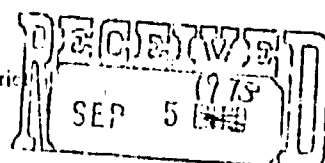


Water Right Number 1154-2

1. Considered November 14, 19 73
2. Name of Applicant Westberry Trails Water Users Assoc., Inc.
3. Post Office Address Box 1870, Rapid City, S.D.
4. Amount of Water claimed .25
5. Source of Water supply Two water wells
6. Water to be used for suburban housing
- Acres to be irrigated --
7. Water to be diverted and used in Pennington County
about 2 miles W of Rapid City
8. Proof of Publication Received 11-7-73
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1154-2Map No. 980-2 Water Division No. 2 RAPID CREEK
(Plans to be Filed by the Engineer for the W. R. C.)

District



APPLICATION FOR PERMIT

STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Westberry Trails Water Users Association, Inc.
Post-office address: Box 1370, Rapid City, State South Dakota 57701
If a corporation show date and place of incorporation March 31, 1972, Rapid City, South Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work domestic water system
4. Amount of water claimed (cubic feet per second) 255 cubic feet per second (both wells)
5. Source of water supply two water wells
6. Location of point of diversion Well No. 1 located on Lot 9, Block 1, and Well No. 2 on Utility Lot 1 of Block 1, both in the Southwest Quarter (SW $\frac{1}{4}$) of Section 31, Township Two North, Range Seven East of the Black Hills Meridian County Pennington
7. Annual period or periods during which water is to be used full calendar year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) domestic use
9. For irrigation use, None Total number of acres to be irrigated None

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
N/A		N/A	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system four (2) years. Additional time required to complete application of water to the proposed beneficial use one (1) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Daily Journal
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. See Exhibit "A"

B. Works proposed to transport water to place of use. See Exhibit "B"

C. Works proposed to apply water to beneficial use. See Exhibit "C"

Estimated Total Cost \$ 123,000.00Attachments: Attach Form 2A if diversion from a well or dugout or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

) ss.

County of PenningtonI, as Secretary ofWESTBERRY TRAILS WATER USERS
ASSOCIATION INC.described and sworn to before me this 14thSigned By John P. Dyer

Secretary

day of September

1973

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1154-2

WESTBERRY TRAILS WATER USERS ASSOCIATION, INC.
(Applicant)

BOX 1870, RAPID CITY
(Post Office Address)

SOUTH DAKOTA 57701
(State)

With the following modifications:

The ~~irrigation~~ wells approved under this Permit will be located near domestic wells and other ~~irrigation~~ wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in ~~irrigation~~ wells having prior water rights.

Date of first receipt of application SEPTEMBER 5 19 73

Date of return to applicant for correction, amendments or changes required SEPTEMBER 5 19 73

Date of receipt of corrected application SEPTEMBER 17 19 73

Approved NOVEMBER 14 19 73, Recorded in Book 12 Page 265

WATER RIGHT PERMIT NO. 1154-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1154-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 5 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 14 19 74
3. The whole of said work is to be completed on or before NOVEMBER 14 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 14 19 76
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING

6. 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.

7. The amount of the appropriation herein granted shall not exceed .25 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation~~ used for suburban housing ~~and if for the irrigation purposes said appropriation must be limited to not more than 1 acre of irrigable land or 1/2 acre of non-irrigable land or 1/4 acre of non-irrigable land or 1/8 acre of non-irrigable land or 1/16 acre of non-irrigable land or 1/32 acre of non-irrigable land or 1/64 acre of non-irrigable land or 1/128 acre of non-irrigable land or 1/256 acre of non-irrigable land or 1/512 acre of non-irrigable land or 1/1024 acre of non-irrigable land or 1/2048 acre of non-irrigable land or 1/4096 acre of non-irrigable land or 1/8192 acre of non-irrigable land or 1/16384 acre of non-irrigable land or 1/32768 acre of non-irrigable land or 1/65536 acre of non-irrigable land or 1/131072 acre of non-irrigable land or 1/262144 acre of non-irrigable land or 1/524288 acre of non-irrigable land or 1/1048576 acre of non-irrigable land or 1/2097152 acre of non-irrigable land or 1/4194304 acre of non-irrigable land or 1/8388608 acre of non-irrigable land or 1/16777216 acre of non-irrigable land or 1/33554432 acre of non-irrigable land or 1/67108864 acre of non-irrigable land or 1/134217728 acre of non-irrigable land or 1/268435456 acre of non-irrigable land or 1/536870912 acre of non-irrigable land or 1/1073741824 acre of non-irrigable land or 1/2147483648 acre of non-irrigable land or 1/4294967296 acre of non-irrigable land or 1/8589934592 acre of non-irrigable land or 1/17179869184 acre of non-irrigable land or 1/34359738368 acre of non-irrigable land or 1/68719476736 acre of non-irrigable land or 1/137438953472 acre of non-irrigable land or 1/274877906944 acre of non-irrigable land or 1/549755813888 acre of non-irrigable land or 1/1099511627776 acre of non-irrigable land or 1/2199023255552 acre of 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12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

Well No. 1: 6" Well No. 1: 800 feet
 (1) Drill Hole, Diameter Well No. 2: 9" Depth Well No. 2: 800 feet
 (2) Casing, Type #15 steel casing Diameter Well No. 2: 6" Thickness #15
 (wood, concrete, steel, etc)
 (3) Perforated Screen. N/A
 Type N/A "E-1" and "E-2" Diameter N/A, Length N/A
 (4) Gravel Pack. Thickness See Exhibit 1, Length of gravel pack _____

E. Dugout Information or Estimates. None

(1) Surface dimensions N/A, Depth N/A

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Caves in Madison limestone; See Exhibits
"E-1" and "E-2", attached.

Depth to top of water bearing material Well No. 1-600 ft; Well No. 2, 450 ft.

Depth to bottom of water bearing material Well No. 1, 650 ft.; Well No. 2, 500 ft.

Thickness of water bearing material Well No. 1, 50 ft.; Well No. 2, 50 ft.

Depth to water (ground surface to water level) Well No. 1, 450 ft.; Well No. 2, 440 ft.

(2) Distance to nearest existing household or livestock watering wells. None known

On same owner's property N/A rds. On property owned by others N/A rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Well No. 1: Well can pump at sustained rate of 25 gallons per minute; pumps into reservoir consisting of two 20,000 gallon tanks.

Well No. 2: Well can pump at sustained rate of 90 gallons per minute. Presently pumps into same reservoir as Well No. 1. Eventually contemplate pumping into one tank with 10,000 gallon capacity. See Exhibit "A".

WESTBERRY TRAILS WATER USERS
 ASSOCIATION, INC.

By [Signature]
 Signature of Applicant Secretary

WESTBERRY TRAILS WATER USERS ASSOCIATION, INC.
Application for Permit

EXHIBIT "A"

- A. A 50,000 gallon storage capacity and facility, one storage tank now on location, located on Lot 9, before described, the same to consist of, or consisting of, two galvanized 20,000 gallon capacity tanks; delivery to the tanks from the wells being from not less than a 4" or more than a 6" galvanized water mains. Storage tanks interconnected to permit filling from either or both water sources. A third 10,000 gallon tank is to be located at Utility Lot 1, before described, which tank will be interconnected with other storage tanks.

EXHIBIT "B"

- B. A system of 4" to 6" galvanized water mains throughout area of services located with boundary line and roadway easements, the size of line depending upon consumer requirements. See Exhibit "D"

EXHIBIT "C"

- C. Each lot within the subdivision area, has, or shall have, a diversion point equipped with an approved water meter and cut off, at which point the domestic user can hook on to the system, or which water use can be terminated in the event the domestic user utilizes the water for a non-domestic use, or otherwise violates the rules, regulations or by-laws of the applicant.

South Half Section 31,
T2N, R7E, B.H.M.
Pennington County,
South Dakota.

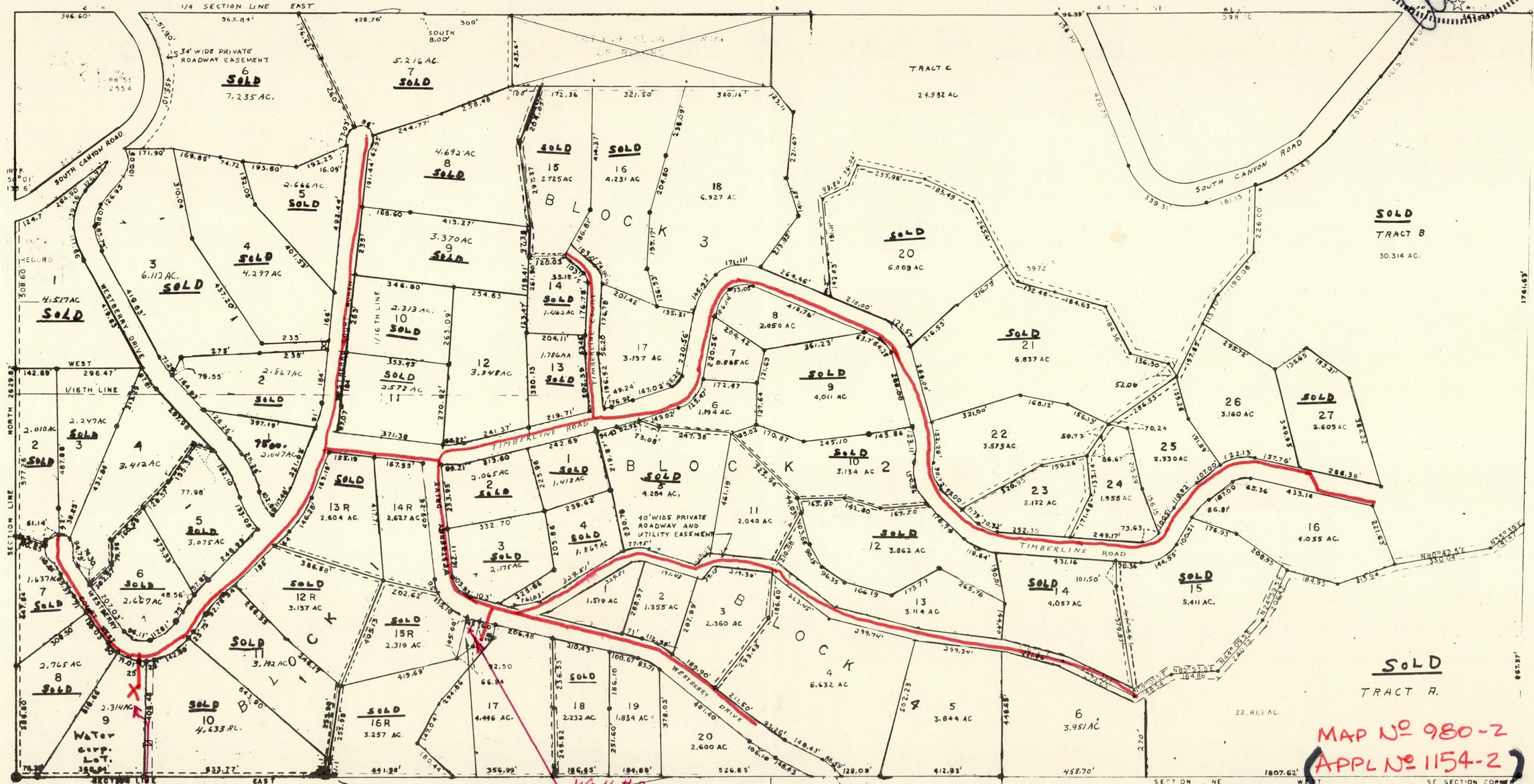
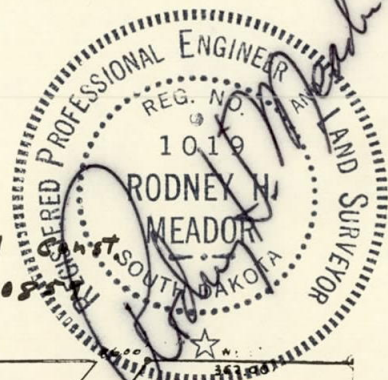
348-0859

WESTBERRY TRAILS

NORTH

— = PIPE LINE LOCATIONS.
12.000 Ft MAINS

Arnold
348-0859



Well #1
Lot 9 B1K1.
SW 1/4 Section 31, T2N, R7E, B.H.M.

Well #2
UTILITY Lot #1
SW 1/4 Section 31, T2N, R7E, B.H.M.

MAP NO 980-2
(APPL NO 1154-2)



FRANCIS-MEADOR-GELLHAUS, INC.
1823 West Main, Rapid City, S. D. 57701
106 East Wynoka, Pierre, S. D. 57501

EXHIBIT 151

WARREN DOWNEN
DEADWOOD AVE.
RAPID CITY, S.D.

Aug. 21, 1971

WESTBERRY TRAILS:

Location South Half of Section
31, T2N, R7E, B.H.M. Pennington
County.

Well #1 location SW $\frac{1}{4}$ Sect. 31,
Lot 9 Block 1

Well cased to 350 feet with 5 inch casing
350 feet to 650 feet with 4 " casing
Static water level 450 feet
Well pumped 25 gallons per minute with no draw down
5 H.P. pump set at 550 feet with 1 $\frac{1}{2}$ inch pipe
Water production in caves in the Madison formation at 600 to 650'

0	to	50 feet	Opeche shale
50	to	150 "	Yellow sand
150	to	200 "	Buff Limestone
200	to	280 "	Buff sandstone and limestone
280	to	340 "	Red clay
340	to	400 "	Buff limestone
400	to	450 "	Red sandstone
450	to	530 "	Purple sandstone some lime
530	to	580 "	Yellow limestone
580	to	610 "	Red clay
610	to	650 "	Buff limestone
650	to	680 "	caves in Madison formation

Diameter of drill hole 6 inch
1.5# steel casing
Open bottom well

WARREN DOWNEN

"EXHIBIT" E-2"

WARREN HAMM
KEYSTONE RT. BOX 585
RAPID CITY, S.D.

July 10, 1972

WESTBERRY TRAILS,

Location South Half of Section
31, T2N, R7E, B.H.M. Pennington
County

Well #2 location SW 1/4 Sect. 31
Utility lot #1 Block 1

Well cased to 322 feet with 8 Inch casing
322 feet to 565 feet with 6 " casing
Static water level 440 feet
Well pumped at 90 gallons per minute with very little draw down
20 H.P. pump set at 530 feet on 2 " pipe
Water production in caves 450 feet to 500 feet

0	to	42	feet	Opeche shale
42	to	160	"	Yellow sand- some red clay
160	to	200	"	Buff limestone
200	to	270	"	Buff limestone, some limestone layers
270	to	320	"	Red gummy clay
320	to	365	"	Buff Limestone, some caves
365	to	430	"	Reddish sandstone
430	to	520	"	purplish sandstone and limestone caves
520	to	550	"	Yellow limestone
550	to	565	"	Red clay (base of Minnelusa)

Minnelusa
sandstone

Diameter of drill hole 9 inch
19# steel casing
Open bottom well

WARREN HAMM

Form 6 - Notice of Intent to Appropriate Water

J. 1154-2

Publish first publication, on or before October 25, 19 73

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 18, 19 73

Notice is hereby given that Westberry Trails Water Users Association, Inc.

whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .25 cubic feet of water per second of time from the ground water through the Westberry Trails Wells, the point^s of diversion of which ~~is~~^{are} to be located in the _____

SE 1/4 and SW 1/4 SW 1/4

of Section 31, Twp. 2N, Range 7E. Said water to be used for the purpose

of providing irrigation on the following described land:

supplies for suburban housing development

This application No. 1154-2 will be considered by the Water ~~Resources~~^{Rights} Commission at their office at Pierre upon the 14th day of November, 19 73, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist
cc: David F. Sieler, Box 1870, Rapid City, S.D. 57701

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Jerry J. Shoener hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Rapid City Journal

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 Rapid City of Rapid City

County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 25, 1973 & November 1, 1973

Jerry J. Shoener
(Signature)

Circulation Manager
(Title)

November, 1973
(Date Signed)

Oct. 25, Nov. 1
**NOTICE
IN INTENT TO APPROPRIATE WATER**
Pierref, South Dakota 57501
September 18, 1973
Notice is hereby given that Westberry
Trails Water Users Association, Inc.
whose post office address is Rapid City,
South Dakota, has made an application
in accordance with the provisions of the
water laws of South Dakota for a permit
to appropriate for beneficial use .25 cubic
feet of water per second of time from
ground water through the Westberry
Trails wells, the points of diversion of
which are to be located in the SE 1/4 SW 1/4
and S 1/4 SW 1/4 of Section 31, Twp. 2N,
Range 7E. Said water to be used for the
purpose of providing supplies for subur-
ban housing development.
This application No. 1-134-2 will be con-
sidered by the Water Rights Commission
at their office at Pierre upon the 10th day
of November, 1973, at 2:30 P.M. All in-
terested parties may appear and be
heard.
WATER RIGHTS COMMISSION
Burton E. Jones
Water Rights Specialist

RECEIVED
NOV 7 1973

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Permit No. 1154-2

Water Division No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Westberry Trails Water Users Association, Inc.

Permit No. 1154-2, issued upon Application No. 1154-2, the holder S of September 5, 1973, hearing date of priority of .25 cu. ft. per second of the waters of ground water, County of Pennington, State of South Dakota at Well #1, Lot 9, Block 1; Well #2, Lot 1, Block 1, both in the SW 1/4, Section 31, T2N, R7E, for suburban housing

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 .25 cu. ft. per second of water.

Date August 7, 1975

By: WATER RIGHTS COMMISSION

VERN W. BUTLER, Acting
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1154-2

(1) WHEREAS, On the 5th day of September A. D. 19 70

Wastberry Trails Water Users Association, Inc.

made Water Right Application No. 1154-2 for a permit to use .25 cubic feet per second of the waters of ground water

County of Pennington, State of South Dakota, for suburban housing

purpose; and

(2) WHEREAS, On the 15th day of November A. D. 19 73

Permit No. 1154-2, with a date of priority of September 5, 1973

was issued to said applicant 2 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 14th day of November A. D. 19 75 and for the

application to beneficial use of said water on or before the 14th day of November A. D. 19 76

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 .25 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,

water is used to supply residences in suburban housing area.

(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 confirm to Westberry Trails Water Users Association, Inc.

_____ of Rapid City, S.D.

the holder _____ and owner _____ of said permit No. 1154-2 a water right, dating from September 5, 1973

_____ to use of .25 cubic feet per second of the waters of ground water

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at _____

Well #1, Lot 9, Block 1, Well #2, Lot 1, Block 1, both in the SW¹/₄,
Section 31, T2N. R7E

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

for the purpose of suburban housing development

Subject to any limitations listed in Water Right Permit No. 1154-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of August A. D.
Nineteen Hundred and Seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

VERN W. BUTLER, Acting

Permit No. 1154-2Water Division 2 Rapid Creek 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 Westberry TrailsWater Users of Rapid City, South Dakota holder Ass., Inc.of Permit No. 1154-2, bearing date of priority of September 5, 1973authorizing the diversion of .25 cu. ft. per second of the waters of Ground Waterfor Domestic purposes, in Pennington 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:

See Attachment #1

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

Approximately 11,000 feet of 6 inch transit and 4 inch PVC
with 2 inch PVC take-off lines

C. Works used to apply water to beneficial use.

80 Service Connections

The system is in the following condition: ExcellentThe point of diversion is located Well #1: Lot 9 Block 1 SW $\frac{1}{4}$ Sec. 31T2N, R7E, B.H.M. Well #2: Lot 1 Block 1 SW $\frac{1}{4}$ Sec. 31
T2N, R7E, B.H.M.The works are capable of diverting and conveying to the place of use .25cu. ft. per second of water which is to be used for Domestic Purposes

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

comprising a total of ----- acres of land.

SEND TO: Arnold Construction Company
P.O. Box 2073
Rapid City, SD 57701

Date June 13, 1975

Thomas Gardner
(Signature)

Thomas Gardner
Water Resource Engineer I

ATTACHMENT #1

WESTBERRY TRAILS:

Well #1 is on Lot 9, Block 1

Southwest Quarter of Section
ThirtyOne, T2N, R7E, B.H.M.
Pennington County.

Well #2 is on Utility Lot #1 Bl. 1, Southwest Quarter of Section
Thirty-one, T2N, R7E, B.H.M.
Pennington County.

Reservoir containing 20,000 gallons on Lot 9 Block 1
Southwest Quarter of Section 31, T2N, R7E, B.H.M.
Pennington County.

Estimated use of 40,000 gallons per day

Estimated total cost of complete water system \$123,000.00.

Estimated cubic feet per second when the two wells are
pumping would be .255 cu. ft. per second.

WARREN DOWNEY
DEADWOOD AVE.
RAPID CITY, S.D.

Aug. 21, 1971

WESTBERRY TRAILS:

Location South Half of Section
31, T2N, R7E, B.H.M. Pennington
County.

Well #1 location SW $\frac{1}{4}$ Sect. 31,
Lot 9 Block 1

Well cased to 350 feet with 5 inch casing
350 feet to 650 feet with 4" casing
Static water level 450 feet
Well pumped 25 gallons per minute with no draw down
5 H.P. pump set at 550 feet with 1 $\frac{1}{2}$ inch pipe
Water production in caves in the Madison formation at 600 to 650'

0	to	50 feet	Opeche shale
50	to	150 "	Yellow sand
150	to	200 "	Buff Limestone
200	to	280 "	Buff sandstone and limestone
280	to	340 "	Red clay
340	to	400 "	Buff limestone
400	to	450 "	Red sandstone
450	to	530 "	Purple sandstone some lime
530	to	580 "	Yellow limestone
580	to	610 "	Red clay
610	to	650 "	Buff limestone
650	to	680 "	caves in Madison formation

Diameter of drill hole 6 inch
15# steel casing
Open bottom well

WARREN DOWNEY

WARREN HAMM
KEYSTONE RT. BOX 585
RAPID CITY, S.D.

July 10, 1972

WESTBERRY TRAILS:

Location South Half of Section
31, T2N, R7E, B.H.M. Pennington
County

Well #2 location SW $\frac{1}{4}$ Sect. 31
Utility lot #1 Block 1

Well cased to 322 feet with 8 Inch casing
322 feet to 565 feet with 6 " casing
Static water level 440 feet
Well pumped at 90 gallons per minute with very little draw down
20 H.P. pump set at 530 feet on 2 " pipe
Water production in caves 450 feet to 500 feet

0	to	42	feet	Opeche shale	
42	to	160	"	Yellow sand- some red clay	
160	to	200	"	Buff limestone	
200	to	270	"	Buff limestone, some limestone layers	
270	to	320	"	Red gummy clay	
320	to	365	"	Buff Limestone, some caves	
365	to	430	"	Reddish sandstone	
430	to	520	"	Purplish sandstone and limestone caves	
520	to	550	"	Yellow limestone	
550	to	565	"	Red clay (base of Minnelusa)	

Minnelusa
sandstone

Diameter of drill hole 9 inch
19# steel casing
Open bottom well

WARREN HAMM

1154-2
DEC 6 1973
STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office Rapid City, South Dakota

Date December 3, 1973

WATER RIGHTS COMMISSION

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1154-2.

Water Right Permit No. 1154-2 states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by December 1, 1973.

The diversion system was completed on December 1, 1973. Applying the water to beneficial use was completed on December 1, 1973.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

WESTBERRY TRAILS WATER USERS
ASSOCIATION, INC.

By David F. Sieler

(Signature)

David F. Sieler, Secretary

(CORPORATE SEAL)

SIELER AND SIELER
ATTORNEYS AT LAW
717 KANSAS CITY STREET
P O BOX 1870
RAPID CITY, S. D. 57701

JULIUS F. SIELER
DAVID F. SIELER
THOMAS L. TRIMBLE, ASSOCIATE

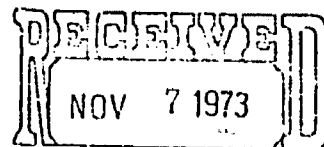
LINDA KISSNER
OFFICE MANAGER

November 5, 1973

PHONE 343-6142
AREA CODE 605

WALL, S. D. OFFICE
BY APPOINTMENT

Mr. Burton F. Jones
Water Rights Specialist
Water Resources Commission
State Office Building
Pierre, SD 57501



STATE WATER RIGHTS COMM
PIERRE, SOUTH DAKOTA

Re: Applications 1154-2 and 1155-2

Dear Sir:

Enclosed herewith please find Proof of Publication for filing in connection with the above Water Rights Applications filed on behalf of Westberry Trails Water Users Association and Spring Brook Acres Water Users Association.

To the end there will be no misunderstanding, I would appreciate your advising me as to whether or not it will be required that a representative of both of these non-profit corporations be present in your office in Pierre on November 14, 1973, at 2:30 o'clock p.m.

Thanking you for advising me in connection with this matter.

Yours truly,

SIELER & SIELER

A handwritten signature in dark ink, appearing to read "David F. Sieler".

David F. Sieler

DFS/kjh

Enclosures
cc: Arnold Construction

1154-2.

August 28, 1989



South Dakota Water Rights Division
523 E. Capital
Pierre, SD 57501

Gentlemen:

I am writing you on behalf of the residents of Westberry Trails. We are a subdivision one and one-half miles northwest of Rapid City. We have grave concerns of the potential effect of the drilling into the Madison Formation that the City of Rapid City will soon be doing.

Our concern is based upon the fact that our well is about two miles northwest of the Canyon Lake area and the Madison Formation in our well is 650 to 680 feet from the approximate elevation of 3900 feet. Canyon Lake elevation of approximately 3400 feet. Should drilling take place in that area to a reported depth of 2000 feet, it is not hard to visualize what would happen to our well. It would be like pumping from the bottom of a near-vertical band instead of a horizontal aquifer from which the pull would be greatly exaggerated. We feel this is a unique situation geologically and the potential of 60 homes losing their water resource is very real.

We have communicated our concerns to the City, but we want it to be very clear to all concerned that it is very possible that our worst fears can come to pass. We want to be very certain that our situation is recognized and our water rights are protected. We would appreciate your thoughts on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Clark".

David Clark, President
Westberry Trails Water Users Association
Rt. 1 Box 670
Rapid City, SD 57702

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 6, 1989

David Clark
Westberry Trails Water Users Assoc.
Rt 1, Box 670
Rapid City SD 57702

Dear Mr. Clark:

I am writing in response to your August 28, 1989 letter concerning Madison Formation wells. Enclosed are copies of well logs submitted with your permit application and the water license for Westberry Trails. One of your wells is completed into the Madison Formation and one into the basal Minnelusa Formation. In all likelihood, the formations are interconnected at this site. The reported static water levels are nearly the same and both wells were reported to be excellent producers with very little drawdown.

With your elevation of approximately 3900 feet and a static water level of 450 feet, this would result in a water level elevation of 3450 feet msl. This elevation corresponds to Water Rights Division observation well PE-65A located in Sioux Park which has a water level elevation of 3440 feet msl.

Although I understand your concern, the water levels are nearly the same regardless of the well depth or location. The spring at Cleghorn is probably discharging from the same formation you are pumping from.

Additional observation wells are planned and will be constructed this fall. Rapid City will also be constructing and testing production wells. The purpose of these tests is to determine the potential affects of pumping. The permit issued to Rapid City authorizes a diversion of 8.01 cfs from up to 6 wells. There are 3 sites which have been chosen with the closest site to you being the City Springs area (1 1/2 miles northeast).

Your rights are protected. The testing that will be done should answer your concerns. Nearly every expert would agree there is a tremendous amount of water available from the Madison and Minnelusa Formations. What remains to be seen is the potential impacts pumping could have primarily upon springflows.



L

September 6, 1989
David Clark
Page 2

Thank you for writing. I believe the potential for affecting
springflow is greater than any adverse effect upon your wells.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures