

Considered: _____

WATER PERMIT NO. 1430-1

MAP No. same 642-4987

Name of Applicant Apple Valley Homeowners Assn.

Post Office Address Lot 3, Spearfish SD 57783

Amount of Water Claimed 0.07 cfs Total Acres NA

Source of Water Supply ground water 1 well

Water to be used for suburban housing development County Lawrence

About 1/2 miles N of Spearfish.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received December 3, 1987 Fee \$50.00 Remarks _____

12/3/87

Corrected Application Received Jan. 14, 1988 Period of Annual Use Jan 1 - Dec 31

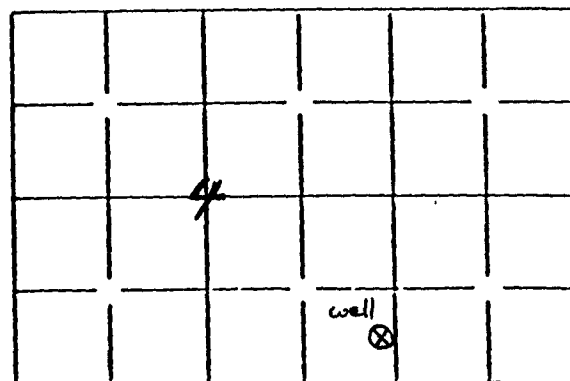
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: SE 1/4 SE 1/4 section 4-T6N-

R2E

Land to be Irrigated NA



Well Log: Driller Jerry Ellingson Licensed YES ☒ NO _____

Depth of Well 60 feet REMARKS _____

Type of Map topo & plat PREPARED BY Theodore J. Vore Reviewed and the Number _____
Fred D. Brady

assigned on January 19, 1988 By Ron Duwall

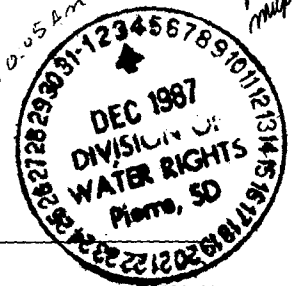
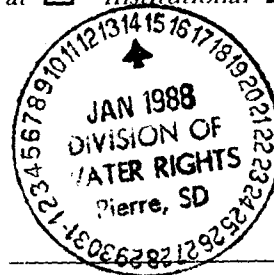
No. 1430-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Queen City Mail, Box 7, Spearfish
Daily

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 Apple Valley Homeowners Assn. Phone No. 642-4987
 Post Office Address Lot 3, Spearfish, State S. D. 57783
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s) gpm ÷ 450 = cfs 0.07 cfs 30 gal per minute rated pump capacity
- Source of water supply ground water 1 well
- Location of point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 6N., R.2E BHM Locally described as
Lot 17, Apple Valley Subdivision
Lawrence County
- Counties where water will be used Lawrence
- Annual period during which water is to be used Jan 1 to Jan 4 December 31
- 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 well was drilled about August 17, 1983, by Jerry Ellingson at the request and expense of Everett Mackaben who later gave the well to the Apple Valley Home Owners Association. We have all been under the assumption water rights for this well were in good standing.

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, We, Apple Valley Home Owners Assn. the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Marie Gould, President

Subscribed and sworn to before me this 24th day of November 1987

[Signature]
 Notary Public

**SOUTH DAKOTA
WATER PERMIT**

Date of first receipt of application December 3, 1987

Date of return to applicant for correction, amendments or changes required December 15, 1987

Date of receipt of corrected application January 14, 1988

The Water Management Board approved Water Permit Application No. 1430-1

on May 11, 1988 for Apple Valley Homeowners Assn.
(Applicant)

Lot 3 Spearfish SD 57783
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1430-1 appropriates 0.07 cubic feet of water per second from one well 60 feet deep located in the SE 1/4 SE 1/4 section 4 - T6N - R2E.
2. The water appropriated shall be used for the purpose of supplying the Apple Valley Homeowners Association and may not exceed the amount of water needed for beneficial use for suburban housing development.
3. The water is to be used during the following described annual period: Jan 1 - Dec 31
4. The date from which applicant may claim the right is December 3, 1987
5. ~~One-fifth of the construction is to be completed on or before~~
6. All construction is ~~to be completed on or before~~
7. Water is ~~to be put to beneficial use on or before~~
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

By: John H. Hest
Chief Engineer

DEC 1 1988

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 60 ft
- b) Casing Type 6 5/8 OD Black Steel Diameter _____ Thickness Schedule 40
- c) Screen Type not screened perforated on bottom 15 ft Diameter _____ Thickness _____
- d) Gravel Pack Thickness no Length of Gravel Pack no
- e) Depth to Top of Water Bearing Material 40 ft
- f) Depth to Water (ground surface to water level) 20 ft
- g) Distance to nearest existing domestic well: 150 ft
- On applicants property none On property owned by others Joe Hargrave well

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

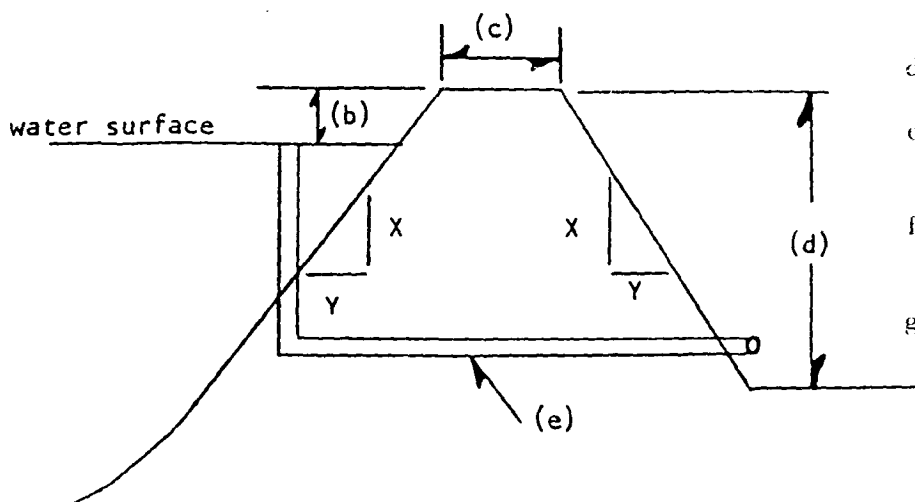
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Marie Gould, President
Signature of Applicant of Apple Valley Homeowners Assn.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411080

Pierre, December 3, 1987

RECEIVED OF Apple Valley Homeowners Assn., Lot 3, Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law: (Marie Gould, Pres.)

Fee for Application for Permit No. <u>1430-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

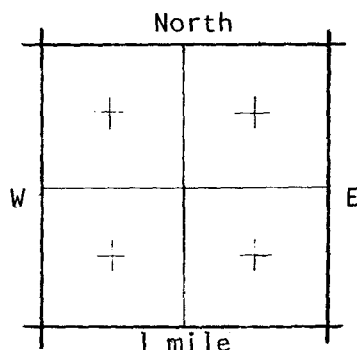
By John Hatch
JOHN HATCH

Location SE 1/4 SE 1/4 Sec 4 Twp 6N Rg 2E

County

Lawrence

Please mark well location with an "X"

Well Completion Date 8 27 83

PROPOSED USE:

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

Method of Drilling:

Cable Tool

WELL CONSTRUCTION:

Diameter of hole 6 inches Depth 60 feetCasing: ☒ Steel ☐ Plastic ☐ Other

Specify _____

Pipe Weight Diameter From To

18.97 lb/ft 6 inches 0 feet 60 feet

_____ lb/ft _____ inches _____ feet _____ feet

Was a well screen used? ☐ Yes ☒ NoIf Not Specify Perforated - Bottom 15'

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☒ NoWas well grouted? ☐ Yes ☐ NoDescribe grouting procedure TOP 30'BENTONITE

To what depth? _____ Feet

What was grouting material? BENTONITE

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☐ No

If so how and with what material? _____

Well Owner:

Name Apple ValleyAddress Spearfish

Well Log:

Depth

Formation

From

To

Top Soil010Gravel - boulders1040Gravel + Sand4060STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped☒ Bailed☐ Other

Describe: _____

2 30 6 PM

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

This well was drilled under license # 93

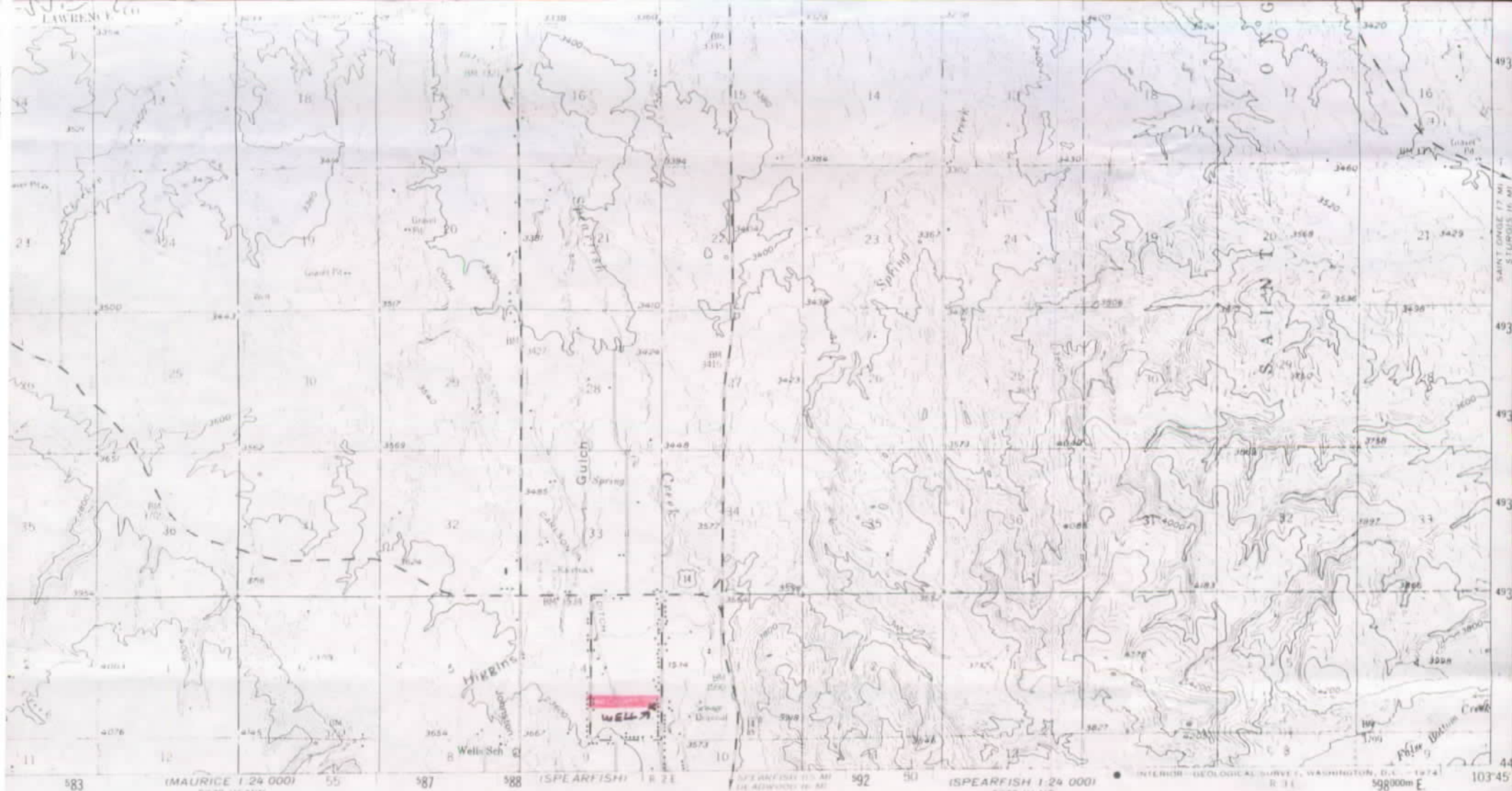
and this report is true and accurate.

Drilling Firm

Signed by

8-27-83

Date



Scale 1:62500

CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20 FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

Medium duty ——— Light duty
 Unimproved dirt

U.S. Route State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D.C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

AMS 5273 III—SERIES V773

1958

BELLE FOURCHE, S. DAK.
 N4430—W10345/15

AMS 5273 III—SERIES V773

Appl. No. 1430-1

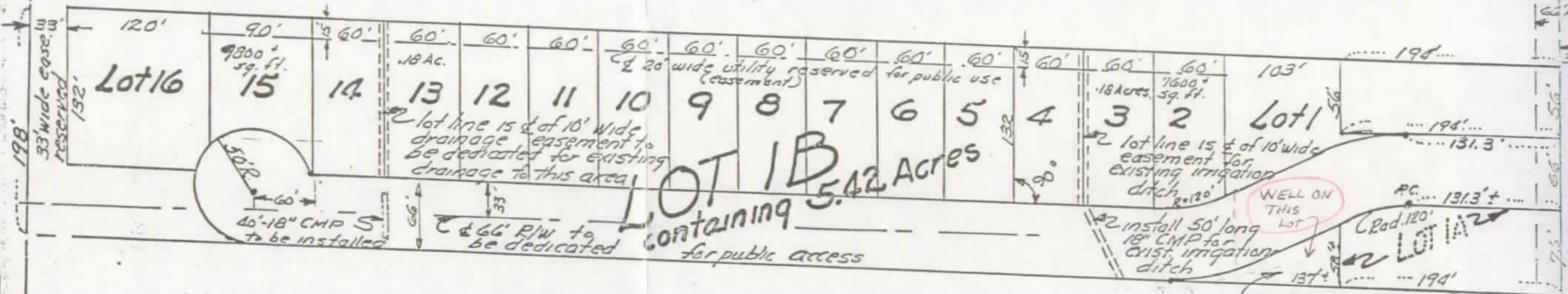
SUBDIVISION OF LOT 1B of APPLE VALLEY SUBDIVISION into: Lots 1 through 17 inclusive

in SE/4 SE/4 Sec 4 T6N., R2E., B.N.M.

Owner of record
William Frank Struck
Spearfish, S. Dak.
57783

Subdivider
E. Mackaben
Sundance Star Route
Spearfish, S.D. 57783

Scale 1 inch = 100 feet



Note: Min Set Back from Street R/W is 25'

Surveyed & plotted Lot 1 through 17 from Lot 1B of Apple Valley Subdivision in SE/4 SE/4 Sec 4, T6N., R2E., B.N.M. and as shown hereon.

Acknowledgement of Surveyor
Lawrence County, S. Dak.

Be it remembered that on this 28 day of July 1980 before me the undersigned notary public, personally appeared Fred D Brady Known to me to be the person described in & who executed the foregoing certificate.
My Commission Expires: 11-8-84

Fred D Brady
Reg. P.E. & L.S. #476 - S. Dak.
1204 Ames Ave.
Spearfish, S. Dak., 57783

Owner's Certificate

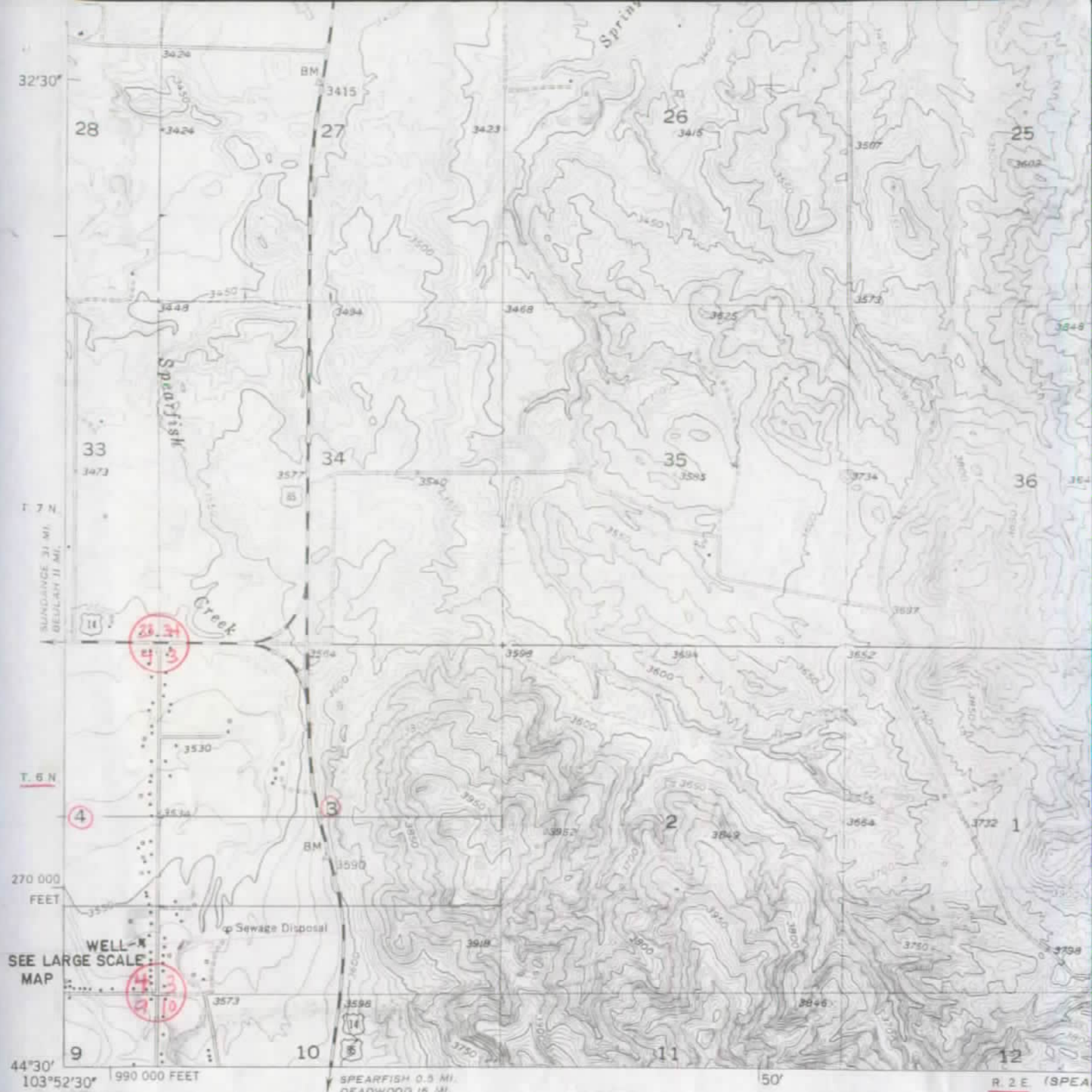
We, William Frank Struck of Apple Valley Subdivision & the lands as plotted hereon do hereby approve this subdivision & plat & do hereby dedicate for public use the Right of Ways as plotted & shown hereon.

Notary Public

Acknowledgement of Owner
Lawrence County, S. Dak.

Be it remembered that on this 28 day of July 1980, before me the undersigned, notary public personally appeared William Frank Struck Known to me to be the person described in & who executed the foregoing certificate.

William Frank Struck
Appl. No. 1430-1



Mapped, edited, and published by the Geological Survey
as part of the Department of the Interior program
for the development of the Missouri River Basin

Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1948. Field check 1954

Polyconic projection. 1927 North American datum
10,000-foot grid based on South Dakota coordinate system,
north zone



I, Theodore J. Vore, Registered
Land Surveyor, do hereby certify
that I have visited the well site
and plotted same as accurately as
possible on this map. A large scale
subdivision map is also provided as
a part of this document showing a
more precise location of the well.

Theodore J. Vore

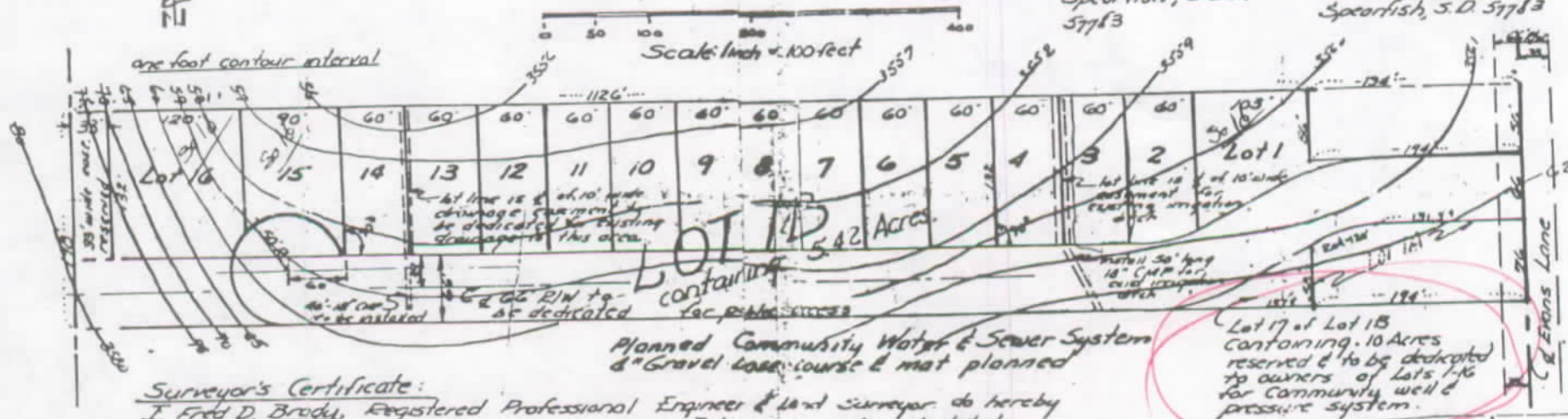
Appl. No. 1430-1



PRELIMINARY PLAT OF: SUBDIVISION OF LOT 1B of APPLE VALLEY SUBDIVISION into Lots 1 through 17 inclusive

owner of record
William Frank Struck
Spearfish, S.D.
57783

subdivider
E. Mackaben
Sundance Star Buhr
Spearfish, S.D. 57783



Surveyor's Certificate:

I, Fred D. Brady, Registered Professional Engineer & Land Surveyor, do hereby certify that at the direction of the owner, I have surveyed and plotted lots 1 through 17 from Lot 1B of Apple Valley Subdivision in S. 45.54 N. Sec. 4, T. 4N, R. 2E, B. 1N.M. as recorded in the office of the Lawrence County Register of Deeds as

Acknowledgement of Surveyor

Lawrence County, S. Dakota
Be it remembered that on this 22nd day of May, 1988, before me, the undersigned Notary Public, personally appeared Fred D. Brady, known to me to be the person described in and who executed the foregoing certificate.
My commission expires: 15 August 1993



Appl. No 1430-1

WATER RIGHTS DIVISION
(605) 773-3352

December 15, 1987

Marie Gould, President
Apple Valley Homeowners Association
Lot 3
Spearfish, South Dakota 57783

Dear Ms. Gould:

This letter is in response to the water permit application submitted by Apple Valley Homeowners Association and received by the Water Rights Division on December 3, 1987. The following information is needed to complete the application:

1. The map showing the location of the well needs to be signed according to directions on the enclosed instruction sheet. I have also enclosed a map with a larger scale than the map originally submitted with the application. Please mark the well location on the larger scale map and have this map signed.
2. The amount of water claimed (Question No. 2) on the permit application must also be specified in gpm or cfs. The well log sent in with the application stated that the well produced 30 gpm; however the present pumping capacity may or may not be 30 gpm. Please complete Question No. 2 to indicate the current physical pumping rate for the well.

Processing of the application will begin upon receipt of the completed map and pumping information. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

REPORT ON APPLICATION NO. 1430-1
APPLE VALLEY HOMEOWNERS ASSOCIATION
March 17, 1988

This application proposes to appropriate 0.07 cfs from one well 60 feet deep located in the SE 1/4 SE 1/4 of Section 4, T6N, R2E in Lawrence County. The water is used for a suburban housing development by the Apple Valley Homeowners Association.

Aquifer - Alluvium along Spearfish Creek

The alluvium consists of sand, gravel and boulders with silts and clays overlying the Spearfish Formation and is under water table conditions. The alluvium is hydraulically connected to Spearfish Creek and is also fed by losses of water from irrigation canals and actual irrigation practices. The areal extent and thickness of the alluvium is not known; however, the aquifer is extensively used as a water supply in this area. The well location is approximately 700 feet west of Spearfish Creek.

The driller's log accompanying this application indicates 40 feet of saturated sand and gravel was penetrated with a static water level 20 feet below land surface. The report indicates the well is capable of producing 30 gpm. This is an existing well used by the housing development since 1983.

The Division of Water Rights does not monitor any wells from the alluvium along Spearfish Creek. The use of groundwater from the alluvium would affect water flows in the creek in a general sense. However, the cone of depression caused by pumping of this well should not extend to the creek thus the effects of pumping groundwater at this diversion rate will not measurably affect creek flows.

Review of Existing Water Permits

There are four existing water permits from the alluvium within 1 mile of this application. These are Permit Nos. 1141-1, 1227-1, 1356-1 and 1377-1. The permits are developed and licensed. The licensed diversion rates are relatively small and in an aquifer under water table conditions interference is not expected to be a problems.

Conclusions

1. Water is available from the alluvium along Spearfish Creek.
2. Interference is not expected to be a problem. This is an existing well and has been used for the housing development with no apparent problems.
3. Apple Valley Homeowners Association is connected to the City of Spearfish sewer system.


JAMES A GOODMAN
Hydrologist

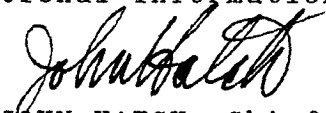
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1430-1, Apple Valley Homeowners Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1430-1, Apple Valley Homeowners Association, Lot 3, Spearfish SD.

The Chief Engineer is recommending APPROVAL of Application No. 1430-1 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 qualification:

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
March 8, 1988

SOUTH DAKOTA Department of
Water & Natural Resources

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

Water Rights Division
(605) 773-3352

April 5, 1988

NOTE:

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

Marie Gould, President
Apple Valley Homeowners Association
Lot 3
Spearfish, South Dakota 57783

Dear Ms. Gould:

Your Application No. 1430-1 for a permit to appropriate water for

Suburban Housing Development 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

Queen City Mail

printed at Spearfish.

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 IMMEDIATELY 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 twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,



RON DUVAL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

April 5, 1988

Queen City Mail
Box 7
Spearfish, South Dakota 57783

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1430-1 to be published twice. Please publish the first notice on or before April 11, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Apple Valley Homeowners Association, Lot 3, Spearfish, SD c/o Marie Gould.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____

No. 1430-1

Instruction to Newspaper - Publish first publication of the following Notice on or before April 11, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1430-1 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that the Apple Valley Homeowners Association whose mailing address is
Lot 3, Spearfish, South Dakota has made an application for a permit

to appropriate 0.07 cubic feet of water per second from one well 60 feet deep located in
the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4-T6N-R2E. Water is used for suburban housing development by the Apple
Valley Homeowners Association.

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

APPROVAL of Application No. 1430-1 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, May 11 1988 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 April 29, 1988. 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 April 29, 1988.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE } SS.

Bill T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily 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 mentioned; 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 T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

NOTICE OF HEARING



a printed copy of which is hereto attached, was printed and published in said newspaper for TWO successive and consecutive weeks, the first publication being made on the 9th day of April, 1988 and the last publication on the 16th day of April, 1988 that the full amount of fees charged for publishing same, to-wit: The sum of \$ 40.61, 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.

[Signature]
Subscribed and sworn to before me this 16th day of April, 1988

[Signature]
NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA
My Commission Expires 3-24-96

My commission expires _____

NOTICE OF HEARING ON Application No. 1430-1 To Appropriate Water

Notice is hereby given that the Apple Valley Homeowners Association whose mailing address is Lot 3, Spearfish, South Dakota has made an application for a permit to appropriate 0.07 cubic feet of water per second from one well 60 feet deep located in the SE1/4SE1/4 Section 4-T6N-R2E. Water is used for suburban housing development by the Apple Valley Homeowners Association.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application no. 1430-1 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 on May 11, 1988 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 April 29th, 1988. 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; 46-5-1 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 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 April 29, 1988.

April 9, 16
S-134



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

DEC 1 1988

Apple Valley Homeowners Association
Lot 3
Spearfish, South Dakota 57783

Dear Sir:

Enclosed is your Water Permit No. 1430-1 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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1998

1430-1

Norm Sheldon, President
Apple Valley Homeowners Association
Lot 13, Apple Valley Lane
Spearfish, SD 57783

Dear Mr. Sheldon:

The investigation of your water use system was conducted on September 17, 1997, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1430-1. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

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

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



4-8-98

Dept of Environment & Natural Resources
Water Rights Program

Dear Cheryl Frost:

Enclosed please find our check in
the Amt of \$50⁰⁰ for our Water license
under Water permit No. 1430-1 for the
Apple Valley Homeowners Assoc.

Signed:

Norman Shelton - President
Apple Valley Homeowners Assoc.

RECEIPT

NO 415730

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, _____

April 9, 19 98

RECEIVED OF Apple Valley Homeowners Association, 1212W. Hudson, Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law:

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

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. 1430-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

John Hatch

Permit No. 1430-1
Belle Fourche River - Water District

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

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

I have this day, September 17, 1997, made a thorough examination of the water use system constructed by Apple Valley Homowners Association of Spearfish, SD holder of Permit No. 1430-1, bearing the priority of December 3, 1987 authorizing the diversion of 0.07 cu. ft. per second of the waters of groundwater for suburban housing development purposes, in Lawrence County.

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

A. Works used to divert the water:

Water is diverted from one well 60 feet deep located 745 feet north and 210 feet west of the SE Corner of Sec.4,T6N-R2E(SE¼NE¼SE¼SE¼ Sec.4, T6N-R2E). The well is pumped with a 1 horsepower Myers submersible pump, capable of diverting 30 gpm

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

Water is transported through 1100 feet of 2-inch diamter PVC main line.

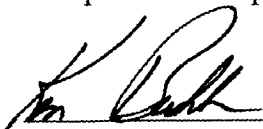
C. Works used to apply water to beneficial use:

Water is put to beneficial use through 400 feet of ¾ inch diameter PVC pipe to 16 mobile home lots

The system is in the following condition good. The point of diversion is located 745 feet north and 210 feet west of the SE Corner of Sec.4,T6N-R2E(SE¼NE¼SE¼SE¼ Sec.4, T6N-R2E). The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water which is to be used for suburban housing development. The license should be issued for 0.06 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: n/a



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

2/11/98

Date

REPORT ON INSPECTION OF PERMIT NO. 1430-1

Other permit(s) associated with the project: N/A

NAME & ADDRESS OF INSPECTION CONTACT Norm Sheldon

Lot 13, Apple Valley Lane

Spearfish, SD 57783

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: President of Apple Valley Homeowners Association

NAME & ADDRESS OF PERMIT HOLDER: Apple Valley Homeowners Association

Lot 13, Apple Valley Lane

Spearfish, SD 57783

DATE OF INSPECTION: September 17, 1997

DIVERSION POINT LEGAL LOCATION: 745 feet north and 210 feet west of the SE Corner of Sec.4, T6N-R2E(SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.4, T6N-R2E)

WELL INFORMATION:

- 1) Well Drilling Firm: Ellingson Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 60 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 6 inches
- 2) Length 45 feet
- 3) Type steel

Screen:

- 1) Type perforated casing
- 2) Length 15 feet
- 3) Static water level 20 feet

Pump:

- 1) Make Meyers Submersible
- 2) Horsepower rating 1 hp

4) Capacity 30 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 2 inches 3) Length 1100 feet

1) Type PVC 2) Size 3/4 inches 3) Length 400 feet

SYSTEM SUMMARY:

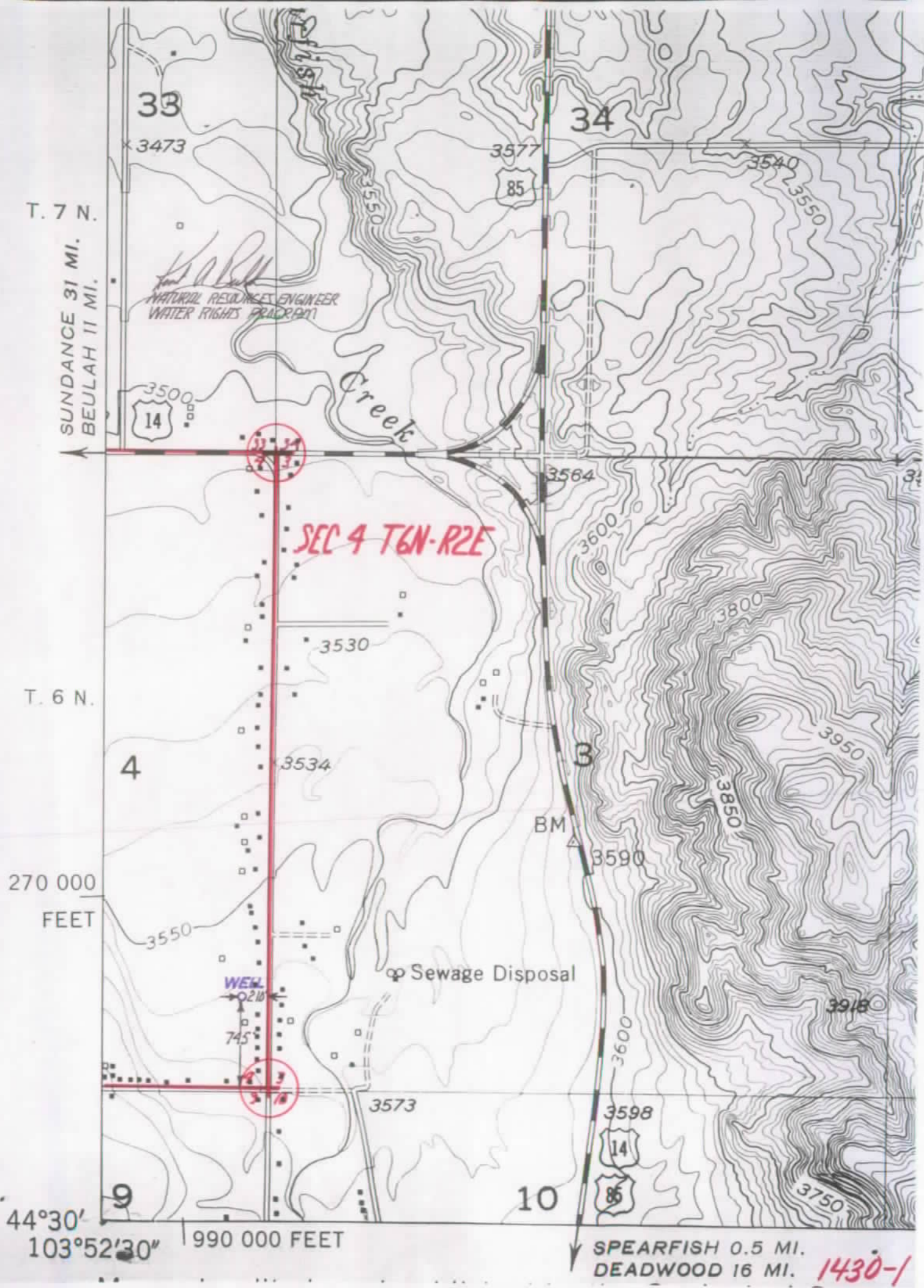
Water is pumped to 3 pressure tanks at the well house (Well-x-Trol model WX-252). From the pressure tanks it goes to the 2-inch main line which runs along the north side of Apple Valley Lane approximately 1100'. There is a hydrant between lots 1 and 2 and at the end of lot 16. There is one curb stop per house for lots 4 through 16. 3/4-inch waterlines 25' long at each lot.

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by yes

2) All structures, wells and lands on map yes

3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period n/a



33

34

T. 7 N.

SUNDANCE 31 MI.
BEULAH 11 MI.

J. A. Bell
NATURAL RESOURCES ENGINEER
WATER RIGHTS PROGRAM

3500
14

3577
85

3540

3550

Creek

SEC 4 T6N-R2E

T. 6 N.

4

3530

3534

3

BM

3590

270 000
FEET

3550

♂ Sewage Disposal

WEL
0210

745

3573

3598

14

85

3918

3750

44°30'

103°52'30"

990 000 FEET

10

SPEARFISH 0.5 MI.
DEADWOOD 16 MI.

1430-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1430-1

(1) Apple Valley Homeowners Association, 121 W Hudson, Apple Valley Lane, Spearfish SD 57783 made Application No. 1430-1, December 3, 1987 for a water permit to divert 0.07 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1430-1, with a priority date of December 3, 1987 was approved May 11, 1988 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.066 cubic feet of water per second for beneficial use. The location of the diversion point is 745 feet north and 210 feet west of the southeast corner of Section 4-T6N-R2E (SE 1/4 SE 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Apple Valley Homeowners Association, 121 W Hudson, Apple Valley Lane, Spearfish SD 57783 the holder and/or owner of Water Permit No. 1430-1 is issued a license to appropriate water, the right to use 0.066 cubic feet of water per second from groundwater (one well) with a priority date of December 3, 1987 from the location specified in (2) of this license for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1430-1 and subject to South Dakota State Law.



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

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

1430-1

Norman Sheldon, President
Apple Valley Homeowners Association
121 W. Hudson, Apple Valley Lane
Spearfish, SD 57783

Dear Mr. Sheldon:

Enclosed is Water License No. 1430-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415730 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1430-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures