

WATER PERMIT NO. 1700-1

Name of Applicant: Western Management Corporation

Address: 401 Sturgis St, Rapid City SD 57702

Phone: 605 388-8160

Amount of Water Claimed: 0.111 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development County: Meade

Type of Waste Disposal System: septic tanks

Location: 4 miles east of Piedmont

PRIORITY Date Received: 11-8-1999

Fee: \$150

Corrected Application Received: 11-18-1999

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 8-T3N-R7E

Land to be Irrigated: NA

Depth of Well: 260 feet deep

Well Driller: Dennis V Johnson

Remarks:

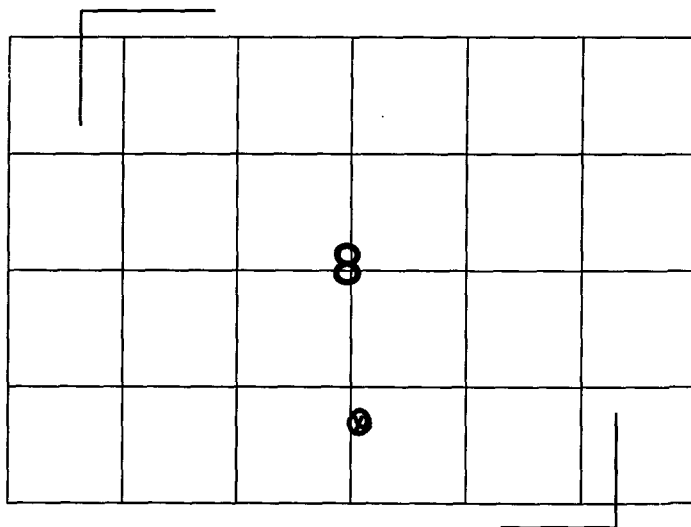
Type of Map: plat

Prepared by: Allan Schreere, PE

Reviewed and the Number Assigned on: 11-18-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1700-1**

Date of first receipt of application November 8, 1999.

Date of return to applicant for corrections, amendments or changes November 8, 1999.

Date of receipt of corrected application November 18, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1700-1 to Western Management Corporation, 401 Sturgis St, Rapid City SD 57702 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. 1700-1 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 260 feet deep located in the SW ¼ SE ¼ Section 8-T3N-R7E
2. The water appropriated shall be used for the purpose of supplying water for a 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. 1700-1 is January 3, 2000.
5. The date from which applicant may claim right is November 8, 1999.
6. One-fifth of the construction is to be completed on or before July 3, 2002.
7. All construction is to be completed on or before January 3, 2005.
8. Water is to be put to beneficial use on or before January 3, 2009.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04

WATER MANAGEMENT BOARD

By: Garland Erberle
Garland Erberle, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 21 2000

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>1700-1</u>	(office use only) Hydrologic Unit <u>10120111</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 Western Management Corporation Phone 605-388-8160
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 401 Sturgis Street, Rapid City, So. Dak State 57702
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.111 *CFS or 50 **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 underground well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 1 well SW 1/4 SE 1/4
Sec. 8 Twp 3N R9 TE County meade
- County or counties where water will be used meade
- Annual period during which water is to be used Jan 1 Thru Dec 31st
- 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)
10 unit Rural Housing Development

STATE OF SOUTH DAKOTA)

County of meade) 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, Rolyn Ludens, 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.

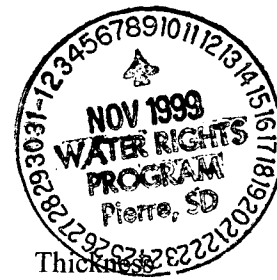
Signed Rolyn J. Ludens

Subscribed and sworn to before me this 17 day of November 19 99

Theresa A. Robinson
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" 1 7/8" Depth 4" 185' - 260' 4 3/4"
- b) Casing Type PVC Diameter 5" 4" Thickness
- c) Screen Type Perforated Pipe Diameter 4" Thickness
- d) Gravel Pack Length of Gravel Pack 210' - 260'
- e) Depth to Top of Water Bearing Material Flowing +3'
- f) Depth to Water (ground surface to water level) Flowing +3'
- g) Distance to nearest existing domestic well:
- On applicants property On property owned by others 400'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic
- b) System Capacity (gallons) 2000 Year Constructed 1999
- c) Connected to the City of Sanitary System

3. Dugout Information

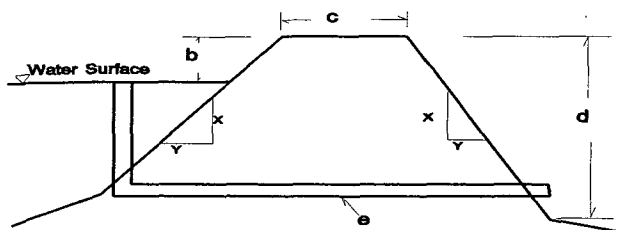
- a) Surface Dimensions None Depth
- b) Depth to water (ground surface to water level)

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:

None



- 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

NE 416246

Pierre, November 8, 1995

RECEIVED OF Western Management Corp., 2700 W. Main, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1700-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By

Chief Engineer

John Hatcher

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416265

Pierre, November 18, 19 99

RECEIVED OF Western Management Corp., 2700 W. Main, Rapid City, SD 57702
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. <u>1700-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

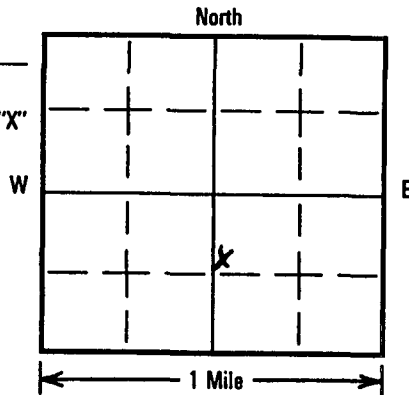
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 Twp 3N Rg 7ECounty Meade

Please mark well location with an "X"

Lot 6A

Well Completion Date 10-15-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned feed lot, etc.)? None present ft. from None present (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Air rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>PVC</u> LB/FT	<u>5"</u> IN	<u>0</u> FT	<u>190</u> FT	<u>7 7/8"</u> IN
<u>PVC</u> LB/FT	<u>4"</u> IN	<u>185</u> FT	<u>260</u> FT	<u>4 3/4"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>28</u>	<u>15.5</u> lb./gal	<u>190</u> ft.	<u>0</u> ft.
<u>Best and good</u>	<u>4</u>	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pumped through casing - displaced with water

SCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 1" IN Length _____ FEET

Material _____

Slot Size 1/2 Set From 210 Feet to 260 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorinated
_____ NO, Why Not? _____Laboratory sent to for water quality analysis MaximWell Owner: Harto Elk Creek Ranchettes No 2Business Name: Western Management CorpAddress: 701 Sturgis ST
Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3'
gry sh & clay	3	17'
ss brn fg	17	27'
sh - gry, bentonite	27	70'
some brn.		
sh gry to dk gry	70'	110'
silty with gry ss		
stratified		
clay ash - multi-colored	110	135
sh - gry to brn	135	170'
silty to hd fg ss		
some ss brn to gry hd	170	190'
water ss buff to tan	190	200'
coal streaks		
good water ss tan to wht	200	260'

STATIC WATER LEVEL + 3' AGL FeetIf flowing: closed in pressure est. 1-2 PSIGPM flow 1/4 through 4 1/2 casing inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 0 GPMCan well be completely shut in? yes

WELL TEST DATA:

☒ Pumped Describe: Air, pumped
☐ Bailed From 170
☐ Other _____

Pumping Level Below Land Surface

170 ft. After 1/2 Hrs. pumped 40-50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Set pump @ 168'
1 1/4" drop pipe
1 1/2 HP 230 V Grundfos
used Baker flowing well
pitts assembly.

This well was drilled under license # 511

And this report is true and accurate.

Drilling firm Dennis V. Johnson

Signature of License Representative:

Dennis V. Johnson

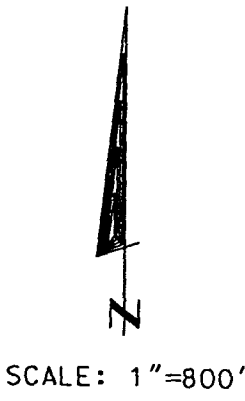
Signature of Well Owner or Equitable Property Holder:

Robert J. LudensDate: 10-29-99

VICINITY MAP
HARTS ELK CREEK RANCHETTES NO. 2
MEADE COUNTY, SOUTH DAKOTA

MA 3542

T 3 N



8

Elk Creek

9

ELK CREEK ROAD

MC-4

well location →

LOT 1

LOT 2

LOT 3A

LOT 4

LOT 5

R 7 E

MC-7

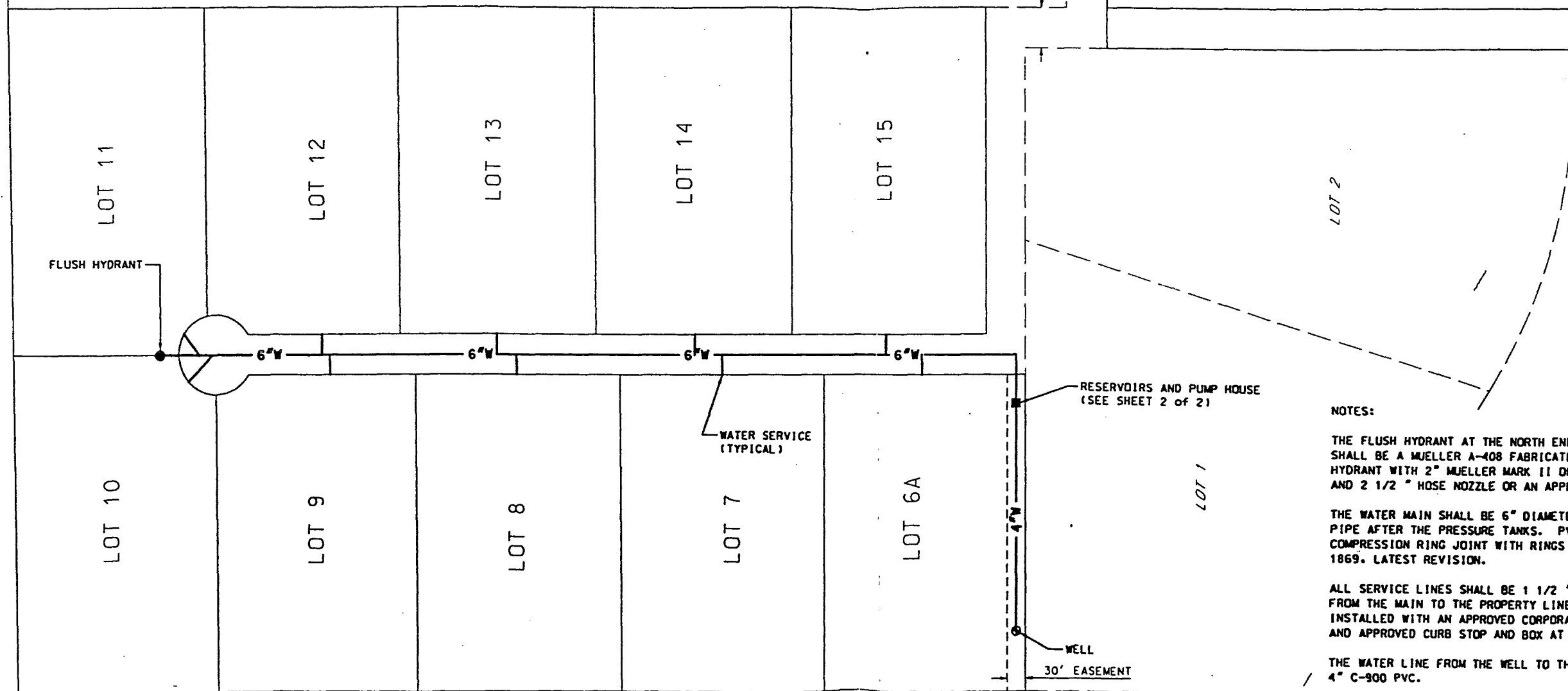
PREPARED BY:
NJS ENGINEERING
P.O. BOX 226
SPEARFISH, SD
605-642-4772
PROJECT #2882

3/25/99

1700-1



SCALE: 1" = 200'



NOTES:

THE FLUSH HYDRANT AT THE NORTH END OF THE CUL-DE-SAC SHALL BE A MUELLER A-408 FABRICATED POST TYPE FLUSHING HYDRANT WITH 2" MUELLER MARK II ORISEAL VALVE SHUT-OFF AND 2 1/2" HOSE NOZZLE OR AN APPROVED EQUAL.

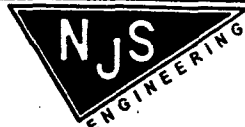
THE WATER MAIN SHALL BE 6" DIAMETER C-900 PVC PRESSURE PIPE AFTER THE PRESSURE TANKS. PVC JOINTS SHALL BE RUBBER COMPRESSION RING JOINT WITH RINGS CONFORMING TO ASTM D 1869, LATEST REVISION.

ALL SERVICE LINES SHALL BE 1 1/2" INCH TYPE K COPPER INSTALLED FROM THE MAIN TO THE PROPERTY LINE. THE SERVICES SHALL BE INSTALLED WITH AN APPROVED CORPORATION STOP AT THE MAIN AND APPROVED CURB STOP AND BOX AT THE PROPERTY LINE.

THE WATER LINE FROM THE WELL TO THE RESERVOIR SHALL BE 4" C-900 PVC.

A PRESSURE TANK SHALL BE INSTALLED IN EACH HOME WHEN CONSTRUCTED. TANKS SHALL BE APPROXIMATELY THE SAME SIZE AS PUMP HOUSE PRESSURE TANKS (85 GALLON).

SURVEY:	NJS ENGR.	DESIGN:	JP
DATE:		DATE:	APRIL 99
DRAW:	CDK/JP	CHECK:	
DATE:	5/13/99	DATE:	



P.O. BOX 226
123 E. JACKSON BLVD. SUITE 1
SPEARFISH, SD 57783
TELEPHONE: (605) 642-4772
FAX: (605) 642-4773

REV.	DESCRIPTION	DATE	CHKD

SHEET TITLE:	WATER LAYOUT PLAN
PROJECT:	HARTS ELK CREEK RANCHETTES No.2 MEADE COUNTY, SOUTH DAKOTA

SHEET	1	OF	2
2882WATR.DGN			
PROJECT NO:	2882		

1700-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 1999

Ralph J Ludens
Harts Elk Creek Ranchettes No. 2
Western Management Corp.
401 Sturgis St
Rapid City SD 57702

Dear Mr. Ludens:

A well driller's report filed by Dennis V Johnson shows a new well was completed for Harts Elk Creek Ranchettes No. 2 located in Section 8-T3N-R7E on October 15, 1999. The report indicates the well produced 40-50 gallons per minute. I am writing to ensure that you are aware of the water right permit requirements in South Dakota.

State law requires that a water right permit be obtained if the amount of water for all uses from the well at the site exceed 25,920 gallons per day or if the maximum pump rate is greater than 25 gallons per minute. I want to emphasize that these criteria are not based on gallons per day or pump rate averaged over a week, month or year. The standard in determining whether a permit is required is the amount of water used on a peak day and the peak pump rate.

It appears that this water use exceeds the criteria set forth above. Enclosed are water right permit application forms. If you have questions about the water right permitting requirements, the permitting process or do not believe a permit is needed for the intended use, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 8, 1999

Rolyn Ludens
Western Management Corporation
401 Sturgis St
Rapid City SD 57702

Dear Mr. Ludens:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a housing development. In order to complete the application, the following items need to be addressed.

- Enclosed is the application. The bottom portion of the application needs to be signed by a notary public.
- Enclosed is the map submitted with the application. The map needs to show the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- We are in receipt of the \$150 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Enclosed is a check for
\$50.00 permit Fee.

I hope these maps will
work for you. Thanks!



Sincerely
Kathy J. Hudens

WATER PERMIT APPLICATIONS NO. 1700-1
WESTERN MANAGEMENT CORPORATION.
NOVEMBER 22, 1998

Water Permit Application No. 1700-1 proposes to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one existing well 260 feet deep located in the SW¼ SE¼ Section 8, T3N-R7E. The water is for use in 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. In general, the Inyan Kara Aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. 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). This well site is within 1 mile from the outcrop (recharge area) of the Inyan Kara. The Completion Report included with this application indicates the well 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), located approximately 30 miles south of this site, has basically shown a steady, gradual (4 feet) loss of head over the past 16 years. The nearest observation well to this permit (MD-99A) is located approximately one half mile south east of this well. MD-99A was completed in October 1999 so a long-term record is not available. The next closest observation well to this permit (PE-95E) is located approximately eight miles south east of this site. The record for this well is limited (only four years long), however the aquifer appears to be responsive to recharge, (Water Rights, 1999). The hydrograph information indicates water is available for this appropriation.

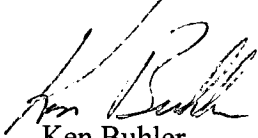
EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 1999).

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 121 Water Rights/Permits (Water Rights, 1999). There are 16 rights/permits appropriating water from the Inyan Kara Aquifer in Meade County. The nearest appropriative right (No. 1664-1, Buffalo Ridge Water Association) appropriates from the Inyan Kara Aquifer less than one-half mile from this well. The diversion rate proposed by this application (50 gpm), is not likely to adversely affect adequate wells (domestic or appropriative).

CONCLUSIONS:

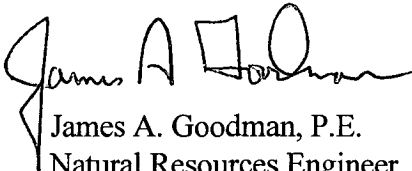
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area. The requested diversion rate is relatively small and should not cause significant drawdown.
3. The well report filed with the application indicates the well was constructed in compliance with the SD Well Construction Standards.
4. Wastewater from this housing development is to be disposed of through individual septic systems.
5. The well used to supply this permit reportedly flows approximately one-quarter gallon per minute.



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_a, 1999, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights_b, 1999, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights_c, 1999, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1700-1, Western Management Corporation**

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. 1700-1, Western Management Corporation, c/o Rolynd Ludens, 401 Sturgis Street, Rapid City SD 57702..

The Chief Engineer is recommending APPROVAL of Application No. 1700-1 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 qualifications:

1. 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.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 2, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 3, 1999

Western Management Corporation
%Rolyn Ludens
401 Sturgis St.
Rapid City, SD 57702

Dear Mr. Ludens:

Water Permit Application No. 1700-1 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 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
www.state.sd.us/denr

December 3, 1999

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

ATTENTION: Legal Public Notice

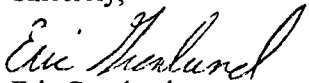
Enclosed is a Notice of Hearing on Application No. 1700-1 to Appropriate Water to be published twice. Please publish the first notice on December 15, 1999, with the second publication 7 days later.

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 Western Management Corporation, %Rolyn Ludens, 401 Sturgis St., Rapid City, SD 57702 (Ph # (605) 388-8160).

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. 1700-1

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

Date _____

We are in receipt of your letter of December 3, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 1700-1 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 December 15, 1999, with the second publication 7 days later.
The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1700-1 to Appropriate Water

Notice is given that Western Management Corporation, 401 Sturgis St, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 260 feet deep located in the SW ¼ SE ¼ Section 8-T3N-R7E for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1700-1 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 January 3, 2000.

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

Joan M. Lewis, being duly sworn, says: That the Meade County and, during all the times hereinafter mentioned, was a legal news SDCL 17-2-2, as amended, published at Sturgis, Meade County Dickson Media, Inc.; that affiant is and, during all of said times, v accountant by the publisher of such newspaper and has persona facts stated in the affidavit; that the notice, order or advertisement which is attached, was published in said newspaper for successive following dates:

<u>December 15</u>	199	<u>9</u>	
<u>December 22</u>	199	<u>9</u>	
	199		
	199		
	199		

that the full amount of the fee charged for publishing the same, t \$ 316.73, insures solely to the benefit of the newspaper; that no agreement or understanding for the division of made with any person, and that no part of the fee has been agreed other person.

Joan M. Lewis
Boo R. Reep

Subscribed and sworn to before me this

22nd day of December, 1999

Sharon Allison
Notary Public, South Dakota

Water application

NOTICE OF APPLICATION NO. 1700-1 to Appropriate Water

Notice is given that Western Management Corporation, 401 Sturgis St, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 260 feet deep located in the SW1/4 SE1/4 Section 8-T3N-R7E for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1700-1 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 January 3, 2000.

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 Dec. 15 and 22, 1999
Meade County Times-Tribune

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
www.state.sd.us/denr

JAN 21 2000

Western Management Corporation
%Rolyn Ludens
401 Sturgis St.
Rapid City, SD 57702

Dear Mr. Ludens:

Enclosed is Water Permit No. 1700-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

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

Date 2-1-00

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



FROM: Rolyn J Ludens
(name)
401 Sturgis Street
(address)
Rapid City So. Dak. 57702 605-388-8160
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

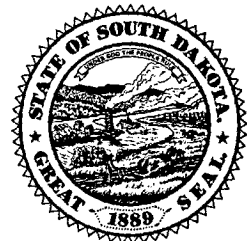
Water Permit No. 1700-1 states that the water use system is to be constructed by January 3-2005, and water is to be put to beneficial use by Jan 3 2009.
(date) (date)

The water use system was completed on 10-1-99.
(date)

Applying the water to beneficial use was completed on 10-8-99.
(date)

You may schedule an investigation so that the water license may be issued.

Rolyn J. Ludens
(signature)

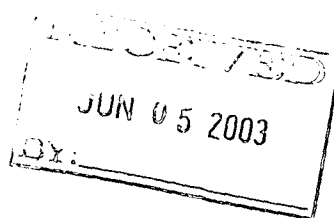




DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 3, 2003



1700-1

American West Communities
Rolyn J Ludens, Manager
2040 W Main, Suite 100
Rapid City SD 57702

Dear Mr. Ludens:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1700-1. The water permit is currently listed in the name of Western Management Corp.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

c: Steve Hilton

RECEIVED

JUL 22 2003

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

JUL 22 2003

WATER RIGHTS
PROGRAM

No. 1700-1

Date: _____

I/We request that Water Right/Permit No. 1700-1

formerly owned by: Western Management Corp.

be transferred to: (name & address) Hart's Elk Creek Ranchettes No. 2

PO Box 371, Piedmont SD 57769-0371

Telephone No. _____

Title to the following described land(s)/property has been transferred as described above:

1 well - SW 1/4 SE 1/4 Section 8-T3N-R7E for suburban housing

I/We understand that the validity of Water Right/Permit No. 1700-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Hart's Elk Creek Ranchettes No. 2, the new owner, certify that the above information is true and correct.

Steven C. Hulteen, President
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 22, 20 03

RECEIVED OF Martin Elk Creek Ranchettes No. 2, PO Box 571, Piedmont SD 57701-0371

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. _____		
Fee for Filing Transfer Form <u>1710-1</u>		4.50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 1710-1

By J. D. Anderson
Chief Engineer

Permit No. 1700-1
Upper Cheyenne - Water District

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

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

I have this day, May 12, 2003, made a thorough examination of the water use system constructed by American West Communities of 2040 W Main St, Suite 100, Rapid City SD 57702 holder of Permit No. 1700-1, bearing the priority of November 8, 1999 authorizing the diversion of 0.111 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: **Rolyn J Ludens, Manager**
Steve Hilton, President
Harts Elk Cr Ranchettes #2

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dennis Johnson
- 2) No. of Wells 1
- 3) Depth(s) 260 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 & 4 inches
- 2) Length 190 & 20 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated
- 2) Length 50 feet
- 3) Static water level flowing

Motor/Pump:

- 1) Make Submersible unit
- 2) Model
- 3) Size 1½ hp
- 4) Capacity 50 GPM

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

Water is diverted to 2 cisterns (5,000 gallons) which serve 9 residences on 10 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 of diversion located as follows: Well: 1,000 feet N and 2,640 feet W from the SE corner section 8-T3N-R7E (SW¼SE¼ – Lat. 44.23035, Long. -103.30231). The works are capable of diverting and conveying to the place of use 0.111 cu. ft. per second of water which is to be used for suburban housing. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.111 cfs.

All structures, wells and lands on map Y

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



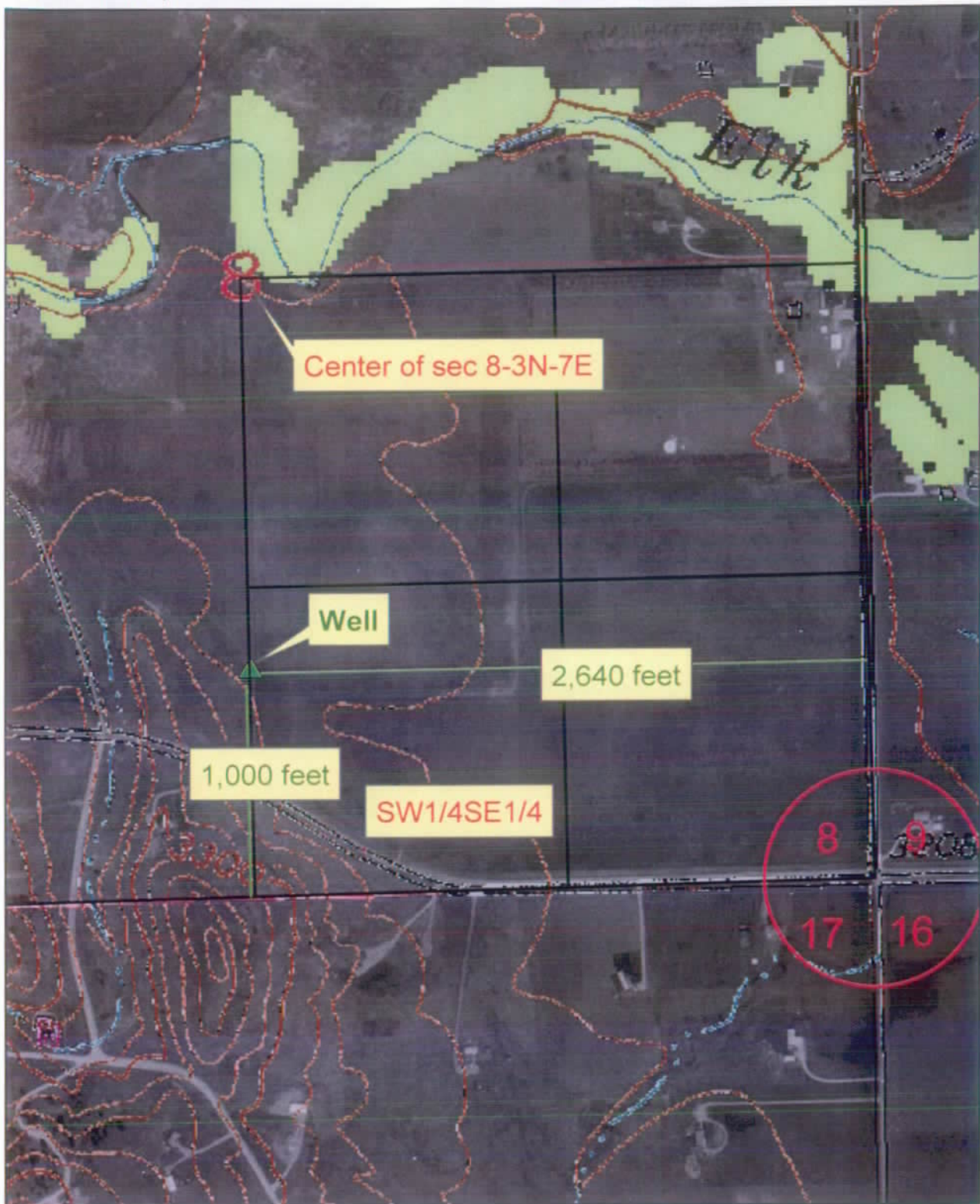
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: June 2, 2003

Scale: 1 inch equals 644 feet

910

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: June 2, 2003

Water Right No. 1700-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1700-1

(1) Western Management Corp., Rapid City SD 57702 made Application No. 1700-1, November 8, 1999 for a water permit to divert 0.111 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing purposes. Permit No. 1700-1, with a priority date of November 8, 1999 was approved January 3, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 3, 2005 and for the application to beneficial use of water on or before January 3, 2009.

On July 22, 2003, Water Permit No. 1700-1 was transferred to Hart's Elk Creek Ranchettes No. 2, PO Box 371, Piedmont SD 57769-0371.

(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. 1700-1 is issued a license, bearing a priority date of November 8, 1999 to appropriate 0.111 cubic feet of water per second from groundwater (one well).

The diversion point is located: 1,000 feet north and 2,640 feet west from the southeast corner of Section 8-T3N-R7E (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1700-1 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.



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

AUG 13 2003

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

AUG 13 2003

1700-1

Hart's Elk Creek Ranchettes No. 2
% Steve Hilton
PO Box 371
Piedmont SD 57769-0371

Dear Mr. Hilton:

Enclosed is Water License No. 1700-1. This is the final water right document completing your process of obtaining a Water Right.

The water permit formerly held by Western Management Corp., was transferred to Hart's Elk Creek Ranchettes prior to the water license being issued. Enclosed is Receipt No. 000842 in the amount of \$2.50 which you paid for the transfer of the License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 2007

1700-1

1876-1

Brad Ehresmann
Hart's Elk Creek Ranchettes #2
PO Box 371
Piedmont SD 57769-0371

Dear Mr. Ehresmann:

Thank you for contacting us concerning the necessary ownership changes for Water Permit Nos. 1700-1 and 1876-1.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



1700-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2007

No. 1700-1
1876-1

Brad Ehresmann
Hart's Elk Creek Ranchettes #2
PO Box 371
Piedmont SD 57769-0371

Dear Mr. Ehresmann:

In October, we forwarded you two "Notice of Transfer" forms to complete and return to us for filing an ownership change on Water Permit Nos. 1700-1 and 1876-1. The water permits are currently listed in the name of Hart's Elk Creek Ranchettes #2. To date, we have not received the forms back.

Enclosed are another set of partially completed forms. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total). The check or money order for the fee can be made payable to the Water Right Program.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

RECEIVED

JAN 21 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1700-1

Date: 1/19/2009

I/We request that Water Permit No. 1700-1

formerly owned by: Hart's Elk Creek Ranchettes No. 2

be transferred to: (name & address) Elk Creek 7 Water Association
P.O. Box 371
Piedmont, SD 57769 Telephone No. _____

Title to the following described land(s)/property has been transferred as described above:

well location: SW ¼ SE ¼ Section 8, T3N, R7E

I/We understand that the validity of Water Permit No. 1700-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Elk Creek 7 Water Assoc, the new owner, certify that the above information is true and correct.

Bird Chapman Pres. Elk Creek 7 Water Assoc.
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/21, 2009

RECEIVED OF Elk Creek 7 Water Assn PO Box 371 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	2	50
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 _____ 1700-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03902

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2009

1700-1
1876-1

Brad Ehresmann
Elk Creek 7 Water Association
PO Box 371
Piedmont SD 57769-0371

Dear Mr. Ehresmann:

I am writing to acknowledge receipt of the ownership changes you filed for Water Permit Nos. 1700-1 and 1876-1.

The transfers have been completed. The water permits formerly listed in the name of Hart's Elk Creek Ranchettes No 2 are now listed in the name of Elk Creek 7 Water Association.

Enclosed are your Receipt Nos. 03962 and 03963 in the amount of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us