

WATER PERMIT NO. 1848-1

Name of Applicant: Maitland Partners

Address: 2700 N 4th Ave, Sioux Falls SD 57104

Phone: 605 334-0173

Amount of Water Claimed: 0.2

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing development

County: LA

Type of Waste Disposal System:

Location: 3 miles northwest of Deadwood

PRIORITY Date Received: 4-18-05

Application/License Fee: \$275

Corrected Application Received: 7-14-05

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 18-T5N-R3E

Land to be Irrigated: NA

Depth of Well: 295 feet deep

Well Driller: : Taylor Drilling Co.

Remarks:

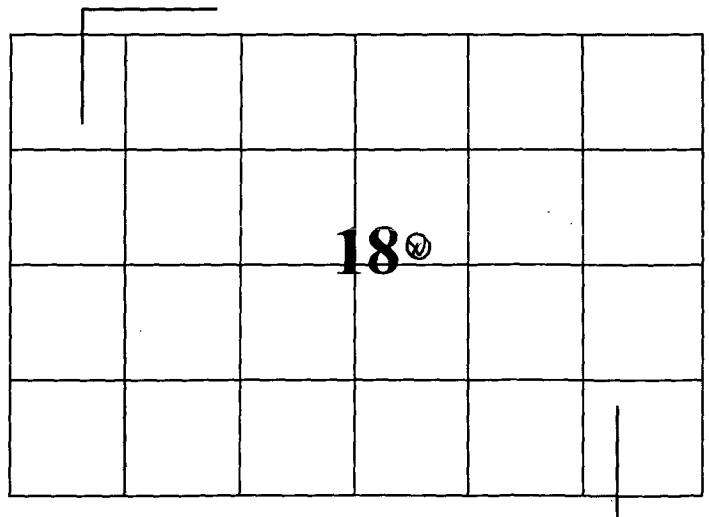
Type of Map: plat

Prepared by: Bradley E Ellis, PE

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

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>1848-1</u> (office use only) Hydrologic Unit <u>10/20203</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Lawrence Co. Journal, Deadwood</u>

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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.) _____

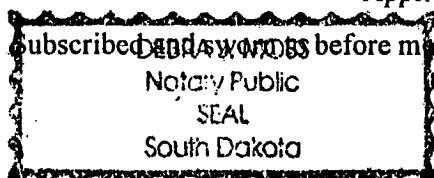
- Name of Applicant Maitland Partners Phone 605-324 0123
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2700 N 4th Ave Sioux Falls State SD 57104
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.2 *CFS or 90 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 1 well in
MS 1678 Contention SE 1/4 NE 1/4 Sec 18 Twp 5N Rg 3E
County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Year around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of _____)

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, _____, 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]



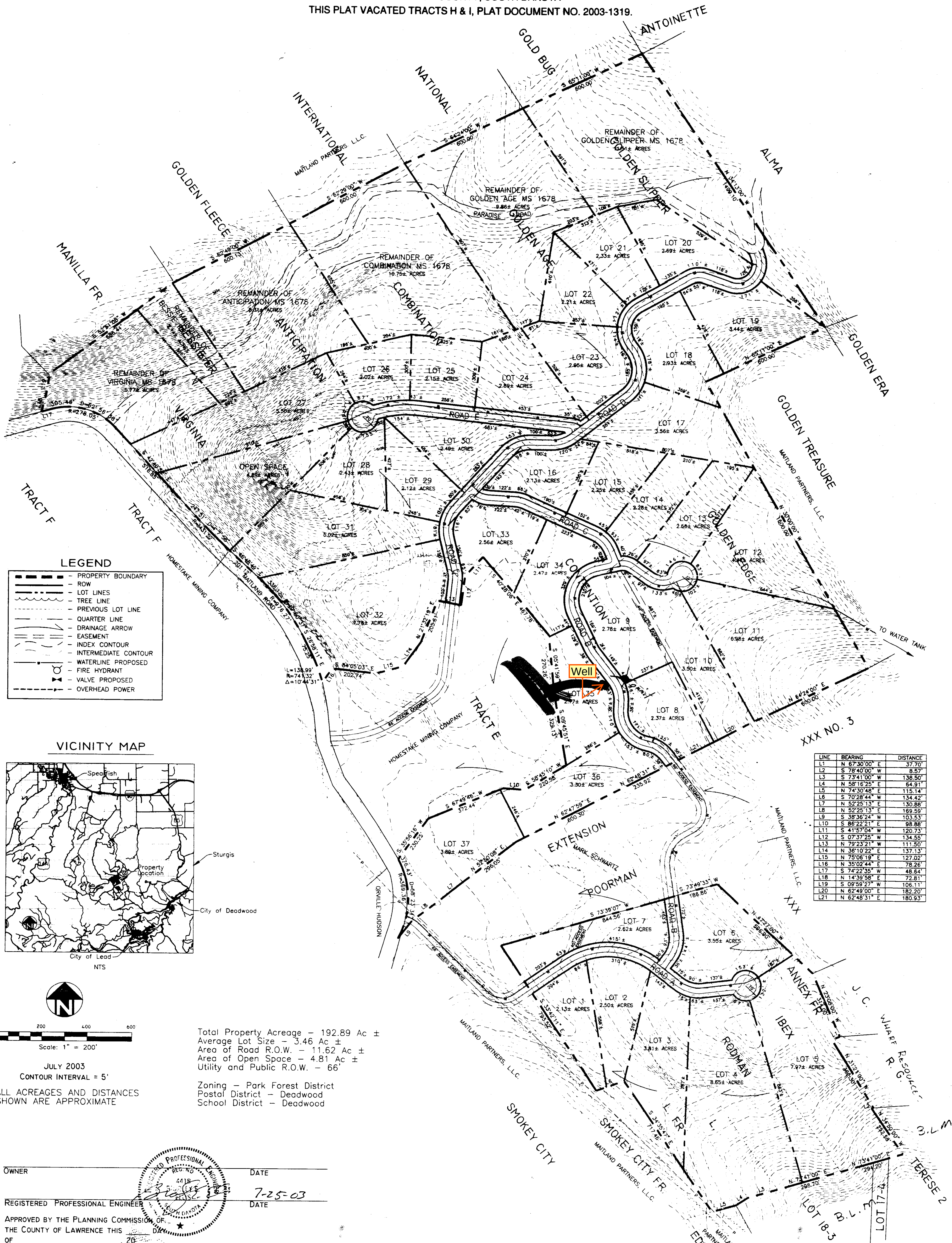
Subscribed and sworn to before me this 13th day of April 20 05

[Signature]
Notary Public signature

PRELIMINARY PLAT OF LOTS 1-37 OF PARADISE ACRES

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AND DEDICATED RIGHT OF WAY,
ALL OF THE RODMAN, L. FRACTION, AND IBEX LODES OF M.S. 1237;
EDGE, GOANNEX FRACTION, CONTENTION, GOLDEN SLIPPER, GOLDEN LEDGE, GOLDEN AGE,
COMBINATION, ANTICIPATION AND BESSIE FRACTION LODES OF M.S. 1678,
A PORTION OF THE BEULAH NO. 1 LODE OF M.S. 1678;
TRACT H AND TRACT I, ALL LOCATED IN THE NE 1/4 AND THE SE 1/4 OF SECTION 18 T5N, R3E, B.H.M.
AND THE S 1/2 OF SECTION 7, T5N, R3E, B.H.M.,
LAWRENCE COUNTY, SOUTH DAKOTA
THIS PLAT VACATED TRACTS H & I, PLAT DOCUMENT NO. 2003-1319.



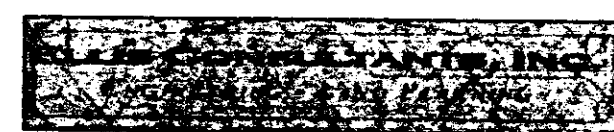
Total Property Acreage - 192.89 Ac ±
Average Lot Size - 3.46 Ac ±
Area of Road R.O.W. - 11.62 Ac ±
Area of Open Space - 4.81 Ac ±
Utility and Public R.O.W. - 66'

Zoning - Park Forest District
Postal District - Deadwood
School District - Deadwood

OWNER _____ DATE _____
REGISTERED PROFESSIONAL ENGINEER _____ DATE 7-25-03
APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF LAWRENCE THIS _____ DATE _____
SIGNED: _____
ATTEST: SECRETARY

Owner:
Maitland Partners, L.L.C.
2200 N. 4th Avenue
Sioux Falls, SD 577104
(866) 339-3989

Design:



Survey By:
ARLETH & ASSOCIATES
382 MAIN STREET
DEADWOOD, SD 57732
605-678-1637

**SOUTH DAKOTA
WATER PERMIT NO. 1848-1**

Date of first receipt of application April 18, 2005.

Date of return to applicant for corrections, amendments or changes April 19, 2005.

Date of receipt of corrected application July 14, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1848-1 to Maitland Partners, c/o Gene Peska, 2700 N 4th Ave, Sioux Falls SD 57104 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. 1848-1 appropriates 0.2 cubic feet of water per second from one well completed into the Crystalline Rock (295 feet deep) located in the SE ¼ NE ¼ Section 18-T5N-R3E.
2. The water appropriated shall be used for the purpose of suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1848-1 is October 31, 2005.
5. The date from which applicant may claim right is July 14, 2005.
6. One-fifth of the construction is to be completed on or before May 1, 2008.
7. All construction is to be completed on or before October 31, 2010.
8. Water is to be put to beneficial use on or before October 31, 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the well.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

DEC 15 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9" Depth ~~30'~~ *well Drilled by Taylor well Drilling in July (Approx)*
- b) Casing Type Steel Diameter _____ Thickness _____
- c) Screen Type See well completion Diameter _____ Thickness _____
- d) Gravel Pack ' Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material See well completion
- f) Depth to Water (ground surface to water level) 150'
- g) Distance to nearest existing domestic well:

On applicants property None

On property owned by others 1000 Lft

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) None at this time
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

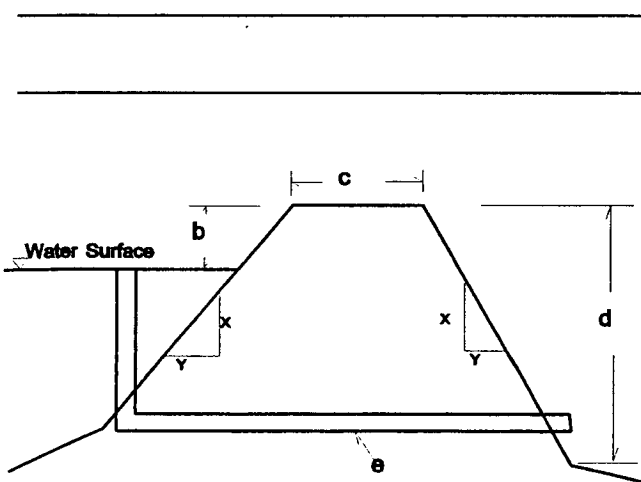
3. Dugout Information

- 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 April 16, 20 05

RECEIVED OF Watford Partners LLC, 2700 W 4th Ave, Sioux Falls SD 57104

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

Fee for Application for Permit No. <u>1848-1</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1848-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

017018

By

Therese Elveh

Chief Engineer

gm



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 18 Twp 5N Rg 3E

County

Lawrence

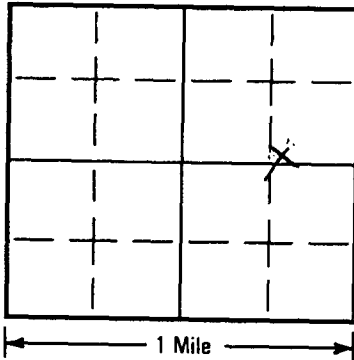
North

Please mark well location with an "X"

W

E

Well Completion Date

8-5-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 600 ft. from septic (identify source).PROPOSED USE: S.H.D.

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

METHOD OF DRILLING:

Air RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>36.4 LB/FT</u>	<u>9 5/8 IN</u>	<u>+1 FT</u>	<u>112 FT</u>	<u>12 1/4 IN</u>
<u>23 LB/FT</u>	<u>7 IN</u>	<u>+2 FT</u>	<u>270 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>25</u>	<u>14 lb./gal</u>	<u>0 ft</u>	<u>112 ft</u>
<u>Portland</u>	<u>45</u>	<u>14 lb./gal</u>	<u>0 ft</u>	<u>270 ft</u>

Describe grouting procedure Pressure grouted through casingSCREEN: ☐ 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 solution
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

Pump not set yetWell Owner: Gene Peska-Maitland Partners LLCBusiness Name: 2700 North 4th AvenueAddress: Sioux Falls, SD 57104

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>clay + gravel lt. brown</u>	<u>0</u>	<u>110</u>
<u>mostly igneous porphyry</u>	<u>110</u>	
<u>w/ some hard gray shale</u>		<u>295</u>

STATIC WATER LEVEL 139 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

280 ft. After 4 Hrs. pumped > 150 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2004

Maitland Partners LLC
c/o Gene Peska
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

A well driller's report filed with us by Taylor Drilling Co. shows a new well has been completed for a suburban housing development in Lawrence County. 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 November 15, 2004.

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 Eric Gronlund 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



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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2005

Maitland Partners
c/o Gene Peska
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

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

- The application indicates this well is for domestic use. The well completion report indicates the well is for a suburban housing development. Am I correct in assuming this is a proposed suburban housing development? *yes*
- Please complete Item No. 4, by indicating the quarter, section, township and range for the well location.
- Also, in order to complete the application, a map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 6, 2005

Maitland Partner
c/o Gene Peska
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

On April 19, 2005, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for suburban housing development. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

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

enclosures

WATER PERMIT APPLICATION NO.1848-1
MAITLAND PARTNERS
AUGUST 22, 2005

Water Permit Application No. 1848-1 proposes to appropriate 0.20 cubic feet of water per second (90 gallons per minute) from one well completed into the Precambrian aged crystalline rock aquifer (295 feet deep) located in the SE¼ NE¼ Sec.18, T5N-R3E, Lawrence County. The water is for use in a suburban housing development.

AQUIFER: Crystalline Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Geologically, this is an area where Tertiary aged igneous rock have been intruded into the Precambrian aged crystalline rock (metamorphosed siltstone) and the Cambrian aged Deadwood Formation. The intrusives, crystalline rock and Deadwood Formation are all exposed in this area except for a few, small isolated areas where remnants of the Tertiary aged White River Group exist (Martin and others 2004). The completion report submitted with this application indicates this well produces water from “mostly igneous porphyry w/some hard gray shale”. Tectonic activity in the area probably shaped the hydrology thus aquifers occur primarily due to zones of secondary porosity and permeability in the form of joints and fractures. The distribution, orientation and interconnection of these joints and fractures are unpredictable therefore the aquifer characteristics and well capacities are site specific and difficult to assess. In general groundwater occurs under unconfined conditions with the potentiometric surface generally conforming to the topography, groundwater flows away from topographic highs and discharges to the area streams. The static water levels of wells in this area are probably at about the same elevation as the streams.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. There is no historical water level data available for this area. The nearest Water Rights’ Crystalline aquifer observation well (CU-86A) is located in the City of Custer.

Estimates of the amount of water in storage or for recharge to the aquifer are not available. Recharge occurs through infiltration of precipitation falling directly on the aquifer outcrop and possibly through streamflow losses. During periods of high flow, when the stream stage is higher than the water table of the aquifer, the streams are probably “losing streams” (i.e. the stream flow recharges the aquifer). When the water table of the aquifer is higher than the stream stage the creek is probably a “gaining stream” (i.e. the aquifer contributes to stream flow). In general the groundwater probably discharges towards the streams. Since a probable hydrologic connection exists between surface water and groundwater in this area, in theory, well withdrawals could affect stream flow.

AFFECTS ON EXISTING RIGHTS:

The Water Rights program has record of thirty one domestic wells within approximately two miles of the well that is to be used to supply this appropriation. The well depths of these domestic wells range from 35 feet to 845 feet and obtain water from similar

hydrogeologic conditions (Water Rights, 2005a). There is only one groundwater appropriation within two miles of this well. Water Right No. 1372-1, Bond Gold Richmond Hill, appropriates water from a number of wells, the closest of which is located about one and one-half miles southwest of 1848-1. Although Bond Gold has ceased its mining operation, it reportedly used approximately 900,000 gallons of groundwater in 2004 (Mike Cepak, personal communication).

Since the porosity of the Crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. Although the diversion rate proposed by this application is relatively small (90 gpm), it is possible that drawdown from this well could be measurable for quite some distance.

ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. Since the porosity of the Crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 50' at a Water Rights' Observation well in a similar hydrologic setting; drawdown of a few feet could be considered insignificant.

This well site is approximately one-quarter mile from False Bottom Creek which is probably a gaining stream in this area. The distance should be sufficient and the proposed diversion rate low enough to minimize any impacts withdrawals from this well would have to surface water.

SPECIAL CONSIDERATIONS

The suburban housing development that is to be supplied by this appropriation is likely to fall under the DENR-Office of Drinking Water, regulatory control as a public water system. The plans and specifications for this water system were reviewed and approved by the Office of Drinking Water on September 15, 2004, with the contingency that the requirements of the New Water System Planning Manual would be fulfilled. The New Water System planning process involves an application for approval, documents describing the facility and business planning, and operations and maintenance manuals. The developer has apparently not provided their engineer with the information necessary to complete the New Water System planning process (Kevin Espeland, personal communication).

The Water Rights Program received three completion reports in 2004 for wells constructed for Maitland Partners. Two of the wells were very low yield wells and are not included as potential water sources on this application. A water analysis submitted by Taylor Drilling for one of these wells documents a very high concentration of arsenic (0.159 mg/L) in the water. This level exceeds the maximum contaminant level for arsenic for public water

systems. Any public water system with high arsenic concentrations will require additional operational considerations and expenses.

On August 30, 2005, Brad Ellis from Ellis Consultants, Inc. was contacted regarding the Maitland Partners project. Mr. Ellis stated that he is still awaiting information from the developers. He confirmed that the well Maitland Partners was planning to use for this housing development has a high concentration of arsenic. At this time Maitland Partners is looking for alternative source of water, including the possibility of obtaining water from the City of Deadwood.

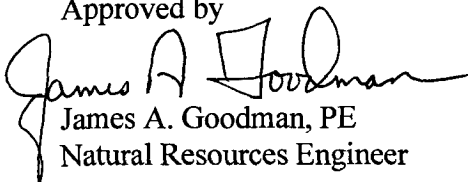
CONCLUSIONS:

1. Water is available from the Precambrian aged crystalline aquifer.
2. The aquifer is under water table conditions and drawdown due to this diversion is not expected to adversely affect adequate wells in the area.
3. This appropriation will not adversely affect surface water appropriations.
4. Water from the Precambrian aged crystalline aquifer in this area may contain high concentrations of arsenic. Arsenic removal to meet the water quality parameters established for public water systems involve additional operational considerations and expenses.
5. If the development does not exceed the public water system threshold (15 hookups, 25 people, 60 days per year), the quality of water delivered to its users is not a matter regulated by DENR. Due to potential health affects of high arsenic concentrations in drinking water, it may not be in the public interest to use groundwater to supply a suburban housing development in this area unless the development is regulated.
6. The DENR- Office of Drinking Water's approval of the Plans and Specifications for this development includes the contingency that the requirements of the New Water System Planning Manual be fulfilled. To date these requirements have not been met.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

- 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.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D., 2004, Geologic Map of South Dakota: S.D. DENR-Geologic Survey General Map 10, Scale 1:500,000
- Redden, J.A. and Lisenbee, A.L., 2001, Geologic Map of the Deadwood South Quadrangle, South Dakota, SD Geological Survey 7.5 minute series Geologic Quadrangle Map 2, Scale 1:24000
- Water Rights Program, 2005a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005b, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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. 1848-1, Maitland Partners**

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. 1848-1, Maitland Partners, c/o Gene Peska, 2700 North 4th Avenue, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 1848-1 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 Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the well.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 3, 2005

NOTE: Due to concerns with the water analysis from the well which showed elevated levels of arsenic, the permit holder should consult with the Drinking Water Program on arsenic regulation.

AFFIDAVIT OF PUBLICATION

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STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Teri Adler, being duly sworn, says: That the *Lawrence County Journal* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Spearfish, Lawrence County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as Customer Service Representative 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 of which is attached, was published in said newspaper for successive issues, bearing the following dates:

October 15 th	200	5	200
October 22 nd	200	5	200
	200		200
	200		200
	200		200

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 36.50, 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.

Teri Adler
Customer Service Rep

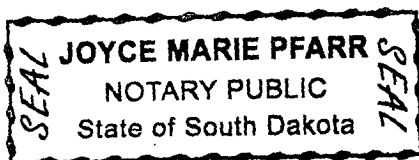
Subscribed and sworn to before me this

24th day of October, 2005

Joyce Marie Pfarr

My commission expires. 08/14/06

Notary Public, South Dakota



Account No. 60007235

Total Amount \$ 36.50

**NOTICE OF APPLICATION NO.
1848-1 to Appropriate Water**

Notice is given that Maitland Partners, c/o Gene Peska, 2700 N 4th Ave, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from one well completed into the Crystalline Rock (295 feet deep) located in the SE ¼ NE ¼ Section 18-T5N-R3E. The water is for use in a suburban housing development. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1848-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 1, 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 the application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published October 22, 2005
Laurens County, Iowa

Instruction to Newspaper - Publish first Notice on October 12, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1848-1 to Appropriate Water

Notice is given that Maitland Partners, c/o Gene Peska, 2700 N 4th Ave, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second from one well completed into the Crystalline Rock (295 feet deep) located in the SE ¼ NE ¼ Section 18-T5N-R3E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1848-1 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 October 31, 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

October 4, 2005

Lawrence Co Journal
376 Main Suite A
Deadwood SD 57732

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1848-1 to Appropriate Water to be published twice. Please publish the first notice on October 12, 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 Maitland Partners, % Gene Peska, 2700 N 4th Ave, Sioux Falls SD (Ph # 605-334-0173).

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. 1848-1

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

Date _____

We are in receipt of your letter of October 4, 2005 enclosing Notice to Appropriate Water by Application No. 1848-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 4, 2005

Maitland Partners
% Gene Peska
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

Water Permit Application No. 1848-1 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 Lawrence Co Journal printed at Deadwood, SD (Ph # 605-578-3305). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2005

Maitland Partners
% Gene Peska
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

Enclosed is Water Permit No. 1848-1 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1848-1

I have this day, October 13, 2016 made a thorough examination of the water use system constructed by **Maitland Partners (Paradise Acres, Lot 35, Maitland Road, Lead SD)** of Permit No. **1848-1**, bearing the priority of **7/14/2005** authorizing the diversion of **0.2** cu. ft. per second of the water from one well for suburban housing purposes, in Lawrence County.

Inspection contact & relationship to permit holder, if applicable:

Gene Peska, Partner

2700 No. 4th Ave., Sioux Falls SD 57104

605-334-0173

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling (2004)
- 2) No. of Wells 1
- 3) Depth(s) 295 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 9 5/8" +1 - 112 ft., 7" +2 - 270 ft.
- 2) Length 272 feet
- 3) Type steel

Screen:

- 1) Type n/a
- 2) Length - feet
- 3) Static water level 139 feet

Pump:

- 1) Make Grundfos
- 2) Model 85S150-10
- 3) Size 6"
- 4) Capacity 90 GPM
- 5) Horsepower rating 15 hp

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

- 1) Type PVC
- 2) Size various inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

When the well was developed in 2004 it served as the water supply for Paradise Acres housing development with a total of 91 Lots platted. It served as the water supply for the lots which had been developed up through 2008 when the development connected to the Lead City water system. The well is now being used only as an emergency water source for fire protection.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
Permit holder has been reporting amount of water withdrawn annually.
- 2) Exceptions to compliance are: none

E. Condition and Location:

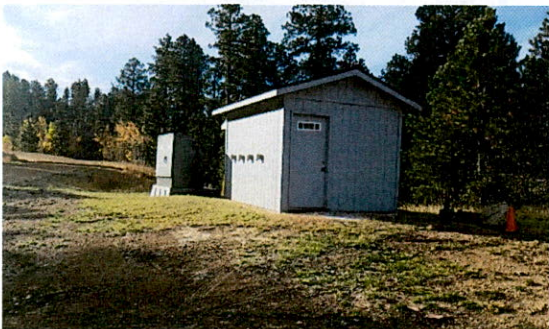
1. The system is in good condition with the point of diversion located as follows:
2,275' S and 1,006' W of the NE corner Section 18 T5N R3E (44.396034, -103.794754)
2. The works are capable of diverting and conveying to the place of use .20 cu. ft. per second (90 gpm) of water which is to be used for **suburban housing** use and the license should be issued for .20 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

F. Comments or other permit(s) associated with the project: none



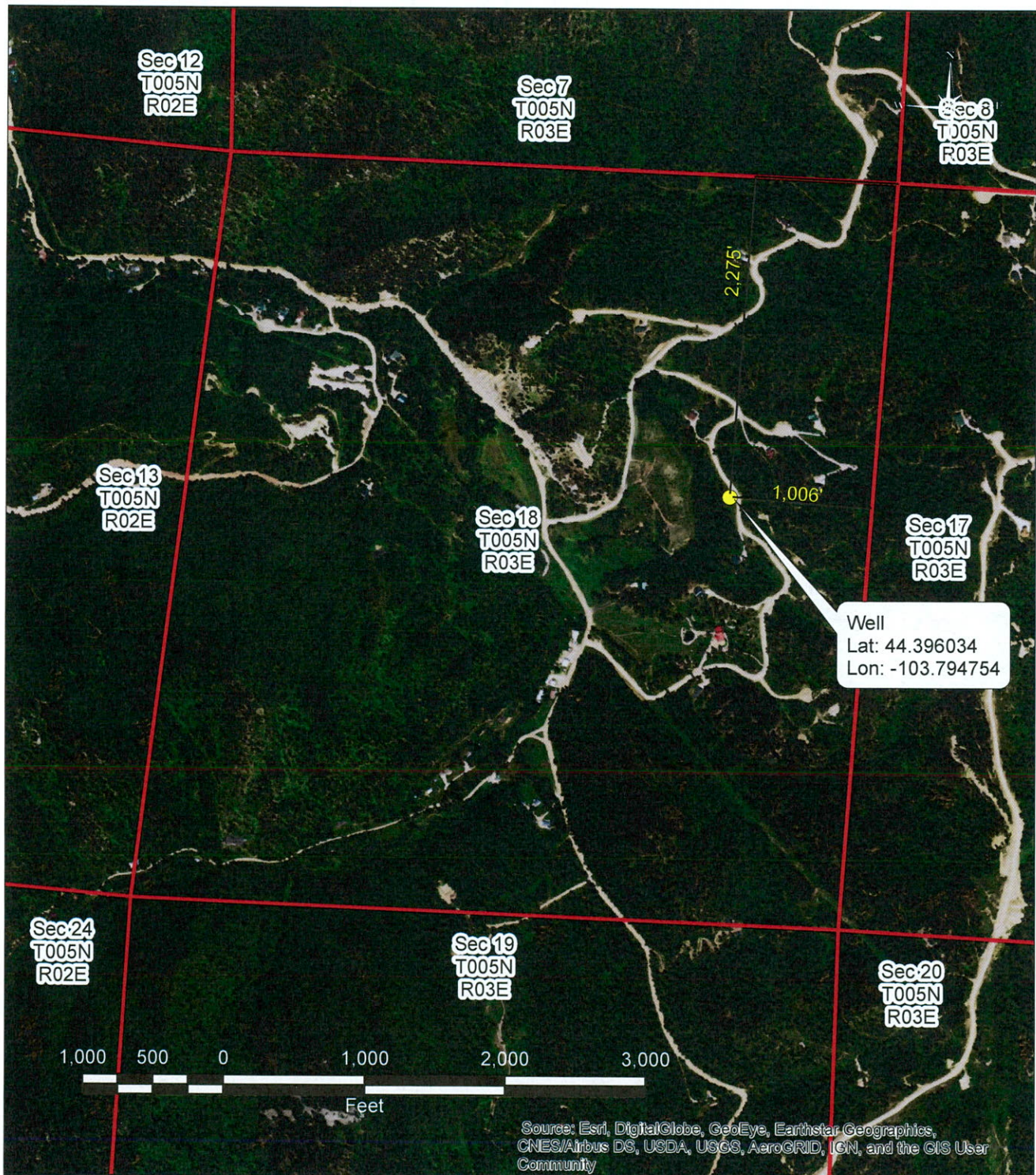
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 10/20/2016

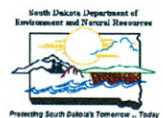


Maitland well and pump house

Water Right #1848-1
Maitland Partners
10/13/2016



Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 24 2016

1848-1

Gene Peska
Maitland Partners
2700 N 4th Ave
Sioux Falls SD 57104

Dear Mr. Peska:

Enclosed is Water License No. 1848-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1848-1, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1848-1

(1) Maitland Partners, 2700 N 4th Ave., Sioux Falls SD 57104 made Application No. 1848-1, April 18, 2005 for a water permit to divert 0.20 cubic feet of water per second from ground water, one well (Crystalline Rock), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1848-1, with a priority date of July 14, 2005 was approved October 31, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 31, 2010 and for the application to beneficial use of water on or before October 31, 2014.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.20 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,275' S & 1,006' W of the NE corner of Section 18, T5N, R3E (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

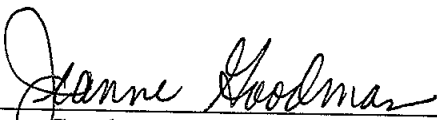
Paradise Acres Housing Development utilized the above well until 2008 when the development connected to the City of Lead municipal system. The well is now maintained as an emergency water source for fire protection.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Maitland Partners, 2700 N 4th Ave., Sioux Falls SD 57104 the holder and/or owner of Water Right No. 1848-1 is issued a license to appropriate water, the right to use 0.20 cubic feet of water per second from ground water, one well (Crystalline Rock) with a priority date of July 14, 2005 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1848-1 and subject to the following qualifications:

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 24 2016
date

