

WATER PERMIT NO. 1868-1

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: **0.04 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: **0-8-2006**

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

Remarks:

Diversion Point: **NW ¼ NE ¼ Sec 18-T6N-R4E**

Land to be Irrigated: **NA**

Depth of Well: **340 feet deep**

Well Driller: : **Cimmarron Well Drilling**

Remarks:

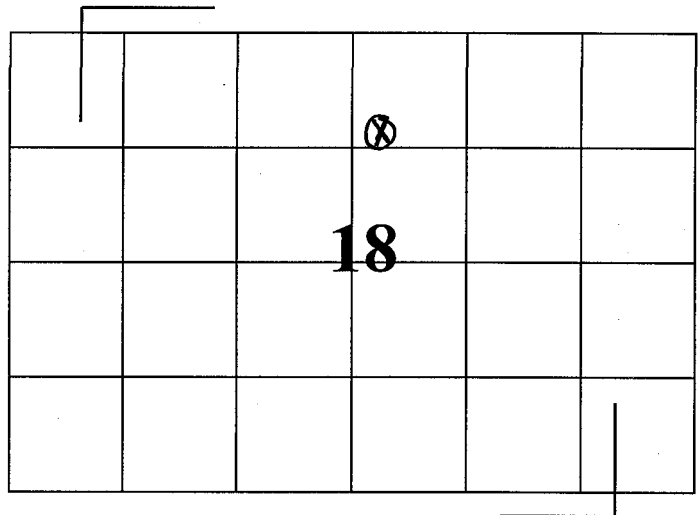
Type of Map: **plat**

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	No. <u>1868-1</u> (office use only) Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche R</u>
	Newspaper <u>Black Hills Pioneer</u>

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.)

- Name of Applicant FRANKLEY RANCHES, INC. Phone 605-644-1010
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address C/O FRED ENING P.O. Box 1083, Spearfish State SD 57783
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.04 *CFS or 18 **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 NEW WELL - 340'
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County LAWRENCE
1 well NW1/4 NE1/4 18-6-4 (see attached)
- County or counties where water will be used LAWRENCE
- Annual period during which water is to be used JANUARY 1 thru DECEMBER 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)
7 RESIDENTIAL LOTS WILL EACH OWN 1/7th WELL SHARE. A WATER LINE HAS BEEN RUN W/SALT OFFS, 2 FLUSHING HYDRANTS AND A 5,000 gallon storage facility w/2 pump system.

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 _____

Subscribed and sworn to before me this 28th day of Aug 20 06

MARIANNE WILCZYNSKI, Notary Public

Lawrence County, South Dakota

My Commission Expires _____
Public signature

August 14, 2009

**SOUTH DAKOTA
WATER PERMIT NO. 1868-1**

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. 1868-1 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. 1868-1 appropriates 0.04 cubic feet of water per second [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.
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. 1868-1 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



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

→ see attached well log

- a) Drill Hole Diameter 7 7/8" Depth 340'
- b) Casing Type PVC Diameter 5" Thickness 220#/ft
- c) Screen Type PVC Diameter 5" Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) 235'
- g) Distance to nearest existing domestic well:
- On applicants property On property owned by others approx 250'

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

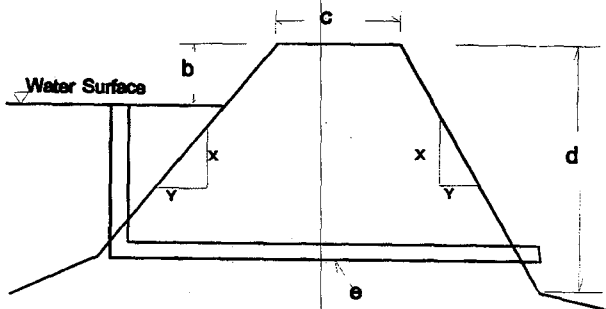
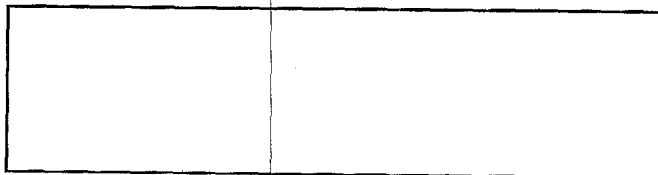
3. Dugout Information

- 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.

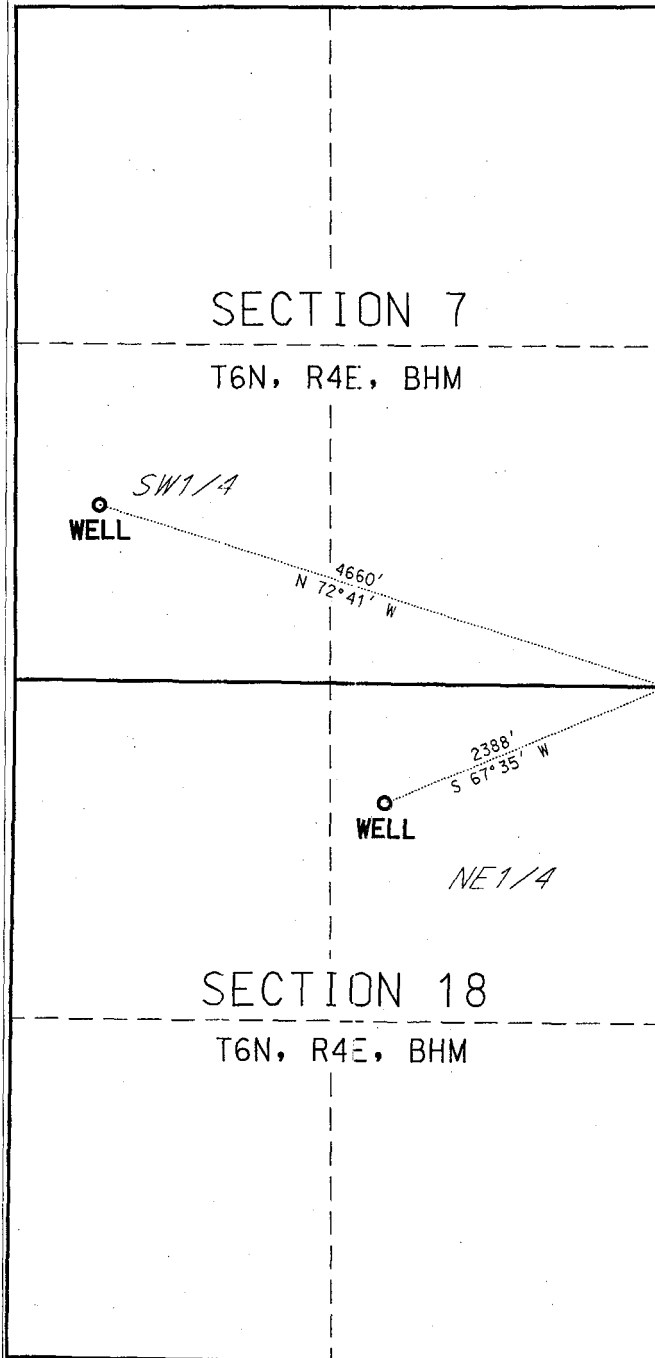
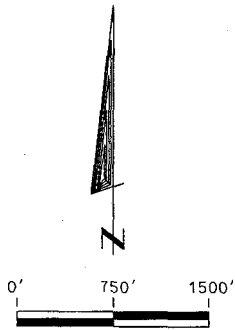
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

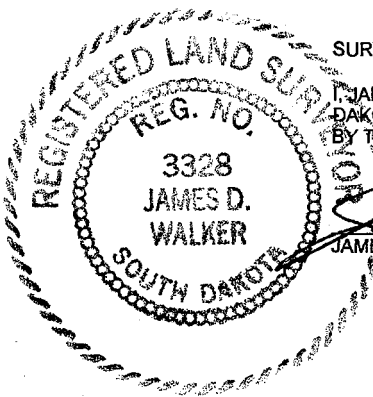
WELL LOCATION EXHIBIT

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

I, 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 2/3/06
JAMES D. WALKER RLS 3328

PREPARED BY:

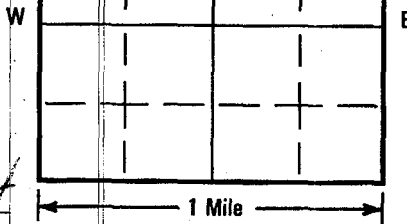
NJS ENGINEERING
P.O. BOX 226
SPEARFISH, SD 57783
(605) 642-4772
PROJECT #3029.2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 18 Twp 6-N Rg 4-E
County LAWRENCE

Please mark well location with an "X"



Well Completion Date

9-04-04

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air - WaterCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>290</u> FT	<u>7 7/8</u> IN
_____ 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>94 lb./gal</u>	<u>0</u> ft	<u>230</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure PRESSURE GROUT THRU TRONIC PIPE TO BACKFILL MUD PUMPSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 40 FEETMaterial PVCSlot Size 1/16 Set From 250 Feet to 290 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? NeopreneDescribe packer(s) and location? 2-5" x 8" @ 129' - 230'

DISINFECTION: Was well disinfected upon completion?

YES, How: ChlorineNO, Why Not? Neoprene

Laboratory sent to for water quality analysis

 Well Owner: FRAWLEY RANCH EAST
 Business Name: _____
 Address: P.O. Box 1023
Spearfish S.D. 57723

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SAND</u>	<u>0'</u>	<u>10'</u>
<u>Blue Shale w/ S. St. Stripes</u>	<u>10'</u>	<u>120'</u>
<u>Carbon & Maroon Shale</u>	<u>225'</u>	<u>230'</u>
<u>Chalky White Sandstone</u>	<u>230'</u>	<u>290'</u>
<u>Blue Shale</u>	<u>290'</u>	<u>320'</u>
<u>Green Shale</u>	<u>320'</u>	<u>340'</u>

STATIC WATER LEVEL 235' 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

240 ft. After 2 Hrs. pumped 15 GPM290 ft. After 2 Hrs. pumped 18 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 562

And this report is true and accurate.

Drilling firm Cameron Drilling Inc.Signature of License Representative: Michael J. Deutsch

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 29, 20 06

RECEIVED OF Fred Ening Real Estate 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>1868-1</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>1868-1</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.

02577

By

Darland Erbe

Chief Engineer



**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. 1868-1, 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. 1868-1, Frawley Ranches, c/o Fred Ening, Jr., PO Box 1083, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1868-1 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. 1868-1
FRAWLEY RANCHES, INC
NOVEMBER 15, 2006

Water Permit Application No. 1868-1 proposes to appropriate 0.04 cubic feet of water per second (cfs) [18 gallons per minute] from one well completed into the Inyan Kara aquifer (340 feet deep), located in the NW¼ NE¼ Sec.18, T6N-R4E, Lawrence County. The water is for suburban housing development use at Prairie Haven Subdivision.

AQUIFER: Inyan Kara

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen and others, 1985). The aquifer underlies 36,480 acres and contains an estimated 601,920 acre-feet of recoverable water in storage in Lawrence County alone (Allen and others, 1985). Recharge to the aquifer occurs primarily through infiltration of precipitation at the outcrop. Average annual recharge to the Inyan Kara aquifer from 1950 through 1998, is estimated to be 11,600 acre-feet annually (Driscoll and Carter, 2001).

This well is basically located on the Inyan Kara outcrop (recharge area), (Strobel and others, 1999). The Inyan Kara is estimated to be around 250 feet thick in this area (Allen and others, 1985). The base of the Inyan Kara can be interpreted to be about 290 feet below grade from the well log. The completion report submitted for this well indicates the static water level of this well is 235 feet below grade.

Observation Well Data

The Water Rights Program monitors seven observation wells completed into the Inyan Kara aquifer in the Black Hills area. Water Rights' Observation Well LA-90B is located about five miles northwest of this well, Observation Well MD-89A is located about seven miles east of this well. The hydrographs for the wells are shown below (figure 1-2).

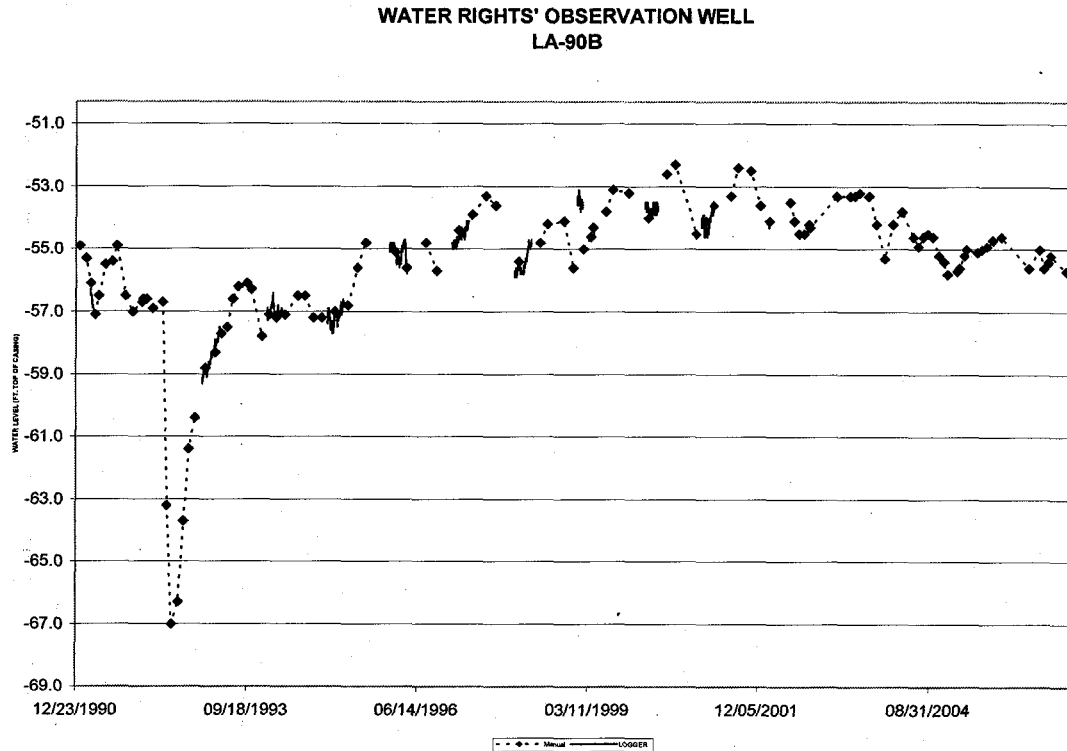


Figure 1. Hydrograph of an observation well completed into the Inyan Kara aquifer approximately five miles northwest of 1868-1

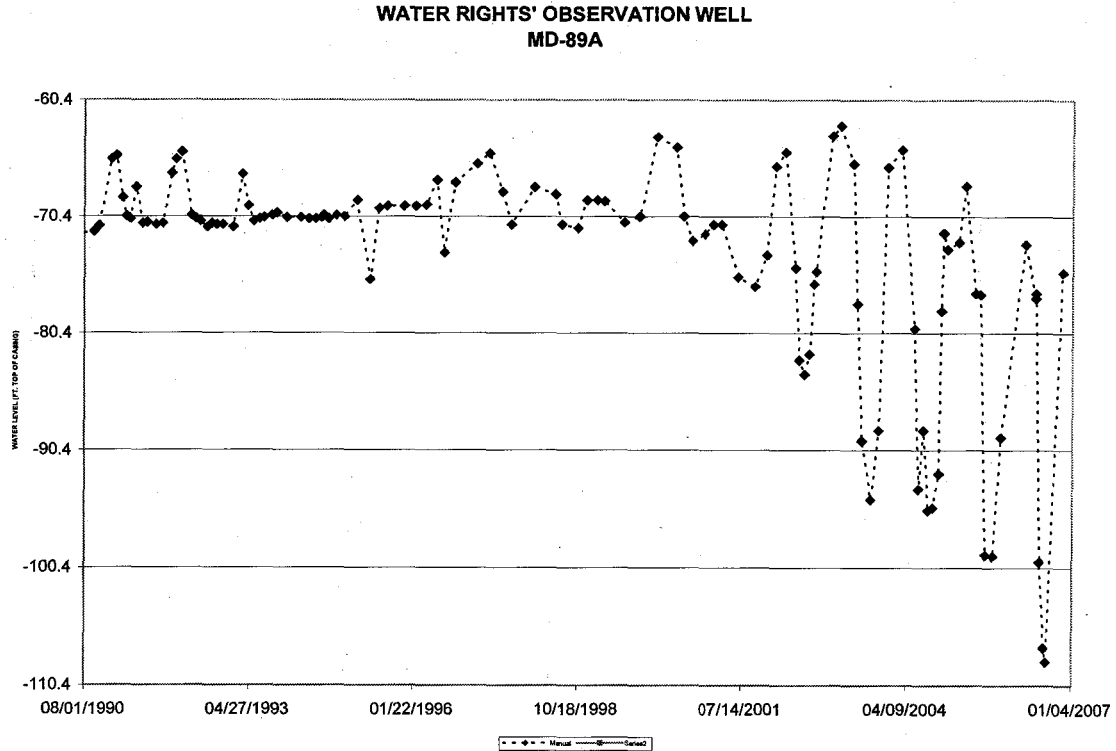


Figure 2. Hydrograph of an observation well completed into the Inyan Kara aquifer approximately seven miles east of 1868-1

The hydrographs document that the water level of the aquifer has fluctuated over the period of record. It is clear from the data that the aquifer recharges readily (Water Rights, 2006b). Since the wells were completed in 1990 and 1989 respectively, their hydrographs are probably skewed upward by the above normal precipitation and consequently above normal recharge of the 1990's. Long term water-level declines are not apparent from the observation well data.

EXISTING WATER RIGHTS:

The Inyan Kara aquifer has been developed in at least 23 counties in South Dakota with 162 Water Rights/Permits and one FU (City of New Underwood). The total appropriation from the Inyan Kara is 35.67cfs for non-irrigation (SHD, RWS, MUN, INS, IND, GEO, FWP, DOM, and COM) uses. There are 7 water rights/permits appropriating 781.30 ac-ft/yr water from the Inyan Kara for irrigation purposes (Water Rights, 2006a).

The actual amount of water used annually from the Inyan Kara is considerably less than the amount appropriated. For example, the average of the annual reported irrigation usage from the Inyan Kara between 1982 and 2005 was 49.32 ac-ft/yr with a maximum of 224.6 ac-ft/yr reported in 1985. The average annual withdrawals from the aquifer from the Black Hills area, where the majority of water rights are located, for the period from 1950-1998 was estimated to be 1,400 acre-feet/year (Driscoll and Carter, 2001).

There are two rights appropriating water from the Inyan Kara aquifer in Lawrence County, they are Water Right No. 927-1 St. Onge Sewer & Water Co.; and 1565-1 Livestock Yards Co. (Water Rights, 2006c). The water rights are each located over four miles from the well that is to be used to supply 1868-1.

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

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

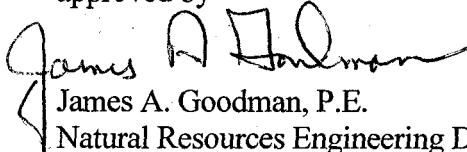
CONCLUSIONS:

1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation. Comparison of the estimated annual recharge to the aquifer with the water use estimated from the aquifer, and the observation well data indicate unappropriated water is available from the Inyan Kara aquifer.
2. Well interference should not be a problem at the proposed well site because of the distance from existing wells.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Driscoll, D.G., and Carter, J.M., 2001, Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998: U.S. Geological Survey Water-Resources Investigations Report 01-4226, 143 p.
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745, 3 sheets, scale 1:100,000
- Water Rights 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

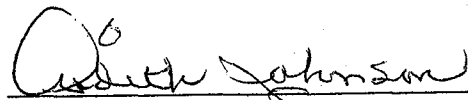
Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the 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.

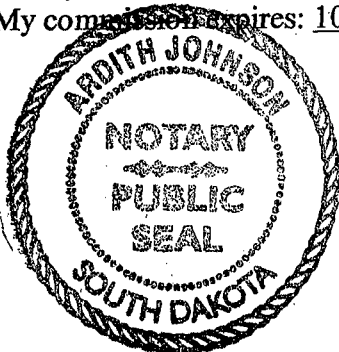


Subscribed and sworn to before me this 20th day of Dec., 2006



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. Pirner, 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$ 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. 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 USEDate MARCH 26, 2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: FRAWLEY Ranches, Inc. c/o FRED ENING
(name)PO 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. 1868-1 states that the water use system is to be constructed byJuly 7, 2006
(date)

, and water is to be put to beneficial use by

July 7, 2006
(date)

The water use system was completed on

July 7, 2006
(date)

Applying the water to beneficial use was completed on

July 7, 2006
(date)

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


(signature)

Permit No. 1868-1
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. **1868-1**, bearing the priority of **29 August 2006** authorizing the diversion of **0.04** cu. ft. per second of the waters of **the Inyan Kara Aquifer** 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
Realtor representing the development

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Cimarron Drilling Inc.**
- 2) No. of Wells **1**
- 3) Depth **340** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5** inches
- 2) Length **290** feet
- 3) Type **plastic**

Screen:

- 1) Type **perforated pipe**
- 2) Length **40** feet
- 3) Static water level **235** feet

Pump:

- 1) Make **Grundfos**
- 2) Capacity **16** GPM

Motor:

- 1) Make Franklin
- 2) Model No. unknown
- 3) Horsepower rating 3 hp

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

- 1) Type PVC
- 2) Size 2 inches
- 3) Length 2780 feet

Chemigation Equipment:

- 1) Does chemigate N

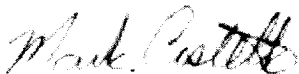
D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

The system is in good condition with the point of diversion located as follows: NW ¼ NE ¼ Sec18-T6N-R4E, approximately 2172 feet west and 923 feet south of the northeast corner of Sec18-T6N-R4E, N 44.48608 Latitude and W -103.67830 Longitude. The works are capable of diverting and conveying to the place of use 0.036 cu. ft. per second of water which is to be used for suburban housing development.

The license should be issued for 0.036 cfs.

All structures, wells and lands on map Y



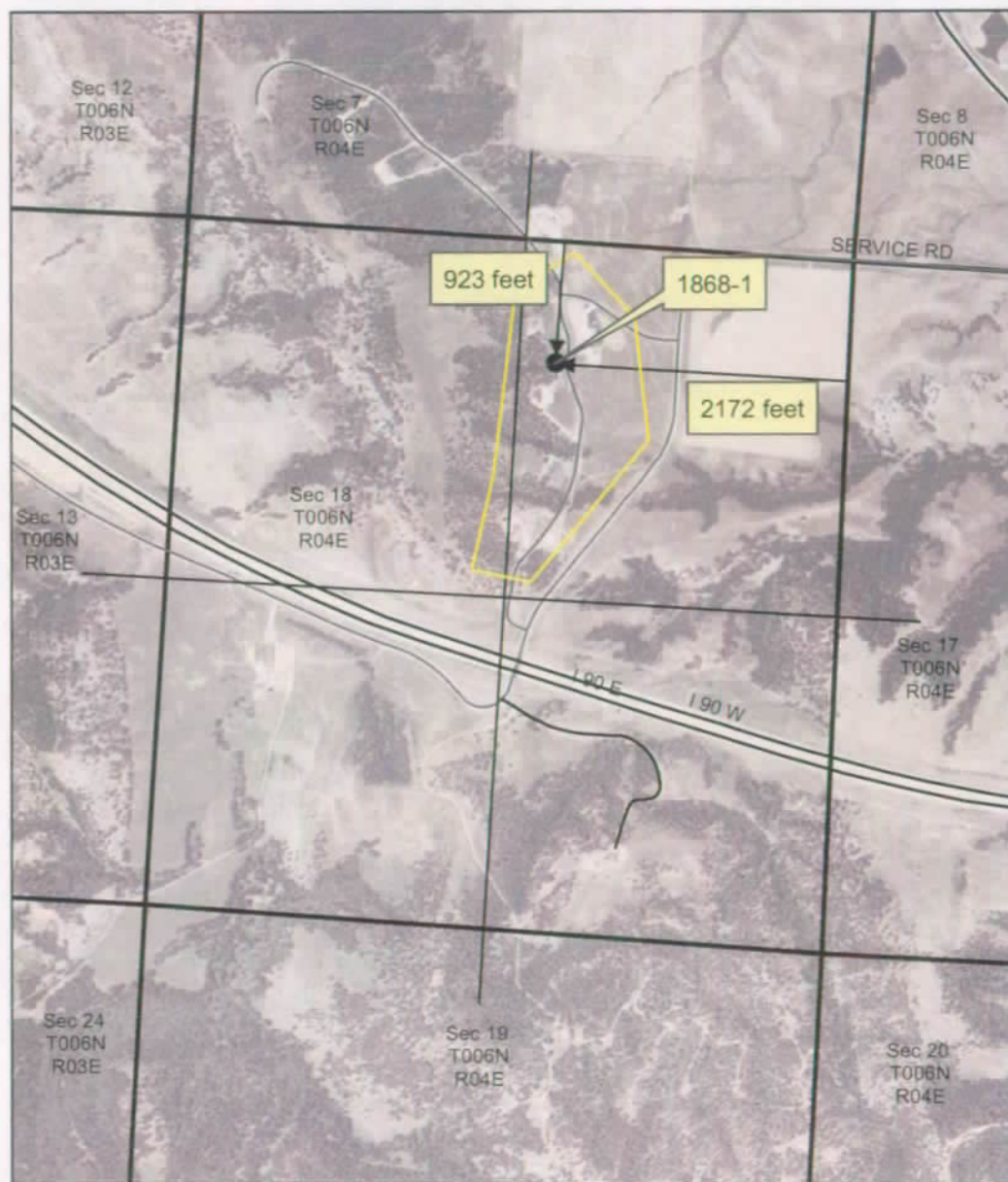
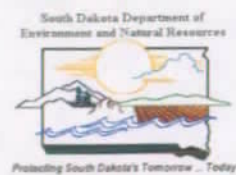
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 13 September 2007



1868-1

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



Mark Costello

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

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1868-1

(1) Frawley Ranches, Inc., PO Box 1083, Spearfish SD 57783 made Application No. 1868-1, August 29, 2006 for a water permit to divert 0.04 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1868-1, 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.

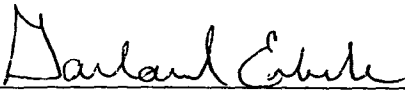
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 27, 2007. The *Notice* stated the diversion system was completed on July 7, 2006 and the water placed to beneficial use on July 7, 2006.

(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. 1868-1 is issued a license, bearing a priority date of August 29, 2006 to appropriate 0.036 cubic feet of water per second from groundwater (one well) for suburban housing development.

The diversion point is located: approximately 2,172 feet west and 923 feet south of the northeast corner Section 18-T6N-R4E (NW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1868-1 including the following now applicable qualification:

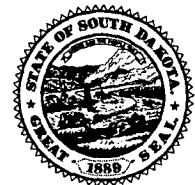
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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