

WATER PERMIT NO. 1754-1

Name of Applicant: Pine Cone Estates Community Association

Address: PO Box 1077, Sturgis SD 57785 Phone:

Amount of Water Claimed: 70 gpm (0.15 cfs) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing County: Meade

Type of Waste Disposal System:

Location: 1 mile north of Sturgis

PRIORITY Date Received: 7-24-2001 Fee: \$150

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

Remarks: additional well from a different water source than authorized by Water Right No. 1175-1

Diversion Point: NW ¼ SE ¼ (Lot W of Govt
Lot 6) Sec 3-T5N-R5E

Land to be Irrigated: NA

Depth of Well: 1640 feet deep

Well Driller: : Cimarron Drilling

Remarks:

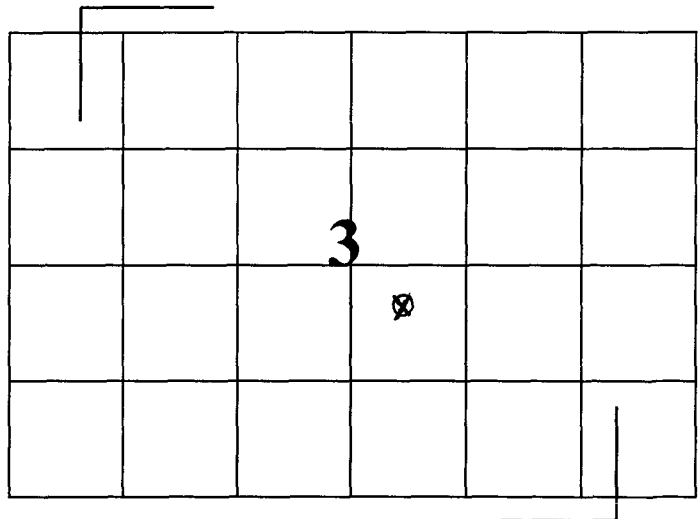
Type of Map: plat

Prepared by: James P Heald, RLS

Reviewed and the Number Assigned on: 7-24-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1754-1**

Date of first receipt of application July 24, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1754-1 to Pine Cone Estates Community Association, PO Box 1077, Sturgis SD 57785 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. 1754-1 appropriates 0.16 cubic feet of water per second (70 gallons per minute) from one existing well (Minnelusa Formation) 1,740 feet deep located in the NW ¼ SE ¼ (Lot W of Govt Lot 6) Section 3-T5N-R5E.
2. The water appropriated shall be used for the purpose of supplying water for a suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1754-1 is September 10, 2001.
5. The date from which applicant may claim right is July 24, 2001.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: Garland Erbele

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

NOV 07 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. <u>1754-1</u> Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Meade Co. Times Tribune, Sturgis</u>



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

Check use(s) of water:

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

Type of Application: 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.)

Additional well from a different water source than authorized by Water Right No. 1175-1

- Name of Applicant Pine Cone Estates Community Association Phone 605-347-3092
(check one) Owner Tenant/lessee
Mailing Address PO Box 1077, Sturgis State SD 57785
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.18 *CFS or 70 **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 groundwater (one well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 SE 1/4 (Lot W of Govt Lot 6) Sec 3-T5N-R5E
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used January 1 - December 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 MEADE

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, Michael Felner, president, 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 Michael Felner

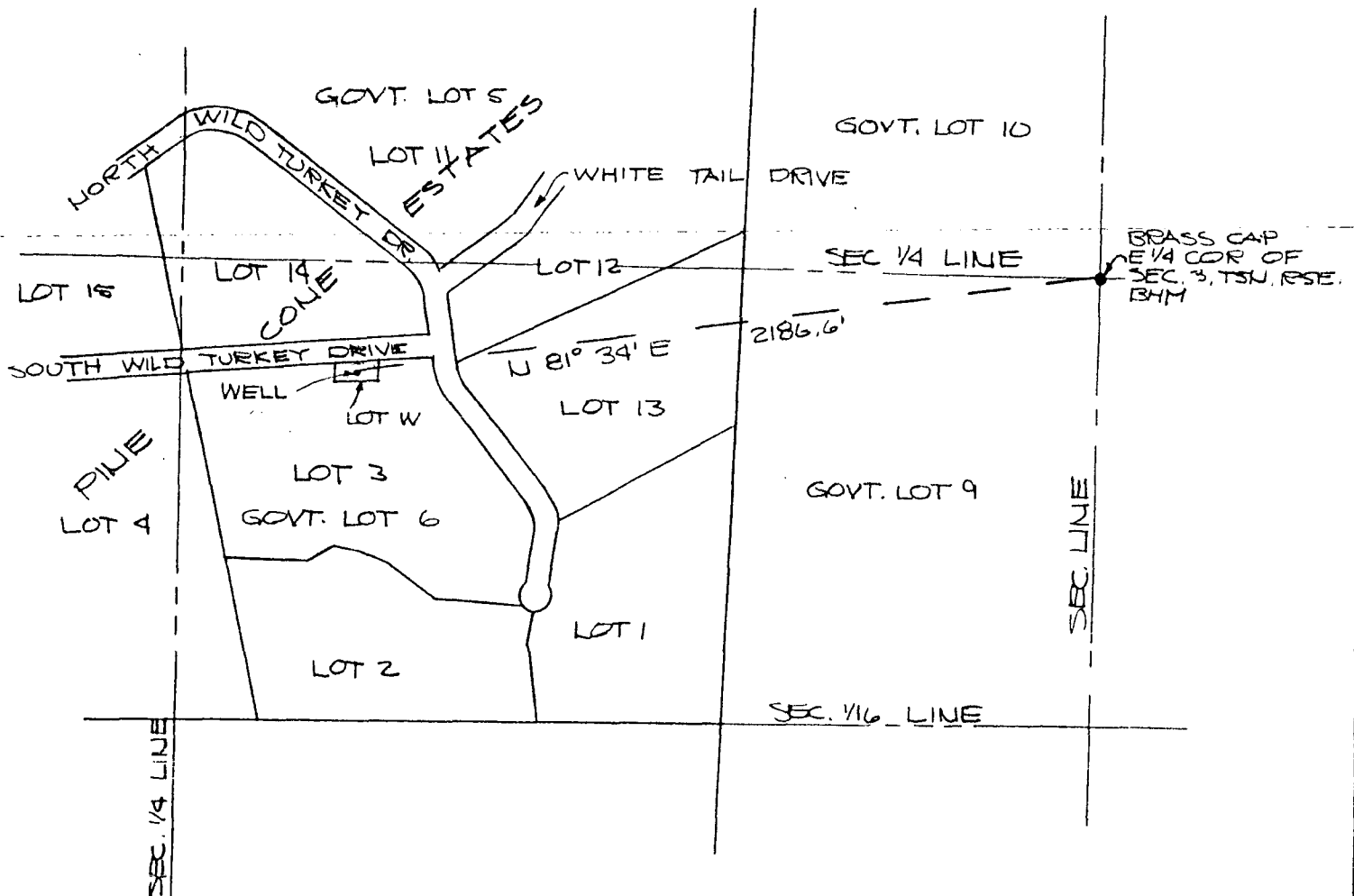
Subscribed and sworn to before me this 23rd day of July 2001

Judith A. Hughes
Notary Public signature

My Commission Expires December 30, 2004

WATER RIGHT MAP FOR WELL LOCATED IN LOT W OF PINE CONE ESTATES
 LOCATED IN
 LOT 6 (NW $\frac{1}{4}$ OF SE $\frac{1}{4}$) OF SECTION 3, T5N, R5E, BHM,
 MEADE COUNTY, SOUTH DAKOTA

SCALE 1"=500'
 DATE: JULY 5, 1978



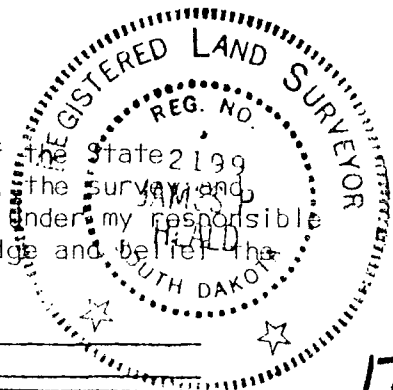
CERTIFICATE OF SURVEYOR
 State of South Dakota
 County of Pennington

S.S.

I, James P. Heald, Registered Land Surveyor No. 2199 of the State of South Dakota, do hereby certify that being so authorized, the survey and within map of the land shown and described hereon were made under my responsible direction and supervision and that to the best of my knowledge and belief the within map is a representation of said survey.

REGISTERED LAND SURVEYOR:

DATE: July 6, 1978



1177-1

1754-1



FRANCIS-MEADOR-GELLHAUS, INC.
 RAPID CITY

PROJECT: WATER RIGHT MAP FOR JIM ROTH

SE-3-SN-SE

BY DS
 7-5-78

SHEET 1

JOB NO 201-9

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416870

Pierre, July 24, 20 01

RECEIVED OF Pine Cone Estates, PO Box 1077, Sturgis, SD 57785

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

Fee for Application for Permit No. <u>1754-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1754-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Darland Eide
Chief Engineer

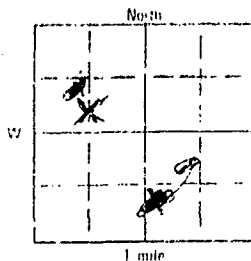
gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 34° NW 1/4 Sec 3 Twp 5N Rg 5ECounty MEAD

Please mark well location with an "X"

Well Completion Date 5-15-92

PROPOSED USE

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Rotary - Mud Pump

CASING DATA

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPE WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
28 LB/FT	7 IN	0 FT	1375 FT	9 1/2 IN
18 LB/FT	5 IN	1344 FT	1640 FT	6 7/8 IN
18 LB/FT	5 IN	FT	FT	IN
18 LB/FT	5 IN	FT	FT	IN

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 1640' FEETWhat is grouting material? Portland type I-IIIf cement, number of sacks? 310 bagsDescribe grouting procedure Pressure groutThrough casing to surfaceWhat was grout weight? 9416 to 6906 LB/GALSCREEN ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ feet To _____ feet

Slot Size _____ Set From _____ feet To _____ feet

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? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine injectionBacteriological analysis ☐ YES ☒ NO

any sent to _____

Well Owner

Name Pine Cone EstateAddress P.O. Box Sturgis SD

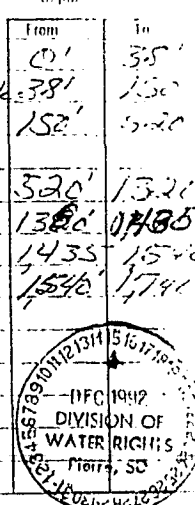
Well Log _____ Depth _____

Formation _____

Start in KAHTA _____Morrison GREEN SAND _____Sand ANAK _____Morrison KAHTA _____Spear FISH _____Morrison KAHTA _____

Opelike _____

Morrison KAHTA _____

STATIC WATER LEVEL 260' Feet

If flowing closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☐ Pumped☐ Bailed☐ OtherDescribe Air Developed

Pumping Level Below Land Surface

350 ft After 1 Hrs pumped 15 GPM500 ft After 1 Hrs pumped 40 GPM700 ft After 1 Hrs pumped 50-60 GPM

REMARKS

10" Surface casingTo 340' To portion300' Existing well25' away.

This well was drilled under license # 568

And this report is true and accurate

Drilling firm CIMARRON DrillingSignature of License Representative Michael J. Deuter

Signature of Well Owner _____

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CARRIER OPERATION SIGNATURE

STATE OF SOUTH DAKOTA

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

25:1

4-85

4-16-93

Jae R. Kopp

MICROFILM CERTIFICATE OF AUTHENTICITY



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dean Flage
Pine Cone Estates Community Assn.
PO Box 1077
Sturgis SD 57785

Dear Mr. Flage:

Linda Harris with our regional office in Rapid City indicated she visited your system this past April. A review of our files shows Pine Cone Estates Community Assn. holds Water Right No. 1175-1 authorizing 0.15 cubic feet of water per second (70 gallons per minute) from one 300 feet deep well located in the NW ¼ SE ¼ Section 3-T5N-R5E. On April 23, 1993, we received a letter from you indicating a replacement well was drilled in 1992 approximately 25 feet from the old well. The 1992 well was drilled to a depth of 1740 feet which is a different water source formation than the 300 feet deep well.

SD Codified Law 46-5-13.1 states the location of a point of diversion may be changed or additional points of diversion may be approved if the new or additional point of diversion is from the same source of water, no additional water is appropriated, and, if the water use is for irrigation, no new land is to be irrigated.

Based on this information, a new permit is required for the 1992 well since the well was drilled into a different water source. I cannot explain why, in 1993, you did not receive notification that an additional water permit would be required.

Enclosed is a partially completed application form and copy of the original map. Please review the form, make any additions/corrections, have it signed and notarized. It is my understanding that the new well is located in the same area as the old well as marked on the map. Is this correct? The application/license fee is \$200.00. You should be aware the association will be responsible for payment of the public notice. Also, is the old well still maintained as a back-up supply?

Mr. Flage, I realize this is confusing. Please contact me, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

WATER PERMIT APPLICATION NO. 1754-1

PINE CONE ESTATES COMMUNITY ASSOC.

JULY 31, 2001

Water Permit Application No. 1754-1 proposes to appropriate 0.16 cubic feet of water per second (cfs)[approximately 70 gallons per minute] from one well (Minnelusa aquifer) located in the NW¼ SE¼ Sec.3, T5N-R5E, in Meade County. The water to be used is for a suburban housing development.

WATER SOURCE: Minnelusa Aquifer (MNLS)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Minnelusa aquifer is composed of porous and permeable portions of the Minnelusa Formation. The Minnelusa Formation is an assemblage of alternating beds of sandstone, limestone, and dolomite with lesser amounts of shale, approximately 500 feet thick in this area (Carter, 1999_a), (Carter, 1999_b). The lithology of the Minnelusa is quite variable; likewise, the aquifer characteristics are also variable and site specific. Pump test data is not available for the Minnelusa in this area; therefore the aquifer characteristics (transmissivity and storage coefficient) are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 0.86-8,600 ft²/d, and the storage coefficient ranges from 6.6×10^{-5} to 2×10^{-4} , (Kyllonen, 1986). The Minnelusa aquifer is an extensive regional aquifer that underlies most of western South Dakota and extends into surrounding states. The Minnelusa aquifer underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage in the county (Allen, 1984). Recharge to the Minnelusa aquifer occurs through infiltration of precipitation falling directly on the outcrop, stream flow losses, and possibly upward leakage from the Madison aquifer. Recharge to the Madison and Minnelusa aquifers from both streamflow and precipitation recharge averaged 344 cfs (249,045 acre-feet per year) for 1931-1998, of which, the Minnelusa receives about 45 percent (112,070 acre-feet per year), (Carter and Driscoll, 2001).

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer. The nearest Minnelusa aquifer observation well, LA-86C, is located approximately four miles west of this well site. A hydrograph for the well, figure 1, demonstrates the aquifer's response to recharge and to climatic conditions. The hydrograph also shows the response of the well to "pumping" from the Minnelusa aquifer in 1990 during construction of a Madison aquifer observation well approximately 50 feet from LA-86C.

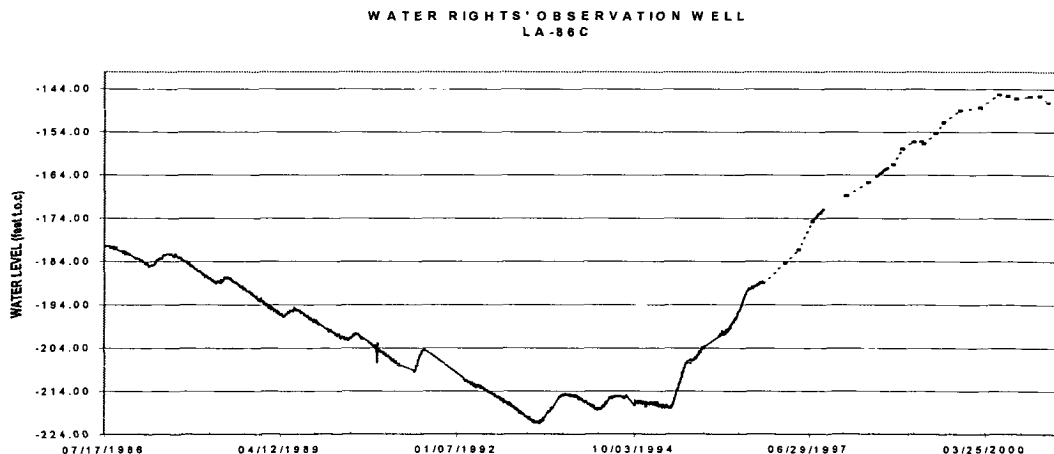


Figure 1. Hydrograph for LA-86C, located approximately four miles west of 1754-1

Minnelusa aquifer observation well, LA-63A is located approximately five miles south west of this well site. The hydrograph for this well, figure 2, also shows the aquifer's response to recharge and climatic conditions with a period of record extending back to 1963.

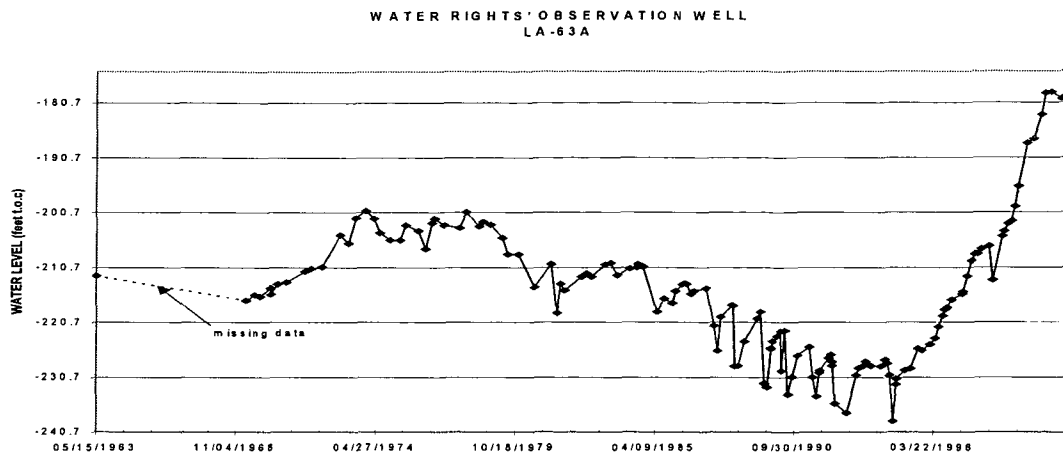


Figure 2. Hydrograph for LA-63A, located approximately five miles southwest of 1754-1

Water Rights' observation wells show seasonal fluctuations of the potentiometric surface depending on recharge events. Observation well data show that unappropriated water is available from the Minnelusa aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS:

There are 170 Water Rights/Permits and two future use permits that appropriate water from the Minnelusa aquifer in South Dakota (Water Rights, 2001_c). There are 58 permits/rights appropriating water from the Minnelusa aquifer in Meade County (Water Rights, 2001_c), where the aquifer is used primarily for suburban housing development, commercial, municipal and irrigation use. In addition to appropriative rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2001_a).

The Water Rights Program has no record of domestic wells completed into the Minnelusa aquifer in this area. The nearest appropriations from the Minnelusa (Water Right No. 1351-1, Molly B's Truckstop, and Water Right no. 1318-1, Gerald M. Baldwin) are located approximately one and three-quarter miles southwest of this well site. Given the distance to existing wells and the relatively low diversion rate (0.16 cfs) proposed by this appropriation, adverse impacts are not likely if this application is approved.

The well completion report submitted with this application indicates this well was constructed in 1992. The report indicates the well was constructed in accordance with the SD Well Construction Standards. This well has presumably been used since construction with no reported controversy.

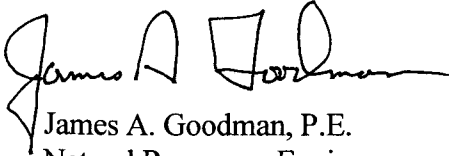
CONCLUSIONS:

1. The Minnelusa aquifer is a viable aquifer in this area.
2. The water quality of the Minnelusa aquifer is expected to be fair to good in this area.
3. Unappropriated ground water is available from the Minnelusa aquifer.
4. The diversion requested by this application (0.16 cfs) can be made without impairment of existing rights.



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
- Carter, J.M., Driscoll, D.G., Hamade, G.R., 22001, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98, U.S. Geological Survey Water-Resources Investigations Report 00-4278
- Carter, J.M., Redden, J.A., 1999_a, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota, U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C,
- Carter, J.M., Redden, J.A., 1999_b, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota, U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D,
- Kyllonen, D.P., Peter, K.D., 1986, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and the Bear Lodge Mountains, Wyoming, U.S. Geological Survey Water-Resources Investigations Report 86-4158,
- Water Rights, 2001_a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2001_b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2001_c, "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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1754-1, Pine Cone Estates Community Association**

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. 1754-1, Pine Cone Estates Community Association, c/o Michael Fellner, President, PO Box 1077, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1754-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
August 13, 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 14, 2001

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

ATTENTION: Legal Public Notice

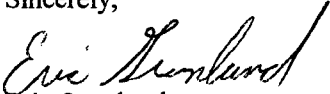
Enclosed is a Notice of Hearing on Application No. 1754-1 to Appropriate Water to be published twice. Please publish the first notice on August 22, 2001 with the second publication 7 days later.

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 Pine Cone Estates Community Association, % Michael Fellner, President, PO Box 1077, Sturgis, SD 57785 (Ph # 605-347-3092).

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. 1754-1

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

Date _____

We are in receipt of your letter of August 14, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1754-1 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.

August 14, 2001

Pine Cone Estates Community Association
% Michael Fellner, President
PO Box 1077
Sturgis, SD 57785

Dear Mr. Fellner:

Water Permit Application No. 1754-1 for suburban housing 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 Tribune, Box 69, Sturgis, SD 57785-0069 printed at Sturgis, SD (Ph # 605-347-2503). 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.

Instruction to Newspaper - Publish first Notice on August 22, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1754-1 to Appropriate Water

Notice is given that Pine Cone Estates Community Association, PO Box 1077, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second (70 gallons per minute) from one existing well (Minnelusa Formation) 1,640 feet deep located in the NW ¼ SE ¼ (Lot W of Govt Lot 6) Section 3-T5N-R5E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1754-1 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 September 10, 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)
) SSCounty of Meade)I, Joan Lewis

certify that the attached printed Notice was taken

from the Meade CountyTimes-Tribuneprinted and published in SturgisCounty of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug. 22, 2001Aug. 29, 2001Cost of Printing \$37.98Joan Lewis
(Signature)Accounting
(Title)8-23-01
(Date Signed)

Water application

NOTICE OF APPLICATION

NO. 1754-1 to Appropriate Water

Notice is given that Pine Cone Estates Community Association, PO Box 1077, Sturgis SD 5778S has filed an application for a water permit to appropriate 0.16 cubic feet of water per second (70 gallons per minute) from one existing well (Minnelusa Formation) 1,640 feet deep located in the NW 1/4 SE 1/4 (Lot W of Govt Lot 6) Section 3-T5N-R5E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1754-1 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 September 10, 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.

Publ Aug. 22 and 29, 2001
Meade County Times-Tribune





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 07 2001

Pine Cone Estates Community Association
% Michael Fellner, President
PO Box 1077
Sturgis, SD 57785

Dear Mr. Fellner:

Enclosed is Water Permit No. 1754-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2002

1175-1
1754-1

Jerry Goudie, President
Pine Cone Estates Community Association
PO Box 1077
Sturgis SD 57785

Dear Mr. Goudie:

Enclosed, as you requested, is a copy of Water Right No. 1175-1 and Water Permit No. 1754-1 held by Pine Cone Estates Community Association.

You mentioned during our phone conversation something about "blue prints" initialed by John Hatch (former Chief Engineer). I assumed you were talking about the map that came with the original application for No. 1175-1. I searched our files and was unable to find the map.

If you need additional information, please give me a call and I will try and help.

Sincerely,

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

enclosures

Permit No. 1754-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 13, 2003, made a thorough examination of the water use system constructed by Pine Cone Estates Community Association of PO Box 1077, Sturgis SD 57785 holder of Permit No. 1754-1, bearing the priority of July 24, 2001 authorizing the diversion of 0.16 cu. ft. per second of the waters of ground water (Minnelusa formation) for suburban housing purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Dean Flage, operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cimarron Drilling
- 2) No. of Wells 1 (green wellhead)
- 3) Depth(s) 1,740 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 & 7 inches
- 2) Length 1,640 feet
- 3) Type Steel

Screen:

- 1) Type open hole
- 2) Length 100 feet
- 3) Static water level 260 feet

Motor/Pump:

- 1) Make Grundfos submersible
- 2) Model Franklin motor
- 3) Size unknown
- 4) Capacity 70 GPM

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

Water is diverted to a 28,000 gallon storage tank and supplies 13 homes with potentially up to 20 homes being developed.

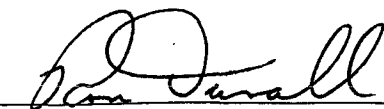
C. Compliance with Permit Requirements:

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

The system is in good condition with the point of diversion located as follows: Well: 2,200 feet W and 2,300 feet N from the SE corner section 3-T5N-R5E (NW¼SE¼ -- Latitude 44.4227, Longitude -103.49705). The works are capable of diverting and conveying to the place of use 0.16 cu. ft. per second of water which is to be used for suburban housing purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.16 cfs.

All structures, wells and lands on map Y

| Comments or other permit(s) associated with the project: 1175-1



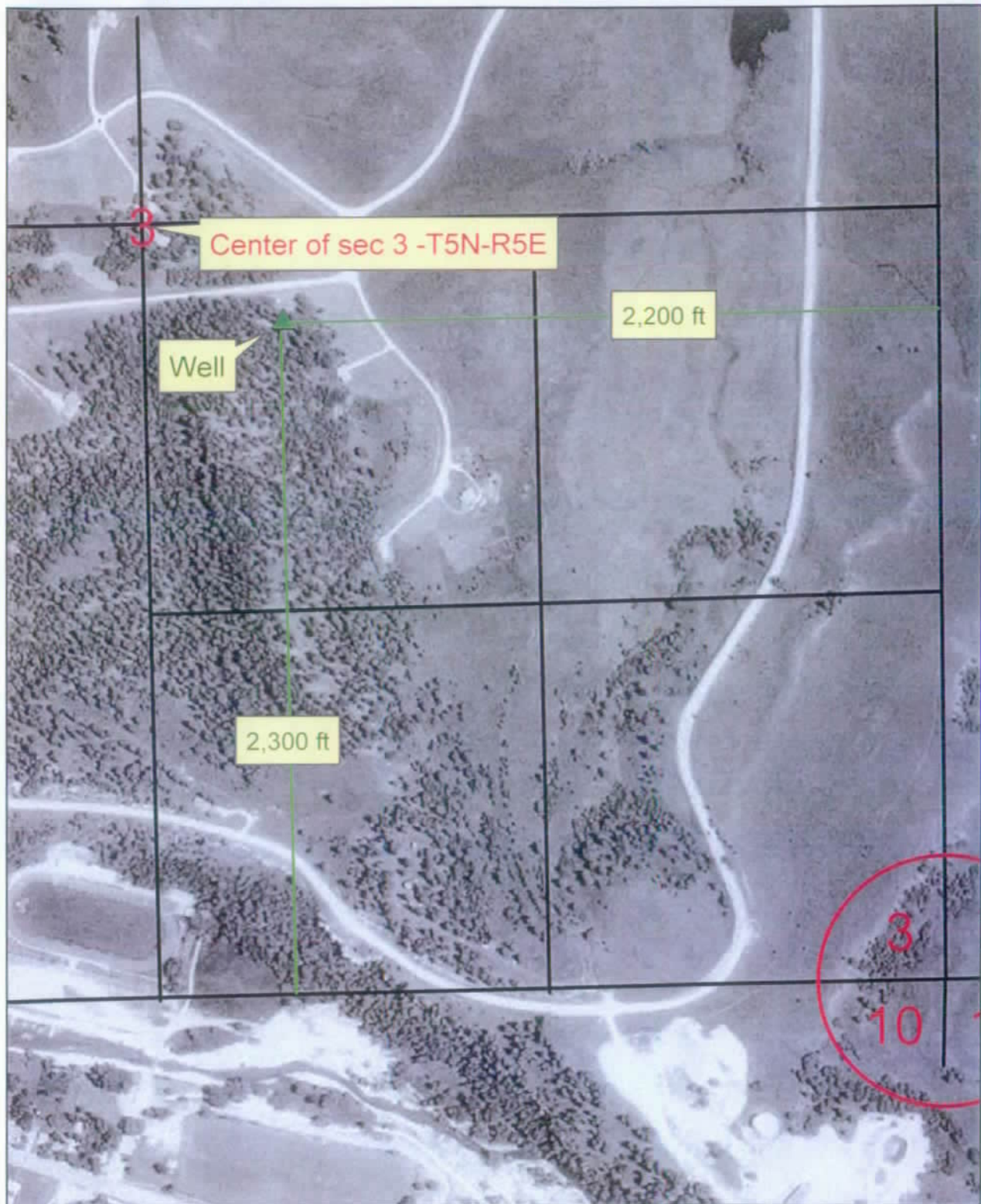
Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: September 17, 2003

Scale: 1 inch equals 504 feet

350

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sept 17, 2003

Water Right No. 1754-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1754-1

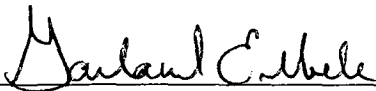
(1) Pine Cone Estates Community Association, PO Box 1077, Sturgis SD 57785 made Application No. 1754-1, July 24, 2001 for a water permit to divert 0.16 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development purposes. Permit No. 1754-1, with a priority date of July 24, 2001 was approved September 10, 2001 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

(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. 1754-1 is issued a license, bearing a priority date of July 24, 2001 to appropriate 0.16 cubic feet of water per second from groundwater (one well), for suburban housing development purposes.

The diversion point is located: 2,200 feet west and 2,300 feet north from the southeast corner of Section 3-T5N-R5E (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1754-1 including the following now applicable qualification:

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

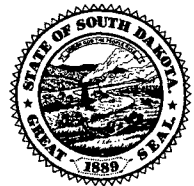


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 10 2003

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 10 2003

1754-1

Pine Cone Estates Community Assoc
% Jerry Goudie President
PO Box 1077
Sturgis SD 57785

Dear Mr. Goudie:

Enclosed is Water License No. 1754-1. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

cc: Dean Flage, 7828 S Wild Turkey Dr, Sturgis SD 57785

enclosures