

WATER PERMIT NO. 2301-2

Phone: 223-2477

Name of Applicant: Bill Wyly and Todd Scott

Post Office Address: HCR 32, Box 93, Ft. Pierre SD 57532

Amount of Water Claimed: 100 gpm (0.22 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: livestock & domestic County: Stanley

About 9 miles south of Ft. Pierre

PRIORITY Date Received: 2-3-94 Fee: \$225 Remarks: _____

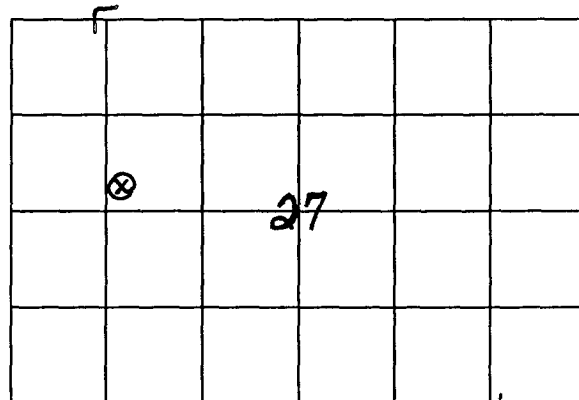
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NW 1/4 Sec 27-T109N-R79W

Land to be Irrigated: _____



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

Depth of Well: 2000' REMARKS: _____

Type of Map: topo PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on: 2-3-94 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. 2301-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Daily Capital Journal, Pierre, SD
(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 livestock
(over 18 gpm)

Type of Application:

(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 Bill Wylly & Todd Scott Phone 223-2477
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address HCR 32, Box 93, Ft Pierre State 57532
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.22 *CFS or 100 **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 ground water - 1 well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____

SW1/4 NW1/4 section 27-T109N-R79W

County Stanley

5. County or counties where water will be used Stanley

6. Annual period during which water is to be used Jan 1 - Dec 31

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)

Water used to supply stock tanks, 3 homes, and excess is impounded in 3 stock dams. Currently flow is reduced to about 75 gpm, may be increased to 100 gpm if more stock tanks are added.

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 Hughes)^{SS}

I, Billy Wylly, 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.

KAREN SCHLAACK

Signed

[Signature]

Subscribed and sworn to before me this 30 day of Feb 19 94

KAREN SCHLAACK, Notary Public

My Commission Expires

April 1, 2001

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2301-2**

Date of first receipt of application February 3, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2301-2 to Bill Wyly and Todd Scott, HCR 32, Box 93, Ft. Pierre SD 57532 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. 2301-2 appropriates 100 gallons per minute (0.22 cubic feet of water per second) from one well (Inyan Kara Formation) 2200 feet deep located in the SW 1/4 NW 1/4 Section 27-T109N-R79W. The excess flow will be diverted to three stock dams.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and livestock watering and may not exceed the amount of water needed for beneficial use for domestic use and livestock watering 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. 2301-2 is March 28, 1994.
5. The date from which applicant may claim right is February 3, 1994.
6. One-fifth of the construction is to be completed on or before September 28, 1996.
7. All construction is to be completed on or before March 28, 1999.
8. Water is to be put to beneficial use on or before March 28, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. No flow from the well into any of the dams is authorized when the water level in the dam is within 6 inches of the overflow.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). 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, Chapter 74:02:04.
3. 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
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 4 1994
date

Supplemental Information

(type or print in ink)



1. Well Information - ~~Proposed Construction~~ Constructed

- a) Drill Hole Diameter 7 7/8", 4 1/2" Depth 300', 2000'
- b) Casing Type steel, plastic Diameter 5" + 2" Thickness _____
- c) Screen Type copper Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material see well log
- f) Depth to Water (ground surface to water level) Flowing well
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 2 miles

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

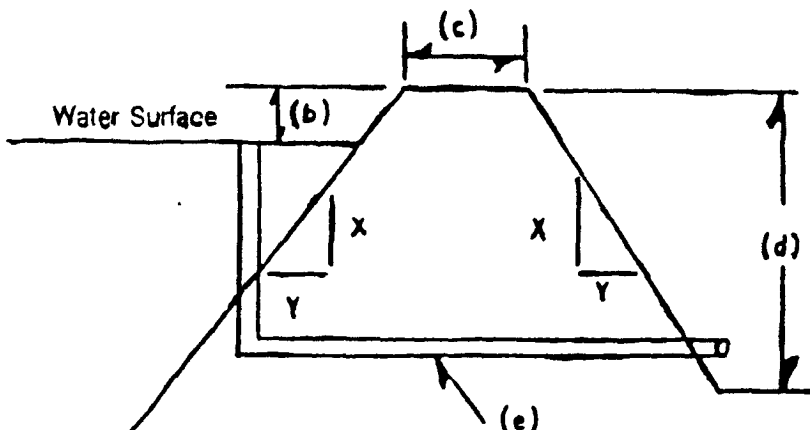
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414025

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

February 3, 19 94

RECEIVED OF Billy Wyly, HC 32 Box 93, Ft. Pierre, SD 57532

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

Fee for Application for Permit No. <u>2301-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By

Chief Engineer

John H. H. H. H.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

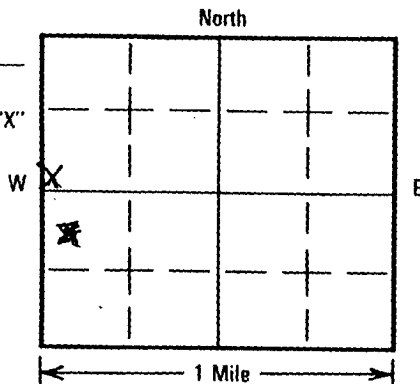
07-92

Location SW NW 1/4 27 Twp 109 Rg 79

County

Stanley

Please mark well location with an "X"



Well Completion Date 11-18-93

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from feed yards (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☒ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
15 LB/FT 5 IN 0 FT 300 FT 7 1/2 IN
2 LB/FT 2 IN 0 FT 2000 FT 4 1/2 IN
 LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement 50 lb./gal 0 ft. 300 ft.
 lb./gal ft. ft.

Describe grouting procedure

Cemented through 5 in steel

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 2 IN Length 200 FEET

Material Copper

Slot Size 3/64 Set From 2001 Feet to 2200 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? rubber

Describe packer(s) and location? shale @ 2000 ft.

DISINFECTION:

Was well disinfected upon completion? YES, How:

X NO, Why Not?

Well Owner: Billy Wyly & Todd Scott

Business Name:

Address:

Ft. Pierre, SD 57532

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>60</u>
<u>Shale</u>	<u>60</u>	<u>1476</u>
<u>Good Sand</u>	<u>1476</u>	<u>1480</u>
<u>Shale</u>	<u>1480</u>	<u>1500</u>
<u>Hard Sand Streaks</u>	<u>1500</u>	<u>1540</u>
<u>Shale</u>	<u>1540</u>	<u>1558</u>
<u>Good Sand</u>	<u>1558</u>	<u>1597</u>
<u>Shale</u>	<u>1597</u>	<u>1620</u>
<u>Fair Sand</u>	<u>1620</u>	<u>1630</u>
<u>Shale</u>	<u>1630</u>	<u>1697</u>
<u>Morrison</u>	<u>1697</u>	<u>2000</u>
<u>Good Hard Sand</u>	<u>2000</u>	<u>2040</u>
<u>Shale</u>	<u>2040</u>	<u>2140</u>
<u>Good Hard Sand</u>	<u>2140</u>	<u>2196</u>
<u>Shale</u>	<u>2196</u>	<u>2200</u>
<u>TD 2200'</u>		

STATIC WATER LEVEL

Feet

If flowing: closed in pressure 220 PSI

GPM flow 100 through 2 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped

Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

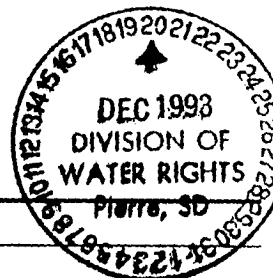
 ft. After Hrs. pumped GPM

 ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

installed pressure reducing valve.



This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative: R. S. Kuhl

Signature of Well Owner or Equitable Property Holder:

Date: 12-17-93

Laboratory sent to for water quality analysis

REPORT ON APPLICATION NO. 2301-2
for Bill Wyly and Todd Scott
February 14, 1994

Application No. 2301-2 proposes to appropriate 100 gpm (0.22 cfs) from one well approximately 2200 feet deep located in the SW 1/4 NW 1/4 of section 27, T109N R79W in Stanley County. The water is for domestic use and livestock watering with the excess flow diverted to three stock dams.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara is a buried sand, sandstone and shale under confined (artesian) conditions. The Inyan Kara underlies 973,440 acres and contains an estimated 13.14 million acre feet of recoverable water in storage in Stanley County (Allen, 1984). The well log (Pullman Drilling) submitted with this application indicates that the well is screened from 2000 to 2200 feet below land surface. The well is capable of flowing 100 gpm and has a shut in pressure of 220 psi. The well is valved and is capable of being shut in. The well is completed in accordance with SD Well Constructions Standards for a "slim hole" well (74:02:04:36).

The Division of Water Rights does not monitor any observation wells completed into the Inyan Kara aquifer in Stanley County. The USGS (coop program SD-5) used to measure selected private wells once each year for basic data. This program was abandoned because the data was of little use. A couple of wells completed into the Inyan Kara aquifer in Stanley County were monitored under this program. Water levels records for these wells do show declines but since these were all flowing wells the data reflects that fact.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

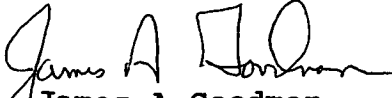
There are no other water permits/rights in this area which obtain water from the Inyan Kara aquifer. Interference is not a concern. This is a free flowing well and must be controlled and maintained to prevent the waste of water.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. This is a free flowing well. The well is equipped with a valve and must be controlled to prevent the waste of water.
3. This is a domestic well. A water permit would not be needed for this use unless the well is allowed to free flow at a rate greater than 18 gpm.
4. With the use as described in the permit application, it is doubtful if it would be necessary to allow the well to flow

more than 18 gpm. This well should be controlled and maintained to minimize the rate of flow through the system into the stock dams. Any flow of water into the stock dams above reasonable stockwatering should be considered a waste of water.

5. This well is completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., D.L. Iles, A.K. Peters, 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.

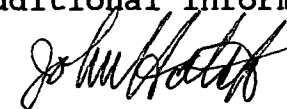
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2301-2, Bill Wyly and Todd Scott

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. 2301-2, Bill Wyly and Todd Scott, HCR 32 Box 93, Ft. Pierre, SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 2301-2 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. No flow from the well into any of the dams is authorized when the water level in a dam is within 6 inches of the overflow.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). 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, Chapter 74:02:04.
3. 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
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

Bill Wyly and Todd Scott
HCR 32 Box 93
Ft. Pierre, SD 57532

Dear Mr. Wyly and Mr. Scott:

Water Permit Application No. 2301-2 for livestock and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Capital Journal printed at Pierre, SD (Ph # 224-7301). 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.

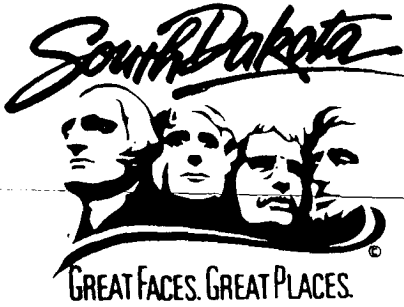
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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
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.



March 4, 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

Daily Capital Journal
Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2301-2 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 Bill Wyly and Todd Scott, HCR 32 Box 93, Ft. Pierre, SD 57532 (Ph # 223-2477).

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. 2301-2 to Appropriate Water

Notice is given that Bill Wyly and Todd Scott, HCR 32 Box 93, Ft. Pierre, SD 57532 have filed an application for a water permit to appropriate 100 gallons per minute (0.22 cubic feet of water per second) from one well (Inyan Kara Formation) 2200 feet deep located in the SW 1/4 NW 1/4 Section 27-T109N-R79W. The water is for domestic use and livestock watering with the excess flow diverted to three stock dams.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2301-2 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)
 County of Hughes) ss

I, Peggy Warner

certify that the attached printed Notice was

taken from the _____

Capital Journal
 printed and published in Pierre

County of Hughes 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: \$36.72

Peggy Warner
 (Signature)

Legal Ad Representative
 (Title)

March 21, 1994
 (Date Signed)

No. 7460 2tdly 3/11, 3/18

**NOTICE OF APPLICATION
 NO. 2301-2 to Appropriate
 Water**

Notice is given that Bill Wyly and Todd Scott, HCR 32 Box 93, Fort Pierre, SD 57532 have filed an application for a water permit to appropriate 100 gallons per minute (0.22 cubic feet of water per second) from one well (Inyan Kara Formation) 2200 feet deep located in the SW 1/4 of NW 1/4 Section 27-T109N-R79W. The water is for domestic use and livestock watering with the excess flow diverted to three stock dams.

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tioner 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 the application. 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

Bill Wyly and Todd Scott
HCR 32 Box 93
Ft. Pierre, SD 57532

Dear Mr. Wyly and Mr. Scott:

Enclosed is Water Permit No. 2301-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2000

2301-2

Todd Scott
21940 291st Ave
Ft. Pierre SD 57532

Dear Mr. Scott:

The investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2301-2, was completed by Donald Stroup on February 3, 2000. The 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, we will begin processing the Water License.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the new owner, notarized and returned with a \$2.50 filing fee.

**Please submit \$52.50 to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

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

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

Nº 416463

Pierre, April 4, 2000

RECEIVED OF Todd A. or Rebecca A. Scott, 21940 - 291st Ave., Ft. Pierre, SD 57532
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form Water Permit No. 2301-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Michael E. Eide
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416464

Pierre, _____ April 4, 2000

RECEIVED OF Todd A. or Rebecca A. Scott, 21940 -2291st Ave. 1/2 Ft. Pierre, SD 57532
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. 2301-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

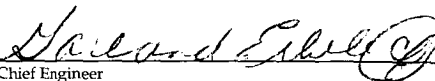
Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 2000

2301-2

Todd Scott
21940 291st Ave
Ft Pierre, SD 57532

Dear Mr. Scott:

I am contacting you in regard to the transfer and licensing of Water Permit No. 2301-2. On April 4th, you submitted the necessary fees but the "Notice of Transfer of Ownership" form was not included with your correspondence.

I am forwarding an additional transfer form to you in the event you no longer have the original one. Please complete the form and sign it in the presence of a notary public. Upon completion, please return it to our office. You have already paid the filing fee and no additional fees are required.

As soon as we receive the transfer form from you, the permit will be transferred to your name and the water license will be issued. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 2000

2301-2

Todd Scott
21940 291st Ave
Ft Pierre, SD 57532

Dear Mr. Scott:

I am contacting you in regard to the transfer and licensing of Water Permit No. 2301-2. You have paid the necessary fees but we still need to get a "Notice of Transfer of Ownership" form from you.

In the event you do not have the original form I sent to you, I am enclosing another partially completed "Notice of Transfer of Ownership" form. Please complete the form and sign it in the presence of a notary public. Upon completion, please return it to our office.

As soon as we receive the transfer form from you, the permit will be transferred to your name and the water license will be issued. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 24, 2001

2301-2

Todd Scott
21940 291st Ave
Ft Pierre, SD 57532

Dear Mr. Scott:

I am contacting you in regard to the transfer and licensing of Water Permit No. 2301-2. You have paid the necessary fees but we still need to get a "Notice of Transfer of Ownership" form from you. Letters were written to you in March, April and May of 2000 concerning the transfer of ownership.

In the event you do not have the other forms I mailed to you, I am enclosing another partially completed "Notice of Transfer of Ownership" form. Please complete the form and sign it in the presence of a notary public. Upon completion, please return it to our office.

As soon as we receive the transfer form from you, the permit will be transferred to your name and the water license will be issued. **If you do not want the permit transferred and wish the water license to be issued under the names of Bill Wyly and Todd Scott, let me know and we will process the license.**

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

Permit No. 2301-2
Stanley County

Other permit/license(s) associated with project: None

Report Of Examination Of Works

On March 3, 2000, I made a thorough examination of the water use system constructed by **Bill Wyly and Todd Scott of 21940 291st Ave., Fort Pierre, SD 57532** holder of Permit No. **2301-2**, bearing the priority of **February 3, 1994** authorizing the diversion of **0.22** cu. ft. per second for **domestic use and livestock watering** purposes in **Stanley** County.

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

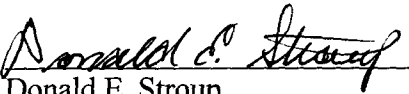
Works used to apply water to beneficial use:

2200 feet capped well into the Inyan Kara Formation

The system is in the following condition: **Good. There is a small leak at one connection with less than 1 gpm runoff draining to a nearby stock dam.** The point of diversion is located **in the SW ¼ NW ¼ of Section 27 T109N R79W.** The well is capable of supplying 0.22 cfs of water for domestic use and livestock watering. Water has been put to beneficial use.

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

Exceptions to compliance are: **None**


Donald E. Stroup
Natural Resources Engineer
DENR, Water Rights Program

3/6/00
Date

REPORT ON INSPECTION OF PERMIT NO. 2301-2

DATE OF INSPECTION: 3/3/00

Other permit/license(s) associated with the project: None

Contact Person & Address:

Todd Scott

21940 291st Ave

Fort Pierre, SD

DIVERSION POINT LEGAL LOCATION:

SW ¼ NW ¼ Section 27 T109N-R79W

WATER SUPPLY Source: Ground Water Inyan Kara Aquifer

Well Information:

- | | |
|--|-------------------------------|
| 1) Well Drilling Firm: Pullman Well Drilling | 2) No. of Wells: 1 |
| 3) Depth(s): 2200 feet | 4) Well log is available: Yes |

Casing:

- | | |
|--------------------------------|-------------------------------|
| 1) Diameter: 5 inches/2 inches | 2) Length: 300 feet/2000 feet |
| 3) Type: steel/plastic | |

Screen:

- | | |
|--|---------------------|
| 1) Type: Copper | 2) Length: 220 feet |
| 3) Static water level: NA Flowing Well | |

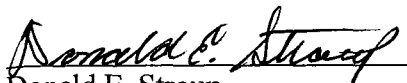
DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------|---------------------|----------------------|
| 1) Type: PVC | 2) Size: 1.5 inches | 3) Length: 3000 feet |
|--------------|---------------------|----------------------|

SYSTEM TYPE:

Flowing well. Water is for domestic use and livestock watering with excess flow diverted to two stock dams. Well is capped and valved (80 psi on day inspected). A small leak at one of the connections was producing less than 1 gpm runoff to a nearby dam.

The new co-owner is Bill Neilson. A transfer form should be sent to Mr. Todd Scott.


Donald E. Stroup
Natural Resources Engineer
DENR, Water Rights Program

3/6/00
Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2301-2

(1) Bill Wyly and Todd Scott, 21940 291st Ave, Ft. Pierre SD 57532 made Application No. 2301-2, February 3, 1994 for a water permit to divert 0.22 cubic feet of water per second from groundwater (one well), Stanley County, South Dakota for domestic and livestock watering purposes. Permit No. 2301-2, with a priority date of February 3, 1994 was approved March 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 28, 1999 and for the application to beneficial use of said water on or before March 28, 2003.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 1,970 feet south and 90 feet west of the northwest corner of Section 27-T109N-R79W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The excess flow from the well is diverted to two stock dams.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bill Wyly and Todd Scott, 21940 291st Ave, Ft. Pierre SD 57532 the holder and/or owner of Water Right No. 2301-2 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (one well) with a priority date of February 3, 1994 from the location specified in (2) of this license for domestic and livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2301-2 and subject to South Dakota State Law.



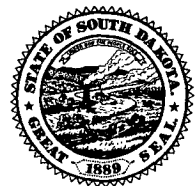
GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 24 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

SEP 24 2001

2301-2

Todd Scott
21940 291st Ave
Ft. Pierre, SD 57532

Dear Mr. Scott:

Enclosed is Water License No. 2301-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416464 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. 2301-2, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures