

Considered: _____

WATER PERMIT NO. 2060-2MAP No. Same 673-2979Name of Applicant Bud M. FinnellPost Office Address HC 83, Box 122A, Custer, SD 57730Amount of Water Claimed 15gpm (0.033 cfs) Total Acres noneSource of Water Supply 1 well, 84' deepWater to be used for commercial use County CusterAbout 2 miles south of Custer

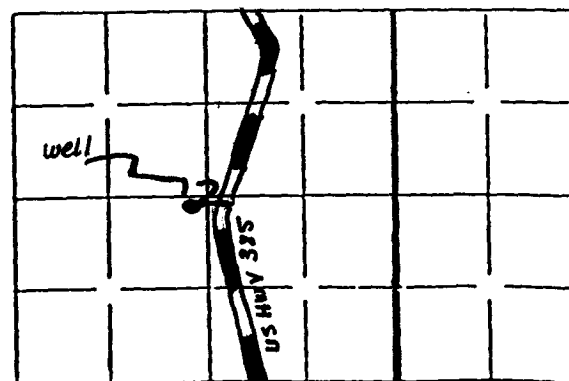
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/8/88 Subject to _____

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

PRIORITY _____ Date Received July 28, 1988 Fee 50⁰⁰ Remarks _____7/28/88Corrected Application Received August 19, 1988 Period of Annual Use Jan 1 - Dec 31WATER QUALITY APPROVAL RECEIVED UA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point NE 1/4 SW 1/4, Section 2, T4S, R4ELand to be Irrigated noneWell Log: Driller Alexander Drilling Licensed YES X NO _____Depth of Well 84' REMARKS _____Type of Map plat PREPARED BY Donald Muckler Reviewed and the Numberassigned on August 19, 1988 By Susan A. Bowar

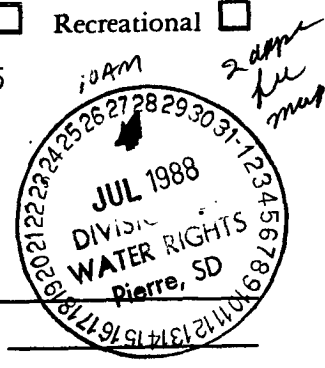
Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 2060-2 Hydrologic Unit 10120109
Map No. 2060-2 Basin Upper Cheyenne
Newspaper Custer Co. Chronicle Box 551 57730 (Wed)

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 ☐

RECEIVED AUGUST 23, 1985



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. _____

- Name of Applicant Bud M. Finnell Phone No. 673-2979
Post Office Address HCR 83, Box 122 A, Custer, South Dakota State 57730
(Street, RR or Box) Zip Code
- Amount of water claimed (c.f.s.) 15 gpm (0.033 cfs)
- Source of water supply Well
- Location of point of diversion tract F E 1/2 SW 1/4 Section 2 T4S R4E
(NE 1/4 SW 1/4, Section 2, T4S-R4E)
County Custer
- Counties where water will be used Custer
- Annual period during which water is to be used January 1 to December 31
- 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)
See attached sheet

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 CUSTER)^{ss}

I, BUD FINNELL 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 Bud M Finnell

CYNTHIA A. WALZ
NOTARY PUBLIC
CUSTER COUNTY, S DAK.
COM. EXPIRES
SEPTEMBER 26, 1993

Subscribed and sworn to before me this 27 day of JULY 1988

Cynthia A. Walz
Notary Public (or other qualified officer)

**SOUTH DAKOTA
WATER PERMIT No. 2060-2**

Date of first receipt of application July 28, 1988

Date of return to applicant for correction, amendments or changes required August 1, 1988

Date of receipt of corrected application August 19, 1988

The Water Management Board approved Water Permit Application No. 2060-2

on December 8, 1988 for Bud M. Finnell

HCR 83, Box 122A Custer SD 57730
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2060-2 appropriates 0.033 cubic feet of water per second from one existing well, 84 feet deep, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T4S-R4E.
2. The water appropriated shall be used for the purpose of supplying the Black Hills Tractor and Equipment Company and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date from which applicant may claim the right is July 28, 1988
5. One-fifth of the construction is ~~to be~~ completed ~~on or before~~
6. All construction is ~~to be~~ completed ~~on or before~~
7. Water is ~~to be~~ put to beneficial use ~~on or before~~
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: *John H. Hatch*
Chief Engineer

MAR 10 1989

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 inch Depth 84 Feet
- b) Casing Type PVC Diameter 6" Thickness _____
- c) Screen Type Open hole Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 40 Ft
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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 _____

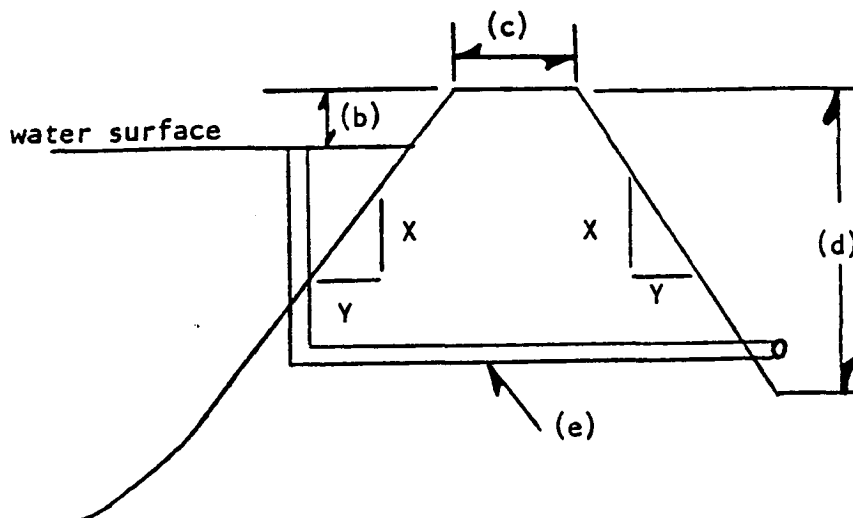
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



Department of Water & Natural Resources

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

January 2, 1985

Black Hills Tractor
% Bud Finnell
E of City
Custer, SD 57730

Dear Sir:

A well drillers report filed with this office by Alexander Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter is to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

General Information. The following is being provided to all new well owners for information purposes and may not apply to you.

1. If a well will be allowed to flow or will be pumped more than 18 gallons per minute (gpm) or if a person intends to use more than 18 gpm or more than 26,000 gallons per day (average of 18 gpm) for domestic use, a water permit is required pursuant to SDCL 46-1-6(4) and (6), 46-1-15, 46-5-8 and Water Management Board Rules 74:02:01:01(1) and 74:02:01:03. A pump larger than 18 gpm may be used as long as the total daily domestic use does not exceed 26,000 gallons per day (gpd). Water for geothermal heating and/or cooling for a home is domestic use, and may be used without a water permit, if the use is no more than 18 gpm.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14 and 46-6-21.
3. Any common distribution system such as a city, town, subdivision or rural water system that pumps or diverts more than 18 gpm is required by SDCL 46-5-8.2 to have a water permit.

4. A water permit is required pursuant to SDCL 46-1-15 to use water for commercial business operations, industrial purposes, mining or irrigation of more than 1/2 acre.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,

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

Bud Fennell
Rt 3 Box 122A
Custer, S.D. 57130

cc: Well Driller

1-11-85

S514.wr

Please send us form necessary for us to fill out.

Our main purpose for well was to supply us water for bathroom (lavatory + stool) and ardisary clean up so we would not be using 26,000 gal per day nor does our pump produce 18 gpm.

Thanks for advising us about this situation and thanks for your help.

Sincerely
Bud Fennell (owner)
by Salvance

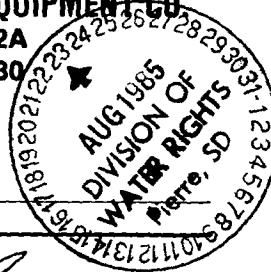


TO

FROM

Dept. of Water & Nat. Resources
 Joe Pass Bldg.
 Pierre, S.D. 57501

Bud Finnell
 BLACKHILLS TRACTOR & EQUIPMENT CO.
 HCR83, Box 122A
 Custer, SD 57730
 605-673-2979



SUBJECT

Application for water Permit

FOLD HERE

DATE

8-22-85

Please find enclosed forms filled out in Feb. of 1985. We never mailed them, because our well driller said we didn't need one because our amt of water used was so minimal. (Bath & stool & lavatory) we have since been informed by other people in community that we do need one. If we do please write and tell us the amt - I have attached the well drillers report also - thank you. Surveyor refused to sign map of location of well so am sending it unsigned - (Bryant surveying - Custer, SD) Well driller has marked it on his report

SIGNED

Bud M. Finnell

South Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

August 30, 1985

Copy

Bud M. Finnell
HCR 83, Box 122 A
Custer, South Dakota 57730

Dear Mr. Finnell:

Thank you for receipt of your water permit application. I completed both copies of Form 2 and had them typed. If you will sign both copies and have them notarized and return with a \$50.00 filing fee we will continue processing your application. If you have any corrections please mark them on the forms. If you have any further questions please contact this office.

Thank you,

Kevin C. Larson

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.



Equal Opportunity Employer

WATER RIGHTS DIVISION
(605) 773-3352

June 5, 1986

Bud Finnell
HCR 83, Box 122 A
Custer, South Dakota 57730

Dear Mr. Finnell:

I am contacting you in regard to your water permit application submitted to our office August 23, 1985. Your application for commercial purposes was filled in, typed and returned to you for signature August 30, 1985. To date we have not heard from you on this matter.

To complete the application, the following is needed:

- 1) The typed copies of the application forms previously sent to you needed to be signed and notarized.
- 2) A \$50.00 filing fee.

Upon receipt of the above in our office, we can continue to process your application. If you no longer have the application forms, another set can be prepared for you.

If you have any questions, please contact us. Thank you for your time and consideration.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

TO

FROM

Bud Finnell

BLACKHILLS TRACTOR & EQUIPMENT CO.

HCR83, Box 122A

Custer, SD 57730

605-673-2979

*So. Dak. Dept of Water
& Natural Resources
HCR 83 - Box 122A*

SUBJECT

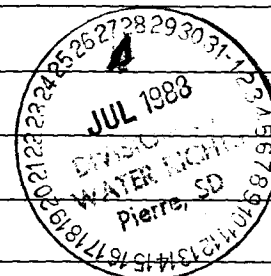
Custer, S.D. 57730

FOLD HERE

DATE

7-27-88

*Please find enclosed a check
for \$50.00 for filing fee for
well.*



SIGNED

Mrs Bud Finnell

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411295

Pierre, July 28, 19 88

RECEIVED OF Bud M. Finnell, HCR 83 Box 122 A, Custer, SD 57730

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

Fee for Application for Permit No. <u>2060-2</u> 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)



Department of Water & Natural Resources

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

August 1, 1988

Bud Finnell
HCR 83, Box 122 A
Custer, South Dakota 57730

Dear Mr. Finnell:

This is in response to the water permit application received from you on July 28, 1988.

The permit application is incomplete for the following reason(s):

- (1) The map submitted is not signed by one of the following: a South Dakota Registered Land Surveyor, a South Dakota Registered Engineer, or by a government employee who normally prepares maps as part of his assigned duties (see enclosed instruction sheet). The local ASCS or SCS office can provide you with both an aerial photograph on which you can mark the location of the well, and the required signature.

The Water Management Board cannot consider a permit application until it is complete. Please return the enclosed map (or a map provided by the local ASCS or SCS office showing the location of your well) with the required signature to begin processing of your permit application.

Should you have any questions, please feel free to call me.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
(605) 773-3352

enclosures



TO

FROM

SD Dept of Nat Resources
Joe Foss Bldg
523 East Capitol Pierre SD

BLACKHILLS TRACTOR & EQUIPMENT CO.
HCR83, Box 122A
Custer, SD 57730
605-673-2979

SUBJECT

signed Map for water Permit

FOLD HERE

DATE

8-17-88

Please find enclosed map you
mailed back to me for required
signature. It has been filled
out and signed by Ronald E.
Muehlen of the SCS office -
If there are any more questions
or info required please call
me at the above telephone #.
I have all ready mailed you check for
filing fee of 50.00

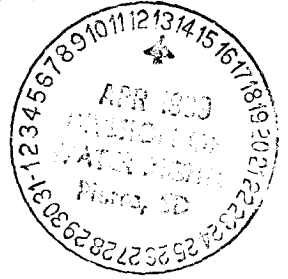
Thank You
Sincerely

SIGNED

Brnd M F innell

Custer, SD
April 12, 1989

Water Rights Division
523 E. Capitol
Pierre, SD 57501



Gentlemen:

We are enclosing forms, map, fee and other pertinent information necessary for filing a Water Permit Application for diversion of water from a well which has been drilled upon our property for commercial use.

Transmittal Record:

two copies of Form 2, Application to Appropriate Water

Licensed Well Driller's Report

Form 2A, Supplemental Information for Well

Map of Tract H, Sec. 2, T.4S., R.4E., BHM, Custer County, SD
showing location of Well.

Postal Money Order #577300 in the amount of \$50.00 to
cover cost of Water Rights Application Fee

Please proceed with the Notice of Application. If any additional information is needed, please call Bonita Harris, Custer, SD 605-673-4709.

Thank you.

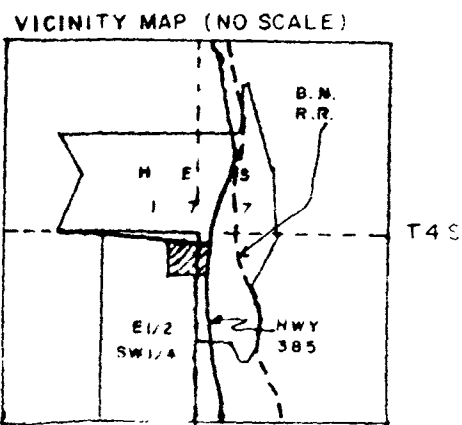
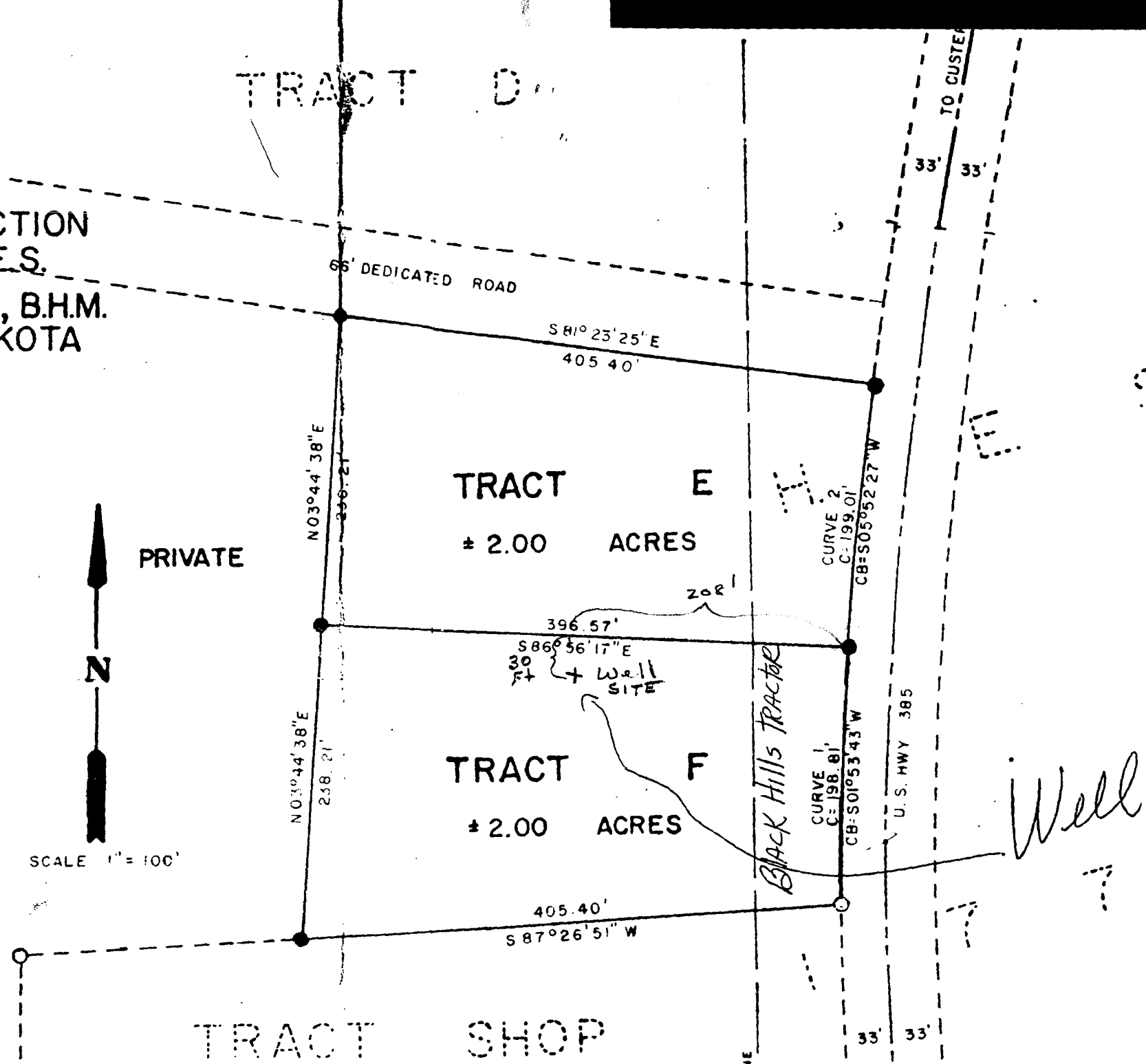
Sincerely,

Bonita L. Harris, Sec. Treas.

D&H CONCRETE PRODUCTS, INC.
Custer, SD

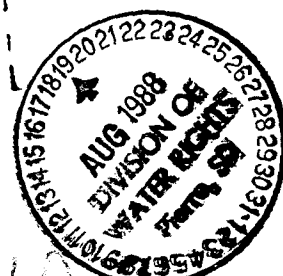
Enclosures

PLAT OF TRACTS E AND F
 LOCATED IN E 1/2 SW 1/4 SECTION
 2, T4S, R4E, B.H.M. AND H.E.S.
 177 IN SECTION 2, T4S, R4E, B.H.M.
 CUSTER COUNTY, SOUTH DAKOTA



- LEGEND**
- CORNER SET THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BRYANT R.L.S. 2196
 - CORNER FOUND REBAR WITH
ALUMINUM CAP

PREPARED BY
BRYANT SURVEYING
 CUSTER, SOUTH DAKOTA
 NOVEMBER, 1982

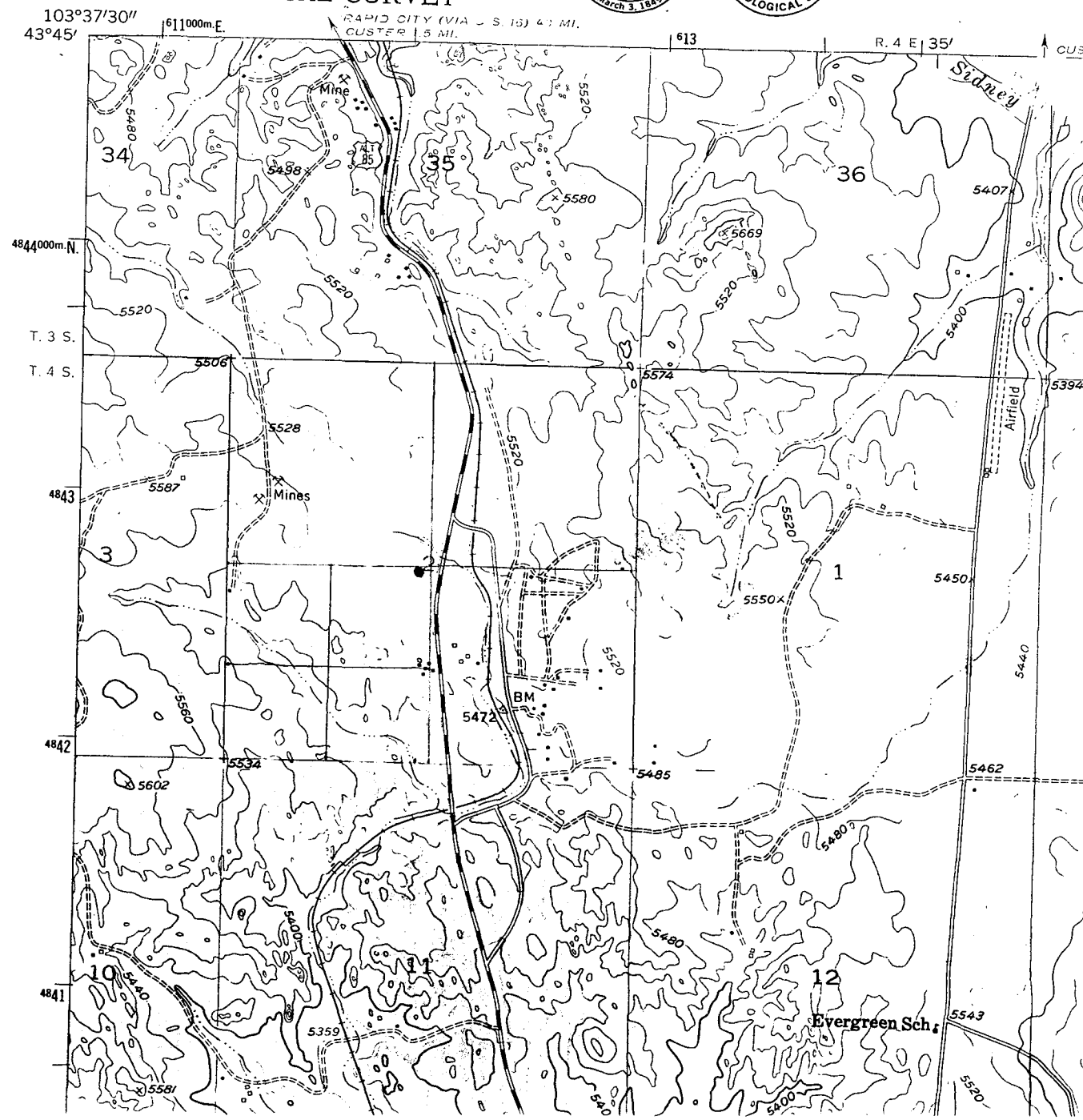


Well located
 2500 Ft East
 2580 Ft North
 from SW corner
 of Sec 2, T4S-R4E

Scale of map
 1" = 100'

Well located
 8/17/88
 by Donald E. Mueckler
 Soil Conservation
 Technician
 Custer, S.D.

Appl No. 2060

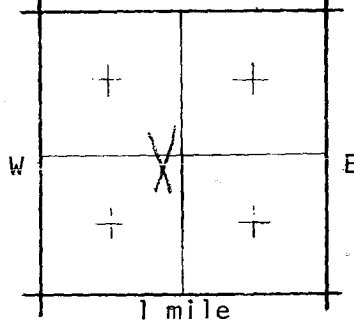


Location SW 1/4 NW 1/4 Sec 2 Twp 45 Rg 4E

County

Custer

North



Please mark well location with an "X"

Well Completion Date 6-18-84

PROPOSED USE:

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

Method of Drilling:

Downhole Hammer

WELL CONSTRUCTION:

Diameter of hole 6 inches Depth 84 feetCasing: ☐ Steel ☒ Plastic ☐ OtherSpecify 2.0' of 6" 160 PVC
 Pipe Weight Diameter From To
 lb/ft inches feet feet
 lb/ft inches feet feet
Was a well screen used? ☐ Yes ☐ NoIf Not Specify Screen Type Slot Size Length Diameter Was Casing left open end? ☐ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☐ NoIf so what material? Was well gravel packed? ☐ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure type III cementTo what depth? 20 Feet upWhat was grouting material? If cement, how many sacks? Location of packer(s) and screen or perforated pipe WAS WELL PLUGGED OR ABANDONED ☐ Yes ☐ NoIf so how and with what material? Well Owner: Ed FinnellName Black Hills TractorAddress E of City Custer

Well Log:

Depth

Formation

From

To

<u>DRIFT</u>	<u>0</u>	<u>5</u>
<u>Schist Hd. gray</u>	<u>5</u>	<u>37</u>
<u>Schist Med. Hd. BAN</u>	<u>37</u>	<u>41</u>
<u>Schist Hd. gray</u>	<u>41</u>	<u>50</u>
<u>Quartz Fract. 5gpm</u>	<u>50</u>	<u>52</u>
<u>Schist Hd. gray</u>	<u>52</u>	<u>70</u>
<u>Schist Fract. w/ gto</u>	<u>70</u>	<u>73</u>
<u>water 15gpm</u>		
<u>Schist Hd. gray</u>	<u>73</u>	<u>84</u>

STATIC WATER LEVEL 40 FeetIf flowing: closed in pressure PSIGPM flow through inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherIf other; specify Can well be completely shut off?

WELL TEST DATA:

☒ Pumped w/ AIR 15 gpm☐ Bailed Describe: ☐ Other

Pumping Level Below Land Surface

 ft. After Hrs. pumped ft. After Hrs. pumped ft. After Hrs. pumpedRemarks: Back-HueBreaker casing added 6' casing 21' casing in holeThis well was drilled under license # 324

and this report is true and accurate.

Alexander Delo

Drilling Firm

Signed by

12-18-84

Date

lth sent1-2-85

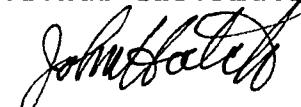
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2060-2, Bud M. Finnell

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. 2060-2, Bud M. Finnell, HCR 83, Box 122A, Custer SD.

The Chief Engineer is recommending APPROVAL of Application No. 2060-2 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
October 17, 1988

REPORT ON PERMIT APPLICATION No. 2060-2
Bud M. Finnell
October 21, 1988

Water permit application No. 2060-2 proposes to appropriate 0.033 cubic feet of water per second (cfs) from one well 84 feet deep, located in the NE 1/4 SW 1/4 Sec.2, T4S-R4E. Water is to be used for commercial and sanitary purposes by Black Hills Tractor and Equipment Company

Aquifer: Precambrian Rock

Geology and Aquifer Characteristics:

The Precambrian rock in this area consists of metagraywacke and quartz-mica schist or phyllite (Redden, 1975). Voids containing water within the rock occur either as small intergranular openings (primary porosity) or fractures, cracks and joints, (secondary porosity). The total porosity of the Precambrian rock is assumed to be 3%, and the effective porosity, containing the recoverable groundwater, primarily in secondary porosity, is estimated to be 1%, (Rahn, 1979). Wells completed in the Precambrian rock are typically low yield in this area, and a well's production potential is usually reflective of the extent of secondary porosity at the well site. This application indicates this well is capable of producing 15 gallons per minute.

Recharge to the Precambrian rock is accomplished through infiltration of precipitation falling directly on the outcrop and runoff over the outcrop.

Review of Existing Water Rights:

There are no existing water permits within two miles of this applicant's well site. The Division of Water Rights has record of several domestic wells in the area which depend on the Precambrian rock as a water source.

Conclusions:

1. The Precambrian rock is a viable aquifer in this area and there is a reasonable probability that unappropriated groundwater is available at this site.
2. There are no Water Permits within 2 miles of this proposed diversion site.
3. Interference with domestic wells in the vicinity should not be a problem because of the relatively small pumping rates.

Kent Buhler/ks

KENT BUHLER
Natural Resources Engineer

Bibliography:

Rahn, P.H., 1979, Groundwater Resources of Western South Dakota, US Army Corps of Engineer, SDSM&T Project #2533, Rapid City, SD.

Redden, J.A., J.Norton, 1975, "Precambrian Geology of the Black Hills", Mineral Resources of South Dakota, Committee on Interior and Insular Affairs, United States Senate, US Government Printing Office, Washington, D.C.

Water Rights Division, 1988, "Water Rights Files and Domestic Well Log Files", South Dakota Department of Water and Natural Resources - Division of Water Rights, Joe Foss Building, Pierre, SD



Department of Water & Natural Resources

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

October 27, 1988

Custer County Chronicle
Box 551
Custer, South Dakota 57730

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2060-2 to be published twice. Please publish the first notice on or before November 2, 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 Bud M. Finnell, HCR 83, Box 122 A, Custer, SD 57730.

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 27, 1988

NOTE:

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

Bud M. Finnell
HCR 83, Box 122 A
Custer, South Dakota 57730

Dear Mr. Finnell:

Your Application No. 2060-2 for a permit to appropriate water for
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 DUVALL
Natural Resources Engineer

enclosures

**NOTICE
OF
HEARING**

on Application No. 2060-2 to
Appropriate Water

Notice is given that Bud M. Finnell, HCR 83, Box 122A, Custer, South Dakota 57730 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second from one well, 84 feet deep, in Precambrian Rock located in the NE 1/4 SW 1/4, Section 2, T4S, R4E. The water is to be used for commercial and sanitary purposes by Black Hills Tractor and Equipment Company.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2060-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A. Howard Johnson, 3300 W. Russell, Sioux Falls, SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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.
#423 11/2 & 11/9/88

11/2/88

11/9/88

Russell White
(Signature)

(Signature)

(Signature)
Rudolf

(Title)

11/11/89

4 (Date Signed)

Cost of Printing: \$45.16

11/2/88 - \$25.09

11/9/88 - \$20.07

Total for 2 runs - \$45.09



Instruction to Newspaper - Publish first Notice on or before November 2, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2060-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is given that Bud M. Finnell, HCR 83, Box 122A,
Custer, South Dakota 57730 has filed an application for a water permit

to appropriate 0.033 cubic feet of water per second from one well, 84 feet deep,
in Precambrian Rock located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T4S, R4E. The water is to
be used for commercial and sanitary purposes by Black Hills Tractor and Equipment
Company.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 2060-2 because 1) unappropriated water is available, 2)
existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and
4) it is in the public interest. This application will be considered by the Water
Management Board in Room Dakota A, Howard Johnson, 3300 W. Russell, Sioux Falls SD on
December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final
or binding upon the Board. The Board is authorized to 1) approve, 2) approve with
qualifications, 3) defer or 4) deny this application based on the facts presented at the
public hearing.

Any interested person that intends to participate in the hearing before the Board by
presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a
written petition with BOTH the applicant and Chief Engineer by November 25, 1988.
The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol,
Pierre SD (605 773-3352)". The petition may be informal, but must include a statement
describing the petitioner's interest in the application, the petitioner's reasons for
opposing or supporting the application and the signature and mailing address of the
petitioner or legal counsel if legal counsel is obtained. The applicant need not file a
petition. Contact the Water Rights Division to request information on this application or
to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the
applicant have the right to be represented by a lawyer. These and other due process
rights will be forfeited if not exercised. Decisions of the Board may be appealed to the
Circuit Court and State Supreme Court as provided by law. The time of the hearing will
also be automatically delayed for at least twenty days upon written request to the Chief
Engineer from the applicant or a petitioner. The request for a delay must be received by
November 25, 1988.

This application is made pursuant to 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) 46-5-33 thru 46-5-35; (10,000 AF)~~
~~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 AF) 74:02:01:15:02 thru 74:02:01:15:05.~~



Department of Water & Natural Resources

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

MAR 10 1989

Bud M. Finnell
HCR 83, Box 122A
Custer SD 57730

Dear Mr. Finnell:

Enclosed is your Water Permit No. 2060-2 as approved by the Water Management Board authorizing construction of the water system and the application of 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 cursive script, appearing to read "John Hatch".

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

JH:ks

enclosure

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

BUD M FINNELL
HCR 83 BOX 122A
CUSTER SD 57730

673-2978

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2060-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: CUSTER

Aquifer: PRECAMBRIAN ROCK

Pumping Pt. Legal: SEC 02-T004S-R04E

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: _____ gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

2-1-2001
We no longer have this we sold our property in 1993 to Ted Bernklau. We let the water permit go with the property. Do not have an address on file as he no longer is in Custer, SD

Contact Person:

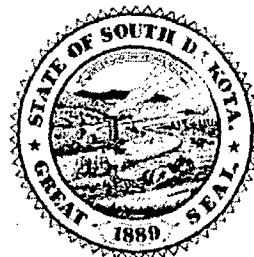
Bud M Finnell

Telephone No:

(605) 673-2978

Will not be at this number till 4-1-2001

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

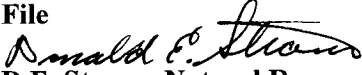


Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



October 4, 2001

To: File
From: 
D.E. Stroup, Natural Resources Project Engineer
Subject: Permit # 2060-2

This property is now owned by Robert Wittrock and is for sale. Mr. Wittrock does not have a commercial operation on the property. He is leaving the area for the winter and expects to sell the property by next spring.

Robert N. Wittlock
PO Box 95
Custer, SD
605-673-3305



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 15, 2002

2060-2

Robert N Wittrock
PO Box 95
Custer SD 57730

Dear Mr. Wittrock:

On June 10, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2060-2, was completed by Don Stroup, 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.

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.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

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,

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

Karen Schlaak
Water Rights Program

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

JUL 24 2002

WATER RIGHTS
PROGRAM

No. 2060-2

Date: _____

I/We request that Water Right/Permit No. 2060-2

formerly owned by: Bud M Finnell

be transferred to: (name & address) Robert N Wittrock, PO Box 95, Custer SD 57730

Telephone No. _____

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

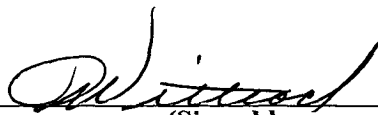
1 well - NE 1/4 SW 1/4 Section 2-T4S-R4E

I/We understand that the validity of Water Right/Permit No. 2060-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert N. Wittrock, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417239

Pierre, July 24, 2002

RECEIVED OF Robert N Wittrock, POBox 95, Custer SD 57730

the following amount in fees for services rendered as provided for by law: (Bud M Finnell)

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. 2060-2

Fee for Filing Transfer Form 2060-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

2 50

52 50

By

Darland Eide

Chief Engineer

gm

**Permit No. 2060-2
Custer County**

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501
Other permit/license(s) associated with project: **None**
Contact Person & Address: **Robert Wittrock, PO Box 95, Custer, SD 57730**

Report Of Examination Of Works

On **June 10, 2002**, I made a thorough examination of the water use system authorizing the appropriation of 0.033 cubic feet per second (cfs) of water from a well for **commercial purpose** bearing the priority date of July 28, 1988.

The well and distribution system are in good condition and capable of pumping water at **15 gallons per minute (gpm)** or 0.033 cfs. The diversion point is in the **NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2 T4S R4E (N43.7300° W103.6080°), 2640-feet East and 2270-feet North of the Southwest Corner of the section.**

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by: **Yes**
- 2) All structures, wells and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **None**

Report On the Specifics of the System

Diversion Point Information:

- | | |
|--|-----------------------------------|
| 1) Well Drilling Firm: Alexander Drilling | 2) No. of Wells: 1 |
| 3) Depth(s): 84-feet | 4) Well log available: Yes |

Casing:

- 1) Diameter: **6-inch**
- 2) Length: **20-feet**
- 3) Type: **Plastic PVC**

Screen:

- | | |
|---------------------------------------|----------------------|
| 1) Type: None | 2) Length: NA |
| 4) Static water level: 40-feet | |

Pump\ Motor:

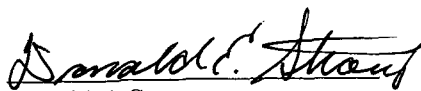
- | | |
|---|------------------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 15 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: NA hp |

Distribution System:

- 1) Type: **Unknown**
- 2) Length: **Unknown feet**

COMMENTS:

Robert Wittrock presently owns the property. This well should be licensed for the as built 15gpm (0.033 cfs) diversion rate and the license transferred to Mr. Wittrock.

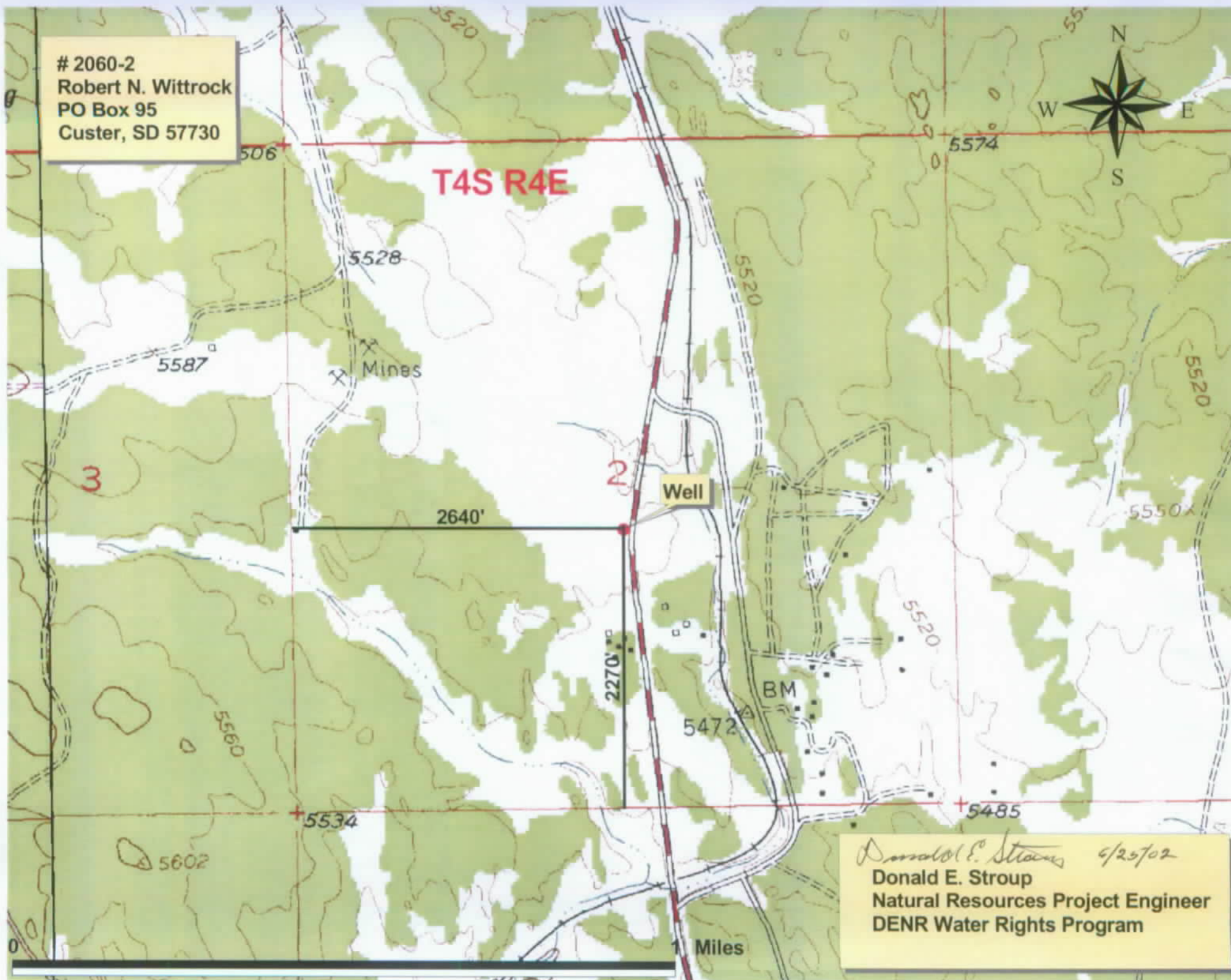


Donald E. Stroup
Natural Resources Project Engineer
DENR, Water Rights Program

6/26/02
Date

2060-2
Robert N. Wittrock
PO Box 95
Custer, SD 57730

T4S R4E



Donald E. Stroup 6/25/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2060-2

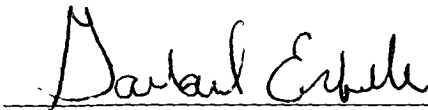
(1) Bud M Finnell, Custer SD made Application No. 2060-2, July 28, 1988 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for commercial purposes. Permit No. 2060-2, with a priority date of July 28, 1988 was approved December 8, 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.

On July 24, 2002, Water Permit No. 2060-2 was transferred to Robert N Wittrock.

(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 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 2,640 feet east and 2,270 feet north of the southwest corner of Section 2-T4S-R4E (NE ¼ SW 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 Robert N Wittrock, PO Box 95, Custer SD 57730 the holder and/or owner of Water Right No. 2060-2 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of July 28, 1988 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2060-2 and subject to South Dakota State Law.



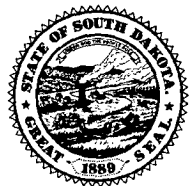
GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 20 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2002

2060-2

Robert N Wittrock
PO Box 95
Custer SD 57730

Dear Mr. Wittrock:

Enclosed is Water License No. 2060-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417239 in the amount of \$52.50 which you paid for the investigation and issuance and the transfer of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures