

FUTURE USE

1. Considered: _____, 19____ Water Right No. 1833-2
2. Name of Applicant Weston Heights Home Owners Association
3. Post Office Address RR 10, Box 2700, Rapid City 57701
4. Amount of Water Claimed 1.00 maximum acre feet
5. Source of Water Supply ~~1010 foot well~~ wells approximately 2.600 feet deep into
the Madison Formation
6. Water to be used for RWS acres to be irrigated for
7. County Meade about 3 3/4 E, 1/2 miles north of Blackhawk
8. PROOF OF PUBLICATION: Received for 5-26-83 ^{(Su) 9/19/83} Not Received _____
APPLICATION: Approved 7-20-83 Subject to see recommendation
Not Approved _____ Action Deferred _____

PRIORITY

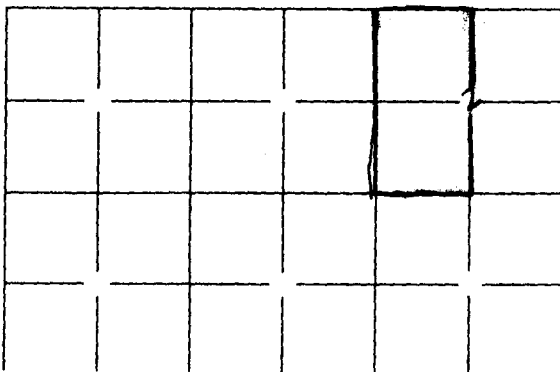
Dated Received 2/18/83 Application complete-yes xx no _____ FEE n/a
Remarks _____

Corrected Application received _____ Period of Annual Use 1/1 to 12/31

WATER
QUALITY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
W1-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
E 1/2 Section 2-T2N-R7E

Land to be irrigated _____

WELL LOG

Driller ~~Ralph Taylor Sr~~ Licensed - yes xx no _____
Depth ~~1010 foot deep~~

Remarks Well logs for Minnelusa Formation in 1833-2
Madison Formation is next formation below
Minnelusa - JH

MAP Map No. 1833-2 Map located in Water Right xx Map file _____
 Type of Map drawn Prepared by PE Ronald Dean

+++++

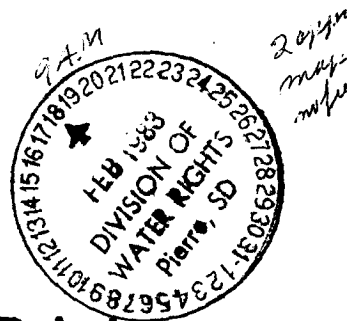
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and ~~written up for advertisement before the Board on:~~
3/16/83

Ronald Dean
 (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 was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1833-2Map No. 1833-2 Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10/20/11

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use X

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Weston Heights Home Owners Assoc. Phone No. (605) 343-8568
 Post Office Address RR 10 Box 2700 Rapid City State S. Dak. 57701
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation Rapid City S.D. 1976
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Weston Heights Project
4. Amount of water claimed (cubic feet per second) 1 cubic foot per second
5. Source of water supply Madison aquifers, well about 2600 feet deep
6. Location of point of diversion E $\frac{1}{2}$ of Sec2, T2n, R7E, BHM, Meade Co. S.Dak.

County MEADE

7. Annual period or periods during which water is to be used continuous
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Rural Water System
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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Meade Co. Times-tribune
12. Principal Features of the Proposed Water Supply System.

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

Wells - Pump (electric motor)

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

Transmission Line

C. Works proposed to apply water to beneficial use.

Distribution through water mains connected to transmission lineEstimated Total Cost \$ \$350,000

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) ss.I, William Freytag 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 William Freytag Pres Weston Heights Homeowners Assoc.Subscribed and sworn to before me this 31 day of January, 1988

Notary Public (or other qualified officer)

My Comm. expires: 4/29/88

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1833-2
Weston Heights Home Owners Assoc. RR #10 Box 2700 Rapid City
South Dakota (Applicant) (Post Office Address)
With the following qualifications
(State)

This Future Use Permit No. 1833-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years. At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities. This permit is approved for groundwater from wells approximately 2600 feet deep into the Madison Formation.

Date of first receipt of application February 18, 1983
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
Approved July 20, 1983, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1833-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1833-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 18, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NA, 19____
3. The whole of said work is to be completed on or before NA, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NA, 19____
5. The water appropriated shall be used for the purpose of suburban housing development
(RWS)
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 1.00 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 uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____;~~ said water to be used during the following described annual period: CONTINUOUS

Witness my hand this 26th day of July, 1983

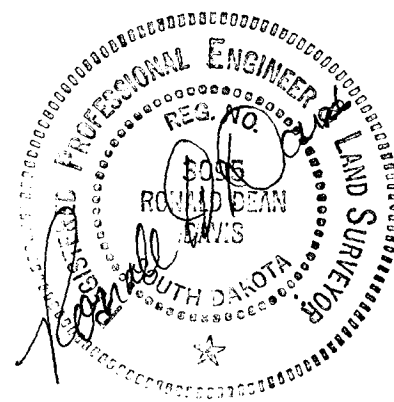
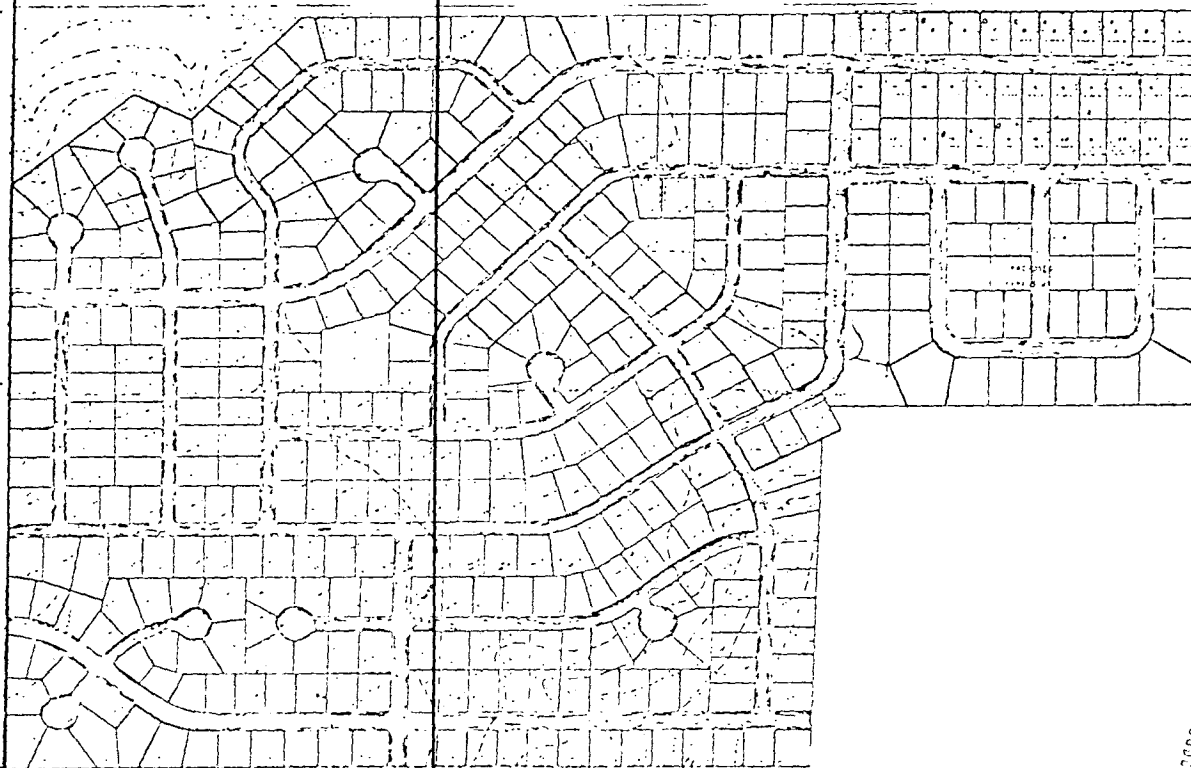
THE WATER MANAGEMENT BOARD

By: John Kalk
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

EAST 1/2 of
Sec 2, T2N, R7E
BHM. Meade Co.



Wm. Freytag Pres.

Wm. Freytag Pres. Weston Heights Homeowners Assoc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412424

Pierre, November 13, 19 90

RECEIVED OF Weston Heights Homeowner's Assn, Box 1848, Rapid City SD 57709-1848

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1833-2</u> after period of seven years.	22	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	22 50

By

John Hatch (miss)
Chief Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATIONS

NO. 1832-2 & 1833-2, Weston Heights Home Owners Association

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Right Division, Department of Water and Natural Resources concerning Water Permit Applications No. 1832-2 & 1833-2, Weston Heights Home Owners Association, RR#10, Box 2700, Rapid City, South Dakota.

The Chief Engineer is recommending APPROVAL of Applications No. 1832-2 & 1833-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion and future use appropriation can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

No. 1832-2

1. The reconstruction of the existing Minnelusa well and deepening of the well into the Madison Limestone shall include pressure grouting with cement (bottom to top) of the casing above the water producing formation (the 8 inch casing is apparently already grouted), approximate total depth of grout, 2400 lineal feet, and compliance with Board well construction rules.
2. Construction of the second well shall include pressure grouting with cement (bottom to top) of the casing above the water producing formation, approximate depth of the grout, 2400 lineal feet, and compliance with Board well construction rules.
3. When the existing Lakota well is abandoned, it shall be plugged with cement by pumping from bottom to top.
4. The wells approved under this Permit shall be valved and the flow reduced to a minimum when not being used. The wells shall also be equipped with pressure gauges and records kept of any pressure fluctuations. Such records shall be available to the Board, upon request. If these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with specifications of the Water Management Board.
5. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in ^{adequate} domestic wells or in ^{adequate} wells having prior water rights.

No. 1833-2

~~This Future~~ Use Permit No. 1833-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years. At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities. This permit is approved for groundwater from wells approximately 2600 feet deep into the Madison Formation.

The attached report is a part of this recommendation.



John Hatch, Chief Engineer
April 7, 1983

REPORT ON WATER PERMIT APPLICATIONS NO. 1832-2 and 1833-2 (future use)

APRIL 25, 1983

Application No. 1832-2 is to appropriate 1.0 cfs from two Madison Limestone Wells which will be approximately 2600 feet deep. One existing Minnelusa well (2103 feet deep) will be deepened into the Madison and a second Madison well will be drilled a short distance from an existing Lakota Formation Well (1010 feet deep) which is under Water Right No. 1587-2. The Lakota well will be abandoned and Water Right No. 1587-2 can be cancelled.

Application No. 1833-2 is a future use application to appropriate 1.0 cfs from the Madison Limestone. The future use area is the E $\frac{1}{2}$ of Section 2, T2N, R7E in Meade County.

AQUIFER

Madison (Pahasapa) limestone

GEOLOGY AND AQUIFER CHARACTERISTICS

The Madison Limestone is a massive light colored limestone dolomitic in part and cavernous in the upper part. The Madison is well known as an excellent aquifer and there are numerous reports on the hydrogeology of the Madison in South Dakota, including works by Rahn and Gries (1973), Darton (1925), Cox (1962) and Woodward-Clyde (1981). Regionally, Rahn (1979) has estimated a porosity of 11% and 1.327 million acre feet of water in storage in the Madison and of this approximately $\frac{1}{2}$ is recoverable through wells.

The Madison should be approximately 350 feet thick in the area of the applications. A review of numerous drillers logs in the area indicate the Madison is fractured and sometimes cavernous (fluid loss during drilling). One Water Rights observation well (PE-65A) is located approximately 8-9 miles south and continuous pressure records are available. There has been no significant change in those records (60 psi). Most water use from the Madison is domestic or suburban housing and that is generally higher in the Black Hills west of these applications. The completed Madison well should have a shut in pressure of 25-30 psi with an unknown volume of flow.

REVIEW OF EXISTING WATER RIGHTS

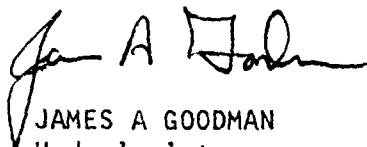
There are no existing Madison Water Rights within 5 miles of these applications. However, there are about 27 existing Water Rights to Minnelusa and Lakota Formation Wells. The nearest Madison Water Rights to the new applications are held by Black Hills Power and Light (454-2, 2.0 cfs) and the City of Rapid City (433-2, 0.84 cfs) and are 6 and 8 miles away respectively.

CONCLUSIONS

1. Water is available. Rahn (1979) has estimated 605 million acre-feet of water is recoverable from the Madison. This figure is somewhat misleading but does indicate the tremendous potential of the Madison Limestone.

2. Interference should not be a problem. Most hydrologists and geologists agree that Madison and Minnelusa waters intermingle at least in the recharge (outcrop) area. However, observation well records (PE-65A, PE-64A, PE-64B) indicate about 20 psi difference between the formations (Madison is higher). The amount of water requested should not adversely interfere with existing Madison rights. The leakage of water between the Madison and Minnelusa is impossible to quantify at this time but there is no reason to expect withdrawals from the Madison (of this volume) will adversely effect existing nearby Minnelusa diversions.

3. The Madison well will flow and the shut in pressure should be 25-30 psi.
4. Existing wells in both the Madison and Minnelusa appear to be adequately constructed. Any interference could mean installing or lowering a pump but this is not likely to happen.


JAMES A GOODMAN
Hydrologist

- Cox, E 1962: Preliminary Report on the Artesian Water Supplies From the Minnelusa and Pahasapa Aquifers in The Spearfish-Belle Fourche Area. SDGS Special Report 19. Vermillion: Science Center, University of South Dakota.
- Darton, N.H. and S. Paige. 1925: Central Black Hills Folio, South Dakota. USGS Folio 219.
- Rahn, Perry H and J.P. Gries. 1973: Large Springs in the Black Hills, South Dakota and Wyoming. Report of Investigations 107. Vermillion: South Dakota Geological Survey.
- Rahn, Perry H., 1979: Ground Water Resources of Western South Dakota: Report to U.S. Army Corps of Engineers, Omaha District, August 23, 1979.
- Woodward-Clyde Consultants. 1981. Well Field Hydrology, Final Technical Report For the ETSI Coal Slurry Pipeline Project.

Instructions to Newspaper - Publish first publication of following Notice on or before
May 18, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 1832-2 & 1833-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Weston Heights Home Ownership Assn. whose mailing address is RR 10, Box 270

Rapid City, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40, Section 71 of HB 1001; ~~(transfer lands)~~ 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:26; ~~(10,000 AFA)~~ 74:02:01:15.02 thru 74:02:01:15.05; (several of the preceeding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature for permit No. 1832-2 to appropriate 1.00 cubic feet per second from groundwater-two wells (approximately 2600 feet deep into the Madison Formation) through the Weston Heights Home Owners Association, the points of diversion to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T2N, R7E. Said water to be used for the purpose of providing water supplies for a rural water system. And permit No. 1833-2 to appropriate 1.00 cubic feet per second from groundwater (Madison Formation wells approximately 2600 feet deep) for the Weston Heights Home Owners Association, the future use area is the E $\frac{1}{2}$ of Section 2, T2N, R7E. Said water to be used for the purpose of providing future use water supplies for a rural water system.

Pursuant to Section 4 of HB 1002, the Chief Engineer of the Water Rights Division recommends Approval of Applications No. 1832-2 & 1833-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Community Room, Day Co. Courthouse, 1st St. SW & 7th Ave W Webster, S.D. upon the 19th day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on these applications after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by July 8, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications or to assure access to the hearing by the handicapped can contact the Water Right Division, DWR, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Linda Adams hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Meade County Times-Tribune

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 Sturgis

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

May 18, 1983

May 25, 1983

Linda Adams
(Signature)

Bookkeeper

(Title)

5/25/83
(Date Signed)

Cost of Printing: \$44.32

107 lines @ 23.01 first publication

107 lines @ 18.41 second publication

NOTICE OF HEARING ON
APPLICATION NO. 1832-2 & 1833-2 TO
APPROPRIATE WATER

Notice is hereby given that Weston Heights Home Ownership Assn. whose mailing address is RR 10, Box 270, Rapid City, South Dakota, has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 and 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 and 21 of HB 1002; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 thru 46-5-40, Section 71 of HB 1001; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:26; (several of the preceding SDCL Sections are amended by HB 1001 and 1002 of 1983 Legislature for permit No. 1832-2 to appropriate 1.00 cubic feet per second from groundwater-two wells (approximately 2600 feet deep into the Madison Formation) through the Weston Heights Home Owners Association, the points of diversion to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T2N, R7E. Said water to be used for the purpose of providing water supplies for a rural water system. And permit No. 1833-2 to appropriate 1.00 cubic feet per second from groundwater (Madison Formation wells approximately 2600 feet deep) for the Weston Heights Home Owners Association, the future use area is the E $\frac{1}{2}$ of Section 2, T2N, R7E. Said water to be used for the purpose of providing future use water supplies for a rural water system.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends Approval of Applications No. 1832-2 and 1833-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Community Room. Day Co.

Courthouse, 1st St. SW and 7th Ave. W Webster, SD upon the 19th day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on these applications after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL

Received
5/26/83
original in
1832-2
207
9/19/83

because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Community Room, Day Co.

Courthouse, 1st St. SW and 7th Ave. W Webster, SD upon the 19th day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on these applications after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by July 8, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications or to assure access to the hearing by the handicapped can contact the Water Right Division, DWNRR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

Publ May 18 & 25, 1983

Times-Tribune

nting: \$44.32

s @ 23.01 first publication

s @ 18.41 second publication

9

blication



1833-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

August 3, 1983

Weston Heights Home Owners Association
RR#10, Box 2700
Rapid City, South Dakota 57701

Dear Sir:

Enclosed herewith is your Water Permit No. 1833-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1833-2.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1833-2

January 27, 1984

Bill Freytag
832 Virginia Lane
Rapid City, South Dakota 57701

Dear Mr. Freytag:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

2-10-84 - Mr. Freytag indicated that there is some legal question about the transfer at this time. He didn't know whether or not his private company could hold rights or whether they would have to be turned over to a water company - he is having his attorney check on this. Hold off on transfer for now - he further indicated they may leave as is.

Benny

May 9, 1990

Chairman of the Board
Weston Heights Home Owners Association
P.O. Box 1848
Rapid City, SD 57709

Dear Sir:

I am writing in regard to the seven year review of Future Use Water Permit No. 1833-2 which is held by the Weston Heights Home Owners Association.

Permit No. 1833-2 will be scheduled for review by the Water Management Board on July 25 or 26, 1990 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4929-3. The fee will be \$ 32.50 if the Board allows up to 724 acre-feet to remain in reserve.

Please respond in writing by June 1, 1990, regarding the home owner association's intention for the future use permit. If the home owner association does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352



Department of Water & Natural Resources

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

May 9, 1990

Chairman of the Board
Weston Heights Home Owners Association
P.O. Box 1848
Rapid City, SD 57709

Dear Sir:

This letter is a follow-up to my May 9, 1990 letter regarding the seven year review of Weston Heights Home Owners Association Future Use Permit No. 1833-2.

Permit No. 1833-2 was to be scheduled for review by the Water Management Board on July 25 or 26, 1990 pursuant to SDCL 46-5-38.1. However, no reply was received in time to publish the notice of hearing for this Board meeting. I have had a phone conversation with Bob Olson in regards to your seven year review. I have been unable to contact Mr. Olson to further discuss review of the association's permit.

Again, the purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4929-3. The fee will be \$ 32.50 if the Board allows up to 724 acre-feet to remain in reserve.

Please respond in writing by July 20, 1990, regarding the home owner association's intention for the future use permit so that I can schedule the review for the October 3 & 4, 1990 Water Management Board meeting.

If the home owner association does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

If no response is received, I will assume that the association no longer wishes to retain the future use permit and I will schedule it for cancellation.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Division
(605) 773-3352

WESTON HEIGHTS HOME OWNERS ASSOCIATION
P.O. BOX 1848
RAPID CITY, SOUTH DAKOTA 57701



May 29, 1990

South Dakota Dept. of Water & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501

Dear Sir:

In reference to Water Permit No. 1833-2, we are enclosing the following information.

Weston Heights now has 150 homes, with a water use of 14,088,700 gallons in 1987, 32,106,300 gallons in 1988 and 34,337,800 gallons in 1989. The last two (2) years we have had severe water pressure problems in the summer. Water pressure on the west end of Weston Heights has fallen as low as 7 lbs. Therefore we implemented water restrictions in 1988. Water restrictions consisted of odd-even water days. In 1989 we imposed further restrictions to maintain pressure of watering only from 5:00 AM to 10:00 AM & 5:00 PM to 10:00 PM in addition to odd-even watering days. This was done to allow the pumps to refill our storage tank. You will note that our water use slowed after the restrictions were put in use.

However the problem still exists of low water pressure due to the heavy use in the summer. The board is presently researching methods to resolve the pressure problem to reduce pressure problems for fire protection as well as domestic use.

It is the opinion that we will have to go from a 140 gallon per minute pump to 400 gallon per minute pump. This should provide proper water pressure to insure water for fire protection as well as domestic use.

Please contact me if you have any questions.

Sincerely,

Robert J. Olson
Vice President
Weston Heights Home Owners Association

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT No. 1833-2, Weston Heights Home Owners Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 1833-2.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the Weston Heights Home Owners Association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest, and that Permit No. 1833-2 be amended by adding the following qualifications:

1. That Permit No. 1833-2 reserves for future use 211 acre-feet annually. The diversion rate of 1.0 cfs is deleted from Permit No. 1833-2.

And that maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Weston Heights Home Owners Association.



JOHN HATCH, Chief Engineer

August 20, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 1.0 cubic feet of water per second (cfs) reserved by No. 1833-2 is 724 acre-feet. Assuming that the total amount pumped annually would equal 60% of 724 acre-feet, then the expected developed pumping of water reserved under Permit No. 1833-2 would be about 434 acre-feet per year.

The water usage in 1989 by the Weston Heights Home Owners Association is 105.4 acre-feet. Doubling this annual use (211 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping of 1.0 cfs (434 acre-feet) under Permit No. 1833-2. Board General Rule 74:02:01:24.01 specifies that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 1833-2 should be allowed to remain in effect for 211 acre-feet as outlined in the above qualification.



Department of Water & Natural Resources

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

August 28, 1990

Meade County Times-Tribune
Box 69
Sturigs SD 57785-0069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1833-2 to be published twice. Please publish the first notice on or before September 5, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Weston Heights Home Owners Association, Box 1848, Rapid City SD 57701-1848.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Department of Water & Natural Resources

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

August 28, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Robert J. Olson
Weston Heights Home Owners Association
Box 1848
Rapid City SD 57701-1848

Dear Mr. Olson:

Future Use Permit No. 1833-2 for suburban housing development has been reviewed in accordance with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before September 6, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved July 20, 1983 to reserve 1.00 cubic feet of water per second from groundwater (Madison Formation) approximately 2600 feet deep located within the E1/2 Section 2 T2N-R7E. The water was to be reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use of water and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 in the Community Room, Brule County Courthouse, 300 South Courtland, Chamberlain SD on October 3, 1990 at 8:45 am. The agenda time is an estimate. The actual time of hearing may be later than 8:45 am due to prior agenda items.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the Board and present evidence or who intends to participate in the hearing before the Board and Present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 21, 1990. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 21, 1990.



Application filed
for water permit

South Dakota
Department of Water
and Natural Resources
523 East Capitol
Pierre, SD 57501

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sharon Allison, being duly
says: That the **Meade County Times-Tribune** is and, during all t
hereinafter mentioned, was a weekly legal newspaper as defined in SDC
as amended, published at Sturgis, Meade County, South Dakota, by
Publishing, Inc.; that affiant is and, during all of said times, was an e
of the publisher of such newspaper and has personal knowledge of
stated in this affidavit; that the notice, order or advertisement, a prin
of which is attached, was published in said newspaper for successi
bearing the following dates:

<u>Sept. 5</u>	<u>1990</u>	<u></u>
<u>Sept. 12</u>	<u>1990</u>	<u></u>
<u></u>	<u>199</u>	<u></u>
<u></u>	<u>199</u>	<u></u>
<u></u>	<u>199</u>	<u></u>

that the full amount of the fee charged for publishing the same, t
sum of \$ 54.59, inures solely to the benefit of the
of said newspaper; that no agreement or understanding for the d
the fee has been made with any person, and that no part of the fee
agreed to be paid to any other person.

Sharon Allison

Billing Clerk

Subscribed and sworn to before me this

12 day of September, 1990

Jackie Allison
Notary Public, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT No. 1833-2

Notice is given that the Water
Management Board will review
Future Use Permit No. 1833-2 held
by Weston Heights Home Owners
Association, P.O. Box 1848, Rapid
City, SD 57701 for progress made in
the development of the water
reserved by the Permit and future
plans for development of the water
reserved by Permit No. 1833-2.
This permit was approved July 20,
1983, to reserve 1.00 cubic feet of
water per second from ground-
water (Madison Formation) ap-
proximately 2600 feet deep located
within the E 1/2 Section 2 T2N-
R7E. The water was to be reserved
for use by the suburban housing
development.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the **Water Rights**
Division recommends Permit No.
1833-2 REMAIN IN EFFECT for
211 acre-feet annually because 1)
the reserved water may be devel-
oped, 2) there is a need for the
reserved water, 3) the proposed
use will be a beneficial use of water
and 4) it is in the public interest.

The Water Management Board
will conduct the hearing to review
Future Use Permit No. 1833-2 in
the Community Room, Brule
County Courthouse, 300 South
Courtland, Chamberlain, SD on
October 3, 1990 at 8:45 am. The
agenda time is an estimate. The
actual time of hearing may be
later than 8:45 am due to prior
agenda items.

The Chief Engineer's recom-
mendation is not final or binding
upon the Board. The Board is
authorized to 1) allow the permit to
remain in effect, 2) amend the
permit by adding qualifications, 3)
cancel the permit for no develop-
ment or no planned future devel-
opment, or 4) take no action after it
reaches a conclusion based upon
facts presented at the public
hearing. Any interested person
who may be affected by a board
decision and who intends to par-
ticipate in the hearing before the
Board and present evidence or who
intends to participate in the hear-
ing before the Board and Present
evidence or cross-examine
witnesses according to SDCL 1-26,
must file a written petition with
BOTH the permit owner and the
Chief Engineer by September 21,
1990. The petition may be informal,

but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25:03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 21, 1990.

Publ. Sept. 5, 12, 1990
Meade County Times-Tribune



Department of Water & Natural Resources

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

October 9, 1990

NOTICE

Robert Olson, Vice President
Weston Heights Home Owners Association
P.O. Box 1848
Rapid City, SD 57701

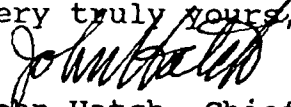
Dear Mr. Olson:

I am writing in response to action taken by the Water Management Board at the hearing on October 3, 1990 to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect and amended Permit No. 1833-2 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1833-2 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$22.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enc.

AMENDMENT TO FUTURE USE PERMIT NO. 1833-2

Weston Heights Home Owners Association

Pursuant to the October 3, 1990 Water Management Board hearing, Future Use Permit No. 1833-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1833-2 reserves for future use 211 acre-feet annually. The diversion rate of 1.0 cfs is deleted from Permit No. 1833-2.

CERTIFICATION

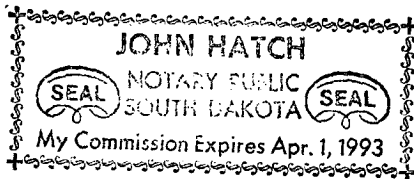
I hereby certify that on October 9, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing to review Future Use Permit No. 1833-2 addressed as stated below.

Robert Olson, Vice President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City SD 57701

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of October, 1990.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1997

Robert Olson, Vice President
Weston Heights Home Owners Association
PO Box 1848
Rapid City SD 57701

Dear Mr. Olson:

I am writing regarding the seven year review of Future Use Water Permit No. 1833-2 from groundwater (Madison Formation) which is held by Weston Heights Home Owners Association. The permit reserves water for future water supply needs for the Association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit which was issued in 1983.

Please respond in writing by August 15, 1997, regarding the Association's intention for the future use permit. If the Association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

WESTON HEIGHTS HOME OWNERS ASSOCIATION

P.O. BOX 1848
RAPID CITY, SOUTH DAKOTA 57709-1848



August 6, 1997

Karen Schlaak
Environmental Scientist
Water Rights Program
605-773-33562

RE: Future Use Water Permit No. 1833-2 from groundwater (Madison Formation) which is held by
Weston Heights Home Owners Association.

Water use for 1995	21,194,375 gallons
Water use for 1996	29,318,425 gallons
Water use for 1997	10,978,300 gallons for Jan. 1, 1997 through June 30, 1997

Weston Heights has contracted FMG to do an engineering study of Weston Heights water system. The main goal is to improve water pressure and storage capacity. Once we have improved pressure and storage, we plan to sell the eleven (11) lots we own for development. Therefore we request the renewal of Future Use Water Permit No. 1833-2 from groundwater (Madison Formation) for the additional demand created by of new homes.

If you have any questions, please feel free to call at your convenience.

Sincerely:

Jay Evenson
President

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Home Owners Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Home Owners Association, PO Box 1848, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2 , 2) the Association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Weston Heights Home Owners Association.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
Water Rights Program
August 29, 1997



October 28, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Jay Evenson, President
Weston Heights Home Owners Association
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Evenson:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD (Phone #605 347-2503). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 1997

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785-0069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1833-2 to be published twice. Please publish the first notice on November 5, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Weston Heights Home Owners Association, % Jay Everson, President, PO Box 1848, Rapid City SD 57701.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. 1833-2

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 28, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit No. 1833-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Home Owners Association, PO Box 1848, Rapid City SD 57709-1848 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved in 1983 to reserve 1.0 cubic feet of water per second from groundwater (Madison Formation) approximately 2600 feet deep located in the E 1/2 Section 2-T2N-R7E. The water was to be reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 24, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Teresa A. Fox or Allana L. Houser, being duly sworn, says: That the **Meade County Times-Tribune**, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Dickson Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; the the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>Nov. 5</u>	<u>1997</u>	<u>199</u>
<u>Nov. 12</u>	<u>1997</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>
<u>199</u>	<u>199</u>	<u>199</u>

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 55.26, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Teresa A. Fox

Subscribed and sworn to before me this

19 day of Nov., 1997
Michele G. Stuckey
Notary Public, South Dakota

Michele G. Stuckey
Notary Public
My Commission Expires July 10, 2003



Water permit

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Home Owners Association, P.O. Box 1848, Rapid City SD 57709-1848 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved in 1983 to reserve 1.0 cubic feet of water per second from groundwater (Madison Formation) approximately 2600 feet deep located in the E 1/2 Section 2-T2N-R7E. The water was to be reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is a need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will

conduct the hearing to review Future Use Permit No. 1833-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD on December 3, 1997 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capital Ave, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 24, 1997. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ Nov. 5 and 12, 1997
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

NOTICE

Jay Evenson, President
Weston Heights Home Owners Association
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Evenson:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect for 211 acre-feet of water annually. Future Use Permit No. 1833-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$22.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Very truly yours,

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

CERTIFICATION

I hereby certify that on December 5, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review the following Future Use Permits, addressed as stated below:

439-2, 1088-2: Daniel J. Bjerke, Public Works Department, 300 6th St., Rapid City, SD 57701.

1833-2: Jay Evenson, President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57709-1848.

448-3, 2042-3: Lyle D. Johnson, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

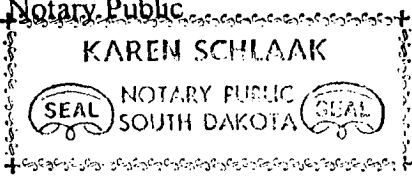
1688-3: Lyle Laberee, Southern Missouri Water Development District, P.O. Box 670, Lake Andes, SD 57356.

4927-3: Duane C. Stokes, Mgr., Clark Rural Water System, P.O. Box 162, Clark, SD 57225.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 1997


Notary Public

KAREN SCHLAAK, Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 1998

Jay Evenson, President
Weston Heights Home Owners Association
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Evenson:

On December 5, 1997, we requested the fee for maintaining the effectiveness of Future Use Permit No. 1833-2. To date, we have not received this payment.

Please submit the \$22.50 fee as soon as possible to avoid jeopardizing the home owners association's future use permit. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Right Program
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

19 415728

Pierre, April 9, 19 98

RECEIVED OF Weston Heights Homeowners Assoc., P.O. Box 1848, Rapid City, SD 57709-1848
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. 1833-2 after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

22 50

22 50

By _____
Chief Engineer

John Hater (Signature)



1833-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 27, 2004

Weston Heights Home Owners Assoc.
PO Box 1848
Rapid City SD 57709-1848

Dear Sir:

I am writing in regard to the seven year review of Future Use Water Permit No. 1833-2 from groundwater (Madison Formation) which is held by the Weston Heights Home Owners Association. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit.

Please respond in writing by October 15, 2004, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be public noticed at the association's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

RECEIVED

OCT 13 2004

WATER RIGHTS
PROGRAM

October 11, 2004

Karen Schlaak
Environmental Scientist
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak:

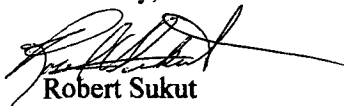
I am writing in regards to your letter dated September 27, 2004 concerning future use permit #1833-2. The following shows the water usage for Weston Heights for the past three years:

Year	Usage (Gal.)	Usage (Ac-ft)
2002	28,650,000	87.9
2003	34,341,300	105.4
Thru August 28, 2004	23,703,000	72.7

Weston Heights currently has 147 separate family units in its development. It currently has eleven undeveloped lots and possible future development to the immediate west of the development. There is a small development immediately to the south of Weston Heights and each of those dwellings has its own surface well. There is a possibility in the future that this development will be requesting water usage from the Weston Heights Homeowners Association.

Weston Heights Homeowners Association is currently considering adding an additional storage unit of 100,000 gallons to better the current water pressure system in our development. The current water storage unit does not supply sufficient water pressure to all family units. If any additional information is required, please contact me at (605) 348-4426.

Sincerely,



Robert Sukut
Secretary/Treasurer
PO Box 1848
Rapid City, SD 57709-1848



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Homeowners Association**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Homeowners Association, c/o Robert Sukut, PO Box 1848, Rapid City SD 57709-1848.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the association after the Board hearing.

A handwritten signature in black ink, reading 'Garland Erbele'.

Garland Erbele, Chief Engineer
October 25, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 25, 2004

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Weston Heights Homeowners Association
c/o Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Sukut:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD (Phone # 605 347-2503). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 25, 2004

Meade County Times Tribune
PO Box 129
Sturgis SD 57785-0129

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 183-2 to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

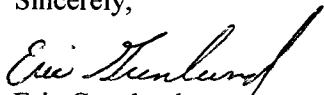
The applicant must verify to you that the notice is to be published, before you make the first publication.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Weston Heights Homeowners Association, c/o Robert Sukut, PO Box 1848, Rapid City SD 57709-1848.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 1833-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 3, 2004 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Homeowners Association, c/o Robert Sukut, PO Box 1848, Rapid City SD 57709-1848 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre feet from groundwater (Madison Formation) located in the E ½ Section 2-T2N-R7E. The water is reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 10:00 am on December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sheri Wiechmann, Being duly sworn, says, That the Meade County Times/Black Hills Press is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Sturgis, Meade County, South Dakota, by Country Media, Inc.; that affiant is and, during all of said times, was employed as an accounting clerk by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for the issue (s) bearing the following dates:

<u>Nov 3</u> 200 <u>4</u>	_____ 200 _____
<u>Nov 10</u> 200 <u>4</u>	_____ 200 _____
_____ 200 _____	_____ 200 _____
_____ 200 _____	_____ 200 _____
_____ 200 _____	_____ 200 _____

That the full amount of the fee charged for publishing the same, to-wit the sum of

\$ 64.62, I insure solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fees has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Sheri Wiechmann
Accounting Clerk

Subscribed and sworn before me this

16 Day of Nov 2004

Pamela Buhler
Notary Public, South Dakota

My Commission expires

Feb 8, 2007

RECEIVED

NOV 19 2004

WATER RIGHTS
PROGRAM

Water application

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Homeowners Association, c/o Robert Sukut, PO Box 1848, Rapid City SD 57709-1848 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre feet from groundwater (Madison Formation) located in the E1/2 Section 2-T2N-R7E. The water is reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 10:00 am on December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board

and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

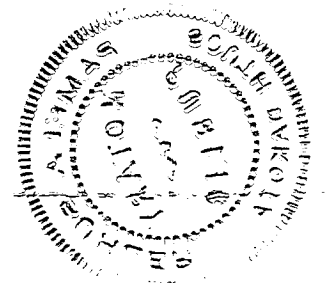
The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Publ Nov. 3 and 10, 2004
Meade County Times-Tribune**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 6, 2004

NOTICE

Weston Heights Homeowners Association
c/o Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Sukut:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 2004 to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect for 211 acre-feet of water annually. Future Use Permit No. 1833-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$22.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 6, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 6, 2004 regarding Notice canceling Water Right No. 5557-3, 5810-3, 4029-3, 2660-3, 2183-3, 3884A-3 and Future Use Permit Nos. 439-3 & 1088-2, 1833-2, 1688-3 addressed as stated below:

5557-3

James Knadle

41258 SD Hwy 22

Hayti SD 57241

5810-3

Don Siebrasse

PO Box 26

Lebanon SD 57455-0026

4029-3

Randy Vance Chairman

Oahe Plains Systems Corporation

102 Stewart Place

Pierre SD 57501

2660-3

Dean Erickson

28659 461st Ave

Davis SD 57021-6510

2183-3

William P Dolan

514 N 1st

Beresford SD 57004

3884A-3

Leslie Rau

PO Box 384

Eureka SD 57437

Future Use #439-2 & 1088-2

John Wagner Water Superintendent

City of Rapid City

300 6th St

Rapid City SD 57701-2728

Future Use # 1833-2

Weston Heights Homeowners Association

% Robert Sukut

PO Box 1848

Rapid City SD 57709-1848

Future Use # 1688-3

Cheryl VanZee, Manager

South Central Water Development District

27497 US Hwy 281

Corsica SD 57328



Eric Gronlund

Natural Resource Engineer

Water Rights

STATE OF SOUTH DAKOTA

)

) SS

COUNTY OF HUGHES

)

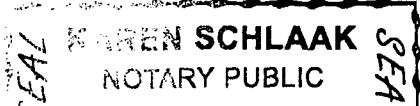
Sworn to, before me, this 7th day of December, 2004.



Karen Schlaak

Notary Public

My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 8, 2005

Weston Heights Homeowners Association
c/o Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Dear Mr. Sukut:

On December 6, 2004 we requested the fee for maintaining the effectiveness of Future Use Permit No. 1833-2. To date, we have not received this payment.

Please submit the \$22,50 fee as soon as possible to avoid jeopardizing the Association's future use permit. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 16, 2005

RECEIVED OF Weston Heights Homeowner Assoc., PO Box 1848, Rapid City SD 57709-1848

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. <u>1833-2</u> after period of seven years.	22	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	22.50

No.

001763

By

Darland Ehle

Chief Engineer

gm



1833-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 27, 2011

Weston Heights Home Owners Assoc.
Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Dear Mr. Olson:

I am writing in regard to the seven year review of Future Use Water Permit No. 1833-2 from groundwater (Madison Formation) which is held by the Weston Heights Home Owners Association. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit that was issued in 1983 and last reviewed in 2004.

Please respond in writing by October 15, 2011, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be public noticed at the association's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 211 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

WESTON HEIGHTS HOMEOWNERS ASSOCIATION

RECEIVED

OCT 20 2011

**WATER RIGHTS
PROGRAM**

October 19, 2011

Dept. of Environment & Natural Resources
Karen Schlaak
PMB 2020
Joe Foss Bldg
523 East Capital
Pierre, SD 57501-3182

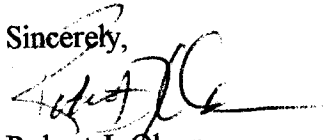
Dear Karen Schlaak,

We have 147 households and two businesses that Weston Heights Homeowners Association supply water too. Our water use for 2008 was 17,952,340 gallons, 2009 was 28,053,000 gallons, 2010 was 28,541,400 gallons, and 2011 to date October, 10, 2011 was 25,891,800 gallons.

Weston Heights finished adding a forth lagoon cell 2005. Our next project is to build a new water tower. Which would enable us to allow for expansion of the development. We have eleven lots that will be available to build homes on. The sale of those lots would help fund the funding of the new water tower.

Therefore we feel we have a reasonable need for the permit.

Sincerely,



Robert J. Olson
Water Board Member and Water Maintenance
6524 Beverly Drive
Rapid City, SD 57701
605-341-7317 Res
605-415-1320 Cell



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

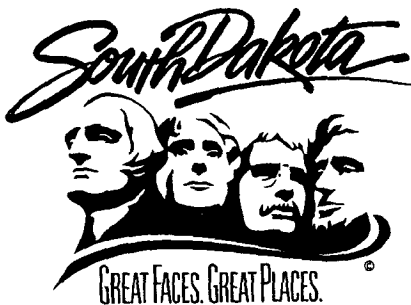
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Home Owners Association**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Home Owners Association, c/o Robert Olson, 6524 Beverly Drive, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the Association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Association after the Board hearing.

Garland Erbele, Chief Engineer
October 24, 2011



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 24, 2011

Meade County Times-Tribune
1022 Main St
Sturgis SD 57785

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1833-2 to be published twice. Please publish the first notice on November 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Weston Heights Home Owners Assoc., c/o Robert Olson, 6524 Beverly Drive, Rapid City SD 57709.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 24, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 1833-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 24, 2011

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Weston Heights Home Owners Assoc.
Robert Olson
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Olson:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Meade County times-Tribune printed at Sturgis SD (Phone #605 347-2503). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on November 2, 2011 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Home Owners Association, c/o Robert Olson, 6524 Beverly Drive, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Formation located in the E ½ Section 2-T2N-R7E. The water was reserved for use by the suburban housing development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 10:00 am, November 30, 2011 at Pierre Chamber of Commerce Meeting Room, 800 W Dakota, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 1, 2011

NOTICE

Weston Heights Home Owners Assoc.
Robert Olson
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Olson:

I am writing in response to action taken by the Water Management Board at the hearing on November 30, 2011 to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect for 211 acre-feet of water annually. Future Use Permit No. 1833-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$75.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 1, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 1, 2011 regarding Future use permits addressed as stated below:

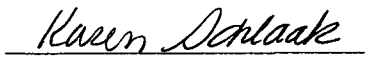
Weston Heights Home Owner's Assn., Robert Olson, 6524 Beverly Dr., Rapid City SD 57701 # 1833-2

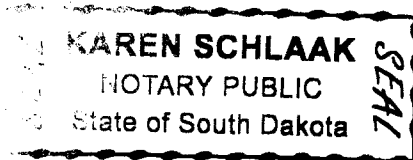
City of Rapid City, Terry Wolterstorff, 300 6th St. Rapid City SD 57701 #'s 439-2 & 1088-2


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of December, 20 11.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/8, 20 11

RECEIVED OF Weston Heights Homeowners 6410 Jennifer St Rapid City SD 57701

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	75 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1833-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	75 00

No. **05104**

By *Gabele*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 4, 2018

Weston Heights Homeowners Association
Bob Sukut
6514 Jennifer St
Rapid City SD 57701

Dear Mr. Sukut:

I am writing in regard to the seven year review of Future Use Water Permit No. 1833-2 from Madison Aquifer held by the Weston Heights Homeowners Association. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit that was issued in 1983 and last reviewed in 2011.

Please respond in writing by November 1, 2018 regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be public noticed at the association's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 211 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

RECEIVED

OCT 31 2018

WATER RIGHTS
PROGRAM

October 26, 2018

Department of Environment
And Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen Schlaak:

I'm Robert Olson and I take care of the water system. Bob Sukut gave me your letter, he is no longer on the Board. He is moving to Oklahoma. We would like to have the Water Permit No, 1833-2 from Madison Aquifer held by the Weston Heights Homeowners Association renewed. The water use for 2015 was 25,339,400 gallons, 2016 was 28,394,000 gallons, 2017 was 35,108,200 gallons and gallons used to date 2018 is 23,240,100 gallons. We have eleven lots that we would like to sell. But we don't want to add any more homes onto the water system until we build a new taller water tower. We had to add onto our lagoon system and the bill was about \$1,000,000.00. I help write and apply for a grant, which was granted, the amount was \$300,000.00. We started a lay away account call the water tower account. We deposit \$1,450.00 each month. Once we have the lagoon paid off, we would like to build that new water tower. Then we could let people build new homes and connect to our water system and lagoon system. Therefore we would like the Water Permit renewed. If you have any questions, please feel to call, home phone 605-341-7317, cell phone is 605-415-1320.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Olson', with a long horizontal flourish extending to the right.

Robert Olson
6524 Beverly Drive
Rapid City, SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Homeowners Association**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Homeowners Association, c/o Robert Olson, 6524 Beverly Dr, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the homeowners association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the homeowners association after the Board hearing.

Jeanne Goodman, Chief Engineer
October 31, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 31, 2018

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Dear Mr. Olson:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used and the nearest daily newspaper. Notice of this review has been sent to the Faith Independent (605 967-2160) and the Rapid City Journal (605 394-8300). The Faith Independent is the official newspaper for Meade County. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on November 7, 2018. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 31, 2018 11:21 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1833-2, Weston Heights Homeowners Association
Attachments: 1833-2notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 7, 2018.

Weston Heights Homeowners Association, c/o Robert Olson, 6524 Beverly Dr, Rapid City SD (605 341-7317 or cell 605 415-1320) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, November 05, 2018 3:41 PM
To: 'faithind@faithsd.com'
Cc: Schlaak, Karen
Subject: public notice for Weston Heights.
Attachments: 1833-2notice.doc

Krissy Johnson:

Bob Olson called and indicated when he called to authorize publication you have not received the notice in electronic format. Here it is.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Instruction to Newspaper - Publish the following Notice on November 7, 2018. The Weston Heights Homeowners Association is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Homeowners Association, c/o Robert Olson, 6524 Beverly Drive, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in the E 1/2 Section 2-T2N-R7E. The water is reserved for use by the suburban housing development located approximately three miles north of Rapid City SD.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Affidavit of Publication

RECEIVED

NOV 13 2018

WATER RIGHTS
PROGRAM

Nov 7 L21099720

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by Weston Heights Homeowners Association, c/o Robert Olson, 6524 Beverly Drive, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in the E 1/2 Section 2-T2N-R7E. The water is reserved for use by the suburban housing development located approximately three miles north of Rapid City SD.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioners opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Grönlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person

STATE OF SOUTH DAKOTA

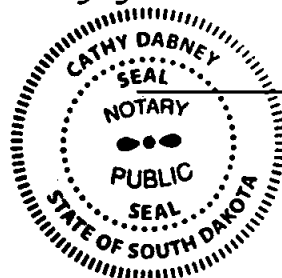
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 7th day of Nov 2018 that the fees charged for the publication there of are 65 dollars and 83 cents.

Sheri Sponder

Subscribed and sworn to before me this 7th day of November, 2018.



Cathy Dabney
Notary public

4-16-2024

My commission expires

who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018.

Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

(Published once at an approximate cost
of \$65.00)

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20 _____

Attorney for _____



**WATER RIGHTS
PROGRAM**



Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018.

Steven M. Pimer, Secretary,
Department of Environment
and Natural Resources

Published November 7, 2018 at the total
approximate cost of \$39.53.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 6, 2018

NOTICE OF ENTRY OF ORDER

Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Dear Mr. Olson:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 2018 to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect for 211 acre-feet of water annually. Future Use Permit No. 1833-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$75.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 6, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated December 6, 2018 addressed as stated below:

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

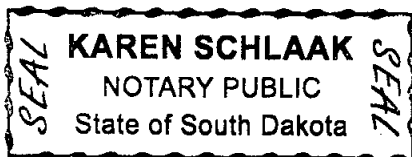
Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of December, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Dec 26, 20 18

RECEIVED OF Weston Heights Homeowners Assoc., 6524 Beverly Dr, Rapid City SD 57701

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1833-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	75.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	75.00

No. **08872**

By

Jeanne Goodman
Chief Engineer

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 8, 2019

Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Dear Mr. Olson:

I am writing regarding the fee to retain Future Use Permit No. 1833-2. Our records indicate the fee of \$75.00 to retain the permit was originally received on December 26th and then another check for the same amount was received January 7th.

Therefore, the overpayment of \$75.00 will be refunded to you. You will receive the refund check within two weeks.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

Fee refunded 1/8/17

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 7, 2019

RECEIVED OF Weston Heights Homeowners 6524 Beverly Dr Rapid City SD 57701

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1833-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	75	00

No. 08918

By

Jeanne Goodman
Chief Engineer

BM

January 7, 2019

PAYMENT REQUEST FORM

PAYEE: Weston Heights Homeowners
6524 Beverly Drive
Rapid City, SD 57701

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over payment of Future Use Permit #1833-2

AMOUNT: \$75.00

FUNDING SOURCE:

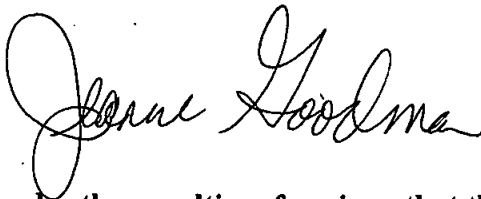
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 11, 2025

Weston Heights Homeowners Assoc.
c/o Bob Reynolds
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Reynolds,

I am writing in regard to the seven-year review of Future Use Water Permit No. 1833-2 from the Madison Aquifer held by the Weston Heights Homeowners Association. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 211 acre-feet remain in reserve under this future use permit that was issued in 1983 and last reviewed in 2018.

Please respond in writing by October 1, 2025, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1833-2 will then be public noticed at the associations's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 211 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 17, 2025

Weston Heights Homeowners Assoc.
c/o Bob Reynolds
6524 Beverly Drive
Rapid City SD 57701

Dear Mr. Reynolds,

I am in receipt of your \$75.00 check for Future Use Permit No. 1833-2. However, your response only provided the water use. We need a written response that should outline a reasonable need for retaining Future Use Permit No. 1833-2.

I have enclosed the response from the last seven-year review (2018) so you have an idea of the response we need.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosure

Weston Heights Homeowners Association
6410 Jennifer Street
Rapid City, SD 57701

Rachel Rodriguez
Water Rights Program
Department of Agriculture and Natural Resources
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Future Use Permit No. 1833-2

Dear Ms. Rodriguez,

I am in receipt of your letter dated October 17 regarding the above Permit. This year has been extremely busy as Mr. Bob Olson announced he wished to retire as the water maintenance person for the Association. This initiated a search for a replacement and following applications and interviews it was agreed by the Board to hire Al Sage of Sage Water Works beginning on July 1, 2025.

The Association is currently also in the process of erecting a new, larger water tower as a result of a loan and grant of funds from DANR. A portion of the funds are in the form of a loan and a larger portion were granted under the ARPA Program from the Federal Government. This tower is expected to be completed by the end of 2026.

There are currently 12 lots within the development that are not developed and for sale. One lot was just recently sold to the Sanitation/Paving District by Meade County. The remaining 11 lots are deeded to the Association. Of these lots, there are currently five that will have utilities of water, sewer, and electricity by the end on 2026 and can be place for sale and development. This is only possible at the current time due to the new, larger water tower under construction.

Current amounts of water use were:

2019 – 14,701,100 gallons
2020 – 14,841,100 gallons
2021 – 25,993,300 gallons
2022 – 31,569,400 gallons
2023 – 37,145,500 gallons
2024 – 40,075,746 gallons
2025 – 34,181,100 gallons

RECEIVED

NOV 04 2025

OFFICE OF
WATER

The Association is still depositing funds of \$1,450.00 into a separate account for tower construction and will continue to do so in the future with an increased amount on completion of the new tower in order for loan repayment.

If you have questions, please contact me at 605-394-8978.

Sincerely,



Kathryn Patterson, President
Weston Heights Homeowners Assn. Board

RECEIVED

SEP 29 2025

OFFICE OF
WATER

Department of Agriculture
And Natural Resources
Joe Foss Buliding
523 E. Captial Ave.
Pierre, SD 57501-3182

Dear Rachel Roriguez

Total Water Produced 2023 was 37145500, 2024 was 40075746, and 2025 is 34181100.
Also included is a check for \$75.00,



Robert J. Olson

Weston Heights Water Maintence
6524 Beverly Drive
Rapid City, SD 57701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1833-2, Weston Heights Homeowners Association**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1833-2, Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1833-2, 2) the homeowners association has demonstrated a reasonable need for the water reserved by Permit No. 1833-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1833-2 is subject to payment of the \$ 75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the homeowners association after the Board hearing.

A handwritten signature in blue ink that reads "Mark Mayer".

Mark Mayer, PE
Director of Office of Water
January 14, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 15, 2026

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Weston Heights Homeowners Association
c/o Kathryn Patterson
6410 Jennifer Street
Rapid City SD 57701

Dear Ms. Patterson:

Future Use Permit No. 1833-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Faith Independent (605 967-2161) and the Rapid City Journal (see contact information). For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 21 (Faith Independent) and 22 (Rapid City Journal). We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is February 2, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnson

certify that the attached printed Notice was taken

from the Faith Independent

printed and published in Faith

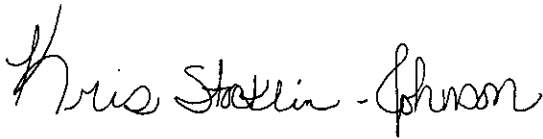
County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following date:

01/21/2026

Cost of Printing \$66.99



(Signature)

Owner

(Title)

02/04/2026

(Date Signed)

Continued from previous page

aye; Grueb – aye; Vance – aye. Motion carried.

Chairman Vance declared the meeting adjourned at 9:05pm.

Scott Vance, President
Board of Education

Amie Schauer,
Business Manager

Published January 21, 2026 at the approximate cost of \$96.67 and may be viewed free of charge at www.sdpublishing.com.

Notice of Vacancy.

Black Hawk Water User District wishes to declare vacancies on their Board of Directors. Two 3-year terms will become vacant beginning February 10th, 2026.

To seek membership on this board, please pick up a nominating petition from the Black Hawk Water User District office, 5513 Oak Street, Black Hawk, South Dakota between the hours of 8:00 am and 5:00 pm Monday through Friday. Signed petitions must be returned to the District Office by February 10th, 2026.

Published January 21 & 28, 2026 at the approximate cost of \$15.25 and may be viewed free of charge at www.sdpublishing.com.

NOTICE OF DEADLINE FOR FILING NOMINATING PETITIONS FOR THE PRIMARY ELECTION AND FOR FILING INDEPENDENT CANDIDATE PETITIONS

The deadline for filing nominating petitions for the Primary Election is March 31, 2026, at 5:00 p.m. Mountain Time. If a petition is mailed by registered mail by March 31, 2026, at 5:00 p.m. Mountain Time, it is considered filed.

The deadline for filing nominating petitions to run as an independent candidate in the Primary Election is April 28, 2026, at 5:00 p.m. Mountain Time. If a petition is mailed by registered mail by April 28, 2026, at 5:00 p.m. Mountain Time, it is considered filed. For the offices of Meade County Commissioner District #1, Commissioner District #3, Commissioner District #5, Auditor, Register of Deeds, Sheriff, Precinct Committeemen and Committeewomen and Delegates to State Party Conventions, nominating petitions must be filed in the office of the Meade County Auditor, and nominating petitions for the offices of US Senator, US Representative, Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Commissioner of School & Public Lands, Public Utilities Commissioner, House of Representatives District #29, House of Representatives District #33, State Senate District #29, State Senate District #33, must be filed in the Office of the Secretary of State, 500 E Capitol Ave., State Capitol Building, Pierre, SD 57501.

Nominating petitions for the offices of Meade County Commissioner District #1, Commissioner District #3, Commissioner District #5, Auditor, Register of Deeds, Sheriff, Precinct Committeemen and Committeewomen and Delegates to State Party Conventions, must be filed in the office of the County Auditor during regular business hours. Nominating petitions for the offices of US Senator, US

Representative, Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Commissioner of School & Public Lands, Public Utilities Commissioner, House of Representatives District #29, House of Representatives District #33, State Senate District #29, and State Senate District #33 must be filed in the Office of the Secretary of State, State Capitol Building, 500 E Capitol Ave., Pierre, SD 57501, between the hours of 8:00 a.m. and 5:00 p.m. Central Time.

Dawn Christenson
Meade County Auditor

Published January 21 & 28, 2026 at the approximate cost of \$55.44 and may be viewed free of charge at www.sdpublishing.com.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1833-2

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and water plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN IN EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be

filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01.25.01 thru 74:02:01.25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is February 2, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published January 21, 2026 at the approximate cost of \$66.99 and may be viewed free of charge at www.sdpublishing.com.

MEADE SCHOOL DISTRICT 46-1 MEETING MINUTES, Monday, January 12, 2026 5:00 PM Regular Board Meeting Board Room, Williams Administration Building

Board Member Present: Aaron Odegaard, Brian Voight, Justin Jutting, Lee Spring, Megan Snyder, Scottie Bruch, Terry Koontz, Thomas Schneller, Tim Amdahl.

Others Present: Wayne Wormstadt, Brett Burditt, district staff, community members and SBHS government students.

Regular board meeting called to order at 5:00 PM

Call meeting to order/roll call

Pledge of Allegiance

Executive Session SDCL 1-25-2 Executive or closed meetings—Purposes—Authorization—Violation as misdemeanor. Executive or closed meetings were held for the sole purpose of: View SDCL 1-25-2 for all reasons for executive session.

MOTION by Voight, seconded by Amdahl, and Carried to enter executive session to discuss Legal Counsel (SDCL-1-25-2.3) at 5:01 pm.

Board Members Present: Aaron Odegaard, Brian Voight, Lee Spring, Megan Snyder, Scottie Bruch, Terry Koontz, Thomas Schneller, Tim Amdahl.

Board Members Absent: Justin Jutting

Others Present: Wayne Wormstadt

Board Vice President declared to leave executive session at 5:29 pm.

Board members reconvened at 5:30 pm to the regular school board meeting.

Agenda
MOTION by Voight, seconded by Snyder, and Carried to amend the Agenda and add Action Item 9f - Approve Attorney's Letter in Response to Conflict of Interest Complaint.

Consent Agenda

MOTION by Koontz, seconded by Odegaard, and Carried to approve the Consent Agenda as presented.

Regular Meeting Minutes on Monday, December 8, 2025

Personnel

The following personnel are presented for the board's consideration: Change in Hourly Rate (Support Staff): Kasha Wells, food service, Sturgis Williams Middle School, \$15.75/hr to \$17.75/hr (Tier 2), eff. 1/1/2026. Resignation (Support Staff): Tod Lanphear, maintenance, Buildings & Grounds Department, eff. 12/10/2025. Retirement (Certificated): Janis Mathis-Anderson, teacher, Sturgis Elementary, eff. end of 2025-26; Julie Meyer, teacher, Sturgis Elementary, eff. end of 2025-26; Laura Sandness, teacher, District-wide, eff. end of 2025-26; Amy Richards, teacher, Rural, eff. end of 2025-26; Gary Nelson, teacher, Sturgis Williams Middle School/Stagebarn Middle School, eff. end of 2025-26; Kim Cunningham, teacher, Stagebarn Middle School, eff. end of 2025-26; Coleen Keffeler, assistant principal, Sturgis Brown High School, eff. end of 2025-26.

Financial Reports

Claims for Payment

January 12, 2026 Newspaper board report 3E Elctrc, Rpr 1262.75; AB Bsns, Sppls 43.38; AB Wldgn, Sppls 1452.23; AJ Sppl, Sppls 499.75; Ac Hrdwr, Sppls 573.81; Advcd Pymnts, Offcls 7044.53; AL cmll, Rpr 1355.29; Amzn, Sppls 6797.22; Amcn Inn, Trvl 2117.28; Amck, Mntng 601.10; Baker Kellie, Rfnd 13.80; Bannrs, Sppls 1004.36; Bnnt Tmptn, Snw Rmvl 1800.00; Bst by, Sppls 159.27; Bst Wstrm, Trvl 60.00; Brschbch Eqpmnt, Sppls 149.00; BH Wkr, Utylts 138.40; BH Cnslng, Cnslng 440.00; BH

Chmcl, Sppls 6513.08; BH Enrgy, Utylts 53529.91; BH Pst cntrl, Pst cntrl 965.00; BH pnnr, Pblshng 699.05; BHSS, Tuition 15609.98; BHSU, Rgstrn 820.00; BH Urgnt cr, Physcl 100.00; BH Wrks, Tuition 15000.00; Bkck art, Sppls 248.12; Crn Bldg, Sppls 2127.81; Csy Ptrsn, Sppls 167.68; Cshw, Food 48511.51; CBH, Fuel 1101.47; Cdr shr srt, Trvl 131.35; CMCS Cntr, Rntl 5855.00; Chldrns Home, Tuition 2894.04; Cty Smmrst, Utylts/SRO 4186.02; Clls slr, Sftwr 895.90; Cllsy cks, Sppls 352.00; Clnrt, Clnng svcs 3503.56; Coke, Sppls 4905.00; Combnd bldgs, Rpr 1637.04; Comfrt Inn, Trvl 979.04; Cmmthc, Eqpmnt 972.43; Cl cnpts, Trvl 35.34; Cppr coff, Sppls 260.50; Crm Elctrc, Sppls 281.91; Cstr HS, Rgstrn 200.00; Dkt Bus, Tmptn 9103.50; Dlt dnll, INS 22053.34; DEMCO, Sppls 1843.76; Est Sd Dry, Milk 7340.92; Ennnng Prpn, Utylts 3476.74; Eqilty St Frms, Sppls 12788.90; Fth Indpndnt, Pblshng 280.32; Flg ldy, Sppls 325.00; Flsprts, Rgstrn 238.70; Fltlt, Sftwr 2220.00; Frdl pntng, Pntng 630.70; Gldnwt, Utylts 518.46; Gphr, Sppls 103.42; Grnd Elctrc, Utylts 406.05; Grvtykt, Sftwr 349.00; Grmscp, Wmtr 345.00; HH Sptr, Rpr 1250.00; Hmptn Inn, Trvl 1512.00; Hrlws, Tmptn 340424.58; Home dpt, Sppls 99.00; Hugh O'Brian Yth, Rgstrn 350.00; Innvty, Sppls 137.88; Intrst Bttry, Sppls 1729.50; Jcbs Auto, Rpr 426.53; Jacobs Noelle, Psych Svcs 1386.75; Jany mcrgrms, Food 360.00; JW Peppr, Sbscrptn 626.08; Kfr, Utylts 1828.17; KLF Cnslng, Psych Svcs 5717.40; Klinghagen Jason, Mlg 171.08; Lfscp, Tuition 4998.00; Lghspd, Sppls 41.00; Ls Endz cllng, Cntrcd Cllng 24289.94; Lowes, Eqpmnt 943.06; Lynns, Sppls 591.56; Mndn Anctvts, Rgstrn 275.00; MB Tr, Snw rmvl 875.00; Meade Schl FS, Sppls 1888.85; Mndrs, Sppls 181.48; MIDCO, Utylts 5465.51; Midcntrnt, Tstng 130.00; MDU, Utylts 29052.28; MSC Indstrl, Sppls 181.75; NAPA, Sppls 233.00; Nlnt Assn Schl Psych, Rgstrn 299.03; Nlnt Spch & Dbl, Dues 180.00; Nvgt360, Sftwr 4006.48; NFHS Lm, Sbscrptn 175.00; Nies Karras Skjoldal, Lgl svcs 2250.00; Offc Fr Mrslh, Inspctn 160.00; Ong Tr Emplmnt, Bkgm 275.50; Owns Intrst, Rpr 409.99; Pmbnd, Books 1699.02; Pdmtnt city, Utylts 692.12; Pzz Hut, Sppls 2346.78; QBS, Rgstrn 1682.00; Qlty qck pmt, Sppls 250.00; Qll, Sppls 493.65; RC Area Schls, Rgstrn 300.00; Rsmssn, Sppls 52.63; Rfs, Utylts 970.21; Rehberg Megan, Mlg 1121.82; Rchtrs Tire, Rpr 2026.46; Rshmr Offc, Sppls 139.00; Svcs, Txtbks 6500.00; Scrrps Nltn Spng bee, Rgstrn 199.00; SD Assn Ag Edctrs, Rgstrn 125.00; SD Dept Hmn Svcs, Tuition 10748.45; SD Jnt chtr, Rgstrn 180; SDMEA Eik Pnt Schl, Rgstrn 120.00; Scrt Svcs, Rgstrn 204.39; Srvl, Lndry svcs 3967.40; Svrsn Dtr wrk, Sppls 348.08; SODAK Tch, Rpr 260.20; SD Assn Clg, Rgstrn 950.00; SP dn bty, Sppls 0.00; Spis, Sppls 4809.09; Strghlth, Phone 36.47; Strgs Strks, Sppls 176.40; Strgs Tire, Sppls 176.40; Strgs city Utylts/SRO 39127.97; Smmt, Inspctn 871.50; Sn Lf, INS 7460.43; Sprr wr, Sppls 84.96; Spply House, Sppls 1245.90; Synchrm Bnk, Sppls 890.57; Tylr Msc, Sppls 103.00; TPT, Sbscrptn 37.16; Tmthc, Sppls 3207.22; Txs Rdhs, Sppls 329.84; Toms TS, Sppls 1763.48; Trgm, Sppls 2052.00; Trst Gvrmnt Fnc, Dctb pymnt 149305.54; TA cntrl, Rfnd 41.60; Untd Arns, Trvl 559.66; USD, Tuition 4759.20; US bnk, Pmtlr 5749.69; VAMC, Utylts 1035.26; Vzrn, Hl spt 125.08; Vslb dffmc jnrl, Cntrcd cllng 13961.46; Vst pmt, Sppls 312.50; Wg-wrks, Fees 407.25; Wmtr, Sppls 147.96; Webstmrst, Eqpmnt 312.23; Wllmrk, INS 253110.00; Wrlngr Auto, Rpr 498.00; Wst rvr Elctrc, Utylts 1254.30; Wex, Fuel 2104.34; WWW chmbr, Mbrshp 50.00; WWW city, Utylts 61.92; Wieser Carl, Mlg 902.16; Wnd Msc, Sbscrptn 165.00; Wdstck, Sppls 971.67; Cash for

Continued on next page

AFFIDAVIT OF PUBLICATION

Kathryn Patterson undefined

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Jan 22, 2026

NOTICE ID: vfECf9Yj6MLQFrPU7FZF

NOTICE NAME: 1833-2 Weston Heights HOA - Public Notice

TOTAL AD COST: \$123.67

Anjana Bhadoriya

Agent

VERIFICATION

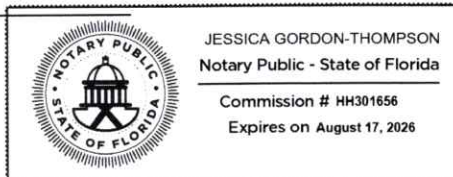
State of Florida
County of Orange

Signed or attested before me on this: 01/23/2026

J. T. A.

Notary Public

Notarized remotely online using communication technology via Proof.



**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 1833-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1833-2 held by the Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1833-2. This permit was approved 1983 and currently reserves 211 acre-feet from the Madison Aquifer located in E 1/2 Section 2-T2N-R7E. The water is reserved for rural water system use located approximately three miles north of Rapid City SD. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1833-2 REMAIN in EFFECT for 211 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below. The Water Management Board will conduct the hearing to review Future Use Permit No. 1833-2 on March 4, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address

address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by February 2, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1833-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, 1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by February 2, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 2, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Non-discrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is February 2, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that

the hearing must be conducted by the Board.

(Published January 22, 2026 for a total approximate cost of \$123.67 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-4012

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, January 15, 2026 8:12 AM
To: Faith Ind
Subject: 1833-2 Weston Heights Homeowners Assoc. - Public Notice
Attachments: 1833-2 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 21, 2026.

Weston Heights Homeowners Association, 6410 Jennifer Street, Rapid City SD 57701, 605-394-8978, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Art & Kathryn Patterson <vpatterson@rap.midco.net>
Sent: Friday, January 23, 2026 3:19 PM
To: leelegals@column.us; Rodriguez, Rachel
Subject: Re: [EXT] 1833-2 Weston Heights HOA - Public Notice

Check to pay for this legal notice has been mailed.

Thank you for your time and attention.
Kathryn

From: [Renniel Pasia](#)
Sent: Thursday, January 15, 2026 10:38 AM
To: [Rodriguez, Rachel](#) ; vpatterson@rap.midco.net
Subject: Re: 1833-2 Weston Heights HOA - Public Notice



Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on January 22, 2026. Your Notice ID is: [vfECf9Yj6MLQFrPU7FZF](#)

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use column.us to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—
// Renniel



On January 15, 2026 at 11:35 AM EST rachel.rodriguez@state.sd.us wrote:

Good Morning Bailee,

I just spoke with Kathryn and explained the process. Her email address is vpatterson@rap.midco.net

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Bailee Liston <leelegals@column.us>
Sent: Thursday, January 15, 2026 10:02 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; legals@rapidcityjournal.com
Subject: Re: [EXT] 1833-2 Weston Heights HOA - Public Notice

Hi Rachel,

We attempted to obtain an email address for Kathryn to ensure that the proof, invoice, and affidavit are correctly associated with her account. However, upon contacting her, she indicated that she was unaware of any legal posting and did not provide an email address.

Could you please verify the appropriate email address to use for sending the proof, invoice, and affidavit?

Thank you,

—
// Bailee Liston

// Column Pro Representative

// **Important: it's highly advised that you use Column's self-serve portal to place your legal ads.**

Column lets you review your ad before submission, receive your proof, and ensure accuracy. Go to column.us/place to start.

How did I do? 

On January 15, 2026 at 7:17 AM PST rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on January 22, 2026.

Weston Heights Homeowners Association, c/o Kathryn Patterson, 6410 Jennifer Street, Rapid City SD 57701, 605-394-8978, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, January 15, 2026 10:34 AM
To: vpatterson@rap.midco.net
Subject: 1833-2 Weston Heights HOA - Public Notice
Attachments: 1833-2 Recommendation.pdf; 1833-2 Letter.pdf; 1833-2 PubNotice.pdf

Good Morning,

Kathryn, per our conversation, attached are the documents regarding the 7-year review for Future Use Permit 1833-2. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

NOTICE OF ENTRY OF ORDER

March 5, 2026

Weston Heights Homeowners Association
c/o Kathryn Patterson
6410 Jennifer Street
Rapid City SD 57701

Dear Ms. Patterson,

I am writing in response to action taken by the Water Management Board at the hearing on March 4, 2026, to review Future Use Permit No. 1833-2. The Board allowed the permit to remain in effect for 211 acre-feet of water annually. Future Use Permit No. 1833-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1833-2 is \$75.00 pursuant to SDCL 46-2-13(2). The fee was received September 29, 2025.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated March 5, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Future Use Permit holders on March 5, 2026.

FU Nos. 192-3 & 3427A-3

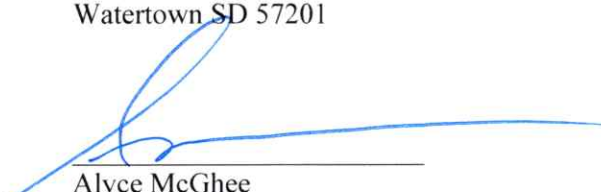
City of Aberdeen
c/o Stuart Nelson
123 S Lincoln St
Aberdeen SD 57401

FU No. 1833-2

Weston Heights HOA
c/o Katheryn Patterson
6410 Jennifer St
Rapid City SD 57701

FU Nos. 1218-3 & 2107-3

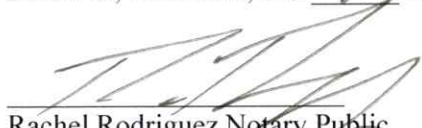
Watertown Municipal Utilities
c/o Wayne Lovelis
901 4th Ave SW
Watertown SD 57201



Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of March, 2026.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 1833-2

Name of Applicant: Weston Heights Homeowners Association, Kathryn Patterson

Date of Posting: 1/20/2026

Date of Removal: 3/5/2026

Amanda Dewell, Permitting Administrator

4/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of April, 2026.

Notary Public - South Dakota

My commission expires:

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 29th, 2025

RECEIVED OF Weston Heights Homeowners Association 6524 Beverly Drive Rapid City SD 57701

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. <u>1833-2</u> after period of seven years.	<u>\$75.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$75.00</u>

By


Chief Engineer