

WATER PERMIT NO. 1994-1

Name of Applicant: Wonderland Homes Water & Service Co

Address: PO Box 2817, Rapid City SD 57709

Phone:

Amount of Water Claimed: 0.67 cfs (107.4 AF)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: water distribution system

County: Meade

Type of Waste Disposal System:

Location: approximately 3 miles north of Black Hawk

PRIORITY

Date Received: 3-2-20

Application/License Fee: \$ 700

Corrected Application Received: 3-23-20

Period of Annual Use: Jan 1 – Dec 31

Remarks: Also has Nos. 1588-2 and 1659-2 for Minnelusa wells

Diversion Point: SW 1/4 NW 1/4 Sec 24-T3N-R6E

Land to be Irrigated: NA

Depth of Well: 1200 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-23-20

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1994-1**

Date of first receipt of application March 2, 2020.

Date of return to applicant for corrections, amendments or changes March 3, 2020.

Date of receipt of corrected application March 12, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1994-1 to Wonderland Homes Water & Service Co., c/o Brandon Powles, PO Box 2817, Rapid City SD 57709 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. 1994-1 appropriates 107.4 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from one well to be completed into the Madison Aquifer (1,200 – 1,400 feet deep) located in the SW 1/4 NW 1/4 Section 24-T3N-R6E for a water distribution system located in portions of the SW 1/4, W 1/2 SE 1/4 Section 24-T3N-R6E. This site is located approximately 3 miles north of Black Hawk SD.
2. The water appropriated shall be used for the purpose of water distribution system 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. 1994-1 is June 22, 2020.
5. The date from which applicant may claim right is March 2, 2020.
6. One-fifth of the construction is to be completed on or before December 2, 2022.
7. All construction is to be completed on or before June 2, 2025.
8. Water is to be put to beneficial use on or before June 2, 2029.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1994-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1994-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

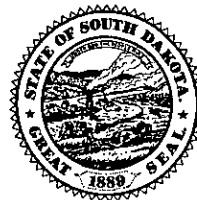
3. The well authorized by Permit No. 1994-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
5. Water Permit No. 1994-1 appropriates up to 107.4 acre feet of water annually.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 30 2020

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1994-1</u> (office use only) Hydrologic Unit <u>10120111</u>	RECEIVED MAR 02 2020 WATER RIGHTS PROGRAM	
	Basin <u>Upper Cheyenne</u>		PAID
	Newspaper <u>Faith Independent,</u> <u>Rapid City Journal</u>		MAR - 2 2020 Ck# <u>1301</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 <u>water distribution system</u>	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation

(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

☐ Amendment/Correction to Permit No. _____

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

NA

Brandon Powles - 605 716-7771

- Name of Applicant Wonderland Homes Water & Service Co Phone 605 431-2678
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address Wonderland Homes Water PO Box 2817 Rapid City SD 57709 State SD Zip Code 57709
(Street, RR, or Box and City)
- Amount of water claimed 0.67 *CFS or 300 **GPM 107.4 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Madison
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One well in
SE 1/4 of SW1/4 of NW1/4 Section 24 Township 3 North Range 6 East
Black Hills Meridian, Meade County, South Dakota County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used All year around Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Drill new well for Wonderland homes water

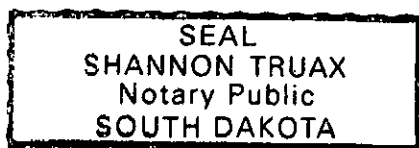
STATE OF SOUTH DAKOTA)
County of Pennington SS

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

I, Brandon Powles, 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 Bob R

Subscribed and sworn to before me this 26 day of February 20 20



Shannon Truax
Notary Public signature
My commission expires 3/27/2025

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 1200
- b) Casing Type Steel Diameter 7" 00 Thickness 23 pound
- c) Screen Type None Diameter _____ Thickness _____
- d) Gravel Pack None Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1100'
- f) Depth to Water (ground surface to water level) 60'
- g) Distance to nearest existing domestic well:
On applicants property trying to replace well 100' away On property owned by others At least 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) lagoons
- b) System Capacity (gallons) 3 lagoons one not being used Year Constructed one in early 70's, two in early 90's
it is just a overflow it needed very large
- c) Connected to the City of _____ Sanitary System _____

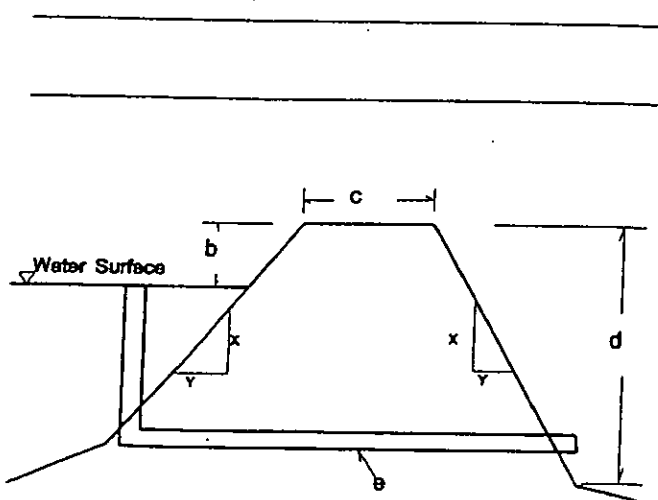
3. Dugout Information

- 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

3N 6E
Section: 14

3N 6E
Section: 13

3N 6E
Section: 23

3N 6E
Section: 24

3N
Section

3N 6E
Section: 26

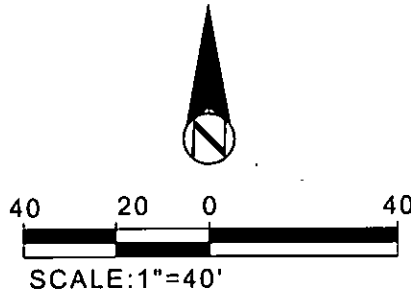
3N 6E
Section: 25

3N
Section



EXHIBIT A

For the purpose of showing a well. Located on Well Lot 2 of Wonderland Homes Subdivision, located in the SE 1/4 of the SW 1/4 of the NW 1/4 of Section 24, Township 3 North, Range 6 East, Black Hills Meridian, Meade County, South Dakota.



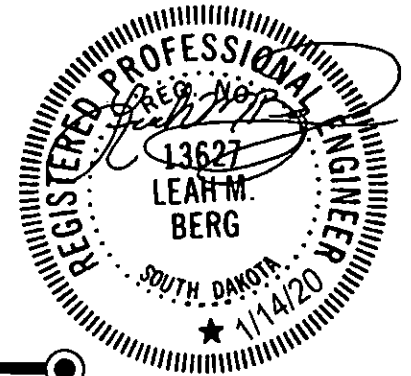
ACES

AFFORDABLY CREATIVE ENGINEERING SERVICES

AFFORDABLY CREATIVE ENGINEERING SERVICES, INC.

324 Saint Joseph Street, Suite 200, Rapid City, SD 57701
(605) 716-4545 • Fax (605) 716-1144

PREVIOUSLY RECORDED 20'
WIDE ACCESS, WATER LINE
AND MAINTENANCE
EASEMENT
DOC. 915 AT PAGE 890-893



WELL LOT 2

21,780 S.F.
0.500 ACRES ±

UNPLATTED
REMAINDER
NW1/4

X

PROPOSED
WELL LOCATION

N 01°17'45" E

117.00'

S 88°42'15" E

186.15'

S 01°17'45" W

117.00'

96.15'

S 88°42'15" E

90.00'

S 88°42'15" E

REBAR

BLOCK 13

LOT 8

LOT 7



EXISTING WELL

LOT 1

J:\20-1098 Powles Wonderland Homes Drawings\Sheet Files\Exhibit A.dwg 1/14/2020 2:11:12 PM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 2, 2020

RECEIVED OF Wonderland Homes Water & Service Co. PO Box 2817 Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$950.00
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. _____	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$1150.00

By Eric Gronlund
Chief Engineer

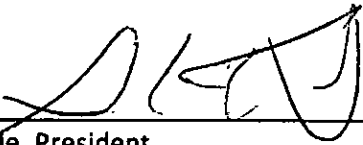
VM

3/12/2020

Karen Schlaak
Water Rights Program
605-773-3352
Karen.schlaak@state.sd.us

Authorization for Wonderland Homes Water & Service Co. proposed water permit

I, Sandi Kile, President of Wonderland Homes Water & Service Co. authorize Brandon Powles to have authority to act on behalf of Wonderland Homes on all matters involving the water permit application.

A handwritten signature in black ink, appearing to read 'S. Kile', is written over a horizontal line.

Sandi Kile, President
Wonderland Homes Water & Service Co



530912333

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Nonprofit Corporation
SDCL 47-24-6, 59-11-24

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$10

Total Fee: \$10

2020
FILING YEAR

1. Business ID and Name:

NS006652
BUSINESS ID

WONDERLAND HOMES WATER & SERVICE CO.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

12791 TRUMAN RD
BLACK HAWK, SD 57718

Mailing Address

12791 TRUMAN RD
BLACK HAWK, SD 57718

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Tamra Backes**

Actual Street Address in this State

12791 TRUMAN ROAD
BLACK HAWK, SD 57718

Mailing Address in this State

12791 TRUMAN ROAD
BLACK HAWK, SD 57718

5. The names and addresses of its principal officers.

Title	Name	Address
Secretary	Renee Keech	7400 Kay Dr., Black Hawk, SD 57718
Treasurer	Renee Keech	7400 Kay Dr., Black Hawk, SD 57718
President	Sandi Kile	12720 Larene Circle, Black Hawk, SD 57718
Vice President	Libby Usera	12305 Ruby Rd, Black Hawk, SD 57718

6. The names and addresses of its directors (governors).

Name	Address
Jerry Swane	7622 Dorothy Dr, Black Hawk, SD 57718
Tom Sitzler	7304 Hellen Dr, Black Hawk, SD 57718
Janice Hemen	12808 Larene Dr, Black Hawk, SD 57718
Sandi Kile	12720 Larene Circle, Black Hawk, SD 57718
Libby Usera	12305 Ruby Rd, Black Hawk, SD 57718



Renee Keech

7400 Kay Drive, Black Hawk, SD 57718

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

12/17/2019

Dated

Email (Optional)

Tamra Backes

Signature of an Authorized Person

Tamra Backes

Printed Name



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 3, 2020

Wonderland Homes Water & Service Co.
Brandon Powles
PO Box 2817
Rapid City SD 57709

Dear Mr. Powles:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Wonderland Homes Water & Service Co. In order to complete the application, the following is required or needs to be clarified.

The application form you used is an older version of the current form. "Suburban Housing" has been replaced with "Water Distribution System". Please confirm it is acceptable to change your proposed use to "Water Distribution System". *yes - water Distribution System*

The application requests an appropriation of 300 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume in either gallons/year or acre feet/year. In calculating the annual volume, be reasonable but also plan for the maximum annual volume of use from the well at full development. It is unrealistic that 300 gpm will be pumped continuously during an entire year. Therefore, DENR requests an annual volume to be used. *35,000,000 million gallons/year*

Form 2A indicates "trying to replace a well 100 feet away". A review of our files found Water Right No. 1588-2, Wonderland Water Association authorizes 0.24 cfs (108 gpm) from one well 923 feet deep (Minnelusa) located in the SE 1/4 SW 1/4 Section 24-T3N-R6E. Water Right No. 1659-2, Sheridan Heights, Inc authorizes 0.26 cfs (117 gpm) from one well 983 feet deep (Minnelusa) located in the NW 1/4 SW 1/4 Section 24-T3N-R6E (see enclosed copy of a map). It appears the well authorized by 1659-2 was a back-up supply for Wonderland Water Association and is being replaced, please confirm this. *yes, correct*

Attached is an aerial photo map of Section 24-T3N-R6E. On the map, please mark the proposed Madison well location with an "X". Also, mark the location(s) of any other wells utilized by Wonderland Homes with a "W" and circle the well being replaced.

A review of the Secretary of State's corporation website finds Wonderland Homes Water & Service Co. listed. However, your name is not listed as one of its partners. DENR will need the application to either be signed by a listed partner or a statement from a listed partner that you have the authority to act on behalf of Wonderland Homes on all matters involving the water permit application. *attached*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Conversation Documentation

Name of person: Brandon Pallas

File: 1994-1

Date: 31 March 2020

Telephone: (605) 431-2678

Re: Aquifer and well depth for application

The proposed depth for the well for Water Permit Application No. 8420-3 was listed as 1,200 feet and the proposed aquifer was the Madison aquifer. Based on my calculations and the location given, a 1,200-foot-deep well might not quite be deep enough for the Madison aquifer. I called Brandon Pallas, the contact for the application, and he said his engineer estimated the well would be between 1,200 and 1,400 feet deep, and that he was definitely intending to withdraw from the Madison aquifer, regardless of the depth needed to complete a well in there.



Kimberly Drennon, Natural Resources Engineer
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>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1994-1, Wonderland Homes and Water Service Co.**

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. 1994-1, Wonderland Homes Water and Service Co., c/o Brandon Powles, PO Box 2817, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 1994-1 with a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1994-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1994-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 1994-1 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.
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
5. Water Permit No. 1994-1 appropriates up to 107.4 acre feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 1, 2020

**Report to the Chief Engineer on
Water Permit Application No. 1994-1**

Wonderland Homes Water & Service Company
11 May 2020

Water Permit Application No. 1994-1 proposes to appropriate 107.4 acre-feet of water annually at a maximum instantaneous diversion rate of 0.67 cubic feet of water per second from one well to be completed into the Madison aquifer (1,200 – 1,400 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24-T3N-T6E for a water distribution system located in portions of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24-T3N-R6E. This site is located approximately 3 miles north of Black Hawk and adjacent to Summerset, South Dakota.

Aquifer: Madison (MDSN)

Hydrogeologic characteristics

The Madison Group is a group of formations deposited during the late Devonian and early-to-middle Mississippian geologic periods (1). In the Black Hills, the two formations in the Madison Group are known as the Englewood Limestone, which lies below, and the Pahasapa Limestone, which lies above (1). The Madison Group extends over 19,115,560 acres in South Dakota west of the Missouri River (2). The Madison Group also extends into eastern South Dakota, Nebraska, Wyoming, Montana, and North Dakota (3). The Madison aquifer consists of the saturated portions of the Madison Group that are permeable enough to deliver water at a rate that is useful to domestic and appropriative wells. Water in the Madison aquifer flows mostly via secondary porosity features such as fractures and solution cavities (4). The transmissivity of the Madison aquifer can range significantly and transmissivity of the aquifer is highly uneven from one place to the next (5). The Madison aquifer is generally under confined conditions, although near the area of its outcrop in the Black Hills, it is under unconfined conditions (6) (5). The proposed well for this application will be under confined conditions, although the aquifer transitions to unconfined conditions approximately 2 miles west of the proposed well for this application (5).

The applicant did not submit a well or test hole completion report with their application, but between the well completion reports already on file with the Water Rights Program (7), observation well data (6), and geologic structure and potentiometric surface maps available (8), sufficient geologic information is available in the area of this application to analyze the requirements for this report.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability unappropriated water is available for the application, 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 analyze the availability of unappropriated water and possibility of developing the application without unlawful impairment of existing rights only.

Pursuant to SDCL 46-6-3.1, 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 exception allows water distribution systems proposing to withdraw from a formation that is older than or stratigraphically lower than the Greenhorn Formation to be granted a permit even if it is probable that average annual withdrawals from that formation will exceed average annual recharge. The proposed source of water is older and stratigraphically lower than the Greenhorn Formation and the proposed use is a water distribution system as defined by SDCL 46-1-6(17), so it is not necessary for a hydrologic budget to find recharge exceeds or meets withdrawals from the Madison aquifer. However, hydrologic budgets will be included in this analysis for the Chief Engineer's and Water Management Board's information.

Pursuant to SDCL 46-2A-20, all permits for withdrawal from the Madison aquifer in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties must have a 20-year term limit unless the Water Management Board determines at a hearing that 1) sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison aquifer would result if the proposed withdrawal were approved and 2) the information shows that there is reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison aquifer wells and springs. This application proposes to withdraw water from the Madison aquifer in one of the counties listed in SDCL 46-2A-20, so SDCL 46-2A-20 applies to it.

Hydrologic budgets

Since this application is somewhat near the outcrop of the Madison Group, it is possible to withdraw too much water from a localized area while the general hydrologic budget remains balanced. Therefore, it is appropriate to analyze the hydrologic budget of the Madison aquifer in general for South Dakota and to analyze the hydrologic budgets available for the local area.

Statewide hydrologic budget

Statewide recharge

Recharge to the Madison aquifer is mainly by infiltration from streamflow and precipitation over the outcrop of the aquifer (4). Some recharge may also be from groundwater flow from the Deadwood aquifer (5). Several reports available contain estimates of recharge to the Madison aquifer. Rahn and Gries (9) measured discharge from large springs flowing from the Paleozoic aquifers and found an average discharge rate of approximately 140,000 acre-feet per year. Woodward-Clyde Consultants (10) used precipitation and other hydrologic data to estimate an upper bound to the recharge rate of the Madison aquifer to be 400,000 ac-ft/yr (out of approximately 509,000 ac-ft/yr of precipitation) and assumed the Rahn and Gries (9) estimate of spring discharge was an adequate lower boundary for the recharge rate. The Water Rights Program had cited the estimates by Rahn and Gries (9) and Woodward-Clyde Consultants (10) in previous studies, but newer research is available. Carter et al. (4) used detailed precipitation and streamflow data to estimate an average annual recharge rate to the Madison and Minnelusa aquifers to be 249,260 ac-ft/yr and estimated approximately 55% of that recharge goes to the Madison aquifer. Therefore, the best available estimate of recharge to the Madison aquifer is 137,093 ac-ft/yr. This estimate is near the low end of the boundaries posited by previous reports, but it is based on more years of streamflow data, higher-resolution precipitation data, and more accurate assumptions about precipitation infiltration.

Statewide discharge

Natural discharge from the Madison aquifer is by evapotranspiration from the outcrop when the hydraulic head of the aquifer is near land surface at the outcrop, flow to springs and seeps, and groundwater flow to aquifers that are hydrologically connected when the hydraulic head of the Madison aquifer is higher than the hydraulic head of the hydrologically connected aquifers (11). When natural discharge occurs, the Water Management Board has generally considered it available for appropriation. Human-made withdrawals are by domestic and appropriative wells. Carter et al. (11) estimated domestic use was less than 2% of all withdrawals for their period of study. Given that small percentage, domestic use is negligible for this hydrologic budget. There are 152 active water rights/permits authorizing withdrawals from the Madison aquifer and 9 future use permits (Table 1) reserving 12,809 ac-ft/yr from the Madison aquifer (12).

Table 1: Future use permits reserving water from the Madison aquifer (12)

Permit No:	Name/Business:	County:	Use	Priority Date:	Amount Reserved (ac-ft/yr)	Comments
369-1	City of Belle Fourche	LA	MUN	12/10/1958	620	
2086-2	City of Rapid City	PE	MUN	05/18/1989	4,075	
439-2	City of Rapid City	PE	MUN	09/22/1956	3,367	
1872-1	City of Spearfish	LA	MUN	11/13/2006	2,704	
2560-2	Fall River Water Users District	FR	RWS	05/16/2005	358	
2560A-2	Fall River Water Users District	FR	RWS	05/16/2005	0	Additional area
2560B-2	Fall River Water Users District	FR	RWS	05/16/2005	0	Additional area
2580-2	Southern Black Hills Water System	FR	RWS	03/02/2006	1,474	
1833-2	Weston Heights Home Owners	MD	RWS	02/18/1983	211	
Total					12,809	
LA – Lawrence, FR – Fall River, MD – Meade, PE – Pennington						
MUN – Municipal, RWS – Rural Water System						

In addition to approved water rights/permits and future use permits, three other applications are pending approval. Water Permit Application No. 2585-2 for the Southern Black Hills Water System proposes to appropriate 1,600 ac-ft/yr from the Madison aquifer, and is deferred until its potential impacts to cave pools in Wind Cave National Park and to Beaver Creek are assessed (12). Water Permit Application No. 2685-2 for Powertech (USA) Inc. proposes to appropriate 888.8 ac-ft/yr from the Madison aquifer, and is held in abeyance until other permitting processes are completed (13). Future Use Permit Application No. 1995-1 seeks to reserve 1,300 ac-ft/yr from the Madison aquifer. If that permit is approved, its priority date would be junior to this application.

Of the 152 active water rights/permits, 32 include irrigation as an authorized use in their permit, although some of those 32 include multiple uses (12). Most irrigation water rights/permits are required to report their withdrawals each year, although a few are not due to their irrigation method (12). Irrigation questionnaire summaries available for the period of record (1982-2019) indicate that average irrigation withdrawal reported for the Madison aquifer is 815 ac-ft/yr (14). However, the summaries do not account for appropriations by irrigation water rights/permits that are not required to report and those that are too new to have fully developed their permits, nor do they require permit users to report their non-irrigation use. Following the method used by Kilts (15), irrigation questionnaires for each of the active water rights/permits withdrawing from the Madison aquifer were analyzed as shown in Table 2. Irrigation water rights/permits that are not

required to report their withdrawals or that have reported their withdrawals for 10 years or less are assumed to withdraw 2 ac-ft/acre licensed/permitted. Three irrigation water rights licensed to withdraw from the Madison aquifer have reported no withdrawal for more than 10 years (14). They are assumed to withdraw no water on average. If, in the future, they did withdraw water, their average annual withdrawal would still be low given the number of years they withdrew no water. Permits that allow multiple uses other than irrigation are assumed to withdraw at their maximum diversion rate 60% of the time. Water Right No. 1885-1 is assumed to withdraw at its maximum diversion rate 100% of the time because the sum of its estimated withdrawal for irrigation and estimated non-irrigation use is greater than is physically possible at the licensed diversion rate. The total estimated average annual withdrawal from the Madison aquifer by permits allowing irrigation, other than the four permits described in the following paragraph, is 8,577 ac-ft/yr (Table 2).

Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from one well located in the SE ¼ SW ¼ Section 20 and a dam located in NW ¼ NW ¼ Section 29; all in T9N-R3E (12). Water Right Nos. 1096-1, 1096A-1, 1670-1 authorize diversion of water for irrigation use and Water Right No. 1096A-1, and Water Permit Nos. 1496-1 authorize diversion of water for rural water system use and allow withdrawal year-round for rural water system use (12). Documentation in the administrative file for Water Right No. 1670-1 indicates the well was not valved such that it could be shut off when flow was not being put to the beneficial use allowed by the four water rights/permits above. A letter dated September 9, 1998, submitted as part of the public comments prior to approval of Water Right No. 1670-1, indicated that when water is not used for the uses listed in the four water rights/permits above (irrigation or rural water system use), the water is used for fish and wildlife propagation. The person writing that letter indicated they would prefer the Water Management Board not to order the well to be shut off when not used for irrigation or rural water system withdrawals (12). It is likely the well continues to flow uncontrolled, so at the flow rate listed in Water Right No. 1096A-1 of 1.33 cfs, that well withdraws approximately 964 ac-ft/yr from the Madison aquifer for those four water rights/permits.

While Water Right No. 1650-1 does not require the water right holder to report annual withdrawals and is allocated no acreage, it provides supplemental water supply from a flowing well for Water Right No. 1231-1 (12). Water Right No. 1231-1 permits a 110 ac-ft dam to provide water for commercial livestock and irrigation of 134 acres (12). Water Right No. 1650-1 allows for direct irrigation from a Madison aquifer well of up to 2 acre-feet per acre for the land permitted by Water Right No. 1231-1 (12). Kilts (15) estimated Water Right No. 1650-1 withdraws 55.9 ac-ft/yr on an average based on irrigation reported for Water Right No. 1231-1.

Water rights/permits that are limited to an annual volume withdrawal less than if they diverted water continuously are assumed to withdraw their full volume limit and will be referred to as "volume-limited" from this point onward. The 28 volume-limited water rights/permits withdrawing from the Madison aquifer appropriate 20,172 ac-ft/yr (12). There are 91 water rights/permits withdrawing from the Madison aquifer that are limited only by maximum instantaneous diversion rate (12). They are conservatively assumed to withdraw at their full diversion rate 60% of the time, which accounts for 17,637 ac-ft/yr (12).

Report on Water Permit Application No. 1994-1

Table 2: Irrigation reported/estimated and non-irrigation use estimated for water rights/permits with irrigation as one beneficial use (12) (14).

Permit No.	Name/Business	Priority	Diversion rate (cfs)	Acres Licensed/ Permitted	Average Report (ac-ft/yr)	No. of Years of Irrigation Reports	Est. Avg. Irrigation (ac-ft/yr)	Est. Non-irr. Use (ac-ft/yr)	Total Est. Withdrawal (ac-ft/yr)
2773-2	Arrowhead Country Club	07/27/2017	1.11	100	0	2	200.0	0	200.0
1096-1	Bar Bar V Livestock LLC	04/16/1976	1.88	216.00	65.3	29	*	*	*
1670-1		06/09/1998	3.61	253.00	51.7	22	*	*	*
1635-1	Black Hills Nat'l Cemetery	04/02/1990	0.82	54.50	96.4	24	96.4	356	452.8
1452-1	Black Hills State College	12/19/1988	3.33	25.44	17.9	31	17.9	1447	1465.4
1096A-1	Butte Meade Sanitary Dist	04/16/1976	1.33	0.00	Does not report		*	*	*
2458-2	City of Rapid City	03/30/2001	0.8	107.00	104.7	19	104.7	0	104.7
2313-2	Coca-Cola Bottling	04/08/1994	0.33	3.00	7.4	25	7.4	143	150.9
1899-1	Davis Ranches Inc	08/25/2008	1.43	100.00	0.0	11	0.0	0	0.0
2673-2	Diocese of Rapid City	05/27/2011	0.12	7.00	8.8	7	14.0	0	14.0
1009-1	Donald F/Ann J Brady	02/01/1974	0.78	53.73	31.6	38	31.6	0	31.6
1185-1		01/18/1979	0.38	22.52	107.0	38	107.0	***	107.0
2286-2	Donald Konechne	04/28/1993	0.1	38.50	10.9	26	10.9	0	10.9
1707A-1	Elkhorn Ridge @ Frawley Ranches LLC	01/06/2000	3.705	100.00	Does not report		200.0	1610	1810.5
1707E-1		01/06/2000	0	0.00	2.3	13	**	**	**
1931-1		08/17/2012	0.17	3.30	3.2	7	6.6	74	80.5
1650-1	Foothill Land & Cattle LLC	04/03/1997	0.89	0.00	Does not report		*	*	*
1945-1	Frawley Ranches LLC	02/10/2014	1.11	265.00	45.7	6	530.0	0	530.0
1858-1	Glencoe Camp Resort II LLC	03/08/2006	0.86	34.00	0.0	14	0.0	374	373.8
2593-2	Hart Ranch Development	06/15/2006	0.49	72.50	14.0	13	14.0	213	226.9
1911-2	Hart Ranch Development Co	09/27/1984	0.88	124.00	124.6	26	124.6	383	507.1
1725-2	Janice R Crowser	08/20/1980	1.07	75.10	1.1	21	1.1	0	1.1
1923-1	Jim Montieth	02/15/2011	0.11	3.00	1.1	8	6.0	48	53.8
858-2	John & Heidi McBride	02/05/1965	9.36	655.75	7.1	36	7.1	0	7.1
1885-1	John T & Veronica Widdoss	04/09/2007	0.11	22.00	15.2	3	44.0	36	79.7
1223-1	Montana Dakota Land LLC	03/10/1981	0.67	263.00	205.6	38	205.6	0	205.6
1960-1	One Diamond Inc	04/11/2016	1.28	150.00	123.8	4	300.0	556	856.4
1363-1	Spearfish Canyon Cntry Cl	09/15/1986	0.9	80.10	60.7	33	60.7	0	60.7
2106-2	Stuart Rice	06/06/1990	0.08	2.80	0.9	27	0.9	35	35.7
1842-1	Tom C Davis	04/05/2005	0.44	330.00	0.0	15	0.0	0	0.0
2741-2	Tubbs Land & Cattle LLC	08/20/2018	3.34	567.00	0.0	1	1,134.0	0	1134.0
419-2	Wind Cave National Park	12/29/1955	0.15	6.00	Does not report		12.0	65	77.2
* Discussed in text									
** Water Permit No. 1707E-1 is an extension of time to place Water Permit No. 1707A-1 to beneficial use									
*** Reports all use types in irrigation report									

Balance of statewide hydrologic budget

The best available estimate of recharge to the Madison aquifer in South Dakota is 137,093 ac-ft/yr (4). Appropriations from the Madison aquifer are summarized in Table 3. The total of all appropriations that do or could withdraw from the Madison aquifer in South Dakota is 64,003 ac-ft/yr. This application proposes to withdraw an additional 107.4 ac-ft/yr. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Report on Water Permit Application No. 1994-1

Table 3: Summary of withdrawals discussed in the Statewide Discharge section, rounded to the nearest 1 ac-ft/yr.

Withdrawal type:	Amount (ac-ft/yr)
Future Use	12,809
Water Permit Application No. 2585-2	1,600
Water Permit Application No. 2685-2	889
Water Permit Application No. 1995-1	1,300
Water Right/Permit Nos. 1096-1, 1096A-1, 1496-1, and 1670-1	964
Water Right No. 1650-1	56
Other Irrigation	8,577
Annual Volume Limit	20,172
Diversion Rate Limit	17,637
Total Withdrawals	64,003

Local hydrologic budgets

Two local hydrologic budgets are available which have different study area boundaries (11) (5). Figure 1 shows the study area boundaries in relation to this application and the outcrop of the Madison Group (11) (5) (16). Both studies are included in this report because they have different boundaries and have similar-quality methods to arrive at their conclusions.

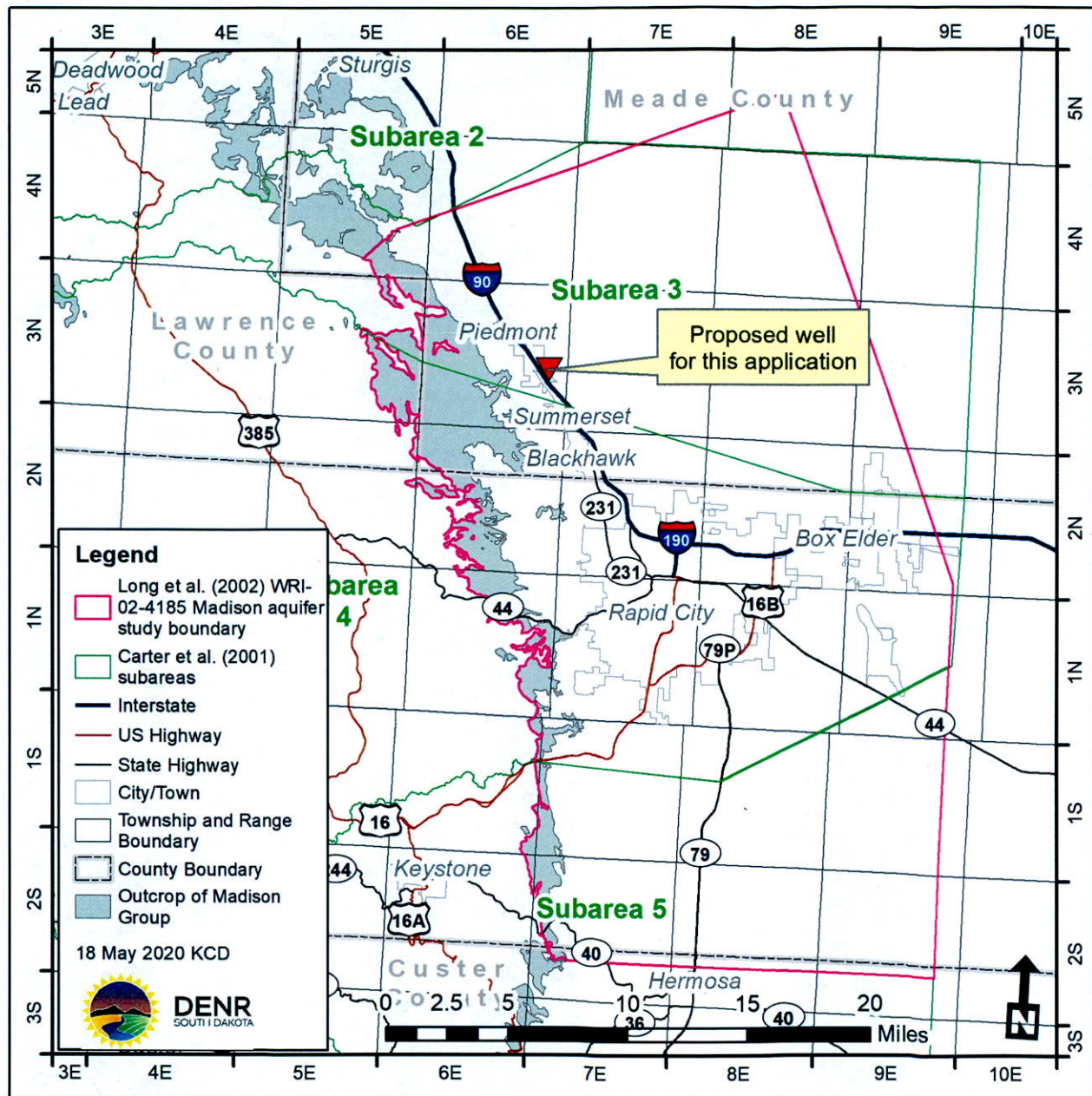


Figure 1: Study boundaries for local Madison aquifer hydrologic budgets (11) (5) (16)

Carter et al. (11)

Carter et al. (11) analyzed the hydrologic budgets of the Madison and Minnelusa aquifers in the Black Hills region for water years 1987 to 1996. They divided the region into nine subareas with the intent to minimize groundwater flow across subarea boundaries. The proposed well location for this application is in Subarea 3 (11). Table 4 shows the average hydrologic budget for Subarea 3 for water years 1987 to 1996 both in the units used by the authors and in ac-ft/yr (11). The total recharge for the Madison and Minnelusa aquifers estimated by Carter et al. (11) for Subarea 3 is 8,910 ac-ft/yr and Carter et al. (4) estimated approximately 55% of the recharge goes to the Madison aquifer. Therefore the average annual recharge to the Madison aquifer in

Carter et al. (11) Subarea 3 is 4,900 ac-ft/yr. There are nine water rights/permits and one future use permit appropriating water from Carter et al. (11) Subarea 3, shown in Table 5 (12). Using the same methods described in the statewide discharge section, the estimated annual appropriation for Carter et al. (11) Subarea 3 is currently 1,848 ac-ft/yr. Water Permit Application No. 1995-1 overlies the boundary of Subarea 3 and Subarea 4, but theoretically could withdraw all 1,300 ac-ft/yr from Subarea 3. Since this application proposes to withdraw 107.4 ac-ft/yr more, the total appropriation of all existing water rights/permits, approved future use permits, and pending permits, including this application, within Subarea 3 is 3,255.4 ac-ft/yr and there is reasonable probability unappropriated water is available for this application within the boundaries of Carter et al. (11) Subarea 3.

Table 4: Average hydrologic budget for the Madison and Minnelusa aquifers modified from Carter et al. (2001) for Subarea 3 for water years 1987 through 1996.

		Inflows			Outflows			Change
		Streamflow Recharge	Precipitation Recharge	Groundwater inflow	Artesian Spring-flow	Wells	Groundwater outflow	
Subarea 3	cfs	8.6	3.7	0.0	1.9	0.6	9.8	0.0
	ac-ft/yr	6,230.3	2,680.5	0.0	1,376.5	434.7	7,099.6	0.0

Table 5: Water rights/permits, and future use permits currently appropriating from Carter et al. Subarea 3 (12)

Permit No.	Name/Business	Status	Use	Maximum Diversion Rate (cfs)	Annual Volume Limit (ac-ft/yr)	Irrigation Acres
1991-1	Black Hawk Water User District	PE	RWS	1.780	760	N/A
2631-2	City of Box Elder	PE	MUN	1.000	435	N/A
1825A-1	Diamond D Water Co, LLC	LC	SHD	0.260	N/A	N/A
1642-1	Eagle Ridge Homeowners	LC	SHD	0.089	N/A	N/A
1736-1	Elk Mountain Estates	LC	SHD	0.189	N/A	N/A
1887-1	JKRK Properties LLC	LC	SHD	0.190	N/A	N/A
1741-1	Rendezvous Ranch	LC	SHD	0.089	N/A	N/A
1701-1	Stagebarn Lodging, LLC	LC	COM	0.100	N/A	N/A
1745-1	Tim Hagar	LC	COM	0.100	N/A	N/A
1833-2	Weston Heights Homeowners	FU	RWS	N/A	211	N/A
LC - Licensed, PE - Permit, FU - Future Use COM - Commercial, MUN - Municipal, RWS - Rural Water System, SHD - Suburban Housing Development						

Long et al. (5)

Long et al. (5) analyzed groundwater flow of the Madison and Minnelusa aquifers in the area near Rapid City, including the area for this application. One product of that analysis was a hydrologic budget for water years 1988-1997. The average hydrologic budget for those years is shown in Table 6 in the units used by Long et al. (5) and in ac-ft/yr.

Table 6: Average hydrologic budget for Madison aquifer from water years 1988-1997, modified from Long et al. (5)

		Inflows			Outflows				Change
		Streamflow recharge	Areal recharge	Seepage from Deadwood aquifer	Spring flow	Water use	Leakage to overlying units	regional outflow	
Long et al. (2002)	cfs	38.8	16.1	6.3	30.8	6.7	7.6	11	5.1
	ac-ft/yr	28,108.7	11,663.6	4,564.0	22,313.1	4,853.8	5,505.8	7,969.0	3,694.7

Total recharge to the Long et al. (5) study area is 44,336 ac-ft/yr. There are 55 water rights/permits authorized to withdraw from the Madison aquifer within the Long et al. (5) study area (12). Following the same methods as the statewide discharge section, the estimated average annual withdrawal in the Long et al. (5) study area from existing water rights/permits and future use permits is 19,666 ac-ft/yr. Future Use Permit Application No. 1995-1 would reserve an additional 1,300 ac-ft/yr and this application appropriates 107.4 ac-ft/yr. Based on the Long et al. (5) estimate of recharge and current estimates of withdrawals, there is reasonable probability unappropriated water is available for this application.

Observation well data

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon observation well measurements in addition to other data to determine the availability of unappropriated water. The DENR Water Rights Program maintains 25 observation wells completed into the Madison aquifer (6). The nearest DENR observation well to the proposed well for this application is Observation Well MD-94A, located approximately 2.2 miles northwest of the proposed well (6). Observation Well MD-94A experienced a period of questionable readings from approximately 2002 through 2014, when it was rehabilitated (6). The next nearest observation well to the proposed well for this application is Observation Well PE-95C, located approximately 5 miles south and 1.2 miles west of the well for this application (6). Figure 2 and Figure 3 show water level elevations from those two observation wells (6). Other than the questionable readings from approximately 2002 through 2014 in Observation Well MD-94A, the water levels in these wells are representative of Madison aquifer behavior near the outcrop of the Madison Group. In general, water levels rise during wet periods and decline during dry periods (17), indicating that the effects of the weather impact water levels in the aquifer more than human-induced withdrawals. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

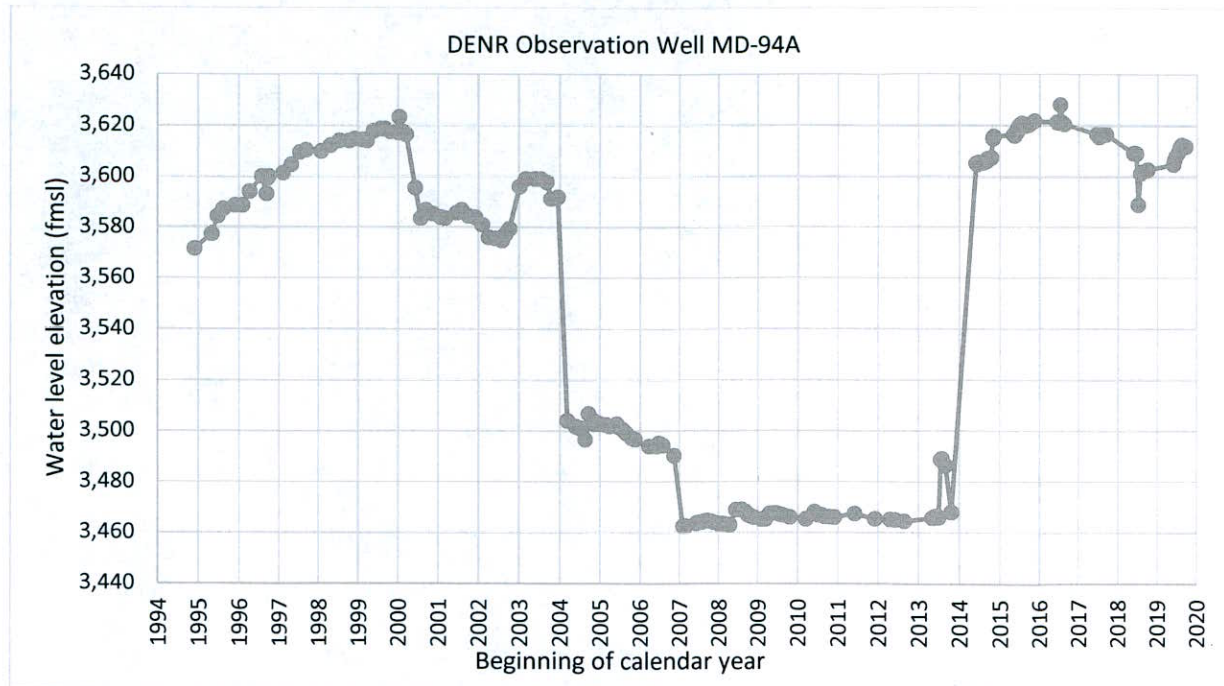


Figure 2: Water level elevations from DENR Observation Well MD-94A (6)

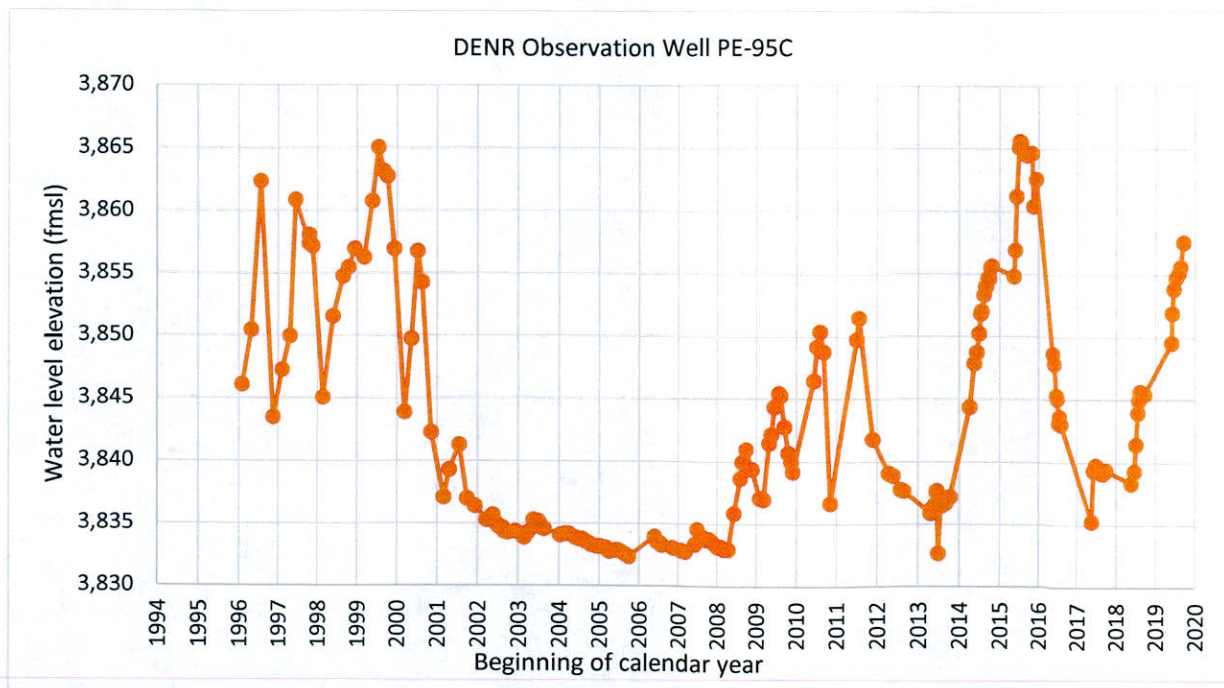


Figure 3: Water level elevations from DENR Observation Well PE-95C (6)

Potential for unlawful impairment of existing water rights

Appropriative and domestic well users

The nearest Madison aquifer water right/permit to the proposed well for this application is Water Right No. 1701-1, located approximately 0.5 miles south-southwest of the proposed well for this

application (12). The nearest domestic wells on file with the DENR that are likely to be completed into the Madison aquifer are located approximately 0.6 miles to the southwest of the proposed well for this application (7). Figure 4 shows water rights/permits near the proposed well for this application and Table 7 describes water rights/permits shown in that figure (12) (16). Precise drawdown effects of the proposed well cannot be determined without an aquifer performance test, especially in an aquifer with transmissivity values that vary as much as the Madison aquifer does. In order to place waters of the state to maximum beneficial use, SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of water delivery. In order to protect domestic well users, the Water Management Board has defined an adversely impacted domestic well in ARSD 74:02:04:20(6) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs”

Some drawdown is likely to occur. However, DENR observation wells near high-capacity wells such as those for Rapid City have not experienced adverse impacts historically (6). There are no complaints on file with the DENR regarding well interference in the Madison aquifer in Meade County (18). Therefore, there is reasonable probability this application can be developed without impairment of domestic wells or senior water rights/permits. However, out of an abundance of caution, the applicant should control their withdrawals so that nearby adequate wells are not adversely impacted.

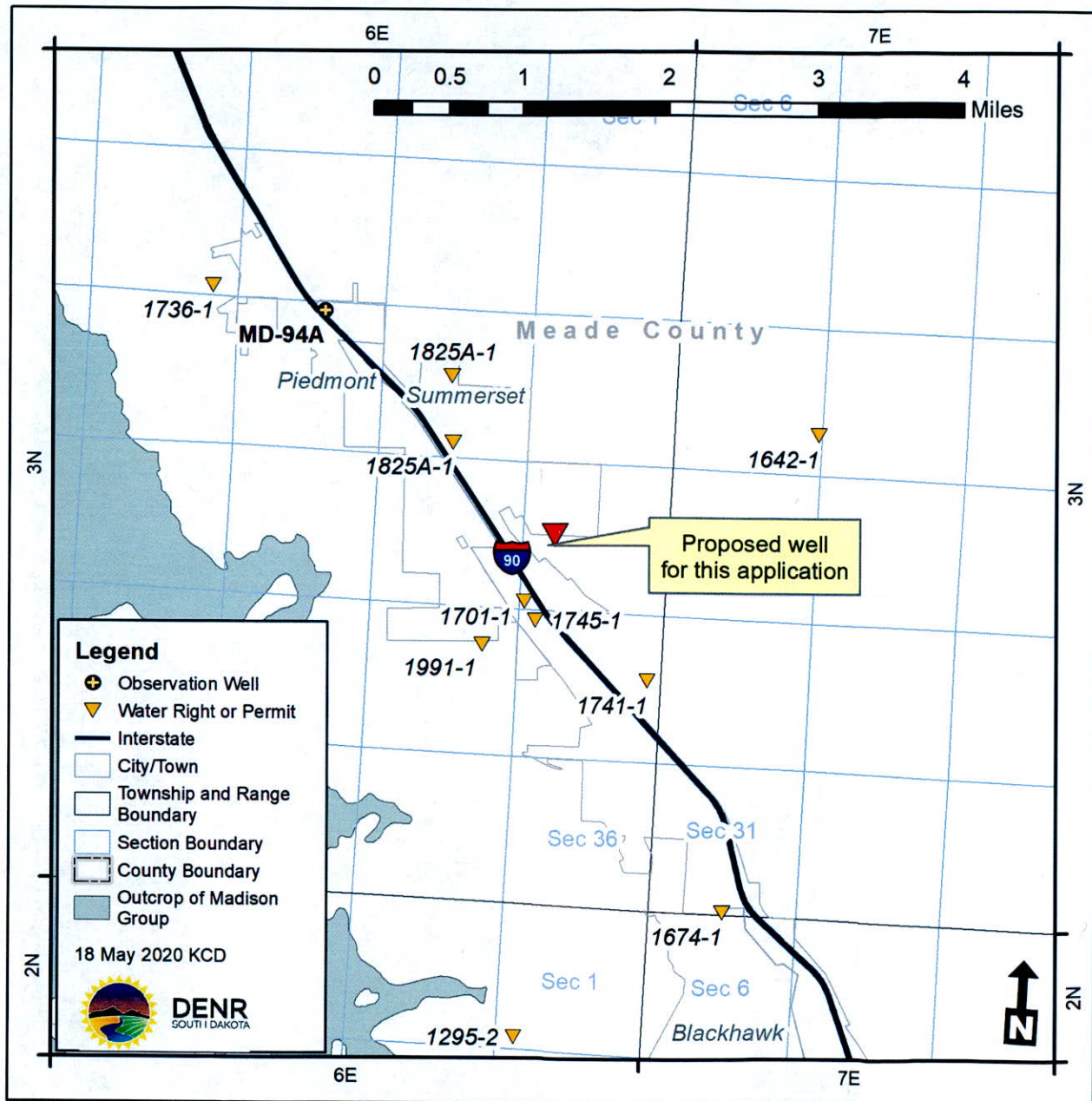


Figure 4: Nearby Madison aquifer water rights/permits and observation well MD-94A (12) (6) (16)

Table 7: Water rights/permits shown in Figure 4 (12)

Permit No	Name/Business	Priority	Diversion Rate (cfs)	Annual Volume Limit (ac-ft/yr)
1295-2	Woodland Hills Comm Assoc	09/25/1975	0.100	N/A
1341-1	Black Hawk Water User Dis	08/05/1985	1.150	N/A
1642-1	Eagle Ridge Homeowners	08/05/1996	0.089	N/A
1674-1	Black Hawk Water User District	08/18/1998	1.900	N/A
1701-1	Stagebarn Lodging LLC	11/22/1999	0.100	N/A
1736-1	Elk Mountain Estates	07/10/2000	0.189	N/A
1741-1	Rendezvous Ranch	12/12/2000	0.089	N/A
1745-1	Tim Haggar	01/08/2001	0.100	N/A
1825A-1	Diamond D Water Co LLC	07/15/2004	0.260	N/A
1991-1	Black Hawk Water User District	05/30/2019	1.780	760

Springs

The nearest major artesian spring to the proposed well for this application that could possibly rely on the Madison aquifer is Elk Creek Springs, located approximately 5 miles to the northwest of it (19). Upon considering the deferral of Water Permit Application No. 2585-2 for the Southern Black Hills Water System, the Water Management Board adopted a conclusion of law stating in part, "...The only protection South Dakota law provides when considering an application for an underground water permit for flow from an artesian spring is under the public interest criteria" (20). Given the distance between the proposed well site and Elk Creek Springs, there is reasonable probability this application can be developed without noticeably impacting flow from springs.

Term limit

Although there is reasonable probability unappropriated water is available and the applicant can develop the proposed use without unlawful impairment of existing rights, the Water Management Board has not determined in a hearing that the requirements of SDCL 46-2A-20 to remove the requirement of the term limit are met. Therefore, this application is subject to a 20-year term limit.

Conclusions

1. Water Permit Application No. 1994-1 seeks to appropriate 107.4 acre-feet of water annually at a maximum instantaneous diversion rate of 0.67 cfs from one well proposed to be completed into the Madison aquifer in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24-T3N-T6E for a water distribution system located in portions of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24-T3N-R6E.
2. Based on hydrologic budgets and observation well analysis, there is reasonable probability unappropriated water is available.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits and domestic wells.
4. This application is subject to a 20-year term limit.



Kim Drennon, Natural Resources Engineer
DENR – Water Rights Program

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Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 1, 2020 11:39 AM
To: 'brandonpowles@yahoo.com'
Cc: Tamra Backes (backest@rushmore.com)
Subject: Water Permit Application No. 1994-1
Attachments: 1994-1.pdf

Attached is the report, recommendation and information regarding the public notice for Water Permit Application No. 1994-1. As stated in the letter, it is important that you contact the papers to authorize publication and arrange for payment ASAP in order for the notice to be published next week on June 10th. This same information is being mailed to you today.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



**NOTICE OF
APPLICATION
NO. 1994-1 to
Appropriate Water**

Published June 10, 2020 at the total approximate cost of \$23.85.

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUN 12 2020

County of Pennington

SS:

WATER RIGHTS
PROGRAM

June 10 L12899

NOTICE OF APPLICATION NO.

1994-1 to Appropriate Water

Notice is given that Wonderland Homes Water & Service Co., c/o Brandon Powles, PO Box 2817, Rapid City SD 57709 has filed an application for a water permit to appropriate 107.4 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per

second from one well to be completed into the Madison Aquifer (1,200 - 1,400 feet deep) located in the SW 1/4 NW 1/4 Section 24-T3N-R6E for a water distribution system located in portions of the SW 1/4 W 1/2 SE 1/4 Section 24-T3N-R6E. This site is located approximately 3 miles north of Black Hawk SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 1994-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 June 22, 2020.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

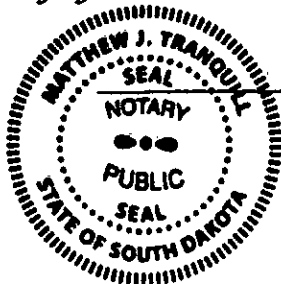
(Published one time at the approximate cost of \$48.55)

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

day for one successive
day, the first publication there of being on the
10th day of June 2020 that the fees charged for
the publication there of are 48 dollars
and 55 cents.

Sheri Sponder

Subscribed and sworn to before me this 10th
day of June, 2020.



Matthew J. Tranquill

Notary public

December 5, 2025

My commission expires

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 1, 2020 11:24 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: FW: 1994-1, Wonderland Homes Water & Service Co.
Attachments: 1994-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 10, 2020.

Wonderland Homes Water & Service Co., Brandon Powles, PO Box 2817, Rapid City SD 57709 (605 716-7771) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 1, 2020 11:22 AM
To: 'faithind@faithsd.com'
Subject: 1994-1, Wonderland Homes Water & Service Co.
Attachments: 1994-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 10, 2020.

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Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

June 1, 2020

Brandon Powles
Wonderland Homes Water & Service Co.
PO Box 2817
Rapid City SD 57709

Dear Mr. Powles

Water Permit Application No. 1994-1 for water distribution system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith SD (Ph # 605 967-2161) and the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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,

Karen Schlaak

Karen Schlaak
Water Right Program
(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.

NOTICE OF APPLICATION NO. 1994-1 to Appropriate Water

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Published once at the total approximate cost of _____

June 29, 2020

PAYMENT REQUEST FORM

PAYEE: Wonderland Homes Water & Service Co.
PO Box 2817
Rapid City SD 57709

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund-Over payment on Application/License Fee

AMOUNT: \$450.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Ironlund 6/30/2020*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 30 2020

Wonderland Homes Water & Service Co
c/o Brandon Powles
PO Box 2817
Rapid City SD 57709

Dear Mr. Powles:

Enclosed is Water Permit No. 1994-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$1,150.00 was submitted with the application. The fee should have been \$700.00. \$450.00 will be refunded to Wonderland Homes Water & Service Co. The refund check should be received within the next couple of weeks.

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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures