

WATER PERMIT NO. 2333-2

Phone: 343-5351

Name of Applicant: Berdell Dunworth

Post Office Address: 9356 Neck Yoke Rd. Rapid City SD 57701

Amount of Water Claimed: 0.04 cfs (18 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

Location: south of Rapid City

PRIORITY Date Received: 3-21-95 Fee: \$50.00

Corrected Application Received: 3-28-95 Period of Annual Use: Jan 1 - Dec 31

Remarks: For use at the Dairy Barn and Hayloft Bed and Breakfast

Diversion Point: E 1/2 SW 1/4 Sec 3-T1S-R7E

Land to be Irrigated: _____

		2			
		3			

Well Log: Driller: S. Bice Drilling Licensed: YES X NO _____

Depth of Well: 620 feet REMARKS: _____

Type of Map: topo Prepared By: Gene Waterson, NRCS Reviewed and the Number

Assigned on: 3-28-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2333-2**

Date of first receipt of application March 21, 1995.

Date of return to applicant for corrections, amendments or changes March 22, 1995.

Date of receipt of corrected application March 28, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2333-2 to Berdell Dunworth, 9356 Neck Yoke Road, 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. 2333-2 appropriates 0.04 cubic feet of water per second (18 gallons per minute) from one well (Minnelusa Formation) 595 feet deep located in the E 1/2 SW 1/4 Section 3-T1S-R7E.
2. The water appropriated shall be used for the purpose of supplying water to the Dairy Barn and Hayloft Bed & Breakfast and may not exceed the amount of water needed for beneficial use for commercial use.
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. 2333-2 is August 7, 1995.
5. The date from which applicant may claim right is March 21, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

If the well approved under this Permit flows, the well shall be valved and the flow reduced to the amount needed or to a minimum when not being used.

WATER MANAGEMENT BOARD

By: _____


John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 5 1995

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. 2333-2 Hydrologic Unit 10120109
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.) _____

- Name of Applicant Berdell Dunworth Phone (605) 343-5351
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 9356 Neck Yoke Rd Rapid City State SD 57701
 (Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.04 *CFS or 18 **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 Groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in NE 1/4 E 1/2 SW 1/4 Sec 3 Twp 18 Rq 7E
- County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used Jan 1 - 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)
8 unit Bed and breakfast - 28 seat restaurant and ice cream parlor.
For use at the Dairy Barn and Hayloft Bed & Breakfast

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, Berdell I Dunworth, 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 Berdell I Dunworth

Subscribed and sworn to before me this 18th day of March 1995

Chetcho Keefe 11-25-2000
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- 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) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank/Drain Field
- b) System Capacity (gallons) 2250 c) Year Constructed 1994
- d) Connected to the City of _____ Sanitary System.

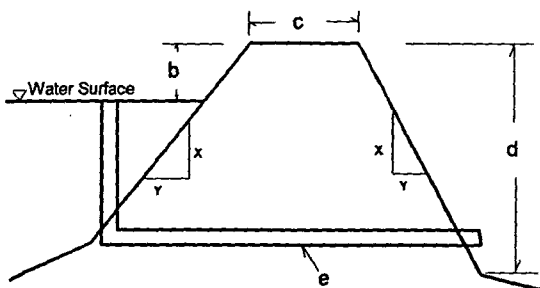
3. Dugout Information

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

4. 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:

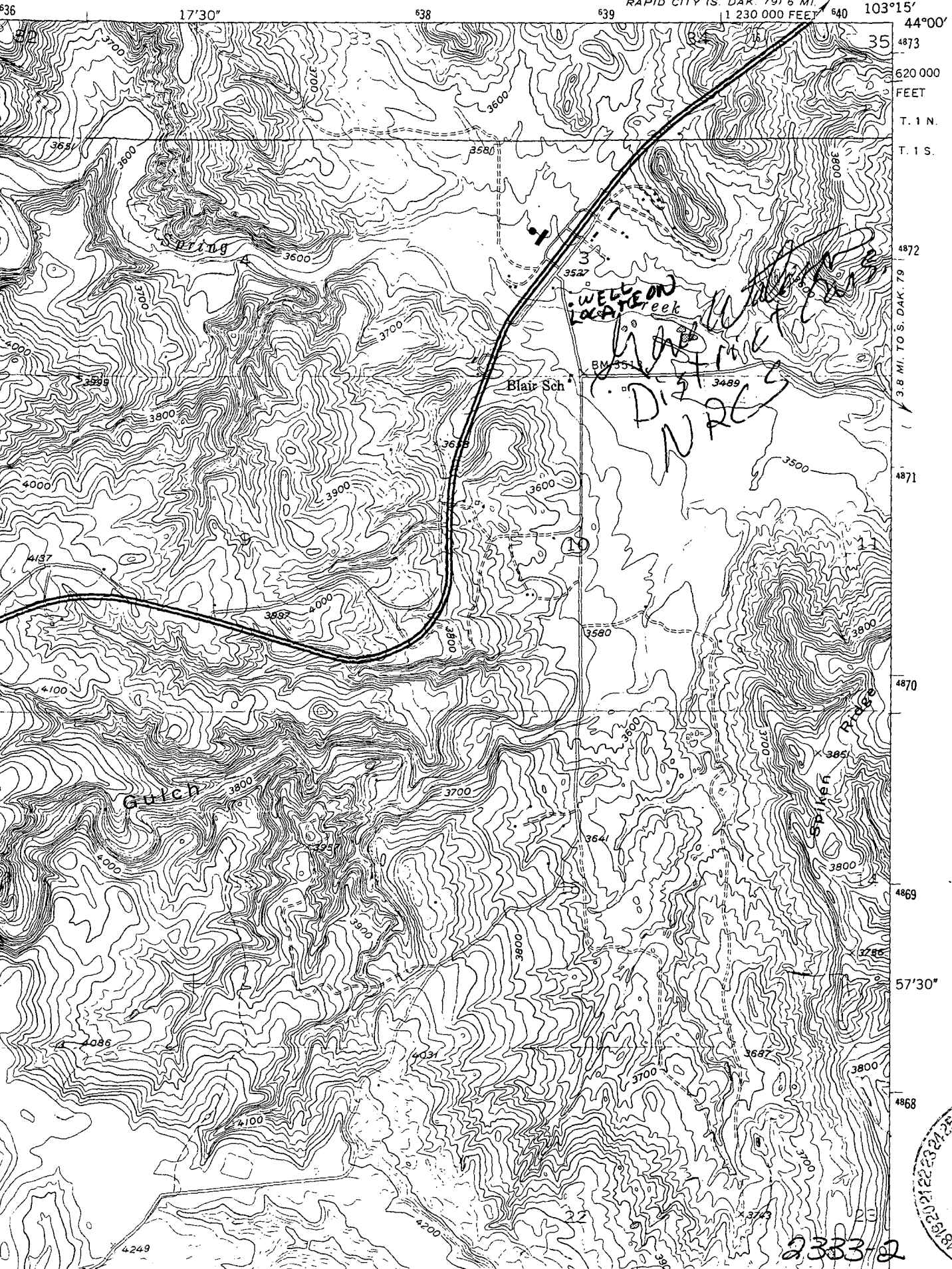


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

ROCKERVILLE QUADRANGLE
SOUTH DAKOTA—PENNINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

NE/4 MOUNT RUSHMORE 15' QUADRANGLE
RAPID CITY (S. DAK. 79) 6 MI.

5372 II SW
(RAPID CITY EAST)



RECEIPT

414443

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 21 _____, 19 95

RECEIVED OF Dunworth Enterprises, Inc., 9356 Neck Yoke Rd, Rapid City, SD 57701

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

Fee for Application for Permit No. <u>2333-2</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

07-92

Date: 5-17-74



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

Berdell Dunworth
Dairy Barn/Hayloft Bed & Breakfast
9356 Neck Yoke Road
Rapid City, SD 57701

Dear Mr. Dunworth:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. 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.

A business or an institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by April 14, 1995. If you have questions or need assistance contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, 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

March 22, 1995

Berdell Dunworth
9356 Neck Yoke Rd
Rapid City SD 57701

Dear Mr. Dunworth:

In regard to your water permit application received on March 21, 1995, the following needs to be submitted and in order to process your application.

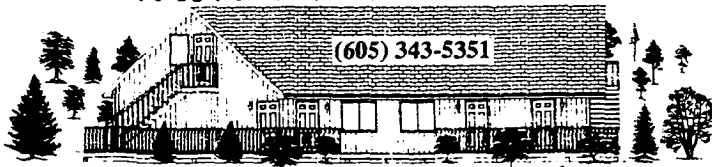
1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

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

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

HAYLOFT BED AND BREAKFAST



"An experience in pleasant lodging."
9356 Neck Yoke Road, Rapid City, SD 57701



Karen Schlaak
Dept of Environment
Joe Foss Bldg
523 East Capitol
Pierre, SD 57501-3181

Dear Karen:

Enclosed is the map of our well location that you requested in your letter of March 22, 1995.

Gene Waterson of the NRCS (or ASCS) office in Rapid City came out and prepared this for us.

Thank you.

Berdell Dunworth
March 27, 1995

REPORT ON WATER PERMIT APPLICATION NO. 2333-2
for Berdell Dunworth
May 16, 1995

Application No. 2333-2 proposes to appropriate 0.04 cfs (18 gpm) from one well approximately 595 feet deep located in the E 1/2 SW 1/4 of section 3, T1S R7E in Pennington County. The water is for commercial use at the Dairy Barn and Hayloft Bed & Breakfast.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa consists of interbedded sandstone, limestone, dolomite with minor amounts of shale. The Minnelusa is approximately 600 feet thick in this area underlies 1.37 million acres and contains an estimated 51.4 million acre feet of recoverable water in storage in Pennington County (Allen, 1984). The aquifer is areally extensive around the entire Black Hills and is missing to the west of this location because of uplift and erosion. The aquifer is confined at this location and under artesian conditions. The well completion report filed with the application indicates the top of the Minnelusa was encountered at a depth of 560 feet and the well completed to a depth of 620 feet. Five inch casing was set to 595 feet and grouted in place. The well was capable of producing 125 gpm using air to develop and had a static water level 9 feet below land surface.

The Division of Water Rights monitors an observation well PE-94A located about 1/4 mile west of this application which is also completed into the Minnelusa Formation. Water levels for this well are not sufficient to make any determination on historical trends. However, other Minnelusa wells in the Rapid City area (PE-64A and PE-64B) have enough period of record to indicate that the aquifer is capable of sustaining additional withdrawals (Driscoll, 1994). Additionally, other Minnelusa observation wells in the Black Hills indicate that climatic conditions do affect water levels, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years (Water Rights, 1995).

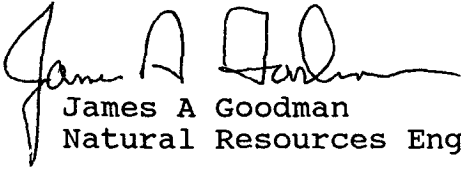
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights Nos. 1913-2 and 1883-2 in this immediate area which obtain water from the Minnelusa Formation. Of these, water permit No. 1913-2 is located about 1/4 mile north of this application. Interference is not expected to be a concern. Drawdown caused by intermittent pumping at these relatively low rates should not be significant.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. Interference is not expected to be a concern. Even though the aquifer is confined and under artesian conditions significant drawdown should not occur.

3. The well is constructed in accordance with SD Well Construction Standards.
4. Waste is disposed of through a septic tank/drain field constructed in 1994.
5. This well may free flow during wet years. The well must be capable of being shut in during these time periods to prevent the waste of water.



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.
- Driscoll, D.G., W.L. Bradford, 1994, Compilation of Selected Hydrologic Data, Through Water Year 1992, Black Hills Hydrology Study, Western South Dakota, USGS Open File Report 94-3319, USGS, Rapid City, South Dakota, 57702.
- Water Rights, 1995, Unpublished Observation Well Records for the Minnelusa Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2333-2, Berdell Dunworth**

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. 2333-2, Berdell Dunworth, 9356 Neck Yoke Road, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2333-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

If the well approved under this Permit flows, the well shall be valved and the flow reduced to the amount needed or to a minimum when not being used.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
May 19, 1995



**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.

June 5, 1995

Berdell Dunworth
9356 Neck Yoke Road
Rapid City, SD 57701

Dear Mr. Dunworth:

Water Permit Application No. 2333-2 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 # 605-394-8300). 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

June 5, 1995

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2333-2 to be published twice. Please publish the first notice on June ¹²(8), 1995, 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 Berdell Dunworth, 9356 Neck Yoke Road, Rapid City, SD 57701 (Ph # 605-343-5351).

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 June 12, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2333-2 to Appropriate Water

Notice is given that Berdell Dunworth, 9356 Neck Yoke Road, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (19 gallons per minute) from one well (Minnelusa Formation) 595 feet deep located in the E 1/2 SW 1/4 Section 3-T1S-R7E. The water is for commercial use at the Dairy Barn and Hayloft Bed & Breakfast.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2333-2 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 June 29, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Pennington) ss

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid 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:

June 12, 1995

June 19, 1995

Cost of Printing: 5.31 per inch 6.50 inches

run 2 times \$ 69.04

Helena M. Bauer

(Signature)

Bookkeeper

(Title)

june 20, 1995

(Date Signed)



June 12, 1995 L1006

NOTICE OF APPLICATION NO.2333-2

TO APPROPRIATE WATER

Notice is given that Berdell Dunworth, 9356 Neck Yoke Road, Rapid City, S.D. 57701 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (19 gallons per minute) from one well (Minnelusa Formation) 595 feet deep located in the E1/4 SW1/4 Section 3-T1S-R7E. The water is for commercial use of the Dairy Barn and Hayloft Bed & Breakfast.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No.2333-2 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 the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition 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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Nettie H. Myers
 Secretary
 Department of Environment
 and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 1995

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

ATTENTION: Legal Department

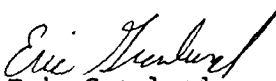
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The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the WATER RIGHTS PROGRAM for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 1995

Berdell Dunworth
9356 Neck Yoke Road
Rapid City SD 57701

Dear Mr. Dunworth:

The legal notice of hearing on your Water Permit Application No. 2333-2 published in the Rapid City Journal was not correct. The location of the diversion point was incorrectly published as being in the E 1/2 SW 1/2 Section 3-T1S-R7E. The correct location is the E 1/2 SW 1/4.

As a result of the error, the notice of hearing needs to be readvertised in the Rapid City Journal. The readvertisement is needed to ensure the permit is free from legal problems due to inaccurate public notice. The information needed to readvertise the notice is enclosed. The Water Rights Program will pay the cost of this publication.

We are sorry for any inconvenience this delay may cause. If you have questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Rapid City Journal

NOTICE OF APPLICATION NO. 2333-2 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2333-2 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.

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July 19, 26 L1196
NOTICE OF APPLICATION
NO. 2333-2 TO

APPROPRIATE WATER

Notice is given that Berdell Dunworth, 9356 Neck Yoke Road, Rapid City, SD 57701, has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (19 gallons per minute) from one well (Minnelusa Formation) 595 feet deep located in the E1/4 SW1/4 Section 3-T1S-R7E. The water is for commercial use at the Dairy Barn and Hayloft Bed & Breakfast.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends 'APPROVAL' of Application No. 2333-2 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 Program, 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 August 7, 1995.

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 applicant, 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 Program address to request copies of information pertaining to this application.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS.

I, Samantha Wentworth, 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 paper once each week for two successive weeks, the first publication thereof being on the 19th day of July, 19 95, that the fees charged for the publication thereof are sixty six Dollars and thirty cents.

Samantha Wentworth

Subscribed and sworn to before me this 27th day of July, 19 95.

Linda J. Harrington
Notary Public.

IN THE _____ COURT

COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____

_____ on _____

the _____ day of _____

19 _____

Attorney for _____

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
P.O. Box 450
Rapid City, SD 57709-0450

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Notice of Application No. 2333-2 to Appropriate Water, published on July 19 (\$33.15), and on July 26, 1995 (\$33.15). Notice had to be republished to correct an error in the legal description.

AMOUNT: \$66.30

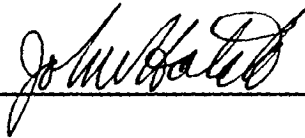
FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:



8-7-95

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Berdell Dunworth
9356 Neck Yoke Road
Rapid City, SD 57701

Dear Mr. Dunworth:

Enclosed is Water Permit No. 2333-2 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 Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1999

2333-2

Berdell Dunworth
9365 Neck Yoke Road
Rapid City, SD 57702

Dear Mr. Dunworth:

The investigation of your water use system was conducted on September 11, 1999, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2333-2. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416247

Pierre, _____ November 9, 19 99

RECEIVED OF Dunworth Enterprises, Inc., 9356 Neck Yoke Rd., Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2333-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2333-2
Upper Cheyenne River - Water District

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

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

I have this day, September 11, 1999, made a thorough examination of the water use system constructed by Berdell Dunworth of 9356 Neck Yoke Road, Rapid City, SD 57702 holder of Permit No. 2333-2, bearing the priority of March 21, 1995 authorizing the diversion of 0.04 cu. ft. per second of the waters of groundwater for commercial purposes, in Pennington County.

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

A. Works used to divert the water:

Water is diverted from a 5-inch diameter well, 620 feet deep, located 1300 feet north and 2500 feet east of the southwest corner of Sec. 3, T1S-R7E (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, T1S-R7E) with a 1 $\frac{1}{2}$ horsepower, submersible, Goulds pump, capable of diverting 18 gallons per minute.

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

Water is transported to place through 100 feet of 1 $\frac{1}{2}$ -inch diameter PVC pipe and 50 feet of 1-inch diameter pipe.

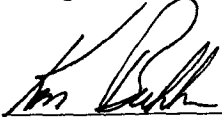
C. Works used to apply water to beneficial use:

Water is applied to beneficial use at the Dairy Barn Restaurant and the Hayloft Bed & Breakfast.

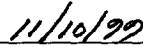
The system is in the following condition good. The point of diversion is located 1300 feet north and 2500 feet east of the southwest corner of Sec. 3, T1S-R7E. The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water which is to be used for commercial use. The license should be issued for 0.04 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program



Date

REPORT ON INSPECTION OF PERMIT NO. 2333-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Berdell "Jim" Dunworth

9356 Neck Yoke Road

Rapid City, SD 57702

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Berdell Dunworth

9356 Neck Yoke Road

Rapid City, SD 57702

DATE OF INSPECTION: September 11, 1998

DIVERSION POINT LEGAL LOCATION: approximately 1300 feet north and 2500 feet east of the southwest corner of Sec. 3, T1S-R7E (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, T1S-R7E)

WELL INFORMATION:

- 1) Well Drilling Firm: S. Bice Drilling
- 2) No. of Wells one
- 3) Depth(s) 620 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5.5 inches
- 2) Length 595 feet
- 3) Type steel

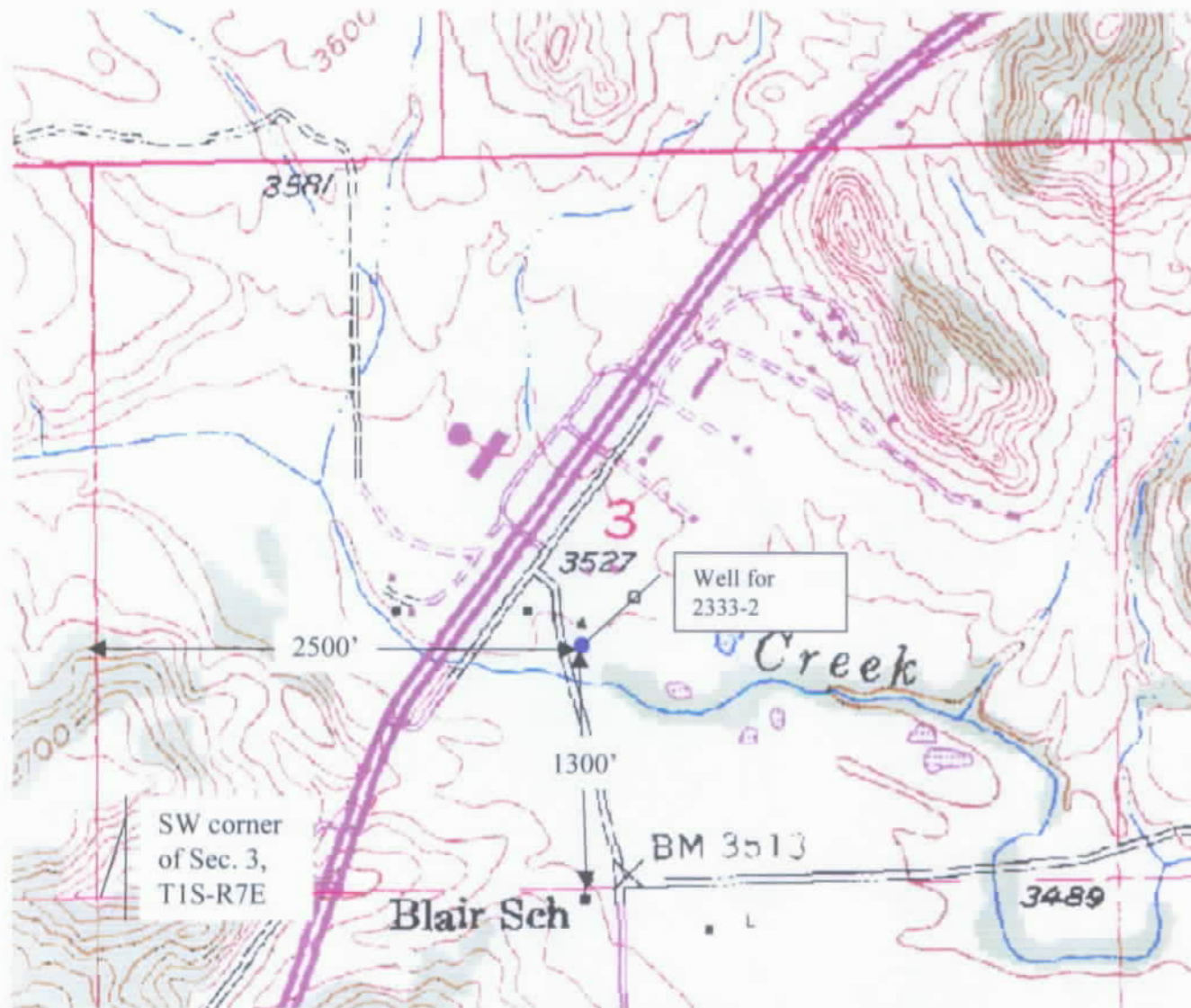
Screen:

- 1) Type none "open hole construction"
- 2) Length 25 feet
- 3) Static water level flowing feet

Pump:

- 1) Make Goulds
- 2) Model 18E15442

Water Right Map 2333-2



0.3 0 0.3 0.6 Miles

Ken Buhler
Ken Buhler
Natural Resources Engineer
Water Rights Program



STATE OF SOUTH DAKOTA

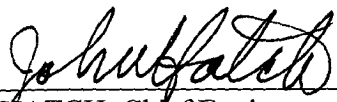
WATER LICENSE NO. 2333-2

(1) Berdell Dunworth, 9356 Neck Yoke Road, Rapid City SD 57702 made Application No. 2333-2, March 21, 1995 for a water permit to divert 0.04 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2333-2, with a priority date of March 21, 1995 was approved August 7, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.04 cubic feet of water per second for beneficial use. The location of the diversion point is 2,500 feet east and 1300 feet north of the southwest corner of Section 3-T1S-R7E (SE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at the Dairy Barn Restaurant and Hayloft Bed and Breakfast.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Berdell Dunworth, 9356 Neck Yoke Road, Rapid City SD 57702 the holder and/or owner of Water Right No. 2333-2 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from groundwater (one well) with a priority date of March 21, 1995 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2333-2 and subject to South Dakota State Law.



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

DEC 3 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 3 1999

2333-2

Berdell Dunworth
9356 Neck Yoke Road
Rapid City, SD 57702

Dear Mr. Dunworth:

Enclosed is Water License No. 2333-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416247 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. 2333-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures