

Map No. 1463-2 Water Dividing No. 2 No. 1704-2
UPPER CLEVELAND
FALL RIVER
 (Blanks to be Filled by the Engineer for the W. R. C.)

10120109

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant SUCKINGHAM WOOD PRODUCTS, INC.
 Postoffice address P.O. Box 640, RAPID CITY State SOUTH DAKOTA 57709
 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 DEEP WELL COUNTRY CLUB ESTATES

4. Amount of water claimed (cubic feet per second) 0.30 CFS

5. Source of water supply SANDSTONE LAYER AT 380 FT (ONE WELL)

6. Location of point of diversion SE 1/4 SW 1/4, SEC. 22-T7S-R5E

County FALL RIVER

7. Annual period or period during which water is to be used YEAR AROUND

8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) MONITORIAL

9. For irrigation, Total number of acres to be irrigated SUBURBAN HANG

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 (COMPLETE) years. Additional time required to complete application of water to the proposed beneficial use (COMPLETE) years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication HOT SPRINGS STAR

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

501 FT. DEEP WELL WITH 363 FT. OF 8" CASING

B. Works proposed to transport water to place of use.

6" PVC WATER MAIN

C. Works proposed to apply water to beneficial use.

6" PVC WATER MAIN

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 Peddington) ss.

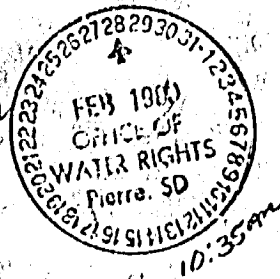
Willy R. Hughes, Vice President
Suckingham Wood Products, Inc. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

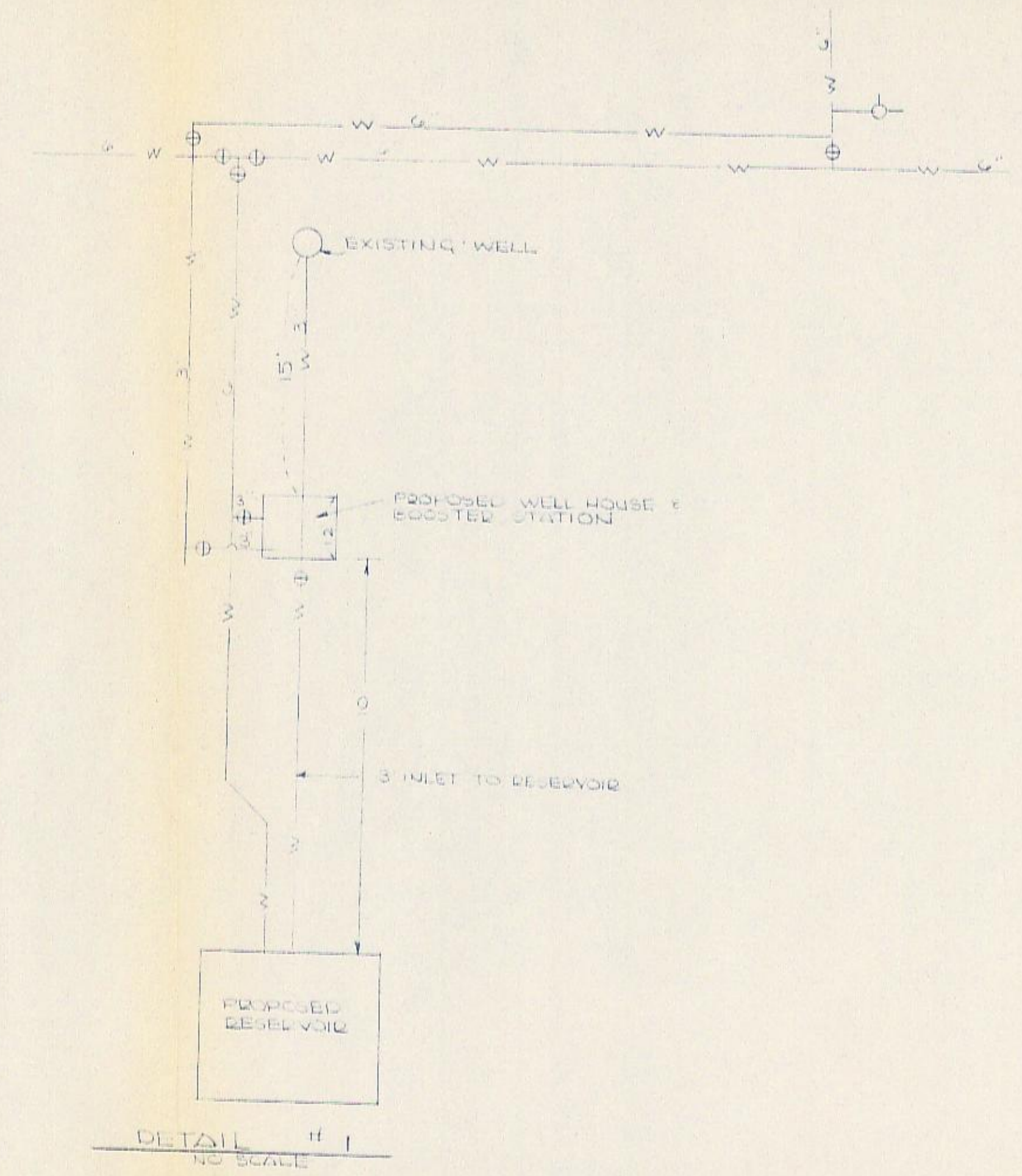
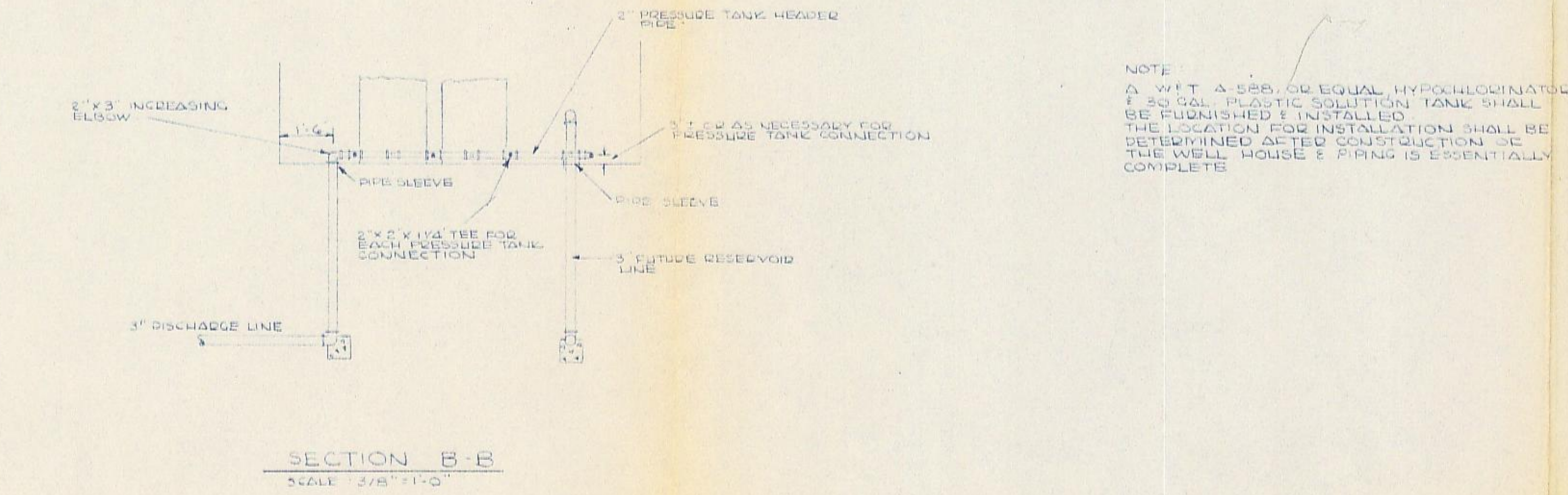
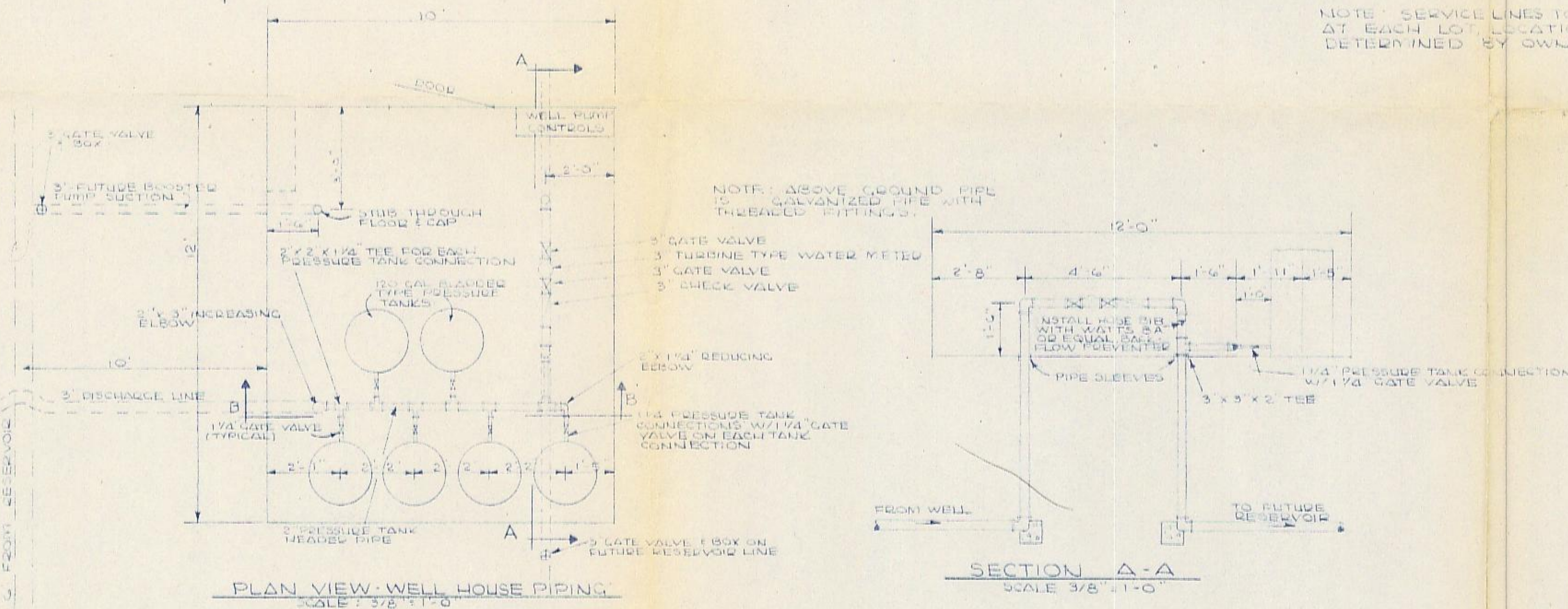
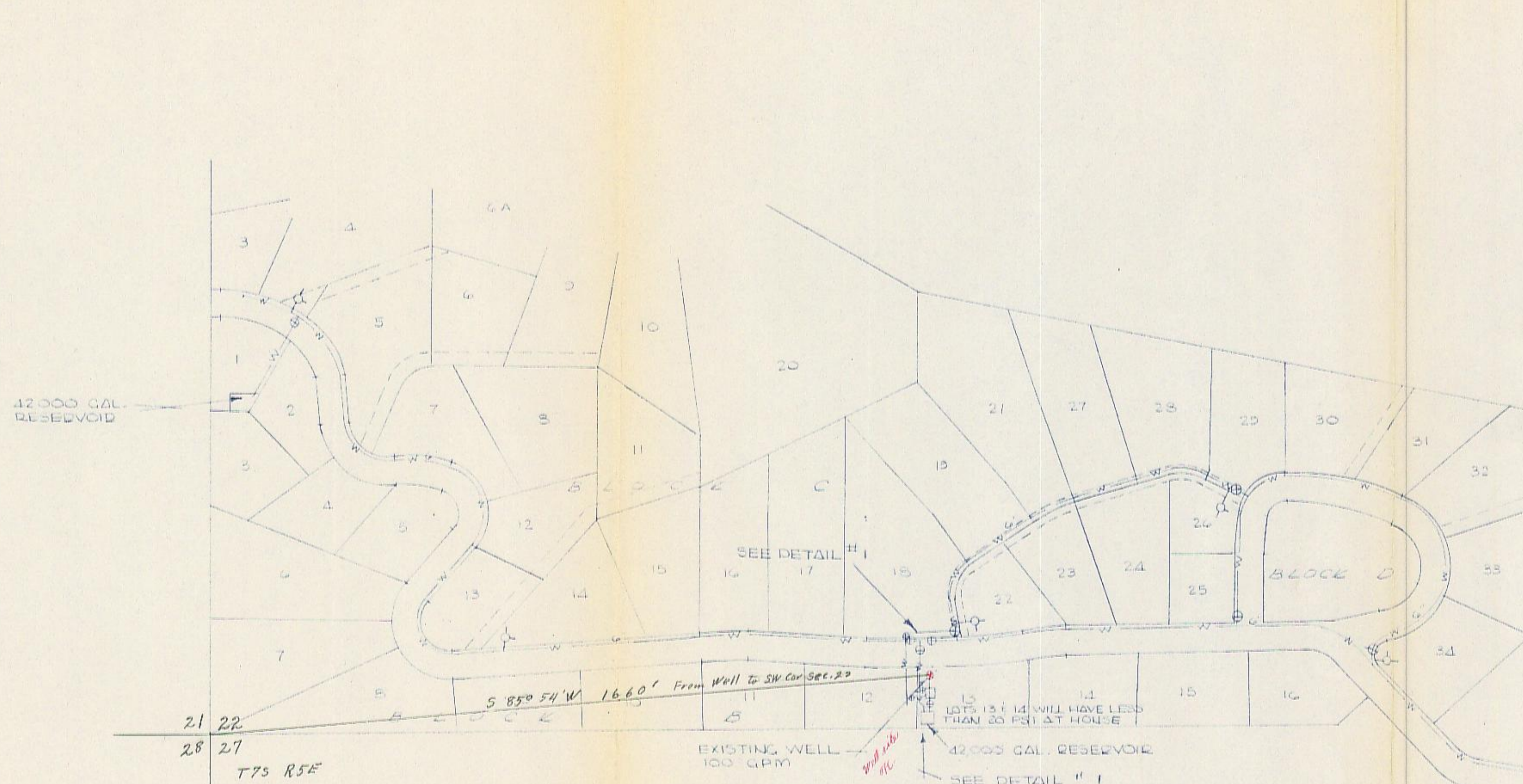
Signed Willy R. Hughes, Vice President

Subscribed and sworn to before me this 25 day of February, 1980

My Commission Expires:
 January 5, 1988

Robin O. Dwyer
 Notary Public (or other qualified officer)





- LEGEND
- ⊕ GATE VALVE W/VALVE BOX
 - ⊙ FIRE HYDRANT
 - W — 4" PVC WATER LINE

INSTALL PRESSURE REDUCING VALVES AS NECESSARY ON LOWER END OF LINE

REVISED 12/77	FRANCIS-MEADOR-GELLHAUS, INC. 1000 West Main Street, Suite 200, St. Louis, MO 63103	COUNTRY CLUB ESTATES WATER SYSTEM	DESIGNER JCH
			LOCATION 22-75-5E
			SHEET OF

MAP # 1704-2 APPL. 1704-2

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1704-2

BUCKINGHAM WOOD PRODUCTS, INC.
(Applicant)

P.O. Box 240, RAPID CITY
(Post Office Address)

SOUTH DAKOTA 57709
(State)

With the following modifications.

The ~~underground~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~underground~~ well owner, under this Permit, shall control his ~~underground~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application FEBRUARY 29 1980
Date of return to applicant for correction, amendments or changes required FEBRUARY 28 1980
Date of receipt of corrected application MARCH 10 1980
Approved MAY 22 1980, Recorded in Book 21 Page 166

WATER RIGHT PERMIT NO. 1704-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1704-2 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 FEBRUARY 28 1980
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ COMPLETED
3. The whole of said work is ~~to be~~ completed ~~on or before~~ COMPLETED
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
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 water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .30 cubic feet per second: ~~it shall not~~ exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial served, ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 acre feet per acre per year~~ limited to not more than one twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water actually and beneficially applied for irrigation on or before THIS DATE; ~~and~~ said water to be used during following described annual period: CONTINUOUSLY

Witness my hand this 27th day of MAY 1980

WATER RIGHTS COMMISSION

By:

John H. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued January 22 1981

Water License Issued January 22 1981

WELL LOG

Country Club Estates - Hot Springs, SD

August 1977

Total Depth 501'
363' 8" Casing

Static 230'
134 GPM @ 330'

0-35	Minnekahta limestone
35-95	Opeche shale
95-120	Changing Opeche shale to Minnelusa
120-350	Red Sandstone 350' loose broken yellow sandstone layer
350-501	Mostly yellow sandstone-some hard layers & some red sandstone
495-501	loose broken sandstone
490-495	cemented cement plug top of sand

Ralph L. Taylor, Sr.

Ralph L. Taylor, Sr., President
Bice-TAYLOR DRILLING CO., INC.

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 10" - 12"±, Depth 501
- (2) Casing, Type STEEL Diameter 8" Thickness
(wood, concrete, steel, etc)
- (3) Perforated Screen,
Type , 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 MOSTLY YELLOW SANDSTONE - SOME HARD
LAYERS AND SOME RED SANDSTONE

Depth to top of water bearing material 350'

Depth to bottom of water bearing material 490'

Thickness of water bearing material 140'

Depth to water (ground surface to water level) 230'

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

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

Buckingham Wood Products Inc.

Walter M. Nangle Vice President
Signature of Applicant

Permit No. 1704-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Buckingham Wood Products, Inc.

_____ the holder _____ of
Permit No. 1704-2, issued upon Application No. 1704-2, bearing date of priority of February 28,
1980 authorizing the diversion of 20 cu. ft. per second of the waters of _____
groundwater (one well) County of Fall River, State of South Dakota at a
point S 85° 54' W, 1670' from well to SW Corner, Sec 22-T7S-R5E

_____, for Suburban Housing Development

_____ 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 20 cu. ft. per second of water.

Date January 22, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 1704-2

(1) WHEREAS, On the 28th day of February A. D. 1930
Buckingham Wood Products, Inc.

made Water Right Application No. 1704-2 for a permit to use .30 cubic feet per second of the waters
of groundwater (one well)
County of Fall River, State of South Dakota, for suburban housing development

purposes; and
(2) WHEREAS, On the 22nd day of May A. D. 1930
Permit No. 1704-2, with a date of priority of February 28, 1930
was issued to said applicant 5 for the diversion of said water, and recognizing provided for the completion of construction of the water
supply system therein described on or before the day of April 1930 and for the
application to beneficial use of said water on or before the day of April 1930

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 .20 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 to be used in place for suburban housing development

(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 Buckingham Wood Products, Inc.

_____ of Rapid City, SD
the holder S and owner G of said permit No. 1704-2 a water right, dating from February 28, 1980
to use of .20 cubic feet per second of the waters
of groundwater (one well)

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point S 85° 54' W. 16.0' from well to
SW Corner, Sec. 22-T7S-R5E

and conducted to and upon thru the Buckingham Wood Products, Inc.
distribution system

for the purpose of suburban housing development

Subject to any limitations listed in Water Right Permit No. 1704-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of JANUARY A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

WATER SYSTEM
FOR
COUNTRY CLUB ESTATES
FALL RIVER COUNTY

The proposed Country Club Estates Subdivision will, at full development, consist of an estimated 130 lots for single-family dwellings.

ESTIMATED WATER USE

The water system to serve the proposed subdivision will provide water for domestic use with very limited lawn watering. Average annual daily use should be about 200 gallons per residence with peak day water use at an estimated 400 gallons per residence. In rural or suburban residential subdivisions, the water supply should be capable of supplying the daily use in a 12-hour period of time. The average annual daily use is estimated at 26,000 gal/day while the peak daily use is estimated at 52,000 gal/day determined as follows:

Ave. Annual Daily Use = 130 Lots x 200 gpd/lot = 26,000 gpd

Peak Daily Use = 130 Lots x 400 gpd/lot = 52,000 gpd

To satisfy the estimated peak daily use of 52,000 gpd during a 12-hour period, the well should be capable of supplying 72 gallons per minute. The existing well with a capacity of 100 gpm is therefore adequate.

STORAGE

The storage facilities should be capable of supplying two days water use at the average daily use rate. Storage of this quantity of water would allow two days to remove and repair or replace the well pump.

Due to topography, the water system will be separated into two separate pressure systems, the high level system and low level system. The high level system will serve an estimated 45 lots while the low level system will serve an estimated 85 lots. Storage for the high level system should therefore be 18,000 gallons and storage for the low level system should be 34,000 gallons. As proposed, each system will be provided with a 42,000 gallon reservoir, or a total storage capacity of 84,000 gallons.

WATER DISTRIBUTION SYSTEM

The water distribution system will consist of 6" PVC water mains with necessary valves and fire hydrants. The system is shown on the water system plan sheets. A booster pumping station will be necessary to pump water from the low level system to the high level system.

Pressures on the high level system will range between 20 psi and 90 psi. Pressures on the low level system will range between 20 psi and 105 psi. The two systems will be interconnected and by opening the gate valve separating the two systems, the high level system could furnish water to the low level system during emergencies.

ESTIMATED COST

The estimated project cost is as follows and is based on estimated September 1977 materials and labor costs.

ITEM	UNITS	ESTIMATED UNIT COST	EST. TOTAL COST-IN-PLACE
1. Drill & Case Well	500 Ft.	\$ 16.00	\$ 8,000.00
2. Pump, Motor & Controls	L.S.	L.S.	4,200.00
3. Well House & Booster Station	L.S.	L.S.	3,800.00
4. Chlorination Equipment	L.S.	L.S.	500.00
5. Reservoirs (42,000 gal.)	2 Ea.	13,500.00	27,000.00
6. 6" PVC Water Main	9,600 Ft.	7.50	67,200.00
7. 6" Gate Valves & Boxes	10 Ea.	300.00	3,000.00
8. Fire Hydrants	8 Ea.	700.00	5,600.00
ESTIMATED TOTAL COST			\$119,300.00

At full development, the estimated cost of the water system construction would be \$918.00/lot.

WELL LOG

Country Club Estates - Hot Springs, SD

August 1977

Total Depth 501'

Static 230'

363' 8" Casing

134 GPM @ 330'

0-35	Minnekahta Limestone
35-95	Opeche shale
95-120	Changing Opeche shale to Minnelusa
120-350	Red Sandstone
	350' loose broken yellow sandstone layer
350-501	Mostly yellow sandstone-some hard layers & some red sandstone
495-501	loose broken sandstone
490-495	cemented cement plug top of sand

Ralph L. Taylor, Sr.

Ralph L. Taylor, Sr., President
Bice-TAYLOR DRILLING CO., INC.

No. 1704-2

Publish first publication, on or before April 24, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 8, 1980

Notice is hereby given that Buckingham Wood Products Inc. whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .30 cubic feet of water per second of time from groundwater (one well) through the Country Club Estates, the point(s) of diversion of which is (see) to be located in the SE18W1

of Section 22, Twp. 7 S, Range 5 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Water supplies for suburban housing

This Application No. 1704-2 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Bldg., Pierre, SD upon the 22 day of May 1980

at 10 AM. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

*Paper 745-4170
Wiley R. High
394-5000*

cc: **Buckingham Wood Products Inc.**
P.O. Box 240
Rapid City, SD 57701

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hot Springs Star

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 Hot Springs

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

(April 16, 1980 in error)

April 23, 1980

April 30, 1980

Charles Najacht
(Signature)

Publisher
(Title)

April 30, 1980
(Date Signed)

116
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
April 8, 1980
Notice is hereby given that
Buckingham Wood Products, Inc.
whose post office address is
Rapid City, South Dakota, has
made an application for accord-
ance with the provisions of
SDCL 46-1-1 thru 46-1-13, 46-1-
14, 46-2-9 thru 46-2-11, 46-2-13,
46-5-1 thru 46-5-8, 46-5-10 thru
46-5-22, 46-5-41, 46-6-3, 46-6-5,
46-6-11, 46-6-12, 46-6-14 and Board Rules AP-2
52-01-01 thru 52-01-13, for
a permit to appropriate for
beneficial use 30 cubic feet
of water per second of time
from groundwater (one well)
through the County of Clark Es-
tates, the point of diversion
which is to be located in the
SE 1/4 of Section 22, Twp. 17
S, Range 5, E. San Water is to be
used for the purpose of provid-
ing water supply for suburban
housing in the City of Pierre.
This Application No. 1704-2
will be considered by the Water
Management Board at Civil De-
fense Meeting Room, State Cap-
itol Bldg., Pierre, SD, on May
22 day of May 1980 at 10 A.M.
The Board is authorized to
make a determination on this
application at the hearing. An
interested person may appear
and be heard. Any person who
may be affected by a Board
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 52-01-
13 may notify the Board in writing
prior to the hearing or orally at
the hearing. A lawyer or other
person may be present at the hearing.
This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. These
and other due process rights
will be forfeited if they are not
exercised at the hearing. De-
cisions of the Board may be
appealed to the Courts as pro-
vided by law. Any handicapped
person wishing to attend this
hearing can contact the Water
Rights Division, DWR, Foss
Building, Pierre, SD, prior to the
hearing date for assistance to
assure access to the WATER
MANAGEMENT BOARD hearing.
BETTY WESLUND
Water Rights Specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7346

PIERRE,

February 28, 1980

Buningham Wood Products, F.O. Box 240, Rapid City SD

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

Fee for Application for Permit to Appropriate Water No. 1704-2 (examination, processing, recording and filing)	15	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	15	00

WATER RIGHTS COMMISSION

By

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

KW

Water Right No. 1704-2

Considered May 22 19 80

Name of Applicant BUCKINGHAM World PRODUCTS INC.

Post Office Address RAPID CITY, S.D.

Amount of Water Claimed .30

Source of Water Supply 490' WELL (1 inch per sec. JC.)

Water to be used for SUBURBAN HOUSING

Acres to be irrigated — maximum acre feet —

Water to be diverted and used in FALL RIVER County

about 1 miles West of Hot Springs

PROOF OF PUBLICATION Received 4-25-80 5-2-80

Not Received —

Approved 5/22/80

Subject to DW

Not Approved —

Action deferred —

*am't of fee forgotten on adv. notice from this office
office paid for second adv.
mistake made our office*

Priority 2-28-80 Date Received 2-28-80 Application Complete yes — no — FEE 150.00

Remarks requested log and feasibility report

Date information and/or fee or corrected Application received 3-10-80
Period of Annual use Continuously

WATER QUALITY
N/A

Received yes — no — APPROVED/CONDITIONAL (Circle one)

Wi-1 Description same as application yes — no — Remarks —

Disapproved —

Returned —

Diversion Point —

SE⁴ SW⁴ 22-7S-5E

Lands to be irrigated —

WELL LOG

Remarks —

Driller Dice & Taylor Licensed yes no —

Depth —

MAP Map No. 1463-2 Map located in Water Right X Map file _____

Type of Map Drawn Prepared by Wm. Francis-Meador
Hillhaus, Inc.

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on _____

D. Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____

F.F. & C Final Decision, including F.F. & C of Law were adopted _____

OF LAW, Date _____

FINAL Final Decision mailed to parties and/or parties notified that Final Decision DECISIONS was adopted _____

ETC. _____

Remarks _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7923

PIERRE, January 15, 1981

RECEIVED OF Buckingham West Products, Inc., Rapid City, SD 57701

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	1704-2	
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____	1704-2	50.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (gy)

5. Canyon Bridge, Wash.

Hot Springs Buckingham Wood Hotel

Country Club Club

7-16-1964

24. 11. 1911

Well D#12 501 ft. Static 230 lb. Spring 15" from.

actual pump in 90 gpm 42 000 gal. Reservoir

Engine 10 H.P. - 700000

[illegible]

Permit No. 1704-2Water Division 2 upper Cheyenne Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Bachingham Wood Products, Inc. of P.O. Box 240, Rapid City, S.Dak. 57709 holder of Permit No. 1704-2, bearing date of priority of February 28, 1980 authorizing the diversion of .30 cu. ft. per second of the waters of One Well for Suburban Housing purposes, in Fall River 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:

10 H.P. Submersible pump
pumping 90 gpm

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

6" P.V.C. Mains to Houses

C. Works used to apply water to beneficial use.

Houses, lawns & GardensThe system is in the following condition: GoodThe point of diversion is located S 85° 54' W, 1660 ft from well to SW
Cor Sec. 22, T 75 R 5EThe works are capable of diverting and conveying to the place of use .20cu. ft. per second of water which is to be used for Suburban Housing

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

comprising a total of _____ acres of land.

Well data:

Depth 501 ft.
 Static @ 230 ft.
 Capacity 134 gpm
 Pumping 90 gpm

License fee .20 cfs

Date

July 9, 1980

(Signature)

Leroy J. Mernagh

1704-2

RONALD R. KAPPELMAN
ATTORNEY AT LAW

DAKOTA PROFESSIONAL BUILDING
2902 WEST MAIN STREET, SUITE 1
RAPID CITY, SOUTH DAKOTA 57702

(605) 342 6336

December 21, 1990



Mr. Patrick M. Ginsbach
Farrell, Farrell & Ginsbach
441 North River Street
Hot Springs, SD 57747

RE: Country Club Estates

Dear Pat:

Enclosed herein please find an original Assignment regarding the water rights permit which was previously issued to Buckingham Wood Products, Inc.

I am sending a copy of this Assignment to the South Dakota Department of Water and Natural Resources.

With kindest regards,

Ronald R. Kappelman

RRK:smk

cc: S.D. Department of Water and
Natural Resources
Wiley R. Hughes

1704-2

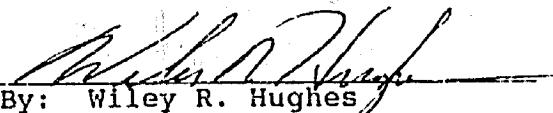
ASSIGNMENT

For value received, the receipt of which is hereby acknowledged, Buckingham Wood Products, Inc., a South Dakota Corporation, of 912 E. Philadelphia Street, Rapid City, South Dakota, 57701, hereby assigns, transfers, and sets over to County Club Estates Corporation, of c/o Gene Nachtigall, HCR 52, Box 176H, Hot Springs, South Dakota 57747, all of its right, title, and interest in and under a certain water rights permit from the Department of Water and Natural Resources, specifically Water Rights Permit No. 1704-2. A copy of the Water Rights Permit is attached hereto.

Dated at Rapid City, South Dakota, this 21st day of December, 1990.

BUCKINGHAM WOOD PRODUCTS, INC.

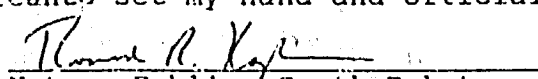
(CORPORATE SEAL)


By: Wiley R. Hughes
Its: President

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF PENNINGTON)

On this the 21st day of December, 1990, before me, the undersigned officer, personally appeared Wiley R. Hughes, who acknowledged himself to be the President of Buckingham Wood Products, Inc., a corporation, and that he, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public, South Dakota

My Commission Expires:
(SEAL) 5-1-94

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

Beverly J. Irwin
Certified Legal Assistant

December 24, 1990

John Hatch
Chief Engineer
South Dakota Dept. of Water
and Natural Resources,
Water Management Division
Joe Foss Bldg.
Pierre, SD 57501

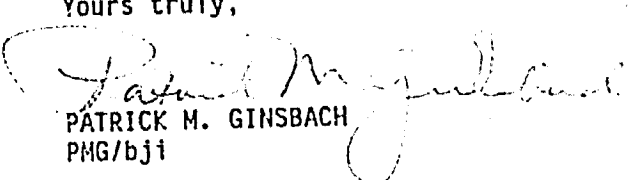
Re: Water Right Permit No. 1704-2

Dear Mr. Hatch:

By way of introduction, I am a lawyer in Hot Springs, South Dakota, whose firm represents the Country Club Estates Corporation, which is the homeowners association that will take over the operation of the water system previously developed and owned by Buckingham Wood Products, Inc. and which owns Water Right Permit No. 1704-2.

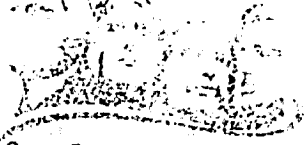
Buckingham Wood Products, Inc. sent me an original Assignment of their interest in Water Right Permit No. 1704-2 and I am writing to you to see what needs to be done to transfer that over to the Corporation.

Yours truly,


PATRICK M. GINSBACH
PMG/bji



South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 27, 1990

1704-2

Patrick M Ginsbach
FARRELL, FARRELL & GINSBACH
441 N River Street
Hot Springs, SD 57747

RE: Water Right No. 1704-2, Buckingham Wood Products

Dear Mr. Ginsbach:

In response to your letter of December 24, 1990, enclosed is a "Notice of Transfer of Ownership" form. This form is used for filing ownership changes on Water Permits and/or Rights.

The transfer form should be completed and then signed by the new owner(s) 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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

Division of Water Rights

South Dakota Department of Water and Natural Resources

RECEIVED OF Farrell, Farrell & Ginsbach, 441 North River St., Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

By J. H. Hatch
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

July 3, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 1704-2

Farrell, Farrell & Ginsbach
ATTN: PATRICK M. GINSBACH
441 North River St.
Hot Springs, SD 57747

Dear Mr. Ginsbach:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1704-2.

Our records now show Country Club Estates Corporation, P.O. Box 285, Hot Springs, SD 57747 as the owner of Water Right No. 1704-2.

Sincerely,

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

enclosure

cc: Country Club Estates Corporation

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

Beverly J. Irwin
Certified Legal Assistant

(605) 745-5161

June 25, 1991

Jenny McMath
Natural Resources Analyst
Department of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181



Re: Water Right #1704-2; Buckingham Wood Products

Dear Ms. McMath:

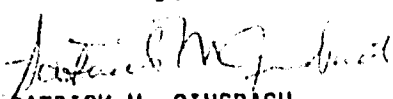
Enclosed please find the Notice of Transfer of Ownership form for the above-referenced water right, the original Assignment of the water right from Buckingham Wood Products to Country Club Estates Corporation, and a copy of the Corporate Resolution passed on May 13, 1991, accepting the assignment of the water right permit.

As I explained to you and Eric Gronlund, Buckingham Wood Products had built a subdivision here in Fall River County and operated it for approximately 11 years. In late November of 1990, they had an auction in which they auctioned off all of their remaining properties that had not been sold. They required the owners of the land to form an association to take over the operation of the subdivision. Our firm was contacted and we began preparing Articles of Incorporation. These were circulated to the 50 owners of the land located in Country Club Estates Subdivision, and we finally received the Articles back in April of 1991. They were then sent in to the Secretary of State, who issued a Certificate of Incorporation of a Non-profit Organization on April 10, 1991. Pursuant to the Declaration of Covenants, the first organizational meeting had to have 15, and no more than 30, days notice given to all the members. That notice of meeting was sent out by mail, and the first organizational meeting was held on May 13, 1991, at which time the corporation finished organizing by electing officers and directors, who thereafter held their first organizational meeting and adopted a Resolution accepting the assignment of the water right permit.

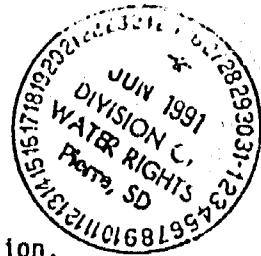
I am also enclosing a check in the amount of \$2.50 for the filing fee.

If you have any questions, please feel free to contact me.

Yours truly,


PATRICK M. GINSBACH
PMG/jc
Enclosure

COUNTRY CLUB ESTATES CORPORATION
RESOLUTION ACCEPTING ASSIGNMENT OF WATER RIGHT



WHEREAS, BUCKINGHAM WOOD PRODUCTS, INC., a South Dakota corporation, assigned its interest in Water Right Permit #1704-2 to COUNTRY CLUB ESTATES CORPORATION on December 21, 1990; and

WHEREAS, the South Dakota Secretary of State issued a Certificate of Incorporation for COUNTRY CLUB ESTATES CORPORATION on April 10, 1991; and

WHEREAS, pursuant to the Declaration of Covenants, the organizational meeting for COUNTRY CLUB ESTATES CORPORATION was held on May 13, 1991 at 7:00 o'clock p.m. in the basement community room of the Fall River County Courthouse in Hot Springs, South Dakota, after due notice being given to all the members; and

WHEREAS, at that time officers of the corporation were elected, and, upon a motion made by Tom Ritterbush and seconded by James Rogers, the following Resolution was unanimously passed:

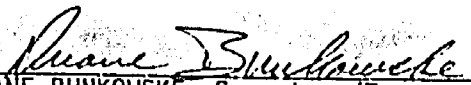
RESOLVED, that COUNTRY CLUB ESTATES CORPORATION accept an assignment of Water Rights Permit #1704-2 from BUCKINGHAM WOOD PRODUCTS, INC. dated December 21, 1990.

DATED this 13th day of May, 1991.



RANDY SCOTT, President
Country Club Estates Corporation

ATTEST:

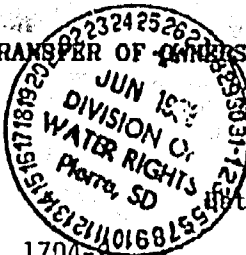


DUANE BIJNKOWSKE, Secretary/Treasurer
Country Club Estates Corporation

NOTICE OF TRANSFER OF OWNERSHIP

No. 1704-2

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



Date: January 30, 1991

I/We request that Water Permit/Right No. 1704-2

formerly owned by: Buckingham Wood Products

be transferred to: (name & address) Country Club Estates Corporation, P.O. Box 285,
Hot Springs, SD 57747 (telephone No.)

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

XX/We understand that the validity of Water Permit/Right No. 1704-2 has not been determined by this transfer action. If XX/We have any questions on validity, XX/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 Fall River

On this the 13th day of May, 1991, I, Randy C. Scott, President of the newly formed and organized Country Club Estates Corporation, being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of President of the Corporation that is the Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Randy C. ScottSubscribed and sworn to before me this 13 day of May, 1991.Robert M. Genshert
Notary PublicMy commission expires: 6-1-97.

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.



ASSIGNMENT

For value received, the receipt of which is hereby acknowledged, Buckingham Wood Products, Inc., a South Dakota Corporation, of 912 E. Philadelphia Street, Rapid City, South Dakota, 57701, hereby assigns, transfers, and sets over to County Club Estates Corporation, of c/o Gene Nachtigall, HCR 52, Box 176H, Hot Springs, South Dakota 57747, all of its right, title, and interest in and under a certain water rights permit from the Department of Water and Natural Resources, specifically Water Rights Permit No. 1704-2. A copy of the Water Rights Permit is attached hereto.

Dated at Rapid City, South Dakota, this 21st day of December, 1990.

BUCKINGHAM WOOD PRODUCTS, INC.

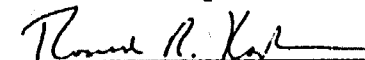
(CORPORATE SEAL)


By: Wiley R. Hughes
Its: President

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF PENNINGTON)

On this the 21st day of December, 1990, before me, the undersigned officer, personally appeared Wiley R. Hughes, who acknowledged himself to be the President of Buckingham Wood Products, Inc., a corporation, and that he, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

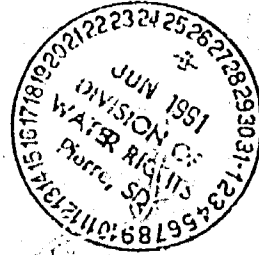

Notary Public, South Dakota

My Commission Expires:
(SEAL) 5-1-94

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

May 28, 1980



Buckingham Wood Products, Inc.
P.O. Box 240
Rapid City SD 57709

Dear Sir:

Enclosed herewith is your Water Right Permit No. 1704-2 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1704-2.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:kw

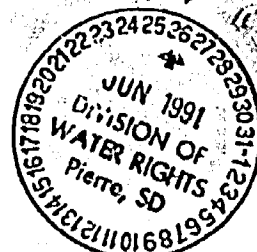
enclosure

NOTE: You should be aware that the use of water proposed under this Permit may come under the requirements of the Safe Drinking Water Act. For information regarding this Act you should contact: Mark Steichen, Administrator, Office of Drinking Water, DWRN, Foss Building, Pierre SD 57501. Phone No. 773-3754

WHR-809-7/79

Forwarding Permit to Appropriate Water

SCALE 1"=300'
JANUARY 3, 1980



S.S.

State of South Dakota
Survey and G. No. 1899
For my responsible
and belief the
J. H. P.
H. L. D.
S. D. K. A. T. A.

James P. Heald

DATE: Jun. 14, 1930



SW 22 - TTS - RSE

BY C.E.D.

1-2-80

WILEY

of 1

100140

3011

Map 1-163-2 274-1704-2

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

March 3, 1981



Buckingham Wood Products, Inc.
P. O. Box 240
Rapid City, SD 57709

Dear Sirs:

Enclosed herewith are, Water License No. 1704-2 and Certificate of Construction.

Water License No. 1704-2 is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH: plh

enclosures

Permit No. 1704-2

Water Diversion No. 2 Upper Cheyenne Water District



CERTIFICATE OF CONSTRUCTION

This is to Certify, That Buckingham Wood Products, Inc.

Permit No. 1704-2, issued upon Application No. 1704-2, bearing date of priority of February 28, 1980 the holder _____ of _____
authorizing the diversion of .20 cu. ft. per second of the waters of _____
groundwater (one well) County of Fall River, State of South Dakota at a
point S 85° 54' W, 1660' from well to SW Corner, Sec. 22-T7S-R5E

for Suburban Housing Development

purpose, 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 _____ - 20 _____ cu. ft. per second of water.

Date January 22, 1981

JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1704-2



(1) WHEREAS, On the 28th day of February A. D. 19 80
Buckingham Wood Products, Inc.

made Water Right Application No. 1704-2 for a permit to use .30 cubic feet per second of the waters
of groundwater (one well)
County of Fall River, State of South Dakota, for suburban housing development

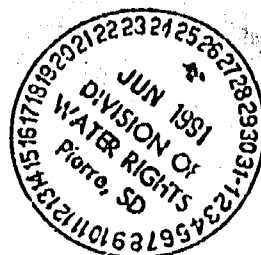
_____ purposes; and
(2) WHEREAS, On the 22nd day of May A. D. 19 80
Permit No. 1704-2, with a date of priority of February 28, 1980
was issued to said applicant S for the diversion of said water, and recognizing
supply system therein described on or before the day of _____ A. D. 19 _____ and for the
application to beneficial use of said water on or before the day of _____ A. D. 19 _____

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 .20 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 to be used in place for suburban housing development

By: John Hatch
- Chief Engineer, Executive Officer JOHN HATCH



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

Post Office Rapid City
Date June 18 1980

TO: Water Rights ~~6035-162-000~~
Joe Foss Building
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 maximum extent~~ ~~it is going to be used~~, not exceeding the amounts as specified in Water Right No.

1704-2.

Water Right Permit No. 1704-2 states that the diversion system is to be constructed by completed, and that the water is put to beneficial use by completed.

The diversion system was completed on or before May 27 1980 Applying the water to beneficial use was completed on or before May 27 1980

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.

Wiley D. Hughes
(Signature)
Vice President
Buckingham Wood Products Inc.

WATER RIGHT MAP FOR
WELL LOCATED IN LOT WELL REVISED OF BLOCK B OF COUNTRY CLUB ESTATES
LOCATED IN
SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 22, T7S, R5E, BHM,
FALL RIVER COUNTY, SOUTH DAKOTA

Map # 1704-2
APPL # 1704-2

SECTION LINE 7

SCALE 1"=300'
JANUARY 9, 1980

RESERVOIR LOT

SEC. 1/16 LINE

RIDGEVIEW DRIVE

BLOCK B

585°54'W 1660

SECTION LINE 1

WELL LOT REVISED

WELL

STONE
SOUTHWEST CORNER
SEC. 22, T7S, R5E, BHM

CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington

S.S.

I, James P. Heald, Registered Land Surveyor No. 2199 of the State of South Dakota, do hereby certify that being so authorized, the survey and within map of the land shown and described hereon were made under my responsible direction and supervision and that to the best of my knowledge and belief the within map is a representation of said survey.

REGISTERED LAND SURVEYOR: James P. Heald
James P. Heald

DATE: Jan. 14, 1980



FRANCIS-MEADOR-GELLHAUS, INC.
RAPID CITY

PROJECT: BUCKINGHAM WOOD PRODUCTS

SW22-T7S-R5E

BY C.E.S.
1-9-80

SHEET
1 OF 1

JOB NO
3011

MAP # 1704-2 APPL. 1704-2