

Considered: _____

WATER PERMIT NO. 2029-2MAP No. sameName of Applicant James BorglumPost Office Address Box 165, Hermosa, SD 57744-0165Amount of Water Claimed 0.09 cfs Total Acres NASource of Water Supply ground water 1 wellWater to be used for domestic and commercial uses County CusterAbout 5 miles SW of Hermosa.

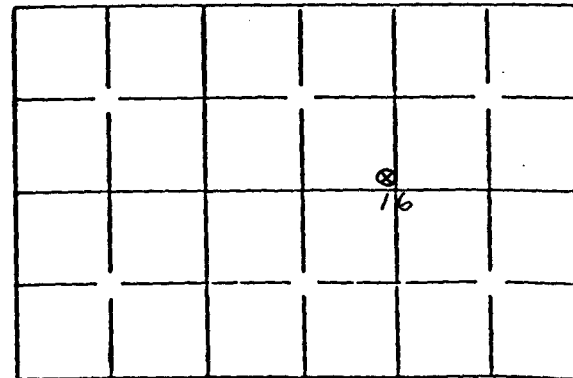
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received July 27, 1987 Fee \$50.00 Remarks _____Corrected Application Received September 10, 1987
August 31, 1987 Period of Annual Use Jan 1 - Dec 31WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

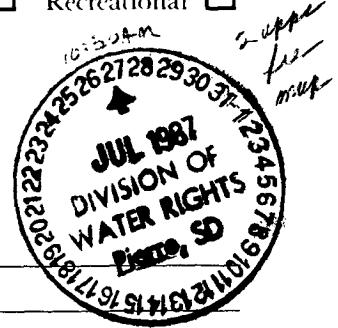
Diversion Point well: SE 1/4 NW 1/4 section 16 -T3S - R7ELand to be Irrigated NAWell Log: Driller Downen Drilling Co. Licensed YES _____ NO _____Depth of Well 500 feet deep REMARKS _____Type of Map sketch PREPARED BY Darrell J. Bishop Reviewed and the Numberassigned on Sept. 2, 1987 By Ron Duwall

No. <u>2029-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>2029-2</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Custer County Chronicle</u>	

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 JAMES BORGLUM Phone No. 605-255-4675Post Office Address BOX 165 HERMOSA State 57744-0165
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s) .093. Source of water supply EXISTING FLOWING WELL (1966)4. Location of point of diversion SEE ATTACHED MAPWELL LOG IS AVAILABLE FROM DOWNENDRILLING - RAPID CITY County CLUSTER

5. Counties where water will be used _____

6. Annual period during which water is to be used YEAR ROUND

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)

DOMESTIC USE (two homes), livestock,
AND PROPOSED BOTTLED WATER OPERATION

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 Pennington)^{ss}I, JAMES BORGLUM the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Signed James BorglumSubscribed and sworn to before me this 24th day of July 19 87Emma Hunt
Notary Public

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2029-2

James Borglum Box 165
(Applicant) (Street, RR or Box)

Hermosa SD 57744 With the following qualifications.
(City) (State) (Zip Code)

1. The well approved under this Permit shall be valved and the flows reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request.
2. 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 wells having prior water rights.

Date of first receipt of application July 27, 1987.

Date of return to applicant for correction, amendments or changes required September 2, 1987.

Date of receipt of corrected application Sept. 10, 1987. Approved December 2, 1987.

The Water Management Board approved this Water Permit No. 2029-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is July 27, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before June 2, 1990.
3. The whole of said work is to be completed on or before December 2, 1992.
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 2, 1996.
5. The water appropriated shall be used for the purpose of domestic use and a commercial water bottling operation
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation granted shall not exceed 0.09 cubic feet per second; neither shall it exceed the amount of water needed for the beneficial uses served and to which water is actually and beneficially applied for domestic and commercial uses on or before December 2, 1996. The water is to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John G. Hetch
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

FEB 9 1988

_____, 19____

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 500 feet
- b) Casing Type steel Diameter 4" 5" run in one Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) Flowing well
- g) Distance to nearest existing domestic well:
 On applicants property 800 ft. On property owned by others 1500 ft.

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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

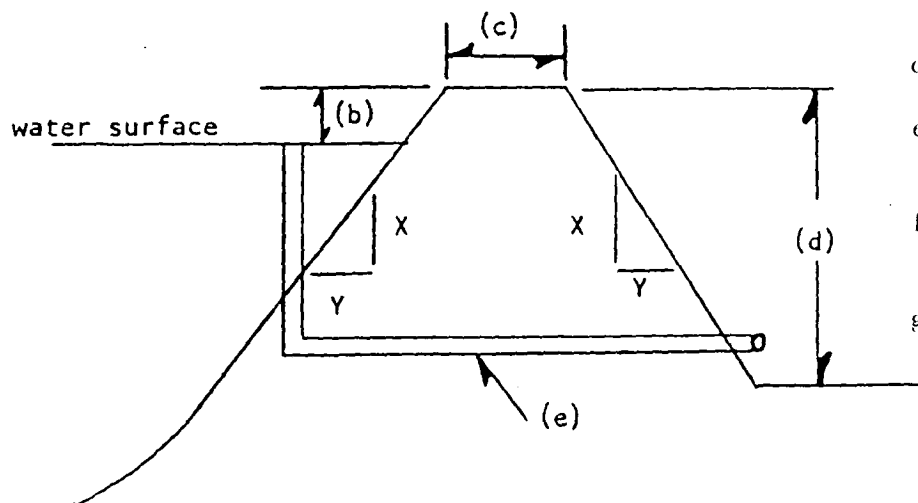
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

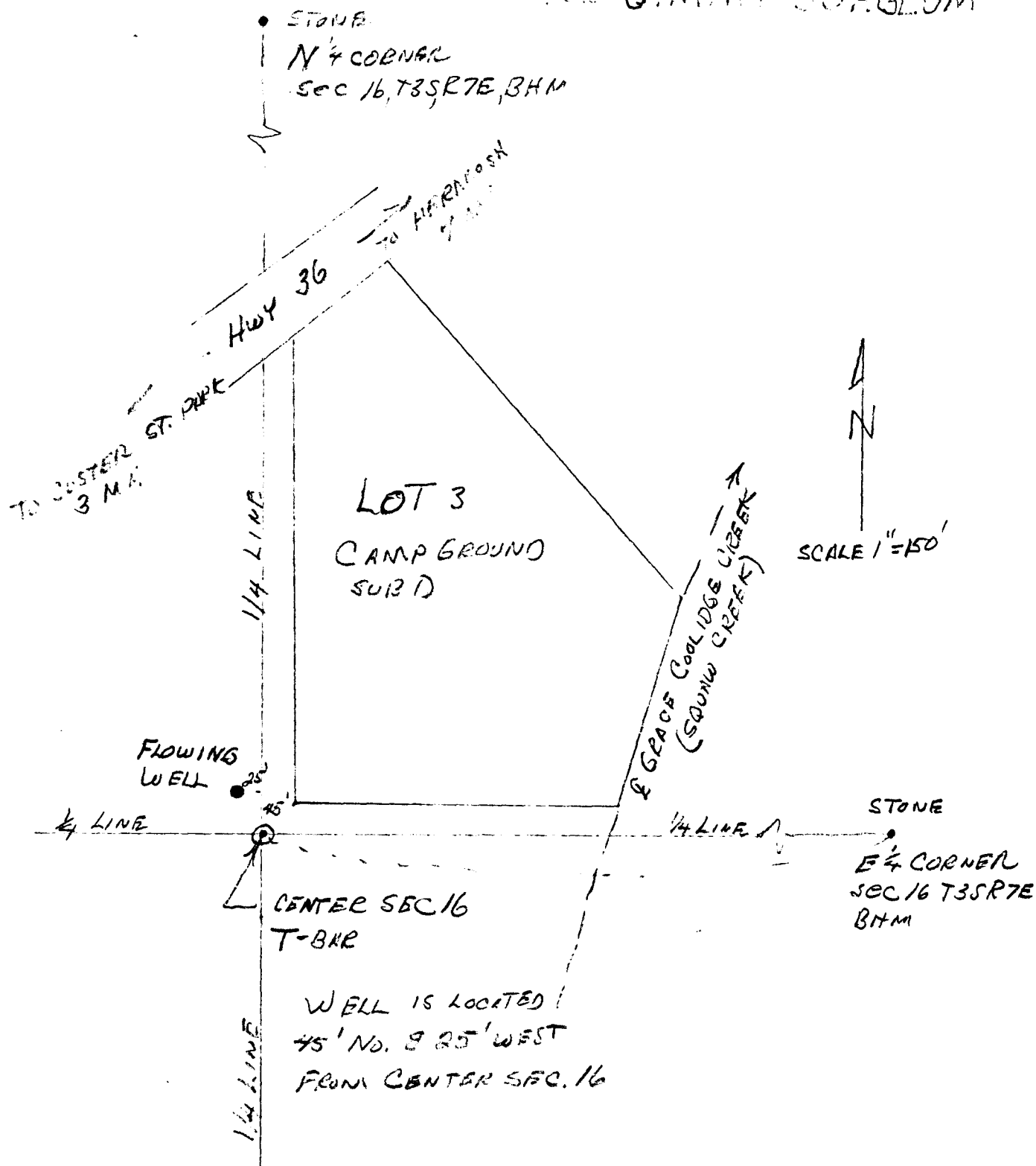
Drainage area above dam _____



Signature of Applicant _____

WELL LOCATION

FOR JIMMY SOFGLUM



DW N. 134.
Darrell & Bishop P.E.
JULY 20, 1987

A. M. 2029-2

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410946

Pierre, July 27, 1937

RECEIVED OF James Borglum, Box 165, Hermosa, SD 57744-0165

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

Fee for Application for Permit No. 2029-2 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

2029-2

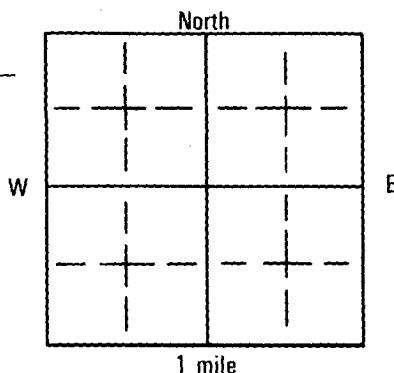
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

attn: Copy for Ron Duwell

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec 16 Twp 35 Rg 7ECounty Custer

Please mark well location with an "X"

Well Completion Date 10/26/66

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock
Method of Drilling: Cable Tool-

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
<u>4" & 5" run in one</u>	<u>4" & 5"</u>	<u>0</u>	<u>153</u>	<u>one</u>
<u>string with a reducing coupling at 153'</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? Cement

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

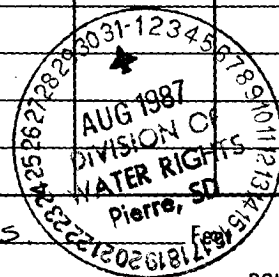
Laboratory sent to _____

Well Owner:

Name James Borglum Former owner Mark HansenAddress Hermosa, S.D.

Well Log: _____ Depth _____

Formation	From	To
<u>Black dirt</u>	<u>0</u>	<u>2</u>
<u>Gravel</u>	<u>2</u>	<u>10</u>
<u>Red shale</u>	<u>10</u>	<u>280</u>
<u>limestone</u>	<u>280</u>	<u>330</u>
<u>Red shale</u>	<u>330</u>	<u>450</u>
<u>Red sandstone</u>	<u>450</u>	<u>490</u>
<u>White limestone</u>	<u>490</u>	<u>495</u>
<u>Yellow limestone</u>	<u>495</u>	<u>500</u>

STATIC WATER LEVEL Flows

If flowing: closed in pressure _____ PSI

GPM flow 40 gpm through _____ inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This was drilled 21 years ago.This well was drilled under license # 38

And this report is true and accurate.

Drilling firm Downer Drilling Co.

Signature of License Representative: _____

Signature of Well Owner: _____

Date 8/28/87

WATER RIGHTS DIVISION
(605) 773-3352

September 2, 1987

James Borglum
Box 165
Hermosa, South Dakota 57744-0165

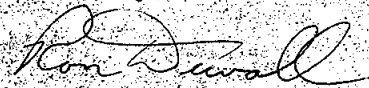
Dear Mr. Borglum:

This letter is in response to your water permit application received on July 27, 1987. I have contacted Downen Drilling Company and received a well log on August 31, 1987. The information from the well log has been placed on the enclosed Form 2A's (Supplemental Information). The information regarding the distance to the nearest existing well on your property and on property owned by others needs to be completed if the information can be obtained. The forms then need to be returned to Water Rights to complete the permit application. Processing of the application can not begin until the application is complete.

I will also include "commercial use" as a use for the water due to the proposed bottling operation and delete "Other Common Distribution System" unless you object. The application should also be considered as a new application and not a vested right. Water must have been used for both the current and intended uses (bottle water) prior to February 28, 1955 to qualify for a vested right.

Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Sept 9 - 1987



RON DUVAH:

OK to your suggestions of Sept 2
letter.. thank you. IF there are any
other questions feel free to call me.
255-4675.

JAMES BOGLEN

REPORT ON APPLICATION NO. 2029-2
JAMES BORGLUM
September 25, 1987

Application No. 2029-2 proposes to appropriate 0.09 cubic feet of water per second from one existing well 500 feet deep location in the SE 1/4 SW 1/4 Section 16, T3S, R7E. Water is used for domestic purposes and is to be used for a commercial water bottling operation.

Aquifer - Minnelusa Formation

Geology and Aquifer Characteristics

The Minnelusa Formation is an assemblage of alternating beds of sandstone and dolomitic limestone with lesser amounts of red and black shale and chert, approximately 650 feet thick in this area. Because the lithology of the Minnelusa is so variable, the porosity is also variable and difficult to determine. Well sorted sand lenses have porosities approaching 25%, but generally the sands have porosities of 10%. The average porosity of the Minnelusa Formation is estimated to be 10%, and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa Formation underlies approximately 740,480 acres of Custer County and contains an estimated 25,916,800 acre-feet of recoverable water in storage in the county (Allen, 1984). There is no aquifer test data available for the Minnelusa aquifer in this area, therefore, the aquifer transmissivity and storage coefficient are unknown. Estimates from regional studies of the aquifer indicate the transmissivity of the Minnelusa may range from 700 to 1000 ft²/d, and the storage coefficient ranges from 2×10^{-4} to 3×10^{-4} (Peter, 1985). The Minnelusa aquifer is under artesian conditions in this area, and this well reportably flows 40 gpm.

Recharge to the Minnelusa Formation occurs primarily through infiltration of precipitation falling directly on the outcrop, streamflow losses, and upward leakage from the Madison Limestone. Recharge rates have not been quantified for the Minnelusa Formation.

The Division of Water Rights monitors an observation well completed into the Minnelusa Formation approximately four miles northeast of the applicant's well. The water level of the Minnelusa Aquifer fluctuates seasonally, with the highest water level in the spring and the lowest water levels in the winter. However, there has been no decline in the "average" water level of the aquifer since monitoring began at the observation well in 1983.

Review of Existing Water Rights

There are three existing ground water permits in T3S, R7E. They include:

<u>Permit No.</u>	<u>Owner</u>	<u>Location</u>	<u>Diversion Rate</u>	<u>Source</u>
1482-2	Singletree Co.	NE NW Sec 1-T3S-R7E	0.20 cfs	Inyan Kara
1635-2	Oliver Purbaugh	SW NW Sec 24-T3S-R7E	0.033 cfs	Inyan Kara
1915-2	Restway Travel Park	SW NE Sec 16-T3S-R7E	0.10 cfs	Spearfish Formation

The Division of Water Rights has record of 11 domestic wells in T3S-R7E. Two of these wells obtain water from the Minnelusa Formation and the remaining wells obtain water supplies from shallower aquifers.

There are eight water permits in T3S-R7E which appropriate surface water from Grace Coolidge Creek or Squaw Creek.

Conclusions

1. The Minnelusa Formation is a viable aquifer in this area.
2. The average annual recharge to the Minnelusa Formation has not been quantified.
3. The Minnelusa Formation observation well located approximately four miles from the applicants well indicates there has been no overall reduction of the water level of the Minnelusa Formation in this area.
4. The applicant's well meets the State Well Construction Standards.
5. The proposed appropriation should have no adverse affect on adequately constructed wells in the Minnelusa Formation, wells in shallower aquifers, or creek flows.
6. This flowing well should be controlled to prevent waste. The water reportedly flows 40 gpm.
7. Prior to the sale of this water, it should be analyzed and the Office of Drinking Water should be notified. Periodic testing of the water for bacteria contamination is recommended.



KENT BUHLER
Natural Resources Engineer

References

- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, U.S. Army Corp of Engineers, SDSM&T, Project # 2533, South Dakota School of Mines and Technology, Rapid City, South Dakota.
- Allen, J.C., D. Illes, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, U.S. Geological Survey, Vermillions, SD, US Army Corps of Engineers, Contract No. DAWC 45-82-C-0151.
- Peter, K.D., 1985, Availability and Quality of Water From Bedrock Aquifers in the Rapid City Area, South Dakota, US Geological Survey, Water Resources Investigations Reports 85-4022.
- Division of Water Rights, 1987, "Domestic Well Log Files, Observation Wells Files, and Water Permit Files," DWNR-Division of Water Rights, Joe Foss Bldg., Pierre SD.

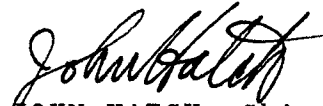
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2029-2

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. 2029-2, James Borglum, Box 165, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 2029-2 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:

1. The well approved under this Permit shall be valved and the flows reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request.
2. 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 adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 6, 1987



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

October 15, 1987

Custer County Chronicle
Box 551
Custer, South Dakota 57730

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2029-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 21, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is James Borglum, Box 165, Hermosa, South Dakota 57744-0165.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

October 15, 1987

NOTE:

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

James Borglum
Box 165
Hermosa, South Dakota 57744-0165

Dear Mr. Borglum:

Your Application No. 2029-2 for a permit to appropriate water for
domestic & commercial use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Custer County Chronicle printed at Custer
South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

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

Sincerely,

RON DUVAL
Natural Resources Engineer

enclosures

No. 2029-2

Instruction to Newspaper - Publish first publication of the following Notice on or before October 21, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2029-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that James Borglum whose mailing address is Box 165, Hermosa,, South Dakota has made an application for a permit

to appropriate 0.09 cubic feet of water per second from one well (Minnelusa Formation) 500 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16-T3S-R7E. Water is used for domestic purposes and is to be used for a commercial water bottling operation.

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

APPROVAL of Application No. 2029-2 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 Howard Johnson's Roosevelt & Jefferson Rooms, 2211 LaCrosse, Rapid City, SD, December 2 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 November 20, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(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 November 20, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Randall O'Neill hereby

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

Water was taken from the Custer County Chronicle

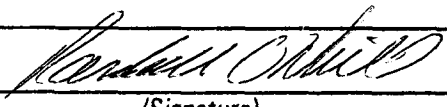
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Custer

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

October 21, 1987

October 28, 1987


(Signature)

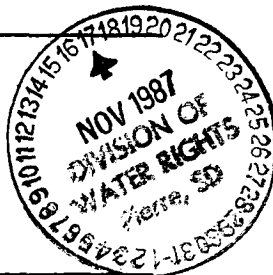
Publisher
(Title)

RECEIVED

NOV 06 1987

SOUTH DAKOTA DEPARTMENT OF
WATER AND NATURAL RESOURCES
OFFICE OF DRINKING WATER

10/28/87
(Date Signed)



October 21, 1987 - 1st insertion \$25.58
October 28, 1987 - 2nd insert. @ 80% of first
insert. - 20.46 - for a total of \$46.04 for publication
on October 21 & October 28, 1987

**Notice Of Hearing
On Application No. 2029-2
To Appropriate Water**

Notice is hereby given that James Borglum whose mailing address is Box 165, Hermosa, South Dakota has made an application for a permit to appropriate 0.09 cubic feet of water per second from one well (Minnelusa Formation) 500 feet deep located in the SE1/4 NW1/4 Section 16-T3S-R7E. Water is used for domestic purposes and is to be used for a commercial water bottling operation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2029-2 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 Howard Johnson's Roosevelt & Jefferson Rooms, 2211 LaCrosse, Rapid City, SD, December 2, 1987 at 10:00 am. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 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.

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 November 20, 1987.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

FEB 9 1988

James Borglum
Box 165
Hermosa, South Dakota 57744

Dear Mr. Borglum:

Enclosed herewith is your Water Permit No. 2029-2 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. 2029-2.

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 black ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

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.

2029-2

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: James Borglum

ADDRESS: Box 165, Hermosa, SD 57744 COUNTY: Custer

DATE: 1/15/93 TELEPHONE: 255-4675

RE: Documenting Water Permit No. 2247-2 in Permit No. 2029-2 file

COMMENTS:

Water Permit No. 2247-2 changes the use of 0.05 cfs of the water appropriated by Water Permit No. 2029-2 to irrigation of 8 acres. Since Permit No. 2247-2 was not an additional appropriation of water the file for Permit No. 2029-2 needs to reflect this change of use. This file documentation is intended to serve as the necessary documentation.

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: Eric Honlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 10 2000

2247-2

James Borglum
P.O. Box 167
Hermosa, SD 57744

Dear Mr. Borglum:

Enclosed is Water License No. 2247-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416546 in the amount of \$50.00 which you paid for the investigation 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. 2247-2, 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,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2029-2 are incorporated into this license.