

WATER PERMIT NO. 1752-1

Name of Applicant: Hazen & Mary Ann Wells

Address: 913 Harding St., Belle Fourche SD 57717

Phone: 605 892-4027

Amount of Water Claimed: 0.067 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Butte

Type of Waste Disposal System:

Location: within city limits of Belle Fourche

PRIORITY

Date Received: 7-10-2001

Fee: \$50

Corrected Application Received::

Period of Annual Use: April 1 – October 31

Remarks: for use is a nursery – Homestead Nursery & Gardens

Diversion Point: W ½ NE ¼ (Lot 3 of Wells

Addition) Sec 15-T8N-R2E

Land to be Irrigated: NA

Depth of Well: 320 feet deep

Well Driller: : Graf Drilling

Remarks:

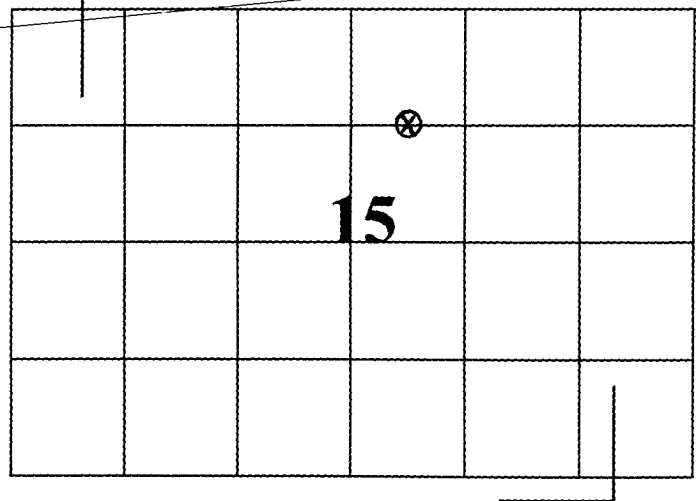
Type of Map: plat

Prepared by: James Walker, RLS

Reviewed and the Number Assigned on: 7-10-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1752-1**

Date of first receipt of application July 10, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No 1752-1, to Hazen & Mary Ann Wells, 913 Harding St., Belle Fourche SD 57717 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. 1752-1 appropriates 0.067 cubic feet of water per second (30 gallons per minute) from one well (Inyan Kara Aquifer) 320 feet deep located in the W ½ NE ¼ (Lot 3, Wells Addition) Section 15-T8N-R2E.
2. The water appropriated shall be used for the purpose of commercial use at the Homestead Nursery and Gardens 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: April 1 – October 31.
4. The date of approval of Permit No. 1752-1 is August 20, 2001.
5. The date from which applicant may claim right is July 10, 2001.
6. One-fifth of the construction is to be completed on or before February 10, 2004.
7. All construction is to be completed on or before August 20, 2006.
8. Water is to be put to beneficial use on or before August 20, 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

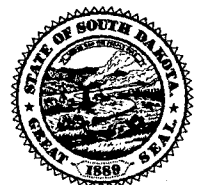
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

SEP 24 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

(office use only)
No. 1752-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Belle Fourche Post, Belle Fourche



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

Check use(s) of water:

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

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

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

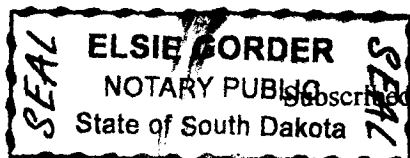
1. Name of Applicant Hazen & Mary Ann Wells Phone 605 892-4027
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 913 Harding St. Belle Fourche State SD 57717
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.067 *CFS or 30 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Well - Located (Lot 3A of Subdivision of Tracts D-1, D-2, D-4 & D-5 of the W 1/4 NE 1/4 of Sec 15 T8N R2E B1M Butte County Butte
5. County or counties where water will be used Butte
6. Annual period during which water is to be used April 1 through October 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water from well to be used in Nursery - (Retail)
Namely Homestead Nursery & Gardens to water the
perennial trees, shrubs & plants and display Gardens

STATE OF SOUTH DAKOTA) SS
County of Butte

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, Mary Ann Wells, 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.



Applicant's signature Mary Ann Wells
Subscribed and sworn to before me this 9th day of July 2001

Elsie Gorder
Notary Public signature
Comm Expires 12-20-05

~~~~~ CITY LIMITS

| REVISIONS |                  |      |        |
|-----------|------------------|------|--------|
| REV. NO.  | DESCRIPTION      | DATE | BY     |
| 1         | GENERAL UPDATING | 2-79 | P.B.   |
| 2         | GENERAL UPDATING | 1-82 | V.M.W. |
| 3         | GENERAL UPDATING | 1-83 | V.M.W. |
| 4         | GENERAL UPDATING | 4-83 | K.B.   |
| 5         | GENERAL UPDATING | 8-83 | K.B.   |
| 6         | GENERAL UPDATING | 3-84 | S.J.N. |
| 7         | GENERAL UPDATING | 1-85 | S.J.N. |
| 8         | GENERAL UPDATING | 1-87 | S.J.N. |
| 9         | GENERAL UPDATING | 4-93 | S.J.N. |

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416863

Pierre, July 10, 2001

RECEIVED OF Mary Ann Wells, 913 Harding St., Belle Fourche, SD 57717  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                              |       |        |
|------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>1752-1</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>1752-1</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

Darland Erbe  
Chief Engineer  
gm

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NE 1/4 Sec 15 Twp 8N Rg 2E

County

Butte

North

Please mark well location with an "X"

W

E

Well Completion Date

5-12-01

1 Mile

LOCATION: HAVE CITY WATER

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

PROPOSED USE: FOR PLANT NURSERY

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

METHOD OF DRILLING:

ROTARY MUD

CASING DATA: ☒ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT  | DIAMETER | FROM     | TO       | HOLE DIAMETER |
|-------------|----------|----------|----------|---------------|
| 200 LB/FT   | 5 IN     | 0 FT     | 240 FT   | 7 3/4 IN      |
| _____ LB/FT | 4 1/2 IN | 230 FT   | 320 FT   | 4 3/4 IN      |
| _____ LB/FT | _____ IN | _____ FT | _____ FT | _____ IN      |

GROUTING DATA

| Grout Type | No. of Sacks | Grout Weight  | From  | To       |
|------------|--------------|---------------|-------|----------|
| CEMENT     | 45           | _____ lb./gal | 0     | 240 ft   |
| _____      | _____        | _____ lb./gal | _____ | _____ ft |

Describe grouting procedure PRESSURE GROUT

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 4 1/2 IN Length 20 FEET

Material STEEL

Slot Size 4 Set From 200 Feet to 320 Feet

Other information TORCH CUT Round holes

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

Laboratory sent to for water quality analysis

\_\_\_\_\_ NO, Why Not? \_\_\_\_\_

Well Owner: Hazen &amp; Mary Ann Wells

Business Name: Homestead Nursery - 152224

Address: 913 Harding St  
Belle Fourche, SD 57717

WELL LOG:

| FORMATION             | DEPTH |     |
|-----------------------|-------|-----|
|                       | FROM  | TO  |
| SURFACE               | 0     | 2   |
| GRAY CLAY             | 2     | 16  |
| GRAVEL                | 16    | 21  |
| SHALE                 | 21    | 115 |
| SAND                  | 115   | 140 |
| WHITE-GRAY CLAY-SHALE | 140   | 240 |
| SAND                  | 240   | 245 |
| WHITE CLAY            | 245   | 305 |
| SAND                  | 305   | 320 |

STATIC WATER LEVEL 5 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 TEST 250 GPM☐ Bailed \_\_\_\_\_☐ Other \_\_\_\_\_

Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate \_\_\_\_\_ GPM

REMARKS RUN 4 1/2" LINER TO SEAL  
OUT WHITE SLUFFY CLAY 230-320

This well was drilled under license # 327

And this report is true and accurate.

Drilling firm GRAF DRILLING

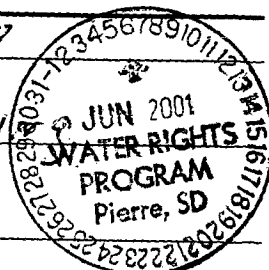
Signature of License Representative:

L. J. Brown

Signature of Well Owner or Equitable Property Holder:

Mary Ann Wells

Date: May 28, 2001





# DEPARTMENT OF HEALTH

## ADMINISTRATION

### Public Health Laboratory

615 East Fourth Street  
Pierre, South Dakota 57501-1700  
(605) 773-3368 FAX: (605) 773-6129  
[www.state.sd.us/doh/lab/index.htm](http://www.state.sd.us/doh/lab/index.htm)

Submitter copy to:

\* Page 1 of 1\*

Date: 5/31/2001

HOMESTEAD NURSERY-102224  
HCR 30 BOX 30  
BELLE FOURCHE, SD 57717

Spec #: E01WB005447

Subm #:

Lab: ENV CHEMISTRY

Tel #: (605) 773-3368

Source

HOMESTEAD NURSERY

Date Rcvd: 5/16/2001

Time Rcvd: 0800

Date Coll: 5/15/2001

Time Coll: 0600

Spec Type: WATER

Coll Site: WELL

Coll By: MARY ANN WELLS

Date drilled: MAY 10, 2001

Date pump inst: MAY 19, 2000

Drilled by: JOE GRAF DRILING

Pump inst by: WELLS PLUMBING

Telephone Numb\* 8922846

Near Town: BELLE FOURCHE

Sample County: BUTTE

Township: 8

Range: 2

Section: 15

Supply Type: PRIVATE

Well Depth: 320

Well Diameter: 5"

Sample Purpose: ROUTINE

### Final Results

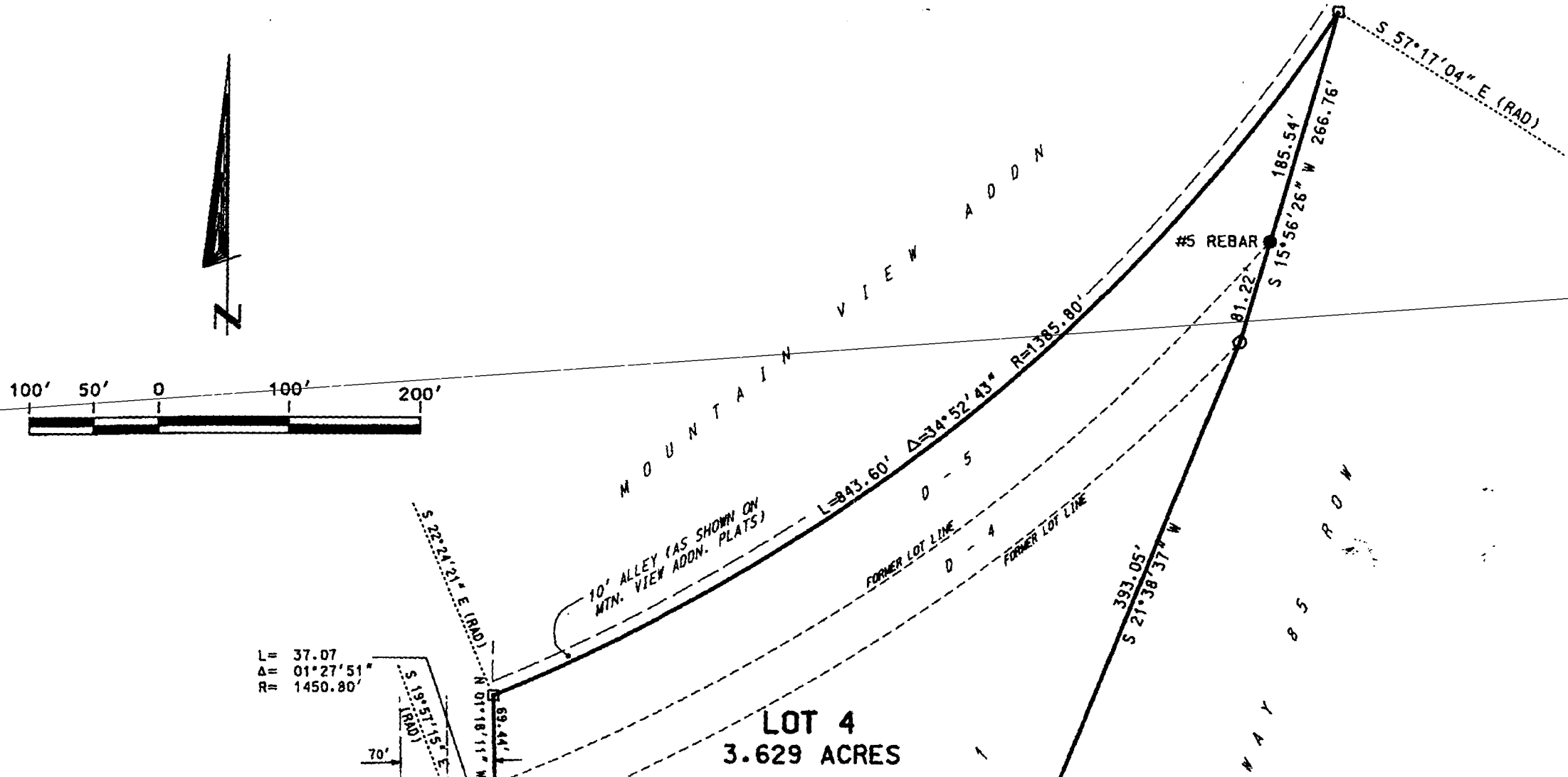
|                        |                                                 |
|------------------------|-------------------------------------------------|
| Sulfate                | 379 mg/L                                        |
| Sodium                 | 118 mg/L                                        |
| Conductivity           | 1080 umho/cm                                    |
| T. Coliform-5 Tube MPN | Bacteriologically safe at the time of sampling. |
| Nitrate                | 0.1 mg/L                                        |

NITRATE RESULT: SAFE AT TIME OF SAMPLING.



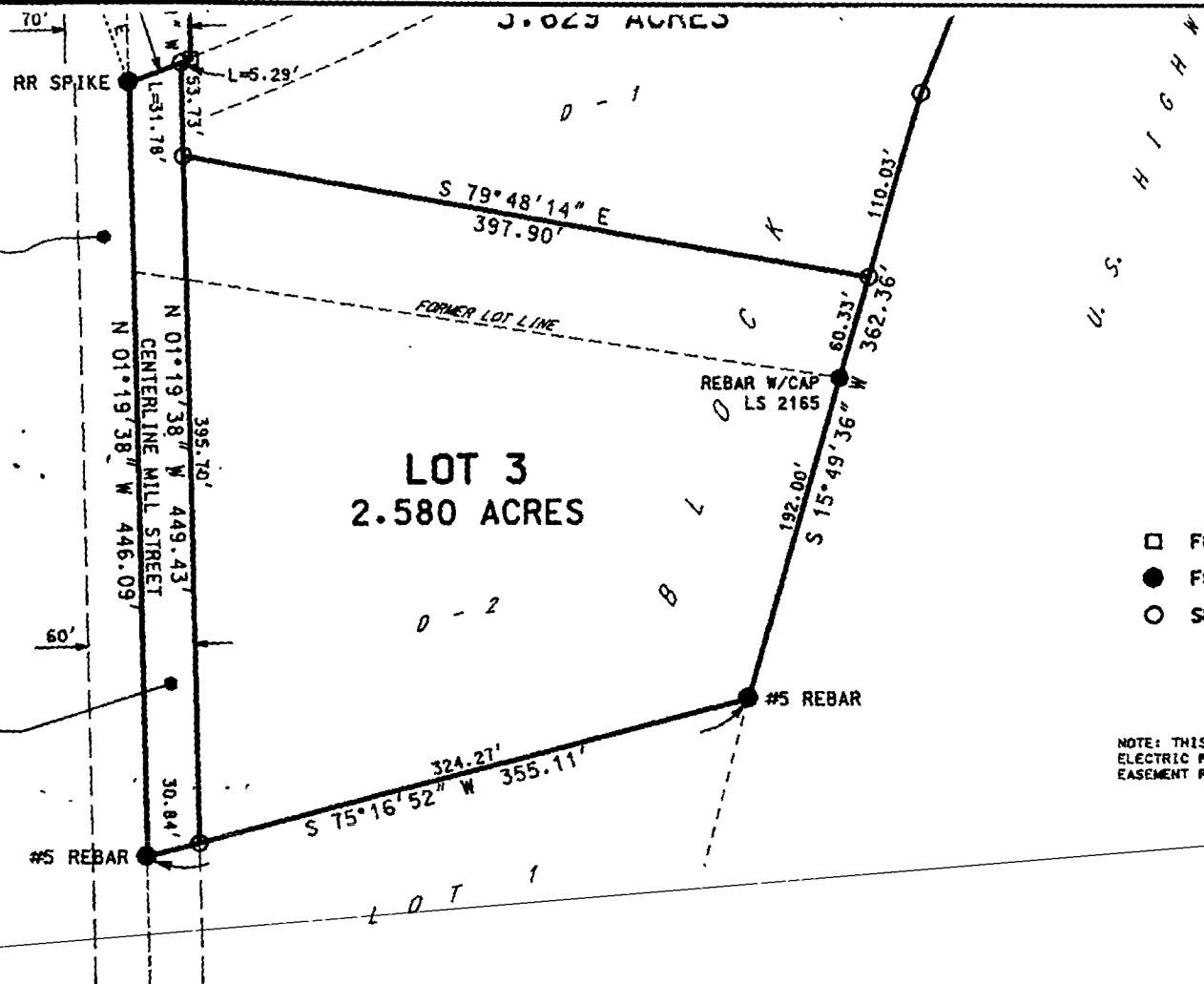
# PLAT OF

LOTS 3 AND 4 OF BLOCK 1 AND DEDICATED MILL STREET RIGHT-OF-WAY ALL IN  
WELLS ADDITION TO THE CITY OF BELLE FOURCHE, BUTTE COUNTY, SD  
A SUBDIVISION OF TRACTS D-1, D-2, D-4, AND D-5  
OF THE W1/2 NE1/4 OF SECTION 15, T8N, R2E, BHM



THIS PORTION OF  
MILL ST. ROW REDEDICATED  
IN BOOK 278, PAGE 724.

DEDICATED MILL  
STREET ROW:  
0.308 ACRES



# LEGEND

- FOUND #5 REBAR W/CAP - LS 3977
- FOUND CORNER MONUMENT AS NOTED
- SET #5 REBAR W/ALUM CAP - LS 3328

NOTE: THIS PROPERTY IS SUBJECT TO EASEMENTS FOR EXISTING  
ELECTRIC POWER LINES AND IS SUBJECT TO COMMUNICATION SYSTEM  
EASEMENT RECORDED IN BOOK 236, PAGE 826.

## CERTIFICATE OF OWNERSHIP

State of South Dakota County of Butte

Be it known that Wells Plumbing and Farm Supplies, Inc. is the owner of Lots D-1, D-2, D-4 and D-5 as shown and described hereon, that the plat was done at the request and direction of Wells Plumbing and Farm Supplies, Inc. for the purposes indicated hereon and that development of this land will conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. Wells Plumbing and Farm Supplies, Inc. does hereby dedicate to the City of Belle Fourche the street right-of-way shown hereon.

Owner: Wells Plumbing and Farm Supplies, Inc.,  
HCR 30, Box 26, Belle Fourche, SD 57717

*Sharon M. Wells* *Adam R. Wells*

## OFFICE OF COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota County of Butte

I, Barbara Potter, Butte County Director of Equalization, hereby certify that I have received a copy of this plat.

County Director of Equalization: Barbara Potter  
By Angela Kell

## APPROVAL OF STREET AUTHORITY

State of South Dakota County of Butte

The location of proposed access to abutting streets as shown is hereby approved.

Street Authority: Farm Waterworks

Hazen G. Wells  
Hazen G. Wells

Allen R. Wells  
Allen R. Wells

Mary Ann Wells  
Mary Ann Wells

ACKNOWLEDGMENT OF OWNERSHIP  
State of South Dakota County of Butte

On the 4th day of August, 1999, before me, a Notary Public,  
personally appeared Hazen G. Wells, Mary Ann Wells and Allen R. Wells,  
known to me to be the persons described in and who executed the  
aforegoing certificate, and acknowledged to me that they signed  
the same.

ELSIE GORDER  
Notary Public  
State of South Dakota

Elsie Gorder  
Notary Public

SURVEYOR'S CERTIFICATE

I, James D. Walker, a Registered Land Surveyor in the State of South  
Dakota, on the basis of my knowledge, information and belief, certify  
to the above named Owner(s), that at the request of said Owner(s), the  
survey represented by this plat was made under my supervision, on the  
ground to the normal standard of care of Professional Land Surveyors  
acting in the State of South Dakota. This survey does not  
constitute a title search to determine ownership or easements of record  
as performed by myself or by NJS Engineering.

James D. Walker  
JAMES D. WALKER  
SOUTH DAKOTA  
RLS #3328

7/28/99  
Date

CERTIFICATE OF COUNTY TREASURER  
State of South Dakota County of Butte

I, Rhonda Dreiski, Butte County Treasurer, do hereby certify  
that the 1998 taxes which are liens upon the lands, plants and  
thereon as shown by the records of my office, have been paid.

Rhonda Dreiski  
County Treasurer  
Date 8-4-99



Street Authority: Terry Wolterstorff

APPROVAL BY CITY ENGINEER  
State of South Dakota County of Butte

I, Terry Wolterstorff, Belle Fourche City Engineer, do hereby certify  
that I hereby approve this plat with respect to the duties of my office  
and that I have received a copy of said plat.

Terry Wolterstorff  
Belle Fourche City Engineer  
Date 8-10-99

RECOMMENDATION OF THE CITY OF BELLE FOURCHE PLANNING COMMISSION  
State of South Dakota County of Butte

This plat is hereby recommended for approval to the City of Belle  
Fourche Common Council this 27 day of July, 1999.

Signed: Charles E. Livingston  
Chairman

RESOLUTION OF THE CITY OF BELLE FOURCHE COMMON COUNCIL  
State of South Dakota County of Butte

Be it resolved that the City of Belle Fourche Common Council, having  
viewed this plat and having received a recommendation from Belle  
Fourche Planning Commission, does hereby approve this plat. Resolution  
adopted by vote of the Belle Fourche Common Council  
this 22 day of August, 1999.

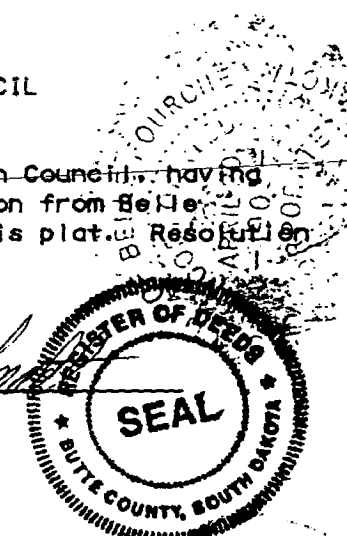
ATTEST: Maria L. Langhorne Bill Smith  
Finance Officer Mayor

99-1494<sup>(3)</sup>

OFFICE OF REGISTER OF DEEDS  
State of South Dakota County of Butte

Filed for record this 12th day of August, 1999,  
at 4:00 o'clock P.M., and recorded in Plat Book 14, Page 95.

Register of Deeds: Paul J. Walker



PREPARED BY:  
NJS ENGINEERING  
P.O. BOX 226  
SPEARFISH, SD  
605-642-4772  
DRILLING SPECIAL

1752-1



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 21, 2001

Hazen & Mary Ann Wells  
Homestead Nursery  
913 Harding St  
Belle Fourche SD 57717

Dear Mr. & Mrs. Wells:

I am writing in regard to a well driller's report filed by Graf Drilling. The report shows a new well has been completed for Homestead Nursery. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by August 1, 2001.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program

enclosures

WATER PERMIT APPLICATION NO. 1752-1  
HAZEN & MARY ANN WELLS  
JULY 24,2001

Water Permit Application No. 1752-1 proposes to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one well (Inyan Kara aquifer) 320 feet deep located in the W $\frac{1}{2}$  NE  $\frac{1}{4}$  (Lot 3, Wells Addition) Sec.15, T8N-R2E, in Butte County. The water is for commercial use at the Homestead Nursery and Gardens.

Aquifer: Inyan Kara aquifer

Geology and Aquifer Characteristics:

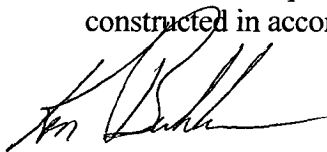
The Inyan Kara aquifer consists of the permeable members of the geologic group known as the Inyan Kara Group. The Inyan Kara is made up of the Fall River Formation and the underlying Lakota Formation. The Fall River Formation is composed of well bedded, fine-grained sandstone with some siltstone and claystone. The Lakota Formation consists of cross-bedded, channel-fill sandstone, shale and locally some limestone. In places, the Fuson Shale separates the two formations; however, the bottom of the Fall River is often indistinguishable from the top of the Lakota. The two formations are probably hydraulically connected and can be considered a single aquifer. The Inyan Kara aquifer underlies approximately 1,431,040 acres of Butte County and contains an estimated 21,465,600 acre-feet of recoverable water in storage in the county (Allen, 1984). Average annual recharge to the Inyan Kara has not been quantified at this time and it is not likely to be quantified in the near future. Recharge to the Inyan Kara aquifer occurs primarily through infiltration of precipitation falling directly on the outcrop and from streamflow losses, although downward leakage through the overlying shale, and upward migration of water from the underlying Paleozoic aquifers cannot be totally ruled out. The Inyan Kara outcrops about one and one-half miles south of this well (Darton, 1909) and the top of the aquifer is reported to be approximately 115 feet below grade on the Well Completion Report submitted with this application. The aquifer is under artesian conditions at this site and the water level is reported to be 5 feet below grade. The Water Rights Program monitors eight observation wells completed into the Inyan Kara aquifer, the nearest observation well to this well site is located approximately 10 miles to the southeast. Hydrographs for these observation wells indicate that at the current level of development withdrawals from the aquifer do not exceed recharge. The appropriation proposed by this application is minor and will not affect the recharge to withdrawal balance.

REVIEW OF EXITING WATER RIGHTS

The Water Rights Program has record of several domestic wells completed into the Inyan Kara aquifer in this area. The nearest Water Rights appropriating water from the Inyan Kara, (Water Right 1431-1 and Water Right 1195-1) held by American Colloid Company are located approximately two and one half miles northwest of this well. The influence this appropriation will have on area water levels is not expected to be significant and interference with existing adequate wells should not be adverse.

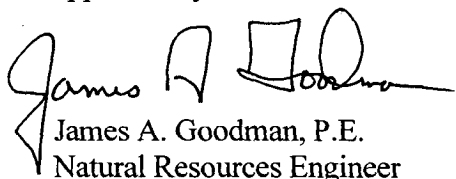
## CONCLUSIONS:

1. Water Permit Application No. 1752-1 proposes to appropriate 0.067 cfs from one well completed into the Inyan Kara aquifer.
2. The Inyan Kara is a viable aquifer in this area and there is a reasonable probability that unappropriated water is available for this appropriation.
3. The diversion rate proposed by this application (0.067 cfs) is not expected to have an adverse impact on existing adequate wells.
4. The Well Completion Report submitted with this application indicates the well is constructed in accordance with the South Dakota Well Construction Standards.



Ken Buhler  
Natural Resources Engineer

approved by



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

## REFERENCES:

- Allen, J.C., Iles D.L., Petres A.K., 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD
- Darton, N.H., O'Harra, C.C., 1909, Geologic Atlas of the United States, Belle Fourche Folio, South Dakota, Belle Fourche Folio No. 164, Washington, D.C.
- Water Rights, 2001<sub>a</sub>, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2001<sub>b</sub>, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2001<sub>c</sub>, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

July 27, 2001

Hazen & Mary Ann Wells  
913 Harding Street  
Belle Fourche, SD 57717

Dear Mr. & Mrs. Wells:

Water Permit Application No. 1752-1 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 Belle Fourche Post printed at Belle Fourche, SD (Ph # 605 892-2528). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 27, 2001

Belle Fourche Post  
Box 400  
Belle Fourche, SD 57717-0400

ATTENTION: Legal Public Notice

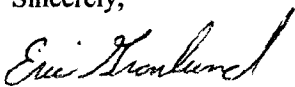
Enclosed is a Notice of Hearing on Application No. 1752-1 to Appropriate Water to be published twice. Please publish the first notice on August 1, 2001 with the second publication 7 days later.

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 Hazen & Mary Ann Wells, 913 Harding St., Belle Fourche, SD 57717 (Ph # 605 892-4027).

**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. 1752-1

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

Date \_\_\_\_\_

We are in receipt of your letter of July 27, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1752-2 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on August 1, 2001 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 1752-1 to Appropriate Water

Notice is given that Hazen and Mary Ann Wells, 913 Harding St., Belle Fourche SD 57717 have filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one well (Inyan Kara Aquifer) 320 feet deep located in the W ½ NE ¼ (Lot 3, Wells Addition) Section 15-T8N-R2E. The water is for commercial use at the Homestead Nursery and Gardens.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1752-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 20, 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.

OK

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Butte ) SSI, Joan Lewis

certify that the attached printed Notice was taken

from the Belle Fourche Postprinted and published in Belle FourcheCounty of Butte and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug. 1, 2001Aug 8, 2001Cost of Printing 34.97Joan Lewis  
(Signature)Bookkeeper  
(Title)8/10/01  
(Date Signed)NOTICE OF APPLICATION  
NO. 1752-1 to Appropriate Water

Notice is given that Hazen and Mary Ann Wells, 913 Harding St., Belle Fourche SD 57717 have filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one well (Inyan Kara Aquifer) 320 feet deep located in the W1/2NE1/4 (Lot 3, Wells Addition) Section 15-T8N-R2E. The water is for commercial use at the Homestead Nursery and Gardens.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1752-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application, or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given

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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.

Publ. Aug. 1 & 8, 2001  
Belle Fourche Post





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

SEP 24 2001

Hazen & Mary Ann Wells  
913 Harding St.  
Belle Fourche, SD 57717

Dear Mr. & Mrs. Wells:

Enclosed is Water Permit No. 1752-1 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 Sept 26, 2001

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

FROM: Hazen & Mary Ann Wells  
(name)  
913 Harding St  
(address)  
Belle Fourche, SD 57717 605 892-4027  
(city, state, zip) (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.

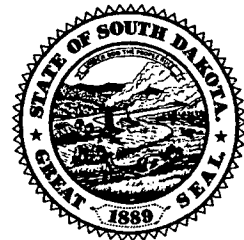
Water Permit No. 1752-1 states that the water use system is to be constructed by Aug 20, 2006, and water is to be put to beneficial use by Aug 20, 2006.  
(date) (date)

The water use system was completed on July 10, 2001.  
(date)

Applying the water to beneficial use was completed on July 10, 2001.  
(date)

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

Mary Ann Wells  
(signature)



**Permit No. 1752-1**  
**Belle Fourche - 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, **July 13, 2009**, made a thorough examination of the water use system constructed by **Hazen and Mary Ann Wells** of **913 Harding Street, Belle Fourche, SD 57717** holders of Permit No. **1752-1**, bearing the priority of **7/10/2001** authorizing the diversion of **0.067** cu. ft. per second of the waters of **Inyan Kara aquifer** for **commercial use(Homestead Nursery)** purposes, in **Butte** County.

Inspection contact & relationship     **Mary Ann Wells—permit holder**  
to permit holder, if applicable:

**A. Works used to divert the water:**

**Well Information:**

- 1) Well Drilling Firm: **Graf Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **320** feet
- 4) Well log is available **Yes**
- 5) Comment: **Appears to be adequate—well log on file.**

**Casing:**

**0-240 feet below land surface**

- 1) Diameter **5** inches
- 2) Length **240** feet
- 3) Type **Steel (200#/ft)**

**230-320 feet below land surface**

- 1) Diameter **4.5** inches
- 2) Length **90** feet
- 3) Type **Steel**

**Screen: 300-320 feet below grade**

- 1) Type **Torch cut round holes**
- 2) Length **20** feet
- 3) Static water level **5** feet

**Pump:**

- 1) Make Myers
- 2) Model Stay Right
- 3) Size 2 hp
- 4) Capacity 30 GPM

**Motor:**

- 1) Make Franklin
- 2) Model No. 2243019204
- 3) Horsepower rating 2 hp

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

- 1) Type Garden Hose
- 2) Size 1 ½ inches
- 3) Length ~150 feet

**C. Works used to apply water to beneficial use:**

-Spray nozzles attached to hose

-Sprinkler/spray system

**Chemigation Equipment:**

- 1) Does chemigate No

**D. Compliance with Permit Requirements:**

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

The system is in good condition with the point of diversion located as follows: 1,946 feet west and 954 feet south of the NE corner of Section 15, Township 8 North, Range 2 East, lat/long N 44.65986 W -103.85706. The works are capable of diverting and conveying to the place of use 0.067 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Water from the well is used in a Nursery (Homestead Nursery and Gardens) to water the potted trees, shrubs, plants and display gardens and the license should be issued for 0.067 cfs.

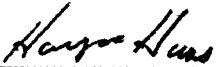
All structures, wells and lands on map Yes

**Report of Examination of Works**

Permit No. 1752-1

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

**-none**



---

Hayes Haas  
Natural Resources Engineer  
DENR, Water Rights Program

Date report completed: **3/2/2010**

Hazen & Mary Ann Wells  
1752-1



0 180 360 720 1,080 1,440 Feet

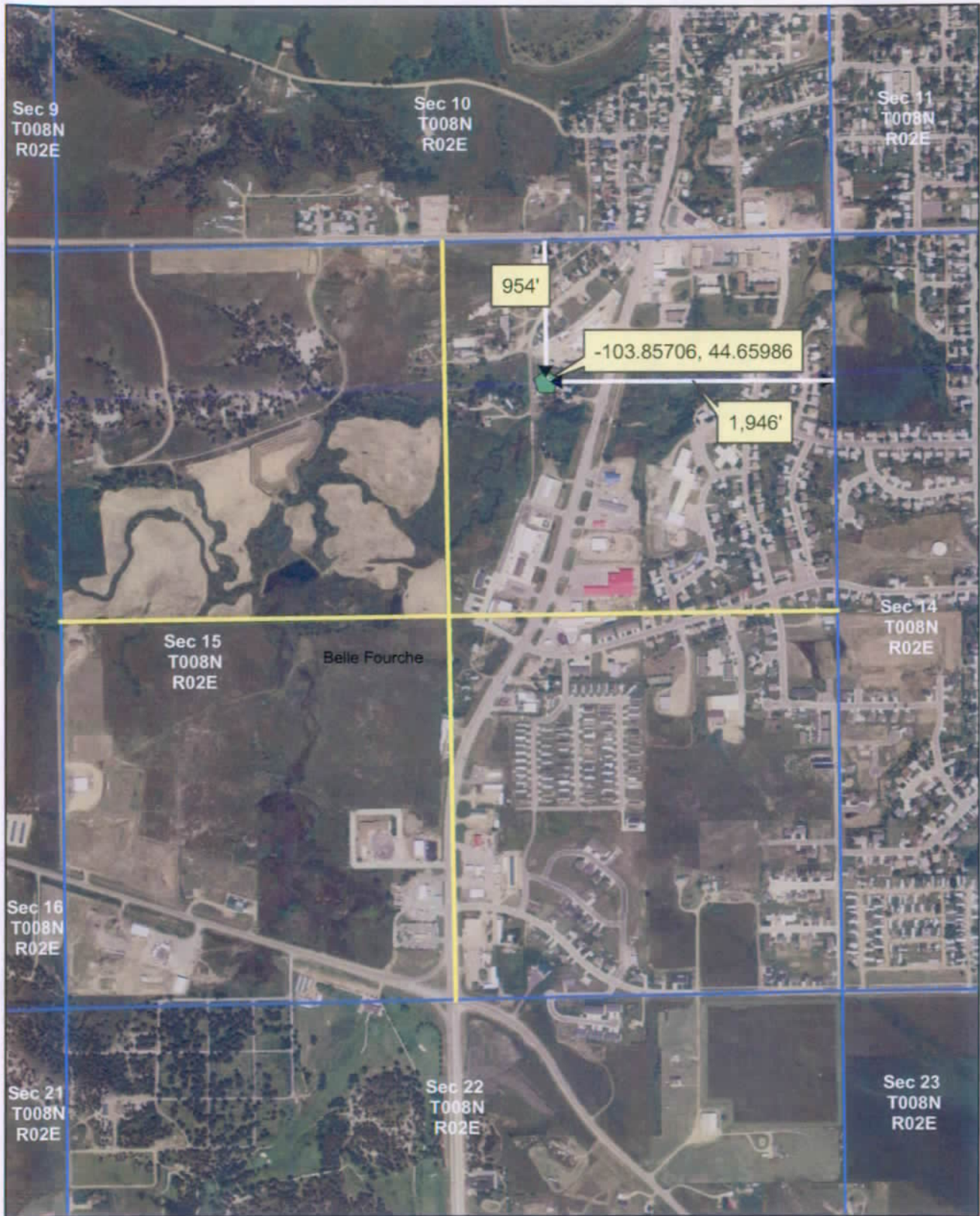
*Hayes Haas*

Hayes Haas  
Natural Resources Engineer  
DENR Water Rights Program  
July 2009



*South Dakota*

Hazen & Mary Ann Wells  
1752-1



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

*Hayes Haas*

Hayes Haas  
Natural Resources Engineer  
DENR Water Rights Program  
July 2009



*South Dakota*



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 23 2010

1752-1

Hazen & Mary Ann Wells  
913 Harding St  
Belle Fourche SD 57717

Dear Mr. & Mrs. Wells:

Enclosed is Water License No. 1752-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1752-1, 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. 1752-1

(1) Hazen & Mary Ann Wells, 913 Harding St, Belle Fourche SD 57717 made Application No. 1752-1, July 10, 2001 for a water permit to divert 0.067 cubic feet of water per second (30 gallons per minute) from ground water (one well – Inyan Kara Aquifer), Butte County, South Dakota for commercial purposes. Permit No. 1752-1, with a priority date of July 10, 2001 was approved August 20, 2001 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 20, 2006 and for the application to beneficial use of said water on or before August 20, 2010.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is 1,946 feet west and 954 feet south of the NE corner of Section 15, T8N, R2E (NW ¼ NE ¼).

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

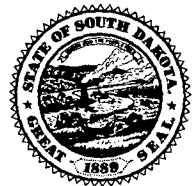
(4) Pursuant to South Dakota Water Law 46-5-30.1 Hazen & Mary Ann Wells, 913 Harding St, Belle Fourche SD 57717 the holders and/or owners of Water Right No. 1752-1 is issued a license to appropriate water, the right to use 0.067 cubic feet of water per second (30 gallons per minute) from ground water (one well – Inyan Kara Aquifer) with a priority date of July 10, 2001 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1752-1 and subject to 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.

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

APR 23 2010  
date



# NOTICE OF TRANSFER OF OWNERSHIP

## PAID

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

JUN 03 2024  
Ck# 1148  
Rec't# \_\_\_\_\_

No. 1752-1  
Date: 5/29/2024

I/We request that Water Right/Permit No. 1752-1

formerly owned by: Hazen & Mary Ann Wells

X be transferred to: (name & address) Pierre & Crystal Miranda  
1728 5th Ave Belle Fourche SD 57717  
Telephone No. (209) 688 6397

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

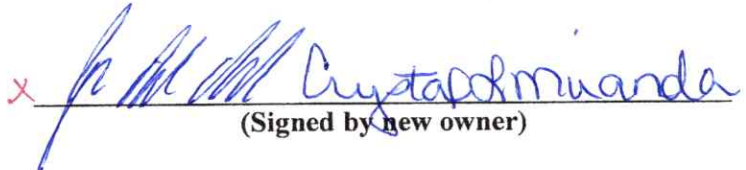
one well located in the NW 1/4 NE 1/4 Section 15-T8N-R2E

I/We understand that the validity of Water Right/Permit No. 1752-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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.

X **A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

X I/We Pierre & Crystal Miranda, the new owner, certify that the above information is true and correct.

X   
(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.

**RECEIVED**

JUN 03 2024

OFFICE OF  
WATER

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 4th, 2024

RECEIVED OF Pierre M Miranda 1728 5<sup>th</sup> Ave Belle Fourche SD 57717

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>50.00</u> |
| Fee for _____                                                                                                  | \$ _____        |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____        |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____        |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____        |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____        |
| (Any Other Work Provided by Law)                                                                               |                 |
| TOTAL                                                                                                          | \$ <u>50.00</u> |

By Eric Groulund  
Chief Engineer

SG



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

June 6, 2024

1752-1

Pierre & Crystal Miranda  
1728 5<sup>th</sup> Ave  
Belle Fourche SD 57717

Dear Mr. & Ms. Miranda:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed are a receipt of payment and copy of the original water right for your records.

Water Right No. 1752-1 previously owned by Hazen & Mary Ann Wells, for commercial use, is now listed under yourselves. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use, as described in the license, for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us

*enclosures*