

WATER PERMIT NO. 1745-1

Name of Applicant: Tim Haggar

Address: 15365 Canyon Trail, Piedmont SD 57769

Phone: 605 787-7984

Amount of Water Claimed: 0.10 cfs (45 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Meade

Type of Waste Disposal System: proposed septic tank, drain field

Location: approximately 2 miles southeast of Piedmont (near I-90)

PRIORITY

Date Received: 10-2-2000

Fee: \$50

Corrected Application Received:: 1-8-2001

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ NW ¼

Sec 25-T3N-R6E

Land to be Irrigated: NA

Depth of Well: 1,100 feet deep

Well Driller:

Remarks:

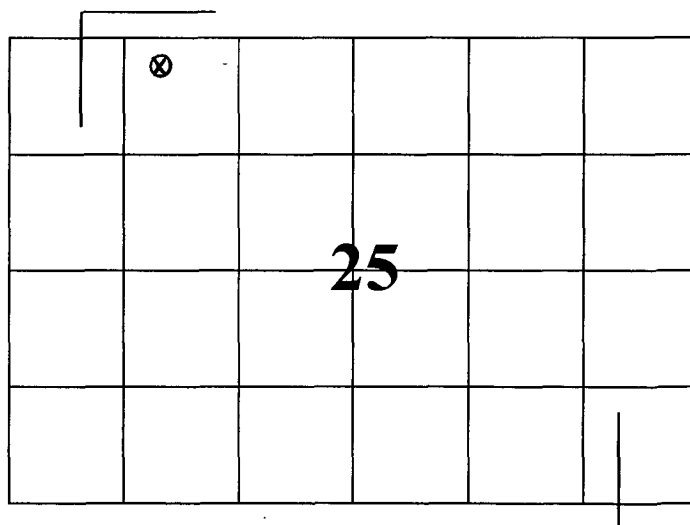
Type of Map: topo

Prepared by: Rick J Bush, RLS

Reviewed and the Number Assigned on: 1-8-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1745-1**

Date of first receipt of application October 2, 2000.

Date of return to applicant for corrections, amendments or changes October 10, 2000.

Date of receipt of corrected application January 8, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1745-1 to Tim Haggar, 15365 Canyon Trail, Piedmont SD 57769 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. 1745-1 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Madison Formation) approximately 1,100 feet deep located in the NW ¼ NW ¼ Section 25-T3N-R6E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January – December 31.
4. The date of approval of Permit No. 1745-1 is February 26, 2001.
5. The date from which applicant may claim right is January 8, 2001.
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.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1745-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1745-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. 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.
3. The well authorized by Permit No. 1745-1 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

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>1745-1</u>	(office use only) Hydrologic Unit <u>18.120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times-Tribune, Starjys</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.) _____

- Name of Applicant Tim Haggard Phone 787 7984
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 15365 Canyon Trail Piedmont 57769 State S. Dak 57769
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply MADISON (1 well)
- Location of point of diversion (example: 1 well in SW 1/4 NE 1/4 section 12-T104N-R53W) NW 1/4 NW 1/4 Sec 25
TWN 3N Rg 6E Meade County South Dakota
County MEADE
- County or counties where water will be used MEADE
- Annual period during which water is to be used year long Jan. 1 - Dec. 31
- 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)

STATE OF SOUTH DAKOTA)
County of Pennington SS

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

I, Tim Haggard, 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 Tim Haggard

Subscribed and sworn to before me this 28th day of September 192000

Larry L. Kellum
Notary Public

MY COMMISSION EXPIRES DECEMBER 6, 2002

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8 Depth 1100'
- b) Casing Type steel Diameter 5.5 Thickness .275
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 980'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 1000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) proposed septic tank, Drain Field
- b) System Capacity (gallons) Not yet Designed Year Constructed Future (possibly 2001)
- c) Connected to the City of to be 1500 gals Sanitary System _____

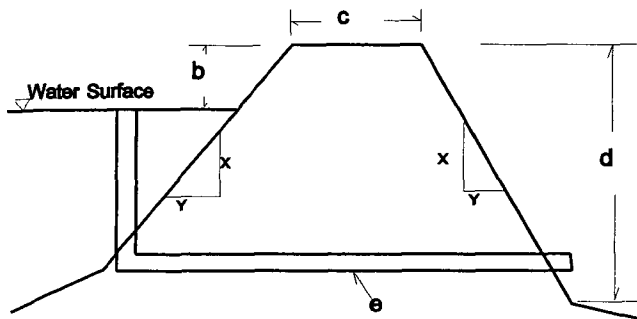
3. Dugout Information

- 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

PRECISION SURVEYING & MAPPING, Inc.

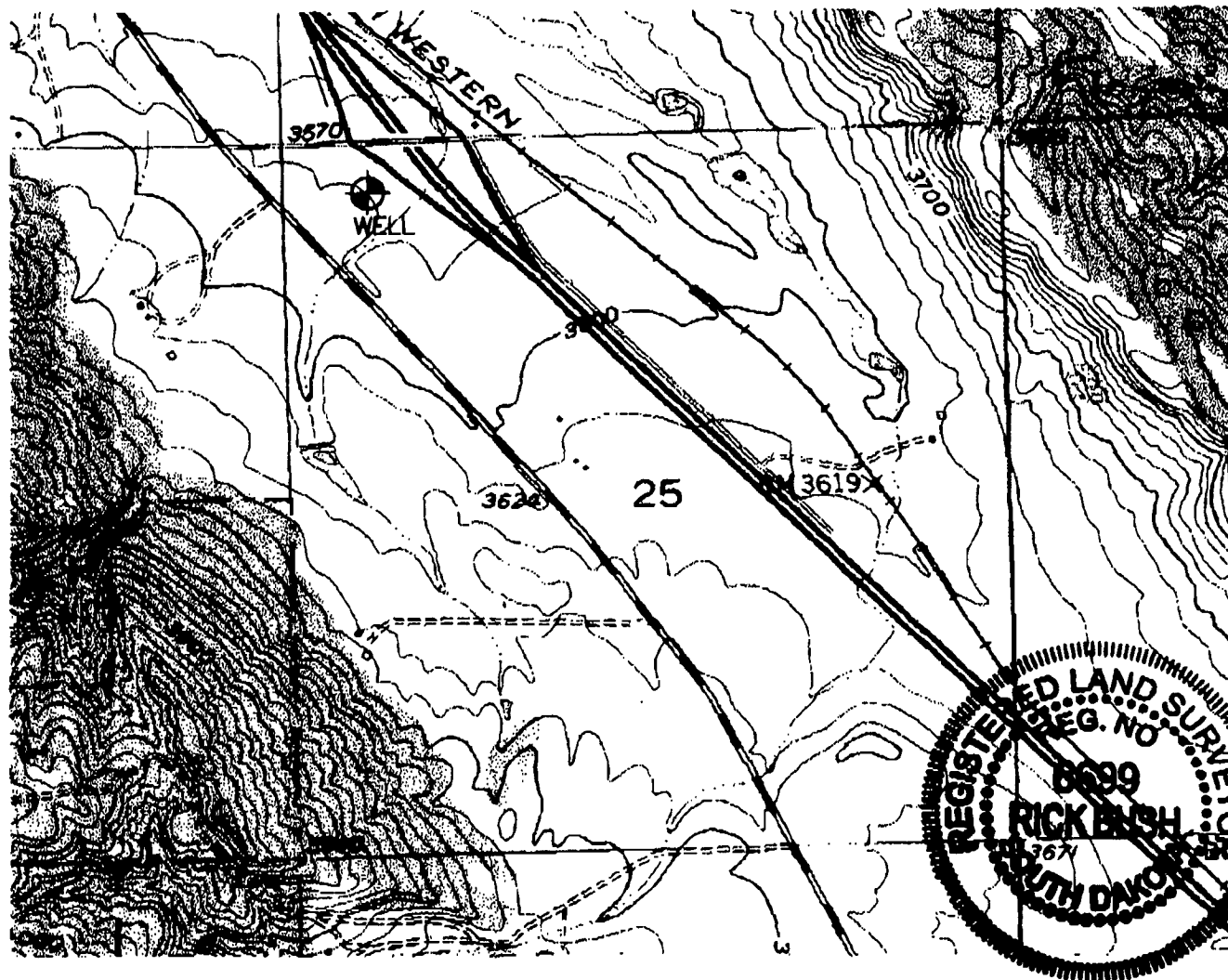
1021 JUNCTION AVE., PO BOX 66

STURGIS, SD 57785

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



TIE TO WELL FROM NW CORNER OF SECTION 25, T.3N. R.6E, B.H.M. MEADE COUNTY, - N83°27'30"W 710.03 FEET.



WELL LOCATION SURVEY

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

SURVEYOR'S CERTIFICATE

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

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

1745-1

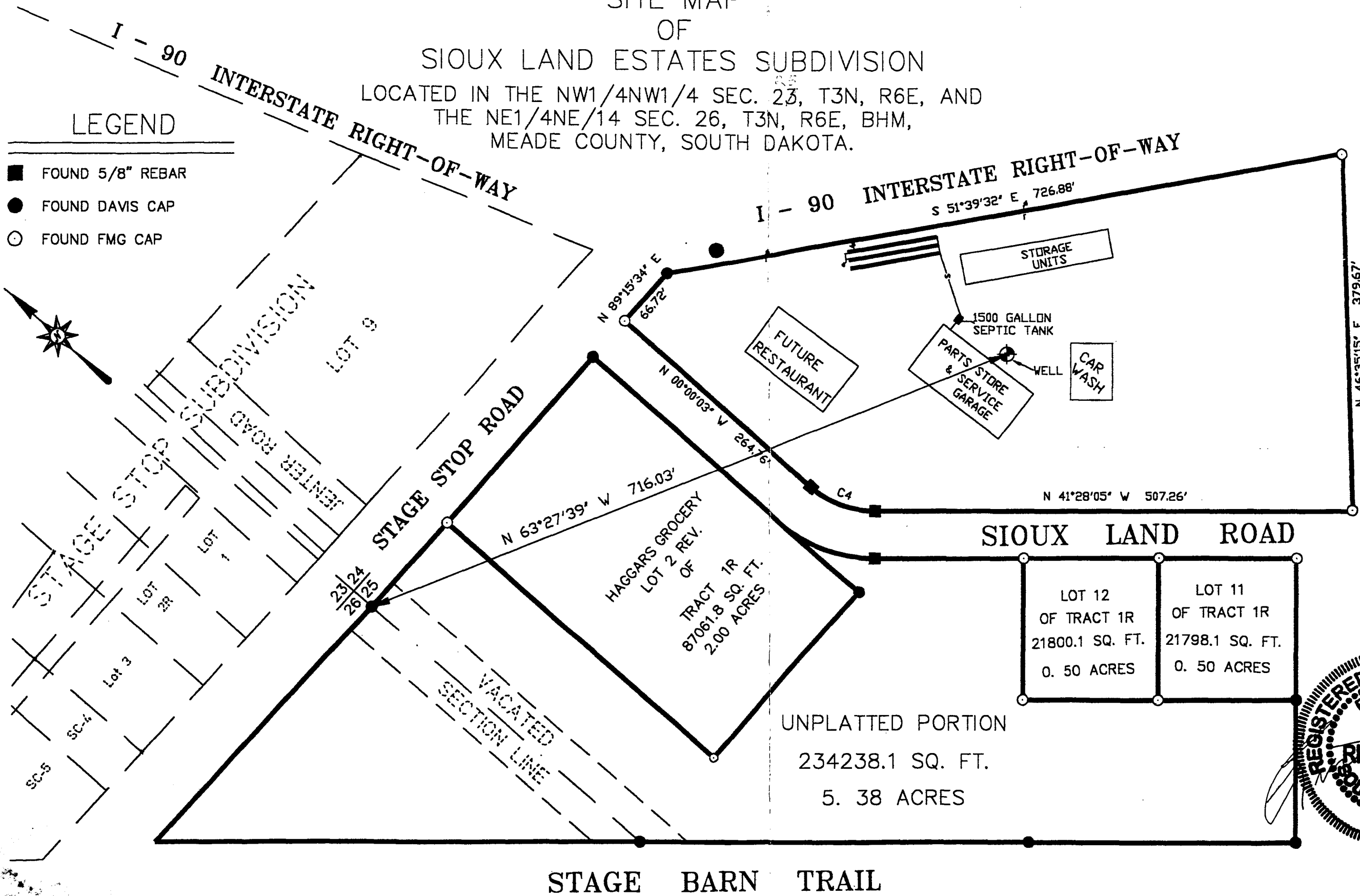
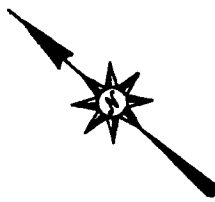
SITE MAP OF

SIOUX LAND ESTATES SUBDIVISION

LOCATED IN THE NW1/4NW1/4 SEC. 23, T3N, R6E, AND
THE NE1/4NE/14 SEC. 26, T3N, R6E, BHM,
MEADE COUNTY, SOUTH DAKOTA.

LEGEND

- FOUND 5/8" REBAR
- FOUND DAVIS CAP
- FOUND FMG CAP



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416726

Pierre, January 8, 2001

RECEIVED OF Bice Drilling Company Inc, 1210 Creek Dr, Rapid City SD 57701

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

Fee for Application for Permit No. 1745-1 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. 1745-1 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

100 00

By

Darland Ebel
Chief Engineer

gml

SOUTH DAKOTA WATER WELL COMPLETION REPORT

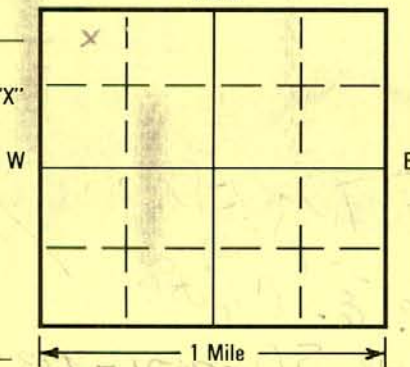
787-6545

(9)

1745-1 07-92

Location NW 1/4 NW 1/4 Sec 25 Twp 3N Rg 6E
County MEADE

Please mark well location with an "X"



Well Completion Date

5/5/01

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>17</u> LB/FT	<u>5.5</u> IN	<u>1.5</u> FT	<u>921</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>portland</u>	<u>150</u>	<u>14</u> lb./gal	<u>921</u> ft.	<u>0</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pressure grouted through casing

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Tim Haggard

Business Name: _____

Address: 15365 Canyon Blvd. Piedmont SD 57769

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>4</u>
<u>tan clay</u>	<u>4</u>	<u>18</u>
<u>Red shale</u>	<u>18</u>	<u>290</u>
<u>Minnekatka limestone</u>	<u>290</u>	<u>340</u>
<u>Opeche shale</u>	<u>340</u>	<u>480</u>
<u>Minnetusa</u>	<u>480</u>	<u>880</u>
<u>MADISON</u>	<u>880</u>	<u>1030</u>

STATIC WATER LEVEL 42 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:

☐ Pumped Describe: Air Developed

☐ Bailed _____

☒ Other _____

Pumping Level Below Land Surface

400 ft. After 2 Hrs. pumped 60 GPM

200 ft. After 2 Hrs. pumped 25 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 195

And this report is true and accurate.

Drilling firm S. Bice Drilling

Signature of License Representative: Frank Lowmyer

Signature of Well Owner or Equitable Property Holder: Linda K. Haggard

Date: 11-18-01



**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

Tim Haggar
15365 Canyon Trail
Piedmont SD 57769

Dear Mr. Haggar:

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

Enclosed is the map submitted with the application. The map needs to reference 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. Whoever prepared the map at Precision Surveying & Mapping should sign the map.

The application states this will be a commercial use of water. What is your proposed commercial use (i.e. campground, business)?

The application filing and license fee will be \$100.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1745-1, Tim Haggar**

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. 1745-1, Tim Haggar, 15365 Canyon Trail, Piedmont, SD 57769.

The Chief Engineer is recommendation APPROVAL of Application No. 1745-1 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 with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1745-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1745-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. 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.
3. The well authorized by Permit No. 1745-1 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
January 30, 2001

WATER PERMIT APPLICATION NO. 1745-1
TIM HAGGAR
JANUARY 12, 2001

Water Permit Application No. 1745-1 proposes to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Madison Limestone) approximately 1100 feet deep located in the NW¼ NW¼ Sec.25, T3N-R6E, in Meade County. The water is to be used for commercial use.

AQUIFER: Madison Aquifer (MDSN)

GENERAL:

The Madison Aquifer is a massive carbonate (limestone and dolomite) aquifer that underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution, and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The Madison outcrop is located within approximately one and one-half miles west of this well site (Darton, 1925) and (DeWitt, 1989), and the top of the Madison is estimated to be approximately 880 feet below ground surface (Carter, 1999).

The mean potentiometric surface of the Madison aquifer is expected to be around 3300 feet msl in this area (Strobel, 2000). The water level is expected to be approximately 50 feet below grade at this well site (Water Rights, 2001_b)

WATER AVAILABILITY:

The well site proposed by this application is located within five miles of two Water Rights' Observation Wells that are completed into the Madison Aquifer, (MD-94A and PE-95C). Hydrographs for the wells show climatic fluctuations in the water levels and clearly demonstrate the system is recharged.

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills Area. Records from the observation wells indicate the potentiometric surface of the Madison Aquifer fluctuates 30-40 feet per year near the recharge area in response to seasonal and climatic variations. Long term water-level declines are not apparent from any of the hydrographs. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are 112 permits/rights which appropriate water from the Madison aquifer in South Dakota. The majority of the water rights/permits from the aquifer are from Butte (17), Lawrence (21), Meade (21), Pennington (30) and Fall River (11) Counties. The Madison supplies water for irrigation, geothermal, industrial, recreational, and commercial use. However, by far the major use of the aquifer is for potable distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Whitewood, Sturgis, Rapid City, Box Elder and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr.) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be approximately 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Three Future Use Permits (2086-2, 1833-2, and 369-1) reserve another 7,133 acre feet annually from the Madison aquifer for future use. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

This application proposes an additional appropriation (under continuous pumping conditions) of up to 72 ac-ft/yr. from the Madison Aquifer. Realistic usage from this well should be less than 50 ac-ft/yr. This amount of water will have a negligible affect on the balance of withdrawals to recharge for the system.

AFFECTS ON EXISTING RIGHTS:

There are 13 existing ground water rights/permits within one mile of this well site, they include:

Permit No.	Owner	Aquifer
1170-1	Niche Homeowners	Minnelusa
1334-1	State Stop Plaza	Minnelusa
1373-1	Eastridge Acres Dev.	Minnelusa
1533-1	Meade School Dist. 46-1	Minnelusa
1569-1	Sagebarn Sanitary Dist.	Madison
1588-2	Wonderland Water Assoc.	Minnelusa
1659-2	Sheridan Heights Inc	Minnelusa
1907-2	Our Lady of the Black Hills	Minnelusa
1497-1	Midland Heights	Minnelusa
1651-1	Stagebarn Housing Center	Minnekahta
1660-1	GFK Inc.	Minnekahta
1701-1	Stagebarn Lodging, LLC	Madison
1373-1	Eastridge Acres	Minnelusa

The nearest Madison appropriation, No. 1701-1, Stagebarn Lodging, LLC, is within 1000 feet of this well site. Interference is likely between these two Madison wells, however drawdown resulting from a 0.10 cfs diversion is not expected to be adverse. Interference with other existing Madison wells is not expected to be significant and certainly not adverse, due to the spacing of the wells and the low diversion rate of this permit (0.10 cfs).

If the cumulative affect of development from the Madison Aquifer, (i.e., an affect that cannot be attributed directly to a single diversion), requires the lowering of pumps in existing wells or reduces flows of area springs or streams, unlawful impairment of existing rights questions may need to be answered. SDCL 46-6-6.1 authorizes the Water Management Board to protect domestic water use by controlling large capacity wells without the necessity of requiring maintenance of artesian head pressure in a domestic use well. The statute also provides for the lowering of a water lift mechanism to a depth near the bottom of the groundwater supply or, in artesian aquifers to a substantial depth below the geological formation confining the ground water. Considering this statute, although water levels may be affected, the affect may not be unlawful impairment.

There are a number of wells completed into Minnelusa aquifer in this area. Testimony was presented in opposition to Water Permit No. 1569-1 that pumping the Madison aquifer may affect nearby wells completed into the Minnelusa aquifer (Water Rights, 1993). The extent of hydrologic connection between the Madison and Minnelusa aquifers is unclear and arguable. For the most part, the Madison and Minnelusa aquifers are "hydraulically distinct units". However, in general the potentiometric surfaces (water levels) suggest a potential for leakage from the Madison aquifer to the Minnelusa aquifer, and there is some concern over possible impacts to Minnelusa wells caused by pumping the Madison. If leakage is significant, drawdown in the Madison could cause decreased leakage and consequently lower water levels in the Minnelusa aquifer. It is unlikely that pumping the Madison aquifer at this site will affect nearby wells completed in the Minnelusa aquifer due to the distance between wells and the relatively low diversion rate (0.10 cfs) proposed by this application.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing this permit without a term limitation of 20 years.

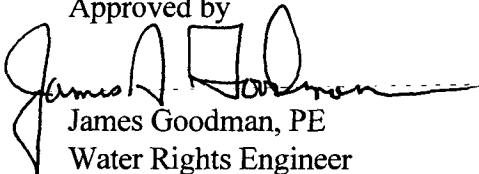
CONCLUSIONS:

1. This application proposes to appropriate 0.10 cfs from the Madison Aquifer.
2. The Madison Aquifer is a viable aquifer and unappropriated water is available.
3. This appropriation will not adversely impair existing water rights due to the distance between wells, and the apparent hydraulic separation between the Madison and shallower aquifers in this area.
4. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler
Water Rights Engineer

Approved by



James Goodman, PE
Water Rights Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Geological Survey, Vermillion SD
- Carter, J.M., Redden, J.A., 1999, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-744-D, U.S. Department of the Interior, U.S. Geological Survey
- Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, U.S. Geologic Survey Folio No. 219.
- DeWitt, E., J.Redden, D. Buscher, A. Burbach Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, U.S. Geological Survey, Map I-1910,

- Strobel, M.L., Galloway, J.M., 2000, Potentiometric Surface of the Madison Aquifer in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-745-D, U.S. Department of the Interior, U.S. Geological Survey
- Water Rights Program, 1993, "Water Permit File 1569-3", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001_a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001_b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001_c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2001

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1745-1 to Appropriate Water to be published twice. Please publish the first notice on February 7, 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 Tim Haggar, 15365 Canyon Trail, Piedmont, SD 57769 (Ph # 605-787-7984).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1745-1

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

Date _____

We are in receipt of your letter of January 30, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1745-1 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 30, 2001

Tim Haggard
15365 Canyon Trail
Piedmont SD 57769

Dear Mr. Haggard:

Water Permit Application No. 1745-1 for Commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times 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 February 7, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1745-1 to Appropriate Water

Notice is given that Tim Haggar, 15365 Canyon Trail, Piedmont SD 57769 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Madison Formation) approximately 1,100 feet deep located in the NW ¼ NW ¼ Section 25-T3N-R6E. The water is for commercial use.

Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer recommends APPROVAL of Application No. 1745-1 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 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 February 26, 2001.

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 Meade)

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 40.41

Joan M. Lewis
 (Signature)

Bookkeeper
 (Title)

2-13-01
 (Date Signed)



Water application

NOTICE OF APPLICATION

NO. 1745-1 to Appropriate Water

Notice is given that Tim Haggard, 15365 Canyon Trail, Piedmont SD 57769 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Madison Formation) approximately 1,100 feet deep located in the NW 1/4 NW 1/4 Section 25-T3N-R6E. The water is for commercial use.

Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer recommends APPROVAL of Application No. 1745-1 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 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 February 26, 2001.

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Publ Feb. 7 and 14, 2001
 Meade County Times-Tribune



MAR 13 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Tim Haggar
15365 Canyon Trail
Piedmont, SD 57769

Dear Mr. Haggar:

Enclosed is Water Permit No. 1745-1 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. 1745-1
Upper Cheyenne 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, **05 October 2007**, made a thorough examination of the water use system constructed by **Tim Haggar** of **15365 Canyon Trail, Piedmont SD. 57769** holder of Permit No. **1745-1**, bearing the priority of **08 January 2001** authorizing the diversion of **0.10** cu. ft. per second of the waters of **the Madison formation** for **commercial** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Bice Drilling Inc.**
- 2) No. of Wells **1**
- 3) Depth(s) **1030** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5.5** inches
- 2) Length **931.5** feet
- 3) Type **steel**

Screen:

- 1) Type **none**
- 2) Static water level **42** feet

Pump:

- 1) Make **F&W**
- 2) Model **94J120**
- 3) Capacity **45** GPM

Motor:

- 1) Make **F&W**
- 2) Model No. **94J120**
- 3) Horsepower rating **2** hp

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

- 1) Type PVC 2) Size 2 inches 3) Length 50 feet

4 pressure tanks operating at 65 psi

3 distribution pumps, each 2 hp.

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: NW ¼ NW ¼ Sec 25-T3N-R6E, approximately 390 feet south and 653 feet east of the northwest corner of section 25, N 44.19723 Latitude and W -103.3500 Longitude. The works are capable of diverting and conveying to the place of use 0.1 cu. ft. per second of water which is to be used for commercial use.

The license should be issued for 0.10 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: 11 October 2007



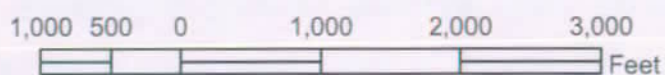
1745-1

Tim Haggar
15365 Canyon Trail
Piedmont, SD. 57769



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
11 October 2007



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1745-1

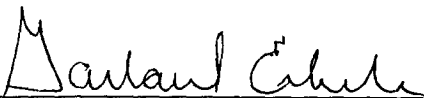
(1) Tim Haggar, 8031 Stagestop Road, Black Hawk SD 57718 made Application No. 1745-1, October 2, 2000 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial use purposes. Permit No. 1745-1, with a priority date of January 8, 2001 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 26, 2006 and for the application to beneficial use of water on or before February 26, 2010.

(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. 1745-1 is issued a license, bearing a priority date of January 8, 2001 to appropriate 0.10 cubic feet of water per second from groundwater (one well) for commercial use purposes.

The diversion point is located: 390 feet south and 653 feet east of the northwest corner of Section 25-T3N-R6E (NW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1745-1 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1745-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1745-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 1745-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 30 2007

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

OCT 30 2007

1745-1

Tim Hagger
8031 Stagestop Road
Black Hawk SD 57718

Dear Mr. Hagger:

Enclosed is Water License No. 1745-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1745-1, 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