

WATER PERMIT NO. 1599-1

Phone: 642-2962

Name of Applicant: Mtn. Plains Corporation Subdivision #2

Post Office Address: RR 1, Box 193A, Spearfish SD 57783

Amount of Water Claimed: 0.21 cfs Total Acres: Na

Source of Water Supply: groundwater (three wells)

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

About 1 mile south of Spearfish

PRIORITY Date Received: 4-12-94 Fee: \$225.00 Remarks: _____

Corrected Application Received: 4-26-94 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NW 1/4, NW 1/4 SW 1/4,

Section 22 and SW 1/4 SE 1/4 Section 21; all in

T6N-R2E

Land to be Irrigated: _____

		⊗			
21		⊗	22		23
	⊗				
28			27		26

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

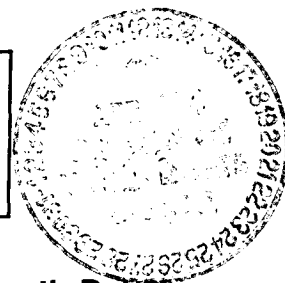
Depth of Well: 1120', 870' & 1000' REMARKS: the third well is a proposed depth

Type of Map: plat PREPARED BY: Fred Brady, P.E. Reviewed and the Number

Assigned on: 4-27-94 By: Karen Schlaak

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

No. 1599-1 Hydrologic Unit 10/20203
Basin Belle Fourche River
Newspaper Black Hills Pioneer, Box 7, Spearfish
(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 Mtn Plains Corporation - Subdivision #2 Phone 605-642-2962
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address RR 1 Box 193A Spearfish S.D. State 57783
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed Anticipated 0.21 *CFS or 93 G.P.M. **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Mtn Plains Wells 1, 2 & 3 see attached map
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 Wells - #1 in SW NW Sec 22
1575'S 14°26'E from N.W. Cor Sec 22 - #2 in NW SW Sec 22 2730' N 20°55'E from SW Cor Sec 22 & Well #3
in SW SE Sec 21 - 2555' N 71°14'W from SE Cor Sec 21 All in T6N, R2E, B4M County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used year round 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)
Suburban Housing - See attached drawings sheets 1 & 2

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}

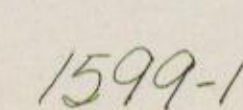
I, Fred D. Brady, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Fred D. Brady

Subscribed and sworn to before me this 11th day of April 19 94

Janet C. Betten
Notary Public

	Length	Est Dist
6	6	
8	9.8.50	8.92
9	10.5.14	27.61
10	10.8.33	35.22
11	12.2.80	11.73
12	28.5.37	30.57
13	37.0.41	17.75
14	26.4.33	15.48
15	2.61.81	27.55
16	2.19.40	3.72
17	21.1.75	49.34
18	13.7.76	49.34
19	26.3.92	8.90
20	11.0.48	22.27
21	30.7.20	2.87
22	26.8.50	26.73
23	27.3.32	26.43
24	17.0.68	1.27
25	1.48.23	6.56
26	44.9.33	5.00
27	1.48.49	7.85
28	13.28.20	7.18
29	22.1.00	5.94
30	20.7.77	14.74
31	20.3.76	2.75
32	14.12.12	8.71
33	26.7.47	38.73
34	1.40.93	1.59
35	2.17.25	4.15
36	1.49.32	4.93
37	84.7.19	14.54
38	20.7.13	9.40
39	22.8.81	10.67
40	22.7.70	5.04
41	2.46.27	19.70
42	20.9.60	7.82
43	12.4.64	16.03
44	37.0.08	49.93
45	40.7.27	23.26
46	87.0.66	50.28
47	16.7.77	4.77
48	1.35.33	10.10
49	76.0.21	0.26



Existing & Proposed Extensions and Additions to Water Project on Subdivision #2 of Mountain Plains Corp. near Spearfish, S.D.



Sheet #1
Feb. 14, 1994
by: Fred D. Brady
Reg. P.E. & L.S. #478
State of South Dakota
Rev. April 13, 1994



Existing

Well #1 in Madison Formation
drilled 6" hole to 900' depth
set 5" casing to 760'
static level 550'
set 5 H.P. single phase pump
@ 740' - projected 18 gpm to
reservoir site
Serving lots 101 through 115

Well #2 in Madison Formation
drilled 7" hole to 850' depth
set 6" casing to 732'
static level 560'
set 15 H.P. single phase pump
@ 700' - projected 40 gpm to
reservoir site
Serving lots 117 through 121,
128 through 131
142 " 145
141 - 148
132 - 137
169 - 190
197 - 208

Proposed Under this Application

Existing Well #2 to serve:
lots 122 through 127
138 - 121
146
209 - 219

Well #3 drilled into Madison Formation
drill hole to 1000' depth
set 6" casing to 880'
static level 660'
set 15 H.P. single phase pump @ 850'
project 35 gpm to reservoir site
Well #3 to serve lots 147 through 167

Specifications

All PVC to be SDR - Class 200
1 1/2" polyethylene - N.S.E 160"
Fittings 4" & larger - class 350 MW.
All construction to be as per National Standard Plumbing Code
All lines to be min. 6 1/2' bury
Where rock may be encountered, ditch to be over-excavated
a minimum of 6" & sand or graded material be placed
6" thick for bedding
Thrust blocks to be placed @ all T's
Tracer wire to be placed in all ditches
All lines to be pressure tested hydrostatically to 150"
Electrical construction to be in accordance with S.D. Elect. Code
Chlorine disinfection of wells, water lines & reservoirs to be in
accordance with "Public Notification Handbook" by S.D.
Department of Environment & Natural Resources & as
shown on pages 14 & 15 therein.
Concrete reservoirs to be 2500 gal. capacity pre-cast concrete
and as manufactured by J.D.'s Pre-Cast, Rapid City, S.D.

There are no sewer mains on this project
Installation & embedment of pipe shall be completed in accordance with ANSI/AWWA
C 900-89/A 6.1 & applicable portions of ANSI/AWWA C 600-87 sections 3.3 through 3.5.
Installation of valves & fittings shall conform with the recommended practices
from embedment of PVC pipe described in ANSI/AWWA C 900 & further detailed
in ASTM D 2774 & ANSI/AWWA C 600-87/3.6.
Thrust restraint shall be completed in accordance with ANSI/AWWA C 600-87/3.8,
ANSI/AWWA C 907-91, AWWA Manual M 23 & the recommendations of the manufacturer.
Flushing of lines shall be completed in accordance with ANSI/AWWA C 600-87/3.9.
Hydrostatic testing shall be completed in accordance with ANSI/AWWA C 600-87/sec. 4.
All newly installed mains shall be disinfected in accordance with ANSI/AWWA C 651-92. The
highly chlorinated water used for disinfection will not be discharged to a stream,
river or other waterway where danger to aquatic life may occur. Dechlorination
may be necessary prior to discharge.
Since the water distribution system is not looped, flush hydrants will be provided
at the end of a water main.
All materials, design & construction procedures shall be completed in accordance with ANSI/AWWA
concrete reservoir storage tanks to be in accordance with C 651 & C 652, painting to be NSF approved
and leakage testing in accordance with D110-86.
Wells to be constructed by a licensed driller and in accordance with SDCL 46-6-9
location, construction, development & disinfection of wells must comply with ARSD 72:02:04
(well construction standards for the state of S.D.)

1599-1

1599-1

**SOUTH DAKOTA
WATER PERMIT NO. 1599-1**

Date of first receipt of application April 12, 1994.

Date of return to applicant for corrections, amendments or changes April 14, 1994.

Date of receipt of corrected application April 26, 1994.

The Water Management Board approved Water Permit Application No. 1599-1 on August 31, 1994 for Mountain Plains Corporation, Subdivision No. 2, %Fred Brady, RR 1, Box 193A, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1599-1 authorizes 0.21 cubic feet of water per second (93 gallons per minute) from three wells (Madison Formation) 1120 feet, 870 feet and approximately 1000 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 22 and the SW 1/4 SE 1/4 Section 21; all in T6N-R2E.
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 use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is April 12, 1994.
5. One-fifth of the construction is to be completed on or before February 28, 1997.
6. All construction is to be completed on or before August 31, 1999.
7. Water is to be put to beneficial use on or before August 31, 2003.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1599-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1599-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. The wells 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.

(continued)

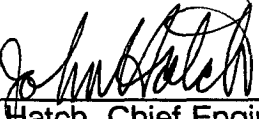
Water Permit No. 1599-1

Mountain Plains Corporation, Subdivision No. 2.

Page 2

3. New wells constructed under Permit No. 1599-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: 

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

NOV 14 1994
date

Supplemental Information

(type or print in ink)

April 24 1994
Revised
Well #1 (existing)
MPC Sub #2

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 1/4" Depth 1120'
b) Casing Type Steel Diameter 5 1/2" Thickness _____
c) Screen Type _____ Diameter _____ Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 700'
f) Depth to Water (ground surface to water level) 575'
g) Distance to nearest existing domestic well:

On applicants property 1300' On property owned by others 1200' not in Madison

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

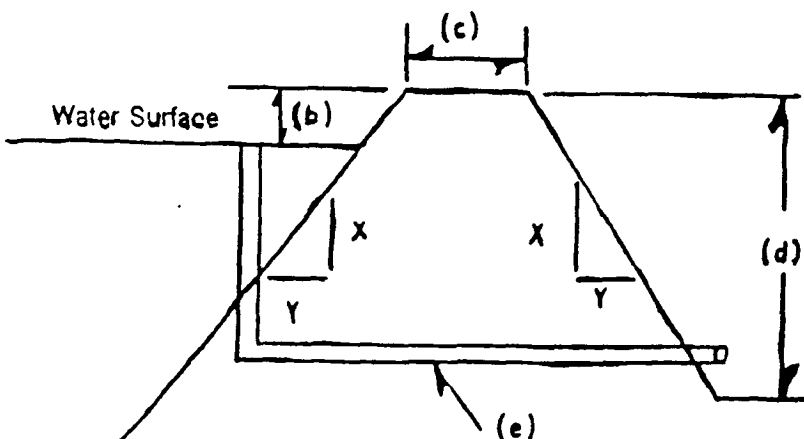
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print in ink)

April 24/1994
Revised
Well #2 (existing)
MFL Sub #2

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8' Depth 870'
- b) Casing Type Steel Diameter 7" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 732'
- f) Depth to Water (ground surface to water level) 576
- g) Distance to nearest existing domestic well:

On applicants property 1300' On property owned by others 2300' (not in Madison)

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

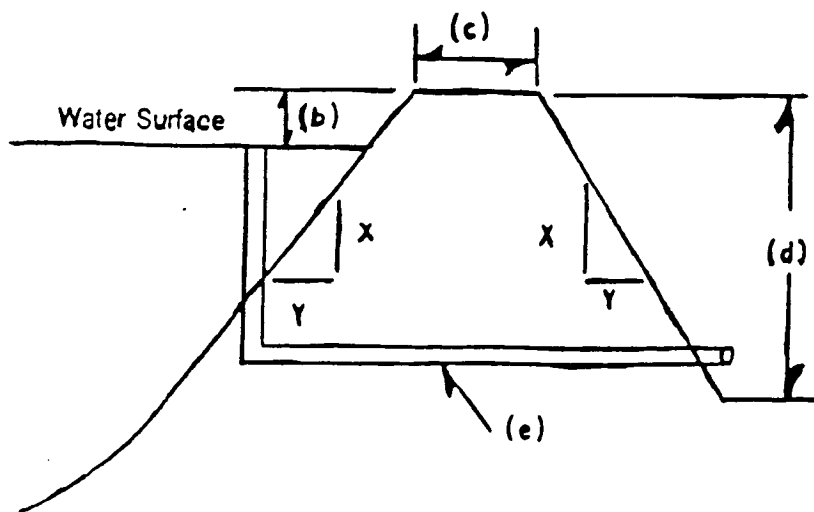
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print in ink)

*Well #3 proposed
Taylor Drilling to
furnish logs & additional
information*

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7' Depth 1000'
- b) Casing Type Steel Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 850' Est
- f) Depth to Water (ground surface to water level) 700'
- g) Distance to nearest existing domestic well: _____

On applicants property 3000' On property owned by others 5500' not made 000

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

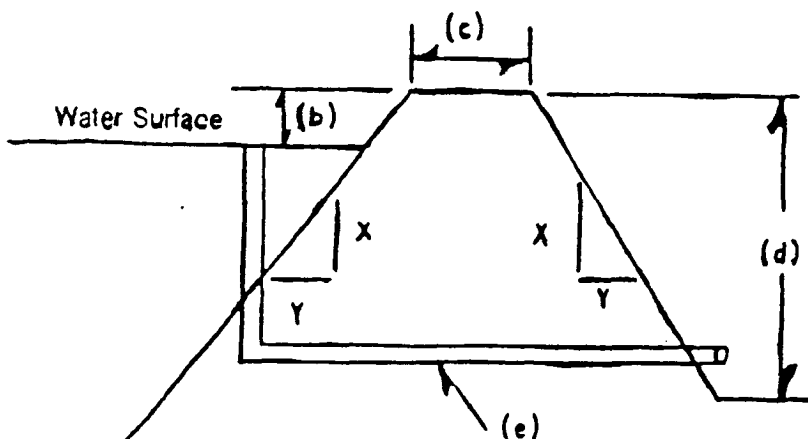
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414149

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 26, 1994

RECEIVED OF Mountain Plains Corporation, PO Box 430, Spearfish SD 57783

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

Fee for Application for Permit No. <u>1599-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By

Chief Engineer

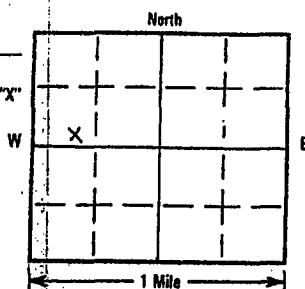
John Hatch KS
JOHN HATCH

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 22 6N 3E
NWCounty
Lawrence

Please mark well location with an "X"

Well Completion Date 6-23-81

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:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describes _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>836 FT</u>	<u>6 1/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>15</u>	<u>15 lb/gal</u>	<u>836 ft</u>	<u>575 ft</u>
<u>Cement</u>	<u>5</u>	<u>15 lb/gal</u>	<u>0 ft</u>	<u>40 ft</u>

Describe grouting procedure pressure grouted
through casingSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorine
_____, NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Mountain Plains Well #1Business Name: attn: Fred BradyAddress: Box 193A Rt. 1
Spearfish SD 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
pink + white limestone	0	28
purple shale	28	33
red sandy shale	33	130
red + yellow ss	130	285
interbedded ss + limestone	285	355
red shale	355	365
red + gray ss	365	405
limestone w/ some ss layers	405	535
red shale	535	605
green + red shale	605	625
red shale	625	635
gray limestone	635	698
red shale	698	702
yellow to white limestone	702	1000
tan limestone	1000	1040
gray limestone	1040	1140

STATIC WATER LEVEL 575 Feet

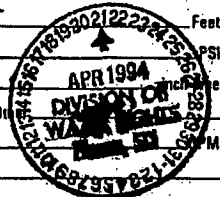
If flowing: closed in pressure _____ PSI

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Or _____

Reduced Flowrate _____

Can well be completely shut in? _____



WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Ratted☒ Other

Pumping Level Below Land Surface

500 ft. After 2 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

this well was drilled
in 1981. log is being
submitted now to facilitate
owners request for water ^{use} permit

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 or Equitable Property Holder:

Date: _____

Lawrence Co

S

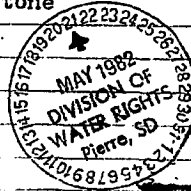
6/23/81

Fred Brady Development
S. of Spearfish

20' 9 7/8" drilling 20 GPM @ 800'
1120' 6 1/2" drilling
836' 5 1/2" OD Casing 2000 FSL 2700 FFL
15 Bags Cement Sec 22 2E-6N

0-28 pink & white limestone (Minnekata)
28-33 purple shale
33-130 red sandy shale some brown sandstone (Opeche)
130-145 soft yellow sand
145-270 harder yellow sandstone
270-285 red sandstone w/some limestone
285-290 limestone
290-305 hard rose sandstone
305-308 red shale
308-322 multi colored sandstone
322-325 red shale
325-355 light colored limestone

over



Cont: Fred Brady Development
S. of Spearfish

875-890 softer drilling white limestone
890-980 hard drilling white limestone
980-1000 yellowish limestone
1000-1040 tan limestone
1040-1140 gray limestone



1599-1

355-365	red shale
365-373	hard yellow sandstone
373-375	dirty coal like shale
375-400	gray sandstone layered w/ hard brown limestone
400-405	hard rose sandstone
405-420	light gray limestone
420-465	purple sandstone
465-480	very hard tan limestone
480-510	layered multi-colored sandstone to hard limestone
510-512	red shale
512-535	hard multicolored sandstone w/LS
535-605	red shale
605-625	green & red sandy shale w/purple limestone
625-635	red shale
635-698	gray limestone
698-702	red shale
702-750	off white limestone
750-800	yellowish softer limestone
800-875	off white limestone (Madison)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

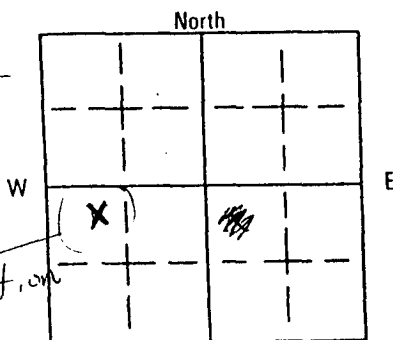
Location NW 1/4 Sec 22 Twp 6N Rg 2E

SW

County

Lawrence

Please mark well location with "X"

Well Completion Date 9/27/91

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
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>732</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 732 FEETWhat is grouting material? CementIf cement, number of sacks? 85Describe grouting procedure pressure grouted through casingWhat was grout weight? 15 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 to Twin City Testing

Well Owner:

Name Mountain Plains (Fred Brady) Well #2Address Box 193A Rt. 1 Spearfish, SD 57783

Well Log:

Depth

Formation	From	To
<u>lipochite</u>	<u>0</u>	<u>12</u>
<u>yellow ss some red ss</u>	<u>12</u>	<u>234</u>
<u>LS + shale</u>	<u>234</u>	<u>280</u>
<u>yellow to tan ss</u>	<u>280</u>	<u>325</u>
<u>mostly LS some clay</u>	<u>325</u>	<u>437</u>
<u>SS purple to red brownish</u>	<u>437</u>	<u>485</u>
<u>white, buff, lacy LS</u>	<u>485</u>	<u>665</u>
<u>red + green shale</u>	<u>665</u>	<u>669</u>
<u>tan LS</u>	<u>669</u>	<u>870</u>

STATIC WATER LEVEL 576 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 Development☒ Other

Pumping Level Below Land Surface

865 ft. After 12 Hrs. pumped 80 GPM700 ft. After 1 Hrs. pumped 60 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 COMPANY

Signature of License Representative:

Ralph Taylor

Signature of Well Owner:

Date _____

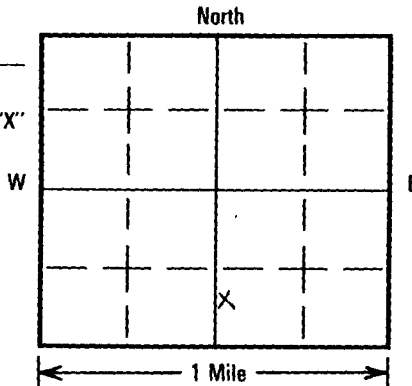
#1599-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SE 1/4 Sec 21 Twp 6N Rg 2ECounty Lawrence

Please mark well location with an "X"

Well Completion Date 11-30-94

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>816</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>cement</u>	<u>135</u>	<u>14</u> lb./gal	<u>0</u> ft	<u>816</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

pressure groutedSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorine solution
☐ NO, Why Not? _____Laboratory sent to for water quality analysis pump not set yetWell Owner: Fred BradyBusiness Name: Mountain Plains Corp.Address: P.O. Box 430
Spearfish, SD 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>red shale + limestone</u>	<u>2</u>	<u>15</u>
<u>red shale</u>	<u>15</u>	<u>40</u>
<u>red ss</u>	<u>40</u>	<u>56</u>
<u>limestone</u>	<u>56</u>	<u>70</u>
<u>red shale</u>	<u>70</u>	
<u>yellow limestone</u>		<u>220</u>
<u>red + yellow LS + ss + red shale</u>	<u>220</u>	<u>290</u>
<u>white to yellow LS</u>	<u>290</u>	<u>326</u>
<u>mostly ss some gray LS</u>	<u>326</u>	<u>423</u>
<u>gray + green shale</u>	<u>423</u>	<u>428</u>
<u>gray red + pink LS</u>	<u>428</u>	<u>453</u>
<u>white LS + red shale</u>	<u>453</u>	<u>565</u>
<u>white to yellow LS</u>	<u>565</u>	<u>625</u>
<u>buff LS</u>	<u>625</u>	<u>950</u>
<u>purple siltstone</u>	<u>950</u>	<u>965</u>

STATIC WATER LEVEL 570 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed _____
☐ Other Air Developed

Pumping Level Below Land Surface

920 ft. After 2 Hrs. pumped 50 GPM800 ft. After 1 Hrs. pumped 37 GPM

If pump installed, pump rate _____ 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 or Equitable Property Holder:

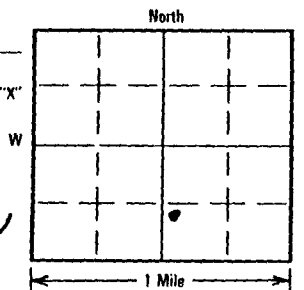
Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SE 1/4 Sec 21 Twp 6N Rg 2ECounty
Lawrence

Please mark well location with an "X"

N 71° 14' W
2555' from
SE Cor of Sec 21Well Completion Date 11-30-94

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Air 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>816 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>135</u>	<u>14 lb./gal</u>	<u>0</u> ft.	<u>816</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

pressure groutedSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorine solution_____
NO, Why Not? _____Laboratory sent to for water quality analysis pump not set yetWell Owner: Fred BindyBusiness Name: Mountain Plains Corp.Address: P.O. Box 430Spearsfield, SD 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil	0	2
red shale + limestone	2	15
red shale	15	40
red ss	40	56
limestone	56	70
red shale	70	
yellow limestone		220
red yellow LS + SS + red shale	220	290
white to yellow LS	290	326
mostly SS some gray LS	326	423
gray + green shale	423	428
gray red + pink LS	428	453
white LS + red shale	453	565
white to yellow LS	565	625
buff LS	625	950
purple siltstone	950	965

STATIC WATER LEVEL 570 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other Air Developed

Pumping Level Below Land Surface

420 ft. After 2 Hrs. pumped 50 GPM800 ft. After 1 Hrs. pumped 37 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 331

And this report is true and accurate.

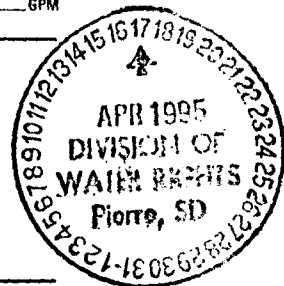
Drilling firm Taylor Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



April 13, 1994

Department of Environment & Natural Resources
Joe Foss Building
523 E. Capitol Avenue
Pierre, S. Dak. 57701

Subject: Application Permit for
Mountain Plains Corp.

Attn: Mr. Kent A. Buhler
Natural Resources Engineer
Division of Water Rights



Dear Mr. Buhler:

I am enclosing herewith Application for Permit for 3 wells for Suburban Housing for Mtn. Plains Corp, Spearfish, S.D. for wells 1, 2, & 3 in Secs. 21 & 22, T6N, R2E, B.H.M. along with Form 2A for each well with application fee of \$225.00. Also enclosed are sheets 1 & 2 showing the subdivision with well locations.

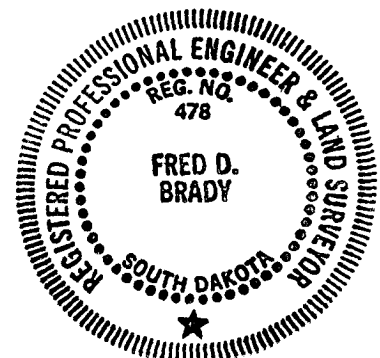
I have requested copies of logs from Taylor Drilling on existing wells 1 & 2 & will send those to you as soon as I receive them.

I want to take this opportunity to thank you for the time and assistance you granted to me in Pierre on Mar. 24, 1994.

Please advise me if there is further information that you would like me to provide your office.

Sincerely,

Fred D. Brady R.R. 1, Box 193A
Reg. P.E. & L.S. #478 Spearfish 57783
State of S. Dak. 605-642-2962



Enclosures - Form 2, 2A, sheets 1 & 2 & fee



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1994

Fred Brady
Mountain Plains Corporation Subdivision #2
RR 1, Box 193A
Spearfish SD 57783

Dear Mr. Brady:

In regard to the water permit application received on April 13, 1994, the following information needs to be submitted in order to process the application.

1. Your letter indicated that the application fee of \$225.00 was enclosed and that Taylor Drilling has been contacted to submit the well logs. The check was not included with the application and we have not yet received the well logs.
2. 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 water permit application can not be considered until the application is complete. Upon receipt of the above, further processing of the application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

April 24, 1994

Department of Environment & Natural Resources
Joe Foss Bldg.
523 E. Capitol
Pierre, S. Dak. 57501-3181



Subject: Application Permit for
Mtn Plains Corp. - Subdivision #2

Attn: Karen Schlaak
Environmental Scientist

Dear Mrs. Schlaak:

I am in receipt of your letter of April 14, 1994 and I apologize for not enclosing the fee of \$225 - which I enclose.

I have been informed by Taylor Drilling that they mailed logs on Wells 1 & 2 directly to you, however, I am enclosing copies thereof & have corrected the location on Well #1 as I noted on their log.

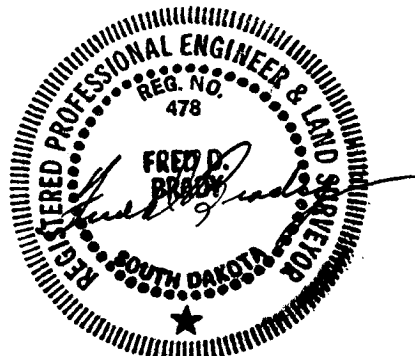
There is some minor variations on Form 2A sent you on April 13th for Well 1 & Well 2. I am enclosing herewith Form 2A for each with those minor changes made.

{ Each homeowner constructs a drain field in accordance with County & State requirements & under inspection & approval of Roger Marshall.

I assume that advertisement will be in our local paper, the Queen City Mail, & the billing therefor will be sent to me.

Sincerely,
Fred D. Bradley
P.O. Box 193A
Spearfish 57783
605-642-2962

Encl: Fee, Well logs, Rev Form 2A.





April 25, 1994

Department of Environment & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre S. Dak 57501

Subject: My letter & Application for MFE submitted
April 13, 1994

Dear Mr. Buhler:

I noticed on my application - item 4 that Well #3
should have stated in "SWSE Sec 21-255' N 71° 14' W
from SE Cor Sec 21 " not Sec 2.

Sincerely
Jesse Gandy
R.R. 1 Box 143 A
Spearfish, S. Dak 57783

WATER PERMIT APPLICATION NO. 1599-1
MTN. PLAINS CORPORATION-SUBDIVISION #2
JUNE 9, 1994

Water Permit Application No. 1599-1 proposes to appropriate 0.21 cubic feet of water per second (93 gallons per minute) from three wells (Madison Aquifer) 1120 feet, 870 feet and approximately 1000 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Sec. 22, and the SW 1/4 SE 1/4 Sec. 21; all in T6N-R2E. The water is for use in a suburban housing development.

AQUIFER: MADISON LIMESTONE

The Madison Aquifer is a massive, carbonate (limestone and dolomite) aquifer which underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer system and the response of the system to stress. The aquifer is under confined (artesian) conditions at this location.

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981).

The Division of Water Rights monitors 12 observation wells completed into the Madison aquifer. Observation well LA-88C is located approximately 1 to 1.5 miles north of these wells. Records from the observation wells indicate the potentiometric surface of the aquifer fluctuates 20-30 feet per year near the recharge area, in response to seasonal and climatic variations. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. The majority of the water use from the aquifer is from Butte, Lawrence, Meade, Pennington and Fall River Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be less than 35,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer, indicates unappropriated water is available from the Madison aquifer.

AFFECTS ON EXISTING RIGHTS:

The major obstacle to potential development of the Madison Aquifer is consideration of the affects pumping may have on existing water rights. The drawdown caused by pumping an individual well could have an affect nearby wells (well interference), and the cumulative affect of numerous withdrawals from an area, may have an affect on area water rights.

WELL INTERFERENCE:

Since the Madison is under artesian conditions except very near the outcrop, withdrawals from a well can cause a decline in the potentiometric surface over fairly widespread areas. The water levels of wells in the immediate vicinity may be influenced by withdrawals from these wells, however, any effects should be minimal considering the fairly low discharge rate (0.21 cfs combined from three wells); the distance from other Madison Aquifer wells (over one mile to the nearest Madison well on file with the Division of Water Rights); and the fact that two of these wells have been in existence and probably in use for 13 years and 3 years respectively with no reported controversy.

CUMULATIVE AFFECT OF WITHDRAWALS:

The cumulative affect of numerous withdrawals from a concentrated area, may lower the water levels over a fairly large area. A significant lowering of the potentiometric surface of the Madison Aquifer could theoretically affect not only the Madison, but also other aquifers, spring flows and surface water flows. In recent years, a number of wells have been completed into the Madison aquifer in the Spearfish area. The relationship between the Madison Aquifer and the overlying Minnelusa Aquifer is not fully understood. A hydrologic connection may exist between these two aquifers. Measurements taken in the Division of Water Rights' Observation Wells indicate the water level of the Madison is generally higher than the water level of the Minnelusa, thus suggesting the potential of the Madison contributing recharge to the Minnelusa. If a hydraulic connection exists, lower water levels in the Madison Aquifer would also result in lower water levels in the Minnelusa Aquifer. While significant effects to the Minnelusa water level do not appear to have resulted from present development, this connection cannot be ignored when considering long-term development.

As stated previously, a major percentage of the recharge to the Madison occurs from streamflow losses. Streamflow losses to the aquifer are directly influenced by the gradient between the surface water and the groundwater. An increase in the gradient caused by a decline in water levels in the Madison aquifer may increase the streamflow losses.

If the cumulative affect of development from the Madison Aquifer requires the lowering of pumps in existing wells (either domestic wells or those wells with existing permits), or reduces flows of area streams, unlawful impairment of existing rights questions may need to be answered. SDCL 46-6-6.1 authorizes the Water Management Board to protect domestic water use by controlling large capacity wells without the necessity of requiring maintenance of artesian head pressure in a domestic use well. The statute also provides for the lowering of a water lift mechanism to a depth near the bottom of the groundwater supply or, in artesian aquifers to a substantial depth below the geological formation confining the ground water. Based on this statute, although water levels may be affected, the affect may not be unlawful impairment.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing this permit without a term limitation of 20 years.

CONCLUSIONS:

1. There is a reasonable probability that unappropriated water is available from the Madison Formation.
2. The Madison Aquifer is under artesian conditions in this area and fluctuations in the water table will occur as a result of pumping.
3. Interference with existing diversions (wells) is unlikely to be adverse.

4. Although the long term cumulative affects of the development of the Madison Aquifer are not known, the contribution this appropriation will have on the cumulative affect is expected to be negligible.
5. Evidence is not available to justify issuing this permit without a 20 year term limitation.

Ken Buhler

Ken Buhler
Natural Resources Engineer

Approved by:

James A. Goodman

James A. Goodman, P.E.
Natural Resources Engineer

References:

- Allen, J.C., D.Iles, A.Peters, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of SD, Task 3 and 4, Ground Water Resources Inventory, for US Army Corps of Engineers, SD DWR, Division of Geologic Survey, Vermillion, SD 57069
- Division of Water Rights, 1994, "Water Permit Files", SD DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1994, "Observation Well Files", SD DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1994, "Domestic Well Log Files", SD DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Kyllonen, D.P., K.Peter, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS Water-Resources Investigations Report 86-4158, Rapid City, SD 57701
- Woodward Clyde, 1981, Well Field Hydrology Technical Report, for ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management

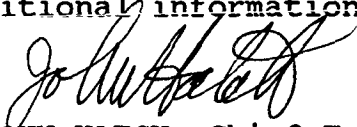
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 1599-1, Mountain Plains Corporation, Subdivision No. 2

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. 1599-1, Mountain Plains Corporation, Subdivision No. 2, c/o Fred Brady, RR 1 Box 193A, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1599-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20-year term limitation, 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) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1599-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1599-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. The wells 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.
3. New wells constructed under Permit No. 1599-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 22, 1994



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 22, 1994

Black Hills Pioneer
Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1599-1 to be published twice. Please publish the first notice on July 28, 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 Mountain Plains Corporation-Subdivision No. 2, c/o Fred Brady, RR 1 Box 193A, Spearfish, SD 57783 (Ph # 605-642-2962).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name _____

Newspaper _____



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.

July 22, 1994

Fred Brady
Mountain Plains Corp.-Subdivision No. 2
RR 1 Box 193A
Spearfish, SD 57783

Dear Mr. Brady:

Water Permit Application No. 1599-1 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 # 605-642-2761). 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.

Instruction to Newspaper - Publish first Notice on July 28, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1599-1 to Appropriate Water

Notice is given that Mountain Plains Corporation-Subdivision No. 2, RR 1 Box 193A, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.21 cubic feet of water per second (93 gallons per minute) from three wells (Madison Formation) 1120 feet, 870 feet, and approximately 1000 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 22 and the SW 1/4 SE 1/4 Section 21; all in T6N-R2E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1599-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20-year term limitation, 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) it is in the public interest.

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 August 19, 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.

The Water Management Board will consider this application at 10:00 a.m., August 31, 1994, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 August 31, 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 August 19, 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 August 19, 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.

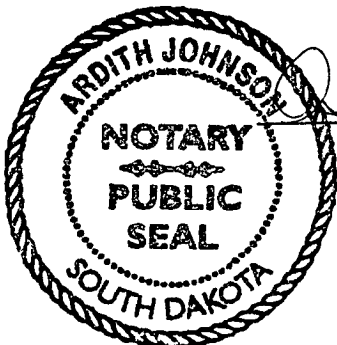


Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during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

NOTICE OF HEARING
#1599-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 28 day of July 19 94, and the last publication on the 4 day of Aug 19 94, that the full amount of fees charged for publishing same, to-wit: The sum of \$62.17 insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 4 day of Aug 19 94.



Ardith Johnson
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-96

NOTICE OF HEARING on Application No. 1599-1 to Appropriate Water

NOTICE IS GIVEN that Mountain Plains Corporation-Subdivision No. 2, RR 1 Box 193A, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.21 cubic feet of water per second (93 gallons per minute) from three wells (Madison Formation) 1120 feet, 870 feet, and approximately 1000 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 22 and the SW 1/4 SE 1/4 Section 21; all in T6N-R2E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1599-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20-year term limitation, 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) it is in the public interest.

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 August 19, 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.

(over)

The Water Management Board will consider this application at 10:00 a.m., August 31, 1994, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 August 31, 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 August 19, 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 August 19, 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, 46-1-13, 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.

Robert E. Roberts,

Department of Environment
and Natural Resources.

#658

July 28, August 4



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Fred Brady
Mountain Plains Corporation
Subdivision No. 2
RR 1 Box 193A
Spearfish, SD 57783

Dear Mr. Brady:

Enclosed is Water Permit No. 1599-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

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

Date 3-1-98

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

FROM: Mountain Plains 2 Homeowners Assoc 135 E. Illinois #138
(name) (address)
Spanish, SD 57783 605-642-5447
(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. 1599-1.

Water Permit No. 1599-1 states that the diversion system is to be constructed by August 31, 1999, and that the water is put to beneficial use by August 31, 2003.
(date) (date)

The diversion system was completed on August 1995.
(date)

Applying the water to beneficial use was completed on 3-1-98.
(date)



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

[Signature]
(signature)

**MOUNTAIN PLAINS 2 HOMEOWNERS ASSOC., INC.
WATER COMMITTEE
135 E. ILLINOIS ST #138
SPEARFISH, SD 57783
5/19/98**

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



Sirs:

Please be advised that we have completed the legal requirements for transfer of ownership of Water Permit No. 1599-1 from Mountain Plains Corp to Mountain Plains 2 Homeowners Association Inc. You will find enclosed the Notice Of Transfer Of Ownership application as well as a copy of the transfer document prepared by Mountain Plains Corp.

Also enclosed is the Notice Of Completion of Works And Application of Water To Beneficial Use.

Please direct any questions to Charles Kilmer, Chairman of the Water Committee 605-642-5447, 383 Oak Ridge Road, Spearfish, SD 57783.

Thankyou for your help in these matters.

Sincerely,

Charles Kilmer
Charles Kilmer

Chairman Water Committee

11-6-2000

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

Date: January 1, 1998 of Transfer
March 2, 1998 of Request

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

40 415772

Pierre, May 21, 19 98

RECEIVED OF Charles or Lynelle Kilmer, 383 Oak Ridge Rd., Speaffish, SD 57783.
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 Vested Water Right No. 1599-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1998

No. 1599-1

Mountain Plains 2 Homeowners Association
%Charles Kilmer
135 E. Illinois #138
Spearfish, SD 57783

Dear Mr. Kilmer:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1599-1.

Our records now show Mountain Plains 2 Homeowners Association as the owner of Vested Water Right No. 1599-1.

Sincerely,

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

enclosure

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

Inspection contact & relationship
to permit holder, if applicable:

Ron Edstrom
605-644-8482
HOA President

- 1) Well Drilling Firm: **Taylor Drilling**
- 2) No. of Wells **3**
- 3) Depth(s) **1140 / 870 / 965** feet
- 4) Well log is available **Y/Y/Y**
- 5) Comment: **Information in form of well #1 / well #2 / well #3**

- 1) Diameter 5.5 / 7 / 7 inches
- 2) Length 836 / 732 / 816 feet
- 3) Type steel / steel / steel

- 1) Type none / none / none
- 2) Static water level 575 / 576 / 570 feet

1) Make unknown / unknown / unknown

2) Capacity unknown / 65 / 42 GPM

1) Make unknown / unknown / unknown

B. Works used to Apply Water to Beneficial Use:Type: PVC Size: 6 in Length: 18,000 feetType: PVC Size: 4 in Length: 6,300 feetStorage Tanks: Tank #1: 150,000 Gallon Tank #2: 15,000 Gallon**1 intermediate pumping station****C. Compliance with Permit Requirements:**

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

The system is in excellent condition with the point(s) of diversion located as follows: 1) SW ¼ NW ¼ Sec 22-T6N-R2E, approximately 385 feet east and 1593 feet south of the northwest corner of Sec 22-T6N-R2E, N 44.46996 Latitude and W -103.86855 Longitude. 2) NW ¼ SW ¼ Sec 22-T6N-R2E, approximately 1000 feet east and 2536 feet north of the southwest corner of Sec 22-T6N-R2E, N 44.46680 Latitude and W -103.87897 Longitude. 3) SW ¼ SE ¼ Sec 21-T6N-R2E, approximately 2310 feet west and 693 feet north of the southeast corner of Sec 21-T6N-R2E, N 44.46184 Latitude and W -103.87128 Longitude. The works are capable of diverting and conveying to the place of use 0.24 cu. ft. per second of water which is to be used for supplying water to suburban housing development.

The license should be issued for 0.21 cfs.All structures, wells and lands on map YComments or other permit(s) associated with the project: Operator controls withdrawals at the control box for each pump not exceeding the amount authorized by Permit No. 1599-1.

Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 11 October 2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 16, 2007

1599-1

Mountain Plains 2 Home Owners Association
c/o Ron Edstrom
135 E Illinois, #135
Spearfish SD 57783

Dear Mr. Edstrom:

On September 20, 2007 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1599-1, was completed by Mark Costello, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from the association, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

*Check enclosed.
Rebhenk MPZ. Treasurer*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/13, 2007

RECEIVED OF Mountain Plains 2 Homeowner's Assn 135 E Illinois St # 138 Spearfish SD

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1599-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

03198

By

Harold Entsch

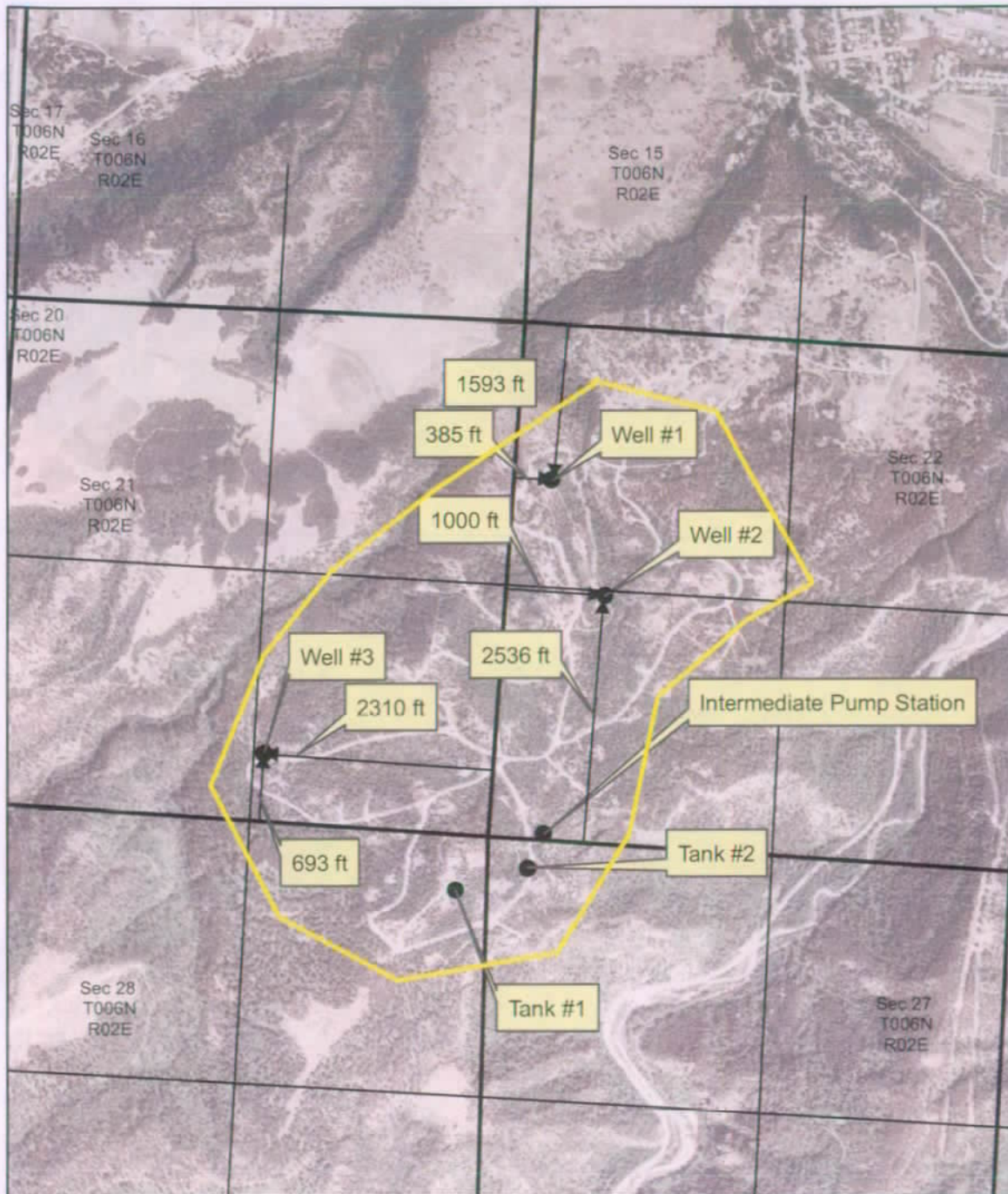
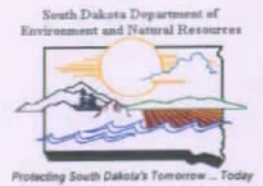
Chief Engineer

20



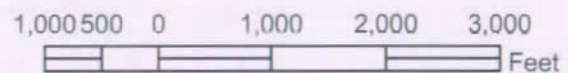
1599-1

Mountain Plains 2 HOA
135 E. Illinois # 138
Spearfish, SD. 57783



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
11 October 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JAN 24 2008

1599-1

Mountain Plains 2 Home Owners Association
c/o Ron Edstrom
135 E Illinois, #135
Spearfish SD 57783

Dear Mr. Edstrom:

Enclosed is Water License No. 1599-1. This is the final water right document completing the process of obtaining a Water Right. Enclosed is Receipt No. 3198 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1599-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1599-1

(1) Mountain Plains Corporation, Subdivision No. 2 made Application No. 1599-1, April 12, 1994 for a water permit to divert 0.21 cubic feet of water per second from groundwater (three wells), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1599-1, with a priority date of April 12, 1994 was approved August 31, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 31, 1999 and for the application to beneficial use of water on or before August 31, 2003.

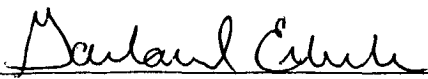
On May 20, 1998, Water Permit No. 1599-1 was transferred to Mountain Plains 2 Home Owners Association, 135 E Illinois, #138, Spearfish SD 57783.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1599-1 is issued a license, bearing a priority date of April 12, 1994 to appropriate 0.21 cubic feet of water per second from groundwater (three wells) for suburban housing development use.

The diversion points are located: Well # 1 - 385 feet east and 1,593 feet south of the northwest corner of Section 22 (SW ¼ NW ¼); Well # 2 - 1,000 feet east and 2,536 feet north of the southwest corner of Section 22 (NW ¼ SW ¼) and Well # 3 - 2,310 feet west and 693 feet north of the southeast corner of Section 21 (SW ¼ SE ¼); all in T6N-R2E.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1599-1 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1599-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1599-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- The wells 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.
- The wells authorized by Permit No. 1599-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 24 2008

date

