

WATER PERMIT NO. 2287-2

Phone: 348-6738

Name of Applicant: Rimrock Ridge Water Association

Post Office Address: c/o James Nestor, 3731 N Loretta Dr., Rapid City SD 57702

Amount of Water Claimed: 0.05 Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

About _____ miles _____ of _____

PRIORITY Date Received: 6-7-93 Fee: \$50.00 Remarks: _____

Corrected Application Received: 6-22-93 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: ^{T1M} SW 1/4 NE 1/4 Sec 18-TN-R7E

Land to be Irrigated: _____

			⊙		
			18		

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

Depth of Well: 320 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Timothy R. Conner, PE Reviewed and the Number

Assigned on: 6-22-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2287-2 Hydrologic Unit 10/20110
Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450
(office use only)

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

Check use of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Rimrock Ridge Water Association Phone 605 348 673P
Mailing Address 3731 N. Loretta Dr. Rapid City State SD 57702
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.05 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply WELL
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 WELL SW1/4 / NE1/4 / Sec 18 / Twp 1 N / R9 7E
(Lot 4, Block 1 of Lee Estates) County Pennington
5. County or counties where water will be used Pennington
6. Annual period during which water is to be used Domestic Household - 12 months
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

6 1/4 WELL - 320 FT DEEP -
5 HP SUBMERSIBLE PUMP -
18000 GAL CONCRETE RESERVOIR
1 1/4 HP PRESSURE PUMP TO 2 80 GAL. PRESSURE TANKS

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

STATE OF SOUTH DAKOTA)

County of Pennington ^{SS}

I, JAMES NESTOR, 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 _____

Subscribed and sworn to before me this 27 day of May 19 93

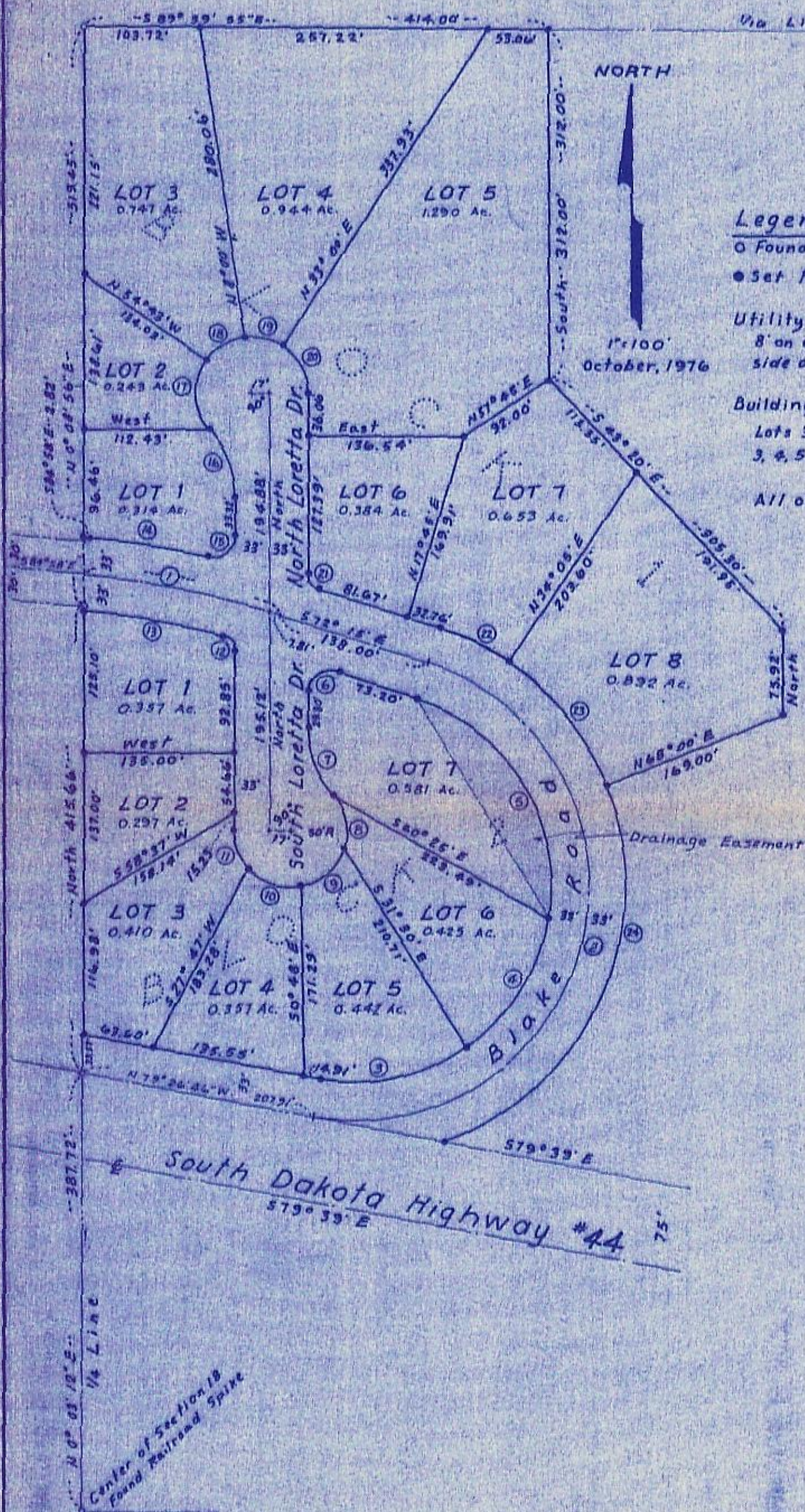
Kathleen J. Nestor

Notary Public

2/3/1994

Plat of a portion of Lee Estates

Including Lots 1 thru 8 of Block 1 and Lots 1 thru 7 of Block 2
Located in the SW 1/4 NE 1/4 Section 18, T1N, R7E, B.H.M.
Pennington County, South Dakota



Curve Data

#	R	Δ	T	L
1	807.67'	12°43'	90.00'	179.26'
2	210.00'	172°48'14"	3399.66'	633.36'
3	177.00'	44°48'45"	72.98'	138.44'
4	177.00'	46°24'03"	75.86'	143.34'
5	177.00'	81°35'26"	152.76'	252.05'
6	20.00'	101°45'	27.40'	37.61'
7	99.62'	40°15'36"	34.28'	65.71'
8	50.00'	58°43'44"	28.19'	51.34'
9	50.00'	61°46'31"	29.91'	53.91'
10	50.00'	51°27'16"	27.41'	50.14'
11	50.00'	42°12'05"	19.29'	36.83'
12	10.00'	75°09'54"	7.70'	13.12'
13	174.67'	3°35'33"	65.00'	129.70'
14	840.67'	7°25'57"	54.60'	109.05'
15	20.00'	102°27'57"	24.30'	37.51'
16	99.52'	40°15'36"	34.28'	65.71'
17	50.00'	75°32'36"	38.74'	65.92'
18	50.00'	46°43'	21.59'	40.77'
19	50.00'	41°00'	18.69'	35.78'
20	50.00'	57°00'	27.15'	49.74'
21	10.00'	72°15'	7.30'	12.61'
22	243.00'	16°20'	34.87'	69.27'
23	243.00'	33°55'	74.10'	143.85'
24	243.00'	101°57'52"	299.89'	432.45'

Legend

○ Found Pin - 5/8" Rebar

● Set Pin - 5/8" Rebar

Utility Easements

8' on either side of all side and rear lot lines

Building Setback: Front Yard

Lots 3 & 4, Block 1 and Lots 3, 4, 5 & 6, Block 2 = 35'

All others = 25'

CERTIFICATE OF OWNERSHIP

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON ss

I, Rodney S. Lee, do hereby certify that I am the Owner of the tract of land shown and described hereon, that the plat was done at my request for the purposes indicated herein, and that I do hereby approve the within plat of said land.

In Witness whereof, I have hereunto set my hand and seal.

OWNER: Rodney S. Lee
Rodney S. Lee

On the 25 day of November, 1976, before me, a Notary Public, personally appeared Rodney S. Lee, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: Robert D. Hallmark

My Commission Expires: June 7, 1982

CERTIFICATE OF DIRECTOR OF EQUALIZATION

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 9th day of November, 1976.

Lillian M. Omer
Director of Equalization of Pennington County

APPROVED: Lillian Omer
Director of Equalization of Pennington County

DATE: October 25, 1976

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON ss

I, Warren L. Fisk, Registered Land Surveyor No. 1771 of the State of South Dakota, do hereby certify that being so authorized, I made the within plat of the land shown and described hereon and that the same is, in all things, true and correct.

In Witness whereof, I have hereunto set my hand and seal.

REGISTERED LAND SURVEYOR: Warren L. Fisk
Warren L. Fisk

On the 25 day of October, 1976, before me, a Notary Public, personally appeared Warren L. Fisk, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: Robert D. Hallmark

My Commission Expires: June 7, 1982

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON ss

I, Finance Officer of the City of Rapid City, do hereby certify that at an official meeting held on October 25, 1976, the Common Council by resolution did approve the plat as shown hereon.

Warren L. Fisk
Finance Officer of the City of Rapid City

CERTIFICATE OF COUNTY TREASURER

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 25th day of October, 1976.

Warren L. Fisk
Treasurer of Pennington County

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
Filed for record this 9 day of November, 1976, at 10 o'clock
and 14 minutes of October, 1976.
Records Warren L. Fisk
Register of Deeds

Fee \$22

**SOUTH DAKOTA
WATER PERMIT NO. 2287-2**

Date of first receipt of application June 7, 1993.

Date of return to applicant for corrections, amendments or changes June 8, 1993.

Date of receipt of corrected application June 22, 1993.

The Water Management Board approved Water Permit Application No. 2287-2 on December 1, 1993 for Rimrock Ridge Water Association, % James Nester, 3731 N Loretta Dr., Rapid City SD 57702 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. 2287-2 appropriates 25 gallons per minute (0.05 cubic feet of water per second) from one well (Madison Formation) 320 feet deep located in the SW 1/4 NE 1/4 Section 18-T1N-R7E (Lot 4, Block 1 of Lee Estates).
2. The water appropriated shall be used for the purpose of supplying water to housing development and may not exceed the amount of water needed for beneficial use for 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 June 7, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Since the well requested by Permit No. 2287-2 has been in use since 1974 and the amount of water requested is only 25 gallons per minute, 1) no significant adverse hydrologic effects on the supply of water in the Madison Formation are expected, 2) the water in the well is under water table conditions, and 3) issuance of this permit will not have an adverse effect on nearby Madison Formation wells or springs. Therefore, issuance of Permit No. 2287-2 as a permanent permit will not be in violation of SDCL 46-2A-20.
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: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

FEB 1 1994
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 1/2" Depth 320
- b) Casing Type Steel Diameter 5 1/2" Thickness 15 LB/FT.
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 210 FT.
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others 1/8 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 _____

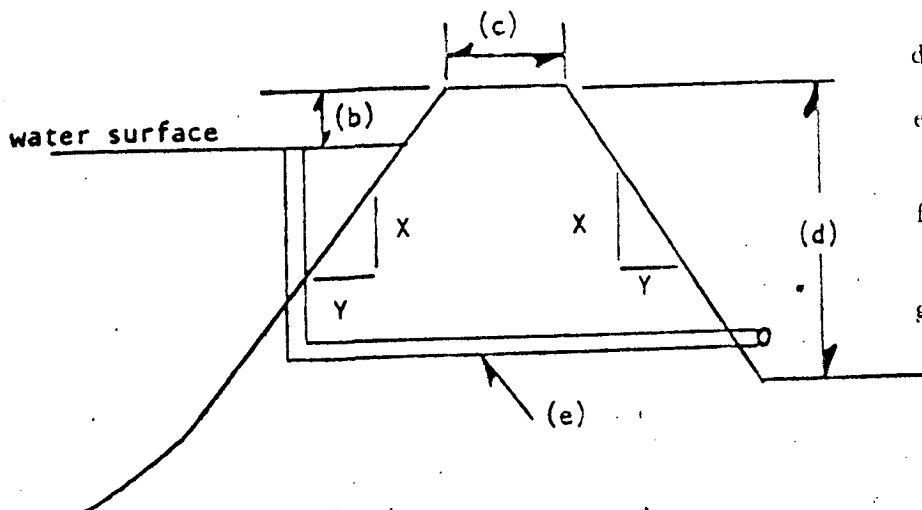
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Rim Rock Ridge Estates

Signature of Applicant

RECEIPT

413811

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 22, 19 93

RECEIVED OF Rimrock Ridge Water Assn., Inc., RR 8 Box 499, Rapid City, SD 57701

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

Fee for Application for Permit No. <u>2287-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

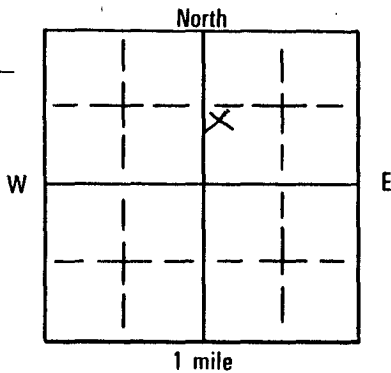
By John Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NE 1/4 Sec 18 Twp 1 N Rg 2 E

County

PenningtonPlease mark well
location with
an "X"Well Completion Date Oct. 25, 1974

PROPOSED USE:

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

Method of Drilling:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>180</u> FT	<u>6 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 50 FEETWhat is grouting material? Cement

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

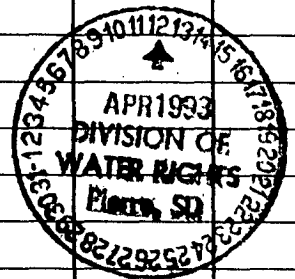
Name Rimrock Ridge EstatesAddress c/o Bud Nestor 3731 N. LorettaWell Log: Rapid City S.D. 57702 Depth _____

Formation

From

To

<u>Broken Limestone + gravel</u>	<u>0</u>	<u>20</u>
<u>White Limestone</u>	<u>20</u>	<u>30</u>
<u>Broken red + yellow Limestone</u>	<u>30</u>	<u>110</u>
<u>yellow + white Limestone</u>	<u>180</u>	<u>320</u>

STATIC WATER LEVEL 210 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ BailedDescribe: Air Developed☒ Other

Pumping Level Below Land Surface

320 ft. After _____ Hrs. pumped 35 GPM280 ft. After _____ Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This log is being recorded in 1993
as owners are currently applying
for a water use permit.

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative:

Ralph Taylor Jr.

Signature of Well Owner:

Date 4-8-93



May 28, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Bud Nestor
Rimrock Ridge Estates
3731 North Loretta
Rapid City SD 57702

Dear Mr. Nestor:

A well driller's report filed by Taylor Drilling shows that they completed a new well for you. Based on the information in the report, you may need a permit to appropriate water for use in your business.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by June 16, 1993. You may contact Barry McLaury at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

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

June 8, 1993

Rimrock Ridge Water
& James Nester
3731 N Loretta Dr.
Rapid City SD 57702

Dear Mr. Nester:

In regard to your water permit application received on June 7, 1993, the following information needs to be submitted in order to process your application.

1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. Please specify the type of wastewater disposal system that is utilized (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction.
3. The filing fee for this application will be \$50.00.

The water permit application can not be considered until the application is complete. Upon receipt of the above, further processing of the application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

June 18, 1993



Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

ATTENTION: Karen Schlaak, Natural Resources Analyst

REGARDING: Rimrock Ridge Water Association, West of Rapid City, SD

Dear Ms. Schlaak:

This letter is written in response to your letter of June 8, 1993 and our subsequent telephone conversation of June 18, 1993. In reply to your comments we offer the following responses:

1. Attached are two maps for your reference: 1) the plat of the subdivision, and 2) a drawing detailing the utility easement on which the well is located. The well is located in the utility easement in Lot 4, Block 1 of Lee Estates.
2. The subdivision is connected to the Rapid Canyon Sanitary District system, which delivers flow to the City of Rapid City sewerage system. The homes in the subdivision do not discharge to septic tanks or drain fields.
3. Enclosed is a check in the amount of \$50.00 for the filing fee.

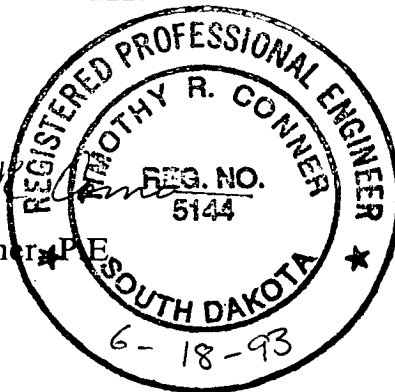
If you have any questions, please do not hesitate to call me or Mr. Nester. My business phone number is 343-0222.

Sincerely yours,

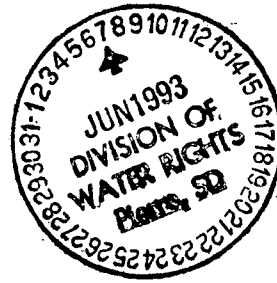
Timothy R. Conner

Timothy R. Conner, P.E.

Enclosures



cc: Bud Nester



June 21, 1993

Department of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD. 57501-3131

Gentlemen:

I enclose our application for domestic water rights permit. As additional information I enclose a well completion report dated April 8, 1993 that was actually completed Oct. 25, 1974. As I understand the instructions, I believe you will bill us later for the necessary fees.

Trusting the information provided is adequate, I remain,

Sincerely,

James Nestor, chmn.
RIMROCK RIDGE WATER ASSOCIATION
3731 N. Loretta Dr.
Rapid City, SD. 57702

REPORT ON APPLICATION NO. 2287-2
for Rimrock Ridge Water
August 13, 1993

Application No. 2287-2 proposes to appropriate 25 gpm (0.05 cfs) from one well approximately 320 feet deep located in the SW 1/4 NE 1/4 of section 18, T1N R7E in Pennington County. The water is for suburban housing development use.

AQUIFER - MADISON FORMATION (MDSN)

The Madison Formation (Pahasapa) is a massive limestone and dolomite ranging in thickness from 300 to 400 feet in this area (Cattermole, 1969). The Madison is cavernous in the upper 1/2 and may contain numerous fractures (Peter, 1985). At this site the Madison is the rock at the surface. The aquifer is unconfined and under water table conditions at this site. The Madison underlies 1.49 million acres and contains an estimated 29.79 million acre feet of recoverable in Pennington County (Allen, 1984).

The driller's log submitted with the application indicates a total depth of 320 feet with a static water level of 210 feet below land surface. It also indicates the well was capable of producing 35 gpm using air to develop. The well is constructed in accordance with SD Well Construction Standards.

The Division of Water Rights monitors one Madison Formation well PE-89A which is located about 1 mile east of this location. Water levels for this well indicate climatic conditions and response to pumping by of Rapid City. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

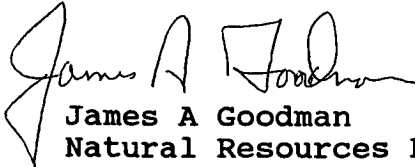
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit from the same source is about 1 mile east of this application. Interference is not expected to be a concern. The aquifer is under water table conditions at this site and drawdown should not be significant and should not extend very far from an individual production well.

CONCLUSIONS

1. Water is available from the Madison Formation.
2. The aquifer is under water table conditions and interference is not expected to be a problem.
3. This well is completed in accordance with SD Well Construction Standards.
4. Wastewater is disposed through the City of Rapid City sewerage system.

5. This is a Madison aquifer diversion. According to SDCL 46-2A-20 this application must contain a 20 year term limitation unless information is presented that will show this diversion will not adversely effect the water supply from the Madison Formation.
6. This is an existing well and was completed in 1974. There have been no reported problems with this diversion.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, 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, South Dakota, USGS WRI 85-4022, USGS, Rapid City, SD, 57701.
- Water Rights, 1993, Unpublished Observation Well Data for Madison Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

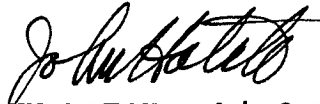
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2287-2, Rimrock Ridge Water Association

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. 2287-2, Rimrock Ridge Water Association, c/o James Nestor, 3731 North Loretta Drive, Rapid City, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2287-2 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. Since the well requested by Application No. 2287-2 has been in use since 1974 and the amount of water requested is only 25 gallons per minute, 1) no significant adverse hydrologic effects on the supply of water in the Madison Formation are expected, 2) the water in the well is under water table conditions, and 3) issuance of this permit will not have an adverse effect on nearby Madison Formation wells or springs. Therefore, issuance of Permit No. 2287-2 as a permanent permit will not be in violation of SDCL 46-2A-20.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 16, 1993



**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.**

September 22, 1993

James Nestor
Rimrock Ridge Water Association
3731 North Loretta Drive
Rapid City, SD 57702

Dear Mr. Nestor:

Water Permit Application No. 2287-2 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 (Ph # 394-8300). 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

September 22, 1993

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2287-2 to be published twice. Please publish the first notice on October 6, 1993, 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 Rimrock Ridge Water Association, 3731 North Loretta Drive, Rapid City, SD 57702 (Ph # 348-6738).

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 October 6, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2287-2 to Appropriate Water

Notice is given that Rimrock Ridge Water, c/o James Nestor, 3731 North Loretta Drive, Rapid City, SD 57702 has filed an application for a water permit to appropriate 25 gallons per minute (0.05 cubic feet of water per second) from one well (Madison Formation) 320 feet deep located in the SW 1/4 NE 1/4 Section 18-T1N-R7E (Lot 4, Block 1 of Lee Estates). The water is for suburban housing development purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2287-2 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.

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 November 22, 1993. 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.

The Water Management Board will consider this application at 10:00 a.m., December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD 57501. 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. The December 1, 1993, 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 November 22, 1993.

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 Eric Gronlund by November 22, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Oct. 6, 13

L1736

**NOTICE OF HEARING
ON APPLICATION #2287-2
TO APPROPRIATE WATER**

Notice is given that Rimrock Ridge Water, c/o James Nestor, 3731 North Loretta Drive, Rapid City, SD 57702 has filed an application for a water permit to appropriate 25 gallons per minute (0.05 cubic feet of water per second) from one well (Madison Formation) 320 feet deep located in the SW¼ NE¼ Section 18-T1N-R73 (Lot 4, Block 1 of Lee Estates). The water is for suburban housing development purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2287-2 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.

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 November 22, 1993. 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.

The Water Management Board will consider this application at 10:00 a.m., December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD 57501. 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. The December 1, 1993, 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 November 22, 1993.

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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, 46-2A-20, 46-2A-21; 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 thru 74:02:01:15.

Robert E. Roberts

Secretary

Department of Environment
and Natural Resources

Affidavit of Publication



STATE OF SOUTH DAKOTA

ss.

County of Pennington

I, Helena M. Bauer

, being first duly sworn,

upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the **RAPID CITY JOURNAL COMPANY**, a corporation, of Rapid City, South Dakota, the owner and publisher of the **RAPID CITY JOURNAL**, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said **RAPID CITY JOURNAL**, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each _____ week

for _____ two _____ successive _____ weeks _____, the first publication thereof being on the _____ 6th _____ day of _____ October _____, 19 _____ 93 _____, that the fees charged for the publication thereof are _____ ninety six _____ Dollars and _____ ninety three _____ cents.

Helena M. Bauer

Subscribed and sworn to before me this _____ 13th _____ day of

October _____, 19 _____ 93 _____

Perry W. Schumacher
Notary Public.

Commission expires April 18, 1995

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rim Rock Water -- WP Appl. No. 2287-2

ADDRESS: COUNTY: Pennington

DATE: 9/23/93 TELEPHONE: Bud Nestor residence 348-6738

RE: Call from Bud Nestor

COMMENTS:

Mr. Nestor called stating that he received the Notice of Hearing, Report and Recommendation on the water permit application for Rim Rock Water Association. He stated that he was always understood that their well was constructed into the Minnelusa formation instead of the Madison as listed in the report. I stated that from the information provided our staff engineer determined the well was constructed into the Madison Formation.

I stated that I would again check with the engineer and if there was a problem I'd contact him back.

I talked to Jim Goodman about this issue, he reviewed the well completion report, and a geological map and stated that there was little doubt that this was a Madison well.

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: Eric Thorslund

Sept. 24, 1993



Rapid City Journal
PO Box 450
Rapid City, SD. 57709-0450

Attention: Legal Department

I am in receipt of a communication from the South Dakota Department of Environment and Natural Resources advising they forwarded you a legal notice to be published October 6, 1993 and October 13, 1993 on behalf of the RIMROCK RIDGE WATER ASSOCIATION.

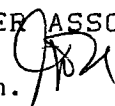
Please proceed as they request, with billing for the service as follows:

RIMROCK RIDGE WATER ASSOCIATION
%James Nestor
3731 N. Loretta Drive
Rapid City, SD. 57702

Please be certain to provide them with proof copies of the runs as requested.

Sincerely,

RIMROCK RIDGE WATER ASSOCIATION

James Nestor, Chmn. 

cc: Mr. Eric Gronlund ✓
Water Rights Divn.
Joe Foss Building
Pierre, SD. 57501-3181

cc: Mr. Terry Satrang
3734 N Loretta Dr.
Rapid City, SD. 57702



October 15, 1993

Mr. Eric Gronlund, Nat. Rec. Engr.
Department of Environment & Nat. Rec.
523 E. Capitol
Pierre, Sd . 57501-3181

RE: Rimrock Ridge Water
#2084 - RIGHTS

Dear Mr. Gronlund,

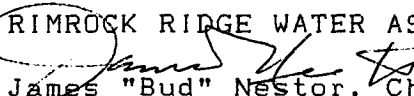
I enclose the affidavit of publication that I received from the Rapid City Journal on the above water rights application. I trust they forwarded both of them onto you as requested.

Assuming there be no replies of contest, I shall look forward to notification from your office of the "water rights" being in place when the process is completed.

We sincerely appreciate your assistance.

Regards,

RIMROCK RIDGE WATER ASSOC.


James "Bud" Nestor, Chmn.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 1 1994

James Nestor
Rimrock Ridge Water Association
3731 North Loretta Drive
Rapid City, SD 57702

Dear Mr. Nestor:

Enclosed is Water Permit No. 2287-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

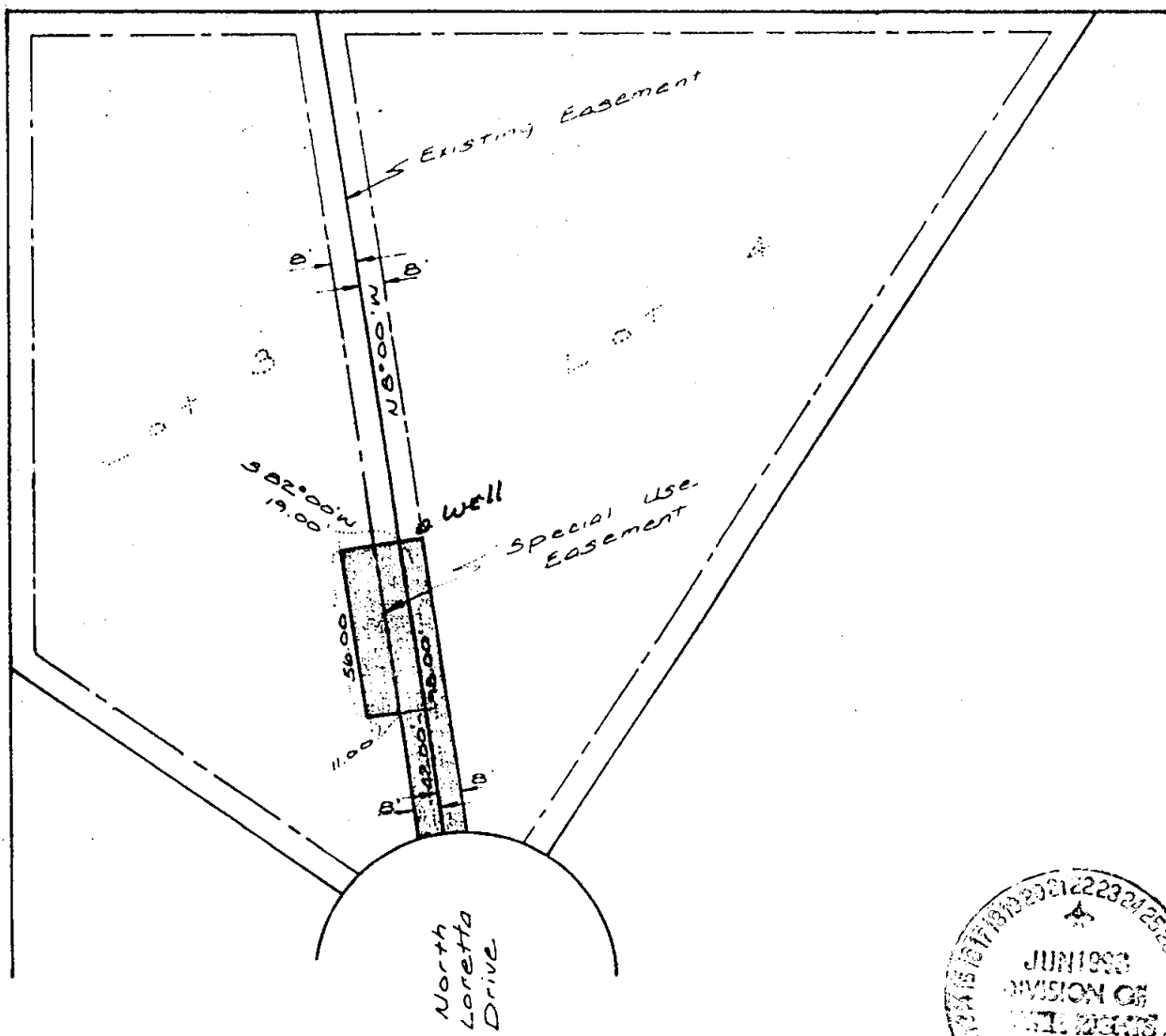
We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

EXHIBIT "A" ----- Special Use Easement for Access and Use of Water System
 Granted to all Lots in Block 1 and in Block 2.
 Lee Estates, Located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, T1N, R7E,
 BHM, Pennington County, South Dakota



SURVEYOR'S CERTIFICATE

I, Warren L. Fisk, a Registered Land Surveyor, do hereby certify that being so authorized by the property owner. I have prepared an easement description of the within described land and that the same is correctly shown hereon. In Witness Whereof, I hereunto set my hand and official seal this 3rd day of December, 1979.

Warren L. Fisk

STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON SS

On this 3rd day of December, 1979, before me, a Notary Public, personally appeared Warren L. Fisk, known to me to be the person whose name is subscribed to the within surveyor's certificate and acknowledged that he executed the same for the purpose therein contained. In Witness Whereof, I hereunto set my hand and seal.

Ann Whipple
 Notary Public

My Commission Expires 6-30-87



2287-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

2743-2

FEB 03 2016

Rimrock Ridge Water Association
c/o James Keller
3734 N Loretta Dr
Rapid City SD 57702

Dear Mr. Keller:

Enclosed are Water Permit and Water License No. 2743-2. These are the final water right documents completing your process of obtaining a Water Right. A map prepared by the staff engineer who conducted the investigation is also included.

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. 2743-2, 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 the association uses the water beneficially, as stated in the Water License, the State Water Laws provide that a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: The applicable portions of No. 2287-2 are incorporated into Water License No. 2743-2.

enclosures