

WATER PERMIT NO. 2461-2

Name of Applicant: Colonial Pine Hills Sanitary District

Address: 4605 Dunsmore Rd, Rapid City SD 57702

Phone: 605 348-3113

Amount of Water Claimed: 0.33 cfs (150 gpm)

Total Acres: NA

Source of Water Supply: groundwater (1 well)

Water to be used for: suburban housing development

County: Pennington

Type of Waste Disposal System: septic tank with drainfields

Location:

PRIORITY

Date Received: 5-3-2001

Fee: \$225

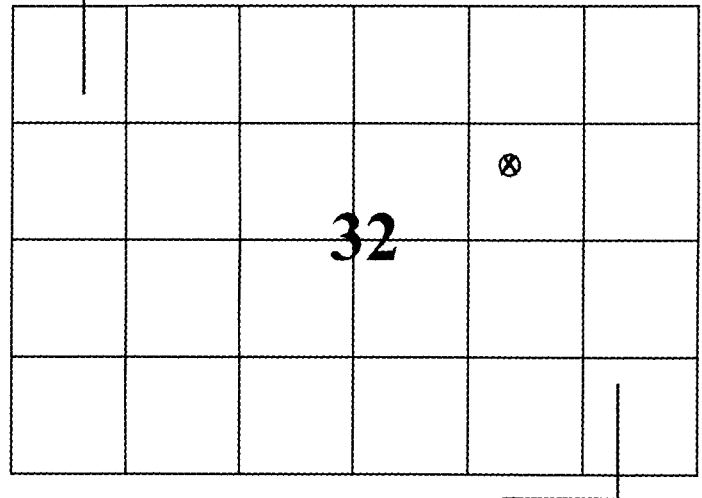
Corrected Application Received: :

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 32-T1N-R7E

Land to be Irrigated: NA



Depth of Well: 1200 feet deep

Well Driller: :

Remarks:

Type of Map: plat

Prepared by: Theodore F Schultz, PE

Reviewed and the Number Assigned on: 5-7-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2461-2

Date of first receipt of application May 3, 2001.

The Water Management Board approved Water Permit Application No. 2461-2 on December 5, 2001 for Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, 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. 2461-2 appropriates 0.33 cubic feet of water per second (150 gallons per minute) from 1 well (Madison Formation) approximately 1200 feet deep located in the SE ¼ NE ¼ Section 32-T1N-R7E.
2. The water appropriated shall be used for the purpose of supplying water for a suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is May 3, 2001.
5. One-fifth of the construction is to be completed on or before June 5, 2004.
6. All construction is to be completed on or before December 5, 2006.
7. Water is to be put to beneficial use on or before December 5, 2010.
8. 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. 2461-2 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. 2461-2 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. 2461-2 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. Colonial Pine Hills Sanitary District shall report to the Chief Engineer the amount of water withdrawn each year from the Madison Formation.

WATER MANAGEMENT BOARD

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

APR 16 2002

date



No. 2461-2 (office use only)
Hydrologic Unit 10120110
Basin Upper Cheyenne
Newspaper Rapid City Journal, Rapid



<u> </u> Municipal	<u> X </u> Suburban Housing	<u> </u> Recreational	<u> </u> Institutional
<u> </u> Rural Water System	<u> </u> Commercial	<u> </u> Fish & Wildlife	<u> </u> Geothermal Heat
<u> X </u> Domestic (over 18 gpm)	<u> </u> Industrial	<u> </u> Other	

Type of Application: X New Vested Right (Use predates Mar 2, 1955) Future Use Reservation
(check one)

 Place to Beneficial Use Water Reserved by Future Use Permit No. _____
 Amendment/Correction to Permit No. _____

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

1. Name of Applicant Colonial Pine Hills Sanitary District Phone 605-348-3113
(check one) X Owner _____ Tenant/lessee _____
Mailing Address 4605 Dunsmore Rd., Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.33 *CFS or 150 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Madison Fm.
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 Well in the SE 1/4 of the NE 1/4 of Section 32, T1N, R7E, BHM, Pennington County, SD. Approx. well location 850 ft. west and 1600 ft. south of the northeast corner of Section 32, T1N, R7E. County Pennington
5. County or counties where water will be used Pennington
6. Annual period during which water is to be used Yearly (Jan. 1 to Dec. 31)
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The proposed well is planned for Lot 9 owned by CPHSD located at the intersection of Nonanna Street and Dunsmore Road in the eastern portion of the district. The purpose of the Nonanna Street Well and Dunsmore Road 8" PVC Water Main is to increase supply for the Countryside South system and to increase system pressure and fire protection for the Whispering Pines system.

STATE OF SOUTH DAKOTA) SS
County of Pennington)

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

I, Jim Jester – President of CPHSD, 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

Subscribed and sworn to before me this 1st day of May 2001

Notary Public signature

my Commission Expires: 3-26-06

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" Depth 1200 ft.
- b) Casing Type New Steel Diameter 10.75" Thickness 0.25"
- c) Screen Type Unknown Diameter NA Thickness NA
- d) Gravel Pack Unknown Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 450 ft.
- f) Depth to Water (ground surface to water level) 800 ft.
- g) Distance to nearest existing domestic well:
On applicants property 1,100 ft. On property owned by others 1,300 ft.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank with Drainfields on Individual Lots
- b) System Capacity (gallons) Varies Year Constructed Various
- c) Connected to the City of NA Sanitary System NA

3. Dugout Information

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

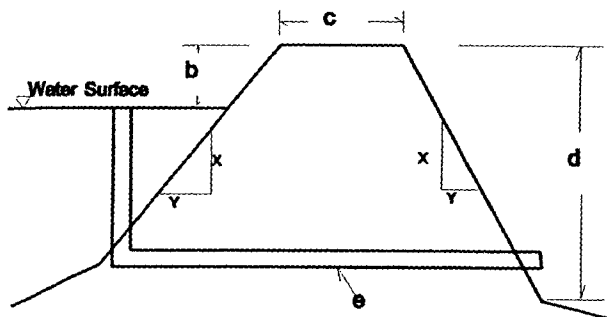
4. Water Storage Dams

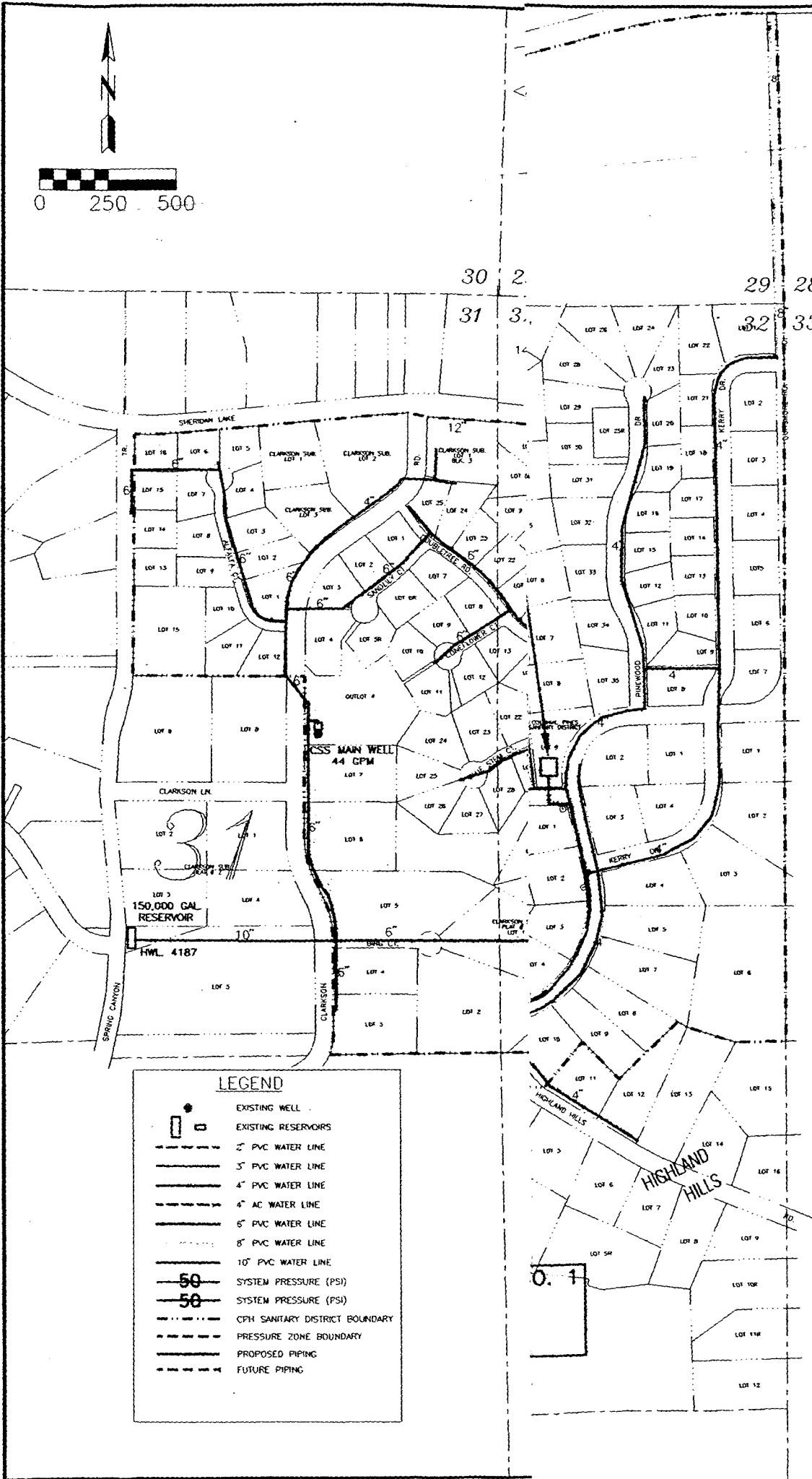
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

NA

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





1830 West Fulton Street
Rapid City, SD 57702
1021 Junction Avenue
Sturgis, SD 57785
Phone: (605) 341-7800
cetecc@rushmore.com



4/31/01

COLONIAL PINE HILLS SANITARY DISTRICT NEW WELL AND PIPING LAYOUT

2461-2

FIGURE A

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2461-2

07-92

Location SE 1/4 NE 1/4 Sec 32 Twp 1 N Rg 7 E

County

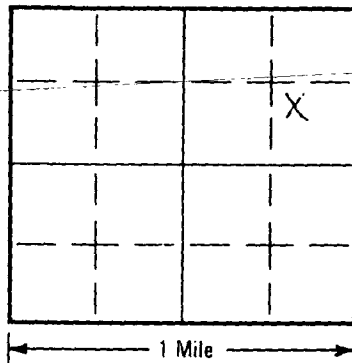
Pennington

Please mark well location with an "X"

W

E

Well Completion Date

May 30, 02

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Air RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>40.5 LB/FT</u>	<u>10 3/4 IN</u>	<u>0</u> FT	<u>46</u> FT	<u>13 1/2 IN</u>
<u>23 LB/FT</u>	<u>7 IN</u>	<u>0</u> FT	<u>680</u> FT	<u>9 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>I-II</u>	<u>35</u>	<u>14</u> lb./gal	<u>0</u> ft	<u>46</u> ft
<u>I-II</u>	<u>300</u>	<u>14</u> lb./gal	<u>0</u> ft	<u>680</u> ft

Describe grouting procedure Pressure Grouted through casing - Bond Logged & SqueezedSCREEN: ☐ 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: chlurhine solution
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

MidcoventWell Owner: Colonial Pine Hills Sanitary Dist.

Same

Business Name:

4605 Dunsmore Rd

Address:

Rapid City, SD 57702

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Gravel, Red + white Clay + Red S.S.</u>	<u>0</u>	<u>20</u>
<u>White + Purple clay with layers of L.S. & chert</u>	<u>20</u>	<u>40</u>
<u>Yellow S.S.</u>	<u>40</u>	<u>60</u>
<u>MinnekaUSA</u>	<u>40</u>	<u>630</u>
<u>Madison</u>	<u>630</u>	<u>1050</u>
<u>Englewood</u>	<u>1050</u>	<u>1055</u>
<u>Purple L.S.</u>		

STATIC WATER LEVEL 466.15 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

660 ft. After 7 Hrs. pumped 105 GPM1050 ft. After 17 Hrs. pumped 150 GPM

If pump installed, pump rate _____ GPM

REMARKS

See Attached Reports For Drilling Sample & Test PumpThis well was drilled under license # 8331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIVED

JUN 18 2002

WATER RIGHTS PROGRAM

Colonial Pine Hills Sanitary District

Well completed May 30, 2002

Nonanna Street Well

Drilling Sample Report:

0-10	gravel, red clay and sandstone
10-20	gravel, white, red and purple clay
20-30	white and purple clay and white limestone
30-40	purple and red clay, white limestone and chert
40-60	yellow sandstone
60-70	yellow to white sandstone
70-80	red shale and sandstone
80-100	yellow to pink sandstone
100-110	yellow sandstone, white and red dolomite
110-120	red siltstone, white and yellow dolomite
120-130	pink, yellow and red sandstone
130-140	white, light brown and red limestone and red sandstone
140-150	tan limestone
150-170	red siltstone, pink and yellow limestone
170-190	red siltstone, red clay and yellow limestone
190-200	red and pink sandstone, red and purple clay
200-210	red siltstone and shale, pink and white limestone
210-220	red siltstone and shale, pink and white limestone
220-230	red sandstone
230-240	red sandstone and red dolomite
240-250	pink and red dolomite
250-260	pink and white sandstone
260-270	yellow and red sandstone
270-280	red and purple shale and white limestone
280-290	white, pink and yellow sandstone
290-300	red and yellow sandstone
300-310	red and purple clay, white and red limestone
310-320	red, pink and white limestone
320-330	red and white limestone and purple siltstone
330-340	pink limestone
340-350	white limestone, purple shale and siltstone
350-360	white and purple limestone, red and purple dolomite
360-370	pink and white limestone and red dolomite
370-390	red shale
390-400	red and purple shale, white and red limestone
400-410	red and purple dolomite, red and purple limestone
410-420	red dolomite
420-430	red and purple dolomite
430-440	red to light purple dolomite
440-450	red dolomite, purple siltstone, white limestone
450-460	red dolomite

RECEIVED

JUN 18 2002

**WATER RIGHTS
PROGRAM**

460-470	red dolomite, tan and purple limestone
470-480	purple dolomite, white dolomite
480-490	white, pink and red dolomite
490-500	red and pink dolomite
500-510	pink, red and white limestone
510-520	purple limestone
520-530	yellow limestone
530-540	yellow to white limestone
540-550	white limestone
550-570	yellow limestone
570-580	yellow and red dolomite
580-590	tan limestone and red dolomite
590-600	tan limestone
600-620	red shale and white limestone
620-630	white limestone and red siltstone
630-640	madison - white limestone
640-660	white limestone and some yellow limestone
660-670	white and yellow limestone and red shale
670-680	red shale and white limestone
680-720	white limestone
720-730	white dolomite
730-750	white limestone
760-770	white limestone, red shale, black sandstone and siltstone
770-780	white limestone and red shale
780-790	white limestone and chert
790-800	yellow and pink limestone
800-810	white limestone
810-830	white and pink limestone
830-840	white and tan limestone
840-870	white limestone
870-880	white and pink limestone
880-890	white limestone
890-900	light brown and yellow limestone
900-920	white, tan, pink and yellow limestone
920-930	white limestone
930-940	off white limestone
940-950	off white to white limestone
950-960	off white limestone
960-990	white limestone
990-1000	off white limestone
1000-1040	tan limestone
1040-1050	white, pink and tan limestone
1050-1055	white limestone, purple limestone englewood

Static Water Level 466.15 ft. from surface

Air Development Test:

660' - 105 gpm 7hrs.
760'-800' - 150 gpm 17hrs.
1050' - 150 gpm 17 hrs.

Water would not clear up below casing. Red shale, red clay, white clay, white limestone coming from 760'-800' zone. Water looked real good producing well from inside casing.

Colonial Pine Hills Sanitary District

Nonanna Street Well

Test Pump Data

May 29, 2002

Pump intake at 675' Ground level

<u>TIME</u>	<u>WATER LEVEL</u>	<u>G.P.M.</u>	<u>COMMENTS</u>
7:30 AM	466.10	0	
7:31	489.6	117	
7:32	492.15	117	
7:33	492.9	117	water slightly cloudy
7:34	493.4	117	
7:35	493.5	117	
7:36	493.7	117	
7:37	493.75	117	water looks sediment
7:38	493.8	117	free
7:39	493.85	117	
7:40	493.9	117	
7:50	494.1	117	
8:00	494.25	117	
8:10	494.25	117	
8:20	494.35	117	
8:30	494.35	117	
8:40	494.4	117	
8:50	494.45	117	
9:00	494.50	117	water crystal clear
9:10	494.50	117	
9:20	494.50	117	
9:30	494.50	117	
9:40	494.50	117	
9:50	494.50	117	
10:00	494.55	117	
10:10	494.55	117	
10:20	494.55	117	
10:30	494.60	117	
10:40	494.60	117	
10:50	494.65	117	
11:00	494.65	117	
11:10	494.65	117	
12:00	494.65	117	
1:00	494.65	117	
2:00	494.60	117	
3:00	494.60	117	
4:00	494.65	117	
4:47	494.65	117	

Stopped Test Pump

Colonial Pine Hills Sanitary District

Nonanna Street Well

Step Draw Down Test

Static Water Level from ground level 466.15 ft.

May 28, 2002 start test at 2:00 P.M.

<u>TIME</u>	<u>GPM</u>	<u>WATER LEVEL</u>	<u>COMMENTS</u>
2:00 PM	0	466.15	
2:10	65	477.85	water cloudy
2:20	65	477.70	same
2:30	65	477.70	same
2:40	65	477.70	same
2:50	65	477.70	water getting better
3:00	65	477.70	
3:10	85	483.60	
3:20	85	483.75	
3:30	85	483.70	water looks very clear
3:40	85	483.90	
3:50	85	483.95	no sediment
4:00	85	483.90	
4:10	85	483.90	
4:20	105	489.80	
4:30	105	489.95	
4:40	105	489.90	
4:50	105	489.95	
5:00	105	490.00	
5:10	105	490.00	water looks sediment free
5:20	105	490.00	
5:30	117	494.35	
5:40	117	494.35	
5:50	117	494.35	
6:00	117	494.45	
6:10	117	494.50	
6:20	117	494.55	
Stop Test			

Colonial Pine Hills Sanitary District

Nonanna Street Well

Test Pump Recovery Test

May 29, 2002

Measurements from ground level

<u>TIME</u>	<u>WATER LEVEL</u>
4:48 PM	472.0
4:49	468.3
4:50	468.0
4:51	467.7
4:52	467.45
4:53	467.3
4:54	467.2
4:55	467.15
4:56	467.00
4:57	466.95
4:58	466.9
4:59	466.85
5:00	466.85
5:01	466.8
5:02	466.8
5:03	466.8
5:04	466.8
5:05	466.75
5:06	466.7
5:07	466.7
5:08	466.65
5:09	466.65
5:10	466.65
5:20	466.55
5:30	466.55
5:40	466.50
5:50	466.45
6:00	466.4
6:10	466.35
6:20	466.35
6:30	466.30

Stopped Recovery Test



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416831

Pierre, May 3, 20 01

RECEIVED OF Colonial Pine Hills Sanitary Dist., 4605 Dunsmore Rd., Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

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

gm

**PROJECT SPECIFICATIONS
AND
CONTRACT DOCUMENTS**

**DUNSMORE ROAD WATER MAIN
AND NONANNA STREET WELL HOUSE
STATE REVOLVING FUND NO. C462270-01**

**COLONIAL PINE HILLS SANITARY DISTRICT
8251 DUNSMORE ROAD
RAPID CITY, SD 57702**

PREPARED BY:

**CETEC ENGINEERING SERVICES INC.
1830 WEST FULTON STREET
P.O. BOX 9014
RAPID CITY, SD 57709-9014**



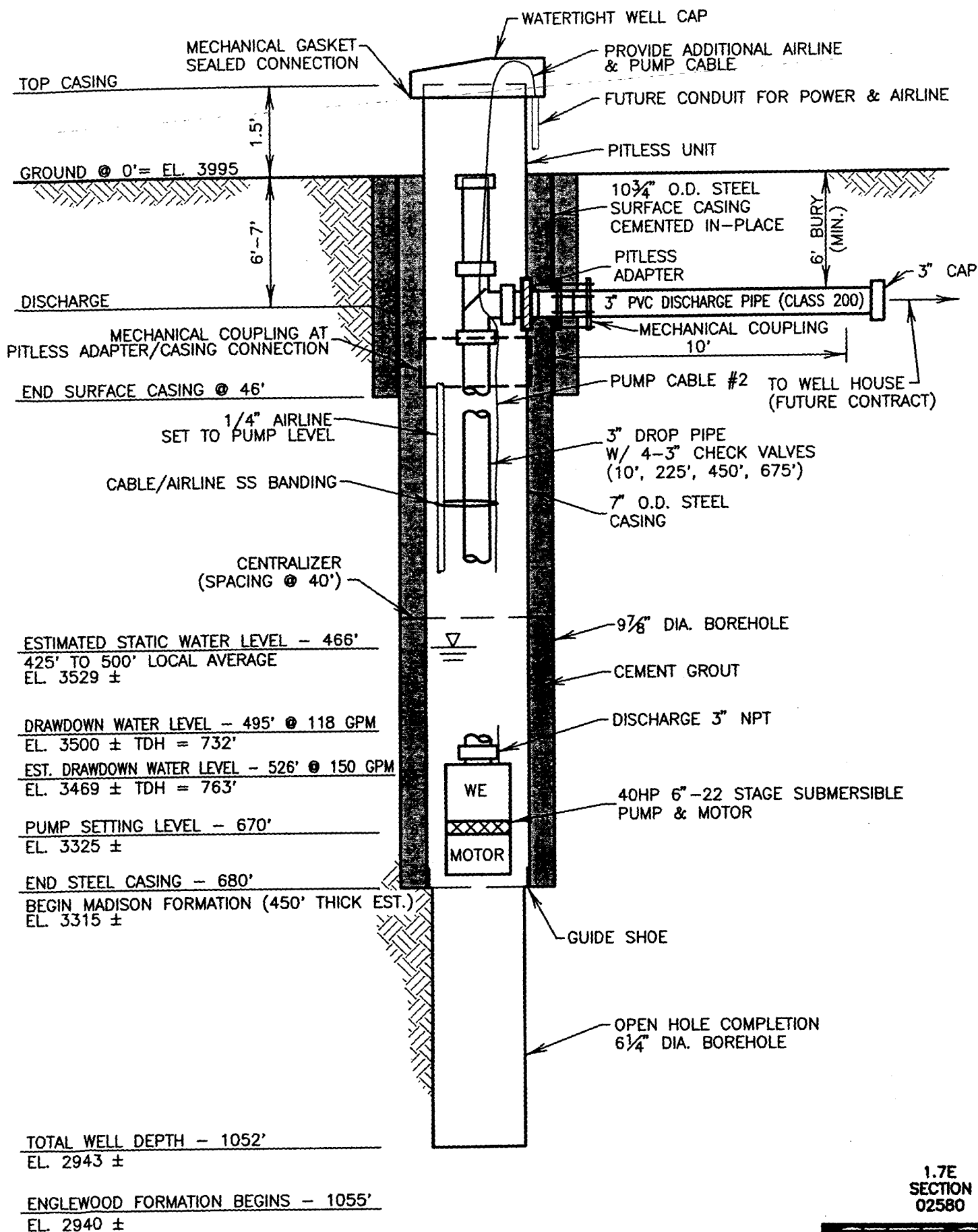
June 21, 2002

02-122
RECEIVED
JUN 27 2002
Division of Financial
& Technical Assistance

APPENDIX D

**Nonanna Street Well Schematic
AS CONSTRUCTED
May, 2002**

CSS TANK HWL EL. 4187



WELL CONSTRUCTION SCHEMATIC

1.7E
SECTION
02580

CETEC



cetec@rushmore.com

May 1, 2001

Water Rights Program, DENR
Attn: Eric Gronlund
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



RE: Colonial Pine Hills Sanitary District (CPHSD)
New Application For Permit To Appropriate Water

Dear Mr. Gronlund:

On behalf of the Colonial Pine Hills Sanitary District located in Pennington County I am forwarding two copies of the Application For Permit To Appropriate Water. The CPHSD is currently planning the addition of a new 150 gpm well, well house and 8" PVC water main to improve supply and reliability to customers of the district. The new well will supplement the current supply and serve existing suburban residential customers within the district. Enclosed are the following documents:

- ◆ Form 2: Application for uses other than irrigation
- ◆ Form 2A: Supplemental Information
- ◆ Figure A: CPHSD New well and piping layout map
- ◆ Filing Fee of \$275.00

Please review the application and call with any questions or clarifications required.

Sincerely,
CETEC Engineering Services, Inc.


Ted Schultz, P.E.

Cc: Jim Jester, CPHSD President

WATER PERMIT APPLICATION NO. 2461-2
COLONIAL PINE HILLS SANITARY DISTRICT
JUNE 1, 2001

Water Permit Application No. 2461-2 proposes to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from one well (Madison Limestone) approximately 1200 feet deep located in the SE¼ NE¼ Section 32, T1N-R7E, in Pennington County. The water is for suburban housing development use.

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 nearest Madison outcrop is located approximately one mile southwest of this well site (Darton, 1925) and (DeWitt, 1989). The top of the Madison is estimated to be approximately 750 feet below ground surface (Carter, 1999) at the proposed well site.

The mean potentiometric surface of the Madison aquifer is expected to be around 3525 feet msl (455 feet below grade) in this area (Strobel, 2000).

WATER AVAILABILITY:

The well site proposed by this application is located within four 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.

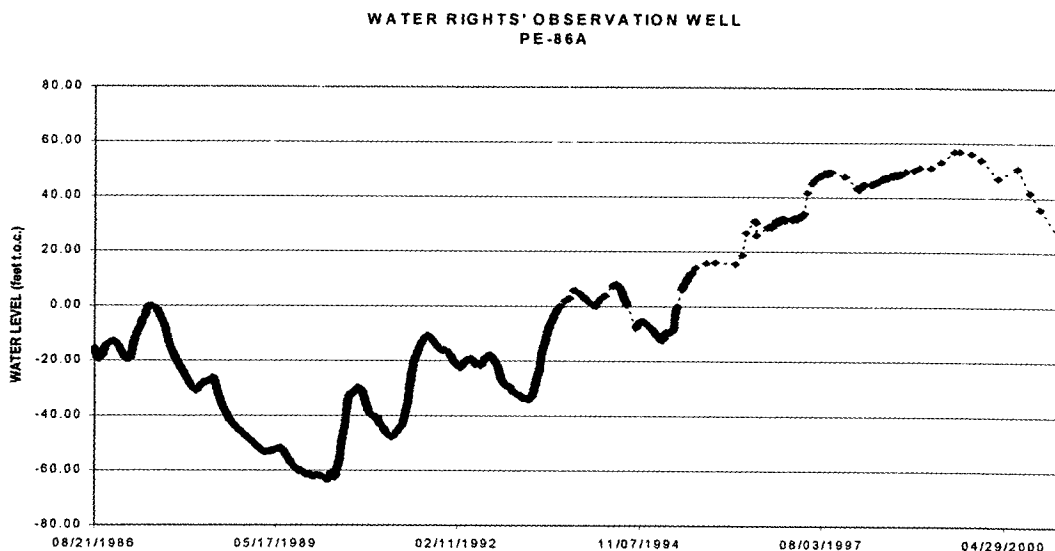


Figure 1. Hydrograph of Water Rights' Observation Well PE-86A, located approximately two and one-half miles southeast of the well site proposed by this application.

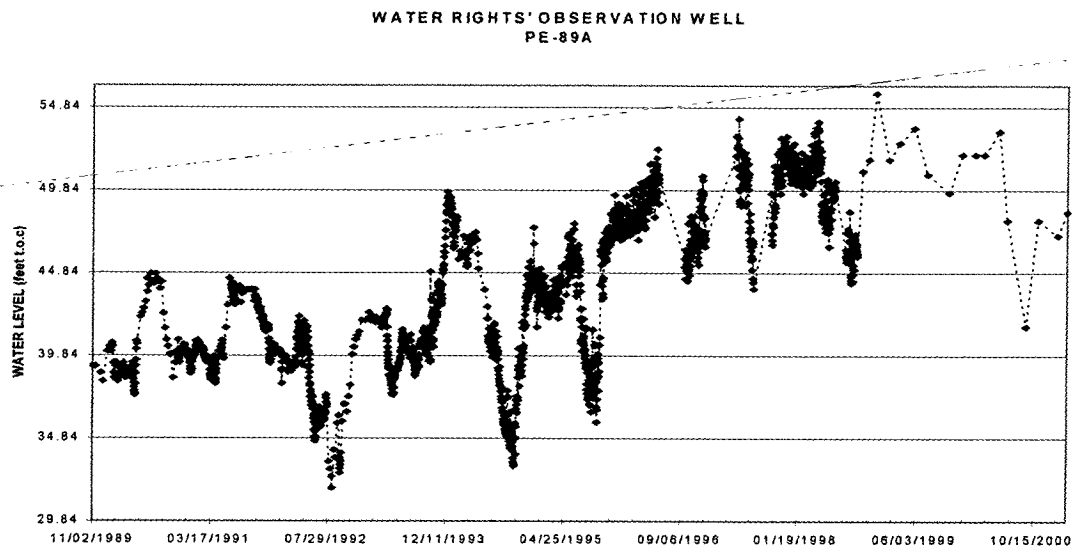


Figure 2. Hydrograph of Water Rights' Observation Well PE-89A, located approximately four miles north of the well site proposed by this application.

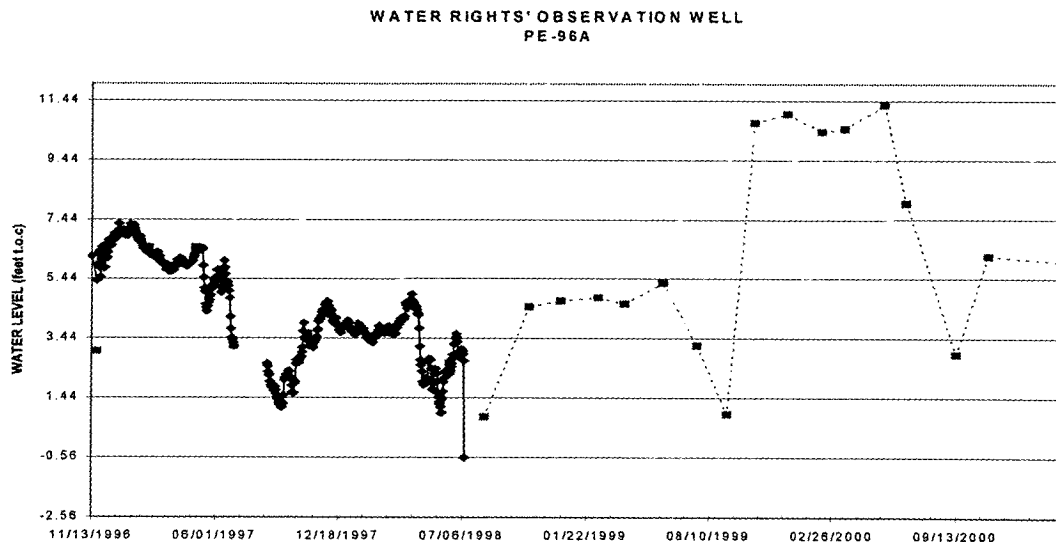


Figure 3. Hydrograph of Water Rights' Observation Well PE-96A, located approximately three and one-half miles northwest of the well site proposed by this application.

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 drinking water 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 239 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.

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. Six groundwater appropriations within two miles are from the Madison aquifer. They include:

Permit No.	Owner	Cfs	Use
1628-2	Copper Oaks Water Assoc.	0.05	SHD
1748-2	Warren Water Co. Inc.	0.03	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

The nearest Madison appropriation, No. 1965-2, Highland Hills Water Association, is located approximately 1250 feet south of 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 Highland Hill Water Assoc. 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 Highland Hill 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 one 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 Highland 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.

The well construction report for the Highland Hills well reports a static water level of 460 feet below grade in 1986, and the top of the Madison aquifer is reported to be approximately 645 feet below grade at the well (Water Rights, 1986). Therefore there is approximately 175 feet of head pressure in this well. Highland Hills bears the responsibility of lowering the pump inlet in the 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 Highland Hills has voluntarily constructed the 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.

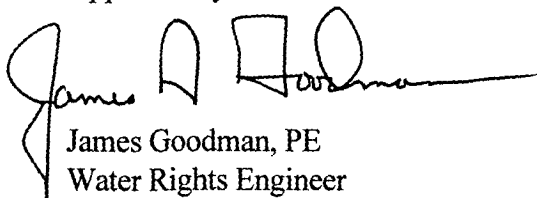
CONCLUSIONS:

1. This application proposes to appropriate 0.33 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.



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, 1986, "Water Permit File 1965-2", 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. 2461-2, Colonial Pine Hills Sanitary District**

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. 2461-2, Colonial Pine Hills Sanitary District, c/o Jim Jester, President, 4605 Dunsmore Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2461-2 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. 2461-2 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. 2461-2 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. 2461-2 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. Colonial Pine Hills Sanitary District shall report to the Chief Engineer the amount of water withdrawn each year from the Madison Formation.

See report on application for additional information.

Garland Erbele, Chief Engineer

June 7, 2001

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2001

June 21, 2001

Cost of Printing One hundred thirty
dollars and no cents (\$130.00)

Patricia K. Van Patten
 (Signature)

Legal Advertising Representative
 (Title)

June 21, 2001
 (Date Signed)



June 14, 21 L928045

**NOTICE OF
 APPLICATION NO. 2461-2
 TO APPROPRIATE WATER**

Notice is given that Colonial Pine Hills Sanitary District, 4605 Dunsmore Rd., Rapid City, SD 57702, has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from one well (Madison Formation) approximately 1200 feet deep located in the SE 1/4 NE 1/4 Section 32-T1N-R7E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2461-2 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) the proposed use is a beneficial use, 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 10:00 a.m. July 11, 2001, in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, S.D. 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

her
 393-0193
 \$50 or best offer.
 ENTERTAINMENT Cen
 587X72, 96, 120 \$40, 348-788
 Weave
 Champagne
 DRAPES, dry cleaned, open
 now for \$495. Call 719-9975
 used. No chairs. Was \$1000.

Instruction to Newspaper - Publish first Notice on June 14, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2461-2 to Appropriate Water

Notice is given that Colonial Pine Hills Sanitary District, 4605 Dunsmore Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from 1 well (Madison Formation) approximately 1200 feet deep located in the SE ¼ NE ¼ Section 32-T1N-R7E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2461-2 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) the proposed use is a beneficial use, 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.

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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

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June 7, 2001

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

ATTENTION: Legal Public Notice

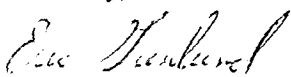
Enclosed is a Notice of Hearing on Application No. 2461-2 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2001 with the second publication 7 days later.

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 Jim Jester – President, Colonial Pine Hills Sanitary District, 4605 Dunsmore Rd., Rapid City, SD 57702 (Ph # 605-348-3113).

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. 2461-2

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

Date _____

We are in receipt of your letter of June 7, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2461-2 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
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NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 7, 2001

Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City, SD 57702

Dear Mr. Jester:

Water Permit Application No. 2461-2 for a suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2001

Richard Van Calligan
4908 Dunsmore Road
Rapid City SD 57702

Dear Mr. Van Calligan:

Please find enclosed a copy of the report, recommendation and public notice for Water Permit Application No. 2461-2 filed by Colonial Pine Hills Sanitary District. This application proposes to appropriate water from the Madison Formation for use in the housing development.

The enclosed notice of hearing will be published in the Rapid City Journal on June 14 and 21, 2001. Any person that wants to intervene in the hearing process must file a petition to intervene by July 2, 2001. Specifics on the process to intervene, the date, time and location of the hearing before the Water Management Board are included in the notice.

This information is being sent to you because of the past interest you have expressed in the water resources of this area.

Please feel free to contact Ken Buhler or myself if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



Nathan A. Barton
4725 Croyle Court
PO Box 3471
Rapid City, SD 57709

25 June 2001

Chief Engineer, Water Rights Program
Joe Foss Building
523 E Capitol, Pierre, SD 57501-3181

Dear Sir:

I am writing this letter in regards to Application No. 2461-2 to appropriate water for the Colonial Pine Hills Sanitary District.

There are a number of concerns that I have regarding the processing of the application and the approval, and am requesting a delay in accordance with the procedures in the public notice. The cost of constructing the well which is proposed is quite high, and the well is recommended by a draft engineering study to attempt to solve problems when there are other, non-engineering solutions which have not been fully explored.

The water from the well is planned primarily to serve the houses located in the Countryside South subdivision, in the western part of the Sanitary District. However, the draft study and other information provided by the Board of Directors of the District indicate that many of the water supply problems which Countryside South has are the result of poor design and construction of the water supply system as installed by the original developer of the subdivision. Although it is hindsight, it is obvious now that the District should have never accepted responsibility for system several years ago. At present, I understand that the Countryside South Homeowners Association is taking legal action against the development company to obtain damages, either from the company or from the company's insurance, which could be used to repair and correct the problems in the system. Correcting these problems should or could result in a situation where the current wells for the Countryside South system would be adequate for current and future demand, thus negating any need for an expensive new well and water distribution system improvements.

Until these issues are resolved, I believe that it is premature to take any action on approval of this water appropriation request. Therefore, I am asking that the July 11, 2001 hearing date be delayed at least twenty days, as stated in the public notice, to allow for additional review of the application. I also ask that no decision to approve the application be made until additional information is obtained and a full review is done.

I believe that I am qualified to be an interested party, as I and my family live at 4725 Croyle Court, which is about 200 yards from where the well is proposed to be located, and we are served by (and are voters in) the Colonial Pine Hills Sanitary District which is requesting the appropriation. (However, as currently proposed, our house would not actually use any water from the proposed well, which is rather interesting.) In any case, the cost of installing the well and related systems would almost certainly be paid by a loan either from the State Revolving Fund or USDA Rural Development. These loans would be paid back from revenue from our water fees or by imposing ad valorem taxes on our property. I naturally do not want to be charged any more than necessary to provide an adequate water supply.

Letter, Chief Engineer, 25 JUN 2001, Page 2

If this well and new water line is indeed the only solution, then I will not object to the application being approved, once all alternatives and issues have been considered and resolved. However, I do not believe that is possible at this time, and therefore, the decision should be postponed until additional information is available. There is considerable turmoil within the management and leadership of the District, as well, and until these issues are resolved, it is not a good idea to proceed. Delaying approval of this application will provide opportunities for the internal and external issues to be resolved, so that the proper decision can be made.

Respectfully,



Nathan A. Barton
(605) 348-9461

CF:

Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, Rapid City, SD 57702.

Mr. Eric Gronlund, Water Management Board, SD DENR, 523 East Capitol Pierre, SD 57501-3181

June 25, 2001



Water Management Board
C/O Mr. Eric Gronlund
SD Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

SUBJECT: APPLICATION NO. 2461-2 TO APPROPRIATE WATER

Dear Ladies and Gentlemen:

We request that the July 11, 2001 hearing date be delayed at least twenty days, as stated in the public notice, to allow for additional review of the application.

We live at 4908 Dunmore Road, approximately ¼ mile from the proposed location of the well, and are residents of the Colonial Pine Hills Sanitary District which the well would serve, and would have to pay for the well and water system to connect that well to the existing water systems in the District, either through taxes or through fees. In addition, the water line from the well is planned to pass either through our front yard or directly across the street from us. Therefore, we believe that we are interested persons. We oppose the application only until certain issues are resolved, to ensure that our District's money is not wasted and that the root causes, not just symptoms, of our District's existing water system problems are solved.

These issues are, at minimum:

1. We do not believe that adequate review of the impact on the well currently used by Highland Hills has been performed. Although this is an artesian well, the well and pump was in place long before the Water Management Board promulgated the rules regarding adequate depth of water, and therefore, these rules may not apply in this "grandfathered" case, and Highland Hills therefore might not bear the responsibility of lowering the pump inlet as stated in the analysis. This cost would therefore be the obligation of our own District, and thereby could significantly increase the costs to the District and therefore to the water users/residents of the District. This issue needs to be adequately reviewed and decided before the application is approved.
2. The analysis does not mention or discuss the existing Colonial Pine Hills Sanitary District well located at the south end of Dunsmore, approximately ¾ mile from the proposed location of the new well, nor any potential impact on this well. We understand that the existing well is approximately 1200 feet deep and is therefore likely to be located in the same level of the Madison aquifer as the proposed well. This existing well supplies an existing water system in the District which already has problems with both supply and pressure. Therefore, before this application is approved, potential impacts need to be addressed.
3. The application was submitted based on needs identified in a draft or preliminary engineering report which was prepared for the Colonial Pine Hills Sanitary District, but other portions of the draft report indicate that there may be other, less costly solutions to the water supply problems facing the District. Before additional wells such as this one are approved, these other alternatives need to be fully analyzed and the report finalized. Therefore, we believe that this application is premature and should not be approved until

these issues are resolved; it may be that this well and additional appropriation of our limited water resources is not required.

4. The study we refer to above identifies problems with the existing water system, including mains, reservoirs, and pumping requirements, which need to be adequately addressed before the system will be able to take advantage of additional water supplies such as that which would be made available by the appropriation now being applied for. Therefore, we do not believe that the District would be able to beneficially use this additional appropriation of water until these other problems are corrected. So we believe that approval of this application would be premature.
5. The study also addresses the fact that apparently the existing wells which the district has are not being operated at their full capacity, and are being operated at a rate much lower than the rate for which previous appropriations have been granted by the State. Therefore, there is some question (which needs to be resolved prior to granting this appropriation) whether an additional appropriation of water from the Madison (or any other source) is actually needed.
6. According to the report, there is some question as to whether the proposed well would indeed be able to supply water at the rate being proposed for an appropriation. We have been told that the District can plan definitely only on providing water from this well to a part of the District, unless the well proves able to provide water at a much greater rate than seems likely at this time. If only some of the water appropriation for which application is being made can be provided by this well, many of us on Dunsmore, who have problems of water supply and pressure, will see our yards torn up for a water main which will supply some of the District but not us. In addition, there would appear to then be a need to apply for an additional well permit at some other location and increased costs to further modify the system. We request that these issues be resolved before the appropriation is granted.
7. The application is based on anticipated needs based on current (and we believe, often excessive) consumption by some of the water users of the Colonial Pine Hills Sanitary District. Before approval is given to appropriate more water, we believe that the State should require that more conservation measures be implemented. These should be made a condition of granting any appropriation, provided that such conditions are allowed under existing law.

In conclusion, we ask that the Board delay consideration of this application for appropriation until the above issues are resolved and additional information provided for inclusion in the analysis by the DENR, and that approval not be granted unless it is shown that this appropriation is the best solution to the need, and that the need actually exists. Otherwise, the proposed use will not be demonstrated to be either beneficial nor in the public interest.

We also wish to point out that the notice of application and the analysis do not appear to address several items adequately. We do not believe that this is due to any fault of the Department, but simply that adequate information was not provided to the Department in the application.

1. The notice states: "The water is for a suburban housing development." What is not stated is that the water would be provided to a housing development which is located more than ½ mile west of the well, which is located in the middle of another housing area entirely. As discussed above, unless the well produces more water than it is apparently expected to supply, the housing area in which the well is located would not receive any water, either directly or indirectly, from this well. It should also be noted that the housing development to be supplied by this proposed well is less than 10 years old and already

has received appropriation of water supplies from the State which were deemed adequate for the current and anticipated future development of the area. Therefore, this appropriation may be excessive for their needs.

2. The analysis states: "This application proposed 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." This is both a highly simplified and misleading statement. Media reports did not dwell overmuch on problems in our District, but in surrounding areas. The causes of water shortage problems in our District for us and other water users was not due to "infrastructures not keeping pace", as our own housing area has not increased significantly in population in the past decade, but due to a lack of proper operation and maintenance and replacement of aging systems. In addition, the causes of water shortage problems in the other housing area in our District (which this well is to supply) was again not due to "infrastructures not keeping pace" (the system was built less than a decade ago and was designed to serve a larger number of houses than are presently constructed), but instead was due to very high consumption by some homeowners who have refused to implement or follow even the most basic conservation measures. We do not know the reason for this, but the situation is much more complex than is apparent from the review.
3. As discussed above, the review does not seem to include the District's well located about $\frac{3}{4}$ mile south of the proposed new well, which we believe is located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, T1N-R2E.

Sincerely,

Richard Van Calligan
Ardis Van Calligan

Mr. and Mrs. Richard Van Calligan
4908 Dunsmore Road, Rapid City, SD 57702
341-5716

CC:

Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, Rapid City, SD 57702.
Chief Engineer, Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501-3181

**HIGHLAND HILLS WATER ASSOCIATION
8888 HIGHLAND HILLS ROAD
RAPID CITY, SD 57702**



6-19-01

Garland Erbele, Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Mr. Erbele,

This petition opposes Application No. 2461-2 to Appropriate Water, as submitted by Colonial Pine Hills Sanitary District (CPHSD), Rapid City, SD. Highland Hills (Permit No. 1965-2) is located adjacent to the Whispering Pines Subdivision, one of the developments located in CPHSD. Our well is located 1250 feet from this proposed new appropriation, hence our interest in the application.

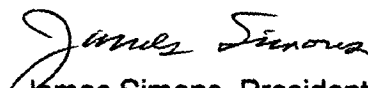
We are concerned about the high volume of water usage in the application, 0.33cfs or 150 gallons per minute which is proposed to be pumped over 2000 feet to Countryside South, another development within CPHSD. Countryside South is a high density, city-type development located in the country, with covenants that require lawn cultivation and watering. We are permitted 0.10 cfs or 25 gallons per minute (though our usage is below that level), and we are concerned with our close proximity that our well with prior water rights will be adversely affected by this new proposed well.

There is undeveloped land adjacent to Countryside South, and the possibility exists of further neighborhood expansion, with even more water being exported to homes that are a great distance from this new well.

On page 4 of the Water Permit Application No. 2461-2, old statistics were quoted regarding the water characteristics at the Highland Hills well. Perhaps data newer than 1986 is needed to learn of the current water conditions in the area.

Because of these concerns the Highland Hills Water Association opposes this application and we urge the Water Management Board to deny this application at its July 11th meeting.

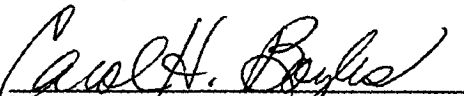
Sincerely,

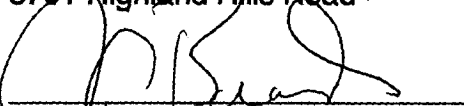

James Simons, President
Highland Hills Water Association
8888 Highland Hills Road
Rapid City, SD 57702

cc: Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City, SD 57702

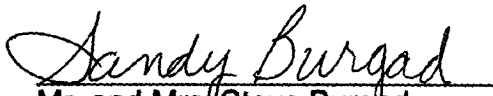
We the undersigned members of Highland Hills Water Association agree with the attached petition opposing Application No. 2461-2 to Appropriate Water.


Mr. and Mrs. John Beegle
8715 Highland Hills Road

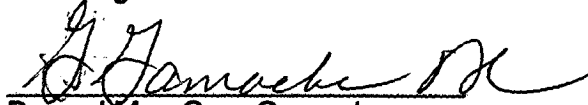

Mr. and Mrs. Lee Boyles
8701 Highland Hills Road


Mr. and Mrs. Jack Brand
8703 Highland Hills Road

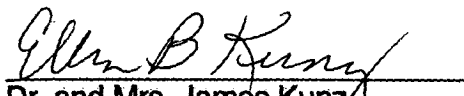

Mr. and Mrs. Roy Brumbaugh
8707 Highland Hills Road

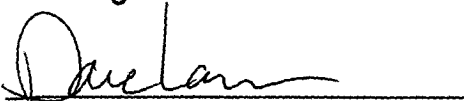

Mr. and Mrs. Steve Burgad
8712 Highland Hills Road

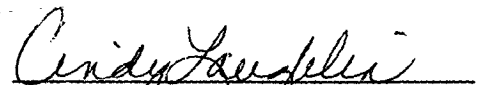

Mr. and Mrs. Dave Deeny
8801 Highland Hills Road

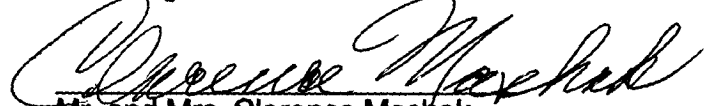

Dr. and Mrs. Gary Gamache
8617 Highland Hills Road


Mr. and Mrs. George Jewett
8704 Highland Hills Road

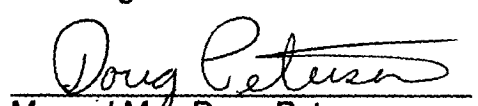

Dr. and Mrs. James Kunz
8607 Highland Hills Road

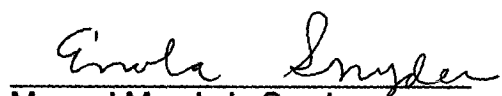

Mr. and Mrs. David Larsen
8903 Highland Hills Road

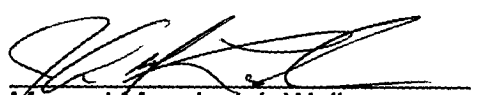

Mr. and Mrs. John Laughlin
8811 Highland Hills Road


Mr. and Mrs. Clarence Mashak
8612 Highland Hills Road


Mr. Fred Nielsen
8708 Highland Hills Road


Mr. and Mrs. Doug Peterson
8611 Highland Hills Road


Mr. and Mrs. Lyle Snyder
8608 Highland Hills Road


Mr. and Mrs. Josiah Wallace
8710 Highland Hills Road



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2001

NOTICE

TO: Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702
and Parties of Record (see attached list)

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

SUBJECT: Automatic Delay of Hearing on Water Right Permit Application No. 2461-2,
Colonial Pine Hills Sanitary District

In response to the notice of hearing published in the Rapid City Journal, petitions have been filed in the matter of Water Right Permit Application No. 2461-2. This application proposes to appropriate water from a Madison Formation well for use by Colonial Pine Hills Sanitary District.

The petition filed by Mr. and Mrs. Van Calligan requested an automatic delay of the July 11, 2001, hearing before the Water Management Board. Therefore, the hearing on Application No. 2461-2 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on July 11, 2001.

The hearing to consider Application No. 2461-2 will now be scheduled for the September 26 and 27, 2001, Water Management Board meeting. Future notice of the exact date, time and place of the hearing for Application No. 2461-2 will be provided to all parties of record.

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

c: Diane Best, Assistant Attorney General

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2461-2

APPLICANT

Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City, SD 57702

PETITIONERS

James Simons, President
Highland Hills Water Association
8888 Highland Hills Rd
Rapid City, SD 57702

Mr. & Mrs. John Beegle
8715 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Josiah Wallace
8710 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Lee Boyles
8701 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Jack Brand
8703 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Roy Brumbaugh
8707 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Dave Deeny
8801 Highland Hills Rd.
Rapid City, SD 57702

Dr. & Mrs. Gary Gamache
8617 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. George Jewett
8704 Highland Hills Rd.
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Dr. & Mrs. James Kunz
8607 Highland Hills Rd.
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Mr. & Mrs. David Larsen
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Mr. & Mrs. Clarence Mashak
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Mr. Fred Nielsen
8708 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Doug Peterson
8611 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Richard Van Calligan
4908 Dunsmore Rd.
Rapid City, SD 57702

Mr. & Mrs. Steve Burgad
8712 Highland Hills Rd.
Rapid City, SD 57702

Nathan A. Barton
4725 Croyle Court
PO Box 3471
Rapid City, SD 57709

Mr. & Mrs. Lyle Snyder
8608 Highland Hills Road
Rapid City, SD 57702

CERTIFICATION

I hereby certify that on July 2, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 2, 2001, regarding Automatic Delay of Hearing on Water Right Permit Application No. 2461-2, Colonial Pine Hills Sanitary District, addressed as stated below and on the attached parties of record list:

Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702

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

Diane Best, Assistant Attorney General, Capitol Building

Eric S. Gronlund

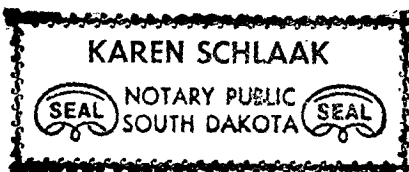
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of July, 2001.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2001





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2001

NOTICE

TO: Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702
and Parties of Record (see attached list)

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

SUBJECT: Scheduling of the Hearing on Water Right Permit Application No. 2461-2,
Colonial Pine Hills Sanitary District

Water Permit Application No. 2461-2 proposes to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from a Madison Formation well located in the SE ¼ NE ¼ Sections 32, T1N, R7E in Pennington County. The water is for use in a suburban housing development. The July 11, 2001 hearing before the Water Management Board was automatically delayed at the request of a petitioner.

The Water Management Board will now consider Application No. 2461-2 on September 5, 2001, at 10:30 AM, in the Conference Room at the Kelly Inn, 1607 East Highway 50, Yankton SD. The hearing time is an estimate and may be delayed due to prior agenda items

Applicable provisions of the Notice published June 14 and 21, 2001, in the Rapid City Journal will still apply at the September 5, 2001 hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

c: Diane Best, Assistant Attorney General

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2461-2

APPLICANT

Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City, SD 57702

PETITIONERS

James Simons, President
Highland Hills Water Association
8888 Highland Hills Rd
Rapid City, SD 57702

Mr. & Mrs. John Beegle
8715 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Josiah Wallace
8710 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Lee Boyles
8701 Highland Hills Rd.
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Mr. & Mrs. Jack Brand
8703 Highland Hills Rd.
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Mr. & Mrs. Roy Brumbaugh
8707 Highland Hills Rd.
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Mr. & Mrs. Dave Deeny
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Dr. & Mrs. Gary Gamache
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Mr. & Mrs. Clarence Mashak
8612 Highland Hills Rd.
Rapid City, SD 57702

Mr. Fred Nielsen
8708 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Doug Peterson
8611 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Richard Van Calligan
4908 Dunsmore Rd.
Rapid City, SD 57702

Mr. & Mrs. Steve Burgad
8712 Highland Hills Rd.
Rapid City, SD 57702

Nathan A. Barton
4725 Croyle Court
PO Box 3471
Rapid City, SD 57709

Mr. & Mrs. Lyle Snyder
8608 Highland Hills Road
Rapid City, SD 57702

CERTIFICATION

I hereby certify that on July 25, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class-postage, prepaid envelopes containing a Notice dated July 25, 2001, regarding Scheduling of the Hearing on Water Right Permit Application No. 2461-2, Colonial Pine Hills Sanitary District, addressed as stated below and on the attached parties of record list:

Jim Jester, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702

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

Diane Best, Assistant Attorney General



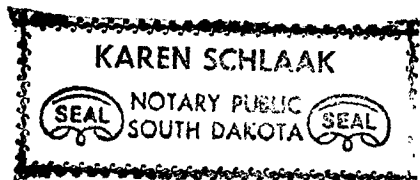
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of July, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



NATHAN A. BARTON
PO Box 3471/4725 Croyle Court
Rapid City, SD 57709-3471
(605) 348-9461/(605) 390-7255 SDLiberty@aol.com

13 August 2001

Water Management Board
c/o Mr. Eric Gronlund
SD Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

SUBJECT: WATER APPROPRIATION APPLICATION NO. 2461-2 AND RELATED MATTERS

Dear Ladies and Gentlemen:

I appreciate very much the delay in action on the above application from the July meeting, to allow time to consider the issues I and others have raised. It is important that all concerns be addressed properly, and so I am asking for one more change.

I understand that the September meeting will be in Yankton, and that there are a number of major issues coming before the Board, and that as a result, the meeting may take several days. Therefore, I am asking that the Board move their consideration of the Colonial Pine Hills Sanitary District application from the September meeting to the next regular meeting of the Board which is held in either Pierre or in West River.

I will find it difficult to attend the meeting in Yankton, both because of the travel time (six hours or more each way), the cost of travel and lodging, and the possibility that the meeting may take several days. Others who have filed their concern are retired and the additional cost of the trip to Yankton would be hard on them. In addition, the cost of the District sending one or more representatives to the hearing in Yankton is a cost that I and all the customers of the District would have to pay for, hitting us doubly. So it makes sense for all parties to reschedule to a time when the hearing can be held in Pierre or in West River.

Thank you very much for this assistance.

Sincerely,



Nathan A. Barton, PE, DEE
CF:

Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, Rapid City, SD 57702.

X Chief Engineer, Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501-3181



NATHAN A. BARTON
PO Box 3471/4725 Croyle Court
Rapid City, SD 57709-3471
(605) 348-9461/(605) 390-7255 SDLiberty@aol.com

13 August 2001

Water Management Board
c/o Mr. Eric Gronlund
SD Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

SUBJECT: WATER APPROPRIATION APPLICATION NO. 2461-2 AND RELATED MATTERS

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Thank you very much for this assistance.

Sincerely,



Nathan A. Barton, PE, DEE
CF:

Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, Rapid City, SD 57702.
Chief Engineer, Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501-3181

NATHAN A. BARTON
PO Box 3471/4725 Croyle Court
Rapid City, SD 57709-3471

13 August 2001

Ms. Linda Iverson
President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd
Rapid City, SD 57702.

Dear Linda:

As you know, the consideration of the District's application for a well permit has been moved to the September meeting of the Water Management Board, which is to be held in Yankton.

I would ask the District that the District request that this hearing be moved to the next meeting of the state Water Management Board which is held either in Pierre or in West River. The cost of sending a representative from the District to a meeting in Yankton, with need for motel room, mileage, per diem, and time, would be an unfair burden on the District and therefore on the rate-payers of the District. By asking the Water Management Board to move this meeting to a place where the cost of attending the meeting will not be so great, you will be conserving the funds of the District in a laudable manner. I also understand that the meeting in Yankton has a long agenda due to a hog confinement facility permit and other requests, and it would be unfortunate if someone had to sit through days of testimony on other subjects while waiting for our own case to be heard.

Thank you very much for this assistance.

Sincerely,



Nathan A. Barton, PE, DEE

CC:

X Water Management Board, C/O Mr. Eric Gronlund SDDENR, 523 East Capitol, Pierre, SD
57501-3181

NATHAN A. BARTON
PO Box 3471/4725 Croyle Court
Rapid City, SD 57709-3471
(605) 348-9461/(605) 390-7255 SDLiberty@aol.com

13 August 2001

Water Management Board
c/o Mr. Eric Gronlund
SD Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

SUBJECT: WATER APPROPRIATION APPLICATION NO. 2461-2 AND RELATED MATTERS

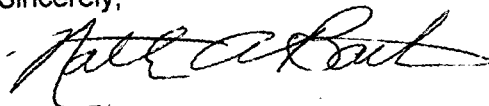
Dear Ladies and Gentlemen:

I recently was one of several people to request a delay in the Board making a decision regarding the above application, for the Colonial Pine Hills Sanitary District (CPHSD) to drill a well south of Sheridan Lake Road southwest of Rapid City. This was originally scheduled for the July meeting.

At the time of my letter and the meeting, I was completely unaware that a separate application had been made to permit a well *north* of Sheridan Lake Road and within a mile of the proposed CPHSD well. I understand that application was for irrigation of the new Red Rocks Estate subdivision's golf course. Had I known about it, I would have objected to that as well as the CPHSD well. Once I was aware of this, some of the anomalies in the Department's review of the CPHSD application made sense; it is obvious that the review was modified from the review done on the Red Rocks application. The kind of errors (partial sentences left in place, references which are significant for the Red Rocks location but make no sense for the CPHSD location, etc.) further add to my concerns over the adequacy of the review. Most important, a complete failure to mention the proposed Red Rocks well at such a close distance and in the same formation, apparently, is a major error and may completely invalidate the review. I ask that the Board take this into account when making a decision on the CPHSD well application.

While it was too late to participate in the decision-making process for the Red Rocks well by the time I learned of it, I do wish to make known to the Board that I believe there is a serious problem when a subdivision which is already connected to the Rapid City municipal water system is allowed to further deplete the ground water supply (in an area which is identified as having a shortfall of water), for the purpose of irrigating yet another golf course, without being required to make some kind of indemnity for those domestic water users which may be hurt by such frivolous water consumption of a limited resource.

Sincerely,



Nathan A. Barton, PE, DEE

Mr. and Mrs. Richard Van Calligan
4908 Dunsmore Road, Whispering Pine
Rapid City, SD 57702
341-5716

August 13, 2001

Water Management Board
C/O Mr. Eric Gronlund
SD Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181



SUBJECT: APPLICATION NO. 2461-2 TO APPROPRIATE WATER

Dear Ladies and Gentlemen:

Thank you very much for delaying action on the above application from the July meeting. We have an additional request to make in connection with this.

Because of the change in dates in September and the change of location, and because of the number of items on the Board's agenda for the September meeting (which creates the possibility that it may take several days for this application to come up), we request that the Board move the consideration of the above application from the Colonial Pine Hills Sanitary District, from the September meeting in Yankton to the next regular meeting of the Board. We understand that this meeting is scheduled for Pierre in December, 2001. Please let us know if that is not the case.

Because we (and others) are retired, the additional cost of traveling to Yankton would be an undue hardship on us. Others who are concerned and wish to attend the hearing are employed and it would be difficult for them to take a long period of time off, both for traveling six or seven hours each way, and for the several days we understand the meeting could last. Rescheduling the review of the above application would therefore be to the benefit of all concerned.

Sincerely,

Richard Van Calligan
Ardis Van Calligan

Mr. and Mrs. Richard Van Calligan
4908 Dunsmore Road, Rapid City, SD 57702
341-5716

CC:

Colonial Pine Hills Sanitary District, 4605 Dunsmore Road, Rapid City, SD 57702.
Chief Engineer, Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501-3181

Mr. Richard Van Calligan
4908 Dunsmore Road
Rapid City, SD 57702

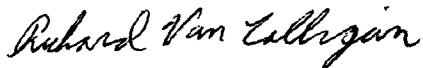
August 16, 2001

Water Management Board
C/O Mr. Eric Gronlund
SD DENR
523 East Caption
Pierre, SD 57501-3181

Dear Ladies and Gentlemen:

If the board decides not to delay the consideration of application 2461-2 for the Colonial Pine Hill Sanitary District. I am requesting that a Conference call with a board member be set up for those who are unable to attend that meeting. I am approaching 78 years and it would be difficult for me to travel to Yankton. I hope something can be arranged as I wish to explain my objections to this permit. If a call is possible and you could notify me of the day I will make myself available for the full day. My telephone number is 341-5716.

Sincerely



Mr. Richard Van Calligan

CC:

Colonial Pine Hills Sanitary District.
Chief Engineer, Water Rights Program.

Gronlund, Eric

From: SDLiberty@aol.com
Sent: Friday, August 17, 2001 11:04 AM
To: Eric.Gronlund@state.sd.us
Subject: Re: E-mail to Nathan Barton

Eric, thank you for the e-mail. I appreciate the confirmation, and that I did correctly in notifying and asking the "District officials" to request a delay as well.

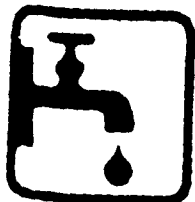
I do not have a copy of the proposed agenda, so I was basing my letter on information I had received from others that other critical issues were being considered, and having spent a lot of time in South Dakota and other states waiting for "my issue" to come up while other issues which are more important (because they affect more people, usually) are being reviewed, it seemed reasonable that the CPH issue would be placed towards the end of the agenda, and so I saw no need to question the information.

I think the term "misrepresentation" is not proper: "misinformation" or "incorrect information" would be more accurate and with less, shall we say, appearance of bias.

I am glad that the CPHSD item is not at the end of the agenda, but my request still is valid: it is difficult and costly for both the people opposed and for the district to send representatives all the way to Yankton even if the exact time of the hearing of the issue is known... My own costs, if I were to come on my own and camp out (probably still possible in September), would be about 800 miles at 25 cents per mile, or \$200, plus meals etc., say about \$30, and I would probably have to give up at least 10 hours of work at a loss of \$25/hour (before taxes), total \$480! Motel costs could easily add another \$70 to that if I had to stay two nights somewhere.

Keep in mind also that many of us are citizens of, electors of, and ratepayers of, the District; theoretically, the officials represent us; how can they be harmed and we not be harmed? If that is a challenge that would be made, perhaps we should obtain petitions with signatures of a significant number of citizens/electors of the District to demonstrate that the issue is viewed with concern by the very people for whom the "District officials" are supposedly working. If that would be of use to the Board, then we need to do that.

Thanks



Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City, SD 57702-8950
(605) 348-3113



August 17, 2001

Eric Gronlund
South Dakota Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

I have received a copy of a letter written to you by Nathan Barton, resident of Colonial Pine Hills Sanitary District (CPHSD) in Rapid City, requesting a change of date for consideration of water application #2461-2. On behalf of the CPHSD Board I request that our application be considered at your September meeting in Yankton as scheduled.

It is unfortunate that the meeting is a great distance from our area, however, we believe it is imperative that our application be delayed no longer. There are issues within our District affecting the safety and well being of our residents and they must be dealt with as timely as possible. Lorraine Weimer, Manager of CPHSD, will attend the Yankton meeting and will answer any questions you may have.

I have authorized Mr. Jim Martin, Clerk of our District, to prepare and sign this letter on my behalf as I am traveling and did not want to delay this request.

Thank you for your consideration.

Respectfully,

Linda Iverson by Jim Martin

Linda Iverson
President, Colonial Pine Hills Sanitary District

LI/jm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 2001

NOTICE

TO: Linda Iverson, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read 'Garland Erbele', written over the printed name in the 'FROM' field.

SUBJECT: Denial of Request for Continuance of the September 5th Hearing on Water Right
Permit Application No. 2461-2, Colonial Pine Hills Sanitary District

Two parties of record submitted letters requesting the September 5th hearing on Water Permit Application No. 2461-2 scheduled to be held in Yankton be postponed until the December meeting in Pierre. The applicant, Colonial Pine Hills Sanitary District, responded by submitting a letter requesting their application be considered at the September meeting as scheduled.

These letters were provided to the Chairman of the Water Management Board who ruled the September hearing go forward as scheduled. Enclosed in copy of a letter from John Guhin, Counsel to the Board, reflecting the Chairman's decision.

The Water Management Board will consider Application No. 2461-2 on September 5, 2001, at 10:30 AM, in the Conference Room at the Kelly Inn, 1607 East Highway 50, Yankton SD. The hearing time is an estimate and may be delayed due to prior agenda items

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

enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

MARK BARNETT
ATTORNEY GENERAL

LAWRENCE LONG
CHIEF DEPUTY ATTORNEY GENERAL

August 21, 2001

Garland Erbele, Chief Engineer
Water Rights Program
SD Dept. of Environment &
Natural Resources
523 E. Capitol
Pierre, SD 57501

Re: Request for Continuance With Regard to Water
Permit Application No. 2461-2

Dear Chief Engineer Erbele:

As you know, the Water Rights Program has forwarded the six letters written with regard to a proposed continuance in the above-entitled matter to me. I, in turn, have forwarded those letters to Mr. Rodney Freeman, Chairman, Water Management Board.

After considering the matter, Mr. Freeman has determined that it would be inappropriate for him to order a continuance and would further be inappropriate to call the Board into session to consider whether a continuance should be granted. Therefore, it is Mr. Freeman's direction that the September hearing go forward as scheduled.

Mr. Freeman has asked me to request that you communicate his decision in this matter to the interested parties.

Thank you for your assistance.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John P. Guhin".

John P. Guhin
Deputy Attorney General
Counsel to the Water Management Board

JPG/dh

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2461-2

APPLICANT

Linda Iverson, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City, SD 57702

PETITIONERS

James Simons, President
Highland Hills Water Association
8888 Highland Hills Rd
Rapid City, SD 57702

Mr. & Mrs. John Beegle
8715 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Josiah Wallace
8710 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Lee Boyles
8701 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Jack Brand
8703 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Roy Brumbaugh
8707 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Dave Deeny
8801 Highland Hills Rd.
Rapid City, SD 57702

Dr. & Mrs. Gary Gamache
8617 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. George Jewett
8704 Highland Hills Rd.
Rapid City, SD 57702

Dr. & Mrs. James Kunz
8607 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. David Larsen
8903 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. John Laughlin
8811 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Clarence Mashak
8612 Highland Hills Rd.
Rapid City, SD 57702

Mr. Fred Nielsen
8708 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Doug Peterson
8611 Highland Hills Rd.
Rapid City, SD 57702

Mr. & Mrs. Richard Van Calligan
4908 Dunsmore Rd.
Rapid City, SD 57702

Mr. & Mrs. Steve Burgad
8712 Highland Hills Rd.
Rapid City, SD 57702

Nathan A. Barton
4725 Croyle Court
PO Box 3471
Rapid City, SD 57709

Mr. & Mrs. Lyle Snyder
8608 Highland Hills Road
Rapid City, SD 57702

CERTIFICATION

I hereby certify that on August 22, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 22, 2001, regarding denial of the request for a continuance of the September 5th hearing on Water Right Permit Application No. 2461-2, Colonial Pine Hills Sanitary District, addressed as stated below and on the attached parties of record list:

Linda Iverson, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd.
Rapid City SD 57702

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

Diane Best, Assistant Attorney General
John Guhin, Deputy Attorney General



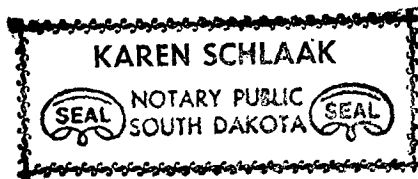
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of August, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 2001

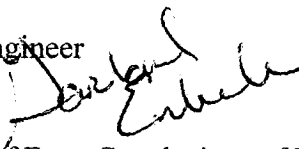
NOTICE

TO: Linda Iverson; President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City SD 57702

Jack Brand
8703 Highland Hills Road
Rapid City SD 57702

Roy Brumbaugh
8707 Highland Hills Road
Rapid City SD 57702

James Simons, President
Highland Hills Water Association
8888 Highland Hills Road
Rapid City SD 57702

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Permit Application No. 2461-2 filed by Colonial Pine Hills Sanitary District. The Board will consider the proposed Findings, Conclusions and Final Decision at 8:45 AM on December 5, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by November 15, 2001. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by November 26, 2001.

Oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on December 5, 2001. The public hearing was completed September 5, 2001. No additional testimony will be received on December 5, 2001.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

2001/ 2002 WATER MANAGEMENT BOARD MEMBERS

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Rodney Freeman, Jr., Chairman
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 West 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S
Brookings SD 57006-2741

BOARD ATTORNEY

John Guhin, Deputy Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

WATER RIGHTS PROGRAM

Department of Environment and
Natural Resources

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

STAFF ATTORNEY

Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
State Capitol Building
Pierre, SD 57501

CERTIFICATION

I hereby certify that on September 18, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 18, 2001, regarding preparation of findings of fact, conclusions of law and final decision on Water Right Permit Application No. 2461-2, Colonial Pine Hills Sanitary District, addressed as stated below:

Linda Iverson; President	Jack Brand
Colonial Pine Hills Sanitary District	8703 Highland Hills Road
4605 Dunsmore Road	Rapid City SD 57702
Rapid City SD 57702	

Roy Brumbaugh	James Simons, President
8707 Highland Hills Road	Highland Hills Water Association
Rapid City SD 57702	8888 Highland Hills Road
	Rapid City SD 57702

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

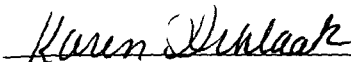
John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General



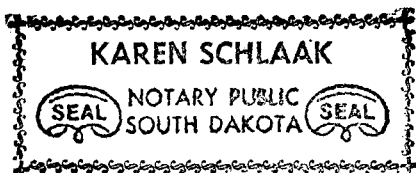
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of September 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

MARK BARNETT
ATTORNEY GENERAL

LAWRENCE LONG
CHIEF DEPUTY ATTORNEY GENERAL

November 14, 2001

MEMORANDUM

To: Members of the Water Board and interested parties
From: John P. Guhin, Deputy Attorney General *John P. Guhin*
Re: In the Matter of the Application for Water Permit
No. 2461-2, Colonial Pine Hills Sanitary District

In accordance with the direction of the Board, I am herewith enclosing proposed Findings of Fact, Conclusions of Law and a Final Decision.

Please see the Notice of the Chief Engineer of September 18, 2001, for further information.

Enclosures

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMNET BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR	)	FINDINGS OF FACT, CONCLUSIONS
WATER PERMIT NO. 2461-2,	)	OF LAW, AND FINAL DECISION
COLONIAL PINE HILLS	)	
SANITARY DISTRICT	)	

FINDINGS OF FACT

1. This is an application to appropriate .33 cubic feet of water per second from one well approximately 1200 feet deep in Pennington County. The water is for suburban housing development use.

2. The proposed source of the water is the Madison Aquifer. The Madison Aquifer is a massive carbonate aquifer that underlays most of western South Dakota and is estimated to contain at least 640 million acre feet of recoverable water within the state.

3. An unchallenged estimate by the State's expert indicates that the total water use from the Madison formation is considerably less than 50,000-acre feet per year. Another unchallenged estimate indicates that recharge to the Madison Aquifer amounts to 140,000 to 400,000 acre-feet per year. Further evidence of the recharge of the aquifer is found in three hydrographs admitted by the Department, each of which fails to show any long term water level decline. The Board finds that the aquifer is easily able to absorb an additional 239-acre feet per year proposed diversion.

4. The Board also considers whether there will be a localized impact. The nearest Madison appropriator is Highland

Hills Water Association Permit No. 1965-2. This permit is located approximately 1,250 feet south of the proposed well site. There is approximately 175 feet of head pressure in the Highland Hills Well; in particular, the well has static water level of 460 feet below grade and the top of the aquifer is approximately 645 feet below grade.

5. Since this case was initiated, Highland Hills lowered its pump into the Madison formation so that the pump is no longer found within the artesian pressure range.

6. Because the pump of the Highland Hills well has been placed into the aquifer, it is extremely improbable that the Highland Hills well will experience any effect from the draw down which will occur from the proposed pumping by Colonial Pine Hill Sanitary District.

7. Highland Hills opposes the permit primarily on the grounds that Colonial Pine Hills Sanitary District users presently withdraw more water than is appropriate for watering lawns and other uses. The testimony and statistics, including Brand Exhibit No. 2, indicate that Highland Hill users are, indeed, more careful stewards of the resource than those in the Colonial Pines Sanitary District.

8. The Board finds, however, that Colonial Pine Hills Sanitary District is now under new management and has taken significant steps to more carefully limit its water use. It now has an engineer and a water facilities plan. It has put water conservation into effect, allowing watering only every other day at nighttime. Moreover, it now has a new metering system with a

computer system for automatic billing. The system has made very significant progress in the last year.

9. The Board finds that the Applicant's good faith efforts to limit its water use justify the confidence this Board has that that its per capita water use will be reduced to more reasonable levels.

10. No testimony was offered to justify granting this water permit for more than a term of twenty years consistent with SDCL 46-2A-20.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.

2. There is a reasonable probability that there is unappropriated water available for the applicants proposed use, as set forth above.

3. The proposed diversion can be developed without unlawful impairment of existing rights.

4. The proposed use in a suburban housing development is a beneficial use.

5. The proposed use is in the public interest. In making this determination, the Board considers the positive factor that the use of water in a suburban housing development is in the public interest and, furthermore, that the development's present efforts to conserve water are likely to be successful. The Board has, considered, as a factor against the public interest, the fact that the Applicant's users have withdrawn substantially more water on annual basis than its neighbors but, in light of the new direction of the Applicant, the Board has not given this fact

great weight. In balancing the factors, therefore, the grant of the Board concludes that the permit is in the public interest.

6. The Board concludes that no evidence exists to support the grant of the permit for a twenty-year term.

FINAL DECISION

The application for Water Permit No. 2461-2 is GRANTED with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2461-2 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. 2461-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 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 have prior water rights.

3. The well authorized by Permit No. 2461-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules,

5

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of proposed Findings of Fact, Conclusions of Law, and Final Decision in In the Matter of the Application for Water Permit No. 2461-2, was served upon the following by United States mail, first class, postage prepaid upon:

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Rodney Freeman, Jr., Chairman
P.O. Box 176
Huron, SD 57350-0176

Marian Gunderson
881 West 3rd
Yankton, SD 57075-3702

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Dwayne Rollag
320 Lincoln Lane S
Brookings, SD 57006-2741

Linda Iverson, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City, SD 57702

Roy Brumbaugh
8707 Highland Hills Road
Rapid City, SD 57702

Jack Brand
8703 Highland Hills Road
Rapid City, SD 57702

James Simons, President
Highland Hills Water Association
8888 Highland Hills Road
Rapid City, SD 57702

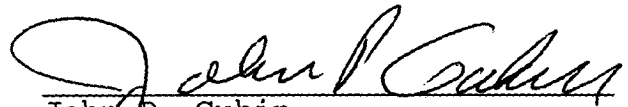
By interoffice mail upon:

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

By hand-delivery upon:

Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
500 E. Capitol Avenue
Pierre, SD 57501-5070

on this 14th day of November, 2001.



John P. Guhin
Deputy Attorney General
Office of Attorney General
Natural Resources Section
500 E. Capitol Avenue
Pierre, SD 57501-5070
Telephone: (605) 773-3215



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2001

NOTICE

TO: Linda Iverson; President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City SD 57702

Jack Brand
8703 Highland Hills Road
Rapid City SD 57702

Roy Brumbaugh
8707 Highland Hills Road
Rapid City SD 57702

James Simons, President
Highland Hills Water Association
8888 Highland Hills Road
Rapid City SD 57702

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted December 5, 2001, by the Water Management Board approving Water Right Permit No. 2461-2 filed by Colonial Pine Hills Sanitary District. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on December 20, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice December 20, 2001, regarding the adoption of findings of fact, conclusions of law and a final decision in the matter of Water Right Permit No. 2461-2, Colonial Pine Hills Sanitary District, addressed as stated below:

Linda Iverson; President Colonial Pine Hills Sanitary District 4605 Dunsmore Road Rapid City SD 57702	Jack Brand 8703 Highland Hills Road Rapid City SD 57702
--	---

Roy Brumbaugh 8707 Highland Hills Road Rapid City SD 57702	James Simons, President Highland Hills Water Association 8888 Highland Hills Road Rapid City SD 57702
--	--

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

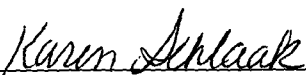
John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General



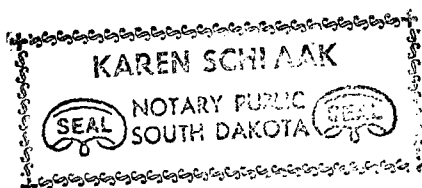
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of December, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMNET BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR	)	FINDINGS OF FACT, CONCLUSIONS
WATER PERMIT NO. 2461-2,	)	OF LAW, AND FINAL DECISION
COLONIAL PINE HILLS	)	
SANITARY DISTRICT	)	

FINDINGS OF FACT

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Hills Water Association Permit No. 1965-2. This permit is located approximately 1,250 feet south of the proposed well site. There is approximately 175 feet of head pressure in the Highland Hills Well; in particular, the well has static water level of 460 feet below grade and the top of the aquifer is approximately 645 feet below grade.

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6. Because the pump of the Highland Hills well has been placed into the aquifer, it is extremely improbable that the Highland Hills well will experience any effect from the draw down which will occur from the proposed pumping by Colonial Pine Hill Sanitary District.

7. Highland Hills opposes the permit primarily on the grounds that Colonial Pine Hills Sanitary District users presently withdraw more water than is appropriate for watering lawns and other uses. The testimony and statistics, including Brand Exhibit No. 2, indicate that Highland Hill users are, indeed, more careful stewards of the resource than those in the Colonial Pines Sanitary District.

8. The Board finds, however, that Colonial Pine Hills Sanitary District is now under new management and has taken significant steps to more carefully limit its water use. It now has an engineer and a water facilities plan. It has put water conservation into effect, allowing watering only every other day at nighttime. Moreover, it now has a new metering system with a

computer system for automatic billing. The system has made very significant progress in the last year.

9. The Board finds that the Applicant's good faith efforts to limit its water use justify the confidence this Board has that that its per capita water use will be reduced to more reasonable levels.

10. No testimony was offered to justify granting this water permit for more than a term of twenty years consistent with SDCL 46-2A-20.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.

2. There is a reasonable probability that there is unappropriated water available for the applicants proposed use, as set forth above.

3. The proposed diversion can be developed without unlawful impairment of existing rights.

4. The proposed use in a suburban housing development is a beneficial use.

5. The proposed use is in the public interest. In making this determination, the Board considers the positive factor that the use of water in a suburban housing development is in the public interest and, furthermore, that the development's present efforts to conserve water are likely to be successful. The Board has, considered, as a factor against the public interest, the fact that the Applicant's users have withdrawn substantially more water on annual basis than its neighbors but, in light of the new direction of the Applicant, the Board has not given this fact

great weight. In balancing the factors, therefore, the grant of the Board concludes that the permit is in the public interest.

6. The Board concludes that no evidence exists to support the grant of the permit for more than a twenty-year term. The evidence in this case does, however, support granting the permit for a period of twenty years.

FINAL DECISION

The application for Water Permit No. 2461-2 is GRANTED with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2461-2 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. 2461-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 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 have prior water rights.

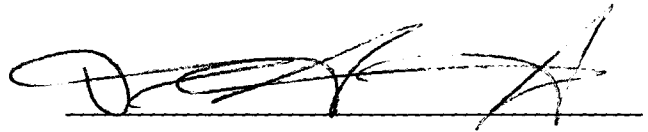
3. The well authorized by Permit No. 2461-2 shall be constructed by a licensed well driller and construction shall

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. Colonial Pine Hills Sanitary District shall report to
the Chief Engineer the amount of water withdrawn each year from
the Madison Formation. ~~G~~

Dated this 18th day of ~~November~~^{December}, 2001.

BY THE BOARD:

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by several loops and a final vertical stroke, positioned above a horizontal line.

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMNET BOARD

IN THE MATTER OF THE	)	DENR RESPONSE TO
APPLICATION FOR	)	FINDINGS OF FACT, CONCLUSIONS
WATER PERMIT NO. 2461-2,	)	OF LAW, AND FINAL DECISION
COLONIAL PINE HILLS	)	
SANITARY DISTRICT	)	

COMES NOW, the Department of Environment and Natural Resources, Water Rights Program (DENR) and makes its response to the proposed Findings of Fact, Conclusions of Law, and Final Decision drafted by the Board's counsel:

1. Proposed Conclusion of Law 6 (p. 4) contains a conclusion regarding the Board's decision to grant the permit for a twenty-year term. The DENR proposes that this Conclusion of Law be changed to read as follows:

6. The Board concludes that no evidence exists to support the grant of the permit for more than a twenty-year term. The evidence in this case does, however, support granting the permit for a period of twenty years.

As drafted, the proposed Conclusion was inconsistent with the Board's Findings of Fact regarding this issue. This situation may have originated with a typographical error in Conclusion of Law 6.

2. Other than the forgoing, the DENR has no objection to entry of the proposed Findings of Fact, Conclusions of Law and Final Decision as drafted.



Diane Best
Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
500 E. Capitol Avenue
Pierre, SD 57501-5070
Telephone: (605) 773-3215

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of DENR Response to Findings of Fact, Conclusions of Law, and Final Decision in In the Matter of the Application for Water Permit No. 2461-2, was served upon the following by United States mail, first class, postage prepaid upon:

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Rodney Freeman, Jr., Chairman
P.O. Box 176
Huron, SD 57350-0176

Marian Gunderson
881 West 3rd
Yankton, SD 57075-3702

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Dwayne Rollag
320 Lincoln Lane S
Brookings, SD 57006-2741

Linda Iverson, President
Colonial Pine Hills Sanitary District
4605 Dunsmore Road
Rapid City, SD 57702

Roy Brumbaugh
8707 Highland Hills Road
Rapid City, SD 57702

Jack Brand
8703 Highland Hills Road
Rapid City, SD 57702

James Simons, President
Highland Hills Water Association
8888 Highland Hills Road
Rapid City, SD 57702

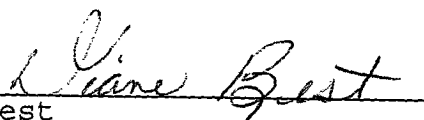
By interoffice mail upon:

Garland Erbele, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

By hand-delivery upon:

John P. Guhin
Deputy Attorney General
Office of Attorney General
Natural Resources Section
500 E. Capitol Avenue
Pierre, SD 57501-5070

on this 20th day of November, 2001.


Diane Best
Assistant Attorney General
Office of Attorney General
Natural Resources Section
500 E. Capitol Avenue
Pierre, SD 57501-5070
Telephone: (605) 773-3215

Gronlund, Eric

From: Lorraine Weimer [loralw@rushmore.com]
Sent: Monday, December 03, 2001 11:15 AM
To: ericg@denr.state.sd.us
Subject: Water Permit- Colonial Pine Hills Sanitary District

Mr Gronlund: This e-mail is to let you know that the District is unable to have a representative at the Water Management meeting in Pierre which is scheduled for 8:45 am cst on December 5, 2001.

We have a Board meeting the night of the 4th of December. I have reviewed the letter submitted on the Findings of Fact and Conclusions of Law and Final Decision and am anticipating and hopeful that the Board will approve this permit.

We are in the process of completing the SRF loan application, with the help of the Black Hills Council of Local Governments. This process should be complete by the midde of December.

If I can answer any questions, please give me a call at 719-9544 or e-mail me at LoralW@rushmore.com.

**Respectfully
Lorraine Weimer
Manager
Colonial Pine Hills Sanitary District**

12/3/2001



APR 16 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Colonial Pine Hills Sanitary District
Linda Iverson, President
4605 Dunsmore Road
Rapid City, SD 57702

Dear Ms Iverson:

Enclosed is Water Permit No. 2461-2 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

McMath, Genny

From: cphsd [cphsd@rapidnet.com]
Sent: Wednesday, January 22, 2003 2:43 PM
To: genny.mcmath@state.sd.us
Subject: Water Permit 2461-2

We have received a request for the amount of water diverted from the Madison Formation under Permit 2461-2 during 2002. This well was drilled in 2002 and has not yet been connected into our distribution system. Therefore no water has been taken other than the amount used by the drilling company (Taylor Drilling of Rapid City) for testing the well and pump. I do not have that information. This well is scheduled to be placed into our distribution system within the next few weeks. The delay has been the construction of a 4000 foot pipeline (completed this month) and a well house (completion scheduled very soon). If this information does not satisfy your requirement please respond.

Also we have some changes in our address and personnel. Our address is 8251 Dunsmore Road, Rapid City, SD 57702 and please forward all correspondence to Jim Martin, Manager/Clerk at the above address. Jim Jester is no longer associated with our District. Thank you.

Jim Martin
Manager/Clerk
Colonial Pine Hills Sanitary District
8251 Dunsmore Road
Rapid City, SD 57702
605-348-3113

2/4/2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

JUL 14 2010

2461-2
2623-2

Jay Chittim
Colonial Pine Hills Sanitary District
4605 Dunsmore Rd
Rapid City SD 57702

Dear Sir:

Enclosed is Water License No. 2623-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2623-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

The applicable portions of Water Permit No. 2461-2 have been incorporated into Water License No. 2623-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, which appears to read "Garland Erbele".

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

enclosures