

WATER PERMIT NO. 1597-1

Phone: 341-8889

Name of Applicant: Pierre & Judy Mardoe

Post Office Address: Rt 8, Box 3540, Rapid City SD 57702

Amount of Water Claimed: 0.10 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing development County: Meade

About _____ miles _____ north of Blackhawk

PRIORITY Date Received: 3-22-94 Fee: \$50.00 Remarks: _____

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

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

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

Diversion Point: Lot 18 NW 1/4 NE 1/4

Sec 29-T3N-R7E

Land to be Irrigated: _____

			⊗		
			29		

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

Depth of Well: 220 feet REMARKS: _____

Type of Map: plat PREPARED BY: Ray Fraley Reviewed and the Number

Assigned on: 3-22-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1597-1**

Date of first receipt of application March 22, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1597-1 to Pierre & Judy Marcoe, Rt 8, Box 3540, Rapid City SD 57702 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. 1597-1 authorizes 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 220 feet deep located in the NW 1/4 NE 1/4 (Lot 18) Section 29-T3N-R7E.
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. 1597-1 is June 28, 1994.
5. The date from which applicant may claim right is March 22, 1994.
6. One-fifth of the construction is to be completed on or before December 28, 1996.
7. All construction is to be completed on or before June 28, 1999.
8. Water is to be put to beneficial use on or before June 28, 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, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

AUG 17 1994
date

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 1597-1 Hydrologic Unit 10120111
Map No. _____ Basin Upper Cheyenne
Newspaper Meade Co Times-Tribune, Sturgis**Application For Permit To Appropriate Water Within The State Of South Dakota**Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Pierre + Judy Marcove Phone No. 341-8889
Post Office Address 10015 Pioneer Ave - Rapid City State S.D. 57702
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 0.10 c.f.s.
3. Source of water supply Well (existing)
4. Location of point of diversion (Lot 18) NW 1/4 NE 1/4 Sec 29-T3N-R7E

County Meade

5. Counties where water will be used Meade
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)

The water is being used to supply potable water for a rural subdivision of 30 lots ranging in size from .54 acres to 2.4 acres. 18 existing homes are now using water from this well. Water is being used for domestic purposes and fire protection.

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 Pennington) ss

I, Pierre J. Marcove 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 Pierre J. MarcoveSubscribed and sworn to before me this 18 day of March 19 94

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 3/4" Depth 220'
- b) Casing Type PVC Diameter 5" Thickness 3/8"
- c) Screen Type None Diameter Thickness
- d) Gravel Pack Thickness None Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 160'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well: 400'
- On applicants property None On property owned by others 400'

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

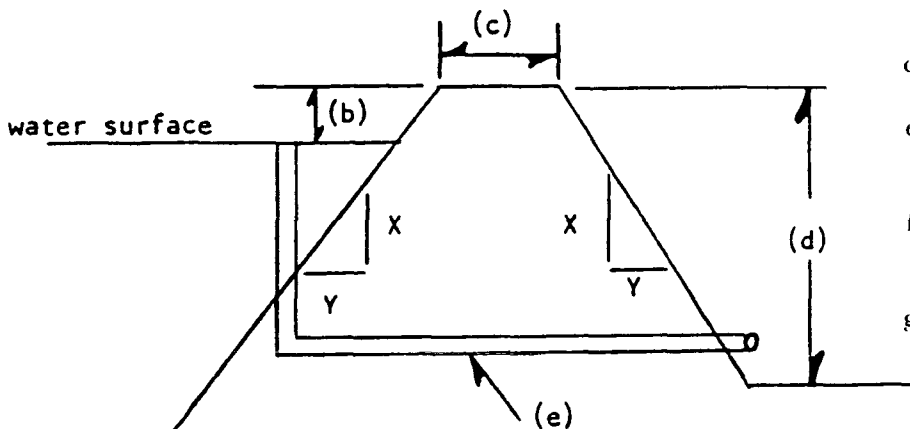
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



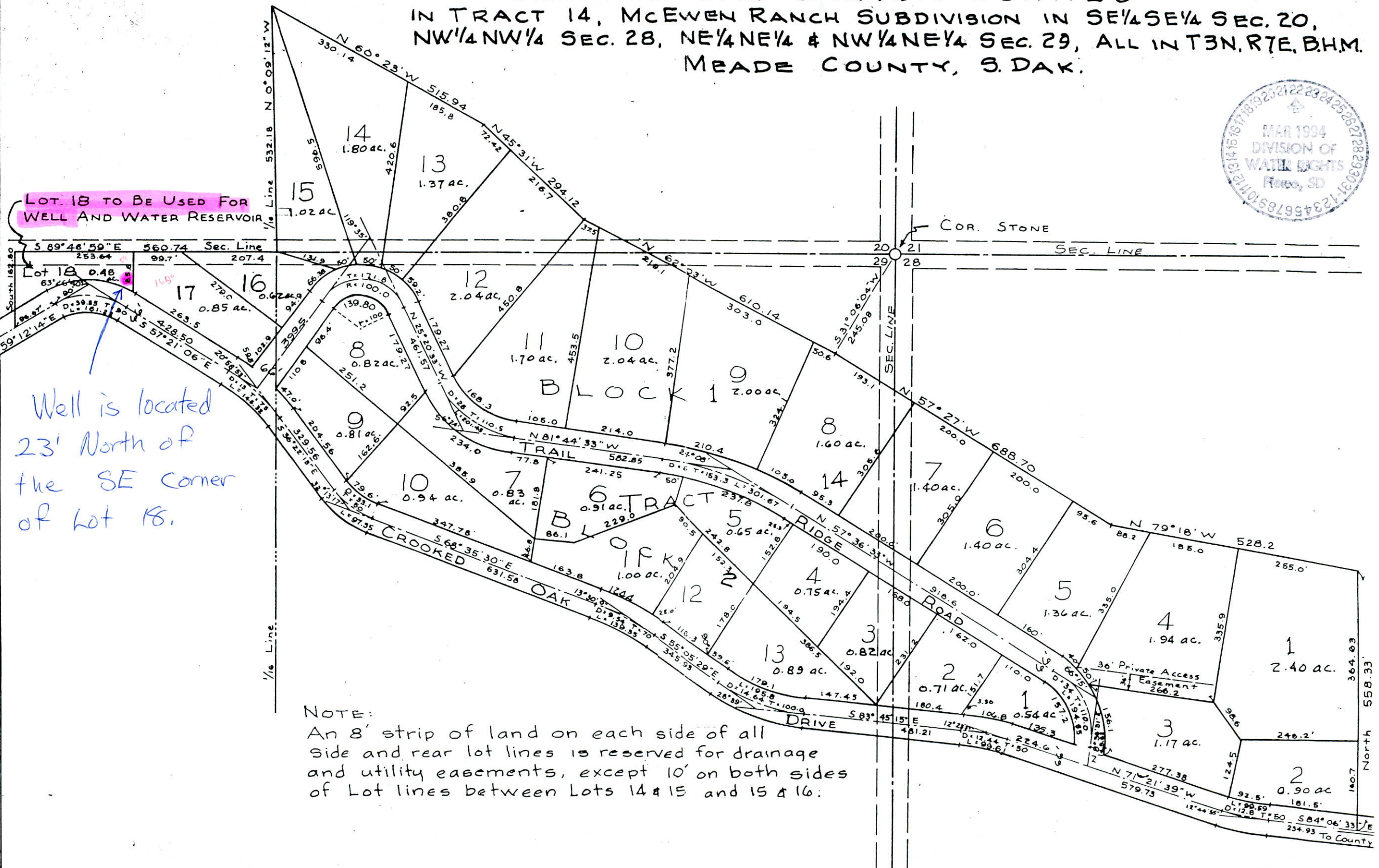
Pierre J. Marcoe
Signature of Applicant

SURVEY PLAT
 LOTS 1 THROUGH 18, BLOCK 1 AND LOTS 1 THROUGH 13, BLOCK 2,
 CROOKED OAK CANYON ESTATES
 IN TRACT 14, MCEWEN RANCH SUBDIVISION IN SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 20,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 29, ALL IN T3N, R7E, B.H.M.
 MEADE COUNTY, S. DAK.



LOT 18 TO BE USED FOR
 WELL AND WATER RESERVOIR

Well is located
 23' North of
 the SE corner
 of Lot 18.



NOTE:
 An 8' strip of land on each side of all
 side and rear lot lines is reserved for drainage
 and utility easements, except 10' on both sides
 of Lot lines between Lots 14 & 15 and 15 & 16.

SURVEYOR'S CERTIFICATE

I, Ray M. Fraley, Registered Land Surveyor, do hereby certify that, at the request of the owners listed below, I have surveyed the land shown
 in the above plat and have marked upon the ground the boundaries thereof in the manner shown. All dimensions shown are true and correct.
 WITNESS my hand and seal this 23rd day of June, 1976.

Ray M. Fraley
 Registered Land Surveyor



RECEIPT

414100

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 22, 19 94

RECEIVED OF Centennial Construction & Development Co, Rt 8 Box 3540, Rapid City, SD 57702

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

Fee for Application for Permit No. <u>1597-1</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

Chief Engineer

John Hatch



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

WELL #2

Location 1/4 NW 1/4 Sec 28 Twp 2N Rg 7E

County Meade

Please mark well location with an "X"

Well Completion Date 7/14/00

North

W E

1 Mile

Well Owner: Crooked Oaks Homeowners Assoc.

Business Name: _____

Address: HC 80 Box 694
Piedmont SD 57769

WELL LOG:	DEPTH	
	FROM	TO
soil	0	20
gray clay	20	50
sandstone	50	60
grey shale (hard)	60	100
grey shale & sandstone	100	160
white sandstone	160	195
grey and green shale	195	230
white sandstone	230	350
fine sandstone	350	400

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:
Rotary Air

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
24 LB/FT	6 IN	0 FT	224 FT	8 IN
_____ LB/FT	_____ IN	220 FT	400 FT	5 7/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
cement & Bentonite	20	_____ lb./gal	10 ft	224 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 4 IN Length 55' FEET

Material Plastic

Slot Size 020 Set From 345 Feet to 400 Feet

Other information _____

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: _____
_____ NO, Why Not? _____
_____ Pump installer _____

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 3 through 6" inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: 40 GPM

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

200 ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 38

And this report is true and accurate.

Drilling firm Downen Drilling Co

Signature of License Representative: Warren Downen

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



7/30/76



Centennial Home Construction 342-2704.
Mr. Pierre Marcoe
Rt 1 Box 242 B- R.C.
Rapid City, S. Dak. 57701

Crooked Oak Canyon Estates
McKenna Prop.

7/30/76

220' drilling		1,430.00
200' 5" plastic casing	525.00	
Well seal	10.50	
	<u>535.50</u>	
Tax	21.41	
	<u>556.91</u>	
		<u>\$1,986.91</u>

Well log:
0-10' dirt
10-50' yellow clay
50-60' sandstone
60-100' grey shale hard.
100-120' grey sandstone
120-130' soft grey shale
130-160' grey shale Marron at bottom
160-180' sandstone yellow
180-195' white sandstone
195-205' black shale
205-220' green shale
Water level 40' from top
Test 30 gal. per min at 180'



Pine, M.

(Thank you for calling us.)

David Downer
License 38

REPORT ON WATER PERMIT APPLICATION NO. 1597-1
for Pierre and Judy Marcoc
May 9, 1994

Application No. 1597-1 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 200 feet deep located in the NW 1/4 NE 1/4 (Lot 18) of section 29, T3N R7E BHM in Meade County. The water is for use in a suburban housing development.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara consists of the Fall River Formation, Fuson and Lakota Formation. The entire thickness of the group ranges from 350 to 400 feet and consist of beds of sandstone, shale and siltstone (Peter, 1985). The aquifer underlies 2.1 million acres and contains an estimated 36.35 million acre feet of recoverable water in storage in Meade County (Allen, 1984). This location is on the outcrop of the Inyan Kara and therefore should be a recharge area for the formation. The driller's log filed with the application indicates that the formation is interbedded shale and sandstone with a good water producing zone from 180 feet to 195 feet below land surface. The log would show confined or artesian conditions but unconfined conditions exist in the immediate area. Ground water movement is probably from west to east.

The Division of Water Rights does not monitor any observation wells completed into the Inyan Kara in this area. The nearest Inyan Kara observation well is located north of Sturgis. There is little historical water level data available.

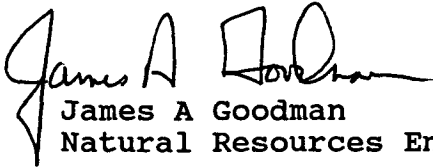
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights within 4 miles of this application which obtain water from the Inyan Kara Group. There are domestic wells in the area which obtain water from the Inyan Kara Group. Interference is not expected to be a concern. The requested diversion rate is relatively small and should not cause significant drawdown.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is technically confined at the well site, however, this site is on the outcrop (recharge) area for the aquifer and should be unconfined in the immediate area. Interference is not expected to be a concern.
3. The well report filed with the application does not contain sufficient information to determine if this well is completed in accordance with SD Well Construction Standards. This well was completed in 1976.

4. The development should consider drilling another well to be used primarily as a backup.
5. Waste water is disposed of through individual septic systems in the development.



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.

Peter K.D., 1985, Availability and Quality of Water From the Bedrock Aquifers in the Rapid City Area, South Dakota, USGS WRI 85-4022, USGS, Rapid City, SD, 57701.

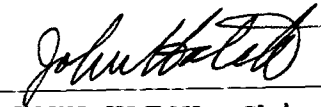
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1597-1, Pierre and Judy Marcoe

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. 1597-1, Pierre and Judy Marcoe, Rt 8 Box 3540, Rapid City, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1597-1 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.



JOHN HATCH, Chief Engineer
May 13, 1994



**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 20, 1994

Pierre and Judy Marcoe
Rt 8 Box 3540
Rapid City, SD 57702

Dear Mr. & Mrs. Marcoe:

Water Permit Application No. 1597-1 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis, SD (Ph # 347-2503). 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 20, 1994

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1597-1 to be published twice. Please publish the first notice on June 1, 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 Pierre and Judy Marcoe, Rt 8 Box 3540, Rapid City, SD 57702 (Ph # 341-8889).

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 June 1, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1597-1 to Appropriate Water

Notice is given that Pierre and Judy Marcoe, Rt 8 Box 3540, Rapid City, SD 57702 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 220 feet deep located in the NW 1/4 NE 1/4 (Lot 18) Section 29-T3N-R7E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1597-1 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 June 20, 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.

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 at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, 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 June 28, 1994, 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 June 20, 1994.

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 Eric Gronlund by June 20, 1994, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) ss

I, Faye D. Pate

certify that the attached printed Notice was

taken from the

Meade County Times-Tribune

printed and published in Sturgis

County of Meade and State of

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

June 1, 1994

June 8, 1994

Cost of Printing: 67.43

(Signature)

Accountant

(Title)

June 8, 1994

(Date Signed)

NOTICE OF HEARING on Application No. 1597-1 to Appropriate Water

Notice is given that Pierre and Judy Marcoe, R1, 8 Box 3540 (a/k/a 10015 Pioneer Ave.), Rapid City, SD 57702 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 220 feet deep located in the NW 1/4 NE 1/4 (Lot 18) Section 29-T3N-R7E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1597-1 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 persons 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 June 20, 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.

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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 Eric Gronlund by June 20, 1994, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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Publ June 1 and June 8, 1994
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

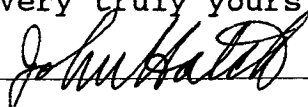
AUG 17 1994

Pierre and Judy Marcoe
Rt 8 Box 3540
Rapid City, SD 57702

Dear Mr. & Mrs. Marcoe:

Enclosed is Water Permit No. 1597-1 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,


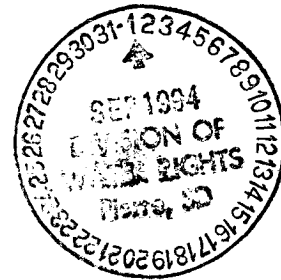
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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 8/31/94

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

FROM: Pierre + Judy Marae 10015 Pioneer Ave.
(name) (address)
Rapid City S.D. 57702 341-8889
(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. 1597-1.

Water Permit No. 1597-1 states that the diversion system is to be constructed by June 28, 1999, and that the water is put to beneficial use by June 28, 2003.
(date) (date)

The diversion system was completed on 7/30/76.
(date)

Applying the water to beneficial use was completed on 1977.
(date)

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

Pierre J. Marae
(signature)

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1597-1

Date: 15 Apr 96



We request that Water Permit No. 1597-1

formerly owned by: Pierre and Judy Marcoe, 10015 Pioneer Ave., Rapid City, SD 57702

be transferred to: (name & address) CROOKED OAKS CANYON HOMEOWNER'S ASSOCIATION

HC 80, Box 684, PIEDMONT, SD 57769

Telephone No. 787-6111

ATTN: John F. Weisbeck, President

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

diversion point location: Lot 18 - NW 1/4 NE 1/4 Section 29, T3N, R7E

We understand that the validity of Water Permit No. 1597-1 has not been determined by this transfer action. If we have any questions on validity, we understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I, John F. Weisbeck being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

John F. Weisbeck, President
(Signed)

Subscribed and sworn to before me this 15 day of Apr, 1996.

Lori Blaha
(Notary Public)

LORI BLAHA
MY COMMISSION EXPIRES
MARCH 21, 2002

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

414920

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 22, 19 96

RECEIVED OF Crooked Oaks Canyon Homeowners Assn., HC 80, Box 694, Piedmont, SD 57769
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 1597-1</u>		250
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 11, 1996

No. 1597-1

John Weisbeck, President
Crooked Oaks Canyon Homeowners Association
HC 80, Box 684
Piedmont, SD 57769

Dear Mr. Weisbeck:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1597-1.

Our records now show Crooked Oaks Canyon Homeowners Association as the owner of Water Permit No. 1597-1.

Sincerely,

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

enclosure

LAW OFFICES
MORRILL THOMAS NOONEY & BRAUN, LLP
625 NINTH STREET - 8TH FLOOR
P.O. Box 8108
RAPID CITY, SOUTH DAKOTA 57709-8108

TELEPHONE (605) 348-7516

FAX (605) 348-5852

TIMOTHY L. THOMAS*
JOHN K. NOONEY*
LONNIE R. BRAUN
PENNY TIBKE PLATNICK†
GREGORY J. BERNARD

*ALSO LICENSED IN WYOMING

†ALSO LICENSED IN MINNESOTA

November 11, 1998

[e-mail: tlthomas@mtnlaw.com]

OF COUNSEL
DAVID E. MORRILL



Chief Engineer
Water Rights Division
Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

RE: Marcoe/Crooked Oak Canyon Homeowners Assn.
Our File No.: 3050
Permit No. 1597-1

Dear Sir or Madam:

Enclosed is a Notice of Transfer of Ownership regarding the above-referenced water permit. Should you have any questions, please contact me.

Sincerely yours,

Timothy L. Thomas

TLT:bae
Enclosure

cc: Butch Riggert

NOTICE OF TRANSFER OF OWNERSHIP

No. 1597-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: Aug. 3, 1994

I/We request that Water Permit/~~Right~~ No. 1597-1 DBA P.+J. Marcoe Water
formerly owned by: Pierre J. + Judy A. Marcoe Service Company
be transferred to: (name & address) Crooked Oak Canyon Homeowners Assn. Inc.
HC 80 Box 684 Piedmont, S.D. 57769 (telephone No.) 787-6111

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

Lot 10-B of Lot 10, and Lot 18 of Block (1) of
Crooked Oak Canyon Estates, Meade County, So. Dak.

I/We understand that the validity of Water Permit/Right No. 1597-1 has not been deter-
mined by this transfer action. If I/We have any questions on validity, I/We understand
that only the Water Management Board has the authority to determine if a water permit/
right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the
Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as
required under SDCL 46-2-13.

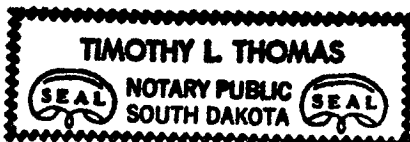
STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Pierre + Judy Marcoe being first duly sworn on my oath depose and say that my
relation to the above described undertaking is that of Owner, that I have read the above
foregoing statement, and that I know of my own personal knowledge that the information
herein stated is true.

Pierre J. Marcoe
Judy A. Marcoe
(Signed)

Subscribed and sworn to before me this 3rd day of August, 1994.

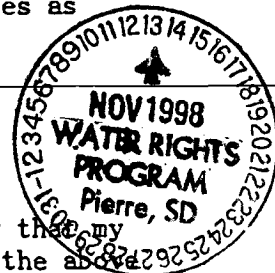


Timothy L. Thomas
(Notary Public)

My Commission Expires
August 3, 2000

NOTE: Water permits may be cancelled for nonconstruction within the five year
construction period. Once a water permit is developed and the water used, the
permit becomes a water 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.



DENR-Water Rights
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4068

State of South Dakota

Fax

To: Timothy L Thomas

From: Genny McMath

Fax: 605 348-5852

Date: November 13, 1998

Phone: 605 348-7516

Pages: 2

Re: transfer of Water Permit No. 1597-1

Email: gennym@denr.state.sd.us

☐ **Urgent** ☒ **For Review** ☒ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Mr. Thomas: This morning I received a "Notice of Transfer of Ownership" form from you transferring Water Permit No. 1597-1 from Pierre & Judy Marcoe to Crooked Oaks Canyon Homeowners Association.

I reviewed the file and found a transfer had already been filed authorizing the same ownership change.

In January, 1996, Judy Marcoe wrote to our office stating Crooked Oaks Canyon Homeowners Association was buying their water system and we should direct all correspondence to them.

In April, 1996, John Weisbeck filed an ownership change – see attached copy.

My theory of what happened is that the system was being bought on a contract for deed and the buyers filed the transfer before the contract was paid.

If the transfer of ownership filed in 1996 reflects proper ownership, I do not believe anything else is needed to update their water right. Let me know if you feel otherwise.

Thanks, Genny



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 1999

1597-1

Crooked Oaks Canyon Homeowner's Association
%John Weisbeck
HC 80, Box 684
Piedmont, SD 57769

Dear Mr. Weisbeck:

The investigation of your water use system was conducted on July 13, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1597-1. Your final water right document, the Water License, can now be issued.

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

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

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416284

Pierre, December 7, 19 99

RECEIVED OF Crooked Oaks Canyon Homeowners Assn., HC 80, Box 694, Piedmont, SD 57769
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. 1597-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

50 00

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch

Permit No. 1597-1
Upper Cheyenne 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, **July 13, 1999**, made a thorough examination of the water use system owned by **Crooked Oaks Canyon Homeowner's Association of HC 80 Box 684, Piedmont SD 57769** holder of Permit No. **1597-1**, bearing the priority of **March 22, 1994** authorizing the diversion of **0.10** cu. ft. per second of the waters of **ground water (Inyan Kara Formation)** for **suburban housing** purposes, in **Meade** County.

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

A. Works used to divert the water:

Pump\Motor:

- 1) Make **unknown submersible**
- 2) Capacity **45** GPM

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

Water is diverted to a distribution system used to serve approximately 23 homes.

The system is in the following condition **good**. The point of diversion is located **Well: 50 feet S and 1,650 feet W from the NE corner section 29-T3N-R7E (NW¼NE¼)**. The works are capable of diverting and conveying to the place of use **0.10** cu. ft. per second of water which is to be used for **suburban housing purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.10** cfs.

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

Exceptions to compliance are: **none** Date report completed: **November 4, 1999**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1597-1

DATE OF INVESTIGATION	July 13, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	John Weisbeck
NAME & ADDRESS OF PERMIT HOLDER	Crooked Oaks Canyon Homeowner's Assoc., HC 80 Box 684 Piedmont SD 57769
DIVERSION POINT LEGAL LOCATION	Well: 50 feet S and 1,650 feet W from the NE corner section 29-T3N-R7E (NW$\frac{1}{4}$NE$\frac{1}{4}$)

Other permit(s) associated with the project: none

WELL INFORMATION:

1) Well Drilling Firm: Downen

Screen:

2) No. of Wells 1

1) Type none

3) Depth(s) 200 feet

2) Static water level 40 feet

4) Well log is available Y

Pump/Motor:

Casing:

1) Make Unknown submersible

1) Diameter 5 inches

2) Capacity 45 GPM

2) Length 200 feet

3) Type Plastic

DISTRIBUTION LINES OR CANALS:

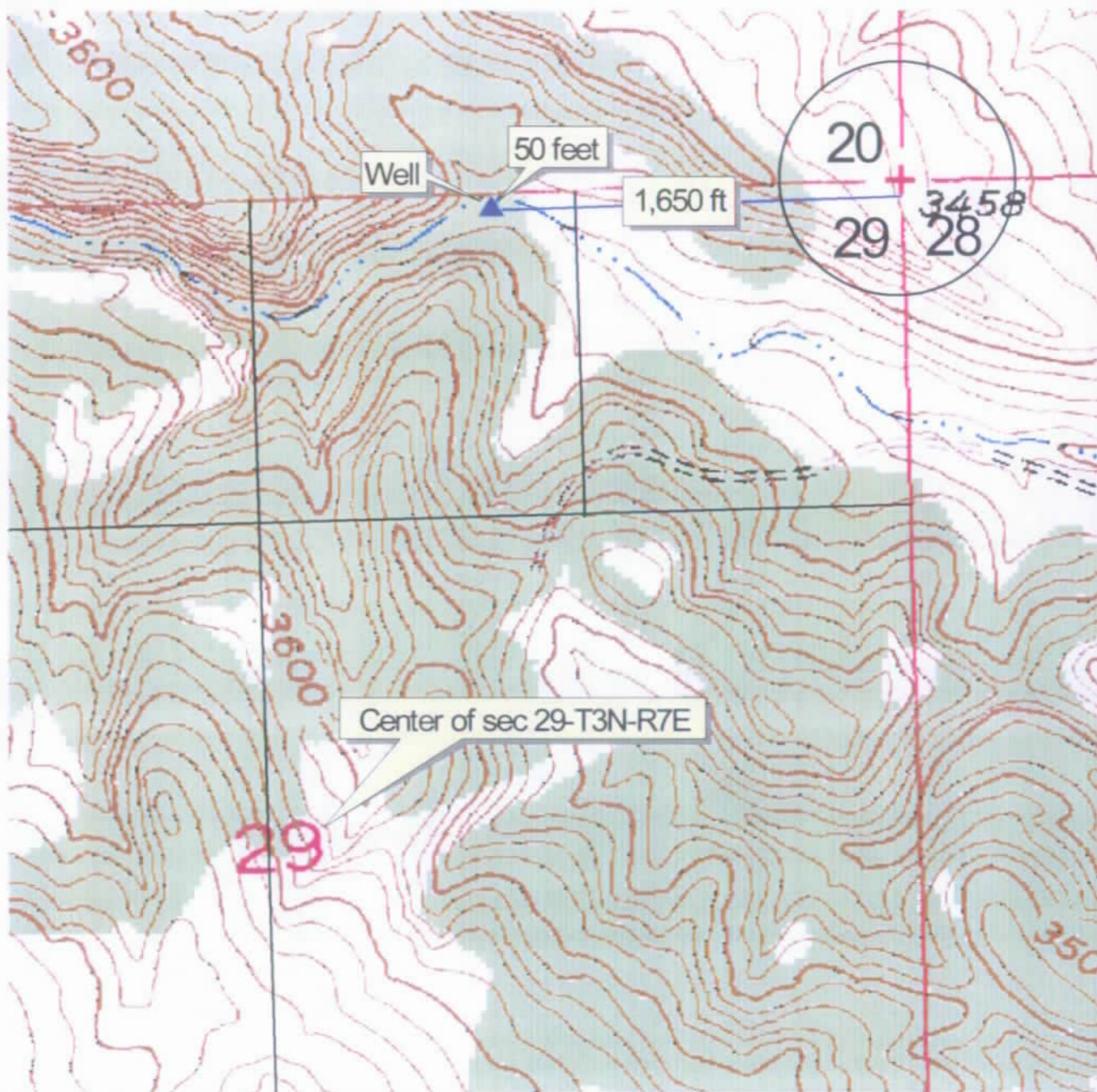
Water is diverted to a distribution system used to serve approximately 23 homes.

PERMIT QUALIFICATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

700 0 700 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat Res Engineer 11/4/99

Water Right No. 1597-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1597-1

(1) Pierre & Judy Marcoe, Rapid City SD 57702 made Application No. 1597-1, March 22, 1994 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development purposes. Permit No. 1597-1, with a priority date of March 22, 1994 was approved June 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 28, 1999 and for the application to beneficial use of said water on or before June 28, 2003.

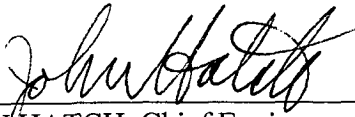
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 1, 1994. The *Notice* stated the diversion system was completed on July 30, 1976 and the water placed to beneficial use in 1977.

On April 22, 1996, Water Permit No. 1597-1 was transferred to Crooked Oaks Canyon Homeowner's Association.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is 50 feet south and 1,650 feet west from the northeast corner of Section 29-T3N-R7E (NW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to supply water to approximately 23 homes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Crooked Oaks Canyon Homeowner's Association, HC 80 Box 684, Piedmont SD 57769 the holder and/or owner of Water Right No. 1597-1 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of March 22, 1994 from the location specified in (2) of this license for suburban housing development purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1597-1 and subject to South Dakota State Law.



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

DEC 10 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1999

1597-1

Crooked Oaks Canyon Homeowner's Association
%John Weisbeck
HC 80, Box 684
Piedmont, SD 57769

Dear Mr. Weisbeck:

Enclosed is Water License No. 1597-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416284 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1597-1, 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

ks
enclosures

Water Rights Program - File Documentation

NAME: Richard Riggert, Crooked Oaks Homeowners Assn.

ADDRESS: Black Hawk SD

DATE: 4-4-00 **COUNTY:** MD **TELEPHONE:** 605 787-4780

RE: Application for an additional well

COMMENTS:

Richard Riggert stated the new well has not yet been drilled. The new well will be a replacement well and hopefully will be a better quality of water. They are proposing to use the existing well as a standby water source.

Water Right No. 1597-1 authorizes 0.10 cfs (45 gpm). Mr. Riggert stated currently, they use approximately 18 gpm. The development is constructed. There will not be much additional development which would cause an increase in the amount of water needed.

Karen Schlaak

Karen Schlaak
Environmental Scientist

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. _____	(office use only) Hydrologic Unit _____
	Basin _____	
	Newspaper _____	



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

Check use(s) of water:

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

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.) _____

1. Name of Applicant Crooked Oaks Homeowners Assn Phone 605-787-4780
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 11920 N. Hwy 79 Black Hawk State SD
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed _____ *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 NE 1/4 Sec. 29
T3N R7E
County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used Entire Year

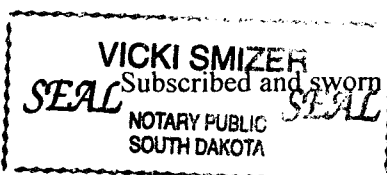
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Drilling a new well to obtain better water.

STATE OF SOUTH DAKOTA)
County of Meade) SS

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)

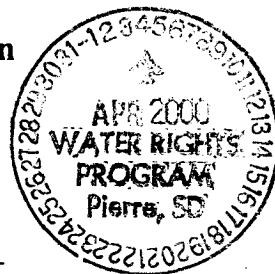
I, Butch Riggert, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Signed Richard E. Riggert 2000
3 day of April 19____
Vicki Smizer
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 450'
- b) Casing Type Steel Diameter 6" Thickness .280
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 350'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
On applicants property 100' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

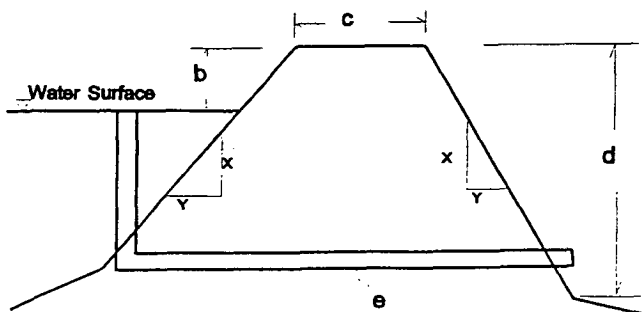
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 2000

Richard Riggert
Crooked Oaks Homeowners Association
11920 N. Hwy 79
Black Hawk SD 57718

Dear Mr. Riggert:

I am writing in regard to Crooked Oaks Homeowners Association request for an additional diversion point under Water Right No. 1597-1. This water right appropriates 0.10 cubic feet of water per second (45 gpm) from one well (Inyan Kara Formation) 200 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T3N, R7E.

Upon review of the request and pursuant to SDCL 46-5-13.1, the Crooked Oaks Homeowners Association is authorized to construct an additional diversion point into the Inyan Kara Formation without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

It is our understanding that the old well will be used as a standby water source. A new water right permit will be necessary if more than 45 gallons per minute will be pumped.

Enclosed is the check you submitted for \$50 with your application for the additional diversion point. This request has been authorized under SDCL 46-5-13.1 for which there is no application filing fee.

If you have any questions, please feel free to contact Eric Gronlund at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

April 18, 2000

RE: Request for an additional diversion point for Water Right No. 1597-1, Crooked Oaks Homeowners Association

The Crooked Oaks Homeowners Association has submitted a request for an additional diversion point for Water Right No. 1597-1. SDCL 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.

Water Right No. 1597-1 appropriates 0.10 cubic feet of water per second (45 gpm) from one well (Inyan Kara Formation) 200 feet deep located in the NW ¼ NE ¼ of Section 29, T3N, R7E. This water right has a priority date of June 28, 1994 for use in a suburban housing development. The Crooked Oaks Homeowners Association requests an additional point of diversion located in the NW¼ NE¼ Section 29, T3N, R7E. No additional appropriation of water is authorized.

Mr. Riggert, a representative of the Association, in a telephone conversation with Karen Schlaak indicated that the proposed new well will be a replacement well with the existing well used as a standby water source. The Association's current well is in the upper portion of the Inyan Kara Formation and has tested high in selenium. The Association intends to drill into the lower unit of the Inyan Kara Formation in hopes of finding improved water quality.

As part of the review of this request for this additional diversion point, a review of well construction reports on file with the Water Rights Program and existing water rights within one mile was conducted. There is one existing water right for wells which divert from the Inyan Kara Formation in this area. Lofty Pines Homeowners Association holds Water Permit No. 1656-1 appropriating 38 gpm from a well located approximately 640 feet west of the proposed additional diversion point. A second Inyan Kara well authorized under Permit No. 1656-1 is located approximately 3000 feet west of the proposed new well. There are other permitted wells in this vicinity constructed into the Minnelusa or Madison Formation.

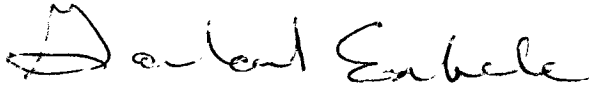
A review of domestic well logs on file with the Water Rights Program was also conducted on the sections that surround Section 29. There are over 30 domestic well completion reports found constructing in the Inyan Kara Formation, many are in close proximity to the Crooked Oaks Homeowners Association's well. These wells divert relatively small quantities of water. There have been no recent complaints on water availability from the Inyan Kara Formation in this area. The Association's request proposes no additional appropriation of water. This request is for a replacement well with the old well maintained for standby purposes.



Eric Gronlund
Natural Resources Engineer
Water Rights Program

(continued)

The Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. The additional diversion point for Water Right No. 1597-1 is authorized without requiring application or publication of a notice of hearing pursuant to SDCL 46-2A-4. A new water right permit is necessary for any diversions greater than 45 gpm by the Crooked Oaks Homeowners Association from these two wells.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program
May 5, 2000