

WATER PERMIT NO. 1887-1

Name of Applicant: JKRK Properties, LLC

Address: 1935 Samco Rd, Rapid City SD 57702

Phone: 605 342-9606

Amount of Water Claimed: 0.61 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Meade

Type of Waste Disposal System:

Location: 2 miles northwest of Piedmont

PRIORITY Date Received: 4-12-07

Application/License Fee: \$325

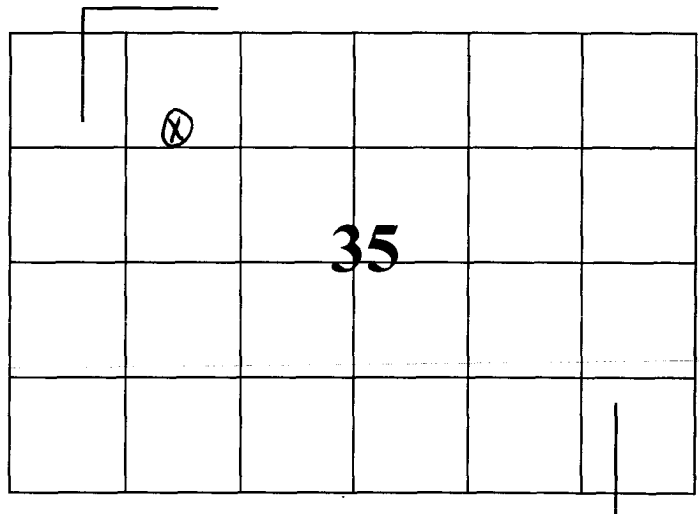
Corrected Application Received: 4-25-07

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 35-T4N-R6E

Land to be Irrigated: NA



Depth of Well: 2500 feet

Well Driller: : Cimarron Drilling Inc.

Remarks:

Type of Map: plat

Prepared by: Ralph W Goodson, PE

Reviewed and the Number Assigned on: 4-27-09

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SD EForm - 1585 V1
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>1887-1</u> (office use only) Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Meade Co. Times</u> P.O. Box <u>69</u>
	<u>605-347-2503</u> <u>Sturgis 57785</u>

RECEIVED

APR 12 2007

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

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

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

- Name of Applicant JKRK Properties, LLC Phone (605) 342-9606
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1935 Samco Rd Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.61 *CFS or 276 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well drilled into the Madison formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade
NW1/4NW1/4 Sec. 36, T.4N., R.6E., BHM
- County or counties where water will be used Meade
- Annual period during which water is to be used Year-round Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a well into the Madison formation that will provide water for a Planned Unit Development in Section 36, T.4N., R.6E., of the BHM

STATE OF SOUTH DAKOTA)

County of Meade 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, Ryan Kasler JKrk Prop., 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 Ryan Kasler

Subscribed and sworn to before me this 10th day of April 20 07

Michael H. Hader
Notary Public signature
commission expires 8-11-2010

**SOUTH DAKOTA
WATER PERMIT NO. 1887-1**

Date of first receipt of application April 12, 2007.

Date of return to applicant for corrections, amendments or changes April 16, 2007.

Date of receipt of corrected application April 25, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1887-1 to JKRK Properties, LLC, 1935 Samco Rd, Rapid City SD 57702 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. 1887-1 appropriates 0.61 cubic feet of water per second from one well completed into the Madison Aquifer (2,500 feet deep) located in NW 1/4 NW 1/4 Section 36-T4N-R6E.
2. The water appropriated shall be used for the purpose of a 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. 1887-1 is August 13, 2007.
5. The date from which applicant may claim right is April 12, 2007.
6. One-fifth of the construction is to be completed on or before February 13, 2010.
7. All construction is to be completed on or before August 13, 2012.
8. Water is to be put to beneficial use on or before August 13, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

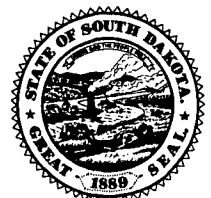
1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1887-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1887-1 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. 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.
3. JKRK Properties shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

WATER MANAGEMENT BOARD

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

OCT 19 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.75" Depth 2500
- b) Casing Type Steel Diameter 7" Thickness .328"
- c) Screen Type NA Diameter _____ Thickness _____
- d) Gravel Pack NA Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____ 2160 feet
- f) Depth to Water (ground surface to water level) _____ NA, well flows
- g) Distance to nearest existing domestic well:
On applicants property NA On property owned by others > 2 mi

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

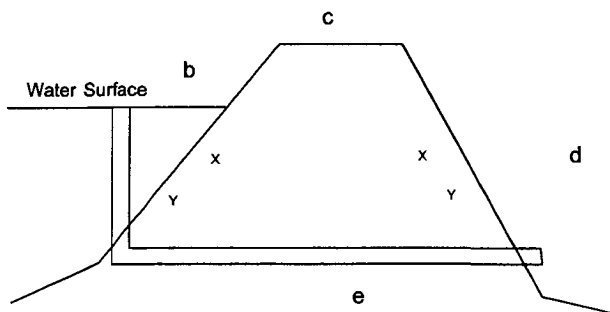
3. Dugout Information

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

4. Water Storage Dams

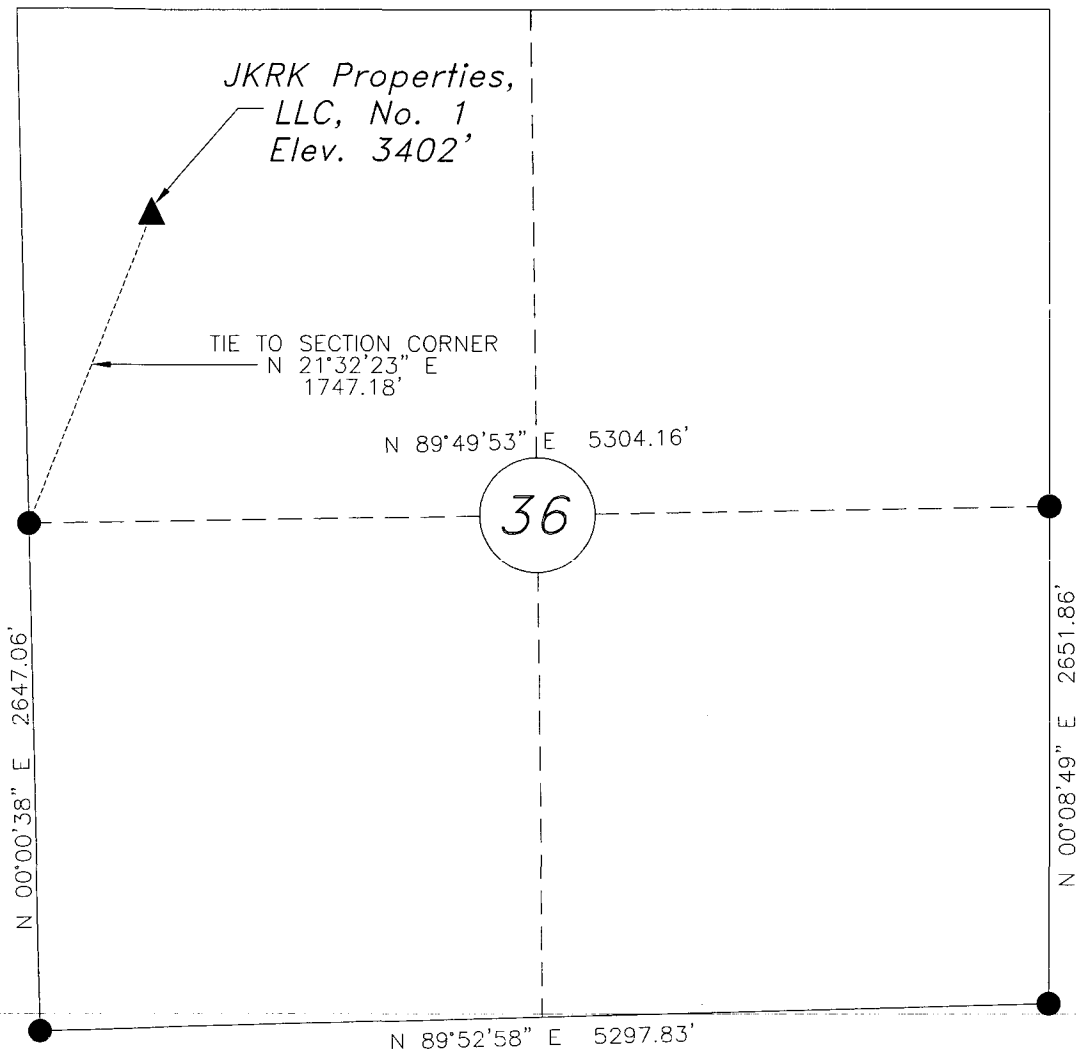
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

EXHIBIT
WELL LOCATION MAP
JKRK Properties, LLC, No. 1
 Section 36, T.4N., R.6E. of the BHM,
 Meade County, South Dakota



LEGEND

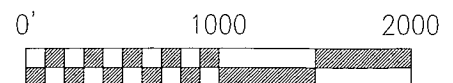
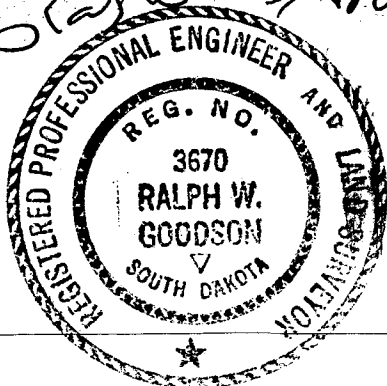
- - Indicates corner evidence found, remonumented, and/or Certified Land Corner Recordation Certificate filed
- ▲ - Indicates Bore Site

BASIS OF ELEVATION:
 WEST 1/4 CORNER
 SECTION 36 = 3362'

CERTIFICATE OF SURVEYOR

I, Ralph W. Goodson, of Sundance, Crook County, Wyoming, do hereby certify that this map was drawn from notes taken during an actual survey done by me and under my direct supervision during May 2005 and that that survey is accurately represented hereon.

Ralph W. Goodson
 4/23/07



5/23/05

04693_WELL EXHIBIT

Prepared By:

BEARLODGE LTD., INC.

Consulting Engineers & Land Surveyors

P.O. Box 130, 420 Cleveland St., Sundance, WY 82729307-283-3633



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 36 Twp 4-N Rg 6-ECounty Meade

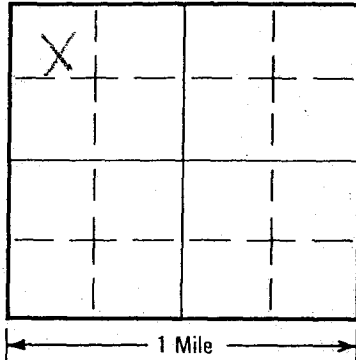
North

Please mark well location with an "X"

W

E

Well-Completion Date

1-15-07

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 - Mud - WaterCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>2160</u> FT	<u>8 3/4</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>280</u>	<u>1116</u> lb./gal	<u>10</u> ft	<u>2160</u> ft
<u>Type III</u>		_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure grout - 100 PSI
+ 1000 gal. displaced by mud pump.SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: _____

Business Name: JK-RK Properties LLCAddress: 1935 Samco Road
Rapid City S.D. 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SANDY SHALE</u>	<u>0'</u>	<u>175'</u>
<u>LYMAN KARL</u>	<u>175'</u>	<u>530'</u>
<u>MORRISON</u>	<u>530'</u>	<u>630'</u>
<u>SUNDANCE</u>	<u>630'</u>	<u>960'</u>
<u>SPEAR FISH</u>	<u>960'</u>	<u>1320'</u>
<u>MINNEKAHTA</u>	<u>1320'</u>	<u>1380'</u>
<u>OPECHE</u>	<u>1380'</u>	<u>1500'</u>
<u>MIDNEUSA</u>	<u>1500'</u>	<u>2100'</u>
<u>MADISON</u>	<u>2100'</u>	<u>2500'</u>

STATIC WATER LEVEL 0 Feet

If flowing: closed in pressure _____ PSI

GPM flow 35-40 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 15 GPMCan well be completely shut in? YES

WELL TEST DATA:

☐ PumpedDescribe: Air - Developed☐ Bailed☒ Other

Pumping Level Below Land Surface

600 ft. After 2 Hrs. pumped 200 GPM500 ft. After 2 Hrs. pumped 150 GPM

If pump installed, pump rate _____ GPM

REMARKS

Minnekahta Flowed
Water Tested 2000
2000 AM. 500 GPMThis well was drilled under license # 562

And this report is true and accurate.

Drilling firm Lincoln Drilling Inc.Signature of License Representative: Michael J. Dutch

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/13, 20 07

RECEIVED OF JKRK PROPERTIES 1935 SAMCO RD RAPID CITY SD 57702

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

Fee for Application for Permit No. <u>1887-1</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>1887-1</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	325 00

No.

03033

By

Richard Erbe
Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 2007

JKRK Properties, LLC
Ryan Kaski
1935 Samco Rd
Rapid City SD 57702

Dear Mr. Kaski:

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

- The enclosed maps are being returned because they must be signed by Ralph W Goodson, the person who prepared them.

If you have any questions, please contact me.

Sincerely,

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

enclosures

BEARLODGE LTD. INC.

P. O. BOX 130

SUNDANCE, WY. 82729

Ph: 307-283-3633

Fax: 307-283-2633

April 23, 2007

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APR 25 2007

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
DENR
Joe Foss Bldg.
523 E. Capitol
Pierre, S. D. 57501-3182
Dear Ms. Schlaak:

Enclosed find two copies of the Well Location Map for JKRR Properties, LLC,
No. 1, signed by myself as per your request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ralph W. Goodson". The signature is fluid and cursive, with the first name "Ralph" being more prominent and the last name "Goodson" following in a similar style.

Ralph W. Goodson, PE&LS



**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. 1887-1, JKRK Properties**

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. 1887-1, JKRK Properties, c/o Ryan Kaski, 1935 Samco Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1887-1 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1887-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1887-1 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. 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.
3. JKRK Properties shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 12, 2007

REPORT ON WATER PERMIT APPLICATION NO. 1887-1
JKRK PROPERTIES, LLC
JUNE 25, 2007

Water Permit Application No. 1887-1 proposes to appropriate 0.61 cubic feet of water per second (cfs), from one well 2,500 feet deep, completed into the Madison aquifer. The well is located in the NW¼ NW¼ Section 36, T4N-R6E, Meade County. The water is to be used in a suburban housing development.

Water Source: Madison aquifer (MDSN)

Geology and Aquifer Characteristics:

The Madison (Pahasapa) Limestone is a massive limestone and dolomite that underlies much of the Western United States. In this area the Madison Limestone is estimated to be between 400 feet thick (Allen and others, 1985) and 570 feet thick (Carter and Redden, 1999a, and Carter and Redden, 1999b). The top portion of the Madison Limestone contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The aquifer underlies approximately 30,000 square miles of western South Dakota and contains at least 640 million acre-feet of recoverable water in storage in the State (Allen and others, 1985). The well site proposed by this permit is located about three and one-half miles northeast of the Madison outcrop (recharge area), (Strobel and others, 1999). The top of the Madison Limestone is reported to be 2,100 feet below grade at this site on the completion report submitted for this well.

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge to the Madison aquifer and the overlying Minnelusa aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). Average annual recharge to the Madison aquifer from 1931-1998 was estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001a).

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are a total of 149 permits/rights which appropriate water from the Madison aquifer in South Dakota plus one deferred application (Application No. 2585-2 Southern Black Hills Water System). In addition, there are five future use permits (369-1 City of Belle Fourche, 1833-2 Weston Heights Home Owners, 2086-2 The City of Rapid City, 2560-2 Fall River Water User's District, and 2580-2 Southern Black Hills Water System and 1872-1 City of Spearfish) that reserve 12,092.8 acre-feet of water annually from the Madison aquifer. The majority of the water rights/permits from the aquifer are from Butte, Lawrence, Meade, Pennington and Fall River Counties. The Madison supplies water for irrigation, geothermal, industrial, and

commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison aquifer.

If the worst case assumptions are made that (1) 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); the total water use from the Madison would be less than 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Withdrawals from wells completed into the Madison aquifer were estimated to be 12,163 acre-feet annually from 1987-1996 (Carter and others, 2001b). Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

This application proposes to appropriate 0.61 cfs or around 265 ac-ft/yr max (assuming 60% full time pumping) from the Madison aquifer. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

A water budget is not intended to suggest that all of the water that is in storage in the Madison or that all of the recharge is available for this appropriation, merely to demonstrate that in general the Madison aquifer is an immense resource that is relatively untapped.

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area (Water Rights, 2007a). Madison aquifer observation well MD-94A is located approximately three miles south of this well site, and observation well MD-90A is located about four miles northwest of this well site. The hydrograph for MD-94A shows fluctuations that are not typical of the hydrographs of other Water Rights' observation wells completed into the Madison aquifer, and the data is suspect. Therefore, data obtained from the observation well was not utilized in the evaluation of this water permit application. The hydrograph for observation well MD-90 A is shown in figure 1.

The hydrograph documents that the potentiometric surface of the Madison aquifer in this area varies up to 31 feet per year seasonally. The potentiometric surface fluctuated 97 feet from high to low during the period of record, rising during the late 1990's in response to wet climatic conditions and decreasing since about 1999 in response to less recharge. A comparison of this hydrograph with data from Water Rights' observation wells completed into the Madison aquifer that have longer periods of record, suggest the fluctuations represented in figure 1 are representative of climatic conditions instead of pumping from the aquifer. Long-term water level declines are not apparent from the hydrograph. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious. Therefore the observation well data indicates that unappropriated water is available from the Madison aquifer.

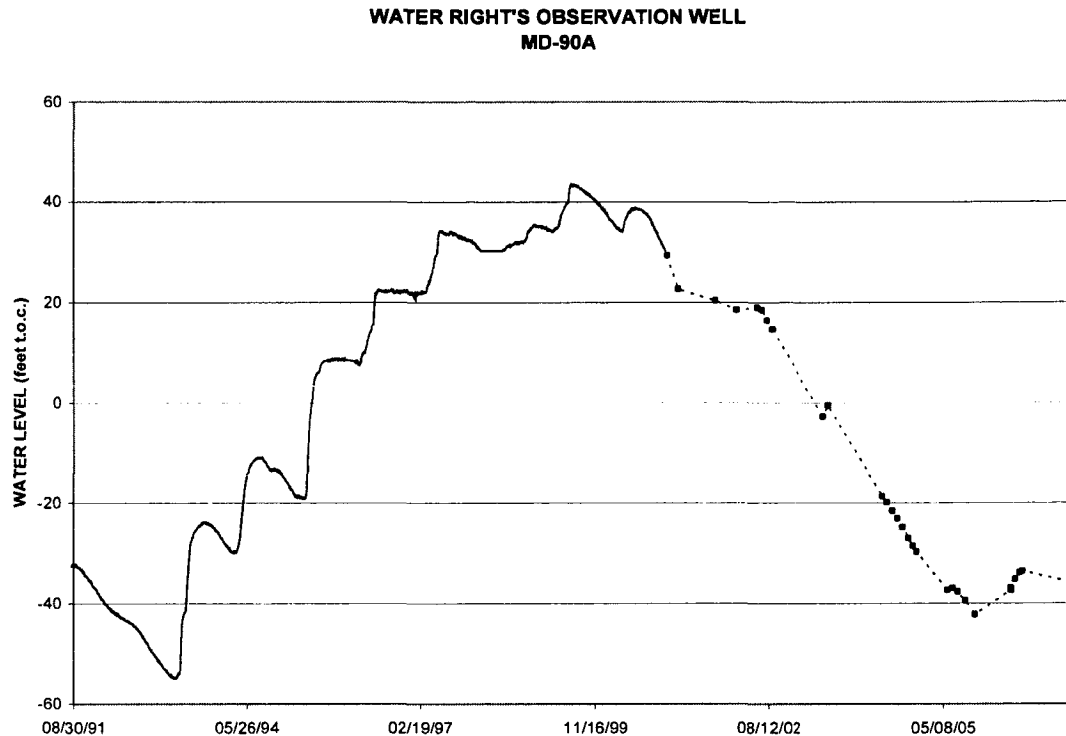


Figure 1. Hydrograph of Water Rights' Observation Well LA-90A, located approximately four miles northwest of 1887-1.

The hydrograph documents that the potentiometric surface of the Madison aquifer in this area varies up to 31 feet per year seasonally. The potentiometric surface fluctuated 97 feet from high to low during the period of record, rising during the late 1990's in response to wet climatic conditions and decreasing since about 1999 in response to less recharge. A comparison of this hydrograph with data from Water Rights' observation wells completed into the Madison aquifer that have longer periods of record, suggest the fluctuations represented in figure 1 are representative of climatic conditions instead of pumping from the aquifer. Long-term water level declines are not apparent from the hydrograph. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious. Therefore the observation well data indicates that unappropriated water is available from the Madison aquifer.

Affects on Existing Rights:

Wells, including domestic wells, completed into aquifers other than the Madison aquifer are not expected to be affected by this proposed appropriation since the lower Minnelusa aquifer can be considered a confining bed that isolates the Madison hydraulically from shallower aquifers and the lower Madison can be considered a confining layer for deeper aquifers.

There are no appropriations from the Madison aquifer within three miles of this well site. Well interference is not expected to be an issue due to the distance between wells and the relatively low diversion rate proposed by this application.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Conclusions:

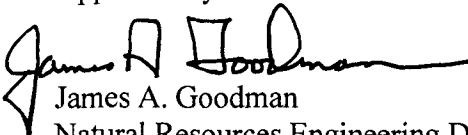
1. The Madison aquifer is a viable aquifer in this area.
2. This diversion will not adversely impair existing water rights.
3. Information is not available to approve this application without a 20 year term limit.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

References:

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

- Carter, J.M., Redden, J.A., 1999a, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000
- Carter, J.M., Redden, J.A., 1999b, Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-E, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., 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 1987-1996, Water-Resources Investigations Report 01-4119, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Water Rights Program, 2007a, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2007b, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2007c, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of the Interior, Bureau of Land Management

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Sam Buehler

certify that the attached printed Notice was
taken

from the Meade Co Times
Tribune, Sturgis

printed and published in Sturgis

County of Meade and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 25, 2007

Aug 1, 2007

Cost of Printing 39.21

Sam Buehler
(Signature)

office manager
(Title)

8/1/07
(Date Signed)

PUBLIC NOTICE
NOTICE OF APPLICATION NO.

1887-1 to Appropriate Water

Notice is given that JKRK Properties, LLC, 1935 Samco Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.61 cubic feet of water per second from one well completed into the Madison Aquifer (2,500 feet deep) located in NW 1/4 NW 1/4 Section 36-T4N-R6E for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1887-1 for a 20-year term because 1) the proposed diversion can be developed with out unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the

A Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or 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 recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 733-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must must be filed by August 13, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies

of information pertaining to this application.

Meade County Times-Tribune
Publ. July 25 & Aug. 1, 2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2007

Meade County Times & Tribune
PO Box 69
Sturgis SD 57785

ATTENTION: Legal Public Notice

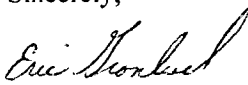
Enclosed is a Notice on Application No. 1887-1 to Appropriate Water to be published twice. Please publish the first notice on July 25, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is JKRK Properties LLC, 1935 Samco Rd, Rapid City SD 57702 (Ph # 605-342-9606).

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. 1887-1

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

Date _____

We are in receipt of your letter of July 17, 2007 enclosing Notice to Appropriate Water by Application No. 1887-1 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.

July 17, 2007

JKRK Properties LLC
1935 Samco Rd
Rapid City SD 57702

Dear Sirs:

Water Permit Application No. 1887-1 for Suburban Housing use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Meade County Times & Tribune printed at Sturgis SD (Ph # 605-347-2503). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application is 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 recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on July 25, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1887-1 to Appropriate Water

Notice is given that JKRR Properties, LLC, 1935 Samco Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.61 cubic feet of water per second from one well completed into the Madison Aquifer (2,500 feet deep) located in NW ¼ NW ¼ Section 36-T4N-R6E for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1887-1 for a 20-year term because 1) the proposed diversion can be developed with out unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or 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 recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 13, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



OCT 19 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JKRJ Properties LLC
1935 Samco Rd
Rapid City SD 57702

Dear Sirs:

Enclosed is Water Permit No. 1887-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

Permit No. 1887-1
Upper Cheyenne River - Water District

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

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

I have made a thorough examination of the water use system constructed by **JKRK Properties LLC** of **1935 Samco Rd., Rapid City, SD 57702** holder of Permit No. **1887-1**, bearing the priority of **April 12, 2007** authorizing the diversion of **0.61** cu. ft. per second of the waters of the **Madison Formation** for **Suburban Housing Development use** purposes, in **Meade** County.

Inspection contact & relationship **Ryan Kaski, Manager**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Cimarron Drilling Inc.**
- 2) No. of Wells **1**
- 3) Depth(s) **2,500** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **7** inches
- 2) Length **2,160** feet
- 3) Type **Steel**

Screen:

- 1) Type **None**
- 2) Static water level **Flowing**

Pump:

- 1) Make **Grundfos**
- 2) Model **85S-100-9**
- 3) Size **10 hp**
- 4) Capacity **85** GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**

Report of Examination of Works

Permit No. 1887-1

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,010 feet south and 665 feet east of the NW corner of Section 36-T4N-R6E
(N 44.26868, W -103.34998) (NW ¼ NW ¼)

The works are capable of diverting and conveying to the place of use 0.19 cu. ft. per second of water which is to be used for a Suburban Housing Development.

The license should be issued for 0.19 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



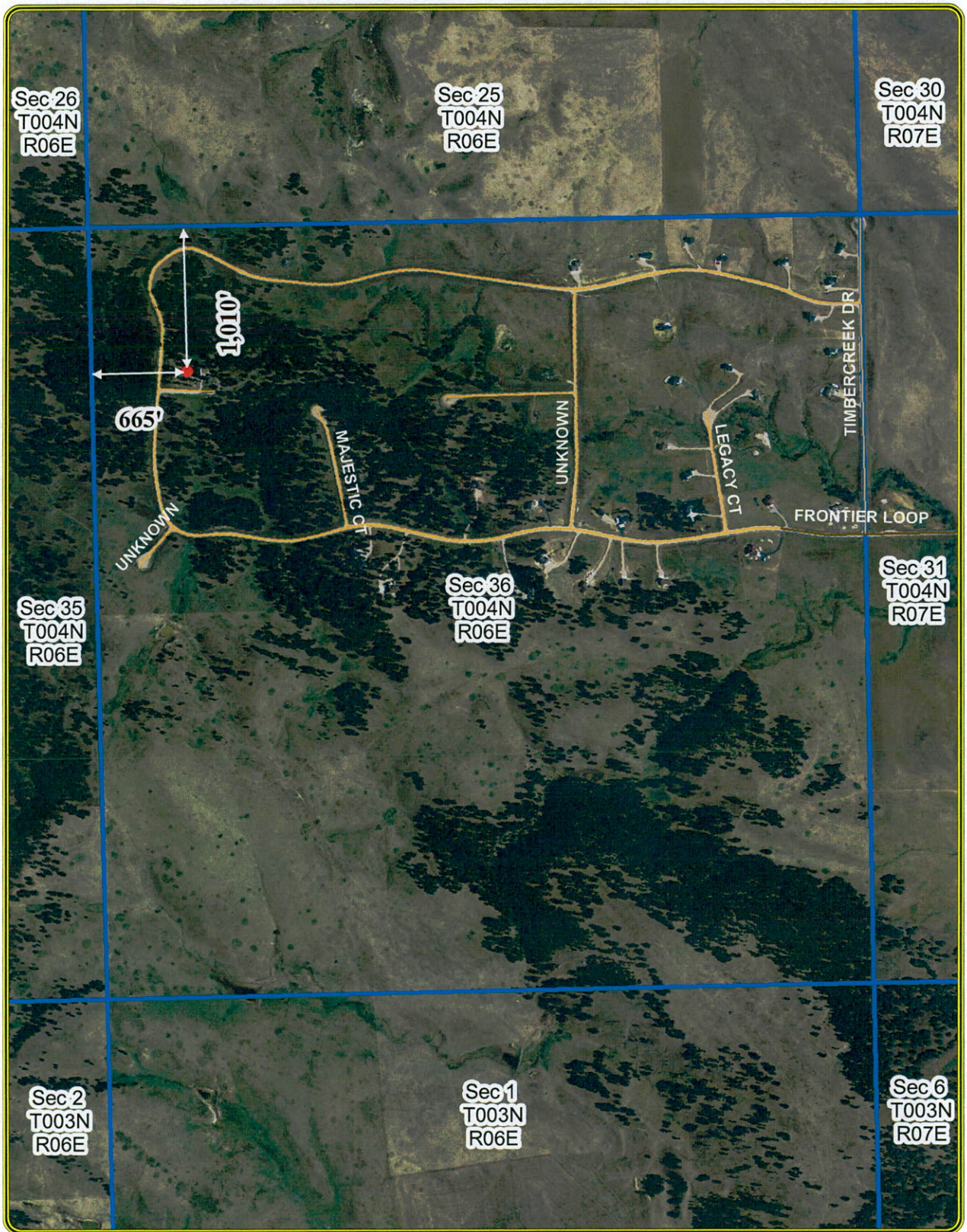
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: June 30, 2014

JKRK Properties, LLC

Water Permit No. 1887-1



0 700 1,400 2,800

Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 30, 2014



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUL 07 2014

1887-1

Ryan Kaski
JKRK Properties LLC
1935 Samco Rd
Rapid City SD 57702

Dear Mr. Kaski:

Enclosed is Water License No. 1887-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1887-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1887-1**

(1) JKRK Properties LLC, 1935 Samco Rd., Rapid City SD 57702 made Application No. 1887-1, April 12, 2007 for a water permit to divert 0.61 cubic feet of water per second from ground water (one well – Madison Formation), Meade County, South Dakota for suburban housing development purposes. Permit No. 1887-1, with a priority date of April 12, 2007 was approved August 13, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 13, 2012 and for the application to beneficial use of said water on or before August 13, 2016.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.19 cubic feet of water per second for beneficial use.

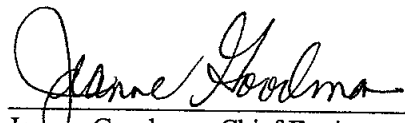
The location of the diversion point is 1,010 feet south and 665 feet east of the NW corner of Section 36, T4N, R6E (NW ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 JKRK Properties LLC, 1935 Samco Rd., Rapid City SD 57702 the holder and/or owner of Water Right No. 1887-1 is issued a license to appropriate water, the right to use 0.19 cubic feet of water per second from ground water (one well – Madison Formation) with a priority date of April 12, 2007 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1887-1 and subject to the following qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1887-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1887-1 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
- 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.
- JKRK Properties shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.



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

JUL 07 2014

date

