

WATER PERMIT NO. 1740-1

Name of Applicant: Clifford N Stygles

Address: 11600 J-B Road, Black Hawk SD 57718 Phone: 605 787-4057

Amount of Water Claimed: 0.1 cfs (45 gpm) Total Acres: NA

Source of Water Supply: groundwater (1 well)

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

Type of Waste Disposal System: drain field

Location: 2 miles north of Black Hawk

PRIORITY Date Received: 7-3-2000

Fee: \$50

Corrected Application Received: 10-18-2000

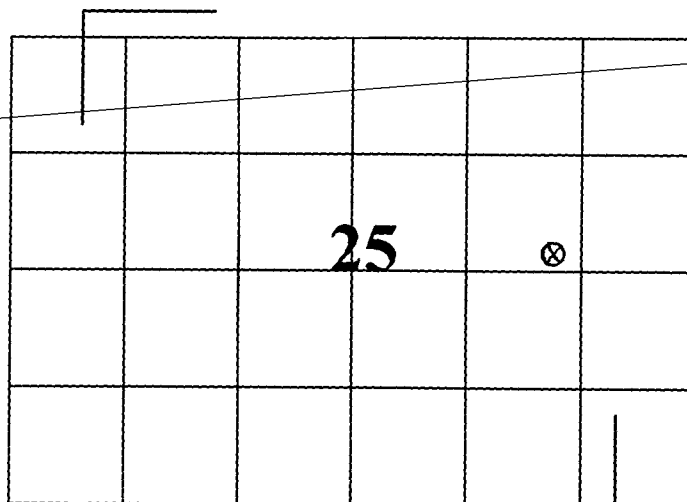
Period of Annual Use: January 1 - December 31

12/12/2000

Remarks: existing Minnelusa Formation well

Diversion Point: SE ¼ NE ¼ Sec 25-T3^N-R6E

Land to be Irrigated: NA



Depth of Well: 806 feet deep

Well Driller: :

Remarks:

Type of Map: plat

Prepared by: Jerry Wendland, PE

Reviewed and the Number Assigned on: 10-20-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1740-1**

Date of first receipt of application July 3, 2000.

Date of return to applicant for corrections, amendments or changes July 6, 2000.

Date of receipt of corrected application December 12, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1740-1 to Clifford N Stygles, 11600 J-B Road, Black Hawk SD 57718 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1740-1 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Formation) 806 feet deep located in the SE ¼ NE ¼ Section 25-T3N-R6E.
2. The water appropriated shall be used for suburban housing development use at the Rendezvous Ranch Subdivision 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. 1740-1 is February 26, 2001.
5. The date from which applicant may claim right is December 12, 2000.
6. One-fifth of the construction is to be completed on or before August 26, 2003.
7. All construction is to be completed on or before February 26, 2006.
8. Water is to be put to beneficial use on or before February 26, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

MAR 13 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>1740-1</u>	(office use only) Hydrologic Unit <u>101-20.111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times-Tribune, Sturgis</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

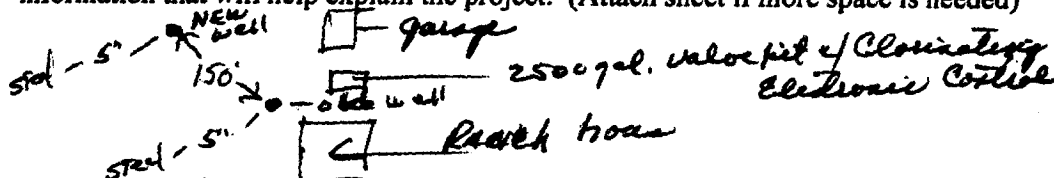
Check use(s) of water:

☐ Municipal	☒ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: Old ~~New~~ Vested Right (Use predates Mar 2, 1955) Future Use Reservation
(check one)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant CLIFFORD N. STYGLES Phone 605-787-4057
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 11600 J-B Road Black Hawk State SD 57718
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 01 *CFS or under 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Minelusa
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
2 wells 1- Nadar 1- Minelusa
S25-K6-T3N-B4M-MEADE CO.-S.D. (SE 1/4 NE 1/4) County MEADE
- County or counties where water will be used Meade
- Annual period during which water is to be used FOREVER Jan. 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other information that will help explain the project. (Attach sheet if more space is needed)



STATE OF SOUTH DAKOTA)
County of _____ 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, CLIFFORD N. STYGLES 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 Clifford N. Stygles
Subscribed and sworn to before me this 29 day of JUNE 2000

Lomie Ruyter
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 806
- b) Casing Type steel 5" Diameter Not Known Thickness
- c) Screen Type Diameter Thickness
- d) Gravel Pack Not Known Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 806'
- f) Depth to Water (ground surface to water level) 180'
- g) Distance to nearest existing domestic well: 150'
- On applicants property yes On property owned by others NO

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 300' - from Well
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

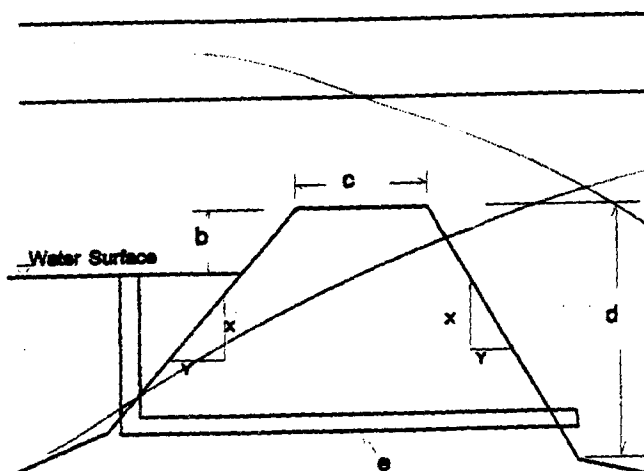
3. Dugout Information

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

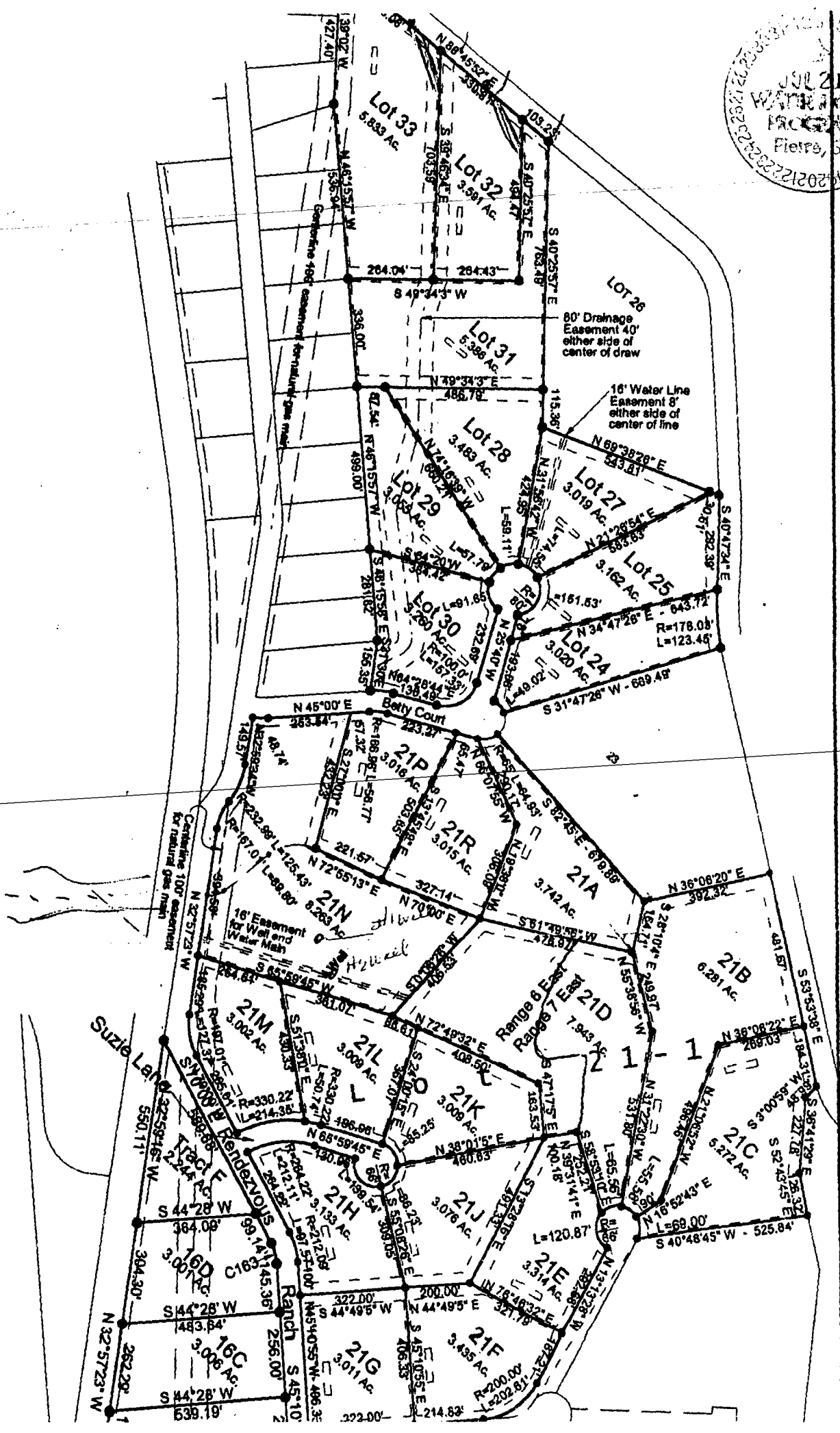
4. Water Storage Dams

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



DEC 2000
WATER RIGHTS
PROGRAM
Pierre, SD

Plat of Lots 21C, 21D, 21E, 21F, 21G, 21H, 21J, 21K, 21L, 21M, 21N, 21P, and 21R, of the **Rendezvous Ranch Subdivision** Formerly Lot 21-1 Located in the East 1/2 of Section 25, T3N, R6E, and in the W1/2 of Section 30, T3N, R7E, B.H.M., Meade County, South Dakota

Prepared By:
Jerry J. Wendland
6909 Ridgeview Drive
Black Hawk SD 57718
(605) 787 - 4503

Range 6 East
Range 7 East

Section 25
Section 30

LOT 17-1

Plat Details:

- 21C** 6.281 Ac.
- 21D** 5.272 Ac.
- 21E** 3.314 Ac.
- 21F** 3.435 Ac.
- 21G** 3.011 Ac.
- 21H** 3.133 Ac.
- 21J** 3.076 Ac.
- 21K** 3.009 Ac.
- 21L** 625' E
- 21M** 3.002 Ac.
- 21N** 8.263 Ac.
- 21P** 3.016 Ac.
- 21R** 3.015 Ac.

Other Features:

- Betty Court**
- Well**
- 16' Easement for Well and Water Main**
- Centerline 100' easement for natural gas main**
- Building Envelope: 25' Front 8' Side 35' Rear**
- Suzie Lane** 0.896 Ac, 66' Dedicated Public Right-of-Way
- Rendezvous Ranch Road**
- Carol Court**
- Ponderosa Lane** 0.534 Ac, 66' Dedicated Public Right-of-Way

Surveyors Certificate:

I, Jerry J. Wendland, Registered Land Surveyor #4224 in the State of South Dakota, do hereby certify that this plat and the survey thereof were performed by me and, that to the best of my knowledge, the same is in all things true and correct. IN WITNESS WHEREOF, I hereunto set my hand and seal, this 12th day of July, 1999.

REGISTERED LAND SURVEYOR
REG NO. 4224
JERRY J. WENDLAND
SOUTH DAKOTA

1740-1

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416552

Pierre, June 21, 2000

RECEIVED OF C.N. Stygles & Sons, Inc., 11600 J-B Road, Black Hawk, SD 57718
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1740-1</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>1740-1</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 Harland Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 2000

Clifford N Stygles
11600 J-B Road
Black Hawk SD 57718

Note: Karen, Hope I filled everything out
Also enclosed copy of your letter,
stating you had rec'd, the check & app-
lication for the new well. This is
for the old well that we are also us-
ing. Yes the wells are operating 20
seconds apart. Sincerely---Cliff.

Dear Mr. Stygles:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a suburban housing development. This application is for a new Madison Formation well planned at the development.

I spoke with your manager recently regarding the number of wells to be used by this development. He indicated there are two older wells and a new Madison Formation well at the Rendezvous Ranch, however, only two wells were to be used. If this is true then both of the wells being used will need to be permitted. The other older well, if no longer be used, should be plugged in accordance with well construction standards unless the well is intended for back-up purpose at the development.

It was my understanding each well is capable of producing 45 gallons per minute and will be pumped on an alternating basis. Is this correct or is the second well to be used as a back up supply?

Water right permits are issued from an individual water source. If the development is utilizing wells from different water sources it will be necessary to obtain separate permits for each well. Enclosed is another application form to apply for a permit for the older well. The filing fee for an additional application of less than 45 gpm from the other water source is an additional \$100. I have reviewed our files and cannot find a well completion report for either of the older wells.

A map showing the location of the wells in relation to a government section corner or quarter corner by direction and distance is also required. Each well needs to include a designation to reflect its water source. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact Eric Gronlund or myself at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 6, 2000

Clifford N Stygles
11600 J-B Road
Black Hawk SD, 57718



Dear Mr. Stygles

Thank you for submitting the additional application for Rendezvous Ranch.

Enclosed is the map you submitted. As stated in my June 23rd letter, the map must show the location of each of the wells 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).

From the applications, it is my understanding that both wells are capable of producing 45 gallons per minute. I did not understand your statement that the wells are operating 20 seconds apart. Please clarify.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Karen:
Found the letter in our files, I think it was
incorrect, if not the pumps alternate one pump on
time and on the second time. I marked the location
of both wells. This map is by Gary Woodlond, licensed
his tel.# is 781-4057 (605) if any further information maps
are required.
Respectfully Clifford N. Stygles



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 29, 2000

Jerry J. Wendland
6909 Ridgeview Drive
Black Hawk SD 57718

Dear Mr. Wendland:

I am writing regarding the plat map you prepared showing the location of the well for the Rendezvous Ranch Subdivision. This map is a requirement of the water right permit application filed by Clifford Stygles.

The heading on the submitted map (copy enclosed) states the well is located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T2N, R6E, BHM. The full legal description of the plats on the map indicates the township to be T3N. The township designations do not match. I believe the heading on the map inadvertently indicates the township to be T2N when it should state T3N. I contacted you by telephone in hopes of getting this discrepancy corrected so we can proceed with processing Mr. Stygles' application. I have not received the copy of the corrected map that you indicated you would fax to me.

Enclosed is a self addressed stamped envelope for you to send me a copy of the corrected map showing the location of the well. Please remember that the map must be signed with your seal affixed to it.

As soon as this corrected map is received the Water Rights Program can continue processing the water right permit application for Rendezvous Ranch Subdivision. If you have any question, please feel free to give me a call.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: Clifford N. Stygles, 11600 J-B Road, Black Hawk, SD 57718



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 10, 2000

Clifford N Stygles
11600 J-B Road
Black Hawk SD 57718



Dear Mr. Stygles:

As stated in our phone conversation this morning, enclosed is the map for your water permit application. Please complete the following:

- The map and/or well locations need to reference a government section corner or quarter corner by direction and distance.
- The map also needs to be signed by whoever prepared it. You indicated that Jerry Wendland prepared the map, please have him sign the map ~~and reference a section corner.~~

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Dear Karen:

Hope this enclosed map meets with your approval.

Thank you for being patient

Respectfully,

Clifford N. Stygles



**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. 1740-1, Clifford N. Stygles**

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. 1740-1, Clifford Stygles, 11600 J-B Road, Black Hawk SD 57718.

The Chief Engineer is recommending APPROVAL of Application No. 1740-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Garland Erbele, Chief Engineer

WATER PERMIT APPLICATION NO. 1740-1
CLIFFORD N. STYGLES
DECEMBER 28, 2000

Water Permit Application No. 1740-1 proposes to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well approximately 806 feet deep (Minnelusa Formation) located in the SE ¼ NE ¼ Sec.25, T3N-R6E. The water is for suburban housing development use at the Rendezvous Ranch Subdivision.

AQUIFER: Minnelusa Aquifer (MNLS)

GENERAL:

The Minnelusa Aquifer is an assemblage of alternating beds of sandstone and dolomitic limestone with lesser amounts of red and black shale and chert approximately 500 feet thick in this area (Carter, 1999_a, Carter 1999_b). Because the lithology of the Minnelusa is so variable, the porosity of the formation is also variable and difficult to determine. Well sorted sand lenses have porosity's approaching 25%, but generally the sands have porosity's of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa formation underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 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 the counties surrounding Meade County. Ground water movement is probably toward the north and east (Strobel, 2000). There is no aquifer-test data available for the Minnelusa Aquifer at this site; therefore, the aquifer transmissivity and storage coefficient values are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 30 to 1000 ft²/d, and the storage coefficient ranges from 6.6×10^{-5} to 2×10^{-4} (Kyllonen, 1987). The top of the Minnelusa is estimated to be approximately 795 feet below ground surface at this well site (Carter, 1999_a). The static water level of a well at this site is reported to be 180 feet below grade.

WATER AVAILABILITY:

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area. Water Rights Observation Well MD-84A is located approximately three and one half miles northwest of this well. The hydrograph for the well (see figure 1), is fairly typical for the Minnelusa Aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July.

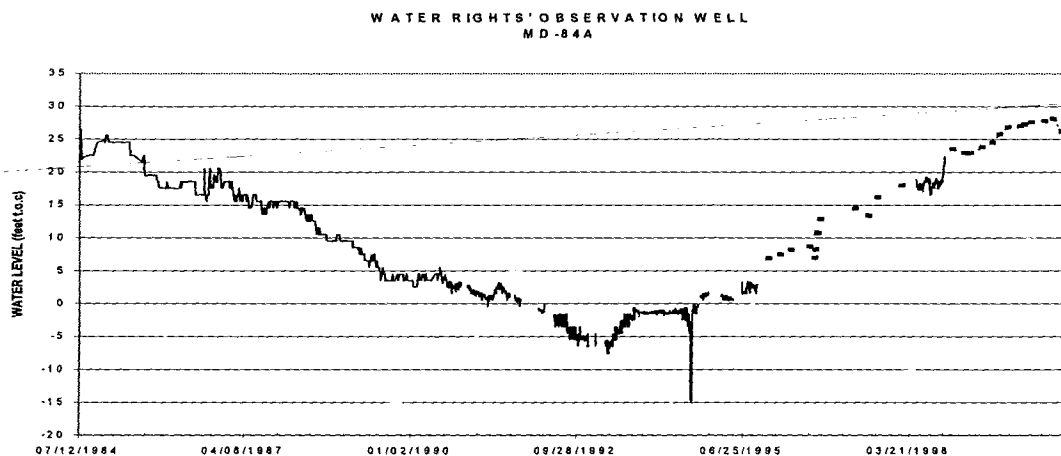


Figure 1. Hydrograph of Minnelusa Aquifer Observation Well Three and one half miles Northwest of 1740-1

The hydrograph also shows the magnitude of fluctuation in the water levels in the area (>35') with the lowest water level on record occurring in 1993 and the highest occurring in 2000. It is interesting to note on this hydrograph period in November 1994 when approximately 13 feet of drawdown was measured on this well while the Minnelusa was essentially "being pumped" during drilling operations for a Madison Observation well approximately 20 feet away.

Water Rights Observation Well PE-84B is located approximately four miles southeast of this well. The hydrograph for the well is shown in figure 2.

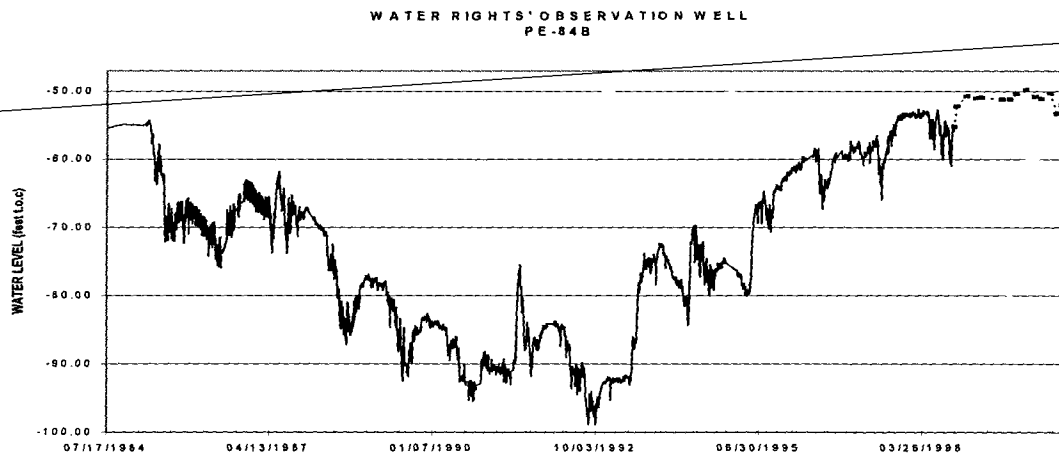


Figure 2. Hydrograph of Minnelusa Aquifer Observation Well Four miles Southeast of 1740-1

It is obvious from these hydrographs, that withdrawals have not exceeded recharge for the period of record. The observation well data suggests that at the existing level of development, the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are 169 Water Rights/Permits and two future use permits that appropriate water from the Minnelusa aquifer in South Dakota (Water Rights, 2000). There are 55 permits/rights appropriating

water from the Minnelusa aquifer in Meade County (Water Rights, 2000.), where the aquifer is used primarily for suburban housing development, commercial, municipal and irrigation use. In addition to appropriative rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2000.).

There are 18 Water Rights/Permits appropriating groundwater within two miles of this existing well. Thirteen of these are from the Minnelusa aquifer, one is from the Madison aquifer, two are from the Inyan Kara aquifer and two are from the Minnekahta aquifer. A great deal of discussion centered around a potential hydraulic connection between the Madison and Minnelusa aquifers when the nearby Madison appropriation (1569-1, Stagebarn Sanitary Dist. (formerly known as Indian Hills No. 4) was approved. The interconnection between the aquifers in this area has not been proven. In addition, the well for 1569-1 is over one and one-half miles from the Minnelusa well that is to be used to supply this permit, a distance is sufficient to negate any well interference. Since the Opeche Shale confines the Minnelusa aquifer, a hydrologic connection between the Minnelusa aquifer and the Minnekahta and Inyan Kara aquifers is unlikely. Therefore, wells completed in the Minnekahta and Inyan Kara aquifers will not be affected by this appropriation.

There are five Water Rights/Permits appropriating ground water, within one mile of this existing well, they include:

No.	Name	Aquifer	cfs.
1170-1	Niche Homeowners	Minnelusa	0.09
1373-1	Eastride Acres	Minnelusa	0.09
1466-1	Quaal Subdivision	Minnelusa	0.27
1588-2	Wonderland Water Assoc.	Minnelusa	0.24
1651-1	Stagebarn Housing Center	Minnekahta	0.02

The nearest Minnelusa appropriation to this well is Water Right No. 1373-1, which is located approximately one-quarter mile to the northeast. Well interference is not expected to be a problem at this distance due to the fairly low diversion rate (45 gpm) proposed by this application.

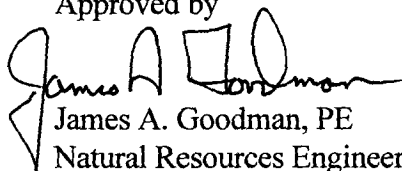
CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.
3. The effluent from this suburban housing development will be disposed of through a septic tanks and drain fields.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD
- Carter, J.M., Redden J.A., 1999, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota, U.S. Geological Survey, Hydrologic Investigations Atlas HA-744-C,
- Carter, J.M., Redden J.A., 1999, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota, U.S. Geological Survey, Hydrologic Investigations Atlas HA-744-D,
- Kyllonen, D.P., K. Peter, 1987, GeoHydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, U.S. Geological Survey, Water Resources Investigations Report 86-4158, Rapid City, SD
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final
- Strobel, M.L., Galloway, J.M., Hanmade, G.R., and Jarrell, G.J, 2000, Potentiometric Surface of the Minnelusa Aquifer in the Black Hills Area, South Dakota, U.S. Geological Survey, Hydrologic investigations Atlas HA-745-C,
- Water Rights Program, 2000, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2001

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 1740-1 and 1741-1 to Appropriate Water to be published twice. Please publish the first notice on January 24, 2001 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 Clifford N. Stygles, 11600 J-B Road, Black Hawk SD 57718 (Ph # 605-787-4057).

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. 1740-1 and 1741-1

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

Date _____

We are in receipt of your letter of January 17, 2001 enclosing Notice of Hearing to Appropriate Water by Application Nos. 1740-1 and 1741-1 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.

January 17, 2001

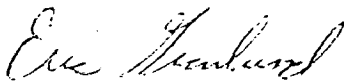
Clifford N Stygles
11600 J-B Road
Black Hawk SD 57718

Dear Mr. Stygles:

Water Permit Application Nos. 1740-1 and 1741-1 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 Time-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.

Instruction to Newspaper - Publish first Notice on January 24, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1740-1 and 1741-1 to Appropriate Water

Notice is given that Clifford N Stygles, 11600 J-B Road, Black Hawk SD 57718 has filed the following applications for a water permit. Application No. 1740-1 requests 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from one well (Minnelusa Formation) 806 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25-T3N-R6E. The water is for suburban housing development use at the Rendezvous Ranch Subdivision.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1740-1 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.

Application No. 1741-1 requests 0.10 cfs (45 gallons per minute) from one well (Madison Formation) 1180 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25-T3N-R6E. The water is for suburban housing development use at the Rendezvous Ranch Subdivision.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1741-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 February 12, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Joan M. 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:

Feb. 7, 2001

Feb. 14, 2001

Cost of Printing 52.47

Joan M. Lewis
(Signature)

Bookkeeper
(Title)

2-13-01
(Date Signed)



Water application

NOTICE OF APPLICATION NO. 1740-1 and 1741-1 to Appropriate Water

Notice is given that Clifford N Stygles, 11600 J-B Road, Black Hawk SD 57718 has filed the following applications for a water permit. Application No. 1740-1 requests 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from one well (Minnelusa Formation) 806 feet deep located in the SE 1/4 NE 1/4 Section 25-T3N-R6E. The water is for suburban housing development use at the Rendezvous Ranch Subdivision.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1740-1 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.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1741-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Publ Feb. 7 and 14, 2001
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

MAR 13 2001

Clifford N. Stygles
11600 J-B Road
Black Hawk, SD 57718

Dear Mr. Stygles:

Enclosed is Water Permit No. 1740-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

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

Date 3-26-01

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

FROM:

Cleopold H. Stigler
(name)
11600 F-B Road
(address)
Black Hawk, SD 57718
(city, state, zip)

605-787-4057
623-374-5824
(phone)

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

Water Permit No. 1740-1 states that the water use system is to be constructed by

Completed
(date)

, and water is to be put to beneficial use by

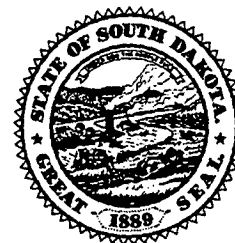
March 22, 2001
(date)

The water use system was completed on MAY 30, 2000
(date)

Applying the water to beneficial use was completed on March 22, 2001
(date)

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

Cleopold H. Stigler
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2001

1740-1

Clifford N Stygles
11600 J-B Road
Black Hawk, SD 57718

Dear Mr. Stygles:

Thank you for sending in the "*Notice of Completion of Works*" form. The form indicates you are completed with your system and water has been placed to beneficial use.

You have completed the requirements for obtaining a water permit. The information has been logged in and when a staff member gets to your area, a investigation of your water use system will be done. The intervening time between the submission of the form and the staff investigation does not have a bearing on your water permit.

I am returning the copy of your water permit ~~you sent in with the completion of works form.~~
This is your copy to keep.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

ATTORNEYS AT LAW

WYNN A. GUNDERSON
J. CRISMAN PALMER
G. VERNE GOODSSELL
JAMES S. NELSON
DANIEL E. ASHMORE
TERENCE R. QUINN
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK

AMERICAN MEMORIAL LIFE BUILDING
440 MT. RUSHMORE ROAD
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045

TELEPHONE (605) 342-1078 • FAX (605) 342-0480

ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA, NEBRASKA
MONTANA, WYOMING, MINNESOTA

MARK J. CONNOT
JENNIFER K. TRUCANO
MARTY J. JACKLEY
DAVID E. LUST
THOMAS E. SIMMONS
TERRI LEE WILLIAMS
PAMELA SNYDER-VARNS
SARA FRANKENSTEIN

July 11, 2003

RECEIVED

JUL 14 2003

WATER RIGHTS
PROGRAM

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

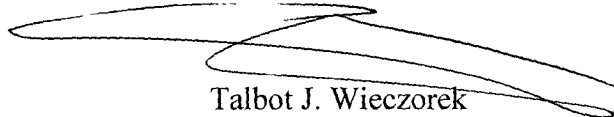
RE: Rendezvous Ranch Subdivision Community Association
GPGN File No. 020865

To Whom It May Concern:

Enclosed please find a Notice of Transfer of Ownership of two Water Rights/Permits.
One transfers the Water Right/Permit #1740-1 and the other for Water Right/Permit #1741-1.

Also enclosed please find a check in the amount of \$5.00 for the \$2.50 filing fee for each
transfer as required by SDCL 46-2-13. If you need anything from Rendezvous Ranch
Subdivision Community Association to complete the transfers, please call me.

Sincerely,



Talbot J. Wieczorek

TJW:klw

Enclosures

c: Matt Shaske, President of Rendezvous Ranch Subdivision Community Association
Clifford N. Stygles

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1740-1

Date: 7-11-03

I/We request that Water Right/Permit No. 1740-1 formerly owned by:

Clifford N. Stygles

be transferred to:

New Owner Name: Rendezvous Ranch Subdivision Community Association

Address: PO Box 542

City, State, Zip Piedmont, SD 57769

Telephone No. 605-787-5574

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

One well (Minnelusa Formation) 806 feet deep located in the SE1/4NE1/4
Section 25-T3N-R6E

☒ I understand that the validity of Water Right/Permit No. 1740-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Rendezvous Ranch Subdiv. Comm. Assoc. the new owner, certify that the above information is true and correct.

RENDEZVOUS RANCH SUBDIVISION COMMUNITY ASSOC.

BY: Matt Shaske, President

 Pres.

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 14, 20 03

RECEIVED OF Gunderson, Palmer, Goodsell & Nelson, PO Box 8045, Rapid City SD 57709

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1740-1</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000229

By

Darlene Ebel
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 2003

1740-1
1741-1

Talbot J Wieczorek
Gunderson, Palmer, Goodsell & Nelson LLP
PO Box 8045
Rapid City SD 57709-8045

Dear Mr. Wieczorek:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Permit Nos. 1740-1 and 1741-1. The transfers have been completed. The water permits formerly listed in the name of Clifford N Stygles are now listed in the name of **"Rendezvous Ranch Subdivision Community Association"**.

Enclosed are your Receipt Nos. 000828 and 000829 in the amounts of \$2.50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

c: Matt Shaske, President, Rendezvous Ranch Subdivision Community Association

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 NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2325 feet south and 550 west of the NE corner of Section 25-T3N-R6E

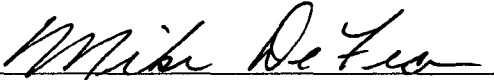
(N 44.19189, W -103.33438) (SE ¼ NE ¼)

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 Suburban Housing Development.

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:



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: December 3, 2009

Water Permit No. 1740-1 and 1741-1

Rendezvous Ranch
11600 J-B Rd
Black Hawk, SD 57718



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 3, 2009

0 420 840 1,680 2,520 3,360 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 13 2010

1740-1
1741-1

Rendezvous Ranch Subdivision
PO Box 12
Black Hawk SD 57718-0012

Dear Sir:

Enclosed are Water License Nos. 1740-1 and 1741-1. These are the final water right documents completing your process of obtaining a Water Right. Included with the licenses 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 wells authorized by Water Right No. 1740-1 and 1741-1, 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. 1740-1

(1) Clifford N Stygles, Black Hawk SD made Application No. 1740-1, July 3, 2000 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development purposes. Permit No. 1740-1, with a priority date of December 12, 2000 was approved February 26, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 25, 2006 and for the application to beneficial use of water on or before February 25, 2010.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 26, 2001. The *Notice* stated the diversion system was completed on May 30, 2000 and the water placed to beneficial use on March 20, 2001.

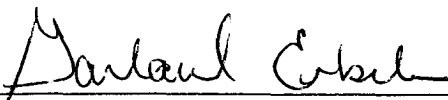
On July 14, 2003, Water Permit No. 1740-1 was transferred to Rendezvous Ranch Subdivision Community Association, PO Box 12, Blackhawk SD 57718-0012.

(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. 1740-1 is issued a license, bearing a priority date of December 12, 2000 to appropriate 0.089 cubic feet of water per second from groundwater (one well) for suburban housing development use.

The diversion point is located: approximately 2,325 feet south and 550 feet west of the northeast corner of Section 25-T3N-R6E (SE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1740-1 including the following now applicable qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.


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

APR 13 2010

date

