

WATER PERMIT NO. 1596-1

Phone: 578-1834

Name of Applicant: Radio Tower Homeowner's Assn.

Post Office Address: c/o Marlene Barrett, PO Box 273, Deadwood SD 57732

Amount of Water Claimed: 0.33 cfs (150 gpm)
~~0.09 cfs (40 gpm)~~ Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: suburban housing County: Lawrence

About _____ miles _____ of east of Deadwood

PRIORITY Date Received: 1-3-94 Fee: \$50 Remarks: _____

Corrected Application Received: 2-28-94 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: SE 1/4 NE 1/4 Sec 19-T5N-R4E

Land to be Irrigated: _____

			19	⊗	

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

Depth of Well: 805' REMARKS: _____

Type of Map: plat PREPARED BY: John M. Arleth Reviewed and the Number

Assigned on: 3-1-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1596-1**

Date of first receipt of application January 3, 1994.

Date of return to applicant for corrections, amendments or changes January 4, 1994.

Date of receipt of corrected application February 28, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1596-1 to Radio Tower Homeowner's Association, PO Box 273, Deadwood SD 57732 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. 1596-1 appropriates 150 gallons per minute (0.33 cubic feet of water per second) from one well (Deadwood Formation) 805 feet deep located in the SE 1/4 NE 1/4 Section 19-T5N-R4E.
2. The water appropriated shall be used for the purpose of supplying water to a suburban housing development and may not exceed the amount of water needed for beneficial use for suburban housing development purposes.
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. 1596-1 is June 6, 1994.
5. The date from which applicant may claim right is January 3, 1994.
6. One-fifth of the construction is to be completed on or before December 6, 1996.
7. All construction is to be completed on or before December 6, 1999.
8. Water is to be put to beneficial use on or before December 6, 2003.
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: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

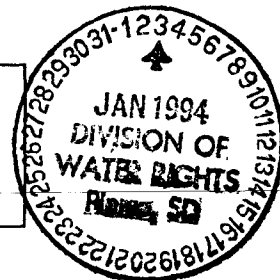
AUG 19 1994

date

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1596-1 Hydrologic Unit 10120302
Basin Belle Fourche River
Newspaper Black Hills Pioneer

(office use only)



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

Check use of water:

☐ Municipal ☒ Suburban Housing ☐ Recreational ☐ Institutional
☒ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Radio Tower Homeowner's Assn. c/o Marlene Barrett Phone 605-578-1834
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 273 Deadwood State SD 57732
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.33 *CFS or 150 **GPM ~~150~~ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well SE NE SEC 19 T5N R3E B1M
County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used ALL YEAR Jan 1 - Dec 31
- Give a description of the 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)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Lawrence)^{ss}

I, Marlene Barrett, 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 Marlene Barrett

Subscribed and sworn to before me this 30th day of December 19 93

Debra O. Tule

Notary Public
My Commission Expires
Sept. 24, 2000

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 7/8" Depth 805
- b) Casing Type Steel 15 1/2 16/4 Diameter 5 1/2" Thickness 15 1/2 16/ft
- c) Screen Type NA Diameter _____ Thickness _____
- d) Gravel Pack Thickness NA Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 510'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 700

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

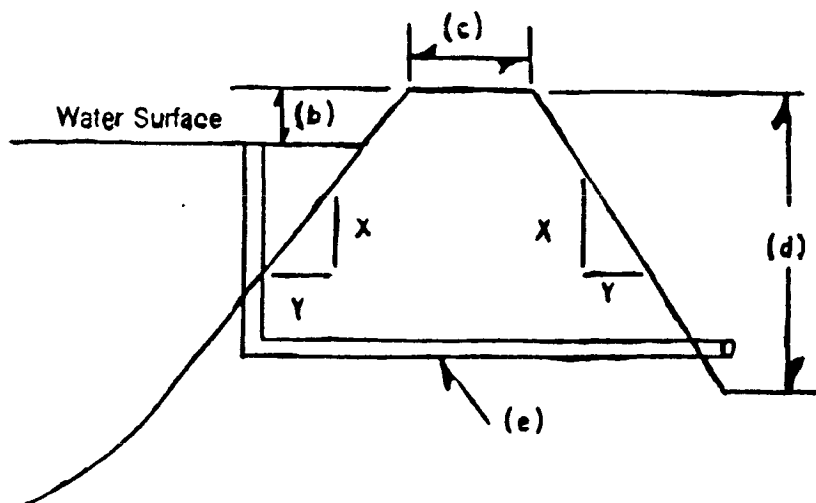
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

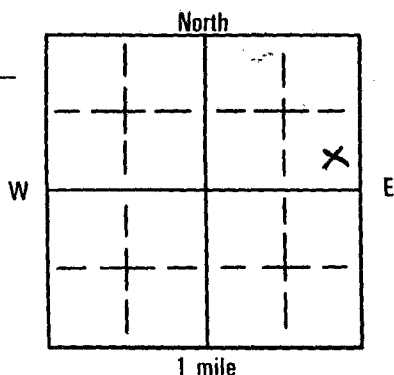
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 NE 1/4 Sec 19 Twp 5N Rg 4ECounty
LawrencePlease mark well
location with
an "X"Well Completion Date 8-12-92

PROPOSED USE:

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

Method of Drilling:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

23 LB/FT 7 IN 0 FT 167 FT 8 3/4 IN15 1/2 LB/FT 5 1/2 IN 0 FT 805 FT 6 1/4 IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 805 FEETWhat is grouting material? cementIf cement, number of sacks? 40 + 30 on surfaceDescribe grouting procedure pressure grouted
through casingWhat was grout weight? 14 LB/GALSCREEN: ☐ 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 ☐ NOExplain chlorine solution circulated in wellBacteriological analysis ☐ YES ☒ NOLaboratory sent are not set pump yet

Well Owner: (Wm. H.)

Name Bill PearsonAddress P.O. Box 631 Deadwood, SD 57732

Well Log:

Depth

Formation	From	To
White River Clay	0	160
white + yellow limestone	160	200
gray limestone	200	220
yellow clay + limestone	220	225
Black shale	225	245
yellow to white dolomite	245	320
green shale + red siltstone	320	420
yellow limestone	420	440
green shale	440	510
yellow + white ss	510	590
Red shaley ss	590	690
mostly dolomite	690	780
white ss	780	822

STATIC WATER LEVEL 12 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☐ BailedDescribe: Air Developed☒ Other

Pumping Level Below Land Surface

300 ft. After 1 Hrs. pumped 150 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative:

Ralph Taylor

Signature of Well Owner:

Date _____

RECEIPT

414191

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 1, 19 94

RECEIVED OF Radio Tower Estates, PO Box 273, Deadwood, SD 57732

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

Fee for Application for Permit No. <u>1596-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	175	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 _____		

(Any Other Work Provided by Law)	Total	175 00

By John Hatch
Chief Engineer

RECEIPT

414061

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 28 _____, 19 94

RECEIVED OF Radio Tower Homeowner's Assn, PO Box 273, Deadwood, SD 57732

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

Fee for Application for Permit No. <u>1596-1</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Blatchford
Chief Engineer



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

William H. Pearson
PO Box 631
Deadwood SD 57732

A well driller's report filed by Taylor Drilling shows that they completed a new well for you which produced 150 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

- Please use the enclosed postage free envelope to send us the information on your pump rate (in GPM) by August 9, 1993 or, contact Barry McLaury at 605-773-3352.**

Don Jewell

enclosure

(6) 5/18-1367

100-111

8/10/10

10/10/10



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 1993

William H. Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

This is to follow up on my July 19, 1993 letter concerning the need for a water permit. **NO RESPONSE HAS BEEN RECEIVED.**

A well driller's report filed by Taylor Drilling shows that they completed a new well for you. According to the information in the report, it appears that you need a permit to appropriate water for use in your facility. **A water permit must be obtained for any water use except for reasonable, private domestic use.** Reasonable private domestic use is defined as the use of 18 Gallons Per Minute (GPM) or less on an average daily basis and not to exceed 26,000 gallons per day.

Enclosed are another set of application forms in case you have misplaced the ones sent in the July 19, 1993 letter. Please complete and return the application forms to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by December 3, 1993. You may contact Barry McLaury at 605-773-3352 if you have questions or need assistance.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1993

William H. Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

This is to follow up on my July 19, 1993 and November 16, 1993 letters concerning the need for a water permit. **NO RESPONSE HAS BEEN RECEIVED.**

A well driller's report filed by Taylor Drilling shows that they completed a new well for you. According to the information in the report, it appears that you need a permit to appropriate water for use in your facility. **A water permit must be obtained for any water use except for reasonable, private domestic use.** Reasonable private domestic use is defined as the use of 18 Gallons Per Minute (GPM) or less on an average daily basis and not to exceed 26,000 gallons per day.

Please complete and return the application forms that were sent with my November 16, 1993 to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by January 3, 1994. **You may contact Barry McLaury at 605-773-3352 if you have questions or need assistance.**

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 1994

Radio Tower Homeowner's Assn.
c/o Marlene Barrett, Secretary
PO Box 273
Deadwood SD 57732

Dear Ms. Barrett:

In regard to the water permit application received on January 3, 1994, the following information needs to be submitted in order to process the application.

Please specify the type of wastewater disposal system that is utilized (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction.

The filing fee for this application will be \$50.00.

Upon receipt of the above, 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

Karen,
There is no central wastewater disposal system.
Each home has their own septic tank and
drainfield.

Also, enclosed is the \$50.00 fee.

You can call me at work during the day if
you have any questions. 578-1941.

Marlene Barrett

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Radio Tower Homeowner's Assoc. (Appl No. 1596-1)

ADDRESS: COUNTY: Lawrence

DATE: 5/13/94 PHONE:

RE: Discussion with Marlene Barrett

COMMENTS:

Mrs. Barret called regarding the letter I sent her on publication of the notice of hearing for Application No. 1596-1. She stated that they had errored and the amount of water to be claimed should be 150 gpm not 40 gpm. I stated that the fee for 150 gpm would be \$225 (\$175 greater than previously submitted). She said she'd submit the additional fee.

I talked to Jim Goodman who stated that the additional amount would not change his report. The application will be revised to be for 150 gpm. I checked with John Hatch and the recommendation will not change.

I had a revised notice of hearing sent to Paula at the Lead office of Seaton Publishing (publishers of the Black Hills Pioneer).

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: Eric Lundberg

REPORT ON WATER PERMIT APPLICATION NO. 1596-1
for Radio Tower Homeowner's Association
March 14, 1994

Application No. 1596-1 proposes to appropriate 40 gpm (0.09 cfs) from one well approximately 805 feet deep located in the SE 1/4 NE 1/4 of section 19, T5N R4E in Lawrence County. The water is for use in a suburban housing development.

AQUIFER - DEADWOOD FORMATION (DDWD)

The Deadwood Formation is an assemblage of sandstone, shale, limestone, dolomite and conglomerate locally at the base. The Deadwood Formation is about 500 feet thick in this area, underlies 428,800 acres and contains an estimated 7.5 million acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The aquifer is confined and under artesian conditions at this site.

Geologically this area is complex. There are intrusive rocks to the north, south and west of this site and also there is faulting to the north (Darton, 1925). Right at the site, the sedimentary section is straightforward with Tertiary rocks overlying the Madison, Englewood, Whitewood and Deadwood Formations. Recharge to the Deadwood is probably to the south on the outcrop with the direction of water movement to the north and east. In general the sedimentary rocks dip to the north and east also. It is not known how the structures affect the hydrology of the area. The driller reported the well was capable of producing 150 gpm with about 290 feet of drawdown using air to develop. The well completion report also indicates the well is completed in accordance with SD Well Construction Standards.

The Division of Water Rights does not monitor any observation wells completed into the Deadwood Formation in this area. In other areas in the Black Hills the Deadwood Formation does respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years (Water Rights, 1994).

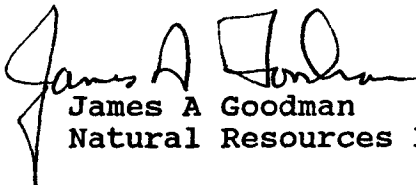
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 1683-2 for Seventy Six Ranch Estates located about 1 mile east of this application. The water source for this permit is either the Madison or Englewood Formation. The Deadwood Formation is probably isolated from these formations by shale units in the upper Deadwood Formation. Water level records from the completion reports for these two wells indicate a 250 feet elevation difference with the Deadwood well having a higher water level. Interference is not expected to be a concern. The diversion rate requested by this application is relatively small and drawdown caused by pumping should not be significant very far from the actual production well.

There are other domestic wells in this area which obtain water from the Deadwood Formation. In fact, there are free flowing wells from the Deadwood Formation in the area. Also, the Tertiary rocks are capable of supplying water.

CONCLUSIONS

1. Water is available from the Deadwood Formation.
2. The aquifer is confined and under artesian conditions at this site. Interference is not expected to be a concern. Drawdown will occur as a result of pumping but this should not be significant at this requested diversion rate.
3. The well is constructed in accordance with SD Well Construction Standards.
4. Each home in the housing development has its own septic tank and drainfield.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Darton, N.H., S. Paige, 1925, Central Black Hills Folio, No. 219, USGS, Washington, DC.
- Water Rights, 1994, Unpublished Observation Well Records for the Deadwood Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1596-1, Radio Tower 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. 1596-1, Radio Tower Homeowner's Association, c/o Marlene Barrett, PO Box 273, Deadwood, SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1596-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.


for JOHN HATCH, Chief Engineer
April 18, 1994

REVISED REPORT ON WATER PERMIT APPLICATION NO. 1596-1
for Radio Tower Homeowner's Association
March 14, 1994

Application No. 1596-1 proposes to appropriate 150 gpm (0.33 cfs) from one well approximately 805 feet deep located in the SE 1/4 NE 1/4 of section 19, T5N R4E in Lawrence County. The water is for use in a suburban housing development.

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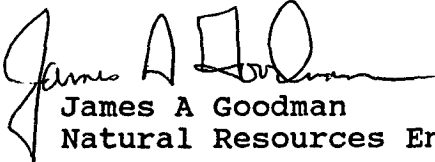
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James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Darton, N.H., S. Paige, 1925, Central Black Hills Folio, No. 219, USGS, Washington, DC.
- Water Rights, 1994, Unpublished Observation Well Records for the Deadwood Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.



**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.

May 10, 1994

Marlene Barrett
Radio Tower Homeowner's Association
PO Box 273
Deadwood, SD 57732

Dear Ms. Barrett:

Water Permit Application No. 1596-1 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 642-2761). 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
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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 1994

Black Hills Pioneer
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1596-1 to be published twice. Please publish the first notice on May 18, 1994, 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 Radio Tower Homeowner's Association, c/o Marlene Barrett, PO Box 273, Deadwood, SD 57732 (Ph # 578-1834).

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
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 May 18, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1596-1 to Appropriate Water

Notice is given that Radio Tower Homeowner's Association, c/o Marlene Barrett, PO Box 273, Deadwood, SD 57732 has filed an application for a water permit to appropriate 150 gallons per minute (0.33 cubic feet of water per second) from one well (Deadwood Formation) 805 feet deep located in the SE 1/4 NE 1/4 Section 19-T5N-R4E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1596-1 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 June 6, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Lawrence) ss

I, Laurie Hardin

certify that the attached printed Notice was
 taken from the BH Pioneer

printed and published in Lead

County of Lawrence and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

5-18-94

5-25-94

Cost of Printing: \$ 36.56

Laurie Hardin
 (Signature)

Accounts Receivable
 (Title)

5-31-94
 (Date Signed)



NOTICE OF APPLICATION
 NO. 1596-1
 to Appropriate Water

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#507
 May 18, 25



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

Marlene Barrett
Radio Tower Homeowner's Assn
PO Box 273
Deadwood, SD 57732

Dear Ms. Barrett:

Enclosed is Water Permit No. 1596-1 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.

1596-1

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Radio Tower Homeowners's Association

ADDRESS: PO Box 273, Deadwood,, SD 57732 **COUNTY:** Lawrence

DATE: September 15, 1994

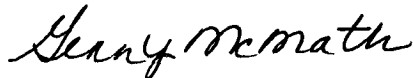
RE: Water Permit No. 1596-1 - submission of Completion of Works Form

COMMENTS:

Water Permit No. 1596-1 specifies the date for completion of works is December 6, 1999 and the date for putting water to beneficial use is December 6, 2003. The dates should have read "June 6...." instead of December.

The permit was to be reissued to correct the dates, however in the interim, the permit holder filed a "**Notice of Completion of Works and Application of Water to Beneficial Use**" which indicated the works were completed and the water put to beneficial use in August, 1993.

Since the project has already been completed, it is not necessary to reissue the permit to correct the dates.



Genny McMath
Environmental Scientist



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

Date 8-27-94

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Radio Tower Homeowners Assn PO Box 273
(name) (address)
Deadwood SD 57732 605-578-1834
(city) (state) (zip) (phone)

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. 1596-1.

Water Permit No. 1596-1 states that the diversion system is to be constructed by 12-6-1999, and that the water is put to beneficial use by 12-6-2003.
(date) (date)

The diversion system was completed on 8-93.
(date)

Applying the water to beneficial use was completed on 8-93.
(date)

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

Marlene Banitt
(signature) Sec. Treas.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1995

1596-1

Marlene Barrett, Secretary/Treasurer
Radio Tower Homeowner's Association
P.O. Box 273
Deadwood, SD 57732-0273

Dear Ms. Barrett:

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. 1596-1, 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 Program
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 Program
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 1995

SECOND NOTICE
Permit No. 1596-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Marlene Barrett, Secretary/Treasurer
Radio Tower Homeowner's Association
P.O. Box 273
Deadwood, SD 57732-0273

Dear Ms. Barrett:

On July 17, 1995, you were notified the final inspection fee of \$50.00 is due before Water License No. 1596-1 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 Program
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 Program
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1596-1

Marlene Barrett, Secretary/Treas.
Radio Tower Homeowner's Assoc.
P.O. Box 273
Deadwood, SD 57732-0273

4a. Article Number

P 757 566 440

4b. Service Type

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

7. Date of Delivery

9/19/95

5. Signature (Addressee)

Marlene Barrett

6. Signature (Agent)

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

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

Division of Water Rights

414623

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 22, 19 95

RECEIVED OF Marlene Barrett, PO Box 273, Deadwood, SD 57732-0273

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>1596-1</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 John Hatch
Chief Engineer

REPORT ON INSPECTION OF PERMIT NO. 1596-1

DATE OF INSPECTION: 6/22/1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Marlene Barrett, Secretary/Treasure, P.O. Box 273, Deadwood, SD 57732

NAME & ADDRESS OF PERMIT HOLDER: Radio Tower Homeowners Association, same address

DIVERSION POINT LEGAL LOCATION: SE1/4 NE1/4, Section 19, T5N-R4E

WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells 1
- 3) Depth(s) 820 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 1/2-7 inches
- 2) Length 805 feet
- 3) Type Steel

Screen: None

- 3) Static water level 12 feet

Pump:

- 1) Make Submersible
- 2) Model
- 3) Size 4 inches
- 4) Capacity 40 GPM

Motor:

- 1) Make Submersible
- 2) Model No.
- 3) Horsepower rating 3 hp

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 1 inches 3) Length 500 feet

Water is pumped into a 8,000 gallon storage tank.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

Permit No. 1596-1
Belle Fourche River - Water District

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

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

I have this day, **6/22/1995**, made a thorough examination of the water use system owned by **Radio Tower Homeowner Association of P.O. Box 273, Deadwood, SD 57732** holder of **Permit No. 1596-1**, bearing the priority of **January 3, 1994**, authorizing the diversion of **0.33 cu. ft. per second** of the groundwater for use in a **suburban housing development**, 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, 40 gallons per minute capacity.
A 3 horse power submersible motor

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

Water is pumped to an 8,000 gallon storage tank via 500 feet of 1 inch PVC pipe.

C. Works used to apply water to beneficial use:

Water is used in a suburban housing development.

The system is in the following condition **Good**. The point of diversion is located about **317 feet west, 2100 feet south from the northeast corner of Section 19, T5N-R4E (SE1/4 NE1/4)**. The works are capable of diverting and conveying to the place of use **0.09 cu. ft. per second** of water which is used for the **water needs of a suburban housing development**.

The license should be issued for **0.09 cfs**

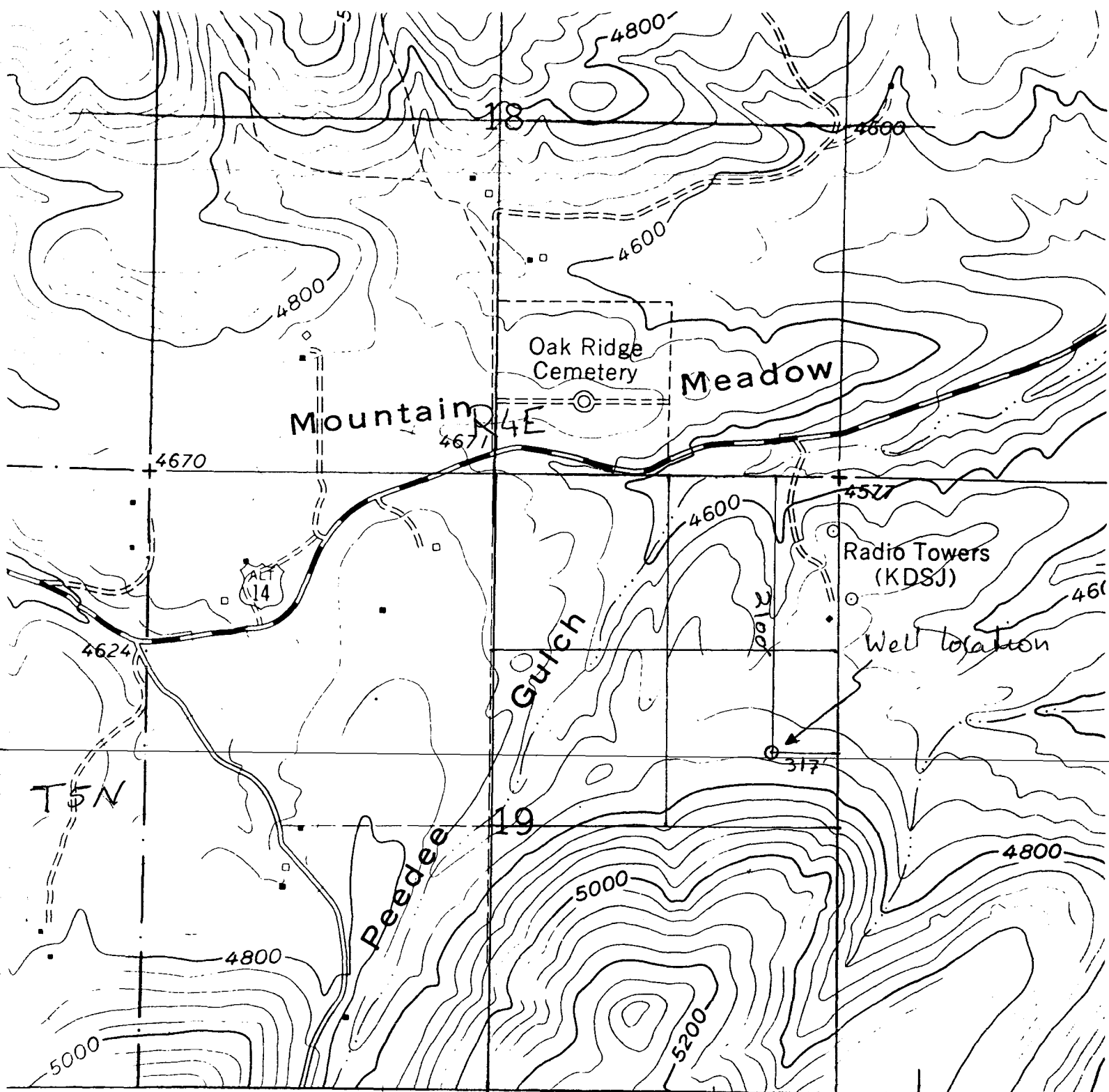
Applicable permit qualifications have been complied with: **Yes X No**

Exceptions to compliance are: **None**

Date Report Completed: **7/14/1995**



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program



(DEADWOOD SOUTH) R. 4 E.

5272 1 SW

SCALE 1:24 000

0

2000 3000 4000 5000 6000 7000 FEET

0

1 KILOMETER

1 MILE

1596-1
Radio Tower
Hmownars

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

7-14-95

MR Shad
Nak Res. Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

1596-1

Marlene Barrett, Secretary/Treasurer
Radio Tower Homeowner's Association
P.O. Box 273
Deadwood, SD 57732

Dear Ms. Barrett:

Enclosed is Water License No. 1596-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414623 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. 1596-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1596-1

(1) Radio Tower Homeowner's Association, PO Box 273, Deadwood SD 57732-0273 made Application No. 1596-1, January 3, 1994 for a water permit to appropriate 0.33 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1596-1, with a priority date of January 3, 1994 was approved June 6, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 6, 1999 and for the application to beneficial use of said water on or before December 6, 2003.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 12, 1994. The "*Notice*" stated the diversion system was completed in August, 1993 and the water placed to beneficial use in August, 1993.

(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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is 317 feet west and 2100 feet south from the northeast corner of Section 19-T5N-R4E (SE 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 South Dakota Water Law 46-5-30.1 Radio Tower Homeowner's Association, PO Box 273, Deadwood SD 57732 the holder and/or owner of Water Permit No. 1596-1 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of January 3, 1994 from the location specified in (2) of this license. The water to be used for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1596-1 and subject to South Dakota State Law.



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

DEC 18 1995

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 17, 1999

Radio Tower Estates
Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

I am writing in regard to a well driller's report filed by Taylor Drilling Co. The report shows a new well was completed for Radio Tower Estates on February 22, 1999. A review of our files indicates that Radio Tower Estates holds Water Right No. 1596-1 for 40 gallons per minute (gpm) from one well, 805 feet deep located in the SE ¼ NE ¼ Section 19-T5N-R4E for suburban housing development use.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Pearson, does the peak diversion rate from the two wells exceed 40 gpm? If so, a new permit application will be required for the additional diversion rate above 40 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 40 gpm, please let me know.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

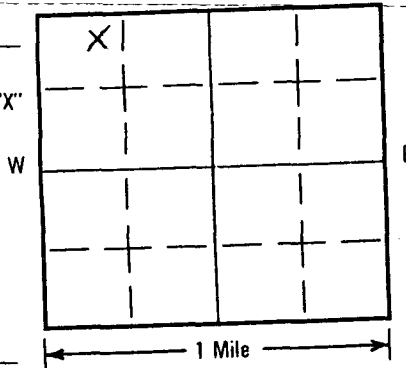
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 20 Twp 5N Rg 4E
County Lawrence North

Please mark well location with an "X"



Well Completion Date

2-22-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) >1000 ft. from septic system (identify source).

PROPOSED USE:

- ☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Air + mud rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23 LB/FT</u>	<u>7 IN</u>	<u>0 FT</u>	<u>200 FT</u>	<u>8 3/4 IN</u>
<u>15.5 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>837 FT</u>	<u>6 1/4 IN</u>
<u>10.5 LB/FT</u>	<u>4 1/2 IN</u>	<u>804 FT</u>	<u>1300 FT</u>	<u>4 3/4 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>36</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>200 ft</u>
<u>Cement</u>	<u>70</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>837 ft</u>

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 4 1/2 IN Length _____ FEET

Material steel

Slot Size _____ Set From _____ Feet to _____ Feet

Other information torch cut slots in liner
1040-1080, 1080-1100, 1110-1140, 1275-1300

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine solution

☒ NO, Why Not? pump not

set yet

atory sent to for water analysis

Well Owner: Bill Pearson

Business Name: Radio Tower Estates

Address: P.O. Box 631

Deadwood, S.D. 57732

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay some loose gravel</u>	<u>0</u>	<u>45</u>
<u>yellow to brown dolomite w/</u>	<u>45</u>	<u>375</u>
<u>gravel + clay filled caves</u>		
<u>white, yel. + brown dol.</u>	<u>375</u>	<u>560</u>
<u>gray shale</u>	<u>560</u>	<u>630</u>
<u>no samples</u>	<u>630</u>	<u>835</u>
<u>hard green shale</u>	<u>835</u>	<u>980</u>
<u>gray brown + red ss</u>	<u>980</u>	<u>1120</u>
<u>Quartzite pink, yel + brown</u>	<u>1120</u>	<u>1300</u>

STATIC WATER LEVEL

_____ Feet

If flowing: closed in pressure 46 PSI

GPM flow 9 through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other flowing well

Reduced flow rate pitless adaptor GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pun

☐ Bail

☐ Oth

Pumpir

36

If pum

REMA

This

And this report to the _____

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Ralph Taylor

Signature of Well Owner or Equitable Property Holder:

Date:

Jim said both 5/17/99
wells are
Deadwood Form

GPM

GPM

728298

999

NGMS

RAH

SD

10169199



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 3, 1999

Radio Tower Estates
Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

Our records indicate that Taylor Drilling Co. completed a new well for Radio Tower Estates on February 22, 1999. A letter and forms to apply for *An Application for a Permit to Appropriate Water* were sent to you. Enclosed is a copy of that letter. To date, we have not received a reply from you.

As requested in the May 17, 1999 letter, what is the peak diversion rate from the two wells and does it exceed 40 gallons per minute? Please respond by October 1, 1999.

If you have any questions, please contact me. Your cooperation is appreciated.

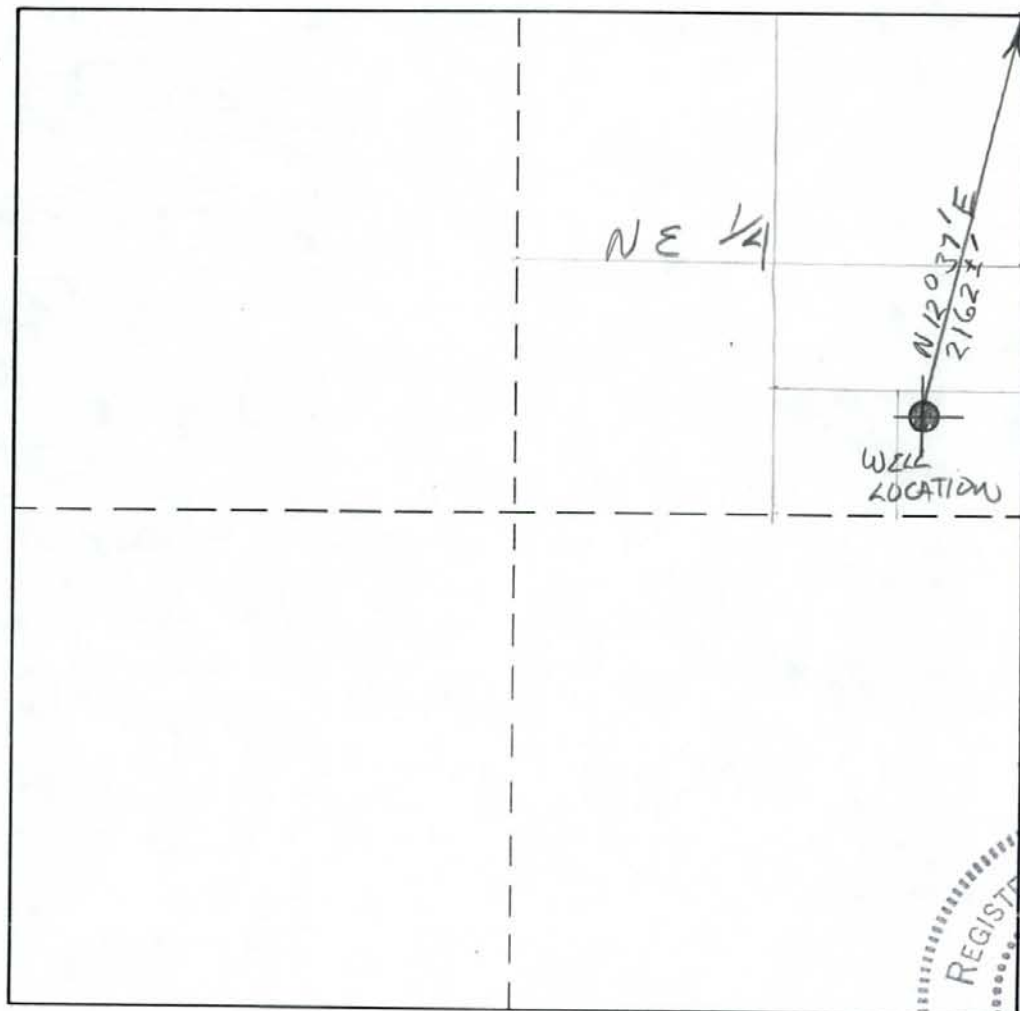
Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

WELL LOCATION MAP

SECTION 19, T5N R4E, B14M



N

SCALE: 1" = 1000'



I, JOHN M. ARLETH, P.O. BOX 39, DEADWOOD, S.D.; BEING A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WELL SHOWN ABOVE WAS SURVEYED UNDER MY DIRECT SUPERVISION.

12/27/93
DATE

John M. Arleth
JOHN M. ARLETH, R.L.S. # 3977

1596-1