

WATER PERMIT NO. 1725-1

Name of Applicant: Aspen View Subdivision

Address: c/o Bill Person, PO Box 631, Deadwood SD 57732

Phone: 605 578-1567

Amount of Water Claimed: 0.02 cfs (9 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Lawrence

Type of Waste Disposal System: septic

Location: 3 miles east of Deadwood

PRIORITY Date Received: 3-22-2000

Fee: \$50

Corrected Application Received:: 5-25-2000

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: N ½ NW ¼ Sec 20-T5N-R4E

Land to be Irrigated: NA

Depth of Well: 1300 feet deep

Well Driller: : Taylor Drilling

Remarks:

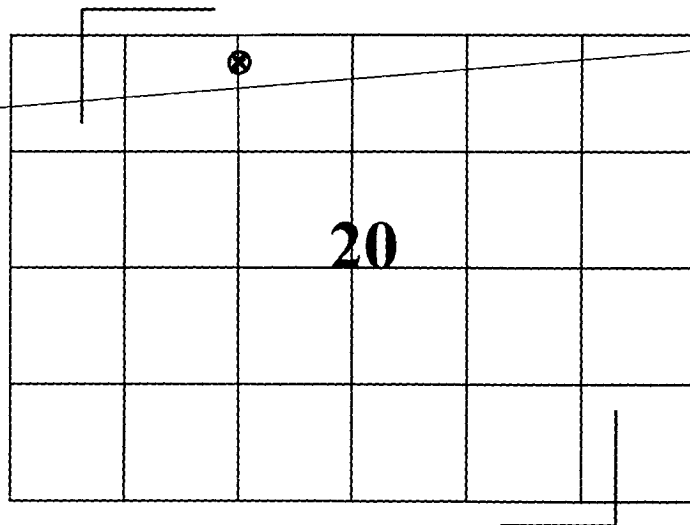
Type of Map: plat

Prepared by: John M Arleth, RLS

Reviewed and the Number Assigned on: 5-25-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1725-1**

Date of first receipt of application March 22, 2000.

Date of return to applicant for corrections, amendments or changes March 23, 2000.

Date of receipt of corrected application May 25, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1725-1 to Aspen View Subdivision, c/o Bill Pearson, PO Box 631, Deadwood SD 57732 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. 1725-1 to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from one well (Deadwood Formation) 1300 feet deep located in the N ½ NW ¼ Section 20-T5N-R4E.
2. The water appropriated shall be used for the purpose of supplying water for the suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1725-1 is July 24, 2000.
5. The date from which applicant may claim right is May 25, 2000.
6. One-fifth of the construction is to be completed on or before January 24, 2003.
7. All construction is to be completed on or before July 24, 2005.
8. ~~Water is to be put to beneficial use on or before~~ July 24, 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 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>1725-1</u>	Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Lawrence Co. Centennial, Deadwood, 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 90 BILL PEARSON Aspen View Phone 605-578-1567
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 631 Deadwood State SD 57732
(Street, RR, or Box) (Zip Code)

2. Amount of water claimed 0.02 *CFS or 9 **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 _____

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

At the NW 1/4 Sec 20 5N R 4E
N 1/2

County LAWRENCE

5. County or counties where water will be used LAWRENCE

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)

Aspen View Subdivision 12 lots - 10,000 gal storage tank
4 R/L put in Summer of 2000 in pump.

STATE OF SOUTH DAKOTA)

County of LAWRENCE SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, BILL PEARSON, 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 _____

Subscribed and sworn to before me this 20th day of March 2000

Joyce Marie Pfaff
Notary Public

Supplemental Information

(Complete applicable portions only)

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4 1/2 Depth 1300'
- b) Casing Type Steel Diameter 7-5 1/2 - 4 Thickness _____
- c) Screen Type perforated pipe/stub Diameter 4 1/2 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 300'
- f) Depth to Water (ground surface to water level) 300'
- g) Distance to nearest existing domestic well:
- On applicants property 1/2-1 mile On property owned by others 1/2-1 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic
- 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 _____

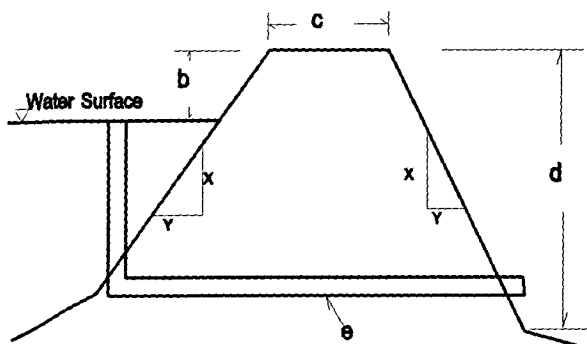
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416525

Pierre, May 25, 2000

RECEIVED OF Bill or Jacqueline Pearson, P.O. Box 631, Deadwood, SD 57732
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1725-1</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>1725-1</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

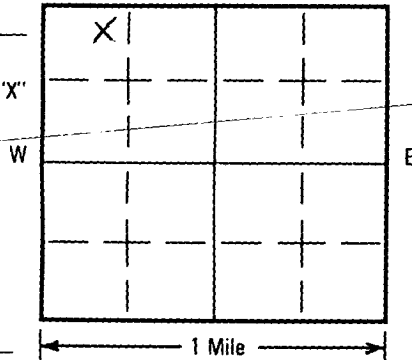
By Harold Erbe
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 20 Twp 5N Rg 4E
 County Lawrence

Please mark well location with an "X"



Well Completion Date

2-22-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? >1000 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Air + mud rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23 LB/FT</u>	<u>7 IN</u>	<u>0 FT</u>	<u>200 FT</u>	<u>8 3/4 IN</u>
<u>15.5 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>837 FT</u>	<u>6 1/4 IN</u>
<u>10.5 LB/FT</u>	<u>4 1/2 IN</u>	<u>804 FT</u>	<u>1300 FT</u>	<u>4 3/4 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>36</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>200 ft</u>
<u>Cement</u>	<u>70</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>837 ft</u>

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 4 1/2 IN Length _____ FEET

Material steel

Slot Size _____ Set From _____ Feet to _____ Feet

Other information torch cut slots in liner

1040-1080, 1080-1100, 1110-1140, 1275-1300

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: chlorine solution

X NO, Why Not? pump not

set yet

laboratory sent to for water analysis

Well Owner: Bill Pearson Aspen View

Business Name: Radio Tower Estates

Address: P.O. Box 631

Deadwood, S.D. 57732

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay some loose gravel</u>	<u>0</u>	<u>45</u>
<u>yellow to brown dolomite w/</u>	<u>45</u>	<u>375</u>
<u>gravel + clay filled caves</u>		
<u>white, yel. + brown dol.</u>	<u>375</u>	<u>560</u>
<u>gray shale</u>	<u>560</u>	<u>630</u>
<u>no samples</u>	<u>630</u>	<u>835</u>
<u>hard green shale</u>	<u>835</u>	<u>980</u>
<u>gray brown + red ss</u>	<u>980</u>	<u>1120</u>
<u>Quartzite pink, yel + brown</u>	<u>1120</u>	<u>1300</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 46 PSI

GPM flow 9 through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other flowing well

Reduced Flow rate pitless adaptor GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed air developed

☐ Other _____

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 331

And this report is true and accurate.

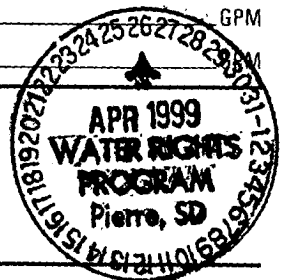
Drilling firm Taylor Drilling Co.

Signature of License Representative:

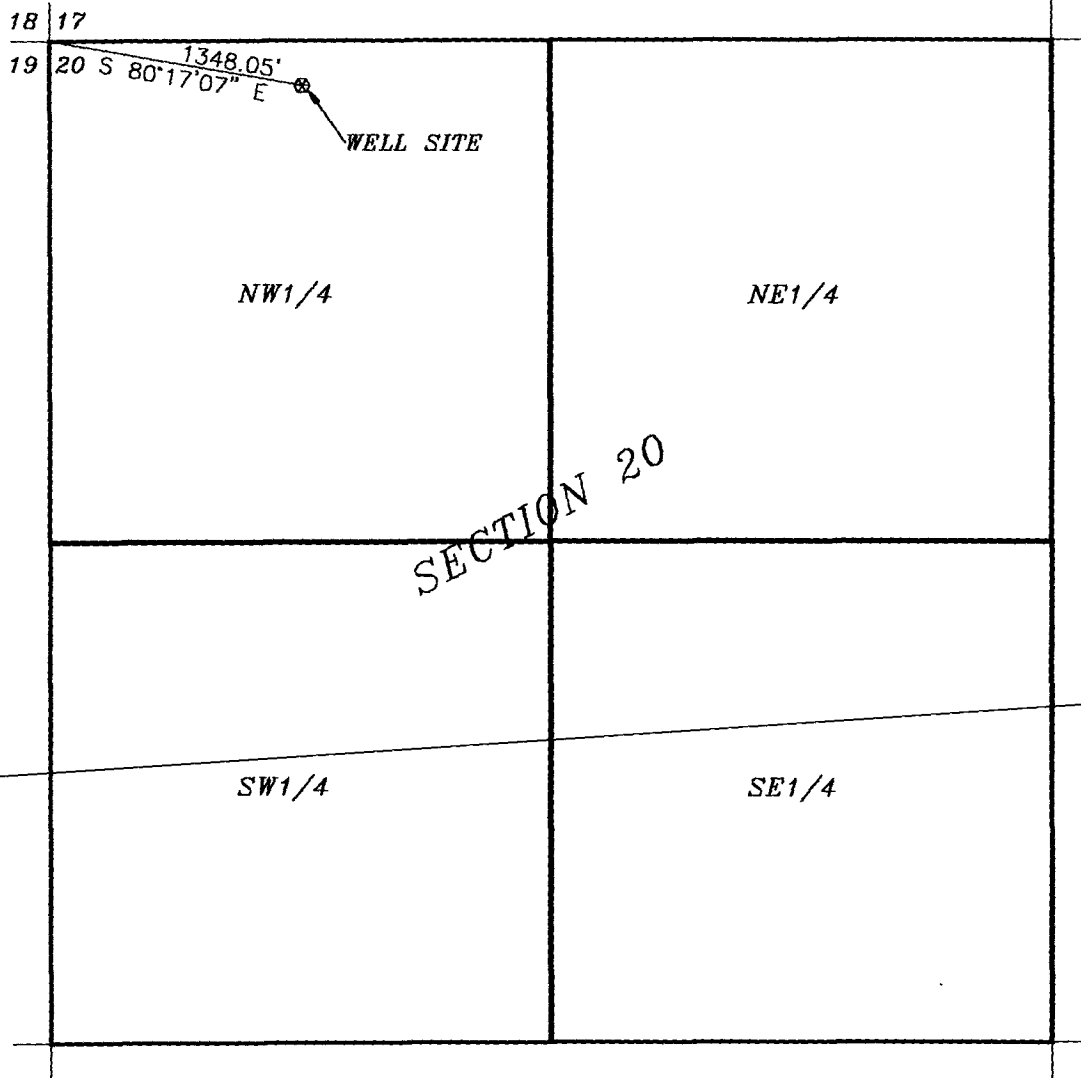
Ralph Taylor

Signature of Well Owner or Equitable Property Holder:

Date: _____



WELL LOCATION SURVEY
 LOCATED IN THE NW1/4 OF SECTION 20, T5N, R4E, B.H.M.,
 LAWRENCE COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR
 REG. NO. 3977
SURVEYOR'S CERTIFICATE
 I, JOHN M. ARLETH, R.L.S. 3977, DEADWOOD, SD, DO HEREBY CERTIFY
 THAT THE PROPERTY SHOWN HEREON WAS SURVEYED AND STAKED UNDER
 MY SUPERVISION AND THAT ALL DIMENSIONS ARE TRUE AND CORRECT TO
 THE BEST OF MY KNOWLEDGE AND BELIEF. DATED THIS 26 DAY OF
APRIL, 2000.
[Signature]
 JOHN M. ARLETH, R.L.S. 3977



ARLETH & ASSOCIATES
 382 MAIN STREET
 DEADWOOD, SD 57732
 605-578-1637

PROJECT
 WELL LOCATION
 SURVEY

DATE: APRIL 27, 2000
 SCALE: 1" = 1000'
 DRAWN BY: T. VIG
 JOB NO: 4784

1725-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1999

Radio Tower Estates
Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

I am writing in regard to a well driller's report filed by Taylor Drilling Co. The report shows a new well was completed for Radio Tower Estates on February 22, 1999. A review of our files indicates that Radio Tower Estates holds Water Right No. 1596-1 for 40 gallons per minute (gpm) from one well, 805 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T5N-R4E for suburban housing development use.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Pearson, does the peak diversion rate from the two wells exceed 40 gpm? If so, a new permit application will be required for the additional diversion rate above 40 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 40 gpm, please let me know.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
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

September 3, 1999

Radio Tower Estates
Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

Our records indicate that Taylor Drilling Co. completed a new well for Radio Tower Estates on February 22, 1999. A letter and forms to apply for *An Application for a Permit to Appropriate Water* were sent to you. Enclosed is a copy of that letter. To date, we have not received a reply from you.

As requested in the May 17, 1999 letter, what is the peak diversion rate from the two wells and does it exceed 40 gallons per minute? Please respond by October 1, 1999.

If you have any questions, please contact me. Your cooperation is appreciated.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

*Submitted app 3/22/00 - Aspen View
Bill Pearson called
said Aspen View is not connected with
Radio Tower Estates.*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 2000

Aspen View Subdivision
c/o Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Aspen View Subdivision. 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).

The application filing fee is \$50. In addition to the application filing fee, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2000

Aspen View Subdivision
c/o Bill Pearson
PO Box 631
Deadwood SD 57732

Dear Mr. Pearson:

On March 22, 2000, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for a suburban housing development. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2000

Bill Pearson
P.O. Box 631
Deadwood, SD 57732

Dear Mr. Pearson:

I am writing regarding the water right permit application that you filed for Aspen View Subdivision. I have not been able to contact you on the telephone to discuss the application.

I want to make you aware that under South Dakota law a water right permit is not necessary to be obtained for a suburban housing development if the maximum diversion rate does not exceed 18 gallons per minute (gpm). Your current application states the diversion rate will only be 9 gpm.

I am not sure where the confusion occurred on whether a water right permit required for Aspen View. I know you are familiar with the water right permitting process as you have a permit for Radio Tower Estates. It is my understanding that Aspen View is totally separate from Radio Tower Estates.

If the Aspen View well is the only well used at the development and the maximum diversion rate from the well is less than 18 gpm, you are not required to obtain a water right permit. ~~However, if the combined diversion rate from well(s) is greater than 18 gpm, then a permit does need to be obtained.~~

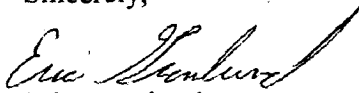
I believe you have two choices:

- 1) The application can be withdrawn in which case your application filing fees will be refunded.
- 2) You can proceed and obtain a permit (although it is not a requirement).

I have enclosed a sheet and a self addressed stamped envelop for you to fill out to let me know your intentions.

Thank you for your attention to this matter. Please contact me if you have any question about when a water right permit is required by state law.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

To the attention of: Karen Schlaak
or Eric Gronlund

APPLICATION NO. 1725-1, ASPEN VIEW SUBDIVISION – c/o Bill Pearson

Please mark an "X" next to the applicable box

☒ I wish to proceed and obtain a state water right permit for a 9 gpm diversion.

☐ I wish to withdraw my application. It is my understanding that state law does not require obtaining a water right permit for a suburban housing development that does not divert at a rate greater than 18 gallons permit. I also acknowledge that at some future time if total water use from well(s) does exceed 18 gpm that a water right permit will need to be obtained.

Signed  6/7/00
Bill Pearson DATE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1725-1, Aspen View Subdivision**

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. 1725-1, Aspen View Subdivision, c/o Bill Pearson, P.O. Box 631, Deadwood, SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 1725-1 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.

Garland Erbele, Chief Engineer
June 23, 2000

REPORT FOR
WATER PERMIT APPLICATION NO. 1725-1
ASPEN VIEW SUBDIVISION
JUNE 19, 2000

Water Permit Application No. 1725-1 proposes to appropriate 0.02 cubic feet of water per second (9 gallons per minute), from one well (Deadwood Formation), 1300 feet deep, located in the N½ NW¼ Section 20, T5N-R4E. The water is for a suburban housing development.

AQUIFER: Deadwood Formation (DDWD)

AQUIFER CHARACTERISTICS:

The Deadwood Formation consists mainly of reddish-brown sandstone, with intermittent layers of shale and shaley limestone, and locally a basal conglomerate unit. The Deadwood Formation is over 500 thick in this area (Water Rights, 2000_a), underlies approximately 428,800 acres of Lawrence County and contains an estimated 7,504,000 acre-feet of recoverable water in storage in the county (Allen, 1984). The aquifer is laterally extensive and underlies nearly 20 million acres of Western South Dakota (Allen, 1984). There is limited aquifer test data available for wells in the Deadwood, and aquifer characteristics are not available, however the permeability of the formation is assumed to be "moderately low" (Rahn, 1979). The Deadwood Formation outcrops within one mile of this well site (Strobel, 1999). This area is fairly complex geologically, in this area, Tertiary aged igneous rock has intruded the sedimentary rock, including the Deadwood Formation, and faulting has been identified just north of this site (Darton, 1925). The impact that these intrusives and faults have on the hydrology is not clear. The aquifer is under confined conditions at this site and some of the wells in this area, including this well, free flow at the land surface. Recharge to the Deadwood aquifer, which occurs through direct infiltration of precipitation at the outcrop area and to a minor extent streamflow losses, has not been quantified.

Water Availability:

Development of the Deadwood Aquifer has generally been limited to a fairly small area in or near the outcrop area. This is due to the fact that most of the aquifer is overlain by productive aquifers. Relatively few wells have been completed into the Deadwood Aquifer and the water use from the Deadwood Formation is fairly low. The aquifer is utilized primarily for domestic use near the outcrop area. However, there are 33 Water Rights/Permits appropriating water from the Deadwood Aquifer in South Dakota. Water use by appropriative rights/permits include: suburban housing developments, commercial use, industrial use, institutional use, multiple use, irrigation use, domestic use and RWS use. The combined diversion rate of these appropriate rights totals only 4.822 cfs (Water Rights, 2000_c). It is doubtful that the combined use from the Deadwood exceeds 1,500 acre-feet per year.

Since average annual recharge has not been quantified for the aquifer, a direct comparison between recharge and withdrawals can not be made. The Water Rights Program monitors five observation wells completed into the Deadwood Aquifer in the Black Hills (Water Rights, 2000_b). Although the nearest observation well is over 13 miles from this site, generalities can be drawn from the data. Data from the observation wells indicate the potentiometric surface of the Deadwood Aquifer fluctuates seasonally in response to recharge events, with the highest water level occurring in late spring-early summer, and the lowest water level occurring in late winter-early spring. The water levels are generally higher in "wet" years and are generally lower in "dry" years. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious.

Affects on Existing Rights:

The Deadwood formation is probably hydraulically isolated from other aquifers, so pumping from the Deadwood is not expected to impact other aquifers. There are several domestic wells completed into the Deadwood Aquifer within approximately one mile of this well (Water Rights, 2000_a). There are only three Water Rights/Permits appropriating water from the Deadwood Aquifer within approximately five miles of this well site, they include:

Permit/Right	Name	Use	Rate	Distance from 1725-1
1623-1	Bill Burleson	SHD	0.035 cfs	≈ 3300'
1596-1	Radio Tower Homeowner's	SHD	0.090 cfs	≈ 2500'
1702-1	City of Deadwood	COM	0.078 cfs	≈ 3400'

Interference is not expected to be a concern. The diversion rate requested by this application is relatively small and drawdown caused by pumping should not be significant very far from the actual production well. Adequate domestic wells will not be adversely affected.

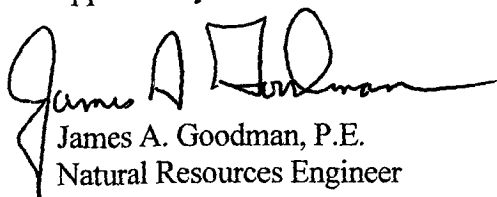
CONCLUSIONS:

1. Unappropriated water is available from the Deadwood Formation for this appropriation.
2. The Deadwood aquifer is confined in this area. Drawdown will occur as a result of pumping but interference with existing wells is not expected to be a concern.
3. Wastewater disposal for this development is through septic tank and drain fields.
4. This is a request for an appropriation from an existing well. The well's completion report indicates the well was constructed in accordance with the SD Well Construction Standards.
5. The well that is to be used to supply this application is capable of free flowing. This well must be controlled in order to prevent the waste of water.
6. Under South Dakota water law, it is not necessary to obtain a water right for a suburban housing development if the maximum diversion rate does not exceed 18 gallons per minute. The diversion rate proposed for this housing development is 9 gallons per minute.



Ken Buhler
Natural Resources Engineer

approved by



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

REFERENCES:

- Allen, J.C., Iles, D., Petres, A., 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-Division of Geological Survey, Vermillion SD
- Darton, H.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, No. 219, USGS, Washington, DC
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, SDSM&T Project #2533,
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota, U.S. Geological Survey, Hydrologic Investigations Atlas HA-743
- Water Rights Program, 2000_a, "Domestic Well Log Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2000_b, "Observation Well data", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2000_c, "Water Permit/Right Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**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.

June 27, 2000

Aspen View Subdivision
%Bill Pearson
P.O. Box 631
Deadwood, SD 57732

Dear Mr. Pearson:

Water Permit Application No. 1725-1 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 Lawrence Co. Centennial printed at Deadwood, SD (Ph # (605) 578-3305). 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

June 27, 2000

Lawrence Co. Centennial
Box 512
Deadwood, SD 57732-0512

ATTENTION: Legal Public Notice

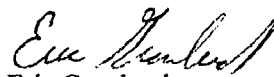
Enclosed is a Notice of Hearing on Application No. 1725-1 to Appropriate Water to be published twice. Please publish the first notice on July 6, 2000, with the second publication 7 days later.

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 Aspen View Subdivision, %Bill Pearson, P.O. Box 631, Deadwood, SD 57732 (Ph # (605) 578-1567).

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

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

No. 1725-1

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

Date _____

We are in receipt of your letter of June 27, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1725-1 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 July 6, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1725-1 to Appropriate Water

Notice is given that Aspen View Subdivision, c/o Bill Pearson, PO Box 631, Deadwood SD 57732 has filed an application for a water permit to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from one well (Deadwood Formation) 1300 feet deep located in the N ½ NW ¼ Section 20-T5N-R4E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1725-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 24, 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.~~ Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Laurence)

I, Joan M. Lewis
certify that the attached printed Notice was
taken

from the Lawrence County
Centennial

printed and published in Deadwood

County of Lawrence and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

July 6, 2000
July 13, 2000

Cost of Printing 36.37

Jean M. Lewis
(Signature)

Bookkeeper
(Title)

7/13/00
(Date Signed)



Notice given to appropriate water

NOTICE OF APPLICATION NO. 1725-1
TO APPROPRIATE WATER

Notice is given that Aspen View Subdivision, c/o Bill Pearson, PO Box 631, Deadwood SD 57732 has filed an application for a water permit to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from one well (Deadwood Formation) 1300 feet deep located in the N 1/2 NW 1/4 Section 20-T5N-R4E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1725-1 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 recommen-

ation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 24, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources

Publish: July 6 & 13, 2000
Lawrence County Centennial



**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

Aspen View Subdivision
%Bill Pearson
P.O. Box 631
Deadwood, SD 57732

Dear Mr. Pearson:

Enclosed is Water Permit No. 1725-1 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. 1725-1
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 August 2007**, made a thorough examination of the water use system constructed by **Aspen View Subdivision** of **PO Box 631, Deadwood, SD. 57732** holder of Permit No. **1725-1**, bearing the priority of **25 May 2000** authorizing the diversion of **0.02** cu. ft. per second of the waters of **the Deadwood formation** for **suburban housing** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder, if applicable: **Mike Persavich**
578-3030

Home Owners Association Representative

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor**
- 2) No. of Wells: **1**
- 3) Depth(s) **1300** feet
- 4) Well log is available **Y**
- 5) Comment: **Flowing well, shut in pressure of 46 psi.**

Casing:

- 1) Diameter **7 / 5 ½ / 4 ½** inches
- 2) Length **200 / 837 / 496** feet
- 3) Type **steel**

Screen:

- 1) Type **perforated pipe**
- 2) Static water level **0** feet

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **N**
- 3) Exceptions to compliance are: **none**

Report of Examination of Works

Permit No. 1725-1

The system is in good condition with the point(s) of diversion located as follows: N ½ NW ¼ Section 20- T5N-R4E, approximately 1338 feet east and 187 feet south of the north west corner of section 20, N 44.38696 Latitude and W -103.66466 Longitude. The works are capable of diverting and conveying to the place of use 0.02 cu. ft. per second of water which is to be used for suburban housing use.

The license should be issued for 0.02 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: 20 February 2008



South Dakota

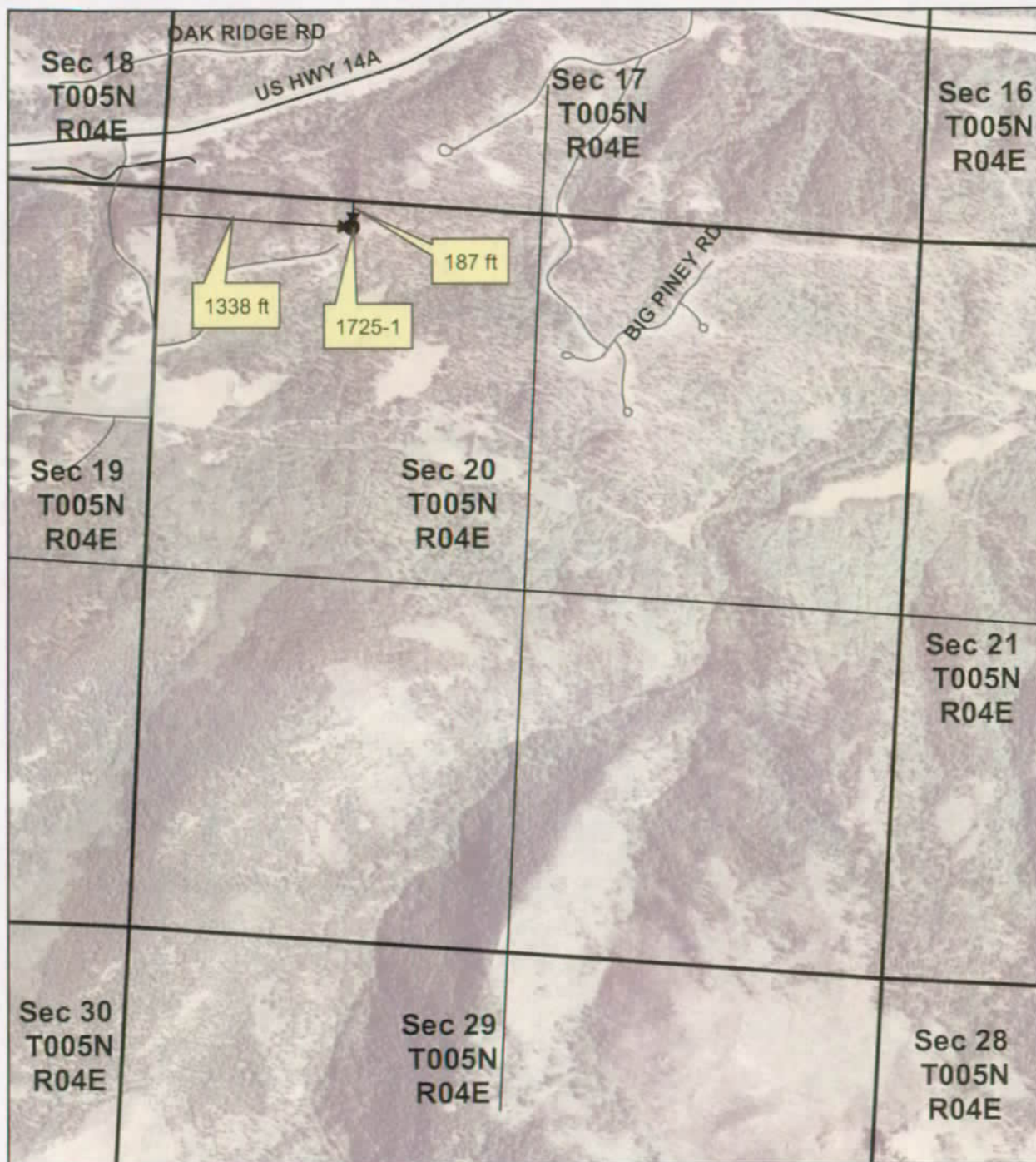
1725-1

Aspen View Subdivision
PO Box 631
Deadwood, SD. 57732

South Dakota Department of
Environment and Natural Resources

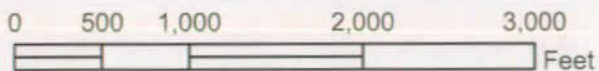


Protecting South Dakota's Tomorrow... Today



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
22 February 2008





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 03 2008

1725-1

Mike Persavich
Aspen View Subdivision
PO Box 631
Deadwood SD 57732

Dear Mr. Persavich:

Enclosed is Water License No. 1725-1. This is the final water right document completing your process of obtaining a Water Right. Included with the 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. 1725-1, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1725-1

(1) Aspen View Subdivision, PO Box 631, Deadwood SD 57732-0631 made Application No. 1725-1, March 22, 2000 for a water permit to divert 0.02 cubic feet of water per second (9 gallons per minute) from ground water (Deadwood Formation), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1725-1, with a priority date of May 25, 2000 was approved July 24, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 24, 2005 and for the application to beneficial use of said water on or before July 24, 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 0.02 cubic feet of water per second for beneficial use (9 gallons per minute). The location of the diversion point is:

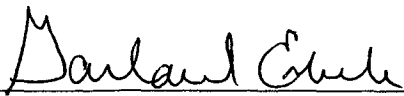
- 1,338 feet E and 187 feet S of the NW corner of Section 20, T5N, R4E (NE $\frac{1}{4}$ NW $\frac{1}{4}$)

(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 Aspen View Subdivision, PO Box 631, Deadwood SD 57732 the holder and/or owner of Water Right No. 1725-1 is issued a license to appropriate water, the right to use 0.02 cubic feet of water per second from ground water (Deadwood Formation) with a priority date of May 25, 2000 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1725-1 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 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 Erbe, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 03 2008

date

