

WATER PERMIT NO. 1943-1

Name of Applicant: **Crow Peak Properties**

Address: **11491 Olson Rd, Belle Fourche SD 57717**

Phone: **605 515-0949**

Amount of Water Claimed: **35 gallons per minute**

Total Acres: **NA**

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

Water to be used for: **commercial use**

County: **Lawrence**

Type of Waste Disposal System:

Location: **northwest corner of Belle Fourche**

PRIORITY

Date Received: **1-29-14**

Application/License Fee: **\$ 300**

Corrected Application Received: **-**

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

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Sec 4-T6N-R2E**

Land to be Irrigated: **NA**

Depth of Well: **58 feet deep**

Well Driller:

Remarks:

Type of Map: **plat**

Prepared by:

				⊗	
			4		

Reviewed and the Number Assigned on: **1-29-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V3

FORM 2: Application for uses other than irrigation

(type or print)

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JAN 29 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1943-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R.</u>	
	Newspaper <u>Black Hills Pioneer, Box 7</u>	
	<u>Specimen 57783 - 605-642-2761</u>	

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

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Name of Applicant Crow Peak Properties Phone 605-515-0949
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 11491 Olson Rd Belle Fourche SD 57717-6148
(Address) (City) (State) (Zip Code)
- Amount of water claimed 0.078 *CFS or 35 **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 Ground water well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
1 well in NE1/4 NE1/4 Sec 4 T6N R2E
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Jan 1 through 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)

Provide water for commercial activities including brewing beer, potable water for brew pub and retail outlet or similar activities

STATE OF SOUTH DAKOTA)

County of Butte) SS

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, Thomas J Wing, 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

Thomas J WingSubscribed and sworn to before me this 24th day ofJanuary20 14Grulla Feist

Notary Public signature

Comm. exp: 7-11-19

**SOUTH DAKOTA
WATER PERMIT NO. 1943-1**

Date of first receipt of application January 29, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1943-1 to Crow Peak Properties, 11491 Olson Rd, 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. 1943-1 appropriates 0.078 cubic feet of water per second (35 gallons per minute) from one well completed into the Quaternary Aged Alluvium Aquifer (approximately 58 feet deep) located in Lot Y-1 and Lot Z-1, of Lot Y and Z, of Lot 8 (NE 1/4 NE 1/4) Section 4-T6N-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. 1943-1 is March 31, 2014.
5. The date from which applicant may claim right is January 29, 2014.
6. 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: _____

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

APR 24 2014

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 50'
- b) Casing Type steel Diameter 6" Thickness 1/4"
- c) Screen Type unk Diameter unk Thickness unk
- d) Gravel Pack unk Length of Gravel Pack unk
- e) Depth to Top of Water Bearing Material unk
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
- On applicant's property NA On property owned by others 200'

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 Lower Valley Sanitary System Spearfish SD

3. Dugout Information

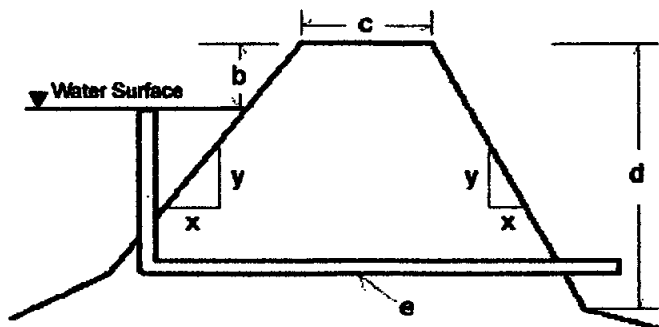
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

NA

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.

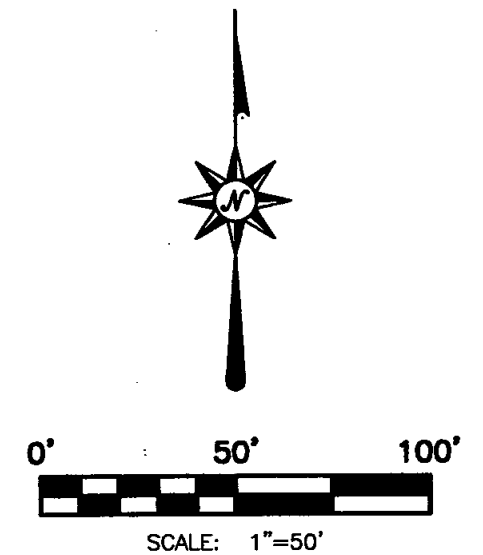
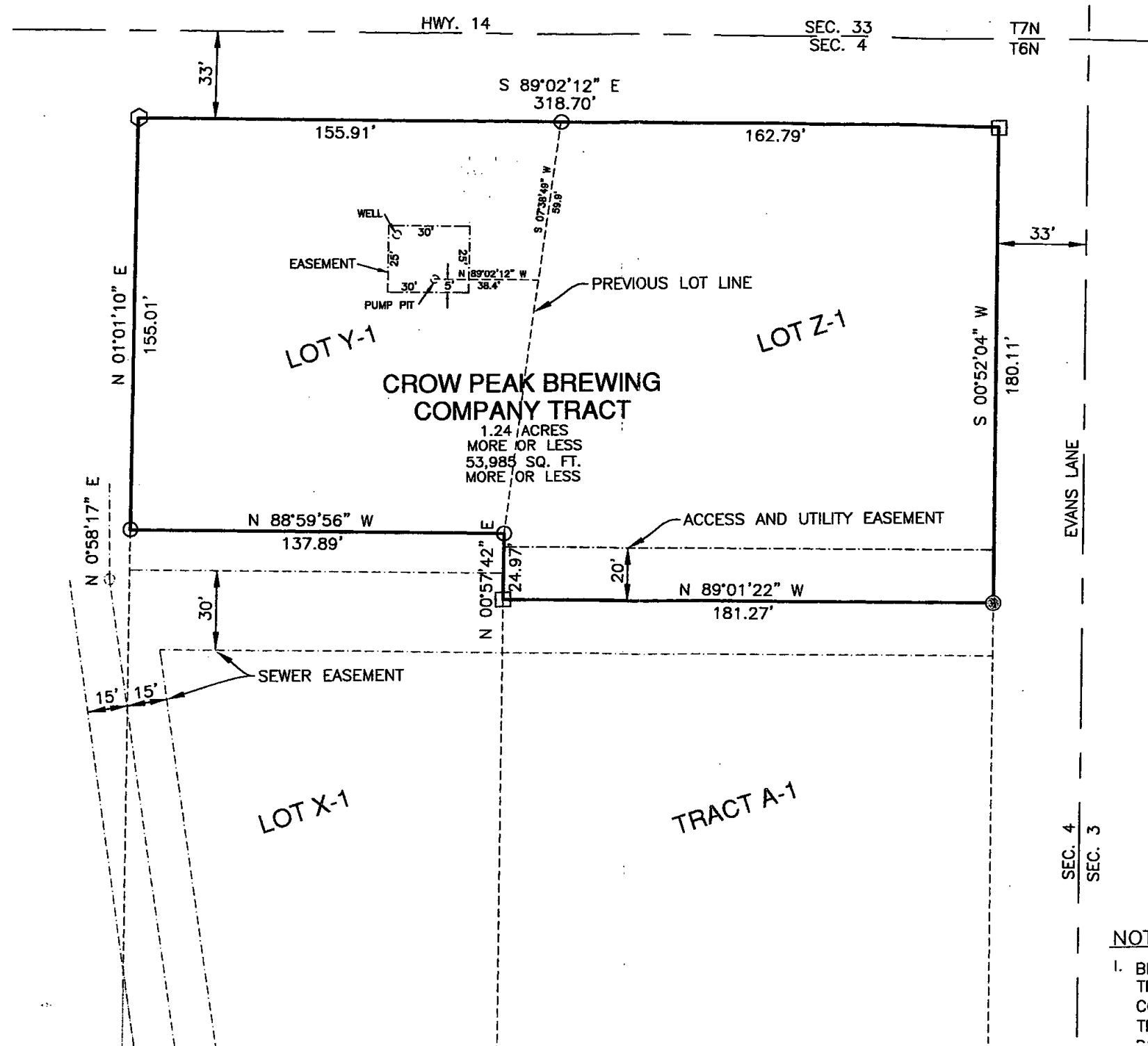
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

PLAT OF
CROW PEAK BREWING COMPANY TRACT
A CONSOLIDATION OF LOT Y-1 AND LOT Z-1,
OF LOT Y AND LOT Z, OF LOT 8
LOCATED IN THE NE 1/4 OF THE NE 1/4, SECTION 4, T6N, R2E, B.H.M.,
LAWRENCE COUNTY, SOUTH DAKOTA

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LEGEND

- - FOUND DRILL STEEL
- ⊗ - SET 5/8" REBAR WITH ALUMINUM CAP "RLS 5905"
- - FOUND "VORE RLS 4328" 5/8" REBAR WITH PLASTIC
- - FOUND "ARLETH LAND SURVEYS 3977" 5/8" REBAR WITH ALUMINUM CAP

NOTES:

1. BEARING BASIS - A BEARING OF S 89°02'12" E WAS APPLIED TO THE NORTH PROPERTY LINE WITH A FOUND DRILL STEEL AT THE NW CORNER AND A 5/8" REBAR AND ALUMINUM CAP, RLS 3977 AT THE NE CORNER. PLAT DOCUMENT #87-5052 AND PLAT DOCUMENT #88-4500 HAVE USED THE SAME BEARING.

TX-1

TRACT A-1

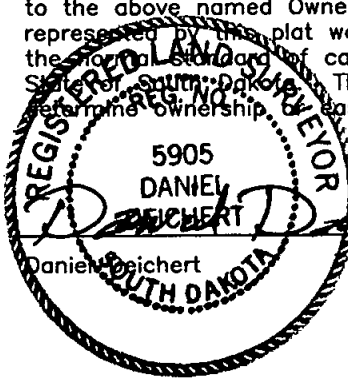
SEC 4
SEC 3

NOTES:

1. BEARING BASIS - A BEARING OF S 89°02'12" E WAS APPLIED TO THE NORTH PROPERTY LINE WITH A FOUND DRILL STEEL AT THE NW CORNER AND A 5/8" REBAR AND ALUMINUM CAP, RLS 3977 AT THE NE CORNER. PLAT DOCUMENT #87-5052 AND PLAT DOCUMENT #92-4529 HAVE USED THE SAME BEARING.
2. TOTAL AREA OF THIS PLAT = 1.24 ACRES MORE OR LESS = 53,985 SQ. FT. MORE OR LESS
3. EASEMENTS:
EXISTING WELL AND PUMP PIT EASEMENT
THE PREVIOUS 20' ACCESS AND UTILITY EASEMENT ADJOINING THE WELL AND PUMP PIT HAS BEEN VACATED
4. REFERENCE DOCUMENTS:
BOOK 4, PAGE 137
BOOK 6, PAGE 326
DOCUMENT NUMBER 76-787
DOCUMENT NUMBER 87-5052
DOCUMENT NUMBER 92-4529

SURVEYOR'S CERTIFICATE

I, Daniel Deichert, of Spearfish, SD, a Registered Land Surveyor in the State of South Dakota, on the basis of my knowledge, information and belief, certify to the above named Owners, that at the request of said Owners, the survey represented by this plat was made under my supervision, on the ground to the highest standard of care of Professional Land Surveyors practicing in the State of South Dakota. This survey does not constitute a title search to determine ownership or easements of record.



11/6/2009
Date

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Lawrence

I, _____, Lawrence County Treasurer, do hereby certify that the _____ taxes, which are liens upon the lands platted hereon as shown by the record of my office, have been fully paid.

Lawrence County Treasurer Date

APPROVAL OF ACCESS BY STREET OR HIGHWAY AUTHORITY

State of South Dakota County of Lawrence

Access to street or highway is hereby approved by the Administrative Official on this _____ day of _____, 20____

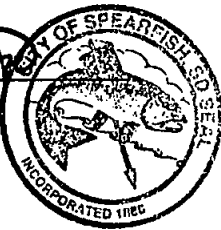
County Highway Superintendent

OFFICE OF ADMINISTRATIVE OFFICIAL

State of South Dakota County of Lawrence City of Spearfish

This plat is approved by the Administrative Official on this 23rd day of November 2009.

Administrative Official Attest: _____
City Administrator



OFFICE OF COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota County of Lawrence

I, _____, Lawrence County Director of Equalization, do hereby certify that I have received a copy of this plat.

Lawrence County Director of Equalization: _____

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of Lawrence

Filed for record this _____ day of _____, 20____
at _____ o'clock _____ M., and recorded as document _____

Lawrence County Register of Deeds: _____

PREPARED BY:
LOOKOUT LAND SURVEYING
15 LOURIE LANE
SPEARFISH, SD 57783
605-642-7407

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

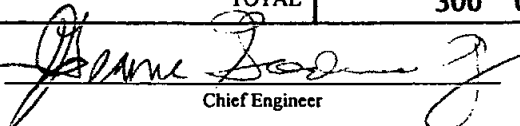
Date 1/29, 20 14

RECEIVED OF Crow Peak Properties 125 W Hwy 14 Spearfish SD 57783

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

Fee for Application for Permit No. <u>1943-1</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>1943-1</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. **06704**

By 
Chief Engineer

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JAN 29 2014

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Supplemental information for SD EForm 1585LD V3

Crow Peak Properties

This well was drilled in the late sixties or early seventies and has previously been used for domestic water to two residences and a farmers market. No well log can be found and the original driller cannot be located.

In 2009 one residence was torn down and a beer brewing company was established using the well water for brewing and potable water for a brew pub. One residence is still using water and the Farmers Market is also. The well pump in place discharges approx. 8 gpm. To better serve the brewing operation a new pump and water line will be installed to increase capacity to 35 gpm. Discussion with local driller and pump service company (Jerry Ellingson) confirms a well capacity of at least 50 gpm. The demand of 35 gpm should not over-pump the well and insure a long service life. The well has been probed and the static water level measured at 15 feet and total depth at 58 feet.

This area is generally served by scattered shared wells for water and by sanitary sewer collection by a sewer district with treatment at the Spearfish treatment plant.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



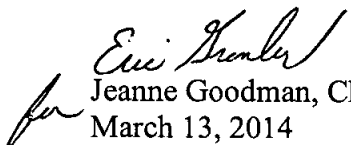
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1943-1, Crow Peak Properties**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1943-1, Crow Peak Properties, c/o Thomas J Wing, 11491 Olson Rd, Belle Fourche SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 1943-1 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.


for Jeanne Goodman, Chief Engineer
March 13, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 1943-1

Crow Peak Properties, c/o Thomas J Wing

March 7, 2014

Water Permit Application No. 1943-1 proposes to divert groundwater at a maximum rate of 0.078 cubic feet of water per second (cfs), or 35 gallons per minute (gpm), from one existing well. The well is approximately 58 feet deep and located in Lot Y-1 and Lot Z-1, of Lot Y and Z, of Lot 8 (NE¼ NE¼) of Section 4, T6N-R2E, in Lawrence County. Water will be used for commercial use, including brewing beer.

AQUIFER: Quaternary Aged Alluvium (ALQ)

HYDROGEOLOGY:

The alluvial deposits in the area of the well primarily occur within the flood plain of Spearfish Creek (Strobel and others, 1999). The flood plain of the creek covers approximately 5,500 acres, spanning approximately eight miles long and often approximately one mile wide. Alluvium occurs from or near ground surface down to depths of approximately 60 feet. These surficial deposits are hydraulically connected to Spearfish Creek. The Spearfish Formation directly underlies the alluvium and can be hydraulically connected. The alluvial deposits consist of fine sand, some gravel, and clay (Water Rights, 2014c). The alluvial aquifer is under water table conditions (Water Rights, 2014a).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable 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." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge to the alluvium is through infiltration of precipitation and inflow from Spearfish Creek and irrigation ditches. Putnam (2000) estimated recharge to northern Black Hills alluvial mountain valleys to be 30 percent of precipitation. The average precipitation for the area along Spearfish Creek is approximately 21 inches per year (in/yr) (Putnam, 2000). This equates to a recharge rate of 6.3 in/yr from precipitation. Applying this to the area of 5,500 acres provides an annual recharge of 2,900 ac-ft/yr from precipitation. The recharge from stream inflow is generally induced by pumping. The amount of this source of recharge is largely dependent on the amount of pumpage occurring.

Discharge from the alluvium occurs via evapotranspiration, outflow to surface waters, and well withdrawals. There are 13 water rights/permits appropriating water and future use permit reserving water from the alluvium along Spearfish Creek. Uses include commercial, institutional, municipal, suburban housing development, geothermal, and fish and wildlife propagation. These water rights/permits appropriate water at a total maximum diversion rate of 6.619 cfs. Reporting annual pumping has not been required for these existing rights. Non-irrigation use water rights/permits limited by a maximum diversion rate generally withdraw an annual volume of water that does not exceed a volume that equates to pumping 60 percent of the time at the maximum authorized diversion rate. In applying this, these water rights/permits are expected to withdraw 2,875 ac-ft/yr. Future Use Permit No. 369-3, the City of Belle Fourche, reserves 1,238 ac-ft/yr (Water Rights, 2014b). Future use permits are considered to be fully developable. There are numerous domestic wells on file that appear to be completed into the alluvium along Spearfish Creek (Water Rights, 2014c). Due to the relatively small withdrawal capability of individual domestic wells, the associated annual use is not considered significant to the hydrologic budget of this aquifer.

Total annual withdrawal is expected to be 4,113 ac-ft/yr. Recharge from precipitation is estimated to be 2,900 ac-ft/yr. Davis (1979) indicated that because large withdrawals are capable from this alluvium, total recharge must also be large. The alluvium along Spearfish Creek has a very high transmissivity, estimated to be approximately 200,000 gallons per day per foot (Davis, 2014). Therefore, this alluvium is capable of inducing all required recharge to balance the hydrologic budget of the aquifer, a volume of 1,213 ac-ft/yr.

Since 1998, flow in Spearfish Creek averaged approximately 100 cfs, or 78,000 ac-ft/yr (USGS, 2014). The amount of water required to be induced from stream flow to groundwater to balance the hydrologic budget of the aquifer equates to less than two percent of average stream flow.

The application states this well has been in use for many years, mainly for residential use at an estimated diversion rate of eight gpm. Increasing to the proposed maximum diversion rate of 35 gpm equates to an increase in annual withdrawal of approximately 44 ac-ft assuming pumping 60 percent of the time at the proposed maximum diversion rate. This increase in use will result in a one percent increase in expected total annual withdrawal. The percent increase potentially induced from annual stream flow is negligible.

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 Water Rights Program monitors two observation wells completed into the alluvium along Spearfish Creek (Water Rights, 2014a). Observation well LN-98B is located approximately 1,500 feet north of the well. The hydrograph of this observation well is shown in Figure 1.

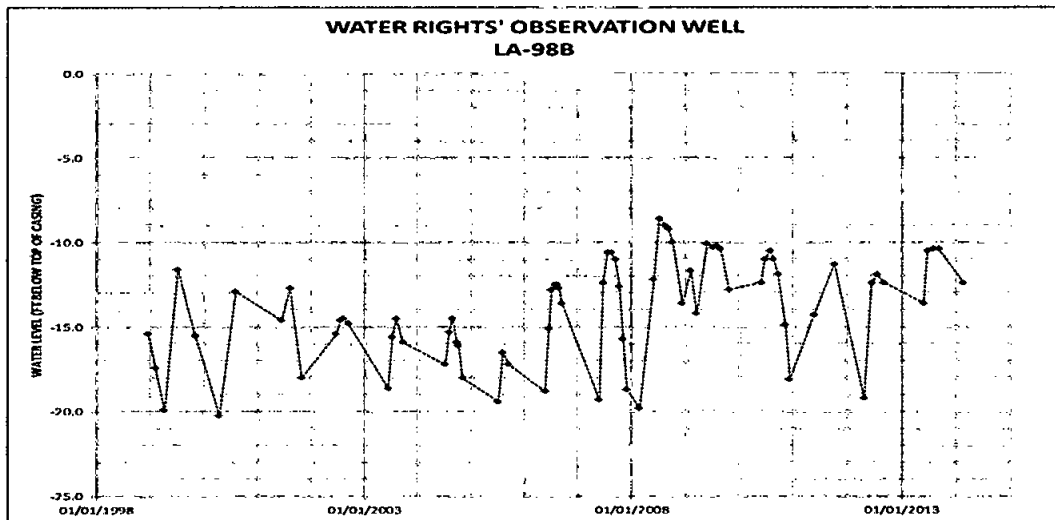


Figure 1: Hydrograph for observation well LN-98B (Water Rights, 2014a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The wide fluctuations in water levels are due to the strong hydraulic connection of the aquifer to Spearfish Creek. Observation well data indicates that at the current level of development temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer exceeds well withdrawal.

EXISTING WATER RIGHTS:

In addition to many domestic wells on file, there are 10 water rights/permits completed into the alluvium within approximately one mile of the well. The nearest well on file appears to be located approximately 700 feet from the well (Water Rights, 2014b; Water Rights, 2014c). The future use area is located approximately one mile north of the well (Water Rights, 2014b).

This well has been in use for many years at an estimated diversion rate of eight gpm. Increasing to the maximum diversion rate to 35 gpm is not expected to significantly impact the water table of the aquifer.

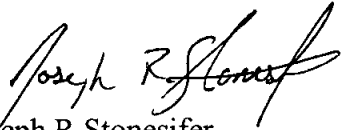
The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. An adequate well is defined by ARSD

74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical. Therefore, any possible drawdown is not expected to adversely impact adequate wells.

Because the alluvium is relatively thin, the amount of water in storage is limited. Conditions could occur where withdrawal exceeds the average annual recharge. During such times, the amount of water in storage will be reduced, which will reduce the saturated thickness of the already thin aquifer, thus impacting adequate wells. This may be considered an adverse impact.

CONCLUSIONS:

1. The water permit application proposes to withdraw groundwater at a maximum diversion rate of 0.078 cfs from one existing well completed into the alluvium along Spearfish Creek for commercial use.
2. There is a reasonable probability that unappropriated water is available from the alluvium aquifer to supply the proposed appropriation when considering additional recharge from Spearfish Creek is expected.
3. This proposed diversion is not expected to adversely impact nearby adequate wells.
4. Large withdrawals from this thin aquifer could significantly reduce the saturated thickness during dry conditions, which may be considered an adverse impact of an adequate well.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Davis, A.D. 2014. Written Communication to Ken Buhler. 4 March, 2014.
- Davis, A.D. 1979. Hydrogeology of the Belle Fourche Water Infiltration Gallery Area, Lawrence County, South Dakota. Thesis Paper. South Dakota School of Mines and Technology, Rapid City, South Dakota.
- Putnam, L.D. 2000. Sensitivity of Ground Water to Contamination in Lawrence County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 00-4103. U.S. Geological Survey, Rapid City, South Dakota.
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D. 1999, Distribution of hydrogeologic units of the Black Hills area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, scale 1:100,000
- USGS. 2014. Surface Water Data for South Dakota: USGS Surface-Water Annual Statistics: USGS 0631500 Spearfish Creek at Spearfish, South Dakota, Water Years 1998-2014.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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MAR 27 2014

WATER RIGHTS
PROGRAM

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. 1943-1

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 21st day of March, 2014, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 22.61, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 24th day of Mar, 2014

[Signature]

Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2016

NOTICE OF APPLICATION NO. 1943-1 to Appropriate Water

Notice is given that Crow Peak Properties, c/o Thomas J Wing, 11491 Olson Rd, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 0.078 cubic feet of water per second (35 gallons per minute) from one well completed into the Quaternary Aged Alluvium Aquifer (approximately 58 feet deep) located in Lot Y-1 and Lot Z-1, of Lot Y and Z, of Lot 8 (NE 1/4 NE 1/4) Section 4-T6N-R2E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1943-1 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 March 31, 2014.

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.

#410
March 21



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 13, 2014

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1943-1 to Appropriate Water. Please publish the notice once on March 21, 2014. 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 Crow Peak Properties, c/o Thomas J Wing, 11491 Olson Rd, Belle Fourche SD 57717 (Ph # 605-515-0949).

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

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

March 13, 2014

Crow Peak Properties
Thomas J Wing
11491 Olson Rd
Belle Fourche SD 57717

Dear Mr. Wing:

Water Permit Application No. 1943-1 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 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 March 21, 2014. 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. 1943-1 to Appropriate Water

Notice is given that Crow Peak Properties, c/o Thomas J Wing, 11491 Olson Rd, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 0.078 cubic feet of water per second (35 gallons per minute) from one well completed into the Quaternary Aged Alluvium Aquifer (approximately 58 feet deep) located in Lot Y-1 and Lot Z-1, of Lot Y and Z, of Lot 8 (NE 1/4 NE 1/4) Section 4-T6N-R2E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1943-1 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 March 31, 2014.

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 _____.



DEPARTMENT OF ENVIRONMENT
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APR 24 2014

Crow Peak Properties
11491 Olson Rd
Belle Fourche SD 57717

Dear Sir:

Enclosed is Water Permit No. 1943-1 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,

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

enclosures

**WATER RIGHTS
PROGRAM**

Date 6 May 2014

605-515-0949
(phone)



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



May 19, 2014

1943-1

Thomas Wing
Crow Peak Properties
11491 Olson Rd
Belle Fourche SD 57717

Dear Mr. Wing:

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 water use system.

The system is now 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1943-1

I have this day, Aug 15, 2017 made a thorough examination of the water use system constructed by **Crow Peak Properties, 125 West Hwy 14, Spearfish, SD** of Permit No. **1943-1**, bearing the priority of **1/29/2014** authorizing the diversion of **.078** cu. ft. per second of the water from one well for **commercial** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder,
if applicable:

Thomas Wing, owner
11491 Olson Road, Belle Fourche, SD 57717
605-515-0949

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: unknown (early 70's or before)
- 2) No. of Wells 1
- 3) Depth(s) 58 feet
- 4) Well log is available no

Casing:

- 1) Diameter 6"
- 2) Length unknown feet
- 3) Type steel

Screen:

- 1) Type unknown
- 2) Length - feet
- 3) Static water level 15 feet

Pump:

- 1) Make Meyers
- 2) Model 2S152-25 P4
- 3) Size 4"
- 4) Capacity 35 GPM
- 5) Horsepower rating 1 1/2 hp

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

The well is located on the Crow Peak Brewery lot. Plastic supply lines serve all of the points of use.

C. Works used to apply water to beneficial use:

The well serves the Crow Peak Brewery, a detached small batch brew house, a farmers market and one residence located on an adjacent lot which holds a shared well agreement.

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:
63' S and 270' W of the NE corner Section 4 T6N R2E (44.517747, -103.870878)
2. The works are capable of diverting and conveying to the place of use **0.078** cu. ft. per second (35 gpm) of water which is to be used for **commercial** use and the license should be issued for **0.078** 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: 8/16/17

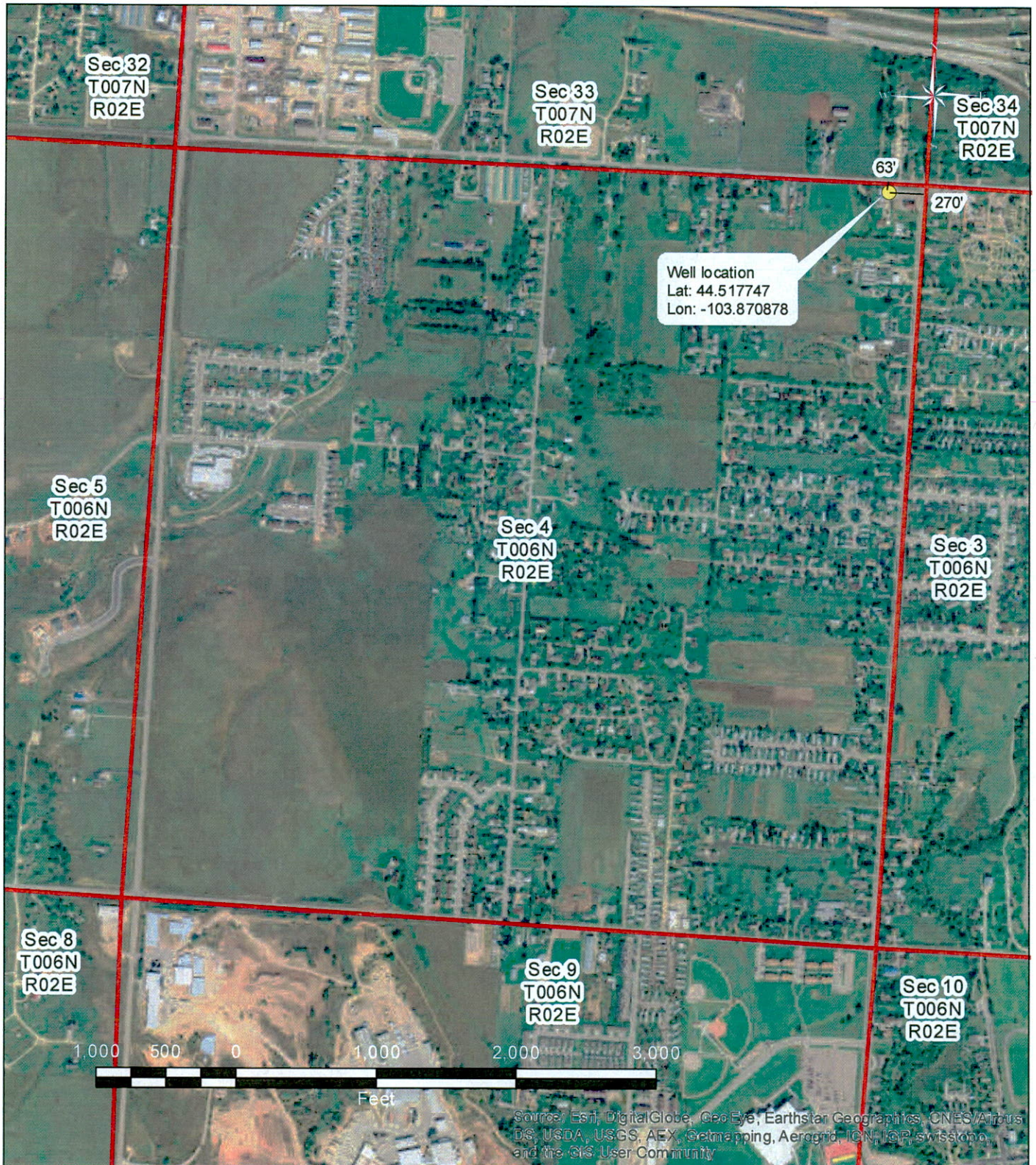


Well head



Well in foreground, brewery in background

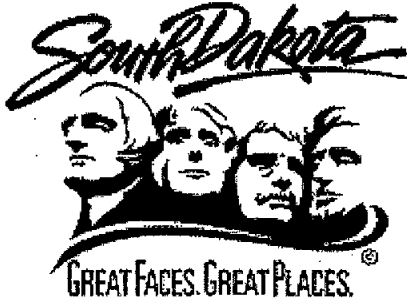
Water Right #1943-1
Crow Peak Properties
8/15/2017



Steven Quissell

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
<http://denr.sd.gov>

OCT 10 2017

1943-1

Thomas Wing
Crow Peak Properties
11491 Olson Rd
Belle Fourche SD 57717

Dear Mr. Wing:

Enclosed is Water License No. 1943-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1943-1

(1) Crow Peak Properties, 11491 Olson Rd, Belle Fourche SD 57717 made Application No. 1943-1, January 29, 2014 for a water permit to divert 0.078 cubic feet of water per second from ground water, one well (Quaternary Aged Alluvium), Lawrence County, South Dakota for commercial purposes. Permit No. 1943-1, with a priority date of January 29, 2014 was approved March 31, 2014 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(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 0.078 cubic feet of water per second for beneficial use. The location of the diversion point is:

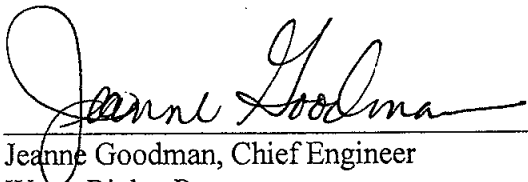
- 63'S and 270'W of the NE corner of Section 4, T6N R2E (NE ¼ NE ¼, Latitude 44.517747, Longitude -103.870878)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The well serves the Crow Peak Brewery, a detached small batch brew house, a farmers market and one residence located on an adjacent lot.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Crow Peak Properties, 11491 Olson Rd, Belle Fourche SD 57717 the holder and/or owner of Water Right No. 1943-1 is issued a license to appropriate water, the right to use 0.078 cubic feet of water per second from ground water, one well (Quaternary Aged Alluvium) with a priority date of January 29, 2014 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1943-1 and subject to 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.



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

OCT 10 2017
date

