

Considered: _____

WATER PERMIT NO. 1528-1

Phone: 605 642-4894

Name of Applicant: Westfield Homeowner's Association

Post Office Address: c/o Paul Phillips, 206 Cottonwood Dr., Spearfish SD 57783

Amount of Water Claimed: 0.16 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing 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: 7-22-91 Fee: \$150.00 Remarks _____

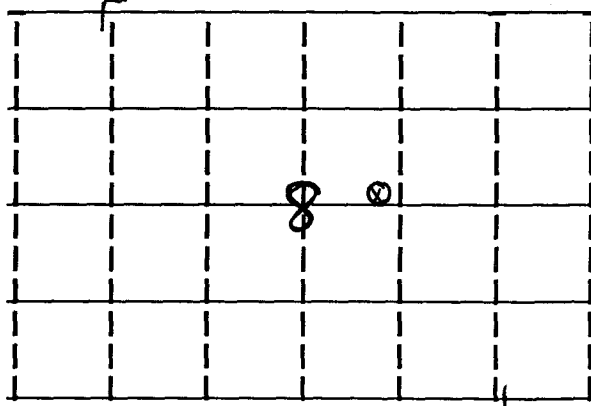
Corrected Application Received 8-1-91 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NE 1/4 Sec 8-T6N-R2E

Land to be Irrigated: _____



Well Log: Driller: Taylor Drilling Licensed YES X NO _____

Depth of Well: 180' REMARKS _____

Type of Map: plat PREPARED BY: George E Gebhart, P.E. Reviewed and the Number

Assigned on 8-1-91 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT No. 1528-1**

Date of first receipt of application July 22, 1991.

Date of return to applicant for corrections, amendments or changes July 23, 1991.

Date of receipt of corrected application August 1, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1528-1 to Westfield Homeowner's Association, c/o Paul Phillips, 206 Cottonwood Dr., 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. 1528-1 appropriates 0.16 cubic feet of water per second from one well (Minnelusa Formation) 180 feet deep located in the SW 1/4 NE 1/4 Section 8-T6N-R2E.
2. The water appropriated shall be used for the purpose of supplying water to homes and may not exceed the amount of water needed for beneficial use for suburban housing development.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1528-1 is October 1, 1991.
5. The date from which applicant may claim right is July 22, 1991.
6. One-fifth of the construction is to be completed on or before April 1, 1994.
7. All construction is to be completed on or before October 1, 1996.
8. Water is to be put to beneficial use on or before October 1, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

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

FEB 27 1992

date

No. 1528-1 Hydrologic Unit 10120203
 Map No. _____ Basin Belle Fourche River
 Newspaper Queen City Mail, Box 7, Spearfish

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

(Daily)

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

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

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

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

1. Name of Applicant Westfield Homeowner's Association Phone No. (605) 642-4894

Post Office Address Go Paul Phillips
206 Cottonwood Dr Spearfish State SD 57783
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 75 Gallons per minute 0.16 cfs

3. Source of water supply Well SW 1/4 NE 1/4

4. Location of point of diversion ~~SE 1/4 NW 1/4~~ Sec 8 TWP 6N R6 2E
Lawrence County

County Lawrence

5. Counties where water will be used Lawrence

6. Annual period during which water is to be used Year Around Jan 1 - Dec 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)

Normal Household Uses for Westfield Subdivision

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, Paul Phillips 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 Paul PhillipsSubscribed and sworn to before me this 19th day of July 19 91

My Commission Expires

April 2, 1995

Linda L. Poltz

Notary Public

11-3959
Appl No. 1528-1

PLAT OF SCHWAHN BROTHERS SUBDIVISION

E 1/2 SW 1/4 NE 1/4, SECTION 8, T6N, R2E, B.H.M.
LAWRENCE COUNTY, SOUTH DAKOTA

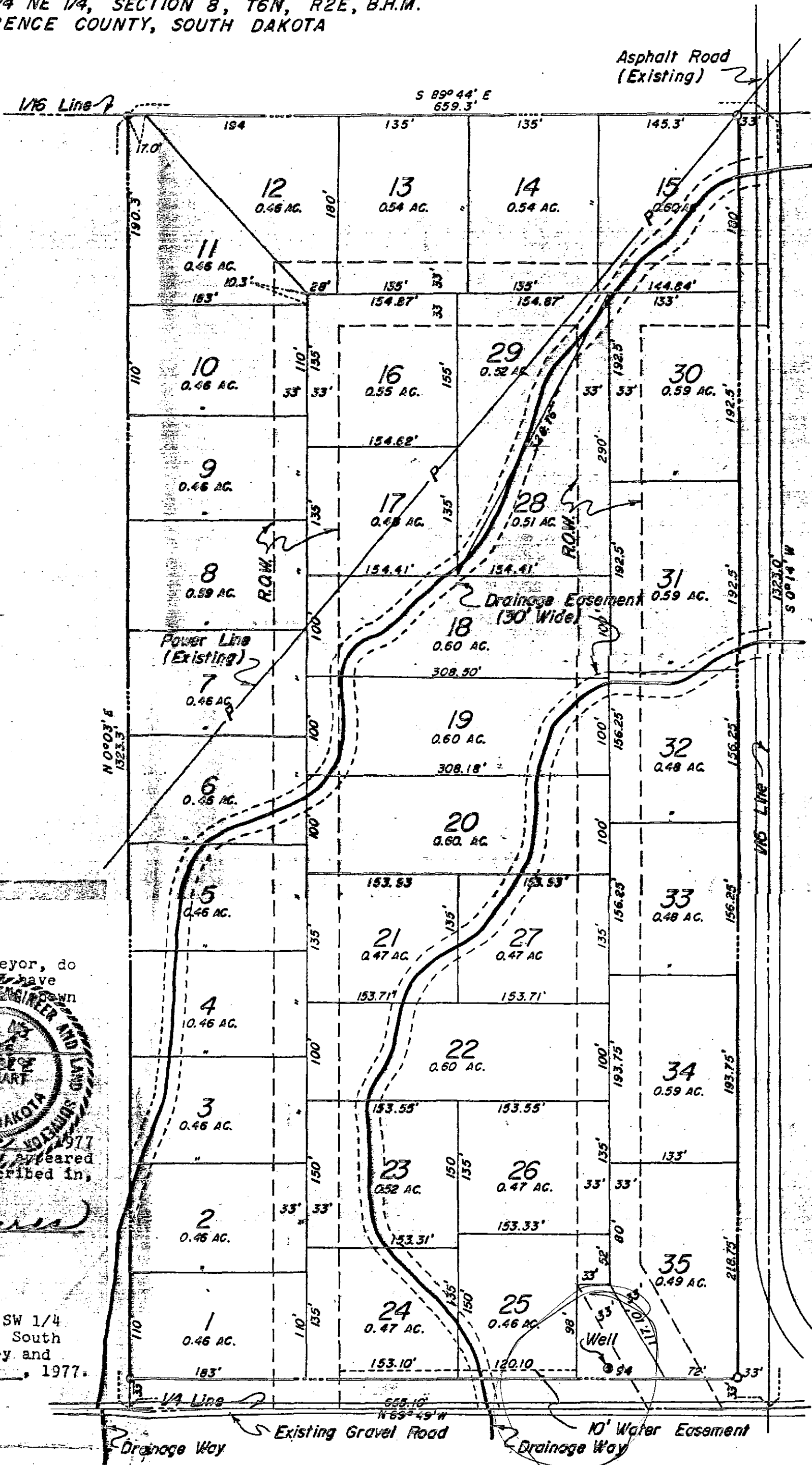


Scale 1"=100'

LEGEND

- Existing Pin
- Set Pin

Containing 200 Acres



SURVEYOR'S CERTIFICATE

I, George E. Gebhart, Registered P.E. and Land Surveyor, do hereby certify that at the direction of the Owner, I have surveyed and platted SCHWAHN BROTHERS SUBDIVISION, as shown hereon, all dimensions shown are true and correct.

George E. Gebhart
Registered Land Surveyor
SOUTH DAKOTA

KNOWLEDGEMENT OF SURVEYOR

State of South Dakota County of Lawrence

IT IS REMEMBERED that on this 25 day of June, 1977, before me, the undersigned Notary Public, personally appeared George E. Gebhart, known to me to be the person described in, and who executed the foregoing Certificate.

My Commission Expires 6/2/82
Notary Public

OWNER'S CERTIFICATE

I, Schwahn Brothers, Incorporated, Owners of E 1/2 SW 1/4 NE 1/4 Section 8, T6N, R2E, B.H.M., Lawrence County, South Dakota, as shown hereon, do hereby approve the survey and plat, and witness our hand this 25 day of June, 1977.

President

KNOWLEDGEMENT OF OWNER

State of South Dakota County of Lawrence

IT IS REMEMBERED that on this 25 day of June, 1977, before me, the undersigned Notary Public, personally appeared SCHWAHN BROTHERS, INCORPORATED, known to me to be the person described in, and who executed the foregoing Owner's Certificate.

My Commission Expires 6/2/82
Notary Public

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Lawrence

I, County Treasurer of Lawrence County, South Dakota, do hereby certify that all taxes which are liens on the land shown hereon as shown by receipts of my office, have been paid to date.

County Treasurer

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Lawrence

Filed for this 2 day of Sept, 1977 at 12:00'clock P.M., and recorded in book of plat on page 2.

Fee 2.00 Doc # 77-3959

OFFICE OF COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota County of Lawrence

I, County Director of Equalization, do hereby certify that I have received a copy of this plat.

County Director of Equalization

APPROVAL BY LAWRENCE COUNTY PLANNING COMMISSION

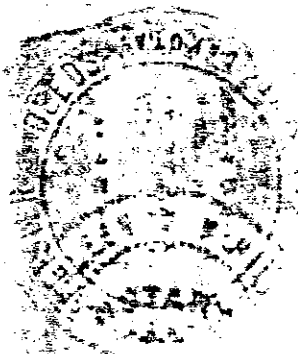
This Date: August 9, 1977.

TEST: Chairman Secretary

RESOLUTION BY GOVERNING BOARD

The members of the County Commissioners, Lawrence County, South Dakota, do hereby certify that we have examined this plat, and do hereby give our approval for this plat to be recorded. Dated this 26 day of August, 1977.

Chairman of Board of Commissioners



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412745

Pierre, _____ July 22, 1991

RECEIVED OF Westfield Homeowners Assoc., Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1528-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

By John Hatch (F)
Chief Engineer

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 $\frac{1}{4}$ " Depth 180'
- b) Casing Type STEEL Diameter 5 $\frac{1}{2}$ " Thickness 1/4"
- c) Screen Type NONE Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 35'
- f) Depth to Water (ground surface to water level) 35'
- g) Distance to nearest existing domestic well:
 On applicants property NONE On property owned by others 1/8 MILE APPROX.

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 _____

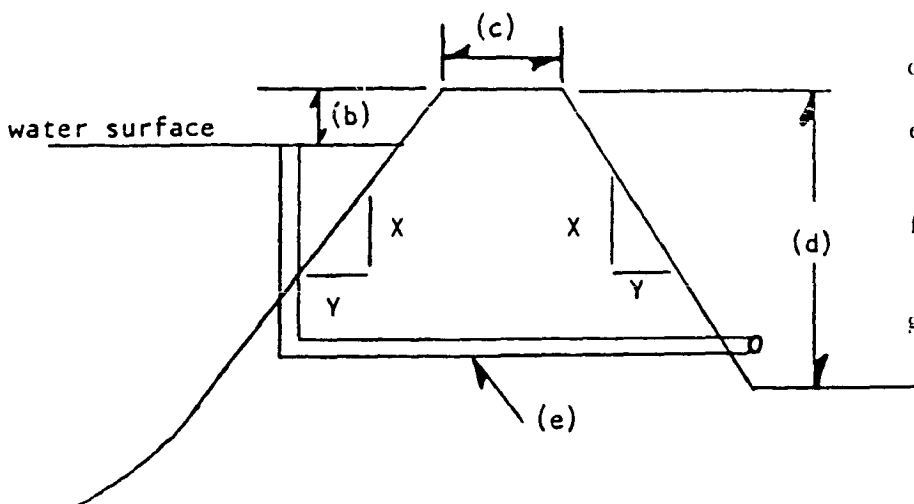
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Paul J. Phillips
 Signature of Applicant

10-85

Date 7-6-89

SECTION 8

TOWNSHIP 6N RANGE 2E

BOICE		BOICE		GOLLIHER		LAMB	
BOICE		GOLLIHER		GOLLIHER		EDWARDS	
BOICE		GOLLIHER		GOLLIHER		GOLLIHER	
GARDNER FISH + PARKS		GOLLIHER		GOLLIHER		GOLLIHER	

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LOT 1

LOT 2

LOT 3

LOT 4

COMPILED BY THE LAWRENCE COUNTY PLANNING
AND ZONING OFFICE FROM RECORDS IN THE
LAWRENCE COUNTY ASSESSOR'S OFFICE AND
REGISTER OF DEEDS OFFICE.

THIS IS NOT TO BE USED AS A LEGAL DOCUMENT.



Department of Water & Natural Resources

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

July 17, 1989

Westfield Homeowners Assoc.
c/o Luther Russell
109 Ponderosa Dr.
Spearfish SD 57783

Dear Mr. Russell:

A well drillers report filed with this office by Taylor Drilling Company indicates you have recently completed a new well. 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 the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you 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. 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.
3. If the old well is not to be abandoned, or will be used, the well must be 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 September 1, 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

November 6, 1990

WESTFIELD HOMEOWNERS ASSOC.
LUTHER RUSSELL
109 PONDEROSA DR
SPEARFISH SD 57783

Dear MR. RUSSELL:

A well drillers report filed with this office by TAYLOR DRILLING COMPANY indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

LUTHER RUSSELL
WESTFIELD HOMEOWNERS ASSOC.
109 PONDEROSA DR
SPEARFISH SD 57783

Dear MR. RUSSELL:

I am writing to follow-up on my November 7, 1990 letter concerning the requirement to apply for a water permit.

Information we have indicates you may need a water permit to use water from your new well(s). A water permit must be obtained for any use of water other than domestic uses, such as individual farm or ranch use, not exceeding 18 gallons per minute during average daily use.

No response to the November 7, 1990 has been received. If you need assistance with completion of the application forms or if you do not believe you need a water permit, please contact Regan Fanning by March 29, 1991 at: Joe Foss Building, 523 E. Capitol, Pierre SD 57501-3181, (605) 773-3352.

Thank you for your attention to this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer

South Dakota

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 26, 1991

Westfield Homeowners Assoc.
209 Ponderosa Dr.
Spearfish, SD 57783

Dear Sir:

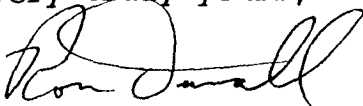
I am contacting you regarding the possibility that you need a permit to appropriate water for use by the Westfield Homeowners Association. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your association.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 or less gallons of water per minute (GPM), on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing, manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a permit. The original well driller's report for your well states that the well has a permanent pump and produces approximately 20 GPM, based on that, you may need a water permit.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by July 31, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,



RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

South Dakota

GREAT FACES. GREAT PLACES.

July 23, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Westfield Homeowner's Association
c/o Paul Phillips
206 Cottonwood Dr.
Spearfish SD 57783

Dear Mr. Phillips:

The Westfield Homeowner's Association water permit application was received on July 22, 1991. Enclosed is the map which was submitted with the application. It will be necessary to submit a more legible map which references the location of the well from a quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the proper map, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

7-31-91

HERE IS A BETTER MAP OF THE AREA.

*THE OTHER TWO MAPS WILL HELP EXPLAIN THE
EXACT LOCATION OF THE WELL.*

THANKS,

PAUL PHILLIPS

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

August 2, 1991

Westfield Homeowner's Association
c/o Paul Phillips
206 Cottonwood Dr.
Spearfish SD 57783

Dear Mr. Phillips:

After review of the maps which you submitted for your water permit application, it would appear that the correct legal description for the location of the well would be the SW 1/4 NE 1/4 Section 8-T6N-R2E and not the SE 1/4 NW 1/4 as stated on the application.

This change has been made on your application. If you do not concur with this change in the legal description, please contact this office. We are proceeding with the processing of your application.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

REPORT ON APPLICATION NO. 1528-1
for Westfield Homeowner's Association
August 26, 1991

Application No. 1528-1 proposes to appropriate 0.167 cfs (75 gpm) from one well approximately 180 feet deep located in the SW 1/4 NE 1/4 of section 8, T6N R2E in Lawrence County. The water is used in a suburban housing development.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation is an assemblage of sandstone, limestone and dolomite which is approximately 500 feet thick in this area (Peter, 1987). The Minnelusa underlies 199,680 acres and contains an estimated 5.59 million acre feet of recoverable water in Lawrence County (Allen, 1984). The aquifer is under confined conditions (artesian) at this site and the driller's log indicates the top of the Minnelusa was encountered at a depth of 135 feet and drilling continued to a depth of 180 below land surface. The well had a static water level of 35 feet and was capable of producing 20 gpm. The well was grouted with neat cement grout and should comply with SD Well Construction Standards for a public water supply.

The Division of Water Rights monitors two Minnelusa observation wells (LA-86A and LA-88B) which are located within 3 miles of this application. Water levels for these wells respond to climatic conditions and to pumping in the area. Both wells have declined slightly since records have been kept. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991). There is no estimate available for recharge to the Minnelusa Formation.

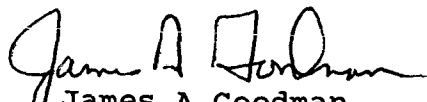
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Permit is Vested Right No. 1436-1 which appropriates 1.45 cfs from 2 wells which are located approximately 1 mile east and 3/4 mile northeast of this application. Interference is not expected to be a problem. These wells have all been in use for many years with no apparent problems. Drawdown can be expected but this should not adversely affect water availability from the aquifer.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The Minnelusa is under confined conditions and drawdown due to pumping can be expected. Interference is not expected to be adverse. This is an existing well and has been in use for many years.
3. The well completion report indicates the well produces 20 gpm. The permit application requests 75 gpm. There is insufficient data to determine if this well will produce the amount of water requested.

4. This well has been completed in accordance with SD Well Construction Standards for a public water supply.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Peter, K.D., 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, SD and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, Rapid City, SD, 57701.

Water Rights, 1991, Observation Well Records for Lawrence County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1528-1, Westfield Homeowner's Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1528-1, Westfield Homeowner's Association, 206 Cottonwood Drive, Spearfish, SD 57783.

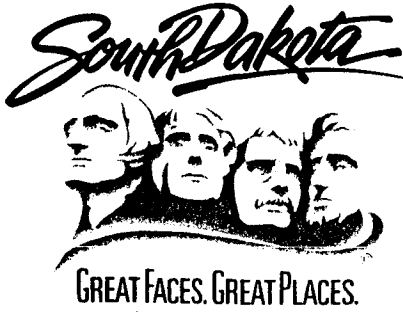
The Chief Engineer is recommending APPROVAL of Application No. 1528-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 28, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 29, 1991

Paul Phillips
Westfield Homeowner's Association
206 Cottonwood Dr
Spearfish, SD 57783

Dear Mr. Phillips:

Water Permit Application No. 1528-1 for suburban housing 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, the recommendation of the Chief Engineer and a report on the application are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



August 29, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Queen City Mail
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1528-1 to be published twice. Please publish the first notice on September 4, 1991, 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 Westfield Homeowner's Association, c/o Paul Phillips, 206 Cottonwood Dr, 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. No action may be taken on the permit application 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

Instruction to Newspaper - Publish first Notice on September 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1528-1 to Appropriate Water

Notice is given that Westfield Homeowner's Association, c/o Paul Phillips, 206 Cottonwood Dr, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second from one well (Minnelusa Formation) 180 feet deep located in the SW 1/4 NE 1/4 Section 8-T6N-R2E. The water is used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1528-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. If a hearing is held, 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. The October 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE)

SS.



Billy T. Masterson, Jr. of said County and State being first duly sworn on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

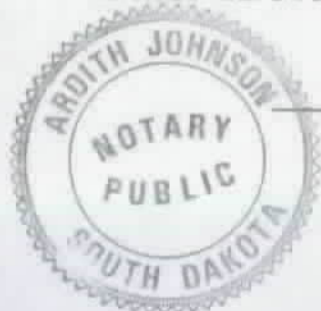
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 4 day of Sept, 19 91, and the last publication on the 11 day of Sept, 19 91, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 48.91, insures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 11 day of Sept, 19 91.

Ardis Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING on Application No. 1528-1 to Appropriate Water

Notice is given that Westfield Homeowner's Association, c/o Paul Phillips, 206 Cottonwood Dr., Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second from one well (Mimmelusa Formation) 180 feet deep located in the SW1/4 NE1/4 Section 8-T6N-R2E. The water is used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief

Engineer recommends APPROVAL of Application No. 1528-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605) 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy I & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. If a hearing is held, 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. The October 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief

Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:15.

September 4, 11

106



FEB 27 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Paul Phillips
Westfield Homeowner's Association
206 Cottonwood Dr
Spearfish, SD 57783

Dear Mr. Phillips:

Enclosed is Water Permit No. 1528-1 authorizing construction of your water diversion system and beneficial use of the water, 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,


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.



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

Date 3-5-92

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

FROM: WESTFIELD
HOMEOWNERS' ASSOCIATION 206 COTTONWOOD DR. SPEARFISH S.D.
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. 1528-1.

Water Permit No. 1528-1 states that the diversion system is to be constructed by OCT. 1 1996, and that the water it put to beneficial use by OCT. 1 2000.

The diversion system was completed on 8-1-76.
Applying the water to beneficial use was completed on 9-1-76.

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

Paul J. Phillips
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 1992

1528-1

Westfield Homeowner's Association
206 Cottonwood Drive
Spearfish, SD 57783

Dear Sirs:

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. 1528-1, 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.

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.

7-18-92

Dear Sir or Madam,

Here is the check you requested
in order for Westfield to get our
water license. It is number
1528-1.

Thankyou very much.



Kay Phillips
Westfield Homeowners
Association
206 Cottonwood Drive
Spearfish, SD.
57783

RECEIPT

413323

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 21, 1992

RECEIVED OF Westfield Homeowners Assoc, 206 Cottonwood Dr, Spearfish, SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1528-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch / Jme
Chief Engineer

Permit No. 1528-1

Water District: Belle Fourche

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

I have this day made a thorough examination of the water use system constructed by

Westfield Homeowner Association of 206 Cottonwood Dr., Spearfish, SD 57783

holder of Permit No. 1528-1, bearing the priority of July 22, 1991 authorizing the diversion of 0.16 cu.ft. per second the waters of groundwater for suburban housing development uses, 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, 35 gallons per minute capacity.

A submersible motor, 2 horse power.

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

30 feet of 6 inch PVC pipe.

C. Works used to apply water to beneficial use:

Water is used to serve a suburban housing development, serving 31 lots.

The system is in the following conditions: Good The point of diversion is

located: Approximately 2520 south, 1380 feet west from the Northeast corner of Section 8, T6N-R2E (SW1/4 NE1/4).

The works are capable of diverting and conveying to the place of use 0.08 cu.ft. per second of groundwater-Minnelusa Formation which is to be used for suburban housing development uses.

The license should be issued for 0.08 cfs. Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: None

Date: 5/21/92

M. Rassool Ahadi

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 1528-1

DATE 5/21/92

Other permit(s) associated with the project NONE

DIVERSION POINT LEGAL LOCATION: SW1/4 NE1/4 Section 8, T6N-R2E

WELL INFORMATION: Well Drilling Firm Taylor Drilling Company

- a) Pump
- | | | |
|----------------------------------|--|--------------------------|
| 1) make <u>Myers-Submersible</u> | No. of Wells <u>1</u> | Depth(s) <u>185</u> feet |
| 2) model <u>K20A</u> | c) Casing: 1) diameter <u>5</u> inches | |
| 3) size <u>inches</u> | 2) length <u>150</u> feet | |
| 4) capacity <u>35</u> GPM | 3) type <u>Steel</u> | |
| 5) turbine pump - No. of stages | d) Screen: 1) type <u>None</u> | |
| 6) operating pressure <u>PSI</u> | 2) length <u>feet</u> | |
- b) Motor: 1) make Myers-Submersible
- | | |
|----------------------------------|---------------------------------|
| 2) model No. <u>30K2021</u> | e) Static Water Level <u>40</u> |
| 3) horsepower rating <u>2</u> HP | |

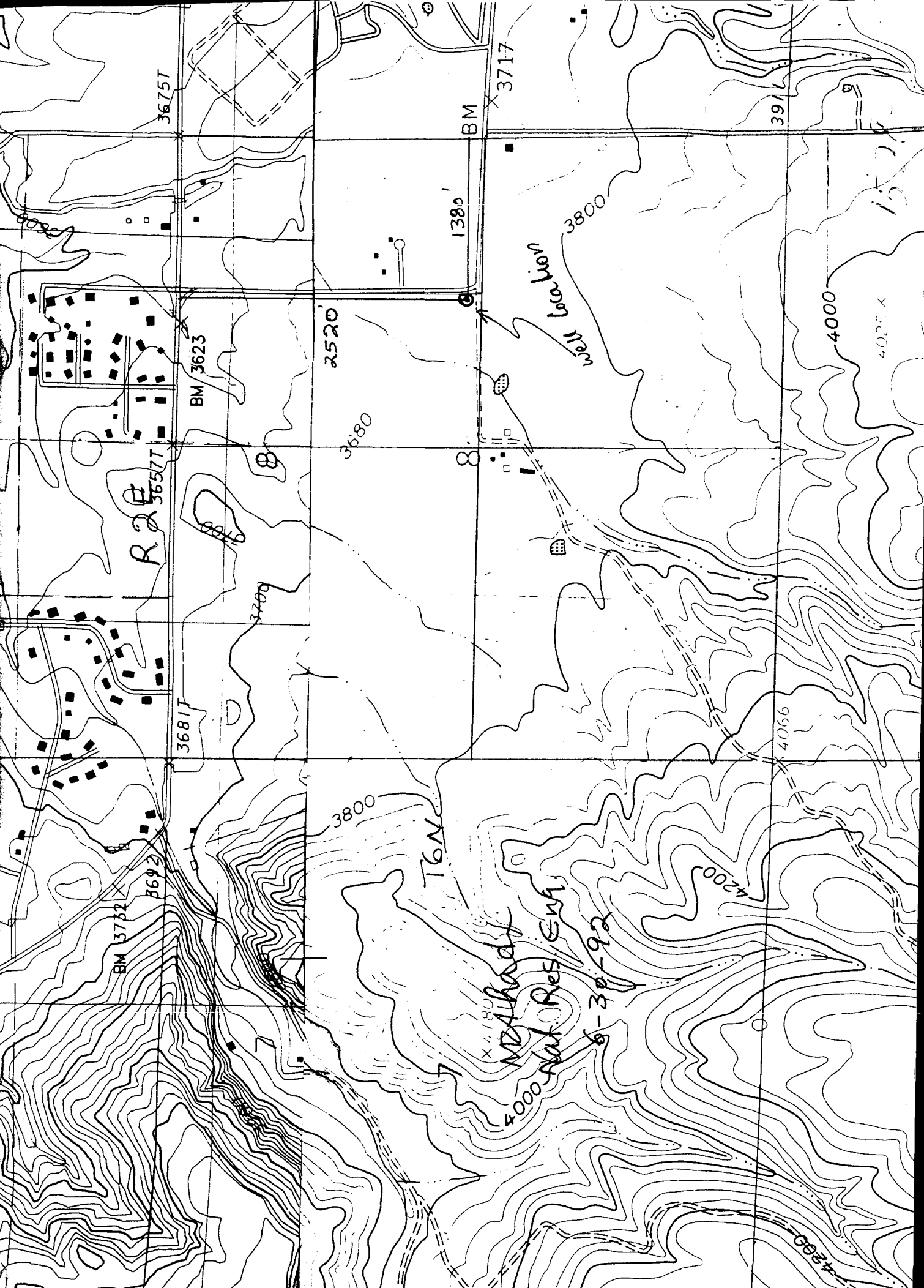
DISTRIBUTION LINES OR CANALS:

- a) type Polyvinyl Chloride (PVC) b) size 6 inches c) length 30 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

REMARKS: Water from the well is pumped into four 120 gallon tanks. Water is stored into two tanks (capacity 1500 gallons each). The Association serves 31 lots.



R2E

T6N

WDA Road
4000 Nat Res Encl

6-30-92

well location

3675T

BM 3623

3657T

3681T

BM 3732

3692

BM

3717

391

2520

1380'

3680

3800

4180

4000

4200

4000

4025

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1528-1

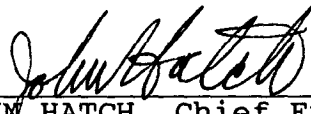
(1) Westfield Homeowner's Association of 206 Cottonwood Drive, Spearfish, SD 57783 made Application No. 1528-1, July 22, 1991 for a water permit to appropriate 0.16 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1528-1 with a priority date of July 22, 1991 was approved October 1, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before October 1, 1996 and for the application to beneficial use of said water on or before October 1, 2000.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on March 9, 1992. The "Notice" stated the diversion system was completed and water placed to beneficial use in 1976.

(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 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 2520 feet south and 1380 feet west of the NE corner of Section 8, T6N, R2E (SW 1/4 NE 1/4).

(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 Section 46-5-30.1 Westfield Homeowner's Association of 206 Cottonwood Drive, Spearfish, SD 57783 the holder(s) and/or owner(s) of Water Permit No. 1528-1 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from groundwater (one well) with a priority date of July 22, 1991 from the location specified in (2) of this license. The water is to be utilized for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1528-1 and subject to South Dakota State Law.

 AUG 5 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

1528-1

Westfield Homeowner's Association
206 Cottonwood Drive
Spearfish, SD 57783

Dear Sirs:

Enclosed is Water License No. 1528-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413323 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. 1528-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 04 2015

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1582-1Date: May 1, 2015

I/We request that Water Right/Permit No. 1582-1 formerly owned by:
Paul M. Miller, Sr. Trust, dated March 12, 2002 and Restated July 2, 2010 be transferred to:

New Owner Name: Bear Butte Wildlife, LLC, a South Dakota limited liability companyAddress: 11904 Crook City RoadCity, State, Zip Whitewood SD 57793 Telephone No. 605-578-1222

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

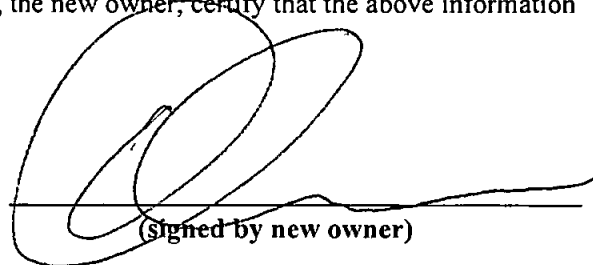
by Trustee's Warranty Deed

☒ I understand that the validity of Water Right/Permit No. 1582-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, David Ciani, Manager of Bear Butte Wildlife, LLC, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date 5/4, 20 15

RECEIVED OF Hood & Nies PC 109 Main St Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 <u>1582-1</u>		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	50	00

No. 07381

By James Goodman
Chief Engineer

McMath, Genny

From: McMath, Genny
Sent: Monday, May 11, 2015 10:16 AM
To: 'High Prairie'
Subject: RE: Miller legal descrip.

Thank you - this should work.

As you requested, I will go ahead and include your mailing address of PO Box 1150, Spearfish SD 57783 with our records.

Genny McMath
 Water Rights Program
 605.773.5455

-----Original Message-----

From: High Prairie [<mailto:highprairie@basec.net>]
Sent: Monday, May 11, 2015 10:10 AM
To: McMath, Genny
Subject: Miller legal descrip.

Parcel One –

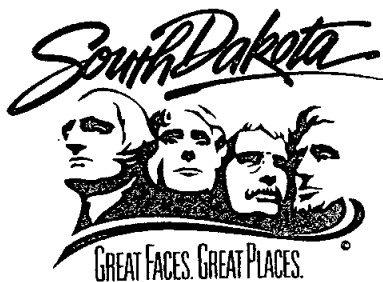
NW1/4SE1/4, NE1/4SW1/4, S1/2SE1/4NW1/4, S1/2SW1/4NE1/4, the South 190' of N1/2SE1/4NW1/4 and the South 190' of N1/2SW1/4NE1/4, containing 131.5 acres more or less, all located in Section 29, T7N, R1E, B.H.M., Lawrence County, South Dakota, including all improvements, mineral rights and water rights but subject to easements, reservations and mineral rights of records.

And

Parcel Two -

N1/2SE1/4NW1/4 of Section 29, EXCEPT the South 190' of N1/2SE1/4NW1/4;
 N1/2SW1/4NE1/4 of Section 29, EXCEPT the South 190' of N1/2SW1/4NE1/4;
 N1/2NE1/4 of Section 29, EXCEPT Lot X of the N1/2NE1/4 as set out in Plat Document No. 82-612 and EXCEPT Lot H-1 of N1/2NE1/4 deeded in Book 276 Page 327 and EXCEPT Lot H-2 of N1/2NE1/4 as set out in Plat Book 6 page 154;
 N1/2NW1/4 of Section 29, EXCEPT Lot H-1 of N1/2NW1/4 deeded in Book 276 page 327 and EXCEPT Lot H-2 of the N1/2NW1/4 as set out in Plat Book 6 Page 153; all in Township 7 North, Range 1 East, B.H.M.; and NE1/4NE1/4 of Section 30, EXCEPT Lot H-1 of NE1/4NE1/4 deeded in Book 276 Page 327 and EXCEPT Lot H-2 of NE1/4NE1/4 as set out in Plat Book 6 Page 152, Township 7 North, Range 1 East, B.H.M., Lawrence County, South Dakota, including all improvements, mineral rights and water rights but subject to easements, reservations and mineral rights of records, containing 140.41 acres, more or less

1582-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 11, 2015

341B-1
1582-1
1582A-1

David Ciani
Bear Butte Wildlife LLC
PO Box 1150
Spearfish SD 57783

Dear Mr. Ciani:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right No. 341B-1 and Water Permit Nos. 1582-1 and 1582A-1.

The ownership changes have been completed. The above referenced water right and water permits are now listed in the name of "Bear Butte Wildlife LLC, a South Dakota Limited Liability Company."

For informational purposes, each year we mail out irrigation questionnaires to irrigators in SD for reporting annual water use. They are typically mailed out in mid-October and are due back by the first week in December. I am including a copy of one of the forms from 2013 to give you an idea of what type of information to keep track of during the season and how to report the information.

The receipts for the filing fees paid for the ownership changes are being forwarded by copy of this letter to Hood & Nies PC in Spearfish SD. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

c: Hood & Nies PC w/Receipt Nos. 07380, 07381 and 07382