

Considered: _____

WATER PERMIT NO. 1376-1

MAP No. same

Name of Applicant Little River Lumber Company

Post Office Address Box 226, Piedmont SD 57769

Amount of Water Claimed 0.33 cfs Total Acres NA

Source of Water Supply well

Water to be used for industrial purposes County Meade

About 1 1/2 miles NW of Piedmont

PROOF OF PUBLICATION: Received ☒ Not Received ☐

APPLICATION: Approved 3/4/87 Subject to _____

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

PRIORITY Date Received Dec. 29, 1986 Fee \$225.00 Remarks _____

12/29/86

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☐ NO ☐ REMARKS _____

Diversion Point well: NE 1/4 NW 1/4 section 4 - T3N -

R6E

Land to be Irrigated NA

			⊗ well		

Well Log: Driller hand dug Licensed YES ☐ NO ☐

Depth of Well 24 feet REMARKS _____

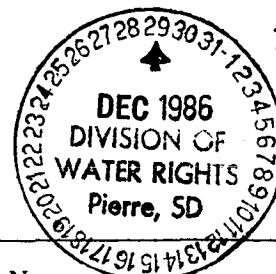
Type of Map aerial photo PREPARED BY Leroy Mernaugh Reviewed and the Number assigned on January 12, 1987 By Ron Duvall

No. 1376-1 Hydrologic Unit 10120111
 Map No. same Basin Upper Cheyenne R
 Newspaper Meade Co. Times-Tribune Box 69, Sturgis (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. _____1. Name of Applicant Little River Lumber Company Phone No. (605) 787-4836Post Office Address Box 226 Piedmont South Dakota State 57769
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) .33 (150 gpm)3. Source of water supply Well4. Location of point of diversion 350 ft West and 80 ft South of the North 1/4 Corner of
Section 4, T3N R6E NE 1/4 NW 1/4County Meade5. Counties where water will be used Meade6. Annual period during which water is to be used January 1 to December 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)

This is for an existing well. The water is used in the operation of a saw mill.

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 Meade)^{ss}I, Dan Reid 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 Dan ReidSubscribed and sworn to before me this 9th day of December 19 86

Raymond Sandrine
 Notary Public (or other qualified officer)

My commission expires Jan. 10, 1991

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1376-1
Little River Lumber Company Box 226, Piedmont
(Applicant) (Post Office Address)
SD 57769 With the following qualifications.
(State) (Zip Code)

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 December 29, 1986.
 Date of return to applicant for correction, amendments or changes required _____, 19____.
 Date of receipt of corrected application _____, 19____. Approved March 4, 1987.

The Water Management Board hereby approves this Water Permit No. 1376-1 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 December 29, 1986.
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 industrial use by processing
lumber
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 industrial use on or before _____, 19____; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
APR 30 1987
 _____, 19____

Supplemental Information Little River Lumber Company

(type or print in ink)

1. Well Information - Proposed construction This is an existing well dug by hand in 1943

- a) Drill Hole Diameter 4.0 ft Depth 24 ft
- b) Casing Type Rock Curbing Diameter 4.0 ft Thickness _____
- 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) _____
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 1000

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 _____

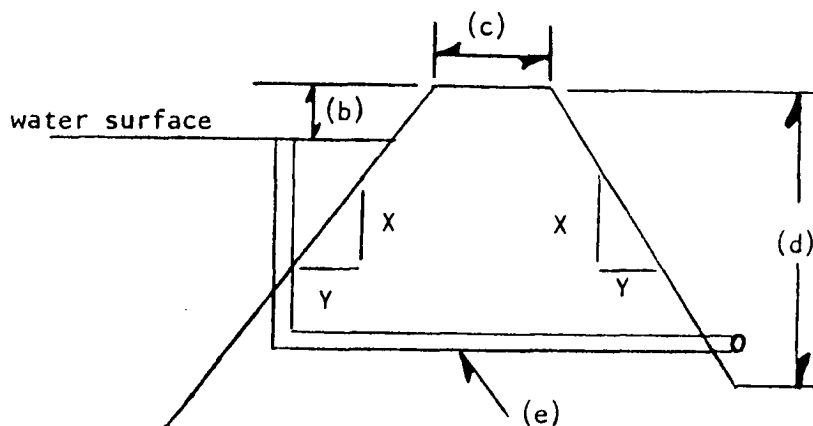
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Don Reid
 Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410674

Pierre, December 29, 19 86

RECEIVED OF Little River Lumber Company, Box 226, Piedmont SD 57769

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

Fee for Application for Permit No. <u>1376-1</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

John Hatch
Chief Engineer

JOHN HATCH

ks

85

Lot #1

80' 7"

85

Well

5

4

3

3-6

3-6

3-6

85

85

85

Little River Lumber Co.

Map by
Lloyd Mernaugh 11/17/86
Water Resource Engineer

8

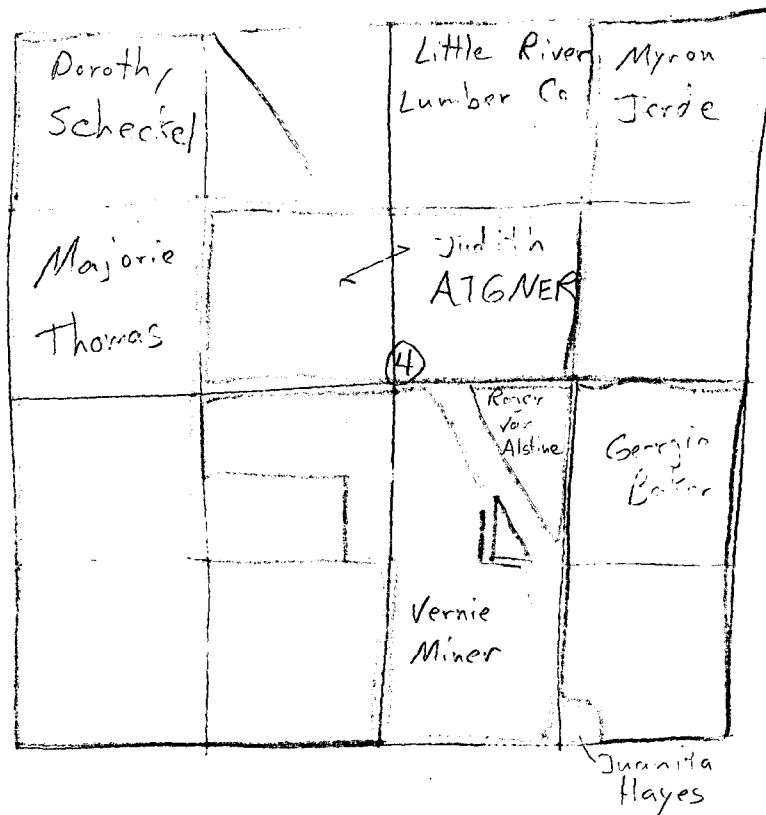
9

10

Water License No.
1376-1

Appl. No. 1376-1

0524-1



Well in NW 1/4 NW 1/4 Sec. 4. T3N R5E Supp. 100 acres according to Wm Scheckel.

10-85

Date 12-6-1988

WATER RIGHTS DIVISION
(605) 773-3352

November 18, 1986

Little River Lumber Company
Box 226
Piedmont, South Dakota 57769

ATTENTION: Dan Reid

Dear Mr. Reid:

On November 5, 1986 I talked to you about obtaining a water permit for the well you are using for the Little River Lumber Company.

In order to assist you in applying for a water permit I am enclosing two completed copies of Form 2, "Application for Permit" and Form 2A, "Supplemental Information". Would you please check these forms over and make any corrections necessary to make them as accurate as possible. Please sign all forms where indicated and have them notarized and return to this office with a check for \$225.00 to cover the cost of the filing fees. (See instruction sheet enclosed).

Enclosed also is a map of the location of the well. Please check this over and make any corrections necessary. If you do make any changes on the map please return it to this office along with the application so that we may correct our office copy. If you do not make changes on the map you may keep it for your use.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Hernaugh
Natural Resources Engineer

LJM:ms
Enc.



Department of Water & Natural Resources

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

January 4, 1988⁹

Little River Lumber
Piedmont SD 57769

Dear Sir:

A well drillers report filed with this office by Lewis Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter and the enclosed "Summary of South Dakota Water Law and Water Right Information" are to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,

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

cc: Well Driller

enclosure



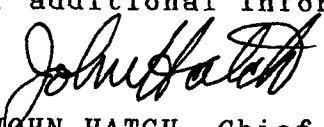
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1376-1

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. 1376-1, Little River Lumber Co., Box 226, Piedmont SD.

The Chief Engineer is recommending APPROVAL of Application No. 1376-1 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.


JOHN HATCH, Chief Engineer
January 23, 1987

Report on Application No. 1376-1
The Little River Lumber Company
January 14, 1987

Application No. 1376-1 proposes to appropriate 0.33 cubic feet per second from one well 24 feet deep located in the NENW Section 4, T3N-R6E. The water is to be used for industrial purposes by the Little River Lumber company.

Aquifer: Alluvium - Quaternary

Geology and Aquifer Characteristics:

No well log is available for the applicant's well, however, review of the areal geology (Darton 1925), domestic well logs from the area (Water Rights Division. 1987), and the information that is known about this well, indicate the well is completed into Alluvium along an intermittent tributary of Elk Creek. The extent of this aquifer and the aquifer characteristics have not been delineated at this time, however, the occurrence of dependable quantities of water within this Alluvium appears to be very localized.

The Division of Water Rights has record of 20 domestic wells within 1 1/2 miles of the applicant's well. Two domestic wells appear to depend on the same aquifer for a water supply, these wells are located approximately 1/2 mile and 1 mile respectively from the applicant's well.

Review of Existing Permits:

There are six existing water permits which appropriate groundwater within 1 1/2 miles of the applicant's well. These permits include:

Permit No.	Owner	Rate	Source
0842-1	Adolph Anderson	1.0 cfs	387' well*& springs
0843-1	Lavern Wilburn	0.77 cfs	480' well*
151-1	Peter Scheckel	0.66 cfs	Springs
1155-1	Daniel H. Walsh	0.05 cfs	400' well*
1336-1	Piedmont Senior Citizens Center	0.10 cfs	160' well**
1902-2	Carol's Slash J Bar and Restaurant	0.01 cfs	250' well*

*Probably Minnelusa Formation

**Probably Minnekahta Formation

Conclusions

1. Application No. 1376-1 proposes to appropriate 0.33 cfs from one well (Alluvium) 24 feet deep.
2. The well has been in existence since 1943 with no reported controversy.
3. The Alluvium appears to be a viable aquifer in this area, and water is available for appropriation.
4. Well interference should not be a problem.

Ken A. Buhler

Ken Buhler
Natural Resources Engineer

References

Darton, N.H., Paige, S. 1925, Geologic Atlas of the United States, Central Black Hills Folio, South Dakota Folio No 219.

Water Rights Division , 1987, "Domestic Well Log and Water Permit Files", Water Rights Division, Joe Foss Building, Pierre, South Dakota

SOUTH Dakota Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

January 27, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Little River Lumber Co.
Box 226
Piedmont, South Dakota 57769

Dear Sir:

Your Application No. 1376-1 for a permit to appropriate water for

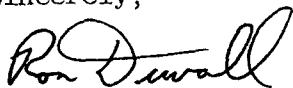
Industrial use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Meade County Times printed at Sturgis

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice
of intent to appropriate water and to arrange for payment. Early contact with
the paper can eliminate delays. The publisher has been instructed to publish
your notice once each week for two consecutive weeks with the last publication
to occur at least thirty days before the board meeting. We must receive
Proof of Publication before the application can be considered by the Water
Management Board.

Sincerely,



RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 27, 1987

Meade County Times
Box 69
Sturgis, South Dakota 57785

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Little River Lumber Co.
Application No. 1376-1, in Meade County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
Transmittal form on the bottom of this page. The first copy is needed to check
the publication for errors so any corrections can be made before the second
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

RON DUVAL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer

No. **1376-1**

Instruction to Newspaper - Publish first publication of the following Notice on or before **February 4, 1987** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. **1376-1** to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. →~~

Notice is hereby given that **the Little River Lumber Co.** whose mailing address is **Box 226, Piedmont,** South Dakota has made an application for a permit

to appropriate 0.33 cubic feet of water per second from one well 24 feet deep located in the NE1/4, Section 4-T3N-R6E. Water is to be used for industrial purposes by the Little River Lumber Company.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. **1376-1** 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 **room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4 1987** at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 **February 20, 1987**. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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 46-5-30.4, 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 **February 20, 1987**.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sharon Allison

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

February 4	1987	_____	198
February 11	1987	_____	198
_____	198	_____	198
_____	198	_____	198
_____	198	_____	198

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$45.68, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Sharon Allison
Billing Clerk

Subscribed and sworn to before me this
23 day of February A.D. 1987

[Signature]
Notary Public
County of Meade, South Dakota



NOTICE OF HEARING ON APPLICATION NO. 1376-1 TO APPROPRIATE WATER

Notice is hereby given that Little River Lumber Co, whose mailing address is Box 226, Piedmont, South Dakota has made an application for a permit to appropriate 0.33 cubic feet of water per second from one well 24 feet deep located in the NE 1/4 NW 1/4 Section 4-T3N-R6E. Water is to be used for industrial purposes by the Little River Lumber Company.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1376-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) it is in the public interest.

This application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., Pierre, SD, March 4, 1987 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 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.

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 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, DWRN, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

Publ Feb. 4 & 11, 1987
Times-Tribune



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

APR 30 1987

Little River Lumber Company
Box 226
Piedmont, South Dakota 57769

Dear Sir:

Enclosed is your Water Permit No. 1276-1 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 cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:

ms

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1376-1

March 17, 1988

Little River Lumber Company
Box 226
Piedmont, South Dakota 57769

Dear Sir:

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. 1376-1 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

411181

Pierre, March 28, 1988

RECEIVED OF Little River Lumber Co., 800 S. Broadway, Suite 409, Walnut Creek, CA 94596
the following amount in fees for services rendered as provided for by law: also Box 226 Piedmont SD 57769

Fee for Application for Permit No. _____ 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. <u>1376-1</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____		
(Any Other Work Provided by Law)	Total	

By John Hatch
Chief Engineer JOHN HATCH (ms)

Permit No. 1376-1Upper Cheyenne River Water District 10120111**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Little River Lumber Company, Box 226 of Piedmont, SD 57769 holder of Permit No. 1376-1, bearing the priority of December 29th (pm) 19 86 authorizing the diversion of .33 cu. ft. per second of the waters of Well for Industrial purposes, in Meade County.

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

A. Works used to divert the water:

Well: 24 ft deep
4.0 ft diameter rock curb
Hand dug 1943

10 H.P. submersible Pump
pumps 150 gpm

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

PVC Pipe to Lumber Mill.

C. Works used to apply water to beneficial use:

Lumber mill.

The system is in the following condition Good

The point of diversion is located 350 ft west and 80 ft south of N $\frac{1}{4}$ corner of Section 4, T3N R6E

The works are capable of diverting and conveying to the place of use .33cu. ft. per second of water which is to be used for Industrial use. Lumber mill

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

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

Applicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date September 23, 1986

LeRoy Mernaugh
 (signature)

State of South Dakota
Water License No. 1376-1

(1) Little River Lumber Company
of Box 226, Piedmont, South Dakota 57769
made Application No. 1376-1, December 29, 1986 for a water permit to appropriate
0.33 cubic feet per second of water from groundwater (one well),
Meade County, South Dakota for industrial purposes.
Permit No. 1376-1, with a priority date of December 29, 1986
was approved March 4, 1987 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

applicant

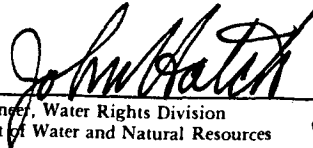
(2) It is certified that the ~~applicant~~ ^{**applicant**} has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.33 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 350 feet west and 80 feet south of the
N $\frac{1}{2}$ Corner of Section 4, T3N, R6E (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~~ in the operation of a saw mill.

(4) Pursuant to §46-5-30.1 Little River Lumber Company
of Box 226, Piedmont, South Dakota 57769
the holder(s) and/or owner(s) of Water Permit No. 1376-1 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 December 29, 1986 from the location specified in (2) of this license. The water to be
~~conducted to and upon lands specified in (3) of this license~~ ^{used} for the purpose of industrial use
in the operation of the sawmill

This license is subject to any limitations or qualifications listed in Water Permit No. 1376-1 and subject to South Dakota State Law.


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

JOHN HATCH

DEC 19 1988

 **Department of
Water & Natural Resources**

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

DEC 19 1988

1376-1

Little River Lumber Company
Box 226
Piedmont, South Dakota 57769

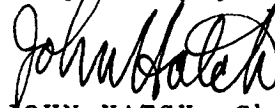
Dear Sir:

Enclosed is Water License No. 1376-1. 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. 1376-1, 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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 1996

Bob Cameron
Mountain West International
P.O. Box 335
Piedmont, SD 57769

Dear Mr. Cameron:

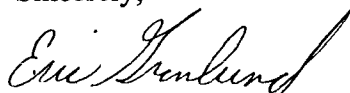
I am writing as a follow-up to our phone conversation regarding water permitting issues at the Little River Lumber Company near Piedmont. Enclosed is a copy of Water Right No. 1376-1 and Water Permit No. 1464-1 held by Little River Lumber Company. Also enclosed is a partially completed transfer forms to transfer the water rights to Mountain West International. Please complete and make any changes you feel are necessary to the transfer forms.

We briefly discussed provisions in state law in which a water right may be forfeited for nonuse if the appropriator fails to use all or any part of the water appropriated for a period of three years. I discussed this matter with a gentleman in the office who reviewed existing water rights along Elk Creek last spring. His recollection of Little River Lumber Company's water rights is that the 291 foot deep well (Permit No. 1464-1) is still used to spray existing wood piles while the shallow well (Right No. 1376-1) is maintained for standby purposes.

Finally, enclosed is a copy of the Water Rights Law of South Dakota and general rules relating to water rights. Statutes regarding abandonment and forfeiture are found in SDCL 46-5-37 through 46-5-37.2 and ARSD 74:02:01:37 through 74:02:01:37.02.

Please contact me if I may be of further assistance.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1376-1



Date: 3-21-96

I/We request that Water Right No. 1376-1

formerly owned by: Little River Lumber Company

be transferred to: (name & address) Mountain West Products, Inc., PO Box 335, Piedmont, SD 57769-0335

Telephone No. 605-787-7040

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

diversion point location: NE 1/4 NW 1/4 Section 4, T3N, R6E

I/We understand that the validity of Water Right No. 1376-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

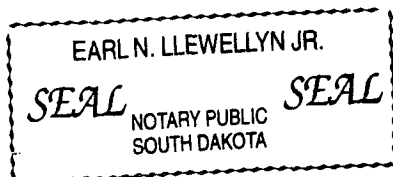
STATE OF SOUTH DAKOTA)

County of Meade)

I/We Robert Cameron 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 that I know of my own personal knowledge that the information herein stated is true.

Robert Cameron
(Signed)

Subscribed and sworn to before me this 21 day of March, 19 96.



My Commission Expires

13 June 2003

Earl N. Llewellyn Jr.
(Notary Public)

NOTE: Water permits may be canceled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

414870

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 25, 19 96

RECEIVED OF Kimberly L. Foster Mountain West Products, Inc., 616 West Blvd., Rapid City,
the following amount in fees for services rendered as provided for by law: SD 57701

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1376-1</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer

1376-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

No. 1376-1
1464-1

Kimberly L. Foster
616 West Blvd.
Rapid City, SD 57701

Dear Ms. Foster:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1376-1 and 1464-1.

Our records now show Mountain West Products, Inc. as the owner of Water Right Nos. 1376-1 and 1464-1.

Sincerely,

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

enclosure

c: Mountain West Products, Inc., P.O. Box 335, Piedmont, SD 57769-0335



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1998

1376-1
1464-1

Bill Greenland
MWCA
PO Box 335
Piedmont, SD 57769

Dear Mr. Greenland:

On December 10th, you spoke with Eric Gronlund with our program, regarding the name change for Water Right/Permit Nos. 1376-1 and 1464-1. They are currently listed in the name of Mountain West Products, Inc.

It is my understanding that even though ownership is the same, the company is going through the process of changing the name. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the change. The forms are geared more towards actual ownership changes, but can be modified to reflect name changes.

Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1376-1

Date: 12-14-98

I/We request that Water Right No. 1376-1

formerly owned by: Mountain West Products, Inc., PO Box 335, Piedmont, SD 57769-0335

be transferred to: (name & address) MWCA, Inc. PO Box 335
Piedmont SD 57769-0335 Telephone No. 605-787-4040

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

diversion point location: NE 1/4 NW 1/4 Section 4, T3N, R6E

I/We understand that the validity of Water Right No. 1376-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)
County of _____)

I/We William G. Greenland 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 that I know of my own personal knowledge that the information herein stated is true.

William G. Greenland
(Signed)

Subscribed and sworn to before me this 14 day of December, 19 98.

Sheryl Eisenbraun
Sheryl Eisenbraun, Notary Public (Notary Public)
My Commission Expires February 14, 2003

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 415975

Pierre, _____ **December 16, 19 98**

RECEIVED OF MWCA, Inc., P.O. Box 335, Piedmont, SD 57769-0335
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 1376-1

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch 



1376-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 1998

1376-1
1464-1

William G Greenland
MWCA, Inc
PO Box 335
Piedmont, SD 57769-0335

Dear Mr. Greenland:

Thank you for submitting the "Notice of Transfer of Ownership" forms and filing fees for Water Right No. 1376-1 and Water Permit No. 1464-1. The transfers have been completed and Nos. 1376-1 and 1464-1 are now listed as MWCA, Inc.

Enclosed are your Receipt Nos. 415975 and 415976 in the amount of \$2.50 each. If you have any questions, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



December 9, 1999

Ms. Vonnie Kallemeyn
Waste Management Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: MWCA Piedmont Facility 5-Year Reclamation Plan, Assignment of Responsibility

Dear Ms. Kallemeyn:

Hecla Mining Company is selling MWCA, INC.; however, the Piedmont Facility will not be a part of this sale. Therefore, Hecla is transferring the assets of this facility to a new corporation called Mountain West, L.L.C., which is 100% owned by Hecla. Mountain West, L.L.C. will assume all conditions of the DENR approved 5-Year Reclamation Plan for the facility. The address for the corporation is 6500 Mineral Drive, Coeur d'Alene, Idaho 83815-8788.

Hecla seeks written approval of this transfer from your office. If additional information is needed, please contact Gary Gamble at 208-769-4154 or Larry Drew at 208-769-4111.

Very truly yours,

J. Gary Childress
Vice President – Industrial Minerals
Hecla Mining Company



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416331

Pierre, January 5, 2000

RECEIVED OF Hecla Mining Co. (Mountain West, L.L.C.), 650 Mineral Dr., Coeur d'Alene, ID 83815
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1376-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

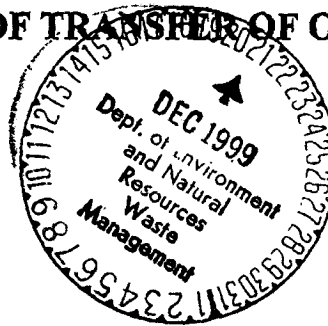
By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1376-1

Date: December 16, 1999



I/We request that Water Right No. 1376-1

formerly owned by: MWCA, Inc., PO Box 335, Piedmont, SD 57769-0335

be transferred to: (name & address) Mountain West, L.L.C.

6500 Mineral Drive, Coeur d'Alene ID 83815 Telephone No 208/769-4100



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

diversion point location: NE 1/4 NW 1/4 Section 4, T3N, R6E

I/We understand that the validity of Water Right No. 1376-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

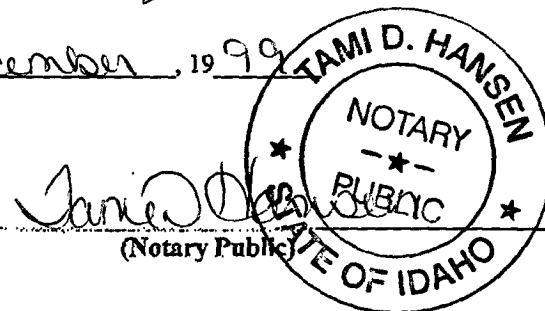
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF Idaho)
SOUTH DAKOTA)
County of Kootenai)

I/We J. Gary Childress 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 that I know of my own personal knowledge that the information herein stated is true.

J. Gary Childress
(Signed)

Subscribed and sworn to before me this 16th day of December, 19 99



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2000

J Gary Childress
Mountain West, LLC
6500 Mineral Drive
Coeur d'Alene, ID 83815

RE: Water Permit No. 1464-1 and Water Right No. 1376-1

Dear Mr. Childress:

Thank you for sending in the ownership changes for Water Permit No. 1464-1 and Water Right No. 1376-1. The transfers have been completed and the water permit and water right are now listed in the name of Mountain West, LLC.

Enclosed are your Receipt Nos. 416331 and 416332 in the amounts of \$2.50 each. I am including a copy of the transfer forms you submitted. You may keep these documents for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures