

Considered: _____

WATER PERMIT NO. 1489-1

Ph 642-3717

HAP No. _____

Name of Applicant Leonard Wales

Post Office Address Box 256 Sunshine Drive Spearfish SD

Amount of Water Claimed 0.437 cfs (30 gpm) Total Acres NA

Source of Water Supply groundwater

Water to be used for rural water system County Lawrence

About _____ miles _____ of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 2/12/90 8/1/89 Fee \$50.00 Remarks 6 present

homes with expansion for 10 future homes

Corrected Application Received 4/16/90 Period of Annual Use year Jan 1 - Dec 31

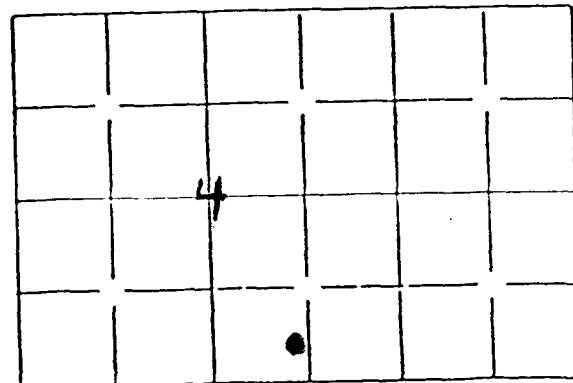
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point SW 1/4 SE 1/4 Section 4

T6N, R2E

Land to be Irrigated N/A



Well Log: Driller Ellingson Licensed YES X NO _____

Depth of Well 242' REMARKS _____

Type of Map Plat PREPARED BY Neil Stodolski Reviewed and the Number

assigned on 4/18/90 By Eric Lundell

**SOUTH DAKOTA
WATER PERMIT No. 1489-1**

Date of first receipt of application August 15, 1989.

Date of return to applicant for corrections, amendments or changes August 22, 1989.

Date of receipt of corrected application April 16, 1990.

The Water Management Board approved Water Permit Application No. 1489-1 on July 25, 1990 for Leonard Wales, Box 256, Sunshine Drive, Spearfish, SD 57783 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. 1489-1 appropriates 0.067 cubic feet of water per second from one well (Minnekahta Limestone Aquifer) 242 feet deep located in the SW1/4 SE1/4 Section 4 T6N-R2E.
2. The water appropriated shall be used for the purpose of housing development and may not exceed the amount of water needed for beneficial use for suburban housing.
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 April 16, 1990.
5. One-fifth of the construction is to be completed on or before January 25, 1993.
6. All construction is to be completed on or before July 25, 1995.
7. Water is to be put to beneficial use on or before July 25, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 1489-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. 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: _____

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

SEP 13 1990

(date)

Mail to: Water Rights Div.
DWNr, Foss Bldg.
Pierre, SD 57501
(605) 773-3352
P.L. 5/29/87

No. <u>1489-1</u>	Hydrologic Unit <u>10120203</u>
Map No. _____	Basin <u>Belle Fourche</u>
Newspaper <u>Queen City Mail Box 7 Spearfish</u>	

57783 (D)

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 ☒ ~~Heat~~ Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant LEONARD WALES Phone No. 642-3717
(RANCH 307-283-1673)
Post Office Address Box 256 SUNSHINE DRIVE SPEARFISH State SOUTH DAKOTA Zip Code 57783
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) domestic use 30 G.P.M. 0.067 cfs
- Source of water supply drilled well - WITH PROPER CONSTRUCTION
- Location of point of diversion SW 1/4 SE 1/4 S 4 T1N 6N R 2E

County Lawrence

5. Counties where water will be used LAWRENCE

6. Annual period during which water is to be used YEAR-ROUND - 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)

6 present homes plus 11 future home sites

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Lawrence)^{ss}

I, LEONARD WALES 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 Leonard Wales

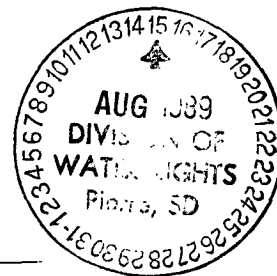
Subscribed and sworn to before me this 9th day of August 1989

Notary Public in and for
Lawrence County

Kloria J. Starr
Notary Public

Supplemental Information

(type or print in ink)

**1. Well Information - Proposed construction**

- a) Drill Hole Diameter 7 7/8 Depth 260'
- b) Casing Type 200 PVC Diameter 5 1/2 OD Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 220
- f) Depth to Water (ground surface to water level) 50
- g) Distance to nearest existing domestic well: 275'

On applicants property _____

On property owned by others

KENS. TRAILER PARK**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 _____

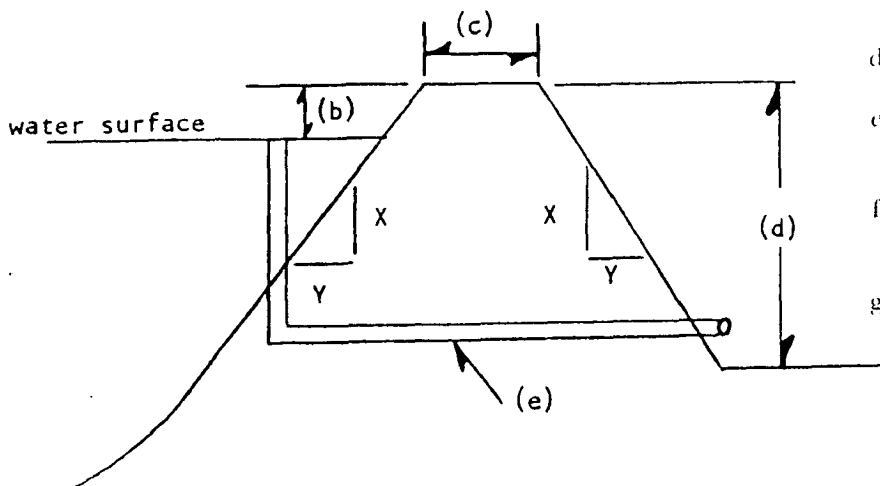
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



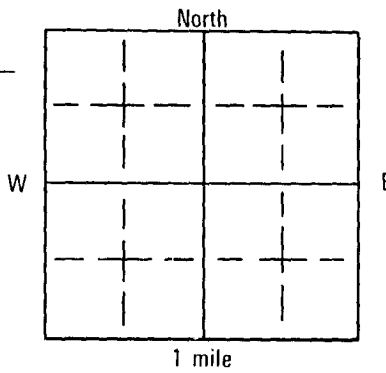
Signature of Applicant _____

10-85

Date _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SUNSE ¼ Sec 4 Twp 6N Rg 2ECounty
LawrencePlease mark well
location with
an "X"Well Completion Date 4-7-90

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0 FT	43 FT	7 1/2 IN
LB/FT	IN	43 FT	242 FT	4 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name LEONARD WALESAddress Box 256 SUNSHINE DRIVE

Well Log:

Depth

Formation

From

To

Top Soil	0	7
Gravel-Sand	7	35
Red bed-Gravel	35	40
Red bed	40	210
MINNEKAHTA	210	242

STATIC WATER LEVEL 80 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped w/air 3 hrs @ 25 G.P.M.☐ Bailed Describe: From MINNEKAHTA☐ Other LIMESTONE

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 93

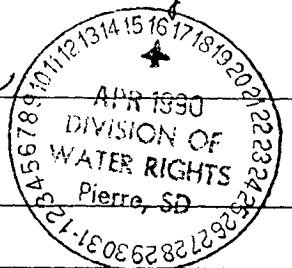
And this report is true and accurate.

Drilling firm Ellingson Drilling

Signature of License Representative:

Jersey Ellingson

Signature of Well Owner:

Date 4-11-90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412083

Pierre, February 12, 1990, 19

RECEIVED OF Leonard Wales, Box 356, Beulah WY 82712

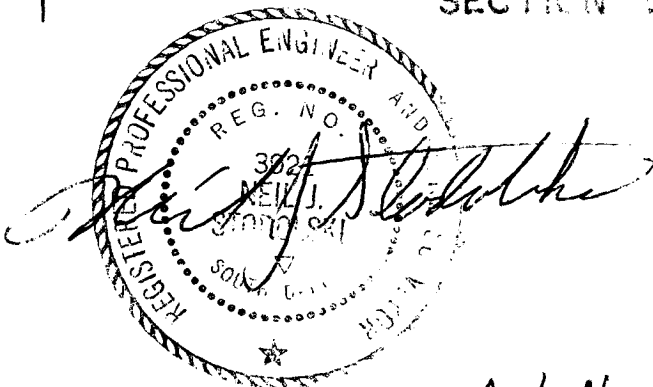
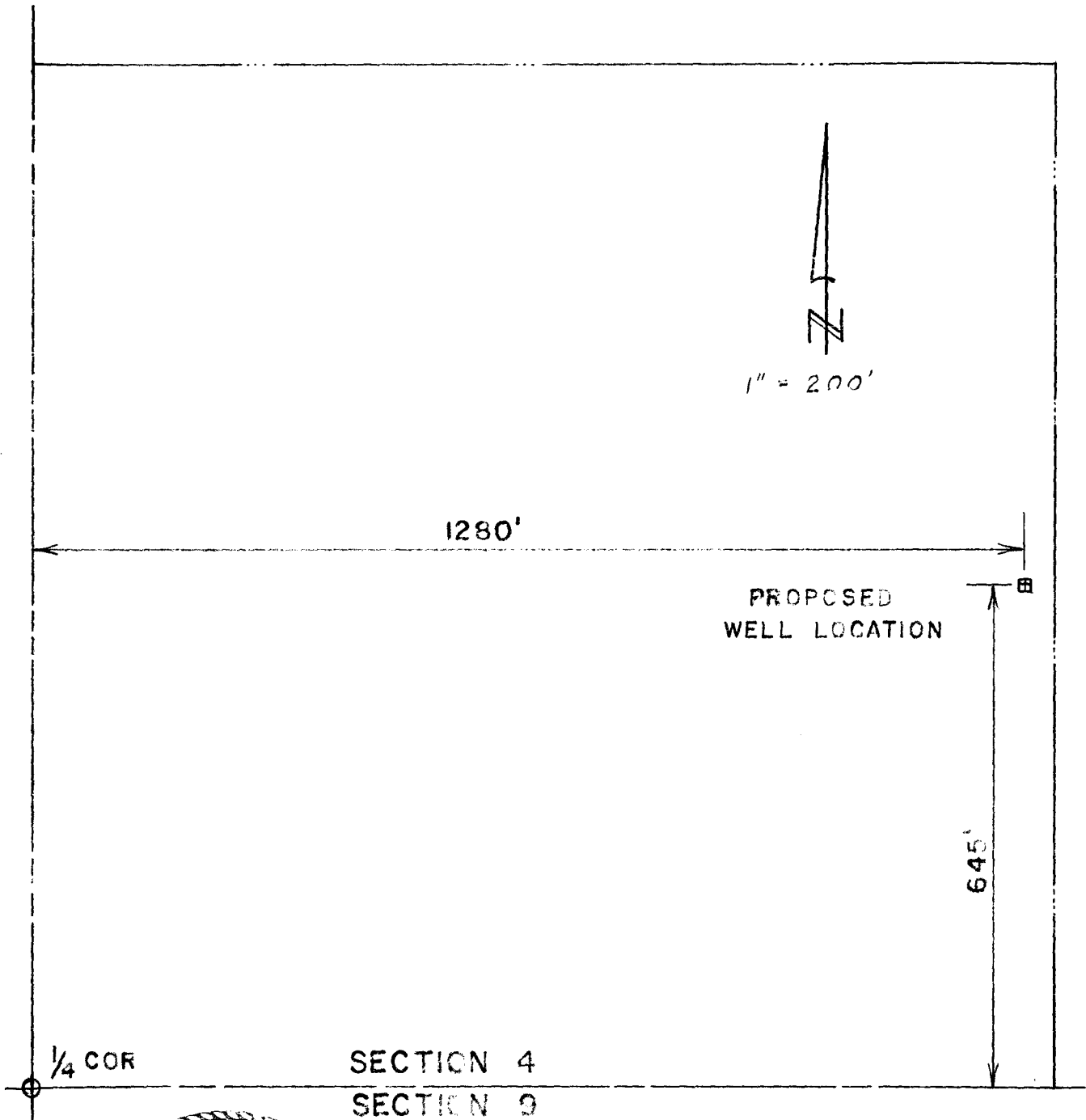
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1477-1</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 Hatcher
Chief Engineer

(KS)

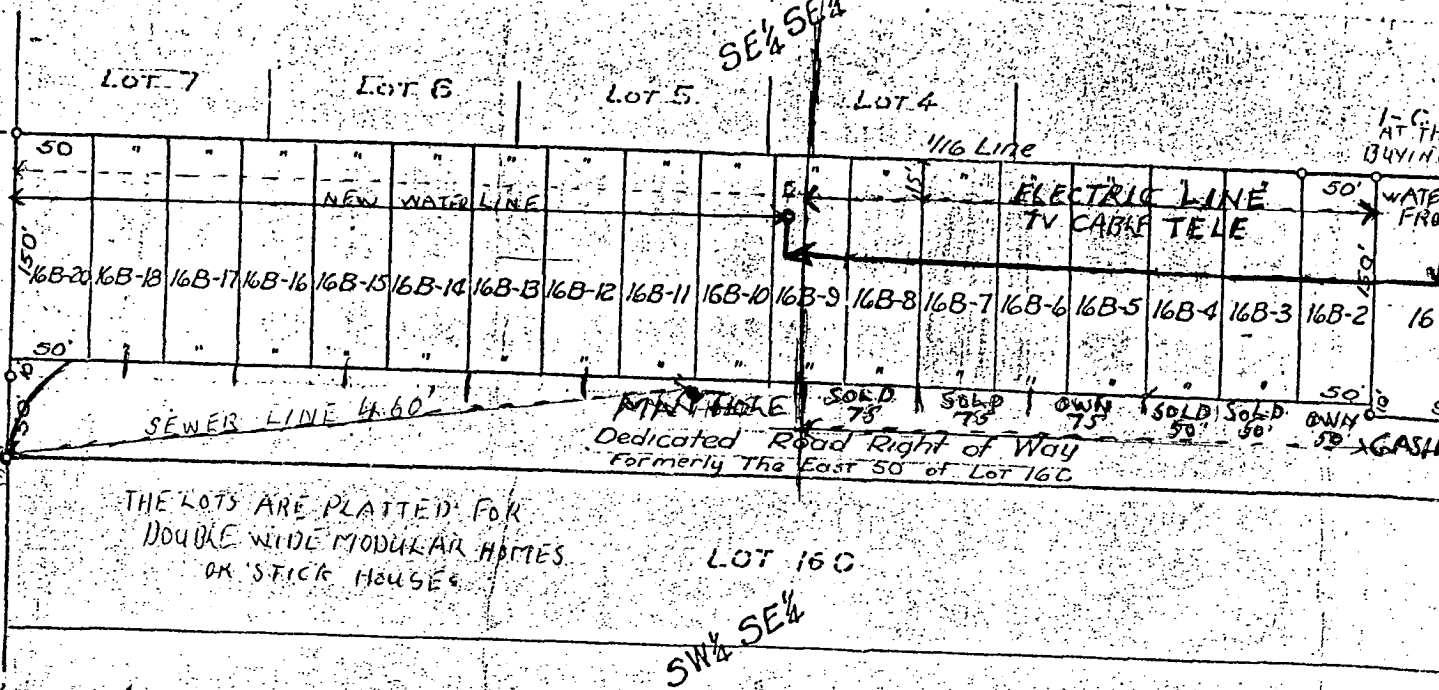
PROPOSED WELL LOCATION
SW 1/4, SE 1/4, SEC 4, T6N R2E BHM



PREPARED BY
NJS ENGINEERING
SPEARFISH, SD

Appl. No. 1489-1

1" = 100'

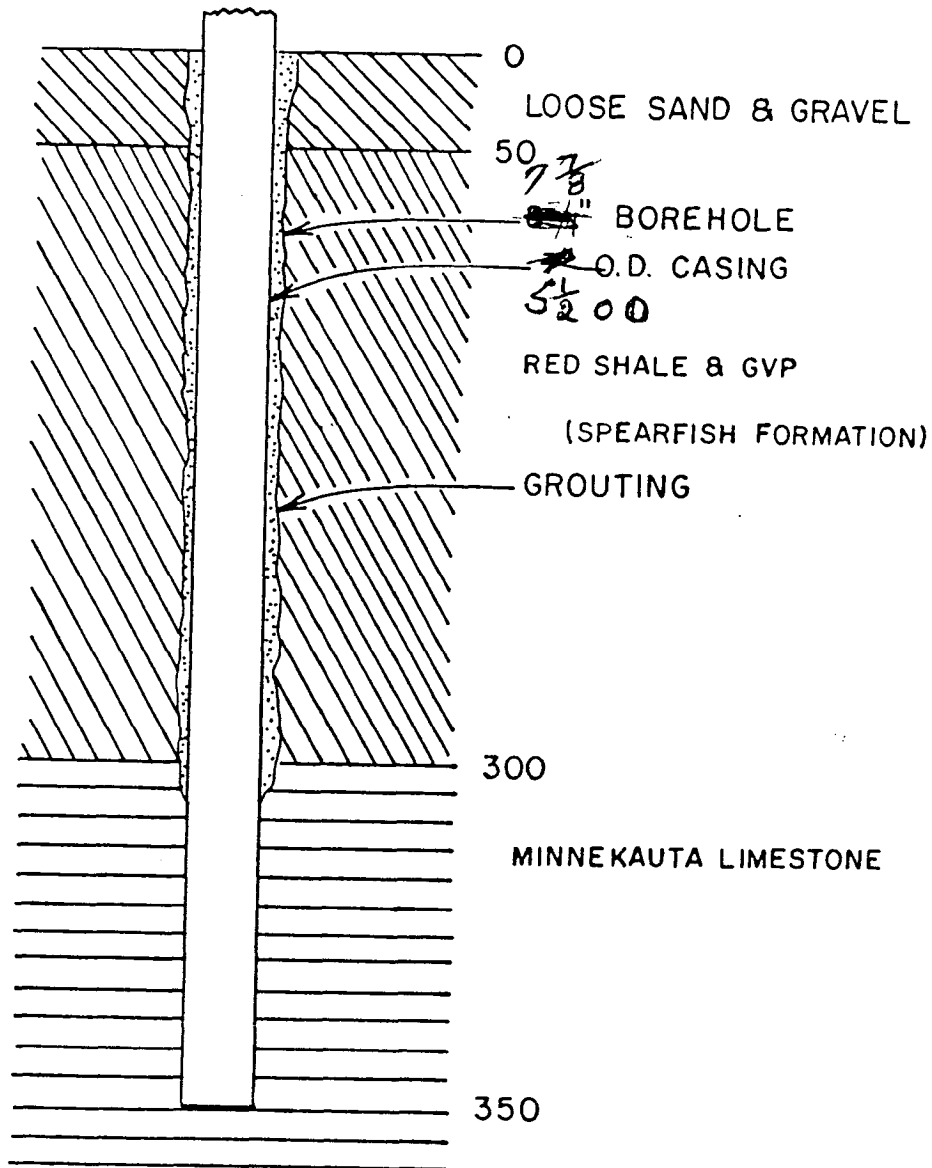


PLAT OF THE SUBDIVISION OF LOT 16B AND STREET DEDICATION
OF THE EAST 50' OF LOT 16C

SURVEYOR'S CERTIFICATE

1489-1

I, Donald D. Hoffman, Registered Land Surveyor, do hereby certify that at the direction of The Owner (B) surveyed and subdivided Lot 16B and the East 50' of Lot 16C both in the SW 1/4 SE 1/4 of Section 16, Township 1N, Range 1E, and all dimensions shown are true and correct.





Department of Water & Natural Resources

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

March 19, 1990

Leonard Wales
Box 256
Sunshine Drive
Spearfish, SD 57783

Dear Mr. Wales:

This letter is in response to your water permit application received on August 15, 1989 and this office's subsequent request for additional information. A letter dated August 22, 1989 from Susan Bowar requested additional information on your water permit application. The following information still needs to be submitted in order to process your application.

- 1) A well log or test hole log that is signed by a South Dakota Licensed Well Driller. If this is an existing well, a well completion report can be submitted, in fact it is a State law that a well completion report be submitted on any well drilled.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the above mentioned item to my attention referencing your water permit application and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

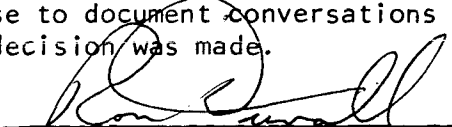
Conversation or File Documentation

NAME OF PERSON OR FILE: Leonard Wales, Box 356
ADDRESS: Beulah WY 82712 COUNTY Lawrence
DATE: April 26, 1990 TELEPHONE 307-283-1673
RE: Use of water prior to obtaining a water permit
COMMENTS:

Leonard Wales called to determine if it was possible to have Application No. 1489-1 considered at the May 23, 1990 Board meeting. According to Mr. Wales, EmHA would not release loan until water supply was assured. The proposed well is to serve 6 present home sites, if necessary, and 7 future home sites. The proposed well is not currently needed to supply the 6 existing home sites. An individual currently wants to build on 1 of the 7 future sites and cannot get the EmHA loan released.

I informed Mr. Wales that pursuant to SDCL 46-5-8.2 water could be supplied at a rate no greater than 18 gpm without a water permit. Mr. Wales was also informed that no guarantee could be given that the application would be approved at the July 1990 Board meeting. Mr. Wales indicated he would proceed with the well construction with that understanding. Mr. Wales was also instructed to tell the well driller to grant from the top of the Minnekahta to ground surface.

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: 

REPORT ON APPLICATION NO. 1489-1
FOR LEONARD WALES
June 11, 1990

This application proposes to appropriate 0.067 cfs from one well approximately 242 feet deep located in the SW 1/4 SE 1/4 of section 4, T6N R2E BHM in Lawrence County. The water will be used for a suburban housing development.

AQUIFER - MINNEKAHTA LIMESTONE (MNKT)

The Minnekahta Limestone is a light brown to lavender thin to medium bedded limestone which is approximately 40 feet thick in this area. The Minnekahta is under artesian conditions and may flow at land surface elevation 3550 msl. The well at this site should not flow at the land surface. The Minnekahta is not normally considered an aquifer of much importance; however, in the area below and near the outcrop, the Minnekahta has proven to be a viable source of water. Ground water is obtained from fractures and bedding plains within the rock and more importantly from solution cavities both within the Minnekahta and at the upper and lower contacts with the Spearfish and Opeche Formations respectively. The Minnekahta underlies 126,080 acres and contains an estimated 315,200 acre feet of recoverable water in Lawrence County (Allen, 1985).

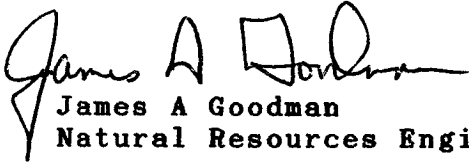
The Division of Water Rights monitors one observation well LA-86B which is completed into the Minnekahta Limestone and is located about 1 1/2 miles northwest of this application. Water levels for this well show good correlation to wet and dry climatic conditions. Records are available since 1986 and typically are highest in early summer and lowest during late winter. This corresponds to when recharge is available to the system. Overall the recent trend has been slightly downward due to dry weather conditions, but it is apparent that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1990).

REVIEW OF EXISTING WATER RIGHTS/RIGHTS

There are two existing Water Right Nos. 1118-1 and 1129-1 which are within 1/4 mile of this application. One of the diversion points for No. 1118-1 is about 300 feet west of this proposed diversion. Drawdowns caused by pumping will overlap and interference is likely; however, this should not be adverse. Records included with Water Right No. 1118-1 indicate those wells draw down about 75 feet pumping at 60 gpm. This indicates the aquifer has a low specific capacity, but the pumping level is still above the top of the aquifer. Also, drawdowns caused by pumping are not evident by looking at the observation well record. Water level changes are evident from looking at the record; however, these appear to climatic related rather than due to pumping.

CONCLUSIONS

1. Water is available from the Minnekahta Limestone.
2. The Minnekahta is under artesian conditions and drawdowns due to pumping will occur. Data is not available to access the effect; however, the diversion rate is small and interference is not expected to be a problem.
3. This is a public water supply well and the well must be constructed in accordance with SD Well Construction Standard 74:02:04:30 which requires grouting with neat cement from the top of the Minnekahta to the land surface.
4. Plans and specifications must be submitted to the Office of Drinking Water for approval prior to construction.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., 1984, ANALYSIS OF GROUNDWATER AND STREAMFLOW DATA WESTERN DAKOTAS REGION OF SOUTH DAKOTA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1990, RECORDS FOR OBSERVATION WELL LA-86B, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1489-1, Leonard Wales**

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. 1489-1, Leonard Wales, Box 256 Sunshine Drive, Spearfish SD.

The Chief Engineer is recommending APPROVAL of Application No. 1489-1 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. The well authorized by Permit No. 1489-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. 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
June 11, 1990**

NOTE: Plans and specifications for the well must be submitted to the Office of Drinking Water, Department of Water and Natural Resources for approval prior to construction.



Department of Water & Natural Resources

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

June 21, 1990

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

Leonard Wales
Box 256, Sunshine Drive
Spearfish, SD 57783

Dear Mr. Wales:

Water Permit Application No. 1489-1 for irrigation 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 Queen City Mail printed at Spearfish 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



Department of Water & Natural Resources

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

June 21, 1990

Queen City Mail
Box 7
Spearfish, SD 57783-0007

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1489-1 to be published twice. Please publish the first notice on or before June 28, 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 Leonard Wales, Box 256 Sunshine Drive, Spearfish, SD 57783.

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
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

Instruction to Newspaper - Publish first Notice on or before June 28, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1489-1 to Appropriate Water

Notice is given that Leonard Wales, Box 256 Sunshine Drive, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well (Minnekahta Limestone Aquifer) 242 feet deep located in the SW1/4 SE1/4 Section 4-T6N-R2E. The water is to be used by a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1489-1 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 Bldg., 523 E Capitol, Pierre SD on July 25, 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 July 13, 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 July 13, 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; 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 Laurens) ss.

I, Karen Perry

certify that the attached printed Notice was taken
 from the The Queen City Mail

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 Lead

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

June 28, 1990

July 5, 1990

Karen Perry
 (Signature)

Accounts Receivable Clerk
 (Title)

July 5, 1990
 (Date Signed)

Cost of Printing: 36.47

NOTICE OF HEARING
 on Application
 No. 1489-1 to
 Appropriate Water

Notice is given that Leonard Wales, Box 256 Sunshine Drive, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well (Minnekahta Limestone Aquifer) 242 feet deep located in the SW1/4 SE1/4 Section 4-T6N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1489-1 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 Bldg., 523 E Capitol, Pierre SD on July 25, 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 July 13, 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 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 July 13, 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, 46-5-25, 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.



2nd publication

June 28
 July 5
 8-136



Department of Water & Natural Resources

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

SEP 13 1990

Leonard Wales
Box 256, Sunshine Drive
Spearfish SD 57783

Dear Mr. Wales:

Enclosed is Water Permit No. 1489-1 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 dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "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.

Lawrence

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate May 20^d 1992TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181FROM: LEONARD WALES Box 356 BEULAH WYO 82712
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1489-1.

Water Permit No. 1489-1 states that the diversion system is to be constructed by ELLINGSON WELL DRILLING and that the water it put to beneficial use by LEONARD WALES WATER ASSOCIATION

The diversion system was completed on 6 1 90.Applying the water to beneficial use was completed on May 20 1992

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

Leonard Wales
signature

This well is located at
257 Sunshine Drive
Spearfish
South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 18, 1994

1489-1

Leonard Wales
Box 356
Beulah, WY 82712

Dear Mr. Wales:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1489-1, has been completed. Your final water right document, the Water License, can now be issued.

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

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

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

Sincerely,

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

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

28. July 1994

Dear Sir I got your other letter
in May 18th 1994. forwarded it to
the Board of our Directors, but they
must have overlooked it, so I am
sending the 50 Dollars. to get the
water licence. I am still part of
that Water Association, but all
future correspondence should be
sent to, Lavern Baker 256 Sunshine
Drive Spearfish South Dakota ~~as~~
as he is on the Board. once again
sorry for delay. Thank you for your
help in the past

Yours
Sincerely
Leonard Wales



Dacotah Cement

The South Dakota Cement Plant

Rapid City, South Dakota

Rapid City: 342-4252 In WATS 800-742-8910

Chamberlain: 734-6861 Aberdeen: 225-6802 Bismarck: 701-255-4920

Watertown: 886-4251 Sioux Falls: 336-6169



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1994

SECOND NOTICE
Permit No: 1489-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Leonard Wales
Box 356
Beulah, WY 82712

Dear Mr. Wales:

On May 18, 1994, you were notified the final inspection fee of \$50.00 is due before Water License No. 1489-1 can be issued. As of this date, the fee has not been received.

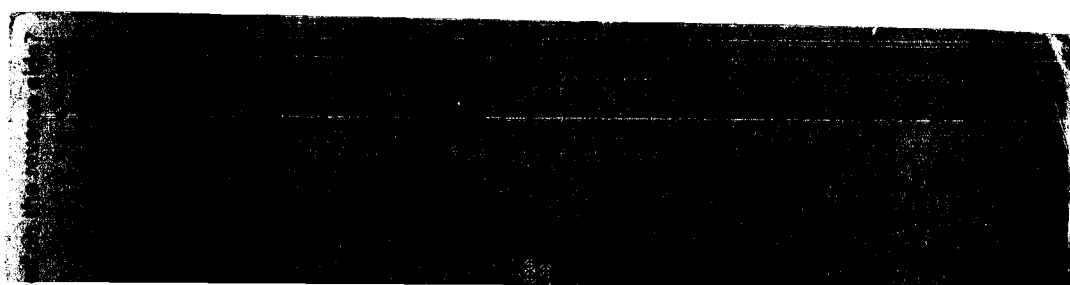
The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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



Is your RETURN ADDRESS complete

Leonard Wales
Box 356
Beulah, WY 82712

P 318 052 674

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

7-27-94 *del*

5. Signature (Addressee)

Leonard Wales

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

RECEIPT

414235

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 2, 19 94

RECEIVED OF Leonard Wales, Box 356, Beulah, WY 82712

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. <u>1489-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

John Hatch

Permit No. 1489-1
Belle Fourche - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Leonard Wales of Box 256 Sunshine Drive , Spearfish, SD 57783 holder of Permit No. 1489-1, bearing the priority of April 16, 1990 authorizing the diversion of 0.067 cu. ft. per second of the waters of groundwater for suburban housing needs, in Lawrence County.

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

- A. Works used to divert the water:
A submersible pump, 22 gallons per minute capacity.
A 2 horse power submersible motor.
- B. Works used to transport water to place of use:
60 feet of 2.25 inch Polyvinyl Chloride (PVC) pipe.
- C. Works used to apply water to beneficial use:
Water is pumped into 3-80 gallon pressure tanks and is used for a suburban housing.

The system is in the following condition Very good. The point of diversion is located approximately 1360 feet west, 645 feet north from the Southeast corner of Section 4, T6N-R2E (SW1/4 SE1/4). The works are capable of diverting and conveying to the place of use 0.05 cu. ft. per second of water which is to be used for a suburban housing.

The license should be issued for 0.05 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: 8/18/93



M. Rassool Ahadi
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1489-1

DATE: 8/18/93

Other permit(s) associated with the project: NO

DIVERSION POINT LEGAL LOCATION: SW1/4 SE1/4 SECTION 4, T6N-R2E

WELL INFORMATION:

- 1) Well Drilling Firm: ELLINGSON
- 2) No. of Wells 1
- 3) Depth(s) 242 feet
- 4) Well log is available Y
- 5) Comment: NONE

Casing:

- 1) Diameter 5 inches
- 2) Length 212 feet
- 3) Type POLYVINYL CHLORIDE (PVC)

Screen: NONE

Pump:

- 1) Make FLINT WALLINGS-SUBMERSIBLE
- 2) Model 4S19B2030
- 3) Size 4
- 4) Capacity 22 GPM

Motor:

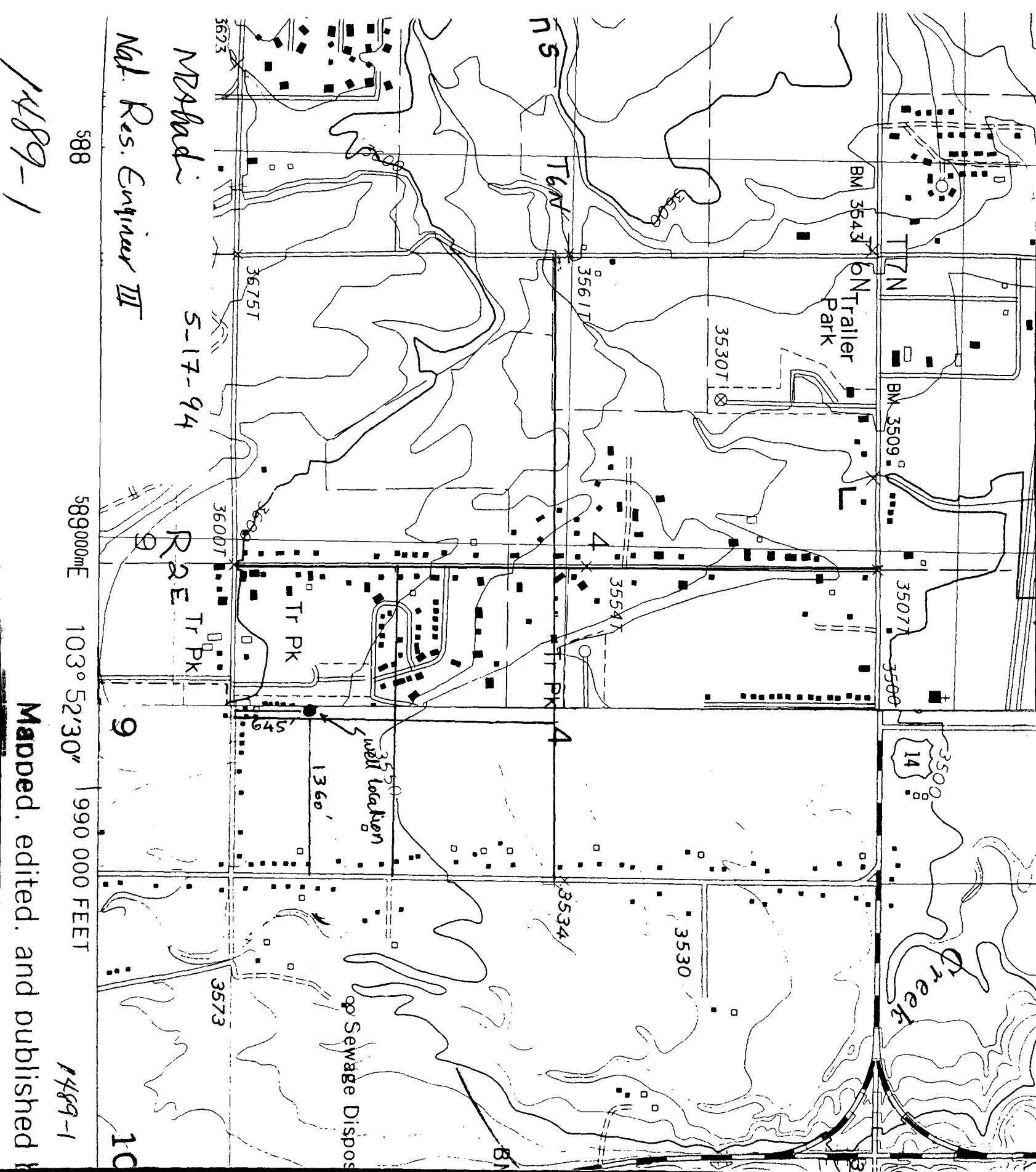
- 1) Make SUBMERSIBLE
- 2) Model No. C-90-23-1505
- 3) Horsepower rating 2 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 2.25 inches
- 3) Length 60 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y



1489-1

588

589000ME 103° 52'30" 990 000 FEET

1489-1

Nat. Res. Engineer III

MSA 5-17-94

RE Tr PK

Tr PK

well location

Sewage Dispos

Creek

14

3500

3530

3554

3561

3600

3625

3673

3675

3680

3685

3690

3695

3700

3705

3710

3715

3720

3725

3730

3735

3740

3745

3750

3755

3760

3765

3770

3775

3780

3785

3790

3795

3800

3805

3810

3815

3820

3825

3830

3835

3840

3845

3850

3855

3860

3865

3870

3875

3880

3885

3890

3895

3900

3905

3910

3915

3920

3925

3930

3935

3940

3945

3950

3955

3960

3965

3970

3975

3980

3985

3990

3995

4000

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1489-1

(1) Leonard Wales, of Beulah, Wyoming 82712 made Application No. 1489-1, August 15, 1989 for a water permit to appropriate 0.067 cubic feet of water per second from groundwater (one well in the Minnekahta Limestone Aquifer), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1489-1, with a priority date of April 16, 1990 was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 15, 1992. The notice indicated the diversion system was completed on June 1, 1990 and the water would be placed to beneficial use on May 20, 1992.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.05 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1360 feet west and 645 feet north of the SE corner of Section 4, T6N, R2E (SW¼ SE¼).

(3) The applicant 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 Leonard Wales, % Lavern Baker, 256 Sunshine Drive, Spearfish, SD 57783 the holder and/or owner of Water Permit No. 1489-1 is issued a license to appropriate water, the right to use 0.05 cubic feet of water per second from groundwater (one well) with a priority date of April 16, 1990 from the location specified in (2) of this license. The water is used for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1489-1 and subject to South Dakota State Law.



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

NOV 14 1994
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

1489-1

Leonard Wales
%Lavern Baker
256 Sunshine Drive
Spearfish, SD 57783

Dear Mr. Wales:

Enclosed is Water License No. 1489-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414235 in the amount of \$50.00 which you paid for the inspection 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. 1489-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures