

WATER PERMIT NO. 1867-1

Name of Applicant: **Frawley Ranches, Inc.**

Address: **c/o Fred Ening, PO Box 1083, Spearfish SD 57783**

Phone: **605 644-1010**

Amount of Water Claimed: **0.056 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

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

County: **Lawrence**

Type of Waste Disposal System:

Location: **2 miles northwest of Whitewood**

PRIORITY Date Received: **8-29-2006**

Application/License Fee: **\$100**

Corrected Application Received: **9-8-2006**

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

Remarks:

Diversion Point: **NW ¼ SW ¼ Sec 7-T6N-R4E**

Land to be Irrigated: **NA**

Depth of Well: **1370 feet deep**

Well Driller: : **Cimmarron Well Drilling**

Remarks:

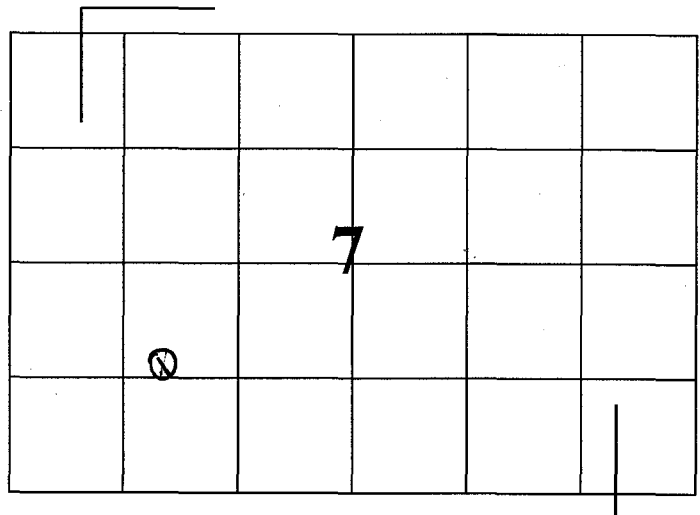
Type of Map: **plat**

Prepared by: **James D Walker, RLS**

Reviewed and the Number Assigned on: **9-11-2006**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

(office use only)
No. 1867-1 Hydrologic Unit 10120203
Basin Belle Fourche R
Newspaper Black Hills Pioneer

RECEIVED
AUG 29 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|--|--|--|
| ☐ Municipal | ☒ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant FROWLEY RANCHES, INC Phone 605-644-1010
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO FRED ENING P.O. BOX 1083, SPEARFISH State SD 57783
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.056 *CFS or 25750 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply New well 1370'
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County LAWRENCE
1 well SW1/4 7-6-4 (see attached)
5. County or counties where water will be used LAWRENCE
6. Annual period during which water is to be used JANUARY 1 thru DECEMBER 31
7. 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)
8 RESIDENTIAL LOTS WILL EACH OWN 1/8 WELL SHARE. A WATER LINE HAS BEEN RUN W/ SHUT OFFS, FLUSHING HYDRANTS AND A 5,000 gallon storage facility.

STATE OF SOUTH DAKOTA)

County of LAWRENCE

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, FRED ENING JR., 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 28th day of Aug 2006

MARIANNE WILCZYNSKI, Notary Public

Lawrence County, South Dakota

My Commission Expires

August 14, 2009

Notary Public signature [Signature]

**SOUTH DAKOTA
WATER PERMIT NO. 1867-1**

Date of first receipt of application August 29, 2006.

Date of return to applicant for corrections, amendments or changes September 6, 2006.

Date of receipt of corrected application September 8, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1867-1 to Frawley Ranches, Inc., c/o Fred Ening, PO Box 1083, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1867-1 appropriates 0.056 cubic feet of water per second (cfs) [25 gallons per minute) from one well completed into the Minnelusa Formation (1370 feet deep) located in the NW 1/4 SW 1/4 Sec 7-T6N-R4E.
2. The water appropriated shall be used for the purpose of supplying water to 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. 1867-1 is January 2, 2007.
5. The date from which applicant may claim right is August 29, 2006.
6. One-fifth of the construction is to be completed on or before June 2, 2009.
7. All construction is to be completed on or before January 2, 2012.
8. Water is to be put to beneficial use on or before January 2, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The 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.

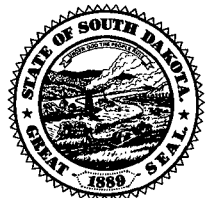
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 09 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- see attached log

- a) Drill Hole Diameter 7 7/8" Depth 1370'
- b) Casing Type STEEL Diameter 5 1/2" Thickness 15.5 LB/FT
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 480'
- f) Depth to Water (ground surface to water level) 480'
- g) Distance to nearest existing domestic well:

On applicants property UNK

On property owned by others UNK

2. Wastewater Disposal System Information

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

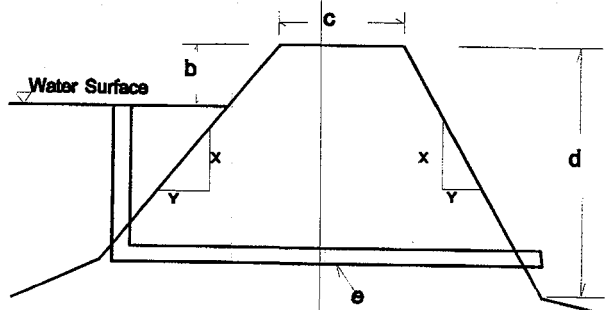
3. Dugout Information

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

4. Water Storage Dams

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

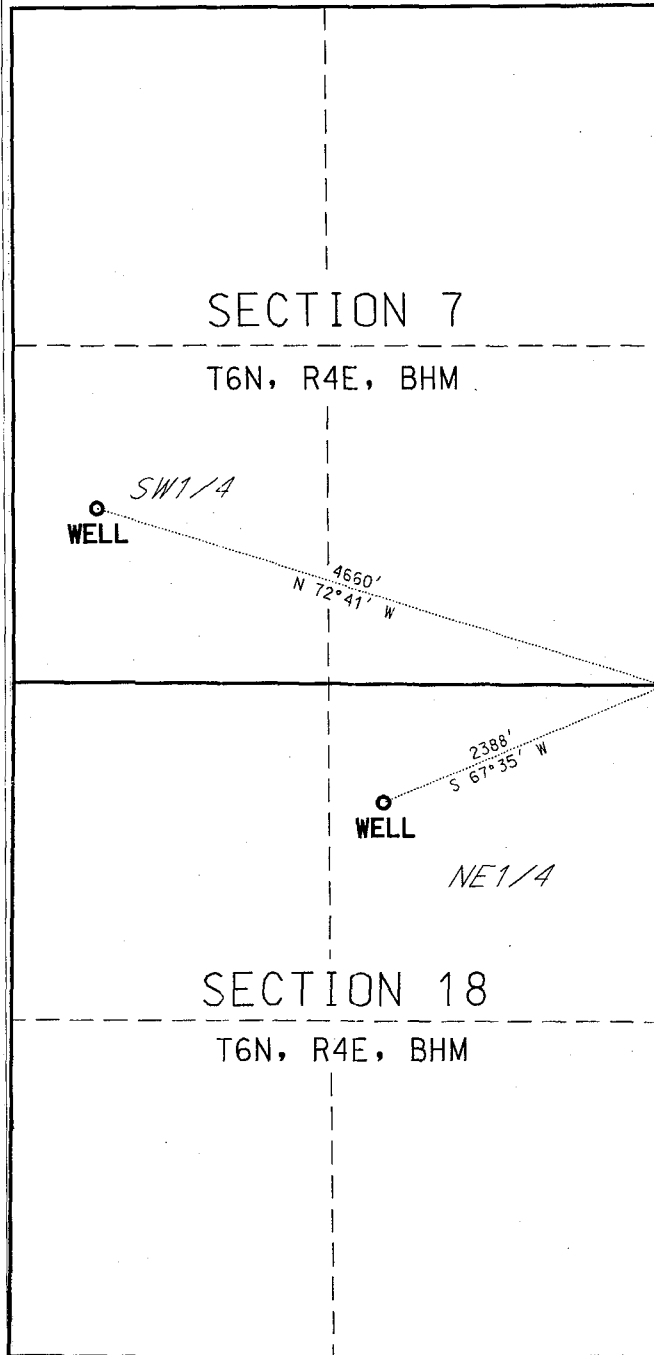
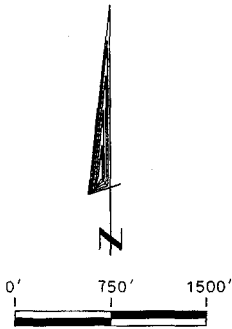
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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

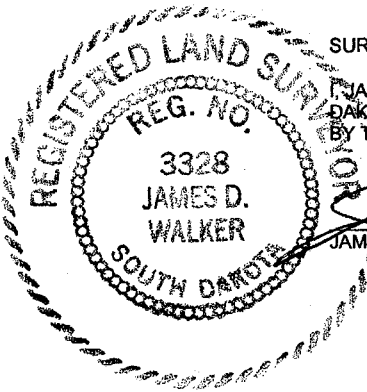
WELL LOCATION EXHIBIT

FOR WELLS LOCATED IN THE SW1/4 OF SECTION 7
AND THE NE1/4 OF SECTION 18, ALL IN T6N, R4E, BHM,
LAWRENCE COUNTY, SOUTH DAKOTA



SURVEYOR'S STATEMENT

JAMES D. WALKER, REGISTERED LAND SURVEYOR #3328 IN THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT THE LOCATION OF THE WELLS AS REPRESENTED BY THIS DRAWING WAS COMPLETED UNDER MY SUPERVISION.



James D. Walker 8/3/06
JAMES D. WALKER RLS 3328

PREPARED BY:

NJS ENGINEERING
P.O. BOX 226
SPEARFISH, SD 57783
(605) 642-4772
PROJECT #3029.2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

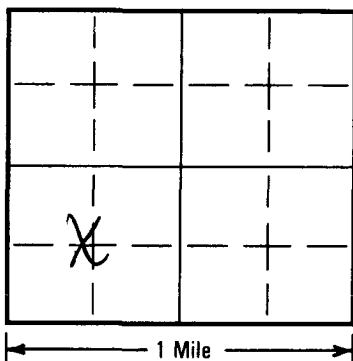
Location Well 1st R 9W 1/4 Sec 27 Twp 6-N Rg 4-ECounty LAWRENCE

Please mark well location with an "X"

W

E

Well Completion Date

1-26-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/4 ft. from N/A (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
<u>15.5</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>1350</u> FT	<u>7 7/8</u> IN
<u>10</u> LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>210</u>	<u>94 1/2</u> lb./gal	<u>0</u> ft.	<u>1350</u> ft.
<u>Type III</u>	<u>15</u>	<u>24 gal</u> lb./gal	<u>Mixed</u>	ft.

Describe grouting procedure PRESSURE GROUT THROUGHCasing - displace w water by pumpSCREEN: ☐ 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? perillats

Laboratory sent to for water quality analysis

owner to complete

Well Owner: _____

Business Name: FRAWLEY RANCH EST.Address: P.O. Box 1083SPEARFISH S.D. 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDSTONE w/SHALE STRIP	0'	620'
GREEN SHALE w/ S. STONE STRIP	620'	660'
BROWN - WHITE SANDSTONE	660'	780'
GREEN - MAROON SHALE	780'	820'
BROWN SANDSTONE	820'	840'
Red SANDY SHALE	840'	1070'
(SPEARFISH)	1070'	1120'
(MINNEKAHTA) LIMESTONE	1120'	1320'
Red SHALE	1320'	1335'
BROWN SAND	1335'	1355'
LIME STONE	1355'	1370'
SOFT BROWN SAND	1370'	1385'
limestone (fractured)	1385'	1390'
(MINNEKAHTA)		

STATIC WATER LEVEL

480'

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:

☐ PumpedDescribe: Air - developed☐ Bailed☒ Other

Pumping Level Below Land Surface

900' ft. After 2 Hrs. Blew pumped 30+ GPM1360' ft. After 2 Hrs. Blew pumped 150 GPMIf pump installed, pump rate 25 @ 900' GPM

REMARKS

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. Deutrich

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

FEB 08 2006

Date: _____

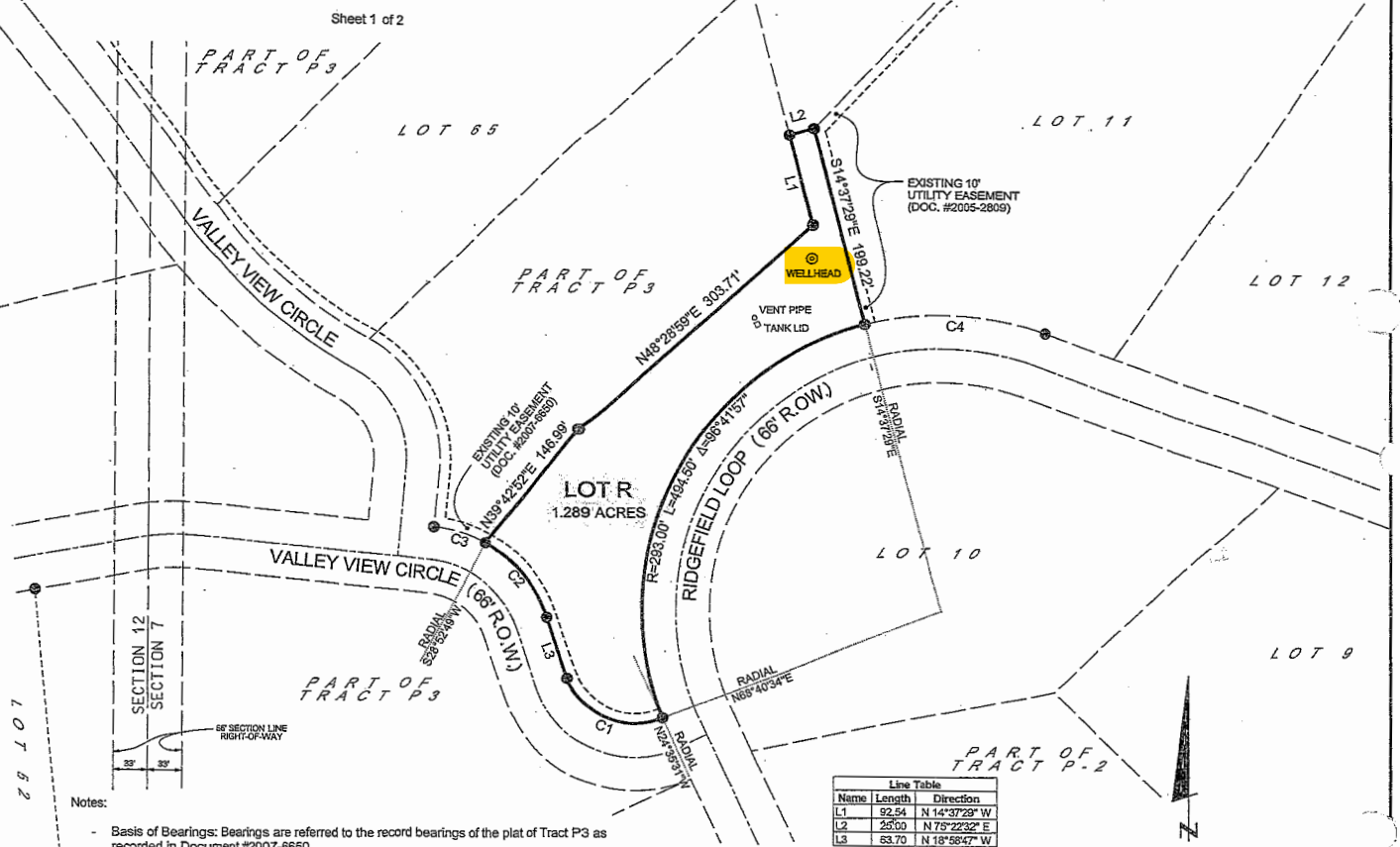
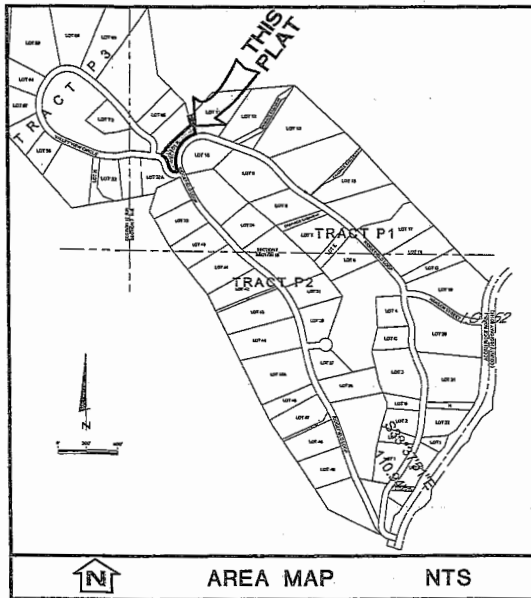
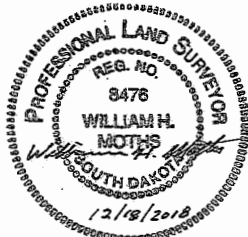
WATER RIGHTS PROGRAM

2-13-06

PLAT OF LOT R OF FRAWLEY RANCH EAST

PART OF TRACT P3 LOCATED IN GOVERNMENT LOTS 3 & 4 OF SECTION 7, T6N, R4E, SHM, THE E1/2 SE1/4 OF SECTION 12, T6N, R3E, BHM AND INCLUDING LOT 37 OF TRACT P2 OF FRAWLEY RANCH EAST LOCATED IN THE S1/2 SW1/4 OF SECTION 7 AND THE NW1/4, NE1/4SW1/4, W1/2NE1/4 AND NW1/4SE1/4 OF SECTION 18, T6N, R4E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

Sheet 1 of 2



Notes:

- Basis of Bearings: Bearings are referred to the record bearings of the plat of Tract P3 as recorded in Document #2007-6650.
- Lot R is designated as an Open Space Set-Aside Lot and Well Lot. No residential buildings will be allowed on this lot.
- No additional utility easements dedicated on Lot R.
- Plat showing the Right-Of-Way of Ridgefield Loop is recorded as Document #2003-2703.
- Plat of Tract P2 is recorded as Document #2007-1311.
- Total area this plat: 1.289 acres.
- Remainder of Tract P3: 34,690 acres.

Line Table		
Name	Length	Direction
L1	92.54	N 14°37'29" W
L2	25.00	N 75°22'32" E
L3	53.70	N 18°58'47" W

Curve Table				
Name	Radius	Arc	Delta	Chord
C1	67.00	111.81	99°38'45"	59.28
C2	133.00	97.82	42°08'29"	95.63
C3	133.97	54.19	23°10'37"	53.82
C4	293.00	175.95	34°24'26"	173.32

RECOVERED #5 REBAR W/ALUM. CAP - LS 3328 SET PREVIOUSLY

Prepared By:

Surveyed By: JDW / WHM Date: 2007-2018
 Drawn By: WHM Date: 12/17/18
 Checked By: WHM Date: 12/18/18
 Project Number: L12-16-038

INTERSTATE ENGINEERING
 P.O. Box 226
 123 E. Jackson Blvd. Suite 1
 Spearfish, SD 57763
 Office: (605) 642-4772
 Fax: (605) 642-4773
 www.interstateeng.com

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 29, 2006

RECEIVED OF Fred Ening Real Estates Inc., PO Box 1083, Spearfish SD 57783

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

Fee for Application for Permit No. <u>1867-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	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>1867-1</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	100.00

No.

02578

By Darland Erbe
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2006

Fred Ening
PO Box 1083
Spearfish SD 57783

RE: Frawley Ranches, Inc.

Dear Mr. Ening:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of Frawley Ranches, Inc. In order to complete the applications, the following is required.

A check for \$200 was submitted with the applications. The application/license fee for the 150 gallons per minute application will be \$275. The application/license fee for the 18 gallons per minute application will be \$100. The total for the two applications is \$375. An additional \$175 will be required.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program - File Documentation

NAME: Frawley Ranches, Inc.

ADDRESS: Spearfish SD

DATE: 9-8-06 **COUNTY:** La **TELEPHONE:** 605 644-1010

RE: Pending applications

COMMENTS:

Fred Enning called regarding my letter dated 9-6-06. Fred said that the application that states it is for 150 gallons per minute (gpm) should be for 25 gpm. That is what the pump is capable of, as noted on the well completion report.

I told Fred the \$200 filing fee which he submitted was then correct and no additional fee is required.



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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1867-1, Frawley Ranches, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1867-1, Frawley Ranches, c/o Fred Ening, Jr., PO Box 1083, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1867-1 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.

See report on application for additional information.

Garland Erbele, Chief Engineer

December 4, 2006

WATER PERMIT APPLICATION NO. 1867-1
FRAWLEY RANCHES, INC.
OCTOBER 31, 2006

Water Permit Application No.1867-1 proposes to appropriate 0.056 cubic feet of water per second (cfs) [25 gallons per minute] from one well completed into the Minnelusa aquifer. The well is 1,370 feet deep and located in the NW¼ SW¼ Sec. 7, T6N-R4E, Lawrence County. The water is for use in a suburban housing development.

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 550 feet thick in this area (Carter and Redden, 1999a; Carter and Redden, 1999b). The main outcrop (recharge area) of the Minnelusa Formation is located approximately four miles southeast of this well. However, the Minnelusa also outcrops less than one mile southwest of this well at Elkhorn Peak (Strobel and others, 1999). The completion report for this well which was included with this application identifies the top of the formation is 1,320 feet below grade. The porous portions of the Minnelusa 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 199,680 acres of Lawrence County and contains an estimated 5,591,040 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. In this area, the water quality may be significantly poorer than that of upgradient wells. In particular, the sulfate concentration could be higher than desirable in this well. 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 heterogeneity of the Minnelusa aquifer has been documented in the Spearfish area (Greene and others, 1999). The static water level of the well that is proposed to be used for this application was reported to be 480 feet below grade in January 2006.

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 193 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 53 permits/rights appropriating water from the Minnelusa aquifer in Lawrence County (Water Rights, 2006c). Water permits and rights represent total appropriations up to 10,177.04 acre-feet annually for irrigation use (Water Rights, 2006) and a combined diversion rate of 30.31 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 2005 was 2,819.99 ac-ft compared with the 10,177.04 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.

Observation Well Data:

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, 2006b). Water Rights' Observation Well LA-88A is located approximately two and one-half miles southwest of the well site proposed by this application. Water Rights' Observation Well LA-86C is located about seven miles southeast of the well site proposed by this application. The hydrograph for the observation wells (figure 1 & 2), are fairly typical for the Minnelusa aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July. The hydrographs also show the magnitude of fluctuation in the water levels in the area ($\cong 55'$ in LA-88A and $\cong 76'$ in LA-86C).

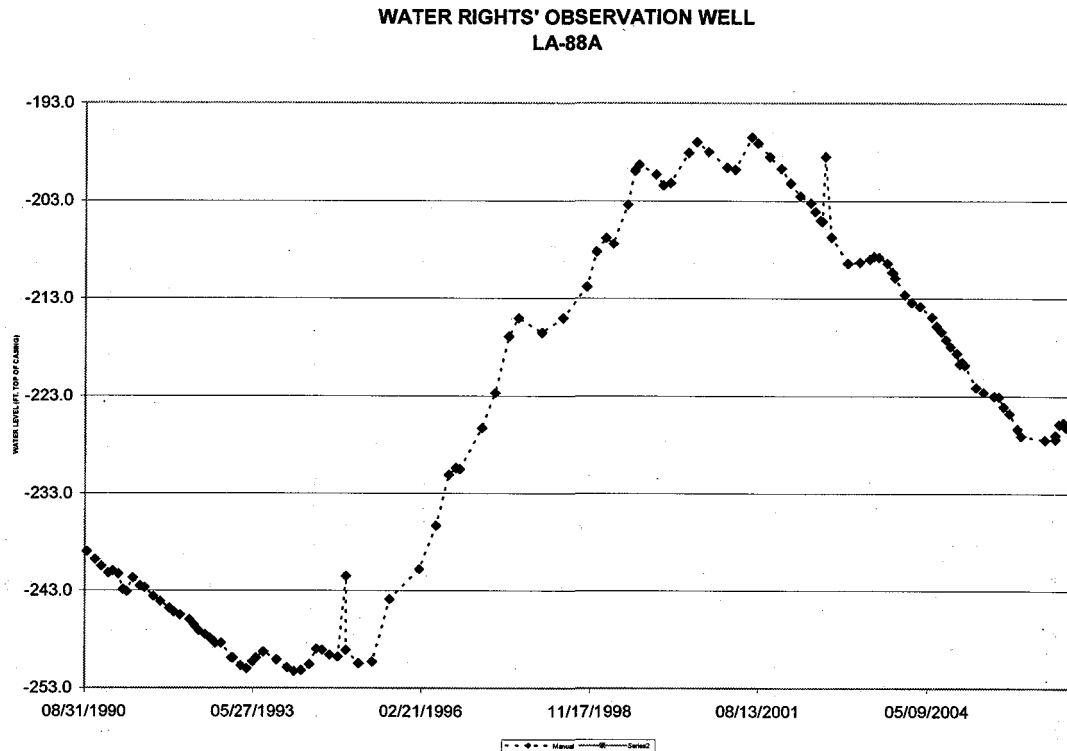


Figure 1. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately two and one-half miles southwest of 1867-1

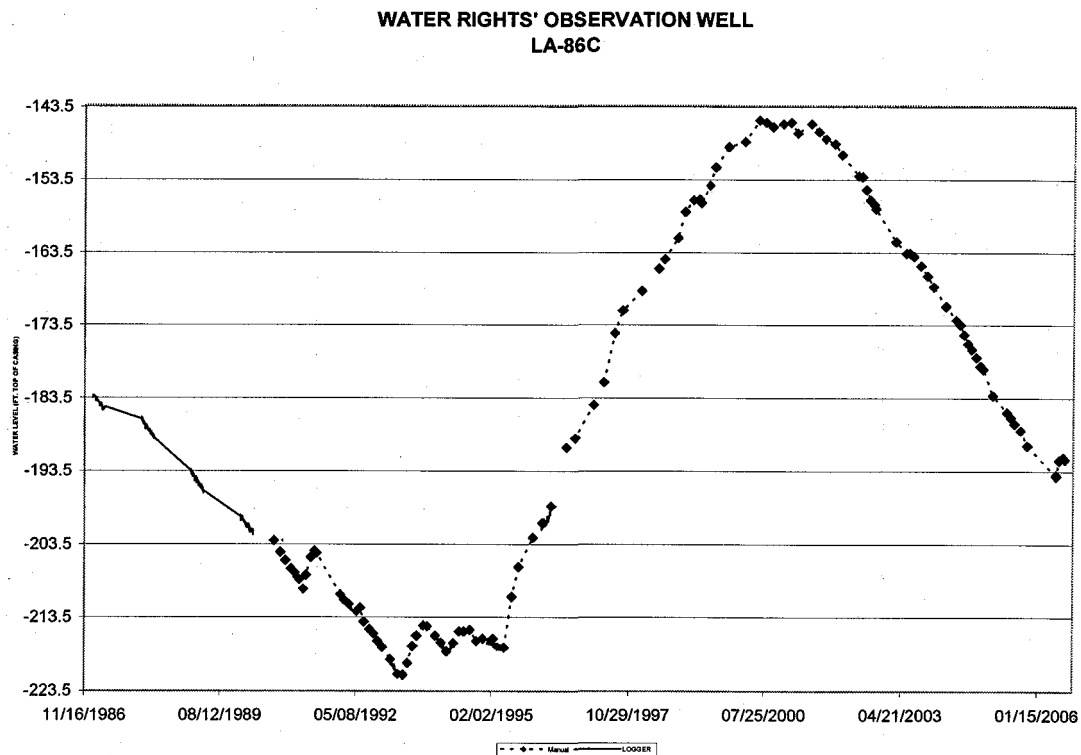


Figure 2. Hydrograph of Water Rights' Minnelusa aquifer Observation Well approximately seven miles southeast of 1867-1

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 twelve Water Rights/Permits appropriating groundwater within approximately three and one-half miles of the well that is to be used for this appropriation. Six of these appropriations are supplied from the Madison aquifer, one is supplied from the alluvium and five appropriations are from the Minnelusa aquifer. The Water Rights appropriating groundwater from the Minnelusa aquifer within approximately three and one-half miles of the well are shown in table 1 (Water Rights, 2006c).

PERMIT NO	NAME	USE	CFS
588-1	TOWN OF WHITEWOOD	MUN	0.44
1130-1	E SLOPE ESTATES WATER ASS	SHD	0.09
1138-1	D & E WATER COMPANY	SHD	0.04
1144-1	HUBBARD MILLING COMPANY	IND	0.13
1371-1	VIC WEYRICH	SHD	0.07

Table 1. Minnelusa aquifer Water Rights within approximately three and one-half miles of 1867-1

The nearest well completed into the Minnelusa aquifer that supplies water to a water right (Water Right No.1130-1, East Slope Estates Water Assoc.) is located over two miles east-southeast of the well that is to be used for this appropriation.

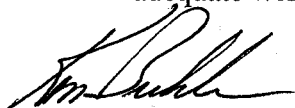
In addition to the wells supplying Water Permits/Rights, there are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program in this area (Water Rights, 2006d).

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. 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 and the distance between wells. In addition, 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.

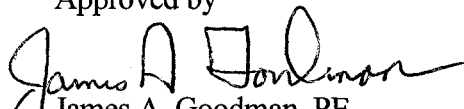
CONCLUSIONS:

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.
- Greene, E.A., Shapiro, A.M. and Carter, J.M., 1999, Hydrogeologic Characterization of the Minnelusa and Madison Aquifers near Spearfish, South Dakota: U.S. Geological Survey Water Resources Investigations Report 98-4156, 64 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, 2006a, 2005 Irrigation Summary by Aquifer, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2006b, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2006c, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2006d, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Affidavit of Publication

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

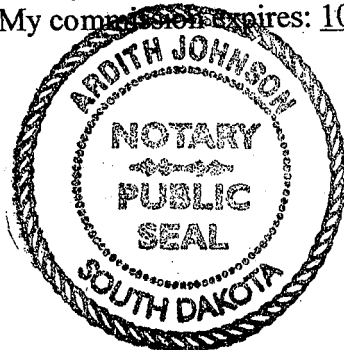
Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the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

Notice Of Application
NOS. 1867-1 And 1868-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 13th day of Dec., 2006, and the last publication on the 20th day of Dec., 2006, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 41.85, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 20th day of Dec., 2006

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



NOTICE OF APPLICATION NOS. 1867-1 and 1868-1 to Appropriate Water

Notice is given that Frawley Ranches, Inc., c/o Fred Enig, PO Box 1083, Spearfish SD 57783 has filed the following applications.

Application No. 1867-1 proposes to appropriate 0.056 cubic feet of water per second (cfs) [25 gallons per minute] from one well completed into the Minnelusa Formation (1370 feet deep) located in the NW 1/4 SW 1/4 Sec 7-T6N-R4E. Application No. 1868-1 proposes to appropriate 0.04 cfs [18 gallons per minute] from one well completed into the Inyan Kara Aquifer (290 feet deep) located in the NW 1/4 NE 1/4 Section 18-T6N-R4E. Both wells will be for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1867-1 and 1868-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 January 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

#997
Dec. 13, 20

RECEIVED
DEC 28 2006
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 5, 2006

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 1867-1 & 1868-1 to Appropriate Water to be published twice. Please publish the first notice on December 13, 2006 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Frawley Ranches Inc., % Fred Ening, PO Box 1083, Spearfish SD (Ph # 605-644-1010).

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. 1867-1

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

Date _____

We are in receipt of your letter of December 5, 2006 enclosing Notice to Appropriate Water by Application No. 1867-1 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.**

December 5, 2006

Frawley Ranches Inc
% Fred Ening
PO Box 1083
Spearfish SD 57783

Dear Mr. Ening:

Water Permit Application Nos. 1867-1 & 1868-1 for suburban housing development use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on December 13, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 1867-1 and 1868-1 to Appropriate Water

Notice is given that Frawley Ranches, Inc., c/o Fred Ening, PO Box 1083, Spearfish SD 57783 has filed the following applications.

Application No. 1867-1 proposes to appropriate 0.056 cubic feet of water per second (cfs) [25 gallons per minute) from one well completed into the Minnelusa Formation (1370 feet deep) located in the NW ¼ SW ¼ Sec 7-T6N-R4E. Application No. 1868-1 proposes to appropriate 0.04 cfs [18 gallons per minute] from one well completed into the Inyan Kara Aquifer (290 feet deep) located in the NW ¼ NE ¼ Section 18-T6N-R4E. Both wells will be for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1867-1 and 1868-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 January 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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

MAR 09 2007

Frawley Ranches, Inc.
c/o Fred Enning
PO Box 1083
Spearfish SD 57783

Dear Mr. Enning:

Enclosed are Water Permit Nos. 1867-1 and 1868-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

RECEIVED

MAR 27 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

1867-1

Date MARCH 26, 2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Frawley Ranches, Inc c/o FRED ENING
(name)P.O. Box 1083
(address)Spearfish SD 57783
(city, state, zip)605-644-1010
(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.

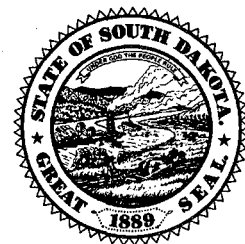
Water Permit No. 1867-1 states that the water use system is to be constructed by August 1, 2006, and water is to be put to beneficial use by February 1, 2007.
(date) (date)

The water use system was completed on August 1, 2006.
(date)

Applying the water to beneficial use was completed on February 1, 2007.
(date)

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

(signature)
(signature)



Permit No. 1867-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **27 August 2007**, made a thorough examination of the water use system constructed by **Frawley Ranches Inc.** of **PO Box 1083, Spearfish, SD. 57783** holder of Permit No. **1867-1**, bearing the priority of **29 August 2006** authorizing the diversion of **0.056** cu. ft. per second of the waters of **the Minnelusa Formation** for **suburban housing development** purposes, in **Lawrence** County.

Inspection contact & relationship
to permit holder, if applicable:

Fred Ening
PO Box 1083
Spearfish, SD. 57783
605-644-1010

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Cimarron Drilling**
- 2) No. of Wells **1**
- 3) Depth **1370** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5.5** inches
- 2) Length **1350** feet
- 3) Type **steel**

Screen:

- 1) Type **none**
- 2) Static water level **480** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **2SS50**
- 3) Size **5HP**
- 4) Capacity **25** GPM

Motor:

- 1) Make Franklin
- 2) Horsepower rating 5 hp

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

- 1) Type PVC
- 2) Size 2 inches
- 3) Length 2060 feet

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

The system is in good condition with the point of diversion located as follows: NW ¼ SW ¼ Sec7-T6N-R4E, approximately 1322 feet north and 565 feet east of the southwest corner of Sec7-T6N-R4E, N 44.49235 Latitude and W -103.68693 Longitude. The works are capable of diverting and conveying to the place of use 0.056 cu. ft. per second of water which is to be used for suburban housing development.

The license should be issued for 0.056 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Permit No. 1868-1 is for the same owner in the same housing development**



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 13 September 2007



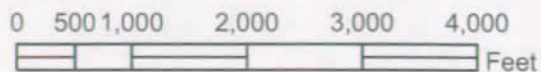
1867-1

Frawley Ranches Inc.
PO Box 1083
Spearfish, SD, 57783



Mark Costello

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



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1867-1

(1) Frawley Ranches, Inc., PO Box 1083, Spearfish SD 57783 made Application No. 1867-1, August 29, 2006 for a water permit to divert 0.056 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1867-1, with a priority date of August 29, 2006 was approved January 2, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2012 and for the application to beneficial use of water on or before January 2, 2016.

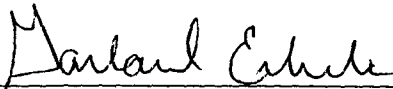
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 27, 2007. The *Notice* stated the diversion system was completed on August 1, 2006 and the water placed to beneficial use on February 1, 2007.

(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. 1867-1 is issued a license, bearing a priority date of August 29, 2006 to appropriate 0.056 cubic feet of water per second from groundwater (one well) for suburban housing development.

The diversion point is located: approximately 1,322 feet north and 565 feet east of the southwest corner Section 7-T6N-R4E (NW ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1867-1 including the following now applicable qualification:

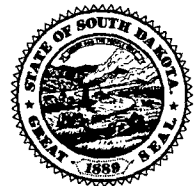
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



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

OCT 09 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 09 2007

1867-1
1868-1

Frawley Ranches Inc
Fred Enning
PO Box 1083
Spearfish SD 57783

Dear Mr. Enning:

Enclosed are Water License Nos. 1867-1 and 1868-1. These are the final water right documents completing the process of obtaining a Water Right. Also, included with the licenses are maps 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 wells authorized by Water Right Nos. 1867-1 and 1868-1, 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 Licenses, the State Water Laws provide that 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

1867-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 30, 2021

RECEIVED OF Frawley Ranches ^{has} Water Users Association 20074 Ridgefield Loop Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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>1867-1</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUN 30 2021

Ck# 1017

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

JUN 30 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 1867-1Date: 06-26-2021I/We request that Water Right/Permit No. 1867-1 formerly owned by:Frawley Ranches, Inc.

be transferred to:

New Owner Name: Frawley Ranches Water Users AssociationAddress: Registered office 109 Main St. physical 20074 Ridgefield LoopCity, State, Zip Spearfish SD 57783 Telephone No. 307-277-4930

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

NW 1/4 SW 1/4 Sec 7-T6N-R4ELawrence County

☒ I understand that the validity of Water Right/Permit No. 1867-1 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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Frawley Ranches Water Users Association the new owner, certify that the above information is true and correct.

Frawley Ranches Water Users Association
(signed by new owner)

Miriam Rodvik-Billings Board of Director
Miriam Rodvik-Billings Member

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.



531175292

1867-1

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2021
FILING YEAR

ANNUAL REPORT
Domestic Nonprofit Corporation
SDCL 47-24-6, 59-11-24

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$10

Total Fee: \$10

1. Business ID and Name:

NS049280
BUSINESS ID

Frawley Ranches Water User's Association
BUSINESS NAME

2. The jurisdiction under whose law it is formed
- SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

20074 RIDGEFIELD LOOP
SPEARFISH, SD 57783

Mailing Address

20074 RIDGEFIELD LOOP
SPEARFISH, SD 57783

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Eric Nies**

Actual Street Address in this State

109 MAIN STREET
SPEARFISH, SD 57783

Mailing Address in this State

PO BOX 759
SPEARFISH, SD 57783

5. The names and addresses of its principal officers.

Title	Name	Address
President	Joseph Vitale	20091 Ridgefield Loop, Spearfish, SD 57783
Treasurer	Miriam Miriam Rodvik-Billings	20074 Ridgefield Loop, Spearfish, SD 57783

6. The names and addresses of its directors (governors).

Name	Address
Joseph Vitale	20091 Ridgefield Loop, Spearfish, SD 57783
Miriam Rodvik-Billings	20074 Ridgefield Loop, Spearfish, SD 57783
James Statham	20085 Ridgefield Loop, Spearfish, SD 57783

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

B0169-3581 02/11/2021 2:26PM Rec'd by SD SOS



No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

02/11/2021

Dated

Email (Optional)

Eric Nies

Signature of an Authorized Person

Eric Nies

Printed Name

B0169-3582 02/11/2021 2:26PM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 8, 2021

1867-1

Miriam Rodvik-Billings
Frawley Ranches Water User's Association
20074 Ridgefield Loop
Spearfish SD 57783

Dear Ms. Rodvik-Billings:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 1867-1.

The ownership change has been completed. Water Right No. 1867-1 formerly held by Frawley Ranches, Inc. is now listed under Frawley Ranches Water User's Association.

Enclosed for your records is a receipt for the filing fee that was paid. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us