

WATER PERMIT NO. 1724-1

Name of Applicant: Michael Ballard

Address: 909 Sherman St, Sturgis SD 57785

Phone: 605 423-4584

Amount of Water Claimed: 0.089 cfs (40 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Meade

Type of Waste Disposal System: septic tank/drain field system

Location: 2 miles east of Sturgis

PRIORITY Date Received: 1-24-2000

Fee: \$50

Corrected Application Received: 5-3-2000

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NE ¼ (Tract B,
Government Lot 1 Brennon Subdivision)
Section 12-T5N-R5E

Land to be Irrigated: NA

Depth of Well: approximately 700 feet deep

Well Driller: :

Remarks:

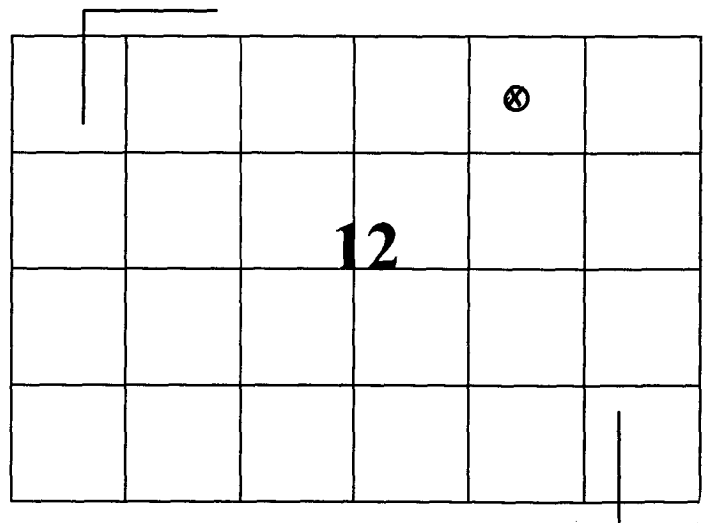
Type of Map: plat

Prepared by: Ricky J Bush, RLS

Reviewed and the Number Assigned on: 5-3-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1724-1**

Date of first receipt of application January 24, 2000.

Date of return to applicant for corrections, amendments or changes January 25, 2000.

Date of receipt of corrected application May 3, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1724-1 to Michael Ballard, 909 Sherman St, Sturgis SD 57785 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. 1724-1 appropriates 0.089 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) approximately 700 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Tract B of Brennon Subdivision, in Government Lot 1) Section 12-T5N-R5E.
2. The water appropriated shall be used for the purpose of 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. 1724-1 is June 26, 2000.
5. The date from which applicant may claim right is May 3, 2000.
6. One-fifth of the construction is to be completed on or before December 26, 2002.
7. All construction is to be completed on or before June 26, 2005.
8. Water is to be put to beneficial use on or before June 26, 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 authorized by Permit No. 1724-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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 Erbele

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

AUG 02 2000

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>1724-1</u>	Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</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.) _____

1. Name of Applicant Michael Ballard Phone 605-423-4584
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 909 Sherman ST STURGIS State SD 57785
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.089 *CFS or 40 **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

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well NE corner
of track B of Brenden subdivision Tract B, Government Lot 1
(NE1/4NE1/4) sec. 12-T5N-R5E County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used 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) newly constructed
Building 60'x90' with a 24'x45' additional kitchen area. Restaurant/Bar
with outside decks & stage for live entertainment & possibly in
the future a campground

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, _____, 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 Michael Ballard

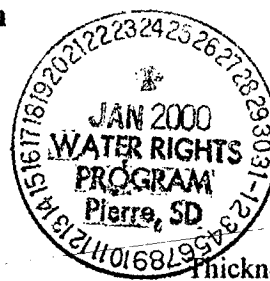
Subscribed and sworn to before me this 21 day of January 192000

[Signature]
Notary Public

Supplemental Information

(Complete applicable portions only)

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 1/8" Depth 700
- b) Casing Type Steel Diameter 5 1/2" Thickness see 40
- c) Screen Type NA Diameter NA Thickness NA
- d) Gravel Pack NA Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material est 660'
- f) Depth to Water (ground surface to water level) 560/10 F/W
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC TANK / DRAIN FIELD
- b) System Capacity (gallons) 4480 Year Constructed 2000
- c) Connected to the City of _____ Sanitary System _____

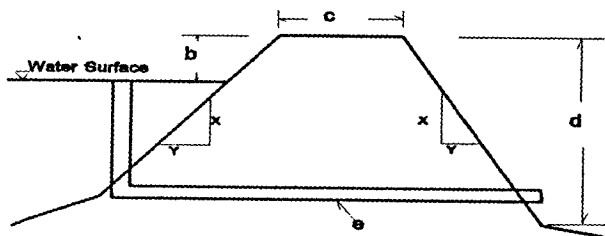
3. Dugout Information

- 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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~9~~ 416493

Pierre, _____

May 3, 2000

RECEIVED OF Michael Ballard, P.O. Box 127, Sturgis, SD 57785
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1724-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1724-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By

Harold E. Eide 
Chief Engineer

PRECISION SURVEYING & MAPPING, INC.

1021 JUNCTION AVE., PO BOX 66

STURGIS, SD 57785

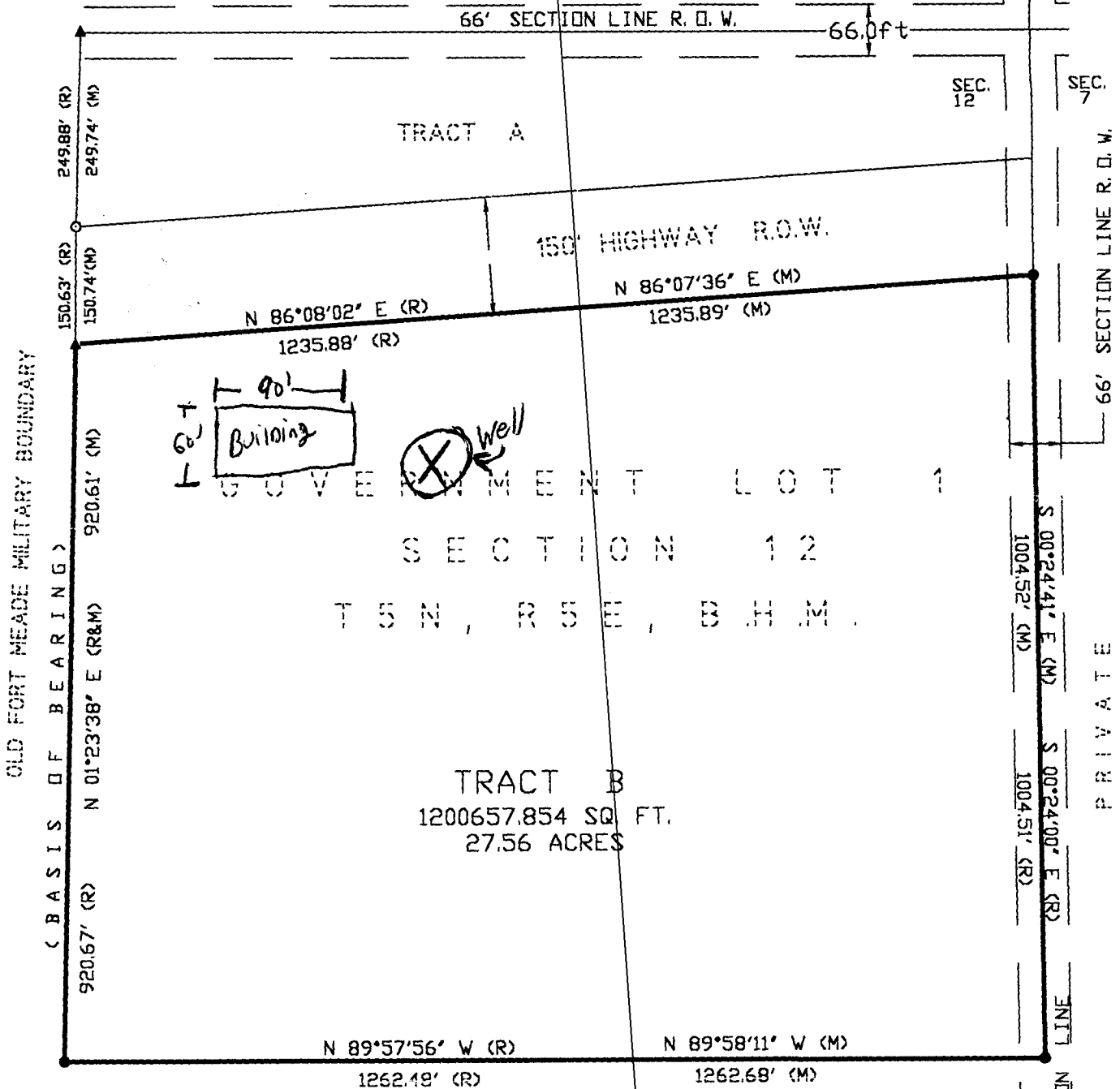
PHONE: 605-347-4014 FAX: 650-423-4110

SEC. 1

SEC. 6

SEC. 12

SEC. 7



LEGEND

- ▲ Denotes found 3 1/2" Brass Cap
- Denotes found 1 1/2" aluminum cap
- Denotes found 1 1/2" aluminum cap
- Marked LS 1019
- Marked LS 880



SCALE: 1" = 200'

PRIVATE

RECORD OF SURVEY

LEGAL DESCRIPTION

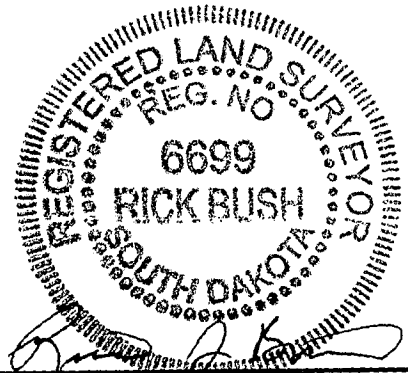
TRACT B OF BRENNON SUBDIVISION, A SUBDIVISION OF GOVERNMENT LOT 1 OF SECTION 12, T5N, R5E, BLACK HILLS MERIDIAN, MEADE COUNTY, SOUTH DAKOTA.

JOB NO.99-037 DATE:10-28-99 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, Registered Land Surveyor No. 6699, in the State of South Dakota, do hereby certify that this record of survey correctly represents a survey made by me or under my direct supervision in conformance with the laws of the State of South Dakota, and using accepted methods and procedures of surveying, at the request of the land owner. In WITNESS WHERE OF, I have hereunto set my hand and seal.



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

1724-1

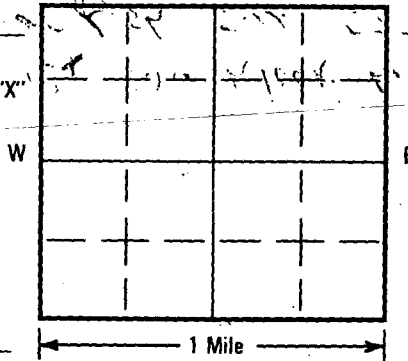
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

1724-1

Location 1/4 Sec 12 Twp 5N Rg 5E
County Meade North

Please mark well location with an "X"



Well Completion Date

14 July 00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1.00</u> LB/FT	<u>5"</u> IN	<u>0</u> FT	<u>709</u> FT	<u>7 7/8</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>Cement</u>	<u>100</u>	<u>641</u> lb./gal	<u>0</u> ft.	<u>718</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pressure cement

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter 7 7/8 IN Length 142 FEET

Material Steel

Slot Size 24 Set From 718 Feet to 827 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Shale packer

Describe packer(s) and location? 700 720 830

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

Laboratory sent to for water quality analysis

X NO, Why Not? will when pump is installed

Well Owner: Mike Ballard

Business Name: Full Throttle Saloon

Address: Sturgis S.D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Skull Creek shale</u>	<u>0</u>	<u>478</u>
<u>Dakota Sand</u>	<u>478</u>	<u>488</u>
<u>Fuzion</u>	<u>488</u>	<u>718</u>
<u>Dakota Sand</u>	<u>718</u>	<u>848</u>

STATIC WATER LEVEL

Flow

Feet

If flowing: closed in pressure _____ PSI

GPM flow 10-15 through 5" inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate 0 GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped

Describe: Air seal - 24

☐ Bailed

☒ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped

_____ ft. After _____ Hrs. pumped

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 197

And this report is true and accurate.

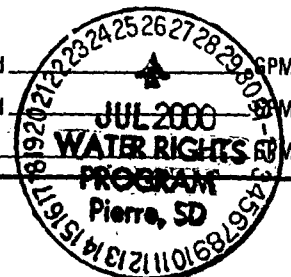
Drilling firm Heaton Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Michael Ballard

Date: 17 July 00





January 25, 2000

Michael Ballard
909 Sherman St
Sturgis SD 57785

Dear Mr. Ballard:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Meade County. In order to complete the application the following is required.

- Please complete Item No. 2 on the Supplemental Information sheet regarding the waste disposal system information.
- The application filing fee is \$50. In addition, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit a total of \$100.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605.773-3352

enclosure

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2000

Michael Ballard
909 Sherman St
Sturgis SD 57785

Dear Mr. Ballard:

On January 24, 2000, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for commercial use in Meade County. You were notified what additional information was required to complete the application. To date, we have not received the required information.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

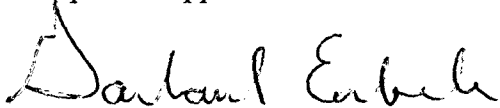
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1724-1, Michael Ballard**

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. 1724-1, Michael Ballard, 909 Sherman Street, Sturgis, SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1724-1 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 authorized by Permit No. 1724-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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.



Garland Erbele, Chief Engineer
May 31, 2000

WATER PERMIT APPLICATION NO. 1724-1

MICHAEL BALLARD

MAY 23, 2000

Water Permit Application No. 1724-1 proposes to appropriate 0.089 cubic feet of water per second (cfs) [40 gallons per minute] from one well (Inyan Kara Formation) approximately 700 feet deep located in the NE¼ NE¼ (Tract B, Government Lot 1, Brennon Subdivision) Section 12, T5N-R5E. The water is for commercial use.

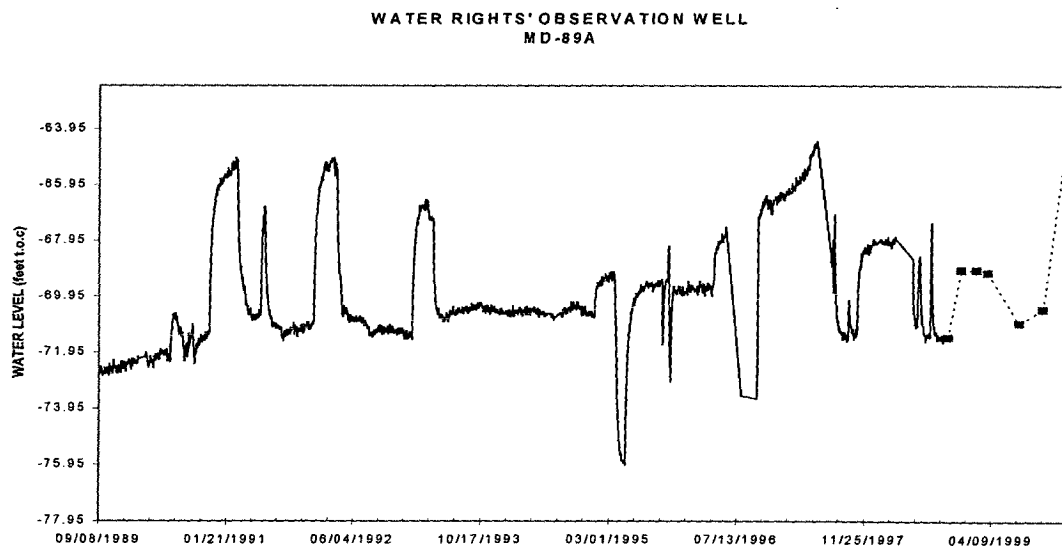
AQUIFER: Inyan Kara (INKR)

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 approximately one mile from the outcrop (recharge area) of the Inyan Kara. The top of the Inyan Kara is expected to be approximately 450 feet below grade in this area (Carter, 1999). An Inyan Kara well in this area is likely to flow and have 15-20 psi shut in pressure (Strobel, 2000).

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. The nearest observation well to this permit (MD-89A) is located approximately five miles northwest of this well. The hydrograph for this well, figure 1, demonstrates some interesting and as yet unexplained water level fluctuations, but clearly demonstrates the aquifer is recharged and in general, water levels of the aquifer have risen.



The hydrograph information indicates water is available for this appropriation (Water Rights, 2000_b).

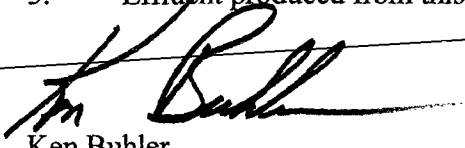
EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara aquifer in this area (Water Rights, 2000_a).

The Inyan Kara aquifer has been developed in at least 23 counties in South Dakota with 125 Water Rights/Permits (Water Rights, 2000_a). There are 19 rights/permits appropriating water from the Inyan Kara aquifer in Meade County. Six Water Permits/Rights appropriate water from the Inyan Kara aquifer within 3 miles of this well site. The nearest appropriation from the Inyan Kara aquifer (Permit No 1487-1, Glencoe Camp Resort) is located approximately 1800 feet from this well. The total diversion rate proposed by this application (40 gpm) is not likely to adversely affect adequate wells (domestic or appropriative).

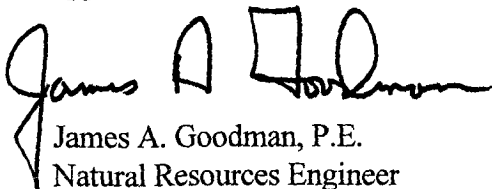
CONCLUSIONS:

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. A Registered Land Surveyor prepared the map that was submitted with this application. However, it does not appear that the diversion point proposed by this application was identified on the map by a licensed land surveyor, a registered professional engineer, or a government employee as required by ARSD 74:02:04:07.
4. The flowing well that is to be used to supply this permit must be constructed in accordance with the SD Well Construction Standards. The well should be shut in when not in use and controlled to the amount of water that is actually needed.
5. Effluent produced from this proposed use will be disposed of through a septic tank/drain field system.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., Iles D.L., Petres A.K., 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
- Carter, J.M., Redden, J.A., 1999, Altitude of the Top of the Inyan Kara Group in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-744-A, U.S. Geological Survey
- Water Rights, 2000_a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2000_b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2000_c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Stobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-745-A, U. S. Geological Survey



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 31, 2000

Michael Ballard
909 Sherman St.
Sturgis, SD 57785

Dear Mr. Ballard:

Water Permit Application No. 1724-1 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 57501-3182
www.state.sd.us/denr

May 31, 2000

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

ATTENTION: Legal Public Notice

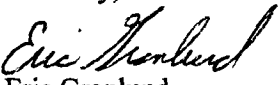
Enclosed is a Notice of Hearing on Application No. 1724-1 to Appropriate Water to be published twice. Please publish the first notice on June 7, 2000, with the second publication 7 days later.

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 Michael Ballard, 909 Sherman St., Sturgis, SD 57785 (Ph # (605) 423-4584).

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-----

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

No. 1724-1

Date _____
We are in receipt of your letter of May 31, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1724-1 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 June 7, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1724-1 to Appropriate Water

Notice is given that Michael Ballard, 909 Sherman St, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.089 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) approximately 700 feet deep located in the NE ¼ NE ¼ (Tract B of Brennon Subdivision, in Government Lot 1) Section 12-T5N-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1724-1 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 26, 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 Sturgis

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 7, 2000
June 14, 2000

Cost of Printing 48.11

Joan M. Lewis
(Signature)

Bookkeeper
(Title)

6/23/00
(Date Signed)



Water application

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Publ June 7 and 14, 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

AUG 02 2000

Michael Ballard
909 Sherman St.
Sturgis, SD 57785

Dear Mr. Ballard:

Enclosed is Water Permit No. 1724-1 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. 1724-1
Belle Fourche River - Water District

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

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

I have this day, **28 September 2007**, made a thorough examination of the water use system constructed by **Michael Ballard** of **909 Sherman St. Sturgis, SD. 57785** holder of Permit No. **1724-1**, bearing the priority of **May 3, 2000** authorizing the diversion of **0.089** cu. ft. per second of the waters of **the Inyan Kara formation** for **commercial** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Heaton Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **848** feet
- 4) Well log is available **Y**
- 5) Comment: **Pump and Motor information from interview with well owner**

Casing:

- 1) Diameter **5** inches
- 2) Length **709** feet
- 3) Type **Steel**

Screen:

- 1) Type **Steel**
- 2) Length **142** feet
- 3) Static water level **0** feet

Pump: Unknown

- 1) Capacity **40**GPM

Motor: unknown

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

- 1) Type **PVC**
- 2) Size **2** inches
- 3) Length **300** feet

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: NE ¼ NE ¼ T Sec 12-5N-R5E approximately 975 feet south and 910 feet west of the northeast corner of section 12, N 44.41378 Latitude and W -103.45170 Longitude. The works are capable of diverting and conveying to the place of use 0.089 cu. ft. per second of which is to be used for commercial purposes.

The license should be issued for 0.089 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



Mark Costello

Natural Resources Engineer
DENR, Water Rights Program

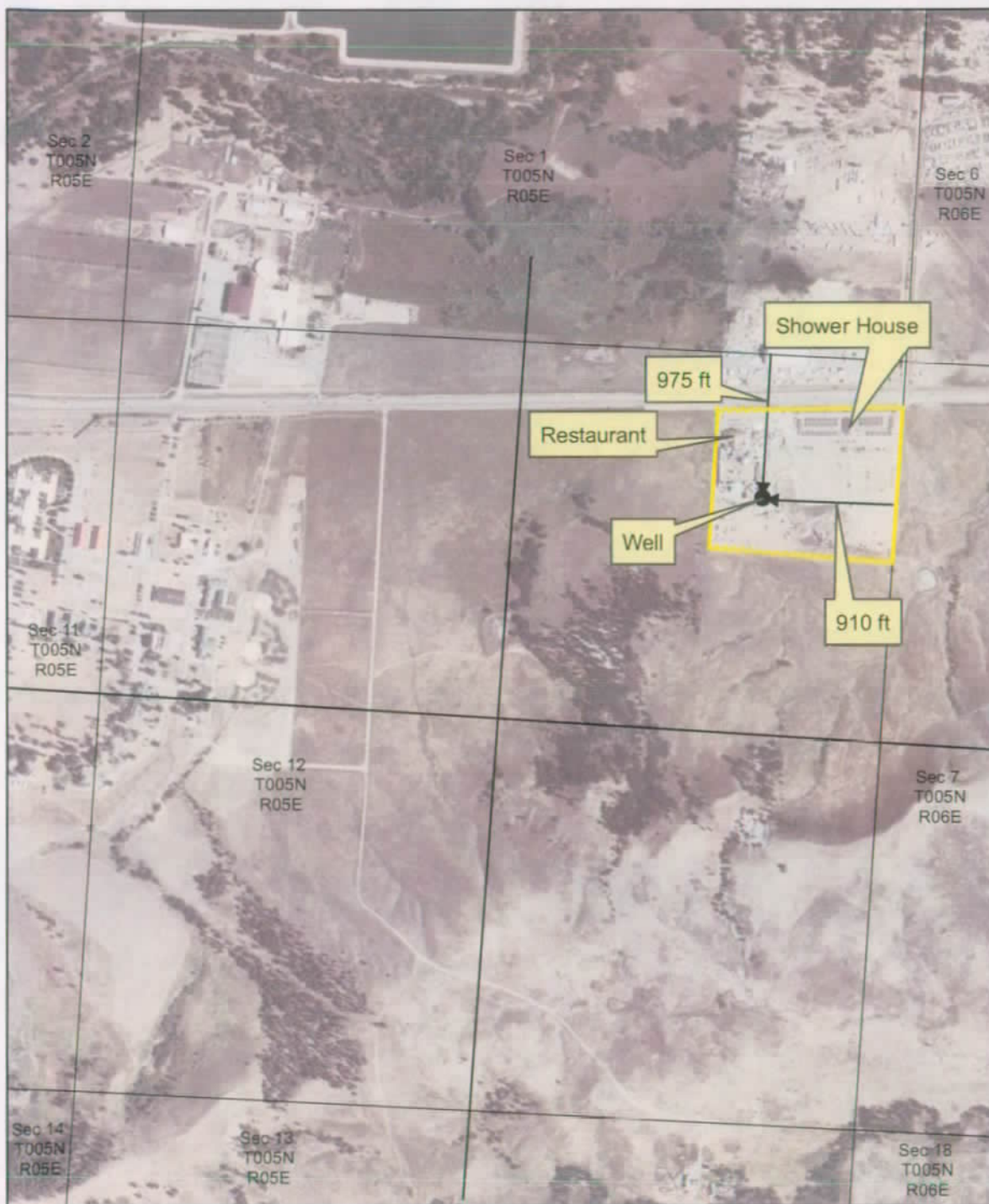
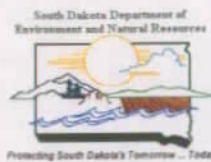
Date report completed: 27 December 2007



South Dakota

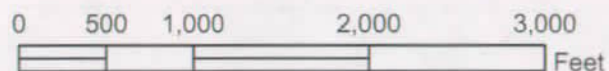
1724-1

Michael Ballard
909 Sherman St.
Sturgis, SD. 57785



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
27 December 2007



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1724-1

(1) Michael Ballard, 12997 Hwy 34, Sturgis SD 57785 made Application No. 1724-1, January 24, 2000 for a water permit to divert 0.089 cubic feet of water per second (40 gallons per minute) from ground water (one well – Inyan Kara Aquifer), Meade County, South Dakota for commercial purposes. Permit No. 1724-1, with a priority date of May 3, 2000 was approved June 26, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 26, 2005 and for the application to beneficial use of said water on or before June 26, 2009.

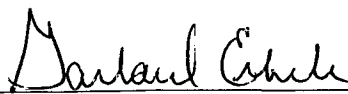
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.089 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 975 feet south and 910 feet west of the NE corner of Section 12, T5N, R5E (NE ¼ NE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael Ballard, 12997 Hwy 34, Sturgis SD 57785 the holder and/or owner of Water Right No. 1724-1 is issued a license to appropriate water, the right to use 0.089 cubic feet of water per second (40 gallons per minute) from ground water (one well – Inyan Kara Aquifer) with a priority date of May 3, 2000 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1724-1 and subject to the following 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 authorized by Permit No. 1724-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*copy of well log on file with the Water Rights Program*).
- 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

FEB 05 2008
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

FEB 05 2000

1724-1

Michael Ballard
12997 Hwy 34
Sturgis SD 57785

Dear Mr. Ballard:

Enclosed is Water License No. 1724-1. This is the final water right document completing your process of obtaining a Water Right. Also enclosed with your license is a map prepared by the staff engineer who conducted the field 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. 1724-1, 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