

1. Considered: _____, 19____ Water Right No. 1838-2
2. Name of Applicant SITTING BULL WATER COMPANY
3. Post Office Address POB 4016, Rapid City, S.D. 57701
4. Amount of Water Claimed 0.03 maximum acre feet _____
5. Source of Water Supply 620' well Madison
6. Water to be used for SHD acres to be irrigated _____
7. County Pennington about _____ miles WEST of RAPID CITY
8. PROOF OF PUBLICATION: Received 6-16-83 Not Received _____
- APPLICATION: Approved 7-20-83 Subject to Well Interference
- Not Approved _____ Action Deferred _____

PRIORITY 3/17/83 Dated Received 3/17/83 Application complete-yes x no _____ FEE 50.00

Remarks _____

Corrected Application received 3/24/83 Period of Annual Use 1/1 to 12/31

~~WATER~~
~~QUALITY~~ N/A

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

WI-1 Description same as application-yes _____ no _____ Remarks _____

N/A

Disapproved _____ Returned _____

					x
				8	

Diversion Point _____

NW¼ NE¼ Sec. 8-T1N-R7E

Land to be irrigated _____

N/A

WELL LOG Driller Schaefer Drilling Licensed - yes x no _____

Depth 620 feet Madison Limestone

Remarks LOG & STATEMENT FROM WARREN HAM STATES 620' FORM 2A

STATES 790' Deep? for well depth

1838-3

MAP Map No. drawn Map located in Water Right xx Map file _____
 Type of Map drawn Prepared by PE Engr G M Wierenga

+++++

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:

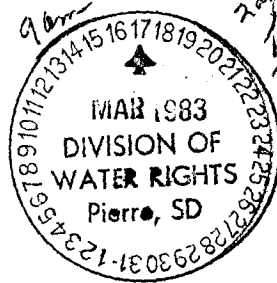
3/24/83 ^{ADJ}
5/5/83

John Westlund
 (Signed)

+++++

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

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1838-2Map No. 1838-2 Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10120110

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Sitting Bull Water Co. Jim Meier Phone No. 1-605-342-7696Post Office Address P.O. Box 4016 Rapid City, State South Dakota 57701
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation Sept. 5, 1975 Rapid City2. Method of accomplishing work (contract, employment of others, or by direct labor) Complete3. Name of diversion work Sitting Bull Water Co., Inc. du4. Amount of water claimed (cubic feet per second) 12 Gal. per minute (0.03)5. Source of water supply Well (Madison)6. Location of point of diversion NW $\frac{1}{4}$, NE $\frac{1}{4}$, SEC 8 LS, 7E T1N BHM Pennington Co, Rapid City, South DakotaCounty Pennington7. Annual period or periods during which water is to be used Continuously8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal-household SHD9. For irrigation use, None 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 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System.

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

Pump from well

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

through pipes

C. Works proposed to apply water to beneficial use.

distribution thru Sitting Bull Water Co. Inc.

Estimated Total Cost \$ doneAttachments: 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, James Meier

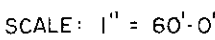
the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed James MeierSubscribed and sworn to before me this 11 day of March, 1983

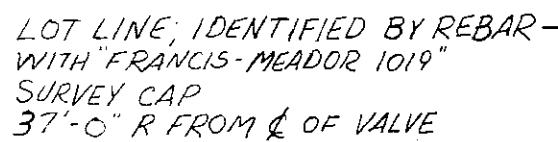
Notary Public (or other qualified officer)

RAPID CITY, SOUTH DAKOTA

AS BUILTS



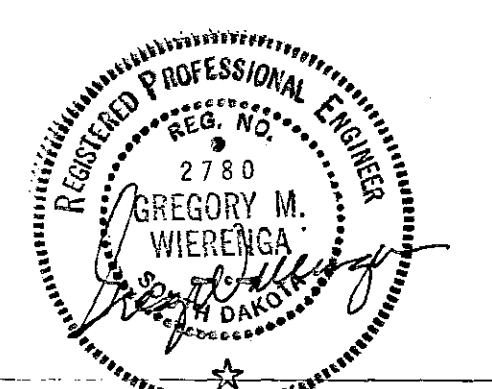
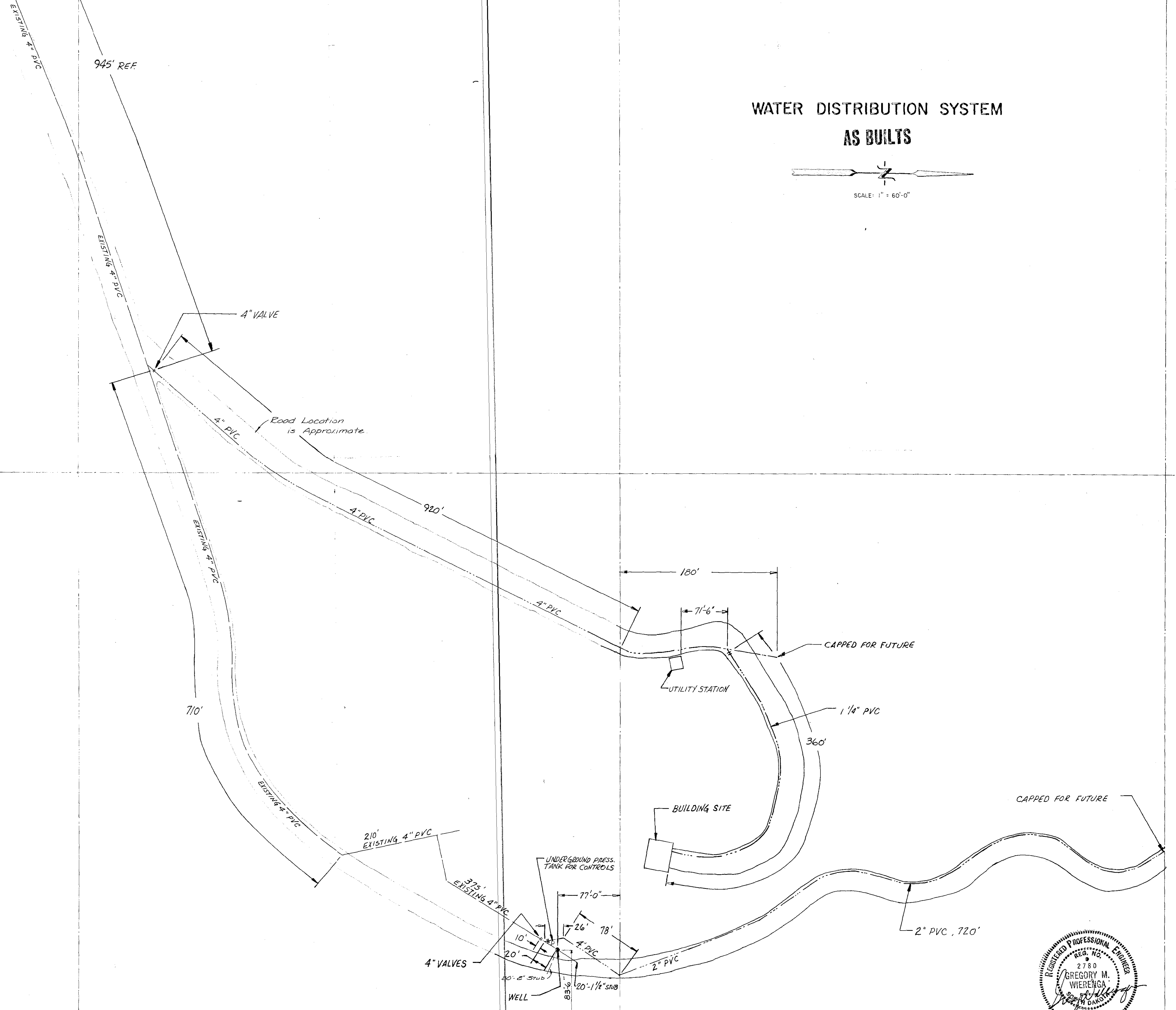
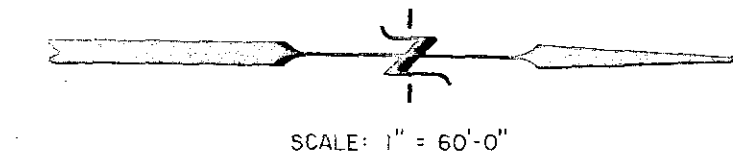
Note: All Dimensions Shown
Are Slope Distances.



COCHRAN ADDITION

RAPID CITY, SOUTH DAKOTA

WATER DISTRIBUTION SYSTEM AS BUILTS



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

1838-2

Sitting Bull Water Co.

(Applicant)

Box 4016

Rapid City

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The well 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 wells having prior water rights.

Date of first receipt of application March 17, 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. 1838-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1838-2 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 March 17, 1983

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 20, 1986

3. The whole of said work is to be completed on or before July 20, 1988

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 20, 1992

5. The water appropriated shall be used for the purpose of Suburban Housing water supply

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 0.03 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 July 20, 1992; said water to be used during the following described

annual period: January 1 thru December 31

Witness my hand this 2nd day of August, 1983

THE WATER MANAGEMENT BOARD

By: John H. Helt
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

D Well Information

- (1) Drill Hole, Diameter 8", Depth 790'
- (2) Casing, Type Steel, Diameter 6", Thickness Schedule 80
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 425'

Depth to bottom of water bearing material 790'

Depth to water (ground surface to water level) 425'

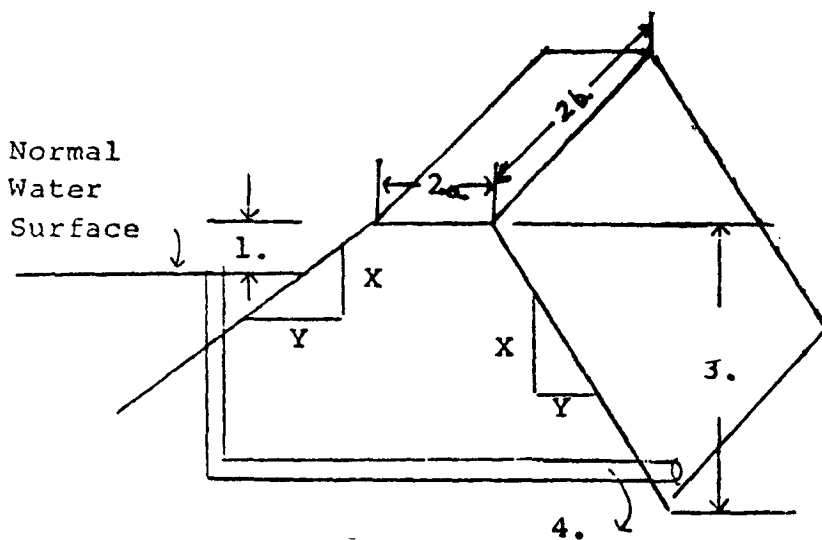
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds. $\frac{1}{2}$ Mile

G Water Storage Dams

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



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

James Mauer
Signature of Applicant

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section Rapid City S.D. Township S.D. Range S.D.
 Well owner John Cochran (Name) Address
 Date well drilling completed 6/24 Purpose of well Domestic (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
0'-420'	Mineralia Sand	420'
420'-620'	Madison Limestone	500'
		Depth to static water level
		Name of producing aquifer (if known)
		Total depth of drill hole
		Depth to bottom of casing
		Casing information: In the space below show size, weight, length per diameter, etc., for production casing and surface casing, if used.
		425' 6" stub 1250 wall
		190' 5" stub 1250 wall
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		If a flowing well, flow at completed well
		Schaefer Drilling
		Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Reck HP 3
 Type of pump Submersible Capacity of installed pump 30
 Depth of pump placement 546 ft., Date of pump installation 7/3

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINNESOTA WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____



Schaefer Drilling
 Name of Pump Installation Contractor

For - Joni Cochran, Rapid City, S.D.

Location - NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 8, 15, 7E

Elev. 4100'

cement grout

40'

Total depth 620'

Cased to 425' with 6" casing

Cased 420' to 610' with 5" casing

3 HP submersible pump set on 546'
of 1 $\frac{1}{4}$ " galv. pipe.

560' of 6-3 submersible cable.

3-8-83

~~April~~ Δ

MAY Δ 15th

MAP-

Kevin Horson
8773-4559

0' to 410' Minnelusa

410' to 620' Madison Limestone.

Well made up in water encountered
in caves in limestone between 530'
and 600'.

Well pumped at 20 gpm with negligible
drawdown. Would estimate available
supply of 40 to 50 gpm without problems.

425'

Static water
level 490'

1/14

#6 Schaefer Well
Drilling

Completed 6/23/75

Warren Hamm

WARREN H.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9205

PIERRE, March 24, 1983

RECEIVED OF Sitting Bull Water Co., Jim Meier, P.O. Box 4016, Rapid City, SD 57701

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

Fee for Application for Permit to Appropriate Water No. <u>1838-2</u> (examination, processing, recording and filing) -----	50	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

REPORT ON WATER PERMIT APPLICATION NO. 1838-2

SITTING BULL WATER COMPANY

May 26, 1983

Application No. 1838-2 proposed to divert 0.03 cfs of groundwater from a 620' well to be used for suburban housing.

Aquifer

Madison Limestone

Geology and Aquifer Characteristics

Drillers log indicates the top of the Madison at 410' and drilling continued to 620'. Log indicates cavernous limestone between 530' and 600'. The static water level in the well is at 490' indicating water table conditions and the driller indicated the well pumped 20 gpm with negligible drawdown. The well is cased with 420' of 6" and with 5" casing from 420' to 610'. The pump is set at 560'. The well construction is adequate.

The Madison Limestone (Pahasapa) can be described as a massive light colored limestone, dolomitic in part and cavernous especially the upper part of the section. There are numerous reports which examine the Madison as an aquifer some of which are listed with the bibliography. Groundwater movement is basically from west to east. This application is in the recharge area of the Madison (either by precipitation or by streamflow loss) and the static water level is about the same as the level of Rapid Creek. There are some minor geologic structures (Cattermole, 1969) which affect groundwater movement but basically the west to east flow, down dip, predominates. The groundwater flow emerges as springflow, discharge to wells or moves down dip in the Madison away from the Black Hills.

Review of existing Water Permits

388-2	SD Game, Fish & Parks	Cleghorn Springs	6.18 cfs
432-2	City of Rapid City	Alluvium	7.75 cfs
504-2	Cleghorn Springs Water Users	Cleghorn Spring	0.89 cfs
1124-2	Chapel Lane Water Company (2 wells)	277' Minnelusa, 600' Madison	0.56 cfs
1134-2		883' Madison	
1729-2	Carriage Hills Water Association	620' Minnelusa	0.27 cfs

The nearest existing Water Permit is Cleghorn Springs approximately 1 mile to the southeast. Cleghorn Springs flows a fairly constant rate of 10 cfs. Rapid City has a shallow well "Jackson Spring Well" (2.8 cfs) in the alluvium near Cleghorn Springs which reportedly has a visible effect upon the spring (Rahn & Gries, 1973).

Conclusions

1. There is water available. The drillers log and reported yield of the well verify this.
2. The affect of a 0.03 cfs withdrawal on the groundwater flow system is not significant. No doubt the springs and area wells in the Madison and Minnelusa are all basically the same water but interference will not be predictable.

Conclusions (cont.)

3. There have never been any complaints of diminished springflow due to well withdrawals in this area.



JAMES A GOODMAN
Hydrologist

Cattermole, M.J., 1969, Geologic Map of the Rapid City, West Quadrangle, Pennington County, South Dakota USGS - Map GQ - 828.

Rahn, P.H., and J.P. Gries, 1973, Large Springs in the Black Hills South Dakota and Wyoming, SDGS, Report of Investigation #107, Vermillion SD.

Rahn, P.H., 1980, Aquifer Evaluation Elements of the Western Dakotas Region of South Dakota, U.S. Army Corps, Draft Final Report.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION

NO. 1838-2, Sitting Bull Water Co.

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application 1838-2, Sitting Bull Water Co., PO Box 4016, Rapid City, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1838-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion 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 qualification:

The well 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 wells having prior water rights.

The attached report is a part of this recommendation.

A handwritten signature in dark ink, appearing to read "John Watch", is written over a horizontal line.

JOHN WATCH, Chief Engineer
June 1, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before
June 8, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 1838-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that the Sitting Bull Water Company whose mailing address is PO Box 4016
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 Legis-
 lature; 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 a permit to appropriate 0.03 cubic feet per second from groundwater,
 one 620' Madison Formation Well the point of diversion to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
 Section 8, T1N, R7E. Said water to be used for purpose of providing water supplies for
 a suburban housing development.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 1838-2 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, Basement
Day Co. Courthouse, 710 W 1, Webster SD upon the 19 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 this application after it reaches a con-
 clusion 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
 this application or to assure access to the hearing by the handicapped can contact the
 Water Right Division, DWNR, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance
 prior to the hearing date.

No. 1838-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Mary K. Garness hereby

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

Water was taken from the Rapid City Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Rapid City

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

June 8, 1983

June 15, 1983

(Signature)

Bookkeeper

(Title)

(Date Signed)

Cost of Printing: Ran 8 11/16 inch legal
advertising in the Rapid City Journal
on June 8 & 15 @ \$3.76 per inch =
\$65.34

June 8, 1983

L179

NOTICE OF HEARING
ON APPLICATION
NO. 1838-2 TO
APPROPRIATE WATER

Notice is hereby given that the Sit-
ting Bull Water Company whose
mailing address is P.O. Box 4016,
Rapid City, South Dakota has made
an application pursuant to the provi-
sions 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, Sec-
tions 38, 47, 59 & 67 of HB 1001, Sec-
tions 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21
of HB 1002; 46-6-3, 46-6-3.1, 46-6-6.1, 46-
6-10, 46-6-13, 46-6-14; and Board Rules
ARSD 74:02:01:01 thru 74:02:01:15;
(several of the preceding SDCL Sec-
tions are amended by HB 1001 & 1002
of 1983 Legislature) for a permit to
appropriate 0.03 cubic feet per second
from groundwater, one 620' Madison
Formation Well the point of diversion
to be located in the NW 1/4 NE 1/4 of Sec-
tion 8, T1N, R7E. Said water to be us-
ed for purpose of providing water
supplies for a suburban housing
development.

Pursuant to Section 4 of HB 1002 the
Chief Engineer of the Water Rights
Division recommends Approval of
Application No. 1838-2 because 1)
unappropriated water is available, 2)
will be no unlawful impairment of ex-
isting 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, Basement Day
Co. Courthouse, 710 W 1, Webster, SD
upon the 19 day of July, 1983 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 make a determination on this ap-
plication after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested person
who may be affected by a Board deci-
sion and who intends to participate in
the hearing before the Board and pre-
sent 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 in-
formal, but it must include a state-
ment describing the petitioner's in-
terest 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 ex-
tended 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 fil-
ed with the Chief Engineer by July 8,
1983.

This hearing is an adversary pro-
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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 pro-
vided by law.

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



183832

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

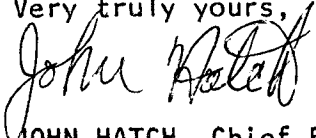
August 3, 1983

Sitting Bull Water Co.
Jim Meier
P.O. Box 4016
Rapid City, South Dakota 57701

Dear Sir:

Enclosed herewith is your Water Permit No. 1838-2 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. 1838-2.

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: RAY ALDRICHADDRESS: RAPID CITY COUNTY PENNINGTONDATE: 9-2-90 TELEPHONE 342-2814RE: Water Right On Sitting Bull Water Co

COMMENTS:

MR ALDRICH WANTED TO KNOW IF SITTING BULL
WATER COMPANY HAD A WATER RIGHT

I TOLD HIM THAT OUR FILES SHOW THAT WE
HAVE WATER PERMIT NO. 1838-2 FOR 0.03 CFS HAD
BEEN ISSUED TO SITTING BULL WATER COMPANY. THE
PERMIT WAS FOR A WELL INTO THE MARIPOSA AQUIFER

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Mark P. [Signature]



Department of Water & Natural Resources

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

November 5, 1990

Ray J. Aldrich
Gunderson, Farrar and Aldrich
PO Box 1820
Rapid City, SD 57709-1820

Dear Mr. Aldrich:

This is in response to your telephone call on November 2, 1990. I am enclosing the Notice of Transfer of Ownership form that you requested for transferring Water Permit 1838-2, Sitting Bull Water Company. Return the signed and completed form to this office along with a filing fee of \$2.50.

If you have any questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Rath". The signature is written in a cursive, flowing style.

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

enclosure

GUNDERSON, FARRAR, ALDRICH & DEMERSSEMAN

ATTORNEYS
516 FIFTH STREET - P.O. BOX 1820
RAPID CITY, SOUTH DAKOTA 57709-1820

ROBERT W. GUNDERSON
JOHN C. FARRAR (1914-1983)
RAY J. ALDRICH
MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
FRANK DRISCOLL

TELEPHONE
605-342-2814

FAX
605-342-0732

November 15, 1990

Chief Engineer
Water Rights Division
Department of Water and Natural Resources
523 East Capitol
Pierre SD 57501-3181

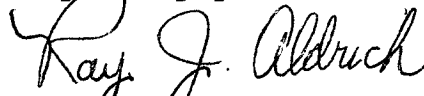
Re: Water Permit/Right No. 1838-2

Gentlemen:

I am enclosing a Notice of Transfer of Ownership for Water Permit/Right No. 1838-2 from Sitting Bull Water Company to Canyon Shadows Water Company, Inc. Please process and send confirmation of the transfer to this office.

I am also enclosing a check of \$2.50 for the filing fee.
Thank you.

Very truly yours,



Ray J. Aldrich
GUNDERSON, FARRAR, ALDRICH
& DEMERSSEMAN

RJA:jms
Enclosures

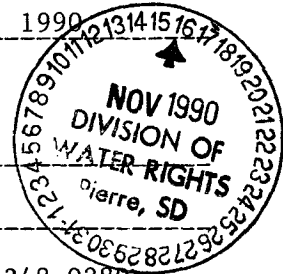


NOTICE OF TRANSFER OF OWNERSHIP

No. _____

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

Date: November 14, 1990



I/We request that Water Permit/~~Right~~ No. 1838-2

formerly owned by: Sitting Bull Water Company

be transferred to: (name & address) Canyon Shadows Water Company, Inc.

HC 33, Box 5560, Rapid City SD 57701 (telephone No.) 605-348-0289

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

See attached Transfer of Easements

I/We understand that the validity of Water Permit/~~Right~~ No. 1838-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Pennington) of Canyon Shadows Water Company, Inc.

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

CANYON SHADOWS WATER COMPANY, INC.

By: Don Calvert, President (Signed)

Subscribed and sworn to before me this 14th day of November, 1990.

Earen D. Hoffman

(Notary Public)

my commission expires June 5, 1995

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

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

TRANSFER OF EASEMENTS

We, **DAVID C. SPRINGHETTI, DOUG TENNYSON, JON MARGOLIS, DON CALVERT, WAYNE HOFFMAN AND GENE BUNGE**, all residents of Pennington County, South Dakota, d/b/a Canyon Shadows Water Company, an association, for One Dollar (\$1) and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grant and transfer to **SITTING BULL WATER COMPANY, INC.**, a South Dakota corporation, whose address is Cochran Addition, HC 33, Box 5560, Rapid City, South Dakota 57701, grantee, the following:

All easement rights and property rights to water lines, well and reservoir and South Dakota State Water Permit #1838-2, and access to all easements and property rights located in the Cochran Addition in the East Half of the Northwest Quarter (E1/2NW1/4), Section Eight (8), and in the North Half of the Northeast Quarter (N1/2NE1/4) of Section Eight (8), both in Township One (1) South, Range Seven (7) East of the Black Hills Meridian, Pennington County, South Dakota, including any and all extensions thereof installed after the recording of the above distribution easements.

The easements, property rights and water permit are more particularly described in a certain Bill of Sale dated October 24, 1990, and recorded in the office of the Register of Deeds of Pennington County as Document No. B369 on October 25, 1990, at 1:30 p.m.

Grantors warrant that the above described property is not claimed by them as a homestead of any of the Grantors, nor by their spouses.



IN WITNESS WHEREOF, we have hereunto set our hands and seals
this 14th day of November, 1990.

David C. Springhetti
DAVID C. SPRINGHETTI

Don Calvert
DON CALVERT

Doug Tennyson
DOUG TENNYSON

Wayne Hoffman
WAYNE HOFFMAN

Jon Margolis
JON MARGOLIS

Gene Bunge
GENE BUNGE

State of South Dakota,)
) ss.
County of Pennington.)

On this the 14th day of November, 1990, before me, the undersigned officer, personally appeared **DAVID C. SPRINGHETTI, DOUG TENNYSON, JON MARGOLIS, DON CALVERT, WAYNE HOFFMAN AND GENE BUNGE**, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

(SEAL)

Don Hoffman
Notary Public
my commission expires June 5, 1995

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412425

Pierre, November 16, 19 90

RECEIVED OF Gunderson, Farrar, Aldrich & DeMeesseman, 516 5th St., Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1828-2</u>	2	50
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	2 50

By John H. H. H. H.
Chief Engineer



Department of Water & Natural Resources

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

November 21, 1990

No. 1838-2

Gunderson, Farrar, Aldrich & DeMersseman
516 Fifth Street
Rapid City, South Dakota 57709

Dear Sir:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1838-2.

Our records now show you as the owner of this Water Right.

Sincerely,

A handwritten signature in cursive script that reads "Jaci Konop".

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Canyon Shadows Water Co., Inc.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1838-2

I have this day, **October 15, 2015**, made a thorough examination of the water use system constructed by **Canyon Shadows Water Co.** of Permit No. **1838-2**, bearing the priority of **3/17/1983** authorizing the diversion of **0.03** cu. ft. per second of the waters from a single well for **suburban housing development** purposes, in **Pennington** County.

Inspection contact & relationship
to permit holder, if applicable:

**Gene Bunge (13754 47th Ave West, Rapid City, SD)
President, Canyon Shadows Water Co.
Well address (13775 Bears Loose Rd, Rapid City)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Schaefer Drilling (1975)
- 2) No. of Wells 1
- 3) Depth(s) 800 feet
- 4) Well log Yes

The legal description for this well as permitted is incorrect. The well is located in NW1/4, NE1/4, Section 8, T1S, R7E, (permitted location shows S8,T1N, R7E). At some time prior to the well being transferred to Canyon Shadows the well depth was increased from the 620' shown on the original well log to approximately 800 ft.

Casing:

- 1) Diameter 6" (0-425'), 5" (425-615')
- 2) Length 615 feet
- 3) Type Steel (.25" wall)

Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level 500 feet

Pump:

- 1) Make Gould
- 2) Model 10GS50
- 3) Size 4"

Report of Examination of Works

Permit No. 1838-2

4) Capacity 15 GPM (this pump is rated at 10 gpm but is discharging approx. 15 gpm at estimated drawdown)

5) Press @ Well Head 5 est. PSI

Motor: HP rating 5 hp

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

1) Type Plastic Pipe

2) Size 2 inches

3) Length -- feet

Comments: **The water system is utilizing a storage reservoir near the well site. Contact is unsure of the exact size but estimates it is 8,000 gallons.**

C. Works used to apply water to beneficial use:

PVC pipe distribution system to homes in suburban housing development

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by : Yes

2) Exceptions to compliance are: **Current pump as installed is capable of discharging slightly more than permitted (.033 cfs vs. .03 cfs).**

E. Condition and Location:

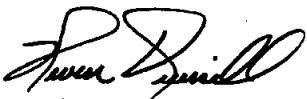
1. The system is in good condition with the point(s) of diversion located as follows:

Lat/Lon – N43.98279 W103.30743 which is located approximately 1,342 feet west and 27 feet south of the NE corner of Section 8, T1S, R7E

2. The works are capable of diverting and conveying to the place of use .033 cu. ft. per second (15 gpm) of water which is to be used for suburban housing development and the license should be issued for .033 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

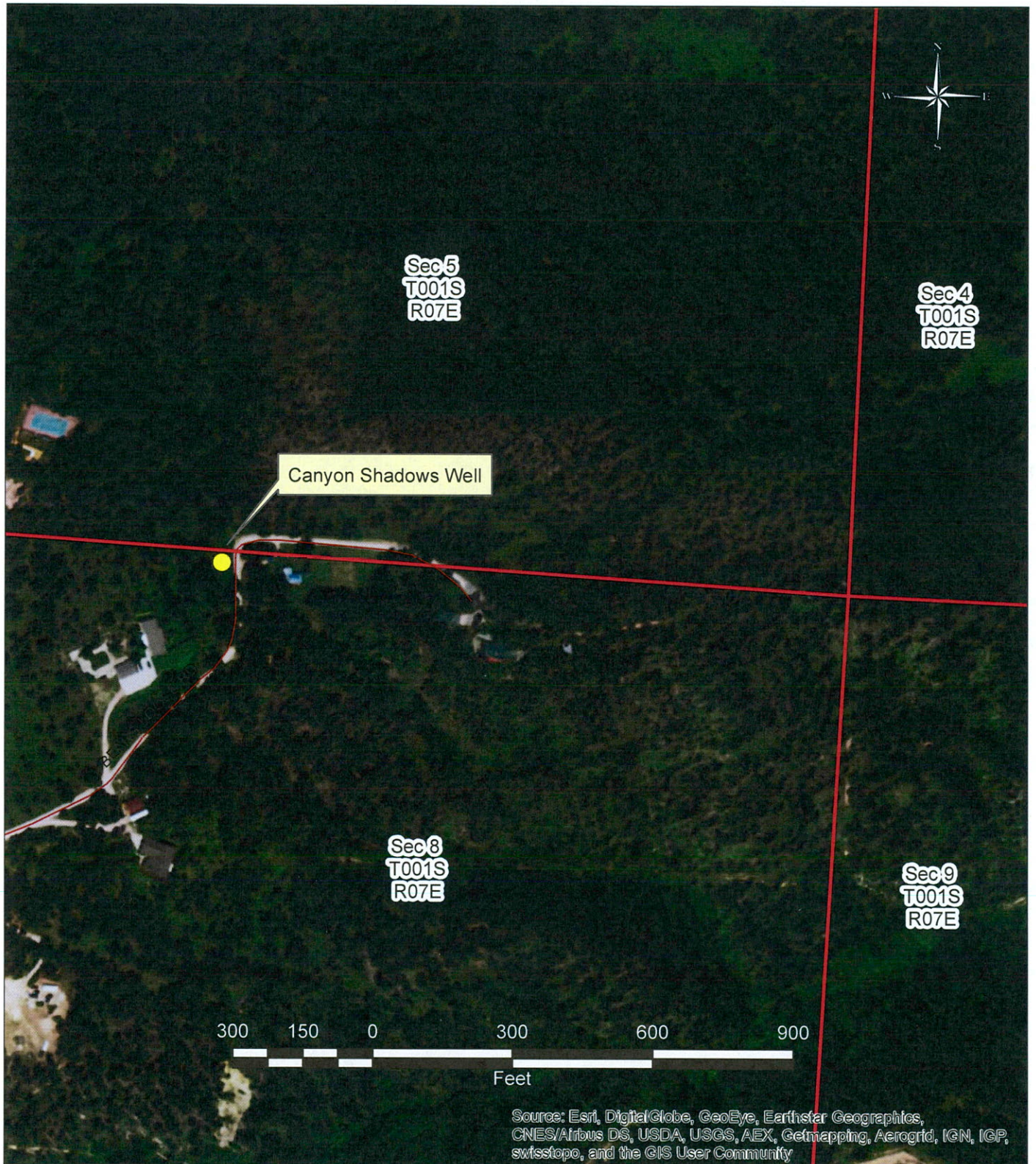


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 10/19/15



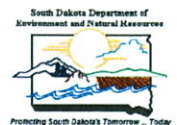
Water Right #1838-2
Canyon Shadows Water Co.
10/16/2015



Steven Quissell
Water Rights Inspector
DENR Water Rights Program



0 0.02350.047



Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Canyon Shadows Water Company** File No. **1838-2**
Address: **HC 33 BOX 5560, RAPID CITY, SD 57701** County: **Pennington**
Date: **November 3, 2015** Telephone:
RE: **Correct location of diversion point.**

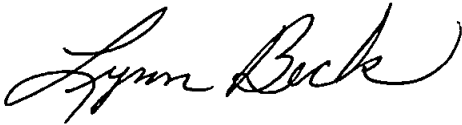
Comments:

The permit was inspected by Steve Quissell for licensing.

The diversion point was advertised and approved for the wrong legal location. The advertised location was in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8, T1N, R7E, the actual location is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 8, T1S, R7E. There are three water rights in the same water source within one mile of Water Permit 1838-2, the closest being approximately 2200' to the SW. It is not expected that interference will be a problem.

The developed water source is the same as the permitted water source and no new water is appropriated and no new lands irrigated.

1838-3 needs to be re-advertised for the correct diversion point location.



Lynn Beck
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 2, 2015

Canyon Shadows Water Co, Inc.
Gene Bunge, President
13754 47th Ave West
Rapid City SD 57701

Dear Mr. Bunge:

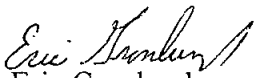
On October 15, 2015, the investigation of the water use system as developed under Water Permit No. 1838-2, was completed by Steven Quissell, with our program. As a part of that review process, we found the original notice published on June 8 and 15, 1983 in the Rapid City Journal contained an error in the legal description of the well location. Therefore, the notice needs to be readvertised to correct the error.

The Readvertisement has been sent to the Rapid City Journal to be published on November 6, 2015. For your information a copy of the notice is enclosed.

Also, State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. The check or money order for the fee should be made payable to the "Water Rights Program". Once the permit has been readvertised and the \$50.00 fee is received, we will complete processing your water license.

If you have any questions, please contact this office.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/11, 20 16

RECEIVED OF Canyon Shadows Water Co 13775 Bears Loose Rd Rapid City SD 57702

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1838-2</u>		
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	50 00

No. 07631

By Jean Goodman
Chief Engineer

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 02, 2015 11:51 AM
To: 'legals@rapidcityjournal.com'
Subject: Readvertisement of Notice of Permit No. 1838-2
Attachments: 1838-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 6, 2015.

Please bill the Water Rights Program for the cost of publication.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Publish the Notice on November 6, 2015. The Water Rights Program is responsible for payment.

Readvertisement of Notice of Permit No. 1838-2 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 1838-2 held by Canyon Shadows Water Company Inc., c/o Gene Bunge, President, 13754 47th Ave West, Rapid City SD 57701. Water Permit No. 1838-2 appropriates 0.03 cubic feet of water per second from one well completed into the Madison Aquifer (800 feet deep) located in the NW 1/4 NE 1/4 Section 8-T1S-R7E. Readvertisement is necessary to correct the legal description of the well location prior to issuance of the water license. The legal description was incorrectly advertised on June 8 and 15, 1983 as being located in Section 8-T1N-R7E. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of reissuance of Permit No. 1838-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this permit, as recommended, unless a petition is filed opposing the reissuance of the permit or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the permit or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider reissuance of the permit. Notice of the hearing will be given to the permit holder and any person filing a petition.

Any person interested in opposing or supporting reissuance of this permit or recommendation must file a written petition with BOTH the permit holder and Chief Engineer. The permit holder must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the permit holder's mailing address is given above. A petition filed by either an interested person or the permit holder must be filed by November 16, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the reissuance of the permit, the petitioner's reasons for opposing or supporting the reissuance of the permit, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this permit. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.

Affidavit of Publication

RECEIVED

NOV 17 2015

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Nov. 6
L20964172

READVERTISEMENT OF NOTICE OF PERMIT NO. 1838-2 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 1838-2 held by Canyon Shadows Water Company Inc., c/o Gene Bunge, President, 13754 47th Ave West, Rapid City SD 57701. Water Permit No. 1838-2 appropriates 0.03 cubic feet of water per second from one well completed into the Madison Aquifer (800 feet deep) located in the NW 1/4 NE 1/4 Section 8-T1S-R7E. Readvertisement is necessary to correct the legal description of the well location prior to issuance of the water license. The legal description was incorrectly advertised on June 8 and 15, 1983 as being located in Section 8-T1N-R7E. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of reissuance of Permit No. 1838-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this permit, as recommended, unless a petition is filed opposing the reissuance of the permit or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the permit or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider reissuance of the permit. Notice of the hearing will be given to the permit holder and any person filing a petition.

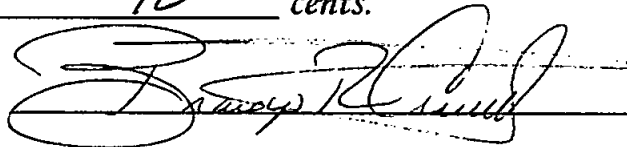
Any person interested in opposing or supporting reissuance of this permit or recommendation must file a written petition with BOTH the permit holder and Chief Engineer. The permit holder must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3332)" and the permit holder's mailing address is given above. A petition filed by either an interested person or the permit holder must be filed by November 16, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the reissuance of the permit, the petitioner's reasons for opposing or supporting the reissuance of the permit, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this permit. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

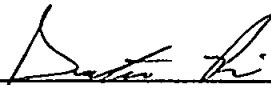
(Published once at the total approximate cost of \$43.72).

Brandyn Crawford 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

Week for one successive Weeks, the first publication there of being on the 1st day of November that the fees charged for the publication there of are 62 dollars and 72 cents.



Subscribed and sworn to before me this 6th day of November, 2015.



Notary public

DUSTIN RICE



NOTARY PUBLIC
SOUTH DAKOTA



July 1, 2020
My commission expires



Classified Advertising Invoice

RECEIVED

NOV 17 2015

WATER RIGHTS
PROGRAM

Rapid City Journal &
Black Hills Weekly Group
PO Box 31238
Billings, MT 59107-1238
(877) 510-6397

S.D. DENR

WATER RIGHTS
523 E. CAPITOL AVE.
PIERRE SD 57501-3182

Customer: 60017362

Phone: (605) 773-3351

Date: 11/06/2015

Date	Order #	Type	Order Amt
11/06/15	20964172	INV	62.72

Amount Paid: _____

Card #: _____

Check Number: _____

Signature: _____



Exp Date: _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner.

You may also send the coupon to a secure fax at 406-657-1442.

Date	Order #	Type	Description	Lines	Times Run	Order Amount	Net Amt Due
11/06/15	20964172	INV	NOTICE OF PERMIT NO. 1838-2	112.00	1.00	62.72	62.72
Start 11/06/15 End 11/06/15							
Rapid City Journal							

Please return invoice or put order number on check. Thank You.

Remarks

Total Due:

62.72

RAPID CITY JOURNAL &
BLACK HILLS WEEKLY GROUP
PO BOX 31238
Billings, MT 59107-1238
(877) 510-6397

Rapid City Journal - Patriot - Meade County Times
Lawrence County Journal - Butte County Post
Hot Springs Star - Chadron Record

November 17, 2015

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 31238
Billings MT 59107

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Fencing Rules \$155.80 # 20964847

Re advertisement of Water Permit 1838-2 \$62.72 # 29064172

AMOUNT: \$218.52

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Neil Jackson 11-17-15

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.

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 1838-2**

Date of first receipt of application March 17, 1983.

The Chief Engineer, on behalf of the Water Management Board, reissues Water Permit No. 1838-2 to Canyon Shadows Water Company Inc., c/o Gene Bunge, President, 13754 47th Ave West, Rapid City SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

On November 16, 2015, Water Permit No. 1838-2 was readvertised to correct the legal description of the well location based on an inspection of the permit.

1. Water Permit No. 1838-2 appropriates 0.03 cubic feet of water per second from one well completed into the Madison Aquifer (800 feet deep) located in the NW 1/4 NE 1/4 Section 8-T1S-R7E.
2. The water appropriated shall be used for the purpose of suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The dates of approval of Permit No. 1838-2 are July 20, 1983 and November 16, 2015 of readvertisement to correct well location.
5. The date from which applicant may claim right is March 17, 1983.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well 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 wells having prior water rights.

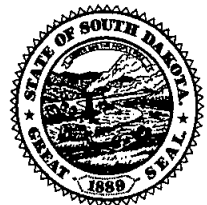
WATER MANAGEMENT BOARD

By: Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 24 2016
date



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1838-2

(1) Sitting Bull Water Company made Application No. 1838-2, March 17, 1983 for a water permit to divert 0.03 cubic feet of water per second from one well - Madison Aquifer, Pennington County, South Dakota for suburban housing use purposes. Permit No. 1838-2, with a priority date of March 17, 1983 was approved July 20, 1983 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 20, 1988 and for the application to beneficial use of water on or before July 20, 1992.

On November 16, 1990, Water Permit No. 1838-2 was transferred to Canyon Shadows Water Company Inc, 13754 47th West, Rapid City SD 57701.

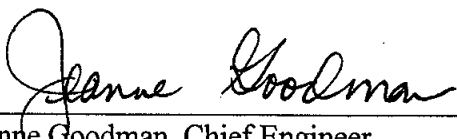
On November 16, 2015, Water Permit No. 1838-2 was readvertised to correct the legal description of the well location based on an inspection of the permit.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1838-2 is issued a license, bearing a priority date of March 17, 1983 to appropriate 0.03 cubic feet of water per second from one well - Madison Aquifer for suburban housing use purposes.

The diversion point is located: approximately 1,342 feet west and 27 feet south of the NE corner of Section 8-T1S-R7E (NW 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1838-2 including the following qualification:

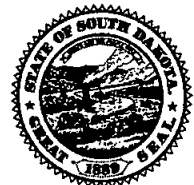
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in wells having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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 24 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

1838-2

OCT 24 2016

Canyon Shadows Water Company Inc
c/o Gene Bunge, President
13754 47th Ave West
Rapid City SD 57701

Dear Mr. Bunge:

Enclosed are Reissued Water Permit No. 1838-2 and Water License No. 1838-2. The water license is the final water right document completing the process of obtaining a Water Right. Enclosed is a receipt for \$50.00 which was paid for the investigation and issuance of the Water License. Also, included with the license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1838-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures