

WATER PERMIT NO. 1739-1

Name of Applicant: Spearfish Meadows Homeowners

Address: PO Box 117, Spearfish SD 57783 Phone: 605 722-0720

Amount of Water Claimed: 0.111 cfs Total Acres: NA

Source of Water Supply: groundwater

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

Type of Waste Disposal System: individual septic systems

Location: 1 west of Spearfish

PRIORITY Date Received: 10-13-2000 Fee: \$150

Corrected Application Received: Period of Annual Use: January 1 December 31

Remarks: Water Right No. 1313-1 authorized 0.07 cfs from 2 wells. This application is for an additional well.

Diversion Point: SE ¼ SE Sec 32-T7N-R2E

Land to be Irrigated: NA

Depth of Well: 292 feet deep

Well Driller: : Ellingson Well Drilling

Remarks:

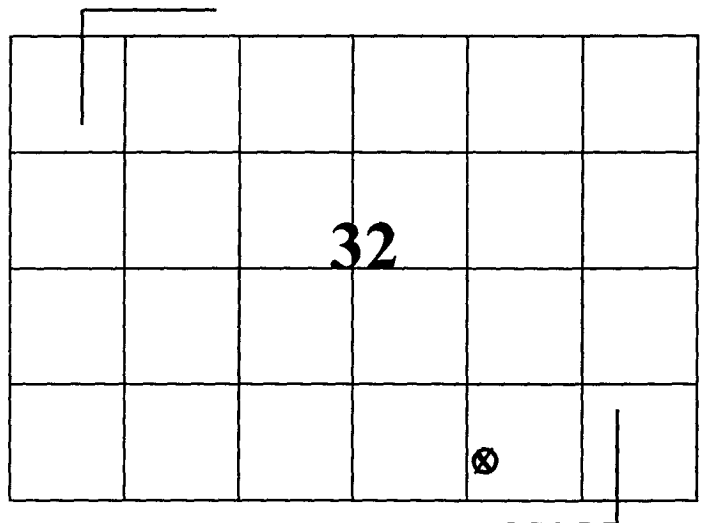
Type of Map: plat

Prepared by: Bradley E Ellis, PE

Reviewed and the Number Assigned on: 10-16-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 1739-1

Date of first receipt of application October 13, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1739-1 to Spearfish Meadows Homeowners, PO Box 114, Spearfish SD 57783 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. 1739-1 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Minnekahta Formation) 292 feet deep located in the SE ¼ SE ¼ Section 32-T7N-R2E.
2. The water appropriated shall be used for the purpose of supplying water for a suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1739-1 is December 14, 2000.
5. The date from which applicant may claim right is October 13, 2000.
6. One-fifth of the construction is to be completed on or before June 14, 2003.
7. All construction is to be completed on or before December 14, 2005.
8. Water is to be put to beneficial use on or before December 14, 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. 1739-1 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) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

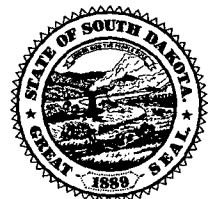
By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JAN 29 2001

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1739-1</u>	(office use only) Hydrologic Unit <u>10/20203</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Black Hills Pioneer, Spearfish</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. 1313-1

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) addition of
new well 49' 10" DUE south of existing well, #1
to supplement current water supply

1. Name of Applicant Spearfish Meadows Homeowners Phone 605 722 0720
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 114 Spearfish State SD 57783
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.111 *CFS or 50 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply minnekahta

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 wells in the
SE 1/4 SE 1/4 Section 32 - T7N R2E
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)

New well - approximate depth 292' To be tied into
existing storage tanks.

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, Rex O. Moyer, 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 Rex O Moyer
Subscribed and sworn to before me this 11 day of October 19 2000

Shirley Reller
Notary Public

expires: 6/27/2006

For
Spearfish
meadows
homeowners
assoc.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter $8\frac{3}{4}$ " Depth 292'
- b) Casing Type 6" PVC Diameter 6" Thickness Sch 40
- c) Screen Type None Diameter _____ Thickness _____
- d) Gravel Pack None Length of Gravel Pack None
- e) Depth to Top of Water Bearing Material 258'
- f) Depth to Water (ground surface to water level) 24'
- g) Distance to nearest existing domestic well:
- On applicants property 49' 10" On property owned by others _____

2. Wastewater Disposal System Information

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

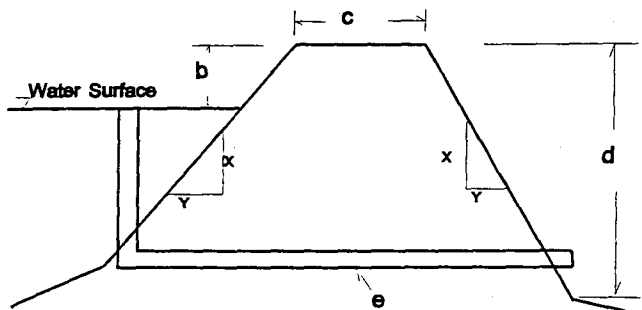
3. Dugout Information

- 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

No 416653

Pierre, October 13, 2000

RECEIVED OF Spearfish Meadows Homeowners Association, PO Box 114, Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1739-1 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. 1739-1 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

200 00

By

Garland Erbele

Chief Engineer

GARLAND ERBELE

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

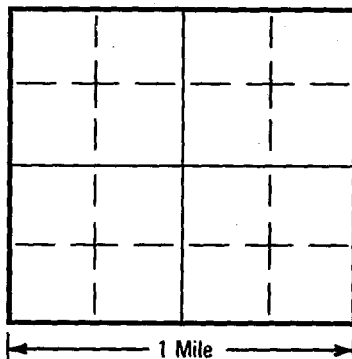
Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 32 Twp 7 N Rg 2E
 County Lawrence

Please mark well location with an "X"

W

E

Well Completion Date

8-10-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from drain field (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

rotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SEA 40 LB/FT</u>	<u>6 5/8 IN</u>	<u>0 FT</u>	<u>260 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	<u>260 FT</u>	<u>282 FT</u>	<u>5 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>95</u>	_____ lb./gal	<u>0</u> ft.	<u>260</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

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: 1 gal chlorox

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Spearfish Meadows
 Business Name: Home Owners Association
 Address: #1 Jerry Lane
Spearfish S.D 57783

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>Gravel</u>	<u>0</u>	<u>10</u>
<u>Red bed</u>	<u>10</u>	<u>160</u>
<u>Red bed w/ gyp voids</u>	<u>160</u>	<u>258</u>
<u>Minnc. Kahta</u>	<u>258</u>	<u>292</u>

STATIC WATER LEVEL 24 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 40 gpm for☐ Bailed1 hr☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 93

And this report is true and accurate.

Drilling firm Ellingson

Signature of License Representative:

Jerry Ellingson

Signature of Well Owner or Equitable Property Holder:

Rex O. Maynor SMHADate: 9-2-00

Diversion Point of Well # 3 For Spearfish Meadows Homeowners Assc.

Well #3 is located approximately 1300' W and 190' N, from the SE corner of Section 32, T7n, R2e (se $\frac{1}{4}$ se $\frac{1}{4}$) per map compiled by Lawrence County Planning and Zoning Office from records in the Lawrence County assessor's office and register of deeds office 11-21-80.

This new well # 3 is located 49' 10" due south of well # 2 as per water license no. 1313-1

Rex O. Moyer
For Spearfish Meadows Homeowners Assc.

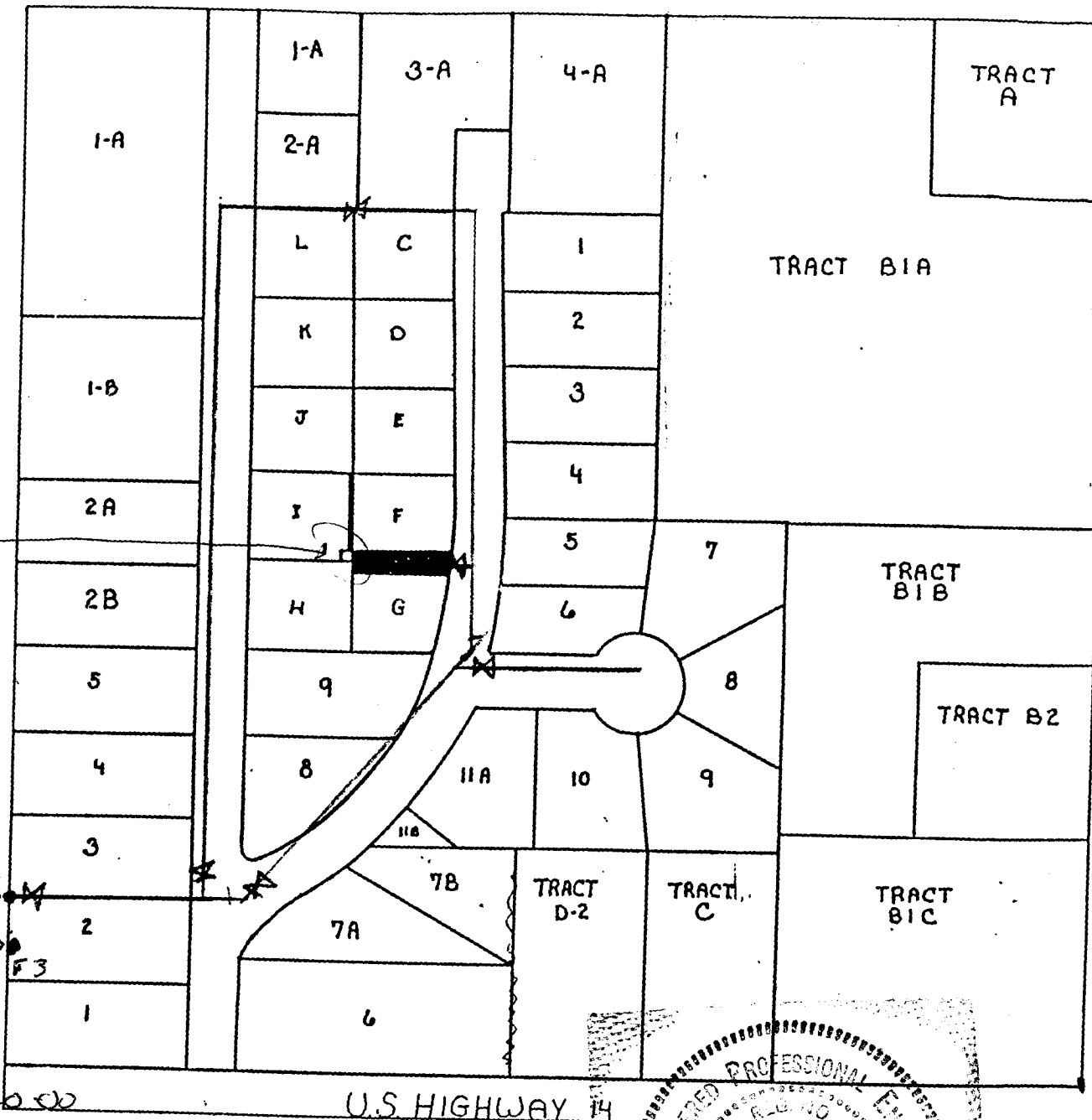
Brad Ellis, Engineer 10-11-00

SECTION SE 1/4 SE 1/4 32

TOWNSHIP 7N

RANGE 2E

1" = 120'



Existing well #1

Existing well #2

New Well

49' 10"

South of

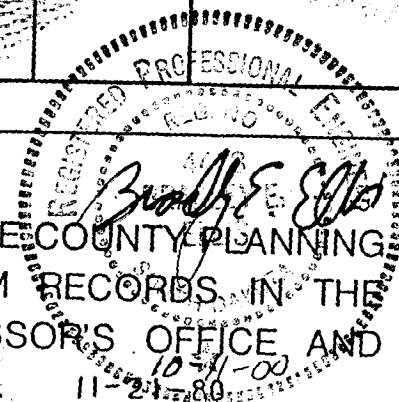
well #2

Started 8-5-00

8-5-00

Completed

COMPILED BY THE LAWRENCE COUNTY PLANNING
AND ZONING OFFICE FROM RECORDS IN THE
LAWRENCE COUNTY ASSESSOR'S OFFICE AND
REGISTER OF DEEDS OFFICE.



10-11-00
1739-1

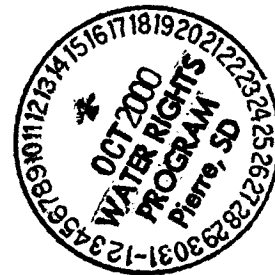
R Moyer
PO Box 114
Spearfish, SD 57783-0114

Tri-R Business Services

Phone: (605) 722-0720
Fax: (605) 722-0719
E-mail: trir@mato.com

October 11, 2000

WATER RIGHTS PROGRAM, DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3181



RE: Water Permit Application for Spearfish Meadows, Spearfish, South Dakota

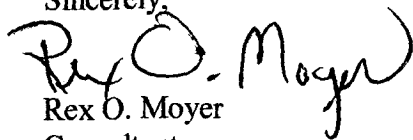
Enclosed are the following items required for this application.

1. Two completed copies of Form 2
2. Map of Spearfish Meadows showing the required information and signed by a Registered Professional Engineer.
3. A written description of the location of the new well
4. The well driller's log (SD Water Well Completion Form)
5. Supplemental Information Form 2A
6. Copy of Water License No. 1313-1 with notation of new well location

The well became fully operational on September 28, 2000. There were some delays in getting the pump installed and pumping due to some electrical problems that took time to resolve.

If you have any questions or need further information, please contact me at (605) 722-0720.

Sincerely,


Rex O. Moyer
Consultant

enclosures



**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. 1739-1, Spearfish Meadows Homeowners**

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. 1739-1, Spearfish Meadows Homeowners, c/o Rex O. Moyer, PO box 117, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1739-1 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 wells authorized by Permit No. 1739-1 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) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 14, 2000

WATER PERMIT APPLICATION NO. 1739-1
SPEARFISH MEADOW HOMEOWNERS
NOVEMBER 8, 2000

Water Permit Application No. 1739-1 proposes to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Minnekahta Limestone) 292 feet deep located in the SE¼ SE¼ Section 32, T7N-R2E, in Lawrence County. The water is to be used in a suburban housing development.

AQUIFER: Minnekahta Limestone (MNKT)

General:

This application proposes to complete an additional well to be used by the suburban housing development. Spearfish Meadow Homeowners currently has two wells completed into the Minnekahta Limestone authorized by Water Right No. 1313-1.

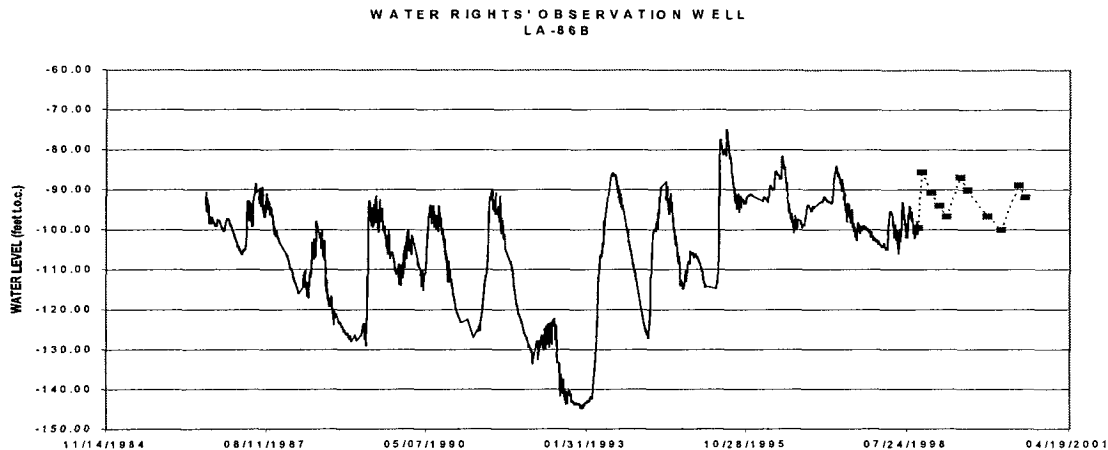
The Minnekahta Limestone is a grayish-pink, laminated, limestone approximately 40 feet thick. The Minnekahta underlies an estimated 126,080 acres of Lawrence County and contains and estimated 315,200 acre feet of recoverable water in storage in the County (Allen, 1984). The aquifer is areally extensive around the Black Hills and is hydraulically connected into Wyoming to the west, Butte County to the north and Meade County to the east. The Minnekahta is confined and under artesian conditions at this site.

Water Availability:

The availability of unappropriated water from the Minnekahta Limestone in this area can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge to the Minnekahta Limestone in this area occurs through direct infiltration of precipitation falling on the outcrop (approximately 1.5 miles southwest of this well site), (Strobel, 1999), and possibly from upward leakage from underlying aquifers. The average annual recharge has not been estimated for the Minnekahta Limestone in this area.

The Water Rights Program monitors four observation wells completed into the Minnekahta Limestone. LA-86B is located approximately one mile west of this well. Measurements taken from the well indicate the water level fluctuates in response to seasonal and annual climatic conditions, that is the water level rises in the spring and declines the rest of the year, and the water level is lower during drought years (figure 1).



In general, the Water level measurements suggest that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Effects on Existing Water Rights:

The Minnekahta Limestone is a major source of water in this area. The Water Rights Program has record of several domestic wells in the Spearfish Area (Water Rights, 2000_a). There are 27 Water Rights/Permits appropriating water from the Minnekahta Limestone in South Dakota. There are 15 Water Rights/Permits appropriating water from the Minnekahta in Lawrence County, with 14 of these within three miles of this well (Water Rights, 2000_c). It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any interference.

In 1979, Water Rights' staff dealt with a complaint, which involved interference between wells in this area. Withdrawals from the Minnekahta Limestone well authorized by Water Permit No. 1194-1 allegedly were affecting water levels in a nearby domestic well completed into the Minnelusa Aquifer, and a Minnekahta Limestone well used to supply Water Permit No. 952-1. The conclusion of the staff investigation stated that while the wells had lost the flow in their wells, sufficient water was still available to meet their needs with the aid of a pump.

The application for Water Right No. 1313-1 was contested in 1984, over well interference concerns. Following a hearing the application was approved and there has been no reported controversy.

Increased development from the Minnekahta aquifer in this area may result in more complaints regarding the loss of flow from wells. However, since water law does not protect artesian head pressure as a means of delivery, it is unlikely an adequate well would be considered "Adversely Affected".

Water Right No. 1313-1 contained unique qualifications regarding a well that was improperly located in relation to a pollution source, and improperly completed. The well has subsequently been plugged, therefore the qualifications have been met and the final Water Right has been issued.

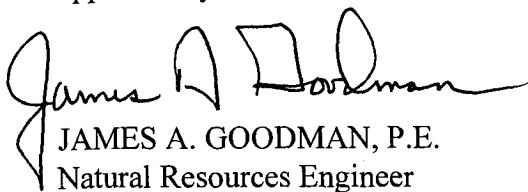
CONCLUSIONS:

1. The Minnekahta Limestone is a viable source of groundwater in this area.
2. Recharge to the Minnekahta Limestone, which is through direct infiltration of precipitation, has not been quantified.
3. There is a reasonable probability that unappropriated groundwater is available from the Minnekahta Limestone in this area.
4. There are numerous domestic wells and wells supplying appropriative rights in this area.
5. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small diversion rate requested from the well.
6. Individual septic tanks are to be used for waste disposal.



KEN BUHLER
Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Peters, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3&4: Groundwater Resources Inventory, Department of Water and Natural Resources, Division of Geological Survey, Vermillion South Dakota, 57069, U.S. Army Corps of Engineers Contract No. DAWC 45-82-C-0151
- 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, Hydrologic Investigations Atlas HA-743, U.S. Department of the Interior, U.S. Geological Survey
- Water Rights, 2000_a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2000_b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2000_c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Instruction to Newspaper - Publish first Notice on November 27, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1739-1 to Appropriate Water

Notice is given that Spearfish Meadows Homeowners, c/o Rex Moyer, PO Box 114, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Minnekahta Formation) 292 feet deep located in the SE ¼ SE ¼ Section 32-T7N-R2E. The water will be used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1739-1 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 December 14, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 17, 2000

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

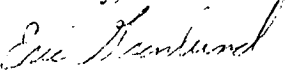
Enclosed is a Notice of Hearing on Application No. 1739-1 to Appropriate Water to be published twice. Please publish the first notice on November 27, 2000 with the second publication 7 days later.

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 Spearfish Meadows Homeowners, c/o Rex Moyer, PO Box 117, Spearfish SD 57783 (Ph # 605 722-0720).

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. 1739-1

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

Date _____

We are in receipt of your letter of November 17, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 1739-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

November 17, 2000

Spearfish Meadows Homeowners
c/o Rex Moyer
PO Box 114
Spearfish SD 57783

Dear Mr. Moyer:

Water Permit Application No. 1739-1 for suburban housing development 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 605 642-2761). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund /ks
Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lawrence)

I, Shirky Rehm

certify that the attached printed Notice was taken

from the Black Hills Pioneer

printed and published in Spearfish

County of Lawrence and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 27, 2000

December 4, 2000

Cost of Printing \$35.08

Shirky A. Rehm
 (Signature)

Reeds Receivable Clerk
 (Title)

12/5/00
 (Date Signed)

NOTICE OF
 APPLICATION NO.
 1739-1 to Appropriate
 Water

Notice is given that Spearfish Meadows Homeowners, c/o Rex Moyer, PO Box 114, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Minnekahta Formation) 292 feet deep located in the SE 1/4 SE 1/4 Section 32-T7N-R2E. The water will be used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1739-1 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 December 14, 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.

#557
 Nov. 27,
 Dec. 4



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 2000

William and Irene McGuigan
Rt 1 Box 141
Spearfish SD 57783

Dear Mr. and Mrs. McGuigan:

I am writing to make you aware of a pending water right permit application filed by the Spearfish Meadows Homeowners Association. Our records show that back in 1984 the McGuigan Family opposed the issuance of the water permit for the original well that supplied this suburban housing development.

Please find enclosed a copy of the report, recommendation and public notice of this application. The notice will be published in the Black Hills Pioneer on November 27th and December 4th. Petitions to intervene and cause a hearing before the Water Management Board must be filed by December 4, 2000.

If you have any questions about the water right permitting process, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



JAN 29 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1739-1

Spearfish Meadows Homeowners
PO Box 114
Spearfish SD 57783

Dear Sir:

Enclosed is Water Permit No. 1739-1 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. 1739-1
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, October 22, 2003, made a thorough examination of the water use system constructed by Spearfish Meadows Homeowners of PO Box 114, Spearfish, SD 57783 holder of Permit No. 1739-1, bearing the priority of October 13, 2000 authorizing the diversion of 0.111 cu. ft. per second of the waters of groundwater (Minnekahta Limestone) for suburban housing development purposes, in Lawrence County.

Inspection contact & relationship to permit holder, if applicable: **Rex Moyer, operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Ellingson Drilling
- 2) No. of Wells: one
- 3) Depth(s) 292 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

- 1) Diameter 6 5/8 inches
- 2) Length 260 feet
- 3) Type: PVC

Screen:

- 1) Type: none-open hole completion
- 2) Length 32 feet
- 3) Static water level 24 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 40S50-15
- 3) Size: 4-inch
- 4) Capacity 50 GPM

Motor:

- 1) Make: Franklin Electric
- 2) Horsepower rating 5 hp

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

- Main: 1) Type PVC 2) Size 4 inches 3) Length 440 feet
- Service: 1) Type polyethylene 2) Size 1 1/2 - 3/4 inches

Report of Examination of Works

Permit No. 1739-1

C. Works used to apply water to beneficial use:

Water is used for 29 houses supplied by the suburban housing development.

There are three wells in the development. A well in the center of the development is used in the summer time only. The "old main well" located 40 feet north of the well currently used by the development is a standby well. The old well can be used by turning on a switch and opening a valve. The well in the center of the development and the old main well are both covered under Water Right No. 1313-1.

The submersible pump in the well transfers water to two 5000 gallon storage tanks and a 3000 gallon distribution tank. A distribution pump is capable of delivering 35 gallons per minute from the distribution tank to the syatem.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A
- 3) Exceptions to compliance are: N/A

The system is in good condition with the point of diversion located as follows: 185 feet north and 1315 feet west of the south east corner or Sec. 32, T7N-R2E, (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T7N-R2E), with a latitude of 44.518437 and a longitude of -103.895272. The works are capable of diverting and conveying to the place of use 0.111 cu. ft. per second of water is to be used for suburban housing development use. The license should be issued for 0.111 cfs.

All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project: 1313-1



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program

Date report completed: December 9, 2003

Map for Water Right No. 1739-1



0 250 500 1,000 Feet

Ken Buhler
Ken Buhler
Natural Resources Engineering Specialist
SD DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1739-1

(1) Spearfish Meadows Homeowners, PO Box 114, Spearfish SD 57783 made Application No. 1739-1, October 13, 2000 for a water permit to divert 0.111 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1739-1, with a priority date of October 13, 2000 was approved December 14, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 14, 2005 and for the application to beneficial use of water on or before December 14, 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, the holder and/or owner of Water Right No. 1739-1 is issued a license, bearing a priority date of October 13, 2000 to appropriate 0.111 cubic feet of water per second from groundwater (one well) for suburban housing development use.

The diversion point is located: 185 feet north and 1,315 feet west of the southeast corner of Section 32-T7N-R2E (SE 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1739-1 including the following now applicable qualifications:

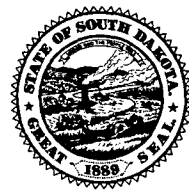
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 1739-1 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) pursuant to Section 74:02:04:28.

Garland Erbele

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

JAN 14 2004

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

JAN 14 2004

1739-1

Spearfish Meadows Homeowners
% Rex Moyer
PO Box 114
Spearfish SD 57783

Dear Mr. Moyer:

Enclosed is Water License No. 1739-1. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures