

WATER PERMIT NO. 2442-2

Name of Applicant: Valley View Land Company

Address: 12192 Sioux Land Road, Black Hawk SD 57718

Phone: 605 787-6333

Amount of Water Claimed: 0.2 cfs (90 gpm)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: suburban housing development

County: Pennington

Type of Waste Disposal System: septic tanks with drain field

Location: east of Rapid City

PRIORITY

Date Received: 7-3-2000

Fee: \$225

Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NW ¼ Sec 12-T1N-R8E

Land to be Irrigated: NA

Depth of Well: 2200 feet deep

Well Driller: :

Remarks:

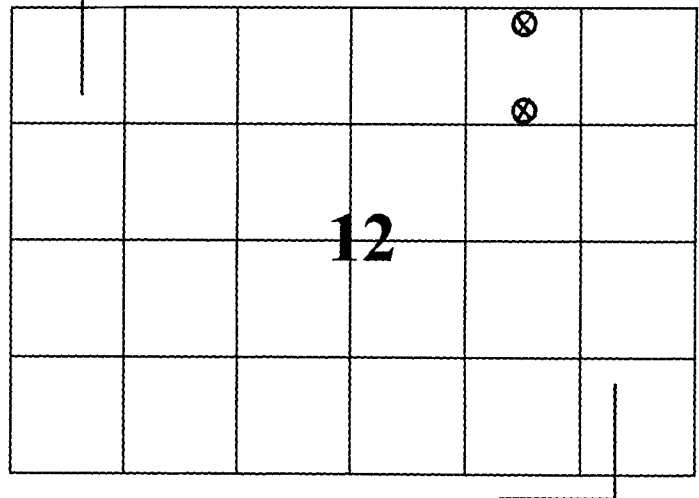
Type of Map: plat

Prepared by: Jerry Wendland, RLS

Reviewed and the Number Assigned on: 7-6-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2442-2</u> (office use only) Hydrologic Unit <u>10120110</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal</u> <u>Rapid City</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.)
N/A

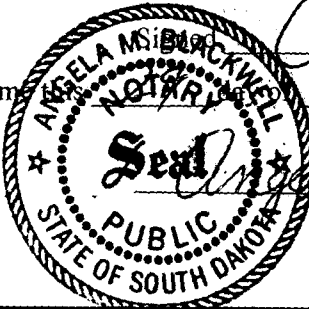
- Name of Applicant Valley View Land Company Phone 605-787-6333
(check one) Owner Tenant/Lessee
Mailing Address 12192 Sioux Land Road Black Hawk State SD 57718
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 90 *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply New wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells on
SE 1/4 NE 1/4 of Section 12, T10N, R8E BHM
Well lot A and Well lot B County Pennington
- County or counties where water will be used Pennington Jan. 1 - Dec. 31
- Annual period during which water is to be used Annually or year round
- 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 MEADE) 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, ANTHONY CURRY, 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.

Subscribed and sworn to before me



Anthony Curry
June 6, 2000
Angela M. Blackwell
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2442-2**

Date of first receipt of application July 3, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2442-2 to Valley View Land Company, 12192 Sioux Land Road, Black Hawk SD 57718 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. 2442-2 appropriates 0.2 cubic feet of water per second (90 gallons per minute) from two wells (Inyan Kara Formation) located in the SE ¼ NE ¼ Section 12-T1N-R8E.
2. The water appropriated shall be used for the purpose of supplying water to a suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2442-2 is November 20, 2000.
5. The date from which applicant may claim right is July 3, 2000.
6. One-fifth of the construction is to be completed on or before May 20, 2003.
7. All construction is to be completed on or before November 20, 2005.
8. Water is to be put to beneficial use on or before November 20, 2009.
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. 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.
2. The wells authorized by Permit No. 2442-2 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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 02 2001

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 1000' x 8 3/4", 1200' x 6 1/4"
- b) Casing Type New steel Diameter 7" & 5" Thickness 1/4"
(1000' x 8 3/4") & (1200' x 6 1/4")
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2100'
- f) Depth to Water (ground surface to water level) 300' Approximately
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 1200' to shallow cason well



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank with drain field
- b) System Capacity (gallons) 1500 Year Constructed IN PROCESS
- c) Connected to the City of N/A Sanitary System _____

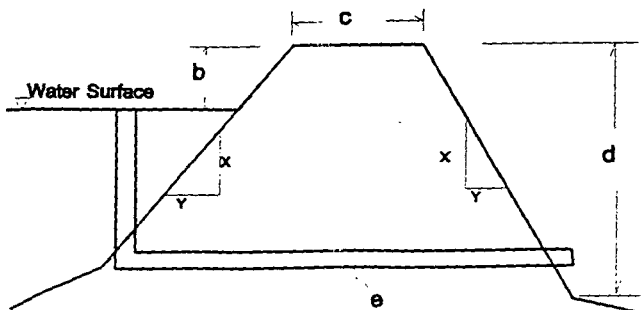
3. Dugout Information

- a) Surface Dimensions N/A Depth N/A
- b) Depth to water (ground surface to water level) N/A

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416563

Pierre, _____

July 3, 2000

RECEIVED OF Valley View Land Company, 12192 Sioux Land Road, Black Hawk, SD 57778
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 2442-2 to Appropriate Water, to construct
and to put water to beneficial use _____

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2442-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

225 00

50 00

275 00

By

Chief Engineer

Harland Ebele (C)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 12 Twp 1N Rg 8E

County

Pennington

North

Please mark well location with an "X"

W

E

Well Completion Date

Feb. 9, 2001

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) >100 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>36 LB/FT</u>	<u>9 5/8 IN</u>	<u>0 FT</u>	<u>87 FT</u>	<u>13 1/2 IN</u>
<u>23 LB/FT</u>	<u>7 IN</u>	<u>0 FT</u>	<u>1103 FT</u>	<u>8 3/4 IN</u>
<u>11.6 LB/FT</u>	<u>4 1/2 IN</u>	<u>1060 FT</u>	<u>2363 FT</u>	<u>6 1/4 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>42</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>87 ft</u>
<u>Cement</u>	<u>165</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>1103 ft</u>
<u>Cement</u>	<u>160</u>	<u>15 lb./gal</u>	<u>1060 - 2363</u>	

Describe grouting procedure

pressure grouted through casingSCREEN: ☐ 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 solutionLaboratory sent to for water _____ NO, Why Not? _____
quality analysispump not installedWell Owner: Tony Curry & R Gordon BryanBusiness Name: Valley View Land CompanyAddress: 950 East Bitters RoadSan Antonio, Texas 78216

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Clay, sand & gravel</u>	<u>0</u>	<u>63</u>
<u>Pierre shale</u>	<u>63</u>	<u>792</u>
<u>Niobrara</u>	<u>792</u>	<u>964</u>
<u>Carlile</u>	<u>964</u>	<u>1294</u>
<u>Greenhorn</u>	<u>1294</u>	<u>1410</u>
<u>Belle Fourche/Mowry</u>	<u>1410</u>	<u>1770</u>
<u>Newcastle ss</u>	<u>1770</u>	<u>1834</u>
<u>Skull Creek shale</u>	<u>1834</u>	<u>2058</u>
<u>Inyan Kara Group</u>	<u>2058</u>	<u>2344</u>
<u>Morrison</u>	<u>2344</u>	<u>2363</u>

STATIC WATER LEVEL 480 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: _____☐ Bailed _____☐ Other Air developed

Pumping Level Below Land Surface

800 ft. After 8 Hrs. pumped 100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

gun perforated:
2207 - 2242 140 shots
2317 - 2342 100 shots

This well was drilled under license # 331

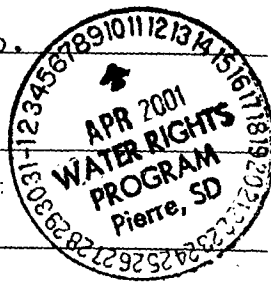
And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____



Plat of
Lots 34 thru 66,

Valley View Estates

Located in the SE¼ NE¼ of
Section 12, T1N, R8E, BHM,
Pennington County, South Dakota

All septic tanks shall be a minimum of 1500 gallons.
All wastewater treatment systems designed shall
include an area for future backup system and shall be
identified on the Building Permit application site plan.



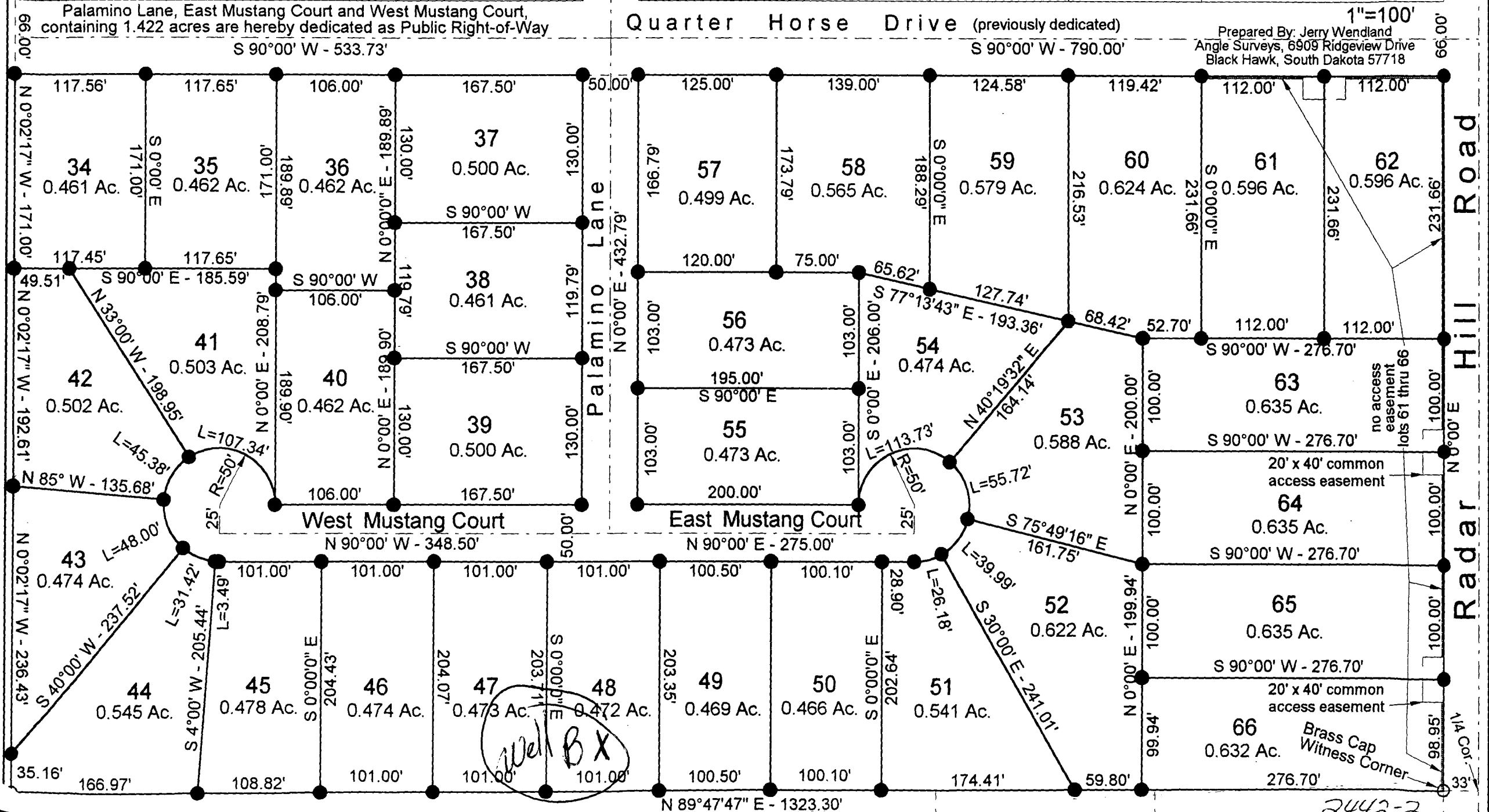
Sheet
1 of 2

Palamino Lane, East Mustang Court and West Mustang Court,
containing 1.422 acres are hereby dedicated as Public Right-of-Way

Quarter Horse Drive (previously dedicated)

Prepared By: Jerry Wendland
Angle Surveys, 6909 Ridgeview Drive
Black Hawk, South Dakota 57718

1"=100'



2442-2

Plat of
Lots 34 thru 66,

Valley View Estates

Located in the SE¼ NE¼ of
Section 12, T1N, R8E, BHM,
Pennington County, South Dakota

Prepared By: Jerry Wendland
Angle Surveys, 6909 Ridgeview Drive
Black Hwk, South Dakota 57718

Utility and minor drainage easements:
8 feet wide on the interior side of all lot lines.

CERTIFICATE OF STREET AUTHORITY

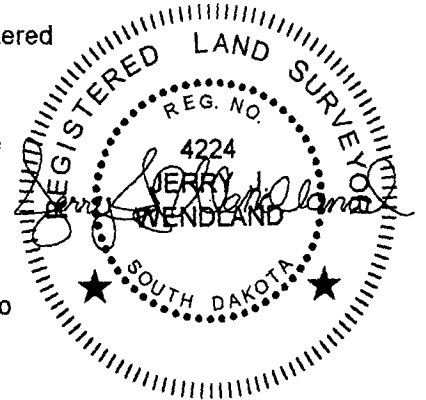
The location of the access to the County or State Highway or City Street as shown hereon is hereby approved, Any changes in the location of the access shall require additional approval.

Highway or Street Authority: _____

Date: June 21, 2000

All major drainage easements shown hereon shall be kept free of all obstructions, including, but not limited to: buildings, walls, fences, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient to facilitate drainage from any source.

I, Jerry J. Wendland, Registered Land Surveyor #4224 in the State of South Dakota, do hereby certify that this plat and the survey thereof were performed by me or under my direct supervision and that the same, to the best of my knowledge, is true and correct. IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of June, 2000.



OWNERS CERTIFICATE AND ACKNOWLEDGEMENT

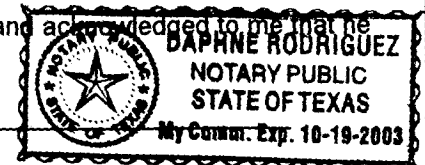
I, R. Gordon Bryan, Operating Member of Valley View Land Company, LLC, do hereby certify that Valley View Land Company, LLC is the owner of the land shown and described hereon and that I did authorize and do hereby approve the survey and within plat of said land and that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

R. Gordon Bryan, Operating Member
R. Gordon Bryan

On this 3rd day of June, 2000, before me a Notary Public, Personally appeared, R. Gordon known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: Daphne Rodriguez

My Commission Expires: 10/19/03



RESOLUTION OF GOVERNING BOARD

I, Finance Officer of Box Elder, do hereby certify that at an official meeting held on the 20th day of June, 2000, the Box Elder Common Council by resolution, did approve the plat as shown hereon.

Dated this 21st day of June, 2000, Paula Carpenter
Box Elder Finance Officer

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Pennington County, do hereby certify that all taxes which are liens upon the within described lands have been fully paid according to the records of my office.

Dated this 6 day of June, 2000, Patty J. Jager Deputy
Pennington County Treasurer



CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization, do hereby certify that I have on file in my office a copy of the within described plat of land.

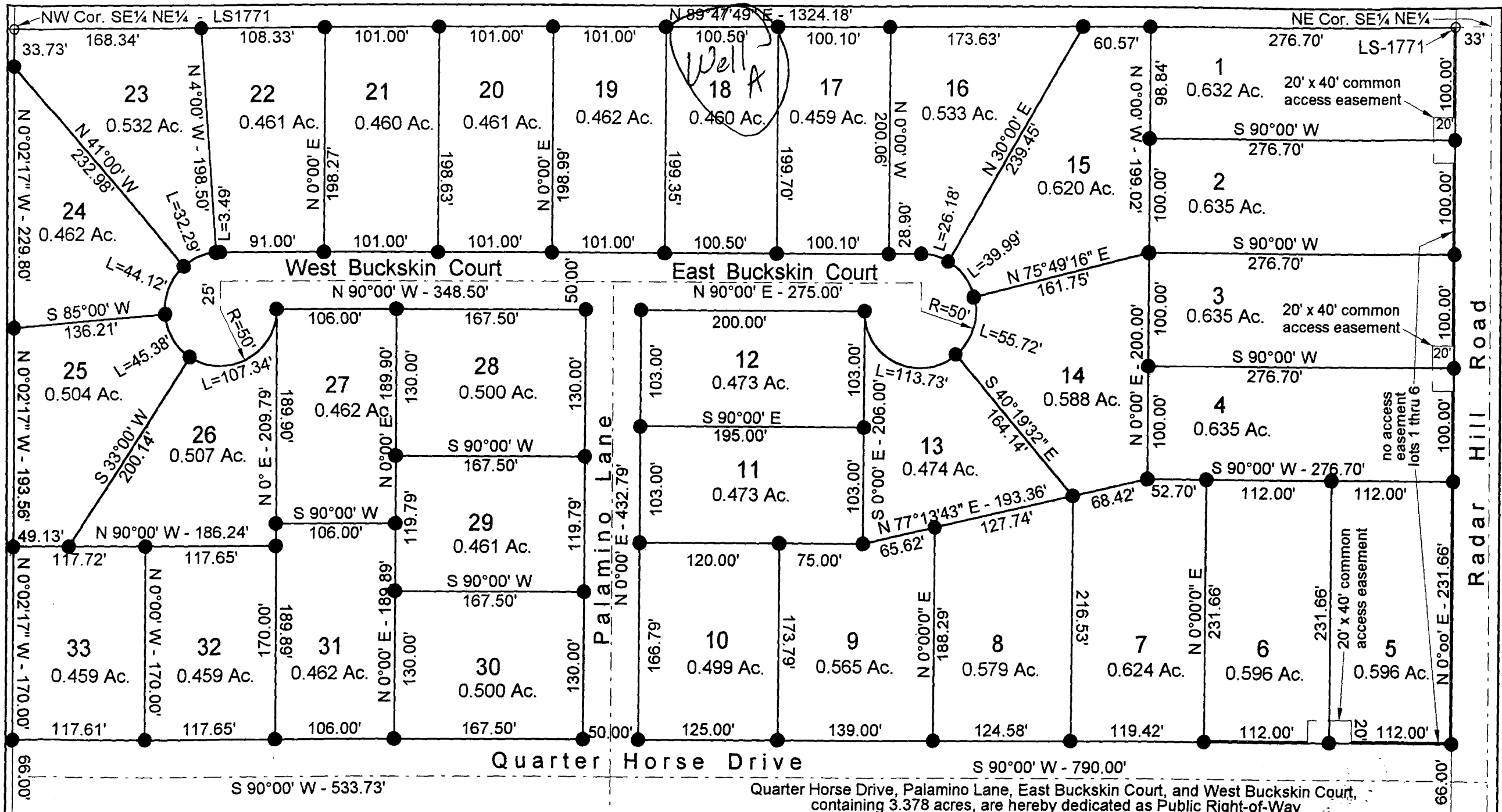
APPROVED: June 6th 2000 DATE: _____ Signed: _____

Gallerna Keende; adm. asst II

CERTIFICATE OF THE REGISTER OF DEEDS

Filed for record this _____ day of _____, 200____, at _____ o'clock and _____ minutes _____ M. and recorded in Book _____ of Plats on Page _____.

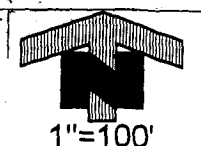
Fees: _____
Pennington County Register of Deeds



Plat of
Lots 1 thru 33, **Valley View Estates**

Located in the SE 1/4 NE 1/4 of
Section 12, T1N, R8E, BHM,
Pennington County, South Dakota

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2442-2

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Pennington County, South Dakota

Prepared By: Jerry Wendland
Angle Surveys, 6909 Ridgeview Drive
Black Hawk, South Dakota 57718

Sheet
2 of 2

Utility and minor drainage easements: 8 feet wide on the interior side of all lot lines.

CERTIFICATE OF STREET AUTHORITY

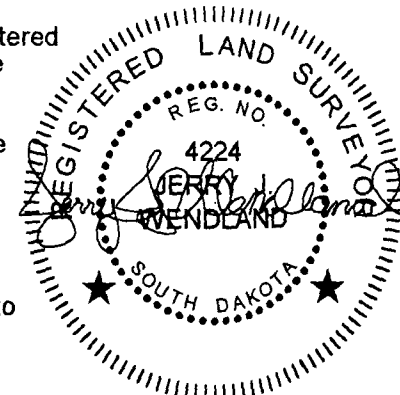
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Date: June 21, 2000

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OWNERS CERTIFICATE AND ACKNOWLEDGEMENT: State of Texas - County of Bexar - ss

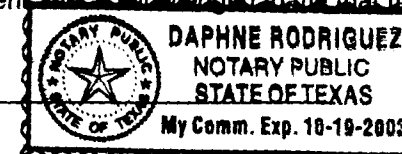
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R. Gordon Bryan

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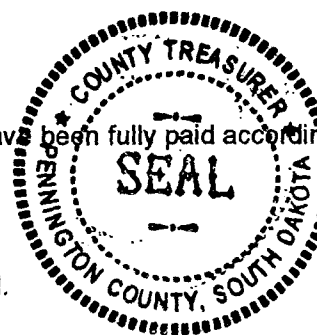
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Lallerna Ruende, adm. asst II

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Filed for record this _____ day of _____, 200____, at _____ o'clock and _____ minutes _____ M. and recorded in Book _____ of Plats on Page _____.

Pennington County Register of Deeds Fees: _____

Pennington County Register of Deeds

2442-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2442-2, Valley View Land Company**

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. 2442-2, Valley View Land Company, c/o Anthony Curry, 12192, Sioux Land Road, Black Hawk, SD 57718.

The Chief Engineer is recommending APPROVAL of Application No. 2442-2 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 qualifications:

1. 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.
2. The wells authorized by Permit No. 2442-2 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.

Garland Erbele, Chief Engineer
October 20, 2000

WATER PERMIT APPLICATIONS NO. 2442-2
VALLEY VIEW LAND COMPANY
AUGUST 10, 2000

Water Permit Application No. 2442-2 proposes to appropriate 0.2 cubic feet of water per second (cfs) [90 gallons per minute (gpm)] from two wells (Inyan Kara Aquifer) located in the SE¼ NE¼ of Sec. 12, T1N-R8E, Pennington County. The water is for use in a suburban housing development.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara Aquifer is the shallowest bedrock aquifer in this area. The Inyan Kara Aquifer consists of the Fall River Formation and the underlying Lakota Formation. The Fuson Shale sometimes separates these two formations, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen, 1984). The aquifer underlies 1,245,440 acres and contains an estimated 23,352,000 acre-feet of recoverable water in storage in Pennington County alone (Allen, 1984). In general, the Inyan Kara Aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. This well site is approximately 6.5 miles from the Inyan Kara outcrop (Peter, 1985). The top of the Inyan Kara is expected to be approximately 2000 feet below grade (Carter, 1999). The Inyan Kara is estimated to be 250 feet thick at this site (Allen, 1984). The thickness of the Inyan Kara Aquifer does however, vary considerably within short distances. The Inyan Kara is under confined conditions in this area and the static water level of the well is expected to be approximately 500 feet below grade (Strobel, 2000).

WATER AVAILABILITY:

Water Rights Program monitors 7 observation wells completed into the Inyan Kara Aquifer in the Black Hills Area. Hydrographs of most of these wells indicate the aquifer is in dynamic equilibrium showing minor changes in water level corresponding with seasonal or climatic conditions only. However, one observation well (CU-83C) recorded a steady, gradual (4 feet) loss of head between 1983 and 1998, but water levels appear to have stabilized since 1998. A second observation well (FR-95C) shows a increase of over 16 feet of head since 1995. The nearest observation well to this permit (PE-95B) is located approximately 5.5 miles south west of this site. The limited period of record for this well (5 years) makes it difficult to be definitive, however the aquifer appears to be responsive to recharge, see figure 1, (Water Rights, 2000_a). The hydrograph information indicates water is available for this appropriation.

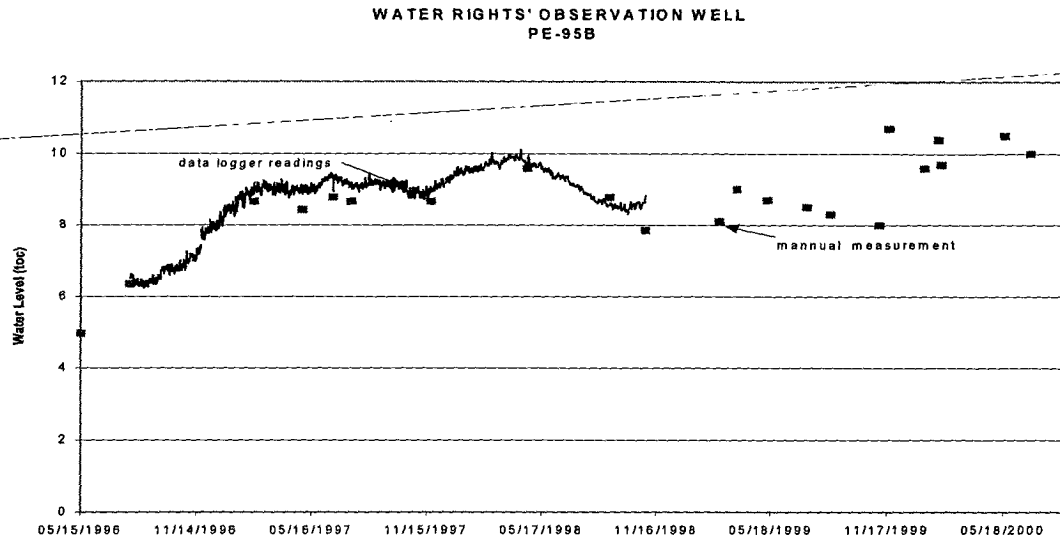


Figure 1. Inyan Kara Aquifer Observation Well

EXISTING WATER RIGHTS:

There are several logs on file for domestic wells in this area. Most of the domestic wells are completed into surficial deposits and the nearest domestic well completed into the Inyan Kara Aquifer, on file with the Water Rights Program is nearly 2 miles south of this well site (Water Rights, 2000_o).

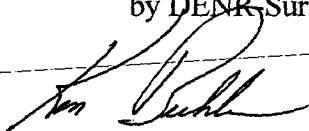
The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 127 Water Rights/Permits. There are 36 rights/permits appropriating water from the Inyan Kara Aquifer in Pennington County. There are no rights/permits appropriating water from the Inyan Kara Aquifer within 2 miles of the site proposed by this application (Water Rights, 2000_o).

Adequate wells are not likely to be adversely affected by this appropriation because of the distance to existing wells completed into the Inyan Kara aquifer, and the relatively low diversion rate proposed by this application (90 gpm).

CONCLUSIONS:

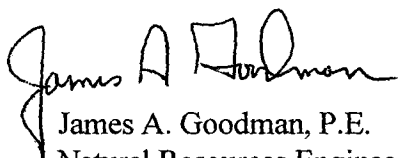
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area. The requested diversion rate is relatively small and should not cause significant drawdown.
3. Water is to be used to supply a proposed suburban housing development.

4. The supplemental information provided with this application indicates that wastewater will be disposed of through septic tanks. The wastewater disposal system(s) must be approved by DENR Surface Water Quality Program.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

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-Geological Survey, Vermillion SD

Carter, J.M, and Redden, J.A., 1999, Altitude of the Top of the Inyan Kara Group in the Black hills Area, South Dakota, Hydrologic Investigations Atlas HA-744-A, U.S. Department of Interior U.S. Geological Survey

Peter, K.D., 1985, Availability and Quality of Water from the Bedrock Aquifers in the Rapid City Area, South Dakota, U.S. Geological Survey, Water-Resources Investigations Report 85-4022, Rapid City, SD

Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota, Hydrologic investigations Atlas HA-745-A, U.S. Department of the Interior, U.S. Geological Survey

Water Rights Program, 2000_a, " Observation Well Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2000_b, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2000_c, "Water Right/Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

October 24, 2000

Valley View Land Company
Anthony Curry
12192 Sioux Land Road
Black Hawk SD 57718

Dear Mr. Curry:

Water Permit Application No. 2442-2 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
www.state.sd.us/denr

October 24, 2000

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

ATTENTION: Legal Public Notice

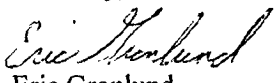
Enclosed is a Notice of Hearing on Application No. 2442-2 to Appropriate Water to be published twice. Please publish the first notice on November 1, 2000 with the second publication 7 days later.

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 Valley View Land Company, c/o Anthony Curry, 12192 Sioux Land Road, Black Hawk SD 57718 (Ph # 605 787-6333).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----C U T H E R E-----

No. 2442-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 24, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 2442-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Datten

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:

November 1, 2000

November 8, 2000

Cost of Printing Seventy-nine dollars

and no cents (\$79.00)

Patricia K. Van Datten
 (Signature)

Legal Advertising Representative
 (Title)

11/8/00
 (Date Signed)

Nov. 1, 8 L788686

**NOTICE OF APPLICATION
 NO. 2442-2**

TO APPROPRIATE WATER

Notice is given that Valley View Land Company, 12192 Sioux Land Road, Black Hawk, SD 57718, has filed an application for a water permit to appropriate 0.2 cubic feet of water per second (90 gallons per minute) from two wells (Inyan Kara Formation) located in the SE¼ NE¼ Section 12-T1N-R8E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2442-2 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 November 20, 2000.

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.

Steven M. Pirner, Secretary
 Department of Environment
 and Natural Resources

Instruction to Newspaper - Publish first Notice on November 1, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2442-2 to Appropriate Water

Notice is given that Valley View Land Company, 12192 Sioux Land Road, Black Hawk SD 57718 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second (90 gallons per minute) from two wells (Inyan Kara Formation) located in the SE ¼ NE ¼ Section 12-T1N-R8E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2442-2 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 November 20, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



JAN 02 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

Valley View Land Company
12192 Sioux Land Road
Black Hawk SD 57718

Dear Sir:

Enclosed is Water Permit No. 2442-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

February 2, 2006

2442-2

2005 South Dakota Water Use Questionnaire

To:

VALLEY VIEW LAND COMPANY
804 SOUTH ST-#4
RAPID CITY SD 57701

Address correction requested:

Rainbow Water
9469 Deerview Rd
Piedmont, S.D.
57769

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2442-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: PENNINGTON

Aquifer: INYAN KARA GROUP

Pumping Pt. Legal: SEC 12-T001N-R08E

Management Unit: NOT APPLICABLE

Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

1) Please estimate your year 2005 water use from the above water source: 7,938,500 gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

Contact Person:

Royal Nielsen

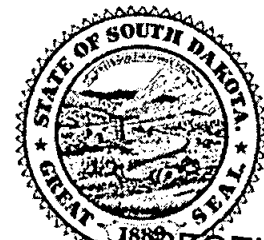
Telephone No:

605-787-6033

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



RECEIVED

FEB 24 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 27, 2006

2442-2

Rainbow Water
c/o Royal Nielsen
9469 Deerview Rd
Piedmont SD 57769

Dear Mr. Nielsen:

Thank you for returning the 2005 Water Use Questionnaire. The form indicated an ownership change for Water Permit No. 2442-2. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water permit is currently listed in the name of Valley View Land Company.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 16, 2006

2442-2

Rainbow Water
c/o Royal Nielsen
9469 Deerview Rd
Piedmont SD 57769

Dear Mr. Nielsen:

On February 27, 2006, I wrote you concerning Water Permit No. 2442-2 listed in the name of Valley View Land Company. This is a reminder that we have not received the *Notice of Transfer of Ownership* form. You indicated in a subsequent phone call that you would like a copy of the water permit when we received the transfer form. I am enclosing that copy now.

Enclosed is another partially completed *Notice of Transfer of Ownership* form. The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

It is important to us to keep our records current. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 1, 2006

RECEIVED OF Rainbow Water Co. Inc., 9469 Deerview Rd, Piedmont SD 57769

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	2	50
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>2442-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

08474

By

Harland E. Eide
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
JUN - 1 2006
WATER RIGHTS
PROGRAM

No. 2442-2

Date: 5-30-06

I/We request that Water Right/Permit No. 2442-2

formerly owned by: Valley View Land Company

be transferred to: (name & address) Rainbow Water, 9469 Deerview Rd, Piedmont SD 57769

Telephone No. 605 787-6033

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

SE ¼ NE ¼ Section 12-T1N-R8E

I/We understand that the validity of Water Right/Permit No. 2442-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Rainbow Water, the new owner, certify that the above information is true and correct.

Royal Nielsen
(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.

Permit No. 2442-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have on this day, 3/13/2012 thorough examination of the water use system constructed by **Rainbow Water Company Inc., 9469 Deerview Rd, Piedmont, SD 57769** holder of Permit No. 2442-2, bearing the priority date of **July 3, 2000**. Permit No. 2442-2 is authorized to appropriate a total of **0.2 cfs (90 gpm)** from two groundwater wells (**Inyan Kara**) for **suburban housing purposes**, in **Pennington County**.

Inspection contact and relationship to
permit holder, if applicable:

Royal Nielson, Manager

A. Works used to divert the water:

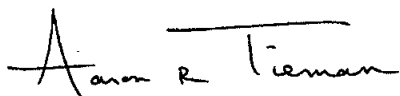
Grundfos submersible pump 40 gpm capacity.

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

5000 gallon storage tank, underground distribution lines.

The system is in the following condition **good**. The point of diversion (well) is located specifically at **Lat/Lon – N44.063430/W-103.092849 which is the approximately 1435 feet south and 525 feet west of the NE corner of Section 12, T1N-R8E.** The works are capable of diverting **0.09 cfs** which is to be used for **suburban housing purposes**. The license should be issued for **0.09 cfs**.

All structures, wells and lands on map **Y**
Exceptions to compliance are: **none**.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **June 23, 2015**

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2442-2

DATE OF INVESTIGATION:	March 13, 2012
NAME & ADDRESS OF PERMIT HOLDER	Rainbow Water Company Inc. 9469 Deerview Rd Piedmont, SD 57769
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Royal Nielson, (Manager)
DIVERSION POINT LEGAL LOCATION	SE¼ NE¼ Section 12 T1N-R8E
WATER SUPPLY SOURCE	Ground water, Inyan Kara

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: **Taylor**
- 2) No. of Wells **One**
- 3) Depth(s) **2363** feet
- 4) Well log is available **yes**
- 5) Comment:

Casing:

- | | | |
|--------------------------------------|----------------------------------|---|
| 1) Diameter: <u>4½</u> inches | Diameter: <u>7</u> inches | Diameter: <u>9⁵/₈</u> inches |
| 2) Length: <u>1363</u> feet | Length: <u>1103</u> feet | Length: <u>87</u> feet |
| 3) Type: <u>Steel</u> | Type: <u>Steel</u> | Type: <u>Steel</u> |

Screen:

- 1) Type: **Perforated Pipe**
- 2) Length: feet
- 3) Static water level: **480** feet

Pump:

- 1) Make: **Grundfos**
- 2) Model: **40S150-44DS**
- 3) Capacity: **40** GPM

Motor:

- 1) Make: **Hitachi**
- 2) Model No.: **6"**
- 3) Horsepower rating: **20** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type: **Underground distribution lines.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**

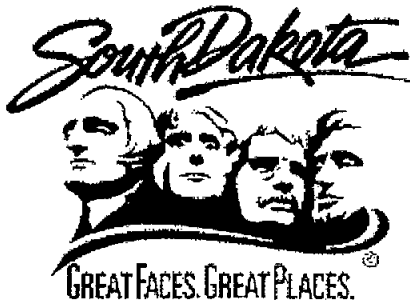
Water Right 2442-2
Rainbow Water Company Inc
March 13, 2012



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 01 2015

2442-2

Royal Nielson, Mgr
Rainbow Water
9469 Deerview Rd
Piedmont SD 57769

Dear Mr. Nielson:

Enclosed is Water License No. 2442-2. This is the final water right document completing your process of obtaining a Water Right. Included with your 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 well authorized by Water Right No. 2442-2, 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2442-2**

(1) Valley View Land Company, Black Hawk SD made Application No. 2442-2, July 3, 2000 for a water permit to divert 0.20 cubic feet of water per second from ground water (two wells – Inyan Kara Formation), Pennington County, South Dakota for suburban housing development purposes. Permit No. 2442-2, with a priority date of July 3, 2000 was approved November 20, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 20, 2005 and for the application to beneficial use of water on or before November 20, 2009.

On June 1, 2006, Water Permit No. 2442-2 was transferred to Rainbow Water, Piedmont SD.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.09 cubic feet of water per second for beneficial use.

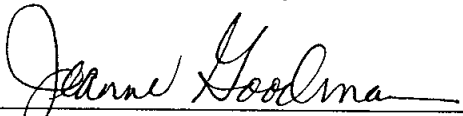
The location of the diversion point is approximately 1,435 feet south and 525 feet west of the NE corner of Section 12, T1N, R8E (SE ¼ NE ¼).

(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 Rainbow Water, 9469 Deerfield Rd., Piedmont SD 57769 the holder and/or owner of Water Right No. 2442-2 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from ground water (one well – Inyan Kara Formation) with a priority date of July 3, 2000 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2442-2 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 2442-2 shall be constructed by a licensed well driller and construction shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in February, 2001 by Taylor Drilling Company. A copy of the well log is on file with the Water Rights Program.*



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

JUN 30 2015

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 2, 2006

2442-2

Royal Nielsen
Rainbow Water Co Inc
9469 Deerview Rd
Piedmont SD 57769

Dear Mr. Nielsen:

I am writing to acknowledge receipt of the ownership change you filed for Water Permit No. 2442-2. The transfer has been completed. The water permit, formerly listed in the name of Valley View Land Company is now listed in the name of "Rainbow Water".

Enclosed is your Receipt No. 02474 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure