

WATER PERMIT NO. 2395-2

Name of Applicant: Roy Alexander

Address: PO Box 615, Hill City SD 57745

Phone: 605 574-4200

Amount of Water Claimed: 0.10 cfs (45 gpm)

Total Acres: na

Source of Water Supply: groundwater

Water to be used for: commercial

County: Pennington

Type of Waste Disposal System: septic tank and drainfield

Location: near Hill City

PRIORITY

Date Received: 10-16-1997

Fee: \$50.00

Corrected Application Received:

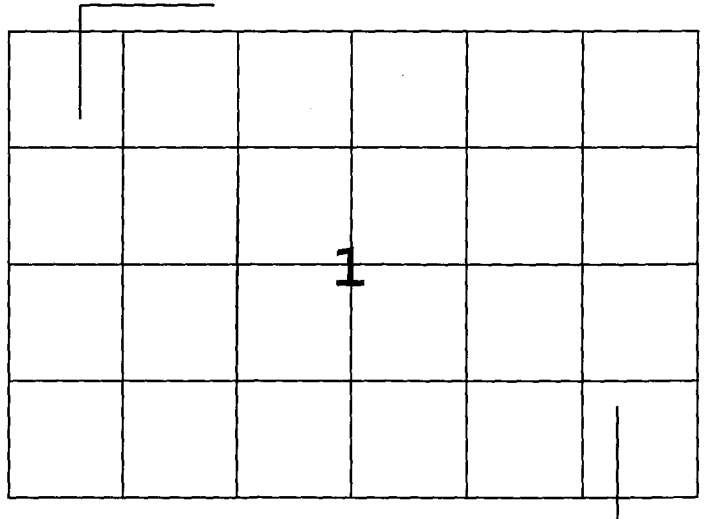
Period of Annual Use: Jan 1 - Dec 31

Remarks: for use at shop and possible trailer court

Diversion Point: SW 1/4 Sec 1-T2S-R4E

Lot 7 of Block 2 of Dead Broke Subdivision

Land to be Irrigated: na



Depth of Well: 104 feet deep

Well Driller: Alexander Drilling

Remarks:

Type of Map: plat

Prepared by: Steven O Thingelstad, RLS

Reviewed and the Number Assigned on: 10-20-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2395-2**

Date of first receipt of application October 16, 1997.

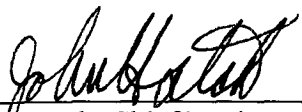
The Water Management Board approved Water Permit Application No. 2395-2 on May 6, 1998 for Roy Alexander, PO Box 615, Hill City SD 57745 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2395-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Crystalline Rock) 104 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7 of Block 2 of Dead Broke Subdivision) Section 1-T2S-R4E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is October 16, 1997.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

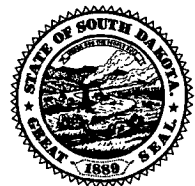
By: 
John Hatch, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 29 1998

date



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	No. <u>2395-2</u>	(office use only) Hydrologic Unit <u>10/20/09</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Pennington Co. Precursor News, Hill 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.) _____

- Name of Applicant Roy Alexander Phone 605-574-4200
(check one) ☒ Owner ☐ Tenant/Lessee
Mailing Address PO Box 615 - Hill City State SD 57745
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 10 *CFS or 45 **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 Block 2 Lot #7 Dead broke Development, Sec 1, T2S, R4E
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1
NW 1/4 SW 1/4 Section 1-T2S-R4E
County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used annually 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)

STATE OF SOUTH DAKOTA)

County of Pennington SS

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)

I, Roy Alexander, 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 Roy Alexander

Subscribed and sworn to before me this 14 day of October 19 97

John M. But
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 104 ft.
- b) Casing Type PVC-31' Diameter 6" Thickness 33
- c) Screen Type Open Hole Well Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
On applicants property 200' On property owned by others 300±

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 1000 gal Septic - 180ft Drain-field
- b) System Capacity (gallons) 1000 Year Constructed 1994
- c) Connected to the City of N.A. Sanitary System Rural

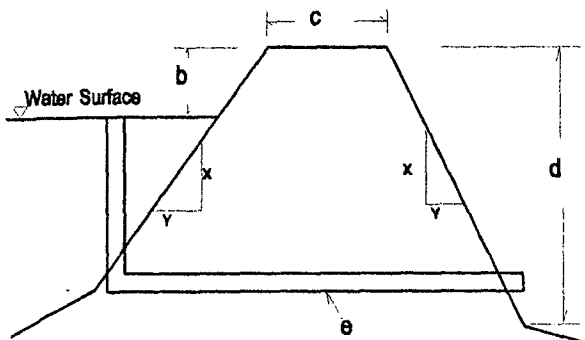
3. Dugout Information

- 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

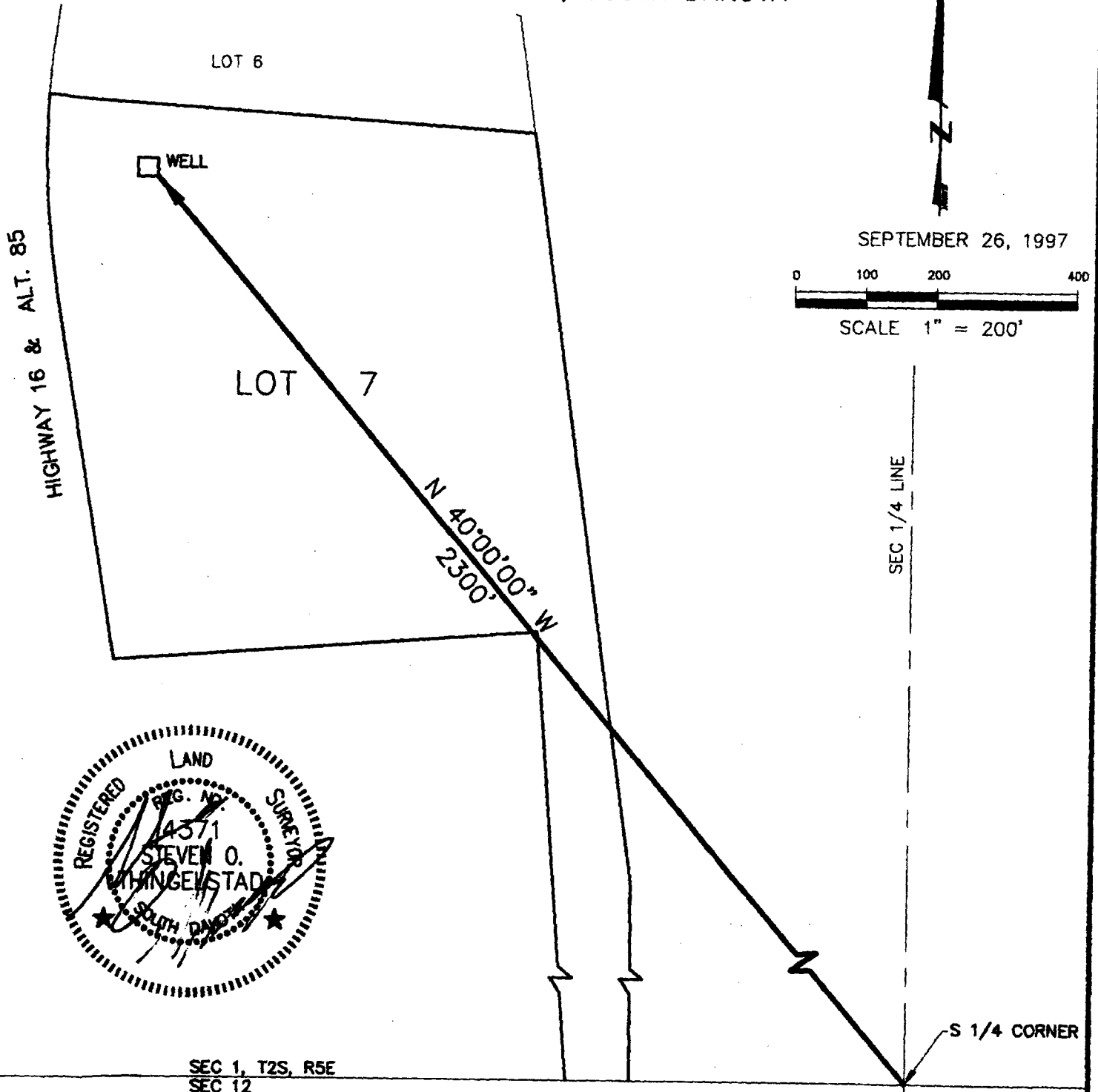
EXHIBIT OF

WELL LOCATION

LOT 7 OF BLOCK 2 OF DEAD BROKE SUBDIVISION

LOCATED IN THE SW1/4 OF
SECTION 1, T2S, R4E, BHM

PENNINGTON COUNTY, SOUTH DAKOTA



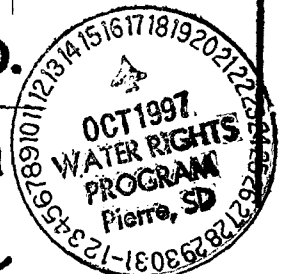
SEC 1, T2S, R5E
SEC 12



Renner & Sperlich Engineering Co.

616 Sixth Street, Rapid City, SD 57701

605/342-1191



2395-2

RECEIPT

415491

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 17, 19 97

RECEIVED OF Alexander Drilling, Inc., P.O. Box 615, Hill City, SD 57745

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

Fee for Application for Permit No. <u>2395 L</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

Chief Engineer

John Hatch (Signature)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1 25 4E
 County Penn. North

Please mark well location with an "X"

Dead Broke

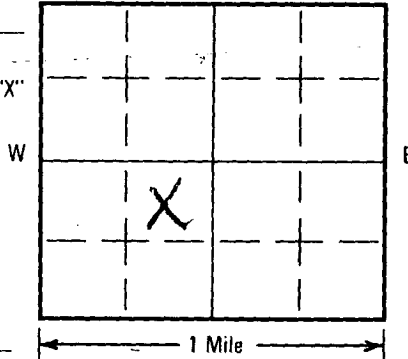
Sub-Div.

Lot #7

New Shop

Well Completion Date

12-15-93



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 120 ft. from New Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer.

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe 35'

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>7" CD IN</u>	<u>0</u> FT	<u>35</u> FT	<u>8</u> IN	
<u>Liner</u> LB/FT <u>4" IN</u>	<u>25</u> FT	<u>225</u> FT	<u>6</u> IN	
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Port 1-11</u>	<u>4</u>	<u>14-15</u> lb./gal	<u>0</u> ft	<u>33</u> ft
		lb./gal	ft	ft

Describe grouting procedure

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 4" IN Length 40 FEET

Material Flux FT. T&C

Slot Size 10/10 Set From 140 Feet to 180 Feet

Other information GRAVEL PACK w/silica SAND.

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 Solution

Laboratory sent to for water quality analysis

NO Why Not?

Well Owner: Alexander Drilling

Business Name: P.O. Box 615

Address: 24172 Hwy 85 S.
Hill City, S.D. 57745

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil & gravel</u>	<u>0</u>	<u>30</u>
<u>Schist grey m. Hd</u> <u>to Black.</u>	<u>30</u>	<u>80</u>
<u>Schist softer</u>	<u>80</u>	<u>130</u>
<u>Schist m. Hd.</u> <u>H2O - 10° gpm.</u>	<u>130</u>	<u>225</u>

STATIC WATER LEVEL 15 Feet

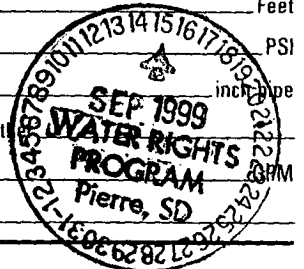
If flowing: closed in pressure

GPM flow through

Controlled by ☐ Valve ☐ Reducers ☐ Or

Reduced Flowrate

Can well be completely shut in?



WELL TEST DATA:

☒ Pumped W/AIR Describe: 10° gpm.

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS Schist 80-130 - soft caused
problem, Had to install liner.

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Inc.

Signature of License Representative:

Ray Alexander

Signature of Well Owner or Equitable Property Holder:

Ray Alexander

Date:

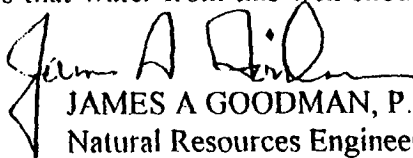
REQUEST FOR A VARIANCE FROM CHAPTER 74:02:04

SOUTH DAKOTA WELL CONSTRUCTION STANDARDS

Pursuant to Section 74:02:04:75 of the South Dakota Well Construction Standards, the following is the decision of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning the request for a well construction variance by Roy Alexander, P.O. Box 615, Hill City, SD 57745.

The Chief Engineer grants approval of the request for a variance as follows:

1. This is a request for a variance from SD Well Construction Standard 74:02:04:24 which requires that no well supplied by an aquifer whose top is less than 100 feet deep may be located any closer than 150 feet horizontally from a pollution source and 75 feet horizontally from wastewater system components. In this case the "pollution source" is a drainfield located approximately 105 feet from the well.
2. The purpose of this request is to install a well for Alexander Drilling into the crystalline aquifer located at Lot #7 Dead Broke Development, Section 1, T2S-R4E.
3. The well was completed in accordance to SD Well Construction Standard 74:02:04:32, (36' of well casing was pressure grouted with cement).
4. The well is 104 feet deep and has a static water level of 8 feet.
5. The location of the buildings on the lot make it impossible to obtain the required 150' distance between drainfield and the well.
6. The geologic and hydrologic setting dictates that water from this well should be analyzed periodically for biological contamination.


JAMES A GOODMAN, P.E.
Natural Resources Engineer
For JOHN HATCH, Chief Engineer
Water Rights Program
September 3, 1997

Variance No. 5

REPORT ON PERMIT APPLICATION No. 2395-2
ROY ALEXANDER
DECEMBER 10, 1997

Water Right Permit Application No. 2395-2 proposes to appropriate 0.10 cubic feet of water per second (45 gallons per minute from one well 104 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T2S-R4E. The water is for commercial use.

AQUIFER: Crystalline Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The crystalline rock in this area consists primarily of thin bedded muscovite rich schist and phyllite (Redden, 1975). Groundwater occurs in small intergranular voids in the rock (primary porosity); but is primarily derived from bedding planes, joints, and fractures (secondary porosity). The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. The aquifer is under unconfined conditions.

Well Completion Reports for area wells indicate near Spring Creek, the crystalline rock is mantled with alluvium, colluvium, and/or weathered schist. The Report for this well identifies 10 feet of "drift" at this site. A direct hydrologic connection probably exists between this overlying unconsolidated material and the crystalline rock, and can be considered a single aquifer. The aquifer is probably hydraulically connected to Spring Creek, which can act as a gaining stream or a losing stream although most of the time the creek is probably a discharge zone.

The amount of recoverable water in storage in this aquifer has not been quantified. Considering the number of wells that are supplied from this aquifer, the crystalline rock is obviously a viable aquifer with water available for appropriation. Recharge to the aquifer which is through infiltration of precipitation and from seepage from streams has not been estimated. The Water Rights Program monitors an observation well completed into the crystalline rock in the City of Custer. The observation well shows the crystalline rock responds well to climatic conditions, that is the water levels rise during wet years and gradually decline during dry years. The water levels are expected to behave similarly in this area.

The completion report submitted with this application indicates the well was constructed in accordance with Well Construction Variance No. 5, issued September 3, 1997. The variance allowed the well to be constructed approximately 105 feet from the drainfield which is used for effluent disposal at this site.

Effects on Existing Water Rights:

The Water Rights Program has record of a number of domestic wells are completed into the crystalline rock in this area. There are 10 appropriative water permits/rights within approximately one mile of this well. Water Permit No. 2358-2 is located approximately 300 feet from this well. Interference is not expected to be a concern. Drawdown caused by pumping should not be significant.

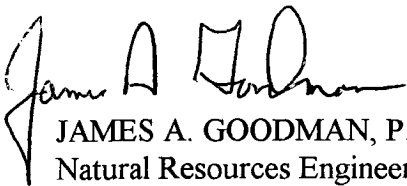
CONCLUSIONS:

1. The Crystalline Rock is a viable source of groundwater in this area.
2. Recharge to the Crystalline Rock which is through direct infiltration of precipitation and streamflow loss , has not been quantified.
3. There is a reasonable probability that unappropriated groundwater is available from the Crystalline Rock in this area.
4. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small diversion rate requested from the well.
5. The South Dakota Water Well Completion Report filed for this well indicates the well was constructed in accordance with the SD Well Construction Standards and a variance from the Standards.
6. A septic tank and tile field is used for waste disposal at this facility.



KEN BUHLER
Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Redden, J.A., 1975, Precambrian Geology of the Black Hills, in Bulletin 16, Mineral and Water Resources of SD, SD DENR, SDGS, Vermillion, SD

Water Rights Program, 1997, "Water Permit and Domestic Well Log Files", DENR-Division of Environmental Services -Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2395-2, Roy Alexander

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2395-2, Roy Alexander, P.O. Box 615, Hill City, SD 57745..

The Chief Engineer is recommending APPROVAL of Application No. 2395-2 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) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
December 11, 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.

December 17, 1997

Roy Alexander
P.O. Box 615
Hill City, SD 57745

Dear Mr. Alexander:

Water Permit Application No. 2395-2 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 Pennington Co. Prevalier News printed at Hill City, SD (Ph # (605) 574-2538). 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

December 17, 1997

Pennington Co. Prevailer News
Box 266
Hill City, SD 57745-0266

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2395-2 to be published twice. Please publish the first notice on December 24, 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 Roy Alexander, P.O. Box 615, Hill City, SD 57745 (Ph # (605) 574-4200).

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 S. Gronlund
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 December 24, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2395-2 to Appropriate Water

Notice is given that Roy Alexander, PO Box 615, Hill City SD 57745 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Crystalline Rock) 104 feet deep located in NW 1/4 SW 1/4 (Lot 7 of Block of Dead Broke Subdivision) Section 1-T2S-R4E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2395-2 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 January 12, 1998.

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, Don Gerken

certify that the attached printed Notice was taken

from the Pennington Co.

Prevailer News

printed and published in Hill City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

12-24-97

12-31-97

Cost of Printing \$42.54

[Signature]
(Signature)

managing editor
(Title)

12-31-97
(Date Signed)

**NOTICE OF
APPLICATION
NO. 2395-2
To Appropriate
Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2395-2 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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END OF NOTICE
#2867, 12-24, 12-31-97





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1998

REVISED NOTICE

TO: Roy Alexander
P.O. Box 615
Hill City, SD 57745

Garry Schrank
Snow to Sun RV Park
1701 N. International Blvd. #4 ½ Cedar
Weslaco, TX 78596

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Rescheduling Hearing for Water Permit Application No. 2395-2, Roy Alexander

The notice sent to you on March 30, 1998, mistakenly indicated a March 6, 1998, hearing before the Water Management Board.

The Board will consider Mr. Alexander's Water Permit Application No. 2395-2 on **May 6, 1998**, at 10:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Ave., Pierre, SD. The agenda time is an estimate and may be delayed due to agenda items.

Applicable provisions of the Notice of Application published December 24 and 31, 1997, in the Pennington Co. Prevailer News and the Notice of Hearing sent to parties on January 14, 1998, will still apply at this hearing. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund, staff engineer at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

NOTE: Also sent to Mr. Schrank's South Dakota address -- Garry Schrank, P.O. Box 603, Hill City, SD 57745

CERTIFICATION

I hereby certify that on March 31, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a **REVISED** Notice dated March 31, 1998, regarding Rescheduling Hearing for Water Permit application No. 2395-2, Roy Alexander, addressed as stated below:

Roy Alexander, P.O. Box 615, Hill City, DS 57745.

Garry Schrank, Snow to Sun RV Park, 1701 N. International Blvd. #4 ½ Cedar, Weslaco, TX 78596.

Garry Schrank, P.O. Box 603, Hill City, SD 57745.

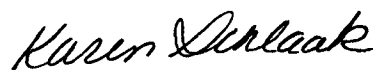
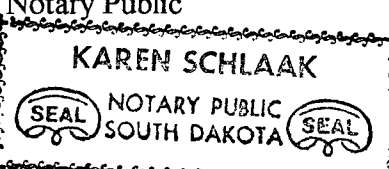
A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of April, 1998


Notary Public
KAREN SCHLAACK

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Chief Engineer
Water Rights Program
523 E. Capital
Pierre, SD 57501

January 8, 1998

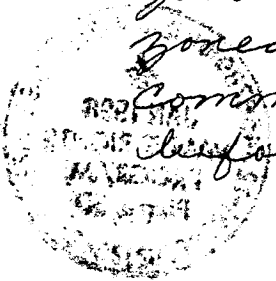
re: Ray Alexander #2395-2
PO Box 615
Hill City, SD 57745



I am opposed to the water permit
for the following reasons:

- 1) There is an existing well on the property presently and there is water available to the north building from that well.
- 2) The well is drilled a couple of feet from the property line adjoining my property which is zoned R.U.D. (seasonal RV Park) which will require a fair amount of water when developed.
- 3) Mr. Alexander's land is not zoned commercial, so how can the water be used as commercial use?
- 4) Ray Alexander & I are in litigation over the zoning of this property. Judge Fitzgerald has made a decision

that the Penn. County Commissioners & Ray
Alexander acted unlawfully in the
zoning of the property. This land is
zoned Highway Service with a CUP., not
commercial. This case is presently
before the Supreme Court.


Larry Schrank

Garry Schrank

Po Box 603

Hill City, SD 57745

cc: Ray Alexander



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1998

Garry Schrank
Snow Tuscon RV Park
1701 N. International Blvd.
Lot Cedar 4 1/2
Weslaco, TX 78596

Dear Mr. Schrank:

Please find enclosed a copy of the report and recommendation prepared on Water Permit Application No. 2395-2 for Roy Alexander.

If you send in a petition, be sure to list any possible addresses you may be located at because there will be correspondence sent to you regarding scheduling of a hearing on the application.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 1998

NOTICE

TO: Roy Alexander
P.O. Box 615
Hill City, SD 57745
and Parties of Record (see attached sheet)

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 2395-2, Roy Alexander

A petition in opposition to Application No. 2395-2 has been filed in response to the Notice of Application to appropriate water published December 24 and 31, 1997, in the Pennington Co. Prevalier News. As specified in the publication notice, Application No. 2395-2, filed by Roy Alexander, P.O. Box 615, Hill City, SD is to appropriate 0.10 cubic feet of water per second (45 gpm) for one well, 104 feet deep, located in the NW1/4 SW1/4 Section 1, T2S, R4E in Pennington County. The water is for commercial use. Because a petition in opposition to the application has been filed, pursuant to 46-2A-23, the Chief Engineer must provide notice of a hearing before the Water Management Board to all parties of record.

The Water Management Board will conduct a hearing to consider Application No. 2395-2 at 2:30 pm (CST) on February 26, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The agenda time is an estimate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2395-2 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The February 26, 1998, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 13, 1998.

This hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by February 13, 1998, if you have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2395-2

APPLICANT

Roy Alexander
P.O. Box 615
Hill City, SD 57745

PETITIONER

Garry Schrank
P.O. Box 603
Hill City, SD 57745

CERTIFICATION

I hereby certify that on January 14, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 14, 1998, along with a copy of the Parties of Record list, regarding Notice of Hearing on Contested Water Permit Application No. 2395-2, Roy Alexander, addressed as stated below:

Roy Alexander, P.O. Box 615, Hill City, SD 57745.

Garry Schrank, P.O. Box 603, Hill City, SD 57745.

Garry Schrank, Snow Tuscon RV Park, 1701 N. International Blvd., Lot Cedar 4 1/2, Weslaco, TX 78596.

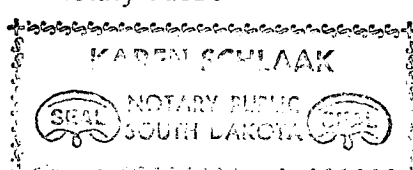
A copy of the above described Notice and attachment was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of January, 1998


Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



Jan 21, 1998

Dept of Environment & Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

Attn: John Hatch

RE: Hearing on Roy Alexander water permit
application # 2395-L

John,

I am requesting a delay of the
hearing for this application which is
scheduled for Feb. 26, 1998. I will not
be back in the state yet.

Thank you,

Garry Schrank

GARRY SCHRANK

Snow to Sun RV Park

1701 N. International Blvd. #4 1/2 Cedar

Weslaco, TX 78596



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1998

NOTICE

TO: Roy Alexander
P. O. Box 615
Hill City, SD 57745

Garry Schrank
Snow to Sun RV Park
1701 N. International Blvd. #4 1/2
Weslaco, TX 78596

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Automatic Delay of Hearing on Water Permit Application No. 2395-2, Roy Alexander

A letter from Garry Schrank requesting an automatic delay has been submitted in response the January 14, 1998, notice of hearing on Application No. 2395-2. Therefore, the hearing on Application No. 2395-2 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on February 26, 1998.

The hearing on Application No. 2395-2 will be scheduled for a future Water Management Board meeting. The next regularly scheduled Board meeting is May 6 and 7, 1998. Future notice of the exact date, time and place of the hearing for Application No. 2395-2 will be provided to all parties of record.

A copy of Mr. Schrank's letter is enclosed in this mailing to the applicant. Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Diane Best, Assistant Attorney General



Jan 21, 1998

Dept of Environment & Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

Attn: John Hatch

RE: Hearing on Ray Alexander Water Permit
Application # 2395-L

John,

I am requesting a delay of the
hearing for this application which is
scheduled for Feb. 26, 1998. I will not
be back in the state yet.

Thank you,

Garry Schrank

GARRY SCHRANK

Snow to Sun RV Park

1701 N. International Blvd. #4 1/2 Cedar
Weslaco, TX 78596

CERTIFICATION

I hereby certify that on February 3, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 3, 1998, regarding Automatic Delay of Hearing on Water Permit Application No. 2395-2, Roy Alexander, along with a copy of a letter received by Mr. Schrank requesting a delay of the hearing for this application, addressed as stated below:

Roy Alexander, P.O. Box 615, Hill City, SD 57745.

A copy of the above described Notice and attachment was sent Inter-office to:

Diane Best, Assistant attorney General, Capitol Building.

A copy of just the Notice was sent to the following individual:

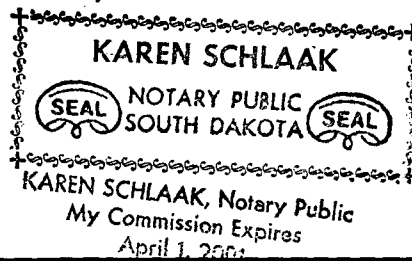
Gary Schrank, Snow to Sun RV Park, 1701 N. International Blvd. #4 ½, Weslaco, TX 78596.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of February, 1998


Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1998

NOTICE

TO: Roy Alexander
P.O. Box 615
Hill City, SD 57745

Garry Schrank
Snow to Sun RV Park
1701 N. International Blvd. #4 ½ Cedar
Weslaco, TX 78596

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Rescheduling Hearing for Water Permit Application No. 2395-2, Roy Alexander

The Water Management Board will consider Mr. Alexander's Water Permit Application No. 2395-2 on March 6, 1998, at 10:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Ave., Pierre, SD. The agenda time is an estimate and may be delayed due to agenda items.

Applicable provisions of the Notice of Application published December 24 and 31, 1997, in the Pennington Co. Prevailer News and the Notice of Hearing sent to parties on January 14, 1998, will still apply at this hearing. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund, staff engineer at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

NOTE: Also sent to Mr. Schrank's South Dakota address -- Garry Schrank, P.O. Box 603, Hill City, SD 57745

CERTIFICATION

I hereby certify that on March 30, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 30, 1998, regarding Rescheduling Hearing for Water Permit Application No. 2395-2, Roy Alexander, addressed as stated below:

Roy Alexander, P.O. Box 615, Hill City, SD 57745.

Garry Schrank, Snow to Sun RV Park, 1701 N. International Blvd. #4 ½ Cedar, Weslaco, TX 78596.

Garry Schrank, P.O. Box 603, Hill City, SD 57745.

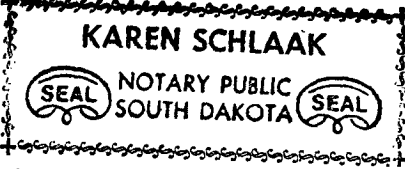
A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of March, 1998


Notary Public

KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

Conversation or File Documentation

NAME OF PERSON OR FILE: Garry SchrankADDRESS: P.O. Box 603, Hill City, SD 57745 COUNTY DATE: April 13, 1998 TELEPHONE (605) 574-2050RE: Notices sent out to Mr. Schrank on March 30 and 31, 1998.

COMMENTS:

On March 30, 1998, a "Notice" and on March 31, 1998, a "Revised Notice" regarding Rescheduling Hearing for Water Permit Application No. 2395-2, Roy Alexander, was sent to Garry Schrank, Snow to Sun RV Park, 1701 N. International Blvd. # 4 1/2 Cedar, Weslaco, TX 78596. On April 13, 1998, these Notices came back to our office as "Unclaimed". The Notices were also sent to Mr. Schrank at his South Dakota address: P.O. Box 603, Hill City, SD 57745. On April 13, 1998, I attempted to call Mr. Schrank in Hill City at the above shown phone number to see if he had received the Notices at his South Dakota address. When I called, the individuals who answered the phone stated that they were renting the house from Mr. Schrank while he was in Texas, and that they believed he was no longer there, but they also had no idea where he was at this time.

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: Cheryl J. Frost

8/95

Is your RETURN ADDRESS completed on the reverse side?	SENDER:		Thank you for using Return Receipt Service.	
	☐ Complete items 1 and/or 2 for additional services. ☐ Complete items 3, 4a, and 4b. ☐ Print your name and address on the reverse of this form so that we can return this card to you. ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit. ☐ Write "Return Receipt Requested" on the mailpiece below the article number. ☐ The Return Receipt will show to whom the article was delivered and the date delivered.			I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
	3. Article Addressed to:	4a. Article Number		4b. Service Type
	5. Received By: (Print Name)	7. Date of Delivery		8. Addressee's Address (Only if requested and fee is paid)
	6. Signature: (Addressee or Agent)			
Garry Schrank P.O. Box 603 Hill City, SD 57745		Z 119 141 522 ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD		
MARION SHOBERG X <i>Marion Shoberg</i>		4/16/98		
PS Form 3811, December 1994		102595-97-B-0179	Domestic Return Receipt	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1998

Roy Alexander
P.O. Box 615
Hill City, SD 57745

Dear Mr. Alexander:

Enclosed is Water Permit No. 2395-2 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 1999

2395-2

Roy Alexander
P.O. Box 615
Hill City, SD 57745

Dear Mr. Alexander:

The investigation of your water use system was conducted on September 10, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2395-2. 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.

REPORT ON INSPECTION OF PERMIT NO. 2395-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Roy Alexander

P.O. Box 615

Hill City, SD 57745

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Roy Alexander

P.O. Box 615

Hill City, SD 57745

DATE OF INSPECTION: September 10, 1998

DIVERSION POINT LEGAL LOCATION: Well No. 1: 1850 feet north and 1050 feet east of the southwest corner of Sec. 1, T2S-R4E, (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T2S-R4E)

Well No. 2: 1750 feet north and 1150 feet east of the southwest corner of Sec. 1, T2S-R4E, (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T2S-R4E)

WELL INFORMATION:

Well No. 1	Well No. 2
1) Well Drilling Firm: <u>Alexander Drilling</u>	1) Well Drilling Firm: <u>Alexander Drilling</u>
2) Depth(s) <u>104</u> feet	2) Depth(s) <u>225</u> feet
3) Well log is available <u>yes</u>	3) Well log is available <u>yes</u>
Casing:	Casing:
1) Diameter <u>6</u> inches	1) Diameter <u>7 & 4</u> inches
2) Length <u>32</u> feet	2) Length <u>35 & 200</u> feet
3) Type <u>PVC</u>	3) Type <u>steel</u>
Screen:	Screen:
1) Type <u>none-open hole completion</u>	1) Type <u>perforated pipe</u>
2) Length <u>72</u> feet	2) Length <u>40</u> feet
3) Static water level <u>8</u> feet	3) Static water level <u>15</u> feet

Pump:	Pump:
1) Make <u>Flint & Whalings</u>	1) Make <u>Grundfos</u>
2) Model <u>submersible</u>	2) Model <u>submersible</u>
3) Capacity <u>40</u> GPM	3) Capacity <u>5</u> GPM
Motor:	Motor:
1) Make <u>Franklin</u>	1) Make <u>Franklin</u>
2) Horsepower rating <u>3</u> hp	2) Horsepower rating <u>1/2</u> hp

SYSTEM INFORMATION:

Well No. 1 is used to fill water trucks. Well No. 2 is used for the shop restroom.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na