

WATER PERMIT NO. 2297-2

Phone: 342-1056

Name of Applicant: FRANKLIN SIMPSON

Post Office Address: PO Box 796, Rapid City SD 57701

Amount of Water Claimed: 0.10 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Pennington

About _____ miles _____ of _____

PRIORITY Date Received: 1-6-94 Fee: \$50.00 Remarks: ~~Change use on~~

Water Permit No. 2137-2 from irrigation to commercial - also reduces amount of water

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

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

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

Diversion Point: NW 1/4 SE 1/4 Sec 27-T2N-R7E

Land to be Irrigated: _____

			27		
			⊗		

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

Depth of Well: 720' REMARKS: _____

Type of Map: plat PREPARED BY: Jerry J Wendland Reviewed and the Number

Assigned on: 1-6-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2297-2**

Date of first receipt of application January 6, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2297-2 to Franklin Simpson, PO Box 796, Rapid City SD 57701 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. 2297-2 appropriates 0.10 cubic feet of water per second (cfs) from one well (Minnelusa Formation) located in the NW 1/4 SE 1/4 Section 27-T2N-R7E. This well was previously authorized by Water Permit No. 2137-2 to appropriate 0.17 cfs for irrigation of 100 acres and to maintain 22.3 acre-feet of water in 8 storage dams. The irrigation use from this well has been abandoned and forfeited, however, the 8 storage dams still exist. The dams are located in the E 1/2 NW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 27-T2N-R7E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for commercial use 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. 2297-2 is March 28, 1994.
5. The date from which applicant may claim right is January 6, 1994.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

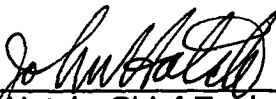
QUALIFICATIONS

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed with the flow then reduced to the minimum amount to maintain water levels in the dams or shutoff when well water is not needed. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer (Minnelusa). The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Water Permit No. 2297-2 authorizes storage of 22.3 acre-feet of water.

(continued)

4. Except for existing Dam No. 102, during the period of May 1 through September 30, any inflow from springs and surface runoff must be passed through the other dams.

WATER MANAGEMENT BOARD

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

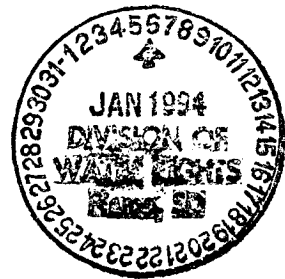
OCT 4 1994
date

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. 2297-2 Hydrologic Unit 10180110
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. ~~211922~~

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

~~Change from irrigation use to commercial use~~

- Name of Applicant FRANKLIN SIMPSON Phone 342-1056
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 796 RAPID CITY State SD
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.10 *CFS or _____ **GPM _____ ***AF _____
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Minnelusa Sands
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) see map
NW1/4 SE1/4 Sec 27-T2N-R7E
County PENNINGTON
- County or counties where water will be used PENNINGTON
- Annual period during which water is to be used JAN. 1 to DEC. 31
- 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)

EXISTING

Commercial use to supply building for purposes of lavatories, hand sinks and showers.

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, Franklin Simpson, 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

Franklin Simpson

Subscribed and sworn to before me this 30 day of December 19 93

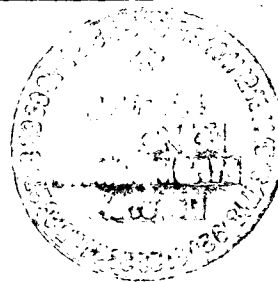
Lee Ann Nelson

Notary Public

expires Oct. 7, 2001

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 1/4" Depth 720 ft
- b) Casing Type STEEL Diameter 5 1/2" OD Thickness 0.25"
- c) Screen Type NONE Diameter _____ Thickness _____
- d) Gravel Pack Thickness NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 570'
- f) Depth to Water (ground surface to water level) 0
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1400'

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

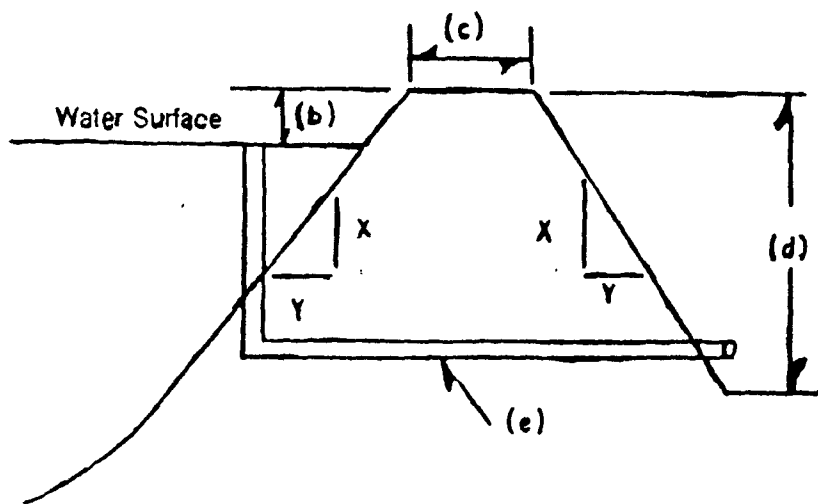
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



* Well LOG SENT IN BY TAYLOR DRILLING

RECEIPT

413984

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 6, 19 94

RECEIVED OF Simpson's Landscaping, PO Box 796, Rapid City SD 57701

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

Fee for Application for Permit No. <u>2297-2</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 James Hatch
Chief Engineer JKS

SIMPSON, FRANK 10/27/79 (off Deadwood Ave.)

720' 6½" Drilling 12 gr. hard
620' 5½" O.D. Casing 2 ppm iron

0-28 Red shale & gyp

28-50 green sandstone & shale

50-62 green shale

62-65 gyp

65-74 green shale

74-400 red shale & gyp
160'-37 GPM-60 PSI
260'-50 GPM

400-442 limestone
40-50 GPM

442-570 red shale & siltstone
10-15 GPM
460'-75 GPM-140 PSI

570-613 red silty sandstone & shale

613-620 red & yellow sandstone

620-640 yellow sandstone

640-707 red & white limestone

707-712 red clay or shale

712-720 limestone

75 GPM @ 460' 140 PSI

50 GPM @ 260' 100 PSI

37 GPM @ 160' 60 PSI

Flowing 17 GPM

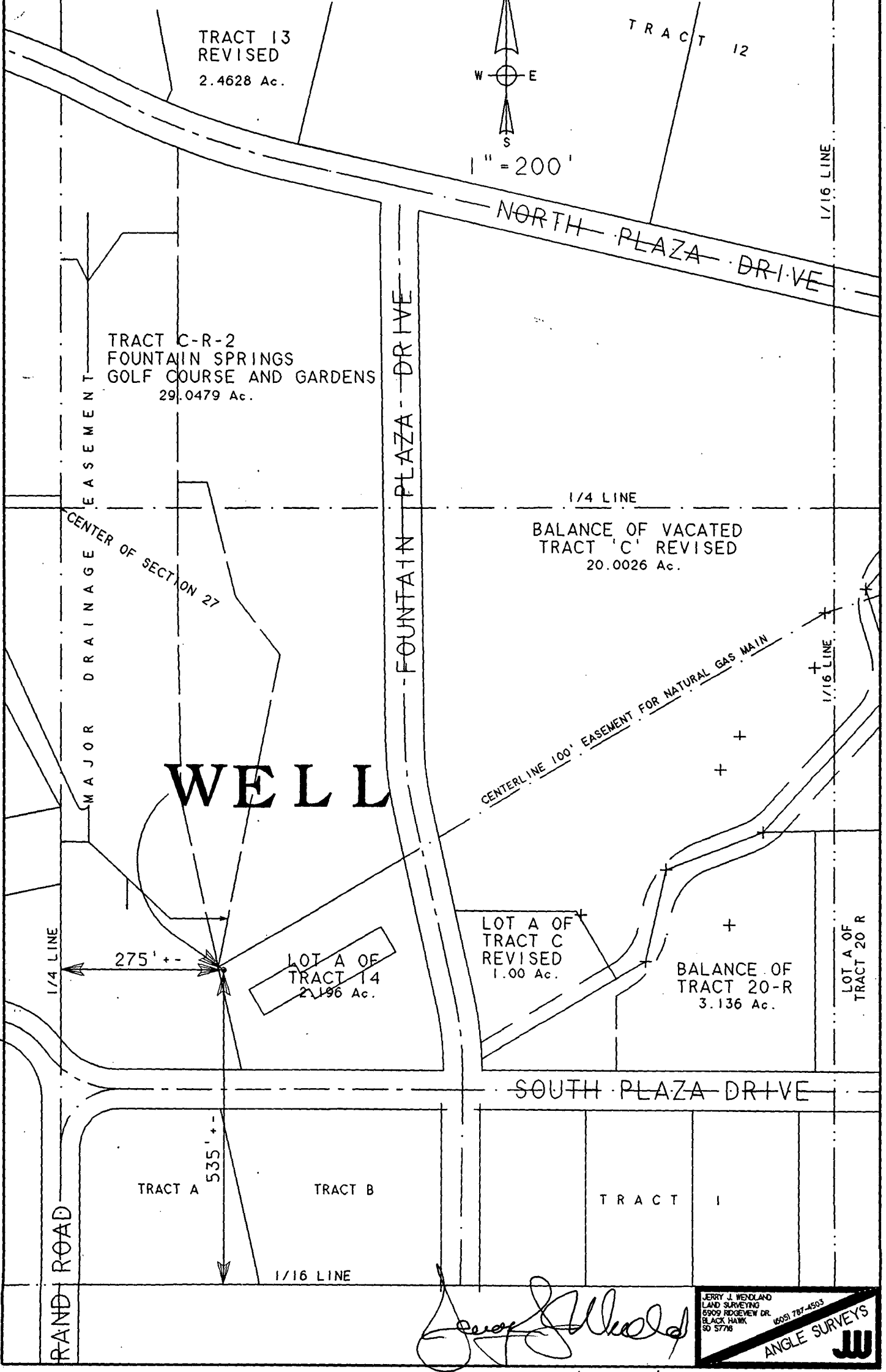
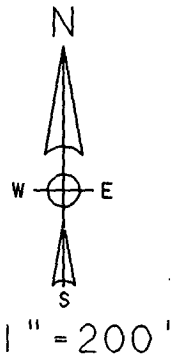


RECEIVED
JUN 19 1990
FMG INC.

Received from: Taylor Drilling Co.
Rapid City, SD



WELL LOCATION MAP FOR FOUNTAIN SPRINGS
GOLF COURSE AND SIMPSON'S PRINTING.
LOCATED IN THE NW1/4 OF THE SE1/4 OF SECTION 27,
T2N, R7E, B.H.M., RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA



[Handwritten signature]

JERRY J. WENDLAND
LAND SURVEYING
5909 RIDGEVIEW DR.
BLACK HAWK
SD 5716
6051 787-4503
ANGLE SURVEYS
JW

SDPLS #4224

2297-2

August 4, 1993

Brian Chleborad, Project Manager
Simpson's Landscaping & Garden Center
1750 Fountain Plaza Drive
Rapid City, SD 57702

Dear Mr. Chleborad:

I am writing in response to Water Permit No. 2137-2 (copy enclosed) held by Frank Simpson for irrigation of the golf course and to maintain the water level in the storage dams. The irrigation portion of this Permit was suspended due to failure to submit the annual irrigation questionnaire.

Upon contacting the Simpson's, they indicated that the well was not used for irrigation. Based on this initial information, this office intended to simply remove the irrigation questionnaire qualification from the Permit. The Permit would then authorize the storage of water in the small dams.

Your June 18, 1993 letter to Rassool Ahadi indicated the Minnelusa well is only used for supplying water to lavatories, sinks and showers at the facility. The current use of water from the well constitutes a commercial use of water that is not authorized by Permit No. 2137-2.

Enclosed are the necessary forms to apply for a water permit for commercial use of water. Please feel free to contact me if you have any questions.

Sincerely,



Eric Gronlund
Water Rights Division
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1001

November 10, 1993

Brian Chleborad, Project Manager
Simpson's Landscaping & Garden Center
1750 Fountain Plaza Drive
Rapid City SD 57702

Dear Mr. Chleborad:

On August 4, 1993, you were sent applications forms for a permit to change the use of Water Permit No. 2137-2 from irrigation use to commercial use (copy enclosed). This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of application forms and instructions. Please complete the application and have it signed and notarized. The filing fee for a change of use application is \$50. It will not be necessary to submit the map or well completion report. That information is on file with Water Permit No. 2137-2.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures

WATER PERMIT APPLICATION NO. 2297-2
FRANKLIN SIMPSON
JANUARY 13, 1994

Water permit application No. 2297-2 proposes to appropriate 0.10 cubic feet of water per second (cfs) from one well (Minnelusa Formation) located in the NW 1/4 SE 1/4 Sec. 27, T2N-R7E for commercial use. This well was previously authorized by Water Permit No. 2137-2 to appropriate 0.17 cfs for irrigation of 100 acres and to maintain 22.3 acre feet of water in 8 storage dams.

AQUIFER: Minnelusa Aquifer

INTRODUCTION:

SDCL 46-2A-9 requires that a permit to appropriate water may only be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the questions of water availability and the effects on existing rights.

Water Availability:

In 1991, the Water Management Board approved Water Permit No. 2137-2 for Frank Simpson. The Water Permit appropriated 0.17 cfs from the Minnelusa Aquifer which was to be used for irrigation and to maintain 22.3 acre-feet of water in 8 storage dams. The irrigation portion of the permit has been forfeited or abandoned. However, the well is used to supply water to maintain the storage dams. This application proposes to appropriate 0.10 cfs from the well authorized by Water Permit No. 2137-2 for commercial use. With regard to the amount of water that is appropriated from the Minnelusa Aquifer, this application does not propose to increase the amount of water which has been appropriated from the Minnelusa Aquifer.

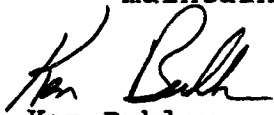
Effects on Existing Water Rights:

The well used to supply water for this application has been in existence for since 1979, and is currently being used for commercial use with no reported controversy. Therefore, adverse impacts to existing rights are not expected.

CONCLUSIONS:

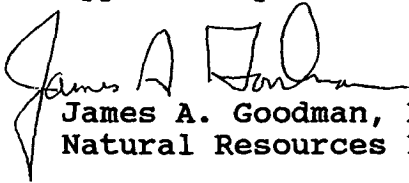
1. This is a new appropriation of 0.10 cfs since water previously appropriated for irrigation by Water Permit No. 2137-2, will now be used for commercial use. The commercial use of water from this well will have a new priority date.

2. The maximum diversion rate from this well is 0.17 cfs to maintain the storage ponds or 0.10 cfs for commercial use.



Ken Buhler
Natural Resources Engineer

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2297-2, Franklin Simpson

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. 2297-2, Franklin Simpson, PO Box 796, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2297-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this permit shall be valved and the flows reduced to the amount needed with the flow then reduced to the minimum amount to maintain the water levels in the dams or shutoff when well water is not needed. The well shall also be equipped with a pressure gauge and records kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the permit canceled, the well must be plugged in accordance with Water Management Board Rules.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer (Minnelusa). The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Water Permit No. 2297-2 authorizes storage of 22.3 acre-feet of water.
4. Except for existing Dam No. 102, during the period of May 1 through September 30, any inflow from springs and surface runoff must be passed through the other dams.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 25, 1994



**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 4, 1994

Franklin Simpson
PO Box 796
Rapid City, SD 57701

Dear Mr. Simpson:

Water Permit Application No. 2297-2 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

March 4, 1994

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2297-2 to be published twice. Please publish the first notice on March 11, 1994, 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 Franklin Simpson, PO Box 796, Rapid City, SD 57701 (Ph # 342-1056).

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 March 11, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2297-2 to Appropriate Water

Notice is given that Franklin Simpson, PO Box 796, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (cfs) from one well (Minnelusa Formation) located in the NW 1/4 SE 1/4 Section 27-T2N-R7E for commercial use. This well was previously authorized by Water Permit No. 2137-2 to appropriate 0.17 cfs for irrigation of 100 acres and to maintain 22.3 acre-feet of water in 8 storage dams. The irrigation use from this well has been abandoned or forfeited, however, the 8 storage dams still exist. The dams are located in the E 1/2 NW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 27-T2N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2297-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 March 28, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Pennington)

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapic City Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

March 11, 1994

March 18, 1994

Cost of Printing: 7 4/16 inch legal adv

@ 5.10 per inch 2 runs \$73.96

Helena M. Bauer
 (Signature)

Bookkeeper

(Title)

March 18, 1994

(Date Signed)

March 11, 198

L440

NOTICE OF APPLICATION NO. 2297-2 TO APPROPRIATE WATER

Notice is given that Franklin Simpson, P.O. Box 796, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (cfs) from one well (Minnelusa Formation) located in the NW¼ SE¼ Section 27-T2N-R7E for commercial use. This well was previously authorized by Water Permit No. 2137-2 to appropriate 0.17 cfs for irrigation of 100 acres and to maintain 22.3 acre-feet of water in 8 storage dams. The irrigation use from this well has been abandoned or forfeited, however, the 8 storage dams still exist. The dams are located in the E¼ NW¼, NE¼ SW¼, SW¼ NE¼, NW¼ SE¼ Section 27-T2N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2297-2 because 1) unappropriated water is available, 2) existing rights will be not unlawfully impaired, 3) it is beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Russell L. Stone
 Acting Secretary
 Department of
 Environment and
 Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 4 1994

Franklin Simpson
PO Box 796
Rapid City, SD 57701

Dear Mr. Simpson:

Enclosed is Water Permit No. 2297-2 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

MDR

WATER USE FOR 1995



PERMIT NO. _____

NAME FIRST _____

2297-2

ADDRESS 1 _____ FRANKLIN SIMPSON
PO BOX 796

ADDRESS 2 _____ RAPID CITY, SD 57701

CITY _____

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER ☒ NUMBER AND DEPTH OF WELLS _____

_____ 1 well 720' deep

SURFACE WATER _____ NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERICAL ☒ INSTITUTIONAL _____

GEOHERMAL _____ POWER _____ MINING _____

MUNICIPAL WATER SUPPLY _____

ESTIMATED TOTAL 1995 WATER USE _____ 30,000 _____ GALLONS

NAME OF CONTACT PERSON _____ Brian Chleborad

TELEPHONE NO. _____ 605-342-4653

ADDRESS CORRECTION _____

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2297-2

I have this day, May 2, 2016, made a thorough examination of the water use system constructed by Frank Simpson, 1750 Fountain Plaza Drive, Rapid City, SD 57702 of Permit No. 2297-2, bearing the priority of 1/6/1994 authorizing the diversion of .10 cu. ft. per second of the water from one well and 22.3 acre-feet storage in eight dams for commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Mark Simpson, Fountain Springs Golf Manager/owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling (1979)
- 2) No. of Wells 1
- 3) Depth(s) 720 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 ½"
- 2) Length 620 feet
- 3) Type Steel

Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level Flowing (17 gpm @ completion)

Pump:

- 1) Make unknown
- 2) Model in-line centrifugal
- 3) Size 1"
- 4) Capacity non-functioning GPM
- 5) Horsepower rating --- hp
- 6) Pressure Switch Setting --- psi

Comment: **The pump has not been used for many years and is not functional. Well capacity based on flow volume at time of well completion.**

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

1" PE pipe

C. Works used to apply water to beneficial use:

The well supplies the adjacent building housing a TV station broadcast facility and a printing company. Static pressure estimated by the owner at approximately 20 psi. Piping was never installed to the upper end of the drainage to maintain pool elevations in the ponds. Only natural runoff and spring flow enter the ponds. The golf course club house is served by city water.

Pond 102A/102B Information:

- 1) Height to crest 13.5 feet from downstream toe
- 2) Height to primary spillway 6.7 feet from downstream toe
- 3) Height to secondary spillway 5.7 feet from downstream toe
- 4) Crest width 60 feet
- 5) Crest length continuous (street)
- 6) Primary Spillway diameter 66 inches
- 7) Secondary Spillway width 48 inches
- 8) Approx. storage to weir above embankment 2.6 ac-ft
- 9) Surface Area 1.4 acres

Pond 393A Information: this is a depression area formed by green construction

- 1) Pond depth below Primary Spillway 4.5 feet
- 2) Pond depth below Secondary Spillway 5.5 feet
- 3) Primary Spillway diameter 18 inches
- 4) Spillway width 40 feet
- 5) Surface Area 0.3 acres
- 6) Approx. storage to primary spillway 0.6 ac-ft

Pond 393B Information:

- 1) Height to crest 6 feet from rock chute (primary spillway)
- 2) Rock Chute width 10 feet
- 3) Approx. storage to primary spillway 1.8 ac-ft
- 4) Height to secondary spillway 5 feet
- 5) Secondary Spillway width 30 feet
- 6) Crest width 20 feet
- 7) Crest length 50 feet
- 8) Surface Area 0.8 acres

Pond 394 A/B Information:

- 9) Height to crest 5 feet from downstream toe
- 10) Height to primary (mechanical) spillway none feet from downstream toe
- 11) Height to secondary (earth) spillway 3 feet from downstream toe
- 12) Crest width 20 feet
- 13) Crest length 80 feet
- 14) Primary Spillway diameter --- inches
- 15) Secondary Spillway width 15 feet
- 16) Approx. storage to earth spillway .4 ac-ft (embankment washed out, storage calculated assuming repair)

Pond 500 Information: this is a depression area formed by green/fairway construction

- 1) Pond depth below Primary Spillway 1 feet
- 2) Pond depth below Secondary Spillway 2 feet
- 3) Primary Spillway diameter 6 inches
- 4) Spillway width 20 feet
- 5) Surface Area 0.15 acres
- 6) Approx. storage to primary spillway 0.2 ac-ft

Pond 104 Information: North Plaza Drive forms the embankment for this pond. The pond does not hold water and appears to have characteristics of a sinkhole.

- 1) Pond depth below Primary Spillway 8.5 feet
- 2) Pond depth below Secondary Spillway none feet
- 3) Primary Spillway diameter -- inches (drive through concrete cart path)
- 4) Spillway width ---- feet
- 5) Surface Area 0.3 acres
- 6) Approx. storage to primary spillway 1.3 ac-ft (temporary storage only, not included in total)

Pond 501 Information:

- 1) Height to crest 9 feet from downstream toe
- 2) Height to primary spillway 5 feet from downstream toe
- 3) Height to secondary spillway 7 feet from downstream toe
- 4) Crest width 10 feet
- 5) Crest length 40 feet
- 6) Primary Spillway diameter 8 inches
- 7) Secondary Spillway width 20 feet
- 8) Approx. storage to primary spillway 0.5 ac-ft

Pond 502 Information: this is a depression area formed by fairway construction

- 1) Pond depth below (mechanical) Primary Spillway none feet
- 2) Pond depth below Secondary (earth) Spillway 6 feet
- 3) Primary Spillway diameter -- inches
- 4) Spillway width 15 feet
- 5) Surface Area 0.3 acres
- 6) Approx. storage to spillway 0.9 ac-ft

Pond 503 Information:

- 1) Height to crest 4.5 feet from downstream toe
- 2) Height to primary spillway 2.0 feet from downstream toe
- 3) Height to secondary spillway 4.5 feet from downstream toe (spillway @ crest)
- 4) Crest width 8 feet
- 5) Crest length 20 feet
- 6) Primary Spillway diameter 30 inches
- 7) Secondary Spillway width 20 feet
- 8) Approx. storage to primary spillway 0.5 ac-ft
- 9) Surface Area 0.5 acres

Pond 504 Information: This is a depression area formed by fairway construction, a spring flows with varying rate at the upstream end. Pond only holds water for short periods.

- 1) Pond depth below (mechanical) Primary Spillway none feet
- 2) Pond depth below Secondary (earth) Spillway 4.5 feet
- 3) Primary Spillway diameter -- inches
- 4) Spillway width 5 feet
- 5) Surface Area 0.2 acres
- 6) Approx. storage to spillway 0.5 ac-ft

Pond 505 Information: this is a depression area formed by fairway construction

- 1) Pond depth below Primary Spillway 1.0 feet
- 2) Primary Spillway diameter 18 inches
- 3) Spillway width 20 feet
- 4) Surface Area 0.2 acres
- 5) Approx. storage to primary spillway 0.1 ac-ft

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : see below
- 2) Exceptions to compliance are: **pressure fluctuations not monitored at well head**

E. Condition and Location:

1. The system is in **fair** condition with the point of diversion (well) located as follows:
1,959' N and 2,341' W of the SE corner Section 27 T2N R7E (44.101977, -103.260851)

A total of 10 ponds/wetlands along the natural drainage were either constructed or were modified natural depressions. Six ponds are located in the NW ¼, one pond in the NE ¼, one pond in the SW ¼, and two ponds in the SE ¼, all in S27 T2N R7E.

Condition of the ponds ranges from good to fair to poor with a number of the ponds requiring some degree of maintenance either on the principal spillway, secondary spillway or the embankment fill. None of the ponds pose any safety hazard due to the very low volumes stored.

2. The works are capable of diverting and conveying to the place of use **.038** cu. ft. per second (17 gpm) of well water and are capable of storing **8.1** acre-feet all of which is to be used for **commercial** use and the license should be issued for **.038** cfs and **8.1** acre-feet of storage.

All structures, wells and lands on map – **Yes**

F. Comments or other permit(s) associated with the project:

Water Permit 2297-2 appropriated 0.10 cfs from one Minnelusa well located in NW ¼ SE ¼ Section 27. This well was previously authorized by Water Permit 2137-2 to appropriate 0.17 cfs for irrigation of 100 acres and to maintain 22.3 acre-feet of water in 8 storage dams. The irrigation use from this well has been abandoned and forfeited and maintaining water storage in the dams is also an abandoned use/purpose. Permit #2297-2 authorized storage of 22.3 acre-feet in these storage dams and 0.10 cfs.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **May 6, 2016**

Report of Examination of Works
Permit No. 2297-2



Minnelusa well



Pond 102B @ outlet



Pond 102A @ outlet



Pond 393A looking downstream



Pond 393B looking upstream



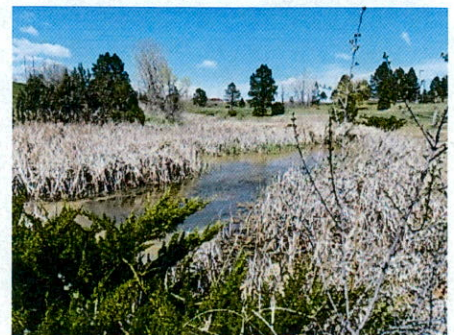
Pond 394B looking upstream



Pond 500 from north side



Pond 104 from cart cart culvert



Pond 501 from embankment



Pond 502 @ outlet

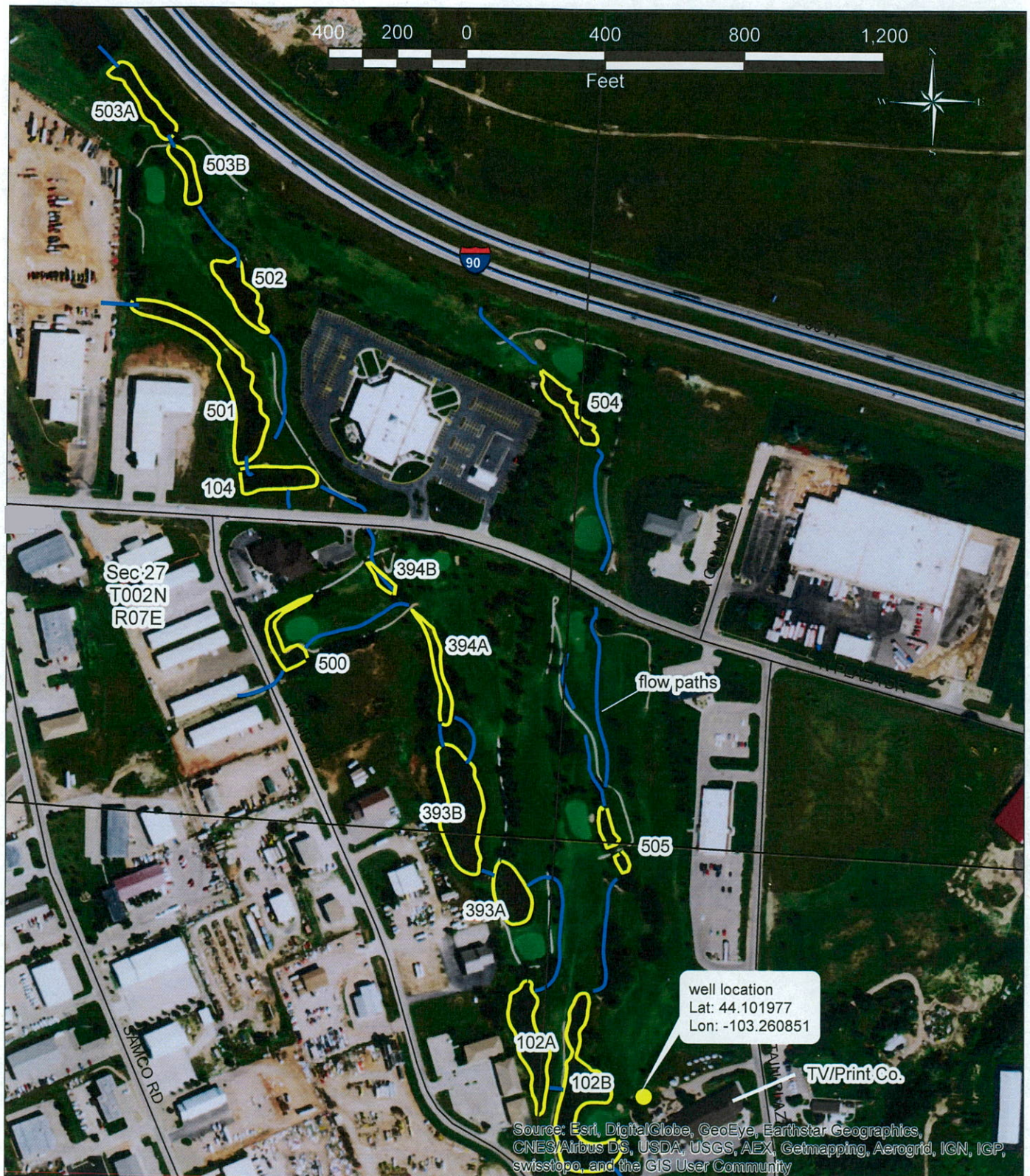


Pond 503A @ outlet



Pond 504 @ outlet

Water Right #2297-2
Frank Simpson
5/2/2016

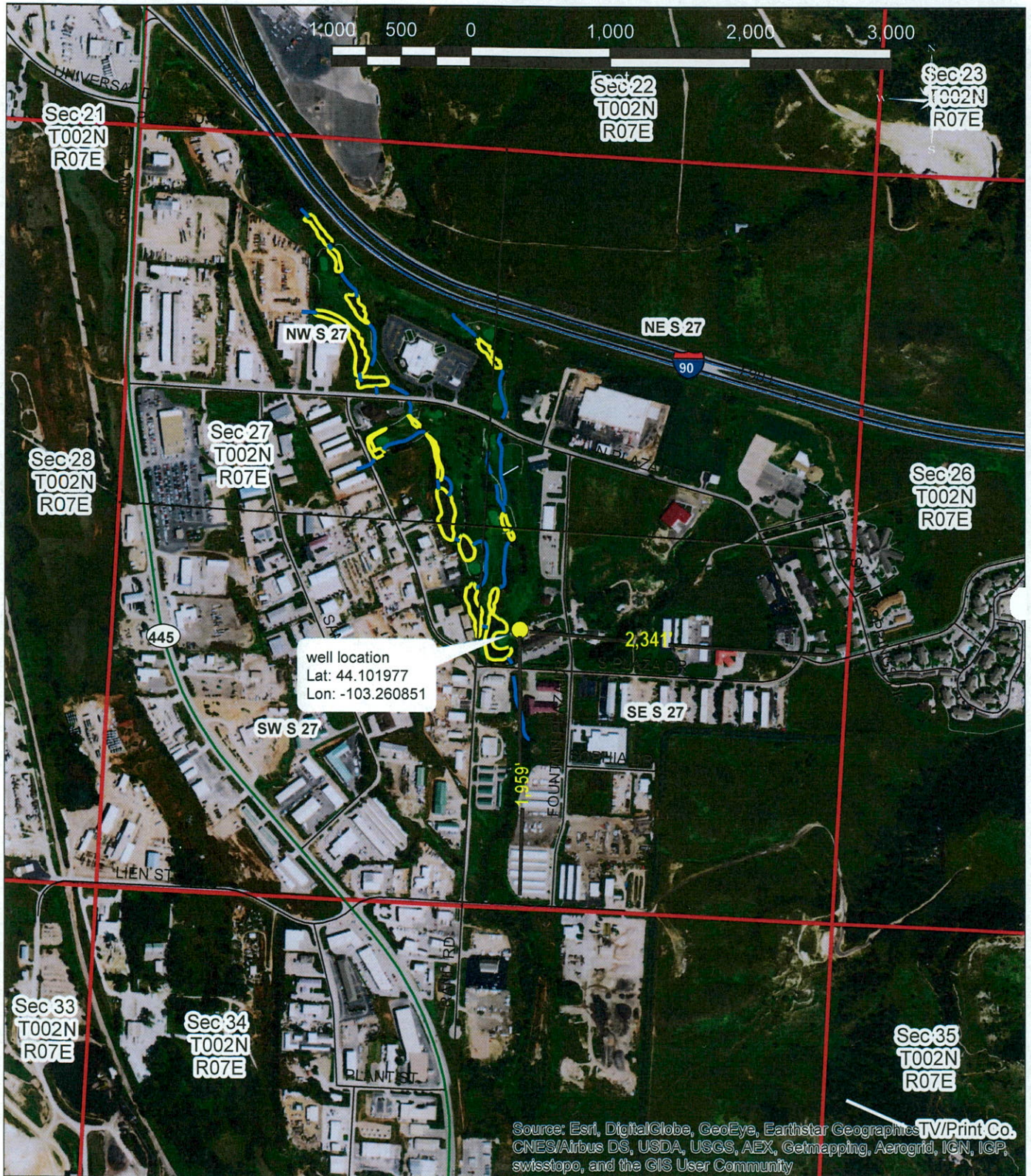


Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Water Right #2297-2
Frank Simpson
5/2/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



McMath, Genny

From: Quissell, Steve
Sent: Monday, May 09, 2016 11:44 AM
To: Beck, Lynn
Cc: McMath, Genny
Subject: RE: Frank Simpson #2297-2

I think pond 102 was one of the eight ponds authorized and the storage information was included on the application for 2137-2. Is there anything I should be doing now?

Steven Quissell

Water Right Inspector
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 394-6763
Fax: (605) 394-5317

From: Beck, Lynn
Sent: Monday, May 09, 2016 10:36 AM
To: Quissell, Steve; McMath, Genny
Subject: RE: Frank Simpson #2297-2

It appears that 2297-2 was applied for to change the use of 2137-2 from irrigation to commercial, back in 1993ish. For whatever reason, 2137-2 was not cancelled or incorporated into 2297-2. There were 8 existing storage dams covered under 2297-2, dam 102 was not one of them. 2297-2 also included the existing well covered by 2137-2. As best I can tell, 2137-2 covered the well for irrigation and the storage dams for storage only and not for irrigation. All irrigation was to take place using well water. The dams/depressions are once again mentioned under 2297-2 with the exception of #102. In order to keep 102 authorized 2137-2 and 2297-2 may need to be incorporated.

Lynn

From: Quissell, Steve
Sent: Monday, May 09, 2016 7:43 AM
To: McMath, Genny
Cc: Beck, Lynn
Subject: Frank Simpson #2297-2

Genny

Attached are the EOW and Arc.pdfs for Frank Simpson #2297-2 (Fountain Springs Golf Course). This is somewhat of a non-typical EOW, so let me know if you want some edits.

Steven Quissell

Water Right Inspector
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 394-6763
Fax: (605) 394-5317



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 16, 2016

2297-2

Frank Simpson
1750 Fountain Plaza Drive
Rapid City SD 57702

Dear Mr. Simpson:

On May 2, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2297-2, was completed by Steven Quissell, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

RECEIVED

JAN 08 2018

**WATER RIGHTS
PROGRAM**

September 13, 2017

REMINDER NOTICE

2297-2

Frank Simpson
1750 Fountain Plaza Dr
Rapid City SD 57702

Dear Mr. Simpson:

I am contacting you in regard to Water Permit No. 2297-2 authorizing use of water for commercial purposes at the Fountain Springs Golf Course. In May, 2016, Steve Quissell with our program conducted a field investigation of the water use system described in the permit. On May 16, 2016 we wrote to you about the \$50.00 fee due for the completed investigation of Water Permit No. 2297-2. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore have not issued the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 8, 20 18

RECEIVED OF ~~fountain Springs Development 1750 Fountain Plaza Drive Rapid City 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	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 <u>2297-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08453**

By Jeanne Goodman
Chief Engineer *zm*



2297-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAY 21 2018

2297-2
2137-2

Frank Simpson
1750 Fountain Plaza Drive
Rapid City SD 57702

Dear Mr. Simpson:

Enclosed is Water License No. 2297-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is the receipt for \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: Water Permit No. 2137-2 for two wells for irrigation purposes will be scheduled for cancellation at a later date. You will be notified of the date and time once it is scheduled.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2297-2

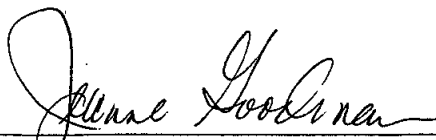
(1) Franklin Simpson, 1750 Fountain Plaza Dr, Rapid City SD 57702 made Application No. 2297-2, January 6, 1994 for a water permit to divert 0.10 cubic feet of water per second (cfs) from one well - Minnelusa Aquifer, Pennington County, South Dakota for commercial use purposes. Permit No. 2297-2, with a priority date of January 6, 1994 was approved March 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system and for the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2297-2 is issued a license, bearing priority date of January 6, 1994 to impound 8.1 acre feet of water (natural runoff and spring flows only) and to appropriate 0.038 cubic feet of water per second from one well - Minnelusa Aquifer for commercial use purposes.

The diversion point is located: 1,959 feet north and 2,341 feet west of the SE corner of Section 27-T2N-7E (NW 1/4 SE 1/4). The ponds/wetlands are located within the area of Fountain Springs Golf Course located in portions of the W 1/2 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 27-T2N-R7E.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2297-2, including the following qualifications:

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed with the flow then reduced to the minimum amount to maintain water levels in the dams or shutoff when well water is not needed. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with Water Management Board rules. *This well is not used to maintain water levels in the ponds.*
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer (Minnelusa). The well owner under this permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Water Permit No. 2297-2 authorizes storage of 22.3 acre-feet of water. *Based on the actual storage, this amount is reduced to 8.1 acre-feet.*
4. Except for existing Dam No. 102, during the period of May 1 through September 30, any inflow from springs and surface runoff must be bypassed through the other dams.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 21 2018
date

