

WATER PERMIT NO. 1932-1

Name of Applicant: **Black Hills Fiberglass, LLC**

Address: **PO Box 576, Belle Fourche SD 57717**

Phone: **605 360-1370**

Amount of Water Claimed: **0.036 cfs (16 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial** County: **Butte**

Type of Waste Disposal System:

Location: **3 miles north of Belle Fourche**

PRIORITY Date Received: **10-9-12** Application/License Fee: **\$ 300**

Corrected Application Received: Period of Annual Use: **Jan 1 – Dec 31**

Remarks:

Diversion Point: **SE 1/4 NE 1/4 (Lot 2) Section 22-T9N-R2E**

Land to be Irrigated: **NA**

Depth of Well: **1540 feet**

Well Driller: **Taylor Drilling**

Remarks:

Type of Map: **plat**

Prepared by:

Reviewed and the Number Assigned on: **10-11-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

				⊗	
			22		

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 1932-1 Hydrologic Unit 10120202
Basin Belle Fourche River 605-892-2528
Newspaper Butte Co. Post 614 State St. Belle Fourche
Black Hills Pioneer PO Box 7 Spearfish 57783 605-692-2761

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WATER RIGHTS
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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.)

1. Name of Applicant Black Hills Fiberglass, LLC/ Mitch Richter Phone 605-360-1370
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address PO Box 576 (Address) Belle Fourche (City) SD (State) 57717 (Zip Code)

2. Amount of water claimed 0.036 *CFS or 16 **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 Water Well Inyan Kara Formation

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte
See Map SE 1/4 NE 1/4 (Lot 2) Sec 22 T9N R2E

5. County or counties where water will be used Butte

6. Annual period during which water is to be used Year Round Jan 1 - Dec 31

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)

Basic water well. Taylor Drilling from Rapid City will be the driller. Manufacturing facility for fiberglass products. Water to be used for basic domestic use.

STATE OF SOUTH DAKOTA)

County of _____)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, _____, 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 _____ day of _____ 20 _____

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1932-1**

Date of first receipt of application October 9, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1932-1 to Black Hills Fiberglass, LLC, c/o Mitch Richter, PO Box 576, Belle Fourche SD 57717 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. 1932-1 appropriates 0.036 cubic feet of water per second (16 gallons per minute) from one well to be completed into the Inyan Kara Aquifer (1540 feet deep) located in SE 1/4 NE 1/4 (Lot 2) Section 22-T9N-R2E.
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: January 1 – December 31.
4. The date of approval of Permit No. 1932-1 is January 7, 2013.
5. The date from which applicant may claim right is October 9, 2012.
6. One-fifth of the construction is to be completed on or before July 7, 2015.
7. All construction is to be completed on or before January 7, 2018.
8. Water is to be put to beneficial use on or before January 7, 2022.
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. 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.
2. The well authorized by Permit No. 1932-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 1 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 1540 FT.
- b) Casing Type Steel Diameter 7" & 4 1/2" Thickness .312 & .250
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1300 feet
- f) Depth to Water (ground surface to water level) 240 feet
- g) Distance to nearest existing domestic well:
- On applicant's property _____ On property owned by others _____

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

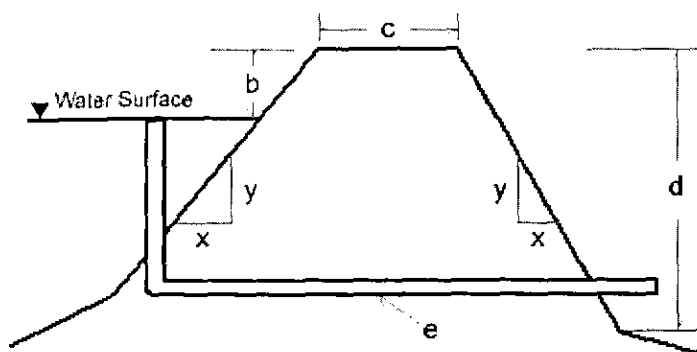
3. Dugout Information

- 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.

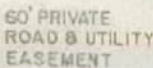
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

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CLEAR ZONE EASEMENT AREA

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

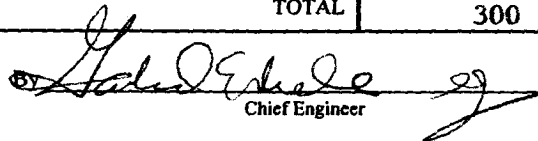
Date 10/9, 20 12

RECEIVED OF Black Hills Fiberglass LLC PO Box 556 Belle Fourche SD 57717

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

Fee for Application for Permit No. <u>1932-1</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>1932-1</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. 05609


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. 1932-1, Black Hills Fiberglass 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. 1932-1, Black Hills Fiberglass LLC, c/o Mitch Richter, PO Box 576, Belle Fourche SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 1932-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1932-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 12, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 1932-1
BLACK HILLS FIBERGLASS LLC
C/O MITCH RICHTER
DECEMBER 11, 2012

Water Permit Application No. 1932-1 proposes to appropriate water at a maximum diversion rate of 0.036 cubic feet per second (cfs) for commercial use from a well to be completed into the Inyan Kara aquifer. The well is expected to be approximately 1,540 feet deep and is to be located in the SE ¼ NE ¼ (Lot 2) Section 22-T9N-R2E in Butte County.

AQUIFER: Inyan Kara (INKR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Test hole information was not submitted with this permit application. However, sufficient data is available through well completion reports (Water Rights, 2012c), water right/permit files (Water Rights, 2012b), and an altitude of the top of the Inyan Kara Group map (Carter and Redden, 1999). The Inyan Kara aquifer is composed of the portions of the Lower Cretaceous aged Inyan Kara Group that contain sufficient saturated permeable material to yield quantities of groundwater to wells (Driscoll et al., 2002). According to Merewether (1975), the Inyan Kara Group was deposited in shallow waters along the eastern shore of the Skull Creek Sea, and in general consists of a sequence of interbedded sandstones, siltstones, and mudstones of fluvial, lacustrine, and possibly eolian origin (Schnabel, 1963). The sandstone units that make up the Inyan Kara Group are from the Fall River Formation and the underlying Lakota Formation.

The Inyan Kara is a regional scale aquifer; covering portions of Wyoming, North Dakota, South Dakota, and Nebraska. Even though the Inyan Kara is areally extensive, only a portion of the water it contains is fresh. More than one-half of the water is moderately saline, and the water is saline to brine in some parts (Driscoll et al., 2002). The Inyan Kara underlies approximately 23,239,040 acres and contains an estimated 324,169,440 acre-feet (ac-ft) of recoverable water in storage in western South Dakota (Allen et al., 1985). In the area of this application the Inyan Kara aquifer can generally be encountered within 1230 feet of ground surface and has a potentiometric surface approximately 230 feet below ground surface (Carter and Redden, 1999 and Strobel et al., 2000). The transmissivity of the Inyan Kara ranges from 0.86 to 6,000 ft² per day (Driscoll et al., 2002). Figure 1 shows the extent of the Inyan Kara aquifer in South Dakota.

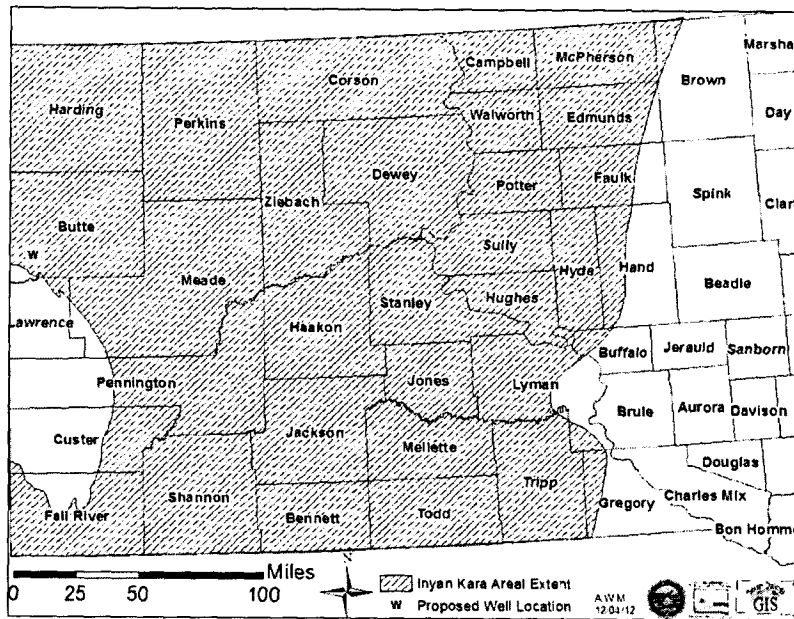


Figure 1- Map of the areal extent of the Inyan Kara aquifer in South Dakota; modified from Gries (1981)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest.

WATER AVAILABILITY:

Water Permit Application No. 1932-1 proposes to appropriate water at a maximum diversion rate of 0.036 cfs from the Inyan Kara aquifer. The availability of water for this proposed appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Inyan Kara is stratigraphically below the Greenhorn Formation, but this application is not for a water distribution system.

Recharge versus Discharge:

Recharge:

Recharge to the Inyan Kara aquifer is through infiltration of precipitation at the outcrop and the aquifer also appears to be recharging from the underlying Paleozoic aquifers in central South

Dakota (Bredehoeft et al., 1983). Average annual recharge has not been quantified for the Inyan Kara aquifer. However, Driscoll and Carter (2001) estimated a recharge of 11,600 ac-ft/yr from just infiltration of precipitation at the outcrop for 1950-1998. That recharge estimate would be a minimum value.

Discharge:

There are a total of 184 water rights/permits appropriating water and one future use permit (Future Use Permit No. 1780-2) reserving water from the Inyan Kara aquifer in South Dakota (Water Rights, 2012b). The appropriations from the Inyan Kara aquifer represent diversion authority for 38.804 cfs by non-irrigation appropriations, 142 ac-ft reserved for future use, and irrigation water rights for 1,087.65 acres (Water Rights, 2012b). The estimated average annual withdrawal by appropriations is 10,700 ac-ft/yr (Buhler, 2012).

The precipitation component of the recharge alone (11,600 ac-ft/yr) exceeds the estimated average annual withdrawal from the Inyan Kara aquifer (10,700 ac-ft/yr). Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation. This is not to suggest that all of the recharge or that all of the water within the Inyan Kara is available for this proposed appropriation, but to demonstrate that in general the Inyan Kara aquifer is an immense resource that is relatively untapped.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors nine observation wells completed into the Inyan Kara aquifer. The observation well nearest to the proposed well location, LA-90B, is 13.6 miles southeast. Observation well LA-90B is not close enough to show the specific water level of the aquifer near the proposed well location, but it is a good indicator of the general change of water level in the Inyan Kara aquifer. The water level rises (recharge) during wet periods and gradually declines during dry periods. Though it should be noted since this is an artesian aquifer the change in water level at an observation well does not indicate a significant increase in the amount of water available. The hydrograph shows that the water level in the Inyan Kara has been stable since 1994. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation. Figure 2 is a map of the observation wells completed into the Inyan Kara aquifer, except ED-85B. The hydrograph for ED-85B was not included because the observation well is approximately 255 miles from the proposed well location. Figure 3 is the hydrograph for LA-90B.

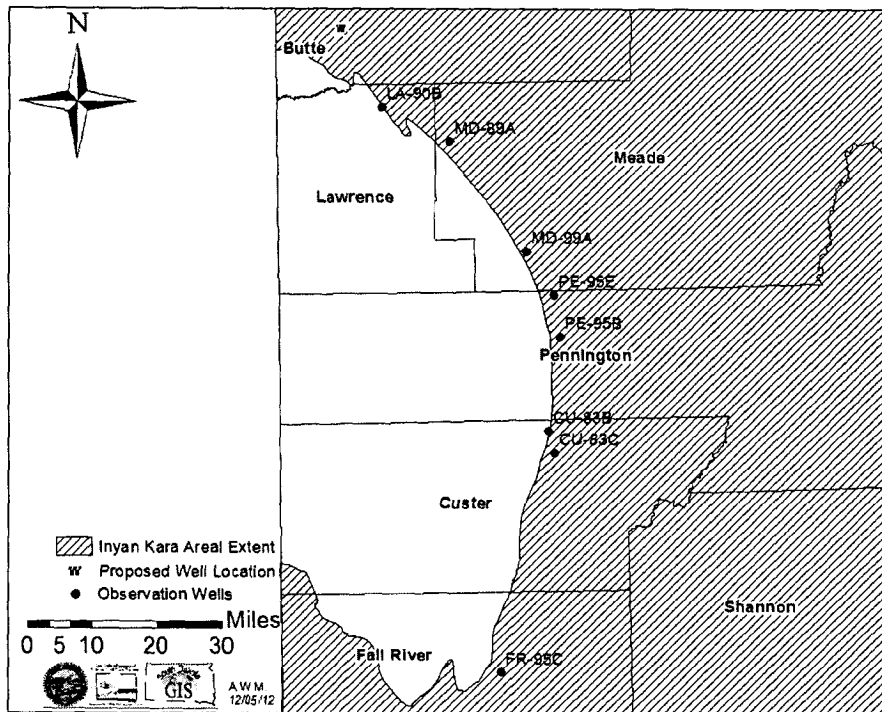


Figure 2- Map of observation wells completed into the Inyan Kara (Water Rights, 2012a)

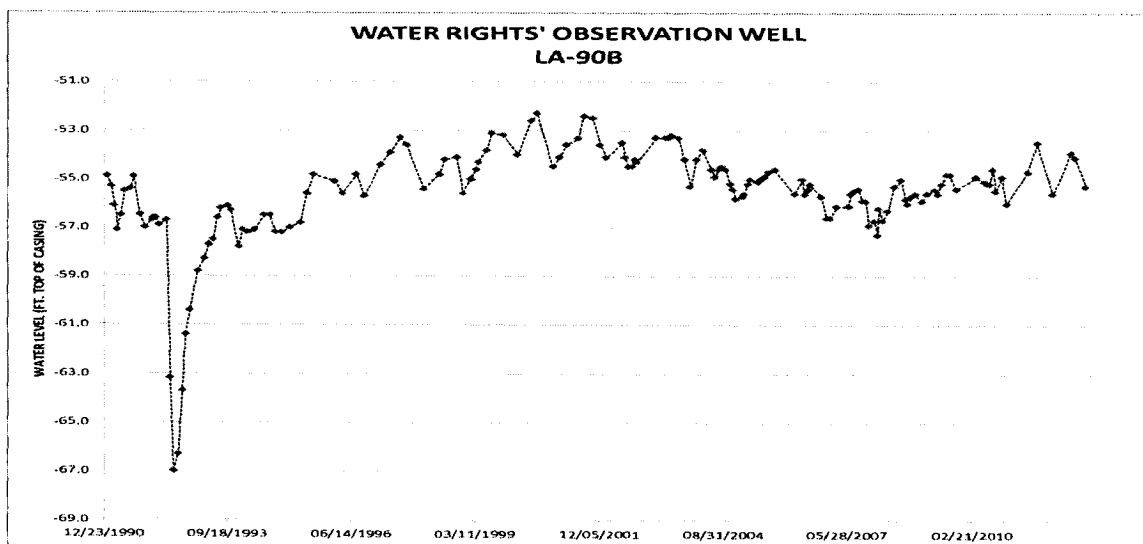


Figure 3- Hydrograph for observation well LA-90B (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are three water rights authorizing wells that withdraw water from the Inyan Kara within five miles of the proposed well location, but none are closer than 2.5 miles. There are also several domestic wells withdrawing water from the Inyan Kara within five miles, but the nearest to the proposed well location is 2.25 miles away.

Permit No.	Name	Status	Type	CFS
1195-1	American Colloid Company	LC	IND	0.022
1431-1	American Colloid Company	LC	IND	0.022
1752-1	Hazen and Mary Ann Wells	LC	COM	0.067
LC= Water Right, IND= Industrial, COM= Commercial				

Table 1- Water Rights authorizing wells completed into the Inyan Kara within five miles of the proposed well location (Water Rights, 2012b)

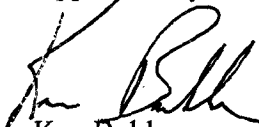
Well interference is not expected to be significant given the distance between wells and the low diversion rate requested by this application. Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection for existing wells only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Hence, the pump placement in a prior appropriator's well is not necessarily protected. The Water Management Board, in the past, has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4. South Dakota Codified Law 46-1-4 requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable. In the area of this application the Inyan Kara aquifer has approximately 1,000 feet of artesian head pressure. Therefore, well interference is not likely to adversely impact existing appropriative or domestic users.

CONCLUSIONS:

1. This application proposes to appropriate water from the Inyan Kara aquifer at a maximum diversion rate of 0.036 cfs for commercial purposes.
2. There is a reasonable probability that unappropriated water is available from the Inyan Kara aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely impacting existing appropriative or domestic users.


Adam Mathiowetz
SD DENR-Water Rights Program

Approved By


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., D.L. Iles, and A.K. Petres. 1985. Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota: Tasks 3A.B.C. and 4A.B: Groundwater Resource Inventory. U.S. Army Corps of Engineers, Contract DACW4-82-C-0151. Omaha, Nebraska.
- Bredehoeft, J.D., C.E. Neuzil, and P.C.D. Milly. 1983. Regional Flow in the Dakota Aquifer: A study of the Role of Confining Layers. U.S. Geological Survey Water-Supply Paper 2237, 45p.
- Buhler, K.A. 2012. Report on Water Permit Application No. 2686-2 Powertech (USA) Inc. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Carter, J.M. and J.A. Redden. 1999. Altitude of the Top of the Inyan Kara Group in the Black Hills Area, South Dakota. Hydrologic Investigations Atlas HA-744-A, Northern part of area-Sheet 1 of 2. U.S. Geological Survey.
- Driscoll, D.G. and J.M. Carter. 2001. Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998. Water-Resources Investigations Report 01-4226. U.S. Geological Survey, Rapid City, SD.
- Driscoll, D.G., J.M. Carter, J.E. Williamson, and L.D. Putnam. 2002. Hydrology of the Black Hills Area, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 02-4094, 150 p.
- Gries, J.P. 1981. Map of the top of the Inyan Kara aquifer in South Dakota for the SD DENR-Water Rights Program. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Merewether, E.A. 1975. Mesozoic Rocks: Mineral and Water Resources of South Dakota. Committee on Interior and Insular Affairs, United States Senate, pg. 41.
- Schnabel, R.W. 1963. Geology of the Burdock Quadrangle Fall River and Custer Counties, South Dakota. U.S. Geological Survey Report of Investigations 104, 55p.
- Strobel, M.L. J.M. Galloway, G.R. Hamade, and G.J. Jarrell. 2000. Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota. Hydrologic Investigations Atlas HA-745-A, Northern part of area-Sheet 1 of 2. U.S. Geological Survey.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

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DEC 26 2012

WATER RIGHTS
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**NOTICE OF
APPLICATION
NO. 1932-1 to
Appropriate Water**

Notice is given that Black Hills Fiberglass LLC, c/o Mitch Richter, PO box 576, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 0.036 cubic feet of water per second (16 gallons per minute) from one well to be completed into the Inyan Kara Aquifer (1540 feet deep) located in SE1/4 NE 1/4 (Lot 2) Section 22-T9N-R2E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1932-1 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 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, Joe 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 December 31, 2012.

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. Pimer
Secretary,
Department of Environment and Natural Resources

Published once at the total approximate cost of \$22.61.

#314
Dec. 19

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her 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 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 1932-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 19th day of Dec, 2012 and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 22.16, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 19th day of Dec, 2012

Carol Richards

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2016

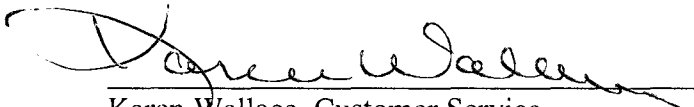
Affidavit of Publication

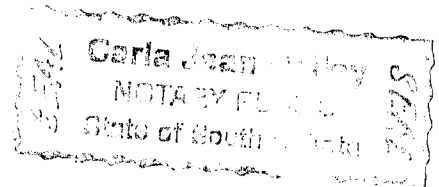
State of South Dakota
County of Butte

Karen L. Wallace, being duly sworn, says: That the *Butte County Post* is, and during all times hereafter mentioned, was a legal newspaper as deemed in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, By *Rapid City Journal*; that affidavit is and, during all of said times, was employed by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following date(s):

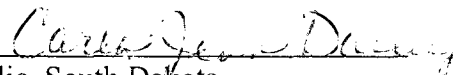
Wed., Dec. 26, 2012

That the full amount of the fee charged for publishing the same, to with, that of \$22.56 insures solely to the benefit of the publisher of said newspaper that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.


Karen Wallace, Customer Service



Subscribed and sworn to before me this 26th day of December, 2012.


Notary Public, South Dakota

My commission expires May 24, 2018

**NOTICE OF APPLICATION
NO. 1932-1 to Appropriate
Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1932-1 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 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 January 7, 2013.

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 once at the total approximate cost of \$22.56.

**Published Wed., Dec. 26,
2012**

Butte County Post



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 12, 2012

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1932-1 to Appropriate Water. Please publish the notice once on December 19, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Black Hills Fiberglass LLC, c/o Mitch Richter, PO Box 576, Belle Fourche SD 57717 (Ph # 605-360-1370).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 12, 2012

Butte County Post
614 State St
Belle Fourche SD 57717

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

December 12, 2012

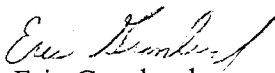
Black Hills Fiberglass LLC
Mitch Richter
PO Box 576
Belle Fourche SD 57717

Dear Mr. Richter:

Water Permit Application No. 1932-1 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 Butte Co. Post printed at Belle Fourche SD (Ph # 605-892-2528) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

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 the Notice on December 19, 2012. 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. 1932-1 to Appropriate Water

Notice is given that Black Hills Fiberglass LLC, c/o Mitch Richter, PO Box 576, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 0.036 cubic feet of water per second (16 gallons per minute) from one well to be completed into the Inyan Kara Aquifer (1540 feet deep) located in SE 1/4 NE 1/4 (Lot 2) Section 22-T9N-R2E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1932-1 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 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 December 31, 2012.

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 once at the total approximate cost of_____.

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Published once 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

JAN 16 2013

Black Hills Fiberglass LLC
Mitch Richter
PO Box 576
Belle Fourche SD 57717

Dear Mr. Richter:

Enclosed is Water Permit No. 1932-1 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

1932-1

SD EForm - 1621LD V1

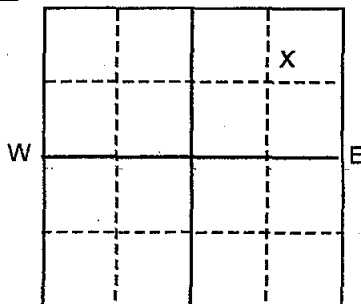
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 22 Twp 9N Rg 2ECounty Butte

North

Please mark well location with an "X"



Well Completion Date

December 14, 2012

K — 1 Mile — N

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

150 ft. from Septic

(identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - Mud

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
36 LB/FT	9 5/8 IN	0 FT	38 FT	13 1/2 IN
23 LB/FT	7 IN	+2 FT	991 FT	8 3/4 IN
11.6 LB/FT	4 1/2 IN	960 FT	1490 FT	6 1/4 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	190	14 Lb/gal	0 Ft	991 Ft
Cement	80	14 Lb/gal	960 Ft	1490 Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches 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 Solution
☐ No, Why Not? _____

Lab to which water quality sample sent for analysis

Well Owner: Doug ColeBusiness Name: Black Hills Fiberglass LLCAddress: P.O. Box 576City, State, Zip: Belle Fourche, SD 57717

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Brown & Tan Clay	0	38
Carlile	38	450
Green Horn	450	495
Belle Fourche/Mowry	495	925
New Castle	925	986
Scull Creek	986	1232
Inyan Kara	1232	1430
Sundance	1430	1490

STATIC WATER LEVEL 185 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Air Developed
☐ Bailed
☒ Other

Pumping Level Below Land Surface

600 Ft. After 5 Hrs. pumped 40 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

The 4 1/2" casing was jet perforated 2 shots per foot from
 1406'-1426'
 1280'-1296'

RECEIVED

FEB - 1 2013

WATER RIGHT

This well was drilled under license # 331 and this report is true and accurate.Drilling firm: Taylor Drilling Co.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-27-12

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1932-1

I have this day, November 2, 2016 made a thorough examination of the water use system constructed by **Black Hills Fiberglass, US Hwy 85, Belle Fourche, SD** of Permit No. **1932-1**, bearing the priority of **10/09/2012** authorizing the diversion of **.036** cu. ft. per second of the water from one well for commercial purposes, in Butte County.

Inspection contact & relationship to permit holder, if applicable: **Lief Peterson, Production Supervisor**
Correspondence to:
Mitch Richter, 1103 Park Hill Dr.
Rapid City, SD 57701

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling (2012)
- 2) No. of Wells 1
- 3) Depth(s) 1490 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 9 5/8" 0-38'
7" +2-991'
4 1/2" 960-1490'

- 2) Length 1,492 feet
- 3) Type Steel

Screen:

- 1) Type shot perforated
- 2) Length 36 feet (1,280-1,296' and 1,406 -1,426')
- 3) Static water level 185 feet

Pump:

- 1) Make Grundfos
- 2) Model 16S30-24
- 3) Size 4"
- 4) Capacity 16 GPM
- 5) Horsepower rating 3 hp

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

- 1) Type PE
- 2) Size 1 1/4 inches
- 3) Length 400 feet

C. Works used to apply water to beneficial use:

The well supplies the fiberglass tank manufacturing facility, which includes break room, bathroom and outlets for washing tanks.

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by: Yes,

2) 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:

1,777' S and 722' W of the NE corner Section 22 T9N R2E (44.729552, -103.855215)

2. The works are capable of diverting and conveying to the place of use .036 cu. ft. per second (16 gpm) of water which is to be used for **commercial** use and the license should be issued for .036 cfs.

3. All structures, wells and lands on map: Yes

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



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 11/4/2016

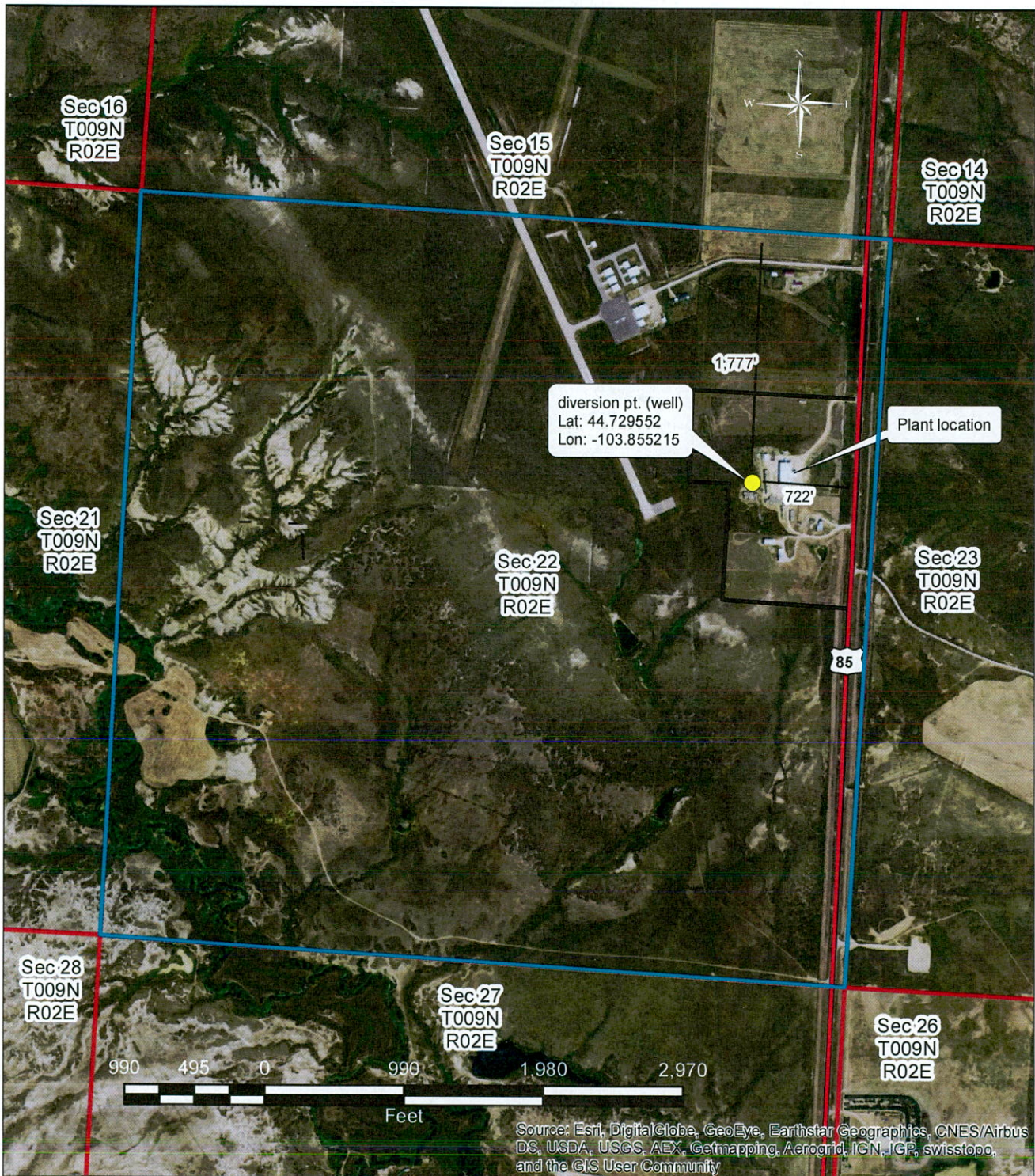


pressure tank installation inside double garage



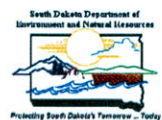
well with garage to upper left and plant to upper right

Water Right #1932-1
Black Hills Fiberglass LLC
11/2/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1932-1

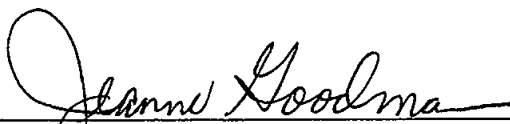
(1) Black Hills Fiberglass, LLC, PO Box 576, Belle Fourche SD 57717 made Application No. 1932-1, October 9, 2012 for a water permit to divert 0.036 cubic feet of water per second from one well – Inyan Kara Aquifer, Butte County, South Dakota for commercial purposes. Permit No. 1932-1, with a priority date of October 9, 2012 was approved January 7, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 7, 2018 and for the application to beneficial use of water on or before January 7, 2022.

(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. 1932-1 is issued a license, bearing a priority date of October 9, 2012 to appropriate 0.036 cubic feet of water per second from one well – Inyan Kara Aquifer for commercial purposes.

The diversion point is located: 1,777 feet S and 722 feet W of the NE corner Section 22-T9N-R2E (SE 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1932-1 including the following qualifications:

- 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.
- The well authorized by Permit No. 1932-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Taylor Drilling Company on December 14, 2012. A copy of the log is on file with the Water Rights Program.*



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

denr.sd.gov

FEB 06 2017

1932-1

Black Hills Fiberglass LLC
Mitch Richter
PO Box 576
Belle Fourche SD 57717

Dear Mr. Richter:

Enclosed is Water License No. 1932-1. 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. 1932-1 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