

WATER PERMIT NO. 1668-1

Name of Applicant: Apple Valley Homeowners Assn.

Address: 13 Apple Valley Lane, Spearfish SD

Phone: 605 642-7130

Amount of Water Claimed: 0.1 cfs (45 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Lawrence

Type of Waste Disposal System: connected to Spearfish sanitary system

Location: just north of Spearfish

PRIORITY

Date Received: 4-10-1998

Fee: \$50

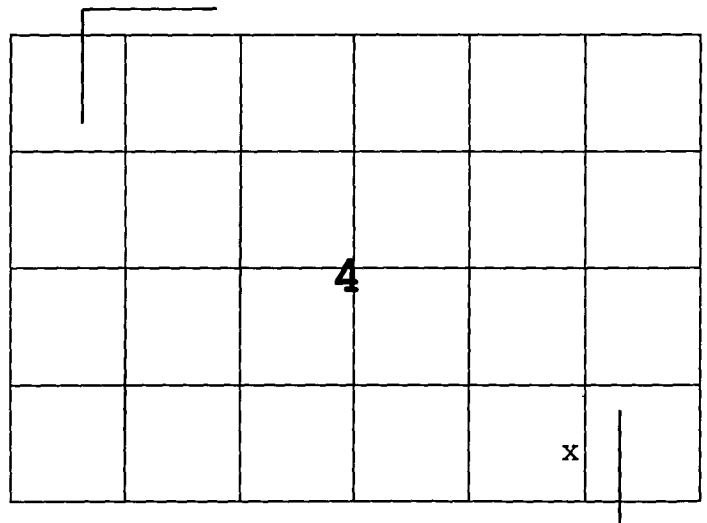
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Permit No. 1430-1 authorizes one well. This is for an additional well.

Diversion Point: SE ¼ SE ¼ Sec 4-T6N-R2E

Land to be Irrigated: NA



Depth of Well: 63 feet deep

Well Driller: Ellingson Drilling

Remarks:

Type of Map: topo

Prepared by: John S Peters, RLS

Reviewed and the Number Assigned on: 4-14-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1668-1**

Date of first receipt of application April 10, 1998.

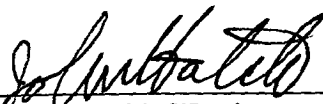
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1668-1 to Apple Valley Homeowners Association, 13 Apple Valley Lane, Spearfish SD 57783-1145 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1668-1 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one additional well (Spearfish Creek Alluvium) 63 feet deep located in the SE ¼ SE ¼ (Lot 17 of Lot 1B, Apple Valley Subdivision) Section 4-T6N-R2E.
2. The water appropriated shall be used for the purpose of supplying water for the suburban housing development 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. 1668-1 is July 2, 1998.
5. The date from which applicant may claim right is April 10, 1998.
6. One-fifth of the construction is to be completed on or before January 2, 2001.
7. All construction is to be completed on or before July 2, 2003.
8. Water is to be put to beneficial use on or before July 2, 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

SEP 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>1668-1</u>	(office use only) Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Black Hills Pioneer, Spearfish, 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 Apple Valley Homeowners Assn. Phone 642-7130
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 13 Apple Valley Lane Spearfish SD State 57783-1145
(Street/RR. or Box) (Zip Code)
- Amount of water claimed 0.1 *CFS or 45 **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 - 50' WEST OF PRESENT WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
LOT #17 in SE 1/4 of SE 1/4 Sec 4 Township 6N R 2E
IN APPLE VALLEY SUBDIVISION County LAWRENCE
- County or counties where water will be used LAWRENCE Jan 1 - Dec 31
- Annual period during which water is to be used DAILY - DRINKING - NORMAL USE
- 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 WELL WASN'T ADEQUATE - WE NEEDED
A SECOND WELL (water Permit No. 1430-1)

STATE OF SOUTH DAKOTA)

County of Lawrence 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)

Norman Sheldon 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 Jan A. Jacobs
Subscribed and sworn to before me this 6th day of April 19 98
My Commission Expires 3/9 2003
Jan A. Jacobs
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 63'
- b) Casing Type PVC Diameter 5" ID Thickness 200#
- c) Screen Type 0.25 slot MANUFACTURED Diameter 5" Thickness 200#
- d) Gravel Pack 1/4" pea rock Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 40"
- f) Depth to Water (ground surface to water level) 48"
- g) Distance to nearest existing domestic well: 50' TO OUR EXISTING WELL
On applicants property ON LOT #17 YES On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SPEARFISH CITY TYPE
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of SPEARFISH Sanitary System

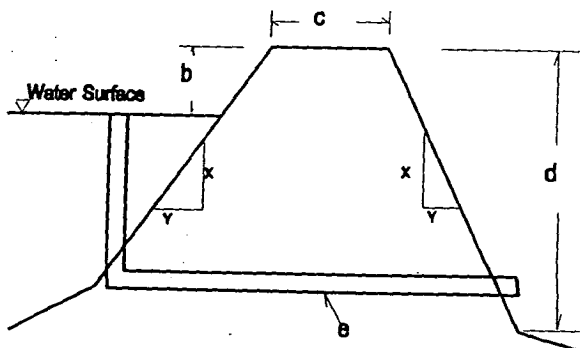
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415733

Pierre, April 10, 1998

RECEIVED OF Norman Sheldon, President, Apple Valley Homeowners Association, 121 W Hudson
the following amount in fees for services rendered as provided for by law: Spearfish, SD 57783

Fee for Application for Permit No. 1668-1 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

5000

By John Hatch
Chief Engineer

JOHN HATCH

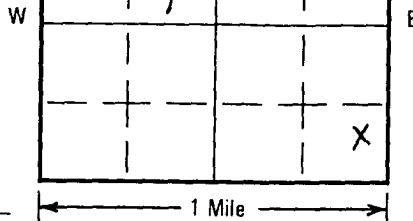
John Hatch

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SE 1/4 Sec 4 Twp T6N Rg R2E
 County LAWRENCE
 North

Please mark well location with an "X"



Well Completion Date

4-2-98

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>63</u> FT	<u>8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>9</u>	_____ lb./gal	<u>0</u> ft	<u>38</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 25 FEETMaterial PVCSlot Size 0.25 Set From 38 Feet to 63 FeetOther information END OF SCREEN PLUGGEDgravel pack 38-63'WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: 1 gal chlorox

____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Apple Valley Homeowners Assn.

Business Name: _____

Address: Well on lot #17 Apple Valley Lane
President @ Norm Sheldon #13
Apple Valley Homeowners Assn.

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Soil - clay</u>	<u>0</u>	<u>14</u>
<u>boulders - sand</u>	<u>14</u>	<u>40</u>
<u>gravel - fine sand</u>	<u>40</u>	<u>60</u>
<u>boulders - gravel</u>	<u>60</u>	<u>63</u>

STATIC WATER LEVEL 48' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Test Pumped 3 hrs☐ Bailedw/ 2HP sub pump☐ Other _____

Pumping Level Below Land Surface

51 ft. After 3 Hrs. pumped 43 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 93

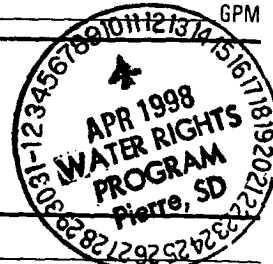
And this report is true and accurate.

Drilling firm ELLINGSON DRILLING

Signature of License Representative:

Jeff Ellingson

Signature of Well Owner or Equitable Property Holder:

Apple Valley Homeowners AssociationBy Norm Sheldon - presidentDate: Norman Sheldon



REGISTERED LAND
4207 3
JOHN S. PETERS
SOUTH DAKOTA
LOCATION
WELL 4 3 9 10

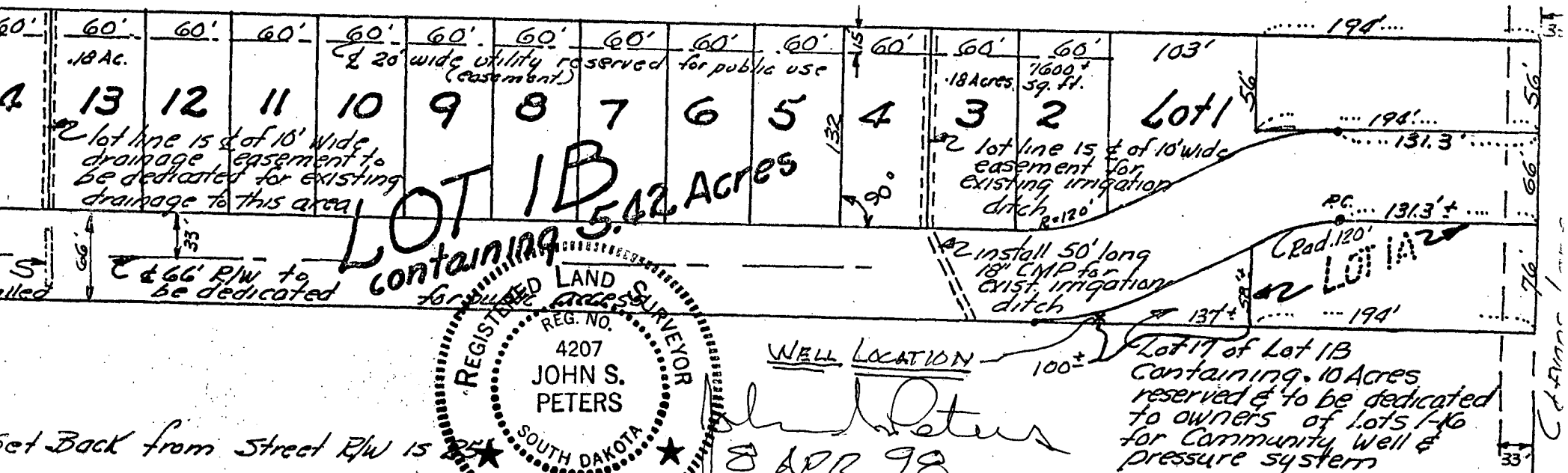
1668-1

SUBDIVISION OF LOT 1B of APPLE VALLEY SUBDIVISION
into: Lots 1 through 17 inclusive

in SE/4 SE/4 Sec 4 T6N, R2E, B.N.M.

Owner of record
William Frank Struck
Spearfish, S.Dak.
57783

Subdivider
E. MacKaben
Sundance Star Roub.
Spearfish, S.D. 57783



1 through 17 from Lot 1B of Apple Valley Subdivision in SE/4 SE/4 Sec 4, T6N, R2E, B.N.M.

On this 28 day of July 1980, before me, the undersigned notary public, personally appeared Fred D Brady,
person described in & who executed the foregoing certificate.
11-8-84

owners of Lots 1 through 17 of Lot 1B
do hereby approve this subdivision & plat & do hereby dedicate
by: William Frank Struck
William Frank Struck

On this 28 day of July 1980, before me, the undersigned notary public personally appeared William Frank Struck
person described in & who executed the foregoing certificate.
11-8-84

Janet C. Lambert
Notary Public

County Treasurer of Lawrence County do hereby certify that all taxes
shown by receipts of my office have been paid to date.

County Treasurer

day of August 1980 at 7:26 o'clock A.M. and recorded in
Fee 50

County Director of Equalization of Lawrence County do hereby certify that I have received
County Auditor of Lawrence County do hereby certify that at an official meeting held
the Board of County Commissioners by resolution did approve this plat.

County Director of Equalization

County Auditor of Lawrence County do hereby certify that at an official meeting held
the Board of County Commissioners by resolution did approve this plat.

County Auditor

Co. Planning Commission

Chairman
Secretary

REPORT ON WATER PERMIT APPLICATION NO. 1668-1
for Apple Valley Homeowners Association
May 15, 1998

Application No. 1668-1 proposes to appropriate 0.1 cfs (45 gpm) from one well approximately 63 feet deep located in the SE 1/4 SE 1/4 (Lot 17 of Lot 1B, Apple Valley Subdivision) of Section 4, T6N-R2E in Lawrence County. The water is for a suburban housing development.

AQUIFER - SPEARFISH CREEK ALLUVIUM (ALQ)

The alluvium along Spearfish Creek consists of sand, gravel, boulders and clay which is under water table conditions in this area. The aquifer is hydraulically connected to Spearfish Creek and also receives leakage from irrigation ditches. The well log filed with the application indicates soil and clay from the surface to a depth of 14 feet with sand gravel and boulders from 14 feet to a total depth of 63 feet. The completed well had a static water level of 48 feet and was capable of producing 43 gpm at a pumping level of 51 feet. The well as built is completed in accordance with SD Well Construction Standards.

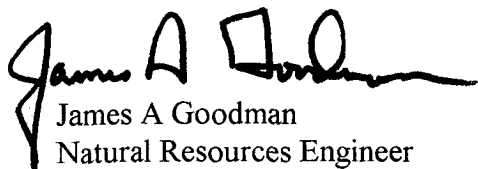
The Water Rights Program does not monitor any observation wells completed into the alluvium along Spearfish Creek. There are other observation wells completed into alluvium located in other drainage basins around the Black Hills. Water levels for these wells respond to climatic conditions and it is assumed that alluvium along Spearfish Creek would behave similarly.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The well for this application is located approximately 50 feet from the existing well for this housing development which is covered by Water Right No. 1430-1 (60 feet deep, 0.06 cfs). The reason for drilling this well is because the existing well was not adequate to meet their water needs. Drawdown created by pumping may overlap but at these relatively small diversion rates interference is not expected to be a problem. There are four other existing water rights within a one mile radius of this application. These diversion rates are also all relatively small and the distance between diversions is sufficient to minimize any drawdown created, especially in a surficial aquifer under water table conditions such as the alluvium along Spearfish Creek.

CONCLUSIONS

1. Water is available from the alluvium along Spearfish Creek.
2. The aquifer is under water table conditions. Diversions at the requested rate should not create significant drawdown. Interference is not a concern.
3. The well for this application is completed and is constructed in accordance with SD Well Construction Standards.
4. Wastewater is disposed of through the City of Spearfish sanitary sewer system.


James A Goodman
Natural Resources Engineer

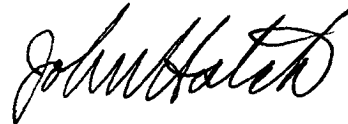
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1668-1, Apple Valley Homeowners Assn.**

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. 1668-1, Apple Valley Homeowners Assn., c/o Norman Sheldon, 13 Apple Valley Lane, Spearfish, SD 57783-1145.

The Chief Engineer is recommending APPROVAL of Application No. 1668-1 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) it is in the public interest with the following qualification:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 19, 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.

May 20, 1998

Apple Valley Homeowners Association
%Norman Sheldon
13 Apple Valley Lane
Spearfish, SD 57783-1145

Dear Mr. Sheldon:

Water Permit Application No. 1668-1 for suburban housing development has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Black Hills Pioneer printed at Spearfish, SD (Ph # (605) 642-2761). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund / KS

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

Black Hills Pioneer
P.O. Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1668-1 to Appropriate Water to be published twice. Please publish the first notice on May 27, 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 Apple Valley Homeowners Association, %Norman Sheldon, 13 Apple Valley Lane, Spearfish, SD 57783-1145 (Ph # (605) 642-7130).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1668-1

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

Date _____

We are in receipt of your letter of May 20, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 1668-1 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 May 27, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1668-1 to Appropriate Water

Notice is given that Apple Valley Homeowners Association, c/o Norman Sheldon, 13 Apple Valley Lane, Spearfish SD 57783-1145 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one additional well (Spearfish Creek Alluvium) 63 feet deep located in the SE ¼ SE ¼ (Lot 17 of Lot 1B, Apple Valley Subdivision) Section 4-T6N-R2E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1668-1 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 June 15, 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 LAWRENCE)

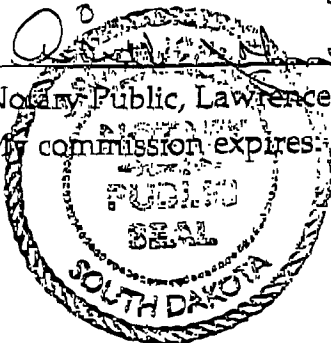
Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

#146 Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 27th day of May, 1998 and the last publication on the 6th day of June, 1998, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 32.53, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 4th day of June, 1998.

Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2004



OK

NOTICE OF APPLICATION NO. 1668-1 to Appropriate Water

NOTICE IS GIVEN that Apple Valley Homeowners Association, c/o Norman Sheldon, 13 Apple Valley Lane, Spearfish SD 57783-1145 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one additional well (Spearfish Creek Alluvium) 63 feet deep located in the SE 1/4 SE 1/4 (Lot 17 of Lot 1B, Apple Valley Subdivision) Section 4-T6N-R2E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1668-1 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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Nettie H. Myers
Secretary

Department of Environment
and Natural Resources

#146
May 27, June 6

Water Rights Program - File Documentation

NAME: Paula with Black Hills Pioneer

ADDRESS: Spearfish

DATE: 6-9-1998 **COUNTY:** Lawrence **TELEPHONE:**

RE: Publication of notice

COMMENTS:

Paula with the Black Hills Pioneer called and stated the notice for this application was published on May 27 only.

I told Paula we would be sending them the information to have the notice published again for two successive weeks.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1998

Apple Valley Homeowners Association
%Norman Sheldon
13 Apple Valley Lane
Spearfish, SD 57783-1145

Dear Mr. Sheldon:

The Black Hills Pioneer has called and indicated the notice for Water Permit Application No. 1668-1 for your suburban housing development was published on May 27, 1998, only. State statute 46-2A-4 requires notice of the application and recommendation be published at least once a week for two successive weeks in one official newspaper in the county where the water will diverted or project works will be located.

As a result of the error, the legal notice will need to be published again to ensure that the permit is free from legal problems due to incomplete public notice. The information needed to publish the notice again has been sent to the Black Hills Pioneer with instructions to print the notice on June 15 and 22, 1998.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Black Hills Pioneer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1998

Black Hills Pioneer
P.O. Box 7
Spearfish, SD 57783-0007

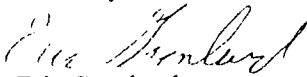
ATTENTION: Paula

Enclosed is a Notice of Hearing on Application No. 1668-1 to Appropriate Water to be published on **June 15 and 22, 1998**. This is the notice for Apple Valley Homeowners Association, %Norman Sheldon, 13 Apple Valley Lane, Spearfish, SD 57783-1145 (Ph # (605) 642-7130). You indicated that the original notice was only published on May 27, 1998.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 1668-1

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

Date _____

We are in receipt of your letter of June 9, 1998 enclosing Notice of Hearing to Appropriate Water by Application No. 1668-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF APPLICATION NO. 1668-1 to Appropriate Water

Notice is given that Apple Valley Homeowners Association, c/o Norman Sheldon, 13 Apple Valley Lane, Spearfish SD 57783-1145 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one additional well (Spearfish Creek Alluvium) 63 feet deep located in the SE ¼ SE ¼ (Lot 17 of Lot 1B, Apple Valley Subdivision) Section 4-T6N-R2E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1668-1 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 2, 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 LAWRENCE)

Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

#174 Notice of Application No 1668-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 15th day of June, 1998 and the last publication on the 22nd day of June, 1998, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 33.23, insures soley to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 22nd day of June, 1998.

Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2004



NOTICE OF APPLICATION NO. 1668-1

to Appropriate Water

Notice is given that Apple Valley Homeowners Association, c/o Norman

Sheldon, 13 Apple Valley Lane, Spearfish SD 57783-1145 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one additional well (Spearfish Creek Alluvium) 63 feet deep located in the SE 1/4 SE 1/4 (Lot 17 of Lot 1B, Apple Valley Subdivision) Section 4-T6N-R2E. The water is for a suburban housing development.

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Nettie H. Myers
Secretary
Department of Environment
and Natural Resources

#174
June 15, 22



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1998

Apple Valley Homeowners Association
%Norman Sheldon
13 Apple Valley Lane
Spearfish, SD 57783-1145

Dear Mr. Sheldon:

Enclosed is Water Permit No. 1668-1 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.