

Considered: _____

WATER PERMIT NO. 2113-2
Phone No. 745-5255
MAP No. _____

Name of Applicant Leo Hagenson

Post Office Address Rt. 1 Box 188A Hot Springs SD 57747

Amount of Water Claimed 1.5 gpm Total Acres non-irrig.

Source of Water Supply well 6" depth 660

Water to be used for Industrial, Commercial, Distribution County Custer

About 2 1/2 miles NE of Hot Springs

PROOF OF PUBLICATION: Received 1/11 Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 12/14/89 Fee \$50.00 Remarks _____

Corrected Application Received 1/17/90 Period of Annual Use yearly

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point 1187 ft SE of NW Corner
of Sect. 31 T6S R6E

Land to be Irrigated non-irrigation

31					

Well Log: Driller Forward Drilling Co. 412 Licensed YES X NO _____

Depth of Well 660' REMARKS Water to be used for 11 unit mobile home court + a manufacturing plant. Waste water disposal is said to be state approved

Type of Map Plate PREPARED BY Frank Bryant Reviewed and the Number

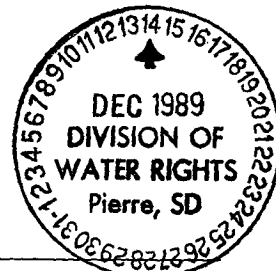
assigned on 3/6/90 By Eric Monahan

No. 2113-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Custer Co. Chronicle

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 HAGENSON LEO Phone No. 245 5255

Post Office Address RT1 BOX 188A HOT SPRINGS State S.D Zip Code 57747
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) ~~12000 GAL DAILY~~ 15gpm

3. Source of water supply well Ground Water

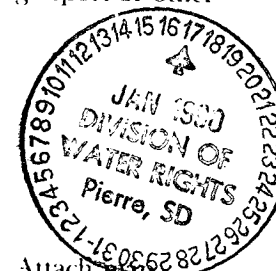
4. Location of point of diversion 1187 SE of NW corner of Sec 31-T6S-R6E

County CUSTER

5. Counties where water will be used CUSTER

6. Annual period during which water is to be used YEARLY

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)



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 FALL River)^{ss}

I, Leo Hagenson 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 Leo Hagenson

Subscribed and sworn to before me this 10th day of December 19 89

S. Diane Gerald

S. DIANE GERALD, Notary Public
 My Commission Expires 6/13/1993

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed construction~~

- a) Drill Hole Diameter 6" Depth 660
- b) Casing Type STEEL Diameter 4" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 140 TO WATER 280
- f) Depth to Water (ground surface to water level) 280
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1/4 MILE.

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

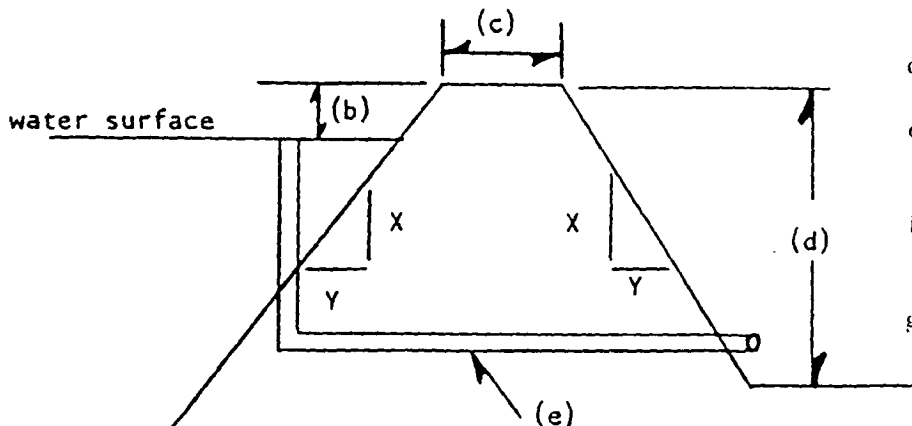
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Leo Hagenson
 Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT No. 2113-2**

Date of first receipt of application December 14, 1989.

Date of return to applicant for correction, amendments or changes January 12, 1990.

Date of receipt of corrected application January 17, 1990.

The Water Management Board approved Water Permit Application No. 2113-2 on May 24, 1990 for Leo Hagenson, Rt 1 Box 188A, Hot Springs, SD 57747 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. 2113-2 appropriates 0.033 cubic feet of water per second (15 gpm) from one well (Minnelusa Formation) 660 feet deep located in the NW1/4 NW1/4 Section 31 T6S-R6E.
2. The water appropriated shall be used for the purpose of supplying a mobile home court and manufacturing plant and may not exceed the amount of water needed for beneficial use for industrial and commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is December 14, 1989.
5. One-fifth of the construction is to be completed on or before November 24, 1992.
6. All construction is to be completed on or before May 24, 1995.
7. Water is to be put to beneficial use on or before May 24, 1999.
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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUL 10 1990

(date)

SOUTH Dakota Department of
Water & Natural Resources

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

January 12, 1990

Leo Hagenson
Route 1, Box 188A
Hot Springs SD 57747

Dear Mr. Hagenson:

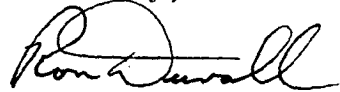
This letter is in response to your water permit application received on December 14, 1989. The following information is needed to complete the application:

- 1) The application indicates that water is to be used for industrial purposes. Please explain what type of industrial purposes you are referring to, how the water is to be used and what waste water treatment is to be used.
- 2) The amount of water claimed on the enclosed application (item No. 2) needs to specify the maximum pumping rate from the well.
- 3) An application fee also needs to be submitted with the application. The fee is based on the number of acre-feet used annually. Based on use of 12,000 gallons per day, the application fee will be \$150.00, unless your maximum pumping rate is 45 gallons per minute or less, then the fee is \$50.00. The enclosed instruction sheet outlines the fee structure.

The Water Management Board can not consider the application until the application is complete. The above information needs to be supplied to complete the application.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

S.D. Dept. of Water & Natural Resources
Joe Foss Building 523 East Capitol
Pierre South Dakota 57501-3181

Jan 15 1990

Dear Mr. Duvall :

The information you requested for my water permit is

Some of the water is used for my Mobile Home Court. There are eleven units as of this date . The waste water is disposed of in a 15000 gallon septic tank and transfers from the tank to 2100 feet of drain field. This system and the court is State approved.

The second use is for a Manufacturing Plant that uses water for bath rooms and clean up of glue spreading equipment. I do not have meters on hames or the plant, so I can only estimate usage.. I have a 65000 gallon storage tank on a hill above the plant and court which delivers about 55 lbs pressure. The tank size was necessary for a sprinkler system at the plant.

The pump is a 3 hp submersible. I believe it delivers approximately 13 to 15 gal per minute. At this time of year the usage is around 3000 gallons per day, summer time I think it would be around 6 to 8 thousand per day. My estimate on the application was also based on future needs.

I thank you for your assistance.

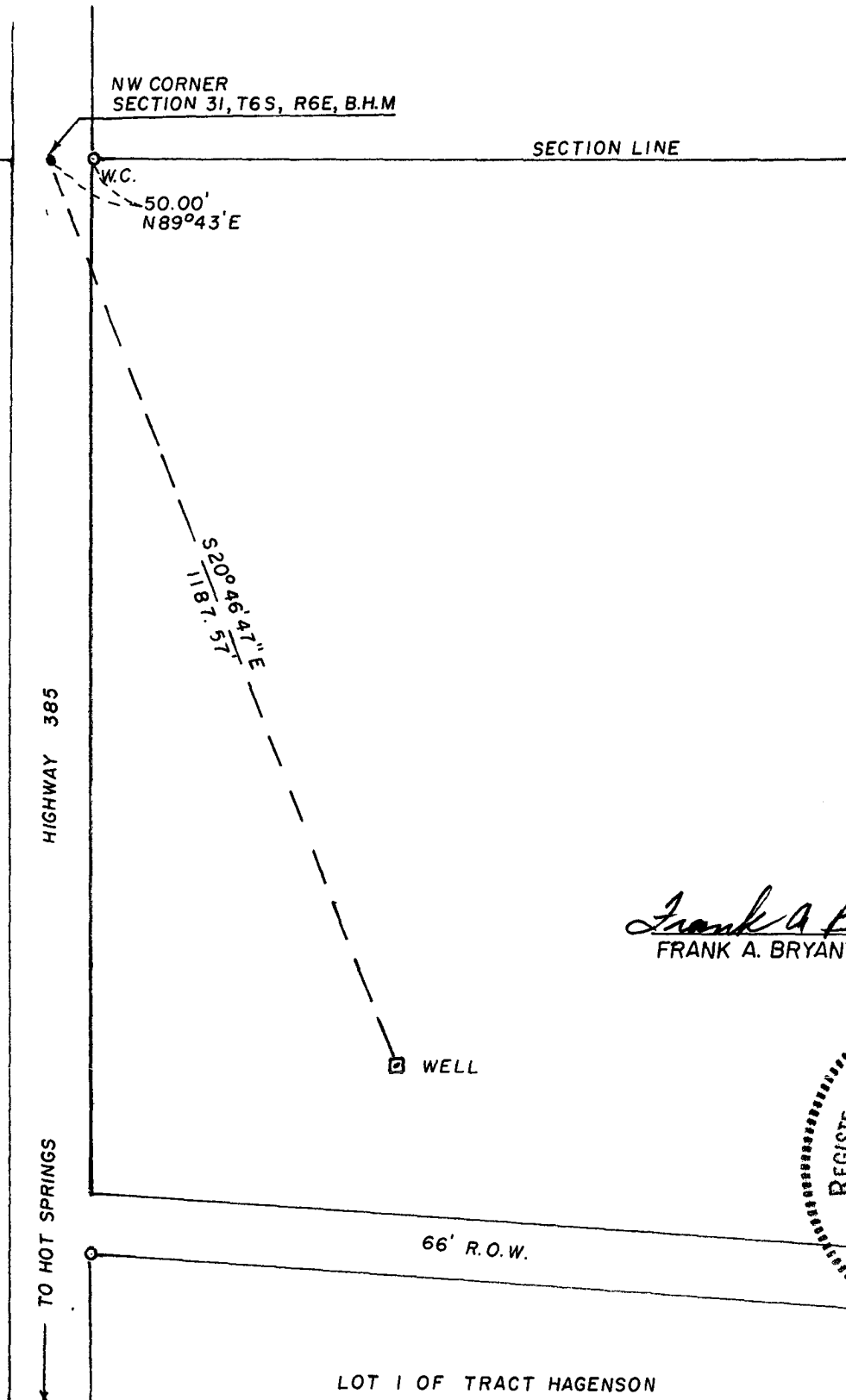
Sincerely

Leo Hagenson
Leo Hagenson

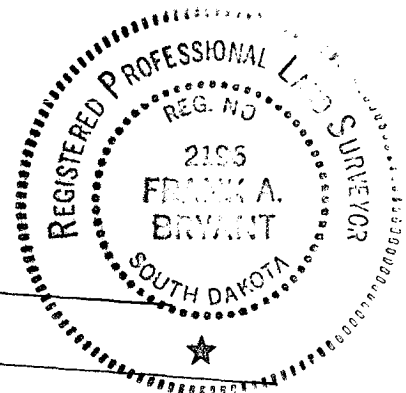
Rt. 1 Box 188a
Hot Springs S.D.
57747



WELL LOCATION
NW 1/4 SECTION 31, T.6S., R.6E., B.H.M.
LEO HAGENSON PROPERTY



Frank A. Bryant
FRANK A. BRYANT R.L.S. 2196



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 15, 1998

RECEIVED OF Lee Hagenson Fox 226 Hot Springs, SD 577407

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

Fee for Application for Permit No. <u>5112</u> to Appropriate Water, to construct works and to put water to beneficial use		20.00
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	20.00

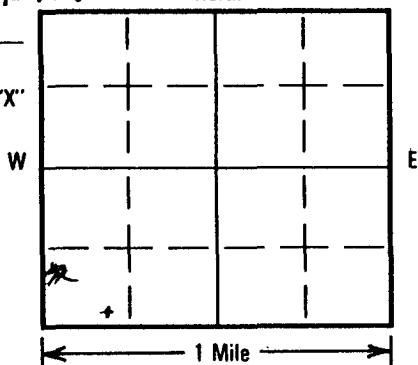
By John S. Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30 Twp 6S Rg 6E
NW NW 31County Custer KB 4/20/94 North

Please mark well location with an "X"

Well Completion Date 3-31-93

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 400 ft. from septic tank (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15 1/2 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>605 FT</u>	<u>6 1/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>30</u>	<u>14 lb./gal</u>	<u>0 ft</u>	<u>605 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure grouted
through casingSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorine solution
_____ NO, Why Not? _____Laboratory sent to for water quality analysis Twin City TestingWell Owner: Leo Hagenson

Business Name: _____

Address: Wind Cave Rd. Rt 1 Box 188-A
Hot Springs SD 57747

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>brown clay</u>	<u>0</u>	<u>4</u>
<u>red clay + gravel</u>	<u>4</u>	<u>16</u>
<u>red siltstone</u>	<u>16</u>	<u>220</u>
<u>limestone</u>	<u>220</u>	<u>280</u>
<u>red shale</u>	<u>280</u>	<u>354</u>
<u>red ss</u>	<u>354</u>	<u>431</u>
<u>white to tan limestone</u>	<u>431</u>	<u>442</u>
<u>red ss</u>	<u>442</u>	<u>464</u>
<u>red + yellow limestone</u>	<u>464</u>	<u>510</u>
<u>orange ss</u>	<u>510</u>	<u>577</u>
<u>purple + white limestone</u>	<u>533</u>	<u>565</u>
<u>red ss</u>	<u>565</u>	<u>570</u>
<u>white limestone</u>	<u>570</u>	<u>585</u>
<u>red shale</u>	<u>585</u>	<u>595</u>
<u>white limestone</u>	<u>595</u>	<u>607</u>
<u>red + white ss</u>	<u>607</u>	<u>642</u>
<u>gray limestone</u>	<u>642</u>	<u>660</u>

STATIC WATER LEVEL 190 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: Air Developed☐ Bailed☐ Other

Pumping Level Below Land Surface

640 ft. After 2 Hrs. pumped 25 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ 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

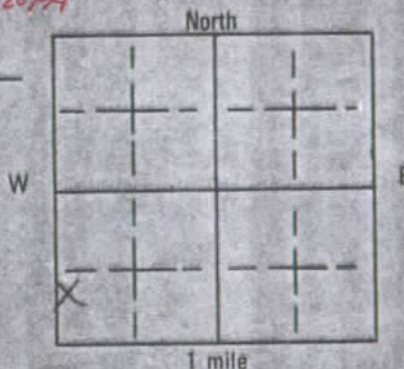
Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: FEB 1 19956/20/94

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location NW NW
SW 1/4 SW 1/4 Sec 31 Twp 65 Rg 6ECounty Custer
Fall RiverPlease mark well
location with
an "X"

Well Owner:

Name Leo HagensonWind Cave Rd.

Address

Rt. 1, Box 188-AHot Springs, SD 57747

Plugging completion

Date 3-31-93

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

660

Casing material

PVC

Casing size(s)

4 1/2"

Casing condition

OK

Hole depth

660

Hole size

Describe plugging procedure: 25' of 6 5/8" steel in top of well.
Filled well from bottom to top with
cement grout. (pressure grouted)Describe grout or plugging material: cement grout 80 sacks

Type of non-slip plug:

This well or test hole was plugged under license # 331 And this report is true and accurate.Drilling firm TAYLOR DRILLING COMPANY

Signature of Licensed Representative

Robb Tylef

Signature of Well Owner

Date

4-78

Name Leo Hagensen
Address Box 550
Hot Springs, S. D.

If other; specify _____

County Fall River
 1/4 1/4 1/4 Sec. 31 Twp. 6 Rg. 6

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

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 6"
Depth 660 Ft.
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open Yes

Was a well screen installed

Describe Well Screen

Diameter Material

Slot size

Was well gravel packed

Was well grouted

Was water sample taken

ft. After		Hrs. pumped		GPM
_____	" "	_____	" "	_____
_____	" "	_____	" "	_____

[illegible]

(Use Back if Necessary)

Date Completed: 3-20-79

Forward Drilling Co. Inc.	412
Driller's or Firm's Name	License NO.

Rt. 1, Box 98G-3, Hot Springs, S. D.
Address

Terry Tefertiller 7-17-79
Signed By Date:

RECEIVED

FEB 7 1995

REPORT FOR APPLICATION No. 2113-2

LEO HAGENSON

MARCH 12, 1990

Water Permit Application No. 2113-2 proposes to appropriate 0.033 cubic feet of water per second from one Minnelusa Aquifer well approximately 660 feet deep. The well to be used to supply water for this application has been in existence since 1979. The well is located in the NW 1/4 Sec. 31, T6S-R6E. The water is for a commercial use and for a distribution system at a mobile home court.

AQUIFER: Minnelusa Formation

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Minnelusa Formation is an assemblage of alternating beds of sandstone and dolomitic limestone with lesser amounts of red and black shale and chert, approximately 800 feet thick in this area. The lithology of this formation is highly variable, consequently so is its porosity. Well sorted sand lenses within the formation have porosities approaching 25%, but generally the sands have porosities of 10%. The average porosity of the Minnelusa Formation is estimated to be 10%, and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa Formation underlies approximately 740,480 acres of Custer County and contains an estimated 25,916,800 acre-feet of recoverable water in storage in the county (Allen, 1984). The Minnelusa Formation underlies approximately 1,115,520 acres of Fall River County and contains an estimated 52,987,200 acre-feet of recoverable water in storage in the county (Allen, 1984). The Minnelusa Formation unconformably overlies the karst surface of the Madison Limestone. The lower part of the Minnelusa, which has more limestone and dolomite than the upper part of the formation, probably acts as a leaky confining layer between the two aquifers. The Minnelusa is conformably overlain by the Opeche Shale. The top of the Minnelusa Formation is reported to be approximately 140 feet below grade at this well site. The Minnelusa aquifer is under water table conditions in this area and the static water level of this well is reported to be approximately 280 feet below ground surface. Estimates of transmissivity values for the Minnelusa Aquifer range from 30 to 1000 ft², and the specific yield of the aquifer ranges from 0.1 to 0.3 (Kyllonen, 1987). The Division of Water Rights does not monitor any observation wells completed into the Minnelusa in this area.

Recharge to the Minnelusa Aquifer occurs primarily through infiltration of precipitation and streamflow on the outcrop, and

possibly through upward leakage from the Madison Aquifer. Average annual recharge has not been quantified for the Minnelusa Aquifer.

REVIEW OF EXISTING WATER RIGHTS:

There are no existing water permits/rights within approximately 3 miles of this proposed diversion point. The Division of Water Rights records do not identify any domestic wells in this vicinity.

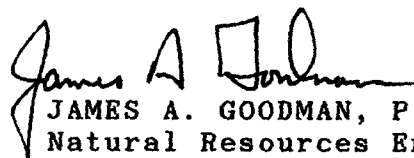
CONCLUSIONS:

1. The Minnelusa Formation is a viable aquifer in this area. The aquifer is under water table conditions at this location.
2. This proposed appropriation should have no adverse affect on existing water rights.
3. Average annual recharge has not been quantified for the Minnelusa Aquifer.
4. The well to be used to supply water to this permit has been in existence since 1979 with no reported controversy.



KENT BUHLER
Natural Resources Engineer

approved by



JAMES A. GOODMAN, P.E.
Natural Resources Engineer IV

REFERENCES:

Rahn, P.H., 1979, Groundwater Resources of Western South Dakota, U.S. Army Corps of Engineers, SDSM&T Project #2533, South Dakota School of Mines and Technology, Rapid City SD.

Allen, J.C., D. Illes, A. Petres, 1984, Analysis of Ground Water and Streamflow Data, Western Dakotas Region of South Dakota, DWNR-Division of Geologic Survey, Vermillion SD., US Army Corps of Engineers contract No. DAWC 45-82-C-0151

Kyllonen, D.P., K. Peter, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, US Geological Survey, Water Resources Investigations Report 86-4158, Rapid City SD.

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

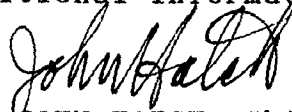
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2113-2, Leo Hagenson

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. 2113-2, Leo Hagenson, Rt 1, Box 188A, Hot Springs SD.

The Chief Engineer is recommending APPROVAL of Application No. 2113-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 12, 1990



Department of Water & Natural Resources

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

March 30, 1990

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

Leo Hagenson
RR #1 Box 188A
Hot Springs, SD 57747

Dear Mr. Hagenson:

Water Permit Application No. 2113-2 has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer SD. 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

March 30, 1990

Custer County Chronicle
Box 551
Custer, SD 57730

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2113-2 to be published twice. Please publish the first notice on or before April 5, 1990 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 Leo Hagenson, RR #1 Box 188A, Hot Springs, SD 57747.

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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 April 5, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2113-2 to Appropriate Water

Notice is given that Leo Hagenson, RR #1 Box 188A, Hot Springs, SD 57747 has filed an application for a water permit to appropriate .033 cubic feet of water per second from one well (Minnelusa) 660 feet deep in the NW1/4 NW1/4 Section 31-T6S-R6E. The water is for commercial use and for distribution system use by a manufacturing plant and mobile home court, respectively.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2113-2 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 the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 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 May 11, 1990. 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 May 11, 1990.

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, _____
 certify that the attached printed Notice was taken
 from the Custer County Chronicle

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 Custer
 County of Custer and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

April 4, 1990
April 11, 1990

Jerry Jussie
 (Signature)
Publisher
 (Title)
4-13-90
 (Date Signed)

Cost of Printing: April 4, - \$22.14
April 11, - \$17.71
Total for both times - \$39.85

NOTICE OF HEARING on
Application No. 2113-2 to
Appropriate Water

Notice is given that Leo Hagenson, RR #1
 Box 188A, Hot Springs, SD 57747 has filed
 an application for a water permit to
 appropriate .033 cubic feet of water per
 second from one well (Minnelusa) 660 feet
 deep in the NW 1/4 NW 1/4 Section 31-T6S-
 R6E. The water is for commercial use and
 for distribution system use by a
 manufacturing plant and mobile home court,
 respectively.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer of the Water Rights Division
 recommends APPROVAL of Application
 No. 2113-2 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 the Pelican
 Room, Ramkota Inn, Hwy 212, Watertown,
 SD on May 23, 1990 at 10:00 am. The Chief
 Engineer's recommendation is not final or
 binding upon the Board. The Board is
 authorize 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 May 11, 1990. 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
 May 11, 1990.

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.

#1063

4/4 & 4/11/90





Department of Water & Natural Resources

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

JUL 10 1990

Leo Hagenson
Rt 1, Box 188A
Hot Springs SD 57747

Dear Mr. Hagenson:

Enclosed is Water Permit No. 2113-2 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,

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.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-11-90TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: LEO HAGENSON RT1 BOX 188A HOT SPRINGS S.D
name address city 57747

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2113-2.

Water Permit No. 2113-2 states that the diversion system is to be constructed by Self, and that the water it put to beneficial use by Self.

The diversion system was completed on APPROX 1979.
Applying the water to beneficial use was completed on 1979.

You may schedule an inspection so that the Water License may be issued.

Leo J. Hagenson
signature





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 11, 1995

2113-2

Leo Hagenson
RR 1, Box 188A
Hot Springs, SD 57747

Dear Mr. Hagenson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2113-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

414469

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 19 95

RECEIVED OF Mary C Hagenson, Rt 1 Box 188A, Hot Springs, SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2113-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2113-2
U.C. - Water District

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

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

I have this day, December 13, 1994, made a thorough examination of the water use system constructed by Leo Hagenson of Rt.1 Box 188A, Hot Springs SD holder of Permit No. 2113-2, bearing the priority of December 12, 1985 authorizing the diversion of 0.033 cu. ft. per second of the waters of the Minnelusa Formation for industrial, commercial and domestic purposes, in Custer County.

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

A. Works used to divert the water:

5hp, Franklin pump used to divert a maximum of 20 gpm.

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

2" buried pvc and 4" pvc to storage tank.

C. Works used to apply water to beneficial use:

Eleven unit mobile home court and a manufacturing plant. Water used in the plant is for bathrooms and cleaning of equipment.

The system is in the good working condition. The point of diversion is located NW1/4 NW1/4 SEC.31-T6S-R6E, B.H.M. The works are capable of diverting and conveying to the place of use 0.03 cu. ft. per second of water and/or storing 0.20 acre-feet of water which is to be used for industrial and domestic purposes. Water has been put to beneficial use to the maximum extent as follows:

The water is being used for an 11 unit trailer park and a factory for bathrooms and cleaning of equipment (Art Advantage).

The license should be issued for 0.03 cfs.

Applicable permit qualifications have been complied with: Yes ☒ NO

Exceptions to compliance are: None

Date Report Completed: 12/21/94


DelRon Peters
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2113-2

DATE: December 13, 1994

Other permit(s) associated with the project: none

Owner: Leo Hagenson

DIVERSION POINT LEGAL LOCATION: 40.5' N of old well location. Old well - 1187.57', S20°46'47"E of NW corner Sec. 31-T6S-R6E, B.H.M.

WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Well Drilling
- 2) No. of Wells: 1
- 3) Depth(s) feet: 660'
- 4) Well log is available Y
- 5) Comment: The old well was plugged by Taylor due to surface water contamination. This well was drilled 40.5' N of the old well in the 03/31/1994 as a replacement. The well is in the same formation (Minnelusa).

Casing:

- 1) Diameter inches: 5.5"
- 2) Length feet: 605'
- 3) Type : steel

Water level:

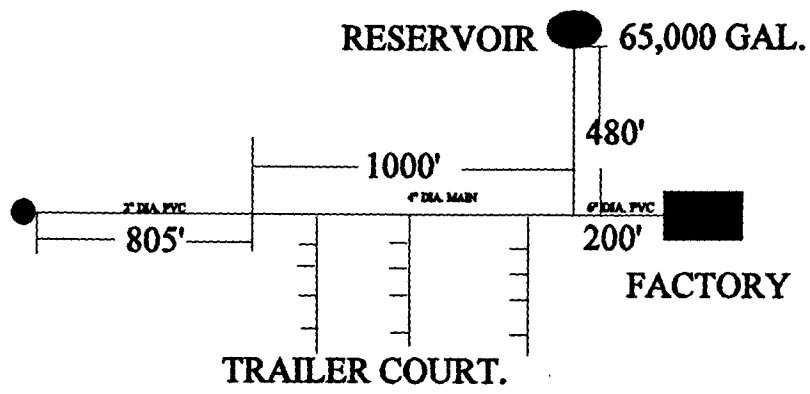
- 1) Static water level 190 feet

Pump:

- 1) Make: Franklin
- 2) Model :
- 3) Size : 5HP
- 4) Capacity : 20 GPM

DISTRIBUTION LINES :

- 1) Type: 2, 4, 6" PVC
- 2) Size inches: 6" from Jnc. to plant and reservoir, 4" MAIN.; 2" from well to 12 mobile homes.
- 3) Length feet: approx. 3200' total.



PERMIT QUALIFICATIONS AND REGULATIONS:

- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

A handwritten signature in cursive script, appearing to read "DelRon Peters", is written over a horizontal line.

DelRon Peters
DENR - Division of Water Rights
Natural Resources Eng.

Leo Hagenson #2113-2

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2113-2

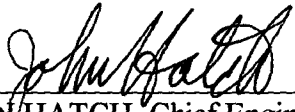
(1) Leo Hagenson of RR #1 Box 188-A, Hot Springs, SD 57747 made Application No. 2113-2, December 14, 1989 for a water permit to appropriate 0.033 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for industrial and commercial purposes. Permit No. 2113-2, with a priority date of December 14, 1989 was approved May 24, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of said water on or before May 24, 1999.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on July 17, 1990. The "Notice" stated the diversion system was completed and water placed to beneficial use in 1979.

(2) It is certified that the applicant 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 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is 1070'S and 421'E of the NW corner of Section 31, T6S, R6E (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is being used in an 11 unit trailer park and a factory for equipment cleaning and restroom facilities.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Leo Hagenson of RR #1 Box 188-A, Hot Springs, SD 57747 the holder and/or owner of Water Permit No. 2113-2 is issued a license to appropriate water, the right to use 0.03 cubic feet of water per second from groundwater (one well) with a priority date of May 24, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of industrial and commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2113-2 and subject to South Dakota State Law.



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

SEP 6 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

2113-2

Leo Hagenson
RR 1, Box 188-A
Hot Springs, SD 57747

Dear Mr. Hagenson:

Enclosed is Water License No. 2113-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414469 in the amount of \$50.00 which you paid for the inspection 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. 2113-2, 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,

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

gm
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1997

No. 2113-2

Leo Hagenson
RR 1, Box 188A
Hot Springs, SD 57747

Dear Mr. Hagenson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2113-2. The water right is currently listed in your name.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2113-2

Date: 1/23/97



I/We request that Water Right No. 2113-2

formerly owned by: Leo Hagenson

be transferred to: (name & address) James A. Wilhelm or Doris J.
RR1-Box 188E Hot Springs, SD Telephone No. 605-745-6849
57747-9430

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

well - NW 1/4 NW 1/4 Section 31-T6S-R6E

I/We understand that the validity of Water Right No. 2113-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Custer Co) DORIS J. Wilhelm

I/We ~~LEO HAGENSON~~ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

~~Leo J. Hagenson~~ Doris J. Wilhelm
(Signed)

Subscribed and sworn to before me this 23 day of January, 1997.

Tina M. Hill
(Notary Public)

TINA HILL, Notary Public
Fall River Co., South Dakota
My commission expires
March 22, 1999

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

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

RECEIPT

415230

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

January 27, 19 **99**

RECEIVED OF James or Doris Wilhelm, RR 1,,Box 188F, Hot Springs, SD 57747-9430

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 2113-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1997

No. 2113-2

James A. or Doris J. Wilhelm
RR 1, Box 188F
Hot Springs, SD 57747-9430

Dear Mr. and Ms. Wilhelm:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2113-2.

Our records now show you as the owner of Water Right No. 2113-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure