

Considered: _____

WATER PERMIT NO. 2097-2

MAP No. same 343-4155

Name of Applicant New Underwood Land Partners

Post Office Address Box 8134, Rapid City SD 57709

Amount of Water Claimed 0.07 cfs Total Acres NA

Source of Water Supply ground water - 1 well

Water to be used for SHD + DOM County Pennington

About 2 miles W of New Underwood.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Aug 16, 1989 Fee \$50⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

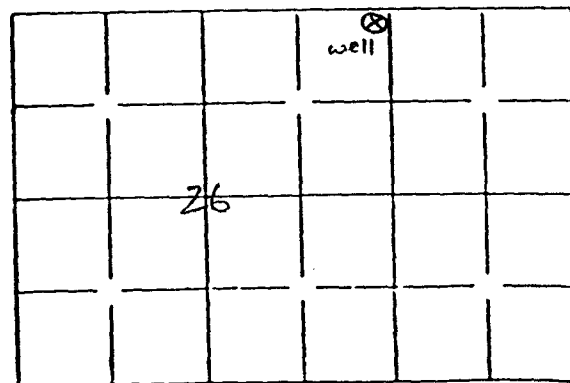
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: NE¹/₄ NE¹/₄ section 26 -

T2N-R10E

Land to be Irrigated NA



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well 2800 feet REMARKS _____

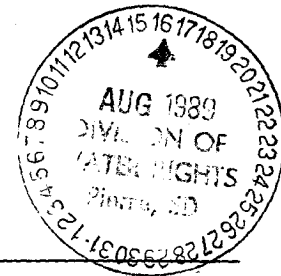
Type of Map plat PREPARED BY Donald C. Uhde Reviewed and the Number assigned on August 16, 1989 By Ron D. Small

No. 2097-2 Hydrologic Unit 1012011
 Map No. same Basin Upper Cheyenne
 Newspaper Rapid City Journal, PO Box 450 57709

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant New Underwood Land Partners Phone No. 605/343-4155Post Office Address Box 8134 Rapid City, State SD Zip Code 57709
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 30 gallon per minute 0.07 cfs3. Source of water supply 2800' well4. Location of point of diversion T2n,R10E---Sec-25-NW-1/4-Less-RTY
T2n,R10E Sec 26 NE 1/4 E-1/2 NE 1/4Tightline Lake Estates Lot #5 County Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used January thru December 31

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)

Drill 2800' well to provide domestic water to eight residential lots
 and watering neds for lawns and drip system for 1,000 trees.

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

STATE OF SOUTH DAKOTA)
County of _____)I, Tim Mills Agent New Underwood Land Partners the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed _____

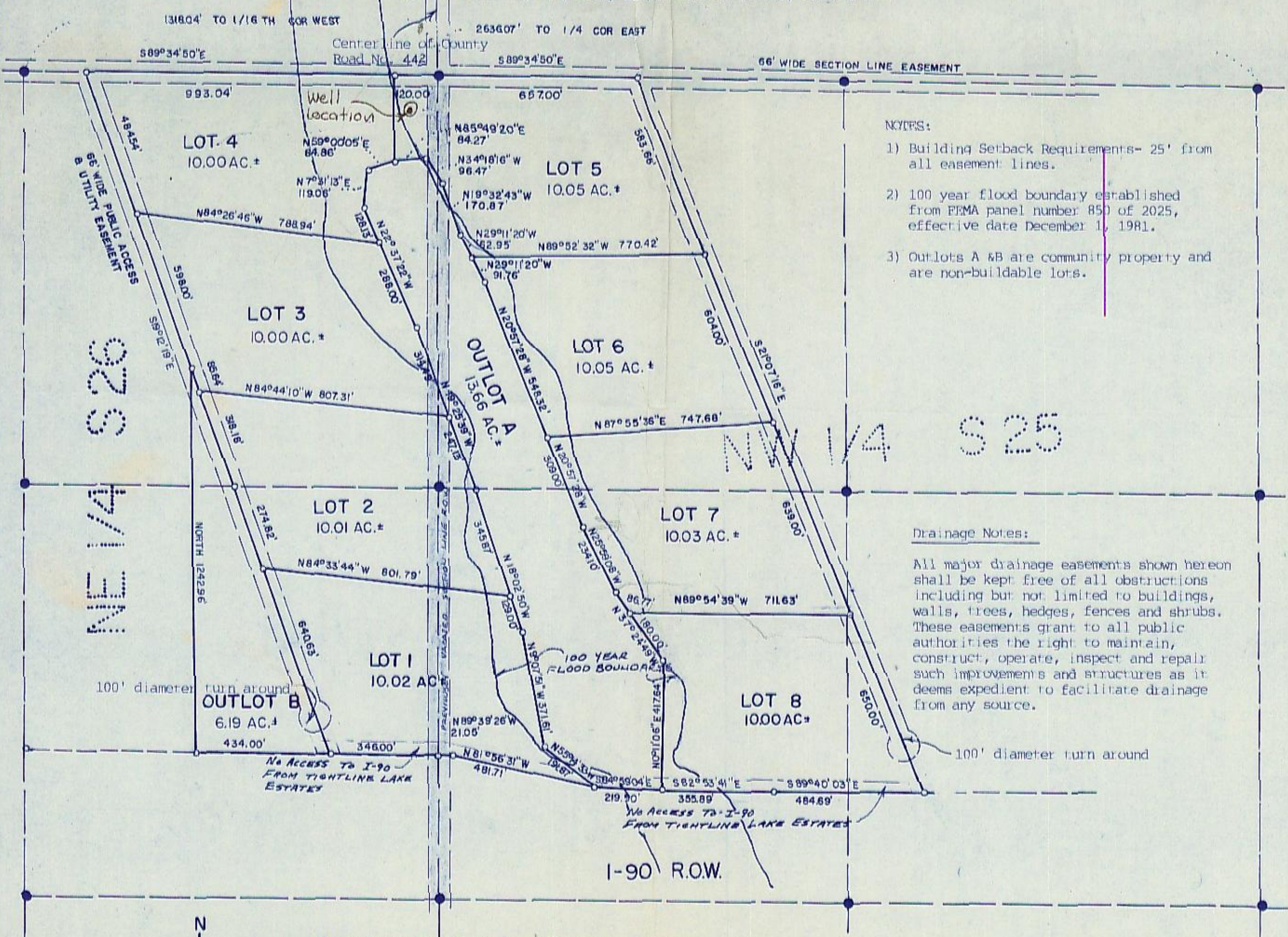
Subscribed and sworn to before me this 15 day of August 19 89

Kim D. Mills
 Notary Public (or other qualified officer)
 Comm exp 3-1-92

This map indicates a true and accurate location of the proposed well. *Donald C. Wrede*
PE. SD #3938

PLAT OF TIGHTLINE LAKE ESTATES

INCLUDING LOTS 1 THRU 8 AND OUTLOTS A AND B OF TIGHTLINE LAKE ESTATES ALL LOCATED IN THE NW 1/4 OF SECTION 25 AND THE NE 1/4 OF SECTION 26, T2N, R10E, B1M, PENNINGTON COUNTY, SOUTH DAKOTA



NOTES:

- 1) Building Setback Requirements- 25' from all easement lines.
- 2) 100 year flood boundary established from FEMA panel number 850 of 2025, effective date December 1, 1981.
- 3) Outlots A & B are community property and are non-buildable lots.

Drainage Notes:

All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, trees, hedges, fences and shrubs. These easements grant to all public authorities the right to maintain, construct, operate, inspect and repair such improvements and structures as it deems expedient to facilitate drainage from any source.

- - Indicates found survey monument from previous survey
- - Indicates set 5/8" rebar with survey cap marked "Polenz #4208"

SCALE: 1"=300'

CERTIFICATE OF OWNERSHIP

State of South Dakota
County of Pennington

I, Timothy M. Mills, Agent for New Underwood Land Partners, do hereby certify that the said New Underwood Land Partners, is the owner of the above land and that I did authorize and do hereby approve the within plat of said land for and on behalf of New Underwood Land Partners, and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Timothy M. Mills
Timothy M. Mills- Agent, New Underwood Land Partners

On this 23 day of Dec, 1987, before me, a Notary Public, personally appeared Timothy M. Mills, known to me to be an agent for New Underwood Land Partners, and the person described in the foregoing instrument and acknowledged to me that he signed the same.

Kim J. Mills
Notary Public

My Commission Expires: 3-1-92

CERTIFICATE OF SURVEYOR

State of South Dakota
County of Pennington

I, Mark J. Polenz, Registered Land Surveyor No. 4208 in the State of South Dakota, do hereby certify that being so authorized, I caused the survey and within plat of land shown and described hereon to be made under my direct supervision, and that the same is in all things true and correct. IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mark J. Polenz
Mark J. Polenz, Registered Land Surveyor No. 4208

On this 23 day of Dec, 1987, before me, a Notary Public, personally appeared Mark J. Polenz, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Kim J. Mills
Notary Public

My Commission Expires: 3-1-92

CERTIFICATE OF STREET AUTHORITY

The location of the proposed lot lines abutting the County or State Highway or City Street as shown hereon are hereby approved. Any change in the location of the proposed lot lines shall require additional approval.

Highway Authority

CERTIFICATE OF COUNTY TREASURER

State of South Dakota
County of Pennington

I, Treasurer of Pennington County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 24 day of April, 1987.

Patricia L. Bashaw
Treasurer of Pennington County

CERTIFICATE OF DIRECTOR OF EQUALIZATION

State of South Dakota
County of Pennington

I, Director of Equalization of Pennington County, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this ___ day of ___, 198__.

Director of Equalization- Pennington County

APPROVED: *Richard Hawk, CAP by Aa*

DATED: 4/24/87

RESOLUTION OF GOVERNING BOARD

State of South Dakota
County of Pennington

I, Auditor of Pennington County, do hereby certify that at an official meeting held on ___, 198__, the County Commissioners by Resolution did approve the plat as shown hereon.

Pennington County Auditor

APPROVED BY THE PLANNING AND ZONING COMMISSION OF PENNINGTON COUNTY THIS ___ DAY OF ___, 198__.

SIGNED: _____

2097-2

Appl. No. 2097-2

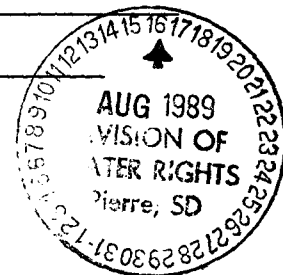
Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

Bud Olsen Well Driller Rapid City
will be available for any questions

- a) Drill Hole Diameter 6 1/4 Depth 2800
- b) Casing Type Iron Diameter 2 7/8 Thickness 1/4"
- c) Screen Type n/a Diameter Thickness
- d) Gravel Pack Thickness n/a Length of Gravel Pack n/a
- e) Depth to Top of Water Bearing Material 2600
- f) Depth of Water (ground surface to water level) 2700
- g) Distance to nearest existing domestic well:
On applicants property n/a On property owned by others 1 3/4 mi



2. Dugout Information Estimates

- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Outlet Dimensions:

Pipe diameter

Spillway width

f) X & Y Slope

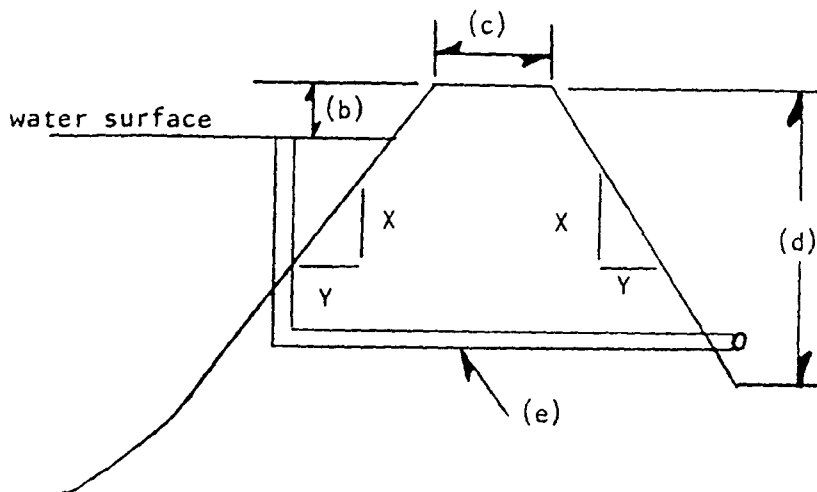
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT No. 2097-2**

Date of first receipt of application August 16, 1989.

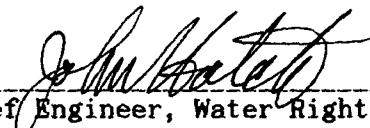
The Water Management Board approved Water Permit Application No. 2097-2 on December 7, 1989 for New Underwood Land Partners, Box 8134, Rapid City SD 57709 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2097-2 appropriates 0.07 cubic feet of water per second from one well (Inyan Kara Formation) 2800 feet deep to be located in the NE1/4 NE1/4 section 26-T2N-R10E.
2. The water appropriated shall be used for the purpose of supplying a housing development and may not exceed the amount of water needed for beneficial use for domestic and suburban housing development purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is August 16, 1989.
5. One-fifth of the construction is to be completed on or before June 7, 1992.
6. All construction is to be completed on or before December 7, 1994.
7. Water is to be put to beneficial use on or before December 7, 1998.
8. 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 authorized by Permit No. 2097-2 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 Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

APR 6 1990

(date)

August 15, 1989



Dear Ron:

Enclosed are the applications for our permit to drill a well. Also you will find on the enclosed plat of our property our engineers signature designating the proposed location of the well. Any questions or comments, please call me at the following number - 605/343-4155.

Thank you for all of your help.

Sincerely,

Timothy M. Mills, Agent New Underwood Land Partners

TMM:
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411880

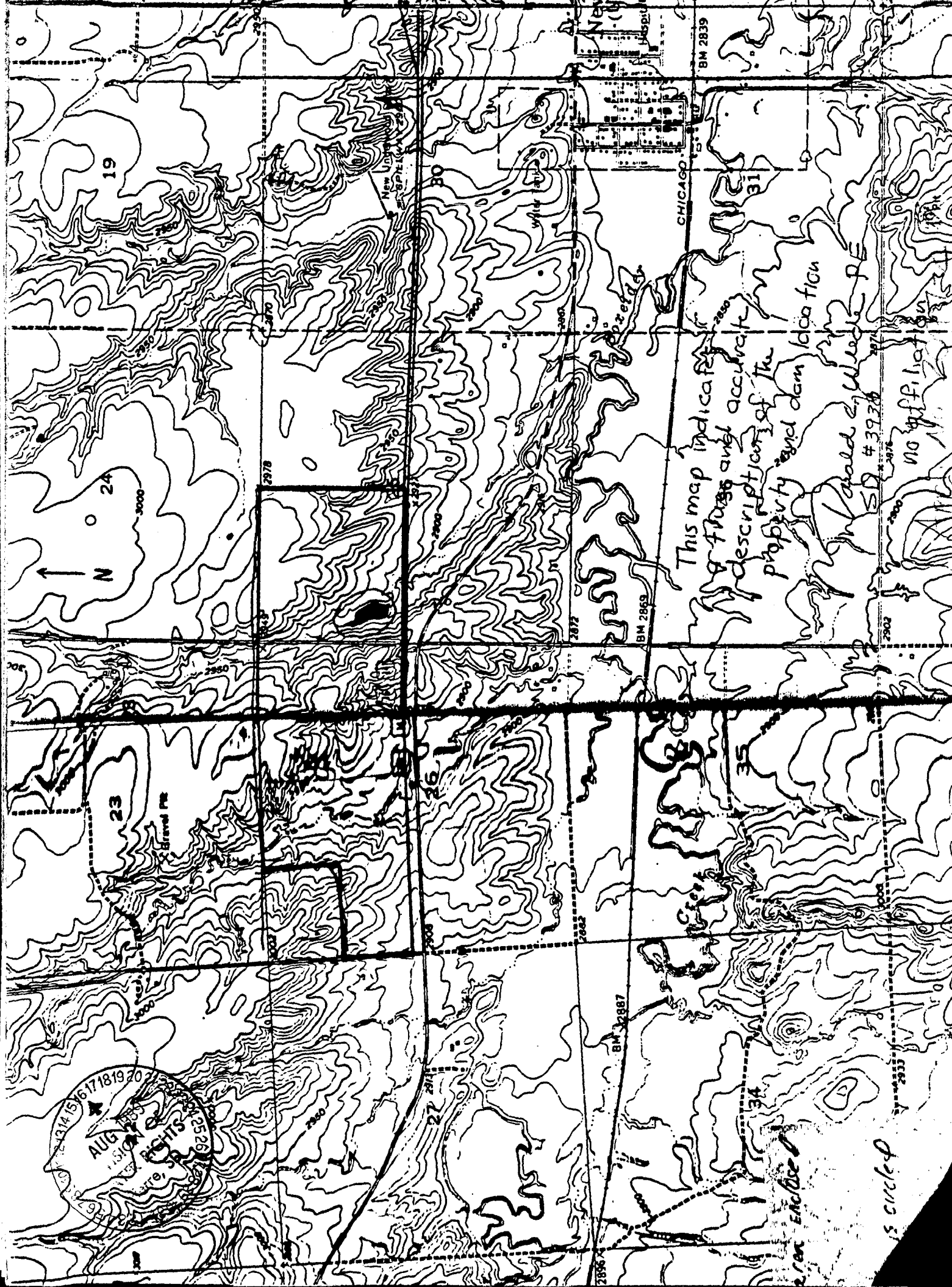
Pierre, August 16, 19 89

RECEIVED OF New Underwood Land Partners, P.O. Box 3334, Rapid City SD 57709

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

Fee for Application for Permit No. <u>2097-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch / mra
Chief Engineer



This map indicates
a flow and accurate
description of the
property and dam location
Inland, White RE
SD # 3978
no affiliation

171819 20
AUG 1983
FCHIS
2526
171819 20

ENCLOSURE
is circle

REPORT ON APPLICATION NO. 2097-2
NEW UNDERWOOD LAND PARTNERS
September 22, 1989

This application proposes to appropriate 0.07 cfs from one well approximately 2800 feet deep to be located in the NE 1/4 NE 1/4 of Section 26, T2N, R10E, in Pennington County. The water is to be used to supply a housing development for domestic and suburban housing purposes.

Aquifer - Inyan Kara (INKR)

The Inyan Kara is made up of three units in the Black Hills area. The Fall River Formation consists of interbedded sandstone with shale and siltstone, then locally a Fuson shale unit and then the Lakota Formation which consists of sandstone, shale and siltstone (Cattermole, 1972). The entire sequence is the Inyan Kara Aquifer and attains a thickness of 260 to 300 feet. The Inyan Kara aquifer underlies 1.2 million acres and contains as estimated 23.4 million acre feet of recoverable water in Pennington County (Allen, 1984). The aquifer is extensive and underlies most of the western one-half of South Dakota. The aquifer is under artesian conditions and the Division of Water Rights does not have any monitoring wells in the area. The nearest Inyan Kara monitoring well is over 20 miles to the south. The general direction of ground water movement is from west to east (Peter, 1985).

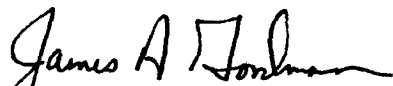
Review of Existing Water Permits

The nearest existing Permits are Nos. 660-2, 1780-2 and 1947-2 for the City of New Underwood. New Underwood's diversion points are approximately 2 miles from this proposed well. There are no other permits in the area. Interference should not be a problem. Drawdowns created by pumping should not adversely affect the existing users. The requested diversion is relatively small and pumping at that rate will not cause extensive drawdowns. Pumping records for the new well at New Underwood indicate a specific capacity of 1.8 gpm/ft of drawdown (Water Rights, 1989). The diversion rate for this application is approximately 31 gpm. This would result in drawdowns of about 17 feet in the production well due to pumping and significantly less drawdowns at 2 miles away.

Conclusions

1. Water is available from the Inyan Kara Aquifer.
2. Water will be used for a suburban housing area and is considered domestic use.

3. The aquifer is under artesian conditions and pumping will create drawdowns. These drawdowns should not adversely affect existing water users.
4. The well drilled for this application must comply with SD Well Construction Standard 74:02:04:30.
5. The Inyan Kara Aquifer is older than and stratigraphically lower than the Greenhorn Formation.


JAMES A GOODMAN
Natural Resources Engineer

Bibliography

- Allen, J. C., Etal, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4, Ground Water Resource Inventory, for US Army Corps of Engineers, DWNr, SDGS, Vermillion SD 57069.
- Cattermole, M.J., 1972, Geologic Map of Rapid City East Pennington County, SD, USGS, Washington D.C. 20242.
- Peter, K.D., 1985, Availability and Quality of Water From Bedrock Aquifers in the Rapid City Area, SD, WRI 85-4022, USGS, Rapid City SD 57709.
- Water Rights Division, 1989, Records for Permit No. 1947-2, New Underwood, SD DWNr, Div. of Water Rights, Joe Foss Bldg, Pierre SD 57501.

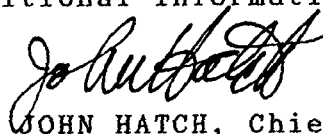
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2097-2, New Underwood Land Partners

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. 2097-2, New Underwood Land Partners, Box 8134, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 2097-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 2097-2 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 Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 3, 1989



Department of Water & Natural Resources

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

October 26, 1989

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

Tim Mills
New Underwood Land Partners
Box 8134
Rapid City, SD 57709

Dear Mr. Mills:

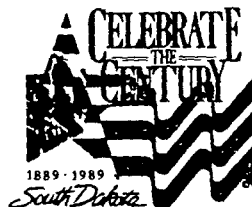
Water Permit Application No. 2097-2 for suburban housing and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid JCity Journal printed at Rapid City SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also 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

October 26, 1989

Rapid City Journal
Box 450
Rapid City, SD 57709

ATTN: Legal Department

Enclosed is a Notice of Hearing on Application No. 2097-2 to be published twice. Please publish the first notice on or before November 1, 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 New Underwood Land Partners, Box 8134, 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

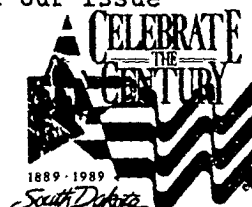
No. _____

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 _____



Instruction to Newspaper - Publish first Notice on or before November 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2097-2 to Appropriate Water

Notice is given that New Underwood Land Partners, Box 8134, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.07 cubic feet of water per second from one well (Inyan Kara Formation) 2800 feet deep to be located in the NE1/4 NE1/4 Section 26-T2N-R10E. Water is to be used for domestic and suburban housing development purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2097-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6 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 November 24, 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 November 24, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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:

November 1, 1989

November 8, 1989

 (Signature)

Bookkeeper
 (Title)

November 8, 1989

(Date Signed)

Cost of Printing: Ran 8 1/16 inches legal advertising

in the Rapid City Journal on November 1 & 8 @

\$4.20 per inch = \$67.72

Ran public notice of hearing L118



Nov. 1, 8 L118
**NOTICE OF HEARING
 ON APPLICATION NO. 2097-2
 TO APPROPRIATE WATER**

Notice is given that New Underwood Land Partners, Box 8134, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.07 cubic feet of water per second from one well (Inyan Kara Formation) 2800 feet deep to be located in the NE 1/4 NE 1/4 Section 26-T2N-R10E. Water is to be used for domestic and suburban housing development purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2097-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 214, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 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 November 24, 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 November 24, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

APR 6 1990

Tim Mills, Agent
New Underwood Land Partners
Box 8134
Rapid City, SD 57709

Dear Mr. Mills:

Enclosed is Water Permit No. 2097-2 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 Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

NAME OF PERSON OR FILE: TIM MILLS (NEW UNDERWOOD LAND PARTNERS)
ADDRESS: BOX 8134 RAPID CITY SD 57709 COUNTY PENNINGTON
DATE: 28 DEC 90 TELEPHONE 605-343-4155
RE: LETTER FROM NEW UNDERWOOD, ALLEGATIONS

COMMENTS:

TALKED WITH MR. MILLS ABOUT THE FIVE ALLEGATIONS.

1. THERE IS A PIPELINE FROM THE WELL TO THE DAM.

2. THEY DID PUMP WATER FROM WELL TO DAM. MR. MILLS SAID THIS WAS DONE TO DEVELOPE AND CLEAN OUT THE WELL. I INFORMED HIM DEVELOPING THE WELL WAS OK, HOWEVER, THEIR PERMIT DID NOT AUTHORIZE WELL WATER TO BE CONTINUOUS PUMPED INTO THE DAM.

3. MR. MILLS SAID THEY HAVE TWO VALVES ON THE LINE TO PREVENT WATER FROM GOING BACK INTO THE WELL.

4. HE SAID THEY HAD PUMPED WATER, ALSO USING WATER TO IRRIGATE TREES, ETC.

5. THERE ARE HYDRANTS LOCATED IN MANY AREAS. THOSE ARE USED TO SUPPLY WATER FOR TREES.

I TOLD HIM PUMPING COULD NOT BE DONE UNDER THEIR EXISTING PERMIT FROM WELL TO DAM. HE SAID THAT THE WATER IN THE DAM WAS COMING FROM "SPRINGS" THEY HAD OPENED UP WHEN THEY DUG OUT THE UPPER END OF THE DAM.

NOTE: * MR. MILLS REQUESTED A COPY OF LETTER WE RECEIVED FROM NEW UNDERWOOD. I TOLD HIM HE WOULD GET THIS WHEN A LETTER WAS PREPARED AS A RESPONSE TO NEW UNDERWOOD.

I WOULD SUGGEST A SITE INSPECTION AND A VISIT TO NEW UNDERWOOD.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: JAG



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

2165-2

New Underwood Land Partners
%Tim Mills
4714 Cliff Drive
Rapid City, SD 57702

Dear Mr. Mills:

Enclosed is Water License No. 2165-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415518 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2165-2, 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.

Very truly yours,

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

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2097-2 are incorporated into Water License No. 2165-2.