

WATER PERMIT NO. 1620-1

Phone: 642-3108

Name of Applicant: Allan & Beth Mathis

Post Office Address: 437 State St, Spearfish SD 57783

Amount of Water Claimed: 0.077 cfs (35 gpm) Total Acres: NA

Source of Water Supply: groundwater

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

Location: northeast side of Spearfish

PRIORITY Date Received: 4-11-95 Fee: \$50.00

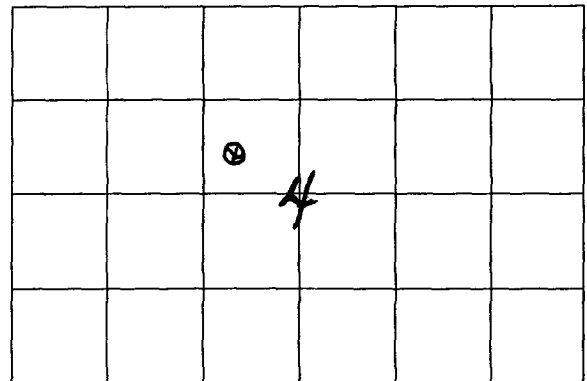
Corrected Application Received: 4-27-95 Period of Annual Use: Jan 1 - Dec 31

Remarks: _____

Diversion Point: (Lot 1, Subdivision Lot Y-8)

SE 1/4 NW 1/4 Sec 4-T6N-R2E

Land to be Irrigated: NA



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

Depth of Well: 260 feet REMARKS: _____

Type of Map: topo Prepared By: Theodore J. Vore, PE/LS Reviewed and the Number

Assigned on: 4-28-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1620-1**

Date of first receipt of application April 11, 1995.

Date of return to applicant for corrections, amendments or changes April 12, 1995.

Date of receipt of corrected application April 27, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1620-1 to Allan & Beth Mathis, 437 State St, 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. 1620-1 appropriates 0.77 cubic feet of water per second (35 gallons per minute) from one well (Minnekahta Limestone) 260 feet deep located in the SE 1/4 NW 1/4 (Lot 1, Subdivision Lot Y-8) Section 4-T6N-R2E.
2. The water appropriated shall be used for the purpose of supplying water for 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. 1620-1 is July 10, 1995.
5. The date from which applicant may claim right is April 11, 1995.
6. One-fifth of the construction is to be completed on or before January 10, 1998.
7. All construction is to be completed on or before July 10, 2000.
8. Water is to be put to beneficial use on or before July 10, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: _____

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

SEP 5 1995

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. 1620-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Black Hills Pioneer, PO 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 Allan & Beth Mathis Phone 642-3108
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 437 State St Spearfish State SD 57783
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.077 *CFS or 35 **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 Well Minnackanta
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well (Lot 1, Subdivision Lot V-0) SE 1/4 NW 1/4 Sec 4-T16N-R2E
County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)

County of Lawrence)^{SS}

I, Beth Mathis, 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 Beth Mathis

Subscribed and sworn to before me this 10th day of April 19 95

SUSAN EILERS
My Commission Expires
September 22, 2001

Susan Eilers
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 260'
b) Casing Type POC Diameter 4 1/2 Thickness SCH 40
c) Screen Type _____ Diameter _____ Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 243
f) Depth to Water (ground surface to water level) 0'
g) Distance to nearest existing domestic well: 300 ft
On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

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

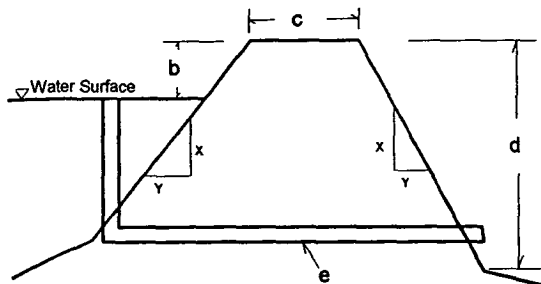
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
c) Crest Width _____
Crest Length _____
d) Height _____
e) Primary Outlet Capacity _____
If pipe, diameter _____
f) Secondary Spillway Capacity _____
Spillway Width _____
g) X & Y Slope
Upstream _____
Downstream _____
h) Surface Area of Impoundment _____
i) Storage _____ Acre Feet
j) Drainage Area Above Dam _____ Acres



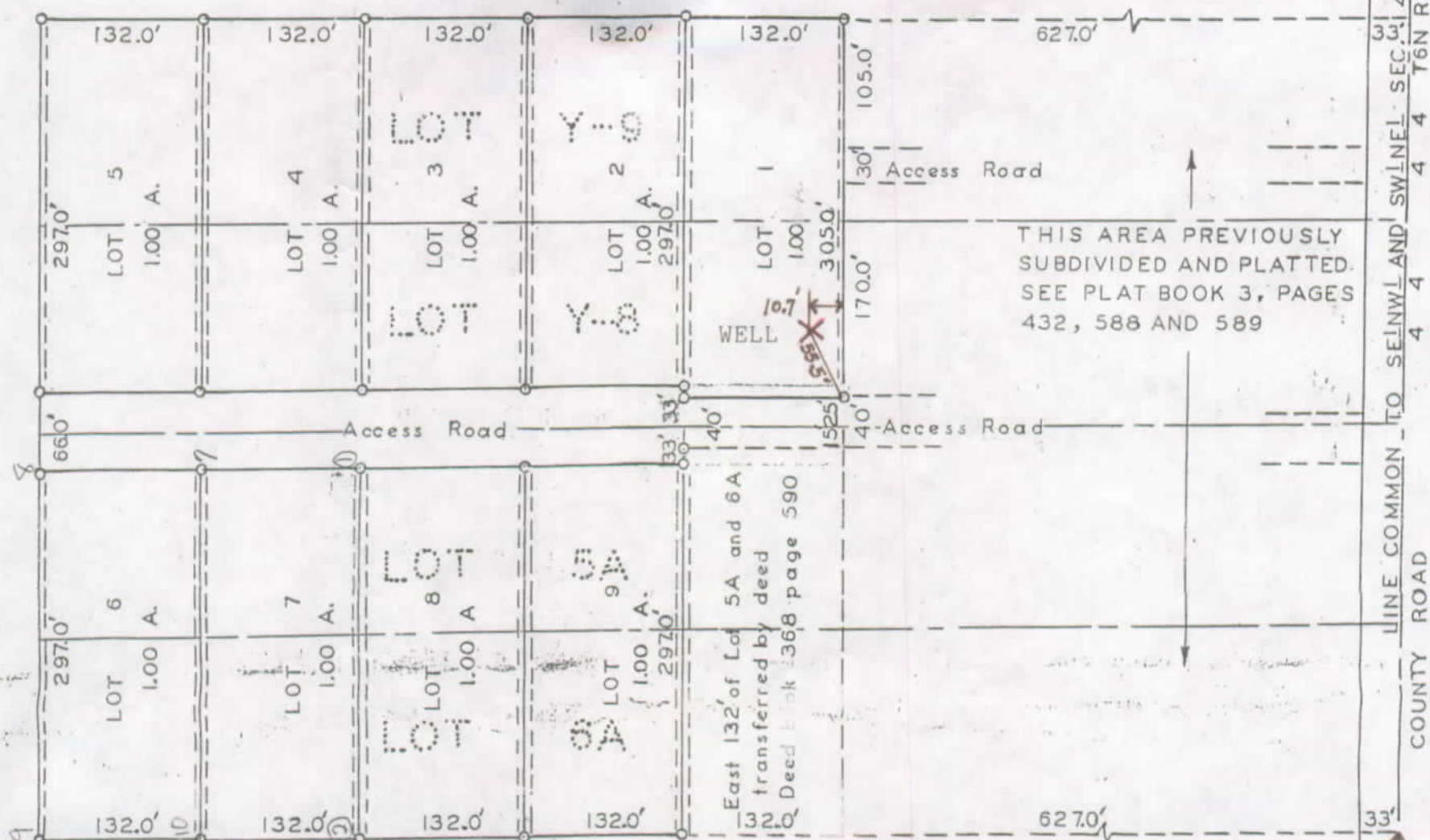


April 15, 1995

SHEET 2 of 2

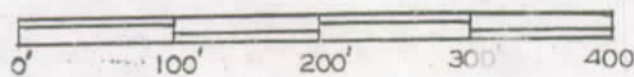
Prepared By:

Theodore J. Vore
125 Vermont St.
Spearfish, SD



Reservation is made for R/W 12' wide for utilities and drainage, shown by dotted lines adjacent to property lines. Lot acreage includes R/W.

PLAT OF
SUBDIVISION OF LOTS Y-8 & Y-9 AND THE WEST
528 FT. OF LOTS 5-A & 6-A, SUBDIVISION OF
OF THE WEST HALF OF LOTS 3, 4, 5 & 6 SUBDIVI-
SION OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 4, T6N, R2E, BHM.
LAWRENCE COUNTY SOUTH DAKOTA
SCALE: 1=100
DATE: JAN. 3, 1977



CERTIFICATE OF SURVEYOR

I, C. A. POLLEY, A DULY REGISTERED LAND SURVEYOR IN AND FOR THE
STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT AT THE REQUEST OF
GEORGE & BERNICE DOBESH I HAVE SURVEYED
AND PLATTED LOTS 1 THROUGH 9 SUBDIVISION Y-8, Y-9, 5A & 6A SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 4
T6N R2E AS SHOWN ON THE ABOVE PLAT FOR THE PURPOSE OF TRANSFER,
THIS PLAT IS CERTIFIED TO THE ABOVE NAMED OWNERS ONLY.

WITNESSES WHEREOF I HAVE SET MY HAND AND SEAL THIS 15th DAY OF
MARCH, 1977.

C. A. Polley
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) ss.

ON THE 15th DAY OF MARCH IN THE YEAR 1977 BEFORE ME THE
UNDERSIGNED A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND
STATE PERSONALLY APPEARED C. A. POLLEY TO BE THE
PERSON AUTHORIZED IN THE ABOVE PLAT TO BE THE
NOTARY PUBLIC AND HE ACKNOWLEDGED TO ME THAT

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) ss.

I, Evelyn Cassatt, COUNTY TREASURER IN AND FOR
LAWRENCE COUNTY, SOUTH DAKOTA, HEREBY CERTIFY THAT ALL TAXES WHICH
ARE LEVIED UPON THE TRACT DESCRIBED BY THE ACCOMPANYING PLAT HAVE
BEEN FULLY PAID.

DATED April 15, 1977
Evelyn Cassatt
COUNTY TREASURER

CO. OF ACCOMPANYING PLAT RECEIVED THIS 6 DAY OF April, 1977.

DIRECTOR OF EQUALIZATION

BY Marie Farrier - Deputy

REGISTER OF
LAWRENCE CO.)
DAK.) ss.

FILED FOR
AND RE
THIS 13 DAY OF April 1977 AT 12:30 O'CLOCK
IN PLAT BOOK 49. PAGE 1241
SUB# 77-1620-1

1620-1

07-92

Date: 4-1-95

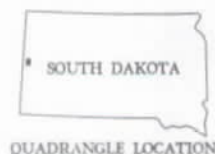
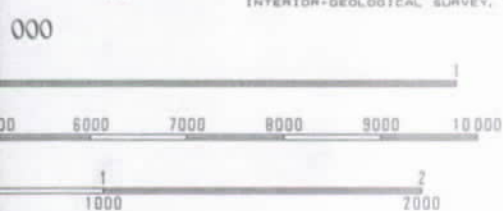
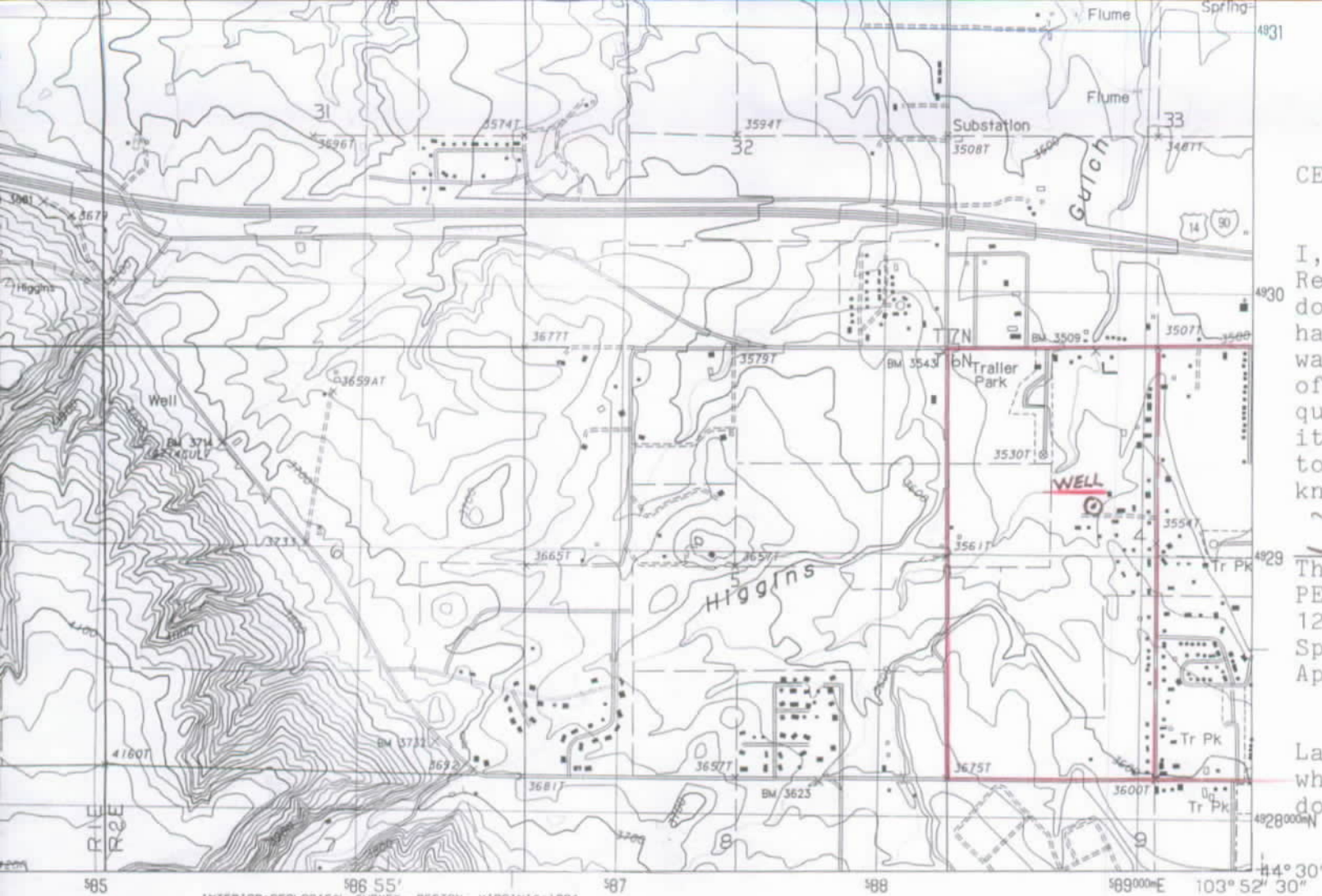
CERTIFICATE OF ENGINEER
/ SURVEYOR:

I, Theodore J. Vore,
Registered Land Surveyor,
do hereby certify that I
have located the proposed
water well on this copy of
a Geological Survey
quadrangle map and that
it is true and accurate
to the best of my
knowledge and belief.

Theodore J. Vore

Theodore J. Vore
PE/LS No. 4328
125 Vermont St.
Spearfish, SD
April 15, 1995

Land ties on Sheet 2 of 2
which is a copy of file
document 77-1355.



ROAD LEGEND

Improved Road
Unimproved Road
Trail

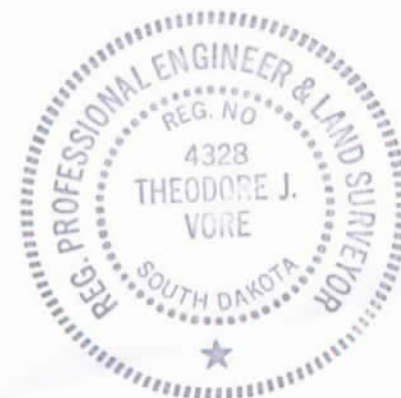
Interstate Route U.S. Route State Route

CHICKEN CREEK, SOUTH DAKOTA
PROVISIONAL EDITION 1984

44103-E8-TF-024

1	2	3	1 Slaughter Reservoir
			2 Sourdough Flats
			3 Belle Fourche
4		5	4 Beulah
			5 Jolly
			6 Tinton
			7 Maurice
6	7	8	8 Spearfish

ADJOINING 7.5' QUADRANGLE NAMES



MAP ACCURACY STANDARDS
COLORADO 80225, OR RESTON, VIRGINIA 22092

SURVEY SKETCH

January 2, 1995

Allan & Beth Mathis
437 State St.
Spearfish, South Dakota

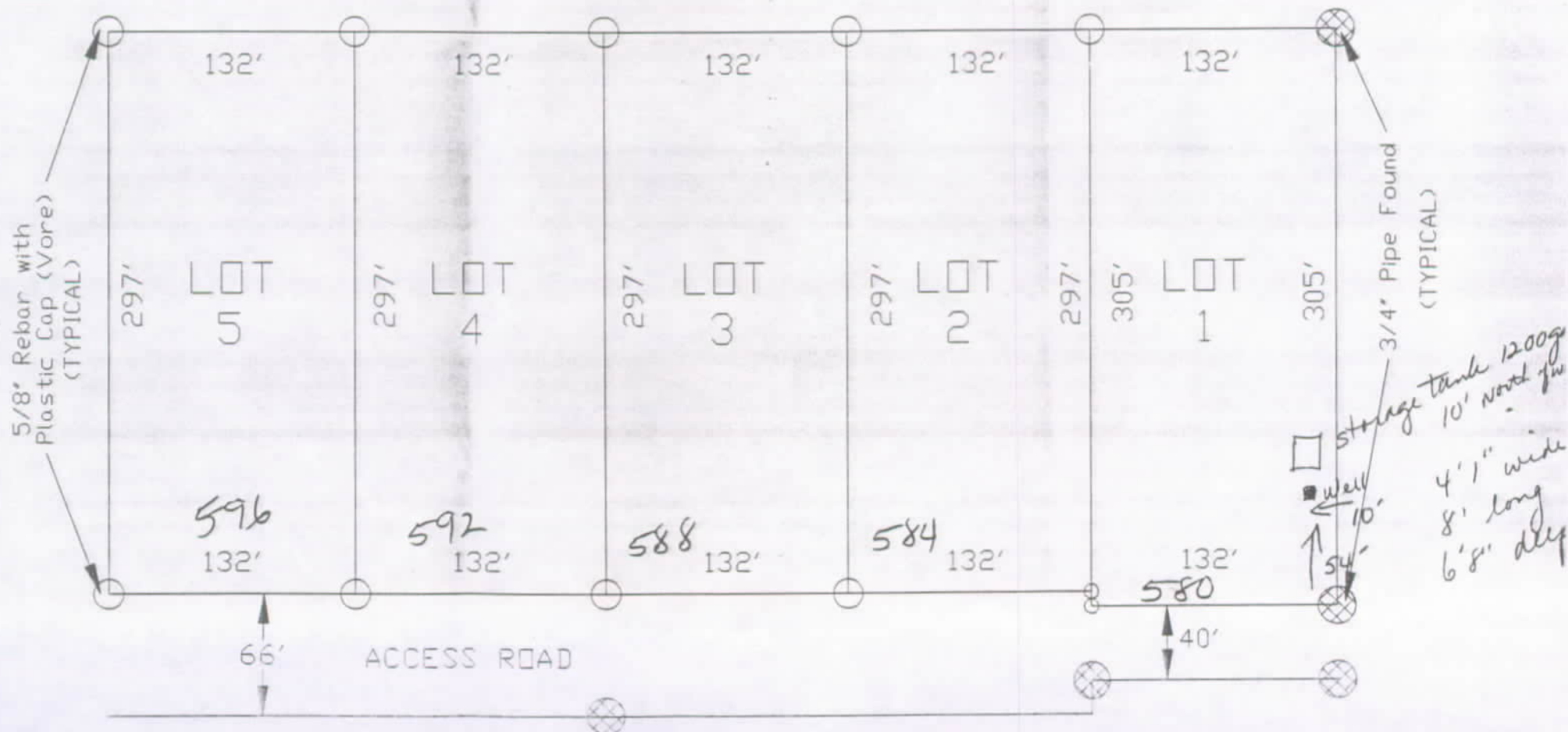


0 80



PLOT SCALE

Lots 1-5, Sub. of Lots Y-8 & Y-9, and the W. 528 ft.
of Lots 5-A & 6-A, Sub. of the W1/2 of Lots 3,4,5 & 6,
Sub. of the SE1/4NW1/4 Sec. 4, T.6 N., R.2 E., B.H.M.
Lawrence County, South Dakota



RECEIPT

414485

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

April 27, 19 95

RECEIVED OF Beth Mathis, 437 State St, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1620-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____

Chief Engineer

John Hatch



April 12, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Allan & Beth Mathis
437 State St
Spearfish SD 57783

Dear Mr. & Mrs. Mathis:

In regard to your water permit application received on April 11, 1995, the following information needs to be submitted and/or clarified in order to process the application.

1. Enclosed is the map submitted with the application. The map must reference the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (possibly the person who originally prepared the map you submitted).
2. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
3. 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.
4. Item No. 6 of the application (annual period during which water is to be used) has not been completed. Since this application is for a suburban housing development, we will assume the water use will be used year round.
5. The application filing fee will be \$50.00.

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

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Allan & Beth Mathis

ADDRESS: Spearfish SD COUNTY: LA

DATE: 4-13-95 TELEPHONE: 652-3108

RE: Pending Application

COMMENTS:

Beth Mathis called regarding my letter dated April 12, 1995. I explained to her what the requirements were for the map. She said she'd take it to the person that originally prepared the map to get it signed etc.

Regarding the well log, Mrs. Mathis indicated the driller had submitted it. I found the log and made a copy to put with the application.

Mrs. Mathis stated at the present time there is only one home on the property, but eventually there will be five homes. I told her if and when the application is approved they have five years to construct the project. She indicated each home will have an individual septic tank system and the water use will be year round.

Mrs. Mathis indicated she would be sending in the map and the filing fee.



Karen Schlaak
Environmental Scientist



Karen,

Please find enclosed the surveyors location of the well.

He are proposing this well to supply 3-5 more homes, all of which will have their own septic tanks.

If you have not found Jerry Ellingson's driller log, please let me know. I'm sure he has a copy.

Thanks

Beck Mathis
437 State
Spearfish, SD 57783

REPORT ON PERMIT APPLICATION No. 1620-1
ALLAN & BETH MATHIS
MAY 26, 1995

Water Right Application No. 1620-1 proposes to appropriate 0.077 cubic feet of water per second (35 gallons per minute) from one well 260 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (lot 1, Subdivision Lot Y-8) Sec. 4, T6N-R2E. The water is for use in a suburban housing development.

INTRODUCTION:

SDCL 46-2A-9 requires that a permit to appropriate water may only be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the questions of water availability and the affects on existing rights.

WATER SOURCE: Minnekahta Limestone (MNKT)

General Information:

The Minnekahta Limestone is a grayish-pink, laminated, limestone which is approximately 40 feet thick in this area. The Minnekahta underlies an estimated 126,080 acres of Lawrence County and contains an estimated 315,200 acre feet of recoverable water in storage in the County (Allen, 1984). The Minnekahta is confined and under artesian conditions at this site. According to the driller's log submitted with application, the top of the Minnekahta Limestone is 243 feet below ground surface. The completed well flowed 1 gpm and was capable of producing 30-35 gpm.

Water Availability:

The availability of unappropriated water from the Minnekahta Limestone in this area can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge to the Minnekahta Limestone in this area occurs through direct infiltration of precipitation falling on the outcrop (approximately 1.5 miles from this well site). The average annual recharge has not been estimated for the Minnekahta Limestone in this area. However, the Division of Water Rights monitors an observation well completed into the Minnekahta Limestone (LA-86B) approximately 1.5 miles west of this well. Measurements taken from the well indicate the water level fluctuates in response to seasonal and annual climatic conditions, that is the water level rises in the spring and declines the rest of the year, and the water level is lower during drought years (figure 1). Water level measurements suggest that withdrawals have not exceeded recharge

over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Effects on Existing Water Rights:

The Minnekahta Aquifer is a major source of water in this area. The Division of Water Rights has records of several domestic wells in the vicinity of this permit (Water Rights, 1995). There are a total of 13 Water Rights/Permits appropriating water from the Minnekahta Limestone in Lawrence County (Table 1). Most of the Permits/Rights making appropriations from the Minnekahta in the County are Spearfish vicinity, in fact 7 Rights/Permits are within one mile of this application (figure 2). It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any interference.

CONCLUSIONS:

1. The Minnekahta Limestone is a viable source of groundwater in this area.
2. Recharge to the Minnekahta Limestone, which is through direct infiltration of precipitation, has not been quantified.
3. There is a reasonable probability that unappropriated groundwater is available from the Minnekahta Limestone in this area.
4. There are numerous domestic wells, and wells authorized by water rights in this area.
5. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small diversion rate requested from the well.
7. The SD Water Well Completion Report submitted with this application indicates the well to be used to supply this permit is a flowing well that was constructed in accordance with the SD Well Construction Standards.

Ken Buhler/gmk

KEN BUHLER
Natural Resource Engineer

Approved by:

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

REFERENCES:

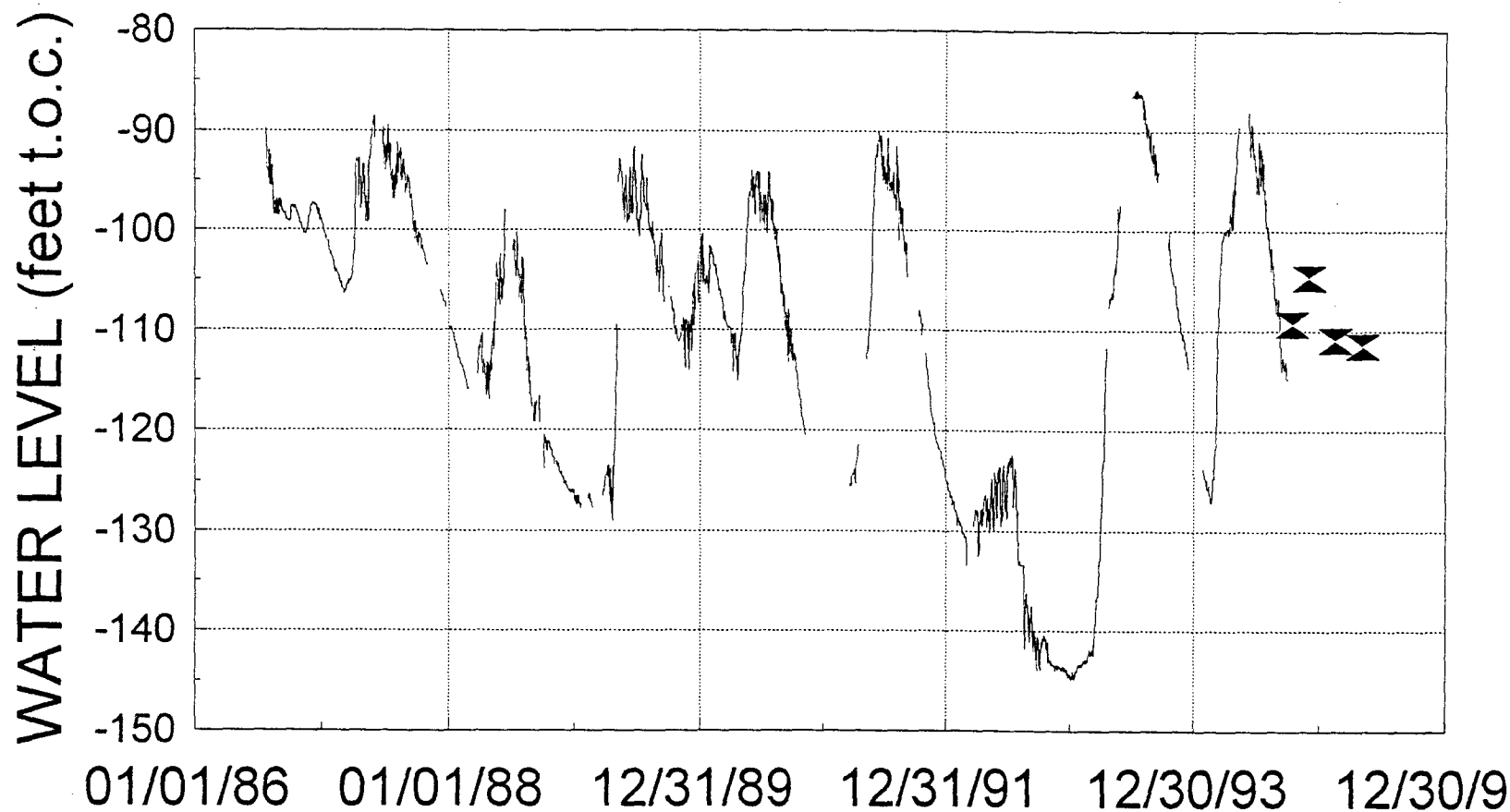
Allen, J.C., D.Iles, A.Peters, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3&4: Groundwater Resources Inventory, Department of Water and Natural Resources, Division of Geological Survey, Vermillion South Dakota, 57069, U.S. Army Corps of Engineers Contract No. DAWC 45-82-C-0151

Water Rights Division, 1995, "Water Permit and Domestic Well Log Files", DENR-Water Rights Division, Joe Foss Bldg, Pierre, SD.

figure 1

WATER RIGHTS OBSERVATION WELL

LA-86B



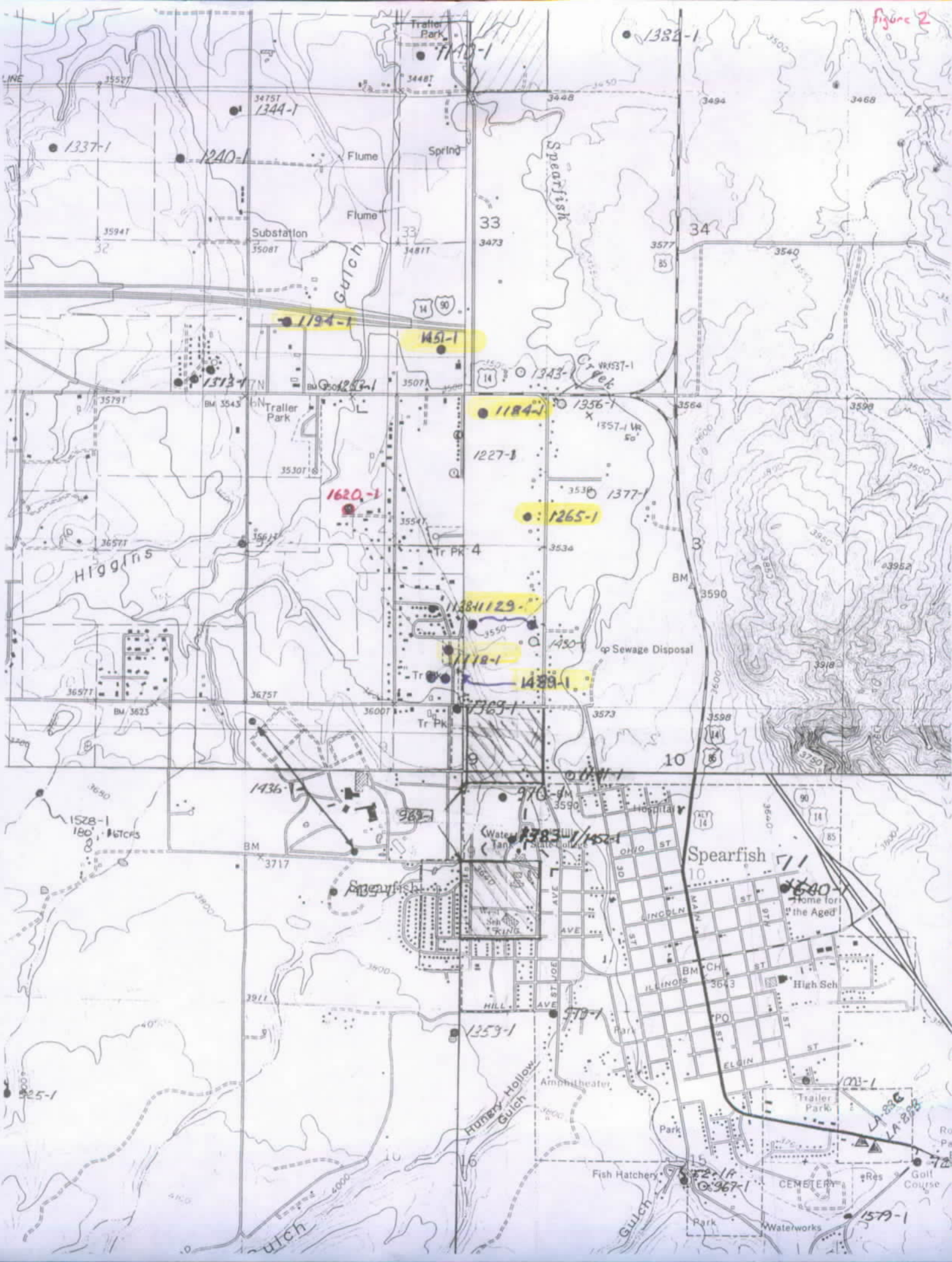
ALL PERMITS FOR GROUNDWATER

06/02/1995

LA COUNTY MNKT AQUIFER

Permit_no	Priordate	County_1	Aquifer	Status	Last_name	Diversion	Use Type	Cfs	Acres
1118-1	10/08/1976	LA	MNKT	LC	ELLINGSON	Div-1 GROUNDWATER	Use 1: COM	Per_cfs: 0.670	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name: KENNETH	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.490	Lic-Acre: 0.00
1129-1	02/22/1977	LA	MNKT	LC	WILLIAMS	Div-1 GROUNDWATER	Use 1: COM	Per_cfs: 0.100	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name: RAND & GAYLA	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.100	Lic-Acre: 0.00
1164-1	12/07/1977	LA	MNKT	LC	WESTVIEW SUBDIVISION	Div-1 GROUNDWATER	Use 1: SHD	Per_cfs: 0.500	Per-Acre: 0.00
SEC-TWN-RNG: SEC31- TWN 007N - RNG 02E					First Name:	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.060	Lic-Acre: 0.00
1184-1	02/15/1979	LA	MNKT	LC	NORDSTROM	Div-1 GROUNDWATER	Use 1: COM	Per_cfs: 0.100	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name: RAYMOND/BEVERLY	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.100	Lic-Acre: 0.00
1194-1	09/24/1979	LA	MNKT	LC	MACKABEN	Div-1 GROUNDWATER	Use 1: IND	Per_cfs: 0.100	Per-Acre: 0.00
SEC-TWN-RNG: SEC33- TWN 007N - RNG 02E					First Name: EVERETT	Div-2 Div-3	Use 2: COM Use 3:	Lic_cfs: 0.200	Lic-Acre: 0.00
1212-1	02/19/1981	LA	MNKT	IL	LANTERN ESTATES	Div-1 GROUNDWATER	Use 1: COM	Per_cfs: 0.060	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name:	Div-2 INC INTO 1265-1 Div-3	Use 2: Use 3:	Lic_cfs: 0.060	Lic-Acre: 0.00
1244-1	03/23/1953	LA	MNKT	LC	HAIAR ENTPS INC	Div-1 GROUNDWATER	Use 1: IRR	Per_cfs: 1.620	Per-Acre: 113.62
SEC-TWN-RNG: SEC30- TWN 007N - RNG 01E					First Name:	Div-2 INC'S 253-1 Div-3	Use 2: Use 3:	Lic_cfs: 1.560	Lic-Acre: 127.00
1265-1	10/14/1982	LA	MNKT	LC	HECKERT	Div-1 GROUNDWATER	Use 1: COM	Per_cfs: 0.450	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name: TODD L	Div-2 INC'S 1212-1 Div-3	Use 2: Use 3:	Lic_cfs: 0.450	Lic-Acre: 0.00
1379-1	12/09/1986	LA	MNKT	PE	LINDSTAD	Div-1 GROUNDWATER	Use 1: DOM	Per_cfs: 0.160	Per-Acre: 0.00
SEC-TWN-RNG: SEC35- TWN 007N - RNG 02E					First Name: WAYNE	Div-2 Div-3	Use 2: FWP Use 3:	Lic_cfs: 0.000	Lic-Acre: 0.00
1451-1	11/14/1988	LA	MNKT	PE	TRUCANO	Div-1 GROUNDWATER	Use 1: SHD	Per_cfs: 0.160	Per-Acre: 0.00
SEC-TWN-RNG: SEC33- TWN 007N - RNG 02E					First Name: BART & TERRY	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.000	Lic-Acre: 0.00
1489-1	04/16/1990	LA	MNKT	LC	WALES	Div-1 GROUNDWATER	Use 1: SHD	Per_cfs: 0.067	Per-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 006N - RNG 02E					First Name: LEONARD	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.050	Lic-Acre: 0.00

Permit_no	Priordate	County_1	Aquifer	Status	Last_name	Diversion	Use Type	Cfs	Acres
439-1	09/25/1959	LA	MNKT	LC	EVANS	Div-1 GROUNDWATER	Use 1:IRR	Per_cfs: 3.000	Per-Acre: 302.05
SEC-TWN-RNG: SEC19- TWN 007N - RNG 02E					First Name: BILLY J	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 2.220	Lic-Acre: 302.05
647-1	04/09/1962	LA	MNKT	LC	MC GUIGAN DAIRY INC	Div-1 GROUNDWATER	Use 1:IRR	Per_cfs: 0.400	Per-Acre: 131.00
SEC-TWN-RNG: SEC30- TWN 007N - RNG 02E					First Name:	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.400	Lic-Acre: 94.00
654-1	05/23/1962	LA	MNKT	LC	CHRISTENSEN	Div-1 GROUNDWATER	Use 1:IRR	Per_cfs: 0.700	Per-Acre: 76.00
SEC-TWN-RNG: SEC20- TWN 007N - RNG 02E					First Name: RANDALL	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.700	Lic-Acre: 76.00
952-1	01/01/1922	LA	MNKT	CA	MCGUIGAN	Div-1 GROUNDWATER	Use 1:IRR	Per_cfs: 0.700	Per-Acre: 50.00
SEC-TWN-RNG: SEC05- TWN 006N - RNG 02E					First Name: WILLIAM/IRENE	Div-2 Div-3	Use 2: Use 3:	Lic_cfs: 0.700	Lic-Acre: 50.00



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1620-1, Allan and Beth Mathis**

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. 1620-1, Allan and Beth Mathis, 437 State Street, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1620-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
June 14, 1995



**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.

June 15, 1995

Allan and Beth Mathis
437 State Street
Spearfish, SD 57783

Dear Mr. & Mrs. Mathis:

Water Permit Application No. 1620-1 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the 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
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

June 15, 1995

Black Hills Pioneer
PO Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1620-1 to be published twice. Please publish the first notice on June 23, 1995, 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 Allan and Beth Mathis, 437 State Street, Spearfish, SD 57783 (Ph # 605-642-3108).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 23, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1620-1 to Appropriate Water

Notice is given that Allan and Beth Mathis, 437 State Street, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.077 cubic feet of water per second (35 gallons per minute) from one well (Minnekahta Limestone) 260 feet deep located in the SE 1/4 NW 1/4 (Lot 1, Subdivision Lot Y-8) Section 4-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. 1620-1 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 July 10, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lawrence) SS

I, Laurie Hardin

certify that the attached printed Notice was
taken from the Dept of Environment

printed and published in The Black Hills Pioneer

County of Lawrence and State of

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

6-23-95

6-30-95

Cost of Printing: \$39.13

Laurie Hardin
(Signature)

Accts. Receivable
(Title)

6-30-95
(Date Signed)



NOTICE OF APPLICATION
NO. 1620-1 To Appropriate Water

NOTICE IS GIVEN that Allan and Beth Mathis, 437 State Street, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.077 cubic feet of water per second (35 gallons per minute) from one well (Minnekahta Limestone) 260 feet deep located in the SE 1/4 NW 1/4 (Lot 1, Subdivision Lot Y-8) Section 4-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. 1620-1 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 July 10, 1995.

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.

Nettie H. Myers,
Secretary,
Department of Environment
and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Allan and Beth Mathis
437 State Street
Spearfish, SD 57783

Dear Mr. & Mrs. Mathis:

Enclosed is Water Permit No. 1620-1 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 Program
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2003

1620-1

Allan and Beth Mathis
580 Mt. View Road
Spearfish SD 57783

Dear Mr. & Mrs. Mathis:

On October 22, 2003 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1620-1, was completed by Ken Buhler, a staff engineer with our program. Your 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 you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your 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
Water Rights Program
(605) 773-3352

RECEIVED
JAN 09 2004
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 9, 2004

RECEIVED OF Beth Mathis, 580 Mt. View Road, Spearfish SD 57785

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>1620-1</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

001059

By


Chief Engineer

Permit No. 1620-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **October 22, 2003**, made a thorough examination of the water use system constructed by **Allan and Beth Mathis** of **580 Mt. View Road** holder of Permit No. **16201-1**, bearing the priority of **April 11, 1995** authorizing the diversion of **0.77** cu. ft. per second of the waters of **groundwater (Minnekahta aquifer)** for **suburban housing** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder, if applicable: **Beth Mathis, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Ellingson Drilling**
- 2) No. of Wells: **one**
- 3) Depth(s) **260** feet
- 4) Well log is available **Yes**
- 5) Comment:

Casing:

- 1) Diameter **4.5** inches
- 2) Length **247** feet
- 3) Type: **steel**

Screen:

- 1) Type: **none (open hole completion)**
- 2) Length **13** feet of open hole interval
- 3) Static water level **+0** feet (flowing well)

Pump:

- 1) Make: **Grundfoss**
- 2) Model: **16S5-5**
- 3) SN: **01C1812232-12**
- 4) Size: **4-inch**
- 5) Capacity **16** GPM

Motor:

- 1) Make: **Franklin**
- 2) Horsepower rating **½** hp

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

Water is transported to two houses through buried pipelines

Report of Examination of Works

Permit No. XXXX-X

C. Works used to apply water to beneficial use:

Water is used for domestic use by two houses.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A
- 3) Exceptions to compliance are: N/A

The system is in good condition with the point of diversion located as follows: 1897 feet south and 2003 feet east of the northwest corner of Sec. 4, T6N-R2E (SW¼ NE¼ SE¼ NW¼ Sec. 4, T6N-R2E, with a Latitude of 44.512439 and a Longitude of -103.88248. The works are capable of diverting and conveying to the place of use 0.036 cu. ft. per second of water which is to be used for suburban housing development use. Water has been put to beneficial use and the license should be issued for 0.036 cfs.

All structures, wells and lands on map Yes | Comments or other permit(s) associated with the project: N/A



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program

Date report completed: December 23, 2003

Map for Water Right No. 1620-1



0 345 690 1,380

Feet



Ken Buhler

Ken Buhler
Natural Resources Engineering Specialist
12/18/2003

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1620-1

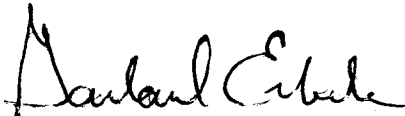
(1) Allan and Beth Mathis, 580 Mt. View Road, Spearfish SD 57783 made Application No. 1620-1, April 11, 1995 for a water permit to divert 0.77 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1620-1, with a priority date of April 11, 1995 was approved July 10, 1995 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 10, 2000 and for the application to beneficial use of water on or before July 10, 2004.

(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 holders and/or owners of Water Right No. 1620-1 are issued a license, bearing a priority date of April 11, 1995 to appropriate 0.036 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 1,897 feet south and 2,003 feet east of the northwest corner of Section 4-T6N-R2E (SE ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1620-1 including the following now applicable qualification:

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



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

JAN 16 2004

date





**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 16 2004

1620-1

Allan & Beth Mathis
580 Mt. View Road
Spearfish SD 57783

Dear Mr. & Ms. Mathis:

Enclosed is Water License No. 1620-1. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2006

1620-1

Beth Mathis
580 Mt View Rd
Spearfish SD 57783

Dear Ms. Mathis:

The 2005 SD Water Use Questionnaire which you recently returned to our office indicated a possible ownership/name change for Water Right No. 1620-1. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water permit is currently listed in the name of Allan & Beth Mathis.

The transfer form should be completed, checked over for accuracy and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$2.50. Please let me know if no change is necessary. It is important for us to keep our records accurate.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

2005 South Dakota Water Use Questionnaire

To:

~~AL~~ BETH MATHIS
580 MT VIEW RD
SPEARFISH SD 57783 9520

Address correction requested:

Beth Mathis
580 Mtn. View Rd
Spearfish, SD 57783

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1620-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

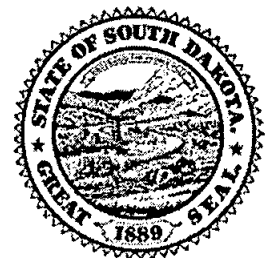
Water Source: GROUNDWATER
Aquifer: MINNEKAHTA LIMESTONE
Management Unit: NOT APPLICABLE

County: LAWRENCE
Pumping Pt. Legal: SEC 04-T006N-R02E
Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

- 1) Please estimate your year 2005 water use from the above water source: 48,070 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: _____

Contact Person: Beth Mathis
Telephone No: 642-3108



Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

RECEIVED
FEB 09 2006

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1620-1

Date: 2-18-06

I/We request that Water Right/Permit No. 1620-1

formerly owned by: Allan & Beth Mathis

be transferred to: (name & address)

Beth Mathis only

Telephone No. 605-6423108

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

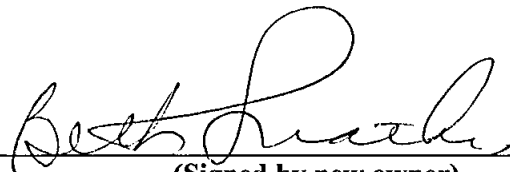
groundwater - SE 1/4 NW 1/4 Sec 4-T6N-R2W

I/We understand that the validity of Water Right/Permit No. 1620-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Beth Mathis, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIVED
FEB 23 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 23, 2006

RECEIVED OF Beth Mathis, 580 Mountain View Rd., Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1620-1</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

023017

By

Darland Elbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2006

1620-1

Beth Mathis
580 Mountain View Rd
Spearfish SD 57783

Dear Ms. Mathis:

Thank you for following up on the ownership change for Water Right No. 1620-1. The transfer has been completed. The water right is now listed solely in your name.

Enclosed is your Receipt No. 02307 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure