

Considered: April 25, 1984

WATER PERMIT NO. 1863-2

MAP No. 1863-2

Name of Applicant '76 Ranch Estates (Seventy-Six Ranch Estates)

Post Office Address 67 Sherman Street, Deadwood, SD 57732

Amount of Water Claimed 0.07 (30 GPM) Total Acres --

Source of Water Supply one 548' well - Madison Formation

Water to be used for SHD County Lawrence

About 1/2 mile NE of DEADWOOD

PROOF OF PUBLICATION: Received 3-23-84 Not Received

APPLICATION: Approved 4-26-84 Subject to

F.F. & C.L. Adopted Not Approved Deferred

PRIORITY 1/3/84 Date Received 1/3/84 Fee 50.00 Remarks Needed map

Corrected Application Received 2-1-84 Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

W-1 Description same as Application YES NO REMARKS not applicable

Diversion Point

NW 1/4 SW 1/4, Section 18-T5N-R4E

Land to be Irrigated

	18				
x					

Well Log: Driller Taylor Bros ^{Pauline} Licensed YES X NO

Depth of Well 548' REMARKS Madison Formation

Type of Map drawn PREPARED BY PE-Neil Stodolski Reviewed and the Number

assigned on 2-1-84 By Bj Westlund

No. 1863-2 Hydrologic Unit 10120202
 Map No. 1863-2 Basin BELLE FOURCHE
 Newspaper: PIONEER TIMES, Box 876 LEAD 57754

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant '76 Ranch Estates Phone No. 605-578-2674Post Office Address 67 Sherman St., Deadwood, State So. Dak. Zip Code 57732
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 30 GPM (0.07)3. Source of water supply 548' Drilled Well (Madison)4. Location of point of diversion HES 254 in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ in Section 18 T5N, R4E.CB B.H.M.County Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used Year round residential useage SED

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a 17 Lot Residential development and the well will be used for a
 central water system.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map
 (see instruction)

STATE OF SOUTH DAKOTA)

County of Lawrence)^{ss}

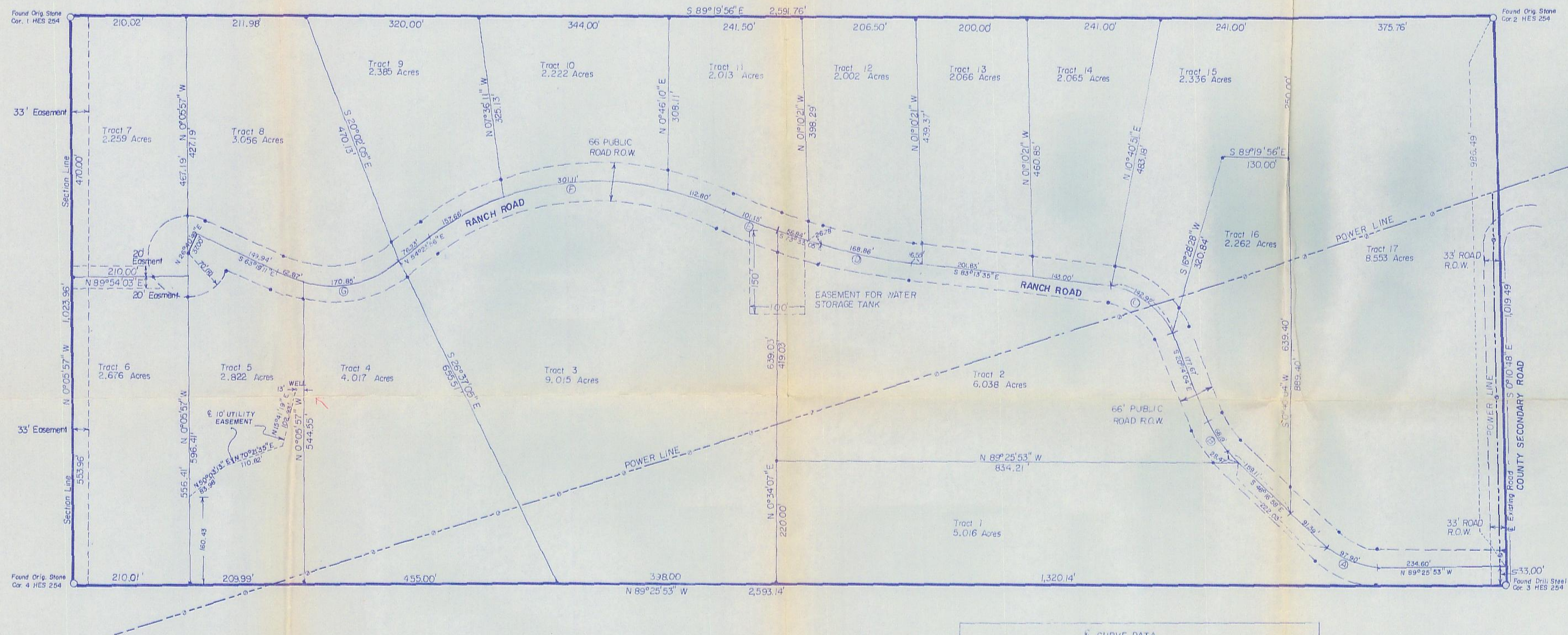
I, Ron Island the applicant, certify that I have read
 the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and
 am able to complete the necessary construction.

Signed Ron IslandSubscribed and sworn to before me this 6th day of December 19 83

Expiration
11/28/91

Notary Public
 Notary Public (or other qualified officer)

PLAT OF '76' RANCH ESTATES
TRACTS 1-17, SUBDIVISION OF H.E.S. NO. 254
CONTAINING 60.802 ACRES IN SECTION 18, T5N
R4E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.



LEGEND:
○ Indicates Corner Monument Found
● Indicates No. 5 Rebar W/Alum. Cap Set
--- Power Line

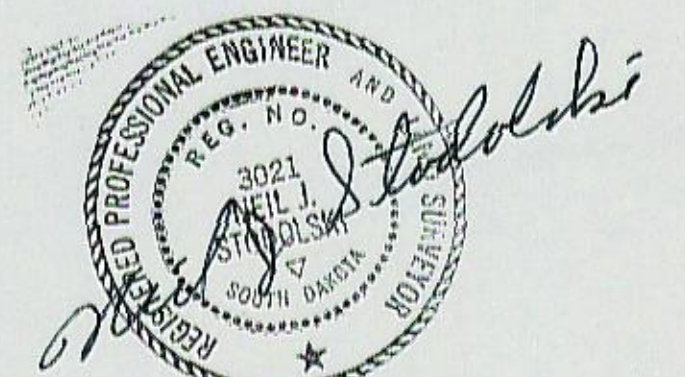
SCALE: 1" = 100'
0' 100' 200' 300'



E CURVE DATA				
CURVE	Δ	R	L	T
(A)	43°08'55"	130.00'	97.90'	51.40'
(B)	26°02'54"	150.00'	68.19'	34.70'
(C)	62°59'31"	130.00'	142.92'	79.65'
(D)	9°40'30"	1,000.00'	168.86'	84.63'
(E)	10°18'30"	561.32'	101.15'	50.71'
(F)	62°22'29"	525.00'	571.54'	317.79'
(G)	62°16'53"	215.00'	233.71'	129.90'

NOTES:

1. A 15' Utility Easement Exists Along Each Side And Rear Property Line Of Each Lot.
2. Basis Of Bearing = Solar Observation.
3. Property Pins Along Road Are Set At The Intersection Of Property Line And Road R.O.W. Line.



App'l & Map # 1863-2

WATER PERMIT

Water Management Board hereby approves Water Permit Application No. 1863-2
76" Ranch Estates (Applicant) 67 Sherman St. Deadwood (Post Office Address)
South Dakota (State) 57732 (Zip Code) With the following qualifications.

The well approved under this Permit is located near domestic 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.

of first receipt of application January 3, 1984.
of return to applicant for correction, amendments or changes required —, 19—.
of receipt of corrected application —, 19—. Approved April 25, 1984.

Water Management Board hereby approves this Water Permit No. 1863-2 authorizing the truction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in Water Permit approval, subject, however, to the following limitations and conditions:

The date from which applicant may claim right is January 3, 1984.

The equivalent of, at least one-fifth of the specified work is to be completed on or before September 25, 1986.

The whole of said work is to be completed on or before April 25, 1989.

The limit of time from proof of beneficial use of water appropriated in accordance herewith is April 25, 1993.

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

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 unlawfully impaired by this appropriation.

The amount of the appropriation herein granted shall not exceed 0.07 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 to which water is actually and beneficially applied for Suburban Housing on or before April 25, 1993; said water to be used during the following described annual period: January 1st to December 31

WATER MANAGEMENT BOARD
By: John Hatch Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources
May 8, 1984

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 1/4" Depth 540'
- b) Casing Type STEEL Diameter 5 1/2" OD Thickness 23 lb/FT.
- c) Screen Type NONE Diameter OPEN HOLE Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 225' - ?
- f) Depth of Water (ground surface to water level) 305'
- g) Distance to nearest existing domestic well:
On applicants property 2000' On property owned by others 1000'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

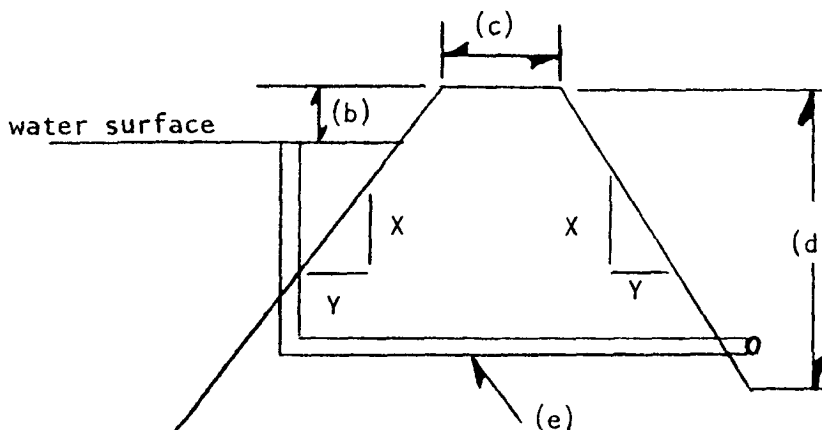
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9468 "

South Dakota Department of Water and Natural Resources

Pierre, January 3, 19 84

RECEIVED OF '76 Ranch Estates, Ron Island, 68 Sherman Street, Deadwood, SD 57732

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

Fee for Application for Permit No. 1863-2 to Appropriate Water, to construct works 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.		
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	50	00

By

John Hatch

Chief Engineer

JOHN HATCH ms

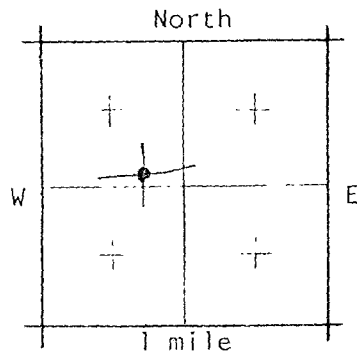
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location N 1/4 SW 1/4 Sec 18 Twp. 5N Rg 4E

County

LAWRENCE CO.

Please mark well location with an "X"



Well Completion Date 11-18-83

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary (Air)

WELL CONSTRUCTION:

Diameter of hole 6 1/4 inches Depth 540 feet

Casing: ☒ Steel ☐ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To
23 lb/ft 7.00 inches + 2 feet 121 feet
15.50 lb/ft 5.300 inches 100 feet 474 feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify Open Hole

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was casing open end? ☒ Yes ☐ No

Is a packer seal used? ☒ Yes ☐ No

What grouting material? cement

Was well grouted? ☐ Yes ☒ No

Describe grouting procedure _____

14 SK. Bottom

To what depth? 0-121 Feet

What was grouting material? Type III

If cement, how many sacks? 21

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
If so how and with what material?

Well Owner:

Name RON ISLAND - ISLAND REALTY

Address 67 SHERMAN ST. Deadwood, S.D.

Well Log: 57732 Depth _____

Formation	From	To
Top soil	0	2
yellow sandy clay	2	63
yellow + white s.s.	63	74
Red + Purple sandy shale	74	95
yellow shale	95	98
Tan L.S. + Clay layers	98	225
Hard yellow L.S.	225	315
Multi-colored L.S.	315	540
Some orange shale layers		

STATIC WATER LEVEL 305 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? ☐ Yes ☒ No

WELL TEST DATA:

☐ Pumped

☐ Bailed

☒ Other

AIR Development

Describe: _____

Pumping Level Below Land Surface

400 ft. After 1/2 Hrs. pumped 20 GPM

460 ft. After 6 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

15 gr. HARD

No Iron

H2O @

460'-510'

This well was drilled under license # 321

and this report is true and accurate.

Taylor Drilling
Drilling Firm

K. Taylor
Signed by

11-19-83
Date

lth. art
11-28-83

REPORT ON APPLICATION NO. 1863-2

SEVENTY-SIX RANCH ESTATES

February 28, 1984

Application No. 1863-2 requests 0.07 cfs (30 gpm) from one 548 feet deep Madison Limestone well. The point of diversion is located in the NW 1/4 SW 1/4 of Section 18, T5N, R4E which is approximately 1 mile northeast of Deadwood. The water is to be used for a suburban housing development. The well is completed and the completion report is included with the application.

Aquifer - Madison Limestone

Geology and Aquifer Characteristics

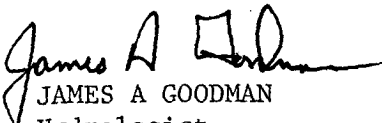
The Madison (Pahasapa) Limestone is well known as a prolific aquifer and has been described by numerous authors. The Madison is a massive cavernous limestone and dolomite about 400 to 500 feet thick in this area (Gries, 1981). Structurally, this area is complicated. The sedimentary rocks dip to the east and are intruded by igneous rocks both south and north of the well location (Darton, 1925). Also there are two faults in the immediate area one of which trends through the housing development with the upthrown side on the North. The offset is about 150 meters and the fault is somewhat masked by Tertiary alluvial deposits (Lisenbee, 1981).

Examination of the driller's log confirms the surficial geology. The drillers log indicates approximately 98 feet of Tertiary gravels and clays lying upon 442 feet of limestone (Madison). The reported water level is 305 feet below land surface which is approximately the same as Whitewood Creek. The driller indicates the well is finished open hole in the Madison and produced 30 gpm with 155 feet of drawdown. The calculated specific capacity of this well is only 0.2 gpm/ft of drawdown which is much lower than the average specific yield of 1.05 gpm/foot of drawdown report by Rahn (1979).

The Water Rights Division does not monitor any wells in this area. The nearest observation well is about 6 miles east of this location and is finished in the Minnelusa. There are numerous domestic wells in the area, but most are to the east and are finished into stratigraphically higher formations (Water Rights Division, domestic files, 1984).

Review of Existing Water Rights

There is one Water Permit No. 1100-1 issued to Ivan Schonley for one 870 feet deep Madison well for 0.10 cfs also for suburban housing. This permit is located approximately 4 miles east of the proposed diversion. Even with the limited data available, there is no reason to expect interference between the wells. The pumping rates and water use are relatively small. There are no other diversions in the area which would affect this application.


JAMES A GOODMAN
Hydrologist

Bibliography

Darton, N.H. and Paige, S., 1925, Central Black Hills. USGS Atlas Folio 219.

Gries, J.P., 1981, Thickness of Madison Formation in South Dakota. unpublished maps for ODW, SD DWR, Pierre SD.

Lisenbee, A., et.al, 1981, Geology of Black Hills, South Dakota and Wyoming. Field Trip Guidebook, GSA Rocky Mountain Section, Rapid City SD. p-92-94.

Rahn, P.H., 1979, Ground Water Resources of Western SD. U.S. Army Corps of Engineers, SDSM & T Project #2533, Rapid City SD.

Water Rights Division, 1984. Domestic Well File. Joe Foss Building, Pierre SD.

Water Rights Division, 1984. Permit Files. Joe Foss Building, Pierre SD.

RECOMMENDATION OF CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NO. 1863-2, Seventy-Six Ranch Estates

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 Water Permit Application No. 1863-2, Seventy-Six Ranch Estates, 67 Sherman St., Deadwood, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1863-2, because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit is located near domestic 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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 7, 1984

WP or WR No. 1863-2

Instruction to Newspaper - Publish first publication of the following Notice on or before March 14, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1863-2 to Appropriate Water and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Seventy-Six Ranch Estates & whose mailing address is 67 Sherman Street, Deadwood, South Dakota has made an application for a permit

to appropriate 0.07 cubic feet per second from one 548 foot deep well into the Madison Formation. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18-T5N-R4E. The water is to be used for the purpose of providing water for a Suburban Housing Development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1863-2 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 Foss Building, 523 E. Capitol, Pierre, South Dakota, April 25, 19 84 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 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 Applicant and the Chief Engineer by April 13, 1984. 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.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (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; (transfer lands) 46-5-30.4, 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 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

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 Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. 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 April 13, 1984.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF LAWRENCE

NOTICE OF HEARING ON APPLICATION NO. 1863-2 TO APPROPRIATE WATER

William B. Kemper, of said county and state, being duly sworn, on his oath says: That the Lead Daily Call Deadwood Pi is a legal newspaper of general circulation, printed and published in Lead, in said county and state, by the Seaton Publishing Company, and has been such a newspaper during the times hereinafter mentioned; and that I, William B. Kemper, the undersigned, am the Business Manager of the said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts in this affidavit, and that the advertisement headed **NOTICE OF HEARING APPLIC #1863-2 APPROP. WATER**

a printed copy of which is hereto attached, was printed in said newspaper for 2 successive and consecutive weeks, the respective publications thereof being made on March 14, 1984

and on _____, 19____
_____, 19____
_____, 19____
_____, 19____
_____, 19____
_____, 19____
and the last publication thereof on March 21, 1984

and that the full amount of fees charged for publishing the same, to-wit: the sum of \$ 34.03, inures solely to the benefit of aforesaid publisher and that no arrangement or understanding for a division thereof has been made with any person other than the publisher, and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 21

day of March, 1984

Notary Public, Lawrence County, S. Dak.

My commission expires July 14, 1988

Notice is hereby given that Seventy-Six Ranch Estates whose mailing address is 66 Sherman Street, Deadwood, South Dakota has made an application for a permit to appropriate 0.07 cubic feet per second from one 548 foot deep well into the Madison Formation. The point of diversion is located in the NW 1/4 SW 1/4, Section 18-T5N-R4E. The water is to be used for the purpose of providing water for a Suburban Housing Development.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1863-2 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 Foss Building, 523 E. Capitol, Pierre, South Dakota, April 25, 1984 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 application 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 Applicant and the Chief Engineer by April 13, 1984. 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.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:0201:01 thru 74:0201:15.

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 Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. 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 April 13, 1984.

18.90

15.13

34.03

March 14, 21

3-22-84

Water Management Board,

On regard to "notice of hearing
on application No. 1863-2 To appropriate
water", please send me a copy of
the "Chief Engineers" recommendation.

Thank you,

Craig Orsahl

441 LINCOLN AVE.

DEADWOOD, S.DAK.

57732

sent report
& recommendation
3-28-84
RCJ





Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

1863-2

May 9, 1984

'76 Ranch Estates
67 Sherman Street
Deadwood, South Dakota 57732

Dear Sir:

Enclosed herewith is your Water Permit No. 1863-2 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. 1863-2.

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,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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 ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1992

1863-2

Paul Berry
'76 Ranch Estates
138 Sherman Street
Deadwood, SD 57732

Dear Mr. Berry:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1863-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost

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

NOTE: On check or money order, please specify your permit number.
This will insure proper handling of the fee.

Dear Cheryl

The water system is not owned by me. The whole development owns the system. We are not selling water. I am not responsible for this and can't see why we needed your service. It is our well and we didn't ask for your services.

Paul Berry

File No. 1863-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: '76 Ranch Estates

ADDRESS: 138 Sherman Street

COUNTY: Lawrence

DATE: 12/15/92

TELEPHONE: 578-2631

RE: License Fee

COMMENTS: Today I contacted Mr. Berry reg. the license fee. He said he thought that the \$50.00 was an annual fee. He said if we send him a "bill", the corporation will pay the fee. I said we could send him the same letter requesting the fee. He said that was ok.

** Send him a copy of the same letter with new date on it.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1993

SECOND NOTICE

PERMIT NO: 1863-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Paul Berry
'76 Ranch Estates
138 Sherman Street
Deadwood, SD 57732

Dear Mr. Berry:

On December 8, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 1863-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

1863-2

4a. Article Number

P 318 052 502

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2/16/93

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Permit No. 1863-2

Water District: Belle Fourche

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by '76 Ranch Estate of 138 Sherman St. Deadwood, SD 57732 holder of Permit No. 1863-2, bearing the priority of January 3, 1984 authorizing the diversion of 0.07 cu.ft. per second the waters of groundwater-Madison for suburban housing purposes, in Lawrence County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A submersible pump, 30 gallons per minute capacity.

A submersible motor, 2 horse power.

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

600 feet of 4-6 inch Polyvinyl Chloride (PVC) pipe.

C. Works used to apply water to beneficial use:

Water is used for a suburban housing development serving 17 houses.

The system is in the following conditions: Very good The point of diversion is located: Approximately 2225 feet north, 425 feet east from the Southwest corner of Section 18, T5N-R4E (NW1/4 SW1/4).

The works are capable of diverting and conveying to the place of use 0.07 cu.ft. per second of groundwater which is used for a suburban housing development.

The license should be issued for 0.07 cfs.

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: None

Date: 6/18/92

M. Rassool Ahadi

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 1863-2

DATE 6/18/92

DIVERSION POINT LEGAL LOCATION: NW1/4 SW1/4 Section 18, T5N-R4E

WELL INFORMATION: Well Drilling Firm Taylor Drilling Co.

- a) Pump
- | | | |
|---------------------------------|--|--------------------------|
| 1) make <u>Submersible</u> | No. of Wells <u>1</u> | Depth(s) <u>540</u> feet |
| 2) model | c) Casing: 1) diameter <u>7-5.5</u> inches | |
| 3) size <u>4</u> inches | 2) length <u>474</u> feet | |
| 4) capacity <u>30</u> GPM | 3) type <u>steel</u> | |
| 5) turbine pump - No. of stages | d) Screen: 1) type <u>None</u> | |
| 6) operating pressure PSI | 2) length feet | |
- b) Motor: 1) make Submersible
- 2) model No.
- 3) horsepower rating 2 HP
- e) Static Water Level 300 feet

DISTRIBUTION LINES OR CANALS:

- a) type Polyvinyl Chloride (PVC) b) size 4-6 inches c) length 600 feet

Water is pumped into two 5000 gallon tanks approximately 600 feet away.

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

RECEIPT

413678

Division of Water Rights

South Dakota Department of Environment and Natural Resources

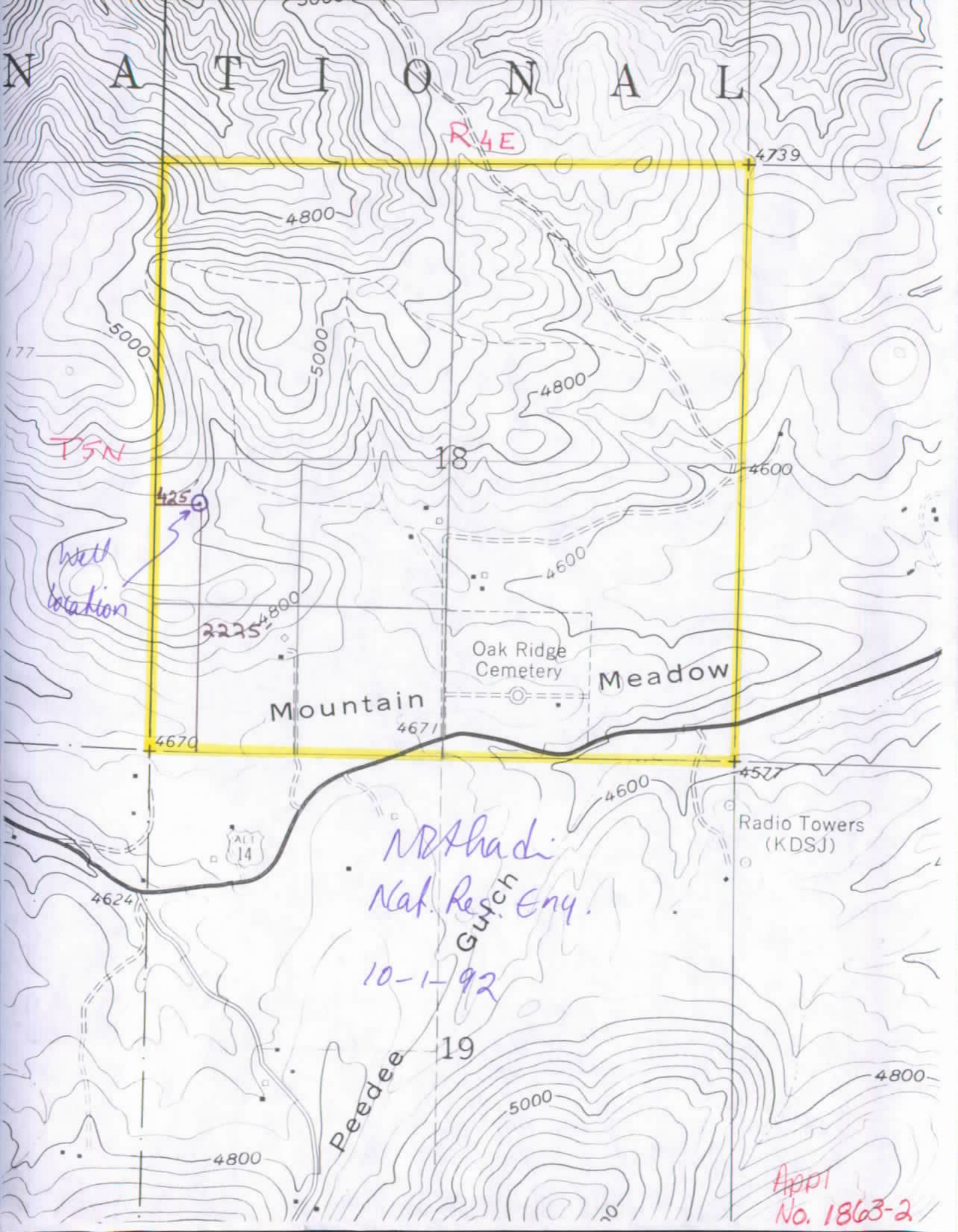
Pierre, March 16, 19 92
3RECEIVED OF '76 Ranch Estates, 138 Sherman Street, Deadwood, SD 57732

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1863-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



NATIONAL

R4E

4739

4800

5000

5000

4800

T5N

18

4600

4250

Well location

4225

4800

4600

Oak Ridge Cemetery

Meadow

Mountain

4671

4670

ALT 14

4624

4600

4527

Radio Towers (KDSJ)

ND Shad.
Nat. Res. Eny.

10-1-92

19

Peedee

5000

4800

4800

Appl
No. 1863-2

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1863-2

(1) '76 Ranch Estates of 138 Sherman Street, Deadwood, SD 57732 made Application No. 1863-2, January 3, 1984 for a water permit to divert 0.07 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota, for suburban housing development purposes. Permit No. 1863-2, with a priority date of January 3, 1984 was approved April 25, 1984 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed on or before April 25, 1989 and application to beneficial use of said water completed by April 25, 1993.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is 2225 feet N and 425 feet E of the SW corner of Section 18 T5N-R4E (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 '76 Ranch Estates of 138 Sherman Street, Deadwood, SD 57732 the holders and/or owners of Water Permit No. 1863-2 is issued a license to appropriate water, the right to divert 0.07 cubic feet of water per second from groundwater (one well) with a priority date of January 3, 1984 from the location specified in (2) of this license. The water is to be used for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1863-2 and subject to South Dakota State Law.



SEP 17 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

1863-2

Paul Berry
'76 Ranch Estates
138 Sherman Street
Deadwood, SD 57732

Dear Mr. Berry:

Enclosed is Water License No. 1863-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413678 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 1863-2, 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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures