

WATER PERMIT NO. 2079A-2

Name of Applicant: Earl W (Bill) and Martha E (Martie) Seado

Address: RR 2 Box 213L, Custer SD 57730

Phone: 605 673-3470

Amount of Water Claimed: 0.06 (25 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one existing well)

Water to be used for: commercial

County: Custer

Type of Waste Disposal System:

Location: 2 ½ miles south of Custer

PRIORITY

Date Received: 4-15-1999

Fee: \$50.00

Corrected Application Received:

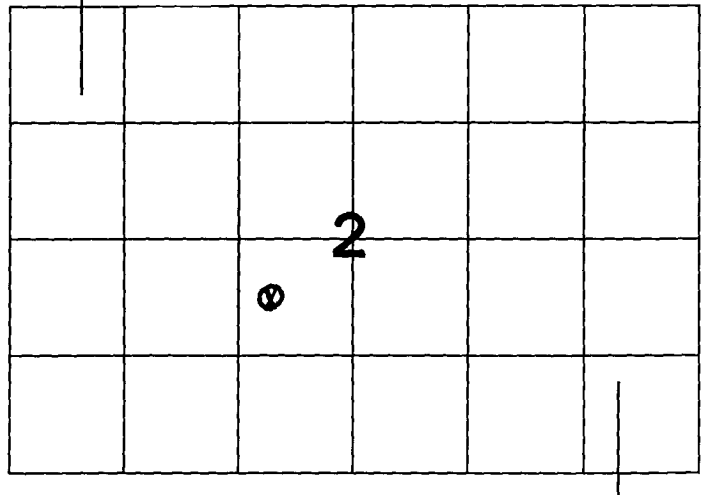
Period of Annual Use: January 1 – December 31

Remarks: change of water use authorized by NO. 2079-2 from industrial to commercial

Diversion Point: ^ENW ¼ SW ¼ (Tract H-E ½)

Section 2-T4S-R4E

Land to be Irrigated: NA



Depth of Well: 146 feet deep

Well Driller: Alexander Drilling

Remarks:

Type of Map: aerial

Prepared by: DelRon Peters

Reviewed and the Number Assigned on: 4-15-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2079A-2</u>	Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer County Chronicle, Box 551, Custer SD 57730-0551</u> <u>605 673-2217 (Thursday)</u>	



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)

☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

☒ Amendment/Correction to Permit No. 2079-2

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

Change of water use authorized by Water Permit No. 2079-2 from industrial to commercial

- Name of Applicant EARL W. (Bill) ; Martha E. (Martie) Seado Phone 605-673-3470
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address RR 2 Box 213C Custer State SD 57730
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.06 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater (existing well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) (Tract H-E 1/2) ^{NE 1/4} ~~NW 1/4~~ SW 1/4
Section 2-T4S-R4E
County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used January 1 - December 31
- Give a description of the 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)

STATE OF SOUTH DAKOTA)

County of Custer SS

Earl W. (Bill) Seado

I, Martha E. Seado, 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.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

Applicant's signature Earl W. (Bill) Seado

Subscribed and sworn to before me this 14th day of April 19 99

DIANE CEROLL
NOTARY PUBLIC
SOUTH DAKOTA

SEAL

Diane Ceroll

Notary Public signature Commission Expires
November 10, 2003

**SOUTH DAKOTA
WATER PERMIT NO. 2079A-2**

Date of first receipt of application April 15, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2079A-2 to Earl W (Bill) and Martha E (Martie) Seado, RR 2 Box 213L, Custer SD 57730 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. 2079A-2 authorizes a change in use of 0.06 cubic feet of water per second (cfs) (25 gallons per minute) authorized by Water Permit No. 2079-2 from industrial use to commercial use. Water Permit No. 2079-2 authorized 0.10 cfs (45 gallons per minute) from one well (Precambrian Rock) 146 feet deep located in the NE ¼ SW ¼ (Tract H-E ½) Section 2-T4S-R4E. Approval of this permit cancels the remaining 0.04 cfs (20 gallons per minute) and the industrial use from Water Permit No. 2079-2.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2079A-2 is June 7, 1999.
5. The date from which applicant may claim right is April 13, 1989 (established under No. 2079-2).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

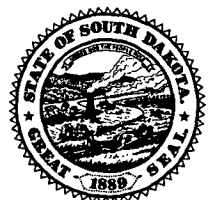
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of No. 2079A-2 cancels the remaining 0.04 cfs (20 gpm) from Water Permit No. 2079-2.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 5 1999

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416098

Pierre, _____ April 15, 1999

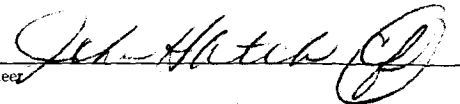
RECEIVED OF Larry Stoddard, Rt 1, Box 114, Custer, SD 57730
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2079A-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2079A-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By

Chief Engineer



113

Del Ron Peters
Natural Resources Eng.
April 5, 1995

2

T4S-R4E
NE 1/4 SW 1/4 Sec 2

629 ft. W

Div.
Pnt.
well

2016.1 ft. N.

79-4

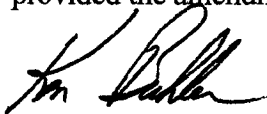
WATER PERMIT APPLICATION NO. 2079A-2
EARL W. (BILL) AND MARTHA SEADO
APRIL 29, 1999

Water Permit application No. 2079A-2 proposes to change the use of 0.06 cubic feet of water per second (cfs) [25 gallons per minute] authorized by Water Permit No. 2079-2 from industrial use to commercial use. Water Permit No. 2079-2 authorized 0.10 cfs(45 gallons per minute) from one well (Precambrian Rock) 146 feet deep located in the NE¼ SW¼ (Tract H-E ½) Section 2, T4S-R4E. Approval of this application will cancel the remaining 0.04 cfs (20 gallons per minute) and the industrial use from Water Permit No. 2079-2.

AQUIFER: CRYSTALLINE ROCK (CRSL)

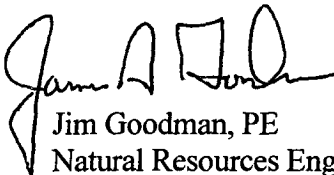
DISCUSSION:

The change of use proposed by this application (industrial to commercial) is not expected to increase the drawdown in this well when it is used. Therefore, this amended permit should not increase the potential for well interference in the area. South Dakota Water Law (SDCL 46-5-30.4 and SDCL 46-5-31) allows Water Permits or Rights to be amended to change the water use provided the amendment does not impair existing rights.



Ken Buhler
Natural Resources Engineer

Approved by



Jim Goodman, PE
Natural Resources Engineer

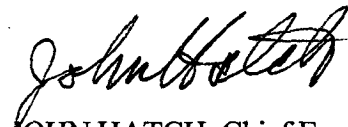
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2079A-2, Earl and Martha Seado**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2079A-2, Earl (Bill) and Martha (Martie) Seado, RR 2, Box 213L, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2079A-2 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualification:

1. 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.
2. Approval of No. 2079A-2 cancels the remaining 0.04 cfs (20 gpm) from Water Permit No. 2079-2.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
May 3, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATOIN ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 11, 1999

Earl W. (Bill) and Martha E. (Martie) Seado
RR 2, Box 213L
Custer, SD 57730

Dear Mr. and Ms. Seado:

Water Permit Application No. 2079A-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # (605) 673-2217). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

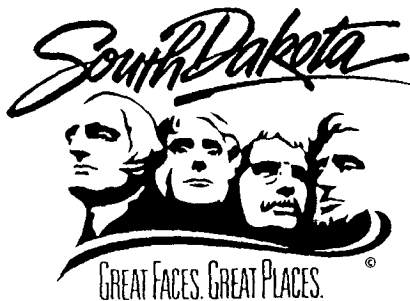
Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Dr. Larry, Stoddard, Box 114, Custer, SD 57730.

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1999

Custer County Chronicle
Box 551
Custer, SD 57730-0551

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2079A-2 to Appropriate Water to be published twice. Please publish the first notice on May 20, 1999, 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 APPLICANTS are Earl W. (Bill) and Martha E. (Martie) Seado, RR 2, Box 213L, Custer, SD 57730 (Ph # (605) 673-3470).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 2079A-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 11, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 2079A-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 20, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2079A-2 to Amend Water Permit No. 2079-2

Notice is given that Earl W (Bill) and Martha (Martie) Seado, RR 2 Box 213L, Custer SD 57730 have filed an application for a water permit to change the use of 0.06 cubic feet of water per second (cfs) [25 gallons per minute] authorized by Water Permit No. 2079-2 from industrial use to commercial use. Water Permit No. 2079-2 authorized 0.10 cfs (45 gallons per minute) from one well (Precambrian Rock) 146 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Tract H-E $\frac{1}{2}$) Section 2-T4S-R4E. Approval of this application will cancel the remaining 0.04 cfs (20 gallons per minute) and the industrial use from Water Permit No. 2079-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2079A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 7, 1999.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)



James Anderson of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Dept of Environmental + Natural Resources

Notice of Application #2079A-2
#5134

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 successive week(s), on which said newspaper was regularly published, to wit:

5-20 99; _____
5-27 99; _____

the full amount of the fees for the publication of the annexed notice is \$ 17.90

James Anderson
Subscribed and sworn to me before this 3rd
of June, 19 99;
Lavina Sharp

NOTARY PUBLIC

MY COMMISSION EXPIRES: 2-17-03

NOTICE OF

APPLICATION #2079A-2

TO AMEND WATER PERMIT NO. 2079-2

Notice is given that Earl W. (Bill) and Martha (Martie) Seado, RR2 Box 213L, Custer, SD 57730 have filed an application for a water permit to change the use of 0.06 cubic feet of water per second (cfs) (25 gallons per minute) authorized by Water Permit No. 2079-2 from industrial use to commercial use. Water Permit No. 2079-2 authorized 0.10 cfs (45 gallons per minute) from one well (Precambrian Rock) 146 feet deep located in the NE1/4 SW1/4 (Tract H-31/2) Section 2-T4S-R4E. Approval of this application will cancel the remaining 0.04 cfs (20 gallons per minute) and the industrial use from Water Permit No. 2079-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2079A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition contesting the chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 605 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 7, 1999.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

#5134, 5/20, 5/27

66

Permit No. 2079-2

- Water District

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

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day, March 14, 1994⁶, made a thorough examination of the water use system constructed by D&H Concrete (Bonita Harris) of PO Box 646 Custer, SD 57730 holder of Permit No. 2079-2, bearing the priority of April 13, 1989 authorizing the diversion of 0.10 cu. ft. per second of the waters of the Precambrian formation for industrial and commercial, in Custer County.

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

A. Works used to divert the water:

2hp. Jacuzzi pump used to divert a maximum of 25 gpm.

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

266' of 2" buried pvc

C. Works used to apply water to beneficial use:

Taken from hydrants and used in cement truck or hauled.

The system is in the Fair working condition. The point of diversion is located Tract H-E1/2 SW1/4, Sec. 2, T.4S., R.4E., BHM. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water which is to be used for industrial and commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Water used for operation of mobile concrete truck and water was hauled out. The owner is in the process of selling property and will no longer be used for this purpose.

The license should be issued for 0.06 cfs.

Applicable permit qualifications have been complied with: Yes ☒

Exceptions to compliance are: None

Date Report Completed: 03/21/95


DelRon Peters
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2079-2

DATE: 03/14/1995

Owner: Bonita Harris, PO BOX 646 CUSTER, SD, 57730

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: Tract H-E1/2 SW1/4, Sec. 2, T.4S., R.4E., BHM

Comment: Planning to sell property

WELL INFORMATION:

- 1) Well Drilling Firm: Alexander Drilling
- 2) No. of Wells: 1
- 3) Depth(s) feet: 146'
- 4) Well log is available Y

Casing:

- 1) Diameter inches: 6"
- 2) Length 146 feet
- 3) Type PVC

Screen: N/A

Pump:

- 1) Make: Jacuzzi
- 2) Model
- 3) Size: 2hp
- 4) Capacity 25 GPM

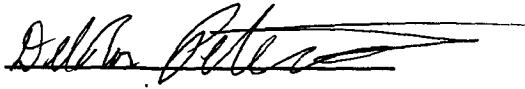
DISTRIBUTION LINES OR CANALS:

- 1) Type: PVC
- 2) Size 2 inches
- 3) Length 266 feet

SYSTEM TYPE: N/A

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A



DelRon Peters

Natural Resources Eng.

DENR

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Sherry Dee Pade

ADDRESS: HC 1 Box 55, Custer, SD 57730 **COUNTY:** Custer

DATE: April 28, 1995 **TELEPHONE:** (605) 673-2167

RE: Water Permit No. 2079-2 and application to change the use

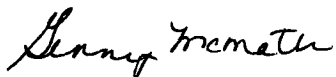
COMMENTS:

Water Permit No. 2079-2 was inspected for licensing purposes. In his inspection report, DelRon stated that D & H Concrete was in the process of selling the property and it would no longer be used for the same purpose.

Sherry Dee Pade filed a Notice of Transfer of Ownership with No. 2079-2 changing the name of the water permit from D & H Concrete to her name. I contacted Ms. Pade (spoke with her husband) concerning the use of water to be made from the existing well. Mr. Pade stated they intended on using the well to haul water to rural residents. He stated the City of Custer currently hauls water to them and he believes he could do it cheaper. I told Mr. Pade that we would hold up on licensing for awhile until we could determine the extent of his use.

In talking with Eric and Ron, they felt that Water Permit No. 2079-3 did not cover use for commercial water hauling. An application will need to be submitted to change the use from industrial to commercial use. The Pade's will be responsible for a \$50.00 fee for the application and the cost of the advertising. The application will be able to retain the old priority date.

I called DelRon, he will visit with the Pade's about the requirements and send them application forms.



Genny McMath
Environmental Scientist



April 4, 1996

Sherry D. Pade
Rt 1, Box 55
Custer SD 57730

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Ms. Pade:

On April 27, 1995, you filed a Notice of Transfer of Water Permit No. 2079-2. Water Permit No. 2079-2 was originally approved for 45 gallons per minute from a well located in the NE 1/4 SW 1/4 Section 2-T4S-R4E for industrial use in a concrete operation.

On March 3, 1995, DelRon Peters, staff engineer, inspected this water permit and found the project works capable of diverting 25 gallons per minute. At the time of the inspection, the previous owners, D & H concrete (Bonita Harris) stated water would no longer be used in the concrete operation. It is our understanding that you were proposing to haul water from this well to area residents.

Is water from this well being hauled to area residents? If so, Water Permit No. 2079-3 should be amended to change the water use from industrial use to commercial use. Enclosed are application forms and instruction sheet for this purpose. The map and well log are already on file. The filing fee for this application to change water use is \$50.00. You will also be responsible for payment of the publication notice in your local newspaper.

If you have any questions regarding Water Permit No. 2079-3 or completing the application, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1997

Sherry D Pade
Rt 1 Box 55
Custer SD 57730

Dear Mrs. Pade:

This letter is regarding Water Permit No. 2079-2 which was transferred to you in April, 1995. Enclosed is a copy of April 4, 1996 letter requesting the status of water use from the well located in the NE 1/4 SW 1/4 Section 2-T4N-R4E.

Has the water use from this well changed from industrial to commercial? If so, an application needs to be submitted to amend Water Permit No. 2079-2 as stated in the April 4, 1996 letter. If you no longer have the forms sent to you in April, 1996, please contact us for additional forms.

Mrs. Pade, please take a few minutes to get in touch with us concerning the use of water being made from the well. If you have any questions, please contact myself or Genny McMath.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Dr. Stoddard

ADDRESS: Custer SD

DATE: 4-25-1997 **COUNTY:** CU **TELEPHONE:** 673-5344

RE: Change of use on Permit No. 2079-2

COMMENTS:

Dr. Stoddard called concerning my letter dated April 4, 1996 to Sherry Pade. Dr. Stoddard stated Sherry Pade was his wife. Dr. Stoddard stated they were using the well to haul water to area residents as did the previous owners. I explained to him that the previous owner's permit was for industrial use and did not include hauling water which is considered a commercial use. Dr. Stoddard stated he wanted to have the proper permits and would be submitting the application and required fees.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 1999

Sherry D Pade
Rt 1 Box 55
Custer SD 57730

Dear Ms. Pade:

This letter is in regard to Water Permit No. 2079-2 which was transferred to you in April, 1995. A review of Water Permit No. 2079-2 indicates the permit was originally approved for 45 gallons per minute from one well located in the NE ¼ SW ¼ Section 2-T4S-R4E for industrial use in a concrete operation.

An investigation in March, 1995 found the project works capable of diverting 25 gallons per minute. At the time of the investigation, the previous owners, D & H Concrete (Bonita Harris) stated water would no longer be used in the concrete operation. It was our understanding, you haul water from this well to area residents.

You were informed that Water Permit No. 2079-2 should be amended to change the water use from industrial use to commercial use. Application forms were sent to you. What is the status of water use from this well? Since completed application forms have not been returned, we are assuming that you do not want to apply for a change of use on Water Permit No. 2079-2 and consequently, we can schedule Water Permit No. 2079-2 for cancellation.

Please let us know the status of water use from the well authorized by Water Permit No. 2079-2. If we do not hear from you by **April 15, 1999**, we will schedule the permit for cancellation. You can not legally divert water for commercial use without a water permit.

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1999

Dr. Larry Stoddard
Box 114
Custer SD 57730

Dear Dr. Stoddard:

In reference to our phone conversation April 9, 1999 enclosed is a partially completed *Application for a Permit to Appropriate Water* for commercial use. In order to complete the application the following is required.

Please complete Item No. 1 of the application listing the current owner and mailing address. Review the application for accuracy. The application must be signed and notarized.

The application filing fee will be \$50. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit a total of \$100.

In our phone conversation, you indicated you would be responsible for any costs related to obtaining this water permit. You should be aware that a public notice will be prepared by our office and sent to a local newspaper to be published. Is it your intent to pay this cost also? If so, please let me know so we give the newspaper an accurate billing address.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Water Rights Program - File Documentation

Date: June 15, 1999

On March 14, 1995, DelRon Peters, staff engineer inspected Water Permit No. 2079-2 issued for industrial use. The investigation found system capable of diverting 0.06 cfs (25 gpm), but the concrete operation no longer existed.

At that time, the property was in the process of being sold to Sherry D Pade. The new owners were going to sell the well water. Ms. Pade was informed that a water permit application would need to be submitted for the change in use from industrial to commercial.

Sherry D Pade and Larry Stoddard (husband) have since that time sold the property to Earl & Martha Seado. On April 15, 1999, the Seado's filed the application to change the water use from industrial to commercial.

Permit No. 2079A-2 cancels the remaining 0.04 cfs (20 gpm) and the industrial use from Water Permit No. 2079-2.

Karen Schlaak

Karen Schlaak
Environmental Scientist

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2079A-2

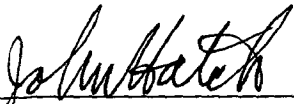
(1) Earl W (Bill) and & Martha E (Martie) Seado, RR 2 Box 213L, Custer SD 57730 made Application No. 2079A-2, April 15, 1999 for a water permit to divert 0.06 cubic feet of water per second (cfs) from groundwater (one well), Custer County, South Dakota for commercial use purposes. Permit No. 2079A-2, with a priority date of April 13, 1989 (established under No. 2079-2) was approved June 7, 1999 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.

Water Permit No. 2079-2 authorized 0.10 cfs from one well for industrial use. No. 2079A-2 authorized a change in use from industrial to commercial use. Permit No. 2079A-2 cancels the remaining 0.04 cfs and the industrial use from Water Permit No. 2079-2.

(2) It is certified that the permit holders have 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 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is NE ¼ SW ¼ (Tract H-E ½) Section 2-T4S-R4E.

(3) The permit holders have 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 Earl W (Bill) and & Martha E (Martie) Seado, RR 2 Box 213L, Custer SD 57730 the holders and/or owners of Water Right No. 2079A-2 are issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from groundwater (one well) with a priority date of April 13, 1989 from the location specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Right No. 2079A-2 and subject to South Dakota State Law.



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

AUG 5 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1999

Earl W & Martha Seado
RR 2 Box 213C
Custer SD 57730

Dear Mr. & Mrs. Seado:

Enclosed is Water Permit and License No. 2079A-2. The water license is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

ks

enclosures

c: Dr. Larry Stoddard



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 26, 2006

2079A-2

T & E Enterprises
PO Box 126
Sturgis SD 57785

Dear Sir:

Thank you for contacting us regarding the ownership change needed for Water Right No. 2079A-2. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JUN - 2 2006
WATER RIGHTS
PROGRAM

No. 2079A-2

Date: 1 JUN 06

I/We request that Water Right No. 2079A-2

formerly owned by: Earl W and Martha E Seado

be transferred to: (name & address) T+E ENTERPRISES (DAVID + GENE McPHERSON)
BOX 126, STURGIS, SD 57785

Telephone No. _____

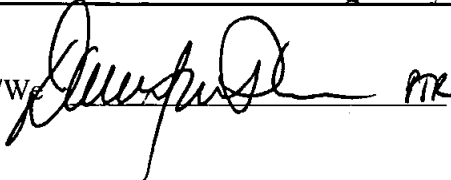
Title to the following described land(s)/property has been transferred as described above:

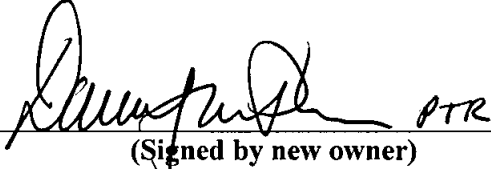
Diversion point location: NE ¼ SW ¼ Section 2, T4S, R4E

I/We understand that the validity of Water Right No. 2079A-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  PTK, the new owner, certify that the above information is true and correct.

 PTK
(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

Date June 2, 20 06

RECEIVED OF T & E Enterprises, Box 126, Sturgis SD 57785

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2079A-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

08475

By

Darland Erluke

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 2, 2006

2079A-2

David & Gene McPherson
T & E Enterprises
PO Box 126
Sturgis SD 57785-0126

Dear Sirs:

I am writing to acknowledge receipt of the ownership change and the filing fee you submitted for Water Right No. 2079A-2.

The transfer has been completed. The water right formerly held by Earl W and Martha E Seado is now listed in the name of "T & E Enterprises".

Enclosed is your Receipt No. 02475 in the amount of \$2.50. You may keep this for your records. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure