

WATER PERMIT NO. 1641-1

Name of Applicant: Lantis Fireworks

Address: 1301 West 1st Street, Sioux City IA 51103

Phone: 712-252-0731

Amount of Water Claimed: 10 gpm (0.022 cfs)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use

County: Meade

Type of Waste Disposal System: septic tank

Location: along I-90 just south of Piedmont

PRIORITY

Date Received: 8-5-96

Fee: \$50

Corrected Application Received:

Period of Annual Use: May 1 - July 31

Remarks:

Diversion Point: SE 1/4 NE 1/4 Sec 15-T3N-R6E

Land to be Irrigated: NA

Depth of Well: 160 feet deep

Well Driller: Cimarron Drilling

Remarks:

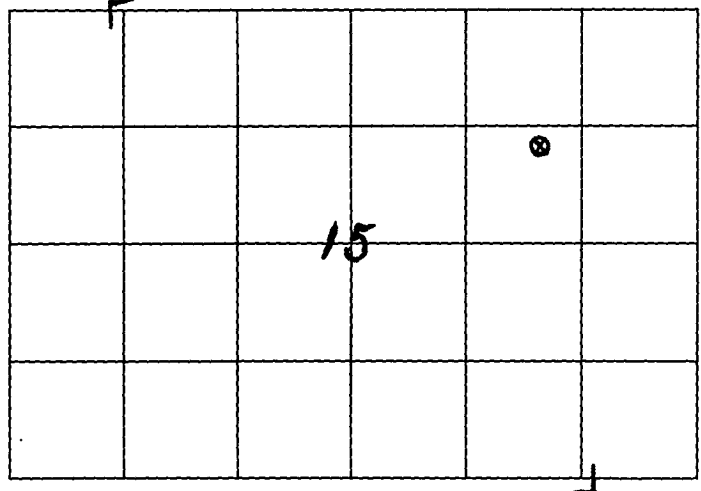
Type of Map: aerial

Prepared by: Mark Heubluest

Reviewed and the Number Assigned on: 8-5-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1641-1**

Date of first receipt of application August 5, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1641-1 to Lantis Fireworks, 1301 West 1st St, Sioux City IA 51103 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. 1641-1 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Spearfish Formation) 160 feet deep located in the SE 1/4 NE 1/4 Section 15-T3N-R6E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: May 1 - July 31
4. The date of approval of Permit No. 1641-1 is October 28, 1996.
5. The date from which applicant may claim right is August 5, 1996.
6. One-fifth of the construction is to be completed on or before April 28, 1999.
7. All construction is to be completed on or before October 28, 2001.
8. Water is to be put to beneficial use on or before October 28, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation:

WATER MANAGEMENT BOARD

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

DEC 26 1996

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1641-1</u> Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Meade Co. Times, Sturgis, SD</u>



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

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant LANTIS FIREWORK Phone 712-252-0931
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1301 West 1st Street, Sioux City State Iowa 51103
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 10 gal min *CFS or 0.022 cfs **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 Groundwell SE 1/4

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4
SECTION 15 T31N R6E

County MEADE CO.

5. County or counties where water will be used MEADE

6. Annual period during which water is to be used May 1 to July 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)

Sanitary use at fireworks stand at Meade Co.

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~~ Iowa

County of Woodbury

I, Ronald M. Smith, 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 Ronald M. Smith

Subscribed and sworn to before me this 2nd day of August 19 96



Kristi Hoekstra

Notary Public

Supplemental Information

(type or print in ink)

*See well completion
Report.*

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ 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) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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

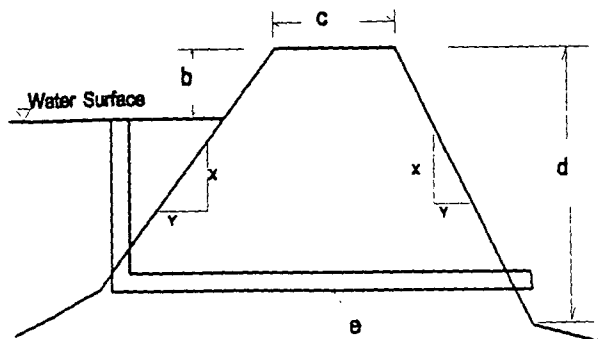
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

415036

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

August 5, 19 96

RECEIVED OF LFP Land Company L.L.C., (Lantis Firework), 1301 W. 1st St., Sioux City, IA
the following amount in fees for services rendered as provided for by law: 51103

Fee for Application for Permit No. <u>1641-1</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 _____		

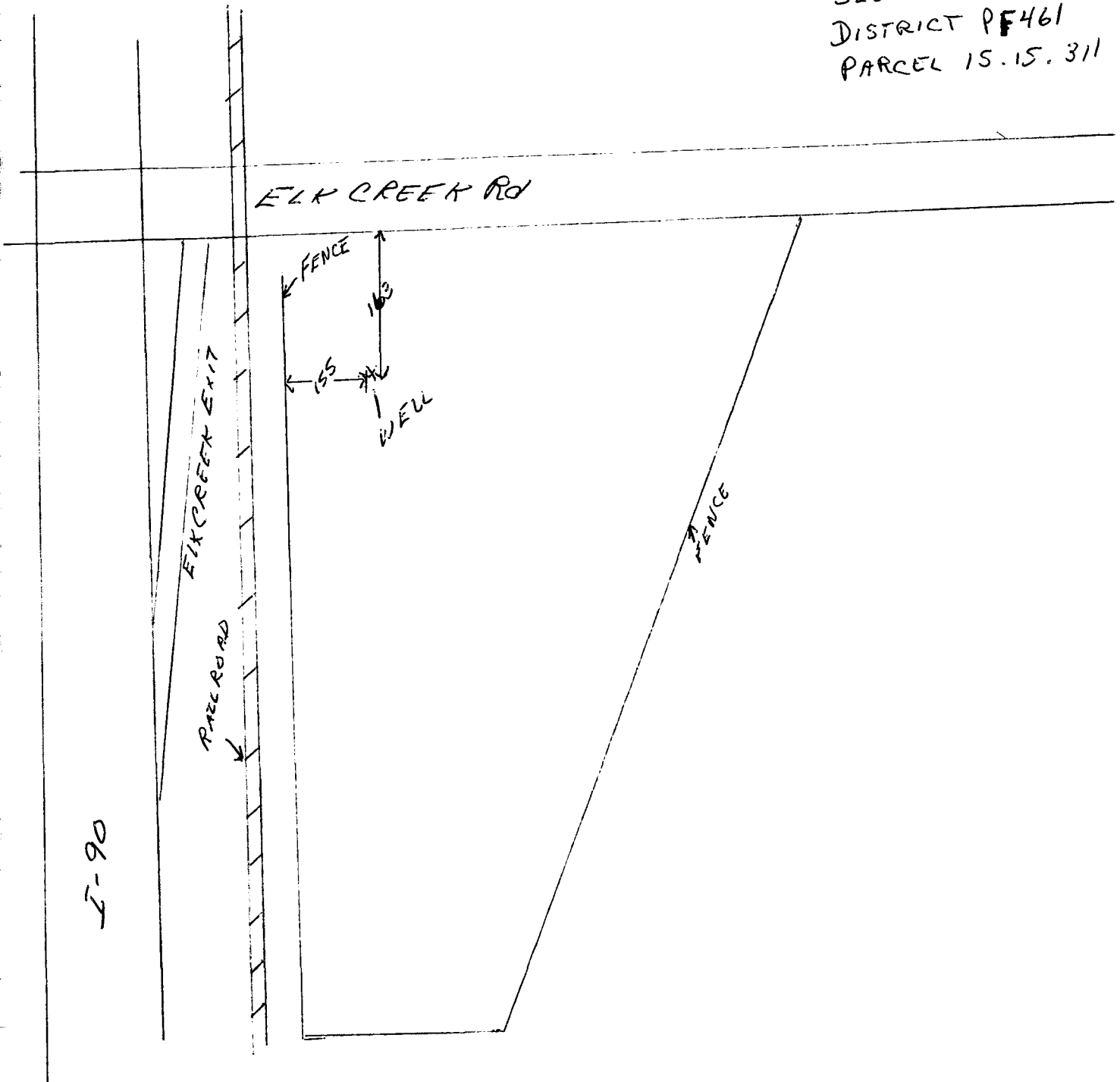
(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer



LANTIS FIREWORKS
PIEDMONT, S.D.

LOT #9 of SENE
SECT-TWP. RANGE 15-36
DISTRICT PF461
PARCEL 15.15.311



I-90

Don Luntro

NOT TO SCALE

(4-259)



WE HERE

15

Mike Hulburt
CED
Farm Service
Agency
NOV 7 1996

3-6

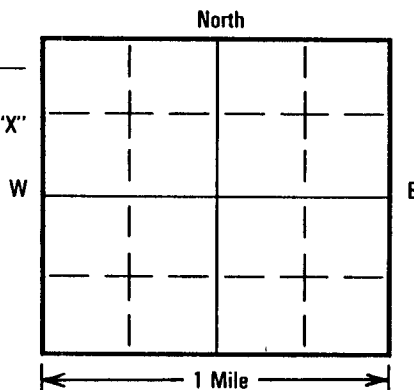
1641-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location Lot 9, NE 1/4 Sec 15 Twp 3N Rg 6ECounty Meade

Please mark well location with an "X"

Well Completion Date 5-22-94

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air - Water

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>160 FT</u>	<u>7 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>14</u>	<u>94 lb./gal</u>	<u>0</u> ft.	<u>80</u> ft.
<u>Bentonite</u>	<u>3</u>	<u>3/8 lb./gal</u>	<u>80</u> ft.	<u>85</u> ft.

Describe grouting procedure pressure grout THRU Tremie pipe from GRAVEL PACK TO SURFACE

SCREEN: ☒ Perforated pipe. ☐ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVCSlot Size 1/8 Set From 140 Feet to 160 FeetOther information GRAVEL PACK
from 160' to 85'
with 3/8 WASHED PEA
GRAVELWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: CHLORINE
_____ NO, Why Not? PelletsLaboratory sent to for water quality analysis #Well Owner: LANTIS FIREWORKS

Business Name: _____

Address: 1301 West First Street
Sioux City IA 51103

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Red SHale	0'	115'
Red SHale & SStone	115'	140'
water @ 115'		
Limestone	140'	165'
(Spearfish Z)		
Red SHale, Gypsum	165'	460'
& Limestone		
(Test Hole)		
ONLY		
Cased To 160'		

STATIC WATER LEVEL

42 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air developed☐ Bailed _____☒ Other _____

Pumping Level Below Land Surface

140 ft. After 1 Hrs. pumped 10 GPM100 ft. After 1 Hrs. pumped 5 GPMIf pump installed, pump rate 10 GPM@ 150'

REMARKS

owner did not
want to go to
minnehaha. wanted water
for bathroom only!
Completed To 160'

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm CIMARON DrillingSignature of License Representative: Michael J. Deutch

Signature of Well Owner or Equitable Property Holder: _____

Date: 6-15-94



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 1996

Lantis Fireworks
1301 West First Street
Sioux City, IA 51103

Dear Sir :

A well driller's report filed by Cimarron Drilling shows that they completed a new well for you. Based on the information in the report, you may need a permit to appropriate water for use in your business.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by February 29, 1996. You may contact Barry McLaury at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1996

Lantis Fireworks
1301 West First Street
Sioux City, IA 51103

Dear Sir :

I am writing to follow-up my 1/31/96 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. A Business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.

Please complete and return the application that was sent to you with my 1/31/96 letter. Send the application, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 5/3/96. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Barry McLaury at (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

*Lot. 11.9 of Sene.
sect - TWP - Range. 15 3 '6
Dist PF461
Parcel 15.15.311*



LANTIS Fireworks

Box 626, No. Sioux City, SD 57049

1301 WEST FIRST STREET
SIOUX CITY, IOWA 51103
PHONE (712) 252-0931 FAX (712) 277-4684

Phone (605) 232-9030

April 24, 1995



Department Of Environment
and Natural Resources
Joe Foss Building
423 E Capitol
Pierre, South Dakota 57501-3181

Att: Don Duvall

Enclosed you will find an area photo and a legal discription
of the property you requested in your letter dated 4/12/96.

Leagal Discription: Lot #9 of SENE
Sect-TWP-Range 15 3 6
District PF461
Parcel 15.15.311

If you have any questions on this, please feel free to call.

Lantis Fireworks, Inc.

Don Lantis



May 17, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Don Lantis
Lantis Fireworks
Box 626
North Sioux City SD 57049

Dear Mr. Lantis:

Thank you for the maps which you submitted regarding the well located in the Section 15-T3N-R6E. The maps are needed in order to process the application.

As stated in our previous letters, an *Application For Permit to Appropriate Water* is required for your commercial use of water. Enclosed is a set of application forms (Form 2 and 2A) and an instruction sheet. Please complete the forms and have them signed and notarized. The filing fee will be based on the amount of water claimed. If you use less than 45 gallons per minute, the filing fee will be \$50.00. The well log is already on file in our office.

The map is being returned because it 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 (i.e. local SCS or ASCS office).

If you have any questions while completing the application, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 1641-1
for Lantis Fireworks
September 5, 1996

Application No. 1641-1 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 160 feet deep located in the SE 1/4 NE 1/4 of Section 15, T3N-R6E in Meade County. The water is for commercial use.

AQUIFER - SPEARFISH FORMATION (SPRF)

The Spearfish Formation is generally not considered an aquifer but commonly produces water in this area. Ground water is obtained from fractures and solution openings created in gypsum beds which are common in the formation. Surface water percolating down dip in the rock has gradually dissolved the gypsum which combined with local fracturing provides a ground water source. The Spearfish Formation is described as a red siltstone and shale with massive gypsum beds and can attain a thickness of 450 feet to 845 feet in the northern Black Hills (Peter, 1987). The unit is generally considered a confining bed to the aquifers lying below.

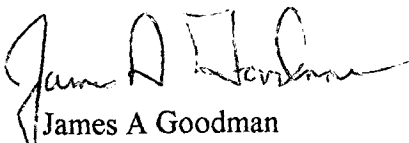
The well log accompanying the application indicates red shale and siltstone from the land surface to 140 feet with limestone from 140 to 165 feet and then red shale, gypsum and limestone from 165 to 460 feet. Based upon nearby well logs this log does not correlate. The red shale or Spearfish Formation should be 200 to 300 feet thick with a layer of limestone called the Minnekahta lying below it. Typically the Minnekahta will produce water. It appears, that the driller either did not recognize the Minnekahta or did not encounter the formation. Either way, it appears this well is completed into the Spearfish Formation and appears to be completed in accordance with SD Well Construction Standards. The well as completed was capable of producing about 10 gpm and had a static water level of 42 feet below land surface.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Spearfish Formation. There are numerous water permits/rights in this area which obtain water from either the Madison or Minnelusa formations. Also there are other wells in the area which obtain water from the Minnekahta formation. It is unlikely that pumping from the Spearfish will affect any of the other aquifers. The requested diversion rate is relatively small and will be used infrequently.

CONCLUSIONS

1. Water is available from the Spearfish Formation.
2. Interference is not a concern.
3. This well is constructed in accordance with SD Well Construction Standards.
4. Apparently this water will only be used for sanitary use at the fireworks stand.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

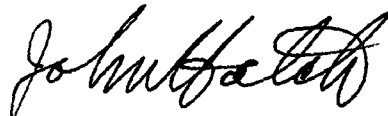
Peter, K.D., D.P. Kyllonen, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifer of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, USGS, Rapid City, SD, 57701.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1641-1, Lantis Fireworks

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. 1641-1, Lantis Fireworks, %Donald Lantis, 1301 West 1st Street, Sioux City, IA 51103.

The Chief Engineer is recommending APPROVAL of Application No. 1641-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
September 20, 1996



**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 24, 1996

Lantis Fireworks
%Donald Lantis
1301 West 1st Street
Sioux City, IA 51103

Dear Mr. Lantis:

Water Permit Application No. 1641-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
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 24, 1996

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1641-1 to be published twice. Please publish the first notice on October 9, 1996, 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 Lantis Fireworks, %Donald Lantis, 1301 West 1st Street, Sioux City, IA 51103 (Ph # (712) 252-0931).

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
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 October 9, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1641-1 to Appropriate Water.

Notice is given that Lantis Fireworks, 1301 West 1st St., Sioux City, IA 51103 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Spearfish Formation) 160 feet deep located in the SE 1/4 NE 1/4 Section 15-T3N-R6E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1641-1 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 October 28, 1996.

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

Faye D. Pate, being duly sworn, says: That the Meade Tribune, is and, during all the times hereinafter mentioned newspaper as defined in SDCL 17-2-2, as amended, published in Meade County, South Dakota, by Allison Publishing, Inc. is and, during all of said times, was employed as an assistant publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement printed copy of which is attached, was published in successive issues, bearing the following dates:

October 9	199 6	
October 16	199 6	
	199	
	199	
	199	

that the full amount of the fee charged for publishing the sum of \$ 32.60, inures solely to the publisher of said newspaper; that no agreement or understanding of the division of the fee has been made with any person, and of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this

16 day of October, 19

Malinda S. Griffin
Notary Public, South Dakota

Water application

NOTICE OF APPLICATION NO. 1641-1 to Appropriate Water

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Publ Oct. 9 and 16, 1996

Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Lantis Fireworks
%Donald Lantis
1301 West 1st St.
Sioux City, IA 51103

Dear Mr. Lantis:

Enclosed is Water Permit No. 1641-1 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 may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date 1-6-97

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

FROM: LANTIS FIREWORKS PEDMONT 1301 W 1st Street
(name) (address)
Sioux City Iowa 51103 712-252-0931
(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. 1641-1.

Water Permit No. 1641-1 states that the diversion system is to be constructed by Oct 28, 2001, and that the water is put to beneficial use by
(date)

Oct 28, 2005
(date)

The diversion system was completed on Oct 28, 1996
(date)

Applying the water to beneficial use was completed on Oct 28, 1996
(date)

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

Don Lantis
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1999

1641-1

Lantis Fireworks
%Donald Lantis
1301 W. 1st Street
Sioux City, IA 51103

Dear Mr. Lantis:

The investigation of your water use system was conducted on July 12, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1641-1. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416250

Pierre, November 10, 1999

RECEIVED OF Lantis Fireworks, 1301 W. 1st St., Sioux City, IA 51103
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. 1641-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

John Hatch
Chief Engineer

Permit No. 1641-1
Upper Cheyenne River - Water District

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

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

I have this day, July 12, 1999, made a thorough examination of the water use system constructed by Lantis Fireworks of 1301 W 1st Street, Sioux City IA 51103 holder of Permit No. 1641-1, bearing the priority of August 5, 1996 authorizing the diversion of 0.022 cu. ft. per second of the waters of ground water (Spearfish Formation) for commercial purposes, in Meade County.

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

A. Works used to divert the water:

Pump\Motor:

- 1) Make Unknown submersible
- 2) Capacity 10 GPM

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

Water is used for sanitary purposes only at the Lantis Fireworks Stand.

The system is in the following condition good. The point of diversion is located Well: 1,570 feet S and 530 feet W from the NE corner section 15-T3N-R6E (SE¼NE¼). The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes (sanitary use). Water has been put to beneficial use to the maximum extent and the license should be issued for 0.022 cfs

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 3, 1999



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1641-1

DATE OF INVESTIGATION	July 12, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Don Lantis
NAME & ADDRESS OF PERMIT HOLDER	Lantis Fireworks 1301 W 1 st Street Sioux City IA 51103
DIVERSION POINT LEGAL LOCATION	Well: 1,570 feet S and 530 feet W from the NE corner section 15-T3N-R6E (SE¼NE¼)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Cimarron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 160 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 140 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated
- 2) Length 20 feet
- 3) Static water level 42 feet

Pump\Motor:

- 1) Make Unknown submersible
- 2) Capacity 10 GPM

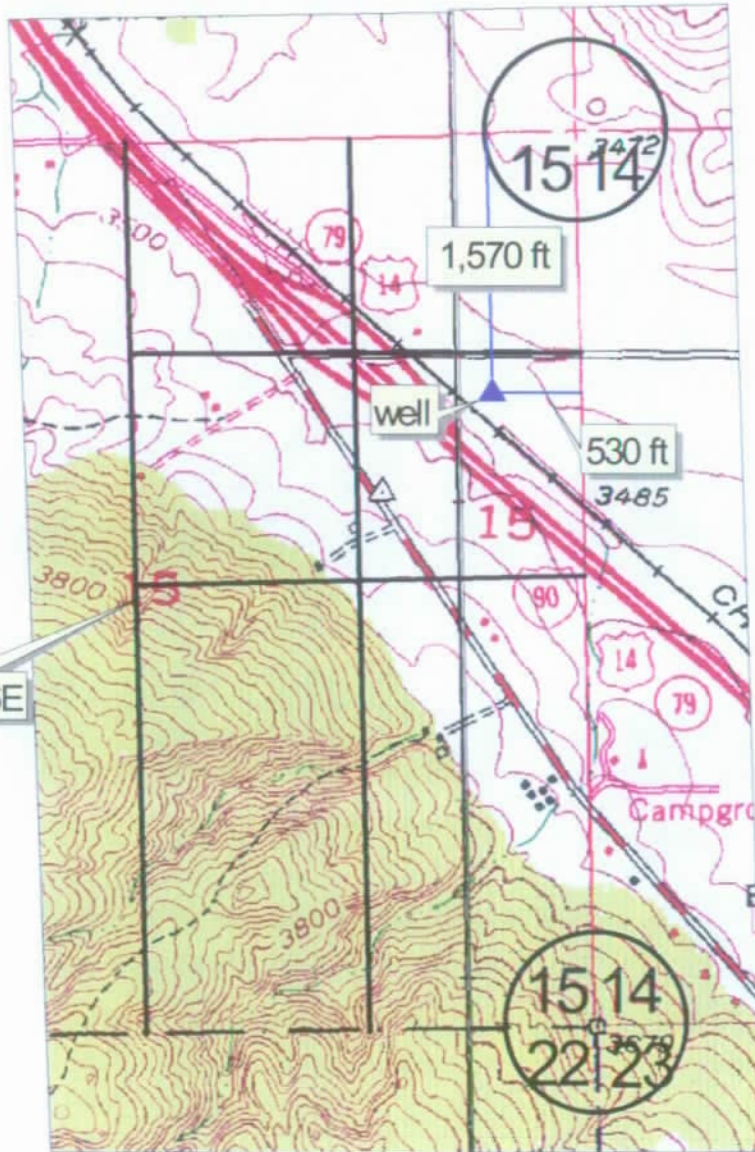
DISTRIBUTION LINES OR CANALS:

Water is used for sanitary purposes only at the Lantis Fireworks Stand.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

1000 0 1000 Feet



Center of sec 15-T3N-R6E



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat Res Engineer 11/3/99

Water Right No. 1641-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1641-1

(1) Lantis Fireworks, 1301 W 1st Street, Sioux City IA 51103 made Application No. 1641-1, August 5, 1996 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial purposes. Permit No. 1641-1, with a priority date of August 5, 1996 was approved October 28, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 28, 2001 and for the application to beneficial use of said water on or before October 28, 2005.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 8, 1997. The *Notice* stated the diversion system was completed on October 28, 1996 and the water placed to beneficial use on October 28, 1996.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 1,570 feet south and 530 feet west from the northeast corner of Section 15-T3N-R6E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for sanitary purposes at the business.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lantis Fireworks, 1301 W 1st Street, Sioux City IA 51103 the holder and/or owner of Water Right No. 1641-1 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of August 5, 1996 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1641-1 and subject to South Dakota State Law.


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

DEC 3 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

DEC 3 1999

1641-1

Lantis Fireworks
%Donald Lantis
1301 W. 1st Street
Sioux City, IA 51103

Dear Mr. Lantis:

Enclosed is Water License No. 1641-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416250 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1641-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures