

WATER PERMIT NO. 2458-2

Name of Applicant: **Red Rock Development Co., LLC**

Address: 1719 West Main St, Rapid City SD 57702 Phone: 605 394-5755

Amount of Water Claimed: **1.33 cfs** Total Acres: **107 acres**

Source of Water Supply: groundwater and 2 storage ponds

Water to be used for: **irrigation** County: **Pennington**

Type of Waste Disposal System:

Location: along Sheridan Lake Road near Rapid City

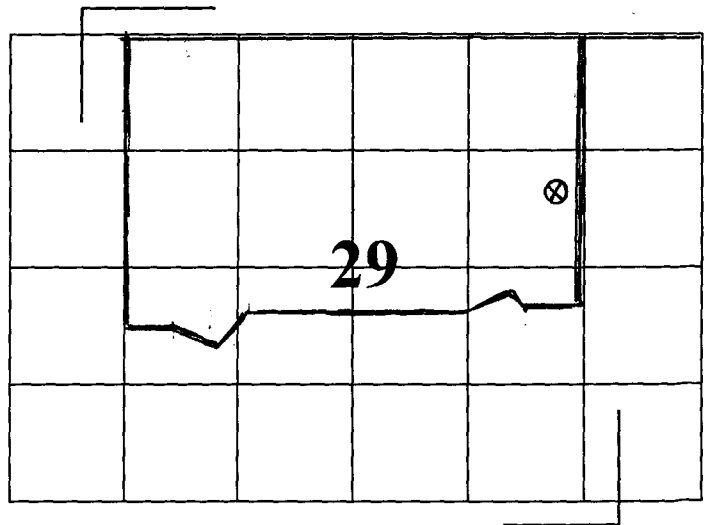
PRIORITY Date Received: **3-30-2001** Fee: **\$225**

Corrected Application Received:: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 29-T1N-R7E

Land to be Irrigated: N ½, N ½ SW ¼, N ½ SE ¼
Sec 29-T1N-R7E



Depth of Well: 940 feet deep

Well Driller: :

Remarks:

Type of Map: **topo**

Prepared by: **Hanif Shafai, P.E.**

Reviewed and the Number Assigned on: **4-3-2001**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2458-2 FOR IRRIGATION

Date of first receipt of application March 30, 2001.

The Water Management Board approved Water Permit Application No. 2458-2 on July 11, 2001 for Red Rock Development Co., L.L.C., 1719 West Main St, Rapid City SD 57702 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. 2458-2 appropriates 1.33 cubic feet of water per second from one well (Madison Formation) 940 feet deep located in the NE ¼ NE ¼ Section 29 to irrigate a 107 acre golf course located in portions of the N ½, N ½ SW ¼, N ½ SE ¼ Section 29; all in T1N-R7E. Water will be pumped from the well into two storage ponds (26.9 acre-feet storage capacity) located in the SE ¼ NW ¼ and NE ¼ SW ¼ Section 29 and E ½ NE ¼ Section 29; all in T1N-R7E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 30, 2001.
4. One-fifth of the construction is to be completed on or before January 11, 2004.
5. All construction is to be completed on or before July 11, 2006.
6. Water is to be put to beneficial use on or before July 11, 2010.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2458-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2458-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The 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.
3. The well authorized by Permit No. 2458-2 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.

(continued)

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 26 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2458-3</u>	(office use only) Hydrologic Unit <u>10/20/10</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City</u>	
		<u>57709</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Red Rock Development Co., L.L.C. Phone 605.394.5755
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1719 West Main St. Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)

2. * Amount of water claimed 1.33 *CFS or 600 **GPM 153 ***AF Total Acreage 107
*Attachment A (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - ~~storage capacity of dam/dugout or~~ annual use if applicable)

3. Source of water supply MADISON WELL / STORAGE POND

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SEE ATTACHMENT B
NE 1/4 NE 1/4 Sec 29 - T1N-R7E Pond #2 E 1/2 NE 1/4 Section 29
Pond #1 SE 1/4 NW 1/4 and NESW Section 29 County _____

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used April to September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SEE ATTACHMENTS C, D, E</u>			
<u>N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4</u>	<u>107</u>		
<u>Sec 29 - T1N-R7E</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
SEE ATTACHMENT B

STATE OF SOUTH DAKOTA) SS
County of Pennington
I, KEVIN L. BUNTROCK

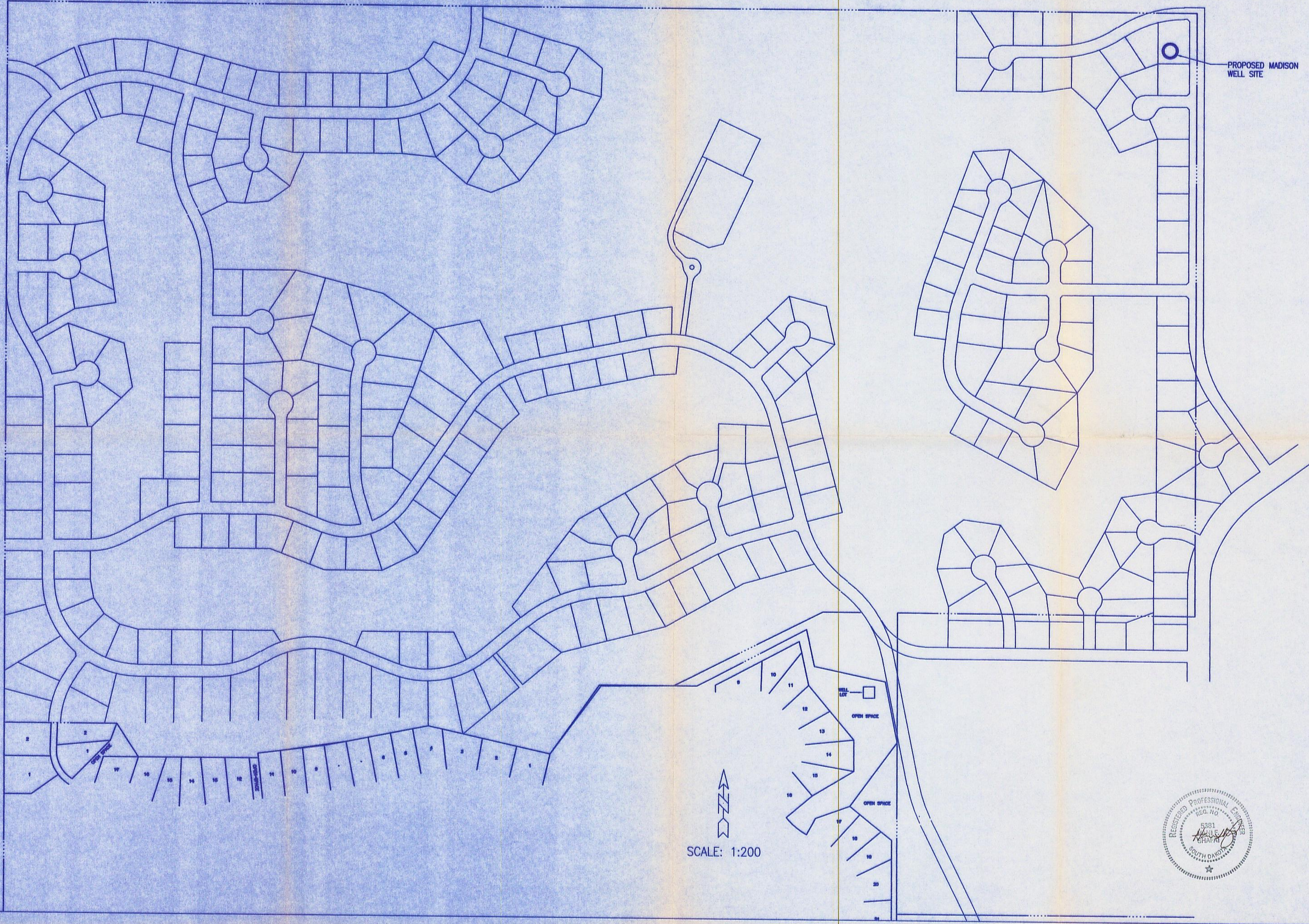
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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.

Applicant's signature Kevin L. Buntrock
Subscribed and sworn to before me this 29 day of March 20 01.

Debra A. Whaley
My Commission Expires: 10-28-2004

C:\001-PROJ-KT RedRock-Master\MASTER-REC'D\DWG_04/30/2001 10:50:39 AM 1:1



WATER RIGHTS MASTER PLAN RED ROCK ESTATES		D.D.I. DREAM DESIGN INTERNATIONAL, INC. PROFESSIONAL STRUCTURAL & CIVIL ENGINEERING CONSULTANTS 3202 W. MAIN ST., SUITE B, RAPID CITY, SD 57701 TEL 605-348-0638 FAX 605-348-0645 EMAIL: engineer@dreamdesigninc.com	
PROJECT #	PROJECT LOCATION	DESIGNED BY	REVISIONS
DESIGN DATE		SURVEYED	REVISIONS
SURVEY DATE		DRAWN BY	REVISIONS

1
OF
1

2458-2

View to The West
& Black Hills Horizon

Housing

Housing

Housing

Housing

Housing

Housing

Housing

Housing

Housing

Housing

View To Country Side

PRELIMINARY GOLF COURSE LAYOUT

Practice Facility

PARKING

Start House

Staging Area

To
SHERIDAN LAKE ROAD

designed
by
Farris
GOLF DESIGNS

Ron Farris
215.91

Dream Design International
Rapid City, SD 57702
consulting engineers

the Golf Club at **RED ROCK**

SCORECARD

HOLE	NAME	YARDAGE	PAR
1	Out House	331 yds	4
2	Snake	542 yds	5
3	My Sheep Your Sheep	377 yds	4
4	Go West	402 yds	4
5	Ice House	174 yds	3
6	Coyote Guts	460 yds	4
7	Dog Pipe	313 yds	4
8	Ravine	227 yds	3
9	Scraggs	542 yds	5
OUT		3368 YDS	36
10	Bump-n-Run	457 yds	4
11	Rock	526 yds	5
12	Redan	158 yds	3
13	The Chute	423 yds	4
14	R.O.W.	588 yds	5
15	Skull	243 yds	3
16	Ray's Hole	404 yds	4
17	Buck	420 yds	4
18	Home	420 yds	4
IN		3639 Yards	36

Par 72
7007 YDS

P-8546

the Golf Club at RED ROCK

Rapid City, SD 57702

SCORECARD

HOLE	NAME	YARDAGE	PAR
1	Owl House	373 yds	4
2	My Sheep Your Sheep	517 yds	5
3	Hamm	360 yds	4
4	Westward Ho	384 yds	4
5	Ice House	178 yds	3
6	Guts	444 yds	4
7	Pipe O' Dog	315 yds	4
8	Ravine	224 yds	3
9	Scrags	528 yds	5
OUT		3323 yds	36
10	Dakota	437 yds	4
11	Rock	527 yds	5
12	Redan	164 yds	3
13	The Chute	402 yds	4
14	Mangy Coyote	586 yds	5
15	Skull	188 yds	3
16	Ray's Hole	412 yds	4
17	Buck	391 yds	4
18	Home	460 yds	4
IN		3557 yds	36
Par 72		6884 Yards	

PRELIMINARY IRRIGATION COVERAGE PLAN A2 Row Jan 31, 2001

Prepared by:



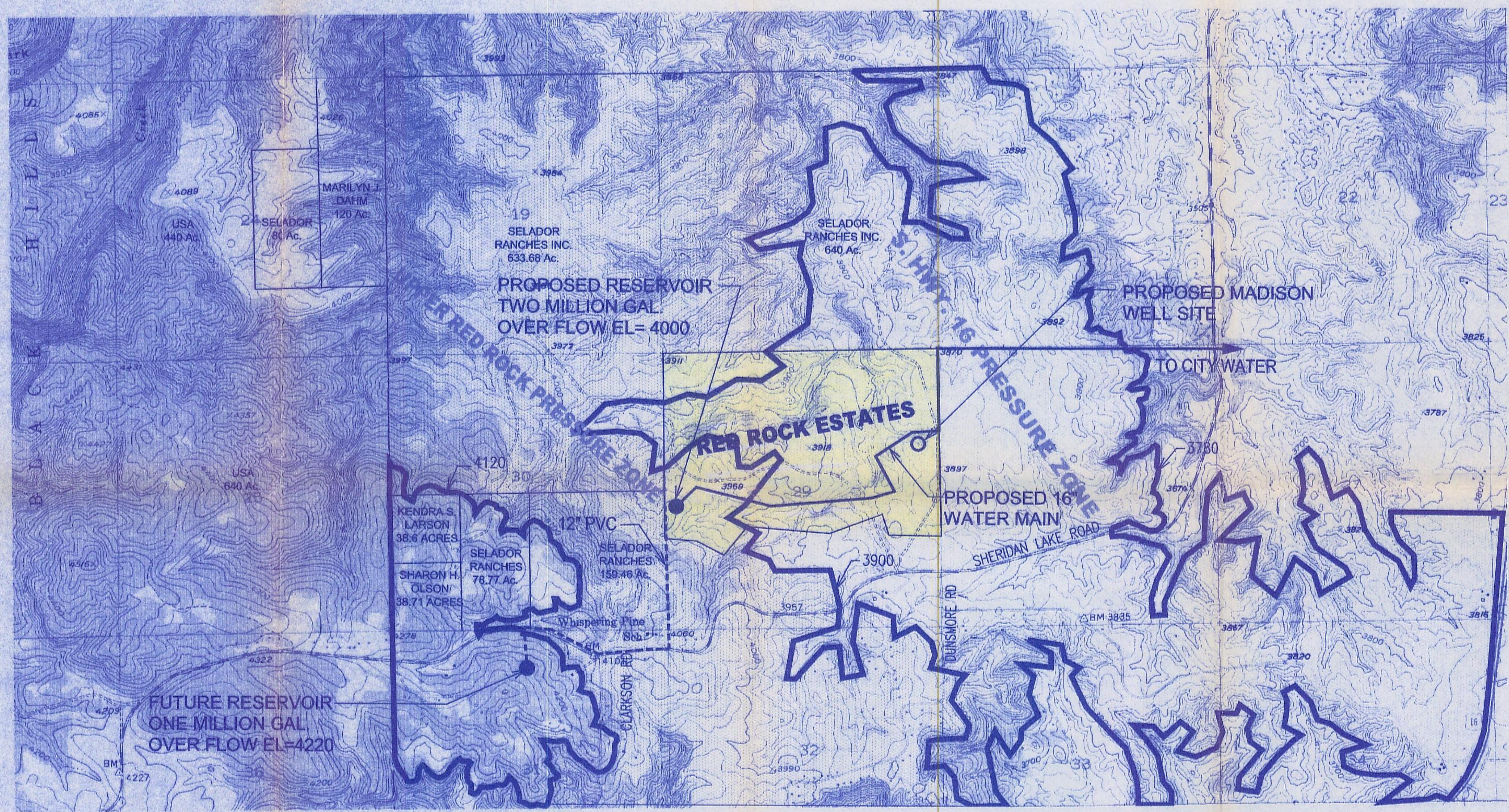
Golf Course
Designed by



12/10/2000

Dream Design International
Rapid City, SD 57702
consulting engineers





WATER PRESSURE MAP

SCALE: 1"=1000'



D.D.I.
DREAM DESIGN INTERNATIONAL, INC.
PROFESSIONAL STRUCTURAL & CIVIL ENGINEERING CONSULTANTS
3202 MAIN ST., SUITE D, RAPID CITY, SD 57702
PH. 605-348-0538 FAX. 605-348-0545 EMAIL: engineer@dreamdesigninc.com



24582

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 11 INCH. Depth 940 ft.
- b) Casing Type STEEL Diameter 8 5/8" Thickness .322"
- c) Screen Type NONE Diameter _____ Thickness _____
- d) Gravel Pack NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 900
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property < 1/4 MILE On property owned by others APPROX 1 MILE (MADISON)
APPROX 1/4 MILE (DEADWOOD)

2. Wastewater Disposal System Information

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

3. Dugout Information

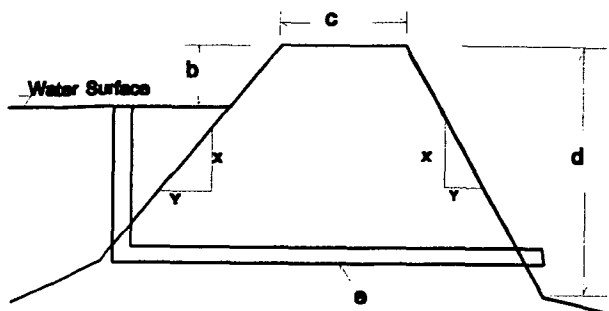
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams * (IRRIGATION POND #1)

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. (SEE ATTACH. C #10)

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

DREAM DESIGN INTERNATIONAL, INC.
3202 WEST MAIN, RAPID CITY, SD 57402



- b) Freeboard 1 FOOT
- c) Crest Width 52 FOOT
Crest Length 230 FEET
- d) Height 29.5
- e) Primary Outlet Capacity 90 CFS
If pipe, diameter 30 INCH
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope 4:1
Upstream 4:1
Downstream 4:1
- h) Surface Area of Impoundment 1.84
- i) Storage 13.8 Acre Feet
- j) Drainage Area Above Dam 24 Acres

* The proposed dams do not divert or retain ground water, but are fed by the proposed well.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

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

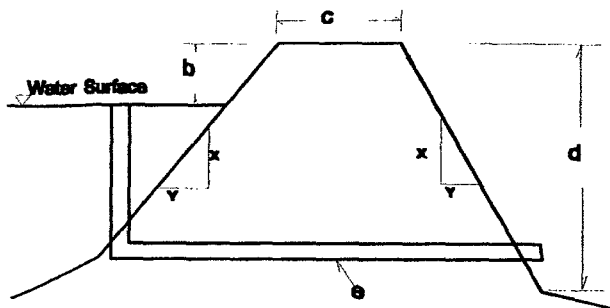
4. Water Storage Dams (IRRIGATION POND #2) (PROPOSED)

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:

DREAM DESIGN INTERNATIONAL
3202 WEST MAIN, RAPID CITY, SD 57702

- b) Freeboard 1 FOOT
- c) Crest Width 12 FOOT
Crest Length 1200 FEET
- d) Height 4 FEET
- e) Primary Outlet Capacity 60 CFS
If pipe, diameter 30 INCH
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope 4:1
Upstream 4:1
Downstream 4:1
- h) Surface Area of Impoundment 1.9
- i) Storage 13.1 Acre Feet
- j) Drainage Area Above Dam 0 Acres



PROJECT NAME

The Club at Red Rock
Rapid City, SDJuly Et Required 0.24
% ET Requi 96%
Adjusted ET 0.228

18 Hole Irrigation System

WATER WINDOW 8 HR.

SPACING TYPE	SPACING	# OF SP	GPM	Precipitation Rate	Distribution Uniformity	Crop Coefficient	Minutes per night	TOTAL GAL PER NIGHT
Green Sprinklers	65	159	30	0.68	1.2	0.8	19.2	91612.5
	65	0	30	1.36	1.2	0.7	8.4	0.0
Fairway and Tee Sprinkle	80	464	49	0.74	1.2	0.7	15.6	354353.8
	80	0	49	1.48	1.2	0.7	7.8	0.0
TTL SP		623						

Total Sprinklers 623

COST ESTIMATE

\$850 PER HEAD \$529,550
 Pump Station - Wet Well \$ 75,000
 Power to PS \$ 20,000
\$624,550

DAILY GALLONS REQUIRED

TO IRRIGATE AN ET OF 0.228 446986

STATIONS PER CONTROLLER 42 PUMP STATION Min SIZE 929 GPM

OF SPRINKLER PER ZONE 1.5

TOTAL # OF FIELD UNITS REQ. 12 PUMP STATION Max SIZE..... 1208 GPM

APPROX. # OF EXTRA ZONES PER CONTROLLER 7.39

POND RECHARGE RATE ===

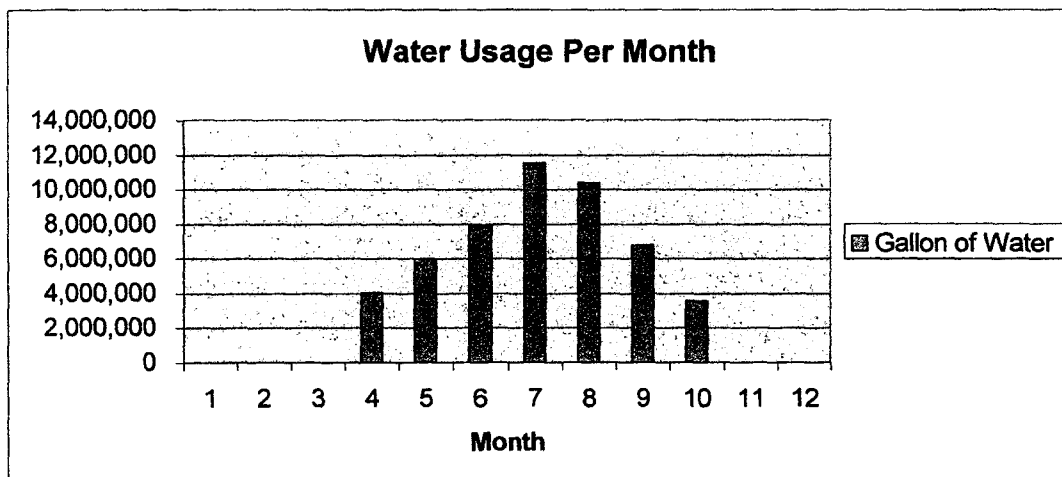
AVAILABLE HR

MIN GPM

24 309.7
 20 371.6
 18 412.9
 12 616.4

Rainfall Precip used by soil 60 %

MONTH	ET REQUIRED PER MONTH	DAILY ET REQUIRED	ANNUAL PRECIPITATION	USABLE PRECIPITATION	IRR PRECIPITATION	DAILY IRR ET	% of Course Irr	DAILY GAL	TTL GAL PER MONTH	ACRE FEET OF WATER
JAN	0.62	0.020	0.33	0.20	0.42	0.014	0%	0	0	0.00
FEB	0.84	0.030	0.49	0.29	0.55	0.020	0%	0	0	0.00
MAR	1.86	0.060	0.95	0.57	1.29	0.042	0%	0	0	0.00
APRIL	3.30	0.108	2.08	1.25	2.05	0.068	100%	129,474	4,013,697	12.32
MAY	4.86	0.180	3.18	1.91	3.05	0.099	100%	182,571	5,869,689	18.32
JUNE	6.00	0.200	3.30	1.98	4.02	0.134	100%	262,103	7,863,090	24.13
JULY	7.44	0.240	2.58	1.55	5.89	0.190	100%	371,765	11,524,708	35.37
AUG	6.51	0.210	2.01	1.21	5.30	0.171	100%	334,864	10,374,584	31.84
SEPT	4.20	0.140	1.23	0.74	3.46	0.115	100%	225,722	6,771,646	20.78
OCT	2.48	0.080	1.10	0.66	1.82	0.059	100%	114,836	3,559,906	10.92
NOV	1.20	0.040	0.48	0.29	0.91	0.030	0%	0	0	0.00
DEC	0.62	0.020	0.42	0.25	0.37	0.012	0%	0	0	0.00
TTLs	40.03		18.15	10.89	29.14				60,077,321	133.63



Red Rock Development Company, L.L.C.
Attachment B

The Estates at Red Rock and The Golf Club at Red Rock property legal description:

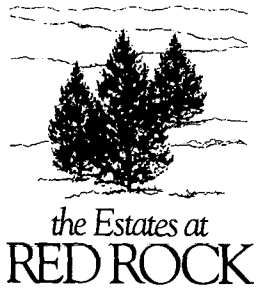
The unplatted portion of the South Half of the South Half of the North Half of the Northeast Quarter of the Southwest Quarter (S1/2S1/2N1/2NE1/4SW1/4) and the unplatted portion of the South Half of the South Half of the North Half of the Northwest Quarter of the Southwest Quarter (S1/2S1/2N1/2NW1/4SW1/4) of Section Twenty-nine (29) in Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Pennington County, South Dakota

The Estates at Red Rock Project Summary:

The Estates at Red Rock is a planned real estate development. The master plan of the property includes approximately 350 residential building sites. The master plan includes an eighteen-hole championship golf course. The owners, Red Rock Development Company, L.L.C. have entered into a development loan agreement with the City of Rapid City in which city water and sewer services are being extended to the property. The plan of the City of Rapid City will be in the near future to be able to provide City Water to all of the subdivision in the area of Red Rock that are currently using private water systems. This plan is outlined on Attachment C.

Phase I & II of the project are currently under construction. The water and sewer extension portion of the project are in the bid stage, with construction starting in April of 2001.

A master plan of the project is included in Attachment F.



March 29, 2001

Mr. Eric Gronlund
SD Department of Environment and Natural Resources
Foss Building
523 E. Capital
Pierre, SD 57501-3181

Dear Mr. Gronlund:

Please find enclosed a water right permit application for the Golf Club at Red Rock Canyon. Included with the application is a check in the amount of \$275.00 for the application fee.

The application includes several attachments, which hopefully are self-explanatory. If not please contact me with any questions or additional information you may need.

Thank you for all of your time on the phone explaining the process. Hopefully, the application is complete and will meet with favorable approval. Once again, if you need any further information don't hesitate to call.

Sincerely,

Kevin L. Buntrock
Member/Manager
Red Rock Development Company, L.L.C.



**Water Rights Program
File Documentation**

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

File No. 2458-2
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NAME OF PERSON OR FILE: Kenvin Buntrock

ADDRESS: 1719 West Main St, Rapid City SD COUNTY: Pennington

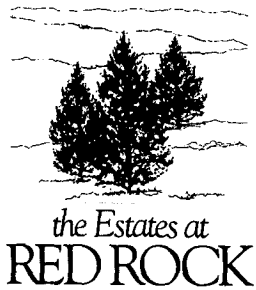
DATE: April 30, 2001 TELEPHONE: (605) 381-0570

RE: Change of Proposed Well Location

COMMENTS:

Mr. Buntrock called today to discuss the timeline for Application No. 2458-2. I told him the report should be done today, with recommendation to follow shortly. He informed me that the proposed well location has been moved north approximately 200 yards. The proposed well location is now 100 feet from the east section line and 100 feet from the north section line of Sec. 29, T1N-R7E, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T1N-R7E). He will send a revised map today.

Ken Buhler
Natural Resources Engineer



May 1, 2001

Mr. Kent Buhler
SD Department of Environment and Natural Resources
Foss Building
523 E. Capital
Pierre, SD 57501-3181

Dear Mr. Buhler:

Please find enclosed a revised master plan showing the new location for the proposed Madison Well site. Please call me if you have any questions regarding the new well location.

Thank you for your continued assistance in this matter.

Sincerely,

Kevin L. Buntrock
Member/Manager
Red Rock Development Company, L.L.C.



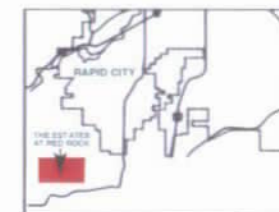
The Estates at Red Rock is guided by a master plan that maintains high standards of development to preserve the excellent quality of life and economic value of the area.

The Estates at Red Rock is located in the city limits of Rapid City and has city water, city sewer and all other city services.

A large selection of spacious homesites are available, each with spectacular views.

There is no requirement for an owner of a homesite to build within a certain time period.

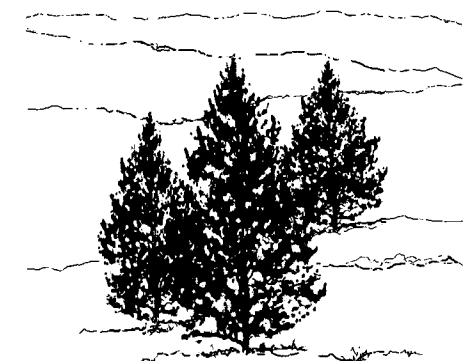
For the protection of the homeowners, carefully prepared covenants and restrictions have been filed. A complete set of covenants is available upon request.



Developer's conceptual plan, final plan subject to change.

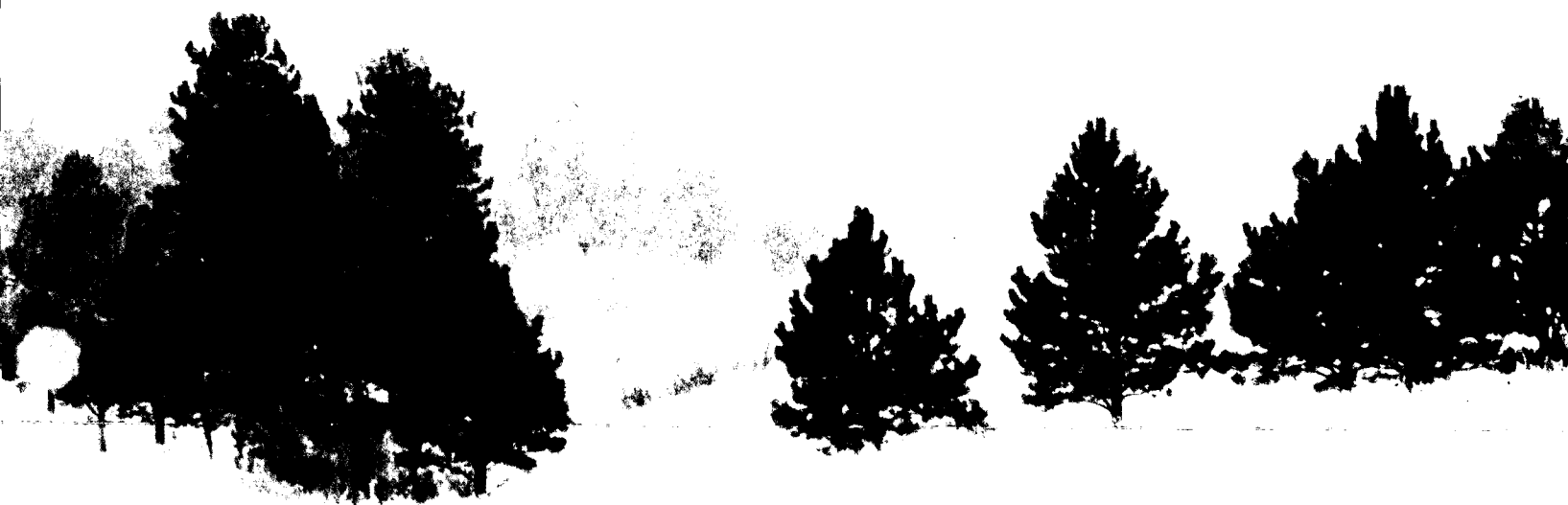


the Estates at
RED ROCK



the Estates at
RED ROCK

Live the Dream.



The Estates at Red Rock
1719 West Main
Rapid City, SD 57702
605-394-5755

A Planned
Residential Neighborhood.
PHASE I

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416812

Pierre, April 2, 2001

RECEIVED OF Buntrock Properties LLC, for Redrock Development co, 1719 W Main, Rapid City, SD
the following amount in fees for services rendered as provided for by law: 57702

Fee for Application for Permit No. <u>2458-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2458-2</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By

Darland Erbe

Chief Engineer

gmw

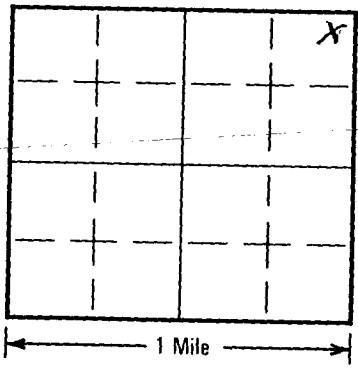
SOUTH DAKOTA WATER WELL COMPLETION REPORT

2458-2

07-92

Location NE 1/4 NE 1/4 Sec 29 Twp 1N Rg 7E
 County Pennington

Please mark well location with an "X"



Well Completion Date
8-8-01

Well Owner: Don Ward
 Business Name: Red Rocks Golf Club
 Address: 1719 W. Main
Rapid City, SD 57702

FORMATION	DEPTH	
	FROM	TO
gravel + red clay	0	85
red shale + siltstone	85	185
LS white to pink	185	227
purple siltstone	227	235
red shale + siltstone	235	345
SS + LS yel, pink, purp + red	345	887
LS white to yellow	887	1290
purp siltstone	1290	1307

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

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

METHOD OF DRILLING:
Air Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>12 3/4</u> IN	<u>0</u> FT	<u>105</u> FT	<u>14 3/4</u> IN
<u>32</u> LB/FT	<u>8 5/8</u> IN	<u>0</u> FT	<u>955</u> FT	<u>11</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>I-II</u>	<u>40</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>105</u> ft
<u>I-II</u>	<u>200</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>955</u> ft

 Describe grouting procedure Pressure grouted through casing

SCREEN: ☐ Perforated pipe ☐ Manufactured
 Diameter _____ IN Length _____ FEET
 Material _____
 Slot Size _____ Set From _____ Feet to _____ Feet
 Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO
 If so, what material? _____
 Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?
☒ YES, How: chlorine solution
☐ NO, Why Not? _____
 Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL _____ 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
1300 ft. After 6 Hrs. pumped 350 GPM
 _____ ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate 290 GPM

REMARKS

RECEIVED
FEB 15 2002
WATER RIGHTS PROGRAM

This well was drilled under license # 331
 And this report is true and accurate.
 Drilling firm Taylor Drilling Co.
 Signature of License Representative: [Signature]
 Signature of Well Owner or Equitable Property Holder: _____
 Date: _____

WATER PERMIT APPLICATION NO. 2458-2
RED ROCK DEVELOPMENT
APRIL 27, 2001

Water Permit Application No. 2458-2 proposes to appropriate 1.33 cubic feet of water per second from one well (Madison Limestone) approximately 940 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29 to irrigate a 107 acre golf course located in portions of the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T1N-R7E. Water will be pumped from the well into two storage ponds located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; all in T1N-R7E in Pennington County.

AQUIFER: Madison Aquifer (MDSN)

GENERAL:

The Madison aquifer is a massive carbonate (limestone and dolomite) aquifer that underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution, and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The Madison outcrop is located within approximately one and one-half miles west of this well site (Darton, 1925) and (DeWitt, 1989), and the top of the Madison is estimated to be approximately 900 feet below ground surface (Carter, 1999).

The mean potentiometric surface of the Madison aquifer is expected to be around 3480 feet msl (410 feet below grade) in this area (Strobel, 2000).

WATER AVAILABILITY:

The well site proposed by this application is located within three miles of three Water Rights' Observation Wells that are completed into the Madison aquifer, (PE-86A, PE-96A and PE-89A). Hydrographs for the wells show climatic fluctuations in the water levels and clearly demonstrate the system is recharged.

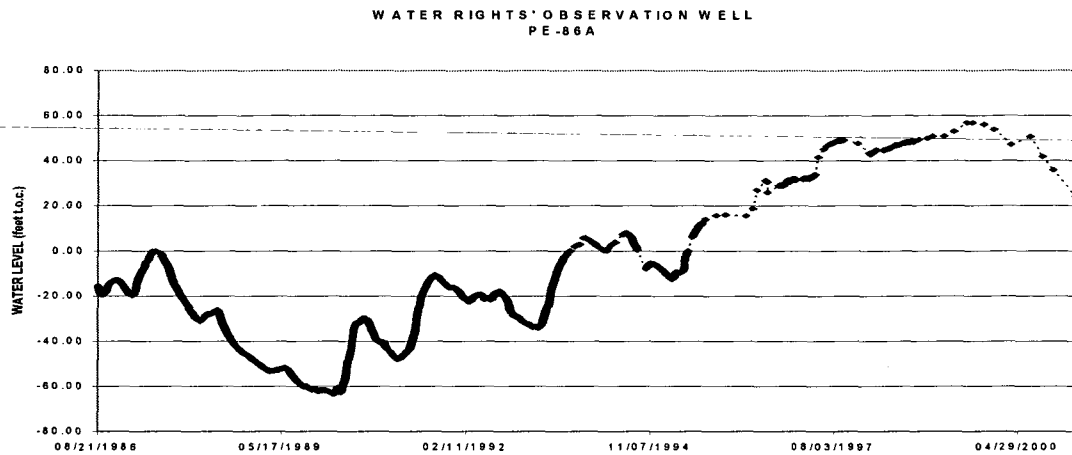


Figure 1. Hydrograph of Water Rights' Observation Well PE-86A, located approximately two and one-half miles southeast of the well site proposed by this application.

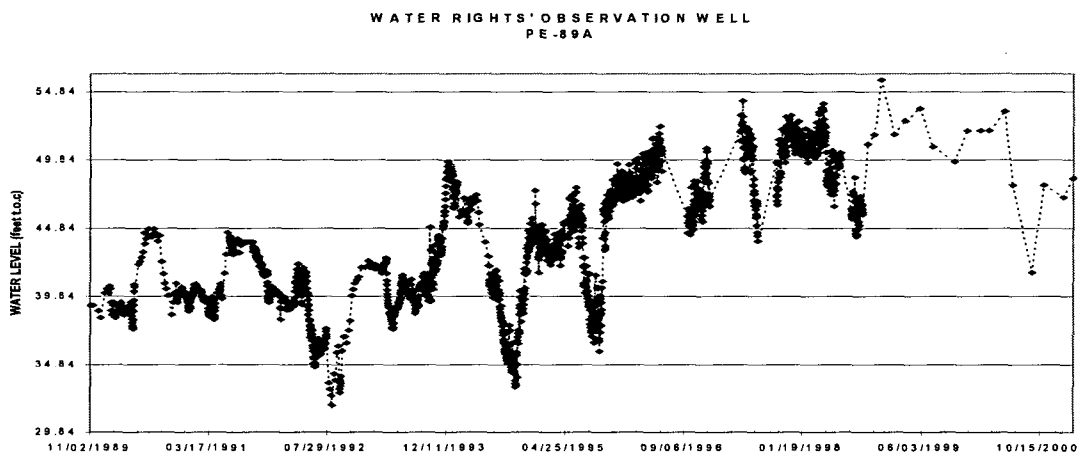


Figure 2. Hydrograph of Water Rights' Observation Well PE-89A, located approximately three miles north of the well site proposed by this application.

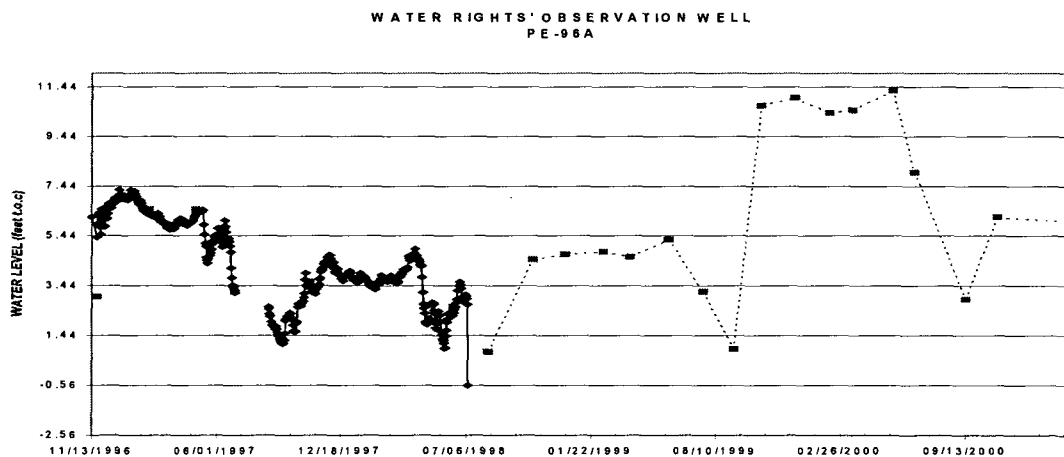


Figure 3. Hydrograph of Water Rights' Observation Well PE-96A, located approximately two and one-half miles northwest of the well site proposed by this application.

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills Area. Records from the observation wells indicate the potentiometric surface of the Madison Aquifer fluctuates 30-40 feet per year near the recharge area in response to seasonal and climatic variations. Long term water-level declines are not apparent from any of the hydrographs. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require Water Rights. There are 114 permits/rights which appropriate water from the Madison aquifer in South Dakota. The majority of the water rights/permits from the aquifer are from Butte (17), Lawrence (21), Meade (23), Pennington (30) and Fall River (11) Counties. The Madison supplies water for irrigation, geothermal, industrial, commercial, recreational, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Whitewood, Sturgis, Rapid City, Box Elder and Edgemont all depend on water from the Madison Aquifer.

If the assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr.) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be approximately 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Three Future Use Permits (2086-2, 1833-2, and 369-1) reserve another 6,455 acre feet annually from the Madison aquifer for future use. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

This application proposes an additional appropriation of up to 214 ac-ft/yr. from the Madison Aquifer. This amount of water will have a negligible affect on the balance of withdrawals to recharge for the system.

This application proposes to appropriate 1.33 cfs from one well completed into the Madison aquifer. Although large capacity wells have been completed into the Madison, it is entirely possible that an additional well or wells will be needed to provide 1.33 cfs.

AFFECTS ON EXISTING RIGHTS:

This application proposes to appropriate water in an area that received a fair amount of media attention during the summer of 2000 because of water shortages. The water shortages were the result of the area's dramatic population increase in recent years with suburban housing development infrastructures not keeping pace.

There are 16 existing ground water rights/permits within two miles of this proposed well site. The nearest groundwater appropriation, 1749-2 Countryside Estates, is located approximately one-half mile from this proposed well site. The Countryside appropriation is from the Deadwood aquifer and is not expected to be affected by this proposed appropriation. Six groundwater appropriations within two miles are from the Madison aquifer. They include:

Permit No.	Owner	Cfs	Use
1726-2	Colonial Pine Hills	0.38	SHD
1925-2	Ponderosa Park Dev. Assoc.	0.10	SHD
1965-2	Highland Hills Water Assoc	0.10	SHD
2053-2	Spring Canyon Water Co.	0.08	SHD
2108-2	Clarkson	0.09	SHD
2156-2	Rapid City	1.11	MUN

The nearest Madison appropriation, No. 1726-2, Colonial Pine Hills Sanitary District, is located approximately three-fourths of a mile from this proposed well site. Since the Madison is under artesian conditions in this area, well interference is possible considering the diversion rate proposed by this application and proximity to the Colonial Pine Hills' "Croyle" well. At this time, it is not practical to attempt to quantify the specific affect this well may have on the Colonial Pine Hill's well since aquifer characteristics have not been determined for this area, and the aquifer characteristics of the Madison can vary considerably within a short distance.

An example of the variability of the hydraulic characteristics of the Madison aquifer is documented in the Rapid City area. Two constant discharge aquifer tests were conducted within approximately one and one-half miles in Rapid City in 1990. City well #6 was pumped continuously for four days at a rate of 680 gallons per minute (gpm). The resultant drawdown in the production well was 426.4 feet. Approximately 3,000 feet from the production well, the maximum drawdown in an observation well was reportedly 1.5 feet. In a second test, City well #5, pumped for seven days at 1,700 gpm, resulted in maximum drawdown of 212.8 feet in the production well. Maximum drawdown in an observation well 11,700 feet from the production well was 1.4 feet. The hydraulic properties of the Madison aquifer calculated from these aquifer tests were $T = 1,600 \text{ ft}^2/\text{d}$ to $40,000 \text{ ft}^2/\text{d}$ and $S = 1 \times 10^{-4}$ to 2×10^{-3} (Greene, 1993). In addition, Greene concluded that the transmissivity of the Madison is not equal in all directions (anisotropic), therefore the drawdown cone will extend farther in on direction than another.

Although the impact of this appropriation cannot be quantified precisely, it is still possible to address whether this appropriation can be made without adversely affecting the Colonial Pine Hills' well or any other existing water rights, including domestic wells. ~~Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water independent of artesian pressure.~~ Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

Well construction details are not available for the Colonial Pine Hills "Croyle" well, so it is not possible to determine if the well is an adequate well or the capacity of the well. The best information available, the Inspection of Works for Water Right No. 1726-3, identifies the Croyle well as a four-inch diameter well with a 7.5 horsepower submersible pump capable of 30 gpm (Water Rights, 1991). It is not known if the production from this well is limited by the size of the pump that the well casing can accommodate or the actual capacity of the well. The static water level of the Croyle well was reported to be 450 feet below grade in 1991 (Water Rights, 1991). The top of the Madison Aquifer is estimated to be approximately 720 feet below grade at the Croyle well (Strobel, 2000). Therefore there is approximately 270 feet of head pressure in this well. Colonial Pine Hills bears the responsibility of lowering the pump inlet in the Croyle well to the top of the aquifer if necessary. Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered a similar situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law, that if applied here, basically would say that Colonial Pine Hills has voluntarily constructed the Croyle well in such a way as to expose itself to an increased cost or decreased production as a result of any draw down by other legitimate users. If the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Although there are a limited number of domestic wells completed into the Madison aquifer in this area, (Water Rights, 2001_a), the potential affect of this appropriation on domestic wells must be considered. An "Adversely impacted domestic well" is defined by ARSD 74:02:04:20(7), as a well that was constructed to allow the pump intake to be set at least 20 feet below the top of the aquifer, in which the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. It is likely that even if a domestic well completed into the Madison aquifer in this area experienced interference, it would still be capable of delivering sufficient water with a pump inlet placed near the top of the aquifer. Therefore adverse impact to domestic wells is not probable.

TERM LIMITATION:

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

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

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

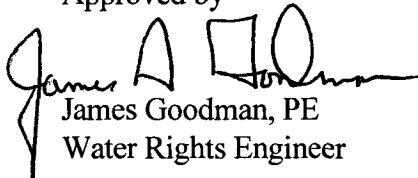
CONCLUSIONS:

1. This application proposes to appropriate 1.33 cfs from the Madison Aquifer.
2. The Madison Aquifer is a viable aquifer and unappropriated water is available.
3. This appropriation will not adversely impair existing water rights.
4. Information is not available to justify issuing this permit without a term limitation of 20 years.
5. It is possible that a single well will not produce 1.33 cfs, an amended application would be required to add an additional diversion point.



Ken Buhler
Water Rights Engineer

Approved by



James Goodman, PE
Water Rights 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-Geological Survey, Vermillion SD

- Carter, J.M., Redden, J.A., 1999, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-744-D, U.S. Department of the Interior, U.S. Geological Survey
- Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, U.S. Geologic Survey Folio No. 219.
- DeWitt, E., J.Redden, D. Buscher, A. Burbach Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, U.S. Geological Survey, Map I-1910,
- Strobel, M.L., Galloway, J.M., 2000, Potentiometric Surface of the Madison Aquifer in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-745-D, U.S. Department of the Interior, U.S. Geological Survey
- Water Rights Program, 1991, "Water Right File 1726-2", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 1995, "Water Right File 2313-2", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2001, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management



**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. 2458-2, Red Rock Development Co., LLC**

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. 2458-2, Red Rock Development Co., LLC, c/o Kevin Buntrock, 1719 West Main Street, Rapid City SD 57702.

The Chief Engineer is recommendation APPROVAL of Application No. 2458-2 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2458-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2458-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The 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.
3. The well authorized by Permit No. 2458-2 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.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele
May 23, 2001

County of Pennington

I, Patricia K. Van Patten

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:

May 30, 2001

June 6, 2001

Cost of Printing One hundred thirty-six
and twenty-four cents (\$136.24)


(Signature)

Legal Advertising Representative
(Title)

June 6, 2001
(Date Signed)

NOTICE OF

**NOTICE OF
APPLICATION NO. 2458-2
TO APPROPRIATE WATER**

Notice is given that Red Rock Development Co., LLC, c/o Kevin Buntrock, 1719 West Main St., Rapid City, SD 57702, has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well (Madison Formation) 940 feet deep located in the NE¼ NE¼ Section 29 to irrigate a 107 acre golf course located in portions of the N¼, N½ SW¼, N½ SE¼ Section 29; all in T1N-R7E. Water will be pumped from the well into two storage ponds located in the SE¼ NW¼ and NE¼ SW¼ Section 29 and E¼ NE¼ Section 29; all in T1N-R7E.

Pursuant to SDCI 46-1-14 and 46-2A-20, the Chief Engineer recommends APPROVAL of Application No. 2458-2 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 July 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.

The Water Management Board will consider this application at the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD, at 10:00 a.m., July 11, 2001. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 11, 2001, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 2, 2001.

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

State Insurance Court

0-80-64 Myk's Electric
Meitz Baking Co. (SR)
Inc., 360.34; Menards (SR)
20,900.18; Medicine Industries
2,197.25; Medicine Shoppe,
Cap Pharmacy & S.T. Patrick,
Jackson Blvd. 5,703.87; Medi-
cap Pharmacy 114.30; Medi-
cine County Sheriff's Office,
Supply Company, 126.71;
McMaster-Carr Inc., 50.16;
McLoud's Printing, Inc., 83.50;
Bobcat, 213.75; McKie Ford,
McKie's Building &



DEPARTMENT of ENVIRONMENT
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May 23, 2001

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

ATTENTION: Legal Public Notice

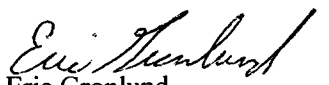
Enclosed is a Notice of Hearing on Application No. 2458-2 to Appropriate Water to be published twice. Please publish the first notice on May 30, 2001 with the second publication 7 days later.

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 Red Rock Development Co., LLC, % Kevin Buntrock, 1719 West Main Street, Rapid City, SD 57702 (Ph # 605-394-5755).

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

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

No. 2458-2

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

Date _____

We are in receipt of your letter of May 23, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2458-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 23, 2001

Red Rock Development Co., LLC
%Kevin Buntrock
1719 West Main St.
Rapid City, SD 57702

Dear Mr. Buntrock:

Water Permit Application No. 2458-2 for irrigation 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.

Instruction to Newspaper - Publish first Notice on May 30, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2458-2 to Appropriate Water

Notice is given that Red Rock Development Co., LLC, c/o Kevin Buntrock, 1719 West Main St, Rapid City SD 57702 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well (Madison Formation) 940 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29 to irrigate a 107 acre golf course located in portions of the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T1N-R7E. Water will be pumped from the well into two storage ponds located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; all in T1N-R7E.

Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer recommends APPROVAL of Application No. 2458-2 for a 20 year term because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 July 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.

The Water Management Board will consider this application at The Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD at 10:00 A.M. July 11, 2001. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 11, 2001 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 2, 2001.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 2, 2001, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

May 23, 2001

Dan Bjerke
Public Works Director
City of Rapid City
300 6th St.
Rapid City, SD 57701-2724

Dear Mr. Bjerke:

Eric Gonlund asked me to send you copies of the Notice of Hearing , Report and Recommendation for Water Permit application #2458-2, Red Rock Development Co., LLC.

Thank you,

Glenda Marks
Secretary

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, July 04, 2001 5:49 PM
To: 'Ted Schultz'
Cc: Marks, Glenda; Duvall, Ron; Buhler, Ken
Subject: RE: Water Rights Permit No. 2458-2, Red Rock Development Co., LLC, Rapid City

Mr. Schultz:

Petitions on Water Right Permit Application No. 2458-2 were to be mailed by July 2, 2001 with the Chief Engineer and the applicant. The only way for the Sanitary District to present testimony at the July 11th hearing is for the District to make a motion for late intervention and have the Board rule favorably on the motion prior to the start of the hearing. Any motion will need to be filed (as soon as possible) with the Water Rights Program and the applicant. I am uncertain how the Board would rule on such a motion. The District will certainly need to justify why it did not meet the petition deadline. I also assume that Red Rocks Development would oppose the District's attempt to intervene in the hearing at this time.

No other parties petitioned to intervene in Red Rock Development's application.

An application was filed by applicant and there is a report prepared by Ken Buhler of the Water Rights Program. E-mail Glenda Marks (glenda.marks@state.sd.us) if you want a copy faxed to you. I will be out of the office until Friday. Further questions can be directed to Ron Duvall or Ken Buhler at 773-3352.

There is a hearing scheduled before the Water Management Board at 10:00 AM on July 11th.

I hope this adequately addresses your questions.

-----Original Message-----

From: Ted Schultz [mailto:ted_cetec@rushmore.com]
Sent: Wednesday, July 04, 2001 10:25 AM
To: Eric.Gronlund@state.sd.us
Cc: 'Jim Martin'; 'Bob Miller'
Subject: Water Rights Permit No. 2458-2, Red Rock Development Co., LLC, Rapid City

Eric,

The Colonial Pine Hills Sanitary District wishes to make comments on the requested water right permit no. 2458-2 for the Red Rock Development immediately north of the CPHSD. The comment deadline was July 2, 2001. Can the district make any comments at this point? Are there any other comments on this application? Is there any additional information available concerning the permit request? What is the schedule of this permit, will there be a hearing July 11th? Thanks for any information you can provide.

Ted Schultz, P.E.
CETEC Engineering Services, Inc.
ted_cetec@rushmore.com
605-341-7800 Phone
605-341-7864 Fax



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 2001

NOTICE

TO: Kevin Buntrock
Rod Rock Development
1719 West Main Street
Rapid City SD 57702

Robert Miller, Vice President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City SD 57702-8950

FROM: *for* Garland Erbele, Chief Engineer
Water Rights Program

Eric Gronlund

SUBJECT: Water Right Permit Application No. 2458-2, Red Rock Development Company

The Water Rights Program received a petition by fax from Colonial Pine Hills Sanitary District opposing Red Rock Development Company's Water Right Permit Application No. 2458-2. The petition also requested a delay of the July 11, 2001 hearing before the Water Management Board. A copy of the Sanitary District's petition is attached.

Red Rock Development Company's application for a water right permit was public noticed in the Rapid City Journal on May 30 and June 6, 2001. This notice of hearing set July 2nd as the date in which petitions must be filed in accordance with SDCL 46-2A-4 and 46-2A-5. The Sanitary District's petition was submitted on July 6th. Since the District's petition is late filed, the Water Rights Program can not grant the Sanitary District's request for a delay of the scheduled July 11th hearing unless Red Rock Development Company stipulates agreeing to a delay of the hearing.

In order for the Sanitary District to participate in the hearing, the Board must rule favorably on a motion for late intervention. Any motion for late intervention will need to be brought before the Board prior to the beginning of the hearing.

The Water Management Board will consider Application No. 2458-2 on July 11, 2001, at 10:00 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Please contact Eric Gronlund at (605) 773-3352 or Diane Best, Assistant Attorney General at (605) 773-3215, if you have any questions.

c: Diane Best, Assistant Attorney General
Marty Jackley, Gunderson, Palmer, Goodsell & Nelson, PO Box 8045, Rapid City SD
57709-8045 (by fax at 342-9503)
Michael Hickey, Bangs, McCullen, Butler, Foye & Simmons, PO Box 2670, Rapid City
SD 57709 (by fax at 343-1503)

CERTIFICATION

I hereby certify that on July 6, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 6, 2001, regarding Water Right Permit Application No. 2458-2, Red Rock Development as listed:

Kevin Buntrock
Rod Rock Development
1719 West Main Street
Rapid City SD 57702

Robert Miller, Vice President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City SD 57702-8950

Marty Jackley
Gunderson, Palmer, Goodsell & Nelson
PO Box 8045
Rapid City SD 57709-8045

Michael Hickey
Bangs, McCullen, Butler, Foye & Simmons
PO Box 2670
Rapid City SD 57709

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

Diane Best, Assistant Attorney General, Capitol Building



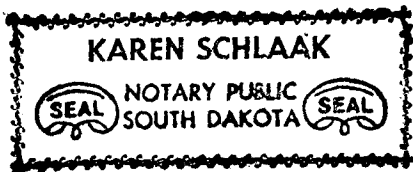
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of July, 2001.



Karen Schlaak, Notary Public
My Commission Expires April 1, 2007





Colonial Pine Hills Sanitary District
4685 Dunsmore Road
Rapid City, SD 57702-8950
(605) 348-3113

July 6, 2001



Garland Erbele, Chief Engineer Water Rights Program
South Dakota Department of Environmental and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RE: Water Rights Application 2458-2
Red Rock Development

Dear Mr. Erbele,

The Colonial Pine Hills Sanitary District (CPHSD) opposes the Water Permit Application No. 2458-2 which proposes to appropriate 1.33 cubic feet of water per second (600 gpm) from one well in the Madison Formation located in the SE ¼ of the NE ¼ Section 29, T1N, R7E in Pennington County.

The CPHSD currently services approximately 1,000 people with 400 homes and businesses approximately ¾ of a mile south of the proposed Red Rock well and development. CETEC Engineering of Rapid City is currently evaluating the water system and Weston Engineering of Wyoming has recommended proposed well locations ¾ of a mile and 1 mile south of the proposed Red Rock well in the Madison Formation. CPHSD is not opposed to the Red Rock Development, but would like additional time to review the proposed well location and consequences on the CPHSD water supply.

The 4-27-01 Red Rock Report compiled by Ken Buhler, SD DENR Water Rights Engineer states "Colonial Pine Hills bears the responsibility of lowering the pump inlet in the Croyle well to the top of the aquifer if necessary. Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output." The report also states "An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact." The Colonial Pine Hills Sanitary District has major concerns about the costs to modify existing wells and the possibility of interference on future wells within the district boundaries. Currently the district is experiencing severe water shortages and a Technical Memorandum Report prepared by Weston Engineering on 7-2-01 shows the district well production may continue to decline.

The CPHSD understands the deadline for comments has passed, but the Board is currently in transition to a new president and clerk in the past month and the well report was recently completed. The Weston Engineering Evaluation of Wells Report was presented to the CPHSD

Board on 7-3-01. This report raised more issues about future and current water availability and the Board is concerned about the use of 600 gpm for golf course irrigation at the Red Rock Development. The entire CPHSD currently has supplies of 290 gpm and an addition of approximately 300 gpm is needed to adequately supply the residents of the district. Please consider this request for delay of approval on Water Rights Application 2458-2.

Legal Counsel

Marty J. Jackley

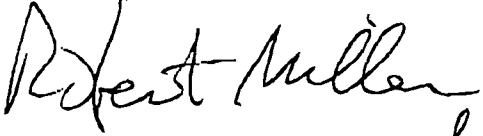
Gunderson, Palmer, Goodsell & Nelson, LLP

440 Mt. Rushmore Road

P.O. Box 8045

Rapid City, SD 57709-8045

Sincerely,




Robert Miller, Vice President
Colonial Pine Hills Sanitary District

cc: Red Rock Development Co., LLC, Rapid City, SD



Colonial Pine Hills Sanitary District

4605 Dunsmore Road
Rapid City, SD 57702-8950
(605) 348-3113



July 6, 2001

Garland Erbele, Chief Engineer Water Rights Program
South Dakota Department of Environmental and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RE: Water Rights Application 2458-2
Red Rock Development

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Board on 7-3-01. This report raised more issues about future and current water availability and the Board is concerned about the use of 600 gpm for golf course irrigation at the Red Rock Development. The entire CPHSD currently has supplies of 290 gpm and an addition of approximately 300 gpm is needed to adequately supply the residents of the district. Please consider this request for delay of approval on Water Rights Application 2458-2.

Legal Counsel

Marty J. Jackley
Gunderson, Palmer, Goodsell & Nelson, LLP
440 Mt. Rushmore Road
P.O. Box 8045
Rapid City, SD 57709-8045

Sincerely,


by 

Robert Miller, Vice President
Colonial Pine Hills Sanitary District

cc: Red Rock Development Co., LLC, Rapid City, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Bob Borgmeyer
% Mark Warren
8734 Sheridan Lake Road
Rapid City, SD 57702

Dear Mr. Borgmeyer:

I am writing in regard to our earlier telephone conversation regarding Water Permit No. 2548-2, Red Rock Development. Per your request, please find enclosed a copy of the permit file. I did not copy oversize material with the exception of a portion of the map Mr. Buntrock submitted May 1, 2001. If I can be of further assistance to you, feel free to contact me.

Sincerely,

Ken Buhler
Natural Resources Engineer
DENR-Water Rights Program

enclosures

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, August 10, 2001 1:40 PM
To: 'Borgsinaz@aol.com'
Subject: RE: Permit 2458-2 Red Rock Development

Mr. Borgmeyer:

A copy of your e-mail will be placed on the inside cover of the water right permit for Red Rocks Development with a note in BOLD PRINT that you are to be notified if there are any changes to the water right permit. Although the only legal requirement for notice is the public notice process, we certainly make every effort to keep individuals apprised if they formally make a request (I consider your e-mail to be a formal request). Obviously you are in a unique position because you spend a good portion of your time in Tuscon.

Just so we are clear: a transfer of ownership is simply a filing process with DENR and there is no formal report, notice or hearing undertaken. A change of use from irrigation to municipal, change of diversion point, increase in appropriation, increase in acres irrigated or other amendment requires an application and public notice process.

Any time you have questions, please feel free to contact me.

Eric Gronlund
Water Rights Program
605 773-3352

PS - I received your other e-mail development just north of the Deadwood Ave. / I-90 interchange. Again I will try to keep you apprised if a new application is filed. But again feel free to contact us if you think something is in the works.

-----Original Message-----

From: Borgsinaz@aol.com [mailto:Borgsinaz@aol.com]
Sent: Friday, August 10, 2001 1:17 PM
To: Eric.Gronlund@state.sd.us
Subject: Permit 2458-2 Red Rock Development

**IF ANY CHANGES ARE MADE TO THIS PERMIT,
BOB BORGEMEYER HAS REQUESTED TO BE
NOTIFIED (SEE ATTACHED E-MAIL)**

**THIS IS TO INCLUDE TRANSFER OF
OWNERSHIP OR AN AMENDMENT TO THE
PERMIT.**

**E. GRONLUND
8/10/2001**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

JUL 26 2001

Red Rock Development, L.L.C.
% Kevin Buntrock
1719 West Main Steet
Rapid City, SD 57702

Dear Mr. Buntrock:

Enclosed is Water Permit No. 2458-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

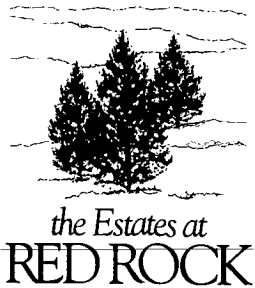
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the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



August 15, 2002

Department of Environment and Natural Resources
Mr. Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Mr. Erbele:

Please find enclosed the Notice of Completion of Works and Application of Water to Beneficial Use for Water Permit No. 2458-2 for the Red Rock Development Company, LLC.

I discussed our permit with you the other day on the phone. We are just completing a few last items on the irrigation system and should be entirely complete by the end of August. Please notify us when you would like to inspect the system or if you have any questions.

We have moved to our offices to the project site, our new address is 6520 Birkdale Drive, Rapid City, SD 57702. Our phone number(s) are Office: 605-718-4717 Cell: 605-381-0570.

Thank you in advance for your assistance.

Best Regards:

Kevin L. Buntrock
Managing Partner

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

Date August 15, 2002

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

FROM: RED ROCK DEVELOPMENT CO. LLC
(name)

6520 BIRKDALE DRIVE
(address)

RAPID CITY SD 57702
(city, state, zip)

605-718-4717 (OFFICE)
(phone)

605-381-0570 (CELL)

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.

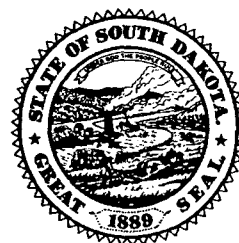
Water Permit No. 2458-2 states that the water use system is to be constructed by
July 11, 2006 , and water is to be put to beneficial use by July 11, 2010
(date) (date)

The water use system was completed on August 15, 2002
(date)

Applying the water to beneficial use was completed on August 15, 2002
(date)

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

Geon L. Guter
(signature)



2458-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2003

2458-2

Kevin L Buntrock
Red Rock Development, LLC
6520 Birkdale Drive
Rapid City SD 57702

Dear Mr. Buntrock:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 1719 West Main, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

Permit No. 2458-2
Upper Cheyenne - Water District

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

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

I have this day, October 31, 2003, made a thorough examination of the water use system constructed by Red Rock Development Company, LLC of 6520 Birkdale Drive, Rapid City SD 57702 holder of Permit No. 2458-2, bearing the priority of March 30, 2001 authorizing the diversion of 1.33 cu. ft. per second and/or the storage of 26.9 acre-feet of the waters of Madison Formation for irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

Madison Formation well with a 10 stage Crown pump and Franklin motor

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

Water diverted to a storage pond and from there pumped to sprinkler system utilizing two Newman 60 hp motors

C. Works used to apply water to beneficial use:

Underground sprinkler system

The system is in the following condition good, etc. The point of diversion is located well - approximately 280 feet west and 270 feet south (NE ¼ NE ¼) of the NE ¼ corner of Section 29, T1N, R7E (lat/lon N44.106967 W-103.2928) - pond SE ¼ NW ¼, NE ¼ SW ¼ Section 29, T1N, R7E. The works are capable of diverting and conveying to the place of use 0.80 cu. ft. per second of water and/or storing 15 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

all in Section 29, T1N, R7E

NW ¼	44 acres	N ½ SW ¼	15 acres
NE ¼	44 acres	N ½ SE ¼	4 acres

**** these are estimates as snow had fallen the morning of the licensing investigation**

comprising a total of 107 acres of land and the license should be issued for 0.80 cfs and/or 15 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: application rate from pond to land greater than 0.80 cfs

Date Report Completed: August 17, 2004


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO.

DATE OF INVESTIGATION:	October 31, 2003
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Kevin Buntrock
NAME & ADDRESS OF PERMIT HOLDER	Red Rock Development Company 6520 Birkdale Drive Rapid City SD 57702
DIVERSION POINT LEGAL LOCATION	<u>well - approximately 280 feet west and 270 feet south (NE ¼ NE ¼) of the NE ¼ corner of Section 29, T1N, R7E (lat/lon N44.06.418 W-103.17.570) – pond SE ¼ NW ¼, NE ¼ SW ¼ Section 29, T1N, R7E.</u>

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells One
- 3) Depth(s) 1307 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

- 1) Diameter 12 ¾ and 8 5/8 inches
- 2) Length 955 feet
- 3) Type Steel

Screen:

- 1) Type none
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Crown
- 2) Model _____
- 3) Size 10 stage
- 4) Capacity 360 GPM

Motor:

- 1) Make Franklin
- 2) Model No. _____
- 3) Horsepower rating 100 hp

SYSTEM TYPE: Underground sprinkler system

(continued)

POND INFORMATION:

- 1) Surface area approx. 1 ½ acres (road creates a berm)
- 2) Depth 25 feet
- 3) Approx. storage 15 ac-ft
- 4) Date constructed: between 2001 and 2002

PUMP INFORMATION AT THE POND –

three pumps exist

- 1) One Flowtronics 2 ½ hp pump
- 2) Two 60 hp Newman motors (model BFD) with pumps

Capacity 1,300 GPM (combined)

CHEMIGATION EQUIPMENT: Do Not Chemigate

PERMIT QUALIFICATIONS:

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

NOTES

There was a snow storm the night before this licensing investigation was conducted. Therefore, I was not able to personally view the location of all the irrigated acres. I use the maps that Mr. Buntrock provided to approximate the location of the irrigated acreage. The well, pond and pump house were personally viewed at the time of the licensing investigation.

Only one of the ponds was constructed

The diversion rate from the well is 0.80 cfs which is below the authorized rate of 1.33 cfs. The diversion rate from the pond to pressurize the underground sprinkler system is greater than the 1.33 cfs authorized by Water Permit No. 2458-2. Mr Buntrock stated that the maximum diversion rate from the pond is 1,300 gpm (2.90 cfs). So the application rate to the turf is greater than the appropriation from the Madison Formation and is also greater than the statutory limit of 1 cfs per 70 acrs. I suggest issuing the water license for the 0.80 cfs diversion rate from the well. This report will serve as documentation that the application rate was greater than the 1.33 cfs stated in the permit.

Water Permit No. 2458-2
Red Rock Development Company, LLC

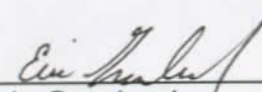


2,000 1,000 0 2,000 Feet



Well located in the NE 1/4 NE 1/4 Section 29, T1N, R7E
Lat/Lon -- N44.106967 W -103.2928
Pond located in the SE 1/4 NW 1/4 Section 29, T1N, R7E
Lat/Lon -- N44.0165 W - 103.3042

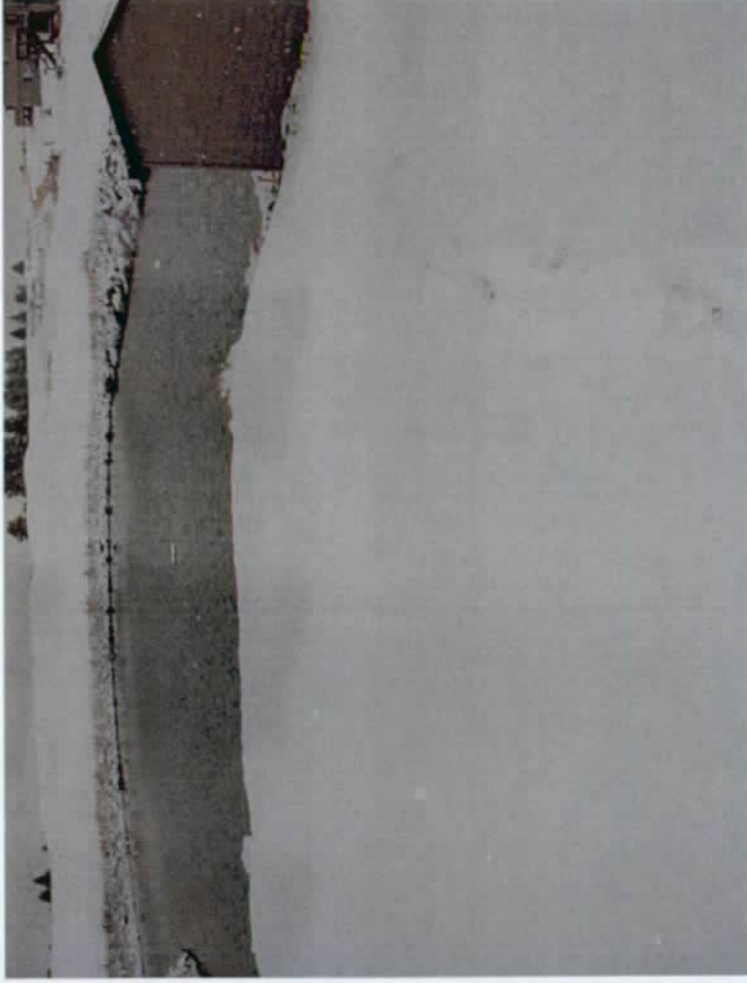
The outlined area serves only as a general representation of the irrigated acres.


Eric Gronlund
Water Rights Program, DENR
October 31, 2003

Water Permit No. 2458-2, Red Rock Development Company, LLC



RED ROCK WELL



REGULATING POND & PUMPHOUSE

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2458-2

(1) Red Rock Development Company, LLC, 6520 Birkdale Drive, Rapid City SD 57702 made Application No. 2458-2, March 30, 2001 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for irrigation purposes. Permit No. 2458-2, with a priority date of March 30, 2001 was approved July 11, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 11, 2006 and for the application to beneficial use of water on or before July 11, 2010.

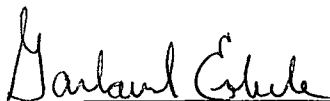
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2458-2 is issued a license, bearing a priority date of March 30, 2001 to appropriate 0.80 cubic feet of water per second from groundwater (one well) to a storage pond (15 acre feet storage capacity) to irrigate 107 acres of a golf course.

The diversion points are located: well – approximately 280 feet west and 270 feet south of the northeast corner (NE ¼ NE ¼) Section 29; storage pond - SE ¼ NW ¼, NE ¼ SW ¼ Section 29; all in T1N-R7E.
The acres authorized for irrigation are as follows:

Section 29-T1N-R7E	NW ¼	44 acres	N ½ SW ¼	15 acres
	NE ¼	44 acres	N ½ SE ¼	4 acres
Total 107 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2458-2 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2458-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2458-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- 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. 2458-2 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 20 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 20 2004

2458-2

Red Rock Development Company LLC
%Kevin Buntrock
6520 Birkdale Drive
Rapid City SD 57702

Dear Mr. Buntrock:

Enclosed is Water License No. 2458-2. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Public Works Department

300 Sixth Street
Telephone: (605) 394-4154
FAX: (605) 394-6636
Web: www.rcgov.org

RECEIVED

JUL - 6 2010

WATER RIGHTS
PROGRAM

July 1, 2010

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

Enclosed please find a Notice of Transfer of Ownership application. This is to transfer Water Right 2458-2 from Red Rock Development Company to the City of Rapid City. The City of Rapid City plans to continue using this water right for irrigation purposes. The City's ownership is in the well and its diversion point. The ponds will remain in the ownership of the Red Rock Development Company. My understanding is this water right allows for 0.80 cfs (360 gpm) with a maximum of 107 ac-ft annually between April 1st and September 30th.

Thank you and please feel free to contact me at (605) 394-4154 should you have any questions.

Sincerely,

Robert B. Ellis, P.E.
Public Works Director



EQUAL OPPORTUNITY EMPLOYER

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

Water Right/Permit No. 2458-2Date: 7-1-2010

I/We request that Water Right/Permit No. 2458-2 formerly owned by:
Red Rock Development Company LLC be transferred to:

New Owner Name: City of Rapid City
Address: 300 Sixth Street
City, State, Zip Rapid City SD 57701-2724 Telephone No. 605-394-4154

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

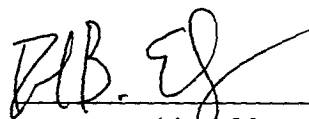
Lot H2 of NE1/4 NE1/4 1N-07E SEC 29

- ☒ I understand that the validity of Water Right/Permit No. 2458-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, City of Rapid City, the new owner, certify that the above information is true and correct.

 City of Rapid City
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/21, 2010

RECEIVED OF City of Rapid City 300 6th St Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2458-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04593**

By *[Signature]* *[Signature]*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2010

2458-2

Robert Ellis, PWD
City of Rapid City
300 6th St
Rapid City SD 57701 2724

Dear Mr. Ellis:

I am writing in follow-up to the "Notice of Transfer of Ownership" form and filing fee submitted for transferring ownership of Water Right No. 2458-2. The ownership change has been completed. The water right formerly listed in the name of Red Rock Development Company LLC is held by the City of Rapid City.

Enclosed for your records is Receipt No. 04593 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2016

denr.sd.gov

Water Right No. 2458-2

Dale Tech, Director
Public Works, City of Rapid City
300 6th Street
Rapid City SD 57701

Dear Mr. Tech:

Over the years the Water Rights Program of the Department of Environment and Natural Resources has worked with Rapid City on water right permitting issues. Commonly, this involved prior Public Works Directors or John Wagner who has retired as the city's Water Superintendent.

The purpose of this letter is to inquire whether the water use from the well associated with Water Right No. 2458-2 held by the city is solely irrigation use at Red Rock golf course? South Dakota permits water by the type of use and if the well is now connected to the city water system an amendment to the water right is necessary to add "municipal use" as an authorized use of water.

Red Rock obtained Water Right No. 2458-2 for irrigation of the golf course in 2001. In 2010, Water Right No. 2458-2 was transferred to the city of Rapid City. A letter accompanying the transfer of ownership form from Robert Ellis, then Public Works Director, states "The city of Rapid City plans to continue using this water right for irrigation purposes."

This permit question arose during a recent review of applications filed by Countryside Homeowner's Association. The Association filed applications to change the use of their wells from suburban housing development to irrigation use in order to supplement irrigation at Red Rock golf course, since the city now supplies water to the Association.

Enclosed is a copy of Water License No. 2458-2, the transfer of ownership submitted to put the water right in the city's name, the letter from Mr. Ellis that accompanied the transfer of ownership and a map showing the approximate location of the well.

As stated previously, if the well is used for municipal purposes an amendment to add this municipal use to the water right is necessary. Application forms can found at <http://denr.sd.gov/des/wr/watrightsapps.aspx>. If you or your staff have any questions regarding water permitting, please do not hesitate to contact me.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures

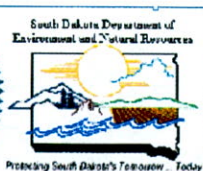
WATER RIGHT NO. 2458-2, CITY OF RAPID CITY



0 305 610 1,220 1,830 2,440
Feet



Well located in the NE 1/4 NE 1/4 Section 29, T1N, R7E
Lat/Lon -- N44.023665 W -103.292956



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2458-2

(1) Red Rock Development Company, LLC, 6520 Birkdale Drive, Rapid City SD 57702 made Application No. 2458-2, March 30, 2001 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for irrigation purposes. Permit No. 2458-2, with a priority date of March 30, 2001 was approved July 11, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 11, 2006 and for the application to beneficial use of water on or before July 11, 2010.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2458-2 is issued a license, bearing a priority date of March 30, 2001 to appropriate 0.80 cubic feet of water per second from groundwater (one well) to a storage pond (15 acre feet storage capacity) to irrigate 107 acres of a golf course.

The diversion points are located: well – approximately 280 feet west and 270 feet south of the northeast corner (NE ¼ NE ¼) Section 29; storage pond - SE ¼ NW ¼, NE ¼ SW ¼ Section 29; all in T1N-R7E.

The acres authorized for irrigation are as follows:

Section 29-T1N-R7E	NW ¼	44 acres	N ½ SW ¼	15 acres
	NE ¼	44 acres	N ½ SE ¼	4 acres
Total 107 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2458-2 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2458-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2458-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- 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. 2458-2 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 20 2004

date



2458-2



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Public Works Department

300 Sixth Street

Telephone: (605) 394-4154

FAX: (605) 394-6636

Web: www.rcgov.org

RECEIVED

JUL - 6 2010

WATER RIGHTS
PROGRAM

July 1, 2010

PMB 2020

DENR – Water Rights Program

523 E Capitol Avenue

Pierre, SD 57501-3182

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Robert B. Ellis, P.E.
Public Works Director



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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JUL - 6 2010

WATER RIGHTS
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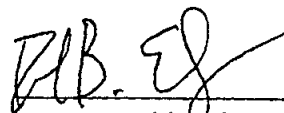
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No. 2458-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2458-2, city of Rapid City

ADDRESS: 57560 COUNTY: Pennington County

DATE: December 14, 2016 TELEPHONE:

RE: call from Dan Coon with Rapid City

Mr. Coon called in response to my December 8, 2016, letter to Dale Tech regarding the water use from the well authorized by Water Right No. 2458-2. It is currently listed as solely for irrigation use. Mr. Coon indicated that its use continues to be used only for irrigation purposes at Red Rock and is not hooked into the city's distribution system. He indicated that is in the 2017 budget to begin doing the engineering work needed in order to connect the well into the city's distribution system. He is now aware that this will include the need to amend the water right to add municipal use..

NAME: Eric Hundlund