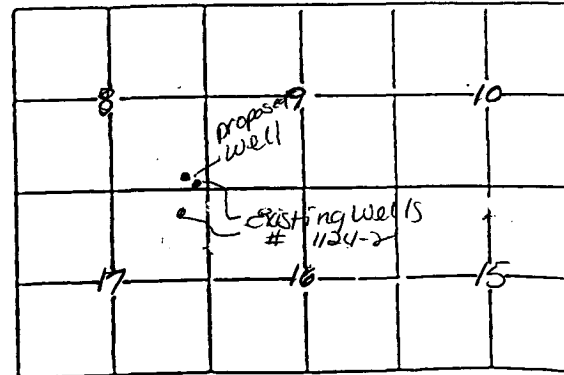


MAP No. Same 787-6/46Name of Applicant Chapel Lane Water CompanyPost Office Address P.O. Box 2536, Rapid City, SD 57209Amount of Water Claimed 1.17 cfs Total Acres _____Source of Water Supply groundwater - 1 wellWater to be used for Suburban housing County PenningtonAbout _____ miles near Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 15, 1989 Fee \$350⁰⁰ Remarks 2 existingWells under # 1124-2Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)W-1 Description same as Application YES NO REMARKS _____Diversion Point SE 1/4 SE 1/4 Section 8 - T1N - R7ELand to be Irrigated NAWell Log: Driller Taylor Licensed YES ✓ NO _____Depth of Well up to 900' REMARKS Logs from existing wellsSubmitted - this well has not been drilled yetType of Map Surveyors PREPARED BY Duane C. Scott Reviewed and the Numberassigned on July 7, 1989 By Susan A. Bowar

No. 2090-2 Hydrologic Unit 10120110
 Map No. same Basin Upper Chayenne
 Newspaper Rapid City Journal Box 450 57709

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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

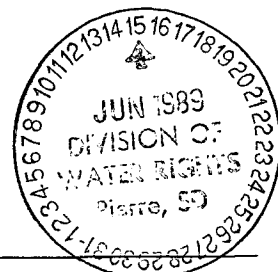
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ 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. _____



1. Name of Applicant Chapel Lane Water Company Phone No. 605/787-6146

Post Office Address P.O. Box 2536 Rapid City State SD 57709
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 1.17 cfs (525 gpm)

3. Source of water supply Madison Aquifer

4. Location of point of diversion Lot W, Block 2, plat of Chapel Lane Village; in the North
portion of Chapel Lane Village in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T1N, R7E, Black Hills Meridian,
Rapid City, Pennington County, S. Dakota County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Jan 1 through Dec. 31 every year hence

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)

Project will be a well, between 600 and 850 feet deep, constructed by Taylor Drilling Co. of Rapid City, SD. See attached Well completion report for a Minnelusa well located on the same lot as the proposed well for formations encountered. The proposed well will penetrate the Madison Aquifer for up to 200 feet or until sufficient water production capability is obtained.

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

STATE OF SOUTH DAKOTA
 County of Pennington

I, Chapel Lane Water Company, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed J. David Miller
J. David Miller, President of the Board

Subscribed and sworn to before me this 12 day of June 19 89

Barbara L. Cording
 Notary Public

SOUTH DAKOTA
TEMPORARY WATER PERMIT No. 2090-2

Date of first receipt of application June 15, 1989.

The Water Management Board approved Temporary Water Permit Application No. 2090-2 on September 28, 1989 for Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709 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. Temporary Water Permit No. 2090-2 authorizes the use of 1.17 cubic feet of water per second from one well (Madison Formation) up to 900 feet deep to be located in the SE1/4 SE1/4 section 8-T1N-R7E.
2. The water shall be used for the purpose of supplying the Chapel Lane Water Company and may not exceed the amount of water needed for beneficial use for suburban housing development.
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 right is June 15, 1989, if Permit No. 2090-2 is changed to a permanent appropriation and a water right.
5. One-fifth of the construction is to be completed on or before March 28, 1992.
6. All construction is to be completed on or before September 28, 1994.
7. Water is to be put to beneficial use on or before September 28, 1998.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this temporary permit.

QUALIFICATIONS

1. The well authorized by Temporary Permit No. 2090-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. The well approved under this Temporary 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.
3. Approval of Temporary Permit No. 2090-2 does not grant any water rights pursuant to SDCL 46-5-40. Temporary Permit No. 2090-2 may be cancelled pursuant to SDCL 46-5-40 following at least six months notice to the holder of No. 2090-2.

(continued)

Temporary Permit No. 2090-2

Page 2

4. Temporary Permit No. 2090-2 may be changed to be a permanent appropriation and a water right following notice and hearing before the Water Management Board, if subsequent study and development of the 9991 acre feet of water reserved by Future Use Permit No. 2086-2 shows that there will still be unappropriated water available for No. 2090-2 and that there will be no unlawful impairment of prior water rights. If No. 2090-2 is changed to a permanent water right, the priority date for No. 2090-2 will be June 15, 1989.

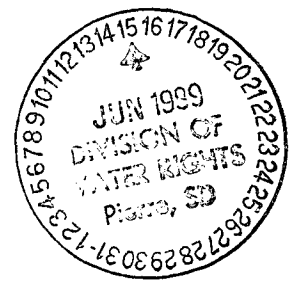
WATER MANAGEMENT BOARD

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

DEC 29 1989
(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 11" Depth up to 900 feet
- b) Casing Type Steel Diameter 8.625" Thickness .322"
- c) Screen Type none Diameter none Thickness none
- d) Gravel Pack Thickness does not apply Length of Gravel Pack does not apply
- e) Depth to Top of Water Bearing Material 650 feet (est.)
- f) Depth to Water (ground surface to water level) 5-10 feet (est.)
- g) Distance to nearest existing domestic well:
- On applicants property 40 feet On property owned by others 180 feet

2. Dugout Information Estimates

- a) Surface Dimensions does not apply Depth does not apply
- b) Depth to water (ground surface to water level) does not apply

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

none

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity
If Pipe, diameter

f) Secondary Spillway Capacity
Spillway width

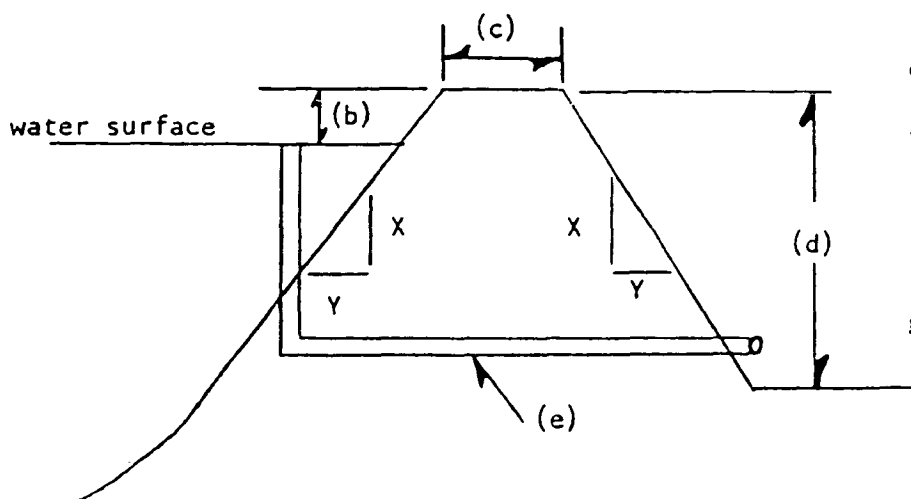
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



David Miller
Signature of Applicant
David Miller, President
Chapel Lane Water Company
4-87

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 19, 1989

RECEIVED OF Chapel Lan Water Col, Inc., PO Box 2536, Rapid City, SD 57709-0536

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

Fee for Application for Permit No. <u>20902</u> to Appropriate Water, to construct works and to put water to beneficial use _____	350	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 _____	350	00
Fee for _____		
(Any Other Work Provided by Law)	Total	350 00

By John Hatch (Mre)
Chief Engineer

JOHN PAUL GRIES

Consulting Geologist

238 ST. CHARLES STREET
RAPID CITY, SOUTH DAKOTA



Chapel Valley Water Well #3

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 1 N., R. 7 E.

Pennington Co., South Dakota

Drilled by Taylor Drilling Co., Rapid City

Completed drilling on May 8, 1991

Geologic log by J. P. Gries

Gamma Ray log by U. S. Geol. Survey

Elevation 3400 feet. Depth 940 feet.

7-inch casing to 640 feet, 6 5/8-in. open hole to bottom

Surface

0 - 40 Colluvium. Redbeds and Minnekahta limestone fragments

Minnelusa formation

- 40 - 55 limestone, pink to red, some recrystallized; trace coarse sand
75 sand, fine to medium, angular to round, white with trace pink
85 sand, as above, $\frac{1}{2}$; limestone, as above, $\frac{1}{2}$
95 sand, fine, mostly white; drills to free grains
135 sand, same, white to yellow
145 sand, same but coarser
165 sand, white to pink, poorly sorted, calcareous
175 sand, fine to medium, white to slightly pink; drills free
195 sand, same but well cemented
205 dolomite, very finely crystalline, tan to pink
215 dolomite, very finely crystalline more pink
225 dolomite, same, $\frac{1}{2}$; sand, as above, $\frac{1}{2}$
235 dolomite, same, $\frac{1}{3}$; sand, same, $\frac{2}{3}$
265 dolomite, argillaceous, red-brown to lavender
275 dolomite, same, $\frac{2}{3}$; sand, same, $\frac{1}{3}$
285 dolomite, same, $\frac{1}{2}$; sand, same, $\frac{1}{2}$
305 sand, fine to medium, white to slightly pink
315 sand, same, $\frac{1}{2}$; dolomite, finely crystalline, pink, $\frac{1}{2}$
325 sand, same, $\frac{1}{3}$; dolomite, same, $\frac{2}{3}$
335 dolomite same, drills to very fine powder
345 dolomite, very finely crystalline, pink to tan
355 sand, very fine, white, drills free
365 dolomite, very finely crystalline, tan to pink; some very sandy
375 dolomite, same, $\frac{1}{2}$; sand, fine, white, $\frac{1}{2}$
385 sand, fine, white with streaks dolomite as above
405 dolomite, very finely crystalline, lavender to tan
415 dolomite, same but more tan to gray
425 dolomite, same, $\frac{2}{3}$; sand, fine, white, $\frac{1}{3}$
475 dolomite, very finely crystalline, gray, tan, brown
485 probably same but drills to larger flakes
515 dolomite, fine to medium crystalline, white to tan and lavender
545 dolomite, same, more olive brown
465 dolomite, finely crystalline, mostly tan to white; trace free sand
475 dolomite, same, plus chert and dark red hematitic shale.

JOHN PAUL GRIES

Consulting Geologist

238 ST. CHARLES STREET
RAPID CITY, SOUTH DAKOTA



Madison (Pahasapa) limestone. Sample top 575 feet

- 575 - 585 dolomite, finely crystalline, calcareous, white to lavender
- 635 dolomite, calcareous, finely crystalline, mostly white
- 650 dolomite, finely crystalline, calcareous, white; trace red shale, caved? 7-inch casing at 640+ feet.
- 715 dolomite, finely crystalline, light brown to white
- 760 dolomite, fine to medium crystalline, very light tan to white
- 765 dolomite, fine to medium crystalline, slightly rhombic, light tan to white
- 780 dolomite, same but tanner and more rhombic grains
- 790 dolomite, same, white and tan streaks
- 810 dolomite, finely crystalline, less rhombic, tan to white
- 815 dolomite, same, plus some spar calcite
- 845 dolomite, fine to medium crystalline, very light tan to light brown
- 850 dolomite, same, traces spar calcite
- 900 dolomite, same; traces intergranular porosity
- 95 dolomite, fine to medium crystalline, some rhombic; some vuggy por.

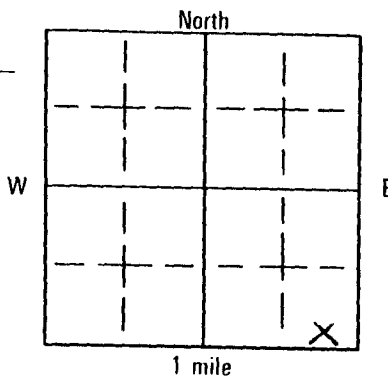
Englewood Formation. Sample top at 935 feet

- 935 - 940 dolomite, same and some new medium crystalline, pink with hematitic spots Last sample.

Note. These are filed at the Dept. Geology, S. D. School of Mines, Sample set No. 683.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 8 Twp 1N Rg 7ECounty
PenningtonPlease mark well
location with
an "X"Well Completion Date 3-8-91

PROPOSED USE:

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

Method of Drilling:

Air + Mud Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>40.5</u> LB/FT	<u>10 3/4</u> IN	<u>0</u> FT	<u>45</u> FT	<u>13 1/2</u> IN
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>676</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 646 FEETWhat is grouting material? cementIf cement, number of sacks? 120Describe grouting procedure pressure grouted
through casingWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorine solution circulated in wellBacteriological analysis ☒ YES ☐ NO

Well Owner:

Name Chapel Lane Water Co.

P.O. Box 2536 Rapid City, SD 57709

Address _____

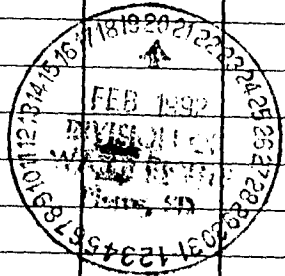
Well Log: _____

Depth

Formation

From

To

colluvium040Minnelusa40575Madison575935Englewood935940STATIC WATER LEVEL 0 FeetIf flowing: closed in pressure < 10 PSIGPM flow 2 through _____ inch pipeControlled by ☐ Valve ☐ Reducers ☒ OtherIf other, specify flowing well pitless adapt.Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

200 ft. After 1/2 Hrs. pumped 50 GPM400 ft. After 1/2 Hrs. pumped 100 GPM600 ft. After 1 Hrs. pumped 150 GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm TAYLOR DRILLING COMPANY

Signature of License Representative:

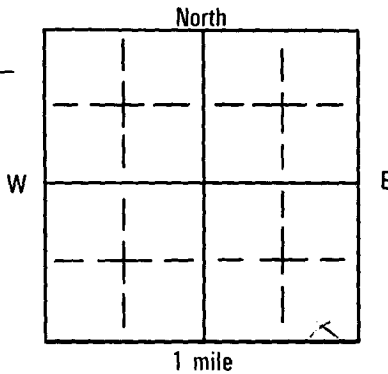
Ralph Taylor Jr.

Signature of Well Owner:

Date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 8 Twp 1 N Rg 7 ECounty
PenningtonPlease mark well
location with
an "X"Well Completion Date May 8, 1991

PROPOSED USE:

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

Method of Drilling:

Air + Mud Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>40</u> LB/FT	<u>10 3/4</u> IN	<u>0</u> FT	<u>45</u> FT	<u>13 1/2</u> IN
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>646</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 646 FEETWhat is grouting material? CementIf cement, number of sacks? 120Describe grouting procedure pressure grouted
through casingWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorine solution circulated in wellBacteriological analysis ☒ YES ☐ NOLaboratory sent to Twin City Testing

Well Owner: Att: Bob Powles

Name Chapel Lane Water Co.Address P.O. Box 2536 Rapid City, SD 57709

Well Log:

Depth

Formation	From	To
Gravel + red shale	0	45
pink limestone	45	75
white ss	75	95
yellow ss	95	105
white + creamy ss	105	205
red to purple limestone	205	245
red shale	245	255
red to purple + white L.S.	255	375
tan + purple limestone	375	445
red to purple limestone	445	545
tan to white L.S. + red shale	545	604
white to yellow L.S. + clay layers	604	632
tan L.S.	632	646
buff to tan limestone	646	938
purple limestone	938	970

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 1 1/2 through _____ inch pipeControlled by ☐ Valve ☐ Reducers ☒ OtherIf other; specify Flowing well pitless unitCan well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ BailedDescribe: Air developed☒ Other

Pumping Level Below Land Surface

200 ft. After 1/2 Hrs. pumped 50 GPM466 ft. After 1/2 Hrs. pumped 100 GPM600 ft. After 2 Hrs. pumped 150 GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm TAYLOR DRILLING COMPANY

Signature of License Representative:

Ralph Taylor Jr.

Signature of Well Owner:

Date _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

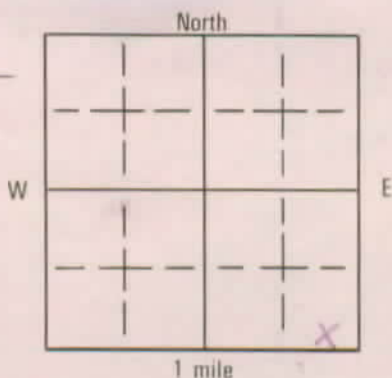
10-85

Location SW 1/4 SW 1/4 Sec 8 Twp 1 N Rg 7 E

County

Pennington

Please mark well location with an "X"

Well Completion Date 11-15-72

PROPOSED USE:

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

Method of Drilling:

Air Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

23 LB/FT 7 IN 0 FT 190 FT 8 3/4 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 140 FEETWhat is grouting material? CementIf cement, number of sacks? 15Describe grouting procedure Pressure grouted through casingWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter ____ IN Length ____ FEET

Material ____

Slot Size ____ Set From ____ Feet To ____ Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine tabs placed in wellBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Chapel Lane Water Co.Address P.O. Box 2536 Rapid City, SD 57709

Well Log:

Depth

Formation	From	To
<u>Red Shale</u>	<u>0</u>	<u>20</u>
<u>gravel + boulders</u>	<u>20</u>	<u>42</u>
<u>limestone</u>	<u>42</u>	<u>50</u>
<u>red shale + SS</u>	<u>50</u>	<u>70</u>
<u>Pink limestone</u>	<u>70</u>	<u>80</u>
<u>red shale</u>	<u>80</u>	<u>83</u>
<u>red SS w/ shale layers</u>	<u>83</u>	<u>222</u>
<u>limestone</u>	<u>222</u>	<u>246</u>
<u>red shale</u>	<u>246</u>	<u>257</u>
<u>red to purple limestone</u>	<u>257</u>	<u>360</u>
<u>w/ interbedded SS</u>		

STATIC WATER LEVEL 25 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☒ Other

Pumping Level Below Land Surface

360 ft. After 7 Hrs. pumped 100 GPM

____ ft. After ____ Hrs. pumped ____ GPM

____ ft. After ____ Hrs. pumped ____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Signature of Well Owner:

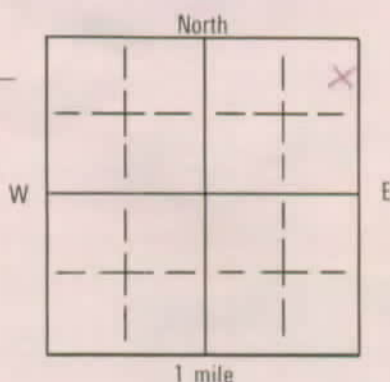
Date 27 May 89

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 NE 1/4 Sec 17 Twp 1N Rg 7ECounty Pennington

Please mark well location with an "X"

Well Completion Date Dec. 1974

PROPOSED USE:

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

Method of Drilling:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>24</u> LB/FT	<u>8 3/4</u> IN	<u>0</u> FT	<u>643</u> FT	<u>9 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 643 FEETWhat is grouting material? CementIf cement, number of sacks? 34Describe grouting procedure Pressure grouted through casingWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine 1000 placed in wellBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Chapel Lane Water Co.Address P.O. Box 2556 Rapid City SDWell Log: 57701

Depth

Formation	From	To
Gravel & shale	0	20
Red shale of gravel channel	20	40
Broken limestone	40	70
Pink & yellow SS	70	145
Red Limestone	145	170
Red yellow & white SS	170	270
Interbedded limestone & SS	270	420
Gray to white limestone	420	475
Sandstone	475	500
Red & white Limestone	500	615
White Limestone	615	643
Broken white Limestone	643	660
White Limestone	660	820

STATIC WATER LEVEL 12 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

42 ft. After _____ Hrs. pumped 330 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

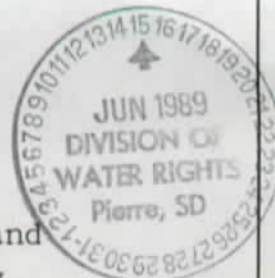
Drilling firm Taylor Drilling Co.

Signature of License Representative:

Ralph Taylor Jr.

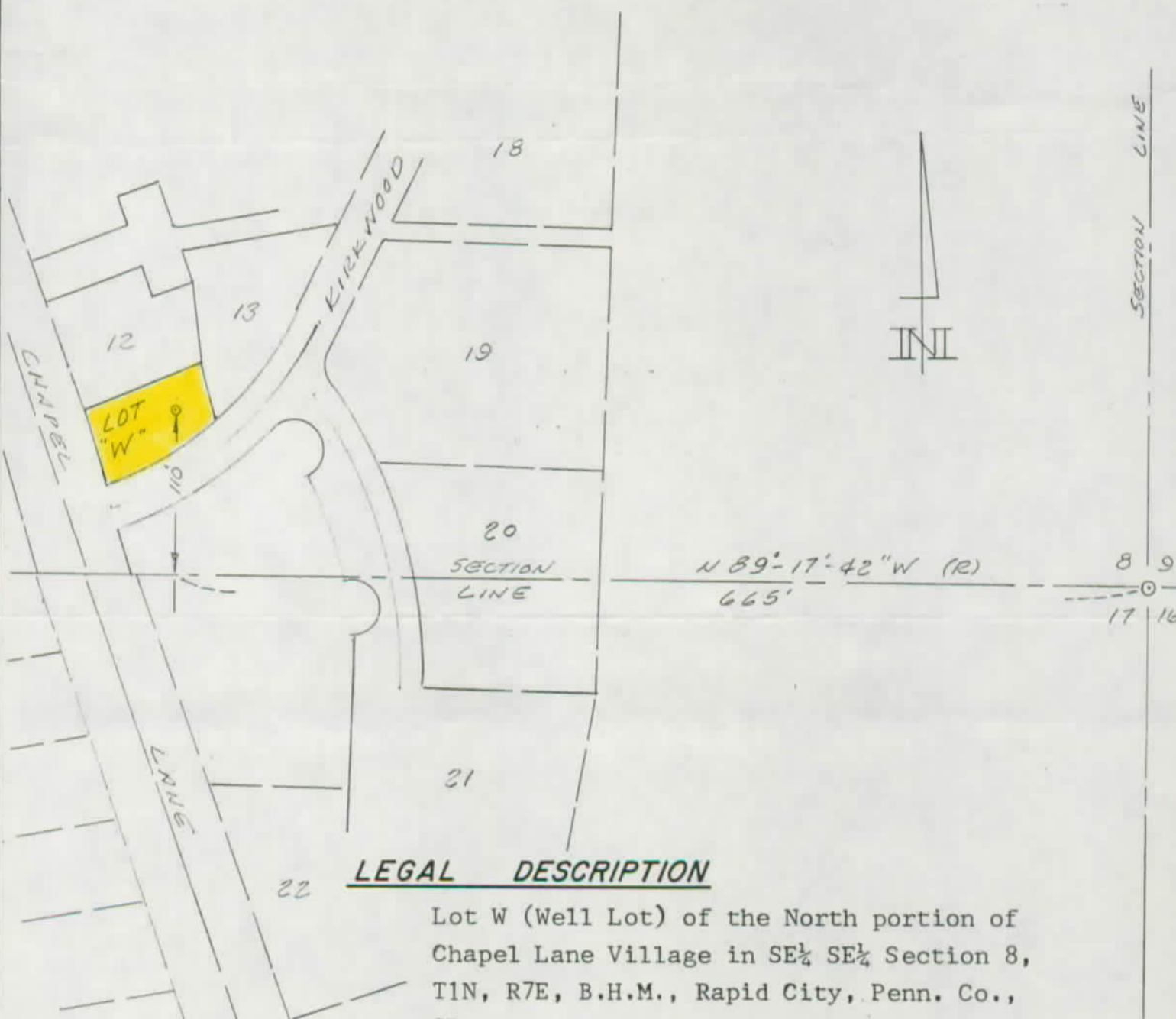
Signature of Well Owner:

Wendell Taylor Clinic ManagerDate 27 May 89



METES AND BOUNDS LOCATION FOR PROPOSED WELL

Beginning at the section corner common to Sections 8, 9, 16 and 17, T1N, R7E, B.H.M., Penn. Co., SD, thence: S 89 -17'-42" W a distance of six hundred sixty-five (665') feet more or less, thence North a distance of one hundred ten (110') feet more or less to a point on Well Lot W for the proposed well.



LEGAL DESCRIPTION

Lot W (Well Lot) of the North portion of Chapel Lane Village in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T1N, R7E, B.H.M., Rapid City, Penn. Co., SD.

SURVEYORS STATEMENT

I, Duane C. Scott, Registered Land Surveyor, do hereby state that the above shown proposed well location was made by me from an existing plat of record and that the same is correctly shown to the best of my knowledge, information and belief.

Appl. No.
2090-2

REGISTERED LAND SURVEYOR NO. 2540

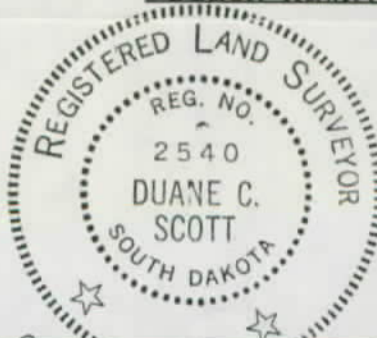
CLIENT

Chapel Lane Water Co.

Jack Issler, Manager

6701 Ridgeview Drive

Black Hawk, SD 57718



SCALE	DATE DRAWN	DRAWN BY	CHECKED BY	REVISED	FILE NUMBER
1"=100'	MAY 25 1989				89-17

Chapel Lane Water Company

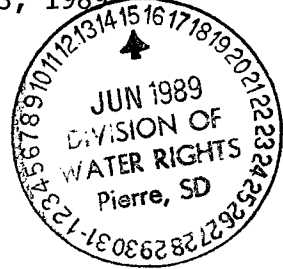
P. O. Box 2536 • RAPID CITY, SOUTH DAKOTA 57709

June 3, 1989

Water Rights Division, DWNR

Joe Foss Building

Pierre, SD 57501



Gentlemen:

Enclosed, please find an application for a water rights permit on behalf of the Chapel Lane Water Company. The Board of Directors has decided to augment the water supply capability of its existing two wells with a third well into the Madison aquifer. Two copies of Form 2, Form 2A, a map signed by a licensed surveyor showing the location of the proposed well in relation to a section corner, and two copies of SD Water Well Completion Report for each of the two existing wells. The proposed well into the Madison will be located within 50 feet of the Minnelusa well completed in November of 1972. The Madison well, completed in December, 1974, is approximately 100 yards south of the proposed new well. Also enclosed is a \$350.00 filing fee.

If you have any questions regarding the permit application, or any of the information contained herein, please contact Jack Issler, CLWC Manager at 6701 Ridgeview Drive, Black Hawk, SD 57718; telephone (605) 787-6146.

Thank you for your attention to this matter.

Sincerely,

J. David Miller, President of the Board
Chapel Lane Water Company

Encl: Form 2
 Form 2A
 D.C.Scott Map
 SD Water Well Completion Report-Minnelusa well; dated 11-15-72
 SD Water Well Completion Report-Madison well; dated Dec. 1974

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2090-2, Chapel Lane Water Company

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. 2090-2, Chapel Lane Company, PO Box 2536, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 2090-2 as a TEMPORARY PERMIT pursuant to SDCL 46-5-39 with the following qualifications:

1. The well authorized by Temporary Permit No. 2090-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. The well approved under this Temporary 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.
3. Approval of Temporary Permit No. 2090-2 does not grant any water rights pursuant to SDCL 46-5-40. Temporary Permit No. 2090-2 may be cancelled pursuant to SDCL 46-5-40 following at least six months notice to the holder of No. 2090-2.
4. Temporary Permit No. 2090-2 may be changed to be a permanent appropriation and a water right following notice and hearing before the Water Management Board, if subsequent study and development of the 9991 acre feet of water reserved by Future Use Permit No. 2086-2 shows that there will still be unappropriated water available for No. 2090-2 and that there will be no unlawful impairment of prior water rights. If No. 2090-2 is changed to a permanent water right, the priority date for No. 2090-2 will be June 15, 1989.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 10, 1989

Report on Application No. 2090-2
Chapel Lane Water Company
August 10, 1989

Water Permit Application No. 2090-2 was submitted for Chapel Lane Water Company of Rapid City, South Dakota (Pennington County) to appropriate 1.17 cubic feet of water per second (cfs) from one well, up to 900 feet deep, located in the SE1/4 SE1/4 of Section 8, T1N, R7E. The water is to be used to supply a suburban housing development.

Aquifer - Madison (MDSN)

The Madison Formation, also called the Pahasapa Limestone in the Black Hills, is a massive, light colored limestone and dolomite about 300 to 400 feet thick in this region. It is generally cavernous in the upper 1/2 of the formation. The Madison outcrops a few miles west of the applicant's proposed well site (Peter, 1985). In Pennington County, the aquifer underlies approximately 1.5 million acres with nearly 30 million acre-feet of recoverable water present (Allen, 1984).

In this region, recharge to the Madison Aquifer occurs mainly on the outcrop area which receives direct infiltration from precipitation and streams that cross the outcrop. Another source of recharge may be leakage from other aquifers. The aquifer is found primarily under artesian conditions with the general water gradient trending down dip, from west to east in this area (Peter, 1985). A study conducted by Woodward-Clyde Consultants, Inc. in 1981 estimated the recharge to the Madison & Minnelusa Aquifers in the Black Hills to be 140,000 to 400,000 acre-feet per year based on work by Rahn and Gries. Recharge to the combined aquifers was estimated at 1.8 inches to 5.3 inches per year (Hedges, 1985).

The Madison Aquifer discharges at down gradient springs, delivers some water to area wells, and also may leak into other aquifers. The Madison often has a higher potentiometric head than the overlying Minnelusa Formation and water may flow up into that aquifer. The quantity of loss to the Minnelusa and/or the underlying Deadwood Formation is unknown (Peter, 1985).

Well yields from the Madison can vary considerably depending upon aquifer permeability. This carbonate aquifer is more permeable where fracturing and subsequent solution channels have formed. Yields of over 500 gallons per minute (gpm) have been reported (Peter, 1985). The applicant is requesting 525 gpm to be delivered from one well. A Madison well drilled for the same applicant in 1974 is located approximately 300 feet south of the proposed well site. It was test pumped at 330 gpm with 30 feet of drawdown for a specific capacity of 11 gpm per foot of drawdown. The proposed withdrawal rate is high for a Madison well, but it should be able to produce this volume of water with sufficient drawdown of the well (WRD Permit Files, 1989).

One Water Rights Division Observation Well, PE-65A, is located in the aquifer approximately 1 1/2 miles northeast of the applicant's well. This well would flow at the surface and has a closed in pressure of approximately 50 to 65 psi. This translates as 115 to 150 feet of water. Hydrographs of the water levels in this observation well indicate that the aquifer levels tend to rise in the spring and summer and decline in the fall and winter. Water levels have followed the seasonal climatic changes, increasing in wet years and declining in dry years. No trends due to pumping activities are evident. The hydrograph is included with the report. (WRD Observation Well Files, 1989).

The Division of Water Rights is proposing to complete 4 observation wells in Rapid City this year. Two wells will be drilled in the Minnelusa Formation and 2 others in the Madison Formation. Two of the wells will be located near Cleghorn Springs and the other 2 near City Springs. The purpose of these wells is to help evaluate the testing of the Madison by the City of Rapid City, monitor leakage effects between the Madison and Minnelusa, evaluate pumping effects on spring flow and establish permanent monitoring stations.

Existing Water Rights

There are a number of permits in the area that take water from alluvium, springs, surface water streams, and the Minnelusa Formation. These various discharge points may effect the Madison Aquifer and conversely be influenced by withdrawals from the Madison Formation, because of the interconnection of the various water sources.

There are 7 permits in the Madison Aquifer located within 3 miles of this application. Permit Nos. 433-2 (Rapid City) and 1838-2 (Sitting Bull Water Company) have deep wells in the Madison Aquifer and are located between 1/2 and 3/4 mile away. Rapid City has future use Permit No. 439-2 for 12.75 cfs in 4 galleries located in the vicinity of the applicant's well. Permit No. 2085-2 for the City of Rapid City was approved at the July 26, 1989 Water Management Board meeting. A diversion rate of 8.01 cfs from the Madison Aquifer was approved from up to 6 wells to be drilled at 3 locations ranging from approximately 1.5 to 2.5 miles from the applicant's well. Also approved at this meeting was Future Use Permit No. 2086-2 for Rapid City. This permit reserves an annual appropriation of 9991 acre-feet from the Madison Formation to provide future municipal water supplies. Permit Application No. 2090-2 is located in this future use area and will have junior priority to any future withdrawals by the City of Rapid City. Permit No. 1124-2, which withdraws water from the Madison Formation, is owned by the applicant and is located approximately 300 feet from the one requested in the present application (WRD Permit Files, 1989).

Because of the quantity of water requested, the artesian nature of the aquifer, and the relatively close proximity to existing wells, there may be some drawdown in nearby permitted Madison

Aquifer wells. The effects should not be significant, except possibly between the two wells owned by the applicant which will be only 300 feet apart. The large capacity of the aquifer should negate any actual reduction in needed water supplies. Observation well data also indicate that aquifer water levels have not declined.

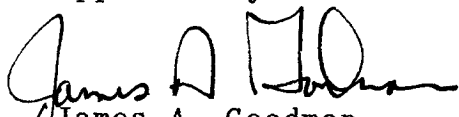
Conclusions

1. Permit Application No. 2090-2 is requesting 1.17 cfs from one well up to 900 feet deep to supply a suburban housing development.
2. The well will be drilled into the Madison Aquifer. This artesian bedrock aquifer may be connected to overlying and underlying aquifers.
3. Water Rights Division Observation Well No. PE-65A shows that water levels follow seasonal climatic conditions for the period of record. Four new observation wells are to be drilled in the area in the Madison and Minnelusa Formations to monitor the effects of pumping on area aquifers.
4. The applicant proposes to pump 525 gpm from the one well. The well should be able to produce this high volume of water because of the large capacity of the aquifer.
5. Other permits are located in the area which may experience some drawdown from this well, but the effects on the water supply should not be significant. Another well owned by the applicant is located approximately 300 feet from the proposed well. Some interference may result.
6. It has not been determined what effects Madison Aquifer withdrawals may have on area springs.
7. The well to be drilled for this permit must be constructed according to South Dakota Well Construction Standards.
8. Other domestic wells may be located in the area which use water from the aquifer.



Thomas M. Brandner
Natural Resources Engineer

Approved by:



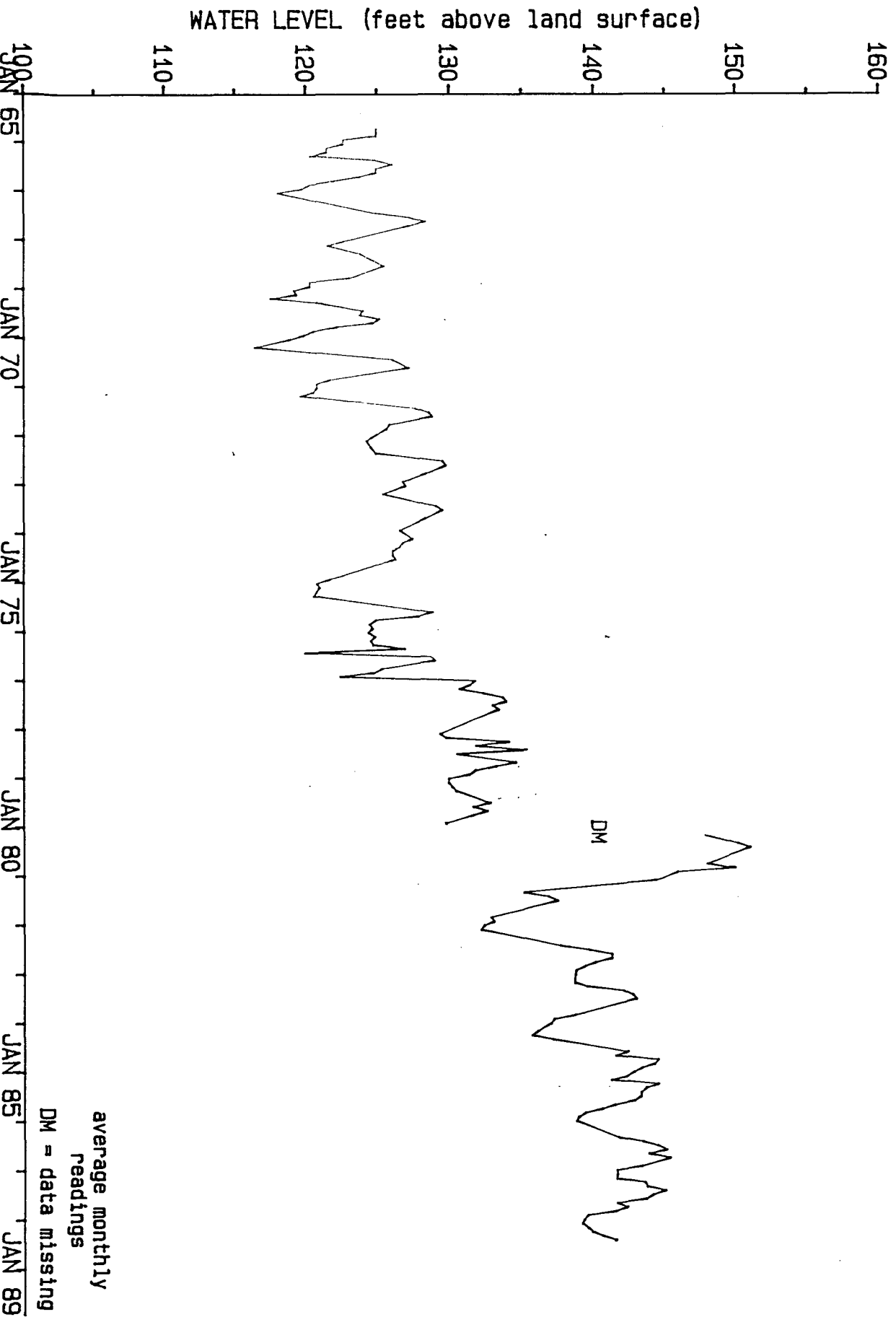
James A. Goodman
Hydrologist

References

- Allen, J.C., D.L. Iles, and A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory, Prepared for Planning Division, U.S. Army Corps of Engineers by DWNr Division of Geological Survey, Vermillion, South Dakota.
- Hedges, L.S. and S.L. Burch, 1985, Analysis of Ground-Water and Streamflow Data Western Dakotas Region of South Dakota, Task 3.D and 4.C: Ground Water Recharge, Prepared for Planning Division, U.S. Army Corps of Engineers, by DWNr Division of Geological Survey, Vermillion, South Dakota.
- Peter, Kathy D., 1985, Availability and Quality of Water from the Bedrock Aquifers in the Rapid City Area, South Dakota, USGS Water-Resources Investigations Report 85-4022. Prepared in Cooperation with the U.S. Bureau of Reclamation, Rapid City, South Dakota.
- Water Rights Division, 1989, Observation Well Logs and Permit Files, DWNr, Joe Foss Building, Pierre, South Dakota.

3/14/89

**MADISON AQUIFER OBSERVATION WELL
DIVISION OF WATER RIGHTS WELL SIOUX PARK #2**



SIoux PARK OBSERVATION WELL NO. 2

PSI

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	AVERAGE
1965	na	na	na	na	na	na	na	na	54.0	54.0	54.0	53.0	53.8
1966	53.0	52.5	52.5	52.0	54.0	54.5	54.0	54.0	53.5	52.8	52.0	51.8	53.0
1967	51.0	50.3	50.5	52.0	53.0	54.0	55.0	55.5	55.0	54.0	53.5	53.0	53.1
1968	53.0	52.5	52.5	53.5	53.8	54.0	54.3	54.3	53.8	53.2	52.0	52.0	53.2
1969	51.5	51.6	50.8	52.2	53.6	53.6	53.5	54.1	53.9	52.8	52.1	51.8	52.6
1970	51.4	51.4	50.3	51.4	53.8	54.5	55.0	55.0	54.2	53.6	52.6	52.2	53.0
1971	52.2	52.1	51.7	53.0	54.5	55.2	55.6	55.7	55.3	54.4	54.3	54.1	54.0
1972	53.9	53.7	53.8	53.9	54.0	54.9	56.0	56.1	55.9	55.5	55.0	54.8	54.8
1973	54.9	54.7	54.2	54.3	55.4	55.8	56.0	55.9	55.5	55.3	54.7	54.7	55.1
1974	55.0	55.1	54.8	54.7	54.5	54.5	54.6	54.2	53.9	53.7	53.0	52.6	54.1
1975	52.2	52.3	52.1	52.1	53.5	54.5	54.8	55.7	55.3	54.0	53.8	53.9	53.7
1976	53.8	54.0	53.8	53.9	54.9	51.8	55.6	55.8	55.3	54.2	53.9	52.9	54.2
1977	57.0	56.8	56.5	57.2	57.8	57.9	57.5	57.7	58.3	57.6	56.9	56.7	57.3
1978	56.3	55.9	56.1	58.0	57.0	58.5	56.4	58.2	58.2	57.6	57.0	56.8	57.2
1979	56.2	56.2	56.3	56.4	56.8	57.0	57.5	56.9	57.4	57.0	56.3	56.1	56.7
1980	na	na	63.9	64.3	64.9	65.3	65.1	64.7	64.2	64.0	64.9	63.1	64.4
1981	63.1	62.4	58.0	58.1	58.4	59.2	59.5	59.1	58.6	58.0	57.5	57.6	59.1
1982	57.3	57.2	57.4	57.8	58.2	59.5	60.4	61.1	61.1	60.6	60.3	60.0	59.2
1983	60.0	59.9	59.9	60.3	61.4	61.7	61.8	61.7	61.2	60.3	60.0	59.3	60.6
1984	59.2	59.2	58.8	58.7	59.3	60.8	61.5	61.6	61.2	62.5	62.4	62.0	60.6
1985	61.7	61.5	61.1	62.5	62.1	62.0	62.0	61.8	61.2	60.8	60.3	60.1	61.4
1986	60.0	60.0	60.0	60.0	61.3	62.0	62.5	62.8	62.2	62.9	62.0	62.0	61.5
1987	61.2	61.3	61.2	62.1	62.2	62.7	62.3	62.1	61.2	61.6	61.2	60.4	61.6
1988	60.2	60.2	60.4	60.5	60.8	61.2	61.2	60.8	60.4	60.0	59.4	58.9	60.3

SIoux PARK OBSERVATION WELL NO. 2

FT. of WATER

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	AVERAGE
1965	NA	NA	NA	NA	NA	NA	NA	NA	124.74	124.74	124.74	122.43	124.28
1966	122.43	121.28	121.28	120.12	124.74	125.90	124.74	124.74	123.59	121.65	120.12	119.54	122.53
1967	117.01	116.00	116.66	120.12	122.43	124.74	127.05	128.21	127.05	124.74	123.59	122.43	122.57
1968	122.43	121.28	121.28	123.59	124.16	124.74	125.32	125.32	124.16	122.69	120.12	120.12	122.95
1969	118.97	119.20	117.35	120.58	123.82	123.82	123.59	124.97	124.51	121.97	120.35	119.86	121.56
1970	118.73	118.73	116.19	118.73	124.28	125.90	127.05	127.05	125.20	123.82	121.51	120.58	122.31
1971	120.58	120.35	119.43	122.43	125.90	127.51	128.44	128.67	127.74	125.66	125.43	124.97	124.76
1972	124.51	124.05	124.28	124.51	124.74	126.82	129.36	129.59	129.13	128.21	127.05	126.59	126.57
1973	126.82	126.36	125.20	125.43	127.97	128.90	129.36	129.13	128.21	127.74	126.36	126.36	127.37
1974	127.05	127.28	126.59	126.36	125.90	125.90	126.13	125.20	124.51	124.05	122.43	121.51	125.08
1975	120.58	120.81	120.35	120.35	123.59	125.90	126.59	128.67	127.74	124.74	124.28	124.51	124.01
1976	124.16	124.69	124.35	124.56	126.77	119.70	128.53	128.85	127.84	125.16	124.60	122.20	125.12
1977	131.67	131.28	130.52	132.20	133.52	133.80	132.83	133.29	134.67	133.01	131.44	130.91	132.43
1978	130.05	129.13	129.59	133.98	131.67	135.14	130.28	134.44	134.44	133.06	131.67	131.21	132.06
1979	129.78	129.75	130.05	130.28	131.12	131.67	132.71	131.51	132.50	131.55	129.96	129.59	130.87
1980	ERR	ERR	147.58	148.60	150.21	150.89	150.29	149.39	148.39	147.82	149.83	149.78	146.76
1981	145.85	144.21	134.03	134.12	134.93	136.60	137.35	136.43	135.39	134.05	132.71	132.96	136.56
1982	132.25	132.02	132.55	133.52	134.40	137.47	139.48	141.09	141.09	139.98	139.18	138.58	136.88
1983	138.51	138.46	138.46	139.38	141.93	142.53	142.83	142.48	141.46	139.39	138.51	137.08	140.05
1984	136.84	136.84	135.92	135.53	136.98	140.47	142.07	142.23	141.33	144.35	144.10	143.20	139.99
1985	142.62	142.16	141.03	144.38	143.52	143.13	143.15	142.67	141.33	140.42	139.22	138.76	141.86
1986	138.00	138.60	138.60	138.60	141.60	143.22	144.31	144.95	143.68	145.25	143.20	143.22	141.99
1987	141.44	141.49	141.42	143.43	143.61	144.88	144.01	143.54	141.46	142.80	141.35	139.41	142.35
1988	139.13	138.97	139.43	139.73	140.47	141.40	141.28	140.45	139.57	138.95	137.28	136.81	139.35



Department of Water & Natural Resources

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

August 25, 1989

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

J David Miller, President
Chapel Lane Water Company
PO Box 2536
Rapid City SD 57709

Dear Mr. Miller:

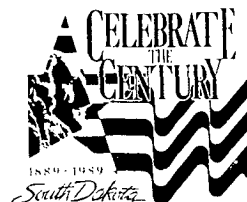
Water Permit Application No. 2090-2 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD. For your information, a copy of 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 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 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
605 773-3352

enclosures





Department of Water & Natural Resources

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

August 25, 1989

Rapid City Journal
Box 450
Rapid City SD 57709

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2090-2 to be published twice. Please publish the first notice on or before August 31, 1989 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 the Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709.

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

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

No. _____

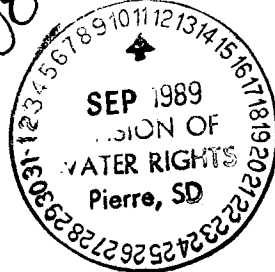
Date _____

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

OK
Jack Issler
206-887-8573



Instruction to Newspaper - Publish first Notice on or before August 31, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2090-2 to Appropriate Water

Notice is given that Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.17 cubic feet of water per second from one well (Madison Formation) up to 900 feet deep located in the SE 1/4 SE 1/4 Section 8-T1N-R7E. Water is to be used to supply a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2090-2 as a TEMPORARY Permit pursuant to SDCL 46-5-39. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre on September 27, 1989 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 September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (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 September 15, 1989.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Mary K. Garness
 certify that the attached printed Notice 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:

August 31, 1989

September 7, 1989

Mary K. Garness
 (Signature)

Bookkeeper
 (Title)

September 7, 1989
 (Date Signed)

Cost of Printing: Ran 7 10/16 inches legal advertising
in the Rapid City Journal on August 31 &
September 7 @ \$4.20 per inch = \$64.06

Aug. 31, Sept. 7 L272

NOTICE OF HEARING
 On Application No. 2090-2
 to Appropriate Water

Notice is given that Chapel Lane Water Company, P.O. Box 2536, Rapid City, SD 57709 has filed an application for a water permit to appropriate 1.17 cubic feet of water per second from one well (Madison Formation) up to 900 feet deep located in the SE 1/4 SE 1/4, Section 8-T1N-R7E. Water is to be used to supply a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2090-2 as a TEMPORARY Permit pursuant to SDCL 46-5-39. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre on September 27, 1989 at 10:00 a.m. 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 September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (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 September 16, 1989.

This application is made pursuant to SDCL 46-1-1 thru 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; and Board Rules A R S D 74:02:01:01 thru 74:02:01:15.



Water & Natural Resources

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

DEC 29 1989

Chapel Lane Water Company
PO Box 2536
Rapid City SD 57709

Dear Sir:

Enclosed is Temporary Water Permit No. 2090-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Temporary Water Permit.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive style with a large, stylized "H" and a long, sweeping underline.

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

enclosures

Temporary Permit No. 2090-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have on this day, 1/12/2011 thorough examination of the water use system constructed by **Chapel Lane Water Company, PO Box 2536, Rapid City, SD 57709** holder of Temporary Permit No. 2090-2, bearing the priority date of June 15, 1989. Temporary Permit No. 2090-2 is authorized to appropriate a total of 1.17 cfs (525 gpm) from one groundwater well (**Madison Aquifer**) for **Suburban housing purposes**, in **Pennington County**.

Inspection contact and relationship to
permit holder, if applicable:

Bob Powles,
Manager

A. Works used to divert the water:

A Grundfos submersible pump - 300 gallons per minute capacity (0.67 cfs).

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

Suburban housing distribution system.

The system is in the following condition good. The point of diversion (well) is located specifically at **Lat/Lon - N44.053351/W-103.294885 which is the approximately 125 feet north and 700 feet west of the SE corner of Section 8, T1N, R7E.** The works are capable of diverting 0.67 cfs which is to be used for **suburban housing purposes**.

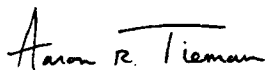
Water has been put to beneficial use to the extent of 0.67 cfs.

All structures, wells and lands on map Y

Exceptions to compliance are: none.

Comments: Qualification #4 from Water Permit No. 2090-2 states:

Temporary Permit No. 2090-2 may be changed to be a permanent appropriation and a water right following notice and hearing before the Water Management Board, if subsequent study and development of the 9991 acre feet of water reserved by Future Use Permit No. 2086-2 shows that there will still be unappropriated water available for No. 2090-2 and that there will be no unlawful impairment of prior water rights. If No. 2090-2 is changed to a permanent water right, the priority date for No. 2090-2 will be June 15, 1989.



Aaron Tieman
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: March 14, 2011

FIELD INVESTIGATION REPORT FOR TEMPORARY PERMIT NO. 2090-2

DATE OF INVESTIGATION:	January 12, 2011
NAME & ADDRESS OF PERMIT HOLDER	Chapel Lane Water Company PO Box 2536 Rapid City, SD 57709
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Bob Powles (Manager)
DIVERSION POINT LEGAL LOCATION	SE¼ SE¼ Section 8, T1N-R7E
WATER SUPPLY SOURCE	Ground water, Madison Aquifer

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: **Taylor Drilling**
- 2) No. of Wells **One**
- 3) Depth(s) **940** feet
- 4) Well log is available **yes**
- 5) Comment:

Casing:

- 1) Diameter: **10³/₄** inches Diameter **7** inches
- 2) Length: **45** feet Length: **646** feet
- 3) Type: **Steel** Type: **Steel**

Screen:

- 1) Type: **Open Hole**
- 2) Length: **N/A** feet
- 3) Static water level: **Flowing approximately 1.5 gpm**

Pump:

- 1) Make: **Grundfos**
- 2) Model: **300S500-13**
- 3) Capacity: **300** GPM

Motor:

- 1) Make: **Franklin**
- 2) Model No.:
- 3) Horsepower rating: **50** hp

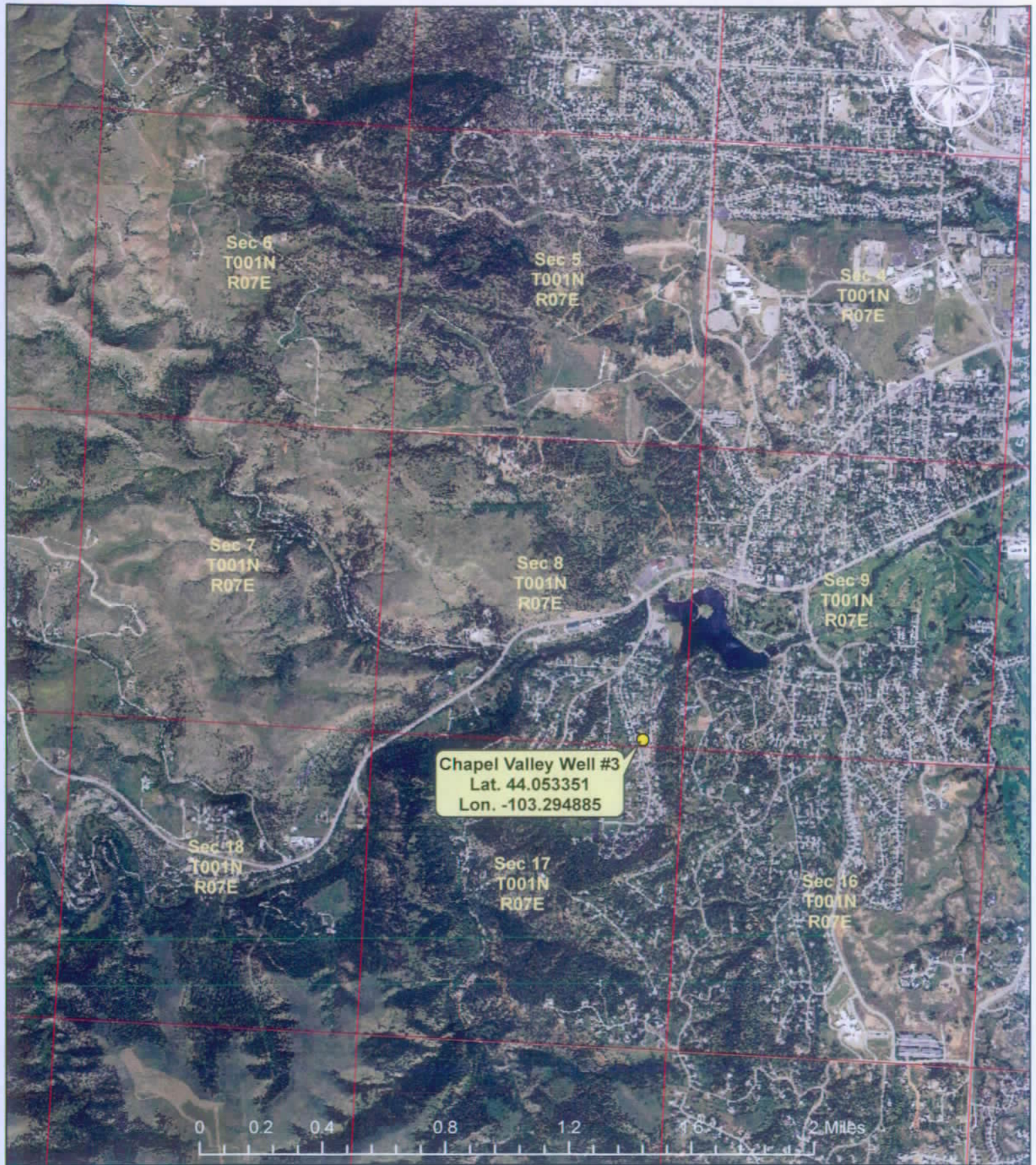
DISTRIBUTION LINES OR CANALS:

- 1) Type: **Suburban housing distribution system**

PERMIT QUALIFICATIONS:

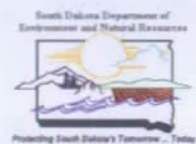
- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**

COMMENTS:



Aaron R Tieman

Aaron Tieman
Natural Resources Project Engineer
DENR Water Rights Program



June 8, 2011

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 31238
Billings MT 59107

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Hearing notice for Chapel Lane Water Company Permit #2090-2

AMOUNT: \$208.80

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Maubail Cabel 6/8/11

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Rapid City Journal

Classified Advertising Invoice

RECEIVED

JUN - 8 2011

**WATER RIGHTS
PROGRAM**

**Rapid City Journal &
Black Hills Weekly Group
PO Box 31238
Billings, MT 59107-1238
(877) 510-6397**

DEPARTMENT OF ENVIRONMENT & NATURAL RESOUR
Drinking Water Program
PMB 2020
523 E Capitol Ave, Joe Foss Building
Pierre SD 57501

CWR

Customer: 60004891
Phone: (605) 773-3153
Date: 06/03/2011

Date	Order #	Type	Order Amt
06/03/11	20584060	INV	208.80

Amount Paid: _____

Card #: _____

Check Number: _____

Signature: _____



Exp Date: _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Date	Order #	Type	Description	Lines	Times Run	Order Amount	Net Amt Due
06/03/11	20584060	INV	May 27, June 3 L20584060 NOTIC Start 05/27/11 End 06/03/11 Rapid City Journal	180.00	2.00	208.80	208.80

Please return invoice or put order number on check. Thank You.

Remarks

Total Due: 208.80

**RAPID CITY JOURNAL &
BLACK HILLS WEEKLY GROUP
PO BOX 31238
Billings, MT 59107-1238
(877) 510-6397**

Rapid City Journal - Patriot - Meade County Times
Lawrence County Journal - Butte County Post
Hot Springs Star - Chadron Record

May 27, June 3 L20584060
NOTICE OF HEARING for TEMPO-
RARY USE WATER PERMIT NO.
2090-2, Chapel Lane Water Company
Notice is given of hearing regarding
changing Temporary Use Water Per-
mit No. 2090-2 held by Chapel Lane
Water Company, PO Box 2536, Rapid
City SD 57709 to a permanent appro-
priation of water.

Temporary Use Water Permit No.
2090-2 was issued in 1989 to authorize
a temporary use of 1.17 cubic feet of
water per second (cfs) from one well
completed in the Madison Aquifer lo-
cated in the SE 1/4 SE 1/4 Section 8,
T1N, R7E. An inspection of the water
system found the works in place and
capable of producing 0.67 cfs.

The permit was issued as a tempo-
rary use permit pursuant to SDCL
46-5-39 and conditioned in a manner
such to not grant standing as a water

right. A condition does provide that
this temporary use permit may be
changed to a permanent water right
following notice and hearing before
the Water Management Board if it is
determined that unappropriated
water is available and existing water
rights will not be unlawfully im-
paired.

Since this temporary use permit was
issued, the Black Hills Hydrology
Study has been completed providing
annual recharge estimates to the
Madison Aquifer. Based on those es-
timates, unappropriated water is
available from the aquifer. The tem-
porary use permit has been in place
for 22 years and there has been no re-
ported unlawful impairment of any
prior water rights.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends Temporary
Use Permit No. 2090-2 be changed to
a permanent water right with quali-
fications including a 20-year term pur-
suant to SDCL 46-1-14 because 1)
there is reasonable probability that
there is unappropriated water availa-
ble, and 2) the proposed diversion has
been developed without unlawful im-
pairment of existing rights. The re-
sult of this action will be that a water
license will be issued for the well at
the developed diversion rate of 0.67
cfs.

Any person interested in opposing or
supporting this action must file a
written petition with BOTH the per-
mit holder and Chief Engineer.
Chapel Lane Water Company must
also file a petition if opposed to the
Chief Engineer's recommendation.
The Chief Engineer's address is
"Water Rights Program, Foss Build-
ing, 523 E Capitol, Pierre SD 57501
(605 773-3352)" and the permit holder's
mailing address is given above. A pe-
tition filed by either an interested per-
son or the permit holder must be filed
by July 1, 2011. The petition may be
informal, but must include a state-
ment describing the petitioner's inter-
est in this matter, the petitioner's re-
asons for opposing or supporting the
proposed change, and the signature
and mailing address of the petitioner
or the petitioner's legal counsel, if le-
gal counsel is obtained.

The Water Management Board will
conduct a hearing on this matter at
10:30 AM CDT on July 13, 2011 in the
Matthew Training Center, Joe Foss
Building, 523 E Capitol Ave. Pierre,
SD. The Chief Engineer's recommen-
dation is not final or binding upon the
Board. The Board is authorized to 1)
approve as a permanent permit, 2)
defer, or 3) take no action based on
the facts presented at the public hear-
ing. The July 13, 2011 hearing date
will be automatically delayed for at
least 20 days upon written request to
the Chief Engineer from the Chapel
Lane Water Company or any inter-
ested person opposing the proposed
action. The request for an automatic
delay must be filed by July 1, 2011.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

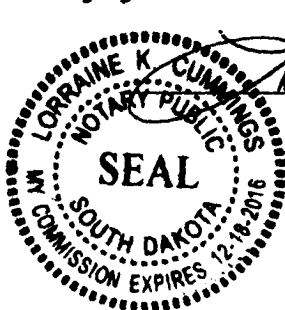
RECEIVED

JUN - 8 2011

WATER RIGHTS
PROGRAM

Brandyn Crawford being first duly sworn, upon his/her oath says:
That he/she is now and was at all time hereinafter mentioned, an
employee of the RAPID CITY JOURNAL, a corporation of Rapid
City, South Dakota, the owner and publisher of the RAPID CITY
JOURNAL, a legal and daily newspaper printed and published in
Rapid City, in said County of Pennington, and has full and
personal knowledge of all the facts herein stated as follows: that
said newspaper is and at all of the times herein mentioned has been
a legal and daily newspaper with a bonafide paid circulation of at
least Two Hundred copies daily, and has been printed and published
in the English language, at and within an office maintained by the
owner and publisher thereof, at Rapid City, in said Pennington
County, and has been admitted to the United States mail under the
second class mailing privilege for at least one year prior to the
publication herein mentioned; that the advertisement, a printed
copy of which, taken from said Rapid City Journal, the paper in
which the same was published, is attached to this sheet and made a
part of this affidavit, was published in said paper once each
week for two successive
weeks, the first publication there of being on the
fourteenth day of May that the fees charged for
the publication there of are two hundred eight dollars
and eighty cents.

Subscribed and sworn to before me this thru
day of June, 2011.



Notary public

Lorraine K. Cummings
Dec. 18, 2016
My commission expires

IN THE _____ COURT
COUNTY OF PENNINGTON

The hearing may be an adversary proceeding. Any person filing a petition and/or the permit holder have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by July 1, 2011, at the above Water Rights Program address to request copies of information pertaining to this issue. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Since this proposed action does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 1, 2011.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$208.80.

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on _____

the _____ day of _____
19 _____

Attorney for _____



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 20, 2011

Rapid City Journal
PO Box 450
Rapid City SD 57709

ATTENTION: Legal Public Notice

Enclosed is a Notice on Temporary Use Permit No. 2090-2 to be published twice. Please publish the first notice on May 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the Water Rights Program for the cost of publication.

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.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2090-2

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

Date _____

We are in receipt of your letter of May 20, 2011 enclosing Notice on Temporary Use Permit No. 2090-2 which was first published in our issue of May 27, 2011. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



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 20, 2011

Bob Powles, Manager
Chapel Lane Water Company
PO Box 2536
Rapid City SD 57709

Dear Mr. Powles:

A hearing is being scheduled before the Water Management Board regarding changing Temporary Use Permit No. 2090-2 held by Chapel Lane Water Company to a permanent appropriation of water. A notice has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). For your information, a copy of the notice, the recommendation of the Chief Engineer and report on this matter are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

The recommendation is to change the permit to a permanent water right and license for the developed diversion rate of 0.67 cubic feet of water per second (300 gpm). The recommendation also proposes deletion of qualification Nos. 3 and 4 original assigned to the permit and adding a qualification to reflect that the permit is for a 20 year term. This is to be consistent with how all Madison Aquifer water permits are currently issued. The priority date of June 15, 1989 will be retained.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

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.

Instruction to Newspaper - Publish first Notice on May 27, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING for TEMPORARY USE WATER PERMIT NO. 2090-2, Chapel Lane Water Company

Notice is given of hearing regarding changing Temporary Use Water Permit No. 2090-2 held by Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709 to a permanent appropriation of water.

Temporary Use Water Permit No. 2090-2 was issued in 1989 to authorize a temporary use of 1.17 cubic feet of water per second (cfs) from one well completed in the Madison Aquifer located in the SE ¼ SE ¼ Section 8, T1N, R7E. An inspection of the water system found the works in place and capable of producing 0.67 cfs.

The permit was issued as a temporary use permit pursuant to SDCL 46-5-39 and conditioned in a manner such to not grant standing as a water right. A condition does provide that this temporary use permit may be changed to a permanent water right following notice and hearing before the Water Management Board if it is determined that unappropriated water is available and existing water rights will not be unlawfully impaired.

Since this temporary use permit was issued, the Black Hills Hydrology Study has been completed providing annual recharge estimates to the Madison Aquifer. Based on those estimates, unappropriated water is available from the aquifer. The temporary use permit has been in place for 22 years and there has been no reported unlawful impairment of any prior water rights.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Temporary Use Permit No. 2090-2 be changed to a permanent water right with qualifications including a 20-year term pursuant to SDCL 46-1-14 because 1) there is reasonable probability that there is unappropriated water available, and 2) the proposed diversion has been developed without unlawful impairment of existing rights. The result of this action will be that a water license will be issued for the well at the developed diversion rate of 0.67 cfs.

Any person interested in opposing or supporting this action must file a written petition with BOTH the permit holder and Chief Engineer. Chapel Lane Water Company must also file a petition if opposed to 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 permit holder's mailing address is given above. A petition filed by either an interested person or the permit holder must be filed by July 1, 2011. The petition may be informal, but must include a statement describing the petitioner's interest in this matter, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will conduct a hearing on this matter at 10:30 AM CDT on July 13, 2011 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Ave. Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve as a permanent permit, 2) defer, or 3) take no action based on the facts presented at the public hearing. The July 13, 2011 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the Chapel Lane Water Company or any interested person opposing the proposed action. The request for an automatic delay must be filed by July 1, 2011.

The hearing may be an adversary proceeding. Any person filing a petition and/or the permit holder have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by July 1, 2011, at the above Water Rights Program address to request copies of information pertaining to this issue. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place.

Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Since this proposed action does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 1, 2011.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR TEMPORARY USE WATER PERMIT
NO. 2090-2, Chapel Lane Water Company**

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 Temporary Use Permit No. 2090-2, Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709.

The Chief Engineer recommends Temporary Use Permit No. 2090-2 be changed to a PERMANENT WATER RIGHT with qualifications including a 20-year term pursuant to SDCL 46-1-14 because 1) there is reasonable probability that there is unappropriated water available, and 2) the proposed diversion has been developed without unlawful impairment of existing rights. The result of this action will be that a water license will be issued for the well at the developed diversion rate of 0.67 cfs with the following qualifications:

1. Water Permit No. 2090-2 is for a twenty year term. The twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2090-2 may also be cancelled for forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 19, 2011

REPORT TO THE CHIEF ENGINEER REGARDING CHANGING TEMPORARY USE WATER PERMIT NO. 2090-2 TO A PERMANENT WATER RIGHT

Background

Temporary Use Water Permit No. 2090-2 was issued to Chapel Lane Water Company in 1989 to authorize a temporary use of 1.17 cubic feet of water per second (cfs) from one well completed in the Madison Aquifer located in the SE ¼ SE ¼ Section 8, T1N, R7E. An inspection conducted by Aaron Tieman in January 2011 found the water system in place and capable of producing 0.67 cfs. At that time, Bob Powles, the system's operator, inquired about changing the permit to a permanent appropriation of water.

Application No. 2090-2 was granted and issued as a temporary use permit pursuant to SDCL 46-5-39. Qualification No. 4 on the permit provides that this temporary use permit may be changed to a permanent water right following notice and hearing before the Water Management Board if subsequent study and development of the 9,991 acre feet of water reserved by Future Use Permit No. 2086-2 shows that there will still be unappropriated water available and that there will be no unlawful impairment of prior water rights.

Water Availability

Qualification No. 4 states that to change Temporary Use Permit No. 2090-2 to a permanent appropriation, subsequent study and development of the 9,991 acre feet of water reserved by Future Use Permit No. 2086-2 must show that there will still be unappropriated water available. Currently, 4,075 acre feet of water remains in reserve from the Madison Aquifer under No. 2086-2.

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. The Black Hills Hydrology Study estimated the average annually recharge to the Madison Aquifer from 1931 – 1998 to be approximately 137,000 acre feet of water annually (Carter and others, 2001a).

Withdrawal from wells completed into the Madison Aquifer were estimated to be 19,864 acre feet in a 2008 report for Water Permit No. 2631-2 (Water Rights, 2008). This estimate factored in current withdrawals and water reserved for future development. This estimate was updated for the most recent new water permit application processed for the Madison Aquifer in June 2010. This review concluded that changes due to new appropriations and cancellations since the 2008 review result in a total well withdrawal estimate of just over 20,000 acre feet of water annually.

A simple water balance of estimated average annual recharge and estimated withdrawals of existing Madison Aquifer diversions clearly indicate that unappropriated water is available.

Affects on Existing Rights

Qualification No. 4 also states that to change Temporary Use Permit No. 2090-2 to a permanent appropriation that there will be no unlawful impairment of prior water rights.

The Madison Aquifer is under artesian conditions in the area. Pumping a well will result in drawdown. Wells supplying existing water rights are protected from adverse impacts by Water Management Board rules. These rules provide for regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for prior appropriator's wells that have the ability to produce water independent of artesian pressure. In other words, the pump placement in a well is not necessarily protected. Regardless, well interference (drawdown) measured at observation wells located near municipal wells in Rapid City have not been significant.

The nearest well completed into Madison Aquifer is held by Rimrock Ridge Water Association located just over one half mile to the southwest of Chapel Lane's Madison well. Canyon Shadows Water Company has a water right for its well completed into the Madison Aquifer just over three quarters of a mile northwest of the Chapel Lane well. The nearest wells for the city of Rapid City are just over one mile east of this well.

Chapel Lane Water Company's well has been in place since 1991 (20 years) and there has been no reported impairment to other existing water rights.

Conclusions

1. There is a reasonable probability that unappropriated water is available in the Madison Aquifer.
2. This appropriation has been developed without adversely impacting existing water rights.
3. If Temporary Use Permit No. 2090-2 becomes a permanent water right, the priority date should be June 15, 1989 based on the original filing.
4. The water license should be issued for the developed diversion rate of 0.67 cfs.



Eric Gronlund PE

Water Rights Program, DENR

March 29, 2011

REFERENCES

Carter, J.M., Driscoll, D.G., Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water years, 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278 66p

Water Rights Program, 2008, Report for Water Permit Application No. 2631-2, unpublished report in Water Permit No. 2631-2, SD DENR Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2008, Report for Water Permit Application No. 1916-1, unpublished report in Water Permit No. 1916-1, SD DENR Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, Observation Well Files, DENR Water Rights Program, Joe Foss Building, Pierre SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 2011

Bob Powles, Manager
Chapel Lane Water Company
PO Box 2536
Rapid City SD 57709

Dear Mr. Powles:

At their July 13th meeting, the Water Management Board authorized changing Chapel Lane Water Company's Temporary Use Permit No. 2090-2 to a permanent water permit. DENR will now proceed with licensing the permit based on the investigation conducted by Aaron Tieman last January which show the well completed into the Madison Aquifer capable of producing 300 gallons per minute.

If you have any questions regarding the Board's action, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

July 21, 2011

2090-2

Bob Powles, Mgr
Chapel Lane Water Co
PO Box 2536
Rapid City SD 57709

Dear Mr. Powles:

On January 12, 2011, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2090-2, was completed by Aaron Tieman, 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 me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written in a professional style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/28, 2011

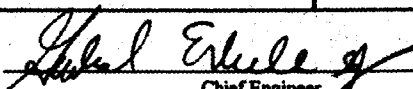
RECEIVED OF Chapel Lane Water Co PO Box 2536 Rapid City SD 57709

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	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>2090-2</u>		
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05007**

By


Chief Engineer

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2090-2**

(1) Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709 made Application No. 2090-2, June 15, 1989 for a water permit to divert 1.17 cubic feet of water per second from ground water (one well, Madison Formation), Pennington County, South Dakota for suburban housing development purposes. Temporary Use Permit No. 2090-2, with a priority date of June 15, 1989 was approved September 28, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 1994 and for the application to beneficial use of said water on or before September 28, 1998.

No. 2090-2 was originally issued as a temporary use permit pursuant to SDCL 46-5-39. Qualification No. 4 of the Temporary Use Permit states No. 2090-2 may be changed to a permanent water right if subsequent study and development of the 9,991 acre feet of water reserved by Future Use Permit No. 2086-2 showed that there would still be unappropriated water available and there would be no unlawful impairment of prior water rights.

On July 13, 2011, the Water Management Board authorized changing Chapel Lane Water Company's Temporary Use Permit to a permanent water permit.

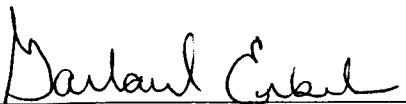
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.67 cubic feet of water per second for beneficial use. The location of the diversion point is 125 feet north and 700 feet west of the SE corner of Section 8, T1N, R7E (SE ¼ SE 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 Chapel Lane Water Company, PO Box 2536, Rapid City SD 57709 the holder and/or owner of Water Right No. 2090-2 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from ground water (one well, Madison Formation) with a priority date of June 15, 1989 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2090-2 and subject to the following qualifications (as approved by the Board on July 13, 2011):

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2090-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2090-2 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
- 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.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 19 2011

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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www.denr.sd.gov

AUG 19 2011

2090-2

Bob Powles, Mgr
Chapel Lane Water Co
PO Box 2536
Rapid City SD 57709

Dear Mr. Powles:

Enclosed is Water License No. 2090-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 2090-2, 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,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

enclosures