

Considered: _____

WATER PERMIT NO. 1464-1

MAP No. Same 787-4836

Name of Applicant Little River Lumber Co.

Post Office Address Box 226, Piedmont SD 57769

Amount of Water Claimed 0.34 cfs (150 gpm) Total Acres 124

Source of Water Supply ground water - 1 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 _____ Subject to _____

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

PRIORITY _____ Date Received July 5, 1989 Fee \$225⁰⁰ Remarks _____

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: NW 1/4 NE 1/4 section 4 -

T3N-R6E

Land to be Irrigated NA

		well			

Well Log: Driller Downen Drilling Licensed YES ☒ NO ☐

Depth of Well 291 feet REMARKS _____

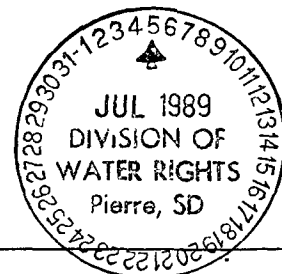
Type of Map topo & aerial PREPARED BY Gary Hamilton Reviewed and the Number assigned on July 17, 1989 By Ron Duval

No. <u>1464-1</u>	Hydrologic Unit <u>10120111</u>
Map No. <u>same</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Meade Co. Times-Tribune</u>	Box <u>69</u> <u>Sturgis</u>
57785	

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 ☒ drinking & sanitary uses

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 Co. Phone No. (605) 787-4836Post Office Address Box 226 Piedmont State SD 57769
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 150 gpm 0.34 cfs3. Source of water supply 1 WellNE 1/44. Location of point of diversion NW 1/4 Section 4, Township 3 North, Range 6 EastCounty 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 new well will be used in the operation of a saw mill to replace the well covered under Permit No. 1376-1

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, General Manager, Little River Lumber Co., Inc. 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 Dan ReidSubscribed and sworn to before me this 30th day of June 1989

Waymond Dandine
 Notary Public
 My commission expires Jan. 10, 1991

**SOUTH DAKOTA
WATER PERMIT No. 1464-1**

Date of first receipt of application July 5, 1989.

The Water Management Board approved Water Permit Application No. 1464-1 on December 6, 1989 for Little River Lumber Company, Box 226, Piedmont SD 57769 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. 1464-1 appropriates 0.34 cubic feet of water per second from one existing well (Spearfish Formation) 291 feet deep located in the NW1/4 NE1/4 section 4-T3N-R6E.
2. The water appropriated shall be used for the purposes of processing wood products, sanitary and drinking uses and may not exceed the amount of water needed for beneficial use for industrial, sanitary and drinking purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is July 5, 1989.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That if the use of the well authorized by Permit No. 1376-1 has been abandoned, that the well be plugged pursuant to SDCL 46-6-27 and Water Management Board Rule 74:02:04:69.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
3. 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. H. H.
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 6 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- 10 inches dia. to 20 ft.
 a) Drill Hole Diameter 8 inches dia. to 290 ft. Depth 8 inches to 20 ft.
 b) Casing Type steel Diameter 7 inches to 291 Thickness ft.
 c) Screen Type _____ Diameter _____ Thickness _____
 d) Gravel Pack Thickness _____ Length of Gravel Pack _____
 e) Depth to Top of Water Bearing Material 289 ft.
 f) Depth to Water (ground surface to water level) flows
 g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others est. 3/8 mile

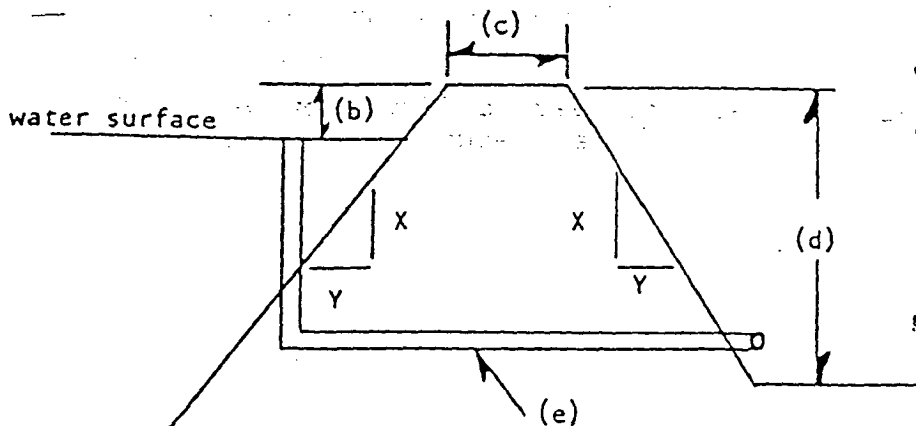
2. Dugout Information Estimates

- 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 _____

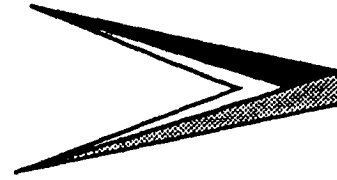
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

Signature of Applicant

INDUSTRIAL
DESIGN
GROUP, INC.



P.O Box 9513

Rapid City, South Dakota

57709

Dan Reid
Little River Lumber Company
PO Box 226
Piedmont, South Dakota 57769



June 26, 1989

Subject: New Well Head Location

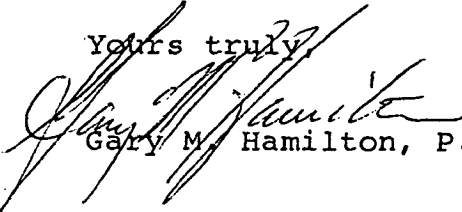
Per Steve Helmers' request and your instructions we conducted a survey on June 23, 1989, to locate your new well head. This information is to accompany your permit for the well.

Research at the Meade County court house and on the ground observations indicate some inconsistencies in some of the interior pin locations. We used the Southwest corner of Section 4, T3N, R6E, to originate the survey. The NE corner of the SW 1/16th and the next northern 1/64th corner pin were assumed to be North 00 line. The following location has been determined:

1. Well head is in the NW 1/4 of the NE 1/4 of Section 4, T3N, R6E.
2. Using the SW corner of the NW 1/4 of NE 1/4 of Section 4, the well is located 327.92 feet at a bearing of N 6° 52' 55" E.

Steve Helmers has been given a copy of this letter and I have signed the permit papers.

Yours truly,


Gary M. Hamilton, P.E.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 5, 1989

RECEIVED OF Little River Lumber Co., 800 S. Broadway. No. 409, Walnut Creek, CA 94596

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

Fee for Application for Permit No. <u>1464-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	<u>225</u> 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	<u>225</u> 00

By John Hatch
Chief Engineer John Hatch/mrs



85

98.1

Lot #15

4

80.7

85

12562 Well

NEW WELL LOCATION
6-27-87

4 3

N

85

3-6

4

4 3

3-6

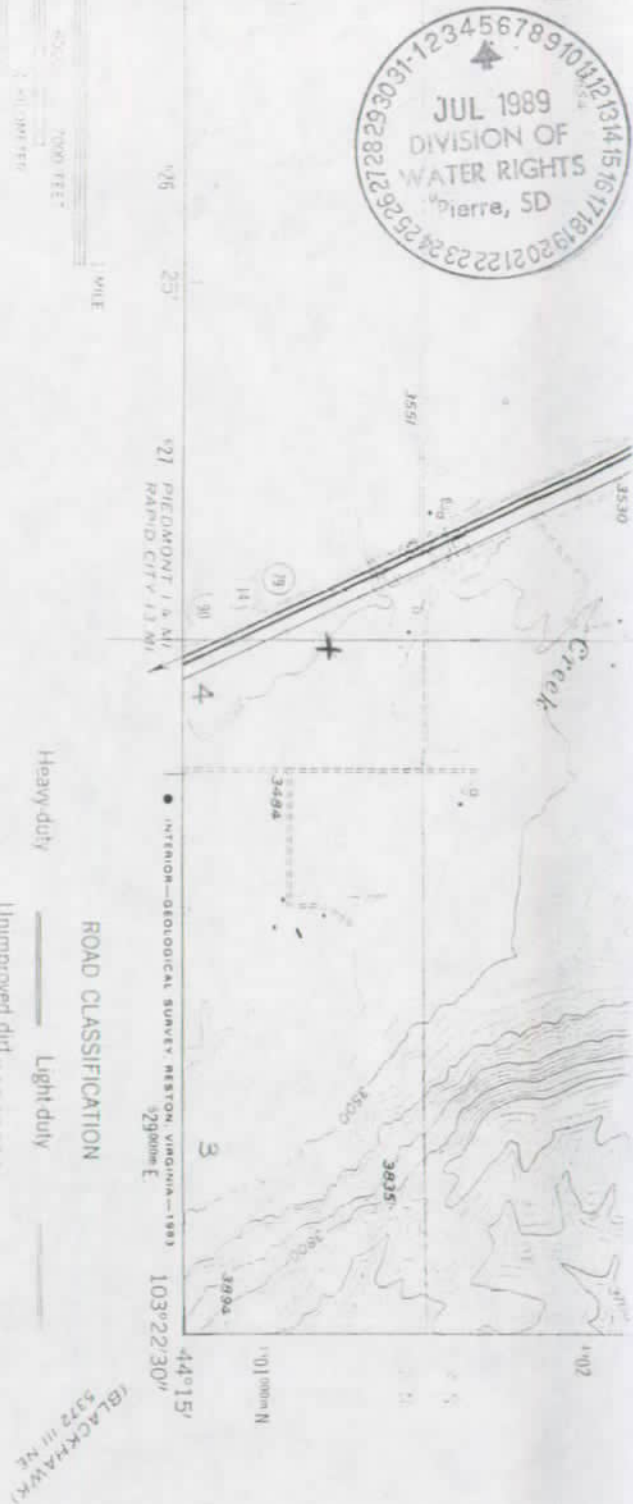
85

Little River Lumber Co.

Map by J. H. Henshaw 11/17/94
Forest Survey Engineer



App. No. 1464-1
Water License No. 1376-1



PHOTOREVISED 1971
AMS 5372 IV SW. SERIES VERTS

Appl. No. 1464-1

10-85

Date 4/30/89



Department of Water & Natural Resources

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

June 5, 1989

Little River Sawmill
Box 226
Piedmont SD 57769

Dear Sir:

A well driller's report filed with this office by Downen Drilling indicates you have recently completed a new well which flows 150 gallons per minute (gpm). The well driller is required by South Dakota Codified 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 Rights Information" are to provide general information and to inform you, the well owner of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14, and 46-6-21.
3. 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.
4. If the old well is not to be abandoned, or will be used, the well must still be controlled, valved, sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water right permit application.



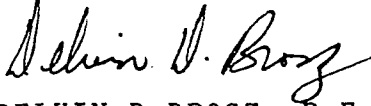
Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by July 21, 1989.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Susan Bowar, Water Rights Division Engineer (605-773-3352).

Very truly yours,



DELVIN D BROSZ, P.E.
Hydrologist
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure



Department of Water & Natural Resources

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

June 15, 1989

Steve Helmers, attorney
Lynn & Jackson Law Firm
PO Box 8250
Rapid City SD 57709

Dear Mr. Helmers:

This letter is in response to our phone conversation on June 15, 1989 regarding the recently constructed well for the Little River Lumber Company. Enclosed is a copy of the well log completion report, map and Water Right No. 1376-1 with attachments.

I indicated that a replacement well may be located within 660 feet of the original well if the replacement well is located in the same ground water formation. However, the original well is 24 feet deep and the new well is 290 feet deep. The new well appears to be in the Spearfish Formation and the existing well is in quaternary alluvium. Therefore, a new permit is needed to authorize use of the new well for industrial purposes. Enclosed are water permit application forms.

Please contact me if you have any questions.

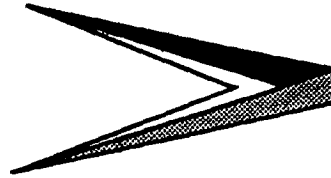
Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



INDUSTRIAL
DESIGN
GROUP, INC.



P.O. Box 9513

Rapid City, South Dakota

57709

Dan Reid
Little River Lumber Company
PO Box 226
Piedmont, South Dakota 57769



June 26, 1989

Subject: New Well Head Location

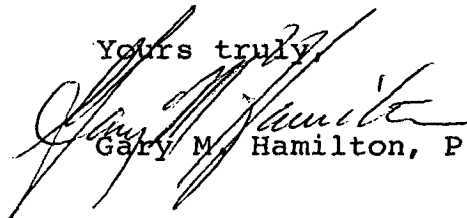
Per Steve Helmers' request and your instructions we conducted a survey on June 23, 1989, to locate your new well head. This information is to accompany your permit for the well.

Research at the Meade County court house and on the ground observations indicate some inconsistencies in some of the interior pin locations. We used the Southwest corner of Section 4, T3N, R6E, to originate the survey. The NE corner of the SW 1/16th and the next northern 1/64th corner pin were assumed to be North 00 line. The following location has been determined:

1. Well head is in the NW 1/4 of the NE 1/4 of Section 4, T3N, R6E.
2. Using the SW corner of the NW 1/4 of NE 1/4 of Section 4, the well is located 327.92 feet at a bearing of N 6° 52' 55" E.

Steve Helmers has been given a copy of this letter and I have signed the permit papers.

Yours truly,


Gary M. Hamilton, P.E.

LAW OFFICES

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

DONALD R. SHULTZ
GENE N. LEBRUN
GREGORY A. EIESLAND
THOMAS G. FRITZ
HAVEN L. STUCK
GARY D. JENSEN
STEVEN C. BEARDSLEY
LEE A. MAGNUSON
STEVEN J. HELMERS
JAY C. SHULTZ
LARRY M. VON WALD
JANE WIPF PFEIFLE
JON C. SOGN
KURT E. SOLAY
R. ALAN PETERSON
LEAH J. FJERSTAD
CRAIG A. PFEIFLE

FIRST FEDERAL PLAZA - 8TH FLOOR
9TH & ST. JOE - P.O. BOX 8250
RAPID CITY, SOUTH DAKOTA 57709
(605) 342-2592

409 S. SECOND AVENUE
SIOUX FALLS, SOUTH DAKOTA 57102
(605) 332-5999

KELTON S. LYNN
(1946-1974)

HORACE R. JACKSON
(1961-1987)

REPLY TO: RAPID CITY

July 3, 1989

TELECOPIER
RAPID CITY
605/342-5185
SIOUX FALLS
605/332-4249

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

Re: Water Permit Application
Little River Lumber Company
Our File No. 84-317-11



To Whom It May Concern:

Enclosed are two original, fully executed Applications for Permit To Appropriate Water Within The State of South Dakota along with a check in the amount of \$225 for the filing fee required by the Division. These documents are forwarded to you on behalf of Little River Lumber Company of Rapid City.

Please contact our office if any additional information is required.

Thank you for your attention to this matter.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.


Trudy Lahren
Legal Assistant

enc.

cc: Dan Reid

REPORT ON APPLICATION NO. 1464-1
LITTLE RIVER LUMBER COMPANY
August 23, 1989

This application proposes to appropriate 0.34 cfs from an existing well 291 feet deep located in the N 1/4 NE 1/4 of Section 4, T3N, R6E in Meade County. The water is to be used by the Little River Lumber Company for industrial purposes in the processing of wood products and for drinking and sanitary purposes.

Aquifer - Spearfish Formation (SPRF), Minnekahta (MNKT)

The Spearfish Formation consists of shale, siltstone and gypsum which is distinctively red in color and is approximately 440 feet thick in this area (Cattermole, 1989). Information for the existing well indicates the aquifer is under artesian conditions, will flow 150 gpm at the land surface and is producing from a void. Since gypsum will dissolve in water, in all likelihood water moving downdip in the Minnekahta Limestone has dissolved the gypsum leaving the void. The driller's log indicates a void at 289 feet below land surface and this is probably the top or near the top of the Minnekahta Limestone. During drilling of observation wells MD-84A and MD-84B water was produced from both the Minnekahta and Spearfish and at MD-84A near Piedmont water flowed from the Minnekahta Limestone (Water Rights, 1989).

In general, the Spearfish Formation has not been considered as an aquifer. However, the Minnekahta does underlie 1.8 million acres and contains an estimated recoverable 4.7 million acre-feet of water in Meade County (Allen, 1984). This source of water for this application is probably hydraulically connected to the Minnekahta Limestone.

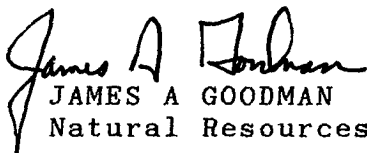
Review of Existing Water Permits

A good review of existing water permits is included with a report of Permit No. 1376-1 (Little River Lumber Company) (Buhler, 1987). This summary identifies one other Permit No. 1336-1 which obtains water from the Minnekahta Limestone. The well for No. 1336-1 is located about 1 1/2 miles southeast of this new application. Interference should not be a problem. Even though drawdowns will occur these should not adversely affect the water supply from the aquifer.

Conclusions

1. Water is available from the Minnekahta Limestone.

2. The aquifer is under artesian conditions. Fluctuations in water levels will occur as a result of climatic conditions and other uses. This should not adversely affect the availability of water from the Minnekahta Formation.
3. This is a flowing well. The well must be valved and controlled so as to prevent the waste of water.
4. The well log indicates the well is completed in accordance with SD Well Construction Standards.
5. If this well is a replacement of the shallow well authorized by Permit No. 1376-1, that well must be plugged pursuant to Water Management Board Rules if abandoned.
6. There is an agreement (File No. 88-26-C) between Little River Lumber Co. and the SD DWNr which basically states Little River Lumber Company will not operate its existing woodwaste burner after July 15, 1989 or comply with emissions regulations. The water permit could be conditioned to state that any violation of that agreement would also violate that condition of the water permit.


JAMES A GOODMAN
Natural Resources Engineer

Bibliography

- Allen, J. C., Etal, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4, Ground Water Resource Inventory, for US Army Corps of Engineers, DWNr, SDGS, Vermillion SD 57069.
- Buhler, K, 1987, Report on Application No. 1376-1 for Little Lumber Co., SD DWNr, Div. of Water Rights, Joe Foss Bldg, Pierre SD.
- Cattermole, M.J., 1969, Geologic Map of Rapid City West Quadrangle, USGS, Washington D.C.
- Water Rights Division, 1989, Records for Wells in Meade County, SD, SD DWNr, Div. of Water Rights, Joe Foss Bldg, Pierre SD.

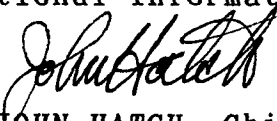
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1464-1, Little River Lumber Company

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. 1464-1, Little River Lumber Company, Box 226, Piedmont SD.

The Chief Engineer is recommending APPROVAL of Application No. 1464-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. That Little River Lumber Company not burn woodwastes from sawmill wood processing operations or have woodwastes burned from its operation, which are supplied with water authorized by Permit No. 1464-1, unless such woodwastes burning complies with applicable provisions of SDCL 34A-1 and the Board of Minerals and Environment Rules ARSD 74:26:03.
2. That if the use of the well authorized by Permit No. 1376-1 has been abandoned, that the well be plugged pursuant to SDCL 46-6-27 and Water Management Board Rule 74:02:04:69.
3. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
4. 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
September 1, 1989

NOTE: Qualification No. 1 to Permit No. 1464-1 is recommended based upon previous Water Management Board Actions not to approve water permits unless conditions are attached to prevent, where the potential exists, environmental damage or violation of State Laws, or Rules.



Department of Water & Natural Resources

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

October 30, 1989

Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785

ATTN: Legal Department

Enclosed is a Notice of Hearing on Application No. 1464-1 to be published twice. Please publish the first notice on or before November 8, 1989 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 Little River Lumber Co, Box 226, Piedmont, SD 57769.

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

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

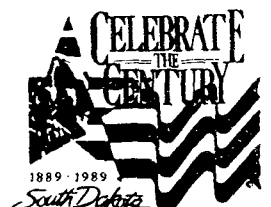
No. _____

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





Department of Water & Natural Resources

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

October 30, 1989

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

Dan Reid, General Manager
Little River Lumber Co.
Box 226
Piedmont, SD 57769

Dear Mr. Reid:

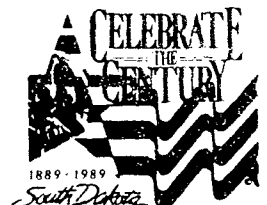
Water Permit Application No. 1464-1 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the 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 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 Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before November 8, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1464-1 to Appropriate Water

Notice is given that the Little River Lumber Co., Box 226, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.34 cubic feet of water per second from one existing well (Spearfish Formation) 291 feet deep located in the NW1/4 NE1/4 Section 4-T3N-R6E. Water is to be used by the Little River Lumber Company for industrial purposes in the processing of wood products and for drinking and sanitary purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1464-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a 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 Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

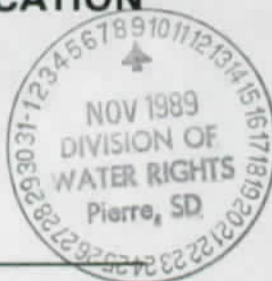
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Meade) ss.



I, Dorothy Allison

certify that the attached printed Notice was taken
 from the Meade County Times-Tribune

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

_____ of _____

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

November 8, 1989

November 15, 1989

Dorothy Allison
 (Signature)

Publisher
 (Title)

November 15, 1989
 (Date Signed)

Cost of Printing: \$41.72

Little River seeks water

NOTICE OF HEARING
ON APPLICATION NO. 1464-1
TO APPROPRIATE WATER

Notice is given that the Little River Lumber Co., Box 226, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.34 cubic feet of water per second from one existing well (Spearfish Formation) 291 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4-T3N-R6E. Water is to be used by the Little River Lumber Company for industrial purposes in the processing of wood products and for drinking and sanitary purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1464-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a 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 Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the petitioner's reasons for the opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to 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.

Publ Nov. 8 & 15, 1989
 Times-Tribune

LITTLE RIVER LUMBER COMPANY

(605) 787-4836

P. O. BOX 226
PIEDMONT, SOUTH DAKOTA 57769

November 13, 1989

Mr. John Hatch
Chief Engineer
Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Little River Lumber Company plans to attend the hearing on its Application No. 1464-1 for appropriation of water. We are opposed, however, to Qualification No. 1 stated in your Recommendations, and to Conclusion No. 6 stated by Mr. Goodman in his report. We will be urging approval of the permit with no provision or qualification relating to the use of the woodwaste burner, which is currently not in operation.

Very truly yours,

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

Dan Reid,
General Manager

fms



Department of Water & Natural Resources

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

February 2, 1990

NOTICE

TO: Dan Reid, Manager
Little River Lumber Company
PO Box 226
Piedmont SD 57769

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

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

SUBJECT: Report on Water Use and Waste Water Disposal by Little
River Lumber Company

On December 6, 1989, the Water Management Board approved Water Permit Application No. 1464-1 for the Little River Lumber Company. Approval of Application No. 1464-1 was with the understanding that Little River Lumber report to the Board at the March Board meeting regarding water use and waste water disposal by the Company. Steven J Helmers, representing Little River Lumber Company, concurred with the Board's request for a report at the March meeting.

Please be prepared to present the report to the Water Management Board at 8:00 am on March 7, 1990, Roosevelt/Jefferson Room, Howard Johnson's, 2211 LaCrosse Street, Rapid City SD.

cc: John Haak, Assistant Attorney General
Steven J. Helmers, Attorney

CERTIFICATION

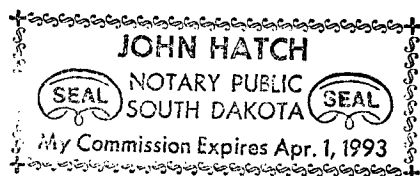
I hereby certify that on February 2, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice for a Report on Water use and Waste Water Disposal for Water Permt Application No. 1464-1 addressed as stated on the notice with a copy sent to:

Steven J. Helmers, Attorney, PO Box 8250, Rapid City SD 57709

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of February, 1990.



John H. Tatham
Notary Public

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

Rapid City Office

Donald R. Shultz
Gene N. Lebrun
Gregory A. Eiesland
Thomas G. Fritz
Haven L. Stuck
Gary D. Jensen
Steven C. Beardsley
Steven J. Helmers
Jay C. Shultz
Larry M. Von Wald
Jane Wipf Pfeifle
Kurt E. Solay
Leah J. Fjerstad
Craig A. Pfeifle

First Federal Plaza • 7th Floor • 9th & St. Joe
P. O. Box 8250 • Rapid City, SD 57709
605-342-2592
Fax 605-342-5185

409 South Second Avenue
Sioux Falls, SD 57102
605-332-5999
Fax 605-332-4249

Sioux Falls Office

William F. Day Jr.
Lee A. Magnuson
Jon C. Sogn
R. Alan Peterson

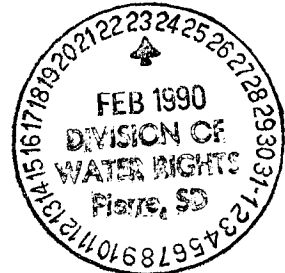
REPLY TO: Rapid City 605-342-2592

Kelton S. Lynn
(1946-1974)
Horace R. Jackson
(1961-1987)

February 20, 1990

SD Dept. of Water and Natural Resources
Water Management Board
Joe Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181

Re: Little River Lumber Company
Permit No. 1464-1



Madam Chairman and Members of the Water Management Board:

This letter report is being submitted pursuant to the request of the Board made at the time of the permit hearing on December 6, 1989. If necessary, further information will be available at the time scheduled for review of this report by the Board at its upcoming meeting in Rapid City.

Little River Lumber Company operates a sawmill facility near Piedmont, South Dakota. Water is used from the current and proposed wells for domestic, sanitary and industrial purposes.

For domestic purposes, the sawmill provides drinking and restroom facilities. There are three restrooms throughout the sawmill. Little River Lumber Company employs approximately 55 people, and provides facilities for independent contractors and other persons whose work has some connection to the sawmill.

As an industrial use of water, Little River utilizes approximately five to ten gallons of water per minute as a coolant for the saws. This water, however, does not result in an excess flow which must be disposed of through a waste water system. Instead, it is absorbed entirely by the saw dust which the sawmill operations generate. This saw dust is then used as fuel where it is burned in the boiler. Some of the water drawn from the saw dust escapes into the atmosphere as steam or condensation depending on the climate. The boiler utilizes approximately five to ten gallons of water per minute on average.

Clearly, the boiler operation and domestic uses do not require, of themselves, the quantities secured by Little River in its Permit No. 1464-1. The volume of water requested in the permit, and approved by the Board, was obtained in anticipation of industrial uses in the event of peak demands in the saw mill. During peak demands, Little River will frequently have large quantities of cut logs laying on decks in the sawmill yard. Little River must use large quantities of water sprinkled as a mist upon these logs to keep them cool and to prevent them from becoming degraded or deteriorated. For example, there was a peak demand at the sawmill last summer as a result of the extraordinary forest fires in the Black Hills. In these circumstances, both the federal government and independent loggers harvest large quantities of lumber as soon as they can be taken from the burn area to avoid insect infestation. It is important to get these logs stripped and into the mill as soon as possible, but this results in several million feet of logs being stockpiled at the sawmill at any one time. To avoid degradation of these logs, the sawmill will mist or sprinkle water continuously upon the logs. Even this operation, however, does not result in an excess flow or stream of waste water. It is the experience of Little River Lumber Company that the water utilized to cool or preserve stockpiled logs either evaporates into the atmosphere, or is absorbed by the logs themselves.

Consequently, Little River Lumber Company's operations have never generated waste water which required disposal in any formal fashion other than the septic tanks which are utilized to dispose of domestic waste water.

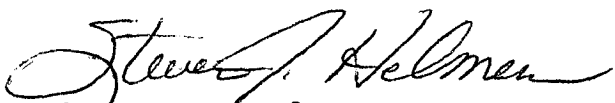
While Little River Lumber Company does not anticipate regularly or customarily utilizing the quantity of water reserved under Permit No. 1464-1, such quantities would be required during peak demands in the event of fires such as the Black Hills experienced last summer.

It is our hope that this report is sufficient to respond to the questions of the Board raised at the permit hearing, and representatives of Little River will be on hand at the time of the Board's hearing in March to respond to further questions as they arise.

Thank you for your consideration of this matter.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.



Steven J. Helmers

SJH:pjl/trl



Department of Water & Natural Resources

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

APR 6 1990

Dan Reid, General Manager
Little River Lumber Co.
Box 226
Piedmont, SD 57769

Dear Mr. Reid:

Enclosed is Water Permit No. 1464-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures

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

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

cc: LYNN, JACKSON, SHULTZ & LEBRUN, P.C., ATTN: Steven J.
Helmets, First Federal Plaza 7th Floor, 9th & St. Joe, P.O.
Box 8250, Rapid City, SD 57709

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE



Date: 5-2-, 1990

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

FROM: Little River Lumber Co., Box 226, Piedmont, SD 57769

Little River Lumber Company has completed the construction of the water diversion system and has put the water to beneficial use as provided in the permit. Ordinary use by Little River Lumber Company pursuant to this permit will not require appropriation up to the maximum amount approved under the permit, which will be necessary only in potential peak demands. Thus, while Little River Lumber Company has put the water to beneficial use, it has not done so to the maximum extent allowed under the permit, and will not do so unless or until peak demands for industrial purposes require it to do so. Little River Lumber Company has not exceeded the amount specified in Water Permit No. 1464-1.

Water Permit No. 1464-1 is from an existing well, which was completed on 4-18-89, ~~1990~~.

Applying the water to beneficial use was completed on 5-18-89, ~~1990~~.

You may schedule an inspection so that the Water License may be issued.

Dan Reid
General Manager
Little River Lumber Co.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1464-1

Date: 3-21-96

I/We request that Water Right No. 1464-1

formerly owned by: Little River Lumber Company

be transferred to: (name & address) Products, Inc.,
Mountain West International, 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: NW¼ NE¼ Section 4, T3N, R6E

I/We understand that the validity of Water Permit No. 1464-1 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.

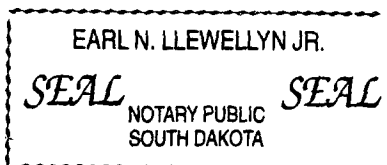
STATE OF SOUTH DAKOTA)

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 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

414871

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 25, 1996

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. 1464-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch (CF)
Chief Engineer

1464-1



**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

January 19, 1996

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

Dear Mr. Cameron:

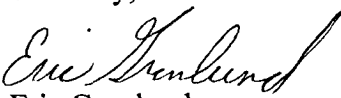
I am writing as a follow-up to our phone conversation regarding water permitting issues at the Little River Lumber Company near Piedmont. Enclosed is a copy of Water Right No. 1376-1 and Water Permit No. 1464-1 held by Little River Lumber Company. Also enclosed is a partially completed transfer forms 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



**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. 1464-1

Date: 12-14-98

I/We request that Water Permit No. **1464-1**

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. 605-787-7040

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

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

I/We understand that the validity of Water Permit No. **1464-1** 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 Meade)

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 98.

Sheryl Eisenbraun
(Notary Public)

Sheryl Eisenbraun, 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

N2 415976

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 Permit No. 1464-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatcher



1464-1

**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:

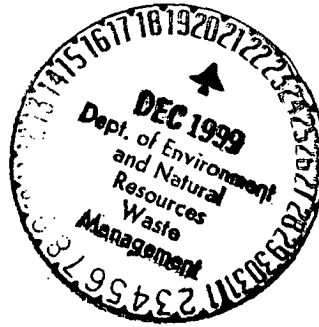
Thank you for submitting the "Notice of Transfer of Ownership" forms and filing fees for Water Right No. 1376-1 and Water Permit No. 1464-1. The transfers have been completed and Nos. 1376-1 and 1464-1 are now listed as MWCA, Inc.

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

№ 416332

Pierre, January 5, 2000

RECEIVED OF Hecla Mining Co. (Mountain West I, L.L.C.), 6500 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 Water Permit No. 1464-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(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. 1464-1

Date: December 16, 1999

I/We request that Water Permit No. 1464-1

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: NW ¼ NE ¼ Section 4, T3N, R6E

I/We understand that the validity of Water Permit No. 1464-1 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~~)

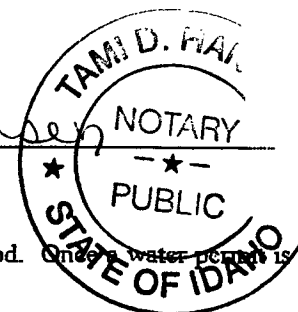
County of Kootenai)

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, 1999.

Tami D. Fiala
(Notary Public)



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 1, 2016

1464-1

John Rogers, Plant Mgr
Mountain West LLC
21727 Sidney Stage Rd
Piedmont SD 57769

Dear Mr. Rogers:

On August 18, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1464-1, was completed by Steve Quissell, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires 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 complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/20, 20 16

RECEIVED OF Mountain West LLC 4212 S Hwy 191 Rexburg ID 83440

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1464-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07918**

By J. Cam. Goodman
Chief Engineer

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1464-1

I have this day, August 18, 2016, made a thorough examination of the water use system constructed by Mountain West LLC, 21727 Sidney Stage Rd, Piedmont, SD 57769 of Permit No. 1464-1, bearing the priority of 7/15/1989 authorizing the diversion of 0.34 cu. ft. per second of the water from one well for industrial and domestic purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **John Rogers, Plant Manager**
Frank Smith, Assistant Plant Manager
605-787-7040

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Downen Drilling (1989)
- 2) No. of Wells 1
- 3) Depth(s) 291 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 7"
- 2) Length 291 feet
- 3) Type Steel

Screen:

- 1) Type N/A
- 2) Length -- feet
- 3) Static water level flowing

Pump:

- 1) Make Monarch Industries
- 2) Model NSPHE S200
- 3) Size 2" jet pump (booster)
- 4) Capacity 55 GPM
- 5) Horsepower rating 2 hp

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

Plastic piping to points of use at the facility

C. Works used to apply water to beneficial use:

The well is the main source of supply for the plant which bags and markets a variety of rock and wood based landscaping products. The water is for the paint tank, production facilities, office and restroom facilities. Sawmill operations ceased after the facility was transferred from Little River Lumber Company.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : yes

The well is valved and totally closed in with the flow reduced to the amount needed. The plant manager estimated free flow condition at approximately 50 gpm. The well authorized by license #1376-1 is still used in the shop (approximately 15 gpm).

- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,021' S and 2,629' W of the NE corner Section 4 T3N R6E (44.253907, -103.402881)
2. The works are capable of diverting and conveying to the place of use 0.12 cu. ft. per second (55 gpm) of water which is to be used for **industrial and domestic** use and the license should be issued for 0.12 cfs.
3. All structures, wells and lands on map – yes

F. Comments or other permit(s) associated with the project: Mountain West is also utilizing the well authorized by license # 1376-1.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/19/2016



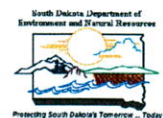
well and booster pump

Water Right #1464-1
Mountain West LLC
8/18/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DNR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

1464-1

OCT 11 2016

Mountain West LLC
c/o John Rogers, Plant Manager
21727 Sidney Stage Rd
Piedmont SD 57769

Dear Mr. Rogers:

Enclosed is Water License No. 1464-1. This is the final water right document completing the process of obtaining a Water Right. Also, included with the license is a map prepared by the staff engineer who conducted the investigation and the receipt for \$50.00 which was 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. 1464-1, 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 provides a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1464-1

(1) Little River Lumber Co., Piedmont SD made Application No. 1464-1, July 5, 1989 for a water permit to divert 0.34 cubic feet of water per second from one well – Spearfish Aquifer, Meade County, South Dakota for industrial and domestic purposes. Permit No. 1464-1, with a priority date of July 5, 1989 was approved December 6, 1989 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

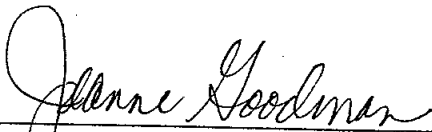
On January 5, 2000, Water Permit No. 1464-1 was transferred to Mountain West LLC, 21727 Sidney Stage Rd, Piedmont SD 57769.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1464-1 is issued a license, bearing a priority date of July 5, 1989 to appropriate 0.12 cubic feet of water per second from one well – Spearfish Aquifer for industrial and domestic purposes.

The diversion point is located: 1,021 feet S and 2,629 feet W of the NE corner of Section 4-T3N-R6E (NW 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1464-1 including the following qualifications:

- That if the use of the well authorized by Permit No. 1376-1 has been abandoned, that the well be plugged pursuant to SDCL 46-6-27 and Water Management Board Rule 74:02:04:69. *At time of this inspection, the well authorized by No. 1376-1 was still utilized.*
- The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 11 2016

date

