

WATER PERMIT NO. 1847-1

Name of Applicant: Elk Creek Village / Northern Meadows

Address: PO Box 263, Rapid City SD 57705 Phone: 605 390-1400

Amount of Water Claimed: 0.17 cfs Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: suburban housing development County: Meade

Type of Waste Disposal System:

Location: near Piedmont

PRIORITY Date Received: 6-20-2005

Application/License Fee: \$200

Corrected Application Received: 7-14-2005

Period of Annual Use: January 1 – December 31

Remarks: newer well will be used as a standby well

Diversion Point: NE ¼ NW ¼ Sec 9-T3N-R6E

Land to be Irrigated: NA

Depth of Well: 365 and 455 feet deep

Well Driller: : Taylor Drilling and Cimmaron

Drilling

Remarks:

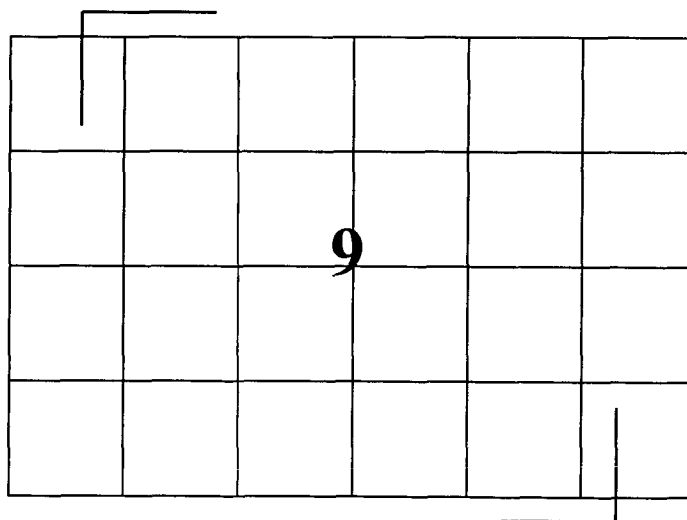
Type of Map: plat

Prepared by: John M Arleth, PE

Reviewed and the Number Assigned on: 7-14-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1847-1**

Date of first receipt of application June 20, 2005.

Date of return to applicant for corrections, amendments or changes June 28, 2005.

Date of receipt of corrected application July 14, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1847-1 to Elk Creek Village / Northern Meadows, PO Box 263, Rapid City SD 57709 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. 1847-1 appropriates 0.17 cubic feet of water per second from two wells completed into the Minnelusa Aquifer (365 and 455 feet deep) located in the NE ¼ NW ¼ Section 9-T3N-R6E.
2. The water appropriated shall be used for the purpose of suburban housing development use 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. 1847-1 is September 12, 2005.
5. The date from which applicant may claim right is June 20, 2005.
6. One-fifth of the construction is to be completed on or before March 12, 2008.
7. All construction is to be completed on or before September 12, 2010.
8. Water is to be put to beneficial use on or before September 12, 2014.
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 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 permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 30 2005

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1847-1</u> (office use only) Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Meade Co Times-Tribune-Sturgis</u>

RECEIVED
JUN 20 2005
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: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Elk Creek Village / Northern Meadows Phone 605 390 1900
(check one) Owner Tenant/lessee
Mailing Address P.O. Box 263 Rapid City State SD Zip Code 57209
(Street, RR, or Box and City)
- Amount of water claimed 0.17 *CFS or 75 **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 2 wells - Minnekahta formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 NW 1/4 Section 9 3N 6E
County _____
- County or counties where water will be used Meade Co. South Dakota
- Annual period during which water is to be used Jan 1 - Dec 31
yearly - stand by well for subdivision
- 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)
stand by well for existing subdivision, original well drilled in early to mid 1970's by Phil Pridham.

STATE OF SOUTH DAKOTA)

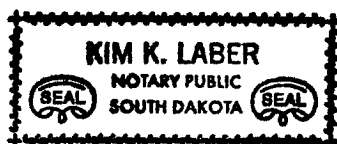
County of Pennington SS

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

I, Scott Nash, 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 [Signature]

Subscribed and sworn to before me this 17th day of June 20 05



Expires:
June 22, 2009

[Signature]
Notary Public signature

Supplemental Information

Information provided By

Only 1 well in use at a time (type or print in ink)

Randy Taylor of Taylor Drilling.
well Drilled in Summer of 1978

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 365' cased to 295'
- b) Casing Type ~~7" OD~~ Steel for 295' Diameter 7" OD 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) 90' from surface @ time well was drilled
- g) Distance to nearest existing domestic well: 100'
- On applicants property 100' yes On property owned by others 500 - 600'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank & Drain fields used in Subdiv. 3. 2nd
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of N/A Sanitary System _____

3. Dugout Information

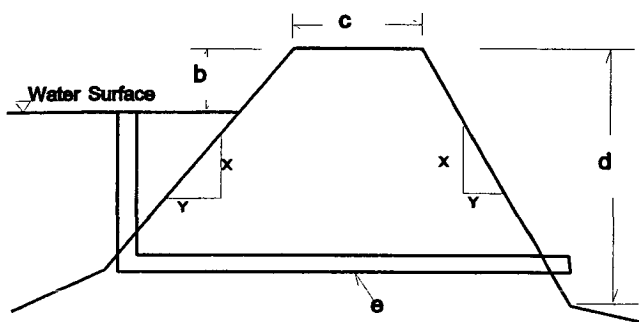
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) N/A

4. Water Storage Dams

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

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

N/A



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

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 455'
- b) Casing Type PVC Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 360'
- f) Depth to Water (ground surface to water level) 20' static water level
- g) Distance to nearest existing domestic well: 100'

On applicants property Yes On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank & Drain fields used in the District
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of N/A Sanitary System _____

3. Dugout Information

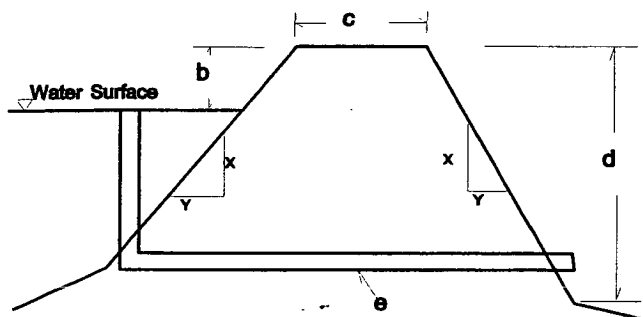
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) N/A

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

N/A



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

NW1/16 CORNER
SECTION 9

442.63'

WELL LOCATION SURVEY

LOCATED IN LOT W, BLOCK 4 OF ELK
CREEK VILLAGE LOCATED IN THE NE1/4
NW1/4 OF SECTION 9, T.3N., R.6E.,
B.H.M., MEADE COUNTY, SOUTH DAKOTA

N76°14'52"E
658.59'

122.73'

S 00°00'14"E

200.00'

PREVIOUSLY PLATTED
LOT W, BLOCK 4
(FOR WATER SUPPLY
AND STORAGE)

S 89°59'46" W
200.00'

N 44°18'16" E 380.95'

LOT 13, BLOCK 4

(N E 1/4 NW 1/4)

LOT 12, BLOCK 4

S 74°19'46" W
361.61'

N 74°19'46" E
383.19'

LOT 11, BLOCK 4

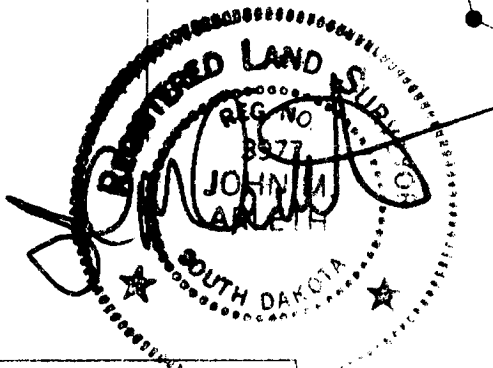
PUMP HOUSE
Original
1978 Well still
in use

NEW WELL

S 26°56'46" W
200.47'

N 26°56'46" E
213.58'

ELK HORN ROAD



**ARLETH &
ASSOCIATES**
382 MAIN STREET
DEADWOOD, SD 57732
805-578-1637

DATE: JUNE 18, 2008
SCALE: 1" = 100'
DRAWN BY: JR
APPROVED: JMA
DWG: WELL LOCATE.DWG

1847-1

RECEIVED

AUG 10 2005

WATER RIGHTS
PROGRAM

ok
Fridham

8/15/78

Well #1 Dry Hole

286' 7" casing

320' Drilling

250 GPM water & sand

(casing got stuck + had to
move well about 150' away)

Well #2

Total Depth 365'

100 GPM

Static 90'

290' 7" casing

0-55 Minnekahta Limestone

55-70 purple shale

70-120 red shale

120-310 red & white sandstone & limestone

310-350 rose & yellow sandstone

350-360 red sandstone

360-365 red shale

* 2nd Card
I found

Phil

Fridham

duplicate

8/15/78

Well #1 Dry Hole

286' 7" Casing

320' Drilling

250 GPM water & sand

Well #2

Total Depth 365'

100 GPM

Static 90'

290' 7" Casing

0-55 Minnekahta Limestone

55-70 purple shale

70-120 red shale

120-310 red and white sandstone & limestone

310-350 rose & yellow sandstone

350-360 red sandstone

360-365 red shale

← Sent
earlier

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NW 1/4 Sec 9 Twp 3-N Rg 6-E
 County Hot W Hot 4 Rev North Elk Creek Village
Meade

Please mark well location with an "X"

W

E

Well Completion Date

9-26-04

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air-Water

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 6 IN 0 FT 360 FT 8 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Portland 60 94/6 lb./gal 0 ft. 360 ft.
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure Pressure Grout then casing
displace with water by mud pump to surface

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: Chlorine

_____ NO, Why Not? Permits

Laboratory sent to for water quality analysis _____

owner to complete

Well Owner: Elk Creek Village

Business Name: Northern Meadows

Address: P.O. Box 263

Rapid City, S.D. 57709

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Gray Limestone (Minnekahta)</u>	<u>0'</u>	<u>50'</u>
<u>Pellao SS shale & purple shale</u>	<u>50'</u>	<u>80'</u>
<u>Red shale (Opeche)</u>	<u>80'</u>	<u>220'</u>
<u>Pink Sand & Sandstone</u>	<u>220'</u>	<u>300'</u>
<u>Sandstone & limestone</u>	<u>300'</u>	<u>330'</u>
<u>Buff Sand</u>	<u>330'</u>	<u>375'</u>
<u>Pink Sand & L.S. Shingles</u>	<u>375'</u>	<u>430'</u>
<u>Pink Sand</u>	<u>430'</u>	<u>455'</u>
<u>(Minnekahta Fm)</u>		

STATIC WATER LEVEL 20' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air developed
☐ Bailed
☒ Other _____

Pumping Level Below Land Surface

260 ft. After 2 Hrs. Blow 150 GPM

80 ft. After 2 Hrs. Blow 75+ GPM

If pump installed, pump rate _____ GPM

REMARKS

Permit handled by
Bob Pawles

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm Cimarron Drilling Inc.

Signature of License Representative

Michael J. Deutch

Signature of Well Owner or Equitable Property Holder

Date: _____

IVED

2005

RIGHTS

GRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 20, 20 05

RECEIVED OF Northern Meadows LLC, PO Box 263, Rapid City SD 57709

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

Fee for Application for Permit No. <u>1847-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1847-1</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.

0111 9

By

Darlene Eiche

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2005

Elk Creek Village
Northern Meadows
PO Box 263
Rapid City SD 57709

Dear Sir:

A well driller's report filed with us by Cimarron Drilling, Inc. shows a new well has been completed for your suburban housing development. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, if water is to be conveyed to users by a water distribution system diverting more than a peak rate of eighteen gallons per minute, the system will need a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit, if necessary. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by June 1, 2005.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

Water Rights Program - File Documentation

NAME: Scott Nash

ADDRESS: Elk Creek Village / Northern Meadows

DATE: 7-12-05 **COUNTY:** MD **TELEPHONE:**

RE: pending application

COMMENTS:

Scott Nash called regarding his application. Mr. Nash indicated that they do not use both wells at the same time and they will not exceed the 75 gpm requested on the application.

He called Taylor Drilling about the old well. Taylor Drilling indicated they drilled the well in 1978 and give Mr. Nash the information to complete the Form 2A.


Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 28, 2005

Elk Creek Village/Northern Meadows
c/o Scott Nast
PO Box 263
Rapid City SD 57709

RECEIVED

JUL 14 2005

WATER RIGHTS
PROGRAM

Dear Mr. Nast:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a suburban housing development. In order to complete the application the following is required.

1. • I have reviewed our files and cannot find any water rights for this existing subdivision. Therefore, we would suggest that you include the existing well on this application also. We will need to know the diversion rate (amount of water claimed) from the old well. Will both wells ever be used at the same time and if so what will that diversion rate be? Based on this information an additional fee may be required.
2. • Enclosed is another Supplemental Information sheet to be completed for the first well. Please complete as much of the information as possible. I could not find a well completion report for the first well either.
3. • The map is being returned. Please mark the location of the first well with an "X".

If you have any questions, please contact me.

Sincerely,

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

enclosure

c: Bob Powles

1. Old well @ 75 Gpm - Both wells will Not be pumped @ same Time - only 1 at a time
2. Information provided on the old well on form 2A Came from Taylor Drilling in Rapid City SD.
3. Old well location marked on map in Red.

If additional Info is Needed - Will Try to Provide - Scott

WATER PERMIT APPLICATION NO. 1847-1
ELK CREEK VILLAGE/ NORTHERN MEADOWS
AUGUST 11, 2005

Water Permit Application No.1847-1 proposes to appropriate 0.17 cubic feet of water per second from two existing wells completed into the Minnelusa Formation (365 and 455 feet deep), located in the NE¼ NW¼ Sec. 9, T3N-R6E, Meade County. The water is for suburban housing development use.

AQUIFER: Minnelusa aquifer (MNLS)

GENERAL:

The Minnelusa Formation consists of alternating beds of sandstone and dolomitic limestone with lesser amounts of shale and chert, approximately 500 feet thick in this area (Carter and Redden, 1999a; Carter and Redden, 1999b). The Minnelusa Formation outcrops less than one-half mile west of this site (Strobel and others, 1999) and the logs for the wells that are to be used for this project report the top of the formation to be 120 and 220 feet below grade respectively. The porous portions of the formation form the Minnelusa aquifer. Well sorted sand lenses have porosity's approaching 25%, but generally the sands have porosity's of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa Formation underlies virtually all of western South Dakota and the Minnelusa aquifer contains over 755 million acre-feet of recoverable water in storage (Allen and others, 1985). The Minnelusa aquifer underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage in the county (Allen and others, 1985). Ground water movement in the aquifer is probably toward the east (Strobel, and others, 2000). The water quality of the aquifer is generally good near the outcrop but deteriorates considerably with distance from the recharge area. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 0.86 to 12,000 ft²/d, and the storage coefficient ranges from 0.003 to 5.0 x10⁻⁹ (Driscoll, and others, 2002). The completion reports submitted for these wells indicate the older well produced 100 gallons per minute when air developed and had a static water level of 90 feet below grade in August 1978; and the newer well was air developed at a rate of 150 gallons per minute and had a static water level of 20 feet below grade in September 2004.

WATER AVAILABILITY:

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

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

There are a total of 191 appropriations from the Minnelusa aquifer in South Dakota, including one Future Use Reservation (Future Use Permit No. 902-2, SD Cement Plant)(Water Rights, 2005d). The aquifer is used primarily for domestic, commercial, municipal, suburban housing and irrigation uses. There are 65 permits/rights appropriating water from the Minnelusa aquifer in Meade County (Water Rights, 2005c). Water permits

and rights represent appropriations up to 10,287.04 acre-feet annually for irrigation use (Water Rights, 2005) and a combined diversion rate of 30.48 cfs for non-irrigation uses (Water Rights, 2005c). The Future Use Permit (No. 902-2) reserves 1,364 acre-feet annually. Maximum well withdrawals from the Minnelusa aquifer, assuming (1) that permits/rights with an annual withdrawal limitation (ac-ft/yr.) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); would be approximately 25,000 acre-feet per year. The actual amount of water used from the aquifer is considerably less than this estimate, for example the reported pumpage for irrigation use in 2004 was 2,645.39 ac-ft compared with the 10,287.04 ac-ft/yr appropriation. Withdrawals from wells (domestic and appropriative) completed into the Minnelusa aquifer were estimated to be 8,108 acre-feet annually from 1987-1996 (Carter and others, 2001b).

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

The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area (Water Rights, 2005b). Water Rights' Observation Well MD-84A is located approximately one and one-half miles southeast of the wells to be used for 1847-1. The hydrograph for the observation well (figure 1), is fairly typical for the Minnelusa aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July. The hydrograph also shows the magnitude of fluctuation in the water levels in the area ($\cong 35'$ in MD-84A).

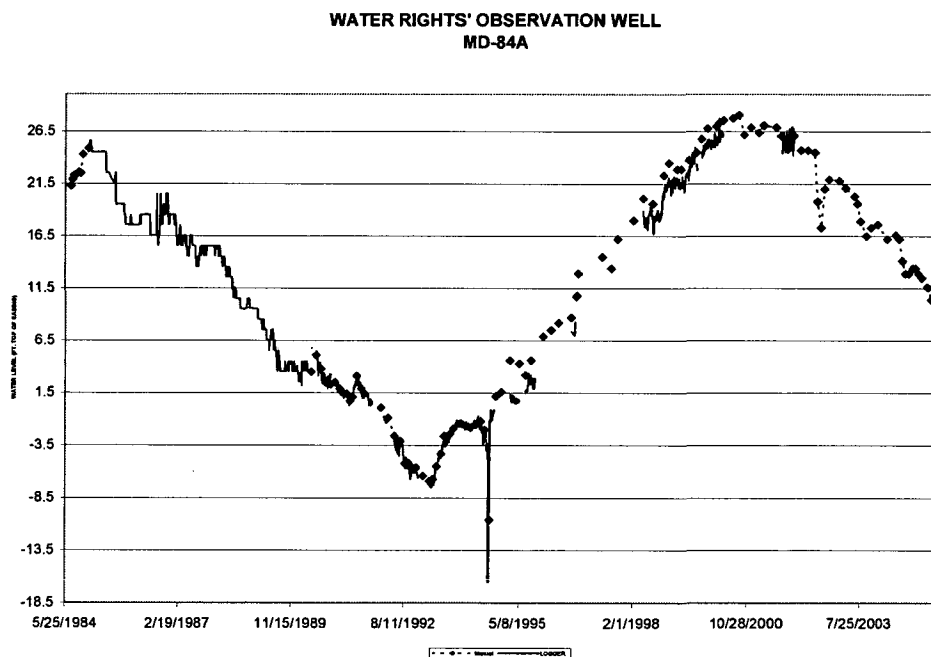


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately one and one-half miles southeast of 1847-1

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

AFFECTS ON EXISTING RIGHTS:

There are 17 Water Rights/Permits appropriating groundwater within approximately two miles of 1847-1, they are shown in table 1.

PERMIT NO	NAME	AQUIFER	USE	CFS
1155-1	DONALD/BETTY WITTINGER	MNLS	COM	0.03
1512-1	ELK CREEK STEAKHOUSE	MNLS	COM	0.02
1614-1	OPEN SEASON LLC	MNLS	COM	0.08
1641-1	LANTIS FIREWORKS	SPRF	COM	0.02
1902-2	CAROL'S SLASH J BAR	MNLS	COM	0.01
1376-1	MOUNTAIN WEST LLC	ALQ	IND	0.33
1336-1	PIEDMONT SENIOR CITIZENS CENTER	MNKT	INS	0.10
1682-1	STANLEY W SCHEURER	MNLS	SHD	0.11
1640-1	JOHN G BOYLAN	MNLS	COM	0.04
1694-1	DAN C KESSLER	MNLS	COM	0.07
1822-1	JACK'S CAMPER SALES	MNLS	COM	0.07
1759-1	PIEDMONT FIRE PROTECTION	MNLS	DOM	0.09
1464-1	MOUNTAIN WEST LLC	MNKT	IND	0.34
1507-1	PIEDMONT BAPTIST CHURCH	MNLS	INS	0.02
1845-1	MEADE SCHOOL DIST 46-1	MNLS	INS	0.04
1736-1	STANLEY SCHEURER	MDSN	SHD	1.11
1787-1	KASKI HOMES INC	MNLS	SHD	0.10

Table 1. Groundwater appropriations within approximately two miles of 1847-1

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

There are six appropriations from the Minnelusa aquifer within one mile of 1847-1. They are listed in table 2.

PERMIT NO	NAME	DIST FROM 1847-1. (ft)
1694-1	DAN C KESSLER	2750
1787-1	KASKI HOMES INC	3700
1682-1	STANLEY W SCHEURER	4100/4225 (two wells)
1845-1	MEADE SCHOOL DIST 46-1	4150
1155-1	DONALD/BETTY WITTINGER	4450
1902-2	CAROL'S SLASH J BAR	5050

Table 2. Minnelusa appropriations within one mile of 1847-1

In addition to the wells supplying Water Permits/Rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2005a).

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

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

Any interference this proposed use would have on these or other water rights/permits is not expected to be adverse due to the relatively low diversion rate requested by this application. These are existing wells that has presumably been in use since 1978 and 2004 respectively, with no complaints from existing users.

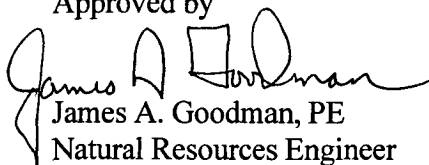
CONCLUSIONS:

1. The Minnelusa aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa aquifer is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3A. B.C. and 4A. B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Carter, J.M., and Redden J.A., 1999a, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C, 2 sheets, scale 1:100,000
- Carter, J.M., and Redden J.A., 1999b, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey: Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years, 1931-98: U.S. Geological Survey Water Resources Investigations Report 00-4278, 66 p.
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-96: U.S. Geological Survey Water-Resources Investigations Report 01-4119, 53 p.
- Driscoll, D.G., Carter, J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water Resources Investigations Report 02-4094, 150 p.
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C, 3 sheets, scale 1:100,000
- Strobel, M.L., Galloway, J.M., Hamade, and G.R., Jarrell, G.J., 2000, Potentiometric Surface of the Minnelusa Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745-C, 2 sheets, scale 1:100,000
- Water Rights Program, 2005, "2004 Irrigation Summary by Aquifer": DENR-Water Rights Program
- Water Rights Program, 2005a, "Domestic Well Log Files": DENR-Water Rights Program,
- Water Rights Program, 2005b, "Observation Well Files": DENR-Water Rights Program
- Water Rights Program, 2005c, "Water Permit Files": DENR-Water Rights Program,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1847-1, Elk Creek Village / Northern Meadows**

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. 1847-1, Elk Creek Village / Northern Meadows, c/o Scott Nash, PO Box 263, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 1847-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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 permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 17, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 18, 2005

Elk Creek Village/Northern Meadows
% Scott Nash
PO Box 263
Rapid City SD 57709

Dear Mr. Nash:

Water Permit Application No. 1847-1 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

c: Bob Powles

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

August 18, 2005

Meade Co Times-Tribune
PO Box 69
Sturgis SD 57785

ATTENTION: Legal Public Notice

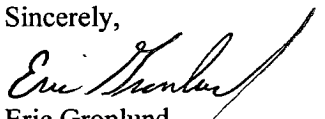
Enclosed is a Notice on Application No. 1847-1 to Appropriate Water to be published twice. Please publish the first notice on August 24, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Elk Creek Village/Northern Meadows, % Scott Nash, PO Box 263, Rapid City SD (Ph # 605-390-1900).

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. 1847-1

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

Date _____

We are in receipt of your letter of August 18, 2005 enclosing Notice to Appropriate Water by Application No. 1847-1 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 August 24, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1847-1 to Appropriate Water

Notice is given that Elk Creek Village / Northern Meadows, c/o Scott Nash, PO Box 263, Rapid City SD 57709 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from two wells completed into the Minnelusa Aquifer (365 and 455 feet deep) located in the NE ¼ NW ¼ Section 9-T3N-R6E. The water is for suburban housing development use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1847-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 12, 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.



AFFIDAVIT OF PUBLICATION

OK

STATE OF SOUTH DAKOTA COUNTY OF MEADE

Pam Buhler, being duly sworn, says: That the Meade County Times Tribune/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 Lee Enterprises; that affidavit 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 printed copy which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>Aug 24</u>	200	<u>5</u>		200
<u>Aug 31</u>	200	<u>5</u>		200
	200			200
	200			200
	200			200

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

[Signature]

Subscribed and sworn to before me this

Janet Buhler day of Sept, 2005

Notary Public, South Dakota



Account No. _____
Total Amount _____

**NOTICE OF APPLICATION
NO. 1847-1**

to Appropriate Water

Notice is given that Elk Creek Village / Northern Meadows, c/o Scott Nash, PO Box 263, Rapid City SD 57709 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from two wells completed into the Minnelusa Aquifer (365 and 455 feet deep) located in the NE 1/4 NW 1/4 Section 9-T3N-R6E. The water is for suburban housing development use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1847-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by

September 12, 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 Grollund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Publ. Aug. 24, 31, 2005
Meade County Times-Tribune**



SEP 30 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

Elk Creek Village/Northern Meadows
% Scott Nash
PO Box 263
Rapid City SD 57709

Dear Mr. Nash:

Enclosed is Water Permit No. 1847-1 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

cc: Bob Powles

1847-1

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 10-10-05

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

FROM: SCOTT NASH DBA Northern Meadows C&E LLC Park Village
(name)
PO Box 263
(address)
Rapid City SD 57709
(city, state, zip) (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. 1847-1 states that the water use system is to be constructed by

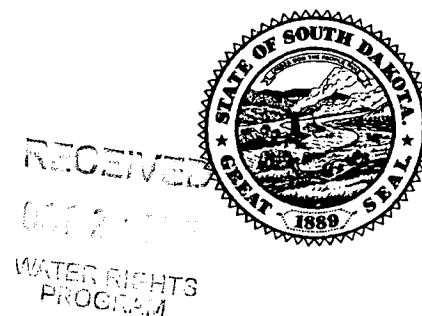
JUNE 17th 2005 and water is to be put to beneficial use by JUNE 17 2005
(date) (date)

The water use system was completed on original well 1978
(date)

Applying the water to beneficial use was completed on 1st well in 1978 ^{2nd well} 6-20-05
(date)

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

[Signature]
(signature)



Permit No. 1847-1
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, **17 September 2007**, made a thorough examination of the water use system constructed by **Elk Creek Village** of **PO Box 263 Rapid City, SD. 57709** holder of Permit No. **1847-1**, bearing the priority of **20 June 2005** authorizing the diversion of **0.17** cu. ft. per second of the waters of **the Minnelusa Aquifer** for **suburban housing** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor / Cimarron**
- 2) No. of Wells **2**
- 3) Depth(s) **365 / 455** feet
- 4) Well log is available **Y/Y**

Casing:

- 1) Diameter **7 / 6** inches
- 2) Length **290 / 360** feet
- 3) Type **unknown / unknown**

Screen:

- 1) Type **none / none**
- 2) Static water level **90 / 20** feet

Pump:

- 1) Make **unknown / Grundfos**
- 2) Model **unknown / MS4000**
- 3) Capacity **75 / 75** GPM

Motor:

- 1) Make **unknown / Franklin**
- 2) Model No. **unknown / 2821139310**
- 3) Horsepower rating **unknown / 5** hp

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

- 1) Type PVC 2) Size 6 inches 3) Length 3000 feet

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: NE ¼ NW ¼ Sec 9-T3N-R6E approximately (1) 1194 feet south and 1860 feet east of the northwest corner of section 9, N 44.23877 Latitude and W -103.40587 Longitude (2) 1159 feet south and 1937 feet east of the northwest corner of section 9, N 44.23885 Latitude and W -103.40557 Longitude. The works are capable of diverting and conveying to the place of use 0.17 cu. ft. per second of water which is to be used for suburban housing use. Water has been put to beneficial use to the maximum extent as follows:

Supplying suburban housing development.

The license should be issued for 0.17 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: Wells do not operate simultaneously. The east well is used as a back up for the west well.



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 04 October 2007



South Dakota

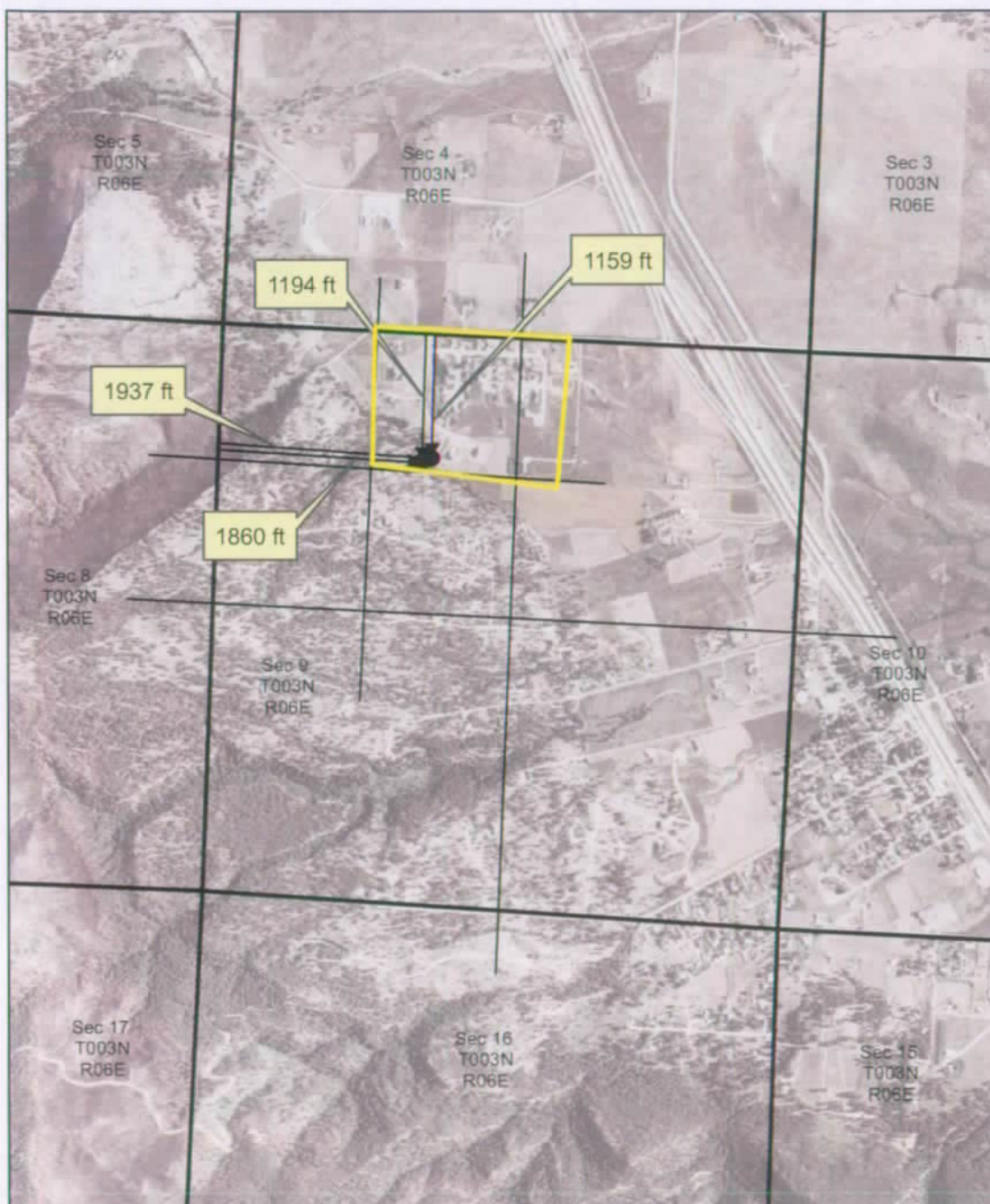
1847-1

Elk Creek Village / Northern Meadows
PO Box 263
Rapid City, SD 57709

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow... Today



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
04 October 2007

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1847-1

(1) Elk Creek Village / Northern Meadows, PO Box 263, Rapid City SD 57709 made Application No. 1847-1, June 20, 2005 for a water permit to divert 0.17 cubic feet of water per second from groundwater (two wells), Meade County, South Dakota for suburban housing development purposes. Permit No. 1847-1, with a priority date of June 20, 2005 was approved September 12, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 12, 2010 and for the application to beneficial use of water on or before September 12, 2014.

(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. 1847-1 is issued a license, bearing a priority date of June 20, 2005 to appropriate 0.17 cubic feet of water per second from groundwater (two wells) for suburban housing development purposes.

The diversion points are located: West well – 1,194 feet south and 1,860 feet east from the northwest corner Section 9 and East well – 1,159 feet south and 1,937 feet east from the northwest corner Section 9; all in T3N-R6E (NE ¼ NW ¼). The east well is maintained as a back up well.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1847-1 including the following now applicable 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 permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer.

Garland Erbele

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

OCT 19 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 19 2007

1847-1

Elk Creek Village / Northern Meadows
PO Box 263
Rapid City SD 57709

Dear Sir:

Enclosed is Water License No. 1847-1. 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.

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. 1847-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

1847-1

RECEIVED

FEB 17 2009

WATER RIGHTS
PROGRAM

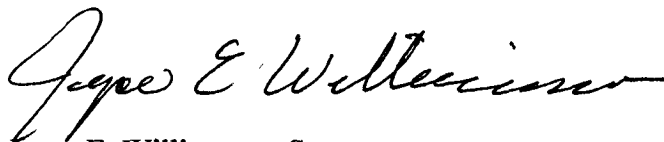
Feb. 13, 2009
PO Box ~~4443~~
Piedmont, SD 57769

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

Dear Mr. Erbele,

Somehow I missed getting the following Notice of Transfer filled out and returned to you almost 1 year ago when we took over the ownership of the water system in Elk Creek Village. Please find enclosed the Transfer of Ownership form and accompanied check. If there is anything that we have missed or should have responded to in the meantime but missed because of my error, please let us know and we will do our best to correct the problem promptly.

Sincerely,



Joyce E. Williamson, Secretary
Elk Creek Village Sanitary District
(605) 484-7587

RECEIVED

FEB 17 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1847-1Date: 2/I/We request that Water Right/Permit No. 1847-1 formerly owned by:Elk Creek Village / Northern Meadows LLC be transferred to:New Owner Name: Elk Creek Village Sanitary DistrictAddress: PO Box 43City, State, Zip Piedmont SD 57769 Telephone No. 605-484-7587

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

two existing wells completed into the Minnelusa Formation
(365 and 455 ft deep) located in the NE 1/4 NW 1/4 Sect. 9,
T3N-R6E, Meade County. The water is for
suburban housing development use.

☒ I understand that the validity of Water Right/Permit No. 1847-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Elk Creek Village Sanitary District the new owner, certify that the above information is true and correct.

John E. Williamson, Secretary
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/17, 2009

RECEIVED OF Elk Creek Village Sanitary Dist. PO Box 43 Piedmont SD 57769

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1847-1</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.

04031

By

Garret E. Eide

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2009

1847-1

Joyce E Williamson, Secretary
Elk Creek Village Sanitary District
PO Box 43
Piedmont SD 57769-0043

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 1847-1. The ownership change has been completed. The water right formerly held by Elk Creek Village/Northern Meadows LLC is now listed in the name of "Elk Creek Village Sanitary District".

Enclosed is your Receipt No. 04031 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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