

Considered: _____

WATER PERMIT NO. 2045-2

MAP No. same 343-2440

Name of Applicant Whispering Pines Water Association

Post Office Address Box 133, Rapid City SD 57702

Amount of Water Claimed 0.08 Total Acres NA

Source of Water Supply ground water 1 well

Water to be used for S.H. Development County Pennington

About 6 miles SW of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Nov. 6, 1987 Fee \$50.00 Remarks _____

Corrected Application Received Nov. 20, 1987 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 6 -

TIN-R6E

Land to be Irrigated NA

			⊗ well		
		36			

Well Log: Driller Ham Brothers Licensed YES _____ NO _____

Depth of Well 550 feet REMARKS driller no longer in

business

Type of Map plat PREPARED BY Curtis J. Betcher Reviewed and the Number

assigned on December 14, 1987 By Ron Duvall

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 2045-2 Hydrologic Unit 10120109
Map No. same Basin Upper Cheyenne
Newspaper Rapid City Journal, P.O. Box 450 57709

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 retained

Change 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. _____

Whispering Pines Water Association

1. Name of Applicant Suburban Route, Box 133, Phone No. 343-2440

Post Office Address: _____ Rapid City State South Dakota 57702
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 35 gal./min. 0.08 cfs

3. Source of water supply well

4. Location of point of diversion Lot B of Lot 2 of Feay Reder Subdivision, located in
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, T1N, R6E, B.H.M.

_____ County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Jan. 1, 1988 - Dec. 31, 1988

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 an existing water system which supplies 16 families. The well was drilled in 1963 by Ham Brothers Drilling Company. The driller is no longer in business and the driller's logs are no longer available.

RECEIVED

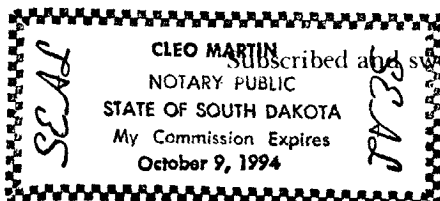
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of _____)

I, Coral Etta Stevens, Treasurer, Whispering Pines Water Assn the applicant, 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 Coral Etta Stevens
5th day of November 19 87

Cleo Martin
Notary Public
10-9-94



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2045-2

Whispering Pines Water Association Suburban Route, Box 133
(Applicant) (Street, RR or Box)

Rapid City SD 57702 With the following qualifications.
(City) (State) (Zip Code)

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.

Date of first receipt of application November 6, 1987.

Date of return to applicant for correction, amendments or changes required November 10, 1987.

Date of receipt of corrected application Nov. 20, 1987. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 2045-2 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 November 6, 1987.
2. The equivalent of at least one-fifth of the specified work is ~~to be~~ completed ~~on or before~~ 19.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 19.
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 19.
5. The water appropriated shall be used for the purpose of supplying the Whispering Pines suburban housing development
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 0.08 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 suburban housing development ~~on or before~~ 19. The water is to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer JOHN HATCH

Division of Water Rights
 Dept. of Water and Natural Resources

APR 15 1988, 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter unknown Depth 550'
- b) Casing Type cast iron Diameter 8" for 280' Thickness unknown
- c) Screen Type unknown Diameter unknown Thickness unknown
- d) Gravel Pack Thickness unknown Length of Gravel Pack unknown
- e) Depth to Top of Water Bearing Material 525'± Note: 7½ h.p. pump is approx. 550' deep
- f) Depth to Water (ground surface to water level) 525'±
- g) Distance to nearest existing domestic well: ¼ mile south
- On applicants property none On property owned by others Gary Kluthe

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 _____

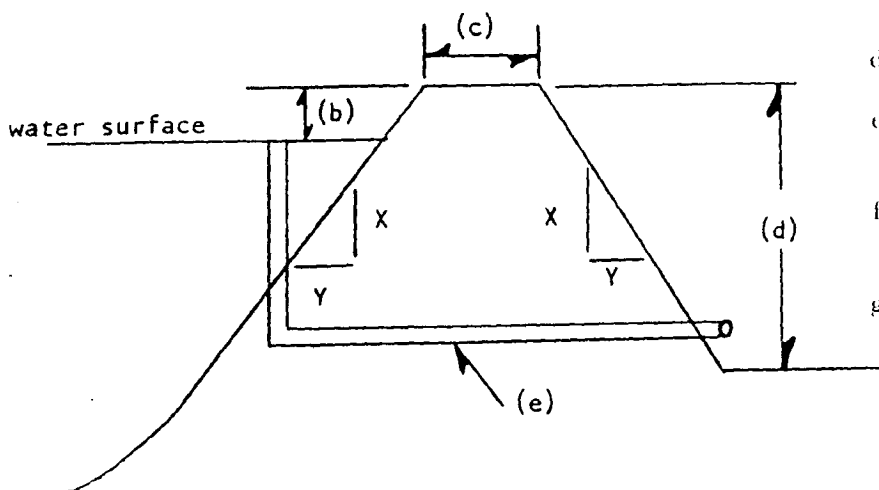
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

NORTH

SCALE 1" = 200'

20,000 GAL. RESERVOIR

U.S. FOREST SERVICE PROPERTY

66' WIDE SECTION
LINE R.O.W.

2895' ±

20' WIDE PRIVATE
UTILITY EASEMENT

LOT 10 LOT 9 LOT 8

FEAY

REDER

SHERIDAN LAKE ROAD

NORTHEAST
CORNER SEC. 36,
T1N, R6E, B.H.M.

LOT 1

LOT 2

LOT B

LOT A

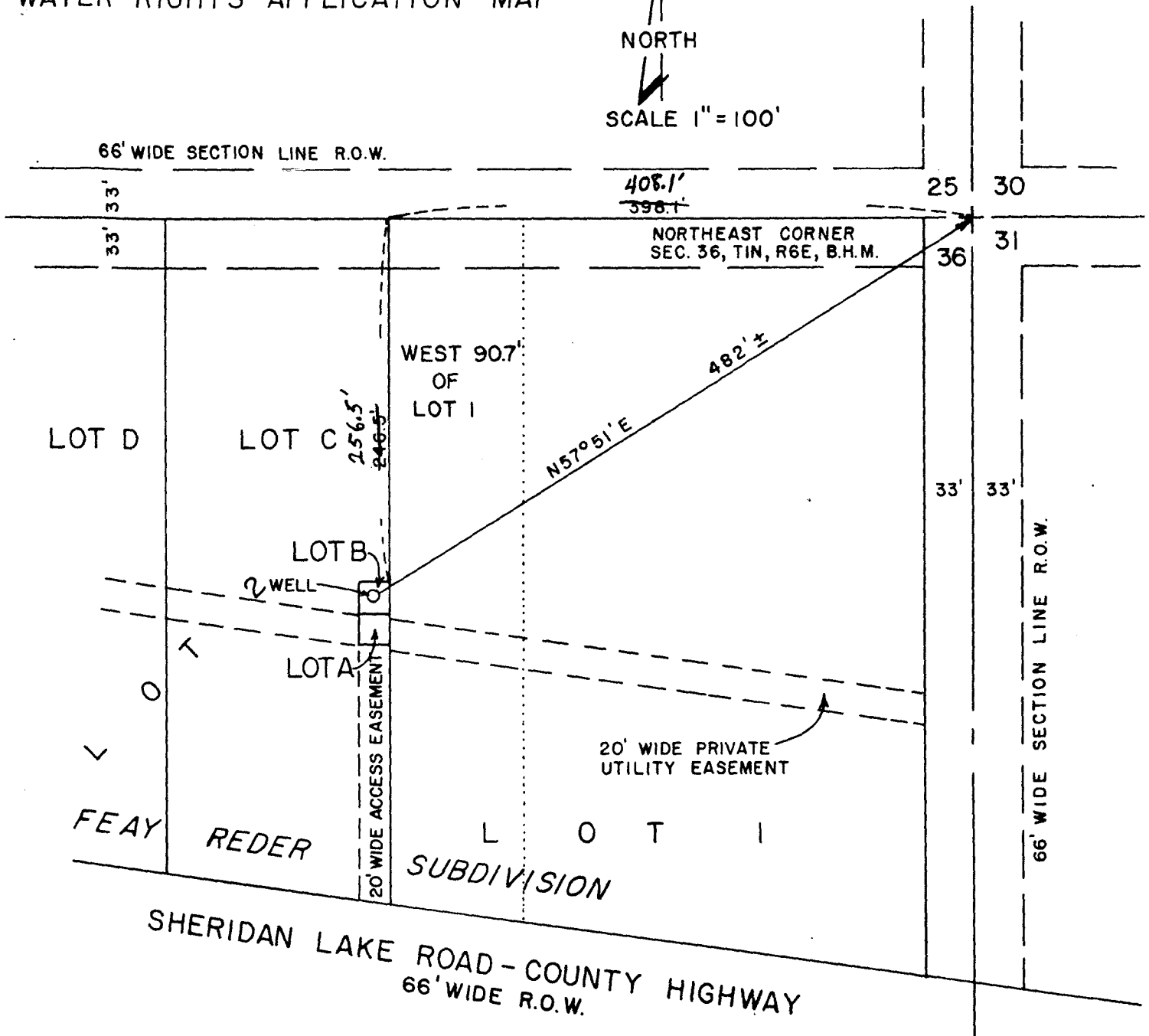
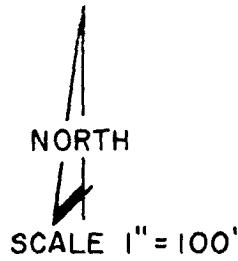
SUBDIVISION

20' WIDE PRIVATE
UTILITY EASEMENT

SHERIDAN LAKE ROAD

APP: No. 2045-2

WATER RIGHTS APPLICATION MAP



Curtis J. Betcher
Curtis J. Betcher, S.D. P.E. # 4295

Appl No 2045-2

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

511032

Pierre, November 20, 1997

RECEIVED OF Whispering Pines Water Association, Inc., HCR 39 Box 133, 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 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)

Whispering Pines Water Association
% Coral Etta Stevens
Suburban Route, Box 127
Rapid City, South Dakota 57702

South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

ATTN: Darron Busch

RE: Water Rights Application
Whispering Pines Water Association



Dear Sir,

In accordance with your letter of June 1, 1987 I am forwarding to you two (2) copies of the application for water rights and two (2) copies of the supplemental information form. I am also sending two (2) copies of maps showing the location of the well and the location of the reservoir which services the Whispering Pines Water Association. Also enclosed is a check in the amount of \$45.00, which I believe to be the correct amount. If you have any questions or need further information please feel free to contact me. I can be reached at the office of Davis-Atkins & Associates during the day, phone (605) 341-3095.

Also in reference to your letter of June 1, 1987, I have spoken to Mr. Gerry Miller and he has assured me that a lock has been placed on the well pit.

I apologize for the delay in submitting this application to your office. There seems to be a great deal of confusion about whether it is even required of our water association. However, we feel it would be worthwhile and are anxious to proceed. Please keep us informed of anything we can do to help and notify us of the costs involved in publication.

Thank you for your help in this matter. We hope to hear from you in the near future.

Sincerely,

Coral Etta Stevens
Treasurer, Whispering Pines Water Assn.

RECEIVED

NOV 06 1987

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

WATER RIGHTS DIVISION
(605) 773-3352

November 10, 1987

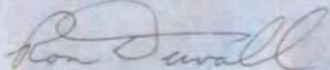
Cora Etta Stevens, Treasurer
Whispering Pines Water Association
Suburban Route, Box 133
Rapid City, South Dakota 57702

Dear Ms. Stevens:

This letter is in response to the water permit application for Whispering Pines Water Association submitted on November 6, 1987. The following correction is needed to complete the permit application.

The application fee for 45 gpm or less is \$50.00 as outlined on the instruction sheet. Enclosed is your check for \$45.00. Please remit the correct fee of \$50.00. The permit application cannot be processed until the application is complete. Contact us if you have any questions.

Sincerely,



Ron Duval
Natural Resources Engineer

RD:ms
Enc

November 15, 1987
Suburban Route, Box 127
Rapid City, SD 57702

Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

ATTN: Ron Duvall

RE: Whispering Pines Water Association Water Rights Application

Dear Mr. Duvall,

Enclosed is replacement check from the Whispering Pines Water Association to cover the cost of the water rights application. I hope this gets the process started. I apologize for sending the incorrect amount.

Thank you for your cooperation.

Sincerely,



Coral Etta Stevens
Treasurer



REPORT ON APPLICATION NO. 2045-2
WHISPERING PINES WATER ASSOCIATION
JANUARY 6, 1988

Permit Application No. 2045-2 proposed to appropriate 0.08 cubic feet of water per second from one existing well 550 feet deep located in the NE 1/4 NE 1/4 Section 36, T1N, R6E. Water be used for suburban housing by the Whispering Pines Water Association.

Aquifer: Deadwood Formation

Geology and Aquifer Characteristics

A driller's log is not available for this well, however, a comparison of the reported well depth with logs from domestic wells in the area (Division of Water Rights, 1988), a log from a Division of Water Rights observation well located approximately 1.5 miles east of this well (Division of Water Rights, 1988) and the areal geology (Darton, 1925), suggest the well is completed into the Deadwood Formation. The Deadwood Formation is a Cambrian aged sandstone, shale and shaly limestone, approximately 210 feet thick in this area, which unconformably overlies the Pre-Cambrian aged rocks. The Deadwood underlies approximately 1,492,480 acres of Pennington County and contains an estimated 14,924,800 acre-feet of recoverable water in storage in the county (Allen, 19984). The total porosity of the Deadwood Formation is estimated to be 10% and the effective porosity containing recoverable water is assumed to be 5% (Rahn, 1979). There is limited aquifer test data available for wells in the Deadwood, and aquifer characteristics are not available, however the permeability of the formation is assumed to be "moderately low" (Rahn, 1979). The Deadwood Formation outcrops approximately one mile west of this well site and the top of the formation is expected to be approximately 473 feet below land surface at this site. The aquifer is probably under water table conditions at this site.

The Division of Water Rights monitors an observation well completed into the Deadwood, located approximately 1.5 miles east of this well site. Measurements indicated the potentiometric surface of the aquifer fluctuates seasonally in response to recharge events, with the highest water level occurring in late spring-early summer, and the lowest water level occurring in late winter-early spring (hydrograph included).

The quality of the water in the Deadwood Aquifer is difficult to assess due to the lack of data. It is believed, however, that the water quality deteriorates rapidly within a few miles downdip of the aquifer. The concentration of common ions in the Deadwood Aquifer water in this area appears to be quite low, with analysis from area wells indicating total dissolved solids of less than 500 ppm. Radionuclides are present in the Deadwood Aquifer in very high concentrations within two miles of this well site; however, at the time of the last analysis, radionuclides were not

above the South Dakota Drinking Water Standards (Office of Drinking Water, 1986).

The suburban housing development of Whispering Pines utilizes individual septic tanks for disposal of effluent. The housing development is located on the outcrop and recharge area for the Madison Aquifer.

Review of Existing Permits

There are four existing permits within two miles of this well, they include:

<u>Permit No.</u>	<u>Permit Holder</u>	<u>Diversion</u>	<u>Source</u>	<u>Location</u>
1726-2	Colonial Village Water Co.	0.50 cfs	4 wells (1-Deadwood & 3-Madison)	*Sec 31-T1N-R7E
1749-2	Builder's Develop. Group, Inc.	0.30 cfs	Deadwood	Sec 29-T1N-R7E
1925-2	Ponderosa Park Develop.	0.10 cfs	Deadwood	Sec 31-T1N-R&E
1984-2	Black Hills Natural Spring Water, Inc.	0.10 cfs	springs (unknown origin)	Sec 32-T1N-R7E

* Location of the Deadwood Well covered under Permit No. 1726-2.

The Division of Water Rights has record of several domestic wells within two miles of this well.

Conclusions

1. The Deadwood Formation is a viable aquifer in this area, and water is available for this permit.
2. This well has been in existence and has been in use for over 20 years with no reported controversy.
3. The Division of Water Rights is aware of potential water quality problems (radionuclides) in this area.
4. Well interference should not be a problem in this area.
5. Effluent is disposed of through individual septic tanks. The septic tanks discharge into the outcrop and recharge area of the Madison aquifer.



KENT BUHLER
Natural Resources Engineer

References

Division of Water Rights, 1986 "Domestic Well Log File, Observation Well Files, and Water Permit Files", DWNR-Water Rights, Joe Foss Building, Pierre SD.

Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, SDGS, Folio No. 219.

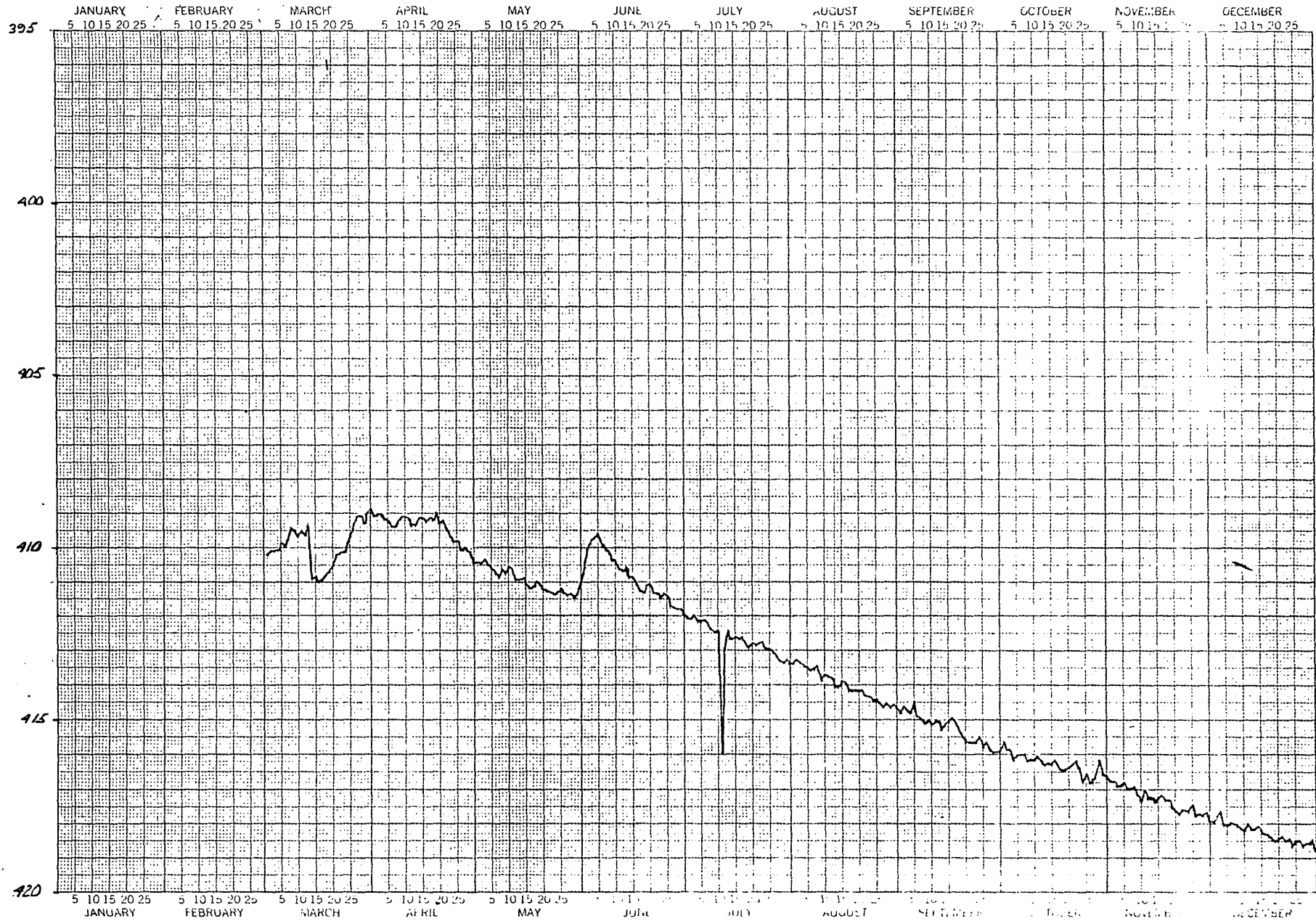
Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corp of Engineers Contract DAWC 45-82-C-015, SD DWNR-Division of Water Geological Survey, Vermillion SD.

Rahn, P.H., 1979, Groundwater Resources of Western South Dakota, US Army Corps of Engineers, SDSM & T, Rapid City SD.

Office of Drinking Water, 1986, South Dakota Public Water System Data, Office of Drinking Water, SD DWNR, Joe Foss Building, Pierre SD.

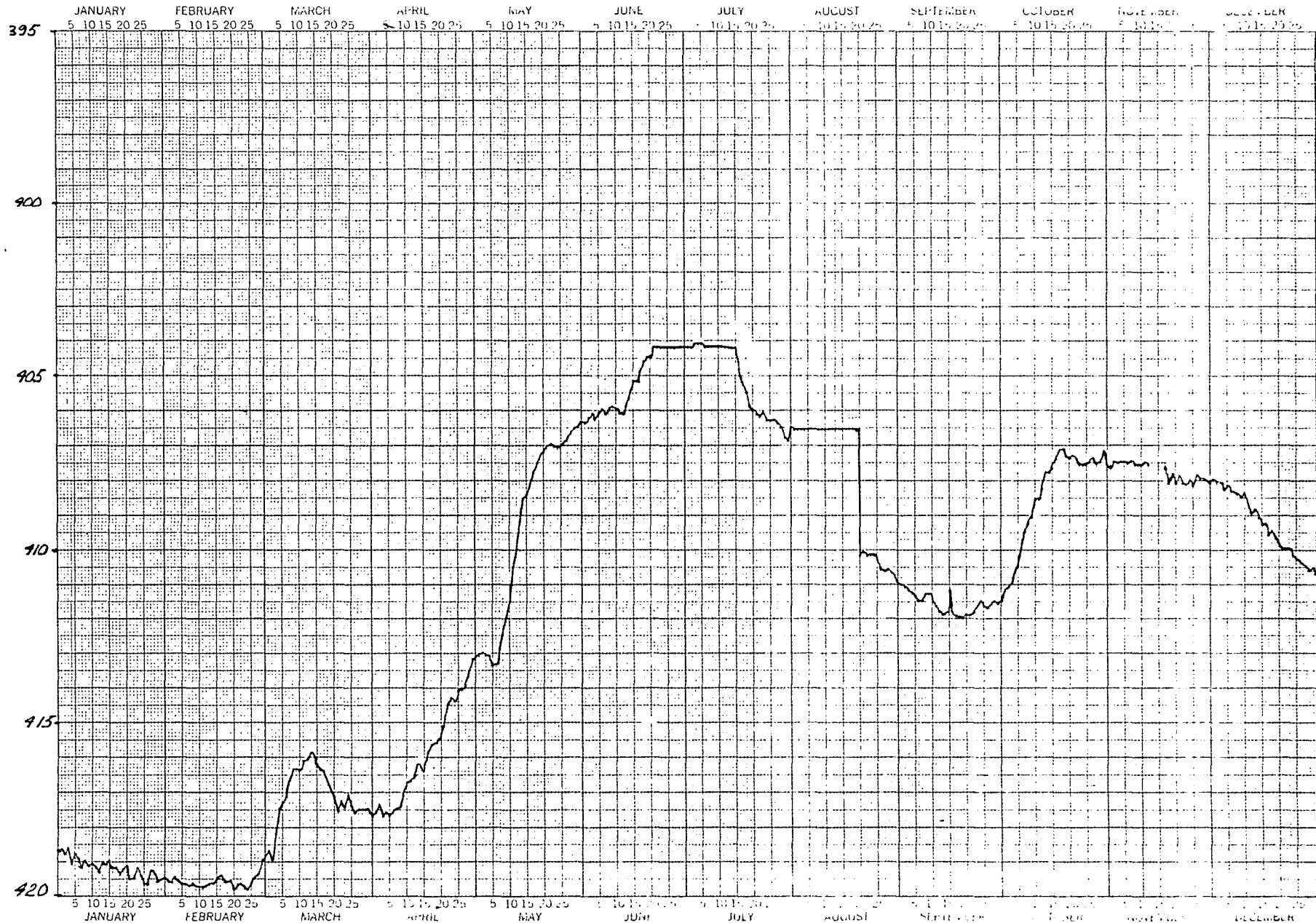
PE-84A

1985



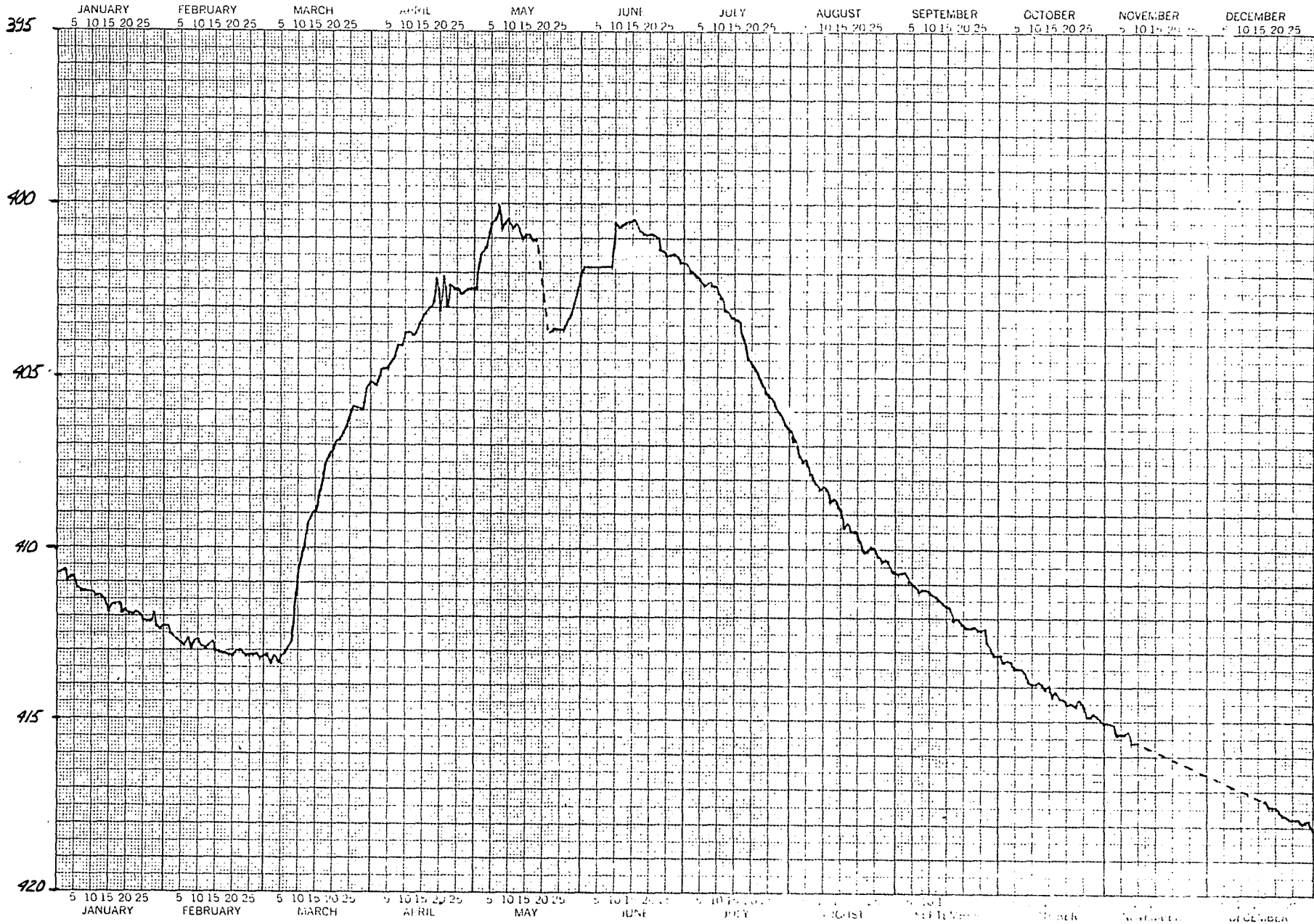
PE-89A

1/15



PE-84A

1987



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2045-2, Whispering Pines Water Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2045-2, Whispering Pines Water Association, Suburban Route, Box 133, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 2045-2 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 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 adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 8, 1988



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 22, 1988

NOTE:

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

Whispering Pines Water Association
Suburban Route, Box 133
Rapid City, South Dakota 57702

Dear Sir:

Your Application No. 2045-2 for a permit to appropriate water for

Suburban Housing Development 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

Rapid City Journal printed at Rapid City

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

**SOUTH Dakota Department of
Water & Natural Resources**

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

January 22, 1988

Rapid City Journal
PO Box 450
Rapid City, SD 57709

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2045-2 to be published twice. Please publish the first notice on or before January 28, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Whispering Pines Water Association, Suburban Route, Box 133, Rapid City, SD 57702.

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

Instruction to Newspaper - Publish first publication of the following Notice on or before January 28, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2045-2 to Appropriate Water and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Whispering Pines Water Association whose mailing address is Suburban Route, Box 133, Rapid City, South Dakota has made an application for a permit to appropriate 0.08 cubic feet of water per second from one existing well (Deadwood Formation) 550 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36-T1N-R6E. Water is used for suburban housing development by the Whispering Pines Water Association.

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

APPROVAL of Application No. 2045-2 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2 19 88 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 February 19, 1988. 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, 46-5-3.1; 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 February 19, 1988.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

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:

January 28, 1988

February 4, 1988

Mary K. Garness
(Signature)

Bookkeeper
(Title)

February 4, 1988
(Date Signed)



Cost of Printing: Ran 9 1/16 inch legal
advertising in the Rapid City Journal on
January 28 & February 4 @ \$4.20 per inch
= \$76.12

Ran public notice of application# 2045-2

Jan. 28, Feb. 4 L271

NOTICE OF HEARING
ON APPLICATION NO. 2045-2
TO APPROPRIATE WATER

Notice is hereby given that
Whispering Pines Water
Association whose mailing address
is Suburban Route, Box 133, Rapid
City, South Dakota has made an
application for a permit to
appropriate 0.08 cubic feet of water
per second from one existing well
(Deadwood Formation) 550 feet
deep located in the NE 1/4 NE 1/4
Section 36 T1N-R6E. Water is used
for suburban housing development
by the Whispering Pines Water
Association.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends APPROVAL
of Application No. 2045-2 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 Room 216,
Joe Foss Building, 523 E. Capitol,
Pierre, South Dakota, March 2, 1988
at 10:00 a.m.

The recommendation of the Chief
Engineer is not final or binding
upon the Board and the Board is
authorized to 1) 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
February 19, 1988. 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,
46-6-30.2, 46-6-30.4, 46-6-31; 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,
DWRN, 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 February 19,
1988.

Dear Sir:

1 Feb 88

We are concerned about
the Application of the
Whispering Pines

Water Associations
application for permit
to appropriate water.
We have a ranch
nearby and are con-
cerned the effect of
this on our wells
and springs as we
must have water for
our cattle.
Please let me know
about this.

Thank you
H.J. Borgmeyer
178 1/2 Ph St
Rapid City, S. Dak
57701

H. J. Borgmeyer
1781 11th St
Rapid City, S.D.
57701



Historic Preservation USA 14

Water Rights Division
DWR, Joe Foss Bldg
Pierre, S.D. 57501





Department of Water & Natural Resources

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

February 12, 1988

H.J. Borgmeyer
1721 11th St
Rapid City SD 57701

Dear Mr. Borgmeyer:

I am writing in response to your card concerning Whispering Pines Water Association (Permit Application No. 2045-2). The application is for a well 550 feet deep and 35 gallons per minute from the Deadwood Formation. This is an existing well which was drilled in 1963 and has been in use since that time. The housing development had never obtained a water permit. This permit application reflects what the housing development is actually using at this time. Approval of this application will not increase the amount of water that is being pumped from the Deadwood Formation in this area at the present time.

Please let me know if you have any additional questions.

Very truly yours,

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

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

February 26, 1988
(date)

page _____

Parties of Record before Water Management Board regarding Water Permit
Application No. 2045-2, Whispering Pines Water Association

For:

Against:

Cora Etta Stevens, Treasurer
Whispering Pines Water Assn.
Suburban Route, Box 133
Rapid City SD 57702

H.J. Borgmeyer
1721 11th St.
Rapid City SD 57701



Department of Water & Natural Resources

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

February 26, 1988

Cora Etta Stevens, Treasurer
Whispering Pines Water Assn.
Suburban Route, Box 133
Rapid City SD 57702

Dear Ms. Stevens:

Enclosed is a copy of a petition received from H. J. Borgmeyer and a letter we sent to Mr. Borgmeyer dated February 12, 1988. This letter is to inform you that a petition has been submitted concerning Water Permit Application No. 2045-2.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

RON DUVAL
Natural Resources Engineer
605 773-3352

enclosure



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

APR 15 1988

Cora Etta Stevens, Treasurer
Whispering Pines Water Association, Inc.
HCR 39, Box 133
Rapid City, South Dakota 57702

Dear Ms. Stevens:

Enclosed is your Water Permit No. 2045-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr



May 30, 2000

Douglas Hamm
Hamm Drilling
12089 Deerfield Rd
Hill City, SD 57745

Dear Mr. Hamm:

The Water Rights Program is in the process of licensing water permit number 2045-2 for Whisper Pines Water Association. The well that supplies this permit, was reportedly drilled by Ham Brothers Drilling in 1963 is located in NE ¼ NE ¼ of section 36 in T1N-R6E.

I am requesting a copy of the complete report for this so a final Water Right can be issued.

Thank you in advance for your help.

If you have any comments or questions, contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J Johnson

Stacy J. Johnson
Natural Resources Engineer

*I have no records on this well they
I'm sure were turned over to the asso.
Gene Hamm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 2000

2045-2

Whispering Pines Water Association
%Richard Bray
9470 Sheridan Lake Road
Rapid City, SD 57702

Dear Mr. Bray:

On April 25, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2045-2, was completed by Stacy J. Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416576

Pierre, July 7, 2000

RECEIVED OF Whispering Pines Water Assn., P.O. Box 9021, 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
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. 2045-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Harold Ebele
Chief Engineer

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Richard Bray, 9470 Sheridan Lake Rd, Rapid City, SD 57702

DATE: July 10, 2000

TELEPHONE: 605 342-8678

RE: address for water right

COMMENTS:

I called Mr. Bray to find out which address to use for the water right. There were three different ones in the file. He said one was his, one was the treasurer's and he didn't know about the third one. He said we could send everything to his attention and when it changed, he would let us know.



Genny McMath
Environmental Scientist

Permit No. 2045-2
Upper Cheyenne- Water District

Report Of Examination Of Works

On, **April 25, 2000**, I made a thorough examination of the water use system constructed by **Whispering Pines Water Association of Box 133, Rapid City, SD 57702** holder of Permit No. **2045-2** bearing the priority of **November 6, 1987**, authorizing the diversion of **0.08** cu. ft. per second of the waters from **one existing well (Deadwood Formation) 550 deep located in the NE ¼ NE ¼ Section 36 T1N-R6E to supply water for suburban housing development purposes, in Pennington County.**

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

A. Works used to divert the water:

A 3 phase 110 outlet

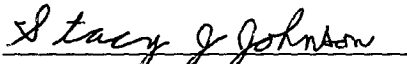
B. Works used to apply water to beneficial use:

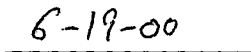
Suburban Housing Development (SHD) Distribution System

The system is in the following condition **good**. The point of diversion is located **from the NE corner of section 36 T1N-R6E 408 feet west and 256 feet south** longitude of **-103.33375** and a latitude of **44.0088460**. The works are capable of diverting and conveying to the place of use **0.08** cu. ft. per second of water that is to be used for **suburban housing development purposes**. Water has been put to beneficial use and the license should be issued for **0.08** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**


Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program


Date

REPORT ON INSPECTION OF PERMIT NO. 2045-2

DATE OF INSPECTION: April 25, 2000

Other permit/license(s) associated with the project: None

Contact Person & Address: Richard Bray, 9470 Sheridan Lake Road, Rapid City, SD
57702

DIVERSION POINT LEGAL LOCATION: from one existing well located from the
NE corner of section 36 T1N-R6E 408 feet west and 256 feet south

Longitude: -103.33375 **Latitude:** 44.0088460

WATER SUPPLY Source: Upper Cheyenne

Pump\ Motor:

- | | |
|---------------------------------------|---|
| 1) Pump Make <u>Submersible</u> | 2) Pump Model <u>Submersible</u> |
| 3) Capacity GPM <u>35</u> | 4) Motor Make <u>three phase 110 outlet</u> |
| 5) Motor Model No. <u>Submersible</u> | 6) Horsepower rating <u>15 hp submersible</u> |

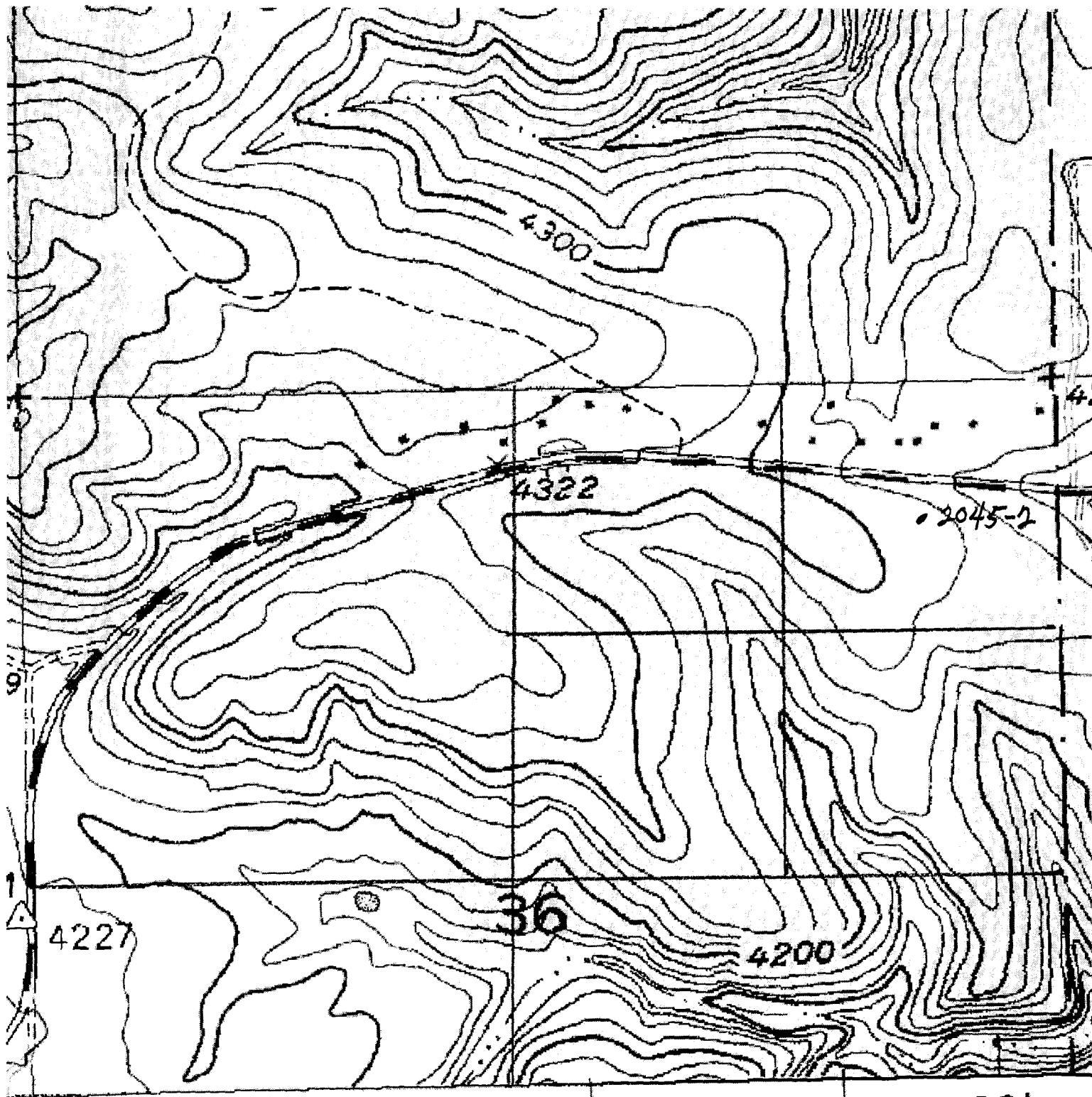
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 1) All structures, wells and lands on map yes

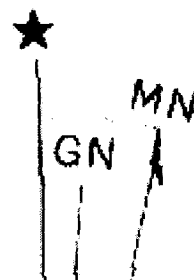
COMMENTS: Application map is correct. No well log available.

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

6-27-00
Date



Survey



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2045-2

(1) Whispering Pines Water Association, 9470 Sheridan Lake Rd, Rapid City SD 57702 made Application No. 2045-2, November 6, 1987 for a water permit to divert 0.08 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for suburban housing development purposes. Permit No. 2045-2, with a priority date of November 6, 1987 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the permit holder 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 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is 408 feet west and 256 feet south from the northeast corner of Section 36-T1N-R6E (NE ¼ NE ¼).

(3) The permit holder 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 Whispering Pines Water Association, 9470 Sheridan Lake Rd, Rapid City SD 57702 the holder and/or owner of Water Right No. 2045-2 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from groundwater (one well) with a priority date of November 6, 1987 from the location specified in (2) of this license for suburban housing development purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2045-2 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 02 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 02 2000

2045-2

Whispering Pines Water Association
%Richard Bray
9470 Sheridan Lake Rd.
Rapid City, SD 57702

Dear Mr. Bray:

Enclosed is Water License No. 2045-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416576 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. 2045-2, 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