

WATER PERMIT NO. 1656-1

Name of Applicant: Lofty Pines Homeowners Association

Address: PO Box 314, Black Hawk SD

Phone: 605 787-9367

Amount of Water Claimed: 0.085 cfs (38 gpm)

Total Acres: na

Source of Water Supply: groundwater (two existing wells)

Water to be used for: suburban housing County: Meade

Type of Waste Disposal System: individual septic tanks and drain fields

Location: 3 miles north of Blackhawk

PRIORITY Date Received: 1-2-1998

Fee: \$50

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 and

NE 1/4 NW 1/4; both in Section 29-T3N-R7E

Land to be Irrigated:

Depth of Well: 180 and 278 feet deep

Well Driller: Taylor Drilling

Remarks: 180 feet well - driller unknown

Type of Map: plat

Prepared by: Kirk Chaffee, Director of

Equalization & Meade Co Planning

Reviewed and the Number Assigned on: 1-5-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

			X		
		X			
			29		

**SOUTH DAKOTA
WATER PERMIT NO. 1656-1**

Date of first receipt of application January 2, 1998.

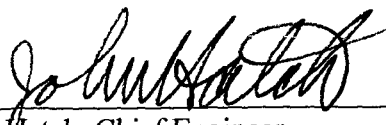
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1656-1 to Lofty Pines Homeowners Association, PO Box 314, Black Hawk SD 57718-0314 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1656-1 appropriates 0.085 cubic feet of water per second (38 gallons per minute) from two wells (Inyan Kara Formation) 180 and 278 feet deep located in the NW 1/4 NE 1/4 and the NE 1/4 NW 1/4; both in Section 29-T3N-R7E.
2. The water appropriated shall be used for the purpose of supplying water to the 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. 1656-1 is March 23, 1998.
5. The date from which applicant may claim right is January 2, 1998.
6. One-fifth of the construction is to be completed on or before September 23, 2000.
7. All construction is to be completed on or before March 23, 2003.
8. Water is to be put to beneficial use on or before March 23, 2007.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

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

APR 3 1998

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	No. <u>1656-1</u> (office use only) Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Meade Co. Times-Tribune, 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.) _____

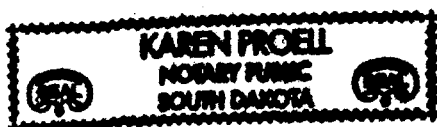
- Name of Applicant Lofty Pines Homeowners Association (LPHA) Phone 605-787-9367
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 314, Black Hawk State SD 57718-0314
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.085 *CFS or <38 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 2 Wells (existing)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Well #1 in NW 1/4 NE 1/4 Section 29, T3N, R7E BHM
Well #2 in NE 1/4 NW 1/4 Section 29, T3N, R7E BHM
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used Year around 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) **EXISTING SYSTEMS**
Well #1 13 gpm pump, 3" line to separate 10,000 gal storage and gravity fed to separate distribution system serving 8 lots, (currently- 7 homes 16 people)
Well #2 25 gpm pump, 3" line to separate 20,000 gal storage and gravity fed to separate distribution system serving 17 lots (currently- 10 homes, 21 people)

STATE OF SOUTH DAKOTA)
County of PENNINGTON SS

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)

I, Robert D. Antior, President, LPHA, 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 Robert D. Antior
Subscribed and sworn to before me this 31 day of DECEMBER 19 97



My Commission Expires
March 27, 2005

Karen Proell
Notary Public

PLAT OF A PORTION OF McEWEEN RANCH SUBDIVISION
IN THE COUNTY OF MEADE, INCLUDING:

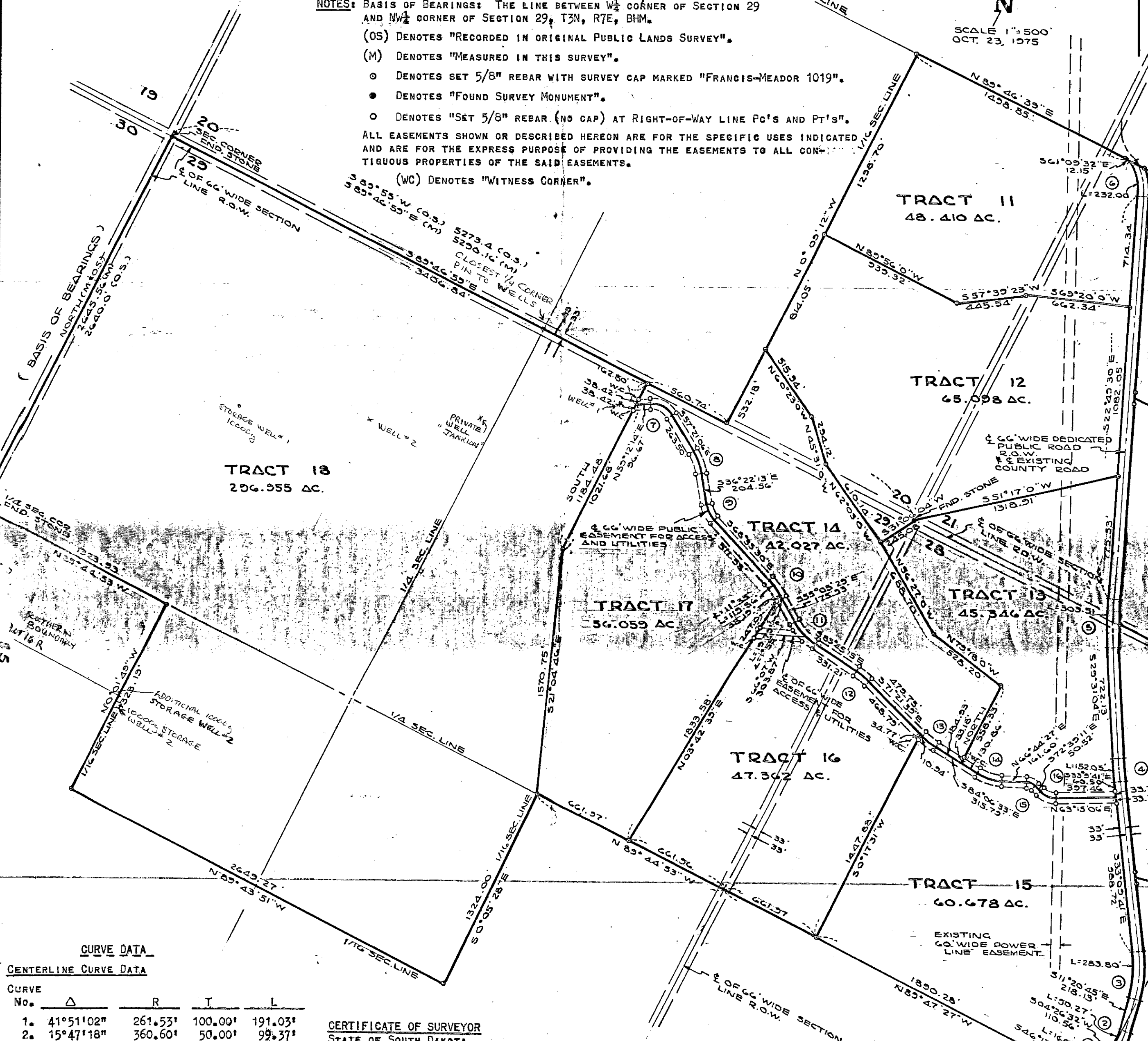
FRANCIS - MEADOR - GELLHAUS, INC.

TRACTS 11 THRU 18 OF McEWEEN RANCH SUBDIVISION AND
66' WIDE PUBLIC EASEMENTS FOR ACCESS AND UTILITIES
LOCATED IN
E $\frac{1}{2}$ OF SE $\frac{1}{4}$ OF SECTION 20; SW $\frac{1}{4}$ OF SECTION 21; N $\frac{1}{2}$ OF SECTION 28;
N $\frac{1}{2}$, NE $\frac{1}{4}$ OF SW $\frac{1}{4}$, AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 29,
ALL IN T3N, R7E, BHM, MEADE COUNTY, SOUTH DAKOTA

LOFTY FELS HOMEOWNERS ASSN.
10-18-75
BLACK HAWK 65 OFFICE-0814
TRACT 18

NOTES: BASIS OF BEARINGS: THE LINE BETWEEN W $\frac{1}{2}$ CORNER OF SECTION 29
AND NW $\frac{1}{4}$ CORNER OF SECTION 29, T3N, R7E, BHM.
(OS) DENOTES "RECORDED IN ORIGINAL PUBLIC LANDS SURVEY".
(M) DENOTES "MEASURED IN THIS SURVEY".
○ DENOTES SET 5/8" REBAR WITH SURVEY CAP MARKED "FRANCIS-MEADOR 1019".
● DENOTES "FOUND SURVEY MONUMENT".
○ DENOTES "SET 5/8" REBAR (NO CAP) AT RIGHT-OF-WAY LINE PG'S AND PT'S".
ALL EASEMENTS SHOWN OR DESCRIBED HEREON ARE FOR THE SPECIFIC USES INDICATED
AND ARE FOR THE EXPRESS PURPOSE OF PROVIDING THE EASEMENTS TO ALL CON-
TIGUOUS PROPERTIES OF THE SAID EASEMENTS.
(WC) DENOTES "WITNESS CORNER".

SCALE 1"=500'
OCT. 23, 1975



CURVE DATA

CENTERLINE CURVE DATA

CURVE No.	Δ	R	T	L
1.	41°51'02"	261.53'	100.00'	191.03'
2.	15°47'18"	360.60'	50.00'	99.37'
3.	21°48'56"	778.38'	150.00'	296.37'
4.	3°38'37"	2358.08'	75.00'	149.95'
5.	6°41'35"	2565.23'	150.00'	299.66'
6.	38°20'03"	379.76'	132.00'	254.08'

PROPERTY LINE CURVE DATA

7.	63°26'40"	145.60'	90.00'	161.22'
8.	20°58'53"	405.03'	75.00'	148.32'
9.	32°13'17"	173.11'	50.00'	97.35'
10.	13°30'01"	591.42'	70.00'	139.35'
11.	28°39'47"	391.42'	100.00'	195.81'
12.	12°23'37"	460.50'	50.00'	99.61'
13.	12°44'55"	447.57'	50.00'	99.59'
14.	29°09'00"	307.68'	80.00'	156.53'
15.	40°36'22"	81.09'	30.00'	57.47'
16.	44°05'44"	123.46'	50.00'	95.01'

CERTIFICATE OF SURVEYOR
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

I, JAMES P. HEALD, REGISTERED LAND SURVEYOR No. 2199 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, I MADE THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT THE SAME IS, IN ALL THINGS, TRUE AND CORRECT. 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.

REGISTERED LAND SURVEYOR: James P. Heald

ON THE 27th DAY OF October, 19 75, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JAMES P. HEALD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: Charles J. Nelson MY COMMISSION EXPIRES: 9/11/78

CERTIFICATE OF OWNERSHIP
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

WE, VIOLA J. McEWEEN AND JAMES W. McEWEEN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACTS OF LAND SHOWN AND DESCRIBED HEREON, THAT THE SURVEY WAS DONE AT OUR REQUEST FOR THE PURPOSES INDICATED HEREON, AND THAT WE DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND.

ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT IS HEREBY DEDICATED TO PUBLIC USE AND PUBLIC UTILITY USE AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND AND SEAL.

OWNERS: Viola J. McEween James W. McEween

ON THE 27th DAY OF October, 19 75, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED VIOLA J. McEWEEN AND JAMES W. McEWEEN, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME.

NOTARY PUBLIC: Walter J. Bully MY COMMISSION EXPIRES: May 12, 1976

RESOLUTION BY GOVERNING BOARD
STATE OF SOUTH DAKOTA
COUNTY OF MEADE

I, AUDITOR OF MEADE COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON Nov 4, 19 75, THE COUNTY COMMISSIONERS BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

AUDITOR OF MEADE COUNTY: Elizabeth Butcher

APPROVED BY THE PLANNING COMMISSION OF MEADE COUNTY THIS 30th DAY OF October, 19 75

CERTIFICATE OF OWNERSHIP

STATE OF South Dakota
COUNTY OF Pennington

I, JOANNE A. STRIEFERT, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE TRACTS OF LAND SHOWN AND DESCRIBED HEREON, THAT THE SURVEY WAS DONE AT MY REQUEST FOR THE PURPOSES INDICATED HEREON, AND THAT I DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT IS HEREBY DEDICATED TO PUBLIC USE AND PUBLIC UTILITY USE AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL.

OWNER: Joanne A. Striefert aka Joannell Striefert

ON THE 3rd DAY OF November, 19 75, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JOANNE A. STRIEFERT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE SIGNED THE SAME.

NOTARY PUBLIC: Walter J. Bully MY COMMISSION EXPIRES: May 12, 1976

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 4th DAY OF November, 19 75
TREASURER OF MEADE COUNTY: M. M. Sweeney

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.

DATED THIS 4th DAY OF November, 19 75

DIRECTOR OF EQUALIZATION OF MEADE COUNTY: Don Alton Caldwell

PLAT OF A PORTION OF MONTGOMERY HILLS RANCHETTE ESTATES,
A SUBDIVISION IN THE COUNTY OF MEADE COUNTY, INCLUDING:

LOTS 5, 6, 11 THRU 17 AND LOT R OF MONTGOMERY HILLS RANCHETTE ESTATES IN
TRACT 18 OF McEWEN RANCH SUBDIVISION LOCATED IN
NW 1/4 OF NW 1/4 AND IN S 1/4 OF NW 1/4 AND IN NE 1/4 OF SW 1/4 ALL IN
SECTION 29, T3N, R7E, BHM, MEADE COUNTY, SOUTH DAKOTA

NOTES:

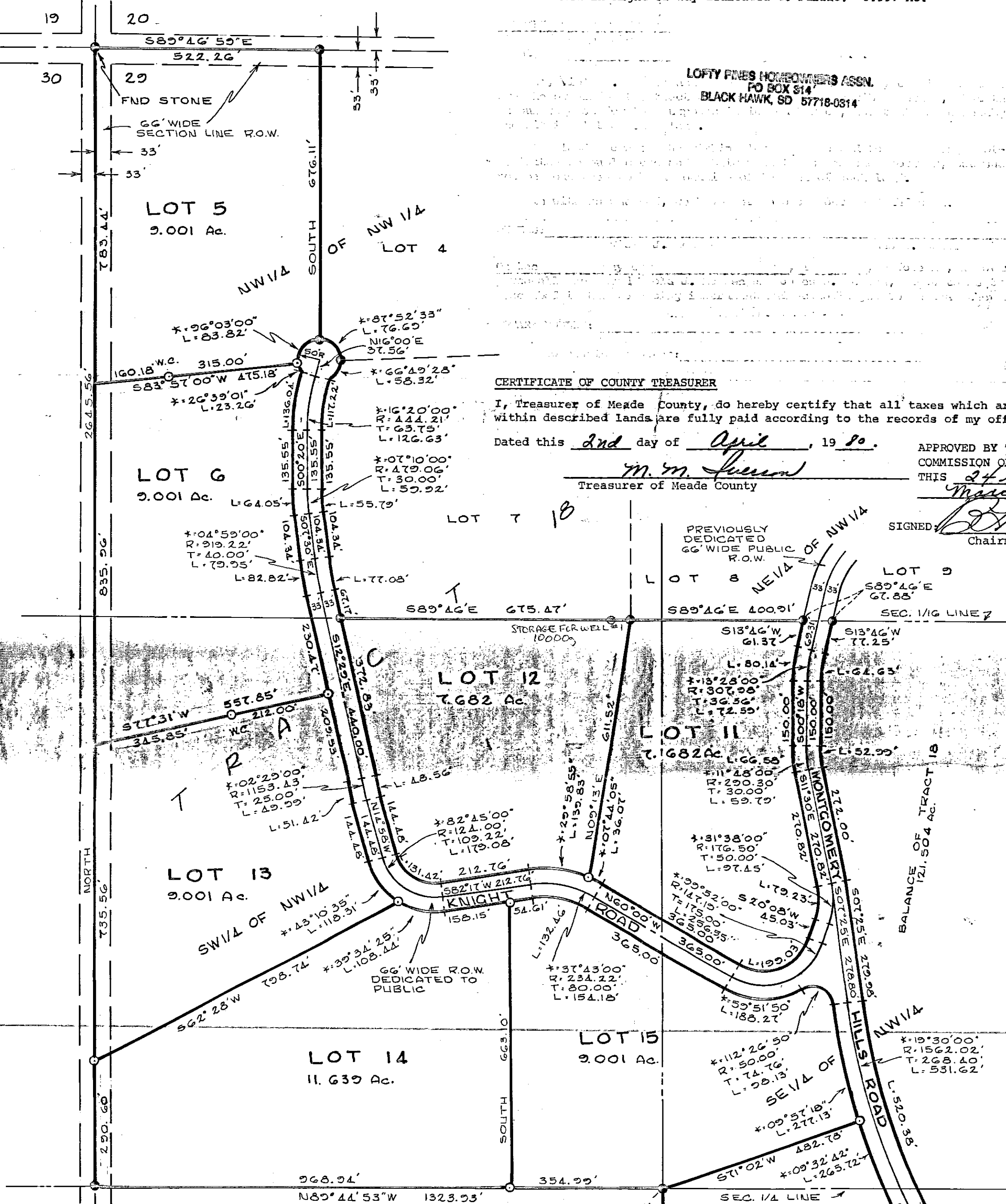
- Denotes set 5/8" rebar with survey cap marked "Francis-Meador 1019."
- Denotes "Found Survey Monument" (5/8" rebar with survey cap marked "Francis-Meador 1019" unless otherwise noted).

Utility Easements: 10' on the interior sides of all side & rear lot lines.

Area in Right-of-Way dedicated to Public: 6.997 Ac.

LOFTY PINES HOMEOWNERS ASSN.
PO BOX 514
BLACK HAWK, SD 57718-0314

SCALE 1"=200'
FEBRUARY 22, 1980



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 2nd day of April, 1980.

M. M. Lueken
Treasurer of Meade County

APPROVED BY THE PLANNING
COMMISSION OF MEADE COUNTY
THIS 24th DAY OF
March, 1980.

SIGNED: [Signature]
Chairman

CERTIFICATE OF OWNERSHIP

State of South Dakota
County of Pennington

S.S.

We, Harold Montgomery and O.A. Knight, Partners, do hereby certify that we are the owners of the tract of land shown and described hereon, that the survey was done at our request for the purposes indicated hereon, and that we do hereby approve the survey and within plat of said land.

Any land shown on the within plat as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

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

OWNERS: Harold Montgomery, Partner
O.A. Knight, Partner

On the 19th day of March, 1980, before me, a Notary Public, personally appeared Harold Montgomery and O.A. Knight, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.

NOTARY PUBLIC: [Signature]
My commission expires: Jan 11-1983

MEADE COUNTY, S.D.
APPROVED

APR 3 1980
[Signature]
CHAIRMAN

STATE OF SOUTH DAKOTA, COUNTY OF MEADE-SS.

Filed this 3 day of APR, 1980 at 4:30 P.M. Book 12 Page 57
Beverly M. [Signature] Deputy
REGISTER OF DEEDS

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. Dated this 24 day of April, 1980.

Alton T. Colwell
Director of Equalization of Meade County

CERTIFICATE OF SURVEYOR

State of South Dakota
County of Pennington S.S.
I, James P. Heald, Registered Land Surveyor No. 2199 of the State of South Dakota, do hereby certify that being so authorized, the survey and within plat of the land shown and described hereon were made under my responsible direction and supervision 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.

REGISTERED LAND SURVEYOR: James P. Heald

On the 29th day of February, 1980, before me, a Notary Public, personally appeared James P. Heald, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: [Signature]
My commission expires: 9/14/86

RESOLUTION BY GOVERNING BOARD

State of South Dakota
County of Meade S.S.
I, Auditor of Meade County, do hereby certify that at an official meeting held on April 2, 1980, the County Commissioners by resolution did approve the plat as shown hereon.

[Signature]

MAR 19 1980
RA RA

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed~~ ^{EXISTING} Construction Well #1 ca 1977 before Aug 1979, driller unknown
Well #2 1995, drilled by Randy Taylor, Well Log on file

- a) Drill Hole Diameter Well #1 ~6" Well #2 6 1/4" Depth Well #1 ~180' Well #2 278'
- b) Casing Type Well #1 Steel? Well #2 Steel Diameter Well #1 ~5 1/2" Well #2 5 1/2" Thickness Well #1 unknown Well #2 0.275"
- c) Screen Type Well #1 unknown Well #2 NONE Diameter _____ Thickness _____
- d) Gravel Pack Well #1 Unknown Well #2 NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material Well #1 160'? Well #2 245'
- f) Depth to Water (ground surface to water level) Well #1 140'? Well #2 82'
- g) Distance to nearest existing domestic well:
- On applicants property from Well #1 to Well #2 1575 feet
- On property owned by others Well #1 to Crooked Oaks well 395 ft (permit 1994)
Well #2 to well on Lot 9 694 ft (A.Janklow 1984 log)

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Each homeowner has septic tank and drain field approved by Meade County at time of home construction
- b) System Capacity (gallons) based on # of bedrooms/toilets Year Constructed at time each home constructed
- c) Connected to the City of N/A Sanitary System

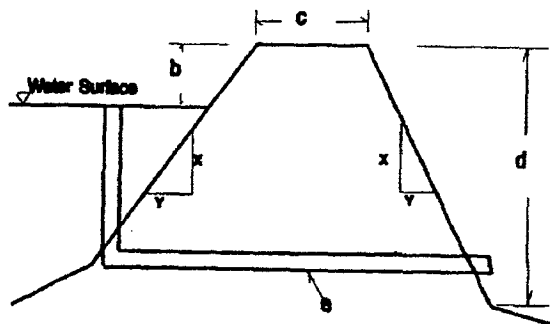
3. Dugout Information N/A

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

4. Water Storage Dams N/A

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

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



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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

19 415583

Pierre, January 5, 1998

RECEIVED OF Lofty Pines Homeowners Assoc., P.O. Box 314, Black Hawk, SD 57718-0314

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

Fee for Application for Permit No. <u>1656-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
* Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

John Hatch

**Director of Equalization
& Meade County Planning**

1425 Sherman St., Sturgis, SD 57785
phone (605) 347-3818 Fax (605) 347-6830

December 30, 1997

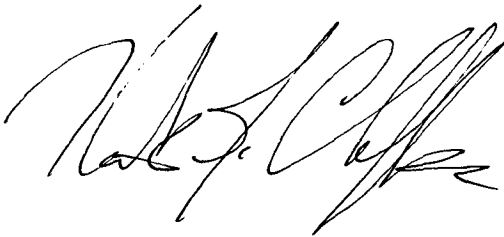
Department of Environment & Natural Resources

523 East Capitol
Pierre, SD 57501-3181

Dear Sir or Madam:

Pursuant to request of a "location map" for well sites and storage location, please find the enclosed addendum for reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk J. Chaffee", with a stylized, cursive script.

Kirk J. Chaffee
Director

Enc. Plat book 10 pg. 92

12 pg. 57

9 pg. 85



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1996

Lofty Pines Homeowners
PO Box 314
Black Hawk, SD 57718

Dear Sir :

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

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities." Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 6/10/96. 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

November 19, 1997

Lofty Pines Homeowners
PO Box 314
Black Hawk SD 57718

Dear Sir:

A review of our files indicates that on May 20, 1996 you were sent a letter in regard to a well driller's report filed by Taylor Drilling. The report shows a well was completed for the Lofty Pines Homeowners in 1995. Based on the information in the report, it appears a water permit is needed if this well supplies a suburban housing development.

Obtaining a water permit ultimately benefits you by protecting the Homeowner's right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Enclosed is a set forms to apply for an *Application for Permit to Appropriate Water* and an instruction sheet. Please complete the application forms and return by January 1, 1998. If you believe your water use does not require a water permit, or that you have an existing permit, or if need help completing the application forms, please contact Ron Duvall or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

WATER PERMIT APPLICATIONS NO. 1656-1
LOFTY PINES HOMEOWNERS ASSOCIATION
FEBRUARY 6, 1998

Water Permit Application No. 1656-1 proposes to appropriate 0.085 cubic feet of water per second (38 gallons per minute) from two wells 180 and 278 feet deep, located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, respectively; both in Section 29, T3N-R7E. The water is used for a suburban housing development.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara Aquifer consists of the Fall River Formation and the underlying Lakota Formation. The Fuson Shale sometimes separates these two formations, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen, 1984). The aquifer underlies 2,107,520 acres and contains an estimated 36,354,720 acre-feet of recoverable water in storage in Meade County alone (Allen, 1984). In general, the Inyan Kara Aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The completion report that accompanies this application suggests the aquifer is at least 278 feet thick in this area, however, the thickness of the Inyan Kara Aquifer varies within short distances. Although technically the Inyan Kara aquifer is unconfined in this area, a nearby domestic well reportedly flows. A drillers log is not available for one of these wells but it is believed to be 180 feet deep. The log for the 278' well indicates it was constructed according to the SD Well Construction Standards.

WATER AVAILABILITY:

Water Rights Program monitors 7 observation wells completed into the Inyan Kara Aquifer in the Black Hills Area. Hydrographs of most of these wells indicate the aquifer is in dynamic equilibrium showing minor changes in water level corresponding with seasonal or climatic conditions only. However, one observation well (CU-83C), has shown a steady, gradual (4 feet) loss of head over the past 15 years. Yet a second observation well (FR-95C) shows an increase of 12 feet of head over the past 3 years. The nearest observation well to this permit (PE-95E), is located approximately 6 miles south east of this site. The limited period of record for this well (2 years) makes it difficult to be definitive, however the aquifer appears to be responsive to recharge, (Water Rights, 1998). The hydrograph information indicates water is available for this appropriation.

EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area. The nearest domestic well, (Art Janklow) is reportedly 694 feet from one of the wells used to supply this permit. The Janklow well reportedly flows at a rate of 65 gallons per minute and has a shut in pressure of less than five pounds per square inch (less than 11.5 feet of head). It is possible that diversions from Well No.1 affect the water level and/or flow of the Janklow well. However, well number one was drilled (and presumable has been in use since) before 1979 with no reported problems. In addition, even if diversions from Well No. 1 affect the flow of the Janklow well, South Dakota Water Law does not necessarily protect artesian head pressure as a means of diversion, (although "balancing the interest between irrigation and delivery of water by artesian pressure for domestic use" is required).

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 124 Water Rights/Permits. There are 14 rights/permits appropriating water from the Inyan Kara Aquifer in Meade County. The nearest appropriative right (#1597-1, Crooked Oaks Canyon Homeowners Assoc.) is reportedly located 395 feet from the No. 1 to be used to supply this permit. The diversion rate proposed by this application (38 gpm), is not likely to adversely affect the Crooked Oaks Well.

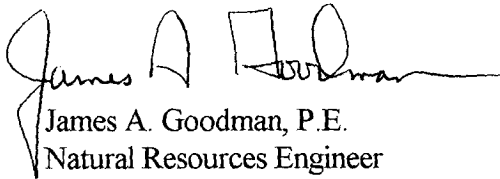
CONCLUSIONS:

1. The Inyan Kara 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. The requested diversion rate is relatively small and should not cause significant drawdown.
3. This is an existing system, Well #1 installed before 1979, and Well #2 installed in 1995.
4. The well report filed with the application indicates the well was constructed in compliance with the SD Well Construction Standards. Well construction information is not available to assess the construction of Well #1.
5. Wastewater is disposed of through individual septic systems. The development is located on the outcrop (recharge area) for the Inyan Kara Aquifer.



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- Geological Survey, Vermillion SD

Water Rights Program, 1998, "Domestic Well Log Files, Observation Well Files, and Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

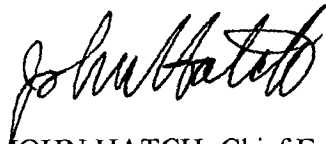
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1656-1, Lofty Pines Homeowners Association**

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. 1656-1, Lofty Pines Homeowners Association, c/o Robert D. Antior, President, P.O. Box 314, Black Hawk, SD 57718-0314.

The Chief Engineer is recommending APPROVAL of Application No. 1656-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversions have been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The wells approved under this Permit will be located near domestic wells and other wells which may rights 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.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
February 18, 1998



**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.

February 23, 1998

Lofty Pines Homeowners Association
%Robert D. Antior, President
P.O. Box 314
Black Hawk, SD 57718-0314

Dear Mr. Antior:

Water Permit Application No. 1656-1 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-Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1998

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

ATTENTION: Legal Department

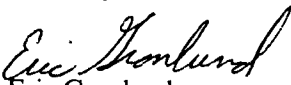
Enclosed is a Notice of Hearing on Application No. 1656-1 to be published twice. Please publish the first notice on March 4, 1998, with the second publication 7 days later.

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 Lofty Pines Homeowners Association, %Robert D. Antior, President, P.O. Box 314, Black Hawk, SD 57718-0314 (Ph # (605) 787-9367).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 14, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1656-1 to Appropriate Water

Notice is given that Lofty Pines Homeowners Association, PO Box 314, Black Hawk SD 57718-0314 has filed an application for a water permit to appropriate 0.085 cubic feet of water per second (38 gallons per minute) from two wells (Inyan Kara Formation) 180 and 278 feet deep located in the NW 1/4 NE 1/4 and the NE 1/4 NW 1/4; both in Section 29-T3N-R7E. The water is used for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1656-1 because 1) unappropriated water is available, 2) existing rights have not been 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 March 23, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Teresa A. Fox or Allana L. Houser, being duly sworn, says: That the **Times-Tribune**, is and, during all the times hereinafter mentioned, v paper as defined in SDCL 17-2-2, as amended, published at Sturgis, South Dakota, by Dickson Media, Inc.; that affiant is and, during a was employed as an accountant by the publisher of such newspaper al knowledge of the facts stated in the affidavit; the the notice, or ment, a printed copy of which is attached, was published in said nev cessive issues, bearing the following dates:

<u>March 4</u>	<u>1998</u>	_____
<u>March 11</u>	<u>1998</u>	_____
_____	<u>199</u>	_____
_____	<u>199</u>	_____
_____	<u>199</u>	_____

that the full amount of the fee charged for publishing the same, to-v \$ 33.88, inures solely to the benefit of the publisher per; that no agreement or understanding for the division of the fee with any person, and that no part of the fee has been agreed to be p person.

Water application

NOTICE OF APPLICATION
NO. 1656-1 to Appropriate Water

Notice is given that Lofty Pines Homeowners Association, P.O. Box 314, Black Hawk SD 57718-0314 has filed an application for a water permit to appropriate 0.085 cubic feet of water per second (38 gallons per minute) from two wells (Inyan Kara Formation) 180 and 278 feet deep located in the NW 1/4 NE 1/4 and the NE 1/4 NW 1/4; both in section 29-T3N-R7E. The water is used for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1656-1 because 1) unappropriated water is available, 2) existing rights have not been 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 applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 23, 1998.

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.

Publ March 4 and 11, 1998
Meade County Times-Tribune

Subscribed and sworn to before me this

19th day of March, 1998
Sharon Allison
Notary Public, South Dakota

Sharon Allison
Notary Public

My commission expires March 22, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1998

Lofty Pines Homeowners Association
%Robert D. Antior, President
P.O. Box 314
Black Hawk, SD 57718-0314

Dear Mr. Antior:

Enclosed is Water Permit No. 1656-1 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.



November 4, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECEIVED

DEC - 9 2003

WATER RIGHTS
PROGRAM

1656-1

Alan Sage
5310 Ebony Place
Piedmont SD 57769

Dear Mr. Sage:

On May 12, 2003 the investigation of the water use system for Lofty Pines Homeowners Association, including the extent of application of water to beneficial use, as developed under Water Permit No. 1656-1, 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, we will complete processing the 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 9, 20 03

RECEIVED OF Sage Water Works, Allan Sage, 5310 Ebony Place, Piedmont SD 57769

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>1656-1</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. _____	50.00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL

No.

000937

By Darland Ebele
Chief Engineer *gm*

Permit No. 1656-1
Upper Cheyenne River - Water District

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

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

I have this day, May 12, 2003, made a thorough examination of the water use system constructed by Lofty Pines Homeowners Association of PO Box 314, Black Hawk SD 57718-0314 holder of Permit No. 1656-1, bearing the priority of January 2, 1998 authorizing the diversion of 0.085 cu. ft. per second of the waters of ground water (Inyan Kara formation) for suburban housing purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Alan Sage, system operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: No.1 unknown, No. 2 Taylor
- 2) No. of Wells 2
- 3) Depth(s) No. 1 ≈ 180, No. 2 = 278 feet
- 4) Well log is available Y (No. 2 only)

Casing:

- 1) Diameter No. 2, 6¼ inches
- 2) Length 249 feet
- 3) Type steel

Screen:

- 1) Type open hole
- 2) Length 29 feet
- 3) Static water level 82 feet

Motor/Pump:

- 1) Make Both Franklin
- 2) Model submersible
- 3) Size No.1 - 3 hp, No. 2 - 5 hp
- 4) Capacity 38 GPM (combined)

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

Water is diverted to two 20,000 gallon storage tanks and is used to supply homes on a total of 25 lots.

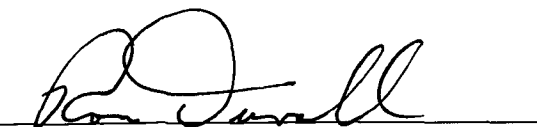
C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: Well No. 1: 1,950 feet W and 300 feet S; Well No. 2: 3,400 feet W and 1,075 feet S; both from the NE corner section 29-T3N-R7E (No. 1 - NW¼NE¼; Latitude 44.19779 Longitude -103.29964) (No. 2 - NE¼NW¼; Latitude 44.19566 Longitude -103.30511). The works are capable of diverting and conveying to the place of use 0.085 cu. ft. per second of water which is to be used for suburban housing purposes. Water has been put to beneficial use and the license should be issued for 0.085 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: October 30, 2003

Scale: 1 inch equals 879 feet

1,250

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: Oct 30, 2003

Water Right No. 1656-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1656-1

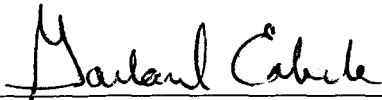
(1) Lofty Pines Homeowners Association, PO Box 314, Black Hawk SD 57718-0314 made Application No. 1656-1, January 2, 1998 for a water permit to divert 0.085 cubic feet of water per second from groundwater (two wells), Meade County, South Dakota for suburban housing development purposes. Permit No. 1656-1, with a priority date of January 2, 1998 was approved March 23, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 2003 and for the application to beneficial use of water on or before March 23, 2007.

(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. 1656-1 is issued a license, bearing a priority date of January 2, 1998 to appropriate 0.085 cubic feet of water per second from groundwater (two wells) for suburban housing development.

The diversion points are located: Well # 1 – 1,950 feet west and 300 feet south (NW $\frac{1}{4}$ NE $\frac{1}{4}$);
Well #2 – 3,400 feet west and 1,075 feet south (NE $\frac{1}{4}$ NW $\frac{1}{4}$);
both from the northeast corner of **Section 29-T3N-R7E**.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1656-1 including the following now applicable qualification:

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



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

JAN 14 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 14 2004

1656-1

Lofty Pines Homeowners Association
PO Box 314
Black Hawk SD 57718-0314

Dear Sir:

Enclosed is Water License No. 1656-1. 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,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

enclosures