

Considered: _____

WATER PERMIT NO. 1486-1

HAP No. same 342-5584

Name of Applicant Box Elder High Country Assoc

Post Office Address RR1 Box 2390 Rapid City, SD 57702

Amount of Water Claimed 45 gpm (0.1 cfs) Total Acres _____

Source of Water Supply groundwater - 1 well

Water to be used for suburban housing County Meade

About 7 miles NW of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Sept 14, 1989 Fee \$50.00 Remarks _____

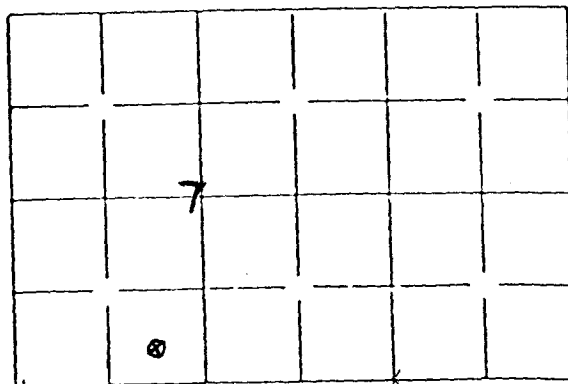
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point 1170.52 from the SE corner of
Section 7 T2N R6E 1170.5' N56°W
from S quarter corner of Sect 7 T2N-R6E

Land to be Irrigated NA



Well Log: Driller Ray Alexander Licensed YES ☒ NO _____

Depth of Well 50 ft REMARKS drilled 5/18/72

Type of Map Plate PREPARED BY Meris Giegear #1007 Reviewed and the Number

assigned on March 23, 1990 By Eric Hummel

**SOUTH DAKOTA
WATER PERMIT No. 1486-1**

Date of first receipt of application September 14, 1989.

The Water Management Board approved Water Permit Application No. 1486-1 on May 23, 1990 for Box Elder High Country Association 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. 1486-1 appropriates 0.10 cubic feet of water per second from one existing well 50 feet deep located approximately 500 feet from Box Elder Creek in the SE1/4 SW1/4 of Section 7 T2N-R6E.
2. The water appropriated shall be used for the purpose of supplying a common distribution system and may not exceed the amount of water needed for beneficial use for housing development 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 September 14, 1989.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Hest
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUL 10 1990

(date)

Deadline Monday noon
Pub. day WednesdayMail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352
r.e.No. 1486-1 Hydrologic Unit 10120111
Map No. _____ Basin Upper Cheyenne
Newspaper Sturgis/Mead Co. Times-Tribune

Box 69 57785

Duvall

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Box Elder High Country Ass Phone No. 605-342-5584Post Office Address RR1 Box 2368 Rapid City State SD 57702
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 0.10 cfs (45 gal/min)3. Source of water supply Ground water 1 well4. Location of point of diversion SE 1/4 sec 4 and SE 1/4 of section 7, T2 N,
R6E B.H.M.County Mead5. Counties where water will be used Mead6. Annual period during which water is to be used 12 months / year January 1 - 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)

Box Elder High Country Ass is an existing development. Existing well
was installed May 8, 1972. Developer did not apply for a water permit.
There are 21 lots serviced by this well at the present time only
8 are active. Pump is rated @ 45 gal per min. System contains 2-1200 gal storage
tanks.

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 Mead) ss

I, Kenneth Koskie 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 Kenneth KoskieSubscribed and sworn to before me this 21 day of Aug 19 89Charles J. Caldwell

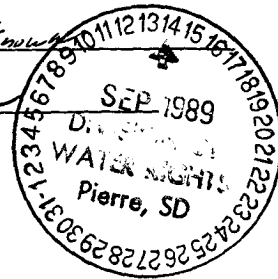
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 5/8" Depth 50'
- b) Casing Type Steel Diameter 6 5/8" Thickness 3/16"
- c) Screen Type unknown Diameter unknown Thickness unknown
- d) Gravel Pack Thickness unknown Length of Gravel Pack unknown
- e) Depth to Top of Water Bearing Material 32' (Depth of water in well?)
- f) Depth to Water (ground surface to water level) 18'



(g) Distance to nearest existing domestic well:

On applicants property N/A On property owned by others 150' (Private well one household, 123' deep)

2. Dugout Information Estimates

- a) Surface Dimensions 8 x 10 Depth 8'
- b) Depth to water (ground surface to water level) 18'

~~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

N/A

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

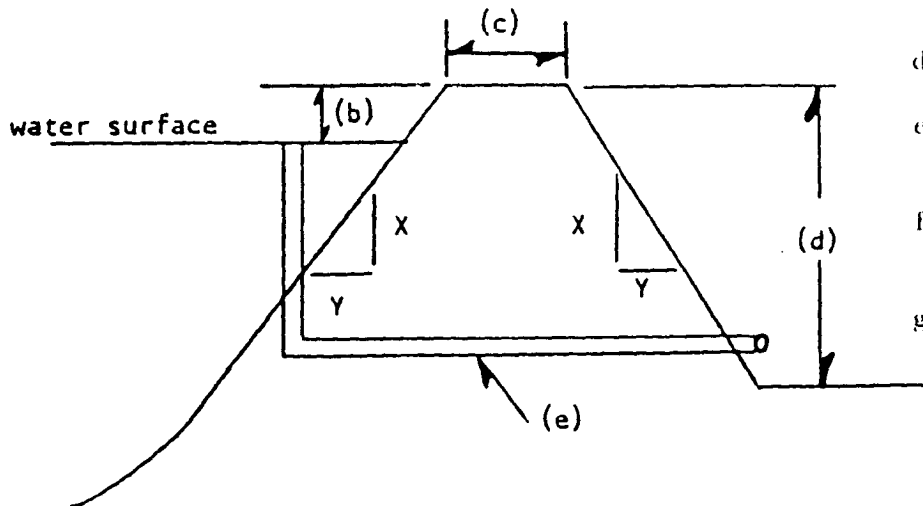
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

411911

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 15, 19 80RECEIVED OF Boxelder High Country Assoc., RR #1 Box 2080, Rapid City, SD 57702

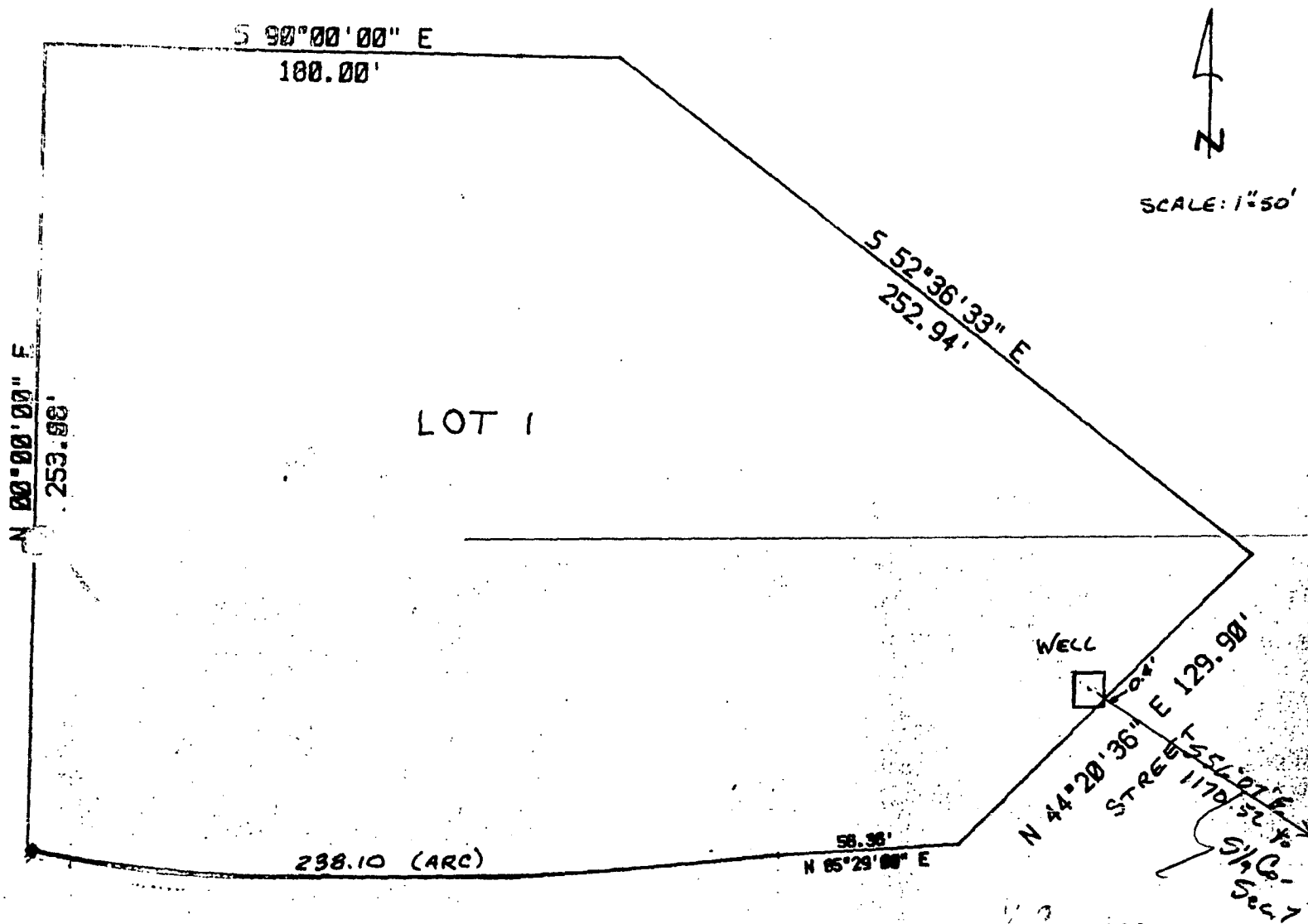
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1496-1</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 Dalch
Chief Engineer Kmra

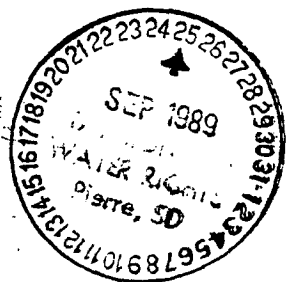
EXHIBIT SHOWING WELL LOCATION ON LOT 1, BOX ELDER HIGH COUNTRY,
 LOCATED IN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE SW $\frac{1}{4}$ OF SECTION 7, T2N, R6E, B.H.M.,
 MEADE COUNTY, SOUTH DAKOTA SE $\frac{1}{4}$

EXHIBIT A



STREET

The well bears N 56°07' W a distance of 1170.52' from the S $\frac{1}{4}$ Cor of Sec 7, T2N, R6E, B.H.M. in Meade Co., SD.



Meric D. Gige
 MERIC D. GIGEAR R.L.S.#1007
 JULY 1, 1988

Mike Bandy
 1486-1

Location of Well: _____, Section 7, Township 2N, Range 6E
 Well to be drilled for: Rob. (Jr.) Brezina Rapid City
 Owner of land (if other than above): _____
 Date well drilling started May 8 '72 finished May 18 '72
 Purpose of well _____
 (Domestic, irrigation, municipal, industrial, other)

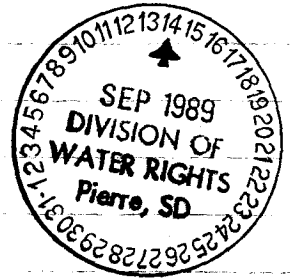


Feet	Diameter Inches	Describe kind of materials drilled through (add layers on back of form if necessary)	Ground Surface Elevation: _____ (if available)	Kind and thickness of casing to be installed:	Size of casing to be installed:	Kind of perforated screen to be installed:	Material _____ (steel, wood, concrete, etc.)	Size of Screen:	Depth below ground surface to which water rises
0-18	6 inch	0-18' - C. G. S. & L. P. R. S.							
18-22		Sandstone Red, Hd. drilled through to 22' (add layers on back of form if necessary)		Steel - 3/16	29' feet of 6 5/8" O.D. (6 1/2" I.D.)				
22-30		Quartzite 2-3' of material							
30-37		Set 29' casing at 23' level. Casing followed to 27'.							
37-50		Quartzite Very-Hd. Pink 33' of material							
		Pinkish Quartzite 5' L.S. Hd to med. Hd. Casing 14' to 15-25' (add layers on back of form if necessary)							
		Water bearing material							

Well Info.: Well will bail 40 gal./min. may produce more after being used.
 Casing set at 93' level. Casing followed & drilling to 27'.
 Drove casing into solid rock at 28". Cemented casing.

(OVER)

J. J. Brezina



Dear Sir:

Per our telephone conversation we are sending the enclosed information for your review. As I mentioned in our conversation we have only recently been informed that we do not have a permit for our ~~well~~ well.

As we discussed please check to make sure our permit was not filed under another name. You mentioned that this could be checked ~~the~~ by the legal description.

To refresh your memory; our water & well supply is an existing system installed when the sub-division was built. To ~~develop~~ developed is no longer around. So the people in the sub-division are applying for the permit.

If you have any question please contact me
my home phone is 342-5584
work phone is 348-5850

Thank You
Kenneth D. Hawkins

**Department of
Water & Natural Resources**

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

September 18, 1989

Kenneth Kaskie
Box Elder High Country Association
RR 1, Box 2368
Rapid City, SD 57702

Dear Mr. Kaskie:

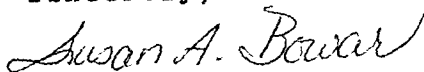
This letter is in response to the water permit application received from you on September 14, 1989. The application is not complete for the following reason(s):

- (1) A map showing the location of the well with respect to a government section corner or quarter-corner needs to be submitted. It must be signed by a South Dakota Registered Professional Engineer, a South Dakota Licensed Land Surveyor, or by a government employee who normally prepares maps as part of their duties (see enclosed instruction sheet).

The Water Management Board cannot consider a water permit application until it is complete. Please submit the required map to begin processing of your water permit application.

Feel free to contact us if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure





Dept of Water & Natl Resources
Joe Fass Bldg
5-23 East Capitol
Pierre S.D.

Sept 21, 1989

Subj: Box Elder High Country Ass
Water Permit

Dear Susan:

Per our telephone conversation on 9/21/89
and your letter dated Sept 18, 1989 I have
forwarded the easement and attached is
our well location which was surveyed by a
registered land surveyor.

I trust this information is sufficient.

Thank You
Ken Haskin

EASEMENT

The undersigned, Earl Palmer and Anita Palmer, husband and wife, do hereby grant to Boxelder High Country Association, whose address is Rural Route 1, Box 2380, Rapid City, South Dakota 57702, a permanent and perpetual easement running with the land, over Lot One of Boxelder High Country Subdivision, located in portions of the Southeast Quarter of the Southwest Quarter and the Southeast Quarter of Section 7, Township 2 North, Range 6 East of the Black Hills Meridian, Meade County, South Dakota, as shown by the Plat recorded in Plat Book 8 on Page 114 of the records of the Register of Deeds Office, Meade County, South Dakota. The exact location of said easement is shown on the attached Exhibit A and made a part hereof.

The purpose of this easement is for the maintenance of the water well located on Lot One, described above. Boxelder High Country Association shall have the right to enter upon Lot One for the purposes of maintaining the water well and attached distribution system.

This easement shall be binding upon the undersigned, their heirs, successors and assigns.

Dated this 14th day of July, 1988.

Earl Palmer
EARL PALMER

Anita Palmer
ANITA PALMER

STATE OF SOUTH DAKOTA)
COUNTY OF Pennington) SS.

On this 14 day of July, 1988, before me, a Notary Public, within and for said County and State, personally appeared EARL PALMER and ANITA PALMER, known to me to be the persons who are described in and who executed the within and foregoing instrument and they acknowledged to me that they executed the same for the purposes therein contained.

(SEAL)

Alta Schmacker
NOTARY PUBLIC

My Commission Expires 6-14-96

 **Department of
Water & Natural Resources**

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

September 26, 1989

Kenneth Kaskie
Box Elder High Country Association
RR 1, Box 2368
Rapid City, SD 57702

Dear Mr. Kaskie:

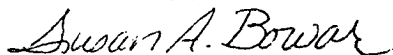
This letter is in reference to the map received from you yesterday, completing your water permit application.

The map needs to make reference to a government section corner or quarter-corner as described on the instruction sheet that was sent to you.

Please return the enclosed, corrected map at your earliest convenience.

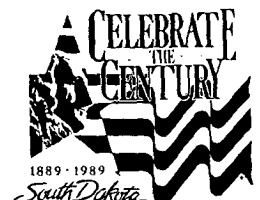
Feel free to contact us if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure



Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: 1486-1

ADDRESS: _____ COUNTY _____

DATE: 4-11-90 TELEPHONE _____

RE: _____

COMMENTS:

The map for Application No. 1486-1 was not complete when received. The map was returned to applicant for correction. The corrected map was not stamped when it arrived in the Division office. Therefore, the date original application was received, September 14, 1989, is the priority date. The recommendation for Application No. 1486-1 probably was not issued within 60 days of receipt of the corrected map and in violation of SDCL 46-2A-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: John H. H. H.

REPORT FOR APPLICATION No. 1486-1
BOX ELDER HIGH COUNTRY ASSOC.
MARCH 26, 1990

Water Permit Application No. 1486-1 proposes to appropriate 0.10 cubic feet of water per second from one existing well 50 feet deep located in the SE 1/4 SW 1/4 of Sec. 7, T2N-R6E. The well has been in existence since 1972 and is used to supply water for a common distribution system.

AQUIFER: Pre-Cambrian Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The crystalline rock in this area consists of Pre-Cambrian aged Metaconglomerate, Metagabbro, and Metaquartzite. The primary porosity and permeability (intergranular openings) of this type of rock is relatively low. Ground water is obtained from bedding planes, joints, and fractures. Movement of water to wells is dependent on the orientation and density of fractures at the wellbore, therefore the characteristics of the crystalline rock aquifer are highly variable and site specific. Ground water is under water table conditions, with the potentiometric surface roughly following the topography. Box Elder Creek is probably hydrologically connected to the crystalline rock aquifer in this area and is probably a "gaining stream" except during very high creek stages. Recharge to this aquifer is accomplished through infiltration of precipitation and streamflow via fractures and fissures. There are no recharge estimates available for the Pre-Cambrian Rock in this area.

The South Dakota Water Well Completion Report which accompanies this application indicates the static water level of this well is 18 feet below grade and the well capacity reportably exceeds 40 gallons per minute.

This well is located approximately 500 feet from Box Elder Creek. The Water Management Board denied two water permit applications which proposed appropriation from Box Elder Creek in this area. The Board determined that the public interest of the Box Elder Creek fisheries is a primary concern, and the fisheries should not be jeopardized by appropriative rights. Diversions from this well should have no impact on flows in Box Elder Creek.

The Division of Water Rights does not monitor any observation wells in this area, and there is no historical data (water levels) available for this area.

REVIEW OF EXISTING WATER RIGHTS:

There are no existing groundwater permits in the vicinity of this well. The Division of Water Rights has record of several domestic wells in the area.

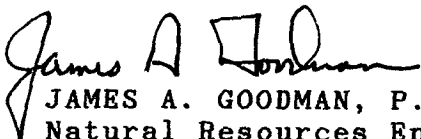
CONCLUSIONS:

1. The Pre-Cambrian rock is a viable aquifer in this area, and ground water is available for appropriation.
2. The proposed appropriation of 0.10 cfs should have no adverse effect on domestic users or existing appropriative rights supplied with adequate wells.
3. Estimates are not available for average annual recharge in the area.
4. The South Dakota Water Well Completion Report submitted with this application indicates the well is completed in accordance with the SD Well Construction Standards.
5. The well used to supply water to this application has been in existence since 1972 with no reported controversy.
6. Although there is a hydrologic connection between the Box Elder Creek and the Pre-Cambrian aquifer, this appropriation will have no significant impact on streamflows in the creek.



Ken Buhler
Natural Resources Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer IV

REFERENCES:

DeWitt, E., J.Redden, D.Buscher, A.Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, USGS Miscellaneous Investigations Series.

Division of Water Rights, 1990, "Domestic Well Log and Water Permit Files", DWNR-Division of Water Rights, Joe Foss Building, Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1486-1, Box Elder High Country 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. 1486-1, Box Elder High Country Association, RR 1, Box 2368, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 1486-1 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.

See the attached report for additional information.

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
April 11, 1990



Department of Water & Natural Resources

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

April 12, 1990

Sturgis\Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785-0069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1486-1 to be published twice. Please publish the first notice on or before April 19, 1990 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 Box Elder High Country Association, RR #1 Box 2368, Rapid City, SD 57702-8801.

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,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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

April 12, 1990

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

Kenneth Kaskie
Box Elder High Country Association
RR #1 Box 2368
Rapid City, SD 57702-8801

Dear Mr. Kaskie:

Water Permit Application No. 1486-1 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1486-1 to Appropriate Water

Notice is given that Box Elder High Country Association, RR #1 Box 2368, Rapid City, SD 57702-8801 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one existing well 50 feet deep located approximately 500 feet from Box Elder Creek in the SE1/4 SW1/4 of Section 7-T2N-R6E. The water is to be used to supply a common distribution system.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1486-1 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 the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 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 May 11, 1990. 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 May 11, 1990.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sharon Allison

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

<u>April 21</u>	<u>199 0</u>	<u>199</u>
<u>April 28</u>	<u>199 0</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 39.06, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Sharon Allison

Billing Clerk

Subscribed and sworn to before me this

28 day of April, 199 0

Notary Public, South Dakota

NOTICE OF HEARING ON APPLICANT'S REQUEST TO APPROVE WATER RIGHTS

Notice is given that Box Elder High Country Association, RR #1 Box 2368, Rapid City, SD 57702-8801 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one existing well 50 feet deep located approximately 500 feet from Box Elder Creek in the SE 1/4 SW 1/4 of Section 7-T2N-R6E. The water is to be used to supply a common distribution system.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1486-1 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 the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 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 May 11, 1990. 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 May 11, 1990.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:02:15.
Publ. April 21, 28 1990



Department of Water & Natural Resources

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

JUL 10 1990

Box Elder High Country Association
Kenneth Kaskie
RR 1, Box 2368
Rapid City SD 57702

Dear Mr. Kaskie:

Enclosed is Water Permit No. 1486-1 as approved by the Water Management Board authorizing construction of the water system and the application of water 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, appearing to read "John Hatch".

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1486-1

I have this day, August 18, 2016, made a thorough examination of the water use system constructed by Box Elder High Country Association, Rapid City, SD 57702 of Permit No. 1486-1, bearing the priority of 9/14/1989 authorizing the diversion of 0.1 cu. ft. per second of the water from one well for suburban housing purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Travis Wells, representing
Andrea Wells, Secretary-Treasurer
13740 Chariot Place
Rapid City, SD 57702
605-415-8551**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (1972)
- 2) No. of Wells 1
- 3) Depth(s) 50 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6 7/8"
- 2) Length 27 feet
- 3) Type Steel

Screen:

- 1) Type N/A
- 2) Length -- feet
- 3) Static water level 18' feet

Pump:

- 1) Make A.Y. McDonald
- 2) Model 24500G3
- 3) Size 4" / 14 stage
- 4) Capacity 45 GPM
- 5) Horsepower rating 5 hp

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

A plastic pipe delivers water from the well and pump house to two 1,200 gallon below ground concrete storage tanks located approximately 210 ft. in elevation above the well.

C. Works used to apply water to beneficial use:

Water gravity feeds from the storage tanks to the users through a plastic pipe distribution system. The System serves 24 homes (per Judene Holan 5/20/16). Three of the homes highest in elevation use booster pumps to provide the desired pressure. Individual water use is not metered.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : yes
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in fair condition with the point of diversion located as follows:
630' N and 1,565' E of the SW corner Section 7 T2N R6E (44.141691, -103.446533)
2. The works are capable of diverting and conveying to the place of use 0.1 cu. ft. per second (45 gpm) of water which is to be used for **suburban housing** use and the license should be issued for 0.1 cfs.
3. All structures, wells and lands on map – **no, well and storage only**

F. Comments or other permit(s) associated with the project: none



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/18/2016



Well house, access for well replacement at left end

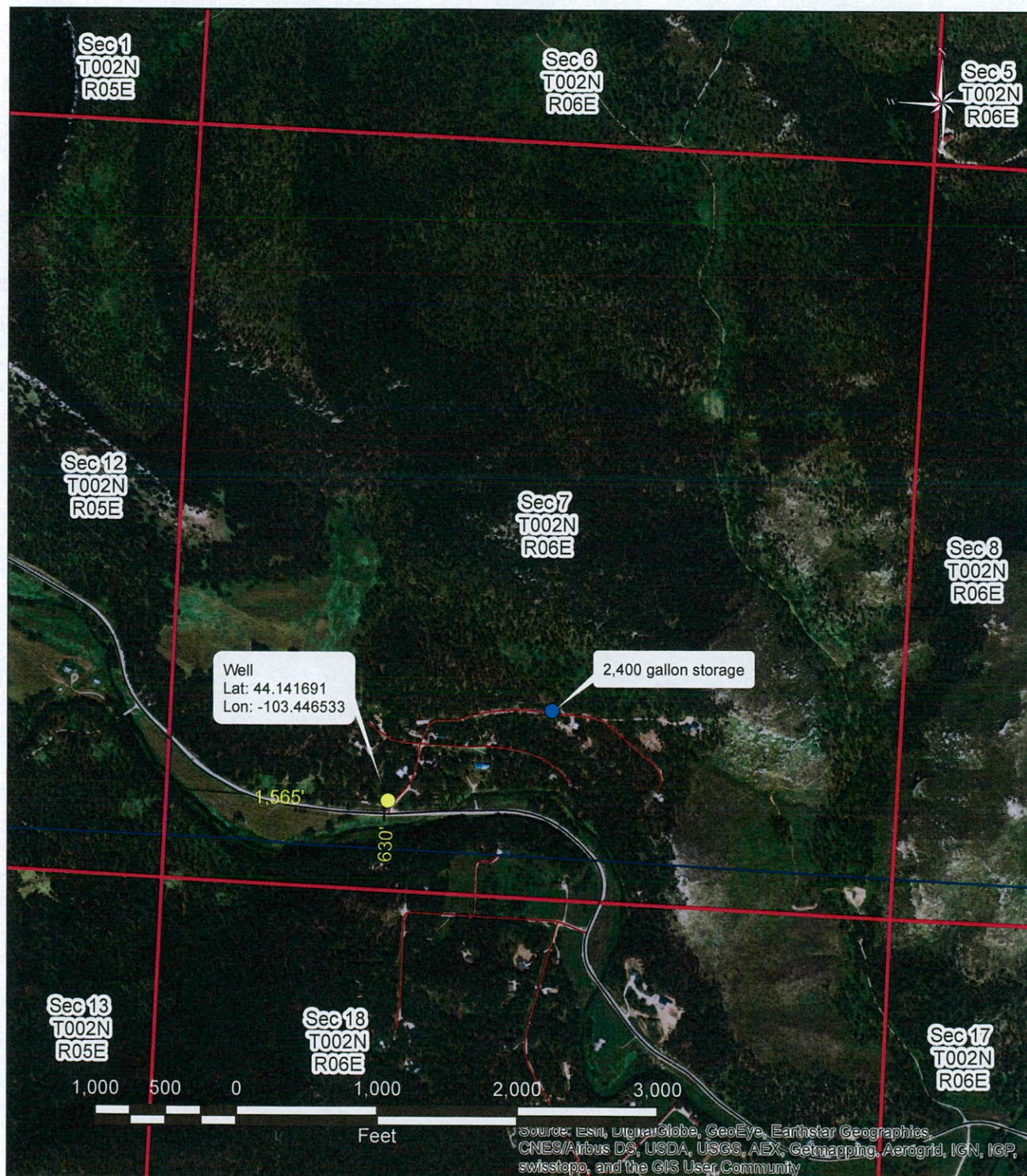


Twin 1,200 gallon concrete storage tanks



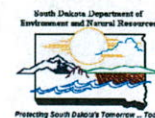
Well- near center of photo in rear of pit

Water Right #1486-1
Box Elder High Country Assn.
8/18/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.gov

August 25, 2016

1486-1

Andrea Wells, Secretary-Treasurer
Box Elder High Country Association
13740 Chariot Place
Rapid City SD 57702

Dear Ms. Wells:

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. 1486-1, 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 1/20, 20 17

RECEIVED OF Box Elder High Country Assn PO Box 755 Rapid City SD 57709

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>1486-1</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. **08113**

By *Jeanne Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 30 2017

1486-1

Randy Harkins, President
Box Elder High Country Association
13551 Chariot Place
Rapid City SD 57702

Dear Mr. Harkins:

Enclosed is Water License No. 1486-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation and a receipt for the filing fee paid.

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. 1486-1, 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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1486-1

(1) Box Elder High Country Association, 13551 Chariot Place, Rapid City SD 57702 made Application No. 1486-1, September 14, 1989 for a water permit to divert 0.10 cubic feet of water per second from ground water, one well (Crystalline Rock), Meade County, South Dakota for suburban housing development purposes. Permit No. 1486-1, with a priority date of September 14, 1989 was approved May 23, 1990 and issued to the applicant for diversion of water with construction of the described water supply system and application of water to beneficial use completed.

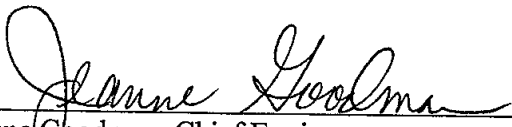
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use.

The location of the diversion point is 630 feet N and 1,565 feet E of the SW corner of Section 7, T2N, R6E (SE ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Box Elder High Country Association, 13551 Chariot Place, Rapid City SD 57702 the holder and/or owner of Water Right No. 1486-1 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water (one well, Crystalline Rock) with a priority date of September 14, 1989 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1486-1.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 30 2017
date

