

WATER PERMIT NO. 1786-1

Name of Applicant: Kaski Homes, Inc.

Address: PO Box 341, Piedmont SD 57769

Phone: 605 381-0727

Amount of Water Claimed: 0.1

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Meade

Type of Waste Disposal System: septic tank & drainfield

Location: 3 miles northwest of Piedmont

PRIORITY Date Received: 7-23-2002

Application/License Fee: \$100

Corrected Application Received: 2-13-2003

Period of Annual Use: January 1 – December 31

Remarks: Pine Haven Estates

Diversion Point: NW ¼ NW ¼ Sec 29-T4N-R6E

Land to be Irrigated: NA

Depth of Well: 300 feet

Well Driller: : Cimarron Drilling, Inc.

Remarks:

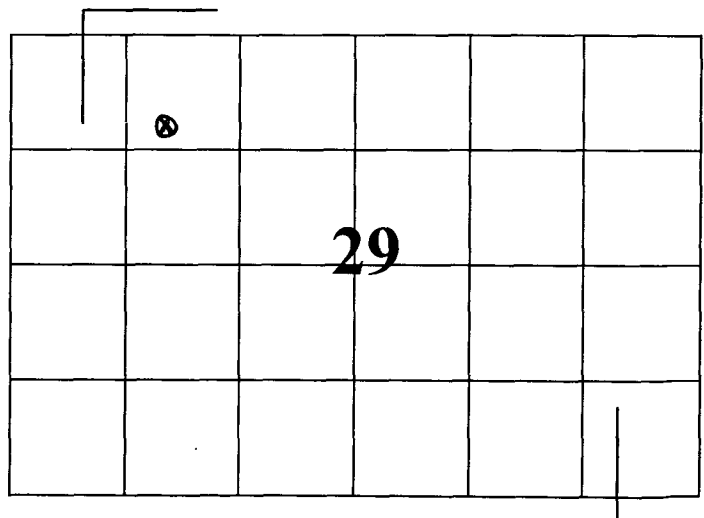
Type of Map: plat

Prepared by: Ricky J Bush, RLS

Reviewed and the Number Assigned on: 2-13-2003

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1786-1**

Date of first receipt of application July 23, 2002.

Date of return to applicant for corrections, amendments or changes July 23, 2002.

Date of receipt of corrected application February 13, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1786-1 to Kaski Homes, Inc., PO Box 341, 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. 1786-1 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Formation) 300 feet deep located in the NW ¼ NW ¼ Section 29-T4N-R6E.
2. The water appropriated shall be used for the purpose of suburban housing development use at Pine Haven Estates 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. 1786-1 is May 19, 2003.
5. The date from which applicant may claim right is February 13, 2003.
6. One-fifth of the construction is to be completed on or before November 19, 2005.
7. All construction is to be completed on or before May 19, 2008.
8. Water is to be put to beneficial use on or before May 19, 2012.
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

JUN 13 2003

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>1786-1</u>	(office use only) Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co Times, Sturgis</u>	

RECEIVED
JUL 23 2002
WATER RIGHTS
PROGRAM

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: (check one) ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
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 Kaski Homes Inc. Phone (605) 381-0727
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 341 Piedmont State SD 57769
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.1 *CFS or 45 **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 New Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W).
1 well in W 1/2 NW 1/4 NW 1/4 sec. 29 T4N R6E
County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used Annually / Year Round Jan. 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

6 lot Residential Subdivision 3 acre lots

Pine Haven Estates

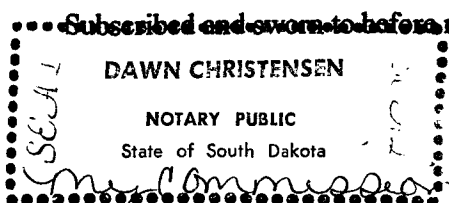
STATE OF SOUTH DAKOTA)

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, Ryan Kaski, 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 Ryan Kaski



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8' Depth 300'
- b) Casing Type PVC Diameter 5" Thickness 200 PSI
- c) Screen Type / Diameter / Thickness /
- d) Gravel Pack / Length of Gravel Pack /
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 50'
- g) Distance to nearest existing domestic well:

On applicants property /On property owned by others 250'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 600 sq. ft. of Drain field (3 Bedroom Design)
- b) System Capacity (gallons) 1500 gallon concrete septic tank Year Constructed 2002
- c) Connected to the City of N/A Sanitary System N/A

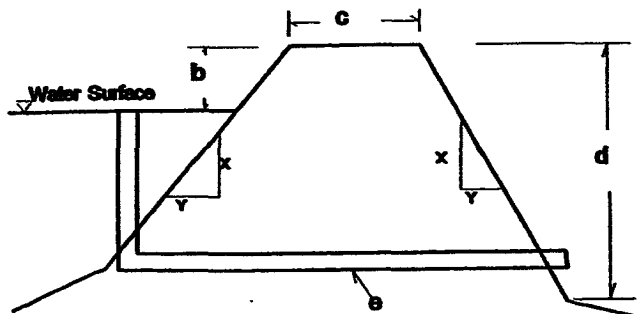
3. Dugout Information

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

4. Water Storage Dams

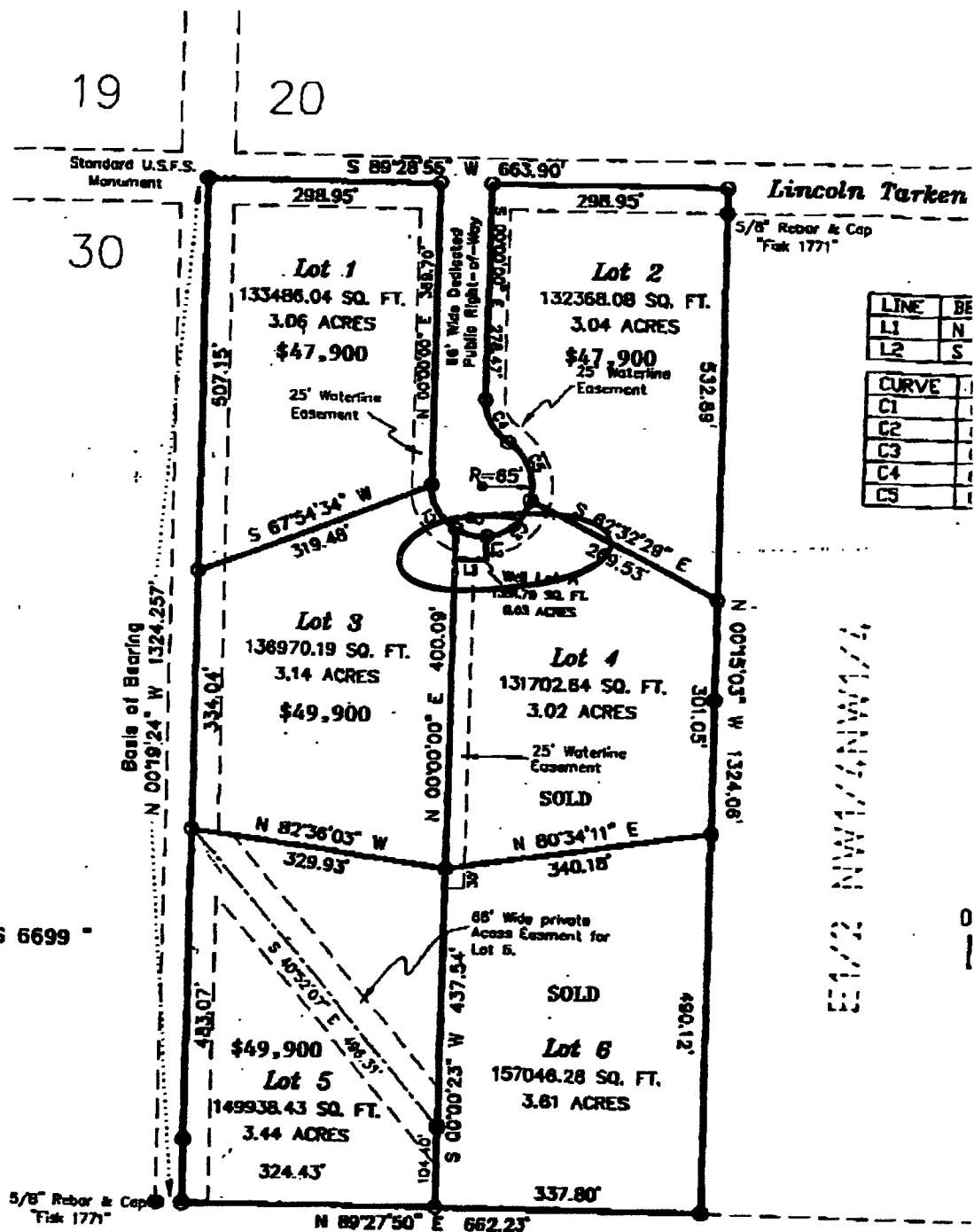
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Meade County, South Dakota.



Notes:

image easements shown hereon shall be kept instructions including, but not limited to, is, fences, hedges, trees, and shrubs. ents grant to all public authorities the right operate, maintain, inspect, and repair such and structures as it deems necessary to nage from any source.

SURVEY

- 1) 66' wide Public Right-of-Way serving L per Meade County Ordinance No. 20 revis
- 2) 66' wide private access easement servir for the purpose of Ingress and Egress. per Meade County Ordinance No. 20 revis

1786-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

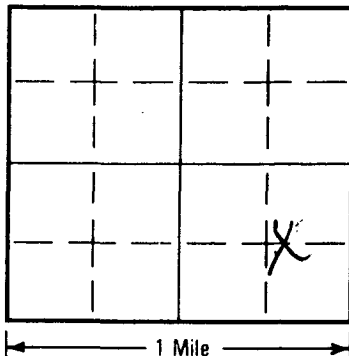
Location $\frac{1}{4}$ SE Sec 29 Twp 4-N Rg 6-E
 County Meade North

Please mark well location with an "X"

W

E

Well Completion Date

9-24-01

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air Water

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>240</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Portland No. of Sacks 40 Grout Weight 94 1/2 lb./gal From 0 ft To 240 ft
Type III _____ lb./gal _____ ft _____ ft

Describe grouting procedure Pressure grout thru casing
displace with water to surface with mud pump

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? Deletes

Laboratory sent to for water quality analysis

owner to complete

Well Owner: RYAN KASKI
 Business Name: KASKI Homes Inc.
 Address: P.O. Box 341
Piedmont S.D. 57769

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>(Minnelusa) Limestone</u>	<u>0'</u>	<u>40'</u>
<u>Red SHALE & SANDstone</u>	<u>40'</u>	<u>150'</u>
<u>(Opeche)</u>		
<u>Yellow Sandstone</u>	<u>150'</u>	<u>160'</u>
<u>Pink SAND & S. Stone</u>	<u>160'</u>	<u>200'</u>
<u>White SAND & S. Stone</u>	<u>200'</u>	<u>300'</u>
<u>(Minnelusa)</u>		

STATIC WATER LEVEL 50 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? 40

WELL TEST DATA:

☐ Pumped Describe: Air-developed☐ Bailed☒ Other

Pumping Level Below Land Surface

300 ft. After 2 Hrs. Blow 100 GPM100 ft. After 1 Hrs. Blow 30 GPMIf pump installed, pump rate 40 GPM

REMARKS

RECEIVED

FEB 12 2002

WATER RIGHTS PROGRAM

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm Cimareon Drilling Inc.

Signature of license Representative:

Michael J. Deutch

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417234

Pierre, July 23, 20 02

RECEIVED OF Kaski Homes Inc., Ryan Kaski, PO Box 1341, Piedmont SD 57769
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1786-1 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. 1786-1 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

100 00

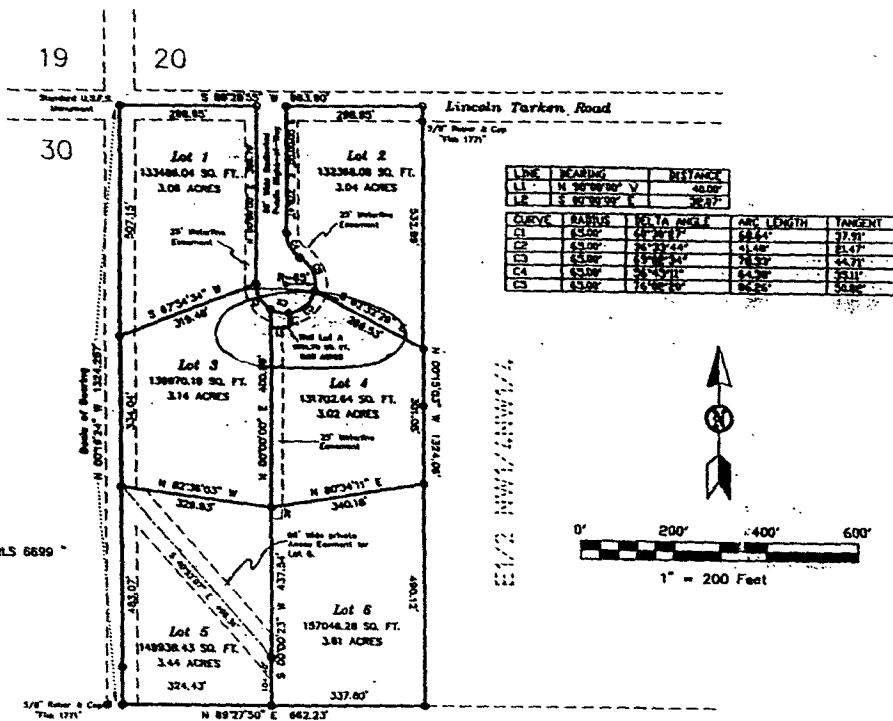
By

Darland Erbe

Chief Engineer

gm

SURVEY PLAT OF
Lots 1 thru 6, Pine Haven Estates,
Including Well Lot "A"
 Formerly the W1/2NW1/4NW1/4, Section 29, T.4N., R.6E., B.H.M.,
 Meade County, South Dakota.



- LEGEND**
- Set 5/8" Rebar with Cap marked "Bush RLS 6699"
 - Found 5/8" Rebar unless otherwise noted.
 - ⊙ Corner not set

Drainage Notes:

All major drainage easements shown hereon shall be kept free of all obstructions including, but not limited to, buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems necessary to facilitate drainage from any source.

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown on the records of my office, are fully paid.

Dated this 22 day of January, 2002
Shirley V. Thorne, Deputy Treasurer
 Meade County Treasurer

COUNTY AUDITOR'S CERTIFICATE

I, Auditor of Meade County, South Dakota, do hereby certify that at an official meeting held on the 6 day of Feb, 2002, the Meade County Commissioners, by resolution, did approve this plat as shown hereon.

Lois Schiffer
 Auditor of Meade County

PLANNING COMMISSION

Approved by the Planning Commission, Meade County, South Dakota.

Dated this 5 day of Feb, 2002

Signed: Carl Brand

Attest: W. J. Cliffe
 Secretary

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access to the Highway or Street as shown hereon is hereby approved. Any change in the location of the proposed access shall require additional approval.

Dated this 6 day of Feb, 2002

Donald W. Casabady
 Highway or Street Authority

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this 6 day of February, 2002

Angela M. Brashers
 Meade County Director of Equalization

OFFICE OF REGISTER OF DEEDS

Filed for record this 7 day of February, 2002

and recorded in book of plats 20 on page 362 time: 9:04 am

Angela M. Brashers
 Meade County Register of Deeds

PREPARED BY: PRECISION SURVEYING & MAPPING, INC., 1021 JUNCTION AVE., STURGIS, S.D. 605-347-4014

SURVEYOR'S NOTES

- 1) 66' wide Public Right-of-Way serving Lots 1 thru 4 Pine Haven Estates, as per Meade County Ordinance No. 20 revised February 8, 2001.
- 2) 66' wide private access easement serving Lot 6, Pine Haven Subdivision, for the purpose of ingress and egress. Road width is 12' as per Meade County Ordinance No. 20 revised February 8, 2001.
- 3) Base of Bearing is N 00° 19' 24" W along the West section line of Section 29, as shown hereon.
- 4) Utility & Minor Drainage Easements:
 a) Wide on the interior side of all lot lines.
- 5) Building Restrictions: Per Ordinance 20 Requirements
- 6) 25' Waterline Easement is for the purpose of providing water to Lots 1 thru 6 of Pine Haven Estates as shown by this plat. It is intended for installation and maintenance of the community water system.

SURVEYOR'S CERTIFICATE

I, Ricky J. Bush, 1021 Junction Ave., Sturgis, SD, being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owners listed hereon, I have surveyed and plotted the property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that the plot is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF
 I hereunto set my hand and seal

this 22 day of January, 2002

Ricky J. Bush
 Registered Land Surveyor No. 6699

OWNER'S CERTIFICATE

We, Kasei Homes Inc., do hereby certify that we are the Owners of the land shown and described hereon, and that we did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. Dedicated right-of-way as shown hereon is dedicated to public use.

IN WITNESS WHEREOF

We hereunto set our hands this 22 day of January, 2002

Ryan J. Koski
 Ryan J. Koski, President

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA }
 COUNTY OF Meade } ss

On this 22 day of January, 2002, before me, the undersigned officer, personally appeared Ryan J. Koski, known to me to be the persons who executed the foregoing Owners' Certificate and acknowledged to me that they executed the same for purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

Myra Prosser MY COMMISSION EXPIRES 04/23/07
 Notary Public my commission expires



PS20-362

PS20-362

1786-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 2001

Michael Deutsch
Cimarron Drilling
9017 S. Ridge Trail
Sturgis, SD 57785

Dear Mr. Deutsch:

This is verification of the verbal authorization granted via telephone with Ken Buhler on September 17, 2001. As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Kaski Homes, PO Box 341, Piedmont, SD prior to approval of a water permit. The test well is to be completed into the Minnelusa aquifer in the SE¼ Sec. 29, T4N-R6E, Meade County. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

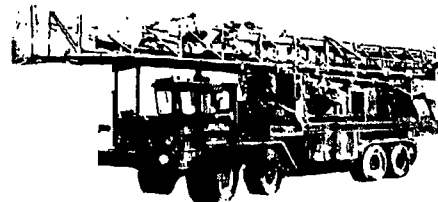
1786-1

CIMARRON DRILLINGWATER WELLS - TEST HOLES - CATHODIC - PUMPS
PUMP SERVICE - SHALLOW PRODUCTION

9017 S. RIDGE TRAIL

STURGIS, SD 57785

605-347-3071



Gentlemen:

I AM Requesting permission
to drill a Test well until a Permit
can be obtained.

The well will be approximately
300' deep into the Minnehaha Aquifer

It will be located in the W-1/2 of
the NW 1/4 of the NW 1/4 of S-29-T-4-N
R-6-E of the BHM. Meade Cty S. Dak.

The well will be drilled for
KASKI Homes - P.O. Box 341, Piedmont S.D. 57765

It will be used for a 6 House
Residential Subdivision.

I would like to start drilling
by Wed. Sept 19. - 2001

Respectfully Submitted
Michael J. Deutch
Cimarron Drilling Inc



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2002

Kaski Homes, Inc.
Ryan Kaski
PO Box 341
Piedmont SD 57769

Dear Mr. Kaski:

Well driller's reports filed with us by Cimarron Drilling, Inc. show two new wells were completed for you on September 24, 2001 (SE ¼ Sec 29-T4N-R6E) and October 24, 2001 (SE ¼ Sec 9-T3N-R9E). A review of our files indicates that Water Permit No. 1746-1 was approved April 23, 2001 for one well located in the SE ¼ SE ¼ Section 29-T3N-R7E. Based on the information on the reports, you may need a water permit for the water use.

1. According to state law, if water is to be conveyed to users by a water distribution system diverting more than a peak rate of eighteen gallons per minute, the system will need a water permit.
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 water permits, if necessary. 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 April 1, 2002.

If you believe this 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
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 23, 2002

Kaski Homes, Inc.
c/o Ryan Kaski
PO Box 341
Piedmont SD 57769

Dear Mr. Kaski:

Thank you for submitting the four *Applications for a Permit to Appropriate Water* for suburban housing developments. In order to complete the applications the following is required for each application:

Well located in NW ¼ NW ¼ Section 29-T4N-R6E (Pine Haven Estates)

- Map is being returned because it 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.
- On Form 2A, Supplemental Information, please complete No. 2. Wastewater Disposal System Information.

Well located in the SE ¼ SE ¼ Section 5-T3N-R6E

- Map is being returned because it 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.
- On Form 2A, Supplemental Information, please complete No. 2. Wastewater Disposal System Information.

Well located in the SE ¼ Section 9-T3N-R9E (Dry Creek Estates)

- Map is being returned because it 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.
- On Form 2A, Supplemental Information, please complete No. 2. Wastewater Disposal System Information.
- This application requests 75 gallons per minute (gpm). The application/license fee for 75 gpm is \$200. An additional \$100 is required.

Well located in the S ½ Section 21-T3N-R7E (Autumn Meadows Subdivision)

- Map is being returned because it needs to reference the well location in relation to a government section corner or quarter corner. This map has the required signature.
- On Form 2A, Supplemental Information, please complete No. 2. Wastewater Disposal System Information.
- This application requests 75 gpm. The application/license fee for 75 gpm is \$200. An additional \$100 is required.
- I have reviewed our files and cannot find a well completion report for this well. Please submit or have the well driller submit the well completion report.

July 23, 2002
Kaski Homes, Inc.
Page 2

A copy of each application is being returned, as well as the Supplemental Information sheet, map and a copy of the well completion report (if available). Please complete each application as indicated above and return all the information. The total additional fee required will be \$200.00.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Kaski Homes, Inc.

1935 SAMCO ROAD, SUITE 102
RAPID CITY, SD 57702

TELEPHONE: (605) 342-9606

FAX: (605) 342-9607

February 12, 2003

RECEIVED

FEB 13 2003

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RE: Water Well Locations

Dear Ms. Schlaak:

Per your letter of July 23, 2002, I have enclosed the information requested for the following water well locations:

Well located in NW ¼ NW ¼ Section 29-T4N-R6E (Pine Haven Estates)
Well located in SE ¼ SE ¼ Section 5-T3N-R6E

The information for the remaining well locations will be forthcoming to you from CETEC Engineering.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

KASKI HOMES, INC.



Ryan Kaski
President

Enc.
/dls



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 1786-1, Kaski Homes, Inc.**

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. 1786-1, Kaski Homes, Inc., c/o Ryan Kaski, PO Box 341, Piedmont SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1786-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
April 21, 2003

WATER PERMIT APPLICATION NO. 1786-1
KASKI HOMES, INC.
APRIL 14, 2003

Water Permit Application No.1786-1 proposes to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa aquifer) 300 feet deep located in NW¼ NW¼ Sec. 29, T4N-R6E., Meade County. The water is for suburban housing development use at Pine Haven Estates.

AQUIFER: Minnelusa aquifer (MNLS)

GENERAL:

The Minnelusa Formation consists of alternating beds of sandstone and dolomitic limestone with lesser amounts of shale and chert, approximately 500 feet thick in this area (Carter and Redden, 1999a; Carter and Redden, 1999b). The Minnelusa Formation outcrops less than one mile southwest of this site (Strobel and others, 1999) and the top of the formation is reported to be 120 feet below grade at this well. The porous portions of the formation form the Minnelusa aquifer. Well sorted sand lenses have porosity's approaching 25%, but generally the sands have porosity's of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa formation underlies virtually all of western South Dakota and the Minnelusa aquifer contains over 755 million acre-feet of recoverable water in storage (Allen, 1984). The Minnelusa aquifer underlies approximately 2,149,120 acres of Meade County and contains an estimated 81,482,000 acre-feet of recoverable water in storage in the county (Allen, 1984). Ground water movement in the aquifer is probably toward the north and east (Strobel, 2000). There is no aquifer-test data available for the Minnelusa aquifer at this site; therefore, the aquifer transmissivity and storage coefficient values are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from .86 to 8,600 ft²/d, and the storage coefficient ranges from 0.003 to 5×10^{-9} (Driscoll, and others, 2002). The water quality of the aquifer is generally good near the outcrop but deteriorates considerably with distance from the recharge area. The aquifer is under artesian conditions at this site and the static water level of this well, at the time of construction, 9/24/2001, was reported to be 50 feet below grade.

WATER AVAILABILITY:

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

Recharge to the Minnelusa aquifer is primarily from infiltration of precipitation on the outcrop and stream flow losses. Average annual recharge from 1931-1998 is estimated to be approximately 112,000 acre-feet per year (Carter and Driscoll, 2001a).

There are a total of 182 appropriations from the Minnelusa aquifer in South Dakota, including two Future Use Reservations (Water Rights, 2003c). The aquifer is used primarily for domestic, commercial, municipal, suburban housing and irrigation uses. There are 62 permits/rights appropriating water from the Minnelusa aquifer in Meade County (Water Rights, 2003c). 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, 2003a). The Future Use Permits (No. 902-1 and 969-1) reserve 1,460 acre-feet annually. Water permits and rights represent appropriations up to 10,802.7 acre-feet annually for irrigation use (Water Rights, 2002) and a combined diversion rate of 27.61 cfs for non-irrigation uses. Maximum well withdrawals from the Minnelusa aquifer, assuming (1) that 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); would be approximately 25,000 acre-feet per year. The actual amount of water used from the aquifer is considerably less than this estimate. Withdrawals from wells (domestic and appropriative) completed into the Minnelusa aquifer were estimated to be 8,108 acre-feet annually from 1987-1996 (Carter and others, 2001b).

Comparison of annual recharge estimates and estimated annual well withdrawals show that well withdrawals from the Minnelusa are only a fraction of estimated average annual recharge. Therefore, based on a simple water budget, it is clear that unappropriated water is available for this appropriation.

The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area (Water Rights, 2003b). Water Rights Observation Well MD-84B is located approximately one mile north of this well. The hydrograph for the well (figure 1), is fairly typical for the Minnelusa aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July.

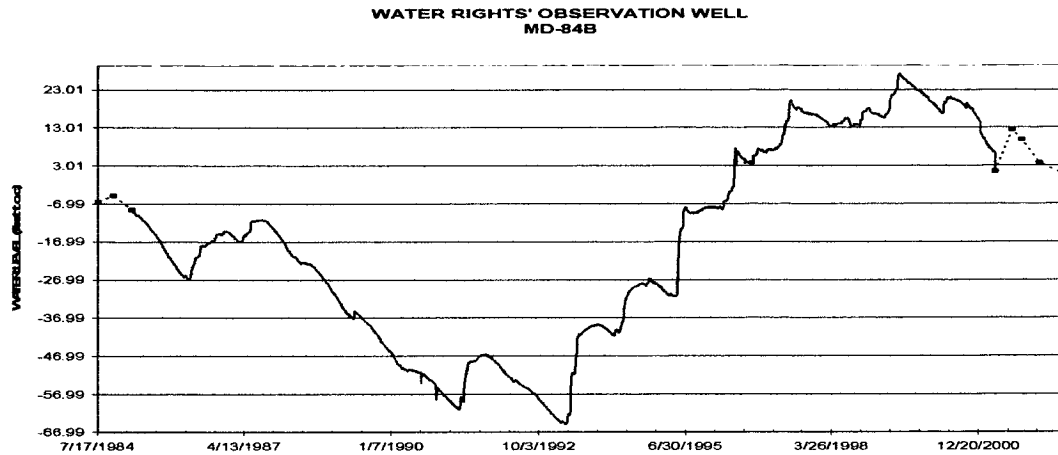


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately one mile north of 1786-1.

The hydrograph also shows the magnitude of fluctuation in the water levels in the area (>92') with the lowest water level on record occurring in 1993 and the highest occurring in 1999.

It is obvious from the hydrographs of Minnelusa observation wells, that withdrawals have not exceeded recharge for the period of record. The observation well data suggests that the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are six Water Rights/ Permits appropriating ground water within approximately three miles of this well site, they are shown in table 1.

PERMIT NO	NAME	AQUIFER	USE	CFS
1376-1	MOUNTAIN WEST, LLC	ALQ	IND	0.33
1464-1	MOUNTAIN WEST, LLC	MNKT	IND	0.34
1559-1	SD DEPT OF TRANSPORTATION	OPCH	DOM	0.00
1683-1	DAVE & MELISSA ROWE	MNLS	COM	0.04
1685-1	TILFORD GULCH CAMPGROUND	MNLS	COM	0.09
1730-1	GEORGE A WANG	MNLS	COM	0.10

Table 1. Groundwater appropriations within three miles of 1786-1

The Water Rights program actually monitors three observation wells at the site of MD-84B (one mile north of 1786-1). In addition to the Minnelusa aquifer observation well, adjacent monitoring wells are also completed into the deeper Madison aquifer (MD-90A) and the shallower Minnekahta aquifer (MD-95A). A hydrograph showing the three wells together (figure 2), shows the aquifers have distinct water levels, and in general respond to similar hydrologic conditions. Although the observation wells demonstrate there is a potential for upward leakage from the Madison aquifer to the Minnelusa aquifer and/or the Minnekahta aquifer, and from the Minnelusa aquifer to the Minnekahta aquifer, a determination of hydraulic connection between the aquifers cannot be made based on the hydrograph alone.

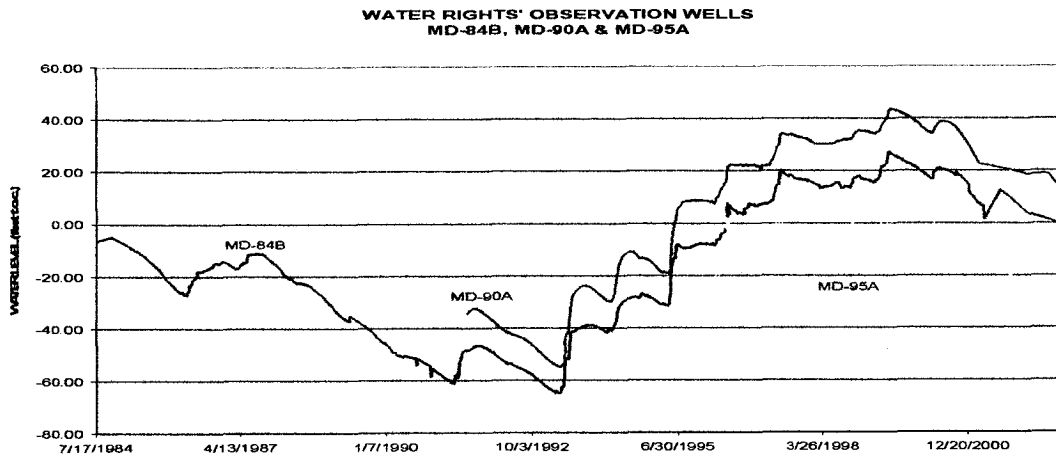


Figure 2. Hydrograph of Water Rights Observation wells MD-84A (Minnelusa aquifer), MD-90A (Madison aquifer) and MD-95A (Minnekahta aquifer) located one mile north of 1786-1

Wells that are not supplied by the Minnelusa aquifer should not be affected by withdrawals from this well since the Opeche Shale serves as a confining layer above the Minnelusa, and the thick carbonate sequence in the lower Minnelusa isolates the Minnelusa aquifer from lower aquifers.

The distance from 1786-1 to existing Minnelusa aquifer appropriations is shown in table 2.

PERMIT NO	NAME	DISTANCE TO 1786-1
1683-1	DAVE & MELISSA ROWE	6000'
1685-1	TILFORD GULCH CAMPGROUND	1900'
1730-1	GEORGE A WANG	6300

Table 2. Distance between Minnelusa appropriations and 1786-1

In addition to the wells supplying Water Permits/Rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2003a).

Although the impact of approving this application cannot be quantified precisely, it is still possible to address whether this appropriation can be made without adversely affecting water rights, including domestic wells. Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection to prior appropriators only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement, or artesian flow, in a prior appropriator's well is not necessarily protected. In fact, in past action, the Water Management Board it has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Although the Minnelusa is under artesian conditions in this area and pumping may cause a decline in the potentiometric surface over a fairly widespread area. Considering the Board's past actions, any well interference this proposed use would have on area water rights/permits and domestic wells is not expected to be significant or adverse. It may be necessary to lower pumps in some wells to maintain water use at the present level.

Any interference this proposed use would have on these or other water rights/permits is not expected to be adverse due to the distance between wells, and the relatively low diversion rate requested by this application.

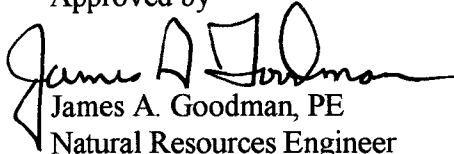
CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.
3. The Completion Report submitted with this application indicates the existing well has been constructed in compliance with the SD Well Construction Standards.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,

Carter, J.M., and Redden J.A., 1999a, 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, 2 sheets, scale 1:100,000

- Carter, J.M., and Redden J.A., 1999b, 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, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-96: U.S. Geological Survey Water-Resources Investigations Report 01-4119, 53 p.
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001, 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, 66 p.
- Driscoll, D.G., Carter, J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water Resources Investigations Report 02-4094, 150 p.
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C, 3 sheets, scale 1:100,000
- Strobel, M.L., Galloway, J.M., Hamade, and G.R., Jarrell, G.J., 2000, Potentiometric Surface of the Minnelusa Aquifer in the Black hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745-C, 2 sheets, scale 1:100,000
- Water Rights Program, 2002, "Irrigation Use Summary": DENR-Water Rights Program
- Water Rights Program, 2003a, "Domestic Well Log Files": DENR-Water Rights Program,
- Water Rights Program, 2003b, "Observation Well Files": DENR-Water Rights Program
- Water Rights Program, 2003c, "Water Permit Files": DENR-Water Rights Program,



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 22, 2003

Meade Co Times-Tribune
PO Box 129
Sturgis SD 57785-0129

ATTENTION: Legal Public Notice

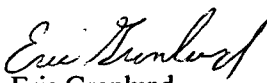
Enclosed is a Notice of Hearing on Application Nos. 1786-1 & 1787-1 to Appropriate Water to be published twice. Please publish the first notice on April 30, 2003 with the second publication 7 days later.

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 Kaski Homes Inc., %Ryan Kaski, PO Box 341, Piedmont SD 57769 (Ph # 605-381-0727).

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

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

No. 1786-1

Date _____

We are in receipt of your letter of April 22, 2003 enclosing Notice of Hearing to Appropriate Water by Application Nos. 1786-1 & 1787-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

April 22, 2003

Kaski Homes Inc
% Ryan Kaski
PO Box 341
Piedmont SD 57769

Dear Mr. Kaski:

Water Permit Application Nos. 1786-1 and 1787-1 for suburban housing development use have 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 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 recommendations of the Chief Engineer and a report on the applications 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 recommendations, 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 applications.

Water application

NOTICE OF APPLICATION NOS. 1786-1 and 1787-1 to Appropriate Water

Notice is given that Kaski Homes, Inc. c/o Ryan Kaski, PO Box 341, Piedmont SD 57769 has filed the following applications for water permits.

Application No. 1786-1 proposes to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Formation) 300 feet deep located in the NW1/4 NW1/4 Section 29-T4N-R6E. The water is for suburban housing development use at Pine Haven Estates.

Application No. 1787-1 proposes to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Formation) 300 feet deep located in the SE1/4 SE1/4 Section 5-T3N-R6E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1786-1 and 1787-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting

the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 May 19, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Publ April 30 and May 7, 2003
Meade County Times-Tribune

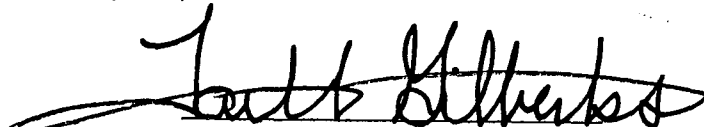
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

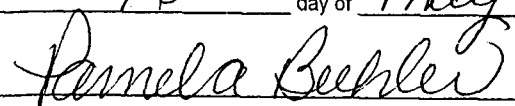
Faith Gilbertson, Being duly sworn, says, That the Meade County Times is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Sturgis, Meade County, South Dakota, by Country Media, Inc.; that affiant is and, during all of said times, was employed as an accounting clerk by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for the issue (s) bearing the following dates:

April 30	2003	_____	200
May 7	2003	_____	200
_____	200	_____	200
_____	200	_____	200
_____	200	_____	200

That the full amount of the fee charged for publishing the same, to-wit the sum of \$ 41.03, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fees has been made with any person, and that no part of the fee has been agreed to be paid to any other person.


Accounting Clerk

Subscribed and sworn before me this

16 day of May 2003

Notary Public, South Dakota

My commission expires Feb 8, 2007

RECEIVED
MAY 19 2003
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on April 30, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 1786-1 and 1787-1 to Appropriate Water

Notice is given that Kaski Homes, Inc. c/o Ryan Kaski, PO Box 341, Piedmont SD 57769 has filed the following applications for water permits.

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Application No. 1787-1 proposes to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well (Minnelusa Formation) 300 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5-T3N-R6E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1786-1 and 1787-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 May 19, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

Kaski Homes Inc
%Ryan Kaski
PO Box 341
Piedmont SD 57769

Dear Mr. Kaski:

Enclosed are Water Permit Nos. 1786-1 and 1787-1 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 6-30-03

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

RECEIVED
JUL - 1 2003
WATER RIGHTS
PROGRAM

FROM: Ryan Task-
(name)

1935 Samco Rd Ste. 102
(address)

Rapid City SD 57702
(city, state, zip)

(605) 342-9600
(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. 1786-1 states that the water use system is to be constructed by

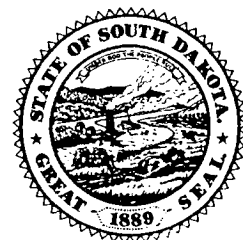
May 19, 2008 (date), and water is to be put to beneficial use by May 19th 2012 (date)

The water use system was completed on 6-30-03
(date)

Applying the water to beneficial use was completed on 6-30-03
(date)

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

R. Task-
(signature)



RECEIVED

NOV - 5 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1786-1

Date: October 30, 2007

I/We request that Water Right/Permit No. 1786-1 formerly owned by:

Kaski Homes, Inc.,

be transferred to:

New Owner Name: Pine Haven Estates Community Association, Inc.

Address: 13095 Lincoln Tarken Lane

City, State, Zip Piedmont SD 57769

Telephone No. 718-8317 - Office
787-4391 - Home

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

Well Lot A of Pine Haven Estates, Meade County, South Dakota,
as shown on the plat filed in Plat Book 20, Page 362.

☒ I understand that the validity of Water Right/Permit No. 1786-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

Robert Wentz, President of Pine Haven
Estates Community Association, Inc.,

I, _____, the new owner, certify that the above information is true and correct.

Pine Haven Estates Community Association,
Inc.

By: _____

Robert Wentz
(Signed by new owner)

Robert Wentz, President

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/5, 2007

RECEIVED OF Pine Haven Estates 13095 Lincoln Tarken Ln Piedmont SD 57769

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	2	50
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 _____ 1786-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

3193

By *Samuel Erbe*
Chief Engineer

aj



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2007

1786-1
1787-1

Robert Wentz, President
Pine Haven Estates Community Association Inc
13095 Lincoln Tarken Ln
Piedmont SD 57769

Dear Mr. Wentz:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Permit Nos. 1786-1 and 1787-1. The transfers have been completed. The permits, formerly held by Kaski Homes Inc are now listed in the name of Pine Haven Estates Community Association, Inc.

Enclosed are Receipt Nos. 03193 and 03194 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

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

Sincerely,

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

enclosure

Permit No. 1786-1
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, **September 22, 2009**, made a thorough examination of the water use system constructed by **Pine Haven Estates** of **13095 Lincoln Park, Piedmont, SD 57769** holder of Permit No. **1786-1**, bearing the priority of **February 13, 2003** authorizing the diversion of **0.1** cu. ft. per second of the waters of the **Minnelusa Formation** for **Surban Housing Development** purposes, in **Meade** County.

Inspection contact & relationship **Robert Wentz, President**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Cimarron Drilling Inc**
- 2) No. of Wells **1**
- 3) Depth(s) **300** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5** inches
- 2) Length **240** feet
- 3) Type **Plastic**

Pump:

- 1) Make **Submersible**
- 2) Model **Unknown**
- 3) Size **5 hp**
- 4) Capacity **32** GPM

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**
- 3) Exceptions to compliance are: **None**

Report of Examination of Works

Permit No. 1786-1

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

Approximately 475 feet south and 320 feet east of the NW corner of Section 20-T4N-R6E

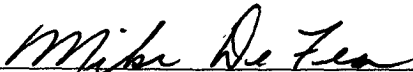
(N 44.28424, W -103.43192) (NW ¼ NW ¼)

The works are capable of diverting and conveying to the place of use **0.07** cu. ft. per second of water which is to be used for a **Surban Housing Development**.

The license should be issued for **0.07** cfs.

All structures, wells and lands on map **Y**

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



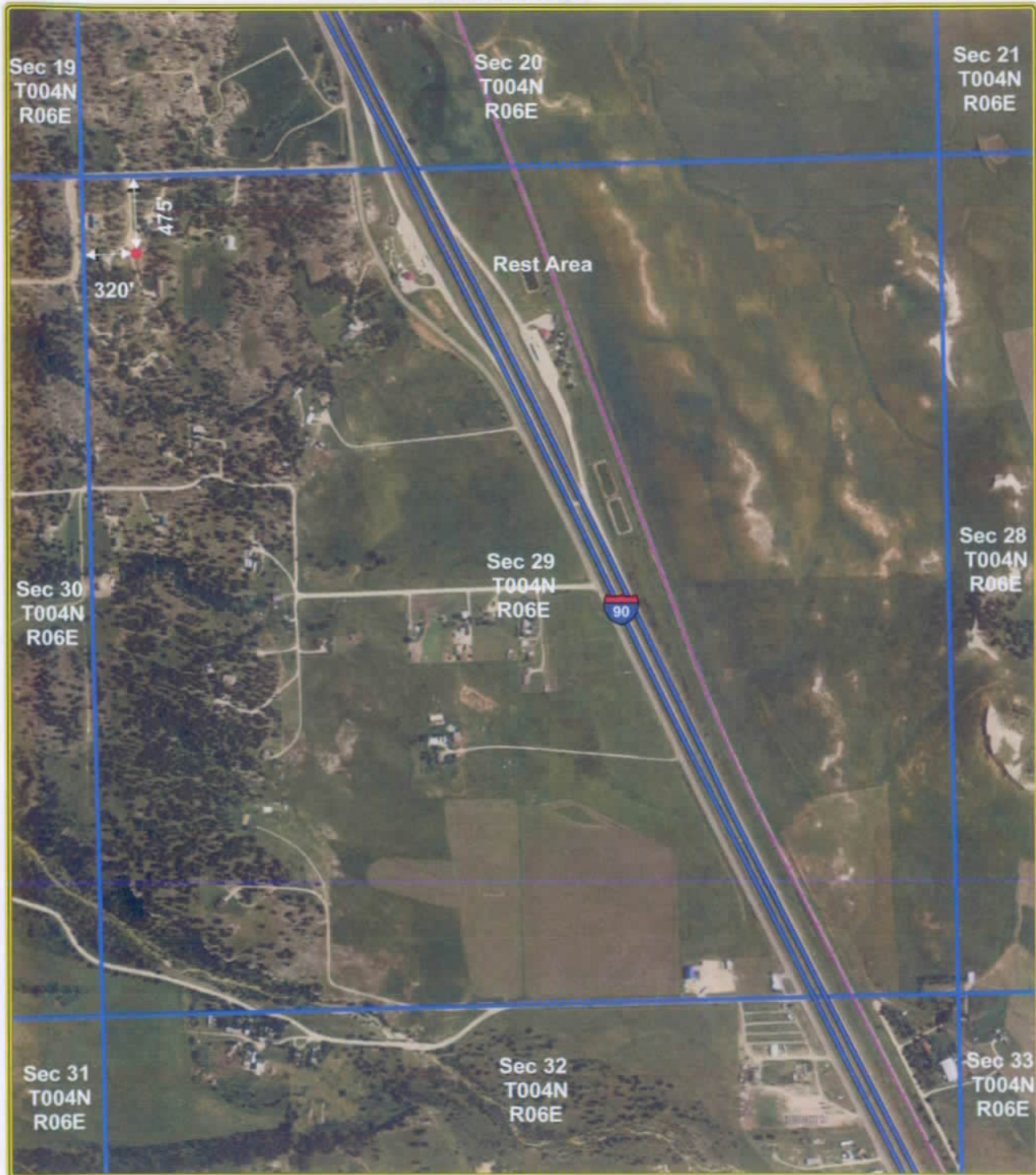
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **May 21, 2010**

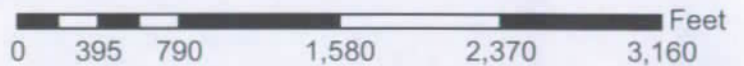
Water Permit No. 1786-1

Pine Haven Estates
13095 Lincoln Park
Piedmont, SD 57769



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 21, 2010



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2010

1786-1

Robert Wentz, President
Pine Haven Estates Community Assoc
13095 Lincoln Tarken Ln
Piedmont SD 57769

Dear Mr. Wentz:

Enclosed is Water License No. 1786-1. 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. 1786-1, 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. 1786-1

(1) Kaski Homes Inc made Application No. 1786-1, July 23, 2002 for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Minnelusa Formation), Meade County, South Dakota for suburban housing development purposes. Permit No. 1786-1, with a priority date of February 13, 2003 was approved May 19, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 19, 2008 and for the application to beneficial use of said water on or before May 19, 2012.

On November 5, 2007, Water Permit No. 1786-1 was transferred from Kaski Homes Inc to Pine Haven Estates Community Association Inc.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.07 cubic feet of water per second for beneficial use.

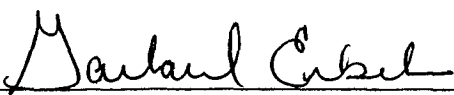
The location of the diversion point is approximately 475 feet south and 320 feet east of the NW corner of Section 20, T4N, R6E (NW ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pine Haven Estates Community Association, Inc., 13095 Lincoln Tarken Lane, Piedmont SD 57769 the holder and/or owner of Water Right No. 1786-1 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from ground water (one well – Minnelusa Formation) with a priority date of February 13, 2003 from the location specified in (2) of this license for suburban housing development use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1786-1 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 Erbe, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 28 2010

date

