

WATER PERMIT NO. 1602-1

Phone: 892-2314

Black Hills Water Company

Name of Applicant: Joe Graf, Martha Graf, LeRoy Brown, Jim Emery

Post Office Address: RR 1, Box 642, Belle Fourche SD 57717

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

Source of Water Supply: groundwater

Water to be used for: suburban housing County: Butte

Location: near Belle Fourche

PRIORITY _____ Date Received: 6-29-94 Fee: \$225

Corrected Application Received: 8/5/94 (add'l fee) Period of Annual Use: Jan 1 - Dec 31

Remarks: Same well as authorized by Water Permit No. 1549-1 (150 gpm)

On 8-5-94 received add'l fee of \$75.00 to increase the diversion rate from 70 gpm to 150 gpm.

Diversion Point: SW 1/4 SW 1/4 Sec 23-T8N-R2E

Land to be Irrigated: _____

			23		
	⊗				

Well Log: Driller: Graf Drilling Licensed: YES _____ NO _____

Depth of Well: 2100 feet REMARKS: _____

Type of Map: aerial Prepared By: Esther Olson Reviewed and the Number

Assigned on: 6-30-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1602-1**

Date of first receipt of application June 29, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1602-1 to Black Hills Water Company, c/o Joe Graf, RR 1, Box 642, Belle Fourche SD 57717 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. 1602-1 appropriates 0.33 cubic feet of water per second (150 gallons per minute) from one well (Minnelusa Formation) 2100 feet deep located in the SW 1/4 SW 1/4 Section 23-T8N-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 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. 1602-1 is October 11, 1994.
5. The date from which applicant may claim right is June 29, 1994.
6. One-fifth of the construction is to be completed on or before April 11, 1997.
7. All construction is to be completed on or before October 11, 1999.
8. Water is to be put to beneficial use on or before October 11, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well 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.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

NOV 14 1994
date

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

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

No. 1602-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Belle Fourche Post
(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.) _____

- Black Hills Water Company
1. Name of Applicant Martha C. Graf, LeRoy Brown, Jr. Phone 605 892-2314
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address RR 1 Box 642 Belle Fourche State SD 57717
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.33 *CFS or 40 150 **GPM 500 barrels tank ***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 Minnelusa Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 SW1/4 Sec 28
Twp 8 N Rg 2E - Permit #1549-1
County Butte
5. County or counties where water will be used Butte
6. Annual period during which water is to be used Continuous Jan 1-Dec 31
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)

water main to storage tank & then to distribution points

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 Butte)^{ss}
Martha C. Graf, LeRoy Brown

I, Joe W. Graf, LeRoy Brown, 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 Martha C. Graf LeRoy Brown James D. Emery
Joe W. Graf

Subscribed and sworn to before me this 23 day of June 19 94

June Kest
Notary Public My Commission Expires October 11, 1998

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 5/8 Depth 2100 ft.
b) Casing Type 7" Steel Diameter 7" Thickness 250 wall
c) Screen Type None Diameter _____ Thickness _____
d) Gravel Pack Thickness None Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 1640 ft.
f) Depth to Water (ground surface to water level) flowing well
g) Distance to nearest existing domestic well: 500'

On applicants property _____ On property owned by others ✓

2. Dugout Information

- a) Surface Dimensions None Depth _____
b) Depth to water (ground surface to water level) flowing

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

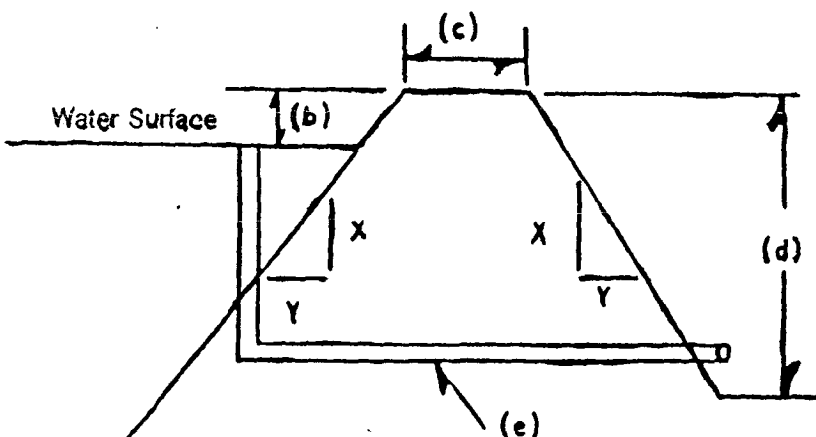
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414208

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 30, 19 94

RECEIVED OF Graf Drilling Co, Joe Graf, RR 1 Box 642, Belle Fourche, SD 57717

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

Fee for Application for Permit No. <u>1602-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John H. Blatnik

RECEIPT

414242

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 5 _____, 19 94

RECEIVED OF Graf Drilling Co., RR 1, Box 642, Belle Fourche SD 57717

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

Fee for Application for Permit No. <u>1602-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	75	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 _____		

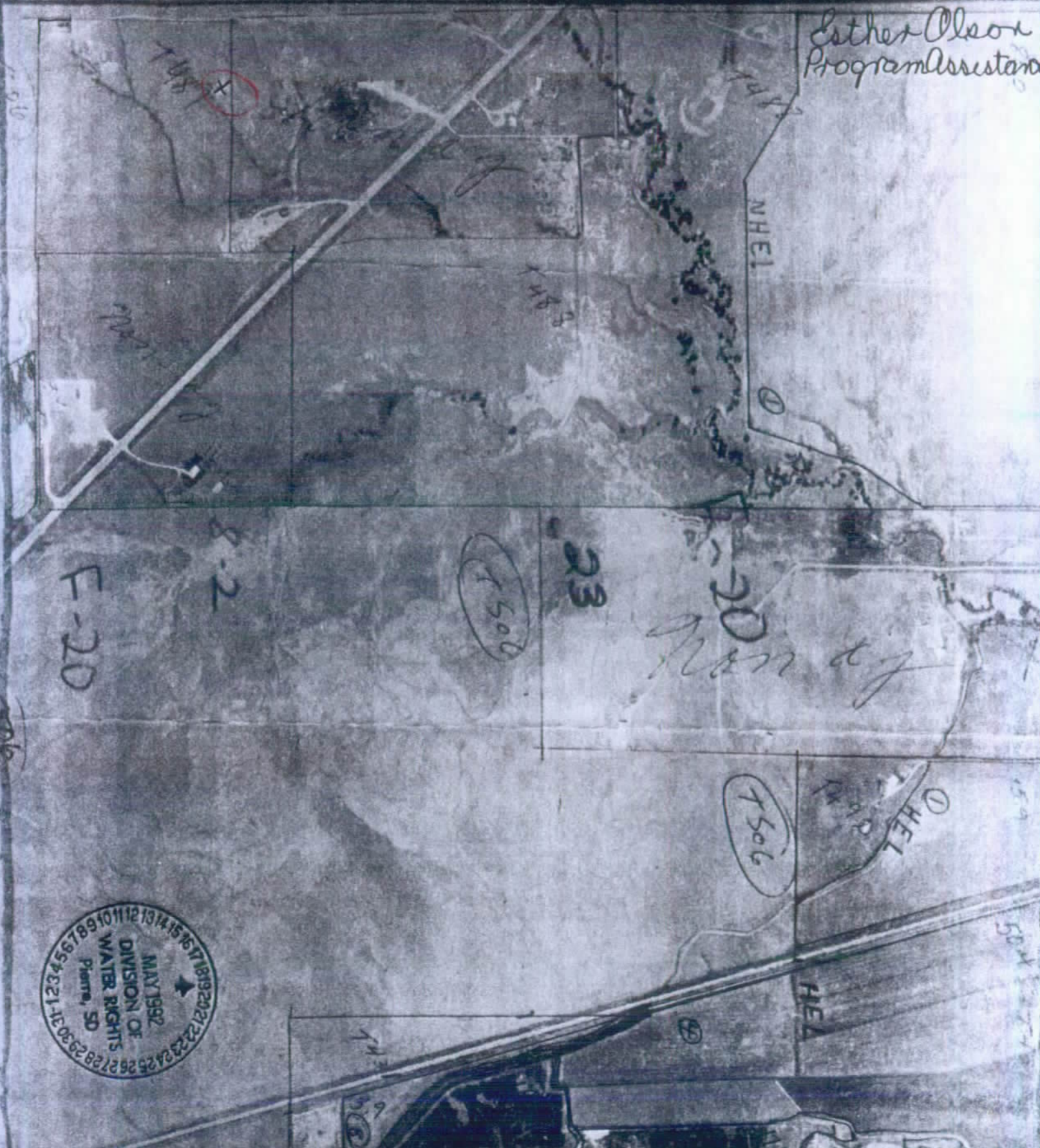
(Any Other Work Provided by Law)	Total	75 00

By John Hatch
Chief Engineer

JOHN HATCH (ks)

NOT TO SCALE

Esther Olson
Program Assistant



SOUTH DAKOTA WATER WELL COMPLETION REPORT

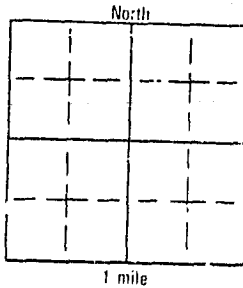
10-85

Location SW 1/4 SW 1/4 Sec 23 Twp 8N Rg 2E

County

Butte

Please mark well location with an "X"

Permit 1549-1
1602-1Well Completion Date 11-11-93

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	WOLF DIAMETER
<u>45 LB/FT</u>	<u>10 3/4" IN</u>	<u>0 FT</u>	<u>300 FT</u>	<u>13 IN</u>
<u>23 LB/FT</u>	<u>7 IN</u>	<u>1 FT</u>	<u>176 FT</u>	<u>9 5/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 0-300' 10 3/4" 0-1760 FEETWhat is grouting material? Solwater 1 sk cement 2 3/4"If cement, number of sacks? 85 sks - 10" 390 lbsDescribe grouting procedure Solwater 2 3/4" 2 3/4" 15 sk cement 6 center 120 lbs 7"Float Valve 7" Hole Burton Plug

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material Open hole 6 1/4" 1760-2100

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 Chlorinated Water in PITSBacteriological analysis ☒ YES ☐ NOLaboratory sent to Winnipeg RAPID

Well Owner:

Name Joe H. Graf - MarthaAddress RR1 Box 642Well Log: Belle FourcheDepth 5771'

Formation

Formation	From	To
Surface	0	1
Shale	1	20
Fall River	20	210
Shale	210	300
Sundance	300	700
Traverse	700	701
Sundance	701	970
Spoutfish	970	1500
Salp. lime stone	1500	1580
Opache	1580	1640
Mingulosa	1640	1700
Whitely Red Marl	1700	2060
Limestone Whitely	2060	2080
Brown sand	2080	2100
Limestone	2100	2100

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 140 PSIGPM flow 70 through 2" Meter @ 10" inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other: specify used City Meter 1 1/2"Can well be completely shut in? Yes 6" valveTree to 2" valvesWELL TEST DATA: Insulated well house☐ Pumped☐ Bailed

Describe: _____

☐ OtherPumping Level Below Land Surface at 10" PSI

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Test sent to WINNIEG 11-9-93
 Under Martha Graf Results Report sent by lab 11-11-93
 Nitrate 0.10 Lab Number
 Sulfate 33 D 217
 Spec Cond 490
 Sodium 2
 Field Temp °C

This well was drilled under license # 327

And this report is true and accurate

Drilling firm Graf Drilling

Signature of License Representative:

Joe H. Graf

Signature of Well Owner:

Joe H. Graf MarthaDate 12-8-93

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27-4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

25:1

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Joe Graf and Tammy Brown

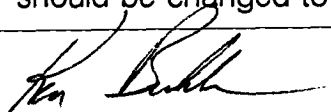
ADDRESS: RR 1, Box 642, Belle Fourche COUNTY: Butte

DATE: July 6, 1994 TELEPHONE: (605) 892-2314

RE: Water Permit Application No. 1602-1

COMMENTS:

I called Mr. Graf to discuss this permit application. It seems as though there was some confusion and Graf thought he had to get a second permit for the well already covered under 1549-1. After much discussion it was determined that this is the same system as is covered by 1549-1. However, since the well was completed into the Minnelusa Aquifer rather than the Madison Aquifer a permit for the new water source is required. It was decided that Application No. 1602-1 could be modified to accomplish this. Per Mr. Graf and Ms. Browns instructions, the name on the permit should be changed to Black Hills Water Company.



Ken Buhler
Natural Resources Engineer

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Tammy Brown

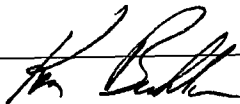
ADDRESS: RR 1, Box 642, Belle Fourche COUNTY: Butte

DATE: July 7, 1994 TELEPHONE: (605) 892-2314

RE: Water Permit Application No. 1602-1

COMMENTS:

I called Ms. Brown as a follow-up of our July 6, 1994 conversation in which Joe Graf mentioned that he may want to try to Frac. the well and increase the yield to 150 gpm. I informed Ms. Brown that to apply for 150 gpm at this point would cost an additional \$75.00, and to apply for an additional 80 gpm at a latter date would cost \$225.00. Ms. Brown stated that she would talk it over with Mr.Graf and call us within the next couple of days to let us know. I informed her that we would wait to process this application until we heard from her.



Ken Buhler
Natural Resources Engineer

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Joe Graf

ADDRESS: RR 1, Box 642, Belle Fourche COUNTY: Butte

DATE: September 13, 1994 TELEPHONE: (605) 892-2314

RE: Water Permit Application No. 1602-1

COMMENTS:

I called Mr. Graf to discuss effluent disposal with respect to this proposed water use. Mr Graf informed me that he had a permit to hook into the City of Belle Fourche's sewer system.

Ken Buhler 
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATION NO. 1602-1
Black Hills Water Company
August 22, 1994

Application No. 1602-1 proposes to appropriate 0.33 cfs (150 gpm) from one well approximately 2100 feet deep located in the SW 1/4 SW 1/4 of section 23, T8N R2E in Butte County. The water is for use in a suburban housing development.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation consists of sandstone, limestone, dolomite and minor amounts of shale with some gypsum or anhydrite. The Minnelusa is approximately 400 to 500 feet thick in this area (Peter, 1987). The aquifer is confined and under artesian conditions at this site. The aquifer underlies 1.44 million acres and contains an estimated 43.2 million acre feet of recoverable water in storage in Butte County alone (Allen, 1984). The aquifer is areally extensive around the entire Black Hills and is hydraulically connected into Wyoming to the west and into Lawrence County and Meade County to the south. Ground water movement is probably toward the north and east (Peter, 1987).

The driller's log filed with the application indicates that the top of the Minnelusa was encountered at 1640 feet below land surface. According to the log it appears that the drill hole may have bottomed in the Madison Formation at a depth of 2100 feet below land surface. However, nearly the entire Minnelusa was left open hole from a depth of 1760 to 2100 feet. The completed well is capable of free flowing 70 gpm at 10 psi and has a shut in pressure of 140 psi. The well is completed in accordance with SD Well Construction Standards.

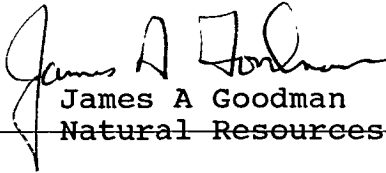
The Division of Water Rights monitors an observation well LA-62A (Redwater Recorder) completed into the Minnelusa which is located about 3 miles south of this application. Water levels in this well show some response to climatic conditions and to area pumping. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Right which also obtains water from the Minnelusa Formation is No. 826-1 (Belle Fourche Country Club) and is located about 1 mile northwest of this application. The Country Club well appears to obtain water from both the Minnelusa and Madison Formations. There are other Madison and Minnelusa Formations permits/rights in the area. It appears that the Madison and Minnelusa are separated hydraulically but well construction at the permitted sites may be allowing formation water to intermingle. Indeed the lower Minnelusa Formation may be hydraulically the same water anyway. Interference is not expected to be adverse. These are flowing wells and pumps can be installed if necessary.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The aquifer is confined and under artesian conditions. This is a free flowing well and must be controlled in order to prevent the waste of water.
3. Interference is not expected to be adverse. Drawdown will occur but this should not adversely affect the ability of the aquifer to produce water. It may be necessary to install a pump at a later date.
4. The well completion report indicates that the well is completed in accordance with SD Well Construction Standards.
5. There was a permit issued (No. 1549-1) for a Madison well at this location. The driller completed the well into the overlying Minnelusa instead of the Madison. This application is to correct the original application in respect to the water source.
6. The wastewater from the suburban housing development will be connected into the City of Belle Fourche's sanitary sewer.



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., D.P. Kyllonen, 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 WRI 86-4158, USGS, Rapid City, SD, 57701.
- Water Rights, 1994, Unpublished Observation Well Data for the Minnelusa Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1602-1, Black Hills Water Company

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. 1602-1, Black Hills Water Company, c/o Joe Graf, RR 1 Box 642, Belle Fourche, SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 1602-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used ~~(directly or for storage purposes)~~. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. ~~Such records shall be available to the Chief Engineer upon request.~~ If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
September 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.

September 14, 1994

Joe Graf
Black Hills Water company
RR 1 Box 642
Belle Fourche, SD 57717

Dear Mr. Graf:

Water Permit Application No. 1602-1 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 Belle Fourche Post printed at Belle Fourche, SD (Ph # 605-892-2528). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

~~Be sure to contact the above newspaper to authorize publication of your Notice of Hearing~~ and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 1994

Belle Fourche Post
Box 400
Belle Fourche, SD 57717-0400

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1602-1 to be published twice. Please publish the first notice on September 21, 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 Black Hills Water Company, c/o Joe Graf, RR 1 Box 642, Belle Fourche, SD 57717 (Ph # 605-892-2314).

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 September 21, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1602-1 to Appropriate Water

Notice is given that Black Hills Water Company, c/o Joe Graf, RR 1 Box 642, Belle Fourche, SD 57717 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from one well (Minnelusa Formation) 2100 feet deep located in the SW 1/4 SW 1/4 Section 23-T8N-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. 1602-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 11, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

STATE OF SOUTH DAKOTA)
County of Butte) ss

I, Faye D. Pate

certify that the attached printed Notice was
taken from the Belle Fourche Post

printed and published in Belle Fourche

County of Butte and State of

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

September 21, 1994

September 28, 1994

Cost of Printing: 38.69

(Signature)

Accountant
(Title)

September 28, 1994
(Date Signed)



to Appropriate Water

Notice is given that Black Hills Water Company, c/o Joe Graf, RR1 Box 642, Belle Fourche, SD 57717 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from one well (Minnelusa Formation) 2100 feet deep located in the SW 1/4 SW 1/4 Section 23-T8N-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. 1602-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 11, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Robert E. Roberts,
Secretary
Department of
Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Joe Graf
Black Hills Water Company
RR 1 Box 642
Belle Fourche, SD 57717

Dear Mr. Graf:

Enclosed is Water Permit No. 1602-1 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.

File No. 1602-1

Water Rights Program -- File Documentation

NAME: Black Hills Water Company c/o Joe Graf

ADDRESS: RR1 Box 642, Belle Fourche SD 57717

DATE: December 19, 1997

COUNTY: Butte

TELEPHONE: 892-2314

RE: Status of Water Permit No. 1602-1

COMMENTS:

On August 11, 1997 during a conversation with Joe Graf, it was determined that the current pumping rate for the well authorized by No. 1602-1 is 75 gallons per minute (gpm). Mr. Graf indicated that this diversion rate may increase based on growth of the housing development supplied by the well. I told Mr. Graf that the permit allows use of 150 gpm and there is still time until October 11, 2003 to increase the diversion rate.

Based on this information, licensing of No. 1602-1 should wait until the full amount of the diversion rate is developed. Mr. Graf also indicated that the wells authorized by Nos. ~~1548-1 and 1549-1 are partially complete but one of the wells is the subject of a legal~~ dispute involving a former partner.



Ron Duvall, Natural Resources Engineer
Water Rights Program



1602-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 17 2015

1602-1
1823-1

Tammie Brown
Black Hills Water Company
19063 Knollwood Lane
Belle Fourche SD 57717

Dear Ms. Brown:

Enclosed is Water License No. 1823-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 1823-1, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 1602-1 were incorporated into Water Right No. 1823-1.