

WATER PERMIT NO. 1909-1

Name of Applicant: Darrin P Pluhar, dba Plu's Flying Service, Inc.

Address: PO Box 133, Ekalaka MT 59324 Phone: 406 853-0039

Amount of Water Claimed: 0.04 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Harding

Type of Waste Disposal System:

Location: 5 miles southwest of Camp Crook

PRIORITY Date Received: 2-22-2010 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: May 1 – July 1

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 33-T18N-R1E

Land to be Irrigated: NA

Depth of Well: 220

Well Driller: Heaton Drilling

Remarks:

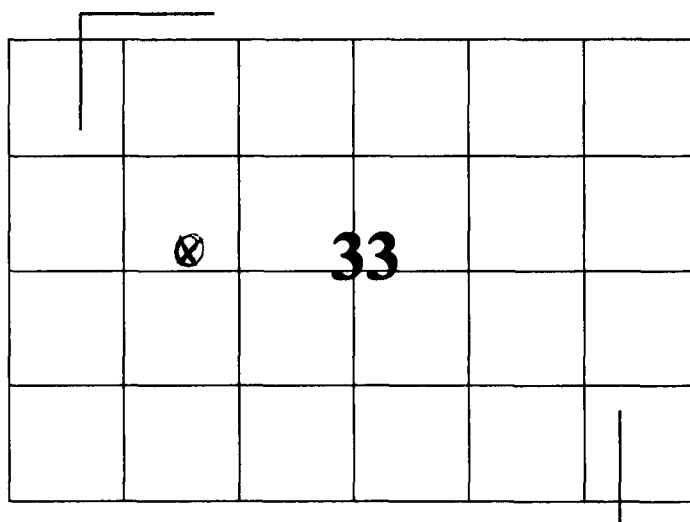
Type of Map: aerial

Prepared by: Jerry L Nelson, Harding Co NRCS

Reviewed and the Number Assigned on: 2-22-2010

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>1909-1</u>	(office use only) Hydrologic Unit <u>10110201</u>
	Basin <u>Little Missouri</u>	
	Newspaper <u>Nation's Center News P.O. Box 107</u>	
	<u>605-375-3228</u>	<u>Buffalo 57720</u>

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FEB 22 2010
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Darrin P. Pluhar, dba
1. Name of Applicant Plus Flying Service, Inc Phone 406-853-0039
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address PO Box 133 Ekalaka State MT 59324
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.04 *CFS or 18 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Fox Hills Formation
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Harding
SW4 NW4 S33-T10N-R1E
5. County or counties where water will be used Carter Co. MT, Harding Co. SD
6. Annual period during which water is to be used May 1st - July 1st
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Water Well drilled by Heaton Drilling, Spearfish, SD

MONTANA
~~STATE OF SOUTH DAKOTA~~ SS
County of CUSTER

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, Darrin P. Pluhar, 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 Darrin P. Pluhar, Pres.

Subscribed and sworn to before me this 17th day of FEBRUARY 20 10

Roxanne M Carlson
Notary Public signature
ROXANNE MCARLSON

**SOUTH DAKOTA
WATER PERMIT NO. 1909-1**

Date of first receipt of application February 22, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1909-1 to Plu's Flying Service Inc., c/o Darrin P Pluhar, PO Box 133, Ekalaka MT 59324 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. 1909-1 appropriates 0.04 cubic feet of water per second from one existing well completed into the Hell Creek Aquifer (approximately 220 feet deep) located in SW ¼ NW ¼ Section 33-T18N-R1E.
2. The water appropriated shall be used for the purpose of commercial use 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: May 1 – July 1.
4. The date of approval of Permit No. 1909-1 is May 24, 2010.
5. The date from which applicant may claim right is February 22, 2010.
6. One-fifth of the construction is to be completed on or before November 24, 2012.
7. All construction is to be completed on or before May 24, 2015.
8. Water is to be put to beneficial use on or before May 24, 2019.
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.

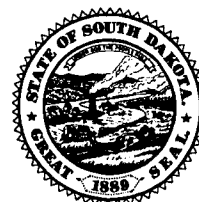
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 15 2010

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 220'
- b) Casing Type Plastic Diameter 5 1/2 Thickness Schedule 40
- c) Screen Type N/A - SloHed Diameter _____ Thickness _____
- d) Gravel Pack Yes Length of Gravel Pack 160' - 220 (60)
- e) Depth to Top of Water Bearing Material 160'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
On applicants property 5th Ranch 1/2⁺ mile On property owned by others 3/4⁺ mile

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

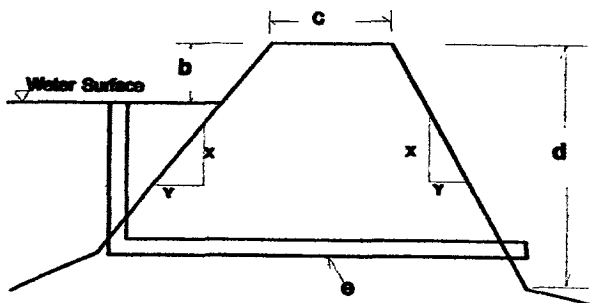
3. Dugout Information

- 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

Aerial Map



Jerry L. Nelson

Jerry L. Nelson, District Conservationist
Butte F.O. NRCS

Maps provided by:



©AgriData, Inc. 2010
www.AgriDataInc.com

33-18N-1E
Harding County
South Dakota

map center: 45° 28' 48.75, 104° 0' 45.93
scale: 4959

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1/20/2010



Field borders provided by Farm Service Agency as of 5/23/2008. Aerial photography provided by Aerial Photography Field Office.

Aerial Map



Jerry L. Nelson
 Jerry L. Nelson, District Conservationist
 Buffalo F.O. NRCS

Maps provided by:



©AgriData, Inc. 2010
 www.AgriDataInc.com

33-18N-1E
Harding County
South Dakota

map center: 45° 28' 48.97, 104° 0' 27.6
 scale: 9942

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1/20/2010

Field borders provided by Farm Service Agency as of 5/23/2008. Aerial photography provided by Aerial Photography Field Office.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/22, 20 10

RECEIVED OF PLU's Flying Service PO Box 998 Miles City MT 59301

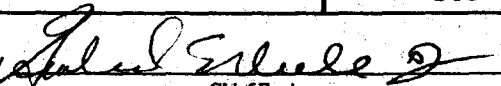
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1909-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>1909-1</u>	200	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	300 00

No.

04488

By



Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1909-1, Plu's Flying Service, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1909-1, Plu's Flying Service, Inc., c/o Darrin Pluhar, PO Box 133, Ekalaka MT 59324.

The Chief Engineer is recommending APPROVAL of Application No. 1909-1 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.

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
April 22, 2010

WATER PERMIT APPLICATION NO. 1909-1
PLU'S FLYING SERVICE
APRIL 15, 2010

Water Permit Application No. 1909-1 proposes to appropriate 0.04 cubic feet of water per second from one existing well, 220 feet deep, completed into the Hell Creek aquifer. The well is located in the SW¼ NW¼ Section 33, T18N-R1E. Water from this well will be used for commercial use.

AQUIFER: Hell Creek (HCLK)

AQUIFER CHARACTERISTICS:

In spite of the well driller reporting "Fox Hills" from ground surface to a depth of 160 feet on the well completion report, a review of the areal geology (Schulte, 1954) suggests the well is completed into the Hell Creek aquifer. Additional data supporting that this well is actually completed into the Hell Creek is in the driller reporting coal from 200-220 feet below grade. In general, the absence of coal in the Fox Hills Formation is a feature that distinguishes it from the Hell Creek Formation. Schulte (1954) states that "The lower part of the Hell Creek Formation can very readily be confused with the upper part of the Fox Hills Sandstone. This is due in part to reworking of the Fox Hills sandstone into the Hell Creek Sediments."

The Hell Creek Formation is of nonmarine origin and consists of sandy shale, sandstone and thin beds of lignite (Merewether, 1975). The formation underlies approximately 1,640,960 acres of Harding County and contains an estimated 12,307,200 acre-feet of recoverable water in storage in the county (Allen, and others, 1984). The aquifer is laterally extensive and occurs in Northwestern South Dakota, southwestern North Dakota, and southeastern Montana. Recharge to the aquifer is through infiltration of precipitation and seepage from streams.

The Water Rights Program only monitors one observation well completed into the Hell Creek aquifer (Water Rights, 2010a). It is located approximately 27 miles east-northeast of this well. The hydrograph for the well is shown in figure 1. The hydrograph shows that the water level of the aquifer fluctuates in response to seasonal and annual climatic conditions, that is, the water level rises in the spring and declines the rest of the year, and water level is lower during drought years. Water level measurements suggest that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

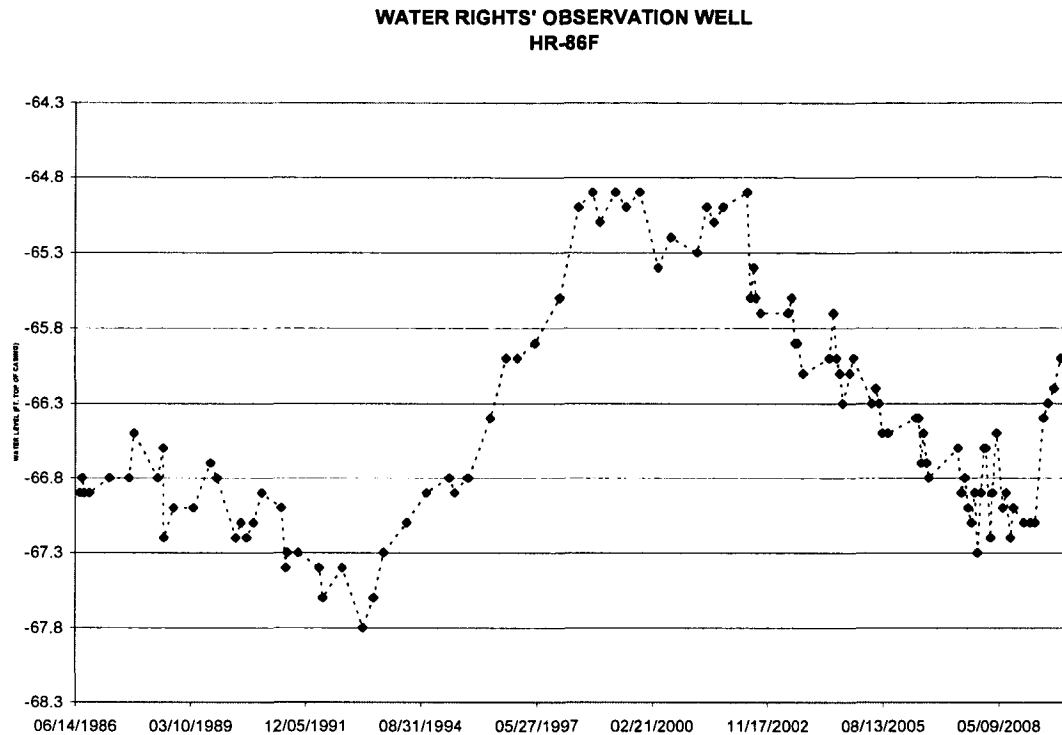


Figure 1. Hydrograph of DENR-Water Rights Program observation well completed into the Hell Creek aquifer.

EFFECTS ON EXISTING WATER RIGHTS:

A number of domestic wells (primarily stock wells) are completed into the Hell Creek aquifer (Water Rights, 2010c) and there are a total of eight water permits/rights appropriating water from the aquifer in South Dakota (Water Rights, 2010b). The nearest appropriation, the Town of Buffalo, is over 23 miles northeast of this site. It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any interference.

CONCLUSIONS:

1. The Hell Creek aquifer is a viable source of groundwater in this area.
2. Recharge to the Hell Creek aquifer, which is through direct infiltration of precipitation, has not been quantified.
3. There is a reasonable probability that unappropriated groundwater is available from the Hell Creek aquifer in this area.
4. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small diversion rate requested from the well and the distance to existing users.

5. The SD Water Well Completion Report submitted with this application indicates the well was constructed in accordance with the SD Well Construction Standards.



KEN BUHLER

Natural Resources Engineering Specialist

Approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., Petres, A.K., 1984, Analysis of Groundwater and Streamflow data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: Department of Water and Natural Resources Division of Geological Survey
- Merewether, E.A., 1975, "Mesozoic Rocks" in Mineral and Water Resources of South Dakota: USGS Report to the Committee on Interior and Insular Affairs, United States Senate p. 43
- Schulte, J.J., 1956, Areal Geology of Harding and Ericson No. 1 Quadrangles: South Dakota Geologic Survey Geologic Quadrangle, scale 1:62,500
- Water Rights Program, 20010a, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2010b, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2010c, "Water Well Completion Report Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

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MAY 18 2010

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF HARDING:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the NATION'S CENTER NEWS is a legal week newspaper of general circulation, printed and published in the City of Buffalo, in said County and State by Letitia Lister, 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, Letitia Lister, 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 1909-1

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 6th day of May, 2010, at the last publication on the 13th day of May, 2010, that the amount of fees charged for publishing same, to-wit: The sum of \$ 39.07, insures solely to the benefit of the publisher of the NATION'S CENTER NEWS, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 17th day of May, 2010

Deborah Johnson
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2010

NOTICE OF APPLICATION NO. 1909-1

To Appropriate Water

Notice is given that Dan P. Fisher dba Fly's Flying Service, Inc., PO Box 133, Ekalaka, MT 59324 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second from one existing well to be completed into the Hell Creek Aquifer (approximately 220 feet deep) located in SW 1/4 NW 1/4 Section 33 - T18N - R1E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1909-1 because 1) un appropriated 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-733-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 24, 2010.

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

Published twice at the total approximate cost of \$40.70.

#633
May 6, 13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 26, 2010

Nation's Center News
PO Box 107
Buffalo SD 57720

ATTENTION: Legal Public Notice

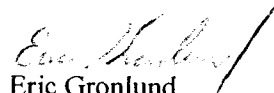
Enclosed is a Notice on Application No. 1909-1 to Appropriate Water to be published twice. Please publish the first notice on May 6, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Darrin P Pluhar dba Plu's Flying Service, Inc., PO Box 133, Ekalaka MT 59324 (Ph # 406-853-0039).

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. 1909-1

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

Date _____

We are in receipt of your letter of April 26, 2010 enclosing Notice to Appropriate Water by Application No. 1909-1 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
denr.sd.gov

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

April 26, 2010

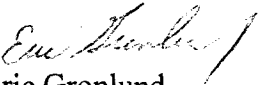
Darrin P Pluhar
Plu's Flying Service, Inc
PO Box 133
Ekalaka MT 59324

Dear Mr. Pluhar:

Water Permit Application No. 1909-1 for commercial 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 Nation's Center News printed at Buffalo SD (Ph # 605-375-3228). 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 are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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 May 6, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1909-1 to Appropriate Water

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Any person interested in opposing or supporting this application or recommendation 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 May 24, 2010.

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Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 15 2010

Plu's Flying Service Inc
Darrin P Pluhar
PO Box 133
Ekalaka MT 59324

Dear Mr. Pluhar:

Enclosed is Water Permit No. 1909-1 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

1909-1

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AUG - 9 2010

WATER RIGHTS
PROGRAM

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 08-03-10

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Darrin P. Pluhar, Pres
Plu's Flying Service, Inc.
(name)

PO Box 133
(address)

Ekulaka, MT 59324
(city, state, zip)

406-775-6640
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1909-1 states that the water use system is to be constructed by

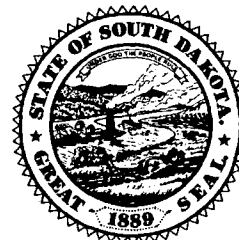
05-24-2015, and water is to be put to beneficial use by 05-24-2019.
(date) (date)

The water use system was completed on 06-09-09.
(date)

Applying the water to beneficial use was completed on 06-09-09.
(date)

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

D. P. Pluhar, Pres
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 16, 2010

1909-1

Darrin Pluhar
Plu's Flying Service Inc
PO Box 133
Ekalaka MT 59324 0133

Dear Mr. Pluhar:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your system and are ready for inspection.

Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

June 6, 2013

1909-1

Alvin Cordell
13126 Little Missouri Rd
Camp Crook SD 57724

Dear Mr. Cordell:

Thank you for contacting us about the ownership change needed for Water Permit No. 1909-1. I have included a copy for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. 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.

You mentioned during our phone conversation there may be more water rights for the land you purchased. I was unable to find anything listed under Sky Ranch for Boys however if you are able to send me a legal description of the property, I can certainly do another review of our files for you.

If you have any questions please give us 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

enclosures

RECEIVED

JUN 14 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1909-1

Date: 6-11-2013

I/We request that Water Permit No. 1909-1

formerly owned by: Plu's Flying Service Inc

be transferred to: (name & address) ALVIN L. Cordell

13126 Little Missouri Road
Camp Crook, SD 57724 Telephone No. 605-797-4539

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

Well located - SW 1/4 NW 1/4 Section 33, T18N, R1E

I/We understand that the validity of Water Permit No. 1909-1 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 ALVIN L. Cordell, the new owner, certify that the above information is true and correct.

Alvin L. Cordell
(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 6/14, 20 13

RECEIVED OF Alvin Cordell Bpx 135 Camp Crook SD 57724

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 <u>1909-1</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06359

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

June 17, 2013

1909-1

Alvin Cordell
13126 Little Missouri Rd
Camp Crook SD 57724

Dear Mr. Cordell:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for Water Permit No. 1909-1.

The ownership change has been completed. Water Permit No. 1909-1 formerly held by Plu's Flying Service Inc., is now listed in your name.

Enclosed for your records is Receipt No. 06359 in the amount of \$50.00. If you have any questions please give us 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1909-1

I have this day, November 2, 2016 made a thorough examination of the water use system constructed by Alvin Cordell, 13126 Little Missouri Rd, Camp Crook, SD 57724 of Permit No. 1909-1, bearing the priority of 2/22/2010 authorizing the diversion of .04 cu. ft. per second of the water from one well for commercial purposes, in Harding County.

Inspection contact & relationship to permit holder, if applicable: Alvin Cordell, owner
605-797-4539

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Heaton Drilling (2009)
- 2) No. of Wells 1
- 3) Depth(s) 220 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6"
- 2) Length 220 feet
- 3) Type PVC

Screen:

- 1) Type 1/8" slots (PVC)
- 2) Length 40 feet (160'-200')
- 3) Static water level 30 feet

Pump:

- 1) Make unknown
- 2) Model -----
- 3) Size 4"
- 4) Capacity 18 GPM (as noted on well log)
- 5) Horsepower rating 1 hp

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

Utilized in-place at the well head

C. Works used to apply water to beneficial use:

The pump is controlled manually with a switch at the well site. The well is used to fill ag spray tanks and spray tanks for the flying service still headquartered there. The owner plans to connect the well to a lodge being constructed on an existing foundation at the site of the former Sky Ranch for Boys.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes,
- 2) Exceptions to compliance are: none

E. Condition and Location:

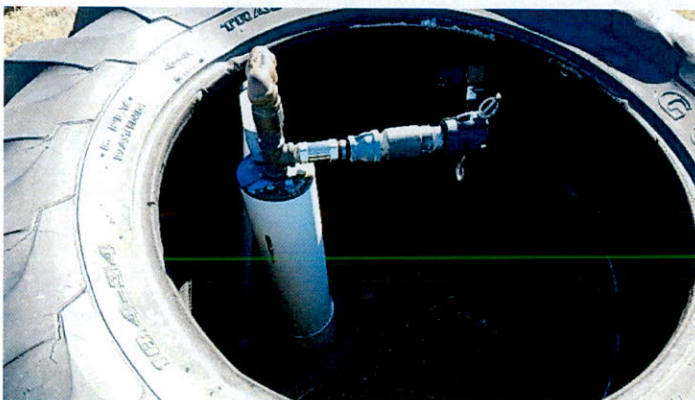
1. The system is in good condition with the point of diversion located as follows:
2,223'S and 769' E of the NW corner Section 33 T18N R1E (45.481348, -104.014834)
2. The works are capable of diverting and conveying to the place of use .04 cu. ft. per second (18 gpm) of water which is to be used for **commercial** use and the license should be issued for .04 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

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



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 11/3/2016

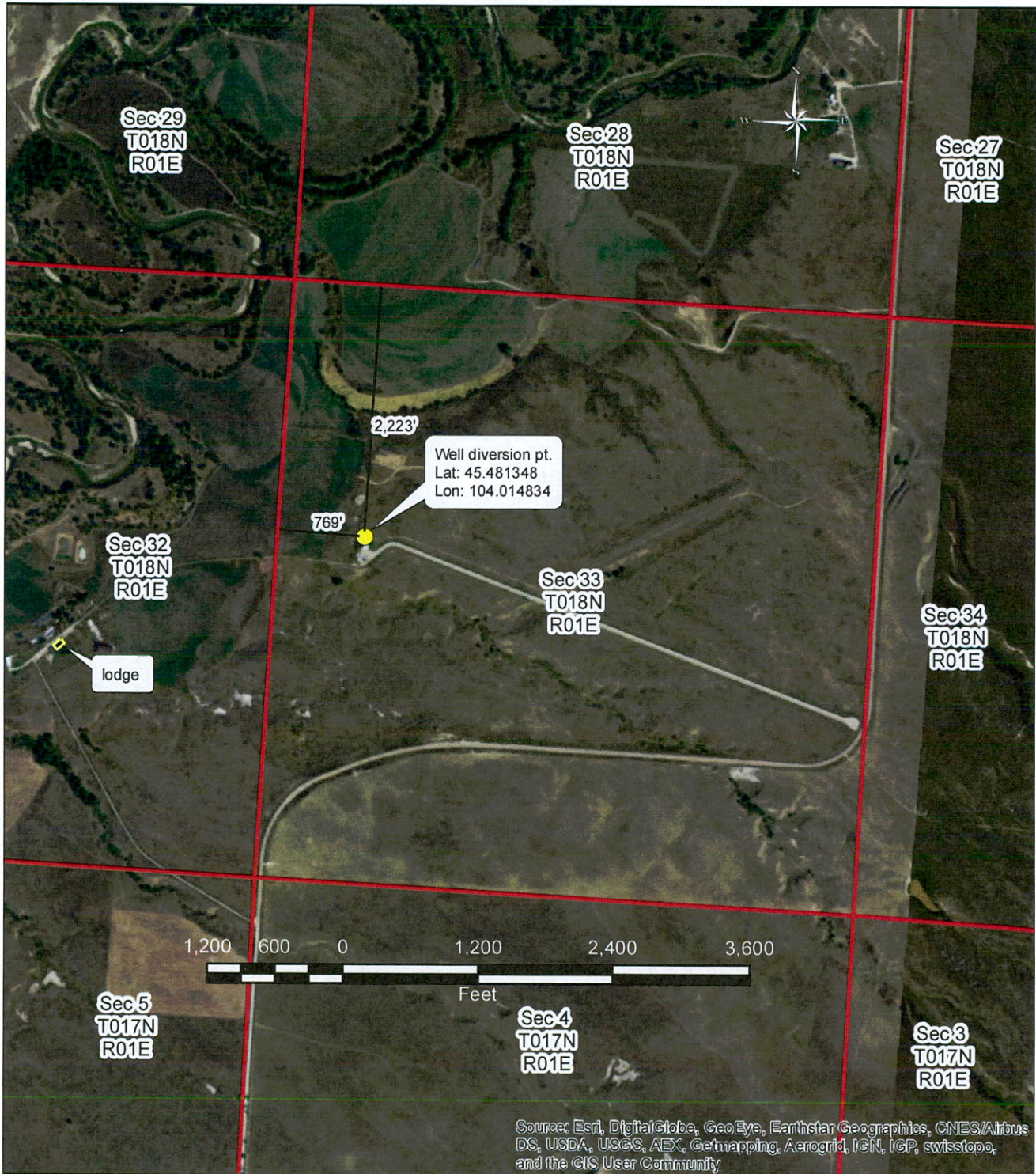


Well and outlet



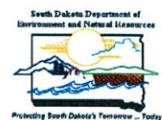
Protected well with former Sky Ranch in background

Water Right #1909-1
Alvin Cordell
11/2/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1909-1

(1) Plu's Flying Service, Inc., Ekalaka MT made Application No. 1909-1, February 22, 2010 for a water permit to divert 0.04 cubic feet of water per second from one well – Hell Creek Aquifer, Harding County, South Dakota for commercial use purposes. Permit No. 1909-1, with a priority date of February 22, 2010 was approved May 24, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 24, 2015 and for the application to beneficial use of water on or before May 24, 2019.

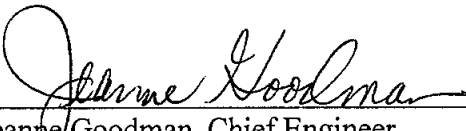
On June 14, 2013, Water Permit No. 1909-1 was transferred to Alvin Cordell, 13126 Little Missouri Rd, Camp Crook SD 57724.

(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. 1909-1 is issued a license, bearing a priority date of February 22, 2010 to appropriate 0.04 cubic feet of water per second from one well – Hell Creek Aquifer for commercial use purposes.

The diversion point is located: 2,223 feet S and 769 feet E of the NW corner of Section 33-T18N-R1E (SW 1/4 NW 1/4).

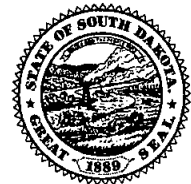
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1909-1 including the following qualification:

- 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

FEB 06 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 06 2017

1909-1

Alvin Cordell
13126 Little Missouri Rd
Camp Crook SD 57724

Dear Mr. Cordell:

Enclosed is Water License No. 1909-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1909-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures