

WATER PERMIT NO. 1792-1

Name of Applicant: DDRF, Inc.

Address: 19996 Crow Creek, Spearfish SD 57783

Phone: 605 642-3171

Amount of Water Claimed: 0.18 cfs

Total Acres: na

Source of Water Supply: groundwater (two wells)

Water to be used for: suburban housing development

County: Lawrence

Type of Waste Disposal System:

Location: 1 mile west of Spearfish

PRIORITY Date Received: 4-14-03

Application/License Fee: \$275.00

Corrected Application Received: 4-24-03

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 8-T6N-R2E

Land to be Irrigated: NA

Depth of Well: 255 feet deep

Well Driller: : Ellingson Drilling

Remarks:

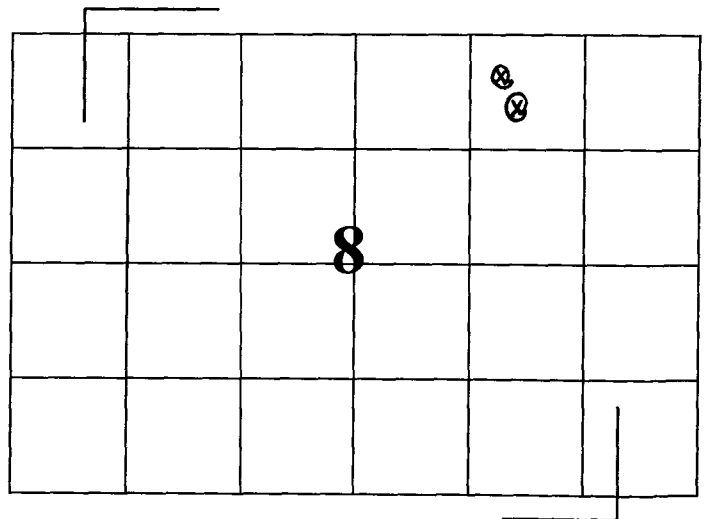
Type of Map: topo

Prepared by: Allan M Schreier, PE

Reviewed and the Number Assigned on: 4-28-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1792-1**

Date of first receipt of application April 14, 2003.

Date of return to applicant for corrections, amendments or changes April 15, 2003.

Date of receipt of corrected application April 24, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1792-1 to DDRF, Inc., 19996 Crow Creek Road, Spearfish SD 57783 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. 1792-1 appropriates 0.18 cubic feet of water per second (80 gallons per minute) from two wells (Minnelusa Formation) 268 feet deep located in the NE ¼ NE ¼ Section 8-T6N-R2E
2. The water appropriated shall be used for the purpose of supplying 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. 1792-1 is July 14, 2003.
5. The date from which applicant may claim right is April 14, 2003.
6. One-fifth of the construction is to be completed on or before January 14, 2006.
7. All construction is to be completed on or before July 14, 2008.
8. Water is to be put to beneficial use on or before July 14, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The wells 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

OCT 10 2003

date



SD EForm - 1585 V1
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>1792-1</u> (office use only) Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

RECEIVED
APR 14 2003
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.)

- Name of Applicant DDRF, Inc. Phone (605) 642-3171
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 19996 Crow Creek Road Spearfish State SD 57783
(Street, RR, or Box and City) New well 50 (Zip Code)
- Amount of water claimed 0.18 *CFS or existing well 30 **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 Minnelusa
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
NE1/4, NE1/4, Section 8, T6N, R2E, BHM
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Jan 1 to Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The project will subdivide a single tract of land into 12 suburban residential lots. This permit is for an existing well that supplied water to a single residence on the tract of land. The well will supply water to six of the lots. A second and separate well supply will be required for the remaining six lots.

STATE OF SOUTH DAKOTA) SS
County of Lawrence)

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, Duane Nicholas, 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 Duane Nicholas

Subscribed and sworn to before me this 7th day of April 20 03

Commissioner Oppen
8-14-07

Carol J. Kuntzke
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7.375" Depth 255'
- b) Casing Type PVC Diameter 5.5" OD Thickness .25"
- c) Screen Type open hole Diameter _____ Thickness _____
- d) Gravel Pack none Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 240'
- f) Depth to Water (ground surface to water level) 14'
- g) Distance to nearest existing domestic well:
On applicants property 350' On property owned by others 500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Individual septic systems to be designed per state regulations.
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

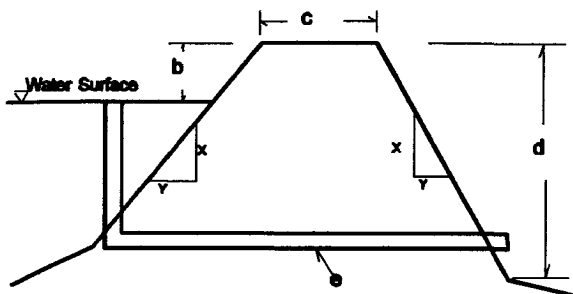
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) _____

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:

N/A



- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 14, 20 03

RECEIVED OF DDRF Inc., 19996 Crow Creek Road, Spearfish SD 57783

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

Fee for Application for Permit No. <u>1792-1</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. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	150.00

No.

000761

By

Darlene E. White

Chief Engineer

gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 24, 2003

RECEIVED OF DDRF Inc., 19996 Crow Creek Rd., Spearfish SD 57785

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

Fee for Application for Permit No. <u>1792-1</u> to Appropriate Water, to construct and to put water to beneficial use	75	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>1792-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	125.00

No.

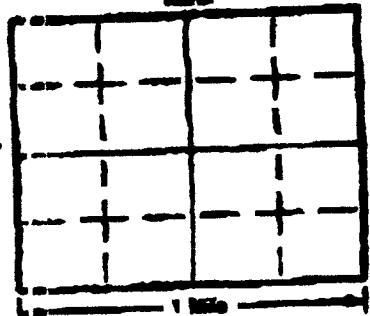
000772

By

Darland Ebele
Chief Engineer
gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NE 1/4 Sec. 8 Twp 4N R. 2
County Lawrence
Please mark well location with an 'X'
Well Completion Date 12 12 89



LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well,
feed lot, etc.) 150 ft. from D. R. R. F. C. H. (identify source)

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

METHOD OF DRILLING:

rotary
CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____
PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
300 LB/FT 5 1/2 IN 12 FT 255 FT 2 1/2 IN
_____ LB/FT _____ IN 2.55 FT 268 FT 2 1/4 IN
_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA
Grout Type PORTLAND No. of Bags 35 Grout Weight _____ From _____ To _____
_____ lb/gal _____ lb/gal _____

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured
Diameter _____ ft. Length _____ FEET
Material _____
Slot Size _____ Set From _____ Feet to _____ Feet
Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what company? _____

Describe packer(s) and location? _____

DISINFECTED: Was well disinfected upon completion? YES Name Clorox

Laboratory sent to for water quality analysis _____

Well Owner: PAT MCGRATNEY
Business Name: _____
Address: 640 E HUDSON ST
SPEARISH SD 57723

WELL LOG:	FORMATION	DEPTH	
		FEET	TO
	<u>CORNUEL</u>	<u>0</u>	<u>20</u>
	<u>red bed</u>	<u>20</u>	<u>88</u>
	<u>MINNEKAHTA</u>	<u>88</u>	<u>126</u>
	<u>OPAGHE</u>	<u>126</u>	<u>240</u>
	<u>limestone - Red sand</u>	<u>240</u>	<u>250</u>
	<u>Yellow lime + sand</u>	<u>250</u>	<u>255</u>
	<u>lime - coarse lite</u>	<u>255</u>	<u>268</u>
	<u>Yellow - white</u>		
	<u>SAND STONE</u>		

STATIC WATER LEVEL 14

If flowing, closed to pressure _____

GPM flow _____

Controlled by ☐ Valve ☒ Pressure ☐ Other _____

Reduced Flowrate _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped 150 gpm @ 120'
☐ Sealed 300 gpm @ 200'
☐ Other _____

Pumping Level Below Land Surface _____

_____ ft. After _____ hrs. pumped _____

_____ ft. After _____ hrs. pumped _____

If pump installed, pump run _____

REMARKS _____

This well was drilled under license # 93

And this report is true and accurate.

Drilling firm ELLINGSON Drilling

Signature of License Representative: _____

Signature of Well Owner or Leasable Property Holder _____

Date 1-27-90

Water Rights Program - File Documentation

NAME: Allen Schreier, Schreier Engineering

ADDRESS: Belle Fourche SD

DATE: 4-14-03 **COUNTY:** LA **TELEPHONE:** 605 892-2051

RE: Application for DDRF, Inc.

COMMENTS:

Called Allen Schreier regarding pending application. Mr. Schreier indicated that the application should be for a total of 80 gpm (30 gpm – existing well and 50 gpm – new well to be drilled). They thought they would apply for the second well later. I told them with the construction period given and to save some expense, both wells could be applied for on this one application. Mr. Schreier concurred with this change.

I indicated to Mr. Schreier that the application/license fee would be \$275 and that I would write to DDRF, Inc. for the additional \$125.

Mr. Schreier stated he would be sending in a signed map and they will send in the well completion report for the second well when it is completed.

Karen Schlaak
Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 15, 2003

DDRF, Inc.
Duane Nicholas
19996 Crow Creek Rd
Spearfish SD 57783

Dear Mr. Nicholas:

Thank you for submitting the *Application for a Permit to Appropriate Water* for your suburban housing development.

I have spoke with Allen Schreier, engineer for this project. Mr. Schreier indicated that two wells will supply water to this housing development. The application states the amount of water claimed, as 30 gallons per minute (gpm). Mr. Schreier clarified that the existing well produces 30 gpm and second well will be for 50 gpm for a total of 80 gpm. I indicated to Mr. Schreier that both wells could be applied for on this application, thus saving the expense of applying for a second permit later. Do you concur with this change to include both wells the application?

We have received your check for \$150. The correct application/license fee for 80 gpm will be \$275, therefore an additional \$125 is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Schreier Engineering

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APR 24 2003
WATER RIGHTS
PROGRAM

WATER PERMIT APPLICATION NO. 1792-1

DDRF, Inc.
MAY 28, 2003

Water Permit Application No.1792-1 proposes to appropriate 0.18 cubic feet of water per second (80 gallons per minute) from two wells, one existing and one proposed, (Minnelusa aquifer) 268 feet deep located in NE¼ NE¼ Sec. 8, T6N-R2E, Lawrence County. The water will be used for suburban housing development use.

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 about one mile west of this site (Strobel and others, 1999) and the SD Water Well Completion Report for the existing well to be used for this project reports the top of the formation to be 240 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 199,680 acres of Lawrence County and contains an estimated 5,591,040 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, and others, 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.

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 others, 2001a).

There are a total of 184 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 53 permits/rights appropriating water from the Minnelusa aquifer in Lawrence 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 27.81 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 LA-86A is located approximately one and one-half miles northwest of this development, Observation Well LA-88B is located approximately two and one-half miles southeast of this site, and Observation Well LA-96C is located approximately two and one-half miles southwest of this development. The hydrographs for these wells (figures 1, 2 & 3), are 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.

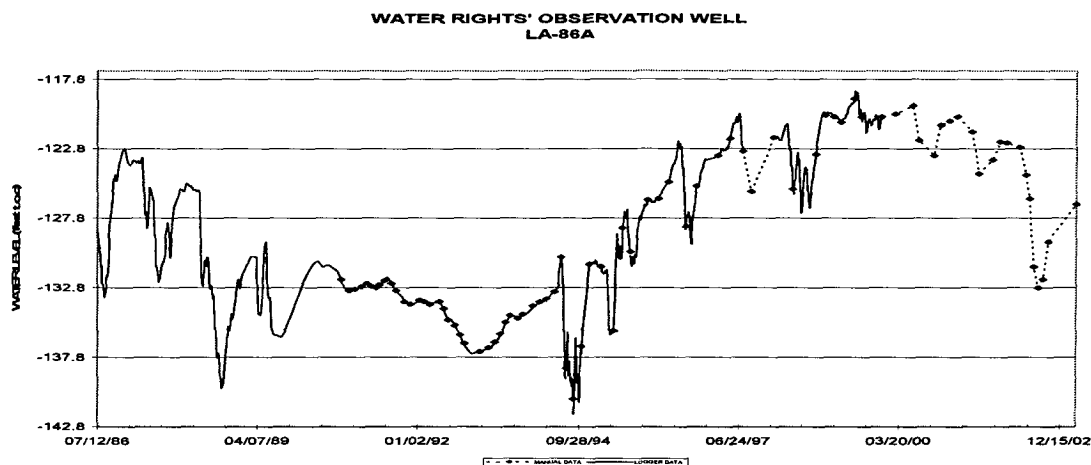


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately one and one-half miles northwest of 1792-1.

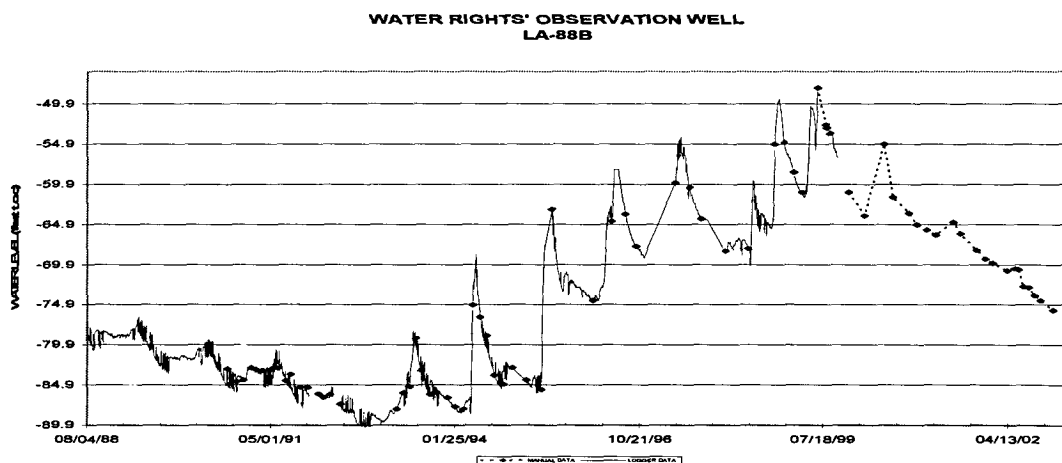


Figure 2. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately two and one-half miles southeast of 1792-1.

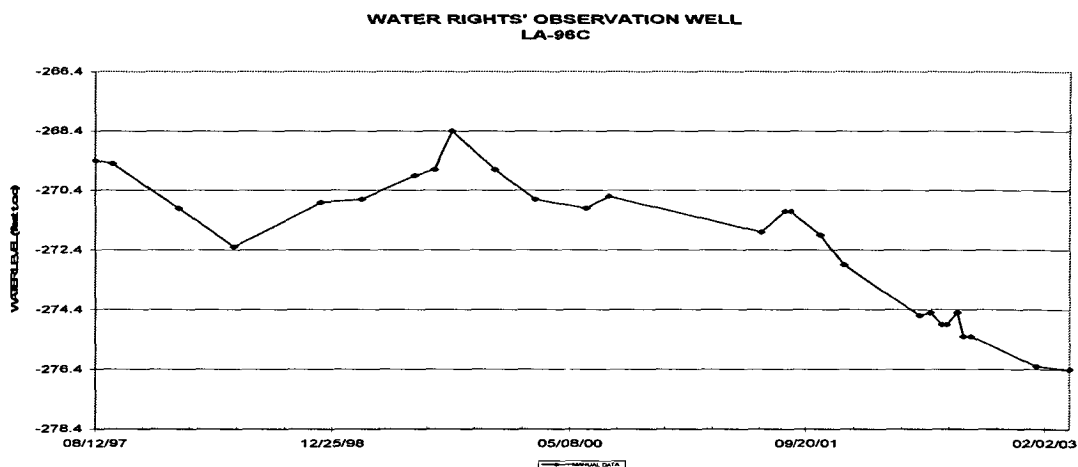


Figure 3. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately two and one-half miles southwest of 1792-1.

The hydrograph also shows the magnitude of fluctuation in the water levels in the area ($\cong 23'$ in LA-86A, $\cong 42'$ in LA-88B, (both artesian wells); and $\cong 8'$ in LA-96C (a water table well)) with the lowest water levels of record occurring in the early 1990's and the highest occurring in 1999 or 2000.

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 eight Water Rights/ Permits appropriating ground water within approximately one mile of this site, they are shown in table 1.

PERMIT NO	NAME	AQUIFER	USE	CFS
1118-1	KENNETH ELLINGSON	MNKT	COM	0.49
1129-1	DAND & GYLA WILLIAMS	MNKT	COM	0.10
1369-1	JIM/JEANNETTE SPARKS	MNLS	COM	0.11
1435-1	POPE & TALBOT, INC	MDSN	IND	0.89
1436-1	POPE & TALBOT, INC	MNLS	IND	1.45
1489-1	LEONARD WALES	MNKT	SHD	0.05
1528-1	WESTFIELD HOMEOWNERS	MNLS	SHD	0.08
1677-1	DAN MATHIS	MNLS	SHD	0.14

Table 1. Groundwater appropriations within one mile of 1792-1

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.

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 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 to 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.

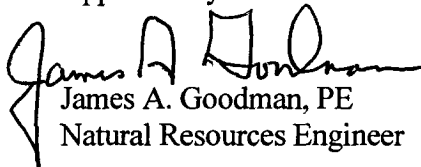
CONCLUSIONS:

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., and Hamade, G.R., 2001a, 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.
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, 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.
- 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**

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. 1792-1, DDRF, 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. 1792-1, DDRF, Inc., c/o Duane Nicholas, 19996 Crow Creek Road, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1792-1 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
June 16, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 17, 2003

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1792-1 to Appropriate Water to be published twice. Please publish the first notice on June 25, 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 DDRF Inc., % Duane Nicholas, 19996 Crow Creek Rd., Spearfish SD 57783 (Ph # 605-642-3171).

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. 1792-1

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

Date _____

We are in receipt of your letter of June 17, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1792-1 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.**

June 17, 2003

DDRF Inc.
% Duane Nicholas
19996 Crow Creek Road
Spearfish SD 57783

Dear Mr. Nicholas:

Water Permit Application No. 1792-1 for suburban housing development 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-2761). 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 June 25, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1792-1 to Appropriate Water

Notice is given that DDRF, Inc., 19996 Crow Creek Road, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second (80 gallons per minute) from two wells (Minnelusa Formation) 268 feet deep located in the NE ¼ NE ¼ Section 8-T6N-R2E. The water will be used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1792-1 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 July 14, 2003.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lawrence)

I, Susan R Farghali

certify that the attached printed Notice was taken

from the Black Hills Pioneer

printed and published in Spearfish

County of Lawrence and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 25, 2003

July 2, 2003

Cost of Printing \$37.04

Susan R Farghali
 (Signature)

Accounts Receivable Clerk
 (Title)

7-2-03
 (Date Signed)

NOTICE OF APPLICATION NO. 1792-1

to Appropriate Water
 Notice is given that DDRF, Inc., 19996 Crow Creek Road, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second (80 gallons per minute) from two wells (Minnelusa Formation) 268 feet deep located in the NE 1/4 NE 1/4 Section 8-T6N-R2E. The water will be used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1792-1 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 of 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.

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

#458
 June 25, July 7

RECEIVED

JUL - 9 2003

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

OCT 10 2003

DDRF Inc.
%Duane Nicholas
19996 Crow Creek Road
Spearfish SD 57783

Dear Mr. Nicholas:

Enclosed is Water Permit No. 1792-1 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

1792-1

07-92

SOUTH DAKOTA WATER WELL COMPLETION REPORT

LOT 6

Location NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8 Twp 6N Rg 2E

County

North

Lawrence

Please mark well location with an "X"

W

E

Well Completion Date

6-10-03

1 Mile

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC-40 LB/FT</u>	<u>6 3/8 IN</u>	<u>0 FT</u>	<u>260 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	<u>48</u>	_____ lb./gal	<u>0</u> ft	<u>260</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

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: Clorox☐ NO, Why Not? 1 gal

Laboratory sent to for water quality analysis _____

Well Owner: Duane NicholasBusiness Name: DDRF INCAddress: 19996 Crow Creek RdSpearfish S.D. 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Clay gravel benches</u>	<u>0</u>	<u>20</u>
<u>Spearfish</u>	<u>20</u>	<u>105</u>
<u>MINNEKAHTA</u>	<u>105</u>	<u>145</u>
<u>DEPHE</u>	<u>145</u>	<u>255</u>
<u>MINNEKAHTA</u>	<u>255</u>	<u>281</u>

STATIC WATER LEVEL 8 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut-in? _____

WELL TEST DATA:

- ☒ ^{4hr} Pumped Describe: 30 gpm @ 260'
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 93

And this report is true and accurate.

Drilling firm Ellingson Drilling

Signature of License Representative:

Steve Ellingson

Signature of Well Owner or Equitable Property Holder:

Duane Nicholas DDRF, INC.Date: 6/26/03

18-6-03

February 2, 2006

2005 South Dakota Water Use Questionnaire

1792-1

To:

DDRF INC
19996 CROW CREEK ROAD
SPEARFISH SD 57783

Address correction requested:

Country School Homeowners
1725 Country School Pl 455x
Spearfish SD 57783

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1792-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: MINNELUSA GROUP
Management Unit: NOT APPLICABLE

County: LAWRENCE
Pumping Pt. Legal: SEC 08-T006N-R02E
Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

- 1) Please estimate your year 2005 water use from the above water source: 70,000 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: _____

Contact Person: Daniel E. B. KIN

Telephone No: (605) 641-4976



Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

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MAR - 1 2006
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

March 2, 2006

1792-1

Country School Homeowners Assoc.
Daniel Ebkin
1725 Country School Place
Spearfish SD 57783

Dear Mr. Ebkin:

Thank you for returning the 2005 Water Use Questionnaire. The form indicated an ownership change for Water Permit No. 1792-1. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water right is currently listed in the name of DDRF, Inc.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
APR 28 2006
WATER RIGHTS
PROGRAM

No. 1792-1

Date: 3/10/06

I/We request that Water Permit No. 1792-1

formerly owned by: DDRF, Inc.

be transferred to: (name & address) Country School Homeowners Assoc.

1725 Country School Pl, Spearfish SD 57783

Telephone No. 605 641-4976

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

2 wells – NE ¼ NE ¼ Section 8-T6N-R2E

I/We understand that the validity of Water Permit No. 1792-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Country School Homeowners Assoc., the new owner, certify that the above information is true and correct.

David Elmi Pres.
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 20 06

RECEIVED OF Country School Homeowners Assoc, 1725 Country School Pl, Spearfish SD 57783

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 <u>1792-1</u>		
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.

02418

By

David E. Edel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 2, 2006

1792-1

Daniel Ebkin
Country School Homeowners Association
1725 Country School Place
Spearfish SD 57783

Dear Mr. Ebkin:

Thank you for following up on the ownership change for Water Permit No. 1792-1. The transfer has been completed. The water permit formerly listed in the name of DDRF, Inc is now listed in the name of Country School Homeowners Association.

Enclosed is your Receipt No. 02418 in the amount of \$2.50. 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. 1792-1
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, June 30, 2010, made a thorough examination of the water use system constructed by Country School Homeowners Association of 1725 Country School, Spearfish, SD 57783 holder of Permit No. 1792-1, bearing the priority of April 14, 2003 authorizing the diversion of 0.18 cu. ft. per second of the waters of the Minnelusa Formation for Surban Housing Development purposes, in Lawrence County.

Inspection contact & relationship **Daniel Ebkin**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Ellingson Drilling
- 2) No. of Wells 2
- 3) Depth(s) 268 and 281 feet
- 4) Well log is available Y
- 5) Comment: It is unclear which well log is for the north or south well

Casing:

- 1) Diameter 5 1/2 and 6 5/8 inches
- 2) Length 268 and 281 feet
- 3) Type

Pump:

- 1) Make (2) Goulds
- 2) Model 10GF 50
- 3) Size 5 hp
- 4) Capacity 25 GPM each

B. Compliance with Permit Requirements:

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

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

North Well

Approximately 465 feet south and 675 feet west of the NE corner of Section 8-T6N-R2E

(N 44.50178, W -103.89320) (NE ¼ NE ¼)

South Well

Approximately 875 feet south and 660 feet west of the NE corner of Section 8-T6N-R2E

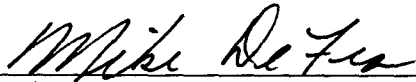
(N 44.50071, W -103.89305) (NE ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for a Suburban Housing Development.

The license should be issued for 0.11 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

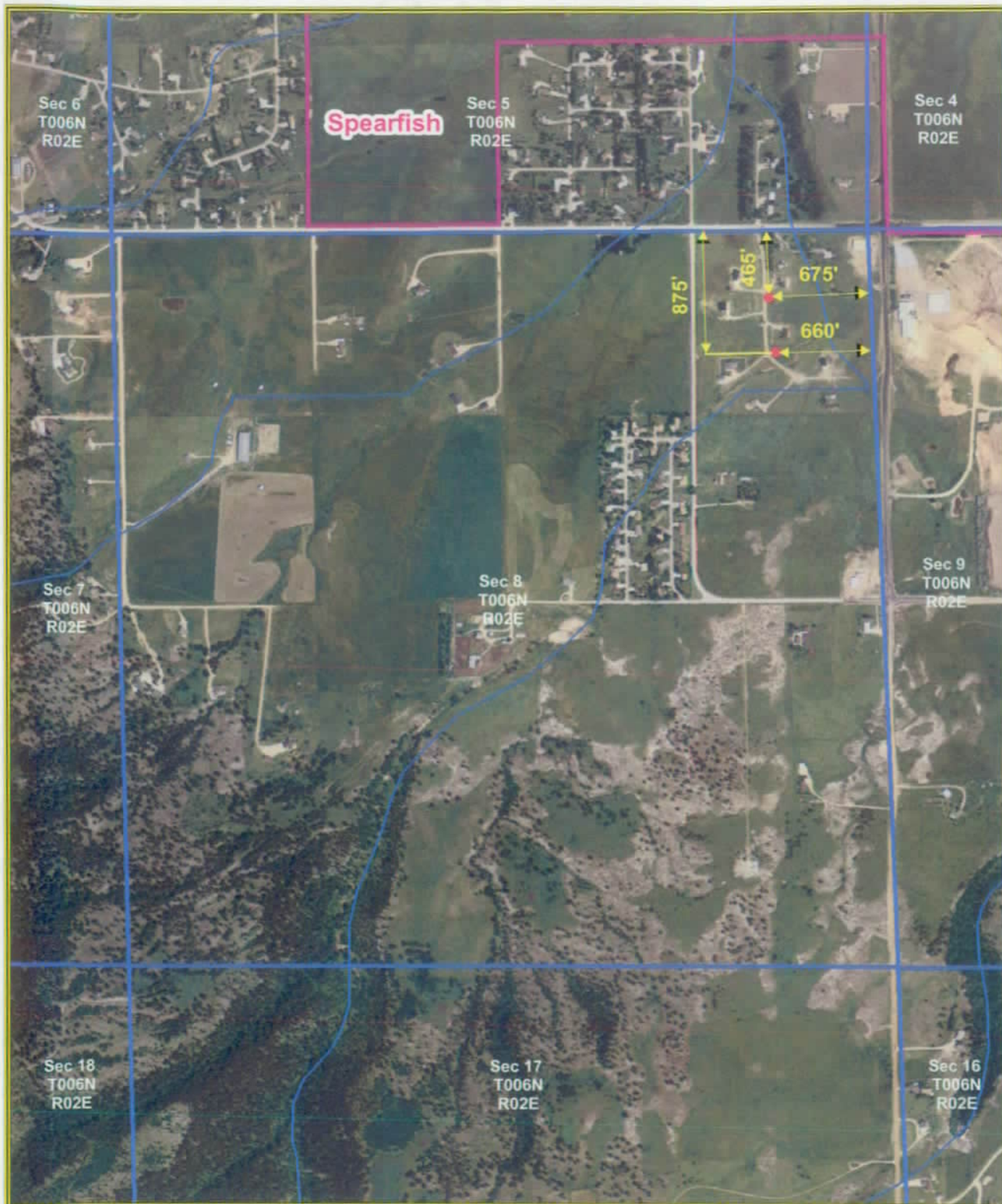
Natural Resources Project Engineer

DENR, Water Rights Program

Date report completed: July 13, 2010

Water Permit No. 1792-1

Country School Homeowners Association



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 13, 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 21 2010

1792-1

Daniel Ebkin, President
Country School Homeowners Association
1725 Country School Place
Spearfish SD 57783

Dear Mr. Ebkin:

Enclosed is Water License No. 1792-1. 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. 1792-1, 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,

A handwritten signature in black ink, which appears to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1792-1

(1) DDRF Inc, Spearfish SD made Application No. 1792-1, April 14, 2003 for a water permit to divert 0.18 cubic feet of water per second from ground water (two wells – Minnelusa Formation), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1792-1, with a priority date of April 14, 2003 was approved July 14, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 14, 2008 and for the application to beneficial use of said water on or before July 14, 2012.

Water Permit No. 1792-1 was transferred April 28, 2006 from DDRF Inc to Country School Homeowners Association.

(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 0.11 cubic feet of water per second for beneficial use.

The location of the diversion points are:

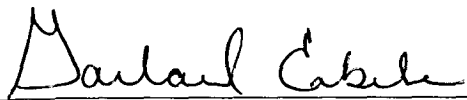
- North well: 465 feet south and 675 feet west of the NE corner of Section 8, T6N, R2E (NE ¼ NE ¼);
- South well: 875 feet south and 660 feet west of the NE corner of Section 8, T6N, R2E (NE ¼ NE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Country School Homeowners Association, 1725 Country School Place, Spearfish SD 57783 the holder and/or owner of Water Right No. 1792-1 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from ground water (two wells – Minnelusa Formation) with a priority date of April 14, 2003 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1792-1 and subject to the following qualification:

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



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

JUL 21 2010

date

