

WATER PERMIT NO. 1713-1

Name of Applicant: Brothers III LLC

Address: 5900 W Hwy 44, Rapid City SD 57702

Phone: 605-348-0623

Amount of Water Claimed: 0.133 (60 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Meade

Type of Waste Disposal System:

Location: 1 mile north of Blackhawk

PRIORITY

Date Received: 12-17-99

Fee: \$150

Corrected Application Received: 2-29-2000

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 31-T3N-R7E

Land to be Irrigated: NA

Depth of Well: 720 feet deep

Well Driller: : Cimmarron Drilling

Remarks:

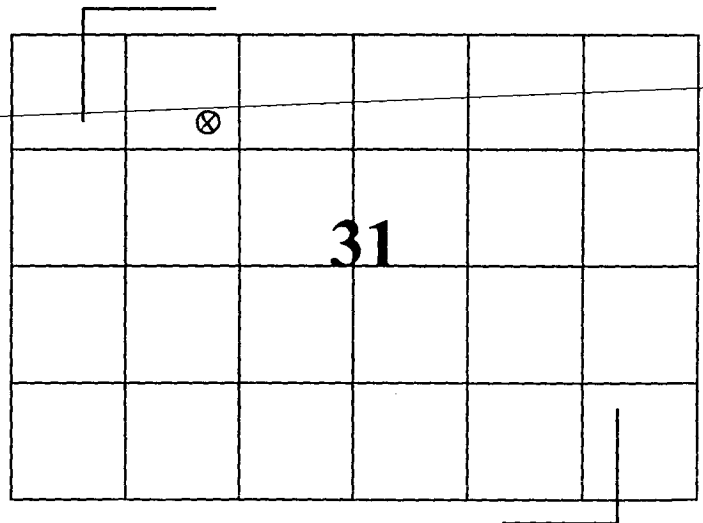
Type of Map: plat

Prepared by: Rick J Bush, RLS

Reviewed and the Number Assigned on: 2-29-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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>1713-1</u>	(office use only) Hydrologic Unit <u>1012011</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.)

~~Lot 2 of the Recreational Park Estates located in the NW 1/4 of the section 31, lying west of the interstate 90 right of way, T3N, R2E and the NE 1/4 of section 36, lying east of old US Hwy 14 + 79 right of way, T3N, R6E B1M Meade County SD,~~
1. Name of Applicant Brothers III LLC (check one) ☒ Owner ☐ Tenant/lessee Phone 605-348-0623

Mailing Address 5900 W Hwy 41 Rapid City Black Hawk State SD 57702
10400 Recreational Drive (Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.133 *CFS or 60 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply New Well - Well #1 (NW 1/4 NW 1/4 sec. 31-T3N-R7E)
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Lot 2 of the Recreational Park Estates located in the NW 1/4 of the section 31, lying west of the interstate 90 right of way T3N, R2E, and the NE 1/4 of section 36 lying east of old US Hwy 14 + 79 right of way T3N, R6E B1M Meade Co SD,
5. County or counties where water will be used Meade County
6. Annual period during which water is to be used Year Around Jan 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well for RV Dealership + Possibly adjoining property owners for Commercial use

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 S Trupe, 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 [Signature]

Subscribed and sworn to before me this 14 day of December 19 95

[Signature] 4/27/04
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 720
- b) Casing Type Steel Diameter 5" Thickness .250
- c) Screen Type N.A. Diameter _____ Thickness _____
- d) Gravel Pack N.A. Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 500'
- f) Depth to Water (ground surface to water level) 200'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/2 mile

2. Wastewater Disposal System Information

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

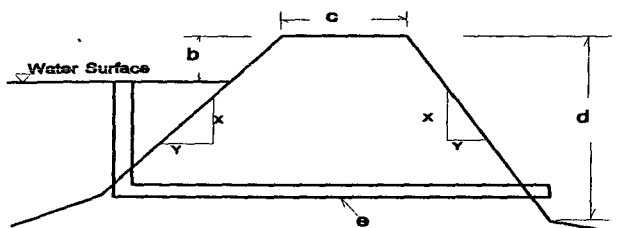
3. Dugout Information

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

4. Water Storage Dams

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

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



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

**SOUTH DAKOTA
WATER PERMIT NO. 1713-1**

Date of first receipt of application December 17, 1999.

Date of return to applicant for corrections, amendments or changes December 22, 1999.

Date of receipt of corrected application February 29, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1713-1 to Brothers III, LLC, 10400 Recreational Drive, Black Hawk SD 57718 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1713-1 appropriates 0.133 cubic feet of water per second (60 gallons per minute) from one well (Minnelusa Formation) 720 feet deep located in the NW ¼ NW ¼ Section 31-T3N-R7E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1713-1 is May 15, 2000.
5. The date from which applicant may claim right is February 29, 2000.
6. One-fifth of the construction is to be completed on or before November 15, 2002.
7. All construction is to be completed on or before May 15, 2005.
8. Water is to be put to beneficial use on or before May 15, 2009.
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: Garland Erbele

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

JUN 05 2000

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416302

Pierre, December 17, 1999

RECEIVED OF Mid-State Camper Sales, Inc., (Brothers III LLC), 5900 W. Hwy. 44, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1713-1</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. <u>1713-1</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____ _____ _____		
(Any Other Work Provided by Law)	Total	200 00

By

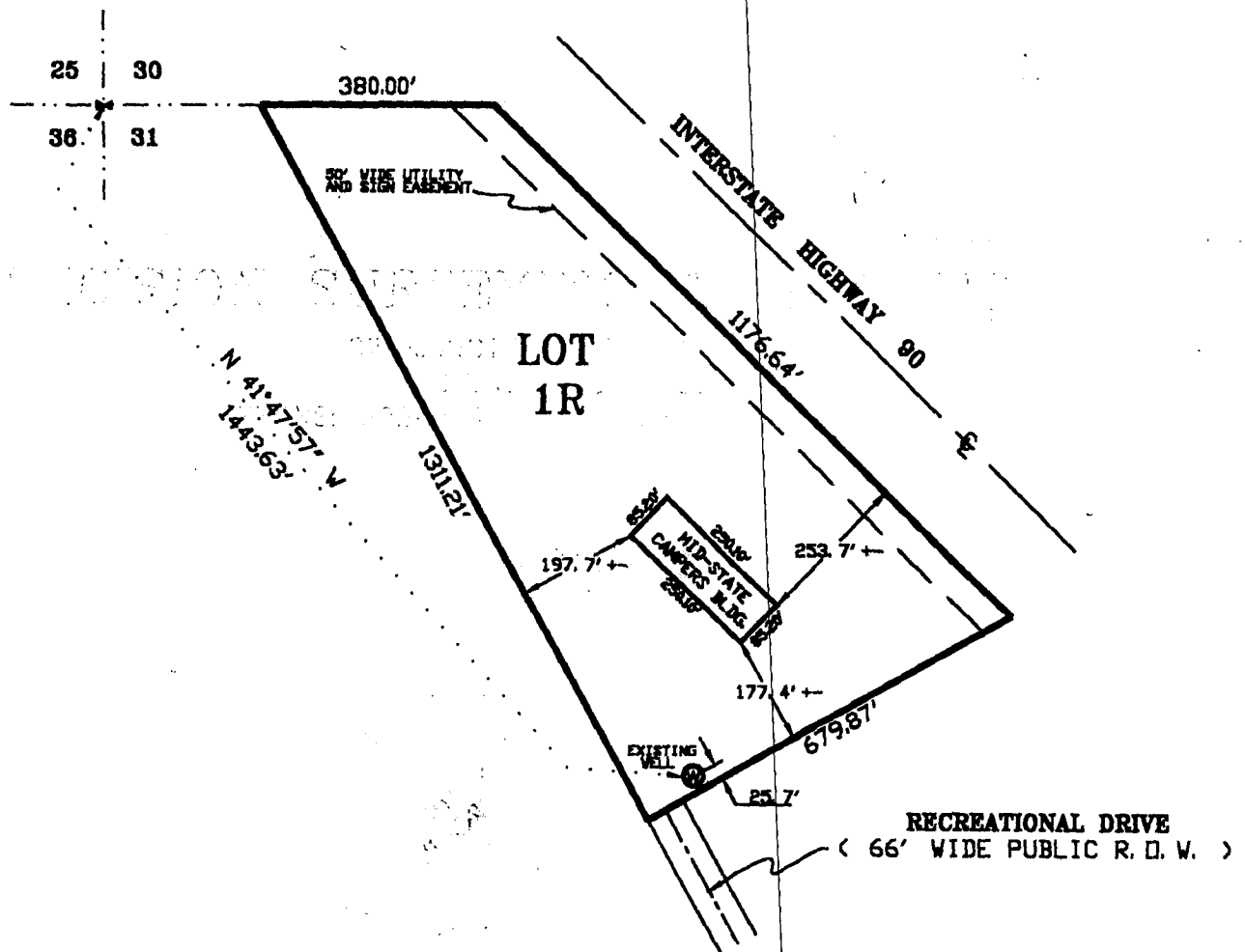
John Hatch
Chief Engineer

PRECISION SURVEYING & MAPPING, Inc.

1021 JUNCTION AVE., PO BOX 66
STURGIS, SD 57785
PHONE: 605-347-4014 FAX: 650-423-4110



SCALE: 1" = 300 FEET



IMPROVEMENT LOCATION SURVEY

The purpose of this Survey is to provide a representation of the information gathered at the time of inspection for the interested parties. This Survey is based on existing but not confirmed boundary evidence and is subject to any inaccuracies that a Boundary Survey might reveal. It is not intended to be a Boundary or Property Line Survey, and all dimensions are of record and no corners were set. This should not be relied on for establishment of any fence, building or other improvements. No responsibility is extended hereon to the present or future landowners.

LEGAL DESCRIPTION

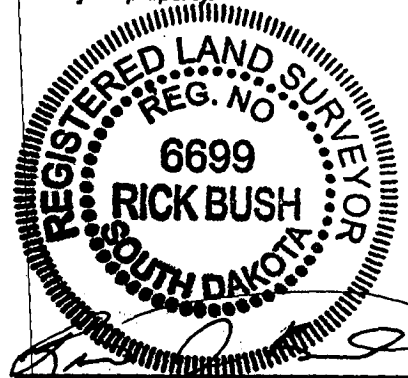
Lot 1R of Recreational Park Estates, located in the NW1/4 of Section 31, lying west of Interstate I-90 R.O.W., T3N, R7E, B.H.M., Meade County, S.D.

JOB NO. 00-020 DATE: 02-23-00 SURVEYED BY: RJB DRAWN BY: SEV

Title work [] was [X] was not provided at the time of survey request.

SURVEYOR'S CERTIFICATE

I, Ricky J. Bush, do hereby certify that this Survey shows the dwelling as located on the premises described in this report and that this report is an accurate representation of the information gathered at the time of inspection of the subject property.



RICK J. BUSH R.L.S. #6699

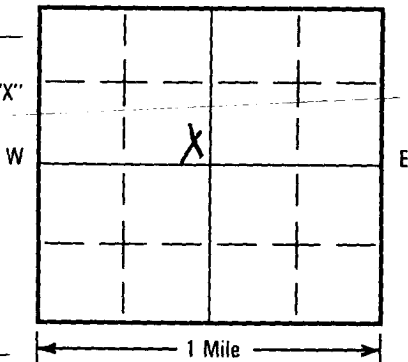
17131

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 31 Twp 3-N Rg 7-E
 County Meade

Please mark well location with an "X"



Well Completion Date

12-01-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 500 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air-WaterCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15.5</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>495</u> FT	<u>7 7/8</u> " IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Portland No. of Sacks 85 Grout Weight 94 1/2 lb./gal From 0 ft To 495 ft
Type I-II _____ lb./gal _____ ft _____ ft

Describe grouting procedure Pressure grout thru casing with mud pump Displace water

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ 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: Chlorine☐ NO, Why Not? Pelletts

Laboratory sent to for water quality analysis

owner toComplete

Well Owner: Robert Trupe
 Business Name: Mid States Camper Sales
 Address: 5900 W. Highway 44
Rapid City S.D. 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Gravel + Sand	0'	10'
Red Shale	10'	35'
Gravel + Sand	35'	40'
Red Sand	40'	120'
Red Shale + SS (some fish)	120'	280'
Limestone (Minnekahta)	280'	320'
Red Shale + SS. (Opelousa)	320'	460'
Yellow + White Sand + SS. (Minnekahta)	460'	720'

STATIC WATER LEVEL

200'

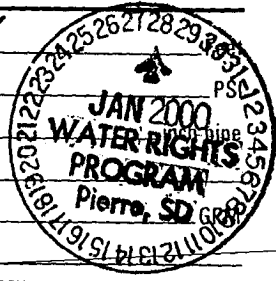
If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

Can well be completely shut in? _____



WELL TEST DATA:

☐ PumpedDescribe: Air developed☐ Bailed☒ Other _____

Pumping Level Below Land Surface

300 ft. After 2 Hrs. Blew 40 GPM460 ft. After 2 Hrs. Blew 75+ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm Cimarron Drilling Inc.

Signature of License Representative:

Michael J. Dautch

Signature of Well Owner or Equitable Property Holder:

Date: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 1999

Brothers III LLC
Robert S Trupe
5900 W Hwy 44
Rapid City SD 57702

Dear Mr. Trupe:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Brothers III LLC.
In order to complete the application the following is required.

A map showing 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).

If this well has been drilled, please submit the well construction log signed by a South Dakota licensed well driller.

If you have any questions, please contact me.

Sincerely,

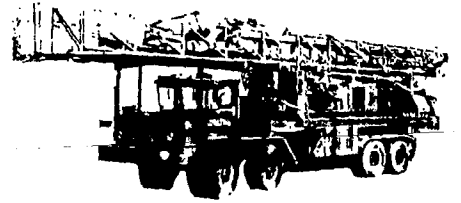
Karen Schlaak

Karen Schlaak
Water Rights Program
605-773-3352

FAX 605-719-4000

CIMARRON DRILLING

WATER WELLS - TEST HOLES - CATHODIC - PUMPS
PUMP SERVICE - SHALLOW PRODUCTION
9017 S. RIDGE TRAIL
STURGIS, SD 57785
605-347-3071



Gentlemen:

This is to Request Permission
to drill a Test well into
Minnehaha Quatern Approx 600'-700';
for Mid State Campers, Robert
Trupe.

Legal Description of Property:
Lot 2 of RECREATIONAL PARK ESTATES,
IN the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of
5-31- T-3N R7E BHM
Meade County S.D.

Respectfully Submitted
Michael J. Deutsch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1999

Michael Deutsch
Cimarron Drilling
9017 S. Ridge Trail
Sturgis, SD 57785

Dear Mr. Deutsch:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Mid State Campers, Robert Trupe, prior to approval of a water permit. The test well is to be completed into the Minnelusa Aquifer in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T3N-R7E. ~~The test well must be constructed~~ in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2000

Mid States Camper Sales
Robert Trupe
5900 W Hwy 44
Rapid City SD 57702

Dear Mr. Trupe:

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

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

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by March 1, 2000.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2000

Brothers III LLC
Robert S Trupe
5900 W Hwy 44
Rapid City SD 57702

Dear Mr. Trupe:

On December 17, 1999, you submitted an *Application for a Permit to Appropriate Water* for commercial use at Mid-State Camper Sales Inc. On December 22, 1999, you were notified what was required to complete the application. A copy of that letter is enclosed. To date, we have not received the map.

A review of our files indicates the well completion report was submitted by Cimarron Drilling, Inc. Please disregard my letter dated February 1, 2000, since the application has already been submitted.

Upon receipt of a signed map, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1713-1, Brothers III, LLC**

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. 1713-1, Brothers III, LLC, c/o Robert S. Trupe, 5900 W Hwy 44, Rapid City, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1713-1 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.



Garland Erbele, Chief Engineer
April 18, 2000

WATER PERMIT APPLICATION NO. 1713-1

BROTHERS III, LLC

MARCH 28, 2000

Water Permit Application No. 1713-1 proposes to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Minnelusa Formation) 720 feet deep located in the NW¼ NW¼ Section 31, T3N-R7E. The water is for commercial use.

AQUIFER: Minnelusa Formation (MNLS)

The Minnelusa Aquifer is composed of a varied assemblage of sandstone, limestone, dolomite, and shale, approximately 500 feet thick in this area. The Minnelusa is an extensive aquifer underlying over 23 million acres of western South Dakota (Allen, 1984). The aquifer contains an estimated 81,480,000 acre-feet of recoverable water in storage in the Meade County alone (Allen, 1984). The completion report submitted with this application indicates the Minnelusa Formation is confined by 460 feet of sediment at this site. The aquifer is under confined conditions at this location and the static water level at this well site is reported to be 200 feet below grade. The hydraulic characteristics of the Minnelusa Aquifer reflect the lithology of the formation and therefore they are quite variable. Hydraulic conductivity estimates for the aquifer range from 2.4×10^{-5} to 1.4 ft/d, transmissivity estimates range from 30 to 1,000 ft²/d, the estimates of the Minnelusa's storage coefficient range from 6.6×10^{-5} to 2.0×10^{-4} (Kyllonen, 1987). The Minnelusa is generally considered an excellent aquifer near the outcrop, recharge area. This well is located approximately one mile from the Minnelusa outcrop.

Recharge to the Minnelusa aquifer occurs through: Losses from streams as they cross the outcrop, direct infiltration of precipitation, and potentially from upward movement of water from the underlying Madison Aquifer. Although distinct potentiometric surfaces exist in the Minnelusa and Madison aquifers, the lower portion of the Minnelusa Formation, consisting primarily of limestone and dolomite, may represent a leaky confining layer over the underlying Madison. Average estimated annual recharge has not been quantified for the Minnelusa aquifer.

The Water Rights Program monitors 23 observation wells completed into the Minnelusa Aquifer (Water Rights, 2000). The well that is to be used to supply this permit is approximately four miles southeast of Water Rights' Observation Well MD-84A and is approximately 3 miles northwest of Water Rights' Observation Well PE-84B. Figure 1 is the hydrograph of MD-84A and Figure 2 is the hydrograph for PE-84B.

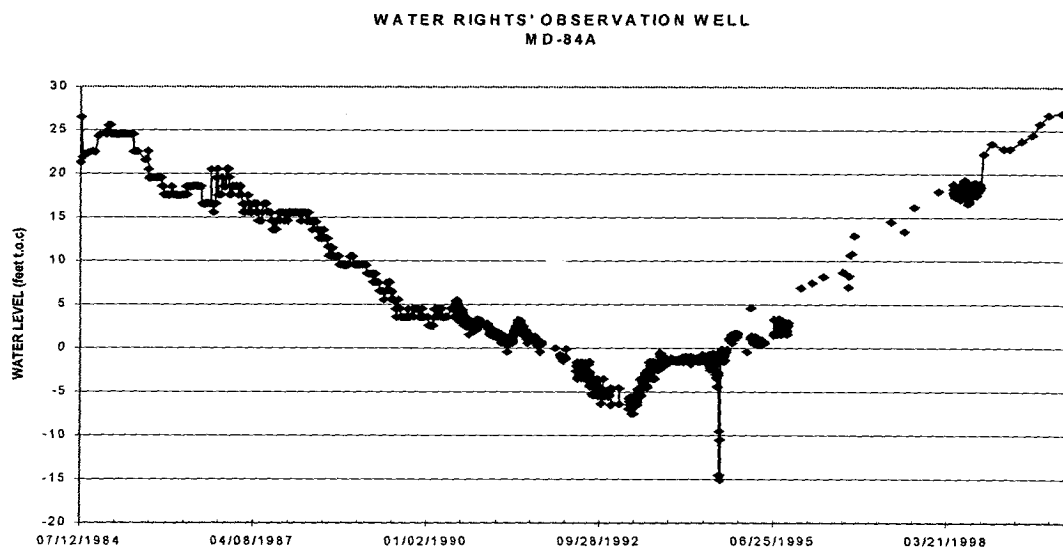


Figure 1. Water Rights' Minnelusa Aquifer Observation Well located approximately 4 miles south east of the well for this application.

WATER RIGHTS' OBSERVATION WELL
PE-84B

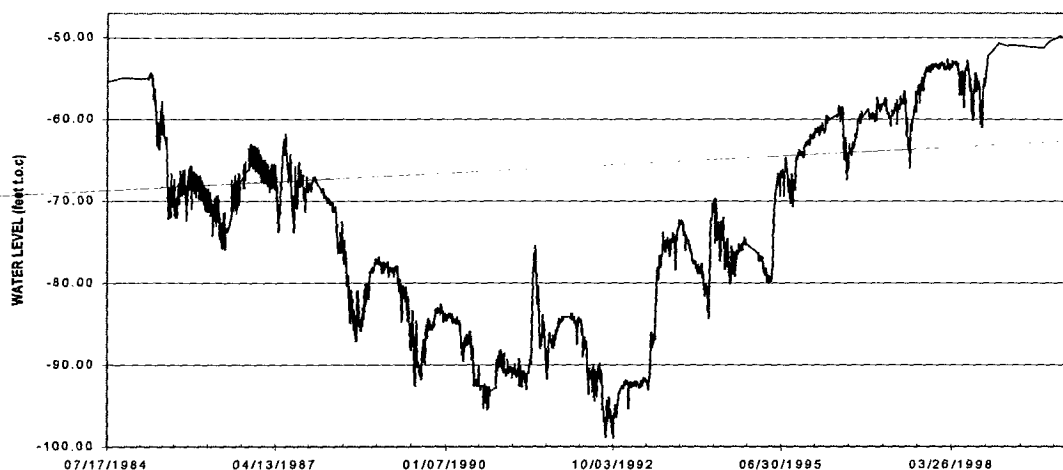


Figure 2. Water Rights' Minnelusa Aquifer Observation Well located approximately 3 miles northwest of the well for this application.

These hydrographs document climatic effects of approximately 35 and 50 feet of fluctuation of water levels in the respective observation wells. The hydrographs show the aquifer readily accepts recharge and that for the period of record withdrawals have not exceeded recharge.

It can be expected that during the next dry cycle, recently constructed Minnelusa wells will experience lower water levels that may necessitate the lowering of pumps in some of these wells.

EXISTING WATER RIGHTS

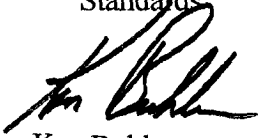
The upper portion of the Minnelusa aquifer is the most utilized aquifer in the eastern Black Hills (Water Rights, 2000_a). The aquifer is extensively used for domestic use. There are a total of 162 Water Rights/Permits appropriating water from the Minnelusa aquifer in South Dakota, with 49 Water Rights/Permits in Meade County (Water Rights, 2000_a). There are 7 existing water permits/rights within approximately one mile of this application. They include:

Water Right/ Permit	Name	Rate (cfs)	Use	Aquifer	Location
1323-1	War Bonnett Ranch	0.05	COM	MNLS	3N6E36DD
1373-1	Eastridge Acres Dev.	0.09	SHD	MNLS	3N6E24DD
1466-1	Quaal Subdivision Dev.	0.27	SHD	MNLS	3N7E30CD
1513-1	Pine Hills Mobile Park	0.03	COM	MNLS	3N6E36DA
1603-1	Paul LeClair	0.10	COM	MNLS	3N7E31DB
1620-1	Golden Meadow Water	0.11	SHD	MNLS	3N7E31CB
1876-2	Pine Hills Mobile Park	0.06	COM	MNLS	3N6E36DA
1674-1	Black Hawk Water User	2.23	MUN	MDSN	3N7E31CD

The diversion rate proposed by this application is relatively small and the distance between wells is relatively large, therefore, there is a reasonable probability existing rights will not be impaired.

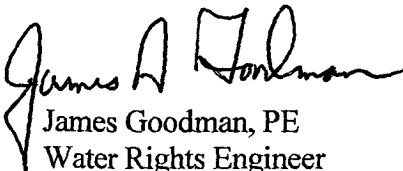
CONCLUSIONS:

1. The Minnelusa aquifer is a viable aquifer in this area and there is a reasonable probability that unappropriated water is available for this appropriation.
2. Observation well hydrographs suggest that withdrawals from the Minnelusa aquifer do not exceed recharge to the aquifer.
3. There is a reasonable probability that the appropriation proposed by this application can be made without unlawful impairment of existing rights.
4. The well to be used to supply this permit was constructed in accordance with the SD Well Construction Standards



Ken Buhler
Water Rights Engineer

Approved by



James Goodman, PE
Water Rights 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
- Kyllonen, D.P., K.Peter, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bea Lodge Mountains, Wyoming, USGS Water-Resources Investigations Report 86-4158, Rapid City, SD
- Water Rights Program, 2000_a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000_b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000_c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**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.

April 18, 2000

Brothers III, LLC
%Robert S. Trupe
5900 W. Hwy. 44
Rapid City, SD 57702

Dear Mr. Trupe:

Water Permit Application No. 1713-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
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

April 18, 2000

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

ATTENTION: Legal Public Notice

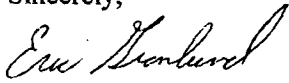
Enclosed is a Notice of Hearing on Application No. 1713-1 to Appropriate Water to be published twice. Please publish the first notice on April 26, 2000, with the second publication 7 days later.

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 Brothers III, LLC, %Robert S. Trupe, 5900 W. Hwy. 44, Rapid City, SD 57702 (Ph # (605) 348-0623).

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. 1713-1

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

Date _____

We are in receipt of your letter of April 18, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1713-1 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 April 26, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1713-1 to Appropriate Water

Notice is given that Brothers III LLC, c/o Robert S Trupe, 5900 W Hwy 44, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Minnelusa Formation) 720 feet deep located in the NW ¼ NW ¼ Section 31-T3N-R7E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1713-1 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 May 15, 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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Joan Lewis

certify that the attached printed Notice was taken

from the Meade County
Times

printed and published in Sturges
County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 26, 2000

May 3, 2000

Cost of Printing 36.97

Joan M. Lewis
(Signature)

Bookkeeper
(Title)

5-10-00
(Date Signed)



Water application

NOTICE OF APPLICATION

NO. 1713-1 to Appropriate Water

Notice is given that Brothers III LLC, c/o Robert S Trupe, 5900 W Hwy 44, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Minnelusa Formation) 720 feet deep located in the NW 1/4 NW 1/4 Section 31-T3N-R7E. The water is for commercial use.

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Publ April 26 and May 3, 2000
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 05 2000

Brothers III, LLC
%Robert S. Trupe
10400 Recreational Drive
Black Hawk, SD 57718

Dear Mr. Trupe:

Enclosed is Water Permit No. 1713-1 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

Permit No. 1713-1
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 Brothers III, LLC of 10400 Recreational Dr, Black Hawk SD 57718 holder of Permit No. 1713-1, bearing the priority of February 29, 2000 authorizing the diversion of 0.133 cu. ft. per second of the waters of ground water (Minnelusa Formation) for commercial purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Robert Trupe, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cimarron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 720 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5½ inches
- 2) Length 495 feet
- 3) Type steel

Screen:

- 1) Type open hole

Motor/Pump:

- 1) Make Unknown submersible
- 2) Capacity 60 GPM

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

~~Water is diverted to three pressure tanks and then distributed to the Mid-States Camper building for sanitary and potable uses.~~

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: 1,070 feet S and 1,000 feet E from the NW corner section 31-T3N-R7E (NW¼NW¼ -- Lat. 44.18094, Long. -103.32837). The works are capable of diverting and conveying to the place of use 0.133 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.133 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 3, 2003

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights


Ron Duvall, Natural Resources Engineer
Water Rights Program

Water Right No. 1713-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1713-1

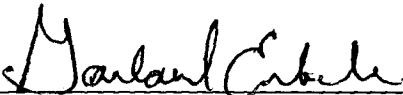
(1) Brothers III, LLC, 10400 Recreational Dr., Black Hawk, SD 57718 made Application No. 1713-1, December 17, 1999 for a water permit to divert 0.133 cubic feet of water per second from ground water – one well, Minnelusa Formation, Meade County, South Dakota for commercial purposes. Permit No. 1713-1, with a priority date of February 29, 2000 was approved May 15, 2000 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 15, 2005 and for the application to beneficial use of water on or before May 15, 2009.

(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, Brothers III, LLC, 10400 Recreational Dr., Black Hawk, SD 57718 the holders and/or owners of Water Right No. 1713-1 are issued a license, bearing a priority date of February 29, 2000 to appropriate 0.133 cubic feet of water per second (60 gallons per minute) for commercial purposes from ground water (one well – Minnelusa Formation).

The diversion point is located as follows: 1,070'S and 1,000'E of the NW corner of Section 31, T3N, R7E (NW ¼ NW ¼).

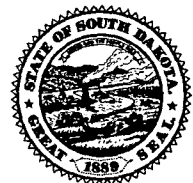
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1713-1 including the following qualification:

- 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.


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

JUN 27 2003

date





JUN 27 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

1713-1

Robert Trupe
Brothers III LLC
10400 Recreational Dr
Black Hawk SD 57718

Dear Mr. Trupe:

Enclosed is Water License No. 1713-1. This is the final water right document completing your process of obtaining a Water Right. Also included is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1713-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures