

Water Right No. 1706-2

1. Considered May 22 19 80
  2. Name of Applicant MIDWEST HOMES, INC.
  3. Post Office Address RAPID CITY, S.D.
  4. Amount of Water Claimed .56
  5. Source of Water Supply 815' 800' WELL
  6. Water to be used for SUBURBAN HOUSING
  7. Acres to be Irrigated \_\_\_\_\_ maximum acre feet \_\_\_\_\_
  8. Water to be diverted and used in PENNINGTON & MEADE County about 2 miles NORTH of RAPID CITY
  9. PROOF OF PUBLICATION Received RE NOT 5-5-80  
Not Received \_\_\_\_\_
- APPLICATION Approved 5/23/80  
Subject to W.T.  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

Priority 3-12-80 Date Received 3-12-80 Application Complete yes ☒ no \_\_\_\_\_ FEE 150.00  
Remarks have Feasibility report.

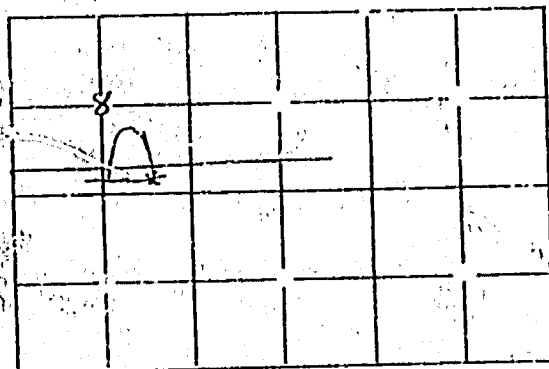
☒ WATER QUALITY NA  
Date Information and/or fee or corrected Application received 3-12-80  
Period of Annual use Continuously  
Received yes \_\_\_\_\_ no \_\_\_\_\_ APPROVED/CONDITIONAL (circle one)  
WI-1 Description same as application yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_ Returned \_\_\_\_\_

Diversion Point \_\_\_\_\_

Lat. 2, SE+ SE<sup>+</sup>  
8-2 N-7E

Lands to be Irrigated \_\_\_\_\_



WELL LOG

Remarks Drilled August-1977  
Well in Pennington Co. Reel in Meade & Penn. Co.  
Driller Price-Taylor Dr. Co. Licensed yes ☒ no \_\_\_\_\_  
Depth 800' deep

MAP Map No. 1465-2 Map located In Water Right X Map file \_\_\_\_\_  
 Type of Map Drawn Prepared by Eng. Francis Mador  
Billings, D.

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 \_\_\_\_\_

B.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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Map No. 1465-2 Water Division No. 2 UPPER GLENN District 1706-2  
(Blank to be Filled by the Engineer for the U. S. C. I.)10/20/88  
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through text if not applicable)

1. Name of Applicant MIDWESTERN HOMES, INC.  
 Post Office 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 NORTHDALE SUBDIVISION  
 4. Amount of water claimed (cubic feet per second) 0.56 CFS  
 5. Source of water supply LIMESTONE AND SANDSTONE AT 650'  
 6. Location of point of diversion LOT 2, S1/4 SE1/4, SECTION 8-T2N-R1E,  
(PENNINGTON Co.)  
 \_\_\_\_\_ County MEADE & PENNINGTON  
 7. Annual period or periods during which water is to be used YEAR AROUND  
 8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) MUNICIPAL  
 9. For \_\_\_\_\_ Total number of acres to be irrigated SUBURBAN HOUSING

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 no. 10 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 Appropriately Water publication RAPID CITY JOURNAL  
 12. Principal Features of the Proposed Water Supply System.

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

815 FT. DEEP WELL WITH 710 FT. OF 7" CASING

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

C. Works proposed to apply water to beneficial use.

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.)

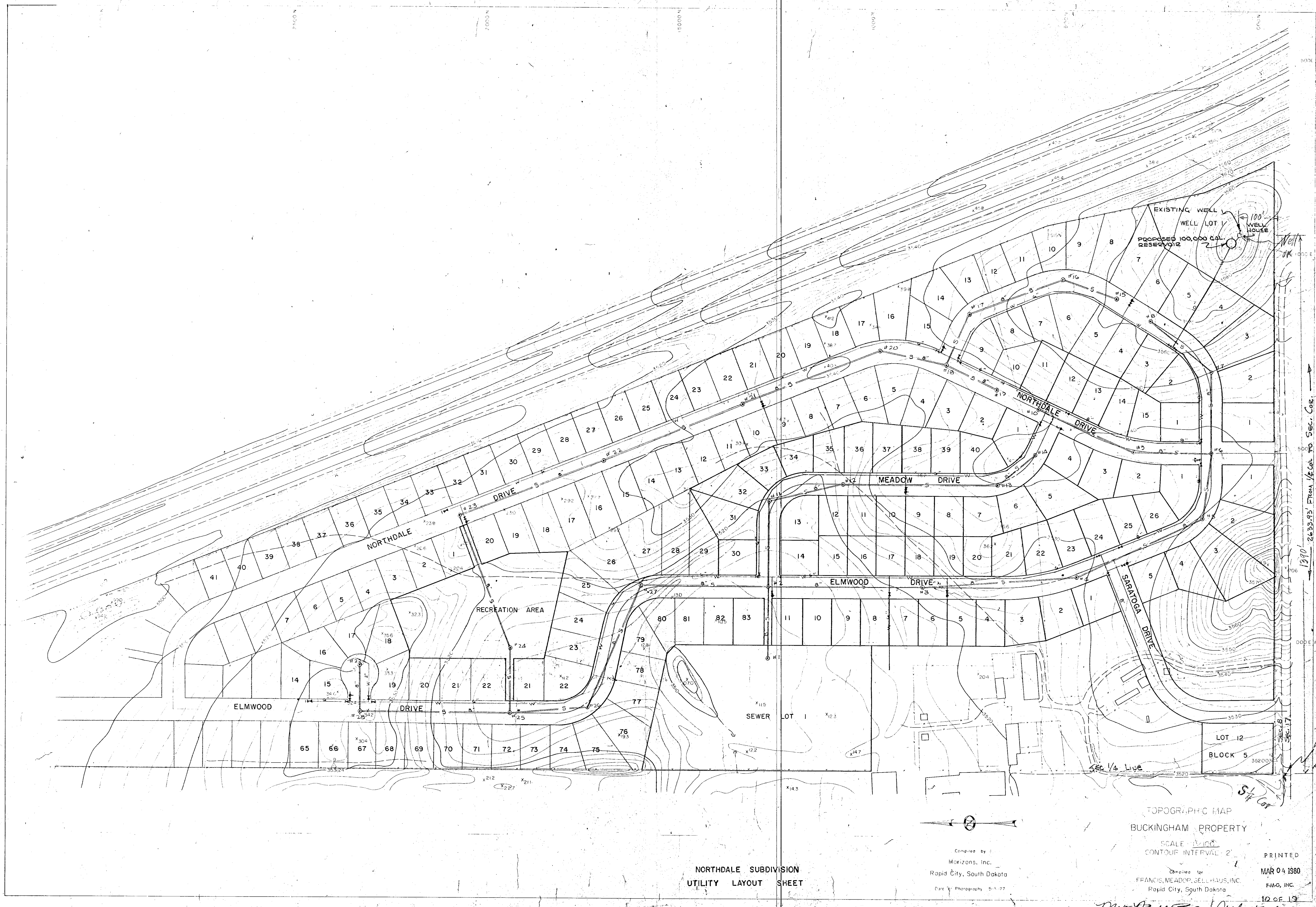
STATE OF SOUTH DAKOTA )

County of Pennington )I, Robert D. Buckingham 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 Robert D. BuckinghamSubscribed and sworn to before me this 10th day of March 1980

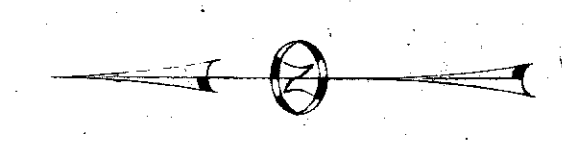
Notary Public (or other qualified officer)

My Commission Expires 2-5-88





NORTHDALE SUBDIVISION  
UTILITY LAYOUT SHEET



Compiled by  
Horizons, Inc.  
Rapid City, South Dakota  
Date of Photography 5-3-77

TOPOGRAPHIC MAP  
BUCKINGHAM PROPERTY  
SCALE 1"=100'  
CONTOUR INTERVAL 2'  
PRINTED  
MAR 04 1980  
F-M-G, INC.  
10 OF 19

Prepared by: *Prep. No. 1465-2* Appl. 1706-2

The Water Rights Commission hereby approves Water Right Application No. 1706-21

MIDWESTERN HOMES, INC.

(Applicant)

Box 640, Rapid City

(Post Office Address)

SOUTH DAKOTA 57709

(State)

With the following modifications:

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

Date of first receipt of application MARCH 12 1980

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_

Approved MAY 22 1980 Recorded in Book 21 Page 168

WATER RIGHT PERMIT NO. 1706-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1706-2 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 Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim rip' t is MARCH 12 1980
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_
3. The whole of said work is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_
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 .56 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 beneficial service, and if for the irrigation purpose, said appropriation must be limited to not more than 2 acre feet per acre per year, and limited to not more than one-seventh (1/7) of the cubic foot of water per acre of time for each acre of land to which it is actually and beneficially applied for irrigation on or before THIS DATE 19; said water to be used during following described annual period: CONTINUOUSLY

Witness my hand this 28<sup>th</sup> day of MAY 1980

WATER RIGHTS COMMISSION

By:

John Hatch

Chief Engineer, Executive Officer

Certificate of Construction Issued March 18 1981

Water License Issued March 18 1981

# WELL LOG

North Dale

Black hawk

August 24, 1977

|             |             |              |
|-------------|-------------|--------------|
| Total Depth | 815'        | Static 150'  |
| 710' 7"     | O.D. Casing | Est. 250 GPM |

|         |                           |
|---------|---------------------------|
| 0-25    | green shale               |
| 25-400  | red shale                 |
| 490-535 | limestone (130 GPH)       |
| 535-540 | purple shale              |
| 540-650 | opeche shale              |
| 650-660 | red sandstone             |
| 660-680 | dirty red sandstone       |
| 680-710 | pink limestone            |
| 710-750 | pink and red limestone    |
| 750-760 | rose sandstone            |
| 760-780 | red limestone             |
| 780-790 | rose sandstone            |
| 760-780 | red limestone             |
| 730-790 | rose sandstone            |
| 790-800 | hard red broken limestone |
| 800-815 | pink sandstone & quartz   |

Some purple shaley limestone when blow off head

Blow @ 400-300 GPM 300-180 GPM

|                       |             |         |
|-----------------------|-------------|---------|
| Install. & Cement 93' | 5 1/2" O.D. | to 790' |
| 13 bags cement        |             |         |

Paul F. Taylor Jr.

Ralph H. Taylor, Sr., President

BICE-TAYLOR DRILLING CO., INC.



WATER SYSTEM  
FOR  
NORTHDALe SUBDIVISION  
MEADE & PENNINGTON COUNTIES

The proposed Northdale Subdivision is located near Black Hawk and will, at full development, consist of an estimated 202 lots for single-family dwellings. The subdivision will be suburban residential.

ESTIMATED WATER USE

The water system to serve the proposed subdivision will provide water for domestic use including lawn watering. Average annual daily use should be about 300 gallons per residence with peak day water use approaching an estimated 1,000 gallons per residence. The average annual daily water use is estimated at about 60,600 gpd while the peak daily use is estimated at about 202,000 gpd determined as follows:

Ave. Annual Daily Use = 202 Lots x 300 gpd/lot = 60,600 gpd

Peak Daily Use = 202 Lots x 1,000 gpd/lot = 202,000 gpd

To satisfy the estimated peak daily use of 202,000 gpd, the well should be capable of supplying between 170 gpm and 240 gpm (14 to 20 hours). The well with a capacity of 250 gpm is therefore adequate.

STORAGE

The storage facilities will act as a flow equalizing reservoir and provide water for fire protection as well as emergency use.

Peak use generally occurs during a 4-hour period of time in the evening hours during the summer months. The peak use may approach 2 gpm/home, or 404 gpm for the proposed 202 lots. If the well supplies 250 gpm, about 154 gpm (37,000 gallons for 4 hours) would be drawn from the reservoir to satisfy the peak demand. Fire flows of at least 500 gpm for two hours (60,000 gallons) should be available. Total usable storage should be about 97,000 gallons.

Ground elevation at the reservoir site is about 3600 and the elevation of the highest house is about 3570. To maintain a minimum pressure of 20 psi at the highest house, the minimum water elevation should be at about 3616. The proposed reservoir is 50 ft. high with an overflow elevation of about 3650. Total storage between elevation 3616 and 3650 is about 102,000 gallons.

WATER DISTRIBUTION SYSTEM

The proposed water distribution system will consist of 10", 8" and 6" PVC water mains with necessary valves and fire hydrants. The proposed system for initial development is shown on the utility layout sheet. Service for additional development will be provided by constructing additional 6" mains and connecting them to the lines constructed during initial development.

Pressures in the water system will range between 20 psi and 60 psi when the water in the reservoir is at Elevation 7616 and will be between 35 psi and 75 psi when the reservoir is full.

#### ESTIMATED COST

The estimated water system cost is as follows and is based on estimated October 1977 materials and labor costs.

| ITEM                      | UNITS     | ESTIMATED<br>UNIT COST | EST. TOTAL<br>COST-IN-PLACE |
|---------------------------|-----------|------------------------|-----------------------------|
| 1. Drill & Casing Well    | 790 Ft.   | \$ 16.00               | \$ 12,640.00                |
| 2. Drill Open Hole        | 25 Ft.    | 9.00                   | 225.00                      |
| 3. Well House             | L.S.      | L.S.                   | 3,000.00                    |
| 4. Chlorination Equipment | L.S.      | L.S.                   | 500.00                      |
| 5. Reservoir              | L.S.      | L.S.                   | 48,000.00                   |
| 6. 10" PVC Water Main     | 600 Ft.   | 9.50                   | 5,700.00                    |
| 7. 8" PVC Water Main      | 1,115 Ft. | 7.50                   | 8,362.50                    |
| 8. 6" PVC Water Main      | 7,200 Ft. | 6.00                   | 43,200.00                   |
| 9. 10" Gate Valves        | 3 Ea.     | 500.00                 | 1,500.00                    |
| 10. 8" Gate Valves        | 5 Ea.     | 400.00                 | 2,000.00                    |
| 11. 6" Gate Valves        | 18 Ea.    | 300.00                 | 5,400.00                    |
| 12. Fire Hydrants         | 14 Ea.    | 700.00                 | 11,900.00                   |
| ESTIMATED TOTAL COST      |           |                        | \$142,430.00                |

At full development, the estimated cost of the water system construction would be \$705.00/lot.

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 8" - 9 1/2", Depth 015'  
(2) Casing, Type STEEL (wood, concrete, steel, etc) Diameter 7" Thickness         
(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 PINK AND RED LIMESTONE AND ROSE SANDSTONE

Depth to top of water bearing material 650'

Depth to bottom of water bearing material 800'

Thickness of water bearing material 150'

Depth to water (ground surface to water level) 150'

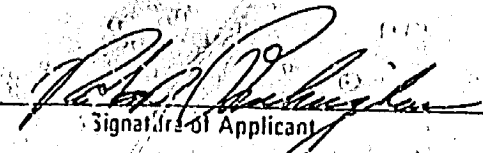
- (2) Distance to nearest existing household or livestock watering wells.

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

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.

MIDWESTERN HOMES, INC.  
Robert D. Buckingham, President

  
Signature of Applicant

Permit No. 1706-2

Water Diversion No. 2 Upper Cheyenne Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Midwestern Homes, Inc.

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1706-2, issued upon Application No. 1706-2, bearing date of priority of March 12,  
1980 authorizing the diversion of .56 cu. ft. per second of the waters of \_\_\_\_\_  
from water (one well) County of Monroe, State of South Dakota at \_\_\_\_\_  
a point 1390 feet east and 100 feet north of 6th corner, Section 8,  
T2N, R7E

\_\_\_\_\_, for suburban housing development  
purposes, has not complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use .44 cu. ft. per second of water.

Date March 18, 1981

John Hatch  
JOHN HATCH, Chief Engineer  
Water Rights Division

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1706-2

(1) WHEREAS, On the 12th day of March, A. D. 1980  
the Midwestern Homes, Inc.

made Water Right Application No. 1706-2 for a permit to use .56 cubic feet per second of the waters  
 of groundwater (one well)

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

purpose; and

(2) WHEREAS, On the 22nd day of May, A. D. 1980

Permit No. 1706-2 with a date of priority of March 12, 1980

was issued to said applicant it for the diversion of said water, and recognizing  
~~XXXXXX~~ for the completion of construction of the water  
 supply system therein described ~~XXXXXX~~ the ~~XXXXXX~~ ~~XXXXXX~~ and for the  
 application to beneficial use of said water ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~

and:

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

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to the application of water to beneficial use of the following extent,  
water supplies for a suburban housing development (Northdale Sub-Division)

(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 the Midwestern Homes, Inc.

of Rapid City SD

the holder B and owner B of said permit No. 1706-2 a water right, dating from March 12, 1980

to use of .44 cubic feet per second of the waters of groundwater (one well)

in the County of Pannington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1390 feet east and 100 feet north of SW corner, Section 8, T2N, R7E

and conducted ~~XXXXXXXXXX~~ thru the Northdale Sub-Division distribution system

for the purpose of suburban housing development

Subject to any limitations listed in Water Right Permit No. 1706-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 18th day of March A. D.  
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No. 4 7390

PIERRE, March 12

19\_\_

Midwestern Homes, Inc., P.O. Box 640, Rapid City SD 57709

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

|                                                                                                                |            |           |
|----------------------------------------------------------------------------------------------------------------|------------|-----------|
| Fee for Application for Permit to Appropriate Water No. 1700-2 (examination, processing, recording and filing) | 150        | 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)                                                                    |            |           |
| <b>TOTAL</b>                                                                                                   | <b>150</b> | <b>00</b> |

WATER RIGHTS COMMISSION

By *John Hatcher*  
Chief Engineer, Executive Officer  
JOHN HATCHER

No. 1708-2

Publish first publication, on or before April 25, 1980

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 1980

Notice is hereby given that Midwest Homes, 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 .56 cubic feet of water per second of time from groundwater (one well) through the Northdale Subdivision, the point of diversion of which is ~~next~~ to be located in the Lot 2, SR1 SR1

of Section 8, Twp. 2 N, Range 7 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. 1708-2 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Building, Pierre, SD upon the 22nd day of May 1980

at 10 A.M. 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. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DMR, Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the WATER MANAGEMENT BOARD hearing.

**BETTY WESTLUND**  
Water Rights Specialist

cc: Midwest Homes Inc.  
P.O. Box 840  
Rapid City, SD 57709

FORM 6 - Notice of Intent to Appropriate Water  
GROUNDWATER

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

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County \_\_\_\_\_ ) ss.

I, Mary K. Garness 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

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

April 25, 1980

May 2, 1980

Mary K. Garness  
(Signature)

Bookkeeper  
(Title)

May 2, 1980  
(Date Signed)

April 25, May 2, 1980  
NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE  
WATER  
Pierre, South Dakota 57501  
Notice is hereby given that Midwest  
Homes Inc. whose post office address is  
Rapid City, South Dakota, has made an  
application in accordance with the provisions  
of SDCL 45-1-1 thru 45-1-14, 45-2-1  
thru 45-2-11, 45-2-13, 45-3-1 thru 45-3-  
9, 45-5-10 thru 45-5-27, 45-5-31, 45-6-2, 45-6-  
3, 45-6-5, 45-6-6, 45-6-10, 45-6-14, and  
Board Rules, AR 3, 37-01:01.01 thru  
37-01:01:11, for a permit to appropriate  
for beneficial use 134 cubic feet of water  
per second of time from groundwater  
(a well) through the Northdale Sub-  
division, the point of diversion of which is  
to be located in the Lot 2, SE 1/4, SE 1/4 of  
Section 8, Twp. 1N, Range 72E, said water  
to be used for the purpose of providing  
water supplies for suburban housing.  
This Application No. 1704-2 will be con-  
sidered by the Water Management Board  
at Civil Defense Meeting Room, State  
Capitol Building, Pierre, SD, upon the  
22nd day of May 1980 at 10 A.M. The  
Board is authorized to make a determina-  
tion 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 pre-  
sent evidence or cross-examine  
witnesses according to SDCL 1-15 may  
notify the Board in writing prior to the  
hearing or orally at the hearing.  
This hearing is an adversary pro-  
ceeding. 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. Any handicapped person wishing to  
attend this hearing can contact the Water  
Rights Division, DWRN, Foss Building,  
Pierre, SD, prior to the hearing date for  
assistance to assure access to the  
WATER MANAGEMENT BOARD hear-  
ing.  
BETTY WESTLUND  
Water Rights Specialist



**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

Midwest Homes, Inc.  
Box 640  
Rapid City SD 57709

Dear Sir:

Enclosed herewith is your Water Right Permit No. 1706-2 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. 1706-2.

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, DWR, Foss Building, Pierre SD 57501, Phone No. 773-3754

WNR-809-7/79

Forwarding Permit to Appropriate Water

Wade's Cove, Harris, Ariz. - 1901. Type. Number. 3200010  
North Park, Col. Ariz. - 1901. Type. Number. 3200011  
Hill, Ariz. - 1901. Type. Number. 3200012  
Type. Number. 1901. Type. Number. 3200013  
Col. 5. 1901. Type. Number. 3200014  
Type. Number. 1901. Type. Number. 3200015  
Type. Number. 1901. Type. Number. 3200016  
Type. Number. 1901. Type. Number. 3200017  
Type. Number. 1901. Type. Number. 3200018  
Type. Number. 1901. Type. Number. 3200019  
Type. Number. 1901. Type. Number. 3200020

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7946

PIER 25

January 26, 1931

RECEIVED OF Midwestern Homes, Inc. P.O. Box 640 Rapid City SD 57709

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) ..... |           |           |
| Fee for inspecting Construction, and Issuing Cert. of Construction No. <u>1705-2</u> }                             | 50        | 00        |
| Fee for inspecting Beneficial Use, and Issuing Water License No. <u>1705-2</u> }                                   |           |           |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                            |           |           |
| Fee for filling .....                                                                                              |           |           |
| Fee for certified copy of .....                                                                                    |           |           |
| Fee for Print copy of map .....                                                                                    |           |           |
| Fee for Certifying .....                                                                                           |           |           |
| Fee for .....                                                                                                      |           |           |
| (any other work as provided by law)                                                                                |           |           |
| <b>TOTAL</b>                                                                                                       | <b>50</b> | <b>00</b> |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 1706-2Water 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 Midwest Homes, Inc. of P.O. Box 640, Rapid City, S.Dak 57102 holderof Permit No. 1706-2, bearing date of priority of March 12, 1980authorizing the diversion of .44 cu. ft. per second of the waters of Wellfor Suburban Housing purposes, in Meade 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:

20 H.P. 3M. Submersible Pump.  
Pumping 200 gpm.

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

P.V.C. Main to Houses.  
150,000 gal. Storage Tank.

C. Works used to apply water to beneficial use.

Houses, lawns & GardensThe system is in the following condition: GoodThe point of diversion is located: 1390 ft E and 100 ft N of S 1/4 Cor  
Sec. 8, T2N R7EThe works are capable of diverting and conveying to the place of use .44cu. 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 depth 815' deep.License for .44 cfsDate September 30, 1980  
LeRoy J. McLaughlin  
(Signature)

1706-2

**WHITING, HAGG & HAGG**

ATTORNEYS AT LAW

1220 MT. RUSHMORE ROAD

MAILING ADDRESS - P. O. BOX 8008

RAPID CITY, SOUTH DAKOTA 57709

BRIAN D. HAGG  
REXFORD A. HAGG  
GEORGE E. GRASSBY  
JOHN STANTON DORSEY  
TERRY L. FREDRICKS

\*ALSO LICENSED TO PRACTICE IN OKLAHOMA  
\*\*ALSO LIC. TO PRACTICE IN NEBRASKA & TEXAS

CHARLES H. WHITING  
(OF COUNSEL)

TELEPHONE  
605-348-1125

FAX 605-348-9744

February 26, 1996

Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181



Re: Water Right No. 1648-2

Dear Sir or Madam:

Our firm represents the Northdale Sanitary District. We just received a copy of a "Notice of Transfer of Ownership," a copy of which is attached for your convenience. We would appreciate it if you would let us know what Water Right No. 1648-2 consists of, along with any liabilities which might attach to this Water Right.

Midwest Homes, Inc., did transfer ownership of the above-described well to the Northdale Sanitary District. Accordingly, we probably are the owners of this Water Right. However, before we sign this form, we would like to know more about this Water Right.

Thank you for your consideration in this matter.

Sincerely,

**WHITING, HAGG & HAGG**

*Terry L. Fredricks*

Terry L. Fredricks

TLF:drs  
Enclosure

1706-2



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

February 29, 1996

1706-2

Terry L. Fredricks  
WHITING, HAGG & HAGG  
PO Box 8008  
Rapid City, SD 57709

Dear Mr. Fredricks:

I am contacting you in regard to your letter of February 26, 1996, in which you inquired about Water Right No. 1648-2. The water right number contained on the transfer form is in error. It should have been 1706-2 and not 1648-2. Enclosed is a copy of Water Right No. 1706-2 and a corrected transfer form. The water right authorizes use of 0.44 cubic feet of water per second (approximately 200 gpm) from an 815 feet deep well to be used for suburban housing development purposes.

Under South Dakota Water Law, as long as water is beneficially used for the purpose it was appropriated, at least once every three years (unless legal excuse exists), the water right holder has a continuing right to the use of the water. If the district would need to add to the system in the same way that would increase the amount of water currently authorized, they would need to submit an application to amend the current water right.

From a water rights standpoint, all requirements, as far as the application, permitting and licensing have been met. You will still need to follow sampling procedures in accordance with the Safe Drinking Water Act. The sampling requirements are administered by the Drinking Water Program within our department.

If the Northdale Sanitary District abandoned the use of the well, as owner of the well they have the responsibility to plug or cap the well to prevent contamination of the water supply. Procedures for plugging abandoned wells can be obtained from our office if needed.

I hope I have addressed your concerns. If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

encl

1706-2

**WHITING, HAGG & HAGG**

ATTORNEYS AT LAW

1220 MT. RUSHMORE ROAD

MAILING ADDRESS - P. O. Box 8008

RAPID CITY, SOUTH DAKOTA 57707

CHARLES H. WHITING  
OF COUNSEL

TELEPHONE  
605-348-1125

FAX 605-348-9744

BRIAN D. HAGG  
REXFORD A. HAGG  
GEORGE E. GRASSBY  
JOHN STANTON DORSEY  
TERRY L. FREDRICKS

\*ALSO LICENSED TO PRACTICE IN OKLAHOMA  
\*\*ALSO LICENSED TO PRACTICE IN NEBRASKA & TEXAS

March 11, 1996

Ms. Gerny McMath, Environmental Scientist  
DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181



Re: Water Right No. 1706-2

Dear Ms. McMath:

Please find enclosed the Notice of Transfer of Ownership and a check in the amount of Two Dollars & Fifty Cents (\$2.50). I appreciate your letter of February 29, 1996. Your cooperation is most appreciated.

If you have any questions or comments, please do not hesitate to call me.

Sincerely,

WHITING, HAGG & HAGG

*Terry L. Fredricks*

Terry L. Fredricks

TLF:ssf

Enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

**To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181**

**No. 1706-2**

Date: 3/7/96



**We request that Water Right No. 1706-2**

formerly owned by: Midwest Homes, Inc., Rapid City, SD

be transferred to: (name & address) Northdale Sanitary District, P.O. Box 287, 4924 Saratoga Dr.,

**Black Hawk, South Dakota 57718**

**Telephone No. (605) 787-4640**

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

**well location: SE¼ SE¼ Section 8, T2N, R7E**

I/We understand that the validity of Water Right No. 1706-2 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 with the Water Rights Program, 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 \_\_\_\_\_ 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 of my own personal knowledge that the information herein stated is true.

(Signed)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**(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 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.

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

I, Terry L. Fredricks, as the attorney for the Northdale Sanitary District, being first duly sworn on my oath, depose and say that the Northdale Sanitary District is the owner of, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

By: Terry L. Fredricks  
Its: Attorney for the Northdale Sanitary District

Subscribed and sworn to before me this 11<sup>th</sup> day of March, 1996.

Janice L. Outland  
Notary Public

My Commission Expires:  
10-17-97  
(SEAL)

# RECEIPT

Division of Water Rights  
South Dakota Department of Environment and Natural Resources

414847

Pierre, \_\_\_\_\_ March 12, 19 96

RECEIVED OF Whiting, Hagg & Hagg (Northdale Sanitary Dist.), P.O. Box 8008, Rapid City, SD  
the following amount in fees for services rendered as provided for by law: 57709

|                                                                                                                      |  |      |
|----------------------------------------------------------------------------------------------------------------------|--|------|
| 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 _____ Water Right No. 1706-2                                                            |  |      |
| Fee for Filing Extension Request _____                                                                               |  | 2 50 |
| Fee for _____                                                                                                        |  |      |
| _____                                                                                                                |  |      |
| _____                                                                                                                |  |      |
| (Any Other Work Provided by Law)                                                                                     |  |      |
| Total                                                                                                                |  | 2 50 |

By *John H. Hagg*  
Chief Engineer



1706-2

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

June 11, 1996

No. 1706-2

Terry L. Fredricks  
Whiting, Hagg & Hagg  
Attorneys at law  
P.O. Box 8008  
Rapid City, SD 57709

Dear Mr. Fredricks:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1706-2.

Our records now show Northdale Sanitary District as the owner of Water Right No. 1706-2.

Sincerely,

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

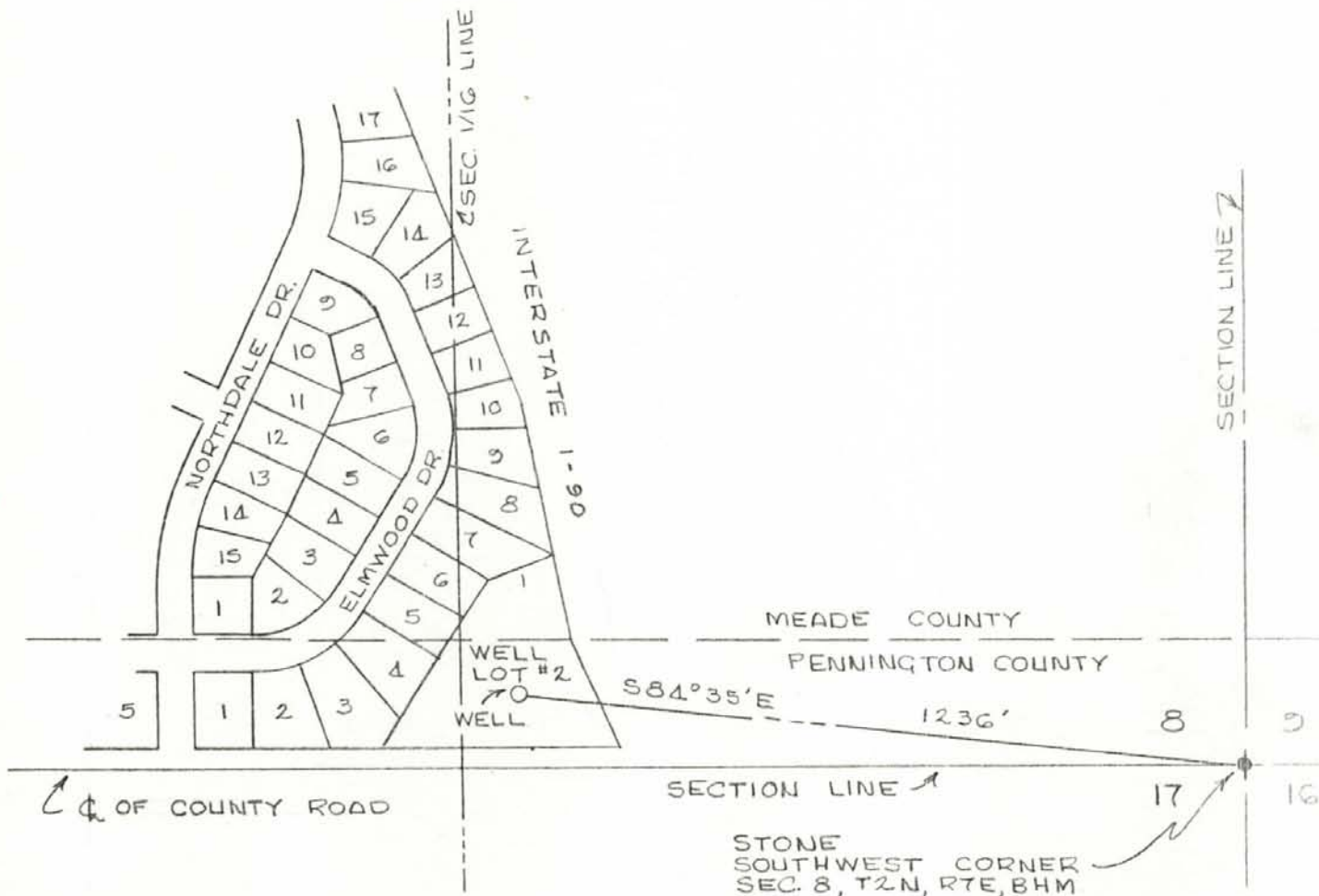
enclosure

c: Northdale Sanitary District, P.O. Box 287, Black Hawk, SD 57718

WATER RIGHT MAP FOR  
WELL LOCATED IN WELL LOT #2 OF BLOCK 1 OF NORTHDAL SUBDIVISION  
LOCATED IN  
LOT 1 OF SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  AND IN LOT 2 OF SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 8, T2N, R7E, BHM,  
PENNINGTON COUNTY, SOUTH DAKOTA

SCALE 1"=300'  
JANUARY 8, 1980

App'l # 1706-2



**CERTIFICATE OF SURVEYOR**

State of South Dakota  
County of Pennington

S.S.

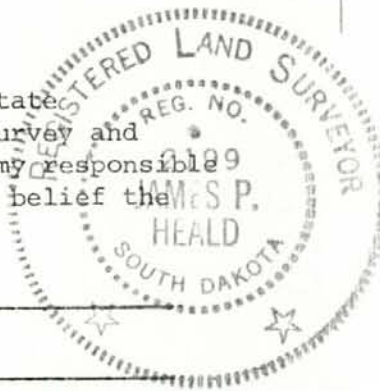
I, James P. Heald, Registered Land Surveyor No. 2199 of the State of South Dakota, do hereby certify that being so authorized, the survey and within map of the land shown and described hereon were made under my responsible direction and supervision and that to the best of my knowledge and belief the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

REGISTERED LAND SURVEYOR:

James P. Heald

DATE:

Jan. 14, 1980



FRANCIS-MEADOR-GELLHAUS, INC.  
RAPID CITY

PROJECT: MIDWESTERN HOMES

SW 8, T2N, R7E

BYCES  
1-8-80

SHEET  
1 OF 1

JOB NO  
3654

MAP No 1465-2 APPL. 1706-2