

WATER PERMIT NO. 1894-1

Name of Applicant: **Smitty LLC**

Address: **2500 Fox Run, Sturgis SD 57785**

Phone: **605 490-1401**

Amount of Water Claimed: **0.067 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 north of Sturgis**

PRIORITY

Date Received: **11-26-07**

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

Corrected Application Received:

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

Remarks:

Diversion Point: **NE ¼ NE ¼ Sec 28-T6N-R5E**

Land to be Irrigated: **NA**

Depth of Well: **535 feet deep**

Well Driller: : **Cameron Pump & Drilling**

Remarks:

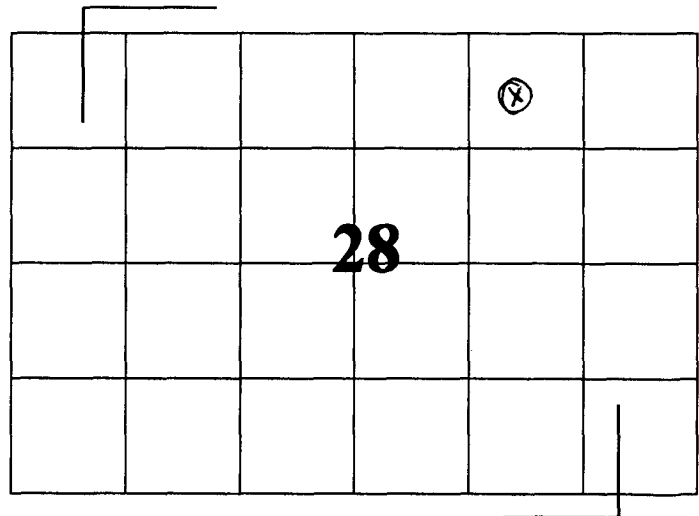
Type of Map: **plat**

Prepared by: **Shanon Vasknetz, RLS**

Reviewed and the Number Assigned on: **11-26-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1894-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Meade Co Times & Tribune PO Box 69</u>
	<u>605-347-2503 (Wed)</u> <u>Sturgis 57785</u>

RECEIVED
NOV 26 2007
WATER RIGHTS
PROGRAM

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

X Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
X ☒ 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 Smitty LLC (check one) ☒ Owner ☐ Tenant/lessee Phone (605) 490-1401
Mailing Address 2500 FOX ROAD, STURGIS State SD 57785
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.067 *CFS or 30 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 NE 1/4 OF
SECTION 28, T6N, R5E, B1M,
County MEADE
- County or counties where water will be used MEADE
- Annual period during which water is to be used YEAR AROUND Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

4 LOT Subdivision, WELL will provide water
FOR each LOT. (see enclosed map.)

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, SHANON VASKNETZ, 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

Shanon Vasknetz

Subscribed and sworn to before me this

19th

day of

November

20 07

2-27-2010

Cornie L. Ruckel

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1894-1**

Date of first receipt of application November 26, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1894-1 to Smitty LLC, 2500 Fox Road, Sturgis SD 57785 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. 1894-1 appropriates 0.067 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (535 feet deep) located in NE 1/4 NE 1/4 Section 28-T6N-R5E.
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. 1894-1 is January 21, 2008.
5. The date from which applicant may claim right is November 26, 2007.
6. One-fifth of the construction is to be completed on or before July 21, 2010.
7. All construction is to be completed on or before January 21, 2013.
8. Water is to be put to beneficial use on or before January 21, 2017.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

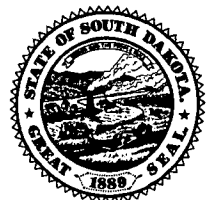
WATER MANAGEMENT BOARD

By: _____

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

FEB 12 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8 Depth 535 ft.
- b) Casing Type PVC 200# Diameter 5.5 Thickness _____
- c) Screen Type Manufactured Diameter 5.5 Thickness _____
- d) Gravel Pack 1/4 x 1/2 Length of Gravel Pack 40 ft.
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 1200 ft.

2. Wastewater Disposal System Information

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

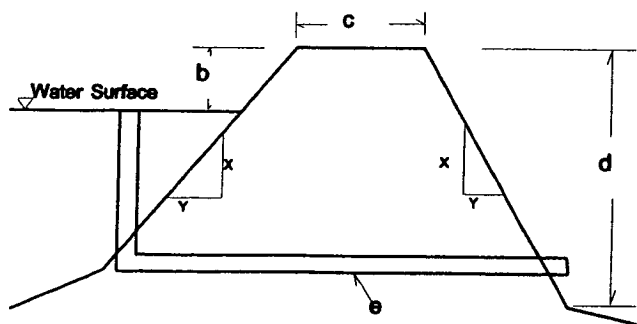
3. Dugout Information

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

4. Water Storage Dams

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

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



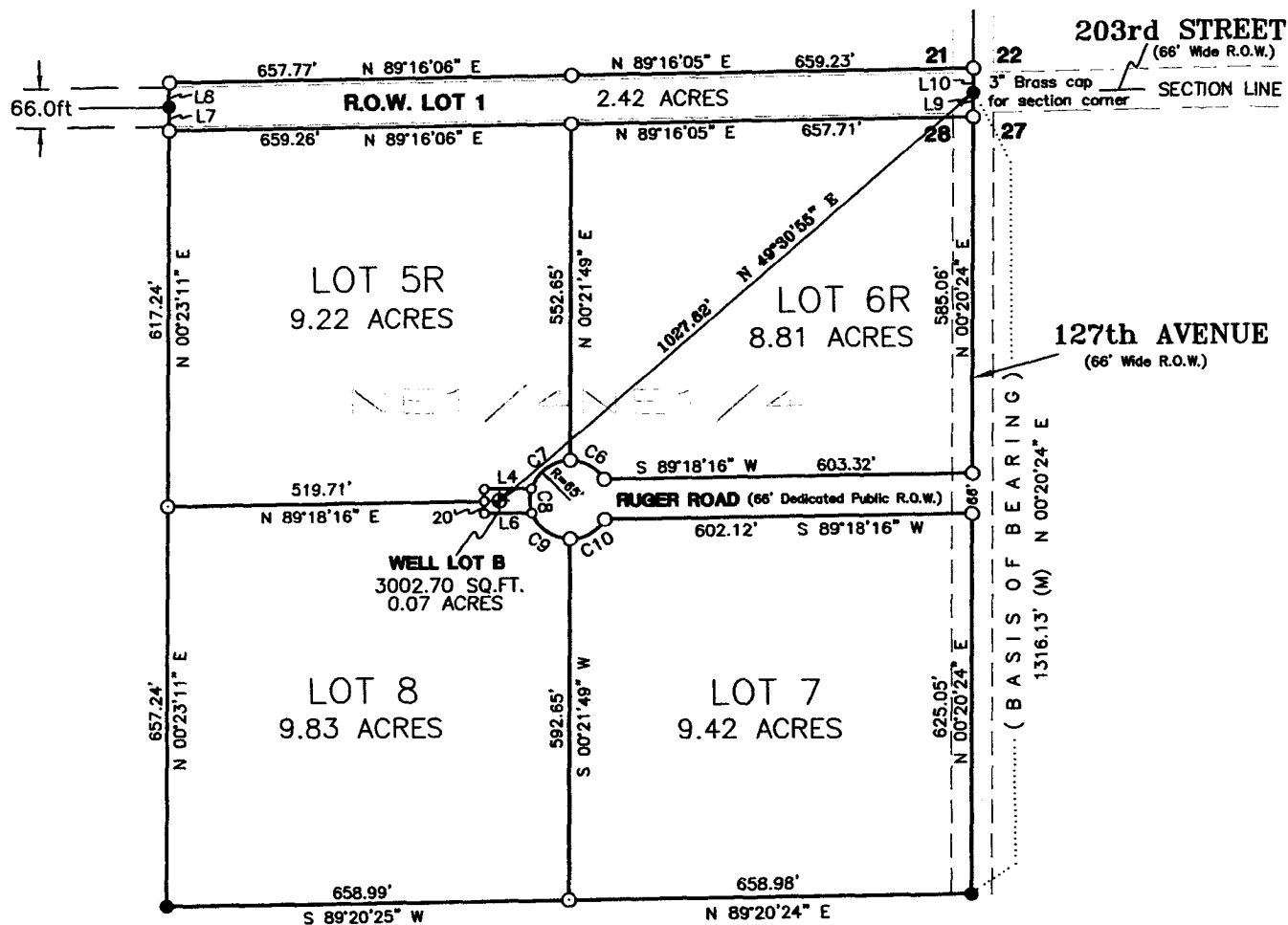
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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



WELL LOCATION EXHIBIT

LOTS 5R, 6R, 7 AND 8 OF SAVI ESTATES RANCHETTES
Located in the NE1/4NE1/4 of Section 28,
T6N, R5E, B.H.M., Meade County, South Dakota.

SCALE: 1"=300'
NOVEMBER 2007



PREPARED BY:
BASELINE SURVEYING, INC.
2500 Fox Road
Sturgis, SD 57785



Shanon E. Vasknetz
Shanon E. Vasknetz Registered Land Surveyor No. 7719

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE 1/4 Sec 28 Twp 6N Rg 5E

County

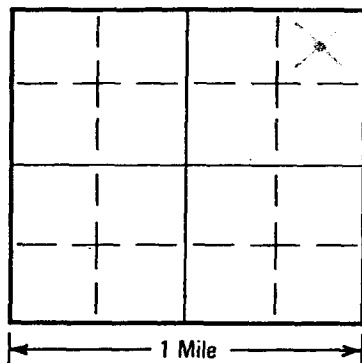
Moode

Please mark well location with an "X"

W

E

Well-Completion Date

7.20.07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5.5</u> IN	<u>0</u> FT	<u>535</u> FT	<u>7 1/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>40</u>	<u>15.6</u> lb./gal	<u>15</u> ft.	<u>400</u> ft.
<u>Bentonite</u>	<u>1</u>	<u>10.2</u> lb./gal	<u>0</u> ft.	<u>15</u> ft.

Describe grouting procedure pumped through Tremie pipe from bottom up.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5.5 IN Length 40 FEETMaterial PVCSlot Size .030 Set From 495 Feet to 535 FeetOther information Gravel packed 1/4 x 1/2pea rockWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:chlorinated

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Shanon VasknetzBusiness Name: Base Line SurveyingAddress: 2500 Fox RoadSturgis, S.D. 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Dirt + gravel	0	15
gray sand stone	15	20
Black shale	20	220
gray shale, white, red	220	320
Brown sand red, green chips	320	380
Fine white sand	380	400
white + brown sand	400	460
red shale	460	480
white sand grey shale	480	535

STATIC WATER LEVEL

Flowing

Feet

If flowing: closed in pressure

15

PSI

GPM flow 5 through3/4"

inch pipe

Controlled by

☒ Valve☐ Reducers☐ Other

Reduced Flowrate _____

GPM

Can well be completely shut in? YES

WELL TEST DATA:

☐ Pumped

Describe:

Air developed☐ Bailed☐ Other

Pumping Level Below Land Surface

400

ft. After

3

Hrs. pumped

35

GPM

ft. After

Hrs. pumped

GPM

If pump installed, pump rate _____

GPM

REMARKS

This well was drilled under license # 668

And this report is true and accurate.

Drilling firm

Cameron Pump & Drilling

Signature of License Representative:

Donald M. Cameron

Signature of Well Owner or Equitable Property Holder:

Shanon Vasknetz

Date:

9/12/07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/26, 20 07

RECEIVED OF Smitty LLC 2500 Fox Rd Sturgis SD 57785

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

Fee for Application for Permit No. <u>1894-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1894-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	100	00

No.

03214

By

Gordon 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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1894-1, Smitty LLC**

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. 1894-1, Smity LLC, c/o Shanon Vasknetz, 2500 Fox Road, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1894-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
December 20, 2007

Water Permit Application No. 1894-1
Smitty LLC.
11 December 2007

Water Permit No. 1894-1 appropriates 0.067 cubic feet per second (30 gallons per minute) of water from one well 535 feet deep completed to the Inyan Kara Aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 28-T6N-R5E. The log for this well indicates that it has been constructed according to South Dakota Well Construction Standards. The water is to be used to supply a suburban housing development.

Aquifer

The Inyan Kara Aquifer is comprised of the Mesozoic aged Lakota formation and the overlying Fall River formation. The Inyan Kara Aquifer consists mostly of massive to thinly bedded sandstone, pebble conglomerate, siltstone, and claystone (Carter, et al, 2003). In the Black Hills study area (figure 1) it has been estimated that the Inyan Kara Aquifer underlies 2,512 square miles and contains 84.7 million acre-feet of recoverable water in storage (Carter, et al, 2003). Driscoll and Carter estimate that the average annual recharge to the Inyan Kara Aquifer in the Black Hills study area is 11,600 acre-feet during the years 1950–1998 with average annual withdrawals from wells and springs equal to 1,400 acre-feet during the same time period (Driscoll, et al, 1998). The site of the well proposed in application No. 1894-1 is approximately 2 miles from the outcrop (recharge area) of the Inyan Kara formation. The well completion report submitted with this application places the top of the formation 320 feet below the ground surface. This is a flowing well with a shut in pressure of 15 psi.

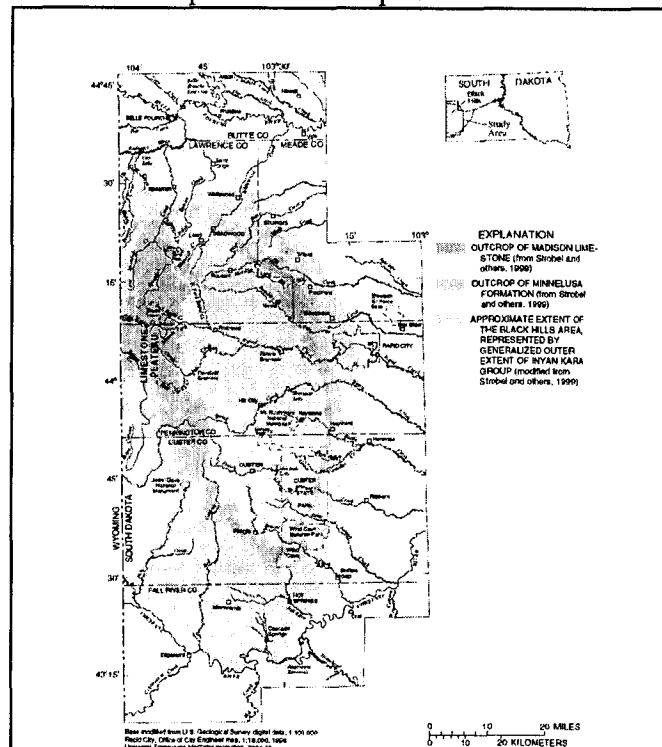


Figure 1: Study Area

Water Availability

The Water Rights Program maintains records for 225 water rights issued for withdrawals from the Inyan Kara Aquifer across the state, figure 2.

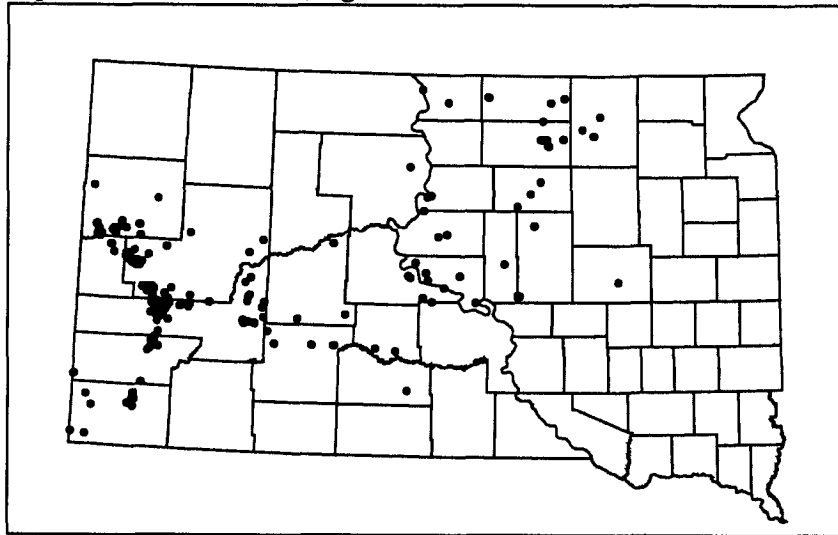


Figure 2: Inyan Kara Water Rights

The Water Rights Program maintains nine observation wells completed to the Inyan Kara Aquifer. The nearest one to Permit No.1894-1 is observation well MD-89A located approximately 1.28 miles to the north-west.

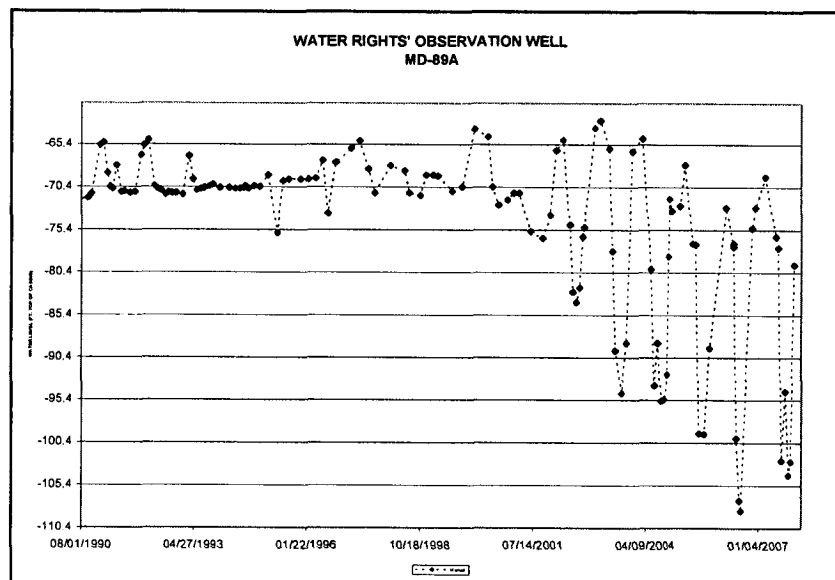


Figure 3: Observation Well Data

The increased amplitude of water level deviation seen in the hydrograph for MD-89A beginning around the year 2002 is believed to be the result of water Permit No. 1762A-1 which was permitted in 2002 having a new well producing 1.67 cfs. Water Right No. 1762A-1 is located approximately 5,000 feet north west of observation well MD-89A. It should be noted that even though the amplitude of the change in the water level has increased, the recovered water level is relatively stable at approximately 70 feet below ground level.

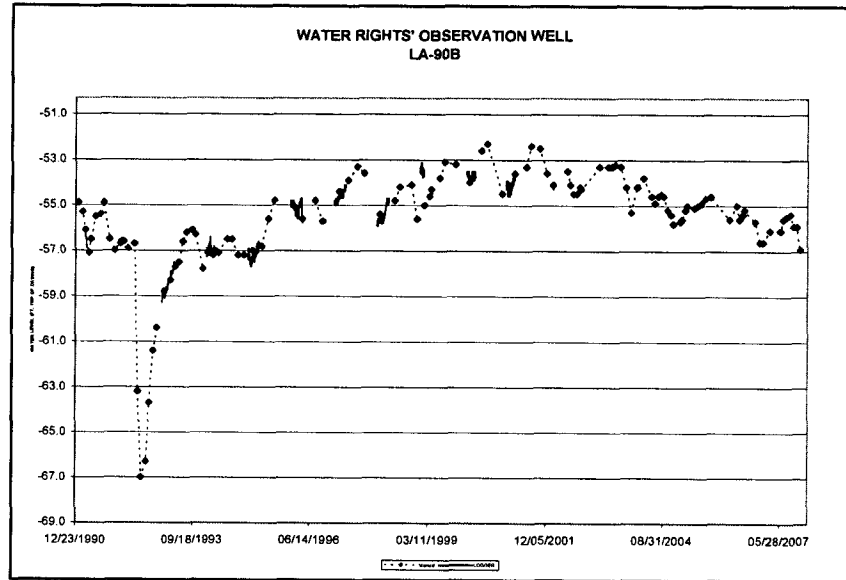


Figure 4: Observation Well Data

Figure 4 is the hydrograph of observation well LA-90B located approximately 12.5 miles north-west of the proposed diversion. Observation well LA-90B has a hydrograph that displays typical water level changes in response to seasonal variations. There are no production wells exceeding 0.4 cfs within two miles of observation well LA-90B.

Existing Water Rights

There are five existing water rights appropriating water from the Inyan Kara Aquifer within 3.5 miles of the proposed diversion (Water Rights, 2007).

Table 1: Existing Water Rights

Water Right	Owner	Appropriation (cfs)	Distance (mi)
1499-1	Bestgen, Phillip	0.26	1.8
1762A-1	Bestgen, Phillip	1.67	2.3
1773-1	Boucher & McCrea Trust	0.044	0.85
431-1	Parsons, Robert	0.17	1.8
1502-1	USDI, Bureau of Land Mngt.	0.02	3.5

Water Rights 1499-1 and 1762A-1 are both owned by the applicant and are located 1.8 and 2.3 miles respectively from the sight described in application 1894-1. Water Right 1773-1 appropriates 0.044 cfs of water from one well completed to the Inyan Kara Aquifer approximately 0.85 miles north east of the proposed site. Water right No. 431-1 appropriates 0.17 cfs of water from one well completed to the Inyan Kara Aquifer located approximately 1.8 miles west of the proposed site and water right No. 1502-1 appropriates 0.02 cfs of the waters of the Inyan Kara Aquifer from one well located 3.5 miles south east of the site. Draw down from the diversion requested in Permit No. 1894-1 may be seen in wells in the vicinity of the application but should not cause an adverse impact to adequately constructed wells.

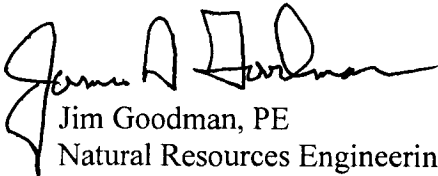
Conclusions

1. The Inyan Kara is a viable aquifer in the area identified in Permit No. 1894-1 and unappropriated water is available for this diversion.
2. Interference with existing adequate wells is not expected.
3. The well completion report included with the application indicates that this is a properly constructed well according to South Dakota well construction standards.



Natural Resources Engineer
DENR, Water Rights

Approved by



Jim Goodman, PE
Natural Resources Engineering Director

References

Carter, J.M., Driscoll, D.G., Sawyer, J.F, *Ground Water Resources in the Black Hills Area, South Dakota*, WRI Report 03-4049, USGS, Rapid City, SD. 2003.

Driscoll, D.G, Carter, J.M, *Hydraulic Conditions and Budgets for the black Hills of South Dakota, Through Water Year 1998*, Water Resource Investigation Report 01-4226, US Geological Survey, Rapid City, SD. 57702, 2001.

Water Rights, 2007, Observation Well Files, DENR- Water Rights Program, Joe Foss Building, Pierre, SD. 57501

Water Rights, 2007, Water Permit Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD. 57501

RECEIVED

Form 8

JAN 11 2008

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Pam Buhler

certify that the attached printed Notice was
taken

from the Meade Co Times

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:

Jan 2, 2008

Jan 9, 2008

Cost of Printing \$35.75

Pamela Buhler
(Signature)

Office manager / legal agent
(Title)

11 9/08
(Date Signed)

NOTICE OF APPLICATION

NO. 1894-1 to Appropriate Water

Notice is given that Smitty LLC, c/o
Shanon Vasknetz, 2500 Fox Road,
Sturgis SD 57785 has filed an appli-
cation for a water permit to appropri-
ate 0.067 cubic feet of water per sec-
ond from one well completed into the
Inyan Kara Aquifer (535 feet deep)

located in NE 1/4 NE 1/4 Section 28-
T6N-R5E for a suburban housing
development.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Application No. 1894-
1 because 1) unappropriated water
is available, 2) existing rights will not
be unlawfully impaired, 3) it is a ben-
eficial use of water, and 4) it is in the
public interest. In accordance with
SDCL 46-2A-23, the Chief Engineer
will act on this application, as recom-
mended, unless a petition is filed
opposing the application or the appli-
cant 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 sched-
uled 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 rec-
ommendations 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 mail-
ing address is given above. A peti-
tion filed by either an interested per-
son or the applicant must be filed by
January 21, 2008.

The petition may be informal, but
must include a statement describing
the petitioner's interest in the appli-
cation, the petitioner's reasons for
opposing or supporting the applica-
tion, and the signature and mailing
address of the petitioner or the peti-
tioner's legal counsel, if legal coun-
sel 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

Meade County Times-Tribune
Publ. Jan. 2 & 9, 2008



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2007

Meade County Times & Tribune
PO Box 69
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1894-1 to Appropriate Water to be published twice. Please publish the first notice on January 2, 2008 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 Smitty LLC, Shanon Vasknetz, 2500 Fox Rd, Sturgis SD 57785(Ph # 605-490-1401).

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. 1894-1

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

Date _____

We are in receipt of your letter of December 21, 2007 enclosing Notice to Appropriate Water by Application No. 1894-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 21, 2007

Shanon Vasknetz
Smitty LLC
2500 Fox Rd
Sturgis SD 57785

Dear Mr. Vasknetz

Water Permit Application No. 1894-1 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 recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notices 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 January 2, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1894-1 to Appropriate Water

Notice is given that Smitty LLC, c/o Shanon Vasknetz, 2500 Fox Road, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well completed into the Inyan Kara Aquifer (535 feet deep) located in NE ¼ NE ¼ Section 28-T6N-R5E for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1894-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on 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 January 21, 2008.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 12 2000

Smitty LLC
2500 Fox Road
Sturgis SD 57785

Dear Mr. Vasknetz:

Enclosed is Water Permit No. 1894-1 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

1894-1

McMath, Genny

From: Quissell, Steve
Sent: Thursday, June 01, 2017 12:13 PM
To: Gronlund, Eric
Cc: McMath, Genny
Subject: #1894-1 (formerly Smitty LLC)
Attachments: Tracy_Const_1894-1_EOW.docm; Tracy_Const_1894-1.pdf

Eric

Attached is the EOW for Permit #1894-1 formerly Smitty LLC but now being handled by resident Tracy Const. Const has contacted an attorney and is in the process of forming a water association. A transfer of ownership is in order but details will not be able to be finalized until the association is formed. Please provide Const with written details concerning the need for the ownership change.

Steven Quissell
Water Right Inspector
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 394-6763
Fax: (605) 394-5317

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1894-1

I have this day, May 31, 2017 made a thorough examination of the water use system constructed by **Tracy Const, 12681 Ruger Road, Whitewood, SD 57793 (formerly Smitty LLC)** of Permit No. **1894-1**, bearing the priority of **11/26/2007** authorizing the diversion of **.067** cu. ft. per second of the water from one well for suburban housing purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable:

Contact:

Tracy Const (subdivision resident)
12681 Ruger Road
Whitewood, SD 57793
605-720-1851

Transferred 9-5-2018 from Smitty LLC to Savi Estates Ranchettes Water Association (using same address as shown to the right)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cameron Pump and Drilling (2007)
- 2) No. of Wells 1
- 3) Depth(s) 535 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 ½ inch
- 2) Length 535 feet (includes 5 ½" slotted PVC screen)
- 3) Type PVC

Screen:

- 1) Type slotted PVC
- 2) Length 40 feet
- 3) Static water level flowing (15 psi closed in pressure, 5 gpm free flow)

Pump:

- 1) Make F&W
- 2) Model 27 GPM, 17 stage
- 3) Size 4"
- 4) Capacity 24 GPM (based on estimated well drawdown and potential operating condition)
- 5) Horsepower rating 3 hp (variable speed controller)

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

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

Comments: The flowing well is not currently closed in and is allowed to flow into a nearby stock dam. When the submersible pump is operating to supply the system, this flow is reduced considerably. There is currently some flow surfacing around the outside of the casing and the owners have contacted the driller to propose options for correcting the problem.

C. Works used to apply water to beneficial use:

The well serves 4 residential lots of which 3 have been developed. One of the resident homeowners owns the vacant lot and has no plans for development.

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 fair condition with the point of diversion located as follows:
667' S and 782' W of the NE corner Section 28 T6N R5E (44.458038, -103.511622)
2. The works are capable of diverting and conveying to the place of use .053 cu. ft. per second (24 gpm) of water which is to be used for **suburban housing** and the license should be issued for .053 cfs.
3. All structures, wells and lands on map: yes

F. Comments or other permit(s) associated with the project: **The owners are in the process of forming a water association.**



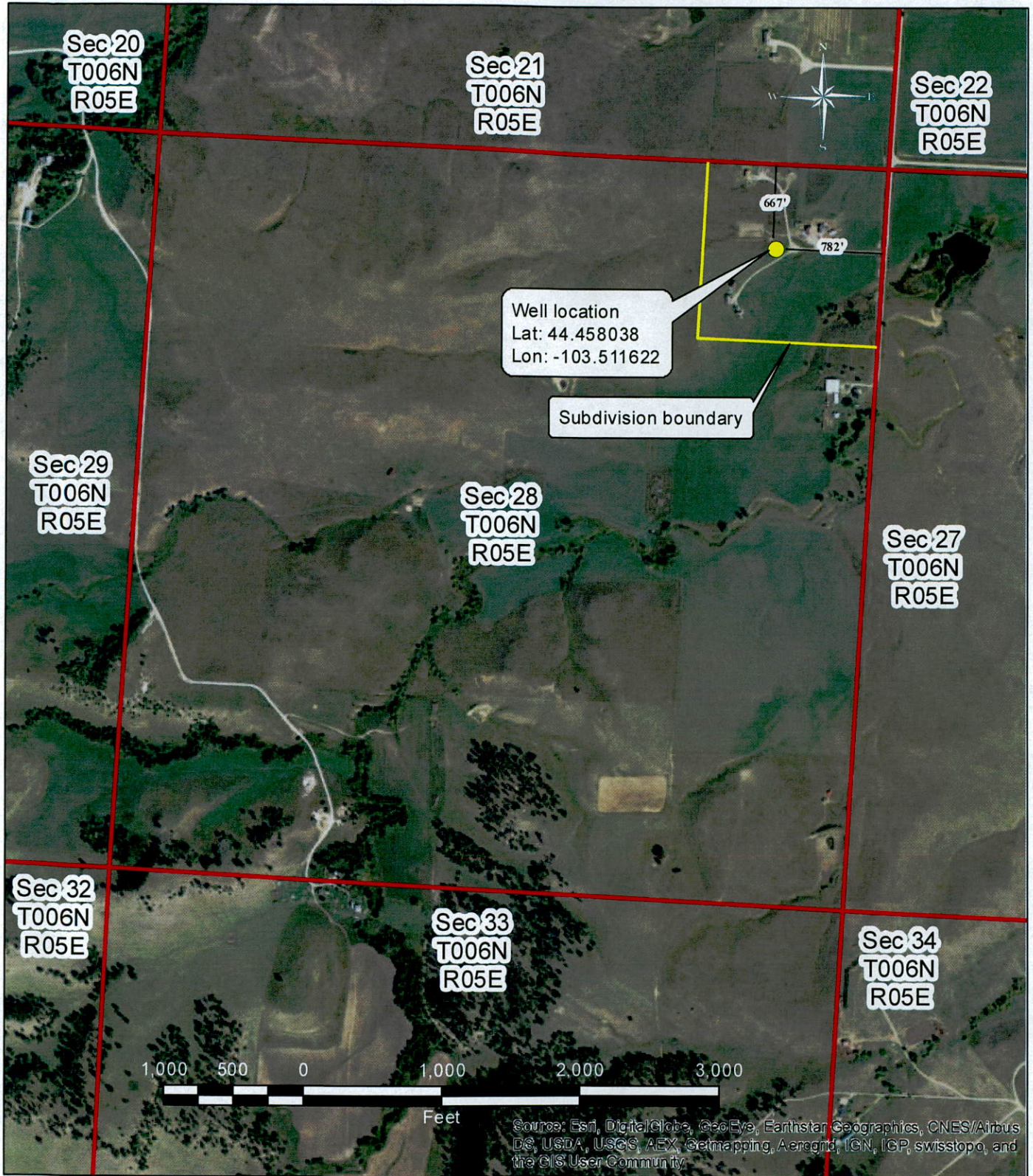
Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: 6/1/2017



Well and pump house

Water Right #1894-1
Tracy Const
5/31/2017



Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 2017

1894-1

Tracy Const
12681 Ruger Rd
Whitewood SD 57793

Dear Mr. Const:

I am contacting you in regard to Water Permit No. 1894-1, currently listed in the name of Smitty LLC. The permit authorizes diversion of ground water for use in a suburban housing development (copy enclosed). Recently, Steve Quissell, a staff engineer with our program conducted an investigation of the water use system for licensing purposes.

It is our understanding that Smitty LLC no longer has ownership and you are in the process of working with an attorney to form a water association. Prior to licensing, ownership of the water permit will need to be changed. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you are still working on forming the association, the ownership change can wait. We will wait to process the water license until the ownership change has been filed.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 2018

1894-1

Tracy Const
12681 Ruger Rd
Whitewood SD 57793

Dear Mr. Const:

I am contacting you in regard to Water Permit No. 1894-1, currently listed in the name of Smitty LLC. Steve Quissell, a staff engineer with our program conducted an investigation of the water use system for licensing purposes back in May, 2017.

In June, 2017, I contacted you concerning an ownership change needed for the water permit prior to licensing. At that time, you were in the process of working with an attorney to form a water association.

Licensing is being held up due to the pending ownership change. The purpose of my letter is to find out from you if the association was set up and if so, are you ready to file the ownership change?

In the event you do not have the form sent to you last year, I am enclosing an additional form. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you are still working on forming the association, the ownership change can wait. We will wait to process the water license until the ownership change has been filed.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **September 5**, 20 **18**

RECEIVED OF **Savi Estates Ranchettes Water Assoc. 12681 Kuger Road Whitewood 57793**

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 1894-1		
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)	TOTAL	50 00

No. **08754**

By *Jeanne Goodman*
Chief Engineer *JGm*

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
SEP 05 2018
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1894-1

Date: 8/24/18

I/We request that Water Permit No. 1894-1

formerly owned by: Smitty LLC

be transferred to: (name & address) Savi Estates Ranchettes
Water Association

12681 Ruger Rd, Whitewood SD 57793

Telephone No. 605-381-7208

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

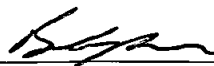
well located in the NE ¼ NE ¼ Section 28, T6N, R5E

I/We understand that the validity of Water Permit No. 1894-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brandon Fogelman, the new owner, certify that the above information is true and correct.
President
Savi Estates Ranchettes
Water Association



(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 12 2018

1894-1

Brandon Fogelman, President
Savi Estates Ranchettes Water Association
12681 Ruger Rd
Whitewood SD 57793

Dear Mr. Fogelman:

Thank you for following up on the ownership change for Water Permit No. 1894-1. The ownership change was completed and the water license was issued in the name of Savi Estates Ranchettes Water Association.

Enclosed is Water License No. 1894-1. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well 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: License, Map, Receipt No. 08754

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1894-1

(1) Smitty LLC, Sturgis SD 57785 made Application No. 1894-1, November 26, 2007 for a water permit to divert 0.067 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer), Meade County, South Dakota for suburban housing development purposes. Permit No. 1894-1, with a priority date of November 26, 2007 was approved January 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 21, 2013 and for the application to beneficial use of said water on or before January 21, 2017.

On September 5, 2018, Water Permit No. 1894-1 was transferred from Smitty LLC to Savi Estates Ranchettes Water Association.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.053 cubic feet of water per second (24 gallons per minute) for beneficial use. The location of the diversion point is:

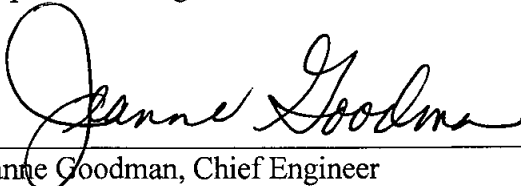
- 667'S and 782'W of the NE corner of Section 28, T6N, R5E (NE ¼ NE ¼)
Latitude 44.458038, Longitude -103.511622

(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 Savi Estates Ranchettes Water Association, 12681 Ruger Rd, Whitewood SD 57793 the holder and/or owner of Water Right No. 1894-1 is issued a license to appropriate water, the right to use 0.053 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer) with a priority date of November 26, 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. 1894-1 and subject to the following qualification:

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



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

SEP 12 2018

date

