

WATER PERMIT NO. 1833-1

Name of Applicant: Haia Enterprise, Inc.

Address: 159 Homestake Rd, Spearfish SD 57783 Phone: 605 643-2279

Amount of Water Claimed: no add'l Total Acres: 40 acres

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation County: Lawrence

Type of Waste Disposal System:

Location: 8 miles west of Spearfish (near Wy border)

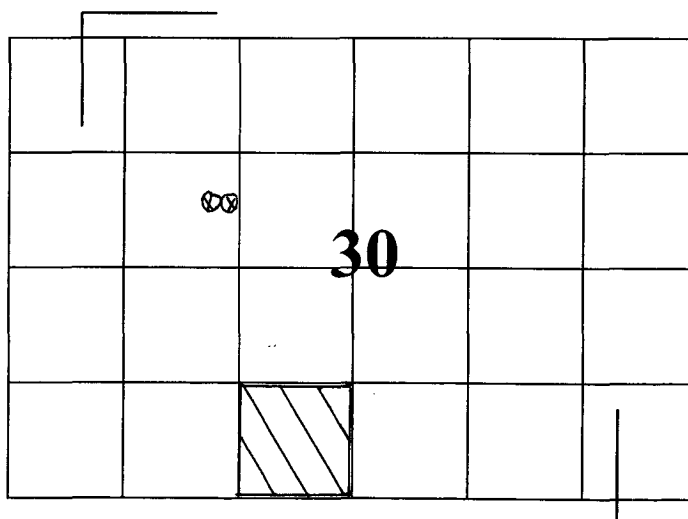
PRIORITY Date Received: 2-3-05 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: March 1 – October 31

Remarks: Will be utilizing the 2 wells authorized by Water Right No. 1244-1

Diversion Point: SW ¼ NW ¼ Sec 30-T7N-R1E

Land to be Irrigated: SE ¼ SW ¼ Sec 30-T7N-R1E



Depth of Well: 402 and 406 feet deep

Well Driller: Howell Brothers

Remarks:

Type of Map: aerial

Prepared by: Robert A Rabja, LA County FSA

Reviewed and the Number Assigned on: XX

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>1833-1</u> (office use only) <u>10/20203</u>
	Basin <u>Belle Fourche</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

RECEIVED
FEB 3 2005 gm
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1244-1
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) extending main line to irrigate additional 40 acres.

- Name of Applicant Haiar Enterprise Inc. Phone 1-307-643-2279
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 159 Homestake Rd Spearfish State S.D. 57783
(no add'l) (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 650 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water (Two wells)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) well #1 = 1830'S and 2140'E of NW cor Sec 30 T7N R1E, well #2 = 1830'S and 2090'E of the NW cor Sec 30, T7N R1E (SE 1/4 NW 1/4) County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used March 1 - Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 1/4 SW 1/4 T-007 R-01</u> <u>Sec 30</u>	<u>40</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

I am buying the 40 acres from Glen Nicholas and I would like to be able to extend the existing mainline south so I could irrigate that additional 40 acres.

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, Leroy Haiar, 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 Leroy Haiar

Subscribed and sworn to before me this 1 day of February 20 04

Donna Weiss

Notary Public signature

My commission expires 9-23-09

**SOUTH DAKOTA
WATER PERMIT NO. 1833-1**

Date of first receipt of application February 3, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1833-1 to Haiar Enterprise, Inc., 159 Homestake Rd, 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. 1833-1 authorizes irrigation of an additional 40 acres. Water Right No. 1244-1 authorizes 1.56 cubic feet of water per second from two wells completed into the Minnekahta aquifer (approximately 400 feet deep) located in the SE ¼ NW ¼ Section 30 to irrigate 127 acres located in the NW ¼, N ½ SW ¼ Section 30; all in T7N-R1E. This permit authorizes irrigation of an additional 40 acres located in the SE ¼ SW ¼ Section 30-T7N-R1E from the two existing wells. No additional diversion rate is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.
3. The date from which applicant may claim right is February 3, 2005.
4. The date of approval of Permit No. 1833-1 is May 16, 2005.
5. One-fifth of the construction is to be completed on or before November 16, 2007.
6. All construction is to be completed on or before May 16, 2010.
7. Water is to be put to beneficial use on or before May 16, 2014.
8. 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 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.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 20 2005

date



For Haiar Enterprise Inc.

Supplemental Information

(type or print in ink)

See well info for permit

Depth # 1244-1

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

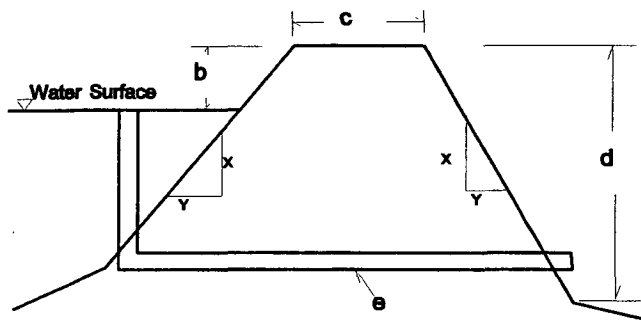
3. Dugout Information

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

4. Water Storage Dams

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

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:
- _____
- _____



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 3, 20 05

RECEIVED OF Zafar Enterprise Inc., Beulah WY 82712

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

Fee for Application for Permit No. <u>1833-1</u> to Appropriate Water, to construct and to put water to beneficial use	135 00	150 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1833-1</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	200.00

No.

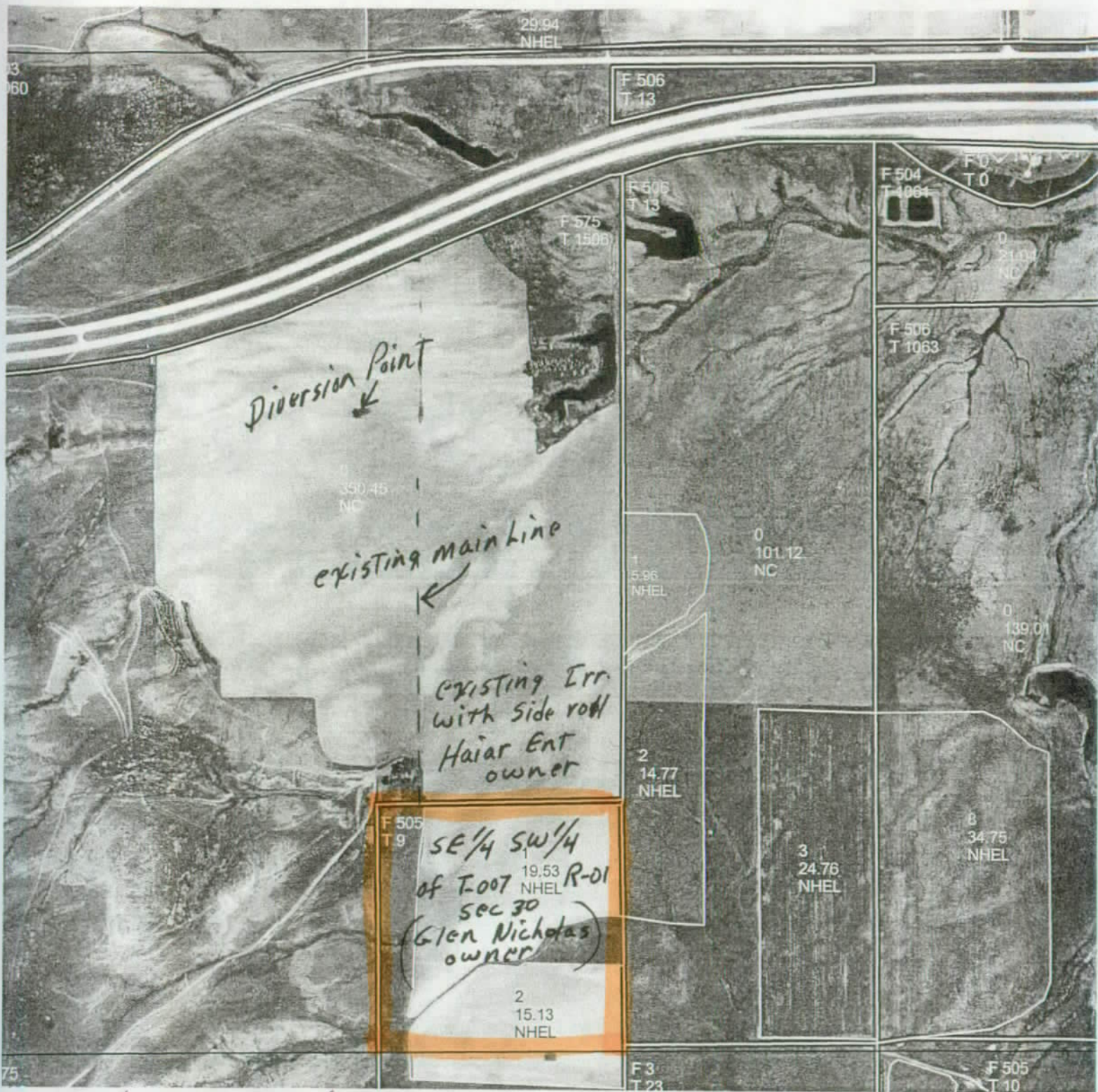
001743

By

Darland Erbe

Chief Engineer

gm



USDA



Farm Service Agency

Map Not to Scale
No Official Wetland Determination

Lawrence County, South Dakota

Sec-Twp-Rng: 30-7N-1E

Map Printed: Oct 14, 2004



1833-1

WATER PERMIT APPLICATION NO. 1833-1
HAIAR ENTERPRISE, INC.
MARCH 31, 2005

Water Permit Application No. 1833-1 proposes to irrigate 40 acres located in the SE¼ SW¼ Sec. 30, T7N-R1E, from two existing wells which are located in the SW¼ NW¼ Sec. 30, T7N-R1E, Lawrence County and completed into the Minnekahta aquifer. Water Right No. 1244-1 authorizes 1.56 cubic feet of water per second from the two wells to irrigate 127 acres located in the NW¼, N ½ SW¼ Sec. 30, T7N-R1E. This application proposes no increase to the diversion rate that is authorized from the wells. Approval of this application will authorize the additional withdrawal of up to 80 acre-feet annually from the wells.

AQUIFER: Minnekahta aquifer (MNKT)

AQUIFER CHARACTERISTICS:

General:

The Minnekahta Limestone is a grayish-pink, laminated, limestone approximately 40 feet thick. The top of the Minnekahta is approximately 350 feet below grade at this well site (Carter and Redden, 1999). The Minnekahta underlies an estimated 126,080 acres of Lawrence County and contains an estimated 315,200 acre feet of recoverable water in storage in the County (Allen and others, 1985). The aquifer is areally extensive around the Black Hills and is hydraulically connected into Wyoming to the west, Butte County to the north and Meade County to the east. The Minnekahta is confined and under artesian conditions in this area and the information supplied with this application indicate these existing wells flow at the surface.

Water Availability:

The availability of unappropriated water from the Minnekahta Limestone in this area 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 Minnekahta Limestone area occurs through direct infiltration of precipitation falling on the outcrop (approximately two and one-half miles from this project), (Strobel and others, 1999), and possibly from upward leakage from underlying aquifers. The average annual recharge to the Minnekahta has been estimated to be 6,500 ac-ft/yr (Driscoll and Carter, 2001).

Total withdrawals from wells completed into the Minnekahta are estimated to be 700 ac-ft/yr (Driscoll and Carter, 2001). The largest use of the Minnekahta is irrigation use. The number of appropriations and the amount of water reported pumped each of the past 16 years is shown in figure 1.

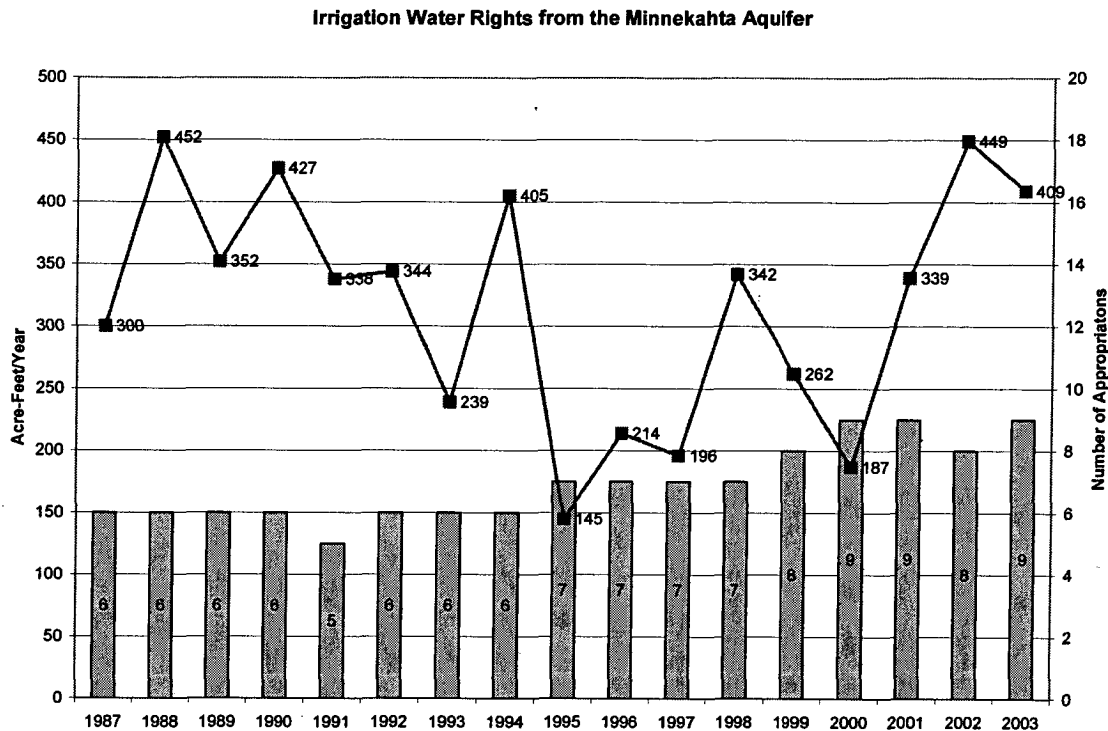


Figure 1. Irrigation Usage of the Minnekahta Aquifer from 1987-2003 (Water Rights, 2004)

A comparison of the average annual recharge and well withdrawals from the Minnekahta aquifer indicate that unappropriated water is available.

The Water Rights Program monitors four observation wells completed into the Minnekahta Limestone (Water Rights, 2005b). The nearest of these wells, Observation Well LA-94A, is located approximately two and one-half miles southeast of this site. Measurements taken from the well indicate the water level fluctuates naturally, as much as 40 feet in response to seasonal and annual climatic conditions. The water level rises in the spring and declines the rest of the year, and the water level is lower during drought years (figure 2). In general, the Water level measurements suggest that withdrawals have not exceeded recharge over the period of record.

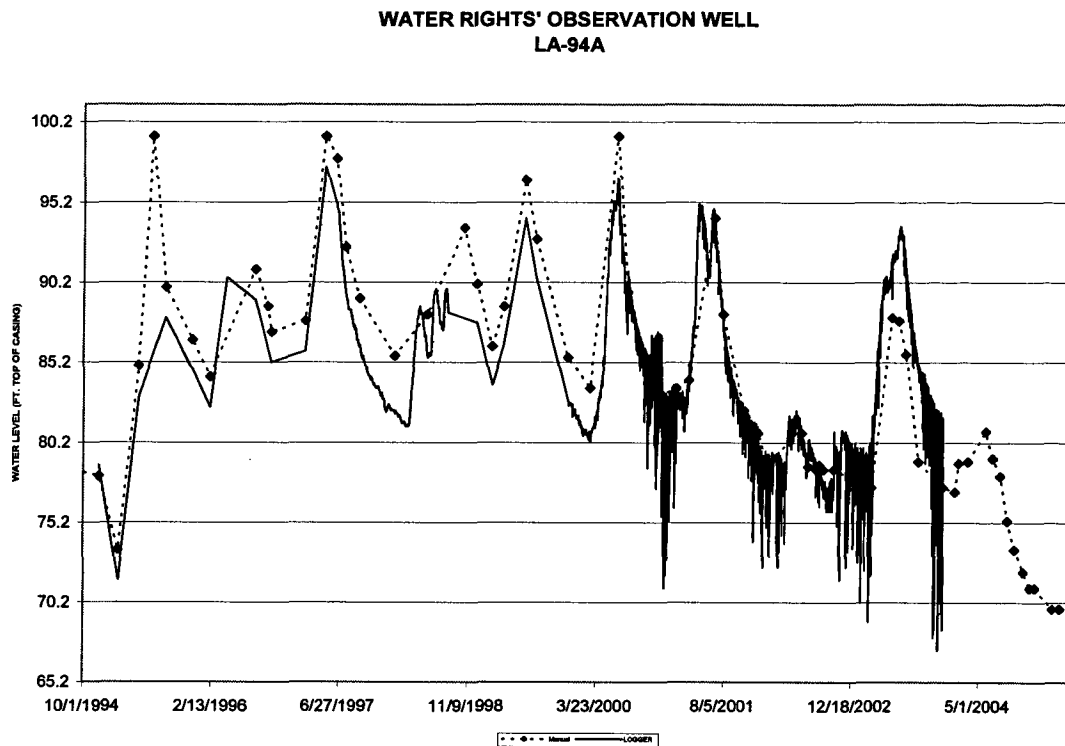


Figure 2. Hydrograph of Water Rights' Observation Well approximately two and one-half miles southeast of this well site

The additional 80 ac-ft/yr represented by this appropriation would have a negligible effect on the availability of unappropriated water from the Minnekahta aquifer. Approval of this application will not cause withdrawals from the aquifer to exceed recharge.

Effects on Existing Water Rights:

There are eight Water Rights appropriating groundwater within four miles of 1833-1 (Water Rights, 2005c), they are shown in table 1. Although Water Right Numbers 749-1 and 752A-1 are supplied by wells completed into the Spearfish aquifer, the actual water source may be the Minnekahta aquifer. The Water Rights Program also has record of over seventy domestic wells within four miles.

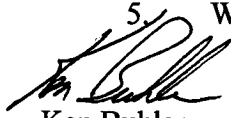
PERMIT NO	NAME	AQUIFER	USE	CFS
1181-1A	KEITH/LELAND JOHNSON	MDSN	IND	0.16
1197-1	DARRELLNICHOLAS	MNLS	IRR	0.56
1244-1	HAIAR ENTPS INC	MNKT	IRR	1.56
1772-1	FISHER SAND & GRAVEL	MNLS	COM	0.08
341A-1	CRIS D/DIANNE K MILLER	MNLS	IRR	3.40
341B-1	PAUL M MILLER , SR TRUST	MNLS	IRR	1.19
749-1	GAME FISH & PARKS	SPRF	FWP	2.23
752A-1	GAME FISH & PARKS	SPRF	FWP	3.23

Table 1. Groundwater appropriations within four miles of 1883-1

Well interference is not expected to be a concern since this appropriation will not increase the diversion rate authorized for these existing wells.

CONCLUSIONS:

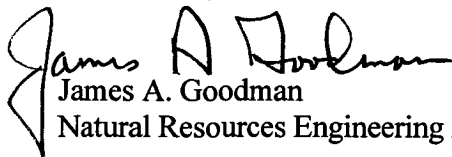
1. The Minnekahta Limestone is a viable source of groundwater in this area.
2. There is a reasonable probability that unappropriated groundwater is available from the Minnekahta Limestone in this area.
3. There are numerous domestic wells and wells supplying appropriative rights in this area.
4. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small increased diversion rate requested from the well.
5. Well must be shut-in to prevent waste of water when not in use.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

REFERENCES:

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory, Department of Water and Natural Resources,

Carter, J.M., and Redden, J.A., 1999, Altitude of the Top of the Minnekahta Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-B, 2 sheets, scale 1:100,000

Driscoll, D.G., and Carter J.M., 2001, 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

Water Rights, 2004, Irrigation Use Summary Report 1987-2002, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2005a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2005b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2005c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, 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

Carter, J.M., Driscoll, D.G., Hamade, G.R., 2001, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 191-98, Water-Resources Investigations Report 00-4278, 66 p.

Carter, J.M., Redden, J.A., 1999a, 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., Redden, J.A., 1999b, Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-E, 2 sheets, scale 1:100,000

Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996, Water-Resources Investigations Report 01-4119, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD

Greene, E.A., 1993, Hydraulic Properties of the Madison Aquifer System in the Western Rapid City Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4008, 56 p.

Rahn, P.H., 1979, Ground Water Resources of Western South Dakota: U.S. Army Corps of Engineers, SDSM&T Project #2533

- 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., Jarrell, G.J., and 2000, Potentiometric Surface of the Madison Aquifer in the Black Hills Area, South Dakota: U.S., Geological Survey Hydrologic Investigations Atlas HA-745-D, 2 sheets, scale 1:100,000
- Water Rights Program, 2005a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of the Interior, Bureau of Land Management



**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. 1833-1, Haiar Enterprise, 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. 1833-1, Haiar Enterprise, Inc., c/o Leroy Haiar, 159 Homestake Road, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1833-1 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 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 well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 19, 2005

NOTICE OF
APPLICATION
NO. 1833-1
to Appropriate Water

Affidavit of Publication

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No. 1833-1

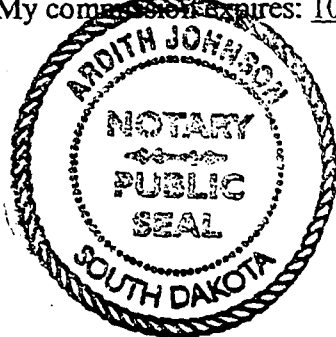
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 27th day of April, 2005 and the last publication on the 4th day of May, 2005, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 39.94, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 4th day of May, 2005



Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2010



Notice is given that Haiar Enterprise, Inc., 159 Homestake Rd, Spearfish SD 57783 has filed an application to irrigate additional 40 acres. Water Right No. 1244-1 authorizes 1.56 cubic feet of water per second from two wells completed into the Minnekahta aquifer (approximately 400 feet deep) located in the SE1/4NW1/4 Section 30 to irrigate 127 acres located in the NW1/4, N1/2SW1/4 Section 30; all in T7N-R1E. This application proposes to irrigate an additional 40 acres located in the SE1/4SW1/4 Section 30-T7N-R1E from the two existing wells. No additional diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1833-1 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 May 16, 2005.

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

#874
April 27, May 4

RECEIVED
MAY 13 2005
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2005

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1833-1 to Appropriate Water to be published twice. Please publish the first notice on April 27, 2005 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 Haiar Enterprise Inc., % Leroy Haiar, 159 Homestake Rd, Spearfish SD (Ph # 307-643-2279).

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. 1833-1

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

Date _____

We are in receipt of your letter of April 19, 2005 enclosing Notice to Appropriate Water by Application No. 1833-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 27 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1833-1 to Appropriate Water

Notice is given that Haiar Enterprise, Inc., 159 Homestake Rd, Spearfish SD 57783 has filed an application to irrigate additional 40 acres. Water Right No. 1244-1 authorizes 1.56 cubic feet of water per second from two wells completed into the Minnekahta aquifer (approximately 400 feet deep) located in the SE ¼ NW ¼ Section 30 to irrigate 127 acres located in the NW ¼, N ½ SW ¼ Section 30; all in T7N-R1E. This application proposes to irrigate an additional 40 acres located in the SE ¼ SW ¼ Section 30-T7N-R1E from the two existing wells. No additional diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1833-1 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 May 16, 2005.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 19, 2005

Haiar Enterprise Inc
% Leroy Haiar
159 Homestake Rd
Spearfish SD 57783

Dear Mr. Haiar:

Water Permit Application No. 1833-1 for irrigation 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 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 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.



JUN 20 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Haiar Enterprise Inc
159 Homestake Rd
Spearfish SD 57783

Dear Sir:

Enclosed is Water Permit No. 1833-1 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

RECEIVED

MAY -7 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-4-07

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

FROM: Haier Enterprise Inc.
(name)

159 Homestake Rd.
(address)

Spearfish, S.D. 57783
(city, state, zip)

307643-2279
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

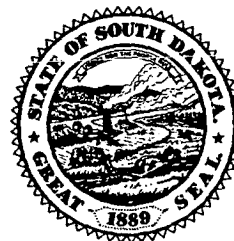
Water Permit No. 1833-1 states that the water use system is to be constructed by May 16, 2010, and water is to be put to beneficial use by May 16, 2014.
(date) (date)

The water use system was completed on 5-1-07.
(date)

Applying the water to beneficial use was completed on 5-2-07.
(date)

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

by Leroy Haier, Pres.
(signature)



Permit No. 1833-1
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, **27 August 2007**, made a thorough examination of the water use system constructed by **Haiar Enterprise Inc.** of **159 Homestake Rd, Spearfish, SD. 57783** holder of Permit No. **1833-1**, bearing the priority of **03 February 2005** authorizing the diversion of **0.0** cu. ft. per second of the waters of **the Minnekahta Aquifer** for **irrigation** purposes, in **Lawrence** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm **Howell Brothers, Osage Wyoming**
- 2) No. of Wells **2**
- 3) Depth(s) **402/406** feet
- 4) Well log is available **Y**
- 5) Comment: **1833-1 is adding additional irrigated acres to vested right 1244-1**

Casing:

- 1) Diameter **8 / 8** inches
- 2) Length **51 / 361** feet
- 3) Type **steel / unknown**

Screen:

- 1) Type **none / none**

Pump:

- 1) Make **Berkeley**
- 2) Capacity **550** GPM
- 3) Model **34JPBPH**

Motor:

- 1) Make **Baldor**
- 2) Model No. **JPM 2531T**
- 3) Horsepower rating **25** hp

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

- 1) Type **PVC**
- 2) Size **8** inches

C. Works used to apply water to beneficial use:

Sideroll: 2 side rolls

- 1) Length **1000 / 1000** feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none
- 4) Chemigation Equipment: Does not chemigate
- 5) All structures, wells and lands on map Y

The system is in good condition with the points of diversion located as follows: (1) SE ¼ NW ¼ Sec30-T7N-R1E, 2,140 feet east and 1,930 feet south of the northwest corner of Sec30-T7N-R1E, (2) SE ¼ NW ¼ Sec30-T7N-R1E, 2,090 feet east and 1,830 feet south of the northwest corner of Sec30-T7N-R1E, approximately N 44.54162 Latitude and W -104.04772 Longitude (Longitude and Latitude point taken at center of shelter that covers the two valves). The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T7N-R1E

Vested Right No. 1244-1

Section 30:

NW ¼ NW ¼	5 acres
NE ¼ NW ¼	10 acres
SW ¼ NW ¼	22 acres
SE ¼ NW ¼	32 acres
NW ¼ SW ¼	20 acres
NE ¼ SW ¼	38 acres

Permit No. 1833-1

Section 30:

SE ¼ SW ¼	20.3 acres
SW ¼ SE ¼	14.7 acres

Section 31:

NE ¼ NW ¼	2.5 acres
NW ¼ NE ¼	1.5 acres

comprising a total of 166 acres of land and the license should be issued for 1.56 cfs.

Comments or other permit(s) associated with the project: **Well locations taken from Vested Right No. 1244-1 documents. Permit No. 1833-1 is adding 39 irrigated acres to Vested Right No. 1244-1**



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 12 September 2007

Licensing of Acreage Outside of Permitted Area

NAME: Haiar Enterprises Inc.

ADDRESS: 159 Homestake Rd, Spearfish, SD. 57783

DATE: 21 September 2007

COUNTY: Lawrence

TELEPHONE: 307-643-2279

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 166 acres as compared to 167 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

NE ¼ NW ¼ Section 31-T7N-R1E 2.5 acres

NW ¼ NE ¼ Section 31-T7N-R1E 1.5 acres

- **Owned by Same Property Owner**

All of the acreage is owned by Haiar Enterprises Inc

- **Developed Prior to Expiration of Construction Period**

The construction period for Water Permit No. 1833-1 does not end until May 16, 2010. The permit holder submitted a "Completion of Works" form notifying the Program they had completed all development on May 1, 2007.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 4.0 acre area be included in the water license.

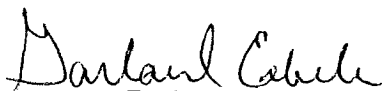


Mark Costello, Natural Resources Engineer

Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer

Water Rights Program



South Dakota

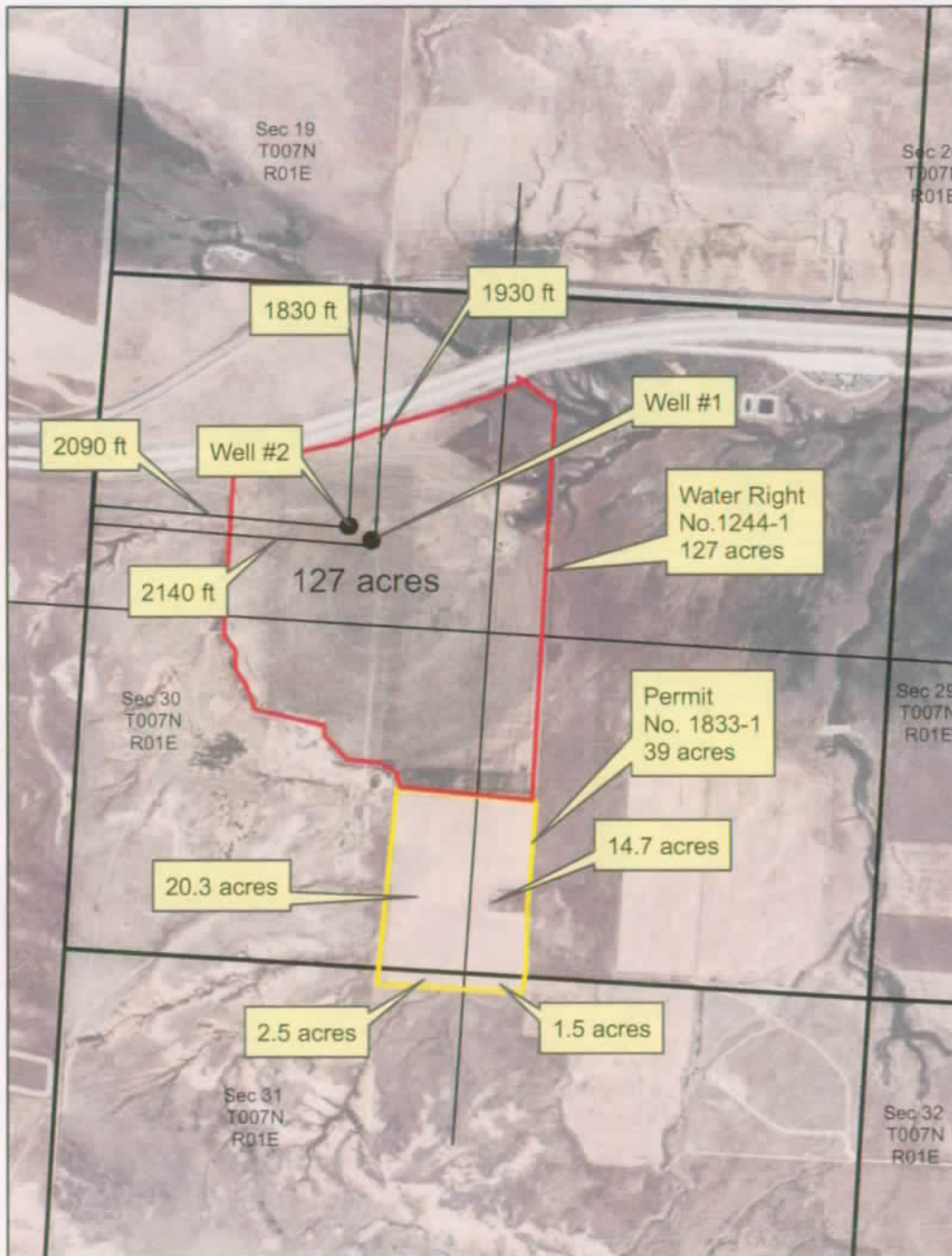
1833-1

Haier Enterprise Inc.
159 Homestake Rd.
Spearfish, SD.57783

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



Mark Costello
Mark Costello
Natural Resources Engineer
DENR, Water Rights
12 September 2007

0 500 1,000 2,000 3,000 4,000
Feet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1833-1

(1) Haiar Enterprise Inc, 159 Homestate Rd, Spearfish SD 57783 made Application No. 1833-1, February 3, 2005 for a water permit to include an additional 40 acres to the irrigation system authorized by Partial Vested Water Right No. 1244-1. Water Permit No. 1833-1 did not authorize an increase in the diversion rate from the two existing wells. The land irrigated is located in Lawrence County, South Dakota. Permit No. 1833-1, with a priority date of February 3, 2005 was approved May 16, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 16, 2010 and for the application to beneficial use of said water on or before May 16, 2014.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 7, 2007. The "Notice" stated the water use system was completed on May 1, 2007 and the water placed to beneficial use on May 2, 2007.

An August 27, 2007 investigation of the water use system found four acres developed outside of the permitted area. The total acreage developed for irrigation is within the number originally permitted. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that acreage developed for irrigation outside of the area described on the permit does not impair existing water rights.

The applicable portions of Partial Vested Water Right No. 1244-1 have been incorporated into this Water License. Priority dates as they pertain to the acreage irrigated are described below.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well #1 – 2,140 feet E and 1,930 feet S of the NW corner of Section 30, T7N, R1E (SE ¼ NW ¼);
- Well #2 – 2,090 feet E and 1,830 feet S of the NW corner of Section 30, T7N, R1E (SE ¼ NW ¼).

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

Legal Description		Acres	Priority date
Section 30, T7N, R1E	NW ¼ NW ¼	0.90 acres	March 24, 1953 (253-1)
		4.10 acres	January 6, 1982 (1244-1)
	NE ¼ NW ¼	10.00 acres	March 24, 1953 (253-1)
	SW ¼ NW ¼	3.90 acres	March 24, 1953 (253-1)
		18.10 acres	January 6, 1982 (1244-1)
	SE ¼ NW ¼	32.00 acres	March 24, 1953 (253-1)
	NW ¼ SW ¼	20.00 acres	January 6, 1982 (1244-1)
	NE ¼ SW ¼	9.70 acres	March 24, 1953 (253-1)
		28.30 acres	January 6, 1982 (1244-1)
	SE ¼ SW ¼	20.30 acres	February 3, 2005 (1833-1)
Section 31, T7N, R1E	SW ¼ SE ¼	14.70 acres	February 3, 2005 (1833-1)
	NE ¼ NW ¼	2.50 acres	February 3, 2005 (1833-1)
	NW ¼ NE ¼	1.50 acres	February 3, 2005 (1833-1)
Total		166.00 acres	

Page 2

Water License No. 1833-1

(4) Pursuant to South Dakota Water Law 46-5-30.1 Haier Enterprise Inc, 159 Homestake Rd., Spearfish SD 57783 the holder and/or owner of Partial Vested Water Right No. 1833-1 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from two wells (Minnekahta aquifer) with priority dates of March 24, 1953, January 6, 1982 and February 3, 2005 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Partial Vested Water Right No. 1833-1 and subject to the following qualifications:

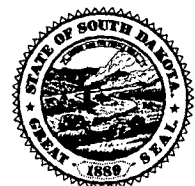
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 09 2007

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

OCT 09 2007

1244-1
1833-1

Leroy Haiar
Haiar Enterprise Inc
159 Homestake Rd
Spearfish SD 57783

Dear Mr. Haiar:

Enclosed is your Water License No. 1833-1. This is the final water right document completing your process of obtaining a Water Right. Also included with the 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 wells authorized by Water Right No. 1833-1, 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, appearing to read "Garland Erbele".

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

enclosures

Note: The applicable portions of Partial Vested Water Right No. 1244-1 were incorporated into Water License No. 1833-1.