

WATER PERMIT NO. 2449-2

Name of Applicant: Oaks Water Users Association, Inc.

Address: 2805 5th St, Suite 200, Rapid City SD 57701

Phone: 605 343-6691

Amount of Water Claimed: 175 gpm (0.39 cfs)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: suburban housing

County: Pennington

Type of Waste Disposal System: septic tank and drain fields

Location: 5 miles southwest of Rapid City

MARTIN
353-7300

PRIORITY

Date Received: 9-22-00

Fee: \$250

Corrected Application Received:: 10-18-00

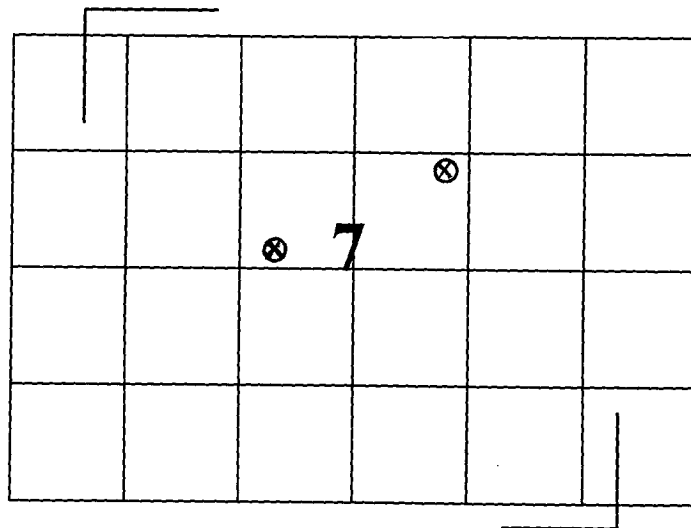
Period of Annual Use: January 1 – December 31

Remarks: **1628-1 authorizes 1 well for Copper Oaks Subdivision. This permit is for one existing and one additional well.**

Diversion Point: SW ¼ NE ¼ and SE ¼ NW ¼

Sec 7-T1S-R7E

Land to be Irrigated: NA



Depth of Well: est. 900 feet

Well Driller: :

Remarks:

Type of Map: plat

Prepared by: Melvin B Lamke, PE

Reviewed and the Number Assigned on: 10-20-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2449-2**

Date of first receipt of application September 22, 2000.

Date of return to applicant for corrections, amendments or changes October 4, 2000.

Date of receipt of corrected application October 18, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2449-2 to Oaks Water Users Association, Inc., 2805 5th St, Suite 200, Rapid City SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2449-2 appropriates 0.39 cubic feet of water per second (175 gallons per minute) from two wells (Deadwood Formation) approximately 900 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7-T1S-R7E. The water is for use in Copper Oaks II and III and Quartz Canyon suburban housing developments.
2. The water appropriated shall be used for the purpose of supplying water for suburban housing developments 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. 2449-2 is January 2, 2001.
5. The date from which applicant may claim right is September 22, 2000.
6. One-fifth of the construction is to be completed on or before July 2, 2003.
7. All construction is to be completed on or before January 2, 2006.
8. Water is to be put to beneficial use on or before January 2, 2010.
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 new well authorized by Permit No. 2449-2 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) pursuant to Section 74:02:04:28.

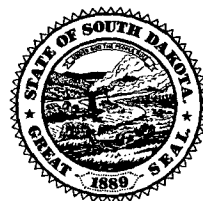
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 16 2001

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>2449-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City</u>	
	<u>605-394-8300</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.) _____

1. Name of Applicant OAKS WATER USERS ASSOCIATION, INC EPA ID# 2135 Phone 605-343-6691
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2805 5th ST. SUITE 200 RAPID CITY State S.D. 57701
(Street, RR. or Box) (Zip Code)
2. Amount of water claimed 0.39 *CFS or 175 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 2 WELLS
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 EXISTING WELL IN SW1/4 OF NE1/4
AND 1 PROPOSED WELL IN SE1/4 OF NW1/4 OF SEC. 7, T1S, R7E, BHM
County PENNINGTON
5. County or counties where water will be used PENNINGTON
6. Annual period during which water is to be used CONTINUOUSLY Jan 1-Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) DRILL A WELL FOR
ADDITIONAL WATER SUPPLY FOR COPPER OAKS II AND TIL AND QUARTZ CANYON
SUBDIVISIONS, ALL IN SECTION 7, T1S, R7E, BHM, PENNINGTON COUNTY, S.D.
ENCLOSURES: WELL LOCATION DRAWING, GEOLOGICAL FORMATION DIAGRAM AND COMPOSITE
MAP OF THE SUBDIVISIONS.

STATE OF SOUTH DAKOTA)

County of PENNINGTON SS

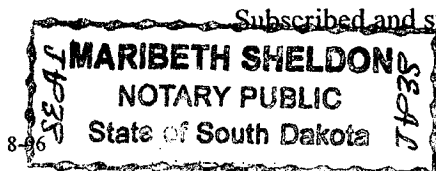
I, GEORGE M. BASHARA
VICE PRESIDENT

OF, 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.

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)

Signed

George M. Bashara
20th day of September 192000



My Commission Expires
August 1, 2005

U. Gould
Notary Public

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 5/8 INCH Depth EST. 900 FT. MAX.
- b) Casing Type STEEL Diameter 7 INCH O.D. Thickness 16 LB.
- c) Screen Type UNKNOWN Diameter _____ Thickness _____
- d) Gravel Pack NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material APPROX. 40 FT. TO TOP OF THE MADISON FORMATION
- f) Depth to Water (ground surface to water level) APPROX. 500 FT. TO TOP OF THE DEADWOOD FORMATION
- g) Distance to nearest existing domestic well:

On applicants property 2,200 FT.

On property owned by others 900 FT. PERMIT #1819-2

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 56 HOMES WITH SEPTIC TANKS AND DRAIN FIELDS
- b) System Capacity (gallons) _____ Year Constructed VARIOUS
- c) Connected to the City of _____ Sanitary System _____

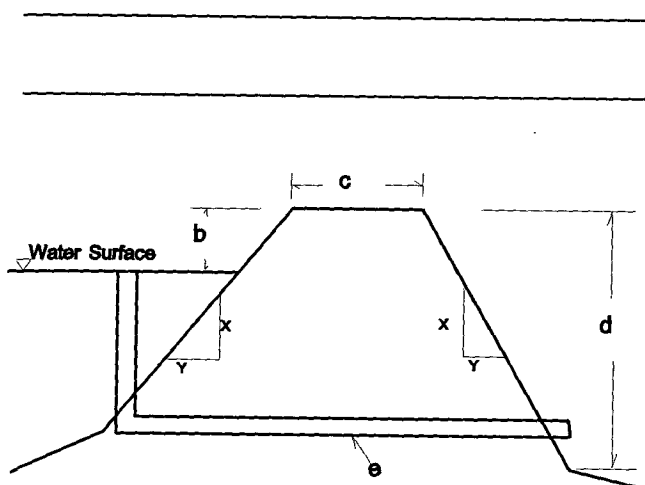
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



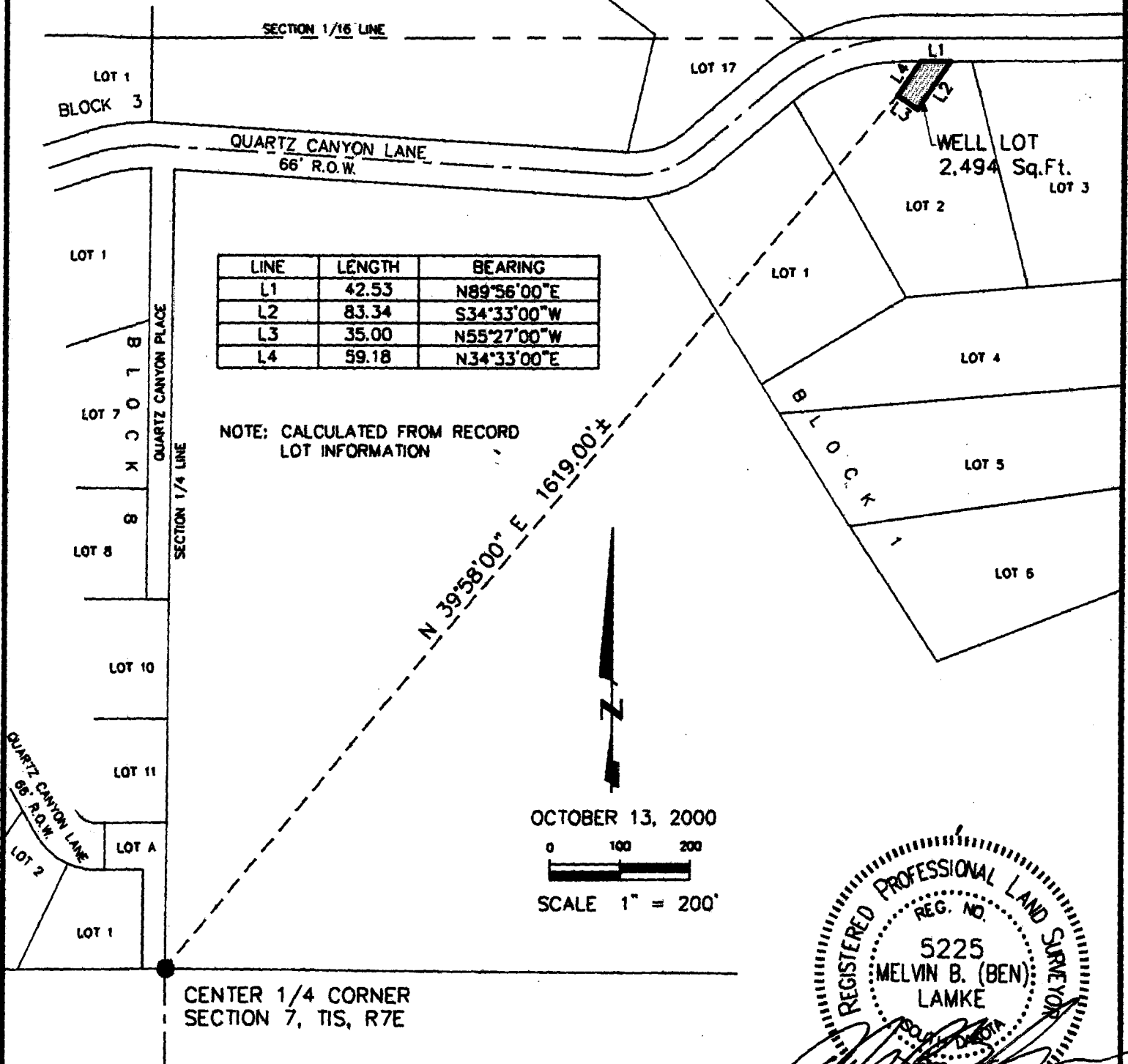
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

EXHIBIT 'A'

WELL LOT OF BLOCK 1 COPPER OAKS #3 SUBDIVISION

PRINTED
OCT 13 2000

LOCATED IN THE NE1/4
SECTION 7, T1S, R7E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA



Renner & Sperlich Engineering Co.

616 Sixth St. • Rapid City, SD 57701 • 605/342-1191
FAX: 605/342-1405 • E-MAIL: RSEC@RAPIDNET.COM

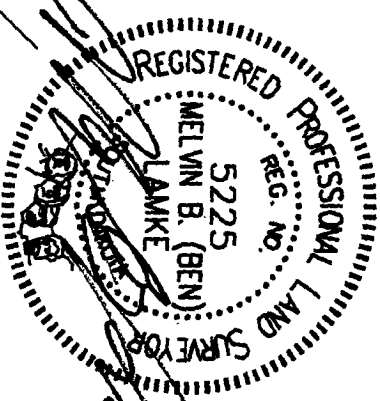
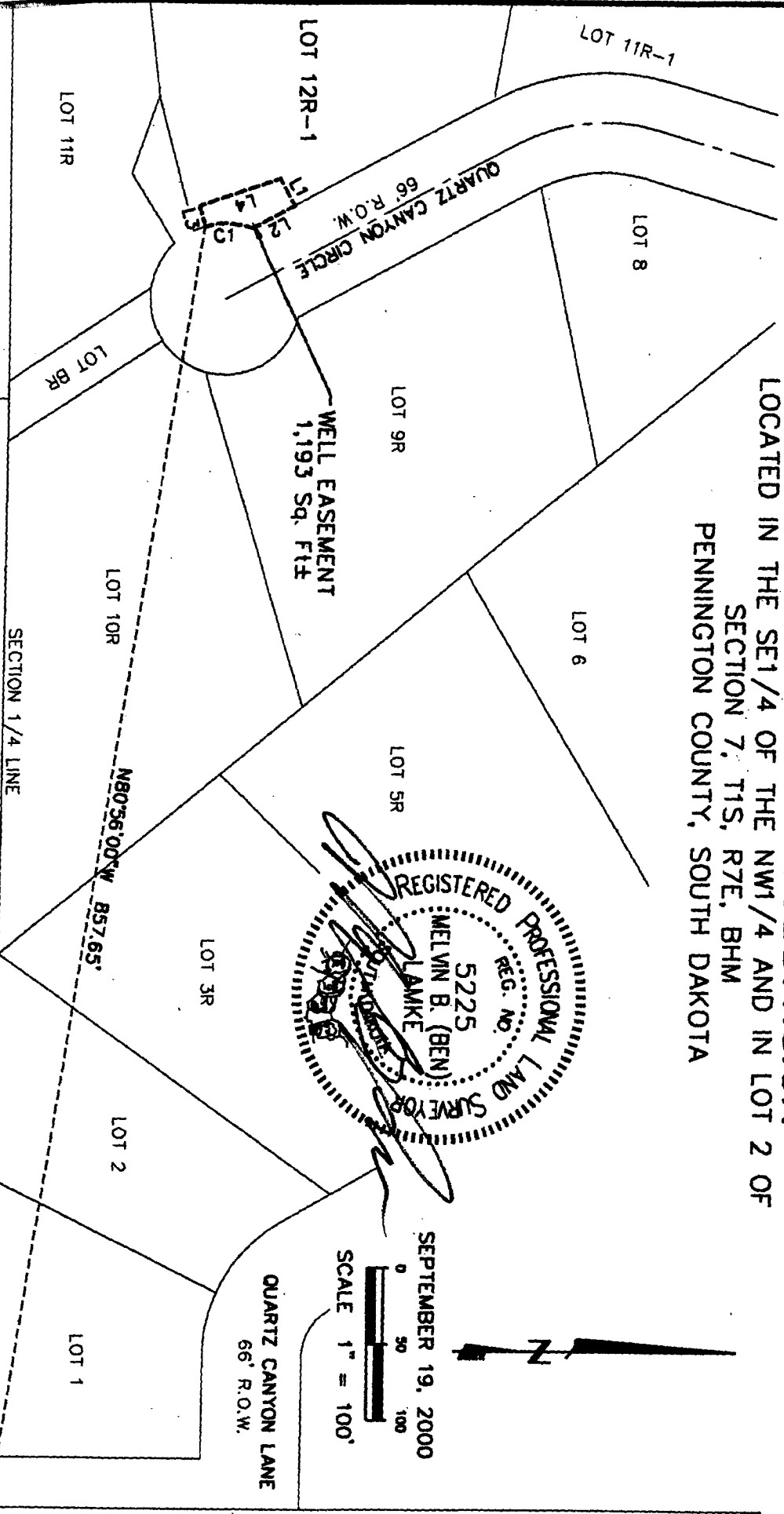
2449-2

EXHIBIT 'A'

WELL EASEMENT OF LOT 12R-1

QUARTZ CANYON SUBDIVISION

LOCATED IN THE SE1/4 OF THE NW1/4 AND IN LOT 2 OF
SECTION 7, T1S, R7E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA



SEPTEMBER 19, 2000
SCALE 1" = 100'

TRACT 1
OF TRACT A

LINE	LENGTH	BEARING
L1	20.00	N61°53'27"E
L2	32.15	S28°06'33"E
L3	14.00	S75°27'57"W
L4	57.00	N18°35'21"W

CENTER 1/4 CORNER
SECTION 7, T1S, R7E

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	32.14	50.00	36°50'07"	S01°55'41"W	31.59

Renner & Sperlich Engineering Co.

616 Sixth St. • Rapid City, SD 57701 • 605/342-1191
FAX: 605/342-1405 • E-MAIL: X19FIAT@AOL.COM

1



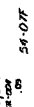
175\56p\456\ :4

NEW / 40,000 gal
RESERVOIR.

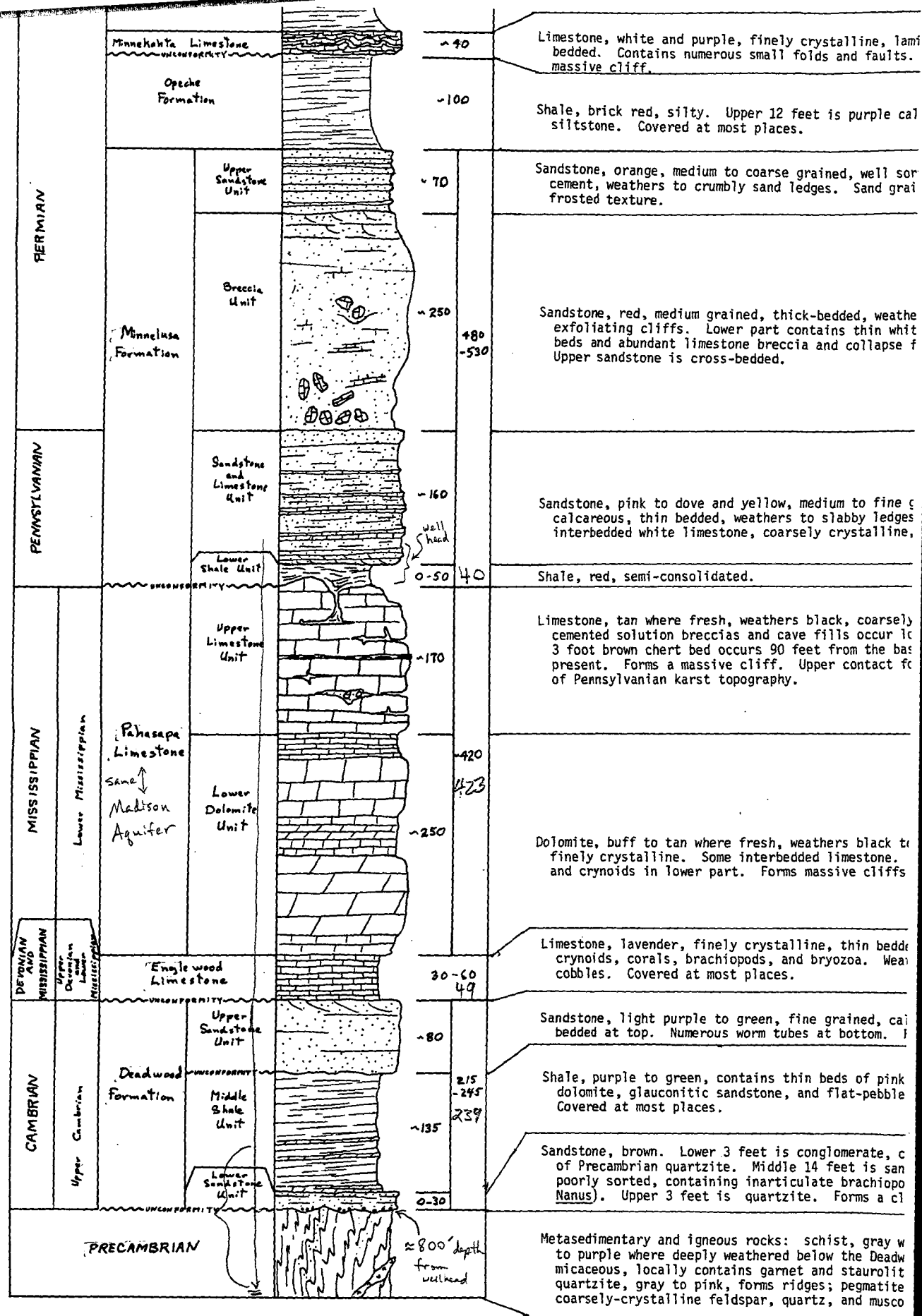
REVISED 11-93

SE 1/4 N.W. 1/4 SEC. 7 T.15. R.7E.

ENN3d



VACANT LOTS
AMPLE SITES



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416642

Pierre, September 22, 2000

RECEIVED OF George M Bashara, 2460 Carter Dr, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2449-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	250 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
	250 00

By

Garland Erbele

Chief Engineer

Garland Erbele

Er

SOUTH DAKOTA WATER WELL COMPLETION REPORT

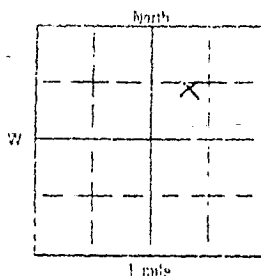
10-85

Location SW 1/4 NE 1/4 Sec 7 Twp 15 Rg 7 E

County

Sioux

Please mark well location with an "X"

Well Completion Date 12-30-85

PROPOSED USE

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

air rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other, describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>633</u> FT	<u>7 7/8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT.

Was the well grouted? ☒ YES ☐ NOTo what depth? 833 FEETWhat is grouting material? cementIf cement, number of sacks? 35Describe grouting procedure pressure grouted from bottom up to void then surface grouted from topWhat was grout weight? 155 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

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? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain powdered Chlorine placed in wellBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner

Name Mike Hatley520 Kansas City St., Suite 205Address Rapid City, SD 57701

Well Log

Depth

Formation	From	To
SS + shale + gravel	0	21
SANDS, SS, shale, & ls.	21	85
SS + limestone w/some chert layers	85	255
white limestone (Madison)	255	330
lost circulation in voids	330	
hard & broken (Madison)	330	540
could not determine		
Madison - Deadwood contact		
set for Drilling	540	895
possibly SS or weathered limestone		

STATIC WATER LEVEL 400 Feet

If flowing, closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☐ Pumped☐ BailedDescribe air developed☒ Other

Pumping Level Below Land Surface

870 ft After 3 Hrs. pumped 160 GPM660 ft. After 1 Hrs. pumped 100 GPM440 ft. After 1/2 Hrs. pumped 23 GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm TAYLOR DRILLING COMPANY

Signature of License Representative:

Ralph Taylor Jr.

Signature of Well Owner:

Mike HatleyDate 1/10/86

1-23-86

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN EXACT REPRODUCTION OF THE ORIGINAL RECORD AND HAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-84. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATIONS.

REDUCTION 25:1 ROLL NO U-4 DATE MICROFILMED 12-31-85 OPERATOR Paul Medusa

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 NE 1/4 Sec 7 Twp 1-S Rg 7E

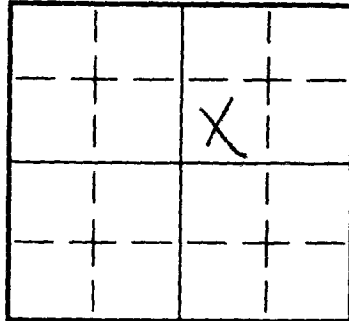
County Pennings

Please mark well location with an "X"

W

E

North



1 Mile

Well Completion Date

3-20-02

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - Air - Water

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>450</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Portland No. of Sacks 50 Grout Weight 74/6 lb./gal From 0 ft To 450 ft
Type II lb./gal _____ ft _____ ft
 Describe grouting procedure Pressure Grout 74/6
Casing Displace with water to surface
with 400 pump.

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine
2.1045

Laboratory sent to for water quality analysis

Boi Fowler To Complete

Well Owner: Paul Kerk

Business Name: DAK WATER SONS

Address: 3205 5th St.

Rapid City, S.D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Sand & S Stone	0'	10'
Red Sand	10'	65'
Yellow & White Sand S.	65'	160'
Red Shale	160'	200'
Limestone	200'	270'
(Blind)	270'	660'
Red Shale & S.S.	660'	740'
Limestone	740'	230'
Thin. Lm. (Blind)	230'	750'

STATIC WATER LEVEL 545' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air - developed

☐ Bailed _____

☒ Other _____

Pumping Level Below Land Surface

920 ft. After 2 Hrs. pumped 50+ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 40 GPM GPM

REMARKS

This well was drilled under license # 562

And this report is true and accurate.

Drilling firm Lincoln Drilling Inc.

Signature of License Representative: Michael J. Decker

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416641

Pierre, September 22, 2000

RECEIVED OF George M Bashara, 2460 Carter Dr, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

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

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2449-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

Garland Erbele

Garland Erbele



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 4, 2000

George Bashara
2460 Carter Dr.
Rapid City SD 57702

RE: Oaks Water Users Association, Inc.

Dear Mr. Bashara:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Oaks Water Users Association. As stated in our phone conversation, in order to complete the application the following is required.

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

Also, I included a copy of the well log for the existing well.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

*Will you please send a copy of
the well log for permit 1819-2*

enclosure



WATER PERMIT APPLICATION NO. 2449-2
OAKS WATER USERS ASSOCIATION, INC.
NOVEMBER 9, 2000

Water Permit Application No. 2449-2 proposes to appropriate 0.39 cubic feet of water per second (cfs) [175 gallons per minute (gpm)] from two wells (Deadwood Formation) approximately 900 feet deep located in the SW¼ NE¼ and the SE¼ NW¼ Sec. 7, T1S-R7E in Pennington County. The water is for use in Copper Oaks II and III and Quartz Canyon suburban housing developments.

AQUIFER: Deadwood Formation (DDWD)

General :

The Deadwood Formation is a Cambrian aged sandstone, shale and shaley limestone, as much as 239 feet thick in this area (Rahn, 1987). The formation underlies approximately 1,492,480 acres of Pennington County and contains an estimated 14,924,800 acre feet of recoverable water in storage (Allen, 1984). The aquifer is laterally extensive and underlies most of Western South Dakota. There is limited aquifer test data available for wells in the Deadwood, and aquifer characteristics are not available, however the permeability of the formation is assumed to be "moderately low" (Rahn, 1979). The Deadwood Formation outcrops within one mile of this well site (Rahn, 1987) and is estimated to be approximately 460 feet below grade at this site (Carter, 1999). The aquifer is probably under slightly artesian conditions at this site. The quality of the water in the Deadwood Aquifer is difficult to assess due to the limited amount of data. The concentration of common ions in the Deadwood Aquifer water in this area appears to be quite low, with analysis from area wells indicating total dissolved solids of less than 500 ppm. The water quality probably deteriorates rapidly within a few miles down dip of the recharge area. Very high concentrations of radionuclides are present in some water supplied from the Deadwood Aquifer. Recharge to the Deadwood aquifer, which occurs through direct infiltration of precipitation at the outcrop area and to a minor extent streamflow losses, has not been quantified.

Water Availability:

Development of the Deadwood Aquifer has generally been limited to a fairly small area in or near the outcrop area. This is due to the fact that most of the aquifer is overlain by productive aquifers. Relatively few wells have been completed into the Deadwood Aquifer and the water use from the Deadwood Formation is fairly low. The aquifer is utilized primarily for domestic use near the outcrop area, however, there are 34 Water Rights/Permits appropriating water from the Deadwood aquifer in South Dakota. Water use by appropriate rights/permits include: 14 permits/rights for commercial use; 13 permits/rights for suburban housing developments; 2 permits/rights for institutional use; 2 permits/rights for multiple use; 1 permit for irrigation use; 2 permits for domestic use; 1 water right for Municipal use; and 1 water right for rural water system use (Note: some Water Rights/Permits authorize more than one use). The combined diversion rate of these appropriate rights totals 4.842 cfs. It is doubtful that the combined use from the Deadwood exceeds 2,500 acre-feet per year (Water Rights, 2000.)

Since average annual recharge has not been quantified for the aquifer, a direct comparison between recharge and withdrawals can not be made. The Water Rights Program does however, monitor 6 observation wells completed into the Deadwood Aquifer in the Black Hills. Observation Wells PE-84A and PE-95D are both located within three miles of this well.

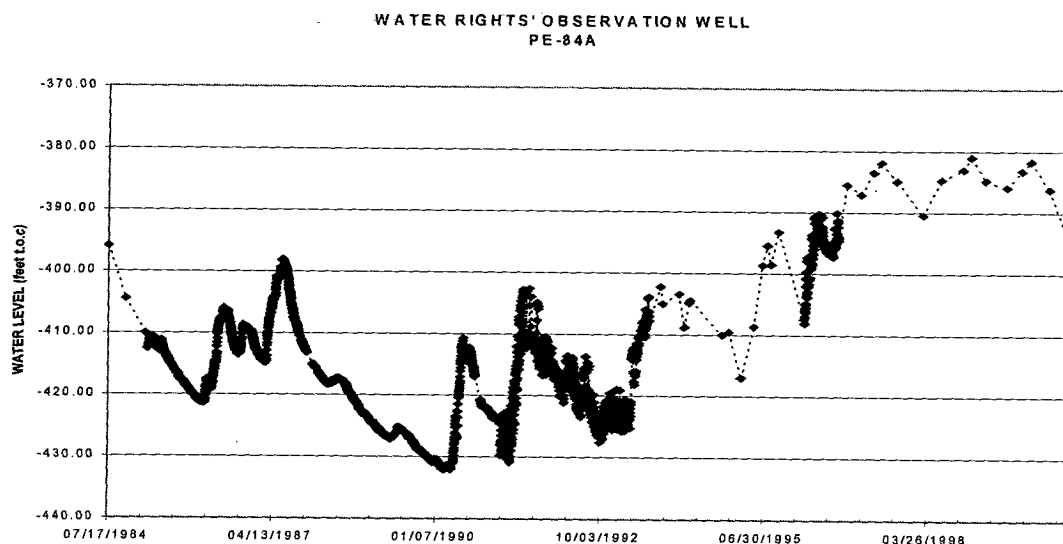


Figure 1. Deadwood Aquifer Observation Well Hydrograph

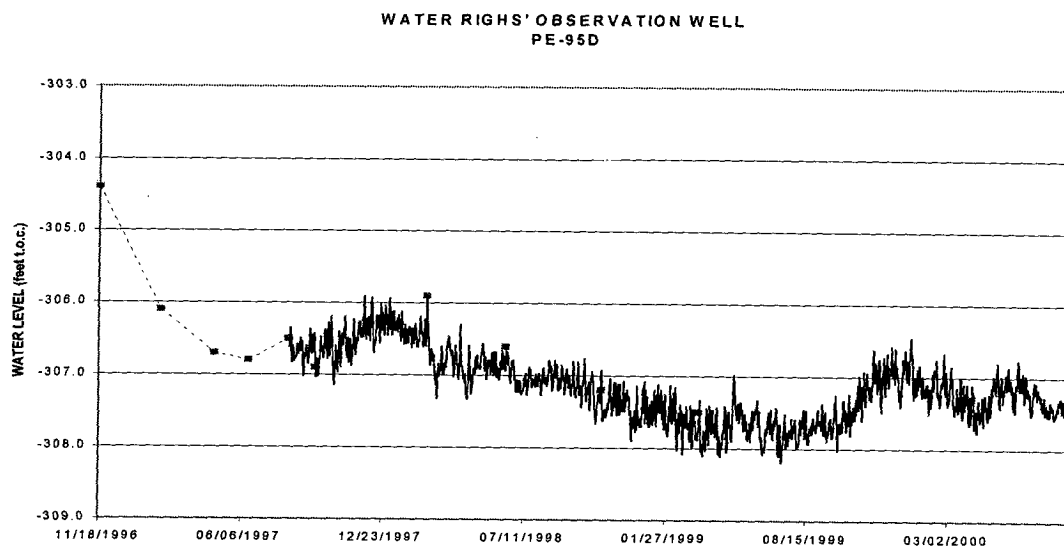


Figure 2. Deadwood Aquifer Observation Well Hydrograph

Data from observation wells indicate the potentiometric surface of the Deadwood Aquifer fluctuates seasonally in response to recharge events, with the highest water level occurring in late spring-early summer, and the lowest water level occurring in late winter-early spring. The water levels are generally higher in "wet" years and are generally lower in "dry" years. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious.

Affects on Existing Rights:

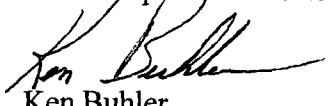
There are a number of domestic wells completed into the Deadwood Aquifer in this area (Water Rights, 2000_a). There are 14 Water Rights/Permits appropriating groundwater within two miles of the site this application (Water Rights, 2000_b). Six Water Right/Permits within two miles appropriate water from the Deadwood aquifer. They include:

Permit No.	Owner	Use	CFS	Distance from 2449-2
1450-2	Bear Country USA	DOM	0.20	1.5 miles
1819-2	Strato-Rim Estaes	SHD	0.50	< 1 mile
2288-2	Black Hills Resorts	COM	0.03	1.25 miles
608-2	United National Bank	COM	0.01	1 mile
2305-2	Spring Canyon Water Co	SHD	0.04	1 mile
2389-2	Sitting Bull Crystal Cave	CMO	0.04	2 miles

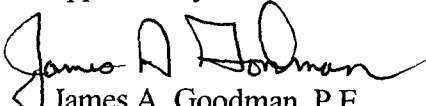
The nearest appropriation from the Deadwood aquifer is Water Permit No. 1819-2, Strato-Rim Estates, Inc. The well for No. 1819-2 is located approximately one-half mile south of the planned well and one mile southwest of the existing well proposed by this application. Interference from pumping this Deadwood well is not expected to be a problem for adequate wells in the area because of the relatively low diversion rate proposed by this application and the distance between wells.

CONCLUSIONS:

1. The Deadwood Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The existing well supplying Oaks Water Users Association was constructed in 1985 and has been in use since that time with no reported interference problems. The Well Completion Report for the well indicates it was constructed in accordance with the SD Well Construction Standards.
3. Well interference should not be a problem in this area.
4. This housing development is located on the recharge area for the Madison and Minnelusa aquifers. The development utilizes individual septic system for effluent disposal.


Ken Buhler
Natural Resources Engineer

approved by


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

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD
- Carter, J.M., Redden, J.A., Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota, USGS, Hydrologic Investigations Atlas HA-744-E,
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, U.S. Army Corps of Engineers, SDSM&T Project #2533,
- Rahn, P.H., 1987, Geologic map and Measured Stratigraphic Section for the Rockerville Quadrangle, Pennington County, South Dakota, Geological Society of America, Map and Chart Series, MCH062, Boulder CO
- Water Rights Program, 2000, "Domestic Well Log Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2000, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2000, "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 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2449-2, Oaks Water Users Association, Inc.**

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. 2449-2, Oaks Water Users Association, Inc., c/o George Bashara, Vice President, 2805 5th Street, Suite 200, Rapid City SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2449-2 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 new well authorized by Permit No. 2449-2 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) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 1, 200

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS

County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

December 13, 2000

December 20, 2000

Cost of Printing Eighty-two dollars

and no cents (\$82.00)

Patricia K. Van Patten
(Signature)

Legal Advertising Representative
(Title)

December 20, 2000
(Date Signed)

Dec. 13, 2000 L811617

NOTICE OF APPLICATION NO. 2449-2 TO APPROPRIATE WATER

Notice is given that Oaks Water Users Association, Inc., 2805 5th St., Suite 200, Rapid City, SD 57701, has filed an application for a water permit to appropriate 0.39 cubic feet of water per second (175 gallons per minute) from two wells (Deadwood Formation) approximately 900 feet deep located in the SW1/4NE1/4 and SE1/4NW1/4 Section 7-T1S-R7E. The water is for use in Copper Oaks II and III and Quartz Canyon suburban housing developments.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2449-2 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 2, 2001.

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 5, 2000

Oaks Water Users Association, Inc.
2805 5th St, Suite 200
Rapid City SD 57701

Dear Sir:

Water Permit Application No. 2449-2 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.

c: George Bashara
2460 Carter Dr.
Rapid City SD 57702



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 5, 2000

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

ATTENTION: Legal Public Notice

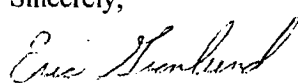
Enclosed is a Notice of Hearing on Application No. 2449-2 to Appropriate Water to be published twice. Please publish the first notice on December 13, 2000 with the second publication 7 days later.

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 Oaks Water Users Association, Inc., 2805 5th St, Suite 200, Rapid City SD 57701 (Ph # 605 343-6691).

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

-----CU T HERE-----

No. 2449-2

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

Date _____

We are in receipt of your letter of December 5, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 2449-2 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 13, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2449-2 to Appropriate Water

Notice is given that Oaks Water Users Association, Inc., 2805 5th St, Suite 200, Rapid City SD 57701 has filed an application for a water permit to appropriate 0.39 cubic feet of water per second (175 gallons per minute) from two wells (Deadwood Formation) approximately 900 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7-T1S-R7E. The water is for use in Cooper Oaks II and III and Quartz Canyon suburban housing developments.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2449-2 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 2, 2001.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

JAN 16 2001

Oaks Water Users Association, Inc.
2805 5th St., Suite 200
Rapid City SD 57701

Dear Sir:

Enclosed is Water Permit No. 2449-2 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

c: George Bashara

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 11/22/02

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

RECEIVED
DEC 09 2002

WATER RIGHTS
PROGRAM

FROM: OAKS WATER USERS ASSOCIATION, INC. (name) (ROBERT W. POWLES)
2805 5TH ST SUITE 200 (address) HC 80 BOX 483
RAPID CITY, SD 57701 (city, state, zip) 787-5261 (phone)
PIRAMONT SD. 57769

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2449-2 states that the water use system is to be constructed by JANUARY 2, 2003 (date), and water is to be put to beneficial use by JANUARY 2, 2010 (date).

The water use system was completed on 6/19/02 (date).

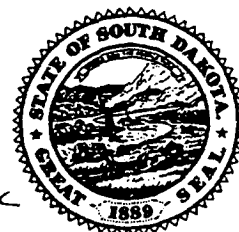
Applying the water to beneficial use was completed on 6/20/02 (date).

RECEIVED
DEC 09 2002

WATER RIGHTS
PROGRAM

You may schedule an investigation so that the water license may be issued.

Robert W. Powles
(signature)



7-98 NOTE: THE PROPOSED LOCATION FOR THE WELL WAS A DRY HOLE THE NEW LOCATION IS SHOWN ON THE ATTACHED MAP

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2449-2

I have this day, June 22, 2017 made a thorough examination of the water use system constructed by **Oaks Water Users Association, P.O. Box 9652 Rapid City, SD 57709** of Permit No. **2449-2**, bearing the priority of **9/22/2000** authorizing the diversion of **0.39** cu. ft. per second water from two wells for suburban housing purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Branden Powles, water company owner and certified operator : 605-431-2678**

A. Works used to divert the water:

Well Information:

1) Well Drilling Firm: Taylor Drilling (1985)

Well Drilling Firm: Cimarron Drilling (2002)

2) Well No. 1

Well No. 2

3) Depth 845 feet

Depth 950 feet

4) Well log Yes

Well log Yes

Casing:

1) Diameter 7 inches

Diameter 7 inches

2) Length 835 feet

Length 450 feet

3) Type Steel

Type Steel

Screen:

1) Type open hole

Type open hole

2) Length 10 feet

Length 500 feet

3) Static water level 400 feet

Static water level 545 feet

4) Well test 160 gpm w/air

Well test 50 gpm w/air

Pump:

1) Make Unknown

Make Unknown

2) Model Unknown

Model Unknown

3) Size 6"

Size Unknown

4) Capacity 85 GPM (pump rating)

Capacity 25 GPM (metered flow)

5) Horsepower rating 20 hp

Horsepower rating 10 hp

Note: The pump in well #2 is the first to start when the system calls for water and is controlled by a float in the 40,000 gallon storage tank located adjacent to the well. If well #2 is unable to maintain the water level in the storage tank, the pump in well #1 is activated via a pressure sensor set to trip when a low water level is reached. The pumps operate simultaneously during periods of high demand. A second 14,000 gallon storage tank is located just northwest of well #2. **Well #1 was deepened in 2002. Figures shown are from 1985 log.**

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

1) Type PVC mainline

2) Size 2 - 6 inches

3) Length various feet

C. Works used to apply water to beneficial use:

The Oaks Water User Association (a privately owned water company) has 72 residential connections and provides a bulk connection to Copper Oaks Home Owners Association which has 23 residential connections. The Copper Oaks well (water right 1628-2) has been in a standby mode since the HOA began purchasing water from Oaks Water User Association.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the points of diversion located as follows:

Well #1 (1985)

1,423' S and 1,553' W of the NE corner Section 7 T1S R7E (43.980752, -103.325111)

Well #2 (2002)

2,495' S and 2,564' W of the NE corner Section 7 T1S R7E (43.977776, -103.328985)

2. The works are capable of diverting and conveying to the place of use 0.25 cu. ft. per second (**110 gpm**) of water which is to be used for **suburban development** use and the license should be issued for **0.25 cfs**.
3. All structures, wells and lands on map – **No, wells and storage only**

F. Comments or other permit(s) associated with the project: none

Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 6/22/2017

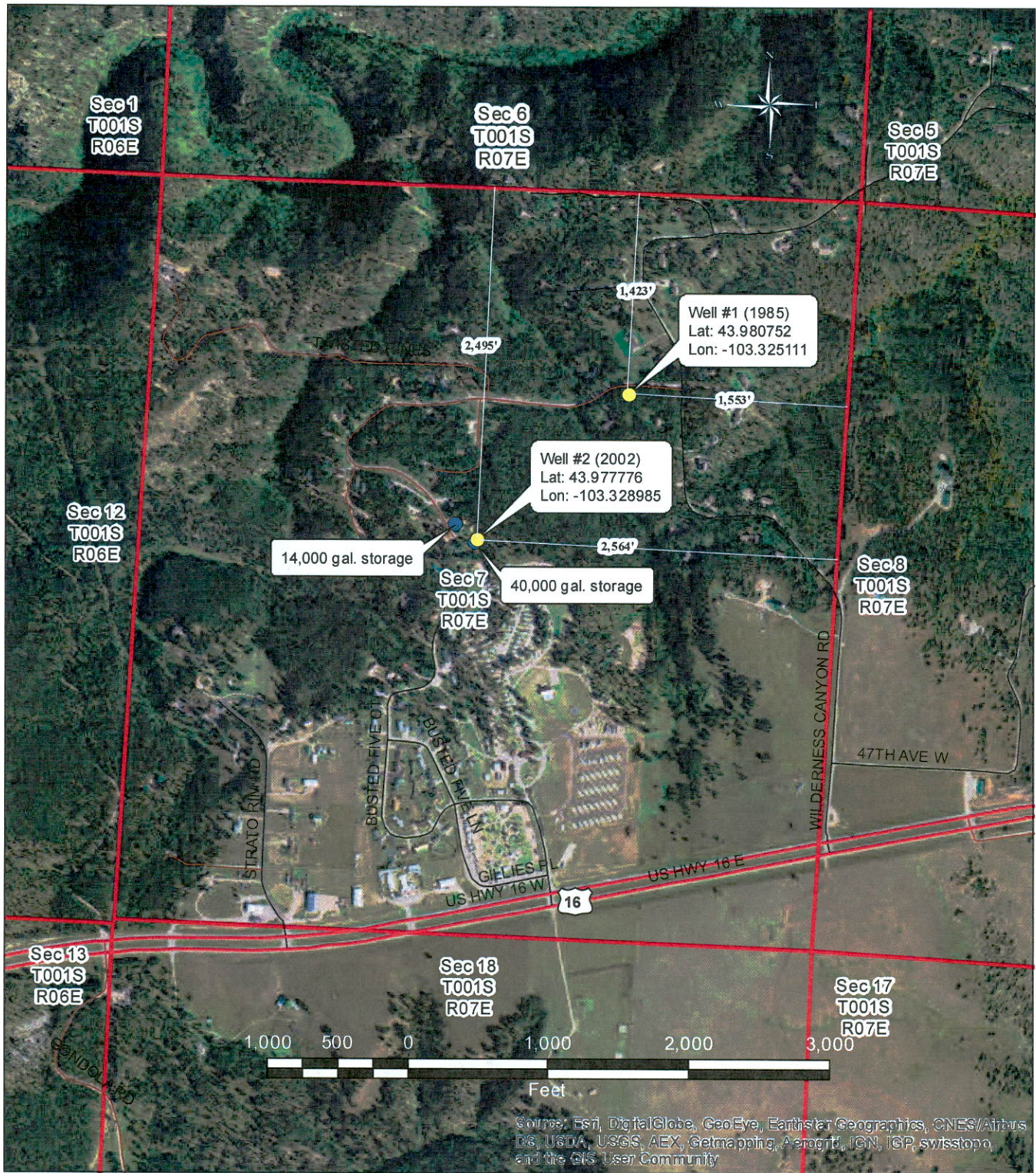


Well #1 and pump house



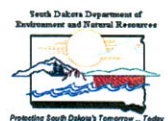
Well #2 and 40,000 gallon concrete storage and pump house

Water Right #2449-2
Oaks Water User Association
6/22/2017



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Gronlund, Eric

From: Quissell, Steve
Sent: Friday, June 23, 2017 1:41 PM
To: Gronlund, Eric
Cc: McMath, Genny
Subject: Oaks Water Users Association 2449-2
Attachments: Oaks_Water_2449-2_EOW.docm; Oaks_Water_2449-2.pdf

Eric

Attached is the EOW and arc.pdf for Oaks Water Users Association #2449-2.

Oaks Water Users Association is an association in name only. It is a privately owned water company currently owned by Brandon Powles who purchased the system from the developer of the Quartz Canyon housing development. Ownership change? There are a number of names associated with the application for 2449-2 but may just need change of address for contact info.

Current contact info for Copper Oaks HOA and Copper Oaks Water is Rich Kensley. 605-484-4667

Steven Quissell
Water Right Inspector
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 394-6763
Fax: (605) 394-5317



DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 03 2017

2449-2

Brandon Powles
Oaks Water Users Association
PO Box 9652
Rapid City SD 57709

Dear Mr. Powles:

Enclosed is Water License No. 2449-2. 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 in the future, the owner of existing wells constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2449-2**

(1) Oaks Water Users Association, PO Box 9652, Rapid City SD 57709 made Application No. 2449-2, September 22, 2000 for a water permit to divert 0.39 cubic feet of water per second from ground water, two wells (Deadwood Formation), Pennington County, South Dakota for suburban housing development purposes. Permit No. 2449-2, with a priority date of September 22, 2000 was approved January 2, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2006 and for the application to beneficial use of said water on or before January 2, 2010.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.25 cubic feet of water per second for beneficial use. The location of the diversion points are:

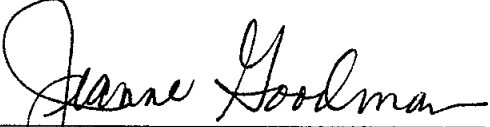
- Well #1 (1985 well): 1,423'S and 1,553'W of the NE corner of Section 7, T1S, R7E (SW ¼ NE ¼);
- Well #2 (2002 well): 2,495'S and 2,564'W of the NE corner of Section 7, T1S, R7E (SE ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Oaks Water Users Association is a privately owned water company with 72 residential connections and provides a bulk connection to Copper Oaks Home Owners Association which has 23 residential connections. The Copper Oaks well (authorized under Water Right No. 1628-2) has been in standby status since the HOA began purchasing water from Oaks Water Users Association.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oaks Water Users Association, PO Box 9652, Rapid City SD 57709 the holder and/or owner of Water Right No. 2449-2 is issued a license to appropriate water, the right to use 0.25 cubic feet of water per second (110 gallons per minute) from ground water, two wells (Deadwood Formation) with a priority date of September 22, 2000 from the locations 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. 2449-2 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The new well authorized by Permit No. 2449-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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 2002 by Cimarron Drilling. A copy of the well completion report is on file with the Water Rights Program.*



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

AUG 03 2017
date

