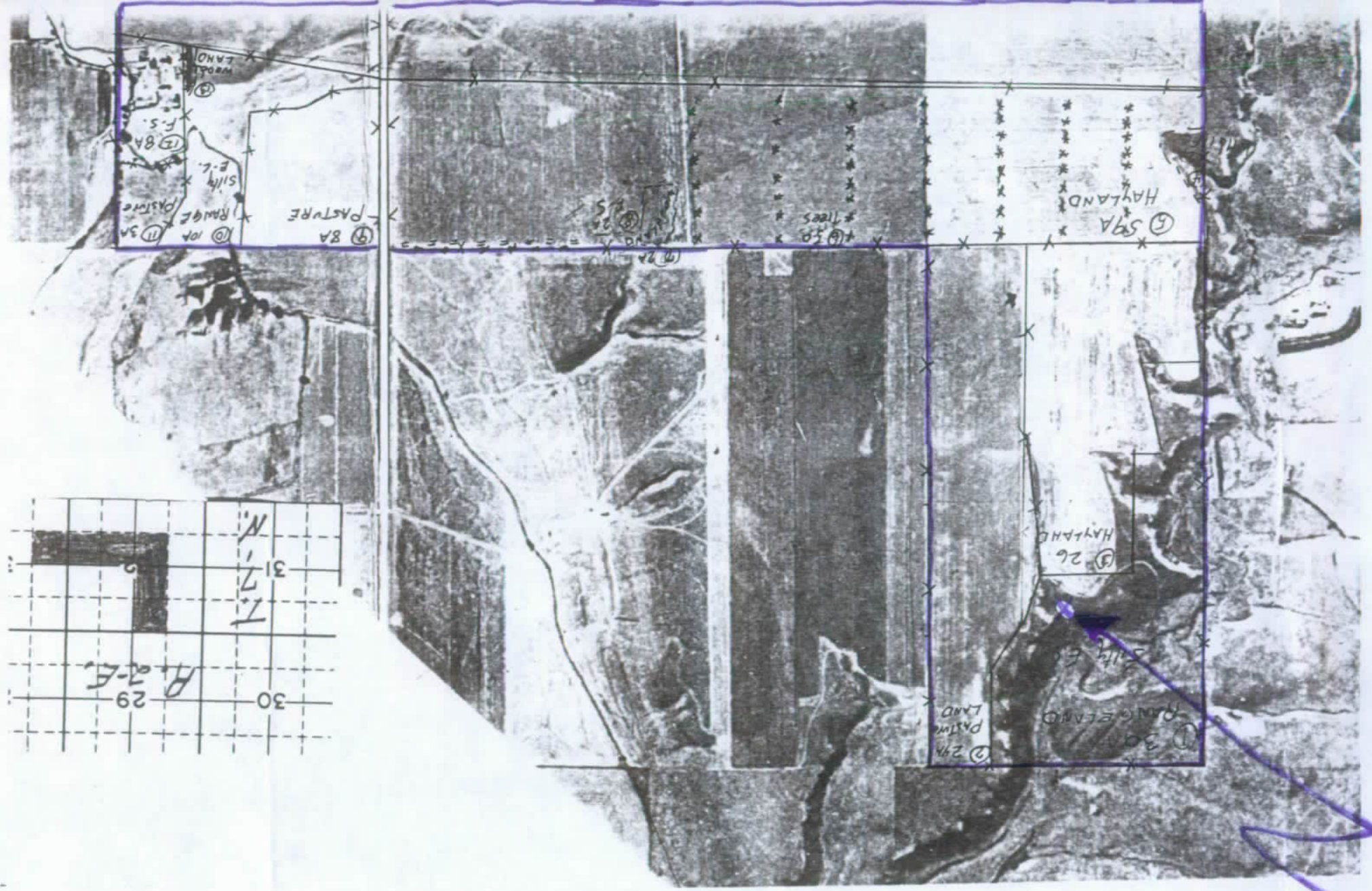
By

Chief Engineer

JOHN HATCH

CONSERVATION PLAN MAP
 1-4790
 LAWRENCE
 Conservation District
 Owner VERN BACKENS
 Operator State 5.0AK Photo No. _____
 County LAWRENCE
 Date prepared 4/23/74 Scale: 8" = 1 mile, Acreage = 742
 Approximate
 PREPARED BY U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE

Location of well



2-6-100

MEMORANDUM

TO: File

FROM: Jeanne Christensen

SUBJECT: Permit Nos. 958-1 McGuigan
1186-1 MacKaben

DATE: August 21-22, 1979

The author and James Winterton investigated a complaint written in by Tom Carr, attorney from Belle Fourche, that Everett MacKaben was violating his water right. Permit No. 1186-1 for allowing water to flow freely from a 300 foot Minnesota well for long periods of time. Permit No. 1186-1 allows 1 cfs of water from an estimated 800 foot Minnesota well. According to Mr. Carr and Dr. Gries, a member of the George S. Meyer School of Mines and Technology, Albert Auer's 300 foot Minnesota well and Hilma McGuigan's 300 foot Minnesota well caused flowing when MacKaben allowed his well to flow freely.

August 21, 1979

1:30 P.M. The author spoke with Dr. Gries about his studies on the water level. He concluded that there is a direct effect on William McGuigan's and Albert Auer's wells when MacKaben allows his well to flow freely. Dr. Gries supplied the author with notes on well loss for the three wells and Hilma McGuigan's notes on the water level of their well.

5:15 P.M.
5:45 A.M. The author spoke with Tom Carr, McGuigan's attorney, who pointed out the direct violation of MacKaben's permit. The author informed him that since McGuigan and Auer were not shut off water, MacKaben would probably get a new permit from the Minnesota DNR if he were to apply for it.

August 22, 1979

8:10 A.M. James Winterton and the author spoke with Everett MacKaben and told him to keep water use to a minimum until he either reappplied for water from the Minnesota DNR or drilled deeper into the Minnesota Formation. MacKaben's well has an estimated pressure of 10-15 psi and a flow of 100 gpm.

9:00 A.M. James Winterton and the author spoke to Hilma and Hilma McGuigan and looked at their well. The water level was 10 feet below the ground surface. The well is used for the house, watering the garden, and watering livestock and is equipped with a jet pump set at 170 feet.

10:15 A.M. James Winterton and the author spoke with Albert Auer and looked at his new and old well. The old well was equipped with a jet pump set at 170 feet and had a water level of 5.0 feet below the top of the casing. Auer said his old well dropped below 70 feet when MacKaben was running water through the fire hydrants. Auer was not presently using the new well because of sand problems. The water level in the new well was 10.5 feet below well opening.

MEMORANDUM

August 24, 1979

Page Two

Conclusions: MacLellan violated his permit, No. 1181-1, by putting a well into the Minnelusa Limestone instead of the Minnelusa Formation and allowing the well to flow freely for a long period of time.

The Mulligans and Auer have lost the flow in their wells but still have a sufficient amount of water to pump their needs with the aid of a pump.

MEMO: TO JOHN HATCH
FROM: J. GOODMAN
SUBJECT: PROBLEMS WITH DALE HARDY WELL SPEARFISH

INVESTIGATION WAS UNDERTAKEN ON 16 MAY 1985. I TALKED TO DALE HARDY AT RESIDENCE AND TO ROGER POTTORFF OF FISHER SAND AND GRAVEL COMPANY. THE GENERAL COMPLAINT WAS THAT THE HARDY WELL WOULD NOT FLOW ALL THE TIME NOW AND HARDY WONDERED IF THE WELL AT THE SAND AND GRAVEL PIT WAS AFFECTING HIS WATER LEVEL. BOTH WELLS IN T1N R2E S40N32

BRIEF SUMMATION OF INFORMATION ON HARDY WELL.

1. THIS IS A 6" WELL, WELL DRILLER ELLINGSEN
2. WELL COMPLETED IN LIMESTONE, 320' 6" CASING, PROBABLY A MINNEKANTA LIMESTONE WELL
3. WELL FLOWS INTO 7,000 GALLONS OF STORAGE FOR USE IN A SMALL HOUSING DEVELOPMENT
4. THERE IS A PUMP IN THE WELL.
5. THE WELL HAS CEASED TO FLOW BEFORE, HOWEVER, HARDY INDICATED HIS WELL WAS STRONG IN OTHER DRY YEARS.
6. HARDY WAS CONCERNED ABOUT WATER LEVELS BUT DIDN'T WANT TO CAUSE TROUBLE. HE INDICATED IF GRAVEL OPERATION WOULD NEED WATER BUT IF THEY CUT BACK TO A FEW HOURS PER DAY, HE HAD NO PARTICULAR PROBLEM.
7. HARDY WAS NOT OUT OF WATER.
8. HARDY THOUGHT HE HAD A PERMIT

BRIEF SUMMATION OF FISHER SAND AND GRAVEL OPERATION

1. FISHER LEASES LAND AND WELL GOES WITH IT.
2. V. B ~~ROSEN~~ ^{OCHEN}  OWNS WELL.
3. WELL IS 500' ± DEEP, ^{ORIGINAL DRILLER (M&L DRILLING #457)} JOE GRAF REWORKED WELL

4. THERE IS A PUMP IN THE WELL.
5. FISCHER HAS THREE PITS OF WATER, TWO ACT AS SETTLING PONDS AND THE THIRD, THEY PUMP OUT OF FOR WASHING WATER. THEY REUSE THE WATER. THEY PUMP THE WELL WATER INTO THE THIRD PIT.
6. R. POTORFF OF FISHER GRAVEL DID NOT KNOW ANYTHING ABOUT WELL OR PUMPING RATES. BRUCE NYGAARD IS THE MANAGER AT SPEARFISH. (682-7056 PHONE AT PIT)
7. POTORFF THOUGHT THE WELL OWNER HAD A PERMIT BUT REALLY DID NOT KNOW. HE DIDN'T WANT TO CAUSE ANY PROBLEMS.

CONCLUSIONS

1. HARDY WELL IS IN THE MINNEKANTA
2. FISCHER WELL (^{OCHEN}~~B~~?) IS PROBABLY IN MINNELUSA.
3. WATER LEVELS ARE NOT KNOWN, HARDY WELL FLOWS, BUT BOTH WELLS ARE PUMPED.
4. IN 1979, JEWNE ^{CHRISTENSEN}~~CHRISTENSEN~~ AND J. WINTERSON INVESTIGATED COMPLAINTS ABOUT 1/2 MILE AWAY. SAME SITUATION. BASICALLY, THAT IS MINNEKANTA WELLS CEASING TO FLOW. THERE WAS SOME DISCUSSION THAT THE MINNELUSA WAS ALSO AFFECTED BUT THIS WAS NOT CONCLUSIVE (SEE MEMO IN 952-1).
ALSO LAWRENCE COUNTY FILE
5. NEITHER HARDY NOR FISCHER SAND AND GRAVEL HAVE A WATER RIGHT.
6. RECOMMEND BOTH OBTAIN A PERMIT, BOTH PARTIES APPEAR TO BE REASONABLE AND WILL GET ALONG.
7. CAN NOT DETERMINE? AT THIS TIME, IF MINNELUSA PUMPING AFFECTS MINNEKANTA, THERE ARE NUMEROUS OTHER WELLS IN AREA USING BOTH FORMATIONS SO INTERFERENCE WOULD BE A DIFFICULT THING TO DETERMINE.

8. THE DRY WEATHER ALWAYS AFFECTS WELL WATER LEVELS IN THIS AREA FAIRLY QUICKLY.
9. ALSO, RECOMMEND SOME OBSERVATION WELL DRILLING INTO AT LEAST THE MINNEKAHTA, MINNELUSA AND MADISON.

DALE HARDY 642-3501

RR #1

Box 143D

SPEARFISH S.D.

BRUCE NYGAARD 642-7056 AT PIT

FISCHER SAND AND GRAVEL
Box 400 Westview Road
SPEARFISH, S.D.

VERN BOCHEN

RT 1 Box 143

SPEARFISH S.D.

WELL
OWNER

10. 2 BOCHEN WELL LOGS IN AREA OF GRAVEL PITS - ONE 500' DEEP, ONE 545' DEEP, BOTH IN MINNELUSA, STATIC LEVEL 80' + 11' BELOW LAND
ONE OF THESE IS WELL JOE GRAF REWORKED - ?
OTHER LOG IS AN EXAMPLE OF FLOW IN THE MINNEKAHTA - ABOUT 1 MILE EAST -

11. WITHOUT TOPOGRAPHIC MAPS OF THIS AREA IT IS DIFFICULT TO MATCH W/L'S, HOWEVER, THE MINNELUSA W/L APPEARS TO BE LONGER THAN THE MINNEKAHTA ?



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 24, 1985

Dale Hardy
RR 1 Box 143D
Spearfish SD 57783

Bruce Nygaard
Fischer Sand & Gravel
Box 400
Spearfish SD 57783

Gentlemen:

This letter is in response to conversations Dale Hardy and Roger Pottorff had with Jim Goodman of this office. The lowering of the Minnekahta water levels is nothing new in this area as we investigated similar concerns in 1979. At this time, we are unable to determine if the Minnelusa Formation (Bochens Well) and the Minnekahta Formation (Hardy Well) are hydraulically connected. The reported water levels would seem to indicate that water levels in the Minnekahta are higher than the Minnelusa, but this is not certain. It is entirely possible that pumping the Minnelusa would have no effect on the Minnekahta. There is considerable water use from the Minnekahta in this area, for suburban housing and some irrigation. This, coupled with the very dry spring would drop the water levels. We are planning to install monitoring wells in this area.

Also, checking our records, a water permit has not been issued for either well. State statutes require that a water permit be obtained for any suburban housing water supply and for sand and gravel mining. Enclosed are application forms to apply for a water permit.

Please let us know if you need assistance in completing the forms.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with a large initial "J" and a stylized "H".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:JG:ks

enclosures

Equal Opportunity Employer

PO Box 5107
Spearfish, SD 57783
June 4, 1985

Mr. Jim Goodman
Water Rights Division
S.D. Dept. of Water & Natural Resources
Pierre, SD 57501



Dear Jim:

In regard to our phone conversation of Monday, June 3rd,
I am sending you the application form for a water permit.
If you need other information please contact me. I hope this
is sufficient.

Thank you.

Sincerely,

Vern Backens

VERN W. BACKENS
Phone: 642-2159

1 Encl:

Ck \$225.00

June 13, 1988

Enclosed is my check for \$50⁰⁰
for a water permit. My water
right number is 1337-1.

Thank You

Vern Bachens
500 Westview Drive
Spearfish, SD 57783

Note:

Please correct my address to the
above address.

PO Box 5107
Spearfish, SD 57783
June 19, 1985

Water Rights Division DWNR
Joe Foss Building
Pierre, SD 57501

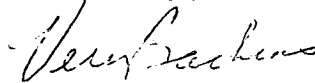
ATTN: Mr. Jim Goodman

Dear Mr. Goodman:

Enclosed is the well location map for the water permit application. Please amend my application to read the location of the well as NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 32 T7N, R2E, Lawrence County, South Dakota - instead of - SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 32, T7N, R2E, Lawrence County, South Dakota.

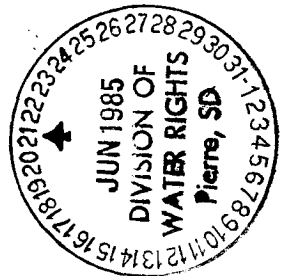
Thank you.

Sincerely,



VERN W. BACKENS

4 Encls



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 1337-1 - Vern Backens

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. 1337-1, Vern Backens, Box 5107, Spearfish, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1337-1 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:

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.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer

August 9, 1985

REPORT ON APPLICATION NO. 1337-1

VERN BACKENS

August 5, 1985

This application proposes to appropriate 0.33 cfs from an existing well 462 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T7N, R2E BHM. The water is used in a commercial sand and gravel washing operation. This well was originally drilled for livestock watering and then was reworked to provide more water. The well is still used for stockwatering.

Aquifer - Minnelusa Formation

The Minnelusa Formation is a varied assemblage of sandstone, limestone, dolomite and shale of Pennsylvanian and early Permian age (Rahn, 1979). In the northern Black Hills, especially the upper Minnelusa is mostly sandstone and has been a prolific water producer. A good general review of the geology and hydrology of the Minnelusa and Madison was published by the SDGS (Cox, 1962). The SDGS has estimated the total water recoverable from the Minnelusa in Lawrence county to be 5.6 million acre-feet and a total thickness of the formation in the area of this application to be about 500 feet (Allen, Etal, 1984). The Minnelusa is under artesian conditions and this well has a reported static water level of 60 feet below land surface. There is no driller's log available; however, the construction data from the Graf Drilling indicates the well is constructed adequately.

Review of Existing Water Permits

There are numerous ground water rights and domestic wells (Water Rights Division 1985) in the area of this application. Only one permit No. 1257-1 for .33 cfs from the Minnelusa formation is within 1 mile of this application; however, there are seven other groundwater permits within 1 mile of this application which are issued from the Madison, Minnekahta and Alluvium (sand and gravel). At this time, evidence does not exist to demonstrate conclusively if these formations are hydraulically interconnected or not. My feeling is that most of the evidence suggests these formations are not interconnected, especially over large areas. There have been two complaints handled by the Water Rights Division in this area over the last few years. (enclosed copies) All complaints concerned declining water levels or interference problems. Thus far, the Water Rights Division has not recommended or advised the Water Management Board to restrict water use from any geologic formation in the Spearfish area. The Water Rights Division is aware of potential problems and is planning to construct observation wells in this area to monitor water levels.

Conclusions

1. There is water available from the Minnelusa Formation.
2. This is an existing well and has been in use for these purposes.
3. Interference should not be a problem. The well is used to make up water lost during gravel washing. The water is recycled through settling ponds and is reused. The well will not be in use more than 3 hours per day and is not used on weekends or holidays.

4. The geology of this area is relatively simple, but the geohydrology may be complicated. The Water Rights Division is aware of potential long term problems and is working to obtain data to determine any effects.


James A. Goodman
Hydrologist

Bibliography

- Allen, J. C., D. L. Illes, A. K. Petres, 1984, Draft Final, Analysis of Ground Water and Streamflow Data Western Dakotas REgion of South Dakota, for U.S. Army Corps, DWNr, Office of Geological Survey, Vermillion, South Dakota, 57069.
- Cox, E. J., 1962, Artesian Water, Minnelusa and Pahasapa Formations, Spearfish-Belle Fourche Area, Special Report 19, SDGS, Vermillion, South Dakota 57069.
- Rahn, P. H., 1979, Ground Water Resources of Western South Dakota, for U.S. Army Corps of Engineers, SDSM & T Project No. 2533, Rapid City, South Dakota 57701
- Water Rights Division, 1985, Water Rights Division Well Files, DWNr, Water Rights Division, Joe Foss Building, Pierre, South Dakota 57501.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE }

SS.

Bill Kunerth

_____ of said County and State being first
duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal weekly newspaper
of general circulation, printed and published in the City of Spearfish, in said County and
State by Bill Kunerth, and has been such a newspaper during the times hereinafter mention-
ed; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has
been published within said County in the English language for at least one year prior to the
first publication of the notice herein mentioned, and is printed in whole or in part in an office
maintained at the place of publication; and That I Bill Kunerth

the undersigned, am the co-publisher _____ of said newspaper
and have personal knowledge of all the facts stated in this affidavit; and that the advertise-
ment headed:

Notice of Hearing on Application

1337-1 to Appropriate Water.

a printed copy of which is hereto attached, was printed and published in said newspaper for

2

successive and consecutive weeks, the first

publication being made on the 21 day of August, 1985

and the last publication on the 28 day of August, 1985

that the full amount of fees charged for publishing same, to-wit: The sum of \$41.55

inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or
understanding for a division thereof has been made with any person and that no part thereof
has been agreed to be paid to any other person whomsoever.



Bill Kunerth

Subscribed and sworn to before me this 28 day of August, 1985

Oliver F. Hermann
NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA

My commission expires

Sept. 11, 1987

NOTICE OF HEARING ON APPLICATION NO. 1337-1 TO APPROPRIATE WATER

Notice is hereby given that Vern Backens whose mailing address is Box 5107, Spearfish, South Dakota, has made an application for a permit to appropriate 0.33 cubic feet per second from one existing well 462 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T7N-R2E. Water is used in a commercial sand and gravel washing operation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1337-1 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 Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, S.D., October 16, 1985 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 the Applicant and the Chief Engineer by October 4, 1985. 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 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.

No. _____

AFFIDAVIT OF PUBLICATION

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 October 4, 1965.

(22-000, 50 lines)

No. 1337-1

Instruction to Newspaper - Publish first publication of the following Notice on or before August 21, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1337-1 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Vern Backens whose mailing address is
Box 5107, Spearfish,, South Dakota has made an application for a permit

to appropriate 0.33 cubic feet per second from one existing well 462 feet deep located
 in the NE 1/4, Section 32, T7N-R2E. Water is used in a commercial sand and gravel
 washing operation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1337-1 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 Howard Johnson,
Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16, 1985 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 con-
 clusion 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 October 4, 1985.
 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; 46-2A-1 thru 46-2A-10, 46-2A-12,
 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2,
 46-5-31; ~~(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 October 4, 1985.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 19 1985

Vern Backens
Box 5107
Spearfish SD 57783

Dear Mr. Backens:

Enclosed is your Water Permit No. 1337-1 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the 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 written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: kb

enclosure

December 21, 1988

MEMO TO: Jim Winterton

FROM: Rassool Ahadi

RE: Pumping Rate for WR# 1337-1

Water Right No. 1337-1 is authorized to divert 0.33 cfs from a well in Section 32, T7N-R2E in Lawrence County. On May 25, 1988, this water right was inspected. The inspection showed that the pump used to divert water has more capacity than the authorized diversion rate. However, according to the application, the water is pumped three hours per day. If they pump three hours every day with a rate of 1.67 cfs (pump capacity), they would divert approximately 135,270 gallons per day. If they would pump 0.33 cfs, as authorized by the permit, they would be diverting approximately 214,000 gallons per day. The comparison shows that even with a higher pumping rate, they would not divert more water than it is authorized in a 24 hour period. Besides, the gravel pit operation is closed during the winter and on weekends.

 Fisher Industries
Mining Our Business

January 30, 1989



Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Mr. Ahadi:

Sorry about the delay. I hope this is the information you needed.

Model #: 6S2BHH-3
Serial #: 11 03349
Impeller Dia.: 4 7/16
B.M.: B57184
H.P.: 5 $\frac{1}{2}$

Thank you,

Bruce R. Nygaard
Area Manager

BN:bs





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1337-1

June 3, 1988

Vern Backens
Box 5107
Spearfish, South Dakota 57783

Dear Mr. Backens:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1337-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411285

Pierre, June 15, 1988

RECEIVED OF Vern W. Backens, 500 Westview Drive, 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>1337-1</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
JOHN HATCH (MS)

LICENSE FOR PERMIT NUMBER 1337-1

1. Legal location of well: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T7N-R2E

dams & structures: _____

2. Well Information: Well Drilling Firm N & L Drilling

No. of wells 1 Depth 500 feet

Casing a) diameter 6 inches Screen a) type none used

b) length 400 feet b) length _____

c) type Polyvinyl Chloride Static Water Level 15 feet

Pump a) make Berkeley Motor a) make Berkeley

b) model 6S2BHH-3 * b) model no. B57184*

c) size _____ c) horsepower rating 5 $\frac{1}{2}$ *

d) capacity 200 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 8 inches

b) type Polyvinyl Chloride (PVC)

c) length 350 feet

* Information regarding the pump and the motor received from Bruce Nygaard, pump installer.

Both motor and the pump are submersible.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

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 _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) 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) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

____ NA ____

X ____

X ____

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

Water District**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 Vern Backens

of 500 Westview Dr. Spearfish S.D. 57783 holder of
Permit No. 1337-1, bearing the priority of June 7 1985 authorizing
the diversion of 0.33 cu. ft. per second of the waters of groundwater-Minnelusa
for commercial purposes, in Lawrence County.

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

A. Works used to divert the water:

A Berkeley submersible pump, 200 gallons per minute capacity.

A Berkeley submersible motor, 5½ horse power.

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

8 inch Polyvinyl Chloride pipe (PVC), 350 feet long.

C. Works used to apply water to beneficial use:

The water is used to wash gravel.

The system is in the following condition very goodThe point of diversion is located approximately 2000 feet east, 830 feet south from the Northwest
corner of Section 32, T7N-R2E. (NE¼ NW¼)The works are capable of diverting and conveying to the place of use 0.44
cu. ft. per second of water which is to be used for washing gravel

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

The water is pumped into a pond. The water is then pumped out of the pond and on the
gravel stockpile and used to wash gravel. the return water flows back into the pond
and is reused. Water from the well is pumped into the pond whenever the pond level
drops below a certain point.

comprising a total of NA acres of land and the license should be issued for 0.33 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 5/25/88_____
(signature)MZ Shadi

State of South Dakota
Water License No. 1337-1

(1) Vern Backens
of 500 Westview Drive, Spearfish, South Dakota 57783
made Application No. 1337-1, June 7, 1985 for a water permit to appropriate
0.33 cubic feet per second of water from groundwater (one well),
Lawrence County, South Dakota for commercial purposes.
Permit No. 1337-1, with a priority date of June 7, 1985
was approved October 16, 1985 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ _____ and ~~for the application to beneficial use of said~~
water ~~on or before~~ completed.

and

(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 0.33 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2000 feet East and 830 feet South from
the NW Corner of Section 32, T7N, R2E (NE $\frac{1}{4}$ NW $\frac{1}{4}$)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use ~~to the following extent,~~ for a sand and gravel washing operation.

(4) Pursuant to §46-5-30.1 Vern Backens
of 500 Westview Drive, Spearfish, South Dakota 57783
the holder(s) and/or owner(s) of Water Permit No. 1337-1 is issued a license to appropriate water, the right to use
0.33 cubic feet per second of water from groundwater (one well) with a priority date
of June 7, 1985 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of commercial use

This license is subject to any limitations or qualifications listed in Water Permit No. 1337-1 and subject
to South Dakota State Law.

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



JOHN HATCH

NOV 20 1989

W. Shad
Natural Resources
Engineer

6/2/88

Well
Location

Water Right No.
1337-1

 **Department of
Water & Natural Resources**

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

1337-1

NOV 20 1989

Vern Backens
500 Westview Drive
Spearfish, South Dakota 57783

Dear Mr. Backens:

Enclosed is Water License No. 1337-1. This is the final water right document completing your process of obtaining a Water Right.

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. 1337-1, 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 Division
605 773-3352

enclosures



WATER USE FOR 1990



1337-1

VERN BAKENS BACKENS
500 WESTERN DRIVE 500 Westview Drive
SPEARFISH, SD 57783

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER ✓, NUMBER AND DEPTH OF WELLS _____

1 well 620'

SURFACE WATER _____, NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERCIAL X INSTITUTIONAL _____

GEOTHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE 750,000 GALLONS

NAME OF CONTACT PERSON Bruce R Nygaard

TELEPHONE NO. 605-642-5760

ADDRESS CORRECTION Fisher Sand & Gravel

HCR 30 Box 1A

Spearfish SD 57783

10/15/91 Mr Nygaard called - they are only the
"contact person" - Mr Backens still owns
the well. Leave permit as is.

Nenny