

WATER PERMIT NO. 2377-2

Name of Applicant: Rushmore Ranch Estates, Inc.

Address: Box 1115, Ft Pierre SD 57532

Phone: 605223-9611

Amount of Water Claimed: 0.333 cfs (150 gpm)

Total Acres: NA

Source of Water Supply: groundwater (four wells)

Water to be used for: suburban housing development ^{commercial use} County: Pennington

Type of Waste Disposal System: septic tanks and drain fields

Location: approximately 4 miles southeast of Keystone

PRIORITY Date Received: 10-11-96

Fee: \$225

Corrected Application Received: 12-09-96

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NE 1/4 SW 1/4, SW 1/4 NW 1/4

Section 17; NE 1/4 NE 1/4 Section 18;

NE 1/4 NE 1/4 Section 20; all in T2S-R7E

Land to be Irrigated: NA

Depth of Well: 500 feet deep

Well Driller: Tefertiller Drilling

Remarks:

Type of Map: plat

Prepared by: Jack H. Knust, PE

locations verified by E. Gronlund

	7		8		9
		X			
	18		X	17	16
			X		
				X	
	19		20		21

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2377-2</u> Hydrologic Unit <u>10/20109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal, Rapid City, SD</u>

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

Check use(s) of water:

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

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.)

SEE ATTACHED AFFIDAVIT

1. Name of Applicant RUSHMORE RANCH ESTATES INC. Phone 605-223-9611
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address Box 1115, Ft. Pierre, S. Dak 57522 State _____
24376 RUSHMORE RANCH Rd. (Street, RR. or Box) (Zip Code)
Keystone, SD 57751

2. Amount of water claimed 0.333 *CFS or 150 **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 WELLS (4)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 SW 1/4, SW 1/4 NW 1/4,
SEE ATTACHED DIVERSION Section 17 and NE 1/4 NE 1/4 Section 18,
NE 1/4 NE 1/4 section 20; all in T28-R7E County Pennington

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used ALL YEAR January 1 - December 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) DEVELOPMENT PROJECT
FOR RESIDENTIAL USE: AVERAGE 4 ACRE LOTS - 30 LOTS IN PHASE ONE,
13 LOTS IN PHASE II: PHASE III AND IV. ARE IN PLANNING STAGES.

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 Stanley SS

I, James J. Guiler, 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 James J. Guiler

Subscribed and sworn to before me this 17 day of May 19 96

Jeannette K. Lanahan
Notary Public

My commission expires 4-23-98

RUSHMORE RANCH ESTATES SUBDIVISION

PLAT OF PHASE ONE, WHICH INCLUDES TRACTS 1 THRU 23, TRACT WELL, AND MURPHY ACCESS EASEMENT NO. 1 OF SECTION 17. TRACT 24 AND MURPHY ACCESS EASEMENT NO. 2 OF SECTIONS 8 AND 17. TRACTS 25 THROUGH 30 AND MURPHY ACCESS EASEMENT NO. 3 OF SECTION 8. ALL LOCATED IN SECTIONS 8 AND 17 T2S. R7E. B.H.M. PENNINGTON COUNTY, SOUTH DAKOTA

LEGEND

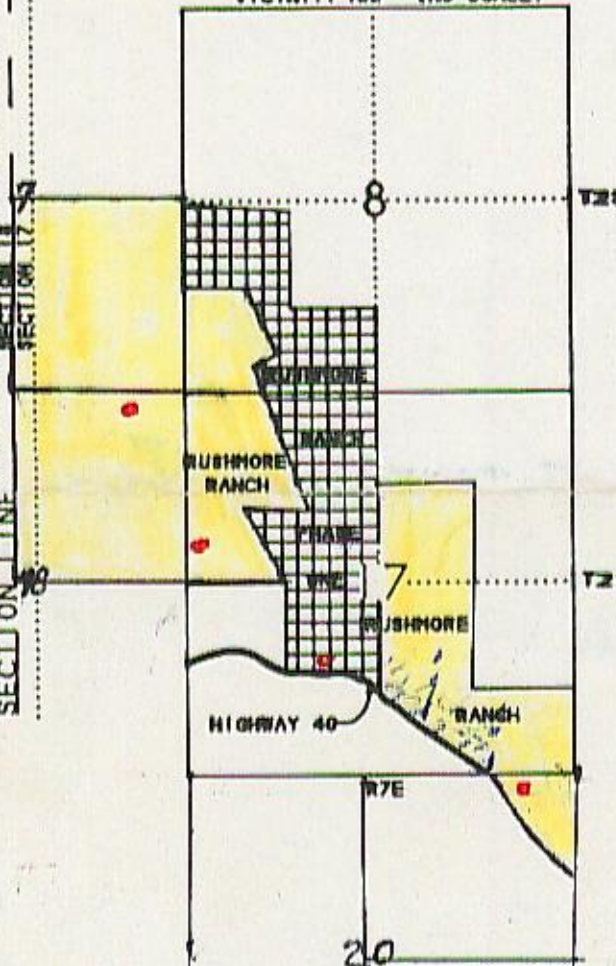
- U.S.F.S. ALUMINUM MONUMENT
- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT R.L.S. 2186
- REBAR NO CAP
- CORNER FOUND, REBAR WITH CAP MARKED FISK R.L.S. 1771

BASIS OF BEARINGS

HOUR ANGLE SOLAR OBSERVATION TAKEN BETWEEN TWO POINTS IN THE TRAVERSE TO THE CONTROLLING CORNERS IN SECTION 17.

PREPARED BY
JACK H. KNUST
BRYANT SURVEYING
41 NORTH 6 TH. STREET
CUSTER, S.D. 57730
(605) 673-2364

VICINITY MAP (NO SCALE)



SCALE 1" = 300'



LINE	BEARING	DISTANCE
L1	N4°14'33"E	67.30'
L2	N10°08'27"W	81.73'
L3	S0°06'10"E	119.87'
L4	N4°27'10"E	79.77'
L5	S8°52'51"E	50.00'
L6	S4°27'10"W	79.72'
L7	S8°45'27"E	152.88'

HWY. ROW CURVE 1	HWY. ROW CURVE 2	HWY. ROW CURVE 3
A 9°44'45"	A 6°05'04"	A 27°07'09"
R 1887.39'	R 1019.85'	R 1019.85'
T 118.57'	T 72.23'	T 245.89'
L 232.59'	L 144.21'	L 462.75'
C 232.31'	C 144.09'	C 478.26'
CB S80°04'47"E	CB N81°42'37"W	CB N50°11'01"W

CURVE 3E	CURVE 3W
A 14°04'08"	A 14°04'08"
R 239.84'	R 239.84'
T 20.60'	T 20.60'
L 58.69'	L 58.69'
CB N14°57'08"E	CB N14°57'08"E

CURVE 3E	CURVE 3W
A 14°04'08"	A 14°04'08"
R 239.84'	R 239.84'
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R 239.84'	R 239.84'
T 20.60'	T 20.60'
L 58.69'	L 58.69'
CB N14°57'08"E	CB N14°57'08"E

CURVE 1E	CURVE 1W
A 35°36'52"	A 35°36'52"
R 239.84'	R 239.84'
T 77.04'	T 77.04'
L 180.10'	L 180.10'
C 148.69'	C 187.08'
CB N22°02'50"E	CB S22°02'56"W

CURVE 1E	CURVE 1W
A 35°36'52"	A 35°36'52"
R 239.84'	R 239.84'
T 77.04'	T 77.04'
L 180.10'	L 180.10'
C 148.69'	C 187.08'
CB N22°02'50"E	CB S22°02'56"W

**SOUTH DAKOTA
WATER PERMIT NO. 2377-2**

Date of first receipt of application October 11, 1996.

Date of return to applicant for corrections, amendments or changes November 4, 1996.

Date of receipt of corrected application December 9, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2377-2 to Rushmore Ranch Estates, Inc., 24376 Rushmore Ranch Rd., Keystone SD 57751 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. 2377-2 appropriates 0.333 cubic feet of water per second (150 gallons per minute) from 4 wells (Madison Formation) approximately 500 feet deep located in the NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 17; NE 1/4 NE 1/4 Section 18; and the NE 1/4 NE 1/4 Section 20; all in T2S-R7E.
2. The water appropriated shall be used for the purpose of suburban housing development and commercial use and may not exceed the amount of water needed for beneficial use for those 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. 2377-2 is March 10, 1997.
5. The date from which applicant may claim right is October 11, 1996.
6. One-fifth of the construction is to be completed on or before September 10, 1999.
7. All construction is to be completed on or before March 10, 2002.
8. Water is to be put to beneficial use on or before March 10, 2006.
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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2377-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be canceled or amended with a new term limitation of up to twenty years. Permit No. 2377-2 may also be canceled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. The wells 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.

(continued)

3. The wells authorized by Permit No. 2377-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

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

MAR 24 1997

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 500'
- b) Casing Type _____ Diameter 5" 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) 330'
- 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 tanks - drain fields
- b) System Capacity (gallons) _____ c) Year Constructed _____
- 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

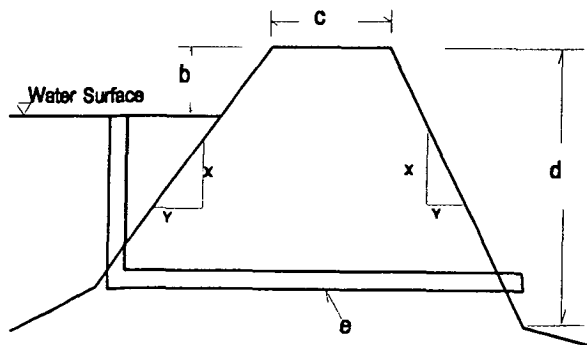
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Division of Water Rights

415147

South Dakota Department of Environment and Natural Resources

Pierre, October 11, 19⁹⁶

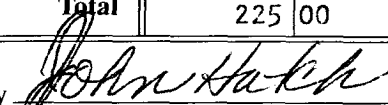
RECEIVED OF Rushmore Ranch Estates, PO Box 9104, Rapid City, SD 57709-9104

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

Fee for Application for Permit No. <u>2377-2</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 HATCH



Tefertiller Drilling

P.O. Box 334
Spearfish, SD 57783
642-8227



May 31, 1995

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

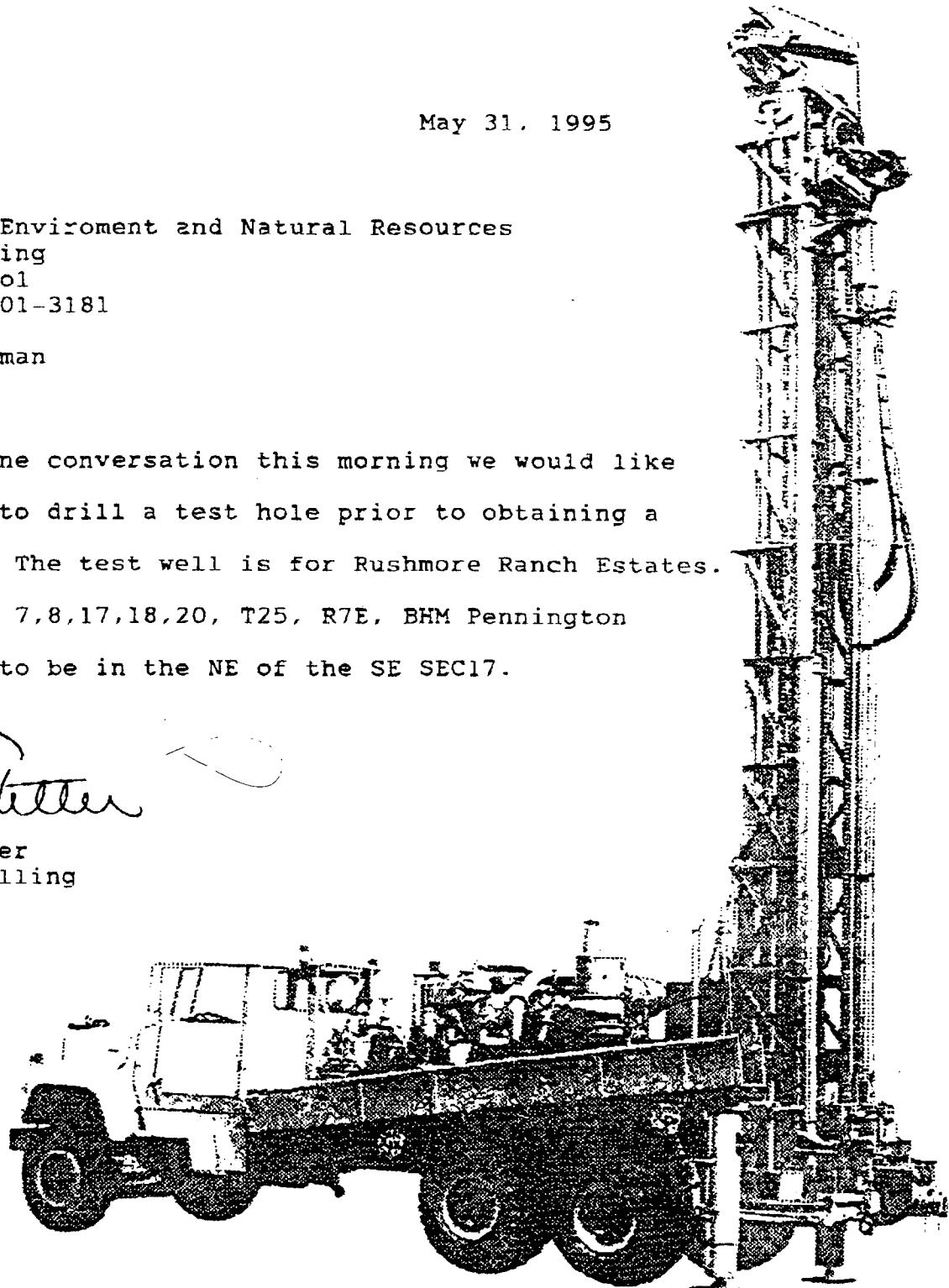
ATTN: Jim Goodman

Dear Jim,

As per our phone conversation this morning we would like authorization to drill a test hole prior to obtaining a water permit. The test well is for Rushmore Ranch Estates. Located in SEC 7,8,17,18,20, T25, R7E, BHM Pennington County. Well to be in the NE of the SE SEC17.

Thank You,

Greg Tefertiller
Tefertiller Drilling





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1995

Greg Tefertiller
P.O. Box 334
Spearfish, SD 57783

Dear Mr. Tefertiller:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Rushmore Ranch Estates is authorized to construct a test well into the Madison Aquifer, prior to approval of a water permit. A water permit must be approved prior to any use of water. The well is to be located in the NE 1/4 SE 1/4 Section 17, T2S-R7E. The test well must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

James A. Goodman, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1996

Rushmore Ranch Estates
Box 866
Custer, SD 57730

Dear Sir:

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

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities." Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 5/3/96. You may contact Barry McLauri at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 4, 1996

Rushmore Ranch Estates
Box 866
Custer, SD 57730

Dear Sir :

I am writing to follow-up my 4/9/96 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. A Business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.

Please complete and return the application that was sent to you with my 4/9/96 letter. Send the application, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 6/29/96. If you need assistance, contact Barry McLaury at (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

*Put in file
283-9302 Home
283-9611
283-2655
Hatch's West*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1996

Rushmore Ranch Estates Inc.
Pat Donahue
Box 1115
Ft. Pierre SD 57532

Dear Mr. Donahue:

We received your *Application for a Permit to Appropriate Water Within the State of South Dakota* on October 11, 1996. You were informed, at that time, that a map was required to complete the application. The map needs to show the location of the four wells in relation to a government section corner or quarter corner by direction or distance. The map is required to 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 NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rushmore Ranch Estates, Inc.

ADDRESS: Box 1115, Ft. Pierre, SD COUNTY:

DATE: December 9, 1996 TELEPHONE:

RE: Map for application

COMMENTS:

Pat Donahue stopped in with the map for the water permit application for Rushmore Ranch Estates, Inc. The application proposes 4 wells to appropriate 150 gpm. I went through the legal description of the wells with Mr. Donahue. They are:

1. NE 1/4 SW1/4 Section 17, T2S, R7E (existing)
2. SW1/4 NW1/4 Section 17, T2S, R7E
3. NE1/4 NE1/4 Section 18, T2S, R7E
4. NE1/4 NE1/4 Section 20, T2S, R7E

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Donahue

REVISED WATER PERMIT APPLICATION NO. 2377-2
RUSHMORE RANCH ESTATES, INC.
JANUARY 30, 1997

Water Permit Application No. 2377-2 proposes to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from four wells (Madison Formation) approximately 500 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; all in T2S-R7E. The water is for a suburban housing development and commercial uses.

AQUIFER: Madison Aquifer (MDSN)

GENERAL:

The Madison Aquifer is a massive, carbonate (limestone and dolomite) aquifer that underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution, and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer system and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The Madison outcrop is located approximately one half mile west of the diversion points proposed by this application (Darton, 1925). The top of the aquifer is estimated to be 100 to 500 feet below ground surface in this area depending on the exact well locations. The aquifer may be under unconfined conditions in the western portion of the project area and is probably under confined (artesian) conditions in the eastern portion of the project area. Wells in this location are not expected to flow.

WATER AVAILABILITY:

The Water Rights Program monitors 24 observation wells completed into the Madison aquifer in the Black Hills. The limited period of record available from observation wells completed into the Madison Aquifer, (all but one of the wells were installed after 1986), is not easily interpreted. Data from the Water Rights Program observation wells indicate the potentiometric surface of the Madison Aquifer fluctuates up to 30-40 feet per year near the recharge area. This fluctuation represents the aquifer's response to climatic conditions, that is the water levels are generally higher in "wet" years and are generally lower in "dry" years. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious. Water Rights' Observation Well PE-95A is located within 1,000 feet of the test well that has been constructed for this project in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T2S-R7E.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are 103 permits/rights which appropriate water from the Madison aquifer in South Dakota. The majority of the water rights/permits from the aquifer are from Butte(11), Lawrence(23), Meade(16), Pennington(31) and Fall River(8) Counties. The Madison supplies water for irrigation, geothermal, industrial, commercial, recreational, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The

cities of Spearfish, Belle Fourche, Whitewood, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be approximately 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Two Future Use Permits, (2086-2 and 1833-2) reserve another 5,835 acre feet annually from the Madison Aquifer for future use. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer, indicates unappropriated water is available from the Madison aquifer.

AFFECTS ON EXISTING RIGHTS:

There are several domestic wells on file and three Water Rights/Permits (Water Rights, 1997) within approximately one mile of the project area defined in this application. All of the wells supplying rights/permits and most of the domestic wells within one mile are completed into the Minnelusa or Deadwood Aquifers. The nearest Water Permits appropriating water from the Madison (No. 1845-2 and 2346-2) are located approximately 5 miles from the diversion points proposed by this application.

Any well interference this proposed use would have on area water rights/permits and domestic wells is not expected to be adverse, due to the distance between wells, and the probable hydraulic separation between the Madison Aquifer and Deadwood and Minnelusa aquifers.

In addition to the influence an appropriation may have on other groundwater users, the affects of a Madison Aquifer diversion to streamflow and spring discharge must often be considered. The project area described by this application is located approximately one mile north of the sinkhole region and approximately 1½ miles north of a series of springs along Battle Creek. Like most of the Black Hills' streams, only on rare occasions does Battle Creek flow continuously over the entire Madison sinkhole region. The appropriation proposed by this application should not influence the frequency or duration that the creek flow across the sinkholes. The springs along Battle Creek may be points of natural discharge from the Madison Aquifer. Rahn (1973) observed that the discharge of these springs is "somewhat variable". The relationship, if any, between spring discharge and the water levels of the Madison Aquifer is not clear. Regardless, water levels in the area of the springs will not be significantly affected by drawdown from the wells proposed by this application because of the distance between the wells and the springs.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing this permit without a term limitation of 20 years.

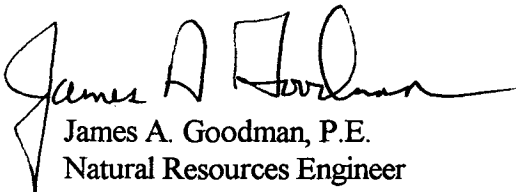
CONCLUSIONS:

1. The Madison Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.
3. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler
Natural Resources Engineer

approved by



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

REFERENCES:

Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD

Darton, N.H., S.Paige, 1925, Geologic Atlas of the United States, Central Black Hills Folio, USGS Folio No. 219.

Rahn, P.H., J.Gries, 1973, Large Springs in the Black Hills, South Dakota and Wyoming, SD Geologic Survey Report of Investigations No. 107, Vermillion, SD

Water Rights Program, 1996, "Domestic Well Log Files, Observation Well Files, and Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2377-2, Rushmore Ranch Estates, Inc.

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. 2377-2, Rushmore Ranch Estates, Inc., PO Box 9104, Rapid City, SD 57709-9104.

The Chief Engineer is recommending APPROVAL of Application No. 2377-2 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2377-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2377-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The wells 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.
3. The wells authorized by Permit No. 2377-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 3, 1997



**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.

February 14, 1997

Pat Donahue
Rushmore Ranch Estates, Inc.
Box 1115
Ft. Pierre, SD 57532

Dear Mr. Donahue:

Water Permit Application No. 2377-2 for suburban housing development 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

February 14, 1996

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2377-2 to be published twice. Please publish the first notice on February 21, 1997, 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 Pat Donahue, Rushmore Ranch Estates, Inc., Box 1115, Ft. Pierre, SD 57532 (Ph # (605) 223-9611).

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.

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
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

Instruction to Newspaper - Publish first Notice on February 21, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2377-2 to Appropriate Water

Notice is given that Rushmore Ranch Estates, Inc., Box 1115, Ft. Pierre SD 57532 has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from 4 wells (Madison Formation) approximately 500 feet deep located in the NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 17; NE 1/4 NE 1/4 Section 18; and the NE 1/4 NE 1/4 Section 20; all in T2S-R7E. The water is for use in a suburban housing development and commercial use. EEB 2/20/97

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2377-2 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 46-1-14 and 46-2A-20, Permit No. 2377-2 will be issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2377-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.

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 March 10, 1997.

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 Program 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, Patricia K. Van Patten

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:

February 21, 1997

February 28, 1997

Cost of Printing \$ 76.10

Patricia K. Van Patten
(Signature)

(Title)

3/3/97
(Date Signed)

Feb. 21, 28 L3273

NOTICE OF APPLICATION NO. 2377-2 TO APPROPRIATE WATER

Notice is given that Rushmore Ranch Estates, Inc., 24376 Rushmore Ranch Rd., Keystone, SD 57751, has filed an application for a water permit to appropriate 0.333 cubic feet of water per second (150 gallons per minute) from 4 wells (Madison Formation) approximately 500 feet deep located in the NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 17; NE 1/4 NE 1/4 Section 18; and the NE 1/4 NE 1/4 Section 20; all in T2S-R7E. The water is for use in a suburban housing development, and commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2377-2 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 46-1-14 and 46-2A-20, Permit No. 2377-2 will be issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2377-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.

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 March 10, 1997.

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

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources

Water Rights Program - File Documentation

NAME: Gregg Greenfield, Attorney

ADDRESS: PO Box 5015, Sioux Falls SD 57117-5015

DATE: 2-18-97 COUNTY: PE TELEPHONE:

RE: Pending Application for Rushmore Ranch Estates

COMMENTS:

Gregg Greenfield called concerning the status of the application for Rushmore Ranch Estates. I told him the notice was to be published this Friday (February 21, 1997). I believe he is representing the Rushmore Ranch Estates. I told Mr. Greenfield that the publication information was sent to Pat Donohue, Ft. Pierre. Mr. Greenfield requested copies of the publication information, report and recommendation. I told him someone needed to contact the paper, as soon as possible to verify publication of the notice.

Karen Schlaak
Karen Schlaak
Environmental Scientist

*Publication notice to Pat Donohue returned 2/18/97
forwarded to 24376 Rushmore Ranch Rd.
Keystone 57751.*

*I called Gregg Greenfield. He said to use above address
for any future correspondence. He said he'd contact
Rapid City Journal to verify publication.*

*I also called Rapid City Journal to change address
on the notice. (Patti)*

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2377-2, Rushmore Ranch Estates

ADDRESS: COUNTY: PN

DATE: 2/20/97 TELEPHONE:

RE: Call from Greg Greenfield, Attorney (336-2424)

COMMENTS:

Mr. Greenfield, attorney for Rushmore Ranch Estates contacted me regarding the water permit application. He stated that in addition to the suburban housing development component of the application, his client also has intention of limited commercial use (ie. convenience store). Mr. Greenfield stated that he did not believe water use would exceed the 150 gpm which is requested in the application. He asked how to go about adding commercial use. I said the application could simply be amended by his verbal request on the phone. He did so.

Mr. Greenfield planned to get the last sentence of the first paragraph of the notice of intent to appropriate water amended to include commercial use. He had a phone call in the RC Journal to make that change in the public notice; however, since the notice was planned for Friday he didn't know if they could make the change. I said that he should try to get the change made on the first publication but to certainly get the change in the second weeks publication of the notice.

I will get the staff report amended to include the commercial use.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 1997

Greg Greenfield, Attorney
PO Box 5015
Sioux Falls, SD 57117-5015

Dear Mr. Greenfield:

Please find enclosed a copy of the revised report for Water Permit Application No. 2377-2,
Rushmore Ranch Estates.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

 **Rapid City
Journal**

P.O. Box 450
507 Main Street
Rapid City, SD 57709
Tel: 605-394-8300



Balance

Feb. 21, 1997

Eric,

Rushmore Ranch Estates' attorney called yesterday and added the words "and commercial use" in the last sentence of the first paragraph.

I added the words without even thinking of consulting you. If these added words are incorrect, please call me and I'll remove them.

*Sincerely,
Fattie Van Tatten
605-394-8445
11 a.m. - 7 p.m.*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 24 1997

Rushmore Ranch Estates, Inc.
%Pat Donahue
24376 Rushmore Ranch Rd.
Keystone, SD 57751

Dear Mr. Donahue:

Enclosed is Water Permit No. 2377-2 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

c: Greg Greenfield, Attorney, P.O. Box 5015, Sioux Falls, SD 57117-5015.



COPY

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 2001

James J. Giesler
Rushmore Ranch Estates
24376 Rushmore Ranch Rd.
Keystone SD 57751

Dear Mr. Giesler:

In a recent article in the Rapid City Journal I noticed that Rushmore Ranch Estates is planning to drill a new well. I want to take this opportunity to remind you of possible water right permitting requirements for drilling a new well.

Rushmore Ranch Estates' current water permit appropriates 150 gallons per minute (gpm) from up to four wells constructed into the Madison Formation. The permit states that all construction is to be completed on or before March 10, 2002. A new water right permit will need to be obtained if more than four wells are constructed, if any of the wells are constructed into a formation other than the Madison Formation or if the diversion from the wells exceeds the permitted amount of 150 gpm. I have enclosed the necessary application forms and an instruction sheet to assist in the event you need to file for a new water right permit.

If you have any question on the need for a water right permit or need assistance in completing the application please do not hesitate to contact us. I will be out of the office until September 11th, so if you need assistance prior to then please ask for Ron Duvall.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: James Olson, Wilson, Olson, Nash & Becker, PO Box 1552, Rapid City SD 57709

JAMES W. OLSON
ROBERT M. NASH

WILSON, OLSON, & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD
P. O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOTTUM (1903-1984)
JAMES H. WILSON (1927-1989)

(605) 342-7090
FAX (605) 342-9259

September 7, 2001

Eric Gronlund
Water Rights Program
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182



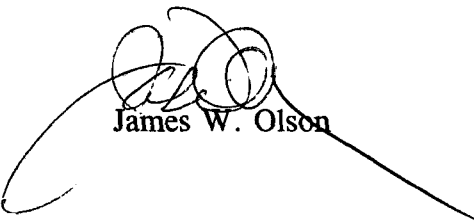
Re: Rushmore Ranch Estates

Dear Mr. Gronlund:

As attorney for Rushmore Ranch Estates, I am responding to your letter of August 29. Rushmore Ranch Estates is in the process of proceeding with a contract to dig a second water well at the subdivision. At present, the diversion rate of the new well is unknown. The report will be filed with the Department after the well is completed which we anticipate will be in October or November.

Very truly yours,

WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/lw

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 20 Twp 25 Rg 7E

County

Pennington

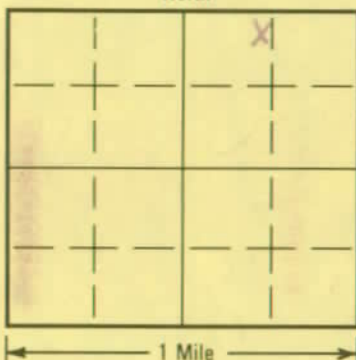
Please mark well location with an "X"

W

E

Well Completion Date

11/1/01



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 1500 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

AIR Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
23 LB/FT	7 IN	1.5 FT	540 FT	8 3/4 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
portland	100	14 lb./gal	540 ft.	0 ft.
		lb./gal	ft.	ft.

Describe grouting procedure pressure grouting through casing

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

Chlorine

NO, Why Not?

Laboratory sent to for water quality analysis

Well Owner: Rushmore Ranch Estates

Business Name: Frank Conley

Address: P.O. Box 1552

Rapid City, SD 57708

WELL LOG:

DEPTH

FORMATION	FROM	TO
Pink & yellow sand	0	60
NO RETURNS	60	540
purple grey limestone	540	580
off white limestone	580	640
clean white limestone	640	800

STATIC WATER LEVEL 350 Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: AIR Developed☐ Bailed☒ Other

Pumping Level Below Land Surface

800 ft. After 2 Hrs. pumped 200 GPM

500 ft. After 2 Hrs. pumped 100 GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 195

And this report is true and accurate.

Drilling firm S. Bice Drilling

Signature of License Representative: Frank Conley

Signature of Well Owner or Equitable Property Holder: Rushmore Ranch Estates by Frank Conley

Date: 12-11-01



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 2001

James W. Olson
Wilson, Olson & Nash, P.C.
PO Box 1552
Rapid City SD 57709

RE: Rushmore Ranch Estates

Dear Mr. Olson:

We are in receipt of the well completion report for Rushmore Ranch Estates. A review of our files indicates Rushmore Ranch Estates holds Water Permit No. 2377-2 authorizing 150 gallons per minute from 4 wells constructed into the Madison Formation.

As stated our August 29, 2001 letter to James Giesler, all construction is to be completed on or before March 10, 2002. A new water right permit will need to be obtained if more than four wells are constructed, if any of the wells are constructed into a formation other than the Madison Formation or if the diversion from the wells exceeds the permitted amount of 150 gallons per minute.

If you have any questions on the need for a water right permit or need applications forms, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

c: James J. Giesler, 13820 P Street, Omaha NE 68137

JAMES W. OLSON
ROBERT M. NASH

WILSON, OLSON, & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD
P. O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOTTUM (1903-1984)
JAMES H. WILSON (1927-1989)

(605) 342-7090
FAX (605) 342-9259

December 11, 2001

Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-9935

Re: Rushmore Ranch Estates

Greetings:

I enclose herewith, on behalf of Rushmore Ranch Estates, a South Dakota Water Well Completion Report. This is for a water well for the Rushmore Ranch Estates Subdivision. The water well is located on Tract 54 of Rushmore Ranch Estates Subdivision, Pennington County, South Dakota.

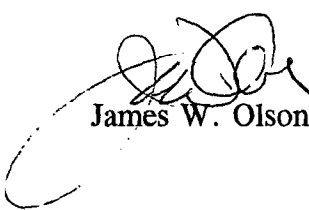
Please note the driller used my address for the address. The correct address for Rushmore Ranch Estates is: James Giesler, 13820 "P" Street, Omaha, NE 68137.

Please advise if you require anything further at this time from Rushmore Ranch Estates. Such advice should be addressed to me at the above address. Also, please confirm your receipt and filing of this Completion Report.

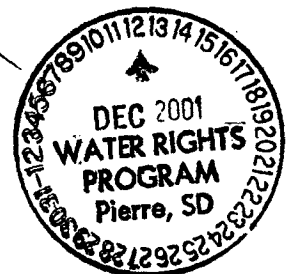
Thank you for your assistance.

Very truly yours,

WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/lw
Enclosure
cc: James Giesler



**Permit No. 2377-2
Pennington County**

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, **December 13, 2013** made a thorough examination of the water system used by **Rushmore Ranch Estates, Inc., 24376 Rushmore Ranch Rd., Keystone, SD 57751, holder of Water Permit No. 2377-2**, bearing the priority date of **October 11, 1996** and authorizing the diversion of **0.33 cubic feet per second (cfs)** or 150 gallons per minute (gpm) from four wells located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, all in T2S-R8E and completed into the Inyan Kara aquifer at approximately 500 feet deep for the purposes of supplying water for **commercial use and a suburban housing development in Pennington County.**

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Two wells, each with a Franklin pump.
- 2) Works used to transport water to a place of use:
Six inch underground pipes.
- 3) Works used to apply water to beneficial use:
N/A

The system is in the following condition: well maintained. The two wells associated with Water Permit No. 2377-2 are located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, all in T2S-R7E. The exact locations of the wells are as follows:

- 1) **100 feet south and 900 feet west of the northeast corner of Section 20. Lat 43.86836N Lon 103.30253W. This is Well 1, the main well.**
- 2) **1,320 feet north and 1,820 feet east of the southwest corner of Section 17. Lat 43.87211N Lon 103.31246W. This is Well 2, the backup well.**

License should be issued for the permitted diversion rate of **0.33 cfs or 150 gpm.**

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

Exceptions to compliance are: **None**

Date Report Completed: **June 26, 2014**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2377-2

DATE OF INVESTIGATION:	December 11, 2013
NAME & ADDRESS OF PERMIT HOLDER	Rushmore Ranch Estates, Inc. 24376 Rushmore Ranch Rd. Keystone, SD 57751
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jay Chittin Caretaker
DIVERSION POINT LEGAL LOCATIONS	1) 100 feet south and 900 feet west of the northeast corner of Section 20. Lat 43.86836N Lon 103.30253W. This is Well 1, the main well. 2) 1,320 feet north and 1,820 feet east of the southwest corner of Section 17. Lat 43.87211N Lon 103.31246W. This is Well 2, the backup well.

WELL INFORMATION:

- 1) Well Drilling Firm: **Bice Drilling Co.,
and Tefertiller Drilling.**
- 2) Number of Wells: **2**
- 3) Depth: **800 and 500 feet.**
- 4) Well Logs Available: **Yes, both.**
- 5) Comment:

Pumps

- 1) Make: **Franklin, both.**
- 2) Model:
- 3) Size:
- 4) Capacity: **160 gpm, 25 gpm.**

Casing

- 1) Diameter: **7 inches, 5 inches**
- 2) Length: **540, 460**
- 3) Type: **Steel, Plastic**

Screen

- 1) Type: **None on Well #1.
Manufactured Screen on Well #2**
- 2) Length: **80 feet**
- 3) Static Water Level: **350 feet, 345 feet**

Motor

- 1) Make: **Franklin**
- 2) Model No:
- 3) Power: **50 hp (3 phase), 10 hp (1
phase)**

System Type

- 1) Make:
- 2) Overall length:
- 3) Number of Towers:
- 4) Distance Between Towers:
- 5) End Gun:
- 6) Pressure:
- 7) Capacity:

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **No irrigation.**

COMMENTS:

- 1) Although Well 1 supplies the entire appropriated amount of water, Well 2 is in place as a backup well and is used in cases of emergencies or insufficient water in Well 1.
- 2) The pump in Well 1 is capable of producing up to 160 gpm. This is in excess of the permitted amount by 10 gpm. During a phone conversation with Jay Chittin on June 27, 2014 he explained that he understands the 150 gpm limit and uses a frequency drive on the pump to control the flow and ensure that it does not exceed the limit.



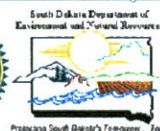
Legend

-  Section Boundaries - PLSS
-  Existing Licenses and Permits



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



Water Rights Program - File Documentation

NAME: Jay Chittin, representative for Rushmore Ranch Estates

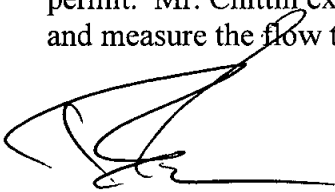
ADDRESS: 24376 Rushmore Ranch Rd., Keystone, SD 57751

DATE: June 27, 2014 **COUNTY:** Pennington **TELEPHONE:** (605) 223-9611

RE: Regarding pump capacity for Water Permit No. 2377-2

COMMENTS:

On June 27, 2014 I spoke to Jay Chittin (representative for Rushmore Ranch estates) about the water system associated with Water permit No 2377-2. During an inspection by Bracken Capen on December 11, 2013 Mr. Chittin indicated that the main pump for this system was capable of producing 160 gpm. However, the application for this water permit only appropriates 150 gpm. During our phone conversation, Mr. Chittin reiterated his understanding that the system is only permitted for 150 gpm and that any increase beyond this would be a violation of the water permit. Mr. Chittin explained that the pump has a frequency drive that allows him to moderate and measure the flow to a level at or below 150 gpm.



Bracken Capen
Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUL 07 2014

2377-2

Jay Chittin
Rushmore Ranch Estates Inc
24376 Rushmore Ranch Rd
Keystone SD 57751

Dear Sir:

Enclosed is Water License No. 2377-2. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 2377-2, 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2377-2**

(1) Rushmore Ranch Estates, Inc., 24376 Rushmore Ranch Rd., Keystone SD 57751 made Application No. 2377-2, October 11, 1996 for a water permit to divert 0.333 cubic feet of water per second from ground water (four wells, Madison Formation), Pennington County, South Dakota for suburban housing development and commercial use purposes. Permit No. 2377-2, with a priority date of October 11, 1996 was approved March 10, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 10, 2002 and for the application to beneficial use of said water on or before March 10, 2006.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.333 cubic feet of water per second for beneficial use. The location of the diversion points are:

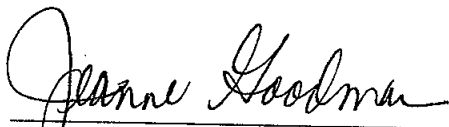
- Main well: 100 feet south & 900 feet west of the NE corner of Section 20, T2S, R7E (NE $\frac{1}{4}$ NE $\frac{1}{4}$);
- Backup well: 1,320 feet north & 1,820 feet east of the SW corner of Section 17, T2S, R7E (NE $\frac{1}{4}$ SW $\frac{1}{4}$)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rushmore Ranch Estates, Inc., 24376 Rushmore Ranch Rd., Keystone SD 57751 the holder and/or owner of Water Right No. 2377-2 is issued a license to appropriate water, the right to use 0.333 cubic feet of water per second from ground water (two wells – Madison Formation) with a priority date of October 11, 1996 from the location specified in (2) of this license for suburban housing development and commercial use purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2377-2 and subject to the following qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2377-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2377-2 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
- The wells 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.
- The wells authorized by Permit No. 2377-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. *The main well was drilled in 2001 by Bice Well Drilling. The well used as a backup well was drilled in 1995 by Tefertiller Drilling. Copies of both logs are on file with the Water Rights Program.*

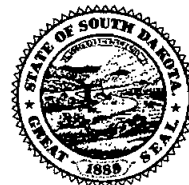


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUL 07 2014

date



2377-2

RECEIVED

SEP 11 2014

WATER RIGHTS
PROGRAM

JAMES W. OLSON
ERIKA S. OLSON

WILSON, OLSON & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD, SUITE 1
P.O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOTTUM (1903-1984)
JAMES H. WILSON (1927-1989)
ROBERT M. NASH (Retired 2013)

(605) 342-7090
FAX (605) 342-9259

September 8, 2014

South Dakota Department of Environment
and Natural Resources
PMB 20-20
DENR-Water Rights Program
523 East Capital Avenue
Pierre, SD 57501-3182

Re: Water Right/Permit No. 2377-2

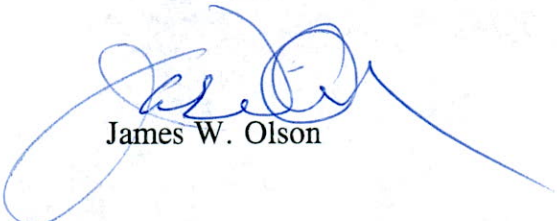
Dear Sir or Madam:

I enclose herewith the original Notice of Transfer of Ownership form for the transfer of water right/permit No. 2377-2, formerly owned by Rushmore Ranch Estates, Inc. to The Water Company at Rushmore Ranch, LLC. I have also enclosed a check in payment of your fee in the amount of fifty dollars (\$50.00). Please file this notice of transfer in the appropriate file with the Water Rights Program and provide me with evidence of the same in the form of your certificate or other appropriate documentation.

Thank you for your services.

Very truly yours,

WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/sj
Enclosure
Cc: Joseph Giesler

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

SEP 11 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2377-2Date: 08- -14

I/We request that Water Right/Permit No. 2377-2 formerly owned by:
Rushmore Ranch Estates, Inc. be transferred to:

New Owner Name: The Water Company at Rushmore Ranch, LLC
Address: 17028 K Street
City, State, Zip Omaha NE 68135 Telephone No. 402-677-4936

Title to the following described land(s)/property has been transferred as described above:

Main Well: 100 feet south and 900 feet west of NE corner of
Section 20, T2SR7E (NE1/4NE1/4).

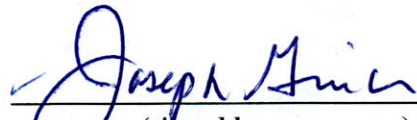
Backup Well: 1320 feet north and 1820 feet east of SW
corner of Section 17, T2S, R7E (NE1/4SW1/4)

☒ I understand that the validity of Water Right/Permit No. 2377-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, The Water Company at Rushmore Ranch, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)
Joseph Giesler
Operating Manager

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Sept 11, 2014

The Water Co at Rushmore Ranch LLC, 17028 K St, Omaha NE 68135

RECEIVED OF _____

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>Dermat No. 2377-2</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 06944

By _____

Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



September 11, 2014

2377-2

James W Olson
Wilson, Olson & Nash PC
PO Box 1552
Rapid City SD 57709

Dear Mr. Olson:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee submitted for changing ownership on Water Right No. 2377-2.

The ownership change has been completed. Water Right No. 2377-2 formerly held by Rushmore Ranch Estates Inc is now listed in the name of "The Water Company at Rushmore Ranch, LLC".

The receipt for the \$50 fee is being forwarded to Joseph Giesler.

If you have any questions, please let me know.

Sincerely,

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

c: Joseph Giesler, The Water Company at Rushmore Ranch LLC, 17028 K Street, Omaha NE

TL THOMSON LAW_{PC}

Candi Rawdon Thomson • Attorney at Law

candi@thomsonlawoffice.com

RECEIVED

MAR - 6 2017

WATER RIGHTS
PROGRAM

March 2, 2017

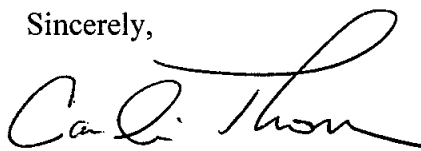
PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

Re: Water Permit #2377-2

To Whom It May Concern:

Enclosed is a Notice of Transfer of Ownership concerning the above referred to Water Permit, we have also enclosed a check in the sum of \$50 for the transfer fee. If you have any questions, please let us know. Thank you.

Sincerely,



Candi Thomson

CLT:ds
Enclosures.

RECEIVED

MAR - 6 2017

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2377-2

Date: March 1, 2017

I/We request that Water Right/Permit No. 2377-2 formerly owned by:
The Water Company at Rushmore Ranch, LLC be transferred to:

New Owner Name: Rushmore Ranch Water, LLC

Address: 7005 Timberline Road

City, State, Zip Black Hawk SD 57785 Telephone No. 605-484-7934

Title to the following described land(s)/property has been transferred as described above:

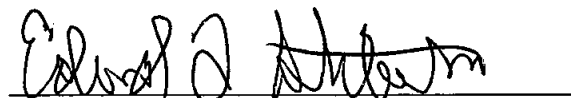
Main Well: 100 feet south and 900 feet west of the NE corner of Section 20, T2N, R7E, BHM
(NE 1/4 NENE 1/4).
Backup Well: 1320 feet north and 1820 feet east of SW corner of Section 17, T2N, R7E, BHM
(NE 1/4 SW 1/4)

☒ I understand that the validity of Water Right/Permit No. 2377-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

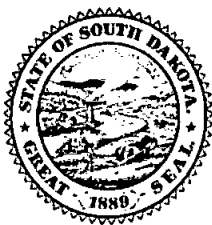
A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Rushmore Ranch Water, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **RUSHMORE RANCH WATER, LLC**

General Information

SOS Business ID: **DL130247**
 Filing Type: **Limited Liability Company - Domestic**
 Status: **Good Standing**
 Duration Term: **Perpetual**
 Managed By: **Member Managed**

Registered Agent Address

EDMUND STRIEBEL
 7005 TIMBERLINE RD
 BLACK HAWK, SD 57718-9687

Principal Address

7005 TIMBERLINE RD
 BLACK HAWK, SD 57718

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
02/02/2017	Initial Filing	B0024-0190
Record Status Changed From: Pending To: Active		

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/6, 20 17

RECEIVED OF Thomson Law PC PO Box 145 Sturgis SD 57785

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>2377-2</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08191**

By *Jimmie Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 6, 2017

2377-2

Candi Thomson
Thomson Law PC
PO Box 145
Sturgis SD 57785 0145

Dear Ms. Thomson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 2377-2.

The ownership change has been completed. Water Right No. 2377-2, formerly held by "The Water Company at Rushmore Ranch LLC" is now listed in the name of **Rushmore Ranch Water LLC**.

Enclosed for your records is Receipt No. 08191 in the amount of \$50 which was paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

c: Edmund Striebel, Rushmore Ranch Water LLC, 7005 Timberline Rd, Black Hawk SD 57785

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2377-2Date: 09/06/17

I/We request that Water Right/Permit No. 2377-2 formerly owned by:
Rushmore Ranch Water, LLC be transferred to:

New Owner Name: Southern Black Hills Water System, Inc.
Address: 26858 Hwy 385
City, State, Zip Hot Springs ☒ SD ☒ 57747 Telephone No. (605) 745-4669

Title to the following described land(s)/property has been transferred as described above:

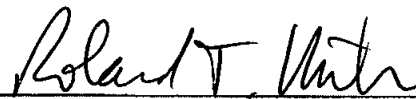
Main Well: 100 feet south and 900 feet west of the NE corner of Section 20, T2S, R7E, BHM
(NE1/4NE1/4)
Backup Well: 1320 feet north and 1820 feet SW corner of Section 17, T2S, R7E, BHM
(NE1/4SW1/4)

☒ I understand that the validity of Water Right/Permit No. 2377-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Roland Wick, President of Southern Black Hills W., the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 2, 20 17

RECEIVED OF Southern Black Hills Water System 26858 IIS HWY 385 Hot Springs 57747

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>2377-2</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. **08343**

By

Jeanne Goodman
Chief Engineer

gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 3, 2017

2377-2

Roland Wick, President
Southern Black Hills Water System Inc
26858 Hwy 385
Hot Springs SD 57747

Dear Mr. Wick:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 2377-2. The ownership change has been completed. Water Right No. 2377-2, formerly held by Rushmore Ranch Water LLC is now listed in the name of **Southern Black Hills Water System Inc.**

For informational purposes, Water Right No. 2377-2 authorizes diversion of ground water for suburban housing development and for commercial purposes. If SBHWS uses the authorized well on site as described in the water right, no additional permitting is necessary. If you intend to tie the well into the SBHWS distribution system, additional permitting will be required to change or add rural water system use to the existing water right.

Enclosed for your records is Receipt No. 08343 in the amount of \$50 which was paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure