

WATER PERMIT NO. 1826-1

Name of Applicant: **Kenny & Kelli McFarland**

Address: **21833 141st Place, Piedmont SD 57769**

Phone: **605 787-4277**

Amount of Water Claimed: **0.267 cfs**

Total Acres:

Source of Water Supply: **groundwater**

Water to be used for: **suburban housing development**

County: **Meade**

Type of Waste Disposal System:

Location: **6 miles east of Piedmont**

PRIORITY

Date Received: **9-1-04**

Application/License Fee: **\$275**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SW ¼ NW ¼ Sec 11-T3N-R7E**

Land to be Irrigated: **NA**

Depth of Well: **1302 feet deep**

Well Driller: : **TYVO, LLC**

Remarks:

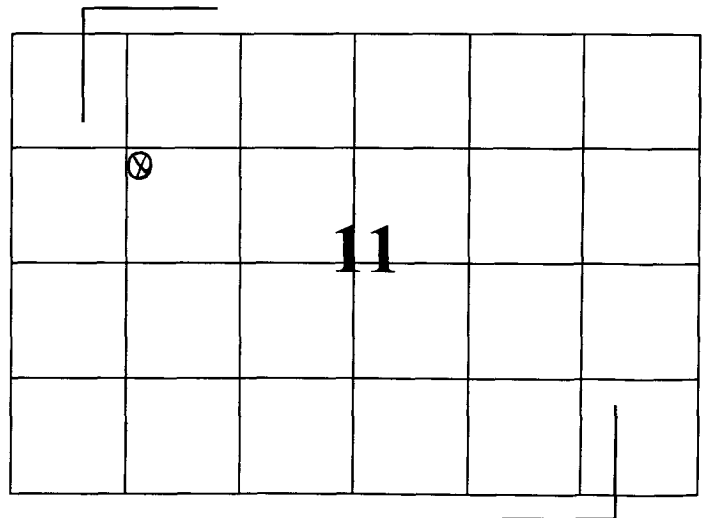
Type of Map: **plat**

Prepared by: **Steven D Thingelstad, PE**

Reviewed and the Number Assigned on: **9-1-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1826-1</u>	(office use only) Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times-Tribune, Sturgis</u>	

RECEIVED
SEP - 1 2004
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 Kenny & Kelli McFarland Phone 605-787-4277
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 21833 141st Place, Piedmont 57769 State South Dakota
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.267 *CFS or 120 **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 Lakota Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade
1 well located in the SW quarter of the NW quarter of section 11,
Township 3 North, Range 7 East (see attached well completion report)
- County or counties where water will be used Meade
- Annual period during which water is to be used year round Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water Supply for approximately 150 proposed residences, at
full build out, to be constructed over 3 to 5 phases
Approximately 3 acre lots with individual septic systems

STATE OF SOUTH DAKOTA)

County of Meade SS

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

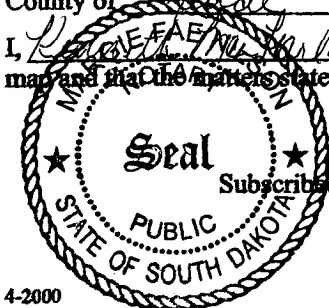
I, Kenny & Kelli McFarland, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Kenny & Kelli McFarland

Subscribed and sworn to before me this 31st day of August 20 04

Margie Rae Nelson
Notary Public signature

My commission expires 8-16-06





SCALE: 1" = 300'
JULY 2, 2003

GOLDEN VALLEY
LOCATED IN SECTION 11. T3N. R7E.
BHM. MEADE COUNTY. SOUTH DAKOTA

3
7

1826-1

**SOUTH DAKOTA
WATER PERMIT NO. 1826-1**

Date of first receipt of application September 1, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1826-1 to Kenny & Kelli McFarland, 21833 141st Place, 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. 1826-1 appropriates 0.267 cubic feet of water per second from one well completed into the Inya Kara Formation (approximately 1302 feet deep) located in the SW ¼ NW ¼ Section 11-T3N-R7E.
2. The water appropriated shall be used for the purpose of 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. 1826-1 is November 22, 2004.
5. The date from which applicant may claim right is September 1, 2004.
6. One-fifth of the construction is to be completed on or before May 22, 2007.
7. All construction is to be completed on or before November 22, 2009.
8. Water is to be put to beneficial use on or before November 22, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn each year from the Inyan Kara Formation for suburban housing development.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

DEC 10 2004

date



(type or print in ink)

1. **Well Information - Proposed Construction** - See attached well log
- a) Drill Hole Diameter 1 3/4" - 9 7/8" Depth 1 3/4" to 84', 9 7/8" to 1302'
- b) Casing Type Steel Diameter 10 3/4" to 84', 7" to 1302' Thickness 2 1/2" to 3 1/2"
- c) Screen Type Jet Perforated Diameter 7" Thickness NA
- d) Gravel Pack NA Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 850' after 4 hrs @ 100 gpm
- f) Depth to Water (ground surface to water level) flowing well, artesian
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile (east) On property owned by others 1/2 mile (south/southwest)

2. **Wastewater Disposal System Information**

- a) Type of System (i.e. septic tank, drain field) Septic
- b) System Capacity (gallons) To Be Determined Year Constructed NA
- c) Connected to the City of NA Sanitary System

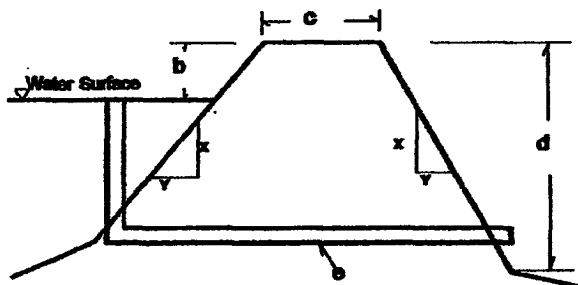
3. **Dugout Information**

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

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 NA
- c) Crest Width NA
Crest Length NA
- d) Height NA
- e) Primary Outlet Capacity NA
If pipe, diameter NA
- f) Secondary Spillway Capacity NA
Spillway Width NA
- g) X & Y Slope NA
Upstream NA
Downstream NA
- h) Surface Area of Impoundment NA
- i) Storage NA Acre Feet
- j) Drainage Area Above Dam NA Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 1, 20 04

RECEIVED OF Elk Creek Land Company, EC 80 Box 747, Piedmont SD 57769

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

Fee for Application for Permit No. <u>1826-1</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>1826-1</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	275.00

No.

0119

By

J. [Signature]
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

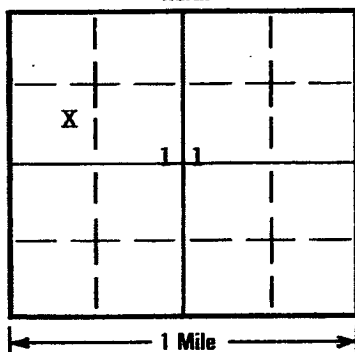
Location SW 1/4 NW 1/4 Sec 11 Twp 3N Rg 7E
County Meade North

Base mark well location with an "X"

W

E

Well Completion Date



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, old lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

casing DATA: ☒ Steel ☐ Plastic ☐ Other

other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
26 LB/FT	10 3/4 IN	0 FT	84 FT	14 3/4 IN
23 LB/FT	7 IN	0 FT	1302 FT	9 7/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

ROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
"G"	100	15.5 lb./gal	0 ft	84 ft
"G"	435	15.5 lb./gal	0 ft	1302 ft

Describe grouting procedure Pressure Grout Method

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Jet Perforated 1076 - 1104 (28)

1000 - 1020 (40)

HAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorox

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Kenny McFarland

Business Name: _____

Address: Box 80 Box 747 81833 41st Place
Piedmont, SD 57769

WELL LOG:

DEPTH

FORMATION	FROM	TO
Dakota	800	
Lakota	975	
Sundance	1120	
See Electric Logs		

STATIC WATER LEVEL _____ 0 _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 1 through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other Pitless

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped Describe: Air lift pumping from

☐ Bailed 1100 feet.

☒ Other _____

Pumping Level Below Land Surface

850 ft. After 4 Hrs. pumped 120 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 205

And this report is true and accurate.

Drilling firm TYVO, LLC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 8-31-84

The Ranches at Elk Creek

Owner: Kenneth G. McFarland

Meade County, South Dakota

**Engineer's Report
Preliminary Plat Submittal**

October 2003

Prepared For:
American West Communities
2040 West Main Street, Suite #100
Rapid City, South Dakota
(605) 388-8160

Prepared By:
Britton Engineering & Land Surveying, Inc.
11750 North Highway 79
Black Hawk, South Dakota 57718

**ENGINEER'S REPORT
PRELIMINARY PLAT
THE RANCHES AT ELK CREEK**

WATER DISTRIBUTION.

The proposed water distribution system for the Ranches at Elk Creek will provide storage and use flows for an estimated 180 home sites (the maximum number of lots for all phases of development.) We are assuming one or possible two well sites that will be located near a 275,000 gallon (maximum estimated storage) reservoir. The location of the wells and storage reservoir is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, T3N, R7E, BHM. We are proposing a 8" PVC water main that will follow along the Section Line R.O.W. and cross Elk Creek along that line. The 8" main in future Phases will loop back to the north. The proposed water main layout is provided on Sheet 3 of 5 with this submittal. We have provided a copy of our preliminary reservoir sizing in the Appendix. No water main construction will begin until the final plans have been submitted and approved by the South Dakota Department of Environment and Natural Resources.

ONSITE SURFACE DRAINAGE

Phase One surface area has been divided into four smaller sub-basins based on existing topographic features. Sub-basin one is located at the southern area of phase one and is designed to provide runoff to the existing road ditch to the south and east. Sub-basin two is the largest sub-basin and will collect the majority of surface runoff. Runoff from sub-basin two will be directed, along the proposed road ditch, easterly and will eventually drain into Elk Creek. Sub-basin three is located in the northwesterly part of Phase One and will direct runoff flow along the proposed road ditch and drain to the north at the proposed crossing of Elk Creek. Sub-basin four is located along Elk Creek and is assumed to be sheet flow drainage into Elk Creek. The proposed road system will consist of a standard county road section with adequate ditch cross-section to accommodate the estimated surface runoff from phase one. Culvert crossing along the road ditch will be placed at all required areas. We have estimated flows for the twenty-five and one hundred year storm events for both pre-developed (historic) and developed conditions. Storm time of concentrations and runoff coefficients were acquired from the Rapid City Drainage Criteria Manual for urbanized conditions. Storm intensities are estimated from the National Weather Service duration and frequency maps from HYDRO-35 and TP-40. We have estimated a twenty percent (20%) change in impervious areas of phase one due to site development. Sub-basin flows are estimated using the rational method. Basin estimates are provided in the Appendix and sub-basin delineations provided on Sheet 4 of 5.

ELK CREEK BASE FLOOD STUDY

BASIN HYDROLOGY

The Elk Creek basin that contributes to the proposed development at the Ranches at Elk Creek comprises approximately 110 square miles and has been delineated into four sub-basins to facilitate terrain features and soil conditions. Runoff calculations are calculated using the U.S. Army Corps of Engineers Watershed Modeling Computer Program HEC-HMS. Precipitation data are acquired from the National Weather Service duration and frequency maps from HYDRO-35 and TP-40. Losses to the runoff are based on the Initial and Constant losses technique and were developed for each sub-basin based on terrain and existing land use patterns. The final unit hydrograph calculations are based on the Clark Unit Hydrograph Method. Stream flow routing is calculated utilizing the kinematic wave method. Runoff estimates are provided for the two-year, five-year, ten-year, twenty-five year and one hundred year storm events. Computer printouts of the estimated flows are included in the Appendix.

BASIN HYDRAULICS

At this time the channel hydraulics for the area have not been finalized and will be submitted at a later date.

Water Distribution System

Subdivision Population Estimate

Number of Lots: 180
Number of Persons/Lot: 3.5
Estimated Population: 630

Average Daily per Capita per Day Usage

Average Residence (metered usage): 110 gpcd or 69,300 gpd (Average Daily Draft)
Maximum Daily Usage (180% of Average): 198 gpcd or 124,740 gpd (Maximum Daily Draft)
Maximum Hourly Usage (150% of Daily): 297 gpcd or 187,110 gpd (Maximum Hourly Draft)
Fire Demand $(Q=1020 \cdot P^{0.5} \cdot (1-.01 \cdot P^{0.5}))$: 803 gpm 1,156,320 gpd
Maximum Daily Flow + Fire Flow: 1.281 mgd

Service Reservoir

Fire Flow Duration: 4 hours (< 1000 gpm)
Total Fire Flow per Day: 0.193 mgd or 192,720 gpd
Number of Days Emergency Storage: 1 days
Emergency Storage (days)*(Average Daily): 0.069 mgd or 69,300 gpd
Working Storage: 0.013 mgd or 12,741 gpd
Total Service Storage: 0.275 mgd or 274,761 gpd
Volume of Storage: 0.275 mgd or 36,733 ft³

Estimated Inflow

Number of Active Wells: 2
Estimated Average Flow per Well: 75 gpm
Estimated Flow (total): 150 gpm or 216,000 gpd

Pumps

Low-lift pump = $4/3 \cdot (\text{Maximum Daily})$: 0.166 mgd or 166,320 gpd
High-lift pump = $4/3 \cdot (\text{Maximum Hourly})$: 0.249 mgd or 249,480 gpd

Estimated Distribution System Capacity

Greatest Value Between

Maximum Daily + Fire Demand: 0.317 mgd or
Maximum Daily Hourly: 0.187 mgd
Maximum Daily + Fire Demand: 220.5 gpm
Maximum Dailey: 87 gpm



Timberline Enterprises

7005 Timberline Rd., Black Hawk, SD 57718 • www.timberlineent@cs.com

Phone: (605) 787-5653 • Cell: (605) 484-7934

August 30, 2004

Mr. Ken Buhler
South Dakota Department of Environment and Natural Resources
Division of Water Rights
Joe Foss Bldg, 523 East Capitol
Pierre, SD 57501

RECEIVED
SEP - 1 2004
WATER RIGHTS
PROGRAM

**Subject: Application For Permit to Appropriate Water Within The State of South Dakota
Golden Valley Water System
Piedmont, South Dakota**

Dear Mr. Buhler:

Pursuant to the Administrative Rules of South Dakota, Chapter 74:02:04:21, and on behalf of the Golden Valley Water System, c/o Mr. Kenneth McFarland, 21833 141st Place, Piedmont, SD 57769, please consider this Application For Permit to Appropriate Water Within The State of South Dakota. As required by the permit application we have attached two copies of Form 2 and Form 2A, as well as two copies of the South Dakota Well Completion Report for the subject well, drilled and completed by TYVO., LLC, (SD Well Drillers License #205). Although not required by the permit application we have also attached a Radioactivity Log of the well for your review. We have also attached two copies of the Preliminary Engineering Report, as well as a plat of the proposed project, as completed, signed and stamped by Britton Engineering and Land Surveying, Inc., Black Hawk, South Dakota.

As required by South Dakota Statutes we have enclosed a check for \$275.00 to be paid toward filing fees (\$225.00) and final inspection fees (\$50.00). We also understand that, subject to permit approval, notice of the application must be published in one local county newspaper for two consecutive weeks and that the public notice will be sent to the newspaper by the Water Rights Program. We further understand that the cost of the publication will be the responsibility of the Golden Valley Water System.

Thank you for your consideration regarding this application. If you have any questions or require additional information please feel free to contact me at 605-787-5653.

Respectfully

Edmund L. Striebel

cc: Kenny and Kelli McFarland



**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. 1826-1, Kenny and Kelli McFarland**

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. 1826-1, Kenny and Kelli McFarland, 21833 141st Place, Piedmont SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1826-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. 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.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn each year from the Inyan Kara Formation for suburban housing development.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 25, 2004

WATER PERMIT APPLICATION NO. 1826-1
KENNY AND KELLI McFARLAND
OCTOBER 19, 2004

Water Permit Application No. 1826-1 proposes to appropriate 0.267 cubic feet of water per second (120 gallons per minute) from one well completed into the Inyan Kara aquifer (approximately 1320 feet deep) located in the SW¼ NW¼ Sec.11, T3N-R7E, Meade County. The water is for use in a suburban housing development.

AQUIFER: Inyan Kara

GENERAL:

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen and others, 1985). The aquifer underlies 2,107,520 acres and contains an estimated 36,354,720 acre-feet of recoverable water in storage in Meade County alone (Allen and others, 1985). The Inyan Kara outcrops about two and one-half miles west of this well site (Strobel and others, 1999). The completion report of the well that is to be used to supply this appropriation reports the top of the Inyan Kara aquifer to be 800 feet below grade. The Inyan Kara is estimated to be nearly 250 feet thick in this area (Allen and others, 1985). The thickness of the Inyan Kara aquifer does however, vary considerably within short distances. The completion report submitted for this well indicates this is a flowing well, but does not report a closed in pressure (potentiometric surface).

WATER AVAILABILITY:

Average annual recharge to the Inyan Kara aquifer in the Black Hills area from 1950 through 1998, is estimated to be 11,600 acre-feet annually (Driscoll and others, 2002). The average annual withdrawals from the aquifer for the same time period were estimated to be 1,400 acre-feet/year (Driscoll and others, 2002). A simple water budget demonstrates that withdrawals from the aquifer do not exceed recharge.

The Water Rights Program monitors seven observation wells completed into the Inyan Kara aquifer in the Black Hills area. Water Rights' Observation Well MD-99A, completed into the Inyan Kara aquifer, is located about two miles southeast of this well. The hydrograph for the well (figure 1) documents that the water level of the aquifer has fluctuated over 16 feet between the highest and the lowest water levels for the period of record. In general, water levels of the aquifer have remained relatively constant over the period of record. It is clear from the data that the aquifer readily recharges, and that the aquifer can sustain additional appropriations (Water Rights, 2004b).

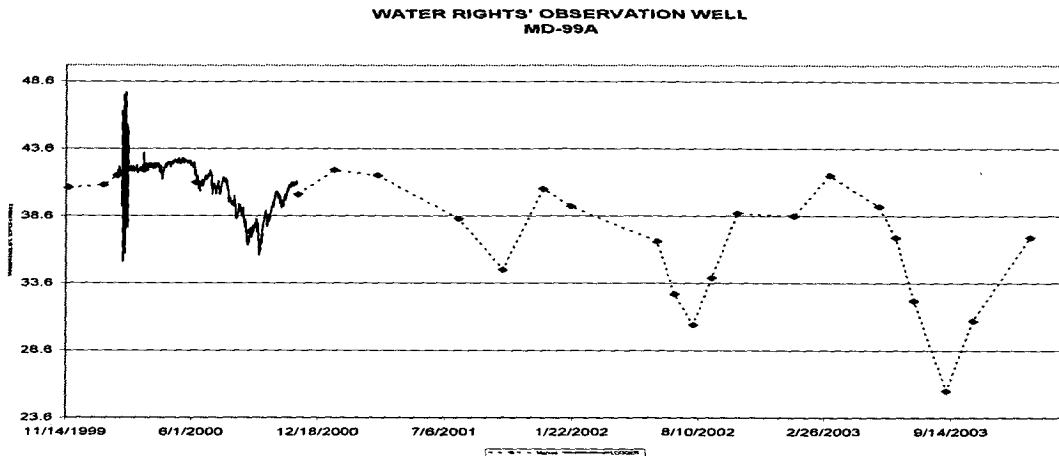


Figure 1. Hydrograph of an observation well completed into the Inyan Kara aquifer approximately one-half mile southeast of the well site proposed by this application

EXISTING WATER RIGHTS:

The Inyan Kara aquifer has been developed in at least 23 counties in South Dakota with 144 Water Rights/Permits. There are 30 rights/permits appropriating water from the Inyan Kara aquifer in Meade County (Water Rights, 2004c). There are 13 Water Rights/Permits appropriating groundwater within five miles of the well that is to be used to supply this appropriation, they are shown in table 1.

PERMIT NO.	NAME	AQUIFER	USE	CFS
1373-1	EASTRIDGE ACRES DEV ASSOC	MNLS	SHD	0.09
1597-1	CROOKED OAKS CANYON	INKR	SHD	0.10
1642-1	EAGLE RIDGE HOMEOWNERS	MDSN	SHD	0.09
1656-1	LOFTY PINES HOMEOWNERS	INKR	SHD	0.09
1664-1	BUFFALO RIDGE WATER USERS	INKR	SHD	0.10
1688-1	JAKE OR LYNNE MOONEY	INKR	COM	0.09
1700-1	HART'S ELK CREEK	INKR	SHD	0.11
1730-1	GEORGE A WANG	MNLS	COM	0.10
1746-1	KASKI HOMES INC	MNLS	COM	0.10
1793-1	KASKI HOMES INC	INKR	SHD	0.17
1794-1	VITA ROYAL PRODUCTS INC	INKR	COM	0.17
1796-1	DENNIS OR ANN BECKHAM	INKR	SHD	0.10
1812-1	RDT WATER ASSOCIATION LLC	INKR	SHD	0.17

Table 1. Groundwater appropriations within five miles of 1826-1

Wells supplied by aquifers other than the Inyan Kara will not be affected by this appropriation because the aquifers are not hydraulically connected. The nine Water Rights/Permits appropriating water from the Inyan Kara aquifer and their distance from 1826-1 are shown in Table 2.

PERMIT NO	NAME	USE	CFS	DISTANCE FROM 1826-1 (MILES)
1597-1	CROOKED OAKS CANYON	SHD	0.10	3.8
1656-1	LOFTY PINES HOMEOWNERS	SHD	0.09	3.8
1664-1	BUFFALO RIDGE WATER USERS	SHD	0.10	2.3
1688-1	JAKE OR LYNNE MOONEY	COM	0.09	4.8
1700-1	HART'S ELK CREEK	SHD	0.11	2.5
1793-1	KASKI HOMES INC	SHD	0.17	2.5
1794-1	VITA ROYAL PRODUCTS INC	COM	0.17	1.8
1796-1	DENNIS OR ANN BECKHAM	SHD	0.10	3.1
1812-1	RDT WATER ASSOCIATION LLC	SHD	0.17	2.4

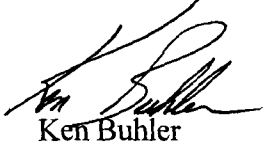
Table 2. Area Inyan Kara aquifer appropriations and their distance from 1826-1

Since the Inyan Kara is under confined (artesian) conditions in this area, pumping from an individual well may cause a decline in the potentiometric surface over a fairly widespread area. The distances from existing Water Rights/Permits from the Iyan Kara aquifer will minimize the affects of pumping this well to nearby wells, and the impact of this appropriation on existing water rights is not likely to be significant.

There are a number of domestic wells, several flowing, completed into the Inyan Kara aquifer in this area (Water Rights, 2004a). The potential affect of this appropriation on domestic wells must be considered. An "Adversely impacted domestic well" is defined by ARSD 74:02:04:20(7), as a well that was constructed to allow the pump intake to be set at least 20 feet below the top of the aquifer, in which the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. It is likely that even if a domestic well completed into the Inyan Kara aquifer in this area experienced interference, it would still be capable of delivering sufficient water with a pump inlet placed near the top of the aquifer. Therefore adverse impact to domestic wells is not probable.

CONCLUSIONS:

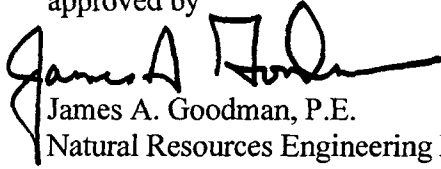
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem at the proposed well site because of the distance from existing wells.



Ken Buhler

Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.

Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- 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.
- 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-743, 3 sheets, scale 1:100,000
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745, 3 sheets, scale 1:100,000
- Water Rights, 2004a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2004b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2004c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sheri Wiechmann, Being duly sworn, says, That the Meade County Times/Black Hills Press 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:

<u>Nov 3 2004</u>	<u>200</u>
<u>Nov 10 2004</u>	<u>200</u>
<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>

That the full amount of the fee charged for publishing the same, to-wit the sum of

\$ 37.38, I insure 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.

Sheri Wiechmann
Accounting Clerk

Subscribed and sworn before me this

16 Day of Nov 2004

Danella Buhler
Notary Public, South Dakota

My Commission expires Feb 8, 2007

RECEIVED

NOV 30 2004

WATER RIGHTS
PROGRAM

Water application

NOTICE OF APPLICATION

NO. 1826-1 to Appropriate Water

Notice is given that Kenny and Kelli McFarland, 21833 141st Place, Piedmont SD 57769 have filed an application for a water permit to appropriate 0.267 cubic feet of water per second from one well completed into the Inya Kara Formation (approximately 1302 feet deep) located in the SW1/4 NW 1/4 Section 11-T3N-R7E. The water is for use in a suburban housing development. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1826-1 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 November 22, 2004.

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. Pirmer, Secretary, Department of Environment and Natural Resources.

Publ Nov. 3 and 10, 2004
Meade County Times-Tribune

Instruction to Newspaper - Publish first Notice on November 3, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1826-1 to Appropriate Water

Notice is given that Kenny & Kelli McFarland, 21833 141st Place, Piedmont SD 57769 have filed an application for a water permit to appropriate 0.267 cubic feet of water per second from one well completed into the Inya Kara Formation (approximately 1302 feet deep) located in the SW ¼ NW ¼ Section 11-T3N-R7E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1826-1 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 25, 2004

Kenny & Kelli McFarland
21833 141st Place
Piedmont SD 57769

Dear Mr. & Ms. McFarland:

Water Permit Application No. 1826-1 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 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 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. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2004

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1826-1 to Appropriate Water to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Kenny & Kelli McFarland, 21833 141st Place, Piedmont SD 57769 (Ph # 605-787-4277).

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. 1826-1

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

Date _____

We are in receipt of your letter of October 25, 2004 enclosing Notice to Appropriate Water by Application No. 1826-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 2004

Kenny & Kelli McFarland
21833 141st Place
Piedmont SD 57769

Dear Mr. & Mrs. McFarland:

Enclosed is Water Permit No. 1826-1 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

1826-1

Bangs McCullen Law Firm

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

Rapid City

Thomas H. Foye
Thomas E. Simmons
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel F. Duffy
Jeffrey G. Hurd
John H. Raforth
Terry G. Westergaard
Steven R. Nolan
Gregory J. Erlandson
Rachel V. Jepsen
Eric J. Pickar
Sara L. Larson

Sioux Falls

Michael A. Hauck
John P. Mullen
Brian K. Kirby
Victoria M. Duehr
Kara C. Van Bockern
Patrick J. Knecht

Attorneys also admitted in
Nebraska, North Dakota,
Iowa and Minnesota.

Trust Building
818 St. Joseph Street
P.O. Box 2670
Rapid City, SD 57709-2670
605-343-1040
Fax: 605-343-1503

Security Bank Building
100 N. Phillips Ave.
Suite 610
P.O. Box 949
Sioux Falls, SD 57101-0949
605-339-6800
Fax: 605-339-6801

www.bangsmccullen.com

Reply to Rapid City Office

Writer's e-mail address: jraforth@bangsmccullen.com

March 10, 2005

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

RECEIVED
MAR 11 2005
WATER RIGHTS
PROGRAM

Re: Golden Valley Water Company, LLC –
Notice of Transfer of Ownership
Permit No. 1826-1

Dear Mr. Erbele:

You will find enclosed a Notice of Transfer of Ownership form for the transfer of permit no. 1826-1 to Golden Valley Water Company, LLC.

Our check in the amount of \$2.50 has been enclosed for payment of applicable filing fees.

Please let me know if you have any questions.

Thank you for your assistance in this matter.

Very truly yours,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

John H. Raforth

JHR:smb

Enclosures

cc: Kenny and Kelli McFarland w/enc.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 11, 2005

RECEIVED OF Berge McCullen, Butler Foye & Simmons LLP, PO Box 2670, Rapid City SD 57709

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>1826-1</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

01111

By

Harland Ebele

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAR 11 2005

WATER RIGHTS
PROGRAM

No. 1826-1

Date: March 9, 2005

I/We request that Water Right/Permit No. 1826-1

formerly owned by: Kenny and Kelli McFarland

be transferred to: (name & address) Golden Valley Water Company, LLC, 21833 141st Place,
Piedmont, South Dakota 57769

Telephone No. (605) 787-4277

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

*Subdivision well lot is described on the attached Quitclaim Deed

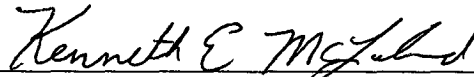
I/We understand that the validity of Water Right/Permit No. 1826-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Golden Valley Water Company, LLC, the new owner, certify that the above information is true and correct.

GOLDEN VALLEY WATER COMPANY, LLC



(Signed by new owner)

Kenneth E. McFarland, 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.

Document Prepared by:

John H. Raforth, Esq.
Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
818 St. Joe St.; P.O. Box 2670
Rapid City, SD 57709
(605) 343-1040

QUITCLAIM DEED

Elk Creek Properties, Inc., a South Dakota Corporation, of 21833 141st Place, Piedmont, South Dakota 57769, Grantors, for and in consideration of One Dollar (\$1.00), conveys and quitclaims to Golden Valley Water Company, LLC, a South Dakota limited liability company, of 21833 141st Place, Piedmont, South Dakota 57769, Grantee, the following described real estate located in the County of Meade in the State of South Dakota:

Golden Valley Subdivision Well Lot located in the S1/2NW1/4 and the NW1/4 of SE1/4 and the SW1/4 of Section 11, Township 3 North, Range 7 East, BHM, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Page 228-299.

SUBJECT to all easements, covenants, reservations, restrictions, and rights-of-way of record.

Transfer Fee: Exempt pursuant to SDCL § 43-4-22(19).

Dated this 9th day of March, 2005.

GRANTOR:

ELK CREEK PROPERTIES, INC.

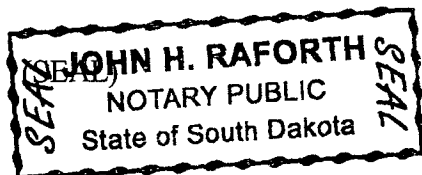
By: Kenneth E. McFarland
Kenneth E. McFarland, President

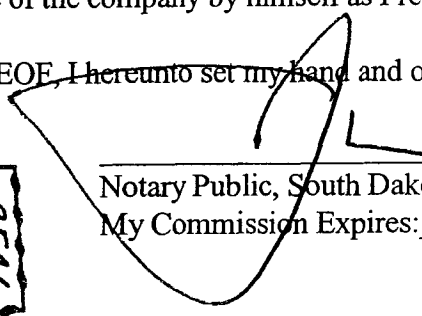
STATE OF SOUTH DAKOTA)

COUNTY OF Pennington :ss.

On this the 9th day of MARCH, 2005, before me, the undersigned officer, personally appeared Kenneth E. McFarland, who acknowledged himself to be the President of Elk Creek Properties, Inc., a South Dakota corporation, and in such capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as President.

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





Notary Public, South Dakota
My Commission Expires: April 15, 2010



**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 14, 2005

1826-1

Kenneth E McFarland, President
Golden Valley Water Company LLC
21833 141st Place
Piedmont SD 57769

Dear Mr. McFarland:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring ownership of Water Permit No. 1826-1. The transfer has been completed. The water permit formerly listed in the name of Kenny and Kelli McFarland is now listed in the name of Golden Valley Water Company LLC.

The receipt for the filing fee is being forwarded to Bangs, McCullen Law Firm by copy of this letter. 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

c: Bangs, McCullen Law Firm w/Receipt No. 001791

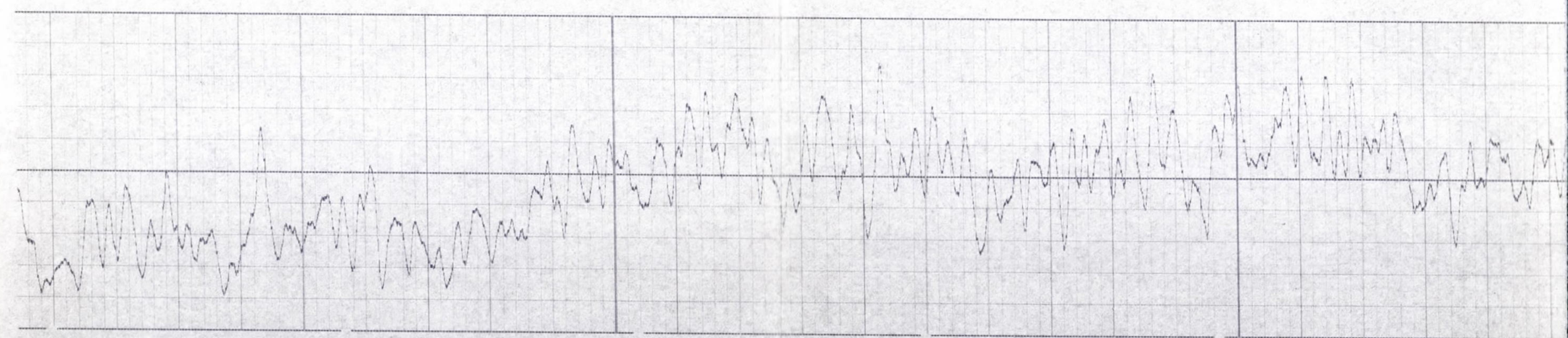
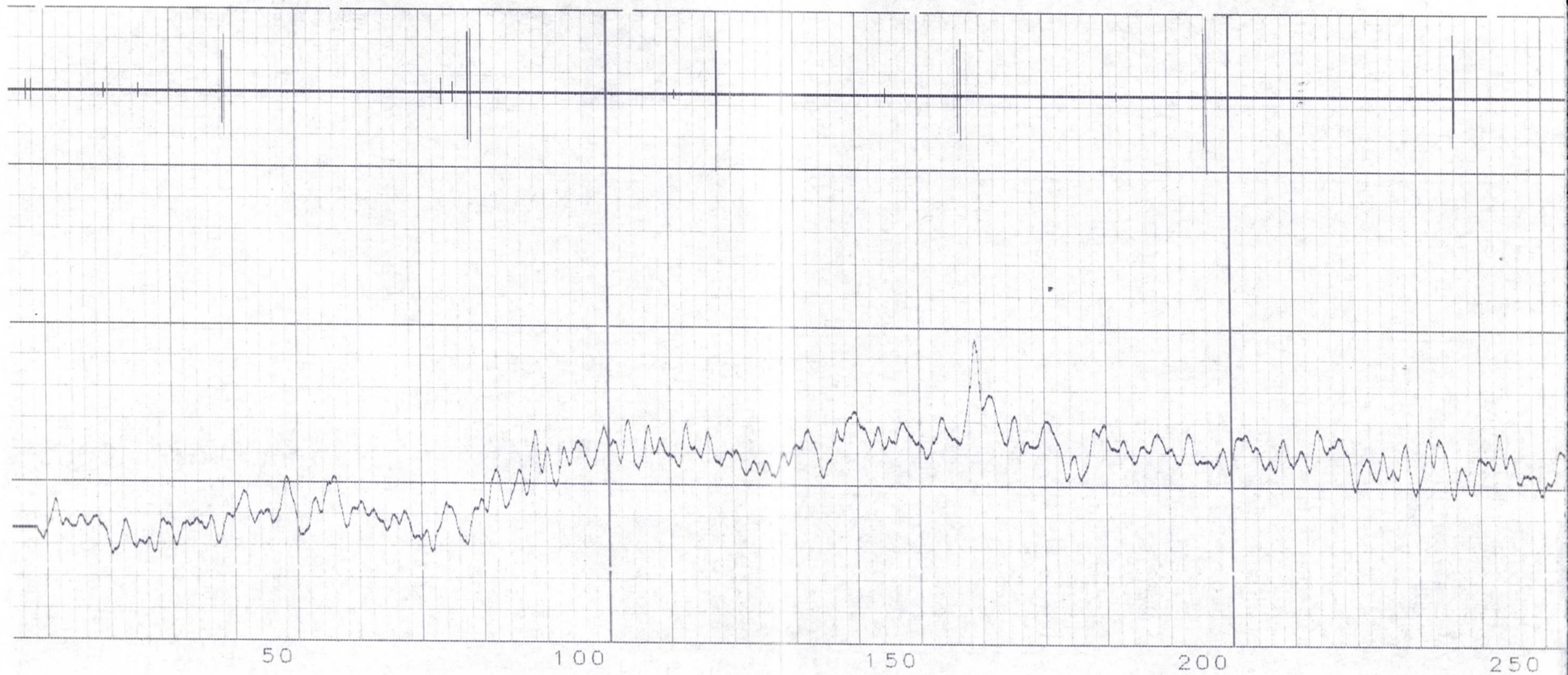
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Incorporated

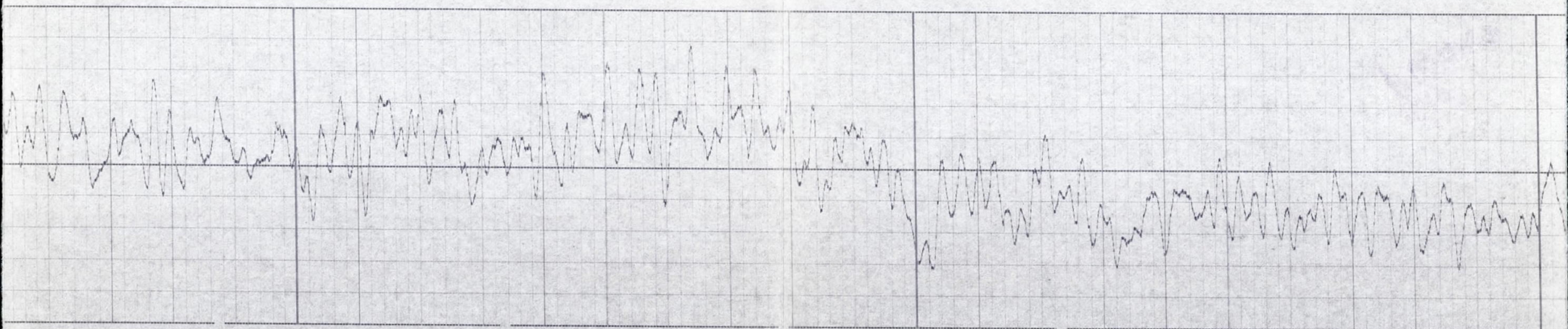
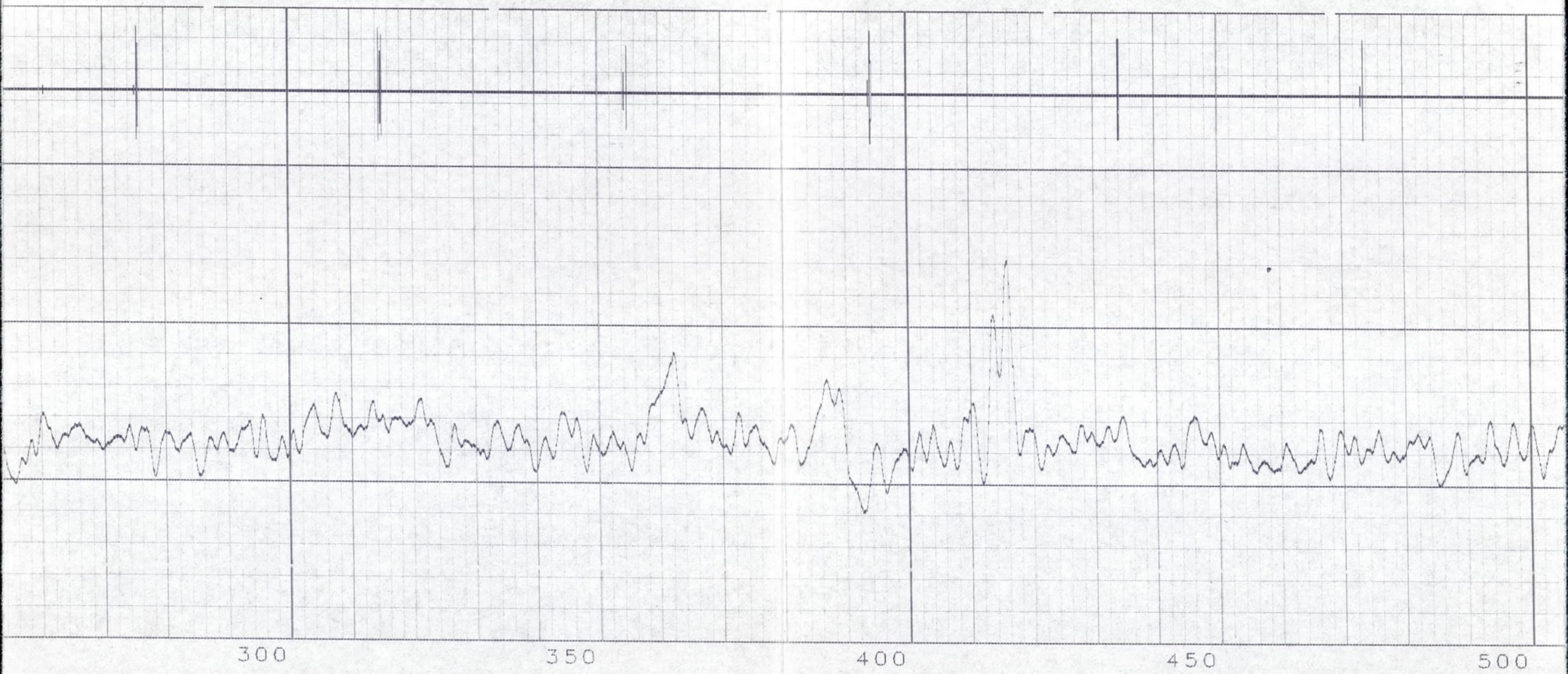
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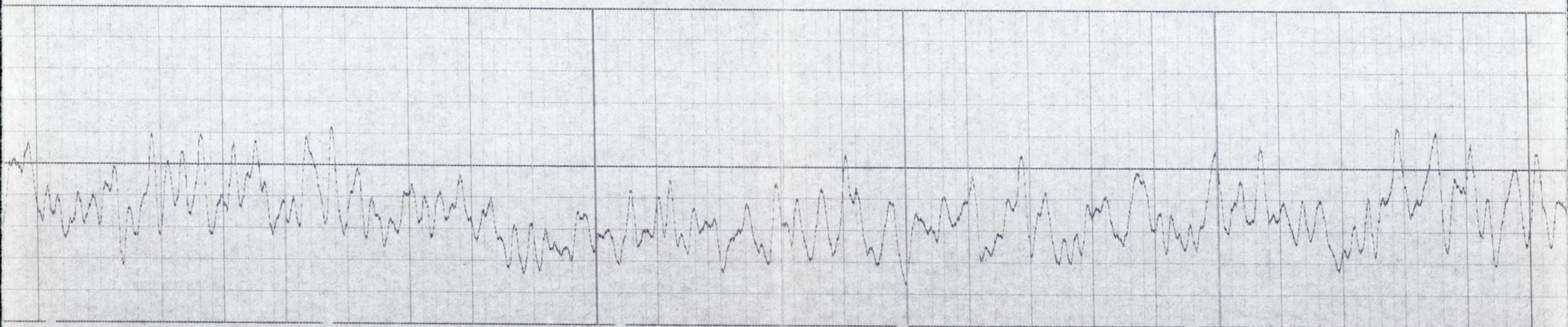
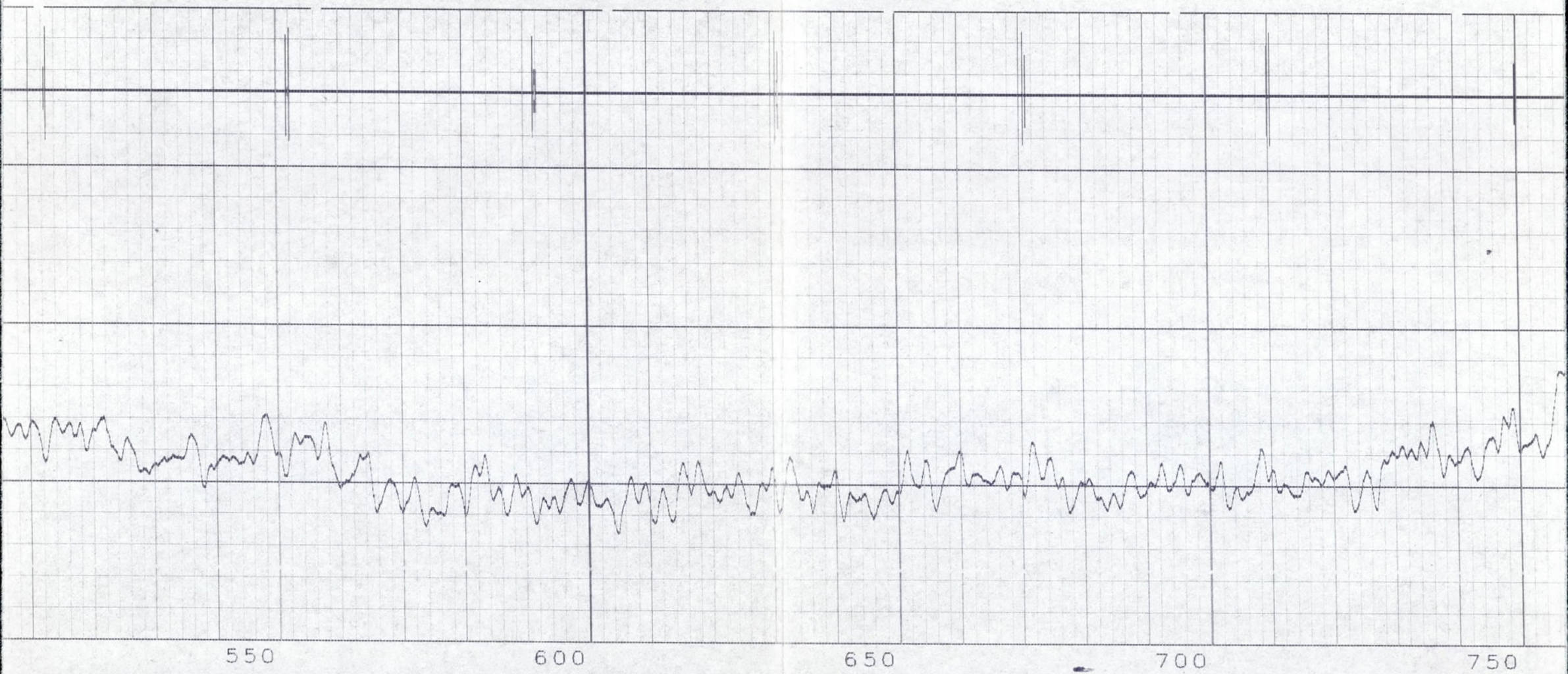
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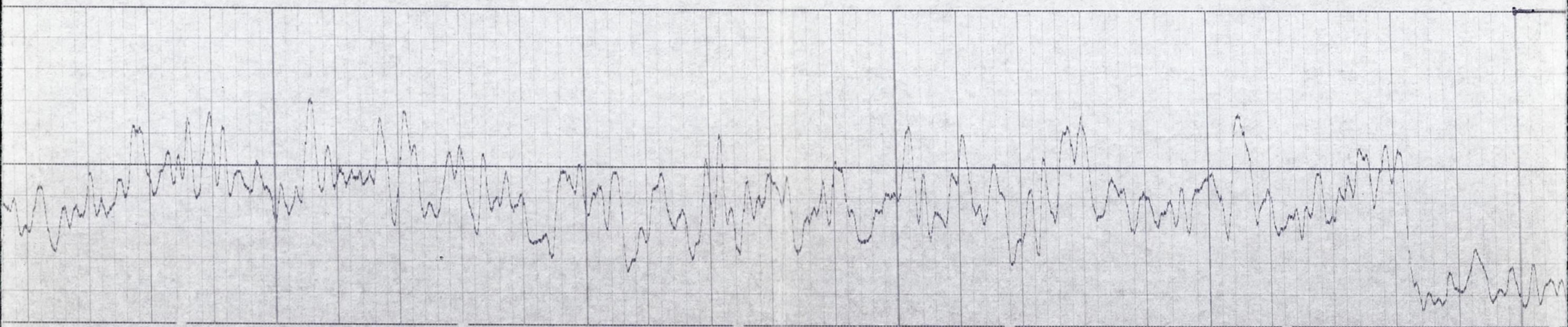
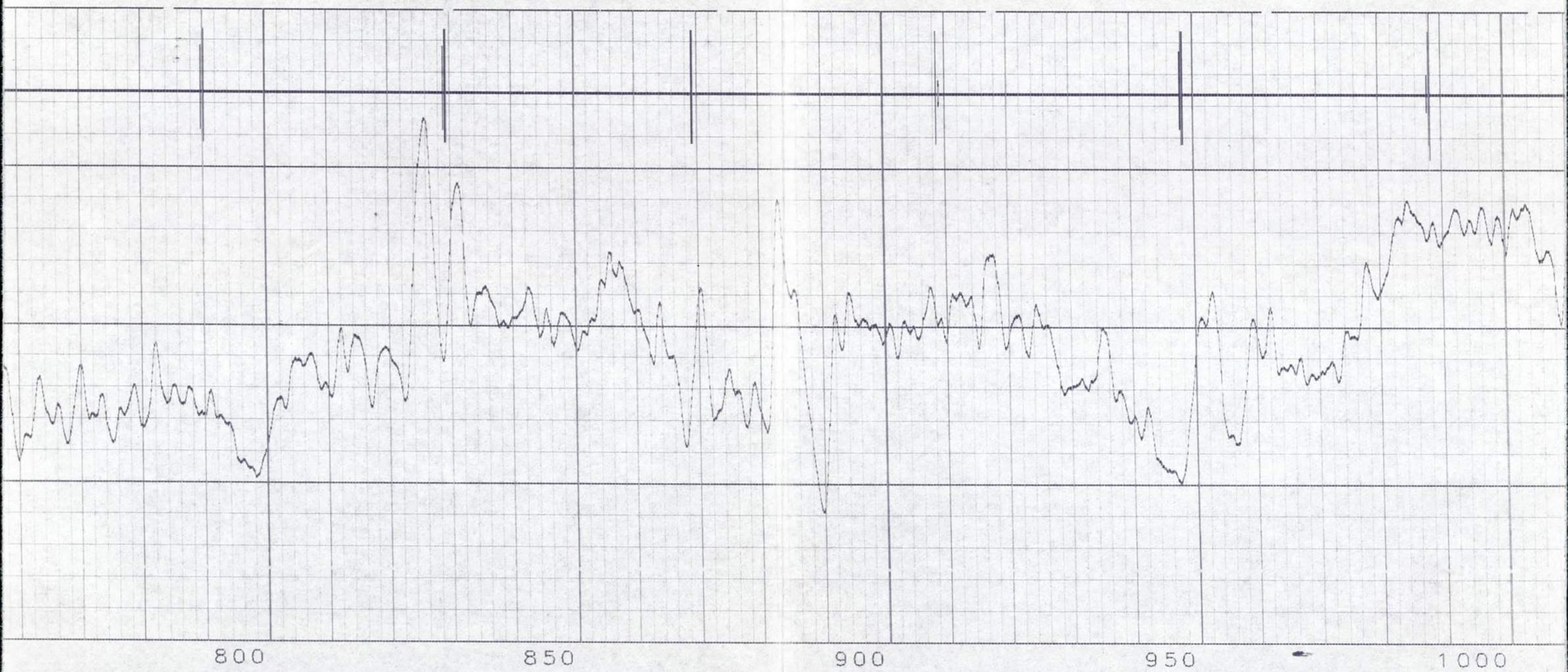
CO. TYVO DRILLING WELL GOLDEN VALLEY # 1 FLD GOLDEN VALLEY CTY MEADE STATE S. DAKOTA FILING NO		COMPANY TYVO DRILLING WELL GOLDEN VALLEY # 1 FIELD GOLDEN VALLEY COUNTY MEADE STATE S. DAKOTA					
		LOCATION: SW/NW				OTHER SERVICES PERF. 1076-1104 1000-1020	
		SEC 11 TWP 3N RGE 7E					
PERMANENT DATUM G. L.		ELEVATION				K. B.	
LOG MEAS. FROM G. L.		FT. ABOVE PERM DATUM				D. F.	
DRILLING MEASURED FROM		G. L.				G. L.	
DATE	07-26-04						
RUN NO. DIV	ONE						
TYPE LOG	GR-N/N-CCL						
DEPTH-DRILLER	1304'						
DEPTH-LOGGER	1301'						
BTM LOGGED INTERVAL	1300'						
TOP LOGGED INTERVAL	9'						
TYPE FLUID IN HOLE	WATER						
SALINITY							
DENSITY							
LEVEL	FULL						
MAX. REC. TEMP. DEG F.							
OPERATING RIG TIME	1 HR.						
RECORDED BY	COWGER						
WITNESSED BY	DEWEY						
BOREHOLE RECORD							
RUN NO.	BIT	FROM	TO	SIZE	WGT.	FROM	TO
1	14.75	0	90	10.75	25	0	84
2	9.875	84	1304	7	17	0	1302

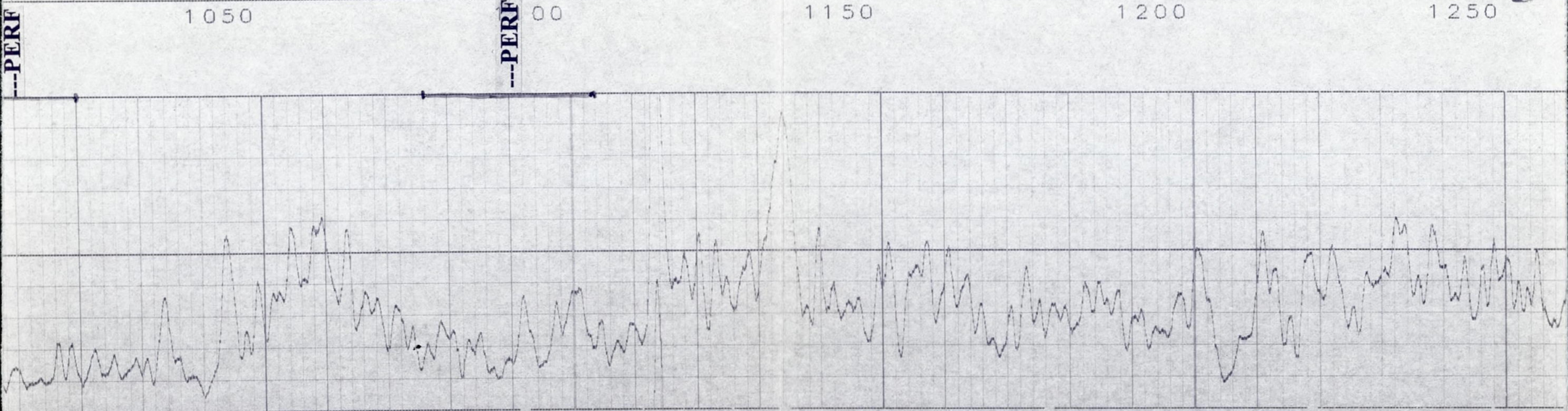
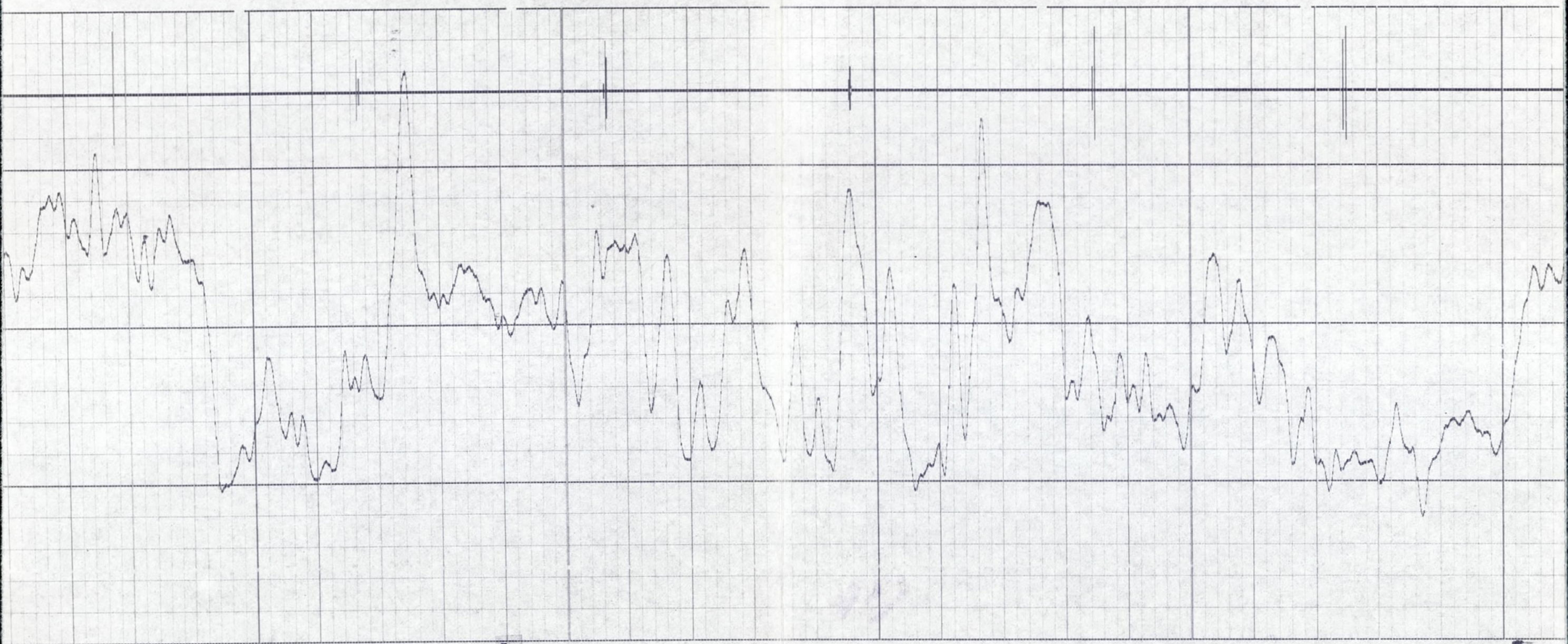
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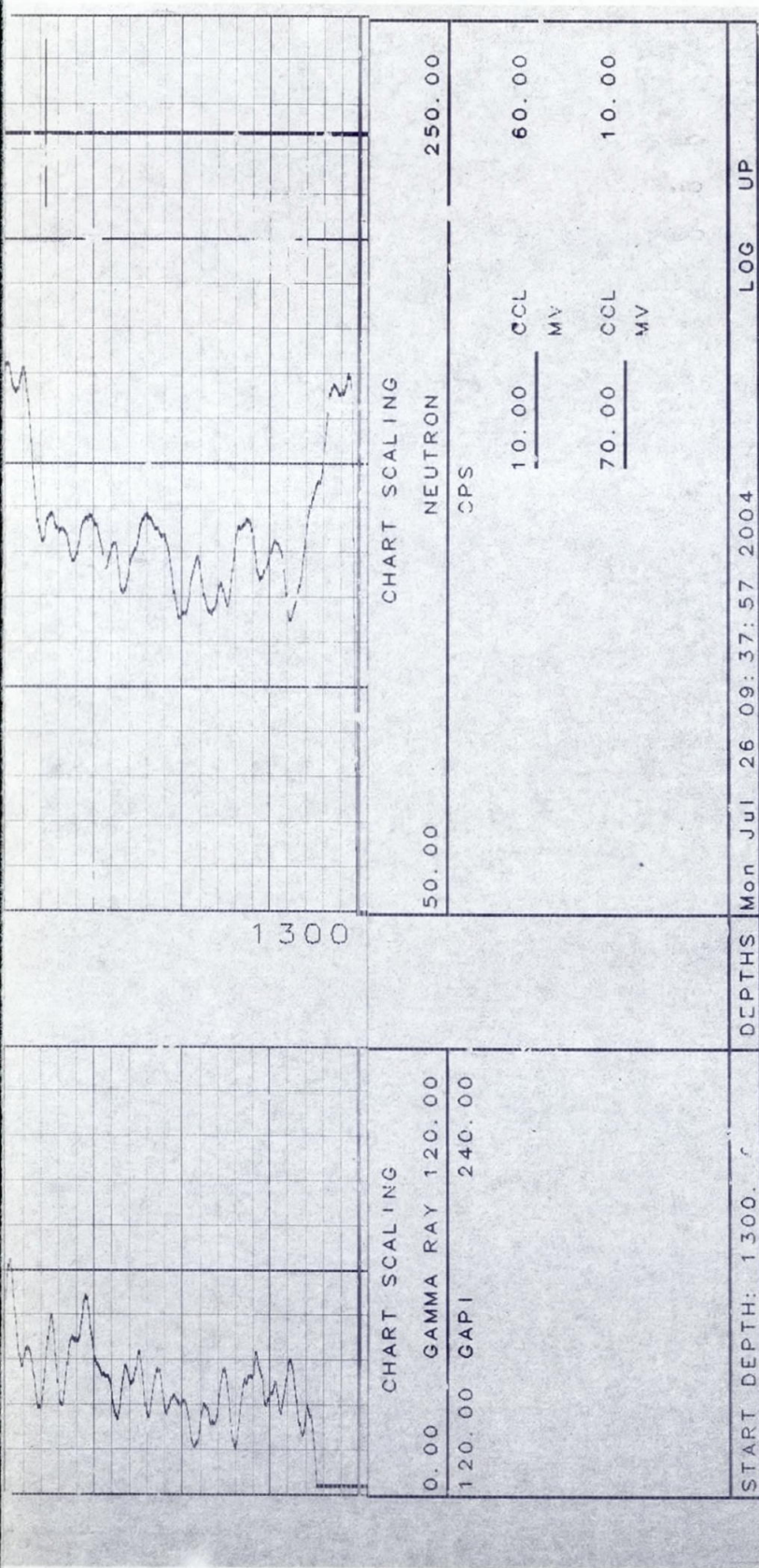
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Permit No. 1826-1
Upper Cheyenne River - Water District

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 23, 2009**, made a thorough examination of the water use system constructed by **Golden Valley Water Company** of **PO Box 588, Black Hawk, SD 57718** holder of Permit No. **1826-1**, bearing the priority of **September 1, 2009** authorizing the diversion of **0.267** cu. ft. per second of the waters of the **Inyan Kara** for **Use at a Suburban Housing Development** in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **TYVO, LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **1120** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **10 ¾** inches
- 2) Length **1302** feet
- 3) Type **Steel**

Screen:

- 1) Type **Jet Perforated**
- 2) Length **Perforated from 1000-1020 and at 1076-1104** feet
- 3) Static water level **0** feet

Pump:

- 1) Make **Hitachi**
- 2) Size **20 hp**
- 3) Capacity **120** GPM

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:

Approximately 1340 feet south and 60 feet east of the NW corner of Section 11-T3N-R7E

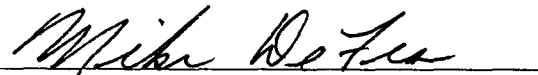
(N 44.23854, W -103.25163) (SW ¼ NW ¼)

The works are capable of diverting and conveying to the place of use **0.267** cu. ft. per second of water which is to be used for a **Suburban Housing Development**.

The license should be issued for **0.267** 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: **December 3, 2009**

Water Permit No. 1826-1

Golden Valley Water
PO Box 588
Black Hawk, SD 57718



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 4, 2009

0 460 920 1,840 2,760 3,680 Feet



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

APR 09 2010

1826-1

Golden Valley Water Company LLC
Kent Hagg
PO Box 845
Rapid City SD 57709

Dear Mr. Hagg:

Enclosed is Water License No. 1826-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

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STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1826-1

(1) Kenny & Kelli McFarland, Piedmont SD made Application No. 1826-1, September 1, 2004 for a water permit to divert 0.267 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for suburban housing development purposes. Permit No. 1826-1, with a priority date of September 1, 2004 was approved November 22, 2004 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before November 22, 2009 and for the application to beneficial use of water on or before November 22, 2013.

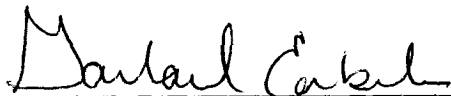
On March 11, 2005, Water Permit No. 1826-1 was transferred to Golden Valley Water Company LLC, PO Box 845, Rapid City SD 57709.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1826-1 is issued a license, bearing a priority date of September 1, 2004 to appropriate 0.267 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: approximately 1,340 feet south and 60 feet east of the northwest corner of Section 11-T3N-R7E (SW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1826-1 including the following now applicable 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.
- The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn each year from the Inyan Kara Formation for suburban housing development



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Water Rights Program
Department of Environment and Natural Resources

APR 09 2010

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 2010

1826-1

Kent Hagg
Golden Valley Water Company LLC
PO Box 8452
Rapid City SD 57709

Dear Mr. Hagg:

Enclosed is Water License No. 1826-1. 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. 1826-1, 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

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