

Water Right Number 1451-2

1. Considered 10-21, 1916
2. Name of Applicant John McMillan
3. Post Office Address Rapid City
4. Amount of water claimed .116
5. Source of water supply 620' Deep well (McMillan)
6. Water to be used for Commercial

Acres to be irrigated _____

7. Water to be diverted and used in Pennington County
about N Edge Miles _____ of Rapid City
8. Proof of Publication Received 1st 11-8-16

Not received _____

9. Application Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. 1451-2
 Map No. 1231-2 Water Division No. 2 RAPID CREEK Date _____
 (Blanks to be filled by the Engineer for the State of S.D.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant JOHN M. HILLARD
 Postoffice address 2609 FRONTIER DRIVE, RAPID CITY, S.D.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work JOHN M. HILLARD WELL NO. 1
4. Amount of water claimed (cubic feet per second) 75 GPM = 0.167 CFS
5. Source of water supply WELL
6. Location of point of diversion N39°04'E 615' FROM THE WEST 1/2 CORNER OF SECTION 27, T2N, R7E

 _____ County PENNINGTON
7. Annual period or periods during which water is to be used PERPETUALLY
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) COMMERCIAL
9. For irrigation use, _____ Total number of acres to be irrigated _____

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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system ONE HALF years. Additional time required to complete application of water to the proposed beneficial use NONE years.
11. Name 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.
WELL

 B. Works proposed to transport water to place of use.
P.V.C. PIPE

 C. Works proposed to apply water to beneficial use.
COMMERCIAL BUILDING

Estimated Total Cost \$ _____

 Attachments—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)
)
 County of Pennington)
 I, John M. Hillard)

 I, John M. Hillard, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

 Signed John M. Hillard
 Subscribed and sworn to before me this 27th day of September, 1976

 Notary Public (or other qualified officer)
 My Commission Expires Sept. 24, 1983
 Pennington County

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1451-2
JOHN M. HILLARD 2807 FRONTIER DR., RAPID CITY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57701 With the following modifications:
 (State)

The ~~irrigation~~ well approved under this Permit is located near domestic 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.

Date of first receipt of application SEPTEMBER 28 19 76
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved OCTOBER 21 19 76 Recorded in Book 16 Page 118

WATER RIGHT PERMIT NO. 1451-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1451-2 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 28 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 21 19 77
3. The whole of said work is to be completed on or before APRIL 21 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 21 19 77
5. The water appropriated shall be used for the purpose of COMMERCIAL USE
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 160 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 USE FOR COMMERCIAL PURPOSES APRIL 21 19 77 said water be used during the following described annual period: CONTINUOUSLY

Witness my hand this 30TH day of NOVEMBER 19 76

WATER RIGHTS COMMISSION

John M. Hatt
 Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 2 19 78
 Water License Issued FEBRUARY 2 19 78

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 6 1/2", Depth 620'
4 1/2" O.D.
(2) Casing, Type STEEL, Diameter 4" L.D., Thickness 0.25"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type NONE, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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 WELL DRILLER INDICATES WATER OBTAINED FROM
MINNELUSA FORMATION - BROKEN LIMESTONE AND ROSE SANDSTONE.

Depth to top of water bearing material 590'

Depth to bottom of water bearing material 620' DRILL HOLE DOES NOT PENETRATION ENTIRE
FORMATION

Thickness of water bearing material 30'

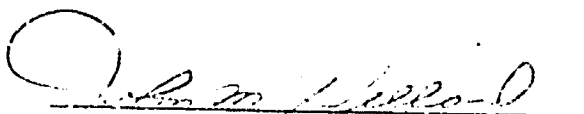
Depth to water (ground surface to water level) 0' WELL FLOWS AT RATE OF 4 GPM

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property UNKNOWN rds. On property owned by others UNKNOWN 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.


Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1451-2

(1) WHEREAS, On the 28th day of September A. D. 19 76
John W. Hillard
made Water Right Application No. 1451-2 for a permit to use .16 cubic feet per second of the waters
of groundwater
County of Pennington, State of South Dakota, for commercial
purposes; and
(2) WHEREAS, On the 30th day of November A. D. 19 76
Permit No. 1451-2, with a date of priority of September 28, 1976
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 21st day of April A. D. 19 77 and for the
application to beneficial use of said water on or before the 21st day of April A. D. 19 77

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 .16 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 for commercial purposes

(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 John M. Hillard

_____ of Rapid City

the holder _____ and owner _____ of said permit No. 1451-2 a water right, dating from September 28, 1976

_____ to use of .16 cubic feet per second of the waters

of groundwater

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 a point N89° 04'E, 615 feet from the W1 corner, Section 27, T2N, R27E

and conduct ~~by pipeline~~ to commercial building site

for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1451-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this four day of February A. D.

Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Form 15.

Permit No. 1451-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That John M. Hillard

_____ the holder _____ of
Permit No. 1451-2, issued upon Application No. 1451-2, bearing date of priority of September 28,
1976 authorizing the diversion of .16 cu. ft. per second of the waters of _____
groundwater County of Pennington, State of South Dakota at _____
a point N49° 04' 11", 615 feet from the E4 corner, Section 27, T2N, R27E
_____, for commercial

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 .16 cu. ft. per second of water.

Date February 2, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

No. 1451-2

Publish first publication, on or before October 12, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 12, 19 76

Notice is hereby given that John M. Hillard
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

12 cubic feet of water per second of time from the ground water (artesian) through the

Hillard Well # 1, the point of diversion of which is to be located in the

SW 1/4 NW 1/4

of Section 22, Twp. 22, Range 22. Said water to be used for the purpose
of irrigation of portions of
of precipitation on the following described:

This application No. 1451-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 21st day of October, 19 76, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: John M. Hillard, 2809 Frontier Dr., Rapid City, SD 57701

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, George Michalov hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from 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 _____ of Rapid City, SD

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

October 12, 1976 and October 19, 1976

George Michalov
(Signature)

Vice President and Controller
(Title)

October 22, 1976
(Date Signed)

Oct 22, 1976
Perry Waskenberger

Oct. 12, 1976
NOTICE INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
October 6, 1976
Notice is hereby given that John M. Hillard 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 .17 cubic feet of water per second of time from ground water (artesian) through the Hillard Well No. 1, the point of diversion of which is to be located in the SW1/4NW1/4 of Section 27, Twp. 2N, Range 7E. Said water to be used for the purpose of: Commercial use.
This application No. 1451-2 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 1976, at 1:00 P.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist



1451-2 John M. Hillard by J. M. Menzies

10-11-11 Well 6 70 ft deep

5 H.P. Submersible

70 gpm Capacity

Pressure tank in Bldg.

Permit No. 1451-2Water 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 John M. Hillard of 2809 Frontier Dr, Rapid City, S.D. 57701 holder of Permit No. 1451-2, bearing date of priority of September 28, 1976 authorizing the diversion of .16 cu. ft. per second of the waters of Ground for Commercial Use 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:

Submersible Pump - 5HP.
Pumping 70 gpm.
Pressure Tank in Building

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

Underground Pipeline.

C. Works used to apply water to beneficial use,

Commercial - Automotive Business water systemThe system is in the following condition, ExcellentThe point of diversion is located N 89°04'E 615 ft From the West 1/4 Corner of Section 27, T2N R7EThe works are capable of diverting and conveying to the place of use 0.16 cu. ft. per second of water which is to be used for Commercial Purposes

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

comprising a total of _____ acres of land.

Well Data

Depth 620 ft.Capacity 70 gpm.

Date November 30, 1977
LeRoy J. McNamee
(Signature)



October 10, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

1451-2

Todd H Wiley
2090 Deadwood Ave
Rapid City SD 57702

Dear Mr. Wiley:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1451-2. The water right is currently listed in the name of John M Hillard.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

1451-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 2, 1994

SECOND NOTICE
Permit No. 1451-2

Ward H. Wiley
2094 Deadwood Ave.
Rapid City, SD 57702

Dear Mr. Wiley:

On October 10, 1991, notice was sent to you concerning the transfer of Water Right No. 1451-2 in the name of John M. Hillard. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 43-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

OPERATOR SIGNATURE

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Todd H. Wiley
2090 Deadwood Ave.
Rapid City, SD 57702

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 318 052 625

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-3-94

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

No. 1451-2

TO: Chief Engineer
Water Rights Division, LWNK
523 East Capitol
Pierre, SD 57501-3181

Date: FEB 4, 1994

I/We request that Water Permit/Right No. 1451-2

formerly owned by: John M. Hillard, 2809 Frontier Drive, Rapid City, SD 57702

be transferred to: (name & address) RAPID CHEVROLET CO., INC., 1090 DEADWOOD AVE,

RAPID CITY SD 57702

(telephone No.) 605-343-1282

Title to the following described land(s)/property has been transferred as described above:

well located in the SW1/4 NW1/4 Section 27, T2N, R1E

I/We understand that the validity of Water Permit/Right No. 1451-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

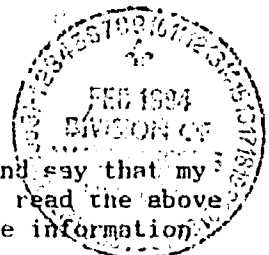
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of PENNINGTON)

I/We JOHN M. HILLARD being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know to my own personal knowledge that the information herein stated is true.



John M. Hillard
(Signed)

Subscribed and sworn to before me this 4TH day of FEBRUARY, 19 94.

NOTARY PUBLIC
STATE OF SOUTH DAKOTA
MY COMMISSION EXPIRES MAY 9, 1997

Dorcas Weisbach
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1451-2
414035

Pierre, February 10, 1994

RECEIVED OF Rapid Chevrolet Co., Inc., PO Box 1765, Rapid City, SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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. _____		
Fee for Filing Transfer Form <u>Water Right No. 1451-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. H. H.
Chief Engineer



1451-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

No. 1451-2

Rapid Chevrolet Co., Inc.
1090 Deadwood Ave.
Rapid City, SD 57702

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1451-2.

Our records now show you as the owner of Water Right No. 1451-2.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure