

WATER PERMIT NO. 2015-1

Name of Applicant: Two Bit Ranch Estates Homeowners Association Inc.

Address: PO Box 119, Deadwood SD 57732 Phone:

Amount of Water Claimed: 0.10 cfs (10.7 AF) Total Acres: NA

Source of Water Supply: groundwater (one existing well)

Water to be used for: water distribution system County: Lawrence

Type of Waste Disposal System:

Location: 2 miles southeast of Deadwood

PRIORITY Date Received: 2-7-22

Application/License Fee: \$ 300

Corrected Application Received: 3-9-22

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 30-T5N-R4E

Land to be Irrigated: NA

Depth of Well: 670 feet deep

Well Driller: Taylor Drilling

Remarks:

Type of Map: aerial

Prepared by:

		⊗			
			30		

Reviewed and the Number Assigned on: 3-9-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2015-1

Date of first receipt of application March 9, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2015-1 to Two Bit Ranch Estates Homeowners Association, Inc., c/o Jerry Franken, PO Box 119, Deadwood SD 57732 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. 2015-1 appropriates 10.7 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Deadwood Aquifer (670 feet deep) located in the NW 1/4 NW 1/4 Section 30 for a water distribution system located in Section 30; all in T5N-R4E. This site is located approximately 2 miles southeast of Deadwood SD.
2. The water appropriated shall be used for the purpose of a 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 from which applicant may claim right is March 9, 2022.
5. The date of approval of Permit No. 2015-1 is April 25, 2022.
6. One-fifth of the construction is to be completed on or before October 25, 2024.
7. All construction is to be completed on or before April 25, 2027.
8. Water is to be put to beneficial use on or before April 25, 2031.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

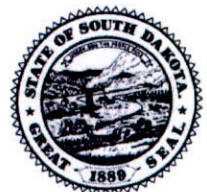
QUALIFICATIONS

1. The well approved under Water Permit No. 2015-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Deadwood aquifer.
3. Water Permit No. 2015-1 authorizes a total annual diversion of up to 10.7 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



RECEIVED

MAR 09 2022

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2015-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche</u>
	Newspaper <u>Black Hills Pioneer</u>

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

Check use(s) of water:

- | | | | |
|--|---|--|--|
| ☐ Municipal | ☒ Water Distribution System | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal |
| ☒ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other | |

Type of Application:
(check one)

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

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

1. Name to Appear on Water Permit Two Bit Ranch Estates Homeowners Association, Inc.Mailing Address PO Box ~~55~~ 119 Deadwood SD 57732
(Address) (City) (State) (Zip Code)

Phone _____ Mobile _____ Email _____

2. Amount of water claimed 0.10 *CFS or 45 **GPM and 10.7 ***AF or 35 million Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply Deadwood Aquifer4. Location of point of diversion NW 1/4 NW 1/4 Section 30 T5N R4E County Lawrence
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lawrence6. Annual period during which water is to be used January through December

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Jerry Franken
[Signature] Name of Person
[Signature] Title (if applicable)
 _____, the applicant, certify under

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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)

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Taylor Drilling Co.

For either Existing or Proposed Wells:

c) Well Depth (required) 670 ft. Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

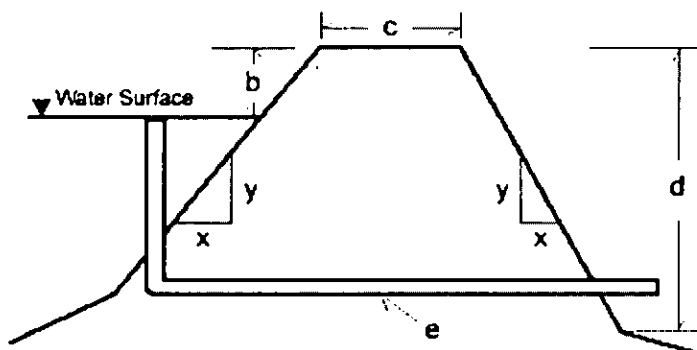
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

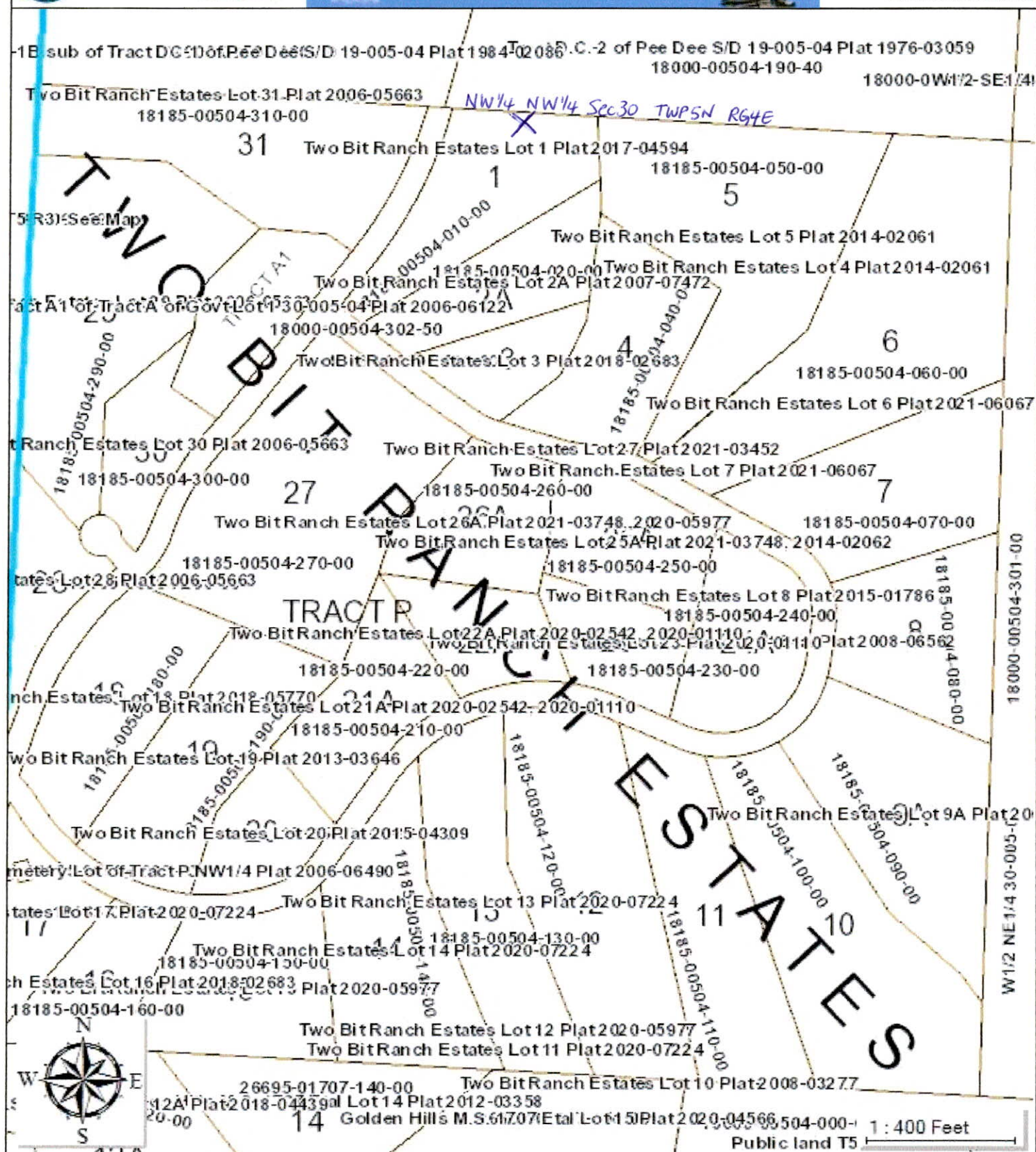




LAWRENCE COUNTY
SOUTH DAKOTA



LawrenceCounty
Printed January 26, 2022
See Below for Disclaimer



This GIS Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. Lawrence County makes no warranties, express or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction, and update.



SOUTH DAKOTA WATER WELL COMPLETION REPORT

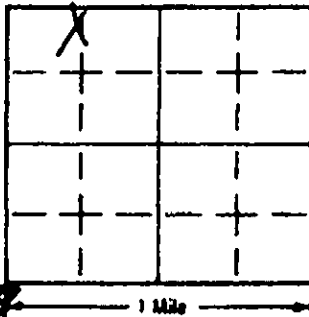
07-92

Location NW 1/4 N41 1/2 Sec 30 Twp 5N Rg 4E
County Lawrence

Please mark well location with an "X"

Two Bit
Well #2

Well Completion Date

Feb. 22, 2008

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 700 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Air rotary + DHHCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23 LB/FT</u>	<u>7 IN</u>	<u>0 FT</u>	<u>46 FT</u>	<u>8 1/4 IN</u>
<u>15 1/2 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>651 FT</u>	<u>6 1/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>8</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>46 ft</u>
<u>Cement</u>	<u>29</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>651 ft</u>

Describe grouting procedure pressure grout
through casingSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, Howchlorine
solution

Laboratory sent to for water quality analysis

☐ NO, Why Not?no pump yetWell Owner: Bill Pearson

Business Name: _____

Address: P.O. Box 631Deadwood SD 57232

WELL LOG:

DEPTH

FORMATION	FROM	TO
clay lt. brown	0	39
rhyolite porphyry (weath.)	39	185
siltstone + shale (rd-bk)	185	315
porphyry gray	315	321
shale + ss gray	321	485
w/ some porphyry		
shale dk gray	485	606
dolomite vel brown	606	658
ss lt. gray	658	670

STATIC WATER LEVEL 123 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: air developed☐ Bailed☐ Other _____

Pumping Level Below Land Surface

670 ft. After 2 Hrs. pumped 100 + GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN 30 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Ryk Taff

Signature of Well Owner or Equitable Property Holder:

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 30 Twp 5N Rg 4E
 County Lawrence
 North

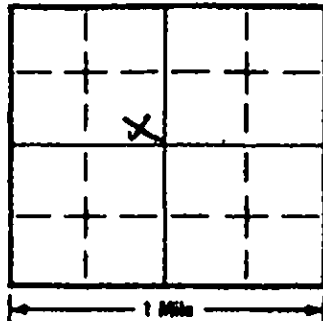
Please mark well location with an "X"

Two Bit

Well #1

Well Completion Date

Jan. 30, 2007



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 1500 ft. from Septic System (Identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Air rotary + DHH

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
23 LB/FT 7 IN 0 FT 153 FT 8 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement 20 15 lb/gal 0 153 ft
 _____ lb/gal _____ ft _____ ft

Describe grouting procedure: pressure grouted
through casing

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set from _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine solution

Laboratory sent to for water quality analysis

☐ NO, Why Not? _____no pump yetWell Owner: Bill Pearson

Business Name: _____

Address: PO Box 631Deadwood SD 57732

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
clay sandgravel	0	141
shale lt. green	141	153
porphyry gray to green	153	272
shale + ss gray	272	524
ss + shale w/ layers pep	524	812
mostly porphyry	812	983
some ss + quartzite		

STATIC WATER LEVEL 2250 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other air developed

Pumping Level Below Land Surface

980 ft. After 2 hrs. pumped 2 GPM

_____ ft. After _____ hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN 30 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm: Taylor Drilling Co.

Signature of Drilling Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIVED

MAR 09 2022

WATER RIGHTS
PROGRAM

March 6, 2022

RE: Two Bit Ranch Estates

Dear Mr. Duvall:

I am working with Two Bit Ranch Estates to complete their Water Rights application process. I am writing in response to your letter dated February 14, 2022.

Regarding Point #1: The white dot you can see on the aerial map is the pumphouse. The wellhead is to the right of the pumphouse on this map. I've enclosed a copy of the map and an X has been placed there.

Regarding Point #2: I've checked the Lawrence Co. GIS website and it shows that all of the Two Bit Ranch Estates properties are listed to be in Section 30 - Township 5N - Range 4E. No other properties will be served by this well.

Regarding Point #3: The HOA is not aware of any other domestic wells nearby. There is an abandoned well on Lot #27. I've noted the approximate location with an X on the enclosed copy of the aerial map.

Regarding Point #4: I am sending a copy of the application with the "Name to Appear on Water Permit" changed to: Two Bit Ranch Estates Homeowners Association, Inc. This copy has been signed by Jerry Franken, Registered Agent/Treasurer. Also, please note that we've changed the PO Box to 119.

Thank you,
Pat & Carol Hasson
Certified Water System Operators
Independent Contractor with Two Bit Ranch Estates
3518 Westview Drive
Spearfish, SD 57783
hassonpd@gmail.com



531407214

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

SOC (Agent) Fee: \$10

Total Fee: \$20

2022
FILING YEAR

1 Business ID and Name

NS049319
BUSINESS ID

TWO BIT RANCH ESTATES HOA, INC.
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

5801 S. SHADOW WOOD PLACE
SIOUX FALLS, SD 57108

Mailing Address

5801 S. SHADOW WOOD PLACE
SIOUX FALLS, SD 57108

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.

New Agent

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

Name **Jerry Franken**

Actual Street Address in this State

5801 S SHADOW WOOD PLACE
SIOUX FALLS, SD 57108

Mailing Address in this State

5801 S SHADOW WOOD PLACE
SIOUX FALLS, SD 57108

Old Agent

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

Name **STEVEN RISDAL**

Actual Street Address in this State

20830 RADIO TOWN ROAD
STURGIS, SD 57785

Mailing Address in this State

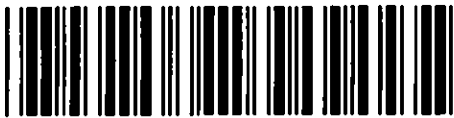
PO BOX 605
DEADWOOD, SD 57732

5 The names and addresses of its principal officers.

Title	Name	Address
Vice President	Gary Herdt	P.O. Box 361 Deadwood, South Dakota 57732
Treasurer	Jerry Franken	5801 S. Shadow Wood Place Sioux Falls South Dakota 57108
President	Darrell Miller	P.O. Box 567 Deadwood, SD 57732
Secretary	Gail Miller	P.O. Box 567 Deadwood, SD 57732

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

Name	Address
Jerry Franken	5801 S. Shadow Wood Place Sioux Falls South Dakota 57108
Jim McFarlane	11834 Elk View Loop Sturgis South Dakota 57785



Gary Herdt 11800 Elk View Loop, Sturgis, SD 57785

Darrell Miller P.O. Box 567 Deadwood, SD 57732

Gail Miller P.O. Box 567 Deadwood, SD 57732

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).

02/07/2022

Dated

Email (Optional)

Jerry Franken

Signature of an Authorized Person

Jerry Franken

Printed Name

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 7, 2022

RECEIVED OF Carol/Pat Hasson Two Bit Ranch Estates 3518 Westview Dr. Spearfish SD 57783

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

Fee for Application for Permit No. <u>2015-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
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>2015-1</u>	\$ <u>200.00</u>
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	\$ <u>300.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 14, 2022

Two Bits Ranch Estates
c/o Darrell Miller, President
PO Box 567
Deadwood SD 57732

Dear Mr. Miller:

I am writing concerning your application for a permit to appropriate water to supply Two Bits Ranch Estates.

To complete the application, I have a few questions that need to be answered:

- Enclosed is an aerial imagery map showing the approximate location of the existing well based on the plat map submitted with the application. Please confirm that the well is located in the correct location.
- The location where the water will be used also needs to be identified on the application. For example, if the entire area being served is encompassed by the NW1/4 section 30-T5N-R4E, then that area needs to be identified on the application (item No. 4 on application, copy enclosed). If anywhere else is being served that area needs to be identified also.
- If you know the approximate distance to the nearest domestic well on property owned by others, that distance needs to be identified on the Form 2A, Supplemental information – item 1d (copy enclosed).
- The person signing the application needs to be the registered agent or an officer of the entity registered with the South Dakota Secretary of State as identified in item No. 1 on your permit application – that name is Two Bit Ranch Estates. I did a search of the Secretary of State's website and it appears Two Bit Ranch Estates, LLC has been terminated (see enclosure).

If you have any questions concerning the above, please contact me at 605.773.3352 or by email at ron.duvall@state.sd.us.

Sincerely,

Ron Duvall, Water Rights Permitting Administrator
DANR, Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2015-1, Two Bit Ranch Estates Homeowners Association Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2015-1, Two Bit Ranch Estates Homeowners Association Inc., c/o Jerry Franken, PO Box 119, Deadwood SD 57732.

The Chief Engineer is recommending APPROVAL of Application No. 2015-1 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2015-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Deadwood aquifer.
3. Water Permit No. 2015-1 authorizes a total annual diversion of up to 10.7 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 4, 2022

Report to the Chief Engineer
On Water Permit Application No. 2015-1
Two Bit Ranch Estates Homeowners Association Inc.

c/o Jerry Franken

April 4, 2022

Water Permit Application No. 2015-1 proposes to appropriate up to 10.7 acre-feet of water annually at a maximum instantaneous diversion rate of 0.10 cubic feet per second (cfs) from one well completed into the Deadwood aquifer (670 feet deep) located in the NW ¼ NW ¼ of Section 30 for use in a water distribution system located in Section 30; all in T5N-R4E. The site of interest is located in Lawrence County approximately two miles southeast of Deadwood, SD.

AQUIFER: Deadwood (DDWD)

HYDROGEOLOGY:

The Deadwood Formation is a “greenish to reddish-brown glauconitic sandstone, shale, limestone, intraformational conglomerate, and local basal conglomerate” deposited during the Lower Ordovician to Upper Cambrian geologic periods (Redden et al., 2021). In the Black Hills, the Deadwood Formation lies unconformably on Precambrian schist and quartzite (Downey, 1986). In the area of this application, the Deadwood Formation is overlain by the White River Group (Precambrian rock types with Paleozoic sedimentary and Tertiary igneous rocks), the Pahasapa Limestone, the Englewood Formation, the Whitewood Limestone, and the Winnipeg Formation (Fahrenbach et al., 2010; Redden et al., 2021). The Deadwood Formation outcrops in the Black Hills but is otherwise buried in South Dakota (as shown in Figure 1) (Martin et al., 2004; Strobel et al., 1999). Figure 1 displays a map with the location of the existing well proposed to be used, the Deadwood aquifer water rights/permits and observation wells (Water Rights, 2022b and 2022c), and the Deadwood Formation outcrop in the Black Hills in South Dakota (Strobel et al., 1999).

The Deadwood aquifer is found within the porous and permeable portions of the Deadwood Formation that are capable of providing useful quantities of water. The Deadwood aquifer is a regional scale aquifer that underlies most of most of Western South Dakota, and extends into Montana, North Dakota, Wyoming, and Canada (Downey, 1986). Except for a narrow area at or near the outcrop of the Deadwood Formation, the Deadwood aquifer is generally under confined conditions (Driscoll et al., 2003). The Deadwood aquifer underlies approximately 4,216 square miles, or 2,698,240 acres, and contains an estimated 30.5 million acre-feet of recoverable water in storage (Driscoll et al., 2003). The Deadwood aquifer has a documented maximum thickness of approximately 500 feet, and an average saturated aquifer thickness of approximately 226 feet (Driscoll et al., 2003). In Lawrence County, the Deadwood aquifer underlies approximately 428,800 acres and contains an estimated 7,504,000 acre-feet of recoverable water in storage (Allen et al., 1985).

A water well completion report was submitted with Water Permit Application No. 2015-1 for the well proposed to be used. A reiteration of the well completion report is listed on Table 1. The well had a static water level of approximately 123 feet below the ground surface at the time of well completion (Water Rights, 2022d). Based on the submitted well completion report, and the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022d), the Deadwood aquifer is confined at the existing well site.

Table 1. Reiteration of the well completion report submitted with Water Permit Application No. 2015-1 (Water Rights, 2022d)

Formation Material	Depth Below Ground Surface (feet)
Clay Light Brown	0 to 39
Rhyolite Porphyry (weathered)	39 to 185
Siltstone & Shale (red-brown)	185 to 315
Porphyry Gray	315 to 321
Shale & Sandstone Gray w/ some Porphyry	321 to 485
Shale Dark Grey	485 to 606
Dolomite Yellow Brown	606 to 658
Sandstone Light Gray	658 to 670

South Dakota Codified Law (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 diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Deadwood aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2015-1 proposes to appropriate water from the Deadwood aquifer. The probability of unappropriated water being available from the 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 that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Deadwood aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from

the Deadwood aquifer do not need to be considered. However, a hydrologic budget will be provided to inform the Chief Engineer and Water Management Board.

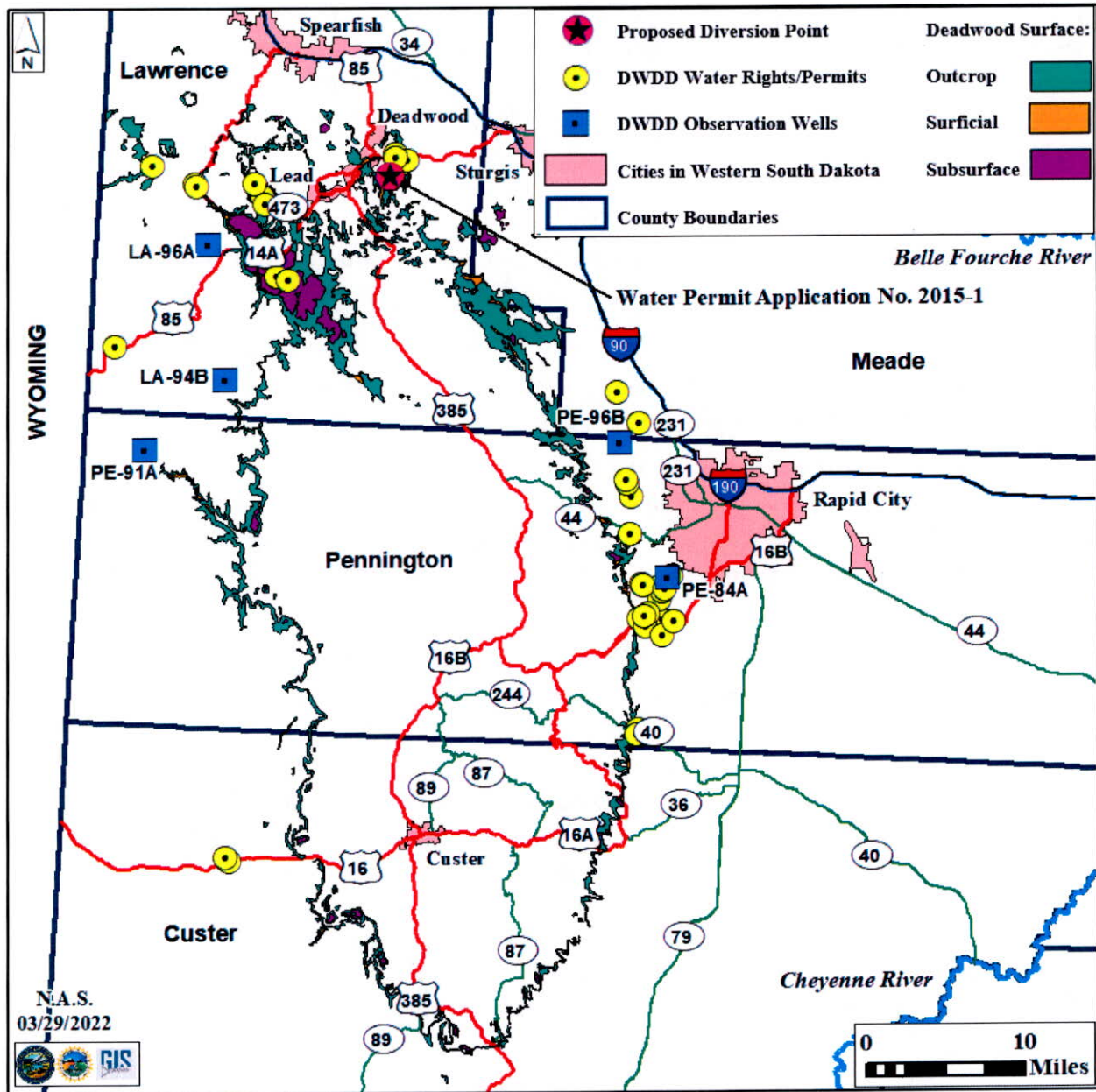


Figure 1. Location of the existing well proposed to be used by Water Permit Application No. 2015-1, the Deadwood aquifer water rights/permits and observation wells (Water Rights, 2022b and 2022c), and the Deadwood Formation outcrop in the Black Hills in South Dakota (Strobel et al., 1999)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Deadwood aquifer is primarily through the infiltration of precipitation at the outcrop area and any groundwater inflow from surrounding areas. The average annual recharge rate to the Deadwood aquifer is approximately 14,500 acre-feet per year (Driscoll and Carter, 2001).

Discharge

Discharge from the Deadwood aquifer is primarily through well withdrawals (Water Rights, 2022c and 2022d), groundwater outflow, and spring discharge (Driscoll and Carter, 2001).

Currently, there are 33 water rights/permits authorized to appropriate water from the Deadwood aquifer (Water Rights, 2022c). There are no future use permits reserving water from the Deadwood aquifer (Water Rights, 2022c).

There are domestic wells completed into the Deadwood aquifer that do not require a water right/permit, so the withdrawal amount for domestic use is unknown (Water Rights, 2022d). Since the introduction of rural water systems, some domestic wells may no longer in use or are not being used as primary water sources. Due to their relatively low diversion rates and the availability of rural water in some locations, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget for the Deadwood aquifer.

Table 2 summarizes the 31 non-irrigation water rights/permits authorized to appropriate water from the Deadwood aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the estimated average annual withdrawal rate for the Deadwood aquifer non-irrigation water rights/permits is approximately 1,823.1 acre-feet per year (Table 2) (Water Rights, 2022c).

Table 2. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Deadwood aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/year)
522A-2	Jewel Cave National Monument	LC	COM	0.04	N/A	17.4
608-2	United National Bank	LC	COM	0.02	N/A	8.7
1174-1	Wharf Resources (USA) Inc	LC	COM, MUN	0.67	N/A	291
1406A-1	Terry Valley - Trojan Water Project District	LC	SHD	0.178	N/A	77.3
1450-2	Bear Country USA Inc	LC	DOM	0.2	N/A	86.9
1525-1	Spearfish Canyon Resorts LLC	LC	COM	0.038	N/A	16.5
1551-1	Traishhead Lodge Inc	LC	COM	0.033	N/A	14.3
1560-1	Richard D Sleep	LC	COM	0.078	N/A	33.9
1596-1	Radio Towers Homeowners	LC	SHD	0.09	N/A	39.1
1605-1	Woodland Hills Community Association	LC	RWS	0.197	N/A	85.6
1608-1	Spearfish Canyon Resorts LLC	LC	COM	0.34	N/A	147.7
1623-1	Oak Mountain Country Estates Homeowners Association	LC	SHD	0.035	N/A	15.2
1725-1	Aspen View Subdivision	LC	SHD	0.02	N/A	8.7
1819-2	Strato-Rim Estates Inc	LC	SHD	0.5	N/A	217.2
1864-2	High Meadows Water Inc	LC	SHD	0.06	N/A	26.1
1900-1	City of Deadwood	LC	MUN	0.1	N/A	43.4
1969-1	Terry Trojan Well No. 2	PE	WDS	0.22	46	46
1989-2	Rushmore Cave	LC	COM	0.055	N/A	23.9
2008-1	City of Lead	PE	IND	0.022	1	1.0
2045-2	Whispering Pines Water Association	LC	SHD	0.08	N/A	34.8
2253-2	Highmeadows Ranchettes Water Users Association	LC	SHD	0.044	N/A	19.1
2288-2	Black Hills Resorts Inc	LC	COM	0.03	N/A	13
2295-2	Colonial Pine Hills Sanitary District	LC	SHD	0.289	N/A	125.5
2305-2	Spring Canyon Water Co	LC	SHD	0.044	N/A	19.1
2389-2	Sitting Bull Crystal Cave	LC	COM	0.022	N/A	9.6
2424-2	South Canyon Country Estates Homeowners Association	LC	SHD	0.56	N/A	243.3
2449-2	Oak Water Users Association Inc	LC	SHD	0.25	N/A	108.6
2507-2	Hani Shaffi	LC	SHD	0.067	N/A	29.1
2600-2	Gary Kluthe	LC	SHD	0.044	N/A	19.1
2782-2	Big Game Storage LLC	LC	COM	0.027	1	1
2791-2	Twisted Oak Trail Road District	LC	WDS	0.067	1	1
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic					TOTAL:	1,823.1
IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, WDS Water Distribution System						

Currently, there are two irrigation water rights/permits authorized to appropriate water from the Deadwood aquifer – Water Rights Nos. 1458-1 and 2056A-2 (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Water Right No. 1458-1 was approved in 1989 (Water Rights, 2022c); therefore, a period of record of reported irrigation withdrawals exists for this water right (Water Rights, 2022a). Water Right No. 2056A-2 was approved in 2016 for the irrigation of 107 acres (Water Rights, 2022c); therefore, there is a limited period of record of reported irrigation withdrawals for this water right (Water Rights, 2022a). Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for Water Right No. 2056A-2. Therefore, the estimated average annual withdrawal rate for Water Right No. 2056A-2) is approximately 107 acre-feet per year (Water Rights, 2022c). The collective estimated average annual withdrawal rate for the irrigation water rights/permits authorized to withdraw water from the Deadwood aquifer is approximately 134.4 acre-feet/year (Table 3) (Water Rights, 2022a and 2022c).

Table 3. Estimated annual use for the irrigation water rights/permits authorized to divert water from the Deadwood aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Acres	Authorized Diversion Rate (cfs)	Estimation Method	Estimated Use (acre-feet/year)
1458-1	Lead Country Club	LC	IRR	52	0.18	Average Reported 1989-2020	27.4
2056A-2	Countryside Homeowner's Association	LC	IRR	107	0.3	Assuming 12-inch application rate per authorized acre	107
LC: Licensed Water Right; IRR: Irrigation						TOTAL:	134.4

Hydrologic Budget Summary

The estimated average annual recharge rate to the Deadwood aquifer is approximately 14,500 acre-feet per year. The estimated average annual withdrawal rate from the Deadwood aquifer is approximately 1,968.2 acre-feet per year (non-irrigation: 1,823.1 acre-feet/year; irrigation: 134.4 acre-feet/year; Water Permit Application No. 2015-1 (if approved, assuming full volume appropriation): 10.7 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Deadwood aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors five observation wells completed into the Deadwood aquifer (Water Rights, 2022b). The three closest observation wells to the well the applicant proposes to use LA-96A (approximately 12 miles southwest), LA-94B (approximately 16.5 miles southwest), and PE-96B (approximately 22.5 miles southeast) (as shown in Figure 1). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

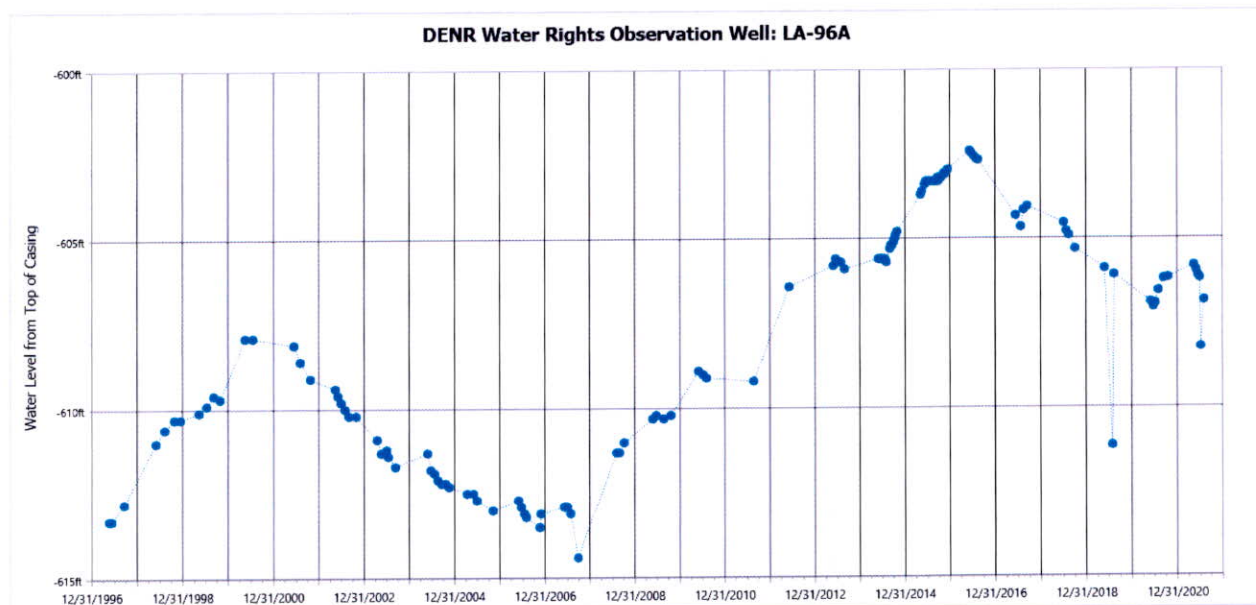


Figure 2. Hydrograph for observation well LA-96A (Water Rights, 2022b)

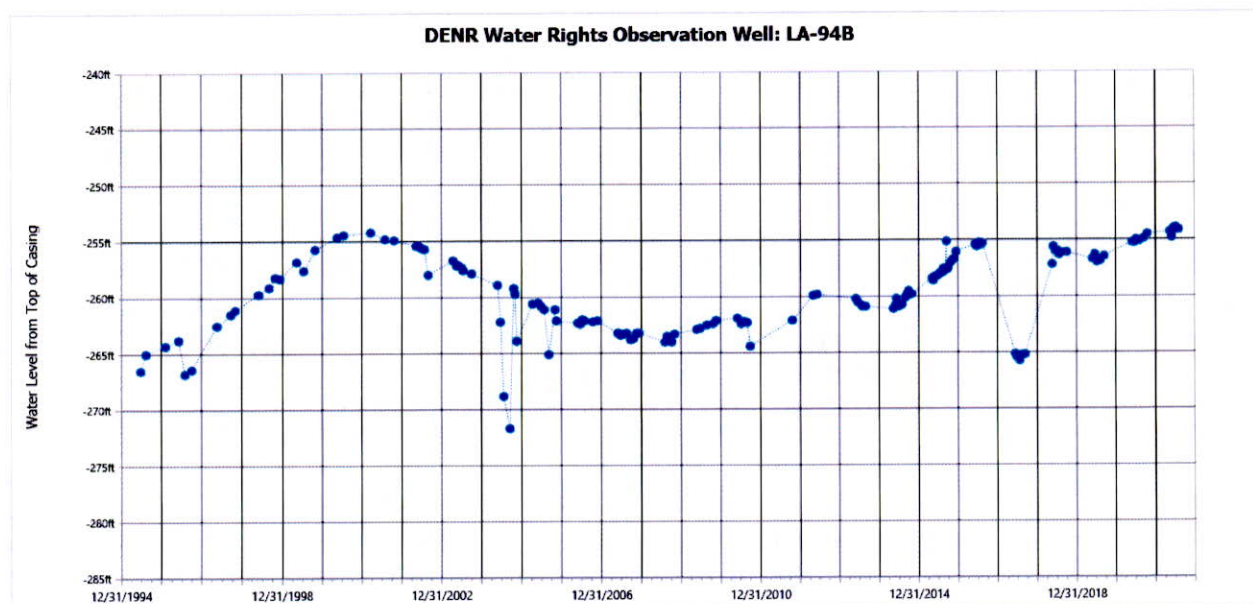


Figure 3. Hydrograph for observation well LA-94B (Water Rights, 2022b)

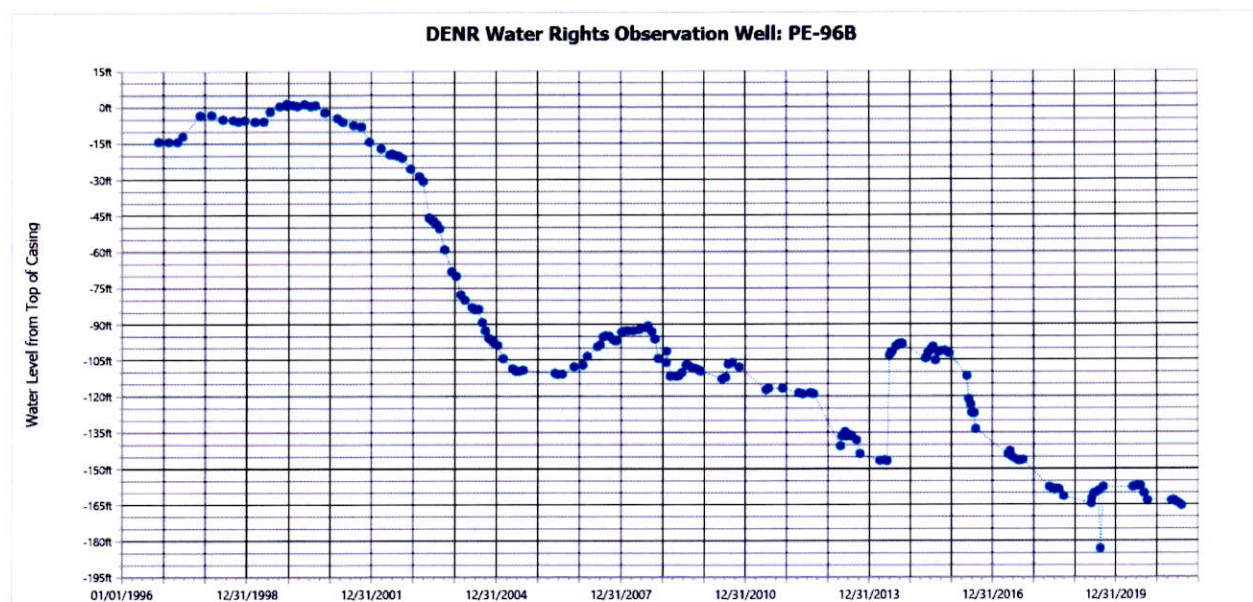


Figure 4. Hydrograph for observation well PE-96B (Water Rights, 2022b)

Observation well PE-96B (approximately 22.5 miles southeast of the existing well) appears to not be functioning properly and therefore, is not reflective of the actual water levels of the Deadwood aquifer. The water level data for observation well PE-96B shows a declining trend in water level, while still showing some response to climatic conditions (as shown in Figure 4) (Water Rights, 2022b). The large, sudden rise of water level (over 40 feet), during 2014, and the long-term decline of the water level with minimal development of the aquifer in the immediate area of the well, contradictory to water levels shown in the other observation wells, indicates the well may not be functioning properly (Water Rights, 2022b). Furthermore, observation well PE-96B will be excluded from this analysis.

While ignoring what may be non-representative or anomalous data from observation well PE-96B, the hydrographs for the observation wells display generally stable to slightly increasing water levels over their respective periods of record. Examination of the hydrographs for observation wells completed into the Deadwood aquifer show no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a few miles of high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2022b and 2022c). The hydrographs for the Deadwood aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the Deadwood aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 33 water rights/permits authorized to appropriate water from the Deadwood aquifer (Water Rights, 2022c). The closest water right/permit to the existing well is Water Right No. 1596-1, which is held by Radio Tower Homeowners. The diversion point for Water Right No. 1596-1 is located approximately 1.1 miles northeast of the existing well proposed to be used for this application (Figure 5) (Table 4) (Water Rights, 2022c).

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Deadwood aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.3 miles north of the existing well (Water Rights, 2022d). There could potentially be other domestic wells completed into the Deadwood aquifer near the existing well that are not on file with the DNR-Water Rights Program.

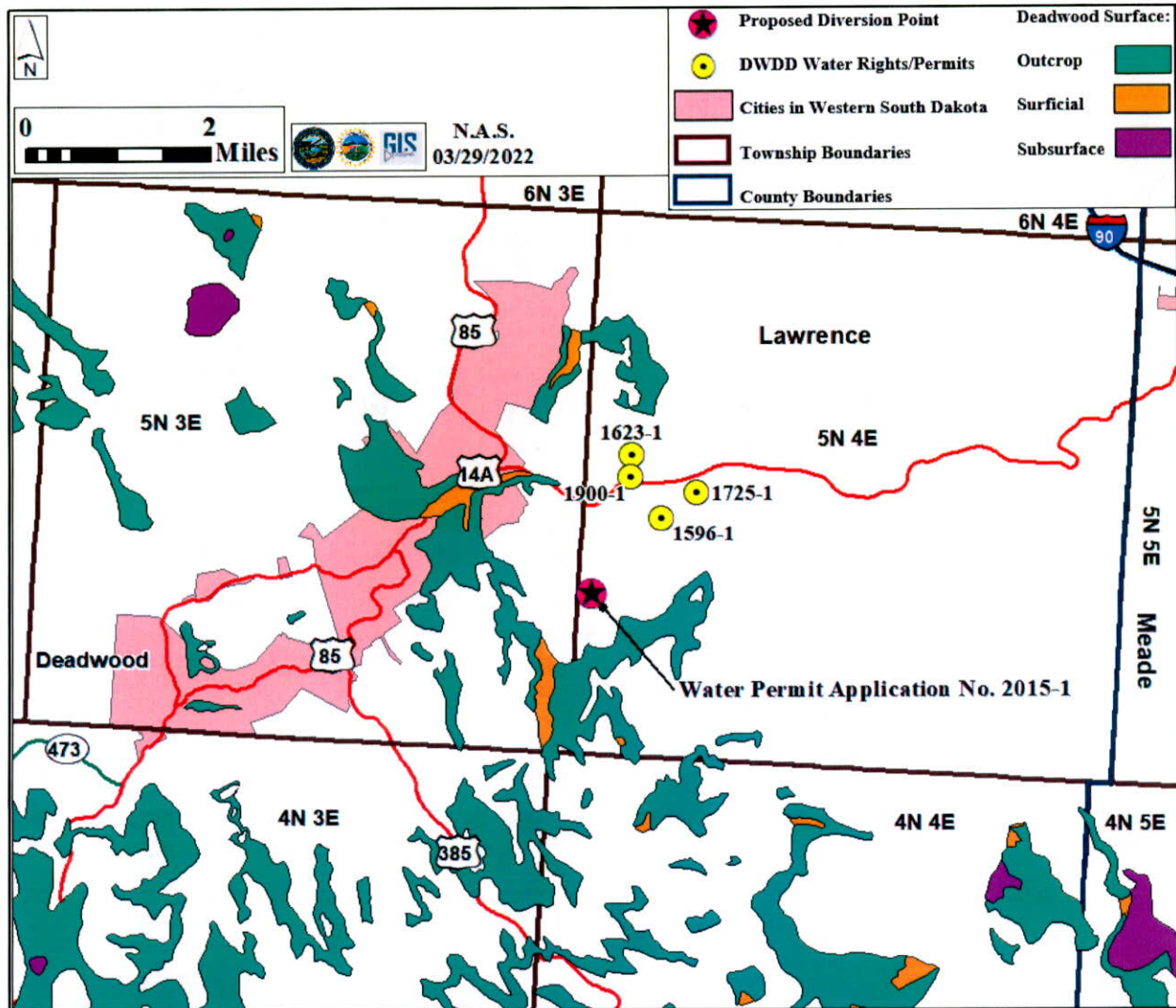


Figure 5. Location of the existing well proposed to be used by Water Permit Application No. 2015-1, with the Deadwood aquifer water rights/permits within approximately five miles (Water Rights, 2022c)

Table 4. Deadwood aquifer water rights/permits within approximately five miles of existing well proposed to be used by Water Permit Application No. 2015-1, as shown in Figure 5 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)
1596-1	Radio Towers Homeowners	LC	SHD	0.09
1623-1	Oak Mountain Country Estates Homeowners Association	LC	SHD	0.035
1725-1	Aspen View Subdivision	LC	SHD	0.02
1900-1	City of Deadwood	LC	MUN	0.1
LC: Licensed Water Right; MUN: Municipal; SHD: Suburban Housing Development				

In Lawrence County, the Deadwood aquifer is primarily confined with some variation in depth to the top of the aquifer and saturated aquifer thickness (Driscoll et al., 2003; SDGS, 2022; Water Rights, 2022d). The Deadwood aquifer is confined at the existing well site based on the submitted well completion report with Water Permit Application No. 2015-1, and the well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights, 2022d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Deadwood aquifer in Lawrence County near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well PE-84A (approximately 31 miles southeast of the existing well site) has three high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) within approximately one mile of it (Water Rights, 2022b and 2022c). The drawdown from pumping can be seen on the hydrograph for PE-84A, along with the aquifer returning to pre-pumping conditions between seasons (Figure 6) (Water Rights, 2022b). The lithologic log on file for PE-84A noted the well was drilled 940 feet deep, has a casing stickup height of one foot, with the top of aquifer is expected to be approximately 893 feet below the top of well casing (SDGS, 2022). The lowest recorded static water level on the hydrograph is approximately 445 feet below the top of the well casing, which indicates there was still about 450 feet of artesian head pressure in PE-84A even during drier periods when high-yield wells are expected to be pumping more water (Water Rights, 2022b).

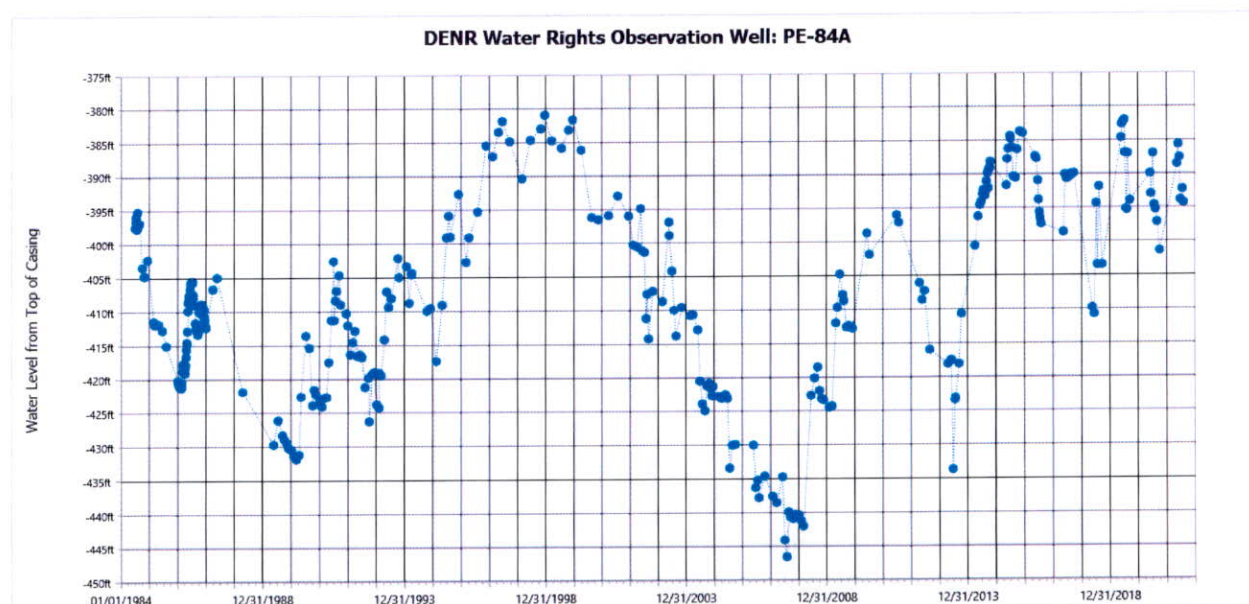


Figure 6. Hydrograph for observation well PE-84A (Water Rights, 2022b)

At the existing well site, the sandstone portion Deadwood aquifer, generally the most productive part of the aquifer, was only penetrated approximately 12 feet (Water Rights, 2022d). However due to the mixed materials nature of the Deadwood Formation (sandstone, dolomite, and dolomitic limestone (Martin et al, 2004)), it is likely the dolomite overlying the sandstone is a part of the Deadwood aquifer. Thus, the aquifer at the well site has a saturated thickness of approximately 64 feet. This would generally allow for enough thickness for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6). Any drawdown because of the proposed diversion is not expected to unlawfully impair nearby adequate wells. In Lawrence and Pennington Counties, there are no complaints on file with the DNR-Water Rights Program regarding well interference for adequate wells completed into the Deadwood aquifer (Water Rights, 2022c).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) 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.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Deadwood aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated aquifer thickness near the existing well site, the artesian head pressure in observation wells and appropriate user’s wells completed into the Deadwood aquifer near the existing well site, and the lack of well interference complaints from the Deadwood aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, the well proposed to be used by Water Permit Application No. 2015-1 is an existing well that has been in place and is presumed to have been in use for some time without any reported well interference complaints on file with the DNR-Water Rights Program (Water Rights, 2021d). Therefore,

there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 2015-1 proposes to appropriate up to 10.7 acre-feet of water annually at a maximum instantaneous diversion rate of 0.10 cfs from one well completed into the Deadwood aquifer (670 feet deep) for use in a water distribution system. The site of interest is located in Lawrence County approximately two miles southeast of Deadwood, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Deadwood aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2015-1 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



for Nakaila Steen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:


Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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- Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 5, 2022 8:53 AM
To: 'hassonpd@gmail.com'
Subject: Water Permit Application No. 2015-1, Two Bit Ranch Estates Homeowners
Attachments: 3201.pdf

Pat & Carol Hasson,

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for Water Permit Application No. 2015-1, Two Bit Ranch Estates Homeowners Association. As stated in the letter, it is important that someone contact the paper as soon as possible to authorize publication and arrange for payment.

This information is being mailed to Two Bit Ranch Estates Homeowners, c/o Jerry Franken today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



RECEIVED

APR 22 2022

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. 2015-1

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 14th day of April, 2022, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 38.82, 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 20th day of April, 2022

[Signature]

Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

NOTICE OF APPLICATION NO. 2015-1 to Appropriate Water

Notice is given that Two Bit Ranch Estates Homeowners Association Inc, c/o Jerry Franken, PO Box 119, Deadwood SD 57732 has filed an application for a water permit to appropriate 10.7 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Deadwood Aquifer (670 feet deep) located in the NW 1/4 NW 1/4 Section 30 for a water distribution system located in Section 30; all in T5N-R4E. This site is located approximately 2 miles southeast of Deadwood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2015-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A

petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 25, 2022.

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 once at the total approximate cost of \$39.79.

#282
Apr 14

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 5, 2022 8:46 AM
To: Legals (legals@bhpioneer.com)
Subject: 2015-1, Two Bit Ranch Estates Homeowners Assoc.
Attachments: 2015-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 14, 2022.

Two Bit Ranch Estates Homeowners Assoc, c/o Jerry Franken, PO Box 119, Deadwood SD 57732 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

April 5, 2022

Two Bit Ranch Estates Homeowners Association
c/o Jerry Franken
PO Box 119
Deadwood SD 57732

Dear Mr. Franken:

Water Permit Application No. 2015-1 for a 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 Black Hills Pioneer printed at Spearfish SD (Ph # 605 642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization 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 Rights Program
(605) 773-3352

Enclosures

c: Pat & Carol Hasson, Certified Water Systems Operators

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. 2015-1 to Appropriate Water

Notice is given that Two Bit Ranch Estates Homeowners Association Inc, c/o Jerry Franken, PO Box 119, Deadwood SD 57732 has filed an application for a water permit to appropriate 10.7 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Deadwood Aquifer (670 feet deep) located in the NW 1/4 NW 1/4 Section 30 for a water distribution system located in Section 30; all in T5N-R4E. This site is located approximately 2 miles southeast of Deadwood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2015-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 25, 2022.

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 once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 01 2022

Two Bit Ranch Estates Homeowners Association Inc.
c/o Jerry Franken
PO Box 119
Deadwood SD 57732

Dear Mr. Franken:

Enclosed is Water Permit No. 2015-1 authorizing construction of the 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,

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

enclosures

c: Pat & Carol Hasson, Certified Water System

RECEIVED

JUL 20 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

July 18, 2022

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

FROM:

Two Bit Ranch Estates Homeowners Association Inc
(name)PO Box 119

(address)

Deadwood SD 57732

(city, state, zip)

605-206-1117

(phone)

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

Water Permit No. 2015-1 states that the water use system is to be constructed by

April 25, 2022
(date)

, and water is to be put to beneficial use by

April 25, 2022
(date)

The water use system was completed on

April 25, 2022
(date)

Applying the water to beneficial use was completed on

April 25, 2022
(date)

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

Gail Miller

(signature)

