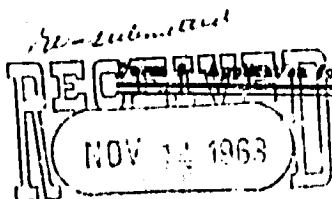


- 716-1
1. Considered 1-15, 1964
 2. Name of Applicant City of Newell
 3. Post Office Address _____
 4. Amount of water claimed 44
 5. Source of water supply ground water (Lakota)
 6. Water to be used for municipal
Acres to be irrigated _____
 7. Water to be diverted and used in Butte County about
_____ miles _____ of _____
 8. Proof of Publication Received ✓
Not Received _____
 9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

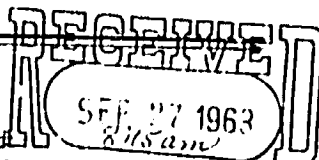
10. Remarks:



Form 1 Approved for Permit to Appropriate Water—Original

No. 716-1

Water Division No. 1 PELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Newell
Postoffice address Newell, County Butte, State S. Dak.

- I. If a corporation _____
(a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Newell City Water Well No. 2
3. Amount of water claimed 200 cfs cubic feet per second
4. Source of water supply Artesian well at Lakota formation
5. Location of point of diversion See accompanying map.
North West Section 33 T4N R4E on _____ bank _____ County.
6. Annual period or periods during which water is to be used Continuous
7. To be used for: Municipal Use.

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____
(a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
(c) Statement as to domestic use (giving location, etc.) Municipal Use.

- II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Municipal Use.
Name any of the above uses claimed _____
(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
(c) Location of plant _____
(d) Method of developing power _____
(e) Point where water will be returned to stream _____

MAP 110500-1

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$18,000.00 Est.

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

City Distribution Works

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;

Material

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....Five.....years.

11. Time required for complete application of water to the proposed beneficial use.....9.....years.

12. Choice of newspaper for publication of notice of intention to appropriate

The Valley Irrigator, Newell, S. Dak.

STATE OF SOUTH DAKOTA

County of Butte

ss.

I, Hugh T. Canton, Mayor, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Mayor, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

H. T. Canton, Mayor
for the City of Newell, S. Dak.

Subscribed and sworn to before me this 12

day of

1963

Notary Public (or other qualified officer.)

Form 2A — Wells (Supplement to Form 2)

FOLLOWING INFORMATION IS SUPPLIED FOR PROPOSED DRILLING OF WATER WELL BY THE CITY OF NEWELL, S. DAK.

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation $8\frac{3}{4}$ inches Depth Est. 2000'

Type of casing Steel Pipe
(wood, concrete, steel, etc.)

Size of casing 100' of 10" Steel Surfacing Casing
2,800' of 6" ID Thickness of casing 13.37 lbs. per ft.

Length of casing If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Torch-perforated steel pipe

Size of perforated screen 6" ID Casing (diameter), Depends on sands (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water Approx. 2,800' Character of water bearing materials

We will drill through Lakota formation

Thickness of water bearing material

(d) Pump and Motor

Type of pump Submersible
(centrifugal, propeller, mixed flow, etc.)

Name of pump Reda, size Est. 25 H. P.

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower Est. 25 HP Name of Motor Reda

(e) Complete well

Capacity Unknown at drawdown of Unknown Estimated cost \$18,000.00

(f) Owner of land upon which well is located City of Newell, S. D.

Newell, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property NONE rods. On property owned by others 3 Miles rods

Legal description of property on which well is to be located:
MINER, Sec. 32, Twp. 9, Range 6E.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

January 16, 1964

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

a.m. upon the 27th day of September, 1963

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit

716-1

Date of first receipt of application

September 27, 1963

Date of return to applicant for correction, amendments or changes required as follows

October 3, 1963

Date of receipt of corrected application

October 4, 1963

Date from which applicant may claim right

September 27, 1963

Approved

January 15, 1964

Recorded in Book

8

Page

150

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

July 15, 1966

2nd. The whole of said work is to be completed on or before

January 15, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

January 15, 1973

4th. The water appropriated shall be used for the purpose of

municipal use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .44 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

used for municipal purposes

and beneficially applied for irrigation on or before January 15, 1973; said water to be used during the following described annual period:

continuously

Witness my hand this

16th

day of

January, 1964

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

SEPTEMBER 11, 1969

Water License Issued

SEPTEMBER 11, 1969

STATE OF SOUTH DAKOTA

WATER LICENSE NO. . . 716-1

(1) WHEREAS, On the 27th day of September, A. D. 19 63
the City of Newell

made Water Right Application No. 716-1 for a permit to use .44 cubic feet per second of the waters of ground water

County of Butte, State of South Dakota, for municipal

purpose; and

(2) WHEREAS, On the 16th day of January, A. D. 19 64

Permit No. 716-1, with a date of priority of September 27, 1963

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 15th day of January, A. D. 19 69 and for the application to beneficial use of said water on or before the 15th day of January, A. D. 19 73

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .44 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to be used for municipal purposes in the City of Newell

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confer to the City of Newell

~~xxxx~~
the holder _____ and owner _____ of said permit No. 716-1 a water right, dating from September 27, 1963
to use of .44 cubic feet per second of the waters
of ground water

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point in Tract "A" in the NW 1/4 NE 1/4
Section 32, T9N, R6E

~~and conducted through the city water distribution system~~
~~xxxxxxxxxxxxxxx~~

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 716-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 11th day of September A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer , J.W. GRIMES

Form 15.

Permit No. 716-1

Water Diversion No. 1 ~~BEILE FOURCHIE RIVER~~ Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That THE City of Newell

_____ the holder _____ of
Permit No. 716-1, issued upon Application No. 716-1, bearing date of priority of September 27
1963 authorizing the diversion of .44 cu. ft. per second of the waters of
ground water County of Butte, State of South Dakota at
a point in Tract "A" of the NW 1/4 NE 1/4, Section 32, T9N, R6E
_____, for municipal

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .44 cu. ft. per second of water.

Date September 11, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Bull } ss.

Thy. Gled. Lene being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Valley Irrigator a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

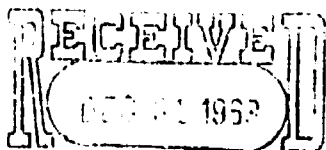
City of Newell County of Bull and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

December 5, 1963
December 12, 1963
December 19, 1963
December 26, 1963

in each and every issue of the full number thereof, the first publication being made on the 5th day of December 1963 and the last publication on the 26th day of December 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 28 day of December A. D. 1963



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak.
November 27, 1963
Notice is hereby given that the City of Newell, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .41 cubic feet of water per second of time from artesian ground water through the Newell Water Well No. 2, the point of diversion of which is to be located in the NW 1/4 of the NE 1/4 of Section 32 Twp. 6N Range 6E. Said water to be used for the purpose of providing Municipal supplies for the City of Newell.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 1st day of January, 1964, at 2:00 P. M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission

By: HURTON E. JONES
1061 Water Right Specialist

Notary Public Bulle County, S. D.

on or before
(First Publication December 19, 1963.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 27, 1963

Notice is hereby given that The City of Howell ~~hereinafter~~

~~addressed to~~ S. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .44

cubic feet of water per second of time from ~~the~~ artesian ground water through the

Howell Water Well #2, the point of diversion of which is to be located on the ~~bank of said stream~~

~~in the~~ NW ¼ of the 63 ¼ of Section 32

Twp. 2 N Range 6 E. Said water to be used for the purpose of providing ~~irrigation~~

~~irrigation~~ lowering described land

Municipal supplies for the City of Howell

~~made for~~ ~~hereinafter~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of January, 19 64 at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: F. Iyn Gladstone - Publisher
Valley Irrigator
Howell, South Dakota

By:

BURTON F. JONES
Water Right Specialist

Permit No. 716-1
BELLE FOURCHE
 Water Division 1 RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THE CITY
OF NEWELL holder
 of Permit No. 716-1, bearing date of priority of SEPTEMBER 27, 1963
 authorizing the diversion of .44 cu. ft. per second of the waters of GROUND WATER
 for MUNICIPAL purposes, in BUTTE County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

2665' DEEP WELL W/ 100' OF 10" SURFACE
CASING & 8" THE REMAINING DEPTH.

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

STA-RITE 4" SUBMERSIBLE PUMP W/ 40 H.P.
FRANKLIN ELECTRIC MOTOR

C. Works used to apply water to beneficial use.

8" TRANSITE MAINLINE TO CITY DISTRIBUTION
SYSTEM & STORAGE

The system is in the following condition: EXCELLENT

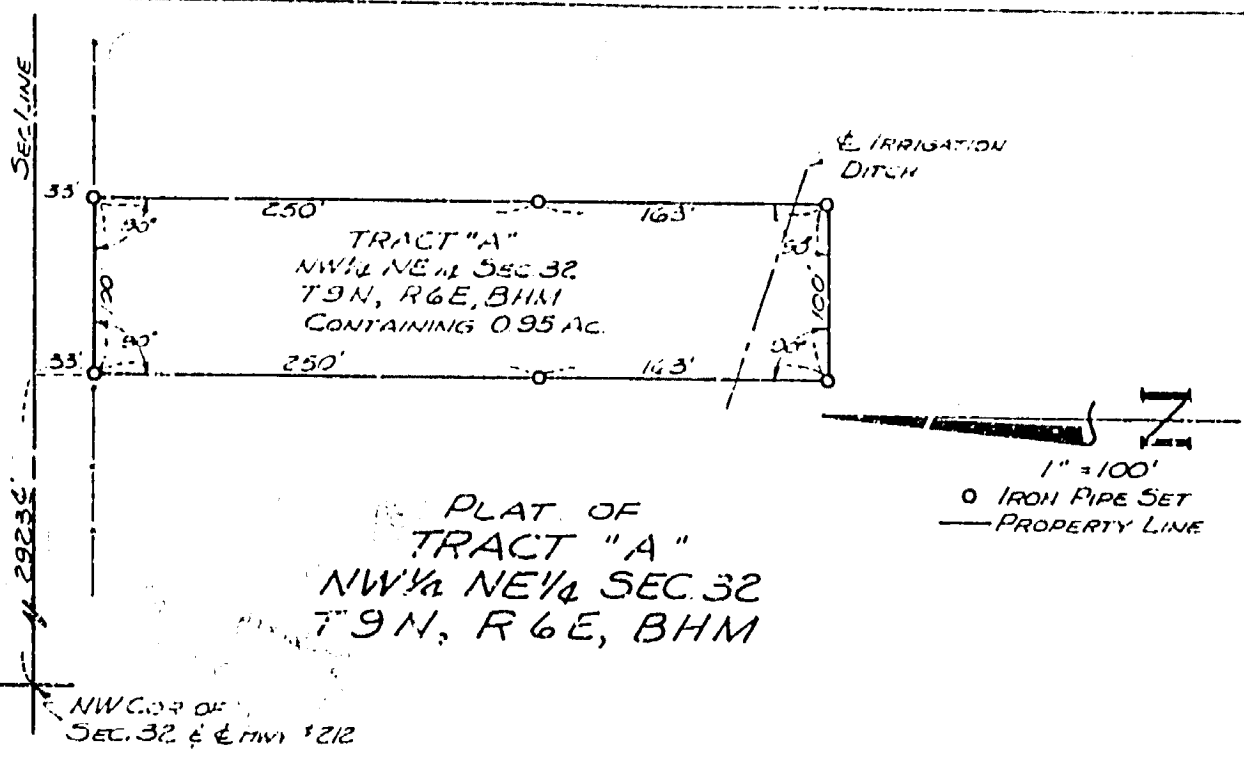
The point of diversion is located IN TRACT "A" OF THE NW⁴ NE⁴,
SECTION 32, T9N, 26E

The works are capable of diverting and conveying to the place of use .44
 cu. ft. per second of water which is to be used for MUNICIPAL PURPOSES

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Date JULY 24, 1969
Barton E. Jones
 (Signature)
 WATER RIGHT SPECIALIST



MAP NO 599-1 APPL NO 716-1

SURVEYOR'S CERTIFICATE

I, George G. Ross, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE VINCATION OF THE OWNER, I HAVE SURVEYED AND PLATTED TRACT "A" NW 1/4 NE 1/4 SEC. 32 T9N, R6E, B1M1 AS SHOWN HEREON, ALL DIMENSIONS SHOWN ARE TRUE AND CORRECT.

George G. Ross
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA, COUNTY OF LAWRENCE
BE IT REMEMBERED THAT ON THIS 23 DAY OF SEPTEMBER, 1963, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED GEORGE G. ROSS KNOWN TO ME TO BE THE PERSON, DESCRIBED IN, AND WHO EXECUTED THE FOREGOING CERTIFICATE. MY COMMISSION EXPIRES APRIL 28, 1963.

George E. Olmsted
NOTARY PUBLIC

OWNER'S CERTIFICATE

I, Robert E. Koskela, OWNER OF TRACT "A" NW 1/4 NE 1/4 SEC. 32 T9N R6E, B1M1, DO HEREBY APPROVE THE SURVEY AND PLAT, WITNESS (OUR, MY) HAND THIS DAY OF , 1963.
OWNER Robert E. Koskela
OWNER

ACKNOWLEDGMENT OF OWNER

STATE OF South Dakota, COUNTY OF Butte
DAY OF October, 1963, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED Robert E. Koskela KNOWN TO ME TO BE THE PERSON DESCRIBED IN, AND WHO EXECUTED THE FOREGOING OWNER'S CERTIFICATE. MY COMMISSION EXPIRES Dec. 7, 1967.

E. Leroy Hill
NOTARY PUBLIC

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE
I, Edith E. Enay, COUNTY TREASURER OF BUTTE COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE LAND PLATTED HEREON

AS SHOWN BY RECEIPTS OF MY OFFICE, HAVE BEEN PAID TO DATE.

DATE: Nov. 6, 1962
Edith E. Enay
COUNTY TREASURER

OFFICE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE
FILED FOR RECORD THIS 12 DAY OF November, 1963, AT 11:55 O'CLOCK A.M. AND RECORDED IN BOOK 8 OF PLATS ON PAGE 60 THEREIN.

Ernest K. Kowalski
RECEIVED
REGISTER OF DEEDS

OFFICE OF COUNTY ASSESSOR

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE
I, Raymond M. Mena, COUNTY ASSESSOR, HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT.

RESOLUTION BY GOVERNING BOARD

I, Raymond M. Mena, AUDITOR OF BUTTE COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON Nov 7, 1963, THE BUTTE COUNTY BOARD OF COMMISSIONERS BY RESOLUTION DID APPROVE THE ATTACHED PLAT.

Raymond M. Mena
AUDITOR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 2009

Mike Wolff, Acting Mayor
City of Newell
PO Box 405
Newell SD 57760-0405

David Jagim, Manager
Brosz Engineering
Box 636
Sturgis SD 57785

Dear Mayor Wolf and Mr. Jagim:

I am writing in regard to the request filed by Brosz Engineering on behalf of the city to change the location of the well authorized by Water Right No. 716-1.

Water Right No. 716-1 appropriates 0.44 cubic feet of water per second (200 gpm) from one well, commonly known as the east well, completed into the Inyan Kara Formation located in the NW ¼ NE ¼ Section 32, T9N, R6E. The city holds a separate water right (No. 731-1) for their west well.

This request is to drill a new well located within 50 feet of the current east well. Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. If the peak diversion rate diverted from the new well exceeds the authorized amount of 200 gpm, a new water right permit will need to be obtained for the amount in excess of this amount.

The Water Rights Program understands that the existing east well will be abandoned. If this is the case, the abandoned well must be plugged in accordance with South Dakota well construction standards.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Approval of a Change of Diversion Points

NAME: City of Newell

ADDRESS: PO Box 405, Newell SD 57760-0450

DATE: September 24, 2009 **COUNTY:** Butte **TELEPHONE:**

BACKGROUND:

Brosz Engineering, consultant for the city of Newell, has filed to change the location of the well, commonly known as the east well authorized by Water Right No. 716-1.

Water Right No. 716-1 appropriates 0.44 cubic feet of water per second (200 gpm) from one well, commonly known as the east well, completed into the Inyan Kara Formation located in the NW ¼ NE ¼ Section 32, T9N, R6E. The city holds a separate water right (No. 731-1) for their west well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 716-1 is the Inyan Kara Aquifer. The new well will be completed into this same source

No additional appropriation of water is requested. The existing water right authorizes a total diversion of 0.44 cfs from the well. The request states the anticipated production from the well is 140 gpm which equates to 0.31 cfs which is less than the authorized amount. No additional water will be appropriated by the change in the well location. This request is solely for a replacement well in relative close proximity to the existing east well.

- **Review of Existing Diversions**

A review of domestic wells and existing water rights in the surrounding sections was conducted.

Using the Water Rights Program's well log database, the nearest domestic well is found to be 2.7 miles west of this well. The next closest domestic well is approximately 9 miles northwest of Newell's well.

A review of water rights in the area was also conducted. The nearest water right from the Inyan Kara is approximately 7.6 miles away. This water right is held by the town of Nisland.

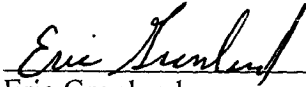
This is a rural area and there are not very many wells completed into the Inyan Kara because of the cost associated with drilling this deep a well.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The well is completed into the Inyan Kara Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing this change in well location.
- The abandoned well must be plugged in accordance with SD well construction standards.

RECOMMENDED ACTION

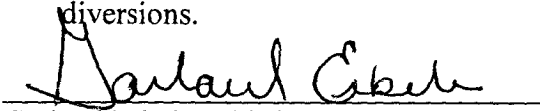
Based on the above criteria, it is recommended that the change of diversion point of well be authorized under Water Right No. 716-1.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



3561 Whitewood Rd., Box 636
Sturgis, SD 57785
Phone: (605)347-2722
Fax: (605)347-2822

September 17, 2009

Engineering, Inc.

Registered in North Dakota, South Dakota, and Montana

Garland Erbele, Chief Engineer
PMB 2020 Water Rights Program
Department of Environment and Natural Resources
523 East Capitol
Pierre, South Dakota 57501

RECEIVED

SEP 21 2009

WATER RIGHTS
PROGRAM

Re: Water Rights – Newell, South Dakota

Dear Mr. Erbele:

Brosz Engineering, Inc. has been hired by the City of Newell to provide engineering services for the replacement of the "East" well in Newell. The well that is being replaced is one of two wells that the City uses to supply drinking water needs for the City. The City of Newell has been awarded a Stimulus Program Loan through the DENR's Drinking Water Program to pay for part of the cost of this project. Other funding is expected to be available through an Economic Development Grant from the Governor's Office.

In a telephone conversation with Mr. Ron Duvall, he informed me that while a new Application for Water Rights should not be required, the Department of Environment and Natural Resources would require a notification of any pending action that indicates any change of water source or other factors that may impact the production of water from available aquifers.

The existing wells are located south of the City and are approximately 2,800 feet apart. The original west well was replaced in 2000. The east well has been in production since sometime in the 1950's. The City's wells are currently permitted for 200 gallon per minute (GPM). Historically, actual production from these wells ranges from approximately 80 to 110 GPM.

The replacement well will be drilled within 50 feet of the current well on City owned land. The water source for the well will remain unchanged. The new well will be drilled in to the Lakota Formation. Anticipated production from the well is 140 GPM, which is also unchanged for the existing well. A map (Attachment A) showing the relative locations of the City wells is enclosed for your information.

Thank you for your consideration of this matter. The intent of this letter is to provide assurance that the City of Newell's plan for replacing this well is done in compliance with the South Dakota Water Rights Permitting regulations. If there is a need for any additional information, please let me know.

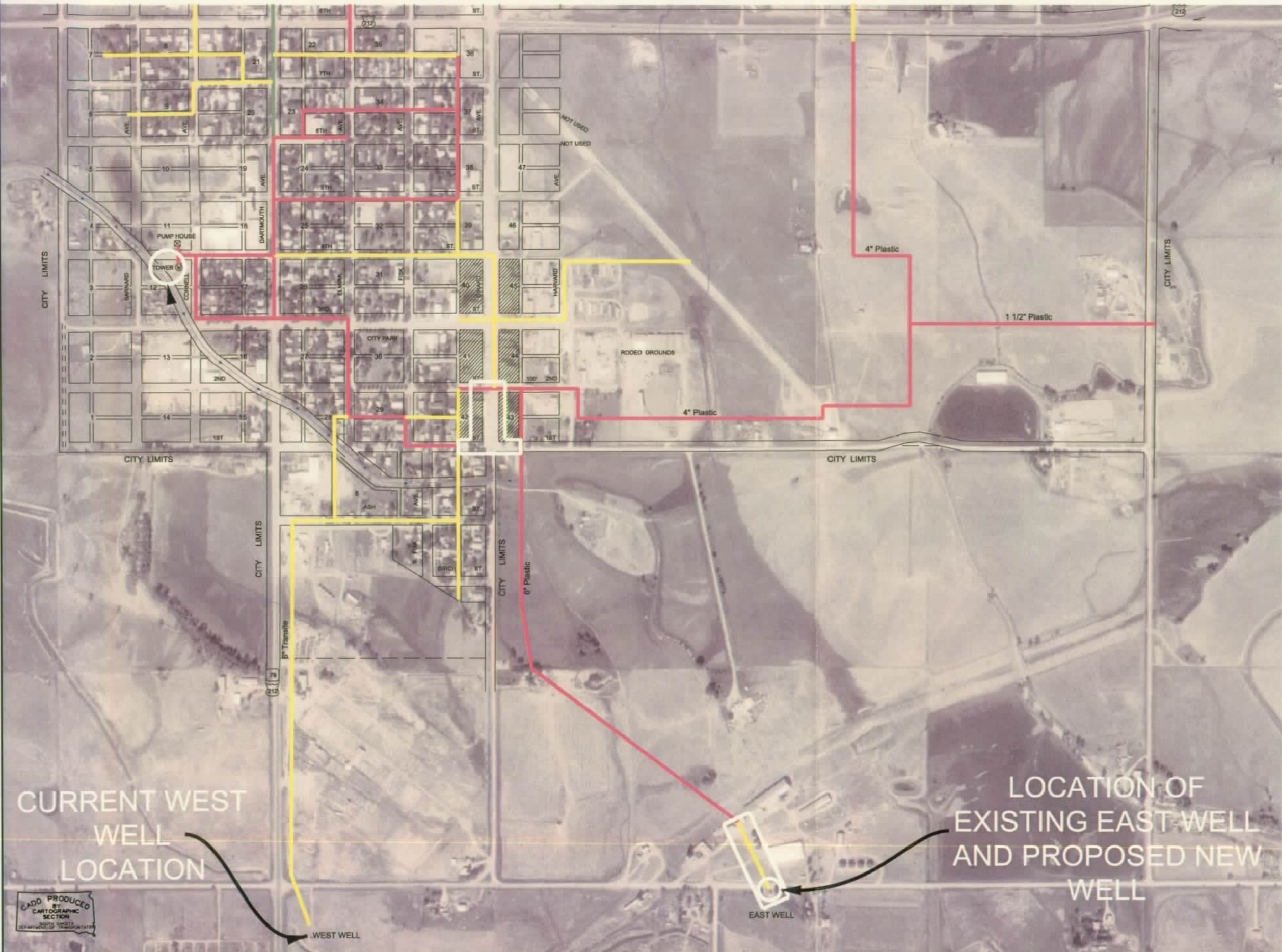
Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Jagim', with a horizontal line extending to the right.

David J. Jagim, Manager
Brosz Engineering, Inc. – Sturgis

CC; Mike Wolff – Acting Mayor of Newell
Bill Lass – Black Hills Council of Local Governments

ATTACHMENT A: WATER RIGHTS PERMIT



N
W E
S
RECEIVED
SEP 21 2009
WATER RIGHTS
PROGRAM

CITY MAP
NEWELL
BUTTE COUNTY - SOUTH DAKOTA
T 9 N-R 6 E
SCALE
0 300ft. 600ft.
POP. 875
1992
DRAWN BY
DEPARTMENT OF TRANSPORTATION
ALL STREET RIGHT OF WAY 60 FT.
ALLEYS 20 FT.
(UNLESS OTHERWISE INDICATED)
(UNOFFICIAL EDITION)

LEGEND

PUMP HOUSE ———— ⊗
TOWER ———— (W)

WATER MAIN

TRANSITE ————
PLASTIC ————
CAST IRON ————

Brosz
Engineering, Inc.

CONSULTING ENGINEERS - LAND SURVEYORS
REGISTERED IN NORTH DAKOTA,
SOUTH DAKOTA, MONTANA AND WYOMING

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Sturgis, South Dakota 57785
Phone: (605) 347-2722 Fax: (605) 347-2822

**LITHOLOGIC LOG FOR TOWN OF NEWELL
NEWELL EAST WELL REPLACEMENT
BUTTE COUNTY, SOUTH DAKOTA
NW-NE SEC 23 T9N R6E**

DEPTH	GENERAL LITHOLOGY	SAMPLE DESCRIPTION	COMMENTS
TOP SOIL			
0- 48	Clay	gray clay	
PIERRE FORMATION			
48-650	Shale	multi-colored silty calcareous clay - chips of pale And grayish yellow green silty clay	
650- 905	Shale	hard, platy olive black shale interbedded with siltstone	
905- 1200	Siltstone	olive black siltstone containing abundant sand and Clayey (Marl) interlayers	
1200-1252	Shale	Olive black shale, occasionally iron stained with interbedded Olive black marl, yellowish gray non-calcareous shale and calcareous siltstone	
TOP OF NIOBRARA FORMATION			
1252-1390	Chalk and shale	Calcareous light gray shale with white bentonite and chalk	
TOP OF CARLILE FORMATION			
1390- 1485	Shale	Dusky blue, fissile, non calcareous shale, pale-dark yellowish brown noncalcareous shale with streaks of v.f. sand	
1485- 1630	Shale	Grayish black non-calcareous shale and limestone interbedded with gray marl and olive gray sandstone	
TOP OF GREENHORN LIMESTONE			
1630- 1652	Limestone	Dark gray with rounded white calcareous grains, light gray sandy limestone with fine yellowish gray lime mudstone	
TOP OF BELLE FOURCHE SHALE			
1652- 1920	Shale	Brownish black, slightly fissile shale; abundant bentonite and minor yellowish brown calcareous shale	
TOP OF MOWRY			
1920- 2140	Shale	Brownish black, fossiliferous shale, pyrite and oxidized iron stains; Interbedded with white arkosic/calcareous sandstone, calcite veining and yellowish brown micaceous shale	
TOP OF MUDDY FORMATION			
2140-2250	Interbedded shale and sandstone	Brown - black shale containing dolomite concretions, pyrite, calcite veining. Finely laminated black and light olive gray shale with bentonite and calcite cemented v.f. sandstone	

TOP SKULL CREEK SHALE

2250- 2340	Shale	Black shale containing dolomite concretions, pyrite; Olive black shale with iron staining in lower shales
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TOP OF DAKOTA SANDSTONE

2340-2410	Interbedded Shale and Sandstone	Fine grained, calcite cemented, light gray sandstone, with non-calcareous dark gray shale and iron staining in lower olive black shale. Small amount of pyrite. Mostly shale.
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TOP OF FUSON SHALE

2410- 2450	Shale	Dark gray shale with minor amounts of yellowish brown siltstone, pyrite, and light gray sandstone, intermingled reddish and yellowish sandstone
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TOP OF LAKOTA SANDSTONE

2450-2465	Interbedded Shale and Sandstone	Fine grained, calcite cemented, light gray sandstone, with non-calcareous dark gray shale and iron staining in lower olive black shale. Small amount of pyrite.
2465-2495	Shale interbedded sand	Dark gray calcareous-non-calcareous shale intermingled with white clay light gray fine grained sandstone, intermingled with white clay with black streaks Silica cemented sand friable
2495-2575	Sandstone	Light olive gray v.f. to med. grained sub-angular to sub-rounded quartz sandstone Sandstone well cemented with silt and clay
2575-2600	Shale interbedded sand	Dark gray calcareous-non-calcareous shale intermingled with white clay light gray fine grained sandstone, intermingled with white clay with black streaks Silica cemented sand friable
2600- 2620	Sandstone	Light olive gray v.f. to med. grained sub-angular to sub-rounded quartz sandstone Sandstone well cemented with silt and clay

MORRISON FORMATION

2620-2650	Shale	Dark gray fissile shale, firm to soft, noncalcareous, interbedded with sandstone and white bentonite clay layers, Gray-green waxy soft green shale
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SUNDANCE FORMATION

2650-2665	Sandstone	Sandstone white to pink, fine-grained, friable, well rounded, silicate-rich sandstone
2665- 2680	Shale	light gray to dark gray shale with white bentonite stringers, sand stringers
2680-2690	Sandstone, Shale	Sandstone white to gray, fine-grained, friable, well rounded, silicate-rich sandstone, gray calcareous shale
2690-2732	Shale	gray calcareous shale
2732-2842	Sandstone	Sandstone white to gray, fine-grained, friable, well rounded, silicate-rich sandstone
2842- 2855	Shale	Gray calcareous shale with white to medium bluish gray siltstone;



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LABORATORY ANALYTICAL REPORT

CLIENT: Weston Engineering
Project: Newell East Well

Report Date: 10/29/10

Lab ID: R10100356-001 Matrix: DRINKING WATER
Client Sample ID: Pumphouse Tap

Collection Date: 10/26/10 11:30
Received Date: 10/26/10 12:40
Sampled By: Jerry Hunt

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	10/26/10 13:00 / dp
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	10/26/10 13:00 / dp

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.
The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



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LABORATORY ANALYTICAL REPORT

CLIENT: Weston Engineering

Project: Newell East Well

Report Date: 10/29/10

Lab ID: R10100344-001 **Matrix:** DRINKING WATER

Collection Date: 10/25/10 12:45

Client Sample ID: Wellhouse

Received Date: 10/25/10 17:30

Sampled By: Jerry Hunt

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	10/25/10 17:30 / tb
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	10/25/10 17:30 / tb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.
The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



MIDCONTINENT
TESTING LABORATORIES, INC.

Page 1 of 2

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709
(605) 348-0111 – www.thechemistrylab.com

Sample Site: **New East Well**
Sampled: 05/20/10 at 07:05 AM
Sample Matrix: Water

Lab ID#: 20100520930
Received: 05/20/10 at 09:30 AM
by Dean Aurand
Account: 8994
Brosz Engineering Inc

TIM BROSZ
BROSZ ENGINEERING
PO BOX 636
STURGIS, SD 57785

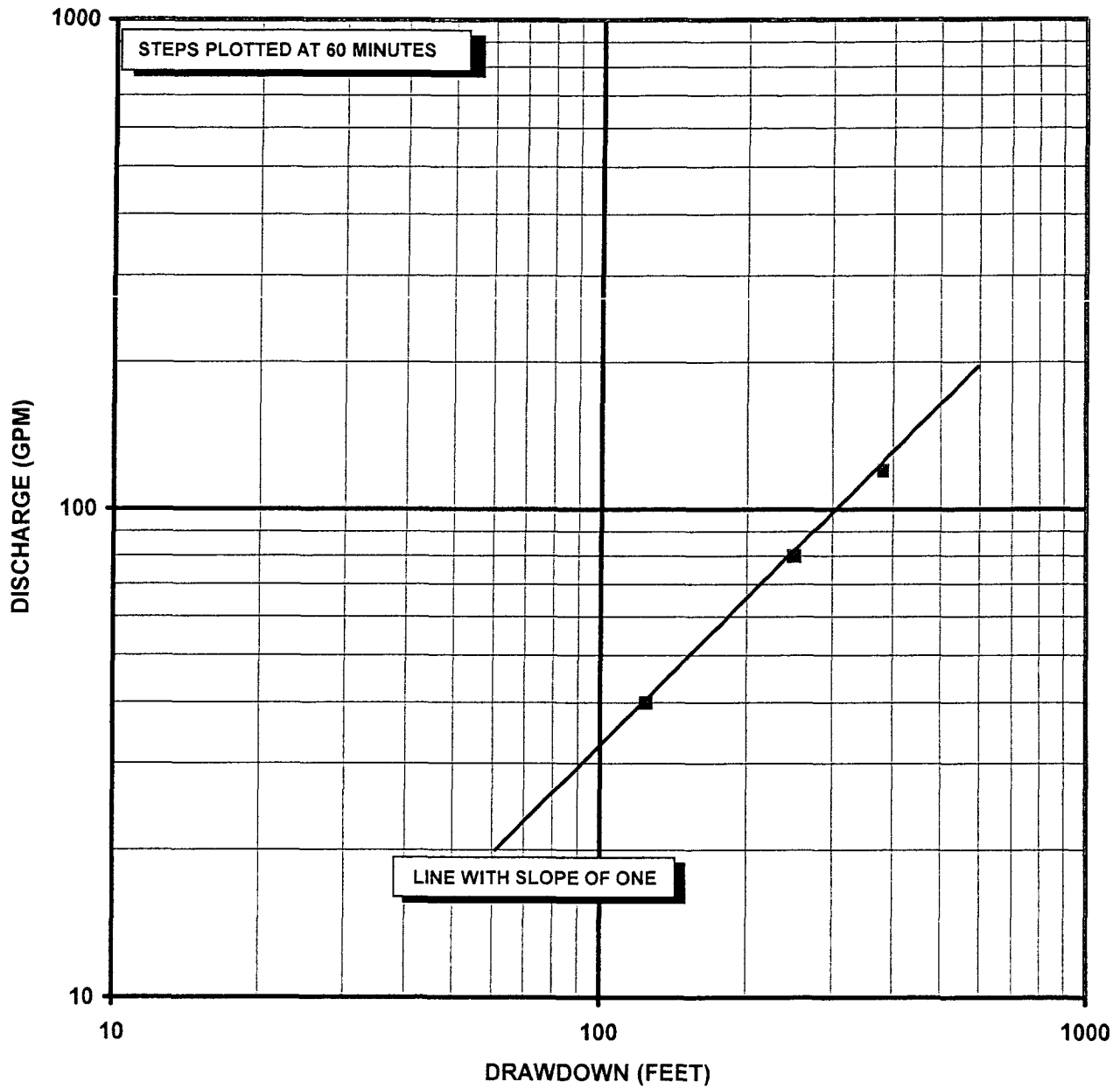
Parameter	Result	Units	DF	MDL	PQL	Method	Analyst/Date
Physical Properties							
Electrical Conductivity	1120	µmhos/cm	1	0.349	5.00	EPA 120.1	JAM 05/21/10
Non-Metallics							
Fluoride	1.04	mg/L	1	0.003	0.050	SM 4500 F-C	PAT 05/21/10
Nitrogen, Nitrate (NO3)	< 0.050	mg/L	1	0.009	0.050	SM 4500-NO3 F	BLL 05/21/10
Nitrogen, Nitrite (NO2)	< 0.050	mg/L	1	0.009	0.050	SM 4500-NO2 B	BLL 05/21/10
Sulfate (SO4)	248	mg/L	4	1.45	4.00	SM 4500-SO4 E	BLL 05/21/10
Metals - Dissolved							
Sodium (Na)	264	mg/L	25	5.14	12.5	SM 3111 B	NMA 05/21/10
Metals - Total							
Antimony (Sb)	< 0.005	mg/L	10	0.00013	0.005	EPA 200.8	SAC 05/21/10
Arsenic (As)	< 0.005	mg/L	10	0.0008	0.005	EPA 200.8	SAC 05/21/10
Barium (Ba)	0.011	mg/L	10	0.0001	0.005	EPA 200.8	SAC 05/21/10
Beryllium (Be)	< 0.001	mg/L	10	0.00013	0.001	EPA 200.8	SAC 05/21/10
Cadmium (Cd)	< 0.001	mg/L	10	0.00007	0.001	EPA 200.8	SAC 05/21/10
Chromium (Cr)	< 0.001	mg/L	10	0.00005	0.001	EPA 200.8 DRC	SAC 05/21/10
Mercury (Hg)	< 0.0002	mg/L	1	0.000012	0.0002	EPA 245.1	NMA 05/25/10
Nickel (Ni)	< 0.005	mg/L	10	0.00016	0.005	EPA 200.8	SAC 05/21/10
Selenium (Se)	< 0.005	mg/L	10	0.002	0.005	EPA 200.8	SAC 05/21/10
Thallium (Tl)	< 0.001	mg/L	10	0.0003	0.001	EPA 200.8	SAC 05/21/10
Bacteria							
Fecal Coliform	Absent		1			SM 9223 P/A	KLS 05/20/10
Total Coliform	Absent		1			SM 9223 P/A	KLS 05/20/10
Radiological							
Gross Alpha	< 3.10	pCi/L	1			E900.0	SYS 06/17/10
Radium-228	< 1.0	pCi/L	1			RA-05	SYS 06/10/10

Parameter	Result	Units	DF	MDL	PQL	Method	Analyst/Date
Precision Data							
Gross Alpha precision	± 2.60	pCi/L	1			MC-Gross alpha precision	SYS 06/17/10
Radium-228 precision	± 1.00	pCi/L	1			MC-Radium 228 precision	SYS 06/10/10

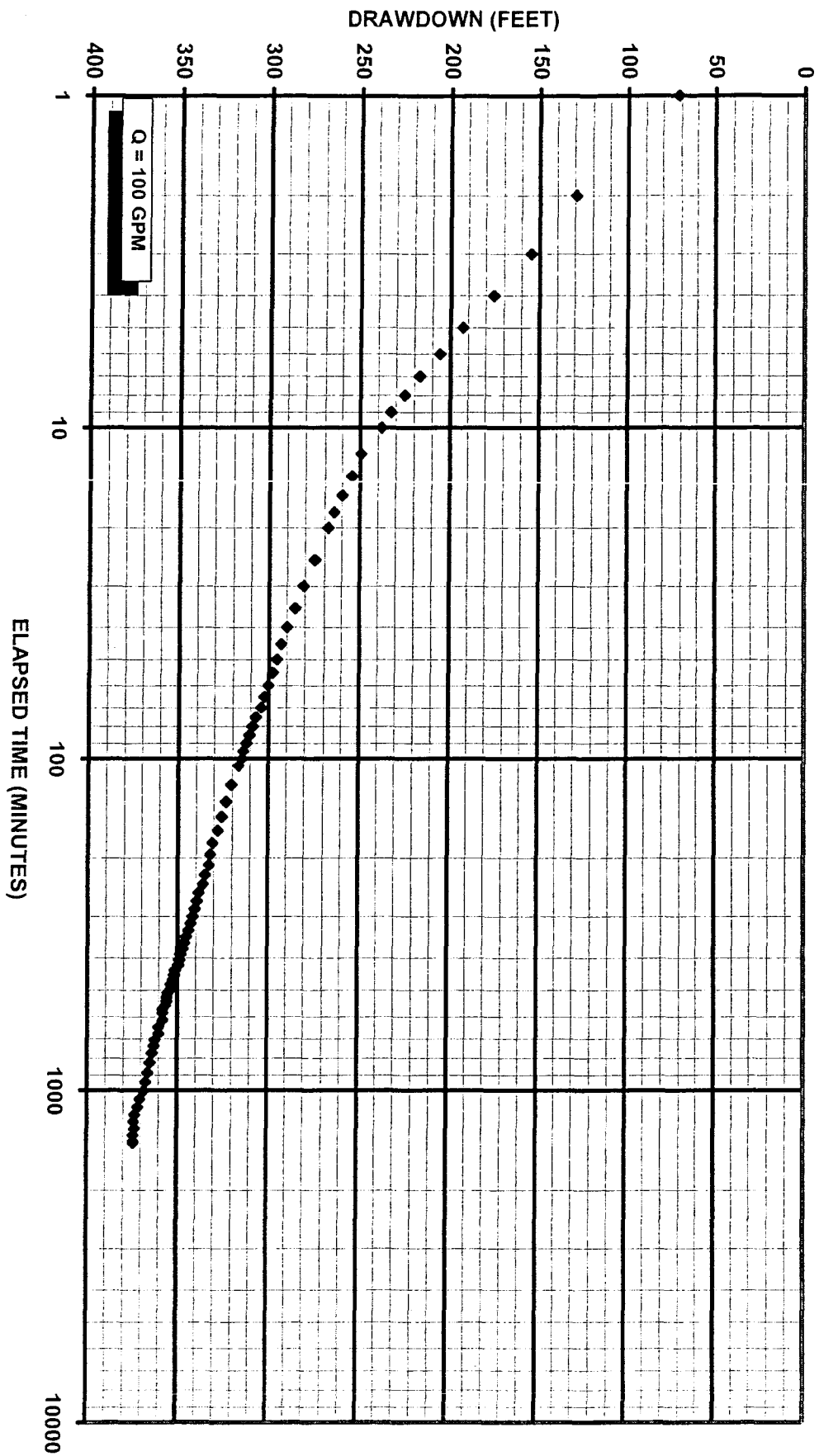
Approved By: Steve Distau

Approved On: 7/1/2010 10:37:52 AM

NEWELL WELL
STEP-RATE TEST SUMMARY
MAY 18, 2010



NEWELL EAST WELL
CONSTANT-RATE TEST
MAY 19 - 20, 2010



NEWELL EAST WELL
CONSTANT-RATE PUMP TEST RECOVERY DATA
MAY 20 - 21, 2010

