

WATER PERMIT NO. 1888-1

Name of Applicant: **Frawley Ranches, East**

Address: **12600 W Colfax, Suite B130, Lakewood CO 80215**

Phone: **605 644-1010**

Amount of Water Claimed: **0.19 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: **3 miles northwest of Whitewood**

PRIORITY Date Received: **7-27-07**

Application/License Fee: **\$275**

Corrected Application Received: **7-27-07**

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

Remarks:

Diversion Point: **SE ¼ SE ¼ Sec 12-T6N-R3E**

Land to be Irrigated: **NA**

Depth of Well: **2200 feet deep**

Well Driller:

Remarks:

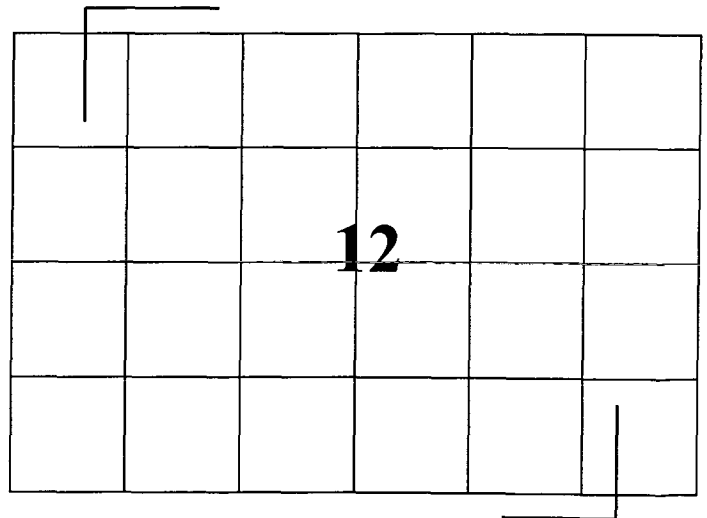
Type of Map: **plat**

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

Reviewed and the Number Assigned on: **7-27-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

RECEIVED

JUN 27 2007

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1888-1</u> (office use only)	Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Black Hills Pioneer</u>	<u>Box 7</u>
	<u>605-642-2761</u>	<u>Spokane 51983</u>

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 FAWLEY RANCHES, EAST Phone 303-605-644-1010
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12600 W. COLFAX, B130, LAKEWOOD State CO 80215
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.19 *CFS or 85 **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 MADISON AQUIFER WELL (NEW)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County LAWRENCE
1 NEW WELL LOCATED IN THE NE1/4 SE1/4 SE1/4 - SECTION 12, T6N, R3E
BAM, LAWRENCE CO, SD
- County or counties where water will be used LAWRENCE
- Annual period during which water is to be used JAN - 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 WELL WILL SUPPLY A 55,000 GALLON STORAGE TANK TO PROVIDE WATER FOR RESIDENTIAL USE TO 50 HOMESITES.

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, 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 26th day of June 20 07



Jodi L. Gunders
Notary Public signature
Comm. Exp. 10-31-2011

**SOUTH DAKOTA
WATER PERMIT NO. 1888-1**

Date of first receipt of application June 27, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1888-1 to Frawley Ranches East, 12600 W Colfax, Suite B130, Lakewood CO 80215 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. 1888-1 appropriates 0.19 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 2200 feet deep) located in SE ¼ SE ¼ Section 12-T6N-R3E.
2. The water appropriated shall be used for the purpose of suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1888-1 is October 22, 2007.
5. The date from which applicant may claim right is June 27, 2007.
6. One-fifth of the construction is to be completed on or before April 22, 2010.
7. All construction is to be completed on or before October 22, 2012.
8. Water is to be put to beneficial use on or before October 22, 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. 1888-1 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. 1888-1 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. Frawley Ranches East shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

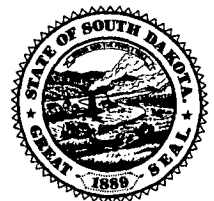
WATER MANAGEMENT BOARD

By: Garland Erbele

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

NOV 05 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 2200'
- b) Casing Type steel Diameter 7" Thickness .250"
- c) Screen Type NONE Diameter _____ Thickness _____
- d) Gravel Pack NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2000'
- f) Depth to Water (ground surface to water level) 650' EST.
- g) Distance to nearest existing domestic well:

On applicants property approx 1400' On property owned by others approx 2800'
minnesota aquifer minnesota aquifer

2. Wastewater Disposal System Information

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

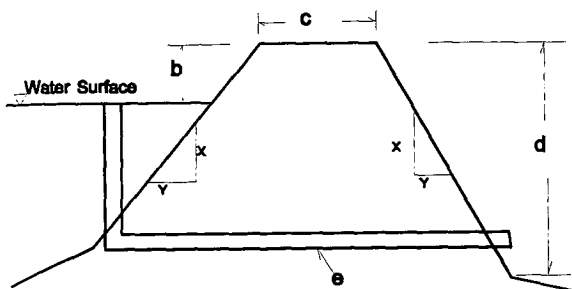
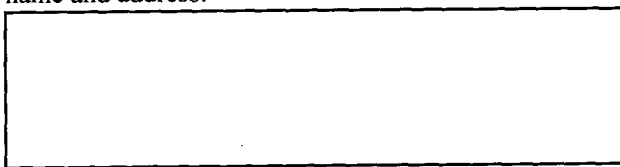
3. Dugout Information

- 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.

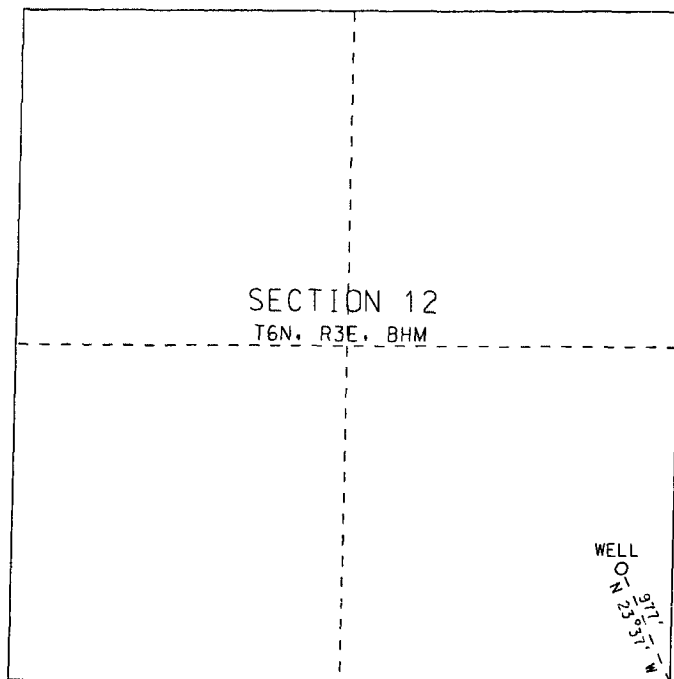
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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 WELL LOCATED IN THE SE1/4 OF SECTION 12,
T6N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

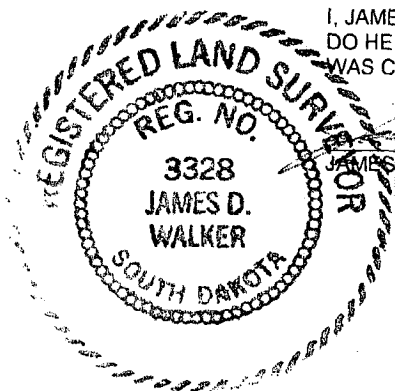


SURVEYOR'S STATEMENT

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

James D. Walker
JAMES D. WALKER, RLS 3328

6/5/07
DATE



Prepared by:
NJS ENGINEERING
P.O. BOX 226
SPEARFISH, SD 57783
605-642-4772
PROJECT #3029.3

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 6/27, 20 07

RECEIVED OF Fred Brink, Real Estate 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>1888-1</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1888-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	275	00

No.

03181

By [Signature]

Chief Engineer

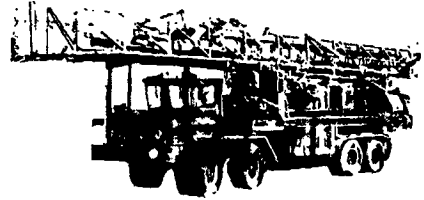
CIMARRON DRILLING

WATER WELLS - TEST HOLES - CATHODIC - PUMPS
PUMP SERVICE - SHALLOW PRODUCTION

9017 S. RIDGE TRAIL

STURGIS, SD 57785

605-347-3071



Gentlemen:

I AM Requesting permission To
drill a test well #3 for Frawley
Ranch Estates, P.O. Box 1083 Spearfish S.D. 57783
until a water Rights permit can
be obtained.

The well will be approximately
2000' deep into the Madison F.M.
'Cased with 7" Steel CASING.

It will be located in the NE $\frac{1}{4}$ -
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-12-R-3-E
T6-N Lawrence County S.D.

It will be used for domestic water
for a Subdivision.

Requesting To Start drilling 6-15-07

Respectfully
Submitted,
Michael J. Deutch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 19, 2007

Michael Deutsch
Cimaron Drilling
9017 S. Ridge Trail
Sturgis, SD 57785

Dear Mr. Deutsch:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Cimarron Drilling is authorized to construct a test well for Frawley Ranch Estates prior to approval of a water permit. The test well is to be completed into the Madison aquifer (approximately 2,000 feet deep), in the SE $\frac{1}{4}$ Sec. 12, T6N-R3E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

FRED ENING REAL ESTATE, INC.

RECEIVED

JUN 27 2007

WATER RIGHTS
PROGRAM

Date: June 26, 2007

To: Eric Gronlund - DENR

From: Fred Ening

Re: Application for Water Permit

Please process attached Water Permit application for a new well at Frawley Ranch Estates, Spearfish, SD.

If you have any questions you can reach me at: 605-644-1010

Thanks!

A handwritten signature in cursive script, appearing to read "Fred", is positioned below the "Thanks!" text.

603 Main Street, P.O. Box 1083, Spearfish, SD 57783 605-644-1010
www.fredening.com fredening@rushmore.com



**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. 1888-1, Frawley Ranches East**

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. 1888-1, Frawley Ranches East, 12600, W. Colfax, B130, Lakewood CO 80215.

The Chief Engineer is recommending APPROVAL of Application No. 1888-1 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. 1888-1 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. 1888-1 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. Frawley Ranches East 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
September 26, 2007

REPORT ON WATER PERMIT APPLICATION NO. 1888-1
FRAWLEY RANCHES, EAST
JULY 31, 2007

Water Permit Application No. 1888-1 proposes to appropriate 0.19 cubic feet of water per second (cfs) from one well to be completed into the Madison aquifer (approximately 2,200 feet deep) located in the SE¼ SE¼ Section 12, T6N-R3E, Lawrence County. The water is for use in a suburban housing development.

Water Source: Madison aquifer (MDSN)

Introduction:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if unappropriated water is available for the proposed use, the proposed use will not unlawfully impair existing rights and the proposed use is a beneficial use and in the public interest.

Geology and Aquifer Characteristics:

The Madison (Pahasapa) Limestone is a massive limestone and dolomite that underlies much of the Western United States. The Madison Limestone is estimated to be between 400 feet (Carter and Redden, 1999a, and Carter and Redden, 1999b) and 450 feet (Gries, 1981) thick in this area. 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 four and one-half miles north of the Madison outcrop (recharge area), (Strobel and others, 1999). The top of the Madison Limestone is expected to be approximately 1,750 feet below grade at this site (Carter and Redden, 1999a).

Availability of Unappropriated Water:

Water Budget:

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 154 permits/rights appropriating 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) that reserve 7,802.8 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 up to 137.5 acre-feet of water annually from the Madison aquifer. Actual water use is expected to be less than 80 acre-feet annually. 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.

Observation Well Data:

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 LA-95A is located approximately two miles southwest of this proposed well site. A hydrographs of the observation well is shown below in figure 1.

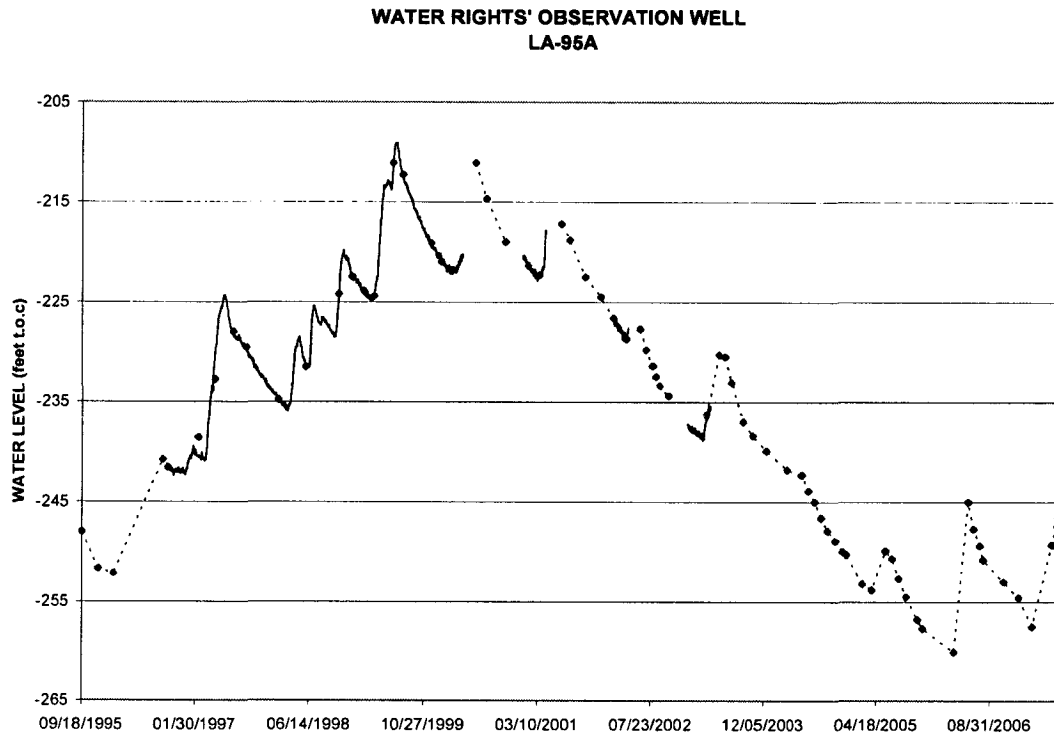


Figure 1. Hydrograph for Water Rights' Observation well LA-95A

The hydrograph is typical for observation wells completed into the Madison aquifer, showing the aquifer's response to climatic conditions and clearly demonstrating the system is recharged. The hydrograph documents that the potentiometric surface of the Madison aquifer fluctuates by 50 feet in this area in response to seasonal and climatic variations. The potentiometric surface rose during the late 1990's in response to wet climatic conditions. The water level has decreased since 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 are representative of climatic conditions instead of pumping from the aquifer. Long-term water level declines are not apparent from the hydrographs of wells with longer periods of record. 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.

Review of Existing Water Rights:

Water Permits/Rights within approximately three and one-half miles of the well site proposed by this application are shown in table 1.

PERMIT NO	NAME	AQUIFER	USE	CFS	Ac-Ft/Yr**
588-1	TOWN OF WHITEWOOD	MNLS	MUN	0.44	
1130-1	E SLOPE ESTATES WATER ASS	MNLS	SHD	0.09	
1138-1	D & E WATER COMPANY	MNLS	SHD	0.04	
1144-1	HUBBARD MILLING	MNLS	IND	0.13	

	COMPANY				
1371-1	WEYRICH	MNLS	SHD	0.07	
1547-1	HILLS MATERIALS COMPANY	MDSN	IND	0.09	
1610-1	CITY OF WHITEWOOD	MDSN	MUN	1.11	
1707A-1*	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	MDSN	IRR/DOM SHD/COM	3.705	
1707B-1*	CITY OF SPEARFISH	MDSN	SHD	1.035	
1707C-1*	CITY OF SPEARFISH	MDSN	MUN	0.00	233.5
1707D-1*	CITY OF SPEARFISH	MDSN	MUN	0.00	***
1707E-1*	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	MDSN	IRR	0.00	502.5
1756-1	FRAWLEY RANCHES, INC	ALQ	COM	0.06	
1867-1	FRAWLEY RANCHES INC	MNLS	SHD	0.06	
1868-1	FRAWLEY RANCHES INC.	INKR	SHD	0.04	
1878-1	CITY OF WHITEWOOD	MDSN	MUN	0.78	
1884-1	BLACK HILLS BAPTIST CHURCH	MNLS	INS	0.03	

AQUIFERS: MNLS= Minnelusa aquifer, MDSN=Madison aquifer, ALQ= alluvium, INKR= Inyan Kara

USES: MUN= Municipal, SHD= Suburban Housing Development, IND= Industrial, IRR=Irrigation, COM=Commercial, INS= Institutional

* Water Permit Nos. 1707A-1, 1707B-1, 1707C-1, 1707D-1, & 1707E-1 combine to appropriate 4.74 cfs from four Madison aquifer wells that were originally authorized by Water Permit No. 1707-1, Frawley Ranc, Inc; and subsequently divided and extensions of time were approved.

** Annual appropriation if limited

*** Water Right Nos. 1707C-1 and 1707D-1 have a combined annual appropriation limited to 233.5 ac-ft/yr

Table 1. Groundwater appropriations within approximately three and one-half miles of 1888-1.

Wells, including domestic wells, completed into aquifers shallower than the Madison aquifer (i.e. Alluvium, Inyan Kara aquifer, and the Minnelusa 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.

Since the Madison is under artesian conditions in this area, drawdown from pumping a well may extend over a fairly large area. At this time, it is not practical to attempt to quantify the specific affect this well may have on area wells since the aquifer characteristics have not been determined for this area, and the aquifer characteristics of the Madison can vary considerably within a short distance.

Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water **independent of artesian head pressure**. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

The Madison wells in this area rely on the artesian head pressure of the aquifer. If the water levels in the Madison aquifer were to decline, the well owners bear the responsibility of lowering the pump inlet in the well to the top of the aquifer if necessary. Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered a similar situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that if applied here, basically would say that area Madison wells were voluntarily constructed in such a way as to expose them to an increased cost or decreased production as a result of any draw down by other legitimate users. If the 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.

The nearest existing well completed into the Madison aquifer that requires a Water Right or Permit, supplies water for Water Permit No. 1610-1, The City of Whitewood. The well for Water Permit No. 1610-1 is located approximately three and one-quarter miles southeast of this proposed well site. The nearest domestic well completed into the Madison aquifer on file with the Water Rights Program, (Paul Baker Well) is located approximately two miles southwest of this proposed well site. It is unlikely that well interference at these distances will be significant especially considering the relatively low diversion rate proposed by this application (0.19 cfs (85.5 gpm)).

The well sites (four sites) proposed to supply water permits 1707E-1 and 1707D-1 are located approximately two miles southwest of the well site proposed by this application. This appropriation would be junior to 1701E-1 and 1707D-1. While interference is not expected to be an issue, the well owner under this Permit (if approved) must control his withdrawals so there is not a reduction of needed water supplies in any adequate wells that may constructed to supply prior water rights (including 1701E-1 and 1707D-1).

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:

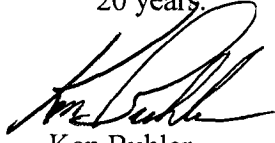
(1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and

(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."

Evidence is not available to justify issuing these permits without a term limitation of 20 years.

Conclusions:

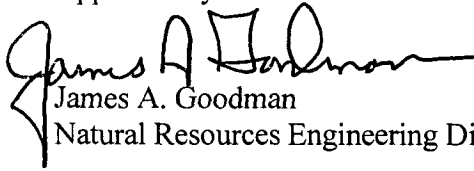
1. The Madison aquifer is a viable aquifer in this area.
2. This diversion proposed by this application will not adversely impair existing water rights.
3. Information is not available to justify issuing these permits without a term limitation of 20 years.



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
- Gries, J.P., 1981, unpublished maps prepared for the Office of Drinking Water, South Dakota Dept. of Water and Natural Resources for the Underground Injection Control Program.

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

RECEIVED

OCT 18 2007

WATER RIGHTS
PROGRAM

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
No. 1888-1

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 3rd day of Oct. 2007, and the last publication on the 10th day of Oct. 2007, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 39.07, 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 10th day of Oct. 2007

[Signature]

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2010



NOTICE OF APPLICATION NO. 1888-1 to Appropriate Water

Notice that Frawley Ranches East 12600 W Colfax, Suite B 130, Lakewood CO 80215 has filed application for a water permit to appropriate 0.19 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 2200 feet deep) located in SE 1/4 SE 1/4 Section 12-T6N-R 3E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1888-1 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider 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 October 22, 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.

#578
Oct. 3, 10



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 26, 2007

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

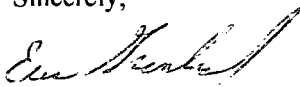
Enclosed is a Notice on Application No. 1888-1 to Appropriate Water to be published twice. Please publish the first notice on October 3, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Frawley Ranches East, 12600 W Colfax, Suite B130, Lakewood CO 80215, c/o Fred Ening Realty, PO Box 1083, Spearfish SD 57783 (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. 1888-1

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

Date _____

We are in receipt of your letter of September 27, 2007 enclosing Notice to Appropriate Water by Application No. 1888-1 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.

September 26, 2007

Frawley Ranches East
12600 W Colfax Ste B130
Lakewood CO 80215

Dear Sirs:

Water Permit Application No. 1888-1 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 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 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

cc: Fred Ening Realty, PO Box 1083, Spearfish SD 57783

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 October 3, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1888-1 to Appropriate Water

Notice that Frawley Ranches East 12600 W Colfax, Suite B 130, Lakewood CO 80215 has filed application for a water permit to appropriate 0.19 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 2200 feet deep) located in SE ¼ SE ¼ Section 12-T6N-R 3E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1888-1 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider 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 October 22, 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.



NOV 05 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

Frawley Ranches East
12600 E Colfax Ste B130
Lakewood CO 80215

Dear Sirs:

Enclosed is Water Permit No. 1888-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

cc: Fred Ening

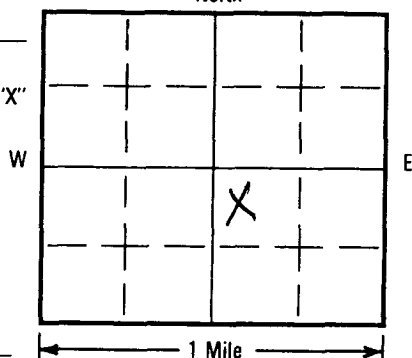
SOUTH DAKOTA WATER WELL COMPLETION REPORT

1888-1

07-92

Location NE 1/4 SE 1/4 Sec 12 Twp 6-N Rg 3-E
 County LAWRENCE

Please mark well location with an "X"



Well Completion Date

11-01-07

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 ☒ 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>23 LB/FT</u>	<u>7 IN</u>	<u>0 FT</u>	<u>1190 FT</u>	<u>8 3/4 IN</u>
<u>15.5 LB/FT</u>	<u>5 1/2 IN</u>	<u>1175 FT</u>	<u>1925 FT</u>	<u>6 1/4 IN</u>
<u>28 LB/FT</u>	<u>10 IN</u>	<u>0 FT</u>	<u>86 FT</u>	<u>12 1/4 IN</u>

GROUTING DATA

Grout Type Packard No. of Sacks 240 Grout Weight 94 lb/gal From 0 ft. To 1925 ft.

Describe grouting procedure Pressure pack 7" thru casing
5 1/2" left hand thread thru casing

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine pellets

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

pump not set yet

Well Owner: DARYL PROPP

Business Name: FRAWLEY RANCH ESTATES

Address: P.O. Box 1083
SPEARFISH SD 57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
INIAN KARA SHALE	0'	160'
MINNEKAHTA	160'	1195'
OPECHE	1195'	1230'
	1230'	1360'
MINNEKAHTA	1360'	1900'
MADISON	1900'	2200'

STATIC WATER LEVEL

550

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through RECEIVED inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate _____ GPM

Can well be completely shut in? _____ WATER RIGHTS PROGRAM

WELL TEST DATA:

☐ Pumped

Describe: Air - Developed

☐ Bailed

☒ Other

Pumping Level Below Land Surface

900 ft. After 2 Hrs. Blow pumped 135 GPM

1100 ft. After 2 Hrs. Blow pumped 200 GPM

If pump installed, pump rate _____ GPM

REMARKS

Open Hole from 1,925' to 2,200'

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm CIMARRON Drilling Inc

Signature of License Representative: Michael J. Deutch

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIVED

JUL 26 2018

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1888-1

Date: June 12, 2018

I/We request that Water Right/Permit No. 1888-1 formerly owned by:

FRANKLEY RANCHES EAST be transferred to:

New Owner Name: EUKHORN RIDGE WATER ASSOCIATION

Address: 70 DARYLL PROPP, 42600 W COLFAX, SUITE B130, LAKEWOOD, CO
City, State, Zip LAKEWOOD CO. 80215 Telephone No. 303-233-4000

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

Well #3, SE1/4 SE1/4 S12 T6N R3E

☒ I understand that the validity of Water Right/Permit No. 1888-1 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, Daryll Propp, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **July 26**, 20 **18**

RECEIVED OF **Elkhorn Ridge Water Association LLC 6835 Saint Onge Road 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	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. _____		
Fee for Filing Transfer Form 1888-1		
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. _____	50	00
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)	50	00
TOTAL		00

No. **08732**

By *Jeanne Goodman*
Chief Engineer *vm*

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1888-1

I have this day, June 5, 2018 made a thorough examination of the water use system constructed by **Elkhorn Ridge Water Association, % Daryll Propp, 12600 W Colfax, Suite B130, Lakewood, CO 80215** formerly Frawley Ranches East, of Permit No. **1888-1**, bearing the priority of 6/27/2007 authorizing the diversion of **0.19** cu. ft. per second water from one well for suburban housing purposes, in Lawrence County.

Inspection contact & relationship to permit holder,
if applicable:

J R Hamblet

Owner Representative, for Propp Frawley properties
605-391-6970 (cell)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cimarron Drilling (2007)
- 2) No. of Wells 1
- 3) Depth(s) 2,200 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 10" 0 to 86' 7" 0 to 1,190 ft., 5 1/2" 1,175 to 1,925 ft.,
- 2) Length 1,925 feet
- 3) Type steel

Screen:

- 1) Type open hole
- 2) Length 275 feet
- 3) Static water level 550 feet

Pump:

- 1) Make Grundfos
- 2) Model 85S200-18 (per Dakota Supply Group)
- 3) Size 6"
- 4) Capacity 85 GPM This is an 85 gpm rated pump producing 85 gpm @ 720' TDH
(Air test @ completion - 135gpm @ 900', 200 gpm @ 1,100')
- 5) Horsepower rating 20 hp

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

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

C. Works used to apply water to beneficial use:

The well delivers water to a 50,000 gallon underground concrete storage reservoir. A booster pump provides pressure to lots of higher elevation and the lower lots are supplied via gravity flow. At full build out the well will serve 49 lots. There have been 27 lots sold and 11 of these have homes constructed and are using water.

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by: Yes

2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:

830' N and 417' W of the SE corner Section 12 T6N R3E (44.491026, -103.690735)

2. The works are capable of diverting and conveying to the place of use .19 cu. ft. per second (85 gpm) of water which is to be used for **suburban housing** use and the license should be issued for .19 cfs.

3. All structures, wells and lands on map: **No, only the well and storage location.**

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



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: June 6, 2018

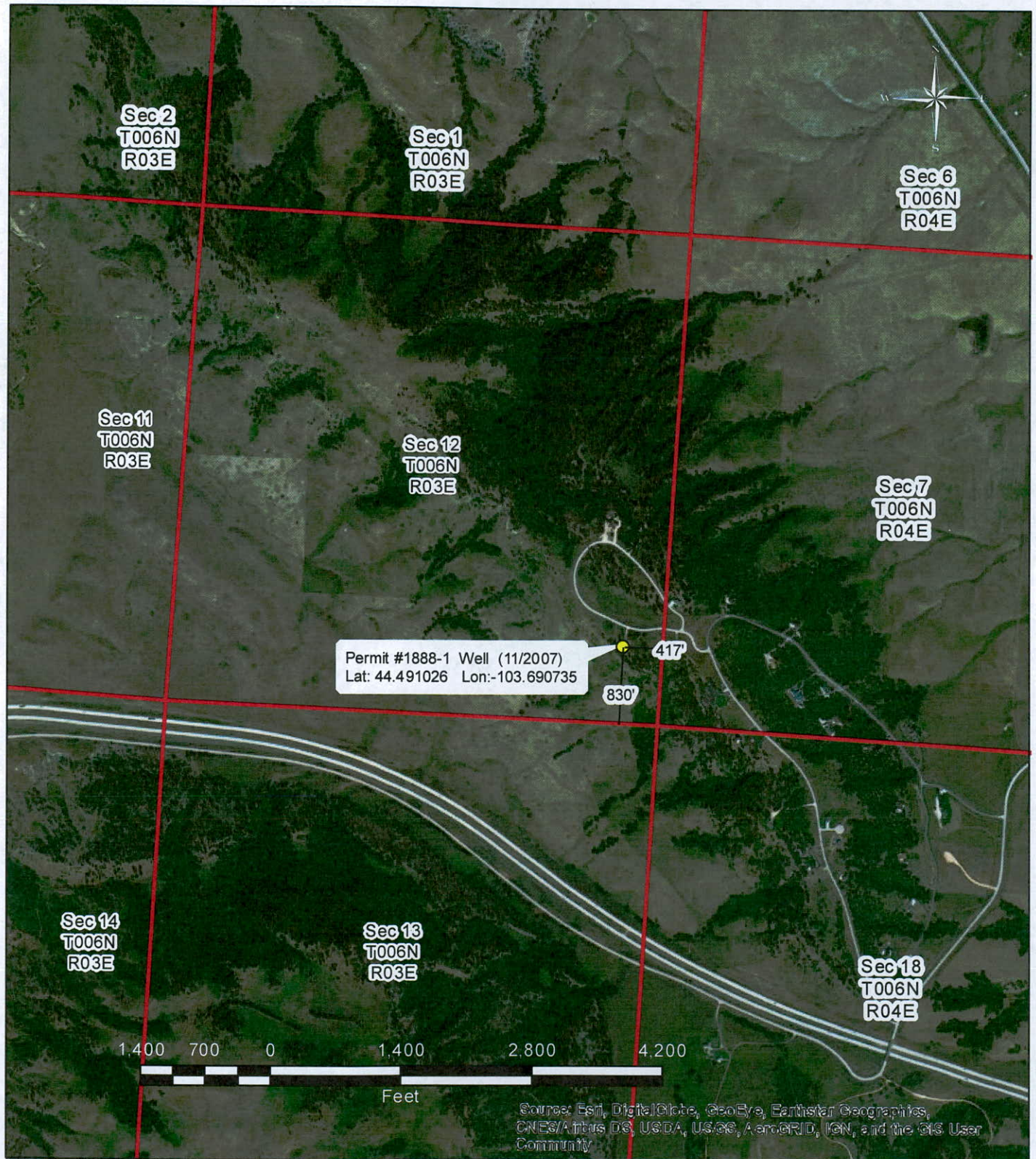


Well, storage location at center top



5,000 gallon storage to right, booster pit to left

Water Right #1888-1
Elkhorn Ridge Water Association
5/5/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





1888-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 04 2019

1888-1
1931-1

Elkhorn Ridge at Frawley Ranches LLC
& Elkhorn Ridge Water Association
c/o Daryll Propp
126000 W Colfax, Suite B130
Lakewood CO 80215

Dear Mr. Propp:

Enclosed are Water License Nos. 1888-1 and 1931-1. 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 and the receipt for payment of the \$50 license fee for No. 1881-1.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing 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 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

c: J.R. Hamblet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1888-1

(1) Frawley Ranches East, 126000 W Colfax, Suite B130, Lakewood CO 80215 made Application No. 1888-1, June 27, 2007 for a water permit to divert 0.19 cubic feet of water per second from one well – Madison Aquifer, Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1888-1, with a priority date of June 27, 2007 was approved October 22, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2012 and for the application to beneficial use of water on or before October 22, 2016.

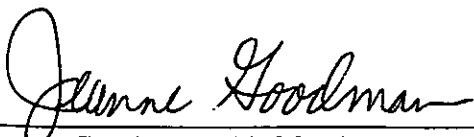
On July 26, 2018, Water Permit No. 1888-1 was transferred to Elkhorn Ridge Water Association, c/o Daryll Propp, 126000 W Colfax, Suite B 130, Lakewood CO 80215.

(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. 1888-1 is issued a license, bearing a priority date of June 27, 2007 to appropriate 0.19 cubic feet of water per second from one well – Madison Aquifer for suburban housing development purposes.

The diversion point is located: 830 feet north and 417 feet west of the SE corner 12-T6N-R3E (SE 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1888-1 including the following qualifications:

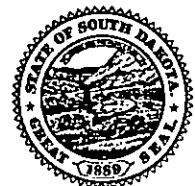
1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1888-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1888-1 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. The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer. *Water use reports are submitted annually and on file with the Water Rights Program.*

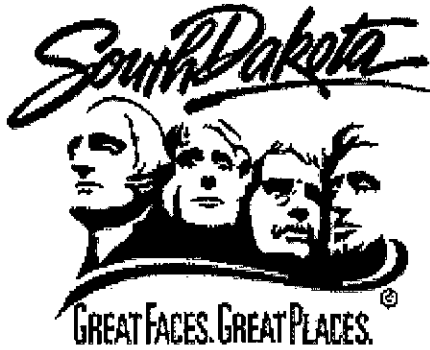


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 04 2019

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 10, 2019

1888-1

J-R Hamlet
Elkhorn Ridge Water Assoc LLC
6835 St Onge Rd
Spearfish SD 57783

Dear Mr. Hamlet:

Thank you for contacting us concerning the map for Water License No. 1888-1. Enclosed is the correct map for the water right.

I apologize for the error. If you have any other questions or concerns, please let me know.

Sincerely,

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



PAID

JAN 10 2025

Ck# 105117 - mp
Rec't# \$50.00

1888-1
GUNDERSON | PALMER | NELSON | ASHMORE LLP

506 Sixth Street
Post Office Box 8045
Rapid City, South Dakota 57709
Main: (605) 342-1078
Fax: (605) 342-9503

www.gpna.com

January 7, 2025

Talbot J. Wiczorek
Email: tjw@gpna.com
Direct Dial: (605) 719-3439

DENR
Water Rights Program
523 East Capitol Ave.
Pierre, SD 57501-3182

Re: Valley View Water Association, Inc. / General Business
GPNA File No. 17551.0002

Greetings:

Enclosed for filing please find a Notice of Transfer of Ownership for Water Right No. 1888-1 transferring ownership of the Water Right from Elkhorn Ridge Water Association to Valley View Water Association. Also enclosed is our firm's check for \$50.00 for the statutory filing fee.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Talbot J. Wiczorek', is written over a horizontal line.

Talbot J. Wiczorek

TJW:llj
Enclosures

Offices in Rapid City and Pierre, South Dakota

Attorneys licensed to practice in South Dakota, North Dakota, Nebraska, and Wyoming

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1888-1Date: January 7, 2025I/We request that Water Right/Permit No. 1888-1 formerly owned by:Elkhorn Ridge Water Association

be transferred to:

New Owner Name: Valley View Water Association, Inc.Address: 11802 Valley View CircleCity, State, Zip Spearfish, SD 57783Telephone No. (303) 906-2297

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

Lot N of Frawley Ranch East, part of Tract P3, located in Government Lots 3 & 4 of Section 7, T6N, R4E, BHM, the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, T6N, R3E, BHM and including Lot 37 of Tract P2 of Frawley Ranch East located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 7 and the NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T6N, R4E, BHM, Lawrence County, South Dakota, according to the Plat recorded as Document No. 2018-3708.

☒ I understand that the validity of Water Right/Permit No. 1888-1 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, Talbot J. Wiczorek, attorney for Valley View, the new owner, certify that the above information is true and correct.

(signed by new owner)

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

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

RECEIVED

JAN 10 2025

OFFICE OF
WATER

PAID

JAN 13 2025

Ck# 9999

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 18881-1

R.A.M

Date: December 16, 2024 JAN 10, 2025

I/We request that Water Right/Permit No. 1888 -1 formerly owned by:
ELKHORN RIDGE WATER ASSOCIATION, LLC be transferred to:

New Owner Name: VALLEY VIEW WATER ASSOCIATION, INC.

Address: 11802 VALLEY VIEW CIRCLE mobile:

City, State, Zip: SPEARFISH, SD 57783 email: bobmaki909@gmail.com

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

Lot N of Frawley Ranch East, Section 12, T6N, R3E, BHM; Lawrence County, South Dakota further described as the Real Property, Parcel 22450-0004-00095, where the existing water well and storage tanks are located.

☒ I understand that the validity of Water Right/Permit No. 18881-1 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, Robert Maki, the new owner, certify that the above information is true and correct.

Robert Maki

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

JAN 13 2025

OFFICE OF WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 15th 2025

RECEIVED OF Gunderson, Palmer, Nelson & Ashmore LLP PO Box 8045 Rapid City SD 57709

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>1888-1</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 Grosland
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 16, 2025

1888-1

Valley View Water Association Inc
c/o Robert Maki
11802 Valley View Cir
Spearfish SD 57783

Dear Mr. Maki:

The Water Rights Program is in receipt of two "Notice of Transfer of Ownership" forms and corresponding \$50 payments. The first was submitted by Gunderson, Palmer, Nelson & Ashmore LLP, c/o Talbot Wieczorek on behalf of Valley View Water Association Inc. Enclosed is a receipt of payment for your records. The second was submitted by yourself. Since duplicate forms and fees were received, the duplicate payment will be refunded to you. Please allow 1 – 2 weeks for the refund to process.

Water Right No. 1888-1 (copy enclosed) previously held by Elkhorn Ridge Water Association is now listed under Valley View Water Association Inc. As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

cc: GPNA LLP, c/o Talbot Wieczorek, PO Box 8045, Rapid City SD 57709