

Assigned on: 6-27-95 By: Karen Schlaak

SOUTH DAKOTA
WATER PERMIT NO. 1623-1

Date of first receipt of application June 26, 1995.

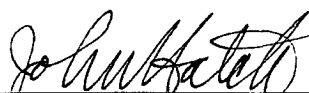
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1623-1 to Bill Burleson, PO Box 433, Deadwood SD 57732 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1623-1 appropriates 16 gallons per minute (0.035 cubic feet of water per second) from one well (Deadwood Formation) 940 feet deep located in the NW 1/4 SE 1/4 Section 18-T5N-R4E.
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 a suburban housing development.
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. 1623-1 is September 5, 1995.
5. The date from which applicant may claim right is June 26, 1995.
6. One-fifth of the construction is to be completed on or before March 5, 1998.
7. All construction is to be completed on or before September 5, 2000.
8. Water is to be put to beneficial use on or before September 5, 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

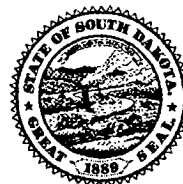
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

DEC 18 1995

date

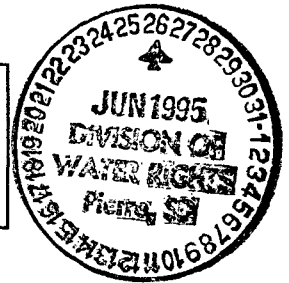


FORM 2: Application for uses other than irrigation

(type or print)

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

No. 1623-1 Hydrologic Unit 10120202
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.) _____

1. Name of Applicant Bill Burleson Phone 578-3125
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address PO Box 433 Deadwood State SD 57732
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.035 *CFS or 16 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NW1/4 SE1/4 Sec 18-T5N-R4E

County Lawrence

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used Yearly 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)

The water from the well is pumped approximately 1/2 mile up to two five thousand gallon concrete tanks. The water is then dispersed through 6" main lines to the developments. There is currently 13 homes in our subdivision.

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, Bill Burleson, 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 Bill Burleson

Subscribed and sworn to before me this 21st day of June 19 95

Dorinda J. Caruso MY COMMISSION EXPIRES
Notary Public AUGUST 2, 2002

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7" Depth 940
- b) Casing Type Steel Diameter 7" + 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 _____
- f) Depth to Water (ground surface to water level) ? Deadwood Formation
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1/4 mile

2. Wastewater Disposal System Information

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

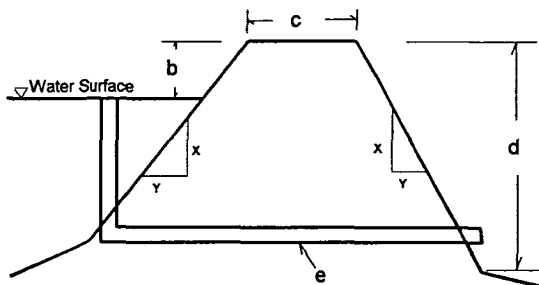
3. Dugout Information

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

4. Water Storage Dams NONE

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

414532

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 26, 19 95

RECEIVED OF Oak Mountain Country Estates, PO Box 268, Deadwood, SD 57732

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

Fee for Application for Permit No. <u>1623-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

10-85

Date September 10, 1987

A circular stamp from the Division of Water Resources, State of New York. The text "DIVISION OF WATER RESOURCES" is arranged in a circle around the perimeter. In the center, it says "JUN 1957" with a small star above it. Below the date, it says "STATE OF NEW YORK". The stamp is partially obscured by a grid pattern.

N 01°30'00" E 1698 00-

REGISTERED LAND SURVEYOR
REG. NO.
3977
JOHN M.
ARLETH

SURVEYOR'S CERTIFICATE

I, JOHN M. ARLETH, R.L.S. 3977, DEADWOOD, SD, DO HEREBY CERTIFY THAT THE WATER WELL LOCATION SHOWN HEREON WAS ESTABLISHED UNDER MY SUPERVISION AND THAT THE DIMENSIONS SHOWN ARE TRUE AND CORRECT. DATED THIS 14th DAY OF MAY 1995.

JOHN M. ARLETH, R.L.S. 3977

DWG: WELL LEO

1423-1

REPORT ON WATER PERMIT APPLICATION NO. 1623-1
for Bill Burleson
July 31, 1995

Application No. 1623-1 proposes to appropriate 16 gpm (0.035 cfs) from one well approximately 940 feet deep located in the NW 1/4 SE 1/4 of section 18, T5N R4E in Lawrence County. The water is for use in a suburban housing development.

AQUIFER - DEADWOOD FORMATION (DWDD)

The Deadwood Formation is an assemblage of sandstone, shale, limestone, dolomite and conglomerate locally at base. The formation is about 500 feet thick in this area, underlies 428,800 acres and contains an estimated 7.5 million acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The aquifer is confined and under artesian conditions at this site. According to the well log submitted with the application, this well is capable of producing 20 gpm with a drawdown in excess of 840 feet. Also the well completion report indicates that the static water level for the well is at land surface and the well may free flow during wet years. The report also indicates that the well is completed in accordance with SD Well Construction Standards.

The Water Rights Program does not monitor any observation wells completed into the Deadwood Formation in this area. In other areas of the Black Hills water levels for the Deadwood Formation do respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years (Water Rights, 1995). There is insufficient data available to determine any water level trends for the Deadwood Formation in this area.

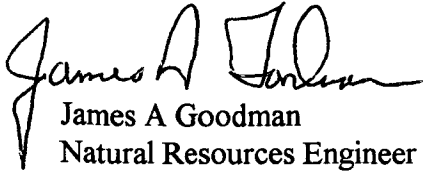
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit from the Deadwood Formation in this area. Permit No. 1596-1 is located approximately 4000 feet southeast of this application. Interference is not expected to be a problem. Drawdown will result from pumping but the pumping rates are relatively small and the well will not be continuously used. Drawdown should not result in adverse interference.

CONCLUSIONS

1. Water is available from the Deadwood Formation.
2. The aquifer is confined and under artesian conditions. In fact, the well completion report submitted with the application indicates this well may free flow at the land surface. This well must be controlled in order to prevent the waste of water.
3. Interference is not expected to be a concern. Drawdown will result from pumping but pumping rates are relatively small and the distance between wells is sufficient to minimize any potential interference.
4. The well as built is constructed in accordance with SD Well Construction Standards.

5. Wastewater will be disposed of on site through septic tank and drainfield for each housing unit.



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.

Water Rights, 1995, Unpublished Observation Well Records for the Deadwood Formation, SD DENR, Environmental Services Division, Water Rights Program, Pierre, SD, 57501.

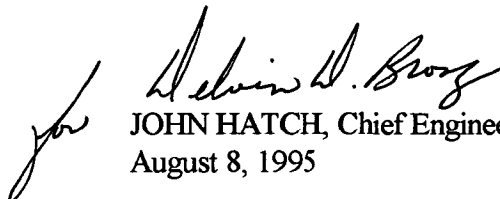
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1623-1, Bill Burleson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1623-1, Bill Burleson, PO Box 433, Deadwood, SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1623-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 8, 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.**

August 10, 1995

Bill Burleson
PO Box 433
Deadwood, SD 57732

Dear Mr. Burleson:

Water Permit Application No. 1623-1 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 /KS

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

August 10, 1995

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1623-1 to be published twice. Please publish the first notice on August 18, 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 Bill Burleson, PO Box 433, Deadwood, SD 57732 (Ph # 605-578-3125).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 August 18, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1623-1 to Appropriate Water

Notice is given that Bill Burleson, PO Box 433, Deadwood, SD 57732 has filed an application for a water permit to appropriate 16 gallons per minute (0.035 cubic feet of water per second) from one well (Deadwood Formation) 940 feet deep located in the NW 1/4 SE 1/4 Section 18-T5N-R4E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1623-1 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 Program, 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 September 5, 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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



Affidavit of Publication

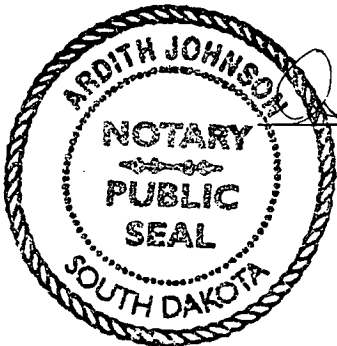
STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.

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:

Water Rights #405

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 18 day of Aug, 1995, and the last publication on the 25 day of Aug, 1995, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 33.81, 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.

[Signature]
Subscribed and sworn to before me this 25 day of Aug, 1995.



[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-96

NOTICE OF APPLICATION NO. 1623-1 to Appropriate Water

Notice is given that Bill Bursleson, PO Box 433, Deadwood, SD 57732 has filed an application for a water permit to appropriate 16 gallons per minute (0.035 cubic feet of water per second) from one well (Deadwood Formation) 940 feet deep located in the NW 1/4 SE 1/4 Section 18-T5N-R4E. The water is for use in a suburban housing development. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1623-1 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 Program, Foss Building, 523 E Capital, 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 September 5, 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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

405
August 18, 25



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Bill Burleson
PO Box 433
Deadwood, SD 57732

Dear Mr. Burleson:

Enclosed is Water Permit No. 1623-1 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



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

Date Jan 31 96

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

FROM: Bill Burleson Po Box 433
(name) (address)
Deadwood SD 57732 605-578-3125
(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. 1623-1.

Water Permit No. 1623-1 states that the diversion system is to be constructed by Sep. 5 2000, and that the water is put to beneficial use by Sep. 5 2004.
(date) (date)

The diversion system was completed on OCT 1 1995.
(date)

Applying the water to beneficial use was completed on OCT 1995 although the
(date) lots on upper end
are not developed

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

Bill Burleson
(signature)

Permit No. 1623-1
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, **29 August 2007**, made a thorough examination of the water use system constructed by **Bill Burleson** of **PO Box 433, Deadwood, SD. 57732** holder of Permit No. **1623-1**, bearing the priority of **26 June 1995** authorizing the diversion of **0.035** cu. ft. per second of the waters of **the Deadwood Formation** for **suburban housing** purposes, in **Lawrence** County.

Inspection contact & relationship
to permit holder, if applicable:

Bill Feterl
Of Oak Mountain Country Estates
Homeowners Association
605-578-1319

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling Company**
- 2) No. of Wells **1**
- 3) Depth(s) **940** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **7/5.5** inches
- 2) Length **120/767** feet
- 3) Type **steel**

Screen:

- 1) Type **none**
- 2) Length **n/a** feet
- 3) Static water level **0** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **SP4**
- 3) Capacity **16** GPM

Motor:

- 1) Make Franklin
- 2) Model No. 2243037004
- 3) Horsepower rating 5 hp

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

- 1) Type unknown

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: NW ¼ SE ¼ Sec 18-T5N-R4E, approximately 1753 feet north and 2562 feet west of the southeast corner of Sec 18-T5N-R4E, N 44.39239 Latitude and W -103.67951 Longitude. The works are capable of diverting and conveying to the place of use 0.035 cu. ft. per second of water which is to be used for suburban housing. Water has been put to beneficial use to the maximum extent as follows:

SE ¼, SW ¼ Sec 18-T5N-R4E

34 residential homes

comprising a total of 0.0 acres of land and the license should be issued for 0.035 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: none



Mark Costello

Natural Resources Engineer
DENR, Water Rights Program

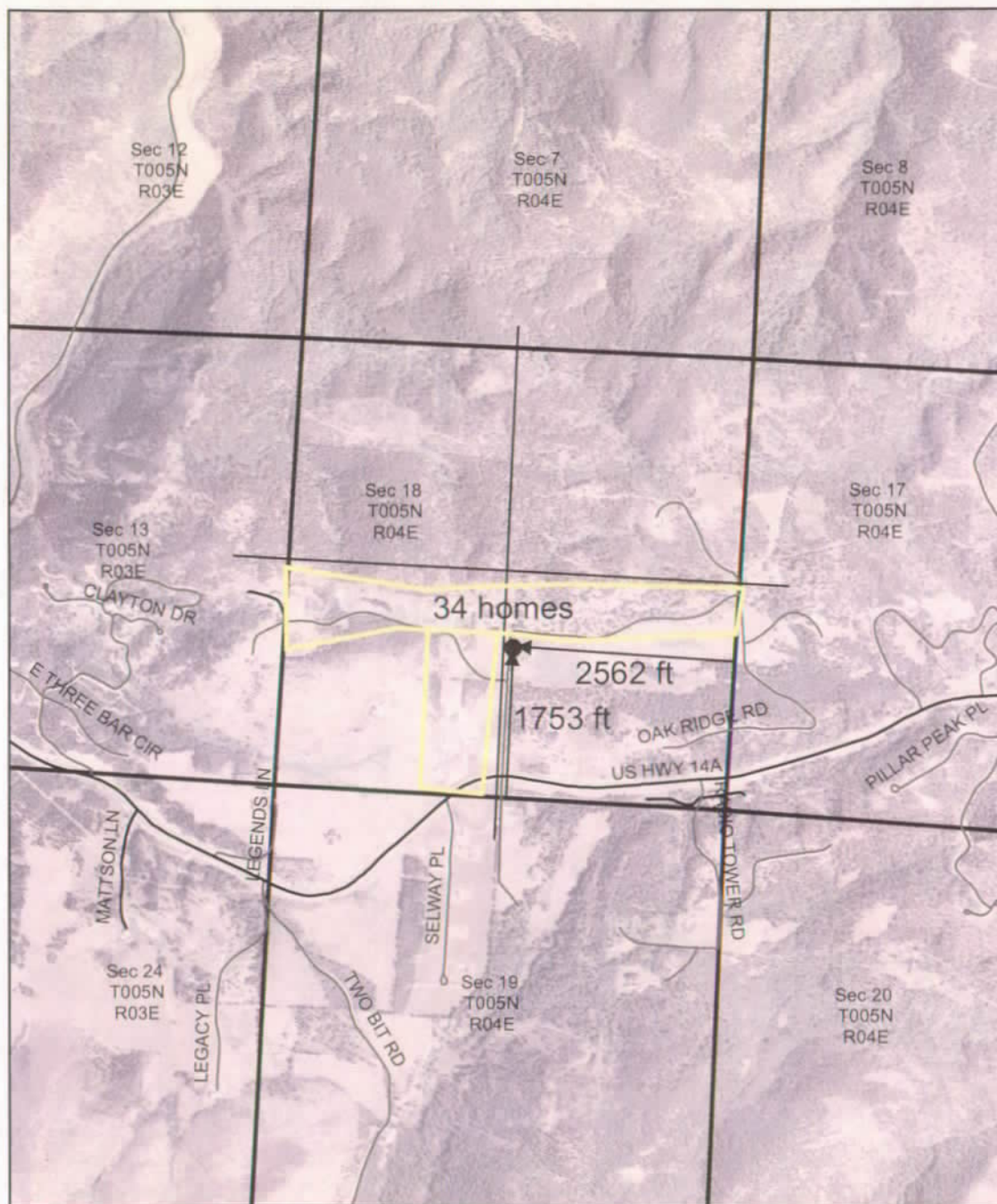
Date report completed: 10 September 2007



South Dakota

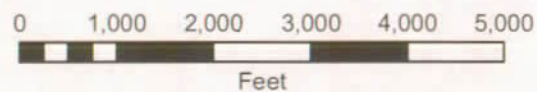
1623-1

Oak Mountain Country Estates
PO Box 433
Deadwood, SD. 57732



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
10 September 2007





RECEIVED
SEP 28 2007
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 2007

~~Bill Burleson~~ BILL FETERL *[Handwritten initials]* *[Handwritten initials]* KSOK
Oak Mountain Country Estates
PO Box 433
Deadwood SD 57732

1623-1

Dear Mr. Burleson:

On August 29, 2007 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1623-1, was completed by Mark Costello, 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 me.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 2007

RECEIVED OF Oak Mountain Country Estates Water Board PO Box 63 Deadwood SD 57732

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>1623-1</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.

032178

By

Michael Erbe

Chief Engineer

29



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 9, 2007

1623-1

Bill Feterl
Oak Mountain Country Estates
PO Box 63
Deadwood SD 57732

Dear Mr. Feterl:

Thank you for submitting the inspection and licensing fee for Water Permit No. 1623-1.

I noticed on the letter you returned to us that you crossed off Mr. Burleson's name. The permit was originally issued to Mr. Burleson. It may be appropriate at this time to transfer the permit into "Oak Mountain Country Estates Homeowners Association" or into your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once the ownership change is received, we will continue processing the water license and issue it under the correct name. 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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 20 07

RECEIVED OF Oak Mountain County Estates PO Box 63 Deadwood SD 57732

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>1623-1</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.

03195

By

Garland Erbe

Chief Engineer

g

RECEIVED

NOV - 2 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1623-1
Date: 10-26-07

I/We request that Water Permit No. 1623-1

formerly owned by: Bill Burleson

be transferred to: (name & address) "OAK MOUNTAIN COUNTRY ESTATES
HOMEOWNERS ASSOCIATION" P.O. BOX 63
DEERWOOD, SD 57732 Telephone No. 578-1319

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

Well located in the NW ¼ SE ¼ Section 18, T5N, R4E

I/We understand that the validity of Water Permit No. 1623-1 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 William L Feterl, the new owner, certify that the above information is true and correct.

William L Feterl
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 12 2008

1623-1

Oak Mountain Country Estates Homeowners Association
c/o William L Feterl
PO Box 63
Deadwood SD 57732

Dear Mr. Feterl:

Enclosed is Water License No. 1623-1. This is the final water right document completing your process of obtaining a Water Right. Receipt Nos. 3173 and 3192 in the amount of \$50.00 (license fee) and \$2.50 (transfer fee) are enclosed. Also, included with your 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 well authorized by Water Right No. 1623-1, 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. 1623-1

(1) Bill Burleson, Deadwood SD 57732 made Application No. 1623-1, June 26, 1995 for a water permit to divert 0.035 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1623-1, with a priority date of June 26, 1995 was approved September 5, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 5, 2000 and for the application to beneficial use of water on or before September 5, 2004.

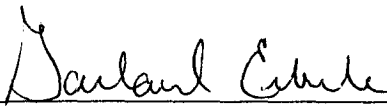
On November 2, 2007, Water Permit No. 1623-1 was transferred to Oak Mountain Country Estates Homeowners Association, c/o William Feterl, PO Box 63, Deadwood SD 57732.

(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. 1623-1 is issued a license, bearing a priority date of June 26, 1995 to appropriate 0.035 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 1,753 feet north and 2,562 feet west of the southeast corner of Section 18-T5N-R4E (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1623-1 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

FEB 12 2008

date

