

WATER PERMIT NO. 1642-1

Name of Applicant: Eagle Ridge Homeowners Assn.

Address: Steve Fagerland, Pres., 1515 Forst Ct, Rapid City SD 57701 Phone: 343-4777

Amount of Water Claimed: 0.08⁹~~8~~ cfs (40 gpm) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing County: Meade

Type of Waste Disposal System: septic tank, drain field system

Location: approximately 2 miles southeast of Piedmont

PRIORITY Date Received: 8-5-96

Fee: \$50

Corrected Application Received: 8-9-96

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NE 1/4 SE 1/4 Sec 18-T3N-
R7E

Land to be Irrigated: NA

Depth of Well: 208.5
1997-

Well Driller: Taylor Drilling

Remarks:

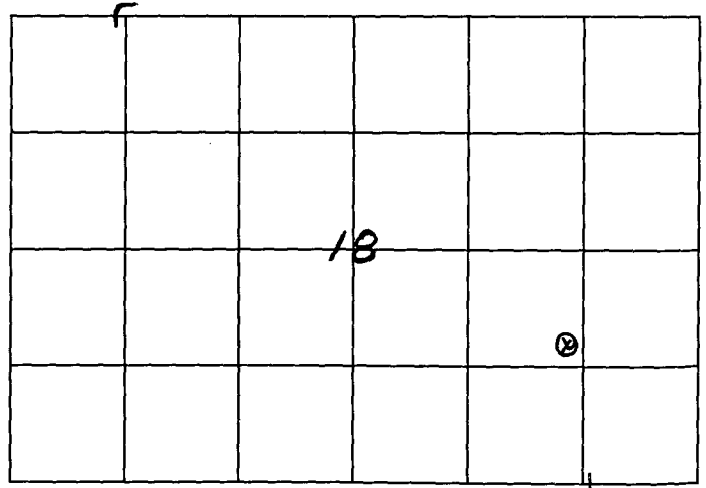
Type of Map: plat

Prepared by: James P Heald, RLS

Reviewed and the Number Assigned on: 8-12-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1642-1**

Date of first receipt of application August 5, 1996.

Date of return to applicant for corrections, amendments or changes August 5, 1996.

Date of receipt of corrected application August 9, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1642-1 to Eagle Ridge Homeowners Assn., 1515 Forest Ct., Rapid City SD 57701 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. 1642-1 appropriates 0.089 cubic feet of water per second (40 gallons per minute) from one well (Madison Formation) 2085 feet deep located in the NE 1/4 SE 1/4 (Lot W of Eagle Ridge Estates) Section 18-T3N-R7E.
2. The water appropriated shall be used for the purpose of supplying water to a suburban housing development and may not exceed the amount of water needed for beneficial use for suburban housing development purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 1642-1 is September 23, 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 March 23, 1999.
7. All construction is to be completed on or before September 23, 2001.
8. Water is to be put to beneficial use on or before September 23, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1642-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1642-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. The 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.

(continued)

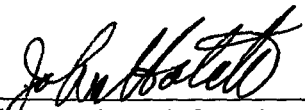
Water Permit No. 1642-1

Eagle Ridge Homeowners Association

Page 2

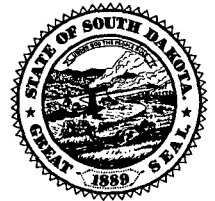
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request.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

WATER MANAGEMENT BOARD

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

OCT 1 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>1642-1</u> Hydrologic Unit <u>10/20/11</u> Basin <u>Upper Cheyenne</u> Newspaper <u>Meade Co. Times, Sturgis, SD</u>
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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.) _____

- Name of Applicant Eagle Ridge Homeowners Assn., Steve Fagerland, Pres. Phone (605) 343-4777
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 1515 Forest Ct., Rapid City, SD State SD Zip Code 57701
(Street, R.R. or Box)
- Amount of water claimed 0.089 *CFS or 40 **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 New well, in Madison aquifer, drilled by Taylor Drilling
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well, located in the
Lot W of Eagle Ridge Estates, in the NE 1/4 of SE 1/4 of Section 18,
T3N, R7E, B1M (as shown in attached plat) County Meade
- County or counties where water will be used Meade County
- Annual period during which water is to be used year-round Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a community well, to be used by 8 households, as the residential water supply. When the well was drilled, it belonged to Steven Fagerland, the developer, who has since deeded it to Eagle Ridge Homeowners Assn. (see Deed)

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 Pennington SS

I, Steve Fagerland, Pres. of Eagle Ridge Homeowners Assn., 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 Steve Fagerland

Subscribed and sworn to before me this 1st day of August 19 96

Donna K. Danielson
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - ^{Actual} ~~Proposed~~ Construction

- a) Drill Hole Diameter 6 1/4" Depth 1997
- b) Casing Type Steel Diameter 5 1/2" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1975 ft
- f) Depth to Water (ground surface to water level) 1975 ft (water level in pipe is at the ground level - flowing well with a pressure adapter)
- g) Distance to nearest existing domestic well: _____

On applicants property no others On property owned by others >1500 ft.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank, drain field system
- b) System Capacity (gallons) typical 1500 gal. (varies for each home)
- c) Year Constructed starting in 1996 for the first home in the development, which is approx. 700 ft. from the well. This is the closest lot to the well.
- d) Connected to the City of N/A Sanitary System. _____

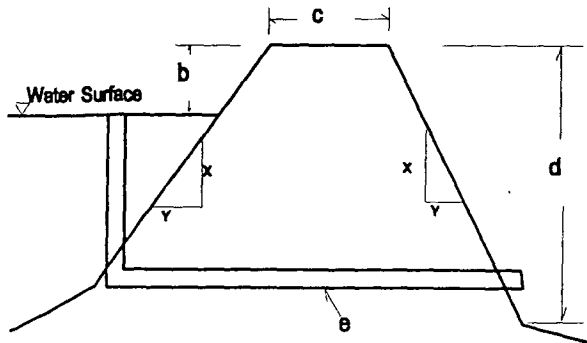
3. Dugout Information

- 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

Plat of LOTS A AND B OF LOT 27R OF BUFFALO RIDGE ESTATES and Plat of LOTS 2AR, 3AR AND W* (formerly Lots 2A, 2B and 3A) OF EAGLE RIDGE ESTATES and Plat of LOT 3BR (formerly Lot 3B of Eagle Ridge Estates and a portion of Lot 27R of Buffalo Ridge Estates) OF EAGLE RIDGE ESTATES and Plat of PRIVATE ROAD EASEMENTS AND UTILITY EASEMENTS ON LOTS 1A AND 1B OF EAGLE RIDGE ESTATES located in W4 of SW4 of Section 17 and in E4 of SE4 of Section 18, T2N, R7E, RHN, Meade County, South Dakota.

* Lot W to be used for well purposes only.

EASEMENT NOTES:

- 1) Road Easements - 25' on the interior side of all side and rear lot lines.
- 2) Utility Easements - 15' on the exterior side of all private road easements.

NON-DEVELOPMENT AREA NOTE:

Non-development area in Lot B of Lot 27R north of line, as shown, is reserved for utility easements and for non-development except for 30' wide previously platted Emergency Access Easement as shown hereon and 30' wide Private Road Easement to Lot 3A as shown hereon and fencing for grazing horses as far north as the south side of Private Road Easement to Lot 3A as shown hereon. (fence must comply with Paragraph VI of Eagle Ridge Estate covenants).

LEGEND:

- Set 5/8" rebar with survey cap marked "HEALD SD 2199 WY 5148".
- Set 5/8" rebar (no cap) at R.O.W. curve tangent points.
- Found survey monument (rebar with survey cap marked "HEALD SD2199 WY 5148" unless otherwise noted).
- (R) Recorded in previous plat.
- (H) Measured in this survey.

NOTE:

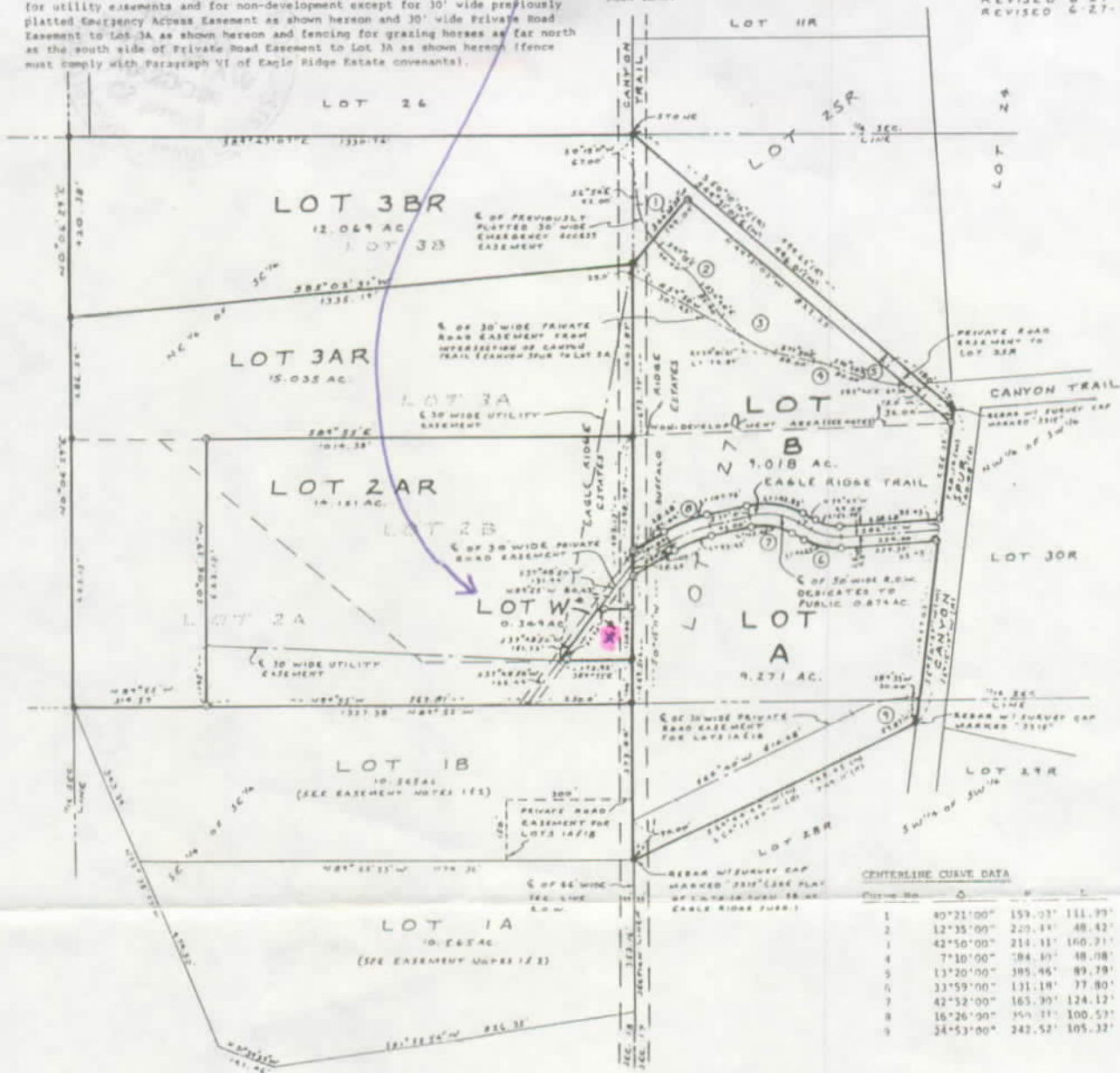
Any land shown on the within plat as dedicated to Public R.O.W. is hereby dedicated to public use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

SCALE 1"=200'

JUNE 5, 1995

REVISED 6-24-95

REVISED 6-27-95



CERTIFICATE OF RECORDING

State of South Dakota S.D.
County of Pennington

We, the undersigned individuals and trustees, do hereby certify that the individuals and Trust shown below are each owners of a portion of the land shown and described hereon, and that we do hereby approve the survey and within plat of said land. That development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

In witness whereof, we have hereunto set our hand and seal.

Owners of Lots 1A, 1B, 2A, 2B, 3A & 3B of Eagle Ridge Estates:

Steven W. Fagerland, Avonnie L. Fagerland

Owners of Lot 27R of Buffalo Ridge Estates: Warren L. Fagerland Living Trust

Warren L. Fagerland, Trustee; Loretta H. Fagerland, Trustee

On this 26th day of June, 1995, before me, a Notary Public, personally appeared Steven W. Fagerland and Avonnie L. Fagerland, known to me to be the persons described in the foregoing instrument, and acknowledged to me that they signed the same.

My Commission expires: 2001-01-20

On this 26th day of June, 1995, before me, a Notary Public, personally appeared Warren L. Fagerland and Loretta H. Fagerland, known to me to be the trustees of the Warren L. Fagerland Living Trust, and acknowledged to me that they signed the same.

My Commission expires: 2001-01-20

Notary Public: [Signature] Commission expires: [Date]

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, do hereby certify that I have on record in my office a copy of the within described plat.

On this 26th day of June, 1995.

[Signature] Director of Equalization

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Meade County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 26th day of June, 1995.

[Signature] Treasurer

STATEMENT OF SURVEYOR

State of South Dakota S.D.
County of Pennington

I, James P. Heald, Registered Land Surveyor No. 2199 of the State of South Dakota, do hereby state that being so authorized, the survey and within plat of the land shown and described hereon were made by me and that to the best of my knowledge and belief the within plat is a representation of said survey. All area amounts shown on the within plat are to be considered as having the words "more or less" following.

In witness whereof, I have hereunto set my hand and seal.

Day of JUNE, 1995.

Registered Land Surveyor: James P. Heald

HEALD LAND SURVEYING

2218 Lockwood Drive

Rapid City, SD 57702

(605) 343-1820

CERTIFICATE OF STREET AUTHORITY

The location of the proposed property lines with respect to the street as shown hereon is hereby approved. Any change in the location of the proposed lot lines shall require additional approval.

Dated this 26th day of June, 1995.

[Signature] Street Authority

APPROVAL OF PLANNING COMMISSION

Approved by the Planning Commission of Meade County this 26th day of June, 1995.

Signed: David C. Meland

Chairman

RESOLUTION BY GOVERNING BOARD

I, Auditor of Meade County, do hereby certify that at an official meeting held on July 6, 1995, the County Commissioners have by resolution approved the plat as shown hereon.

[Signature] Auditor

CERTIFICATE OF REGISTER OF DEEDS

Filed this 7th day of July, 1995, at 10:25'clock

Book 18, Page 1336 of Plats.

Angela M. Goss

Register of Deeds

By: Carol Bruff, Deputy Fee: \$10.00 p/Cash

00337.3 JUL-08

1642-1

WARRANTY DEED

ANGELA M. ROSS

MEADE COUNTY

REGISTER OF DEEDS

Steven W. Fagerland and Avonne L. Fagerland, husband and wife, of Rapid City, South Dakota, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant, convey, and warrant to Eagle Ridge Estates Homeowners Association, Inc., a South Dakota corporation, of 777 Deadwood Avenue, Rapid City, SD 57702, Grantee, the following described real estate in the County of Meade, State of South Dakota:

Lot W of Eagle Ridge Estates according to the plat filed at Book 18, Page 139 of Plats in the office of the Meade County Register of Deeds together with all improvements and fixtures thereon consisting of the water well, casing, pump, waterlines, well pit, pressure tanks, electric breaker box, pump controls, water mains, and lines, located in easements at Eagle Ridge Subdivision, subject to the terms of an agreement of even date herewith.

Dated this 4 day of December, 1995.

Exempt from Transfer fees, per SDCL 43-4-22 (B) - SWF

☐ TRANSFER FEE PAID \$ _____
☒ EXEMPT FROM TRANSFER FEE #18

Steven W. Fagerland
 Steven W. Fagerland

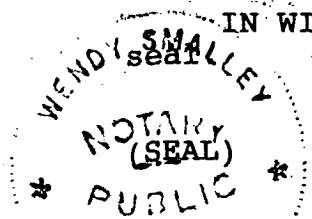
Avonne L. Fagerland
 Avonne L. Fagerland



State of South Dakota)
 Pennington) ss:
 County of Meade)

On this the 4 day of December, 1995, before me, the undersigned officer, personally appeared Steven W. Fagerland and Avonne L. Fagerland, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official



Wendy Smalley
 Notary Public, South Dakota
 My Commission Expires: _____

WENDY SMALLEY, NOTARY PUBLIC
 PENNINGTON COUNTY, S.D.
 My Comm. Exp. July 25, 1997

006611 DEC-04

This document prepared by James W. Olson; Wilson, Olson, Nash & Becker, P.C.; PO Box 1552; Rapid City SD 57709; (605) 342-7090

RECEIPT

415042

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 9, 1996

RECEIVED OF Steven Fagerland, 1515 West Ct, Rapid City SD 57702

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

Fee for Application for Permit No. <u>1642-1</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 JOHN HATCH ks



MIDCONTINENT
TESTING LABORATORIES

Steve Fico
won

REDMONT
AREA
(MADISON)
AQUIFER

LINDSAY McLEAN
VITA ROYAL PRODUCTS INC.
4267 S. STATE RD
DAVISON, MI 48423

SAMPLE ID: HOVEN WELL
EPA NUMBER:
SAMPLE DATE:
ACCOUNT NUMBER: 8766
LAB NUMBER: 20011009931
DATE RECEIVED: 10/09/01
DATE ANALYSED: 10/13/01
METHOD: EPA 524.2

PARAMETER:	HOVEN WELL ug/L	TRIP BLANK ug/L	MCL ug/L	EQL ug/L
<u>REGULATED VOLATILE ORGANICS</u>				
BENZENE	ND	ND	5	0.5
CARBON TETRACHLORIDE	ND	ND	5	0.5
CHLOROBENZENE	ND	ND	100	0.5
1,2-DICHLOROBENZENE	ND	ND	600	0.5
1,4-DICHLOROBENZENE	ND	ND	75	0.5
1,2-DICHLOROETHANE	ND	ND	5	0.5
1,1-DICHLOROETHENE	ND	ND	7	0.5
CIS-1,2-DICHLOROETHENE	ND	ND	70	0.5
TRANS-1,2-DICHLOROETHENE	ND	ND	100	0.5
1,2-DICHLOROPROPANE	ND	ND	5	0.5
ETHYLBENZENE	ND	ND	700	0.5
METHYLENE CHLORIDE	ND	ND	5	0.5
STYRENE	ND	ND	100	0.5
TETRACHLOROETHENE	ND	ND	5	0.5
TOLUENE	ND	ND	1000	0.5
1,2,4-TRICHLOROBENZENE	ND	ND	70	0.5
1,1,1-TRICHLOROETHANE	ND	ND	200	0.5
1,1,2-TRICHLOROETHANE	ND	ND	5	0.5
TRICHLOROETHENE	ND	ND	5	0.5
VINYL CHLORIDE	ND	ND	2	0.5
TOTAL XYLENES	ND	ND	10000	1.0
<u>UNREGULATED VOLATILE ORGANICS</u>				
BROMOBENZENE	ND	ND		0.5
BROMOCHLOROMETHANE	ND	ND		0.5
BROMOMETHANE	ND	ND		0.5
N-BUTYLBENZENE	ND	ND		0.5
SEC-BUTYLBENZENE	ND	ND		0.5
T-BUTYLBENZENE	ND	ND		0.5
CHLOROETHANE	ND	ND		0.5
CHLOROMETHANE	ND	ND		0.5
2-CHLOROTOLUENE	ND	ND		0.5
4-CHLOROTOLUENE	ND	ND		0.5
DIBROMOMETHANE	ND	ND		0.5
DICHLORODIFLUOROMETHANE	ND	ND		0.5
1,3-DICHLOROBENZENE	ND	ND		0.5
1,1-DICHLOROETHANE	ND	ND		0.5

**Hazen Research, Inc.**

4601 Indiana Street
Golden, CO 80403 USA
Tel: (303) 279-4501
Fax: (303) 278-1528

DATE November 14, 2001
HRI PROJECT 002-4HP
HRI SERIES NO. J197/01
DATE REC'D 10/15/2001
CUST. P.O.# None Rec'd

Vita Royal Products Inc.
Lindsay McLean
4267 S. State Road
Davison, MI 48423

REPORT OF ANALYSIS

SAMPLE NO. J197/01-1

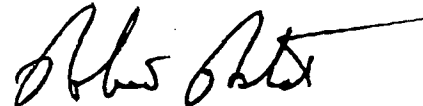
SAMPLE IDENTIFICATION: Water Sample - Hoven - 10/9 - 932 *MADISON*

PARAMETER	RESULT	DETECTION LIMIT	METHOD	ANALYSIS DATE	ANALYST
Gross Alpha (+-Precision*), pCi/l (T)	4.0(+2.4)	1.4	EPA 800.0	10/29/2001 @ 1622	MRA
Gross Beta (+-Precision*), pCi/l (T)	0.0(+2.0)	2.0	EPA 800.0	10/29/2001 @ 1622	MRA

*Variability of the radioactive decay process (counting error) at the 95% confidence level, 1.96 sigma.
Certification ID's: CO/EPA - CO00008; CT - PH-0152; KY - 90076; KS - E-10265; NH - 232801-A;
NY ELAP - 11417; PA DEP 68551; WI - 998376610

CODES:

(T) = Total (D) = Dissolved
(S) = Suspended (R) = Total Recoverable
(PD) = Potentially Dissolved
< = Less Than

By: 

Robert Rostad
Laboratory Manager

An Employee-Owned Company


MIDCONTINENT
 TESTING LABORATORIES

VITA ROYAL PRODUCTS INC.

ENTRY POINT

20030120822

PAGE2

UNREGULATED VOLATILE ORGANICS

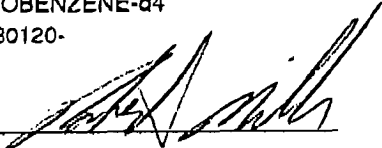
	ENTRY POINT ug/L	TRIP BLANK ug/L	MCL ug/L	EQL ug/L
1,3-DICHLOROPROPANE	ND	ND		0.50
2,2-DICHLOROPROPANE	ND	ND		0.50
1,1-DICHLOROPROPENE	ND	ND		0.50
TRANS-1,3-DICHLOROPROPENE	ND	ND		0.50
CIS-1,3 DICHLOROPROPENE	ND	ND		0.50
HEXACHLOROBUTADIENE	ND	ND		0.50
CUMENE (ISOPROPYLBENZENE)	ND	ND		0.50
ISOPROPYLTOLUENE	ND	ND		0.50
NAPHTHALENE	ND	ND		0.50
N-PROPYLBENZENE	ND	ND		0.50
1,1,1,2-TETRACHLOROETHANE	ND	ND		0.50
1,1,2,2-TETRACHLOROETHANE	ND	ND		0.50
1,2,3-TRICHLOROBENZENE	ND	ND		0.50
TRICHLOROFLUOROMETHANE	ND	ND		0.50
1,2,3-TRICHLOROPROPANE	ND	ND		0.50
1,2,4-TRIMETHYLBENZENE	ND	ND		0.50
1,3,5-TRIMETHYLBENZENE	ND	ND		0.50
1,2-DIBROMOETHANE ⁽¹⁾	ND	ND	0.05	0.50
1,2-DIBROMO-3-CHLOROPROPANE ⁽¹⁾	ND	ND	0.2	0.50

TRihalOMETHANES

BROMODICHLOROMETHANE	ND	ND		0.50
BROMOFORM	ND	ND		0.50
CHLOROFORM	ND	ND		0.50
DIBROMOCHLOROMETHANE	ND	ND		0.50
TOTAL TRIHALOMETHANES	ND	ND	100	2.0

SURROGATE RECOVERY

	(%)	(%)
4-BROMOFLUOROBENZENE	108.	107.
1,2-DICHLOROBENZENE-d4	103.	118.
DATAFILE: 030120-	24.MS	22.MS

Approved by: Date: 02-04-03
 COMMENTS: (1) Compliance monitoring must be performed by Method 504.
 N.A., Trihalomethanes not available on composite samples.

KEY

ND = NOT DETECTED ABOVE THE EQL

MDL= METHOD DETECTION LIMIT

EQL= ESTIMATED QUANTITATION LIMIT, A MULTIPLE OF THE MDL

MCL = MAXIMUM CONTAMINATE LEVEL

07-92

Date: 7-7-74





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1996

Steve Fagerland
North Central Distributing
777 Deadwood Avenue
Rapid City, SD 57702

Dear Mr. Fagerland

A well driller's report filed by Taylor 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" 5/3/96. 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

June 4, 1996

Steve Fagerland
North Central Distributing
777 Deadwood Avenue
Rapid City, SD 57702

Dear Mr. Fagerland:

I am writing to follow-up my 4/9/96 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 4/9/96 letter. Send the application, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 6/29/96. If you need assistance, contact Barry McLaury at (605-773-3352).

Sincerely,

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

343- 4777



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1996

Steve Fagerland, President
Eagle Ridge Homeowners Association
1515 Forest Ct,
Rapid City SD 57701

Dear Mr. Fagerland:

We received your *Application for a Permit to Appropriate Water Within the State of South Dakota* today.

Enclosed is the check for \$150.00 submitted with the application. The filing fee is based on the amount of water claimed. Since the application is less than 45 gallons per minute (40 gpm), the filing for the application will be \$50.00.

Also, please complete Item No. 2 of the *Supplement Information* form regarding the type of wastewater disposal system utilized by the homeowners.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

WATER PERMIT APPLICATION NO. 1642-1
EAGLE RIDGE HOMEOWNERS ASSOCIATION
AUGUST 26, 1996

Water Permit Application No. 1642-1 proposes to appropriate 0.089 cubic feet of water per second (40 gallons per minute) from one well (Madison Formation) 2085 feet deep located in the NE¼ SE¼ Section 18, T3N-R7E. The water is for use in a suburban housing development.

AQUIFER: Madison Aquifer (MDSN)

GENERAL:

The Madison Aquifer is a massive, carbonate (limestone and dolomite) aquifer that underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution, and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer system and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The Madison outcrop is located within approximately three miles south west of this well site (Darton, 1925). The top of the aquifer is reported to be 1975 feet below ground surface. The aquifer is under confined (artesian) conditions at this site and the water level of this well is at ground surface.

The Madison Aquifer may be hydrologically connected to the overlying Minnelusa Aquifer, however, the relationship between the two is not fully understood. The Water Rights Program monitors 22 observation wells completed into both the Madison and the Minnelusa aquifers in the Black Hills. Measurements taken in the Water Rights' Observation Wells indicate the water level of the Madison is generally higher than the water level of the Minnelusa, thus the potential exists for the Madison to contribute recharge to the Minnelusa. If a hydrologic connection exists between these two aquifers, diversions from the Madison Aquifer could affect the Minnelusa Aquifer. This well site is approximately 3 miles east of Water Rights' Observation Wells MD-94A and MD-84A which are completed into the Madison and overlying Minnelusa Aquifers respectively. Data from these wells indicate seasonal variations from 70 to 100 feet of head difference between the two aquifers. This difference of heads suggests that there is a significant hydrologic separation between the two aquifers in this area.

WATER AVAILABILITY:

Records from Water Rights Program observation wells indicate the potentiometric surface of the Madison Aquifer fluctuates 30-40 feet per year near the recharge area, in response to seasonal and climatic variations. The limited period of record available from observation wells completed into the Madison Aquifer, (all but one of the wells were installed after 1986), is not easily interpreted. Water-level declines apparent from some of the hydrographs of this data can be attributed to dry climatic conditions in localized areas from the late 1980's that continued into the early 1990's. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are 102 permits/rights which appropriate water from the Madison aquifer in South Dakota. The majority of the water rights/permits from the aquifer are from Butte(14), Lawrence(23), Meade(15),

Pennington(31) and Fall River(7) Counties. The Madison supplies water for irrigation, geothermal, industrial, commercial, recreational, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Whitewood, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be approximately 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Two Future Use Permits, (2086-2 and 1833-2) reserve another 5,835 acre feet annually from the Madison Aquifer for future use. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer, indicates unappropriated water is available from the Madison aquifer.

AFFECTS ON EXISTING RIGHTS:

The major obstacle to potential development of the Madison Aquifer is consideration of the affects pumping may have on existing water rights. There are 22 existing Water Rights/Permits appropriating groundwater within approximately 3.5 miles of this well. Only one of these Permits appropriates water from the Madison Aquifer, the others are from the Minnelusa aquifer (19 Rights/Permits) or the Inyan Kara Aquifer (2 Rights/Permits). The nearest groundwater appropriation to this well is from the Minnelusa Aquifer and is approximately 1.5 miles away. The closest Madison appropriation is Permit No. 1569-1, (Indian Hills No. 4 Subdivision), it is approximately 2.5 miles away. Any well interference this proposed use would have on these water rights/permits is not expected to be adverse, due to the distance between wells, the apparent hydraulic separation between the Madison and shallower aquifers in this area, and the relatively low pumping rates of the wells involved.

In addition to the influence that withdrawals from a well may have on a nearby well, the affects of a Madison Aquifer diversion to streamflow and spring discharge must often be considered. As stated previously, a major percentage of the recharge to the Madison occurs from streamflow losses. These losses are directly influenced by the gradient between the surface water and the groundwater. An increase in the gradient caused by a decline in water levels in the aquifer could increase streamflow losses. In addition, springs and seeps sustain the base flow of all major streams that drain the Black Hills. Many of these springs or seeps are points of natural discharge from the Madison Aquifer, at or near the outcrop. The relationship, if any, between spring discharge and the water level of the Madison Aquifer is not clear. Since the diversion rate proposed by this application is low and the well is not located near the outcrop, area springs and streams are not expected to be affected by this diversion.

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

TERM LIMITATION:

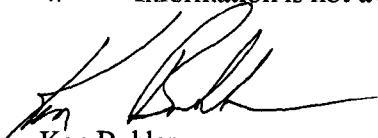
SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the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

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

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

CONCLUSIONS:

1. The Madison Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.
3. Adverse impacts on area water levels, due to this increased appropriation from the Madison Aquifer are not expected.
4. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler
Natural Resources Engineer

approved by



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

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD
- Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, USGS Folio No. 219.
- Water Rights Program, 1996, "Domestic Well Log Files, Observation Well Files, and Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management

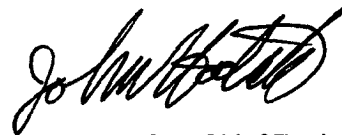
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1642-1, Eagle Ridge Homeowners Association**

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. 1642-1, Eagle Ridge Homeowners Association, %Steve Fagerland, President, 1515 Forest Ct., Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 1642-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1642-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1642-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. The 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.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 27, 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.

August 28, 1996

Eagle Ridge Homeowners Association
Steve Fagerland, President
1515 Forest Court
Rapid City, SD 57701

Dear Mr. Fagerland:

Water Permit Application No. 1642-1 for suburban housing use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times 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

August 28, 1996

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1642-1 to be published twice. Please publish the first notice on September 4, 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 Eagle Ridge Homeowners Association, Steve Fagerland, President, 1515 Forest Ct., Rapid City, SD 57701 (Ph # (605) 343-4777).

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. 1642-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1642-1 to Appropriate Water

Notice is given that Eagle Ridge Homeowners Association, Steve Fagerland, President, 1515 Forest Ct., Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.089 cubic feet of water per second (40 gallons per minute) from one well (Madison Formation) 2085 feet deep located in the NE 1/4 SE 1/4 (Lot W of Eagle Ridge Estates) Section 18-T3N-R7E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1642-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, 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 23, 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.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Meade)

I, Paye D. Pate

certify that the attached printed Notice was
 taken from the Meade County

Times-Tribune

printed and published in Sturgis

County of Meade and State

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

September 4, 1996

September 11, 1996

Cost of Printing

38.68

(Signature)

Accountant

(Title)

(Date Signed)

(Continued from Page 5) *

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.

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Water application

NOTICE OF APPLICATION
NO. 1642-1 to Appropriate Water

Notice is given that Eagle Ridge Homeowners Association, Steve Fagerland, President, 1515 Forest Ct., Rapid City, SD 57701, has filed an application for a water permit to appropriate 0.089 cubic feet of water per second (40 gallons per minute) from one well (Madison Formation) 2085 feet deep located in the NE 1/4 SE 1/4 (Lot W of Eagle Ridge Estates) Section 18-T3N-R7E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1642-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief

(Continued on Page 12)

ing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1996.

The petition may be formal, 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. Meyers, Secretary, Department of Environment and Natural Resources.

Publ Sept. 4 and 11, 1996
 Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

Steve Fagerland, President
Eagle Ridge Homeowners Association
1515 Forest Ct.
Rapid City, SD 57701

Dear Mr. Fagerland:

Enclosed is Water Permit No. 1642-1 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 11, 2003

1642-1

Eagle Ridge Homeowners Assn.
c/o Steve Fagerland, President
14646 Canyon Spur
Piedmont SD 57769

Dear Mr. Fagerland:

On May 12, 2003 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1642-1, was completed by Ron Duvall, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from 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".

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

If you have any questions regarding the water permit, investigation of the 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



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

Date Oct. 4, 1996

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

FROM: Eagle Ridge Homeowners Assn., Steve Fagarland, Pres., 1515 Forest Ct.
(name) (address)

Rapid City SD 57701 (605) 348-6000
(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. 1642-1.

Water Permit No. 1642-1 states that the diversion system is to be constructed by Sep. 23, 2001, and that the water is put to beneficial use by
(date)

Sep. 23, 2005.
(date)

The diversion system was completed on Sep. 23, 1996.
(date)

Applying the water to beneficial use was completed on Sep. 23, 1996.
(date)

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

Steve Fagarland
(signature)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 24, 20 03

RECEIVED OF Eagle Ridge Home Owners Association, 777 Deadwood Ave, Rapid City SD

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>±642-1</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.

000006

By

John Garland Erbelle
Chief Engineer */KS*

Permit No. 1642-1
Upper Cheyenne - 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, May 12, 2003, made a thorough examination of the water use system constructed by Eagle Ridge Homeowners Assn. of 14646 Canyon Spur, Piedmont SD 57769 holder of Permit No. 1642-1, bearing the priority of August 5, 1996 authorizing the diversion of 0.089 cu. ft. per of the waters of ground water (Madison Formation) for suburban housing purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Steve Fagerland, President**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells 1
- 3) Depth(s) 2,085 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 6 1/4 inches
- 2) Length 1997 feet
- 3) Type Steel

Screen:

- 1) Type Open hole
- 2) Length 88 feet
- 3) Static water level 0 feet

Motor/Pump:

- 1) Make Submersible
- 2) Size 2 hp?
- 3) Capacity 40 GPM

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

Water is diverted to two pressure tanks and is then delivered to 7 homes.

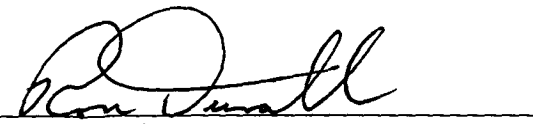
C. Compliance with Permit Requirements:

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

The system is in good condition with the point of diversion located as follows: Well: 1,450 feet N and 125 feet W from the SE corner section 18-T3N-R7E (NE 1/4 SE 1/4 -- Latitude 44.21709, Longitude -103.31278). The works are capable of diverting and conveying to the place of use 0.089 cu. ft. per second of water which is to be used for suburban housing purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.089 cfs.

All structures, wells and lands on map Y

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



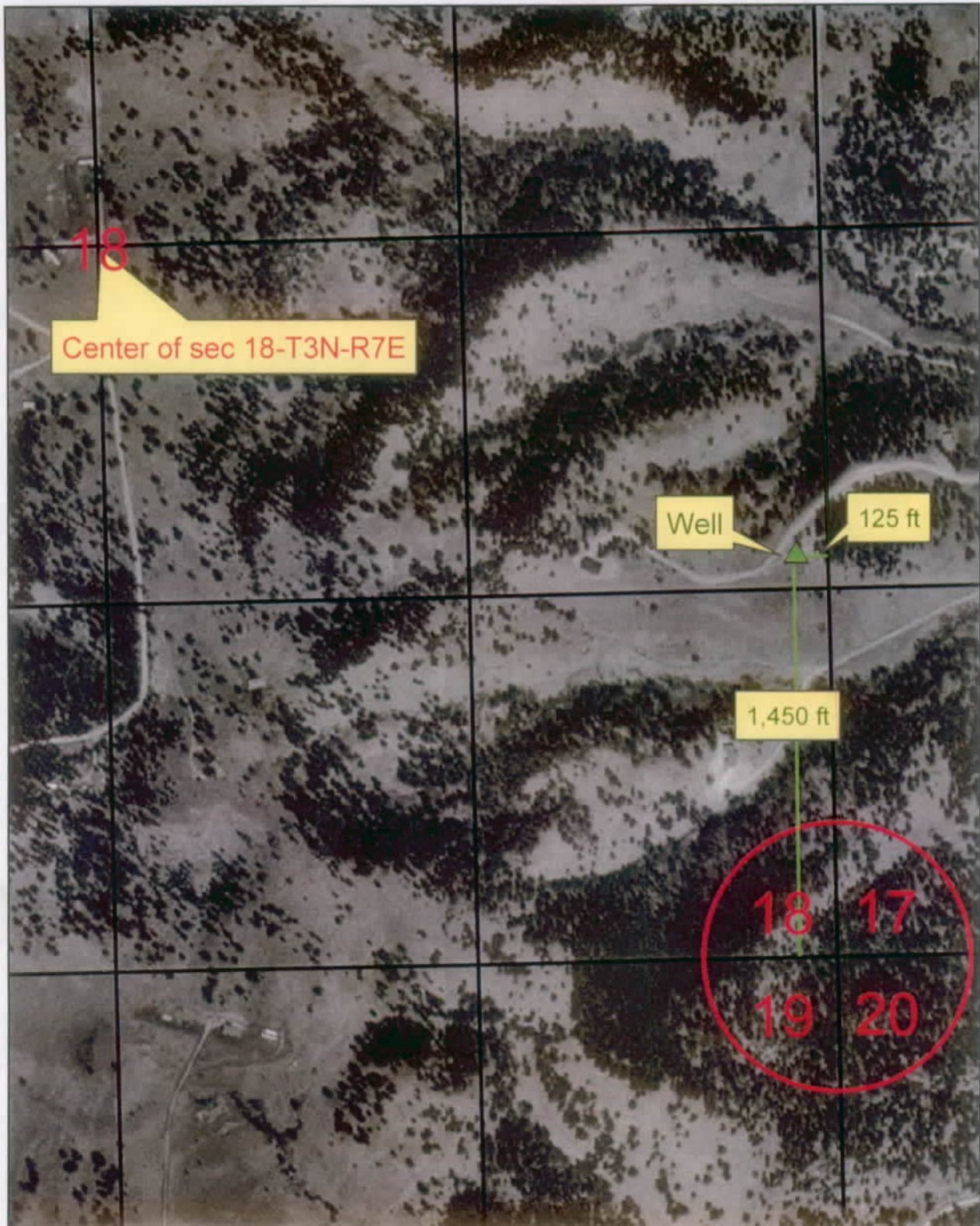
Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: November 6, 2003

Scale: 1 inch equals 548 feet

770

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Nov 6, 2003

Water Right No. 1642-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1642-1

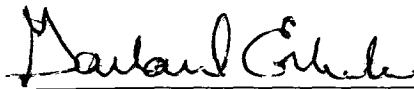
(1) Eagle Ridge Homeowners Assn., 14646 Canyon Spur, Piedmont SD 57769 made Application No. 1642-1, August 5, 1996 for a water permit to divert 0.089 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development purposes. Permit No. 1642-1, with a priority date of August 5, 1996 was approved September 23, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 23, 2001 and for the application to beneficial use of water on or before September 23, 2005.

(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. 1642-1 is issued a license, bearing a priority date of August 5, 1996 to appropriate 0.089 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 1,450 feet north and 125 feet west from the southeast corner Section 18-T3N-R7E (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1642-1 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1642-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1642-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- The 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.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.



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

JAN 14 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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JAN 14 2004

1642-1

Eagle Ridge Homeowners Assn
14646 Canyon Spur
Piedmont SD 57769

Dear Sir:

Enclosed is Water License No. 1642-1. 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