

WATER PERMIT NO. 1651-1

Name of Applicant: Stagebarn Housing Center

Address: 12192 Sioux Land Rd, Black Hawk SD

Phone: 605 787-6333

Amount of Water Claimed: 10 gpm (0.022 cfs)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use County: Meade

Type of Waste Disposal System: septic tank and drain field

Location: 3 miles northwest of Black Hawk

PRIORITY Date Received: 5-16-97

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks: for bathroom use at the sales office

Diversion Point: NW 1/4 NW 1/4

5
Sec 26-T3N-R6E

Land to be Irrigated:

Depth of Well: 350 feet deep

Well Driller: Cimarron Drilling

Remarks:

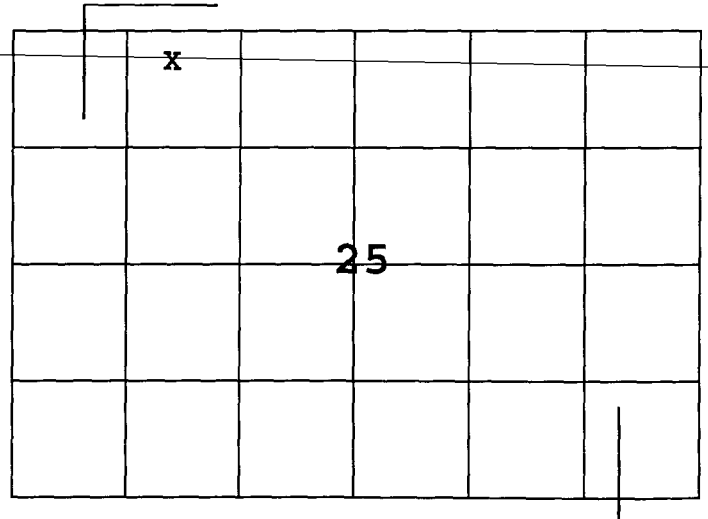
Type of Map: plat

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-23-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



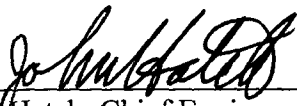
SOUTH DAKOTA
WATER PERMIT NO. 1651-1

Date of first receipt of application May 16, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1651-1 to Stagebarn Housing Center, 12192 Sioux Land Rd, Black Hawk SD 57718 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

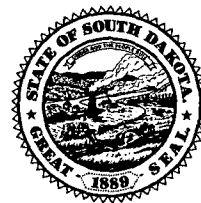
1. Water Permit No. 1651-1 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well 350 feet deep (Minnekahta Limestone) located in the NW 1/4 NW 1/4 Section 25-T3N-R6E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
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. 1651-1 is July 14, 1997.
5. The date from which applicant may claim right is May 16, 1997.
6. 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 8 1997

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>1651-1</u> Hydrologic Unit <u>10/20/11</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.) _____

- Name of Applicant STAGE BARN Housing Center Phone 787-6333
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 12192 Sioux Land Rd Black Hawk State S.D. 57718
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.022 *CFS or 10 GPM Pump *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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in NW 1/4 NW 1/4 S25 T3N R6E
Meade County
- County or counties where water will be used Meade
- Annual period during which water is to be used 12 months 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)

well will only supply bath room in office sales open during day. Approx. 100 gals per day

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)

SS

County of _____)

I, Russell Keller, Pres ^{SBHC}, 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 Anthony Curry V. Pres

Subscribed and sworn to before me this 16 day of May 19 97

BQ Hopwood
Notary Public

My commission expires 7-6-2002

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 350'
b) Casing Type PVC Diameter 5 Thickness 20016
c) Screen Type _____ Diameter _____ Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 310'
f) Depth to Water (ground surface to water level) 40'
g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 800'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank & drain field
b) System Capacity (gallons) 400 c) Year Constructed 1996
d) Connected to the City of _____ Sanitary System.

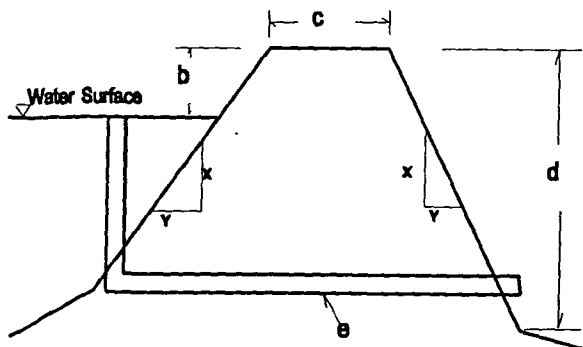
3. Dugout Information

- 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



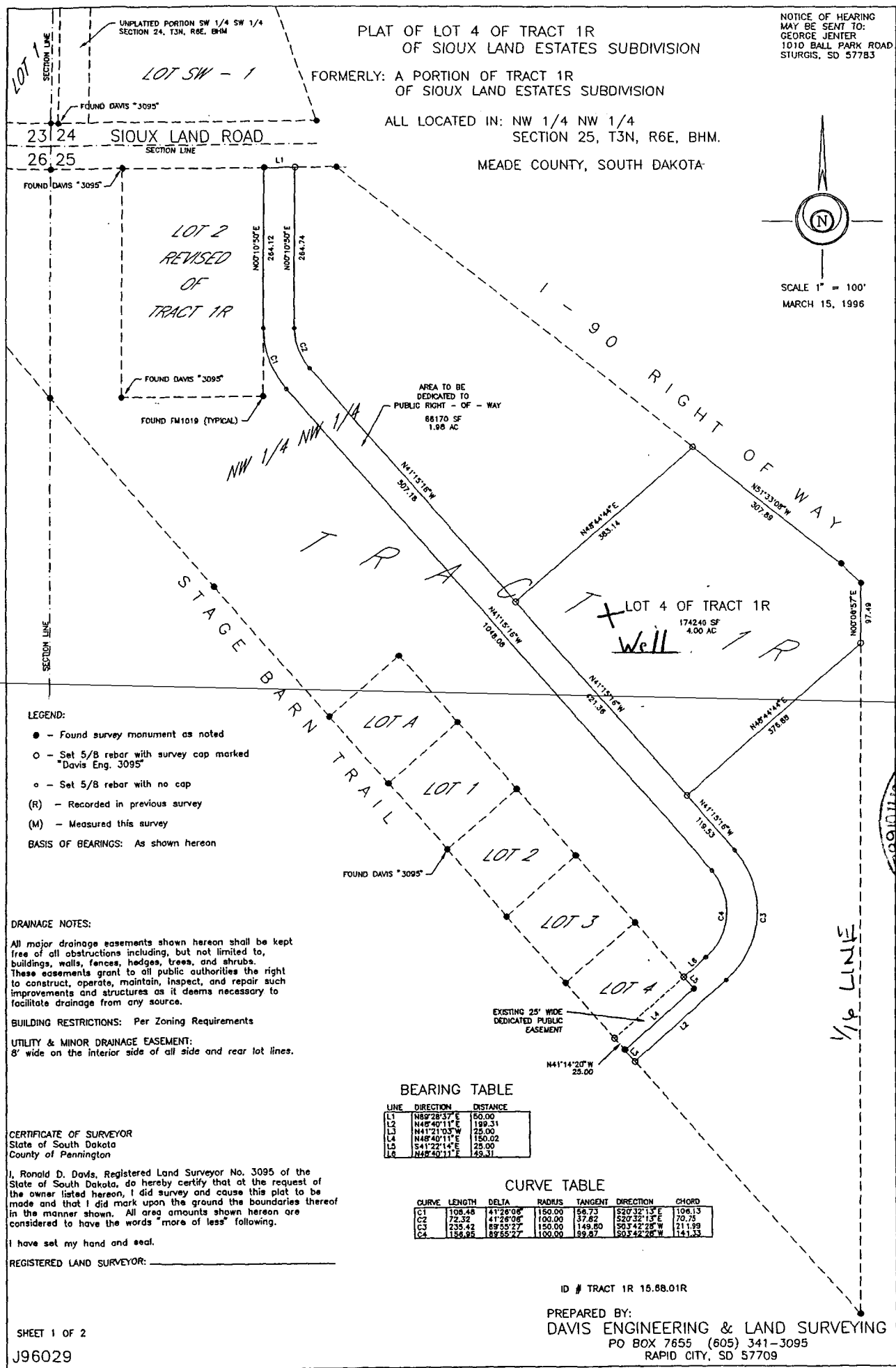
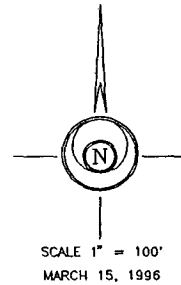
PLAT OF LOT 4 OF TRACT 1R OF SIOUX LAND ESTATES SUBDIVISION

FORMERLY: A PORTION OF TRACT 1R
OF SIOUX LAND ESTATES SUBDIVISION

ALL LOCATED IN: NW 1/4 NW 1/4
SECTION 25, T3N, R6E, BHM.

MEADE COUNTY, SOUTH DAKOTA

NOTICE OF HEARING
MAY BE SENT TO:
GEORGE JENTER
1010 BALL PARK ROAD
STURGIS, SD 57783



LEGEND:

- - Found survey monument as noted
- - Set 5/8 rebar with survey cap marked "Davis Eng. 3095"
- - Set 5/8 rebar with no cap
- (R) - Recorded in previous survey
- (M) - Measured this survey

BASIS OF BEARINGS: As shown hereon

DRAINAGE NOTES:

All major drainage easements shown hereon shall be kept free of all obstructions including, but not limited to, buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems necessary to facilitate drainage from any source.

BUILDING RESTRICTIONS: Per Zoning Requirements

UTILITY & MINOR DRAINAGE EASEMENT:
8' wide on the interior side of all side and rear lot lines.

BEARING TABLE

LINE	DIRECTION	DISTANCE
L1	N89°28'37"E	150.00
L2	N48°40'11"E	199.31
L3	N41°21'03"W	25.00
L4	N48°40'11"E	150.02
L5	S41°22'14"E	25.00
L6	N48°40'11"E	25.31

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	TANGENT	DIRECTION	CHORD
C1	108.48	41°28'06"	150.00	58.73	S20°32'13"E	106.13
C2	72.32	41°28'06"	100.00	37.82	S20°32'13"E	70.75
C3	235.42	89°55'27"	150.00	149.80	S63°42'28"W	211.89
C4	158.25	89°55'27"	100.00	89.87	S63°42'28"W	141.33

CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington

I, Ronald D. Davis, Registered Land Surveyor No. 3095 of the State of South Dakota, do hereby certify that at the request of the owner listed hereon, I did survey and cause this plat to be made and that I did mark upon the ground the boundaries thereof in the manner shown. All area amounts shown hereon are considered to have the words "more or less" following.

I have set my hand and seal.

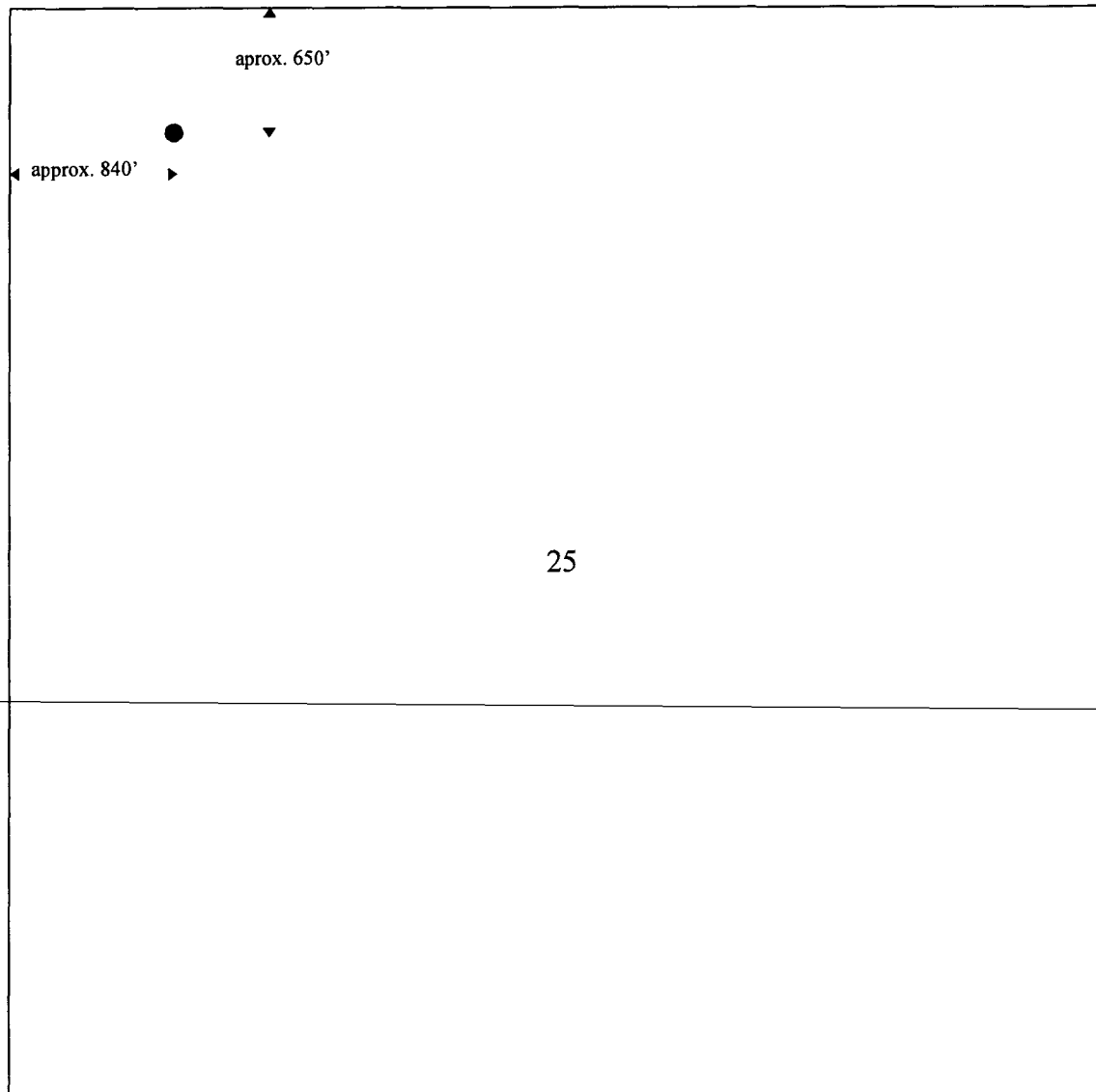
REGISTERED LAND SURVEYOR: _____

ID # TRACT 1R 15.88.01R

PREPARED BY:
DAVIS ENGINEERING & LAND SURVEYING
PO BOX 7655 (605) 341-3095
RAPID CITY, SD 57709



WELL LOCATION FOR STAGEBARN HOUSING CENTER
NW1/4 NW1/4 Section 25, T03N, R06E



On May 16, 1997, I met with Russell Keller and viewed the location of the well for the Stagebarn Housing Center. With his assistance and a plat map of the area I located the well in the NW1/4 NW1/4 Section 25, T003N, R06E in Meade County.

Eric Gronlund
Eric Gronlund
Water Rights Program

RECEIPT

415358

Division of Water Rights

South Dakota Department of Environment and Natural Resources

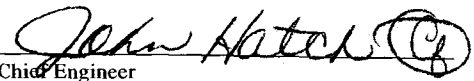
Pierre, _____ May 19, 19 97

RECEIVED OF Stagebarn Housing Center, 12192 Sioux Land Rd., Black Hawk, SD 57718

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

Fee for Application for Permit No. <u>1651-1</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

Stagebarn Housing Center
12192 Siouxland Road
Black Hawk, SD, 57718

Dear Sir:

I am writing in regard to a well driller's report filed by Cimarron Drilling. The report shows a new well has been completed for you. Based on the information in the report, you may need a water rights permit for your water use.

1. According to state law, a water rights permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or 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. Since you are a new well owner, I have enclosed a copy of "Well Owner Responsibilities" for your information.

I am also enclosing application forms for you to apply for a water rights permit. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501." If you believe your water use does not require a water rights permit or that you have an existing permit, please contact Barry McLaury at (605) 773-3352.

Please respond by March 14, 1997. If you need assistance or have questions, please contact us. We will be happy to assist you in any way possible.

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 9, 1997

Stagebarn Housing Center
12192 Siouxland Road
Black Hawk, SD 57718

Dear Sir:

I am writing to follow up my 2/25/97 letter in regard to a well driller's report filed by Cimarron Drilling. The report shows a new well was completed for you. Based on the information in the report, you may need a water rights permit for your water use.

1. According to state law, a water rights permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. 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.

Please complete and return the application forms which were sent in my 2/25/97 letter to "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 5/2/97. If you believe your water use does not require a water rights permit or that you have an existing permit, please contact Barry McLaury at (605) 773-3352.

Sincerely,

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

REPORT ON PERMIT APPLICATION No. 1651-1
STAGEBARN HOUSING CENTER
JUNE 11, 1997

Water Right Application No. 1651-1 proposes to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well 350 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T3N-R6E. The water is for commercial use to supply water to the sales office.

INTRODUCTION:

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

WATER SOURCE: Minnekahta Limestone (MNKT)

General Information:

The Minnekahta Limestone is a grayish-pink, laminated, limestone which is approximately 40 feet thick in this area. The Minnekahta underlies an estimated 2,149,120 acres of Meade County and contains and estimated 5,372,800 acre feet of recoverable water in storage in the County (Allen, 1984). The aquifer is areally extensive around the Black Hills and is hydraulically connected to surrounding counties. The Minnekahta is confined and under artesian conditions at this site. The Minnekahta is ~~confined and under~~ artesian conditions at this site. According to the driller's log submitted with application, the top of the Minnekahta Limestone is 300 feet below ground surface. The completed well has a static water level of 40' below grade and is capable of producing 60-70 gallons per minute.

Water Availability:

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

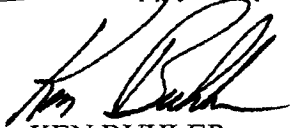
Recharge to the Minnekahta Limestone in this area occurs through direct infiltration of precipitation falling on the outcrop (approximately 1/2 mile from this well site). The average annual recharge has not been estimated for the Minnekahta Limestone in this area. Although the nearest Water Rights Observation Well (MD-95A) is located approximately 8.5 miles northwest of this well, the Water Rights Program does monitors four Minnekahta Limestone observation wells in the Black Hills. Data from these wells indicate the water level fluctuates in response to seasonal and annual climatic conditions, that is the water level rises in the spring and declines the rest of the year, and the water level is lower during drought years. Water level measurements suggest that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Effects on Existing Water Rights:

The Minnekahta Aquifer is a major source of water in this area. The Water Rights Program has record of several domestic wells in the vicinity of this permit (Water Rights, 1997). There are a total of 28 Water Rights/Permits appropriating water from the Minnekahta Limestone within the entire state. Total pumpage from the aquifer by appropriative users is estimated to be less than 3500 acre-feet annually. Three Permits/Rights making appropriations from the Minnekahta are in Meade County. The nearest Minnekahta appropriation (Water Right No. 1336-1) is approximately 3.5 miles from this well. It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any interference.

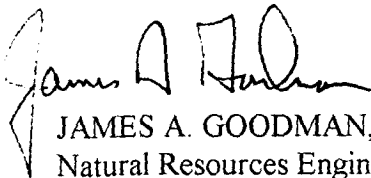
CONCLUSIONS:

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



KEN BUHLER
Natural Resource Engineer

approved by:



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

REFERENCES:

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

Water Rights, 1997, "Water Permit and Domestic Well Log Files", DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1651-1, Stagebarn Housing Center**

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. 1651-1, Stagebarn Housing Center, c/o Russell Keller, President, 12192 Sioux Land Road, Black Hawk, SD 57718.

The Chief Engineer is recommending APPROVAL of Application No. 1651-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
June 13, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 16, 1997

Stagebarn Housing Center
Russell Keller, President
12192 Sioux Land Road
Black Hawk, SD 57718

Dear Mr. Keller:

Water Permit Application No. 1651-1 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 /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1651-1 to be published twice. Please publish the first notice on June 25, 1997, 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 Stagebarn Housing Center, Russell Keller, President, 12192 Sioux Land Road, Black Hawk, SD 57718 (Ph # (605) 787-6333).

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

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

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 25, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1651-1 to Appropriate Water

Notice is given that Stagebarn Housing Center, Russell Keller, President, 12192 Sioux Land Road, Black Hawk SD 57718 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 350 feet deep (Minnekahta Limestone) located in the NW 1/4 NW 1/4 Section 25-T3N-R6E. The water is for commercial use to supply water to the sales office.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1651-1 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 July 14, 1997.

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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Faye D. Pate

certify that the attached printed Notice was taken

from the Meade County Times-
Tribune

printed and published in _____

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 25, 1997

July 2, 1997

Cost of Printing 33.72

Faye D. Pate

(Signature)

Accountant

(Title)

July 2, 1997

(Date Signed)

Water application

NOTICE OF APPLICATION

NO. 1651-1 to Appropriate Water

Notice is given that Stagebarn Housing Center, Russell Keller, President, 12192 Sioux Land Road, Black Hawk SD 57718 has filed an application for a water permit to appropriate 10 gallons per minute (0.22 cubic feet of water per second) from one well 350 feet deep (Minnekahta Limestone) located in the NW 1/4 NW 1/4 Section 25-T3N-R6E. The water is for commercial use to supply water to the sales office.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1651-1 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.

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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's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Right Program address to request copies of the information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ June 25, and July 2, 1997
Meade County Times-Tribune

Board of Health



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

Stagebarn Housing Center
Russell Keller, President
12192 Sioux Land Road
Black Hawk, SD 57718

Dear Mr. Keller:

Enclosed is Water Permit No. 1651-1 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**

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

August 27, 1999

1651-1

Stagebarn Housing Center
Russell Keller, President
12192 Sioux Land Road
Black Hawk, SD 57718

Dear Mr. Keller:

The investigation of your water use system was conducted on July 13, 1999, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1651-1. 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 416180

Pierre, September 2, 1999

RECEIVED OF Stagebarn Housing Center, 12192 Sioux Land Rd, Black Hawk, SD 57718
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. _____ Permit No. 1651-1	5000
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	5000

By John Hatch
Chief Engineer
JOHN HATCH

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1651-1

DATE OF INVESTIGATION	July 13, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Russ Keller
NAME & ADDRESS OF PERMIT HOLDER	Stagebarn Housing Center 12192 Sioux Land Rd Black Hawk SD 57718
DIVERSION POINT LEGAL LOCATION	Well: $\approx$ 650 feet S and $\approx$ 840 feet E from the NW corner section 25-T3N- R6E (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

Other permit(s) associated with the project: None

WELL INFORMATION:

1) Well Drilling Firm: Cimarron Drilling

2) No. of Wells 1

3) Depth(s) 350 feet

4) Well log is available Y

Casing:

1) Diameter 5 inches

2) Length 300 feet

3) Type Plastic

Pump/Motor:

1) Make Unknown submersible

2) Capacity 10 GPM

DISTRIBUTION LINES OR CANALS:

Water is used to supply the sales office.

PERMIT QUALIFICATIONS:

1) Special qualifications to permit being abided by no qualifications

2) All structures, wells and lands on map Y

Permit No. 1651-1
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, July 13, 1999, made a thorough examination of the water use system constructed by Stagebarn Housing Center of 12192 Sioux land Rd, Black Hawk SD 57718 holder of Permit No. 1651-1, bearing the priority of May 16, 1997 authorizing the diversion of 0.022 cu. ft. per second of the waters of Minnekahta Limestone 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
- 2) Capacity 10 GPM

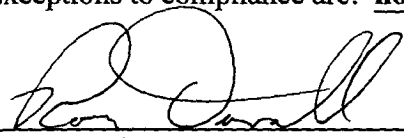
B. Works used to transport\apply water to place of use:

Water is used to supply the sales office.

The system is in the following condition good. The point of diversion is located Well: ≈ 650 feet S and ≈ 840 feet E from the NW corner section 25-T3N-R6E (NW¼NW¼). 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. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.022 cfs.

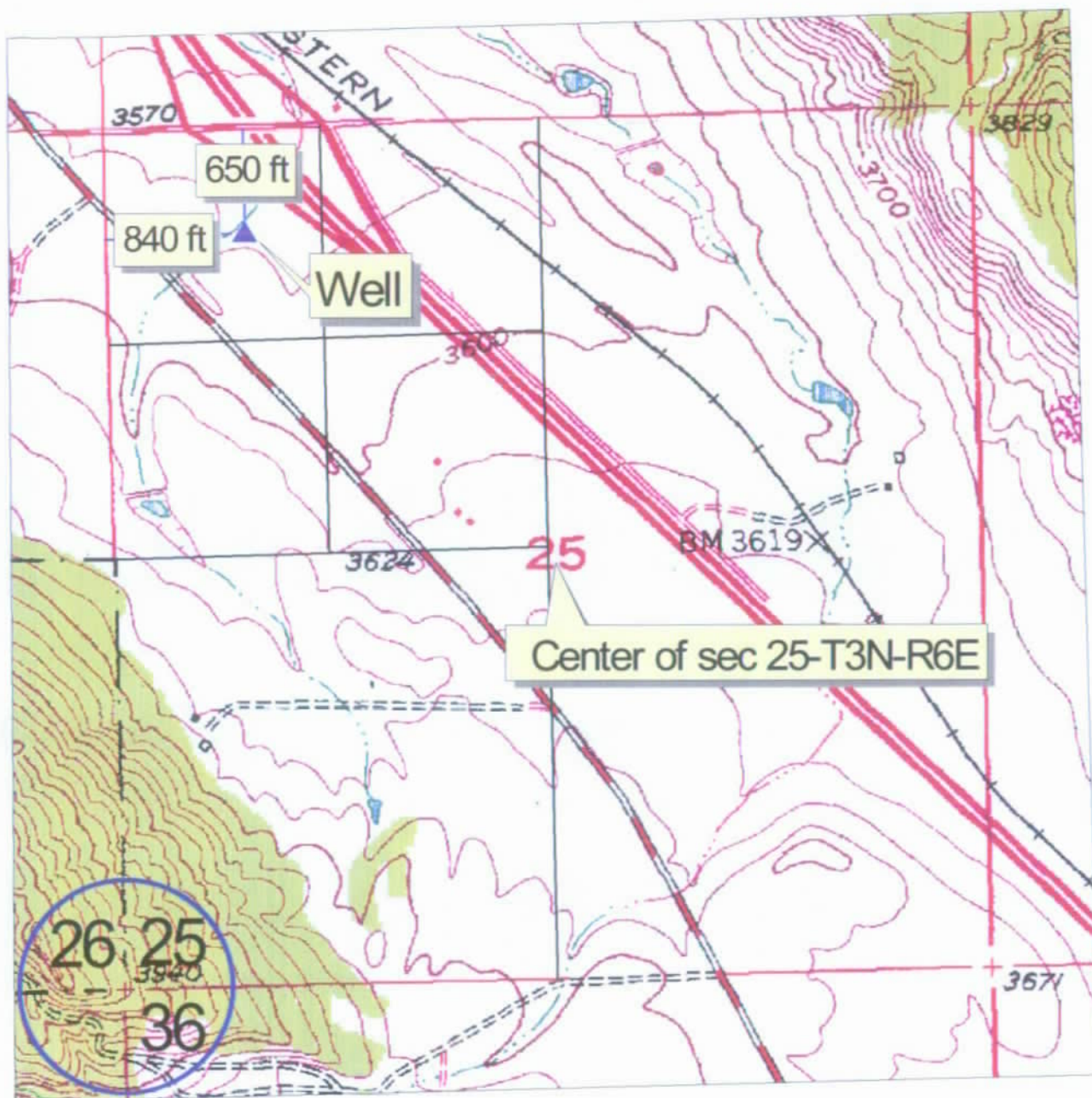
Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: August 25, 1999



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

1000 0 1000 Feet



Ron Duvall, Nat Res Engineer

8/25/99

Water Right No. 1651-1

STATE OF SOUTH DAKOTA

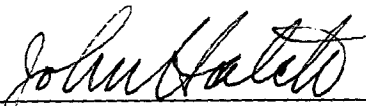
WATER LICENSE NO. 1651-1

(1) Stagebarn Housing Center, 12192 Sioux Land Road, Black Hawk SD 57718 made Application No. 1651-1, May 16, 1997 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial use purposes. Permit No. 1651-1, with a priority date of May 16, 1997 was approved July 14, 1997 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 650 feet south and 840 feet east from the northwest corner of Section 25-T3N-R6E (NW 1/4 NW 1/4).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to supply the sales office.

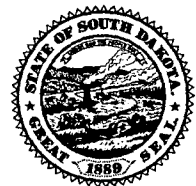
(4) Pursuant to South Dakota Water Law 46-5-30.1 Stagebarn Housing Center, 12192 Sioux Land Road, Black Hawk SD 57718 the holder and/or owner of Water Right No. 1651-1 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of May 16, 1997 from the location specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1651-1 and subject to South Dakota State Law.



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

SEP 7 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 7 1999

1651-1

Stagebarn Housing Center
Russell Keller, President
12192 Sioux Land Road
Black Hawk, SD 57718

Dear Mr. Keller:

Enclosed is Water License No. 1651-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416180 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. 1651-1, ~~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