

Considered: _____

WATER PERMIT NO. 2215-2

Phone: 787-4685

Name of Applicant: MAC Construction

Post Office Address: PO Box 9041, Rapid City SD 57709

Amount of Water Claimed: 10 gpm (0.022 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-22-92 Fee: \$50 Remarks _____

Corrected Application Received 1/31/92 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: SE 1/4 SE 1/4 Sec 17-T2N-R7E

Land to be Irrigated: _____

			17		
					⊗

Well Log: Driller: Downen Drilling Licensed YES X NO _____

Depth of Well: 300' REMARKS _____

Type of Map: aerial PREPARED BY: Mariellan Ross, ASCS Reviewed and the Number

Assigned on 1-31-92 By Karen Schlaak

No. 2215-2 Hydrologic Unit 10120110
 Map No. _____ 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 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 MAC Construction Phone No. 787-4685
 Post Office Address P.O. Box 9041 Rapid City State SD 57709
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 10 GPM (0.022 cfs)

3. Source of water supply Ground Water

4. Location of point of diversion SE 1/4 SE 1/4 SEC 17, T2N, R7E, BHM

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used 1-1 thru 12-31

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)

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)^{ss}

I, Stephen F. McCarthy, Secretary/Treasurer, MAC Construction 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 [Signature]Subscribed and sworn to before me this 14th day of January 1992

[Signature]
 Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2215-2

Date of first receipt of application January 22, 1992.

Date of return to applicant for corrections, amendments or changes
January 22, 1992.

Date of receipt of corrected application January 31, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2215-2 to MAC Construction, PO Box 9041, 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. 2215-2 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one well (Minnelusa Formation) 300 feet deep located in the SE 1/4 SE 1/4 Section 17-T2N-R7E.
2. The water appropriated shall be used for the purpose of supplying water to the business and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2215-2 is April 29, 1992.
5. The date from which applicant may claim right is January 22, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

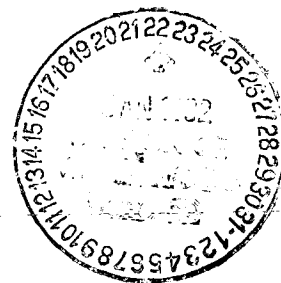
WATER MANAGEMENT BOARD

By: [Signature]
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 6 1992
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 1/4 Depth 300'
- b) Casing Type Steel Diameter 5 in. Thickness .258
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 195'
- f) Depth to Water (ground surface to water level) 60'
- g) Distance to nearest existing domestic well:
 On applicants property none On property owned by others 250'

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 _____

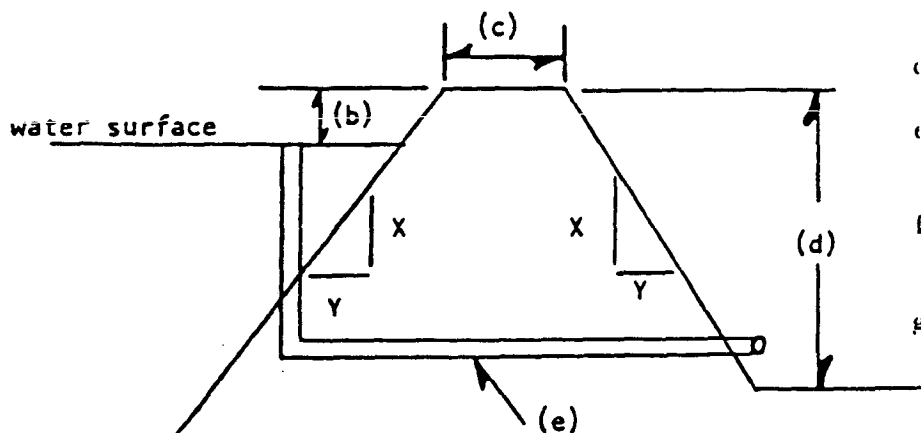
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Stephen F. McCarthy
 Secretary/Treasurer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

610027

Pierre, January 22, 1992

RECEIVED OF MAC Construction Company, P.O. Box 9041, Rapid City, SD 57709-9041

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

Fee for Application for Permit No. <u>2215-2</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer

10-85

Date 5/14/91



Mea
Penni

2006

377
T2167

281
T1427

On Co

2N-7E M-10

N
7.8
DOG
TRAIL

2N-7E M-10

Compl
Non ag

20

found
Non ag

50

50

South Dakota



GREAT FACES. GREAT PLACES.
August 28, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAC CONSTRUCTION CO.
E. E. MCCARTHY
440 UNIVERSAL DRIVE
RAPID CITY SD 57702

Dear MR. MCCARTHY:

A well drillers report filed by DOWNEN DRILLING states you recently completed a new well. This letter outlines your responsibilities as a new well owner.

1. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licenced well driller. If the old well is not abandoned, but not being used, the well must be sealed or capped at the surface until such time that it is used.
2. Following completion of any new well for domestic use, a water quality sample must be collected and submitted to a laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller is required to collect and submit the water quality sample. If the pump is not installed by the well driller, the owner must collect and submit the water sample. At a minimum, the water sample needs to be analyzed for the presence of nitrates, sulfates, sodium, coliform bacteria, and for conductivity. Further water analysis may be done, but is optional. The analysis must be submitted to the department within 30 days following the submittal of a well completion report. The owner or well driller pays for the cost of all analyses.
3. The output from any flowing well must be controlled by the owner so as to produce only the amount of water needed and to prevent waste.
4. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 or less gallons of water per minute (GPM), on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing, manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. You may need a water permit based on the well driller's report. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 1, 1991, or contact Don Frye (605 773-3352) if you don't believe your water use requires a permit.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

November 6, 1991

E. E. MCCARTHY
MAC CONSTRUCTION CO.
440 UNIVERSAL DRIVE
RAPID CITY SD 57702

Dear MR. MCCARTHY:

I am writing to follow-up on my August 28, 1991 letter concerning the possibility you may need to apply for a water permit. We have not received a response from you on this matter and would appreciate your earliest reply. A well drillers report filed by DOWNEN DRILLING shows that they completed a new well for you. Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 or less gallons of water per minute (GPM), on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing; manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 GPM or use water outside of the school building.
2. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by , or contact Don Frye (605-773-3352) if you don't believe your water use requires a permit or if you need assistance.

Thank you for your attention to this matter.

Very truly yours,



RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1992

MAC Construction
Stephen F. McCarthy
PO Box 9041
Rapid City SD 57709

Dear Mr. McCarthy:

Your water permit application received on January 22, 1992, is being returned because it needs to be signed by a notary public.

Upon receipt of the notarized application, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 2215-2
for MAC Construction
March 13, 1992

Application No. 2215-2 proposes to appropriate 10 gpm (0.022 cfs) from one well approximately 300 feet deep located in the SE 1/4 SE 1/4 of section 17, T2N R7E in Pennington County. The water is for commercial purposes.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation consists of sandstone, interbedded sandstone and dolomitic limestone and varies in thickness from 560 to 640 feet in this area (Peter, 1985). The Minnelusa underlies 1.37 million acres and contains an estimated 51.4 million acre feet of recoverable water Pennington County (Allen, 1984). The Minnelusa is under confined conditions (artesian) at this site. The driller's log accompanying this application indicates the top of Minnelusa was encountered at 195 feet below land surface. The well had a static water level of 60 feet below land surface and was capable of producing 35 gpm.

The Division of Water Rights monitors an observation well PE-84B completed into the Minnelusa and is located about 1 mile northwest of this application. The hydrograph for this well is included with this report. Water levels for this well have declined 25 to 30 feet since March of 1985. This magnitude of fluctuation has been fairly common throughout the Black Hills area and is primarily due to the extended drought conditions. In general, the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

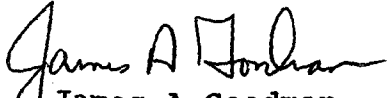
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are many existing permits/rights from the Minnelusa Formation in this area. The nearest permit, No. 2129-3, is approximately 900 feet northwest of this application. Interference is not expected to be a concern. Drawdown will occur as a result of pumping, but this should not adversely affect the water supply from the aquifer. The observation well record confirms this assessment.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The Minnelusa is under confined (artesian) conditions. Drawdown will occur as a result of pumping, but this should not adversely affect the supply of water in the aquifer.

3. This was an existing well which was rehabilitated. It is not apparent from the well construction report, if the well was completed in accordance with the SD Well Construction Standards, but enough cement grout was used to bring the well into compliance.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

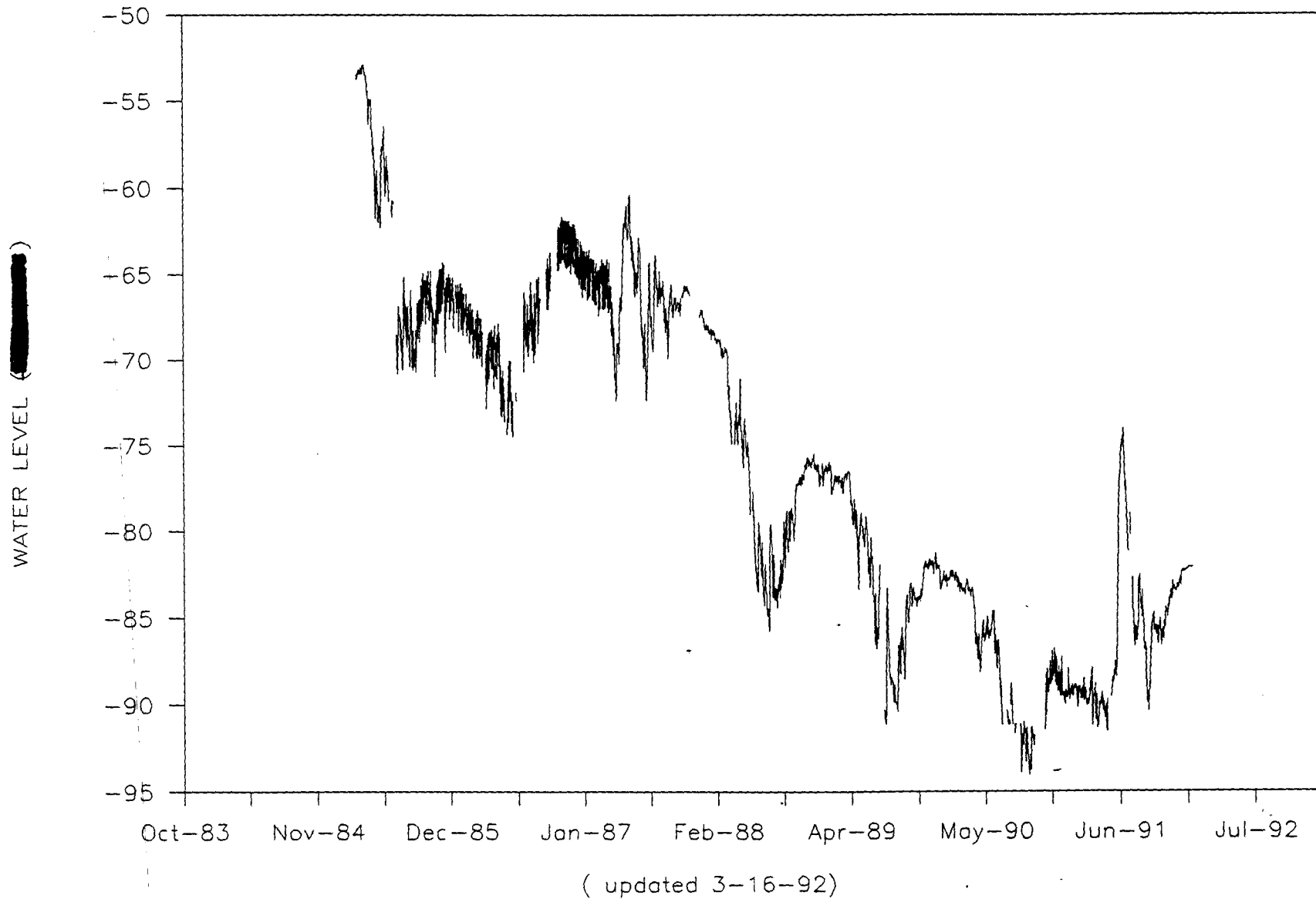
Allen, J.C., etal., 1984, Analysis of Groundwater and Streamflow Data of Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Peter, K.D., 1985, Availability and Quality of Water From the Bedrock Aquifers in the Rapid City Area, SD, USGS WRI 85-4022, USGS, Rapid City, SD, 57701.

Water Rights, 1992, Minnelusa Observation Well Records in Black Hills Area, unpublished, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

PE-84B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2215-2, MAC Construction

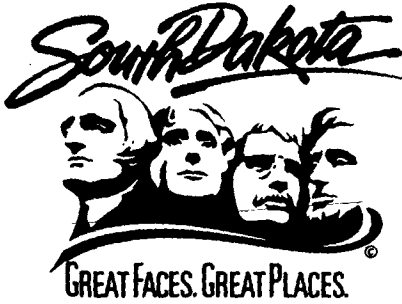
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2215-2, MAC Construction, c/o Stephen McCarthy, PO Box 9041, Rapid City, SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2215-2 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 report on application for additional information.


JOHN HATCH, Chief Engineer
March 23, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 25, 1992

Stephen F McCarthy
MAC Construction
PO Box 9041
Rapid City, SD 57709

Dear Mr. McCarthy:

Water Permit Application No. 2215-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the 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 Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2215-2 to be published twice. Please publish the first notice on April 2, 1992, 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 MAC Construction, PO Box 9041, 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
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 April 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2215-2 to Appropriate Water

Notice is given that MAC Construction, PO Box 9041, Rapid City, SD 57709 has filed an application for a water permit to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one well (Minnelusa Formation) 300 feet deep located in the SE 1/4 SE 1/4 Section 17-T2N-R7E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2215-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2215-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 29, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant 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 the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Pennington)

I, KATHY WHITE

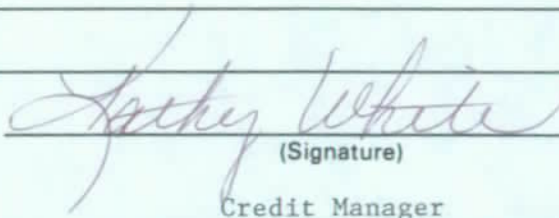
certify that the attached printed Notice was taken
 from the Rapid City Journal

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Rapid City Journal

_____ of Rapid City SD

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

April 2 and April 9


 (Signature)
 Credit Manager

(Title)

April 9, 1992

(Date Signed)

Cost of Printing: \$4.90 an inch

11 6/16 inches Total Cost \$111.52



April 2, 9 L619

**NOTICE OF HEARING
 ON APPLICATION NO. 2215-2
 TO APPROPRIATE WATER**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2215-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2215-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the April 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 29, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

If a hearing is held, 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 hearing will be held on the first day of the month following the date of the public hearing. Any hearing will be held on the first day of the month following the date of the public hearing.

adversary proceeding. Any person filing a petition and/or the applicant 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 the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Stephen F McCarthy, Sec/Tres
MAC Construction
PO Box 9041
Rapid City, SD 57709

Dear Mr. McCarthy:

Enclosed is Water Permit No. 2215-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1999

2215-2

MAC Construction
%Linda Loof, Office Manager
4440 Universal Dr.
Rapid City, SD 57702-9301

Dear Ms. Loof:

The investigation of your water use system was conducted on October 5, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2215-2. Your final water right document, the Water License, can now be issued.

Statutes require 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 begin processing your Water License.

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416255

Pierre, _____ November 15, 19 99

RECEIVED OF MAC Construction Co., 4440 Universal Dr., Rapid City, SD 57702
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. 2215-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatch

Permit No. 2215-2
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 this day, **October 5, 1998**, made a thorough examination of the water use system constructed by **MAC Construction of P.O. Box 9041, Rapid City, SD 57709** holder of Permit No. **2215-2**, bearing the priority of **January 22, 1992** authorizing the diversion of **0.022** cu. ft. per second of the waters of **groundwater** for **commercial** purposes, in **Pennington** County.

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

A. Works used to divert the water:

Water is diverted from a well 300 feet deep located in the SE¼ SE¼ SE¼ SE¼ Sec. 17, T2N-R7E, with a Jacuzzi Pump capable of diverting 10 gallons per minute.

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

Water is transported to place through 50 feet of 1 ¼ -inch diameter polyethylene pipe.

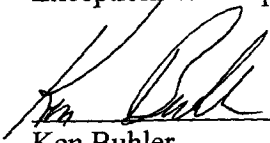
C. Works used to apply water to beneficial use:

Water is applied to beneficial use in the restroom, a kitchenette, and for incidental watering of trees and scrubs.

The system is in the following condition **good**. The point of diversion is located **125 feet north and 100 feet west of the southeast corner of Sec. 17, T2N-R7E**. The works are capable of diverting and conveying to the place of use **0.022** cu. ft. per second of water which is to be used for **commercial purposes**. The license should be issued for **0.022** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **na**


Ken Buhler

Natural Resources Engineer
DENR, Water Rights Program

10/13/99
Date

REPORT ON INSPECTION OF PERMIT NO. 2215-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Linda Loof

PO Box 9041

Rapid City, SD 57709-9041

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Office Manager

NAME & ADDRESS OF PERMIT HOLDER: MAC Construction

PO Box 9041

Rapid City, SD 57709-9041

DATE OF INSPECTION: October 5, 1998

DIVERSION POINT LEGAL LOCATION: 125 feet north and 100 feet west of the southeast corner of Sec. 17, T2N-R7E, (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T2N-R7E)

WELL INFORMATION:

- 1) Well Drilling Firm: Downen Drilling
- 2) No. of Wells one
- 3) Depth(s) 300 feet
- 4) Well log is available yes
- 5) Static water level 60 feet

Casing:

- 1) Diameter 7 & 4 inches
- 2) Length : ? And 210 feet respectively
- 3) Type steel

Pump:

- 1) Make Jacuzzi
- 2) Model 5S4BS2/S-87A
- 3) Capacity 10 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type polyethylene 2) Size 1 ¼ inches 3) Length 50 feet
-

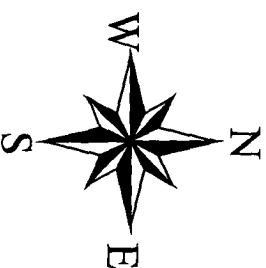
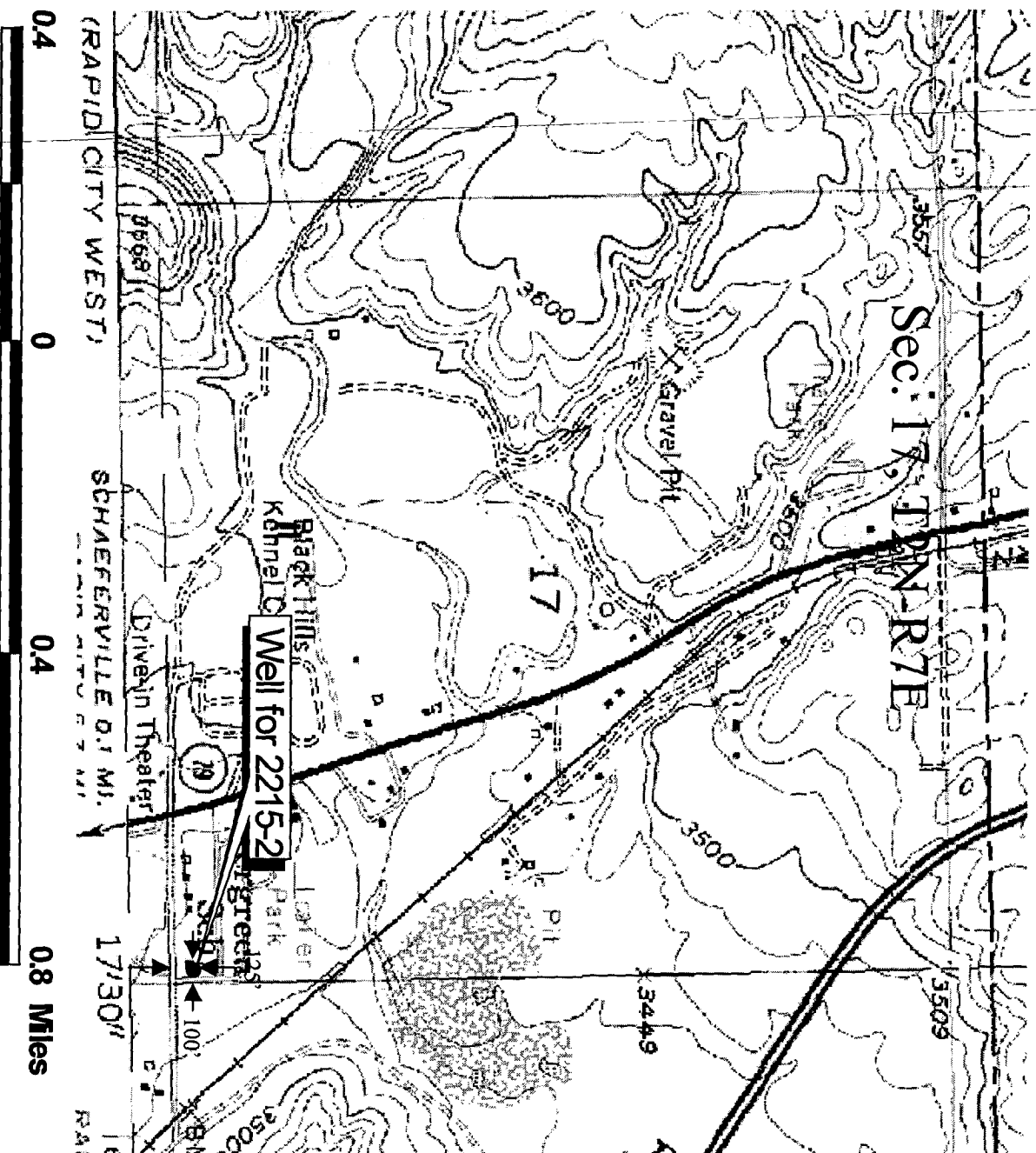
SYSTEM:

Well is located approximately 50 feet northeast of the building. Water is used for two sinks, a toilet, and for incidental watering of trees and scrubs

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na

Water Right No. 2215-2



Ken Buhler
 Ken Buhler
 Natural Resources Engineer
 Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2215-2

(1) MAC Construction, 4440 Universal Dr., Rapid City SD 57702-9301 made Application No. 2215-2, January 22, 1992 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2215-2, with a priority date of January 22, 1992 was approved April 29, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 125 feet north and 100 feet west of the southeast corner of Section 17-T2N-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 at the business.

(4) Pursuant to South Dakota Water Law 46-5-30.1 MAC Construction, 4440 Universal Dr., Rapid City SD 57709-9301 the holder and/or owner of Water Right No. 2215-2 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from groundwater (one well) with a priority date of January 22, 1992 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2215-2 and subject to South Dakota State Law.



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

DEC 6 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 6 1999

2215-2

MAC Construction
%Linda Loof, Office Manager
4440 Universal Drive
Rapid City, SD 57709-9301

Dear Ms. Loof:

Enclosed is Water License No. 2215-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416255 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. 2215-2, 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 Program
(605) 773-3352

ks
enclosures