

WATER PERMIT NO. 2462-2

Name of Applicant: Roland Usera

Address: HCR 89, Box 328, Hermosa SD 57744

Phone: 605 255-4362

Amount of Water Claimed: 0.09 cfs (40 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Custer

Type of Waste Disposal System:

Location: ½ mile north of Hermosa

PRIORITY

Date Received: 5-14-01

Fee: \$50

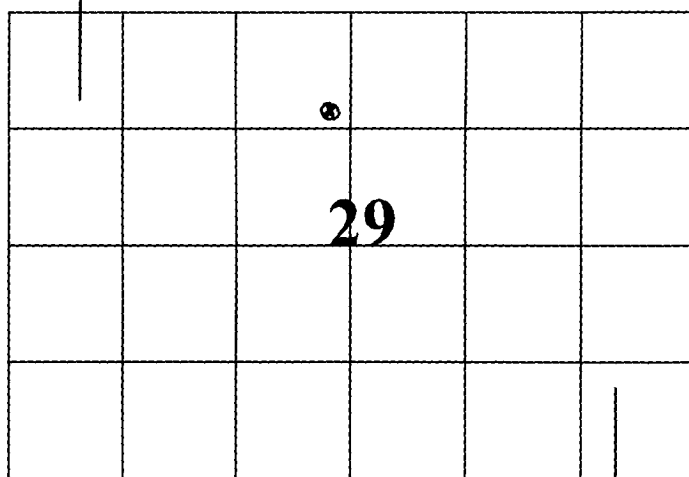
Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 29-T2S-R8E

Land to be Irrigated: NA



Depth of Well: 1050 feet deep

Well Driller: : Cimarron Drilling, Inc.

Remarks:

Type of Map: topographic

Prepared by: Warren L. Fisk, P.E.

Reviewed and the Number Assigned on: 5-14-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2462-2**

Date of first receipt of application May 14, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2462-2 to Roland Usera, HCR 89, Box 328, Hermosa SD 57744 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. 2462-2 appropriates 0.09 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara Formation) 1050 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1 of Tract B of Gable Subdivision) Section 29-T2S-R8E.
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 of approval of Permit No. 2462-2 is July 30, 2001.
5. The date from which applicant may claim right is May 14, 2001.
6. One-fifth of the construction is to be completed on or before January 30, 2004.
7. All construction is to be completed on or before July 30, 2006.
8. Water is to be put to beneficial use on or before July 30, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

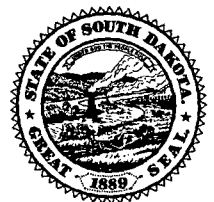
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 13 2001

date



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 2462-2 (office use only)
Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Custer Co. Chronicle, Custer
57730



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal ☒ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other

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

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

Amendment/Correction to Permit No. _____

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

1. Name of Applicant Roland Usera Phone 605-255-4362
(check one) Owner Tenant/lessee
Mailing Address HCR 89-Box 328 HERNOSA State S.D. 57744
(Street, RR. or Box) (Zip Code)
2. Amount of water claimed 0.09 *CFS or 40 **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 NEW WELL #1
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well on
lot 1 of Tract B of the Gable Sub. (NE1/4 NW1/4)
S-29-T-24-R8E B1M County Custer
5. County or counties where water will be used Custer
6. Annual period during which water is to be used YEAR AROUND Jan. 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This well is to feed 15 manufactured homes with a pressure system.

STATE OF SOUTH DAKOTA)

County of Denniglan SS

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

I, Roland Usera, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Roland Usera

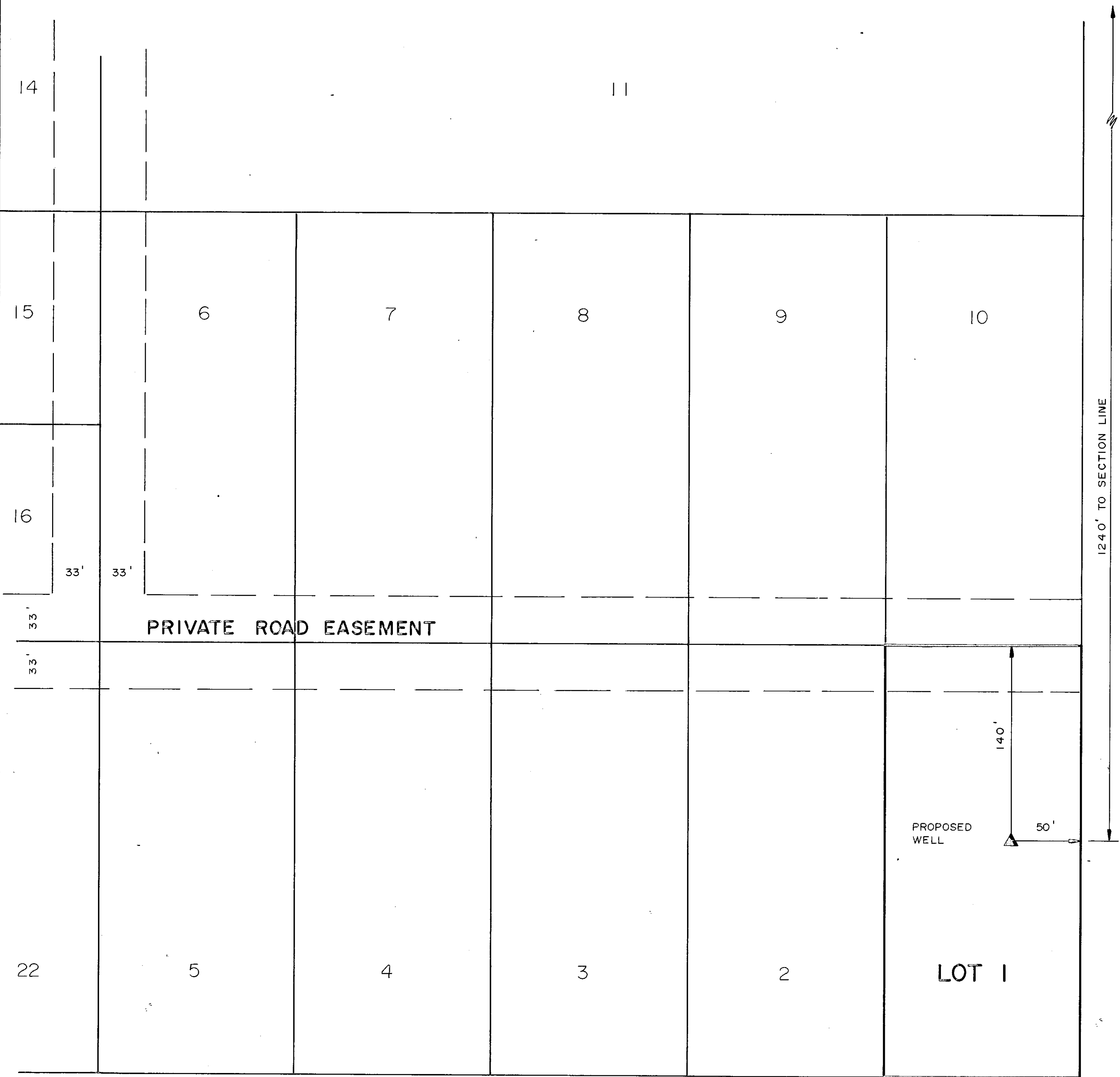
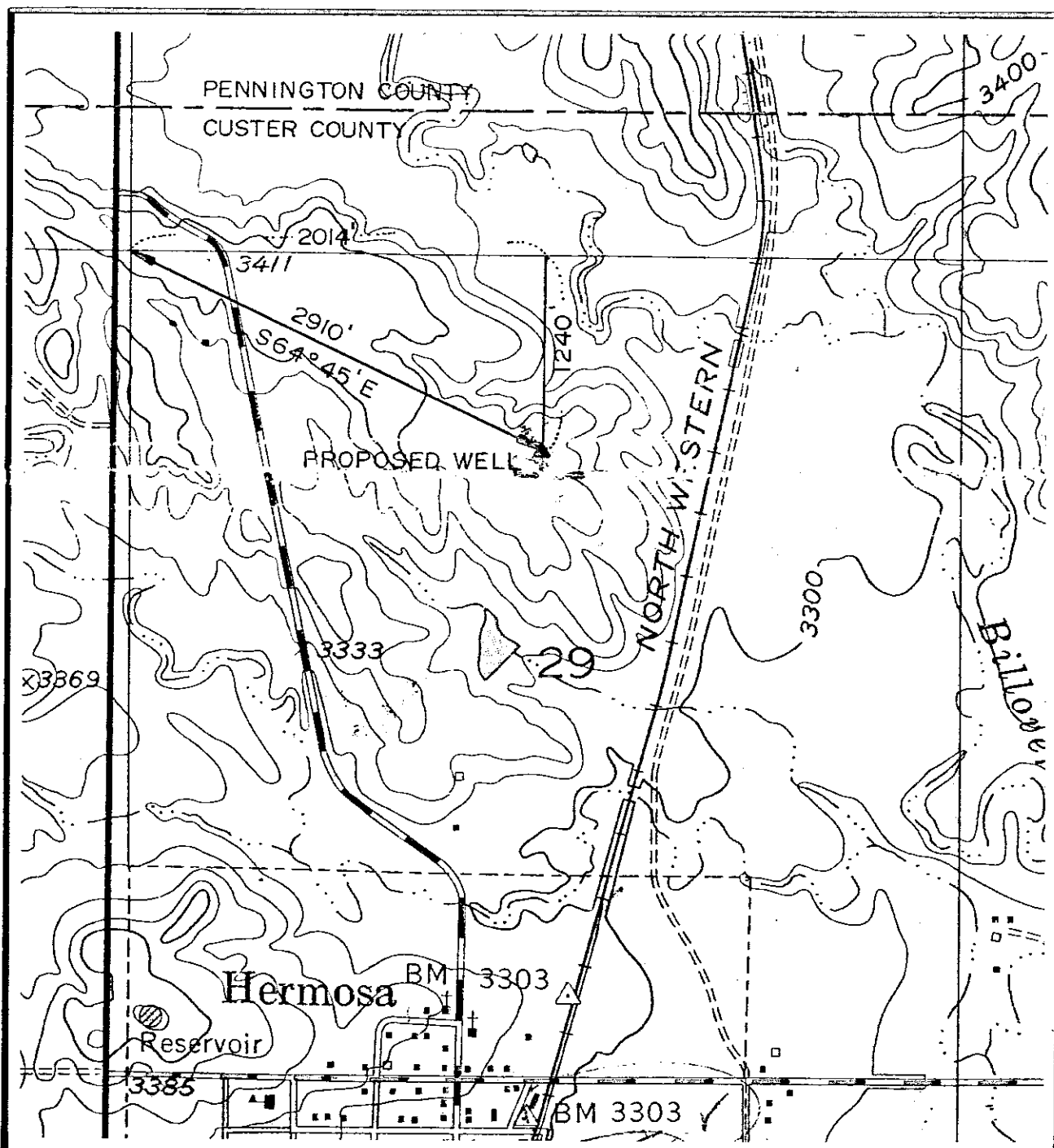
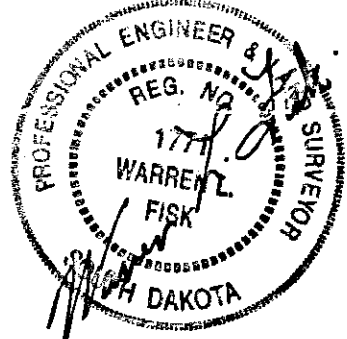
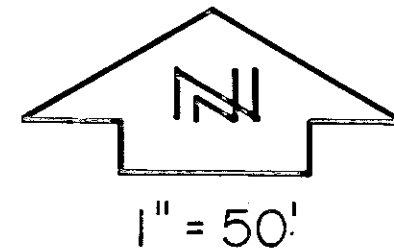
Subscribed and sworn to before me this 11th day of May 2001

Notary Public

RU MOBILE HOME PARK

PROPOSED WELL LOCATION

LOT 1 OF TRACT B OF GABLE SUBD.
SECTION 29, T2S, R8E, BHM,
CUSTER COUNTY, SD



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 1,050'
- b) Casing Type Steel Diameter 5 1/2" Thickness .025
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 960'
- f) Depth to Water (ground surface to water level) 250'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1 mile

✓ 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Ind. Septic Tank & Drain Field
- b) System Capacity (gallons) 1,500 Year Constructed 2001
- c) Connected to the City of _____ Sanitary System _____

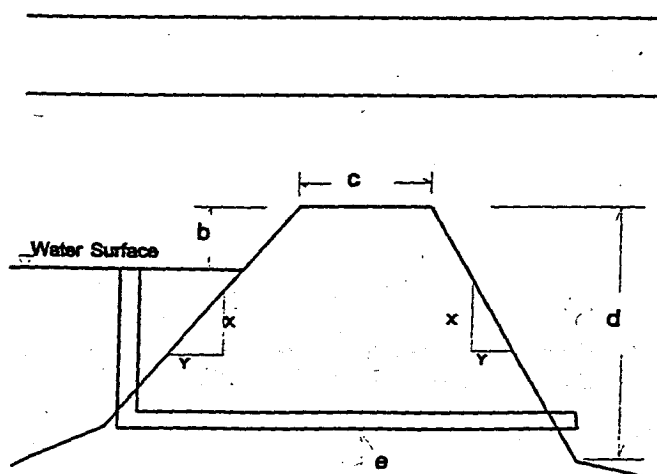
✗ Dugout Information

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

✗ Water Storage Dams

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

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



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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources



416836

Pierre, ~~May~~ 14

, 2001

RECEIVED OF Roland Usera, HCR 89 Box 328, Hermosa, SD 57744-9711

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

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

(Any Other Work Provided by Law)	Total	100 00

By

Darland Eble

Chief Engineer

gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

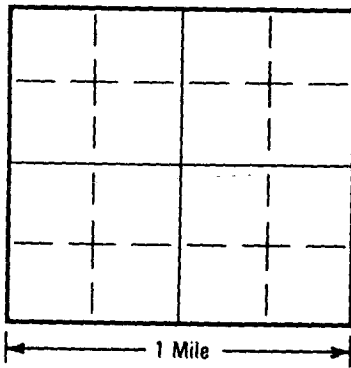
Location 1/4 Sec 29 Twp 2-N Rg 8-E
 County Hot 1 of Tract 8 Custer North Sub.

Please mark well location with an "X"

W

E

Well Completion Date

April 16-01

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:

Rotary Air - WaterCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15.5</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>935</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Northward</u>	<u>100</u>	<u>94/6</u> lb./gal	<u>0</u> ft.	<u>935</u> ft.
<u>Type I-II</u>		_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pressure grout thruCasing displaced w fresh water w. 2H mud pumpSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

Laboratory sent to for water quality analysis

Mid-ContinentWell Owner: Roland UseraBusiness Name: RU Mobile Home ParkAddress: HCR 9 - Box 328HERMOSA, S.D. 57744

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SHALE</u>	<u>0'</u>	<u>3'</u>
<u>GRAVEL</u>	<u>3'</u>	<u>15'</u>
<u>DARK SHALE & S. Stone</u>	<u>15'</u>	<u>320'</u>
<u>Gray SHALE & S. Stone</u>	<u>320'</u>	<u>680'</u>
<u>Gray SHALE & Yellow S. Stone</u>	<u>680'</u>	<u>920'</u>
<u>Red SHALE</u>	<u>920'</u>	<u>935'</u>
<u>White sandy SHALE & Gray</u>	<u>935'</u>	<u>1035'</u>
<u>White SAND</u>	<u>1035'</u>	<u>1050'</u>
<u>(Lakota)</u>		

STATIC WATER LEVEL 250 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

1000 ft. After 2 Hrs. Blew 65 GPM500 ft. After 2 Hrs. Blew 30+ GPMIf pump installed, pump rate 25 GPM

REMARKS

open Hole from 935' To 1050'This well was drilled under license # 568

And this report is true and accurate.

Drilling firm CIMARON Drilling Inc.Signature of License Representative: Michael J. Deubert

Signature of Well Owner or Equitable Property Holder: _____

Date: _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 2001

Roland Usera
R U Mobile Home Park
HCR 9 Box 328
Hermosa SD 57744

Dear Mr. Usera:

A well driller's report filed with us by Cimarron Drilling Inc. shows a new well has been completed for R U Mobile Home Park. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, if water is to be conveyed to users by a water distribution system diverting more than a peak rate of eighteen gallons per minute, the system will need a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit, if necessary. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by June 15, 2001.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures

WATER PERMIT APPLICATIONS NO. 2462-2
ROLAND USERA
JUNE 7, 2001

Water Permit Application No. 2462-2 proposes to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from one well (Inyan Kara aquifer), approximately 1050 feet deep, located in the NE¼ NW¼ Sec. 29, T2S-R8E. The water is for a suburban housing development (RU Mobile Home Park).

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara Aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale from the Fall River and Lakota Formations. Although the Fuson Shale sometimes separates these two formations it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. The aquifer is areally extensive, underlying over 36,000 square miles of western South Dakota (Allen, 1984). The aquifer underlies 360,960 acres and contains an estimated 8,121,600 acre-feet of recoverable water in storage in Custer County (Allen, 1984). This well site is approximately two miles east of the nearest Inyan Kara outcrop where the beds dip approximately five degrees to the east, (DeWitt, 1989). The well completion report that was submitted with this application reports the top of the Inyan Kara is about 680' below ground surface at this site on. The entire Inyan Kara Group is reported to be approximately 370 feet thick, although only the sandstone beds actually make up the aquifer. The thickness of the Inyan Kara Aquifer does however, vary considerably within short distances. The Skull Creek Shale confines the Inyan Kara in this area and the aquifer is under artesian conditions. Approximately 1000 feet of confining beds separate the Inyan Kara Aquifer from the next aquifer, which is the Minnelusa aquifer. The water level in the well to be used for this project is reported to be 250 feet below ground surface.

WATER AVAILABILITY:

Water Rights Program monitors 7 observation wells completed into the Inyan Kara Aquifer in the Black Hills Area. The nearest observation well to this permit (CU-83B) is located approximately three miles southwest of this site. The water level data indicate that there has been essentially no change in the amount of water in storage since the well was installed (see figure 1), (Water Rights, 2001_b).

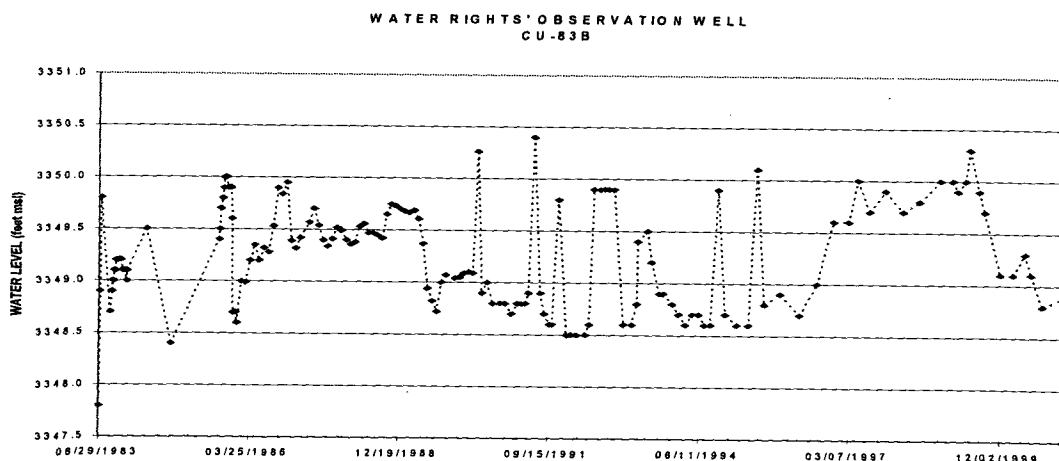


Figure1. Water Rights' Inyan Kara Observation Well Hydrograph, approximately three miles southwest of 2462-2

One Water Rights' Inyan Kara observation well (CU-83C), which is located about five miles south of this well site, showed a steady, gradual (4 feet) loss of head between 1985 and 1997, and increasing heads from 1997 to present, see figure 2.

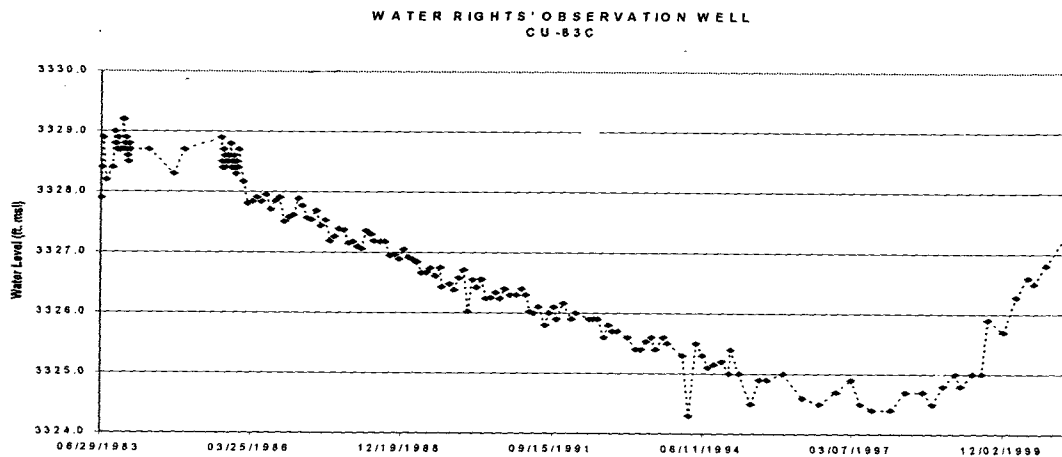


Figure 2. Water Rights' Inyan Kara Observation Well Hydrograph, approximately five miles south of 2462-2

It is unclear why the water levels have fluctuated in this well, it may simply be localized drawdown. With the exception of CU-83C, hydrographs of Water Rights' observation wells indicate the Inyan Kara Aquifer is in dynamic equilibrium showing minor changes in water level corresponding with seasonal or climatic conditions only. The hydrographs indicates water is available for this appropriation.

EXISTING WATER RIGHTS:

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 131 Water Rights/Permits. There are 12 rights/permits appropriating water from the Inyan Kara Aquifer in Custer County. There are only five Inyan Kara appropriations within seven miles of this site, they include:

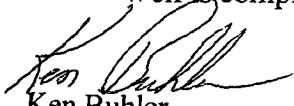
No.	Name	cfs	Use	Distance from 2462-2
744B-2	City of Hermosa	0.15	SHD	1 mile south west
1482-2	Singletree Co.	0.2	SHD	1.3 miles west
1635-2	Borderlands Corp.	0.03	IRR	5.7 miles south west
1645-2	Hermosa Water Users Assoc.	1.50	RWS	5.8 miles south east
2447-2	Heartland Resorts, LLC	0.10	COM	2.5 miles south

In addition to appropriative rights, there are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 2001₂).

The diversion proposed by this application should not result in an adverse impact to adequate wells in the area because of the relatively low diversion rate proposed (40 gpm) and the distance between wells.

CONCLUSIONS:

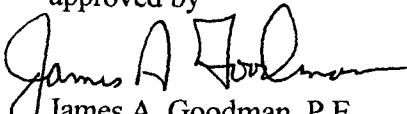
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area. The requested diversion rate is relatively small and should not cause significant drawdown.
3. The application indicates that individual septic tank/drain fields will be used for wastewater disposal.
4. Well is completed in accordance with SD Well Contractor Standards.



Ken Buhler

Natural Resources Engineer

approved by



James A. Goodman, P.E.

Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD
- DeWitt, E., Redden, J.A., Buscher,D., Burbach Wilson, A., 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, U.S. Geological Survey, Map I-1910,
- Water Rights Program, 2001, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2001, " Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2001, "Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2462-2, Roland Usera**

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. 2462-2, Roland Usera, HCR 89, Box 328, Hermosa SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 2462-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
July 3, 2001

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Roland Usura

Notice of Application

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

July 11, 2001; July 18, 2001;

the full amount of the fees for the publication of the annexed notice is \$ 33.77.

Charles W. Najacht

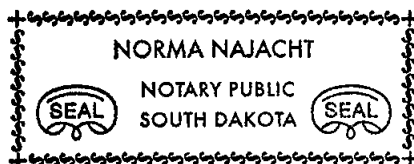
Subscribed and sworn to me before this 18

of July, 2001;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF APPLICATION

NO. 2462-2 TO APPROPRIATE WATER

Notice is given that Roland Usura, HCR 89, Box 328, Hermosa, SD, 57744 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (40 gallons per minute) from on well (Inyan Kara Formation) 1050 feet deep located in the NE 1/4 NW 1/4 (Lot 1 of Tract B of Gable Subdivision) Section 29-T2S-R8E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-a, the Chief Engineer recommends APPROVAL of Application No. 2462-2 because 1)unappropriated water is unavailable, 2)existing rights will not be unlawfully impaired, 3)it is a beneficial use of water, and 4)it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and the Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD, 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 30, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Right Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

#208, 7/11, 7/18





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 5, 2001

Roland Usera
HCR 89 Box 328
Hermosa, SD 57744

Dear Mr. Usera:

Water Permit Application No. 2462-2 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer Co. Chronicle printed at Custer, SD (Ph # 605-673-2217). 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 /HCS
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

July 5, 2001

Custer Co. Chronicle
Box 551
Custer, SD 57730-0551

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2462-2 to Appropriate Water to be published twice. Please publish the first notice on July 12, 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 Roland Usera, HCR 89, Box 328, Hermosa, SD 57744 (Ph # 605-255-4362).

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/KS
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2462-2

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

Date _____

We are in receipt of your letter of July 5, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2462-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 13 2001

Roland Usera
HCR 89, Box 328
Hermosa, SD 57744

Dear Mr. Usera:

Enclosed is Water Permit No. 2462-2 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

2462-2

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

Date Sept 10, 2003

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

RECEIVED

SEP 11 2003

WATER RIGHTS
PROGRAM

FROM: ROLAND CISEK
(name)

HCR 85 BOX 328
(address)

Hermosa SD 57744
(city, state, zip)

605-255-4362
(phone)

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

Water Permit No. 2462-2 states that the water use system is to be constructed by

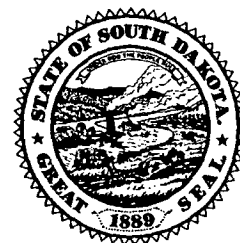
MAY 10, 03 (date), and water is to be put to beneficial use by JUN 20, 03 (date).

The water use system was completed on MAY 10, 03 (date).

Applying the water to beneficial use was completed on JUN 20, 03 (date).

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

[Signature]
(signature)



**Permit No. 2462-2
Custer County**

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

Other permit/license(s) associated with project: **None**

Contact Person & Address: **Roland Usera, HCR 89 Box 328, Hermosa, SD 57744**

Report of Examination of Works

On **July 12, 2005**, I made a thorough examination of the water use system constructed by **Roland Usera, HCR 89 Box 328, Hermosa, SD 57744** holder of Permit No. **2462-2**, bearing the priority of **May 14, 2001** authorizing the diversion of **0.09** cubic feet per second (cfs) of the water from **one well** for **commercial** use in a trailer court, in **Custer County**.

The system is in the following condition: **Good**. The well is located in the **NE¼ NW¼ Section 29 T2S R8E 2552 feet East 1221 feet South of the NW corner of Section 29** with a longitude of **W103.189321** and a latitude of **N43.850769**. The works are capable of diverting and conveying to the place of use **0.09 cfs** of water for **commercial use**.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: **NA**
- 2) All structures, wells and lands on map: **Diversion location on map.**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **None**

Report on Specifics of the System

Diversion Point Information:

- | | |
|---|--------------------------------------|
| 1) Well Drilling Firm: Cimarron Drilling Inc | 2) No. of Wells: 1 |
| 3) Depth(s) 1050 feet | 4) Well log is available: Yes |

Casing:

- | | |
|--------------------------------|----------------------------|
| 1) Diameter: 5.5 inches | 2) Length: 935 feet |
| 3) Type: Steel | |

Screen:

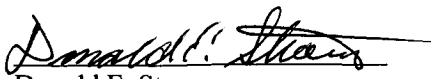
- | | |
|--|---------------------------|
| 1) Type: NA | 2) Length: NA feet |
| 3) Static water level: 250 feet | |

Pump\ Motor:

- | | |
|-------------------------------|------------------------------------|
| 1) Pump Make: NA | 2) Pump Model: NA |
| 3) Capacity: 40 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: NA | 6) Horsepower rating: NA hp |

COMMENTS:

Permit No. 2462-2 should be licensed for 0.09 cfs for commercial use at the trailer court.


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program

8/1/2005
Date

#2462-2
Roland Usera
HCR 89 Box 328
Hermosa, SD 57744
(605)255-4362

T2S R8E

NORTH WESTERN

Billover

Hermosa

Reservoir



Donald E. Stroup

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

1221 ft

2552 ft

28

29

30

BM 3303

BM 3303

3385

Cem

Cem

3375

3369

3310

3300

3300

3400

3411

3333

3385

3375

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2462-2

(1) Roland Usera, HCR 89 Box 328, Hermosa SD 57744 made Application No. 2462-2, May 14, 2001 for a water permit to divert 0.09 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for suburban housing development purposes. Permit No. 2462-2, with a priority date of May 14, 2001 was approved July 30, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 30, 2006 and for the application to beneficial use of water on or before July 30, 2010.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 11, 2003. The *Notice* stated the diversion system was completed on May 10, 2003 and the water placed to beneficial use on June 20, 2003.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2462-2 is issued a license, bearing a priority date of May 14, 2001 to appropriate 0.09 cubic feet of water per second from groundwater (one well) to supply water to a trailer court development.

The diversion point is located: 2,552 feet east and 1,221 feet south of the northwest corner of Section 29-T2S-R8E (NE ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2462-2 including the following now applicable qualification:

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



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

AUG 02 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 02 2005

2462-2

Roland Usera
HCR 89 Box 328
Hermosa SD 57744

Dear Mr. Usera:

Enclosed is Water License No. 2462-2. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures