

WATER PERMIT NO. 2489-2

Name of Applicant: Hermosa Water Users Assn.

Address: PO Box 41, Hermosa SD 57744 Phone: 605 343-0534

Amount of Water Claimed: 0.56 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system County: Custer & Pennington

Type of Waste Disposal System:

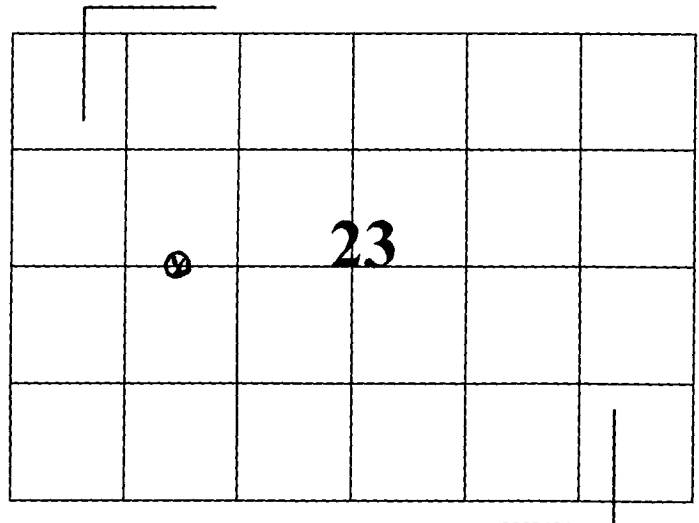
Location: 6 miles southwest of Hermosa

PRIORITY Date Received: 9-16-2002 Application/License Fee: \$325

Corrected Application Received: Period of Annual Use: Jan 1- Dec 31

Remarks: Different water source than existing Permit No. 1645-2

Diversion Point: on quarter-quarter line between
SW ¼ NW ¼ and NW ¼ SW ¼ Sec 23-T3S-R7E



Land to be Irrigated: NA

Depth of Well: Madison Formation well

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Cindy Walker, FSA

Reviewed and the Number Assigned on: 9-17-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2489-2

Date of first receipt of application September 16, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2489-2 to Hermosa Water Users Association, PO Box 41, 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. 2389-2 appropriates 0.56 cubic feet of water per second (250 gallons per minute) from one well (Madison Formation) approximately 2400 feet deep located on the quarter-quarter line between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23-T3S-R7E.
2. The water appropriated shall be used for the purpose of rural water system use 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. 2389-2 is December 16, 2002.
5. The date from which applicant may claim right is September 16, 2002.
6. One-fifth of the construction is to be completed on or before June 16, 2005.
7. All construction is to be completed on or before December 16, 2007.
8. Water is to be put to beneficial use on or before December 16, 2011.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2489-2 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. 2489-2 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. 2489-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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. The Hermosa Water Users Association shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Formation.

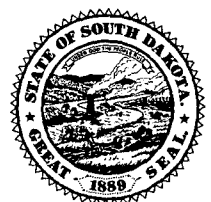
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 19 2003

date



Form 2: Application for uses other than irrigation

(please print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2489-2</u>	(office use only) Hydrologic Unit <u>10/20/09</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer Co. Chronicle, Custer</u>	

RECEIVED

SEP 16 2002

WATER RIGHTS PROGRAM

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.) _____

- Name of Applicant Hermosa Water Users Assn. Phone 343-0534
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address P.O. Box 41 Hermosa, S.D. 57944 State S.D.
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.56 *CFS or 2.50 **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Water Well in Madison Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) on quarter-quarter line
between SW1/4 NW1/4 and NW1/4 SW1/4 Sec 23-T35-R7E
 County Custer
- County or counties where water will be used Custer, Pennington
- Annual period during which water is to be used daily Jan 1-Dec 31
- 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)
Need to replace wells #C083C with high Radium 226 and 228

STATE OF SOUTH DAKOTA) SS

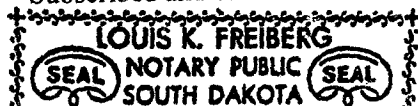
County of Custer

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, John Mc Mahon, President, 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 John Mc Mahon, President

Subscribed and sworn to before me this 13th day of September 2002



Louis K. Freiberg
 Notary Public signature

(Corp Seal)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 11" / 7 7/8 Depth 1100' / 2300'
- b) Casing Type Steel Diameter 8 5/8 / 6 5/8 Thickness .312 / .280
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2250 feet
- f) Depth to Water (ground surface to water level) 450 feet
- g) Distance to nearest existing domestic well:
- On applicants property 1/2 mile On property owned by others 7 1/4 miles

2. Wastewater Disposal System Information

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

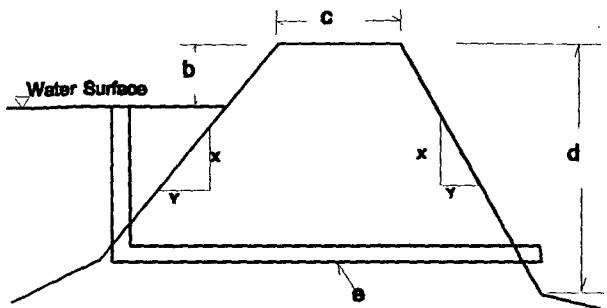
3. Dugout Information

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

4. Water Storage Dams

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.

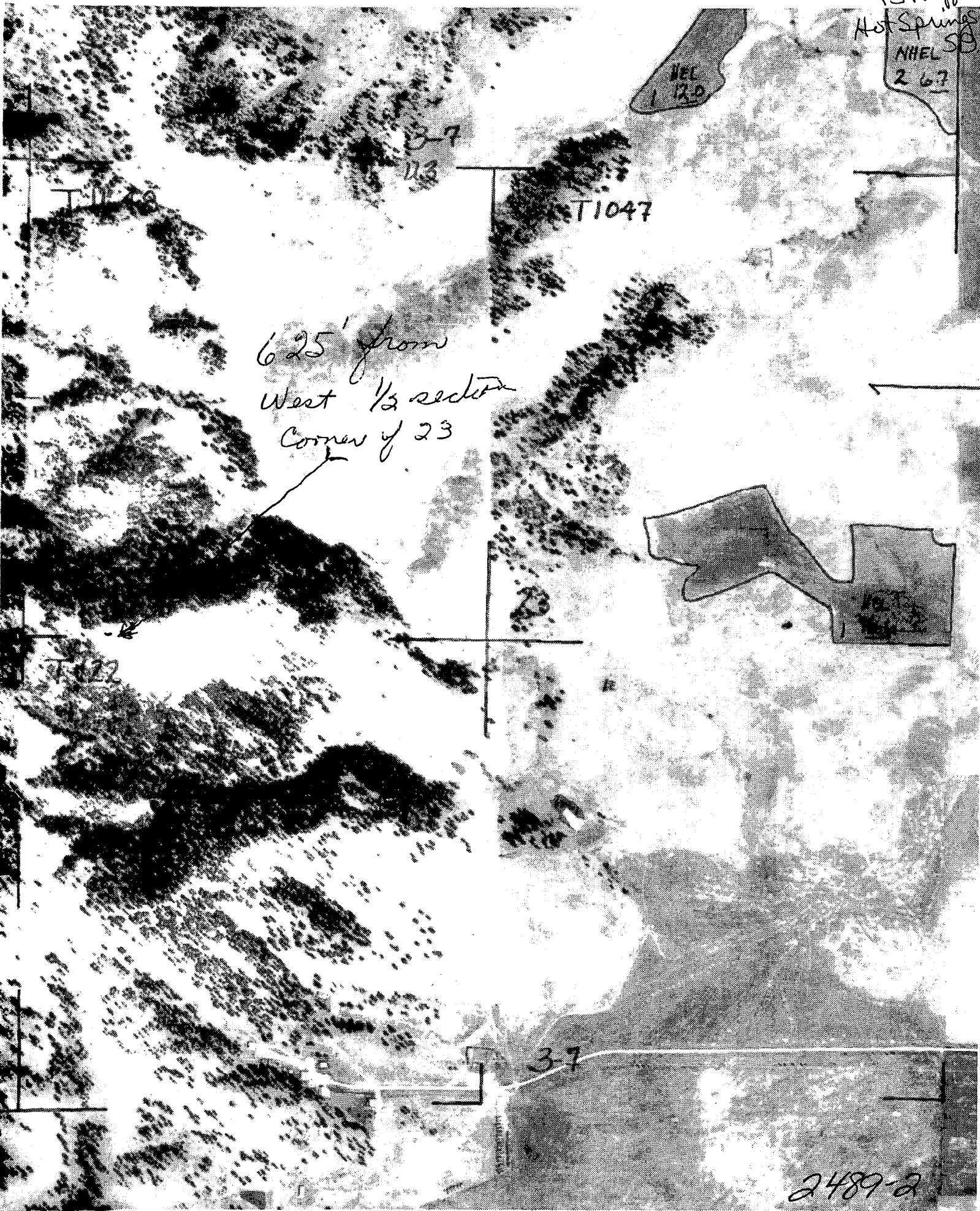
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

Cindy Walker
Program Tech.
FSA Office
Hot Springs
NH
267



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 16, 2002

RECEIVED OF John McMahon, PO Box 41, Hermosa SD 57744

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	275	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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	325.00

No.

000279

By

Darland Ebele

Chief Engineer

gm

RECEIVED

SEP 17 2002

WATER RIGHTS
PROGRAM

Dear Sirs

I forgot to put the
other sheet in when I
mailed water right
application to you.

We are trying to get
it to you in time of
your next meeting.

Taylor Drithery helped us
to fill in some of the blanks.

Yours truly
John McHale

Water Right Fee.	150
asking for 250 gal/min	75
	25
	<u>25</u>
	\$ 275
Fee for find Sept	<u>50</u>
	325

Enclosed check from my personal account to get them to you quicker.

Site of proposed well is next or very near to the system's highest reservoir on system which is 5 or 6 miles west of present wells

Yours truly

John McArthur president

REPORT ON WATER PERMIT APPLICATION NO. 2489-2
HERMOSA WATER USERS ASSOCIATION
NOVEMBER 12, 2002

Water Permit Application No. 2489-2 proposes to appropriate 0.56 cfs (250 gpm) from one well to be completed into the Madison aquifer. The well is to be located on the quarter-quarter line between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.23, T3S-R7E. The water is for rural water system use.

Water Source: Madison aquifer (MDSN)

The Madison (Pahasapa) Limestone is a massive limestone and dolomite that underlies much of the Western United States. In this area the Madison Limestone is estimated to be about 300 feet thick in this area (Carter and Redden, 1999a, and Carter and Redden, 1999b). The top portion of the Madison Limestone contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The aquifer underlies approximately 30,000 square miles of western South Dakota and contains at least 640 million acre-feet of recoverable water in storage in the State (Allen and others, 1984). The well site proposed by this permit is located approximately four miles east of the Madison outcrop (recharge area) (Strobel and others, 1999). The top of the Madison Limestone is expected to be approximately 2100 feet below grade at this site (Carter and Redden, 1999a).

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). Average annual recharge from 1931-1998 is estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001a).

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area. This well site is located approximately five miles northeast of Water Rights' Observation Well CU-93A and approximately seven miles southeast of Water Rights' Observation Well PE-95A, both of these observation wells are completed into the Madison aquifer. Hydrographs for the wells show the aquifer's response to climatic conditions and clearly demonstrate the system is recharged, (see figures 1-2).

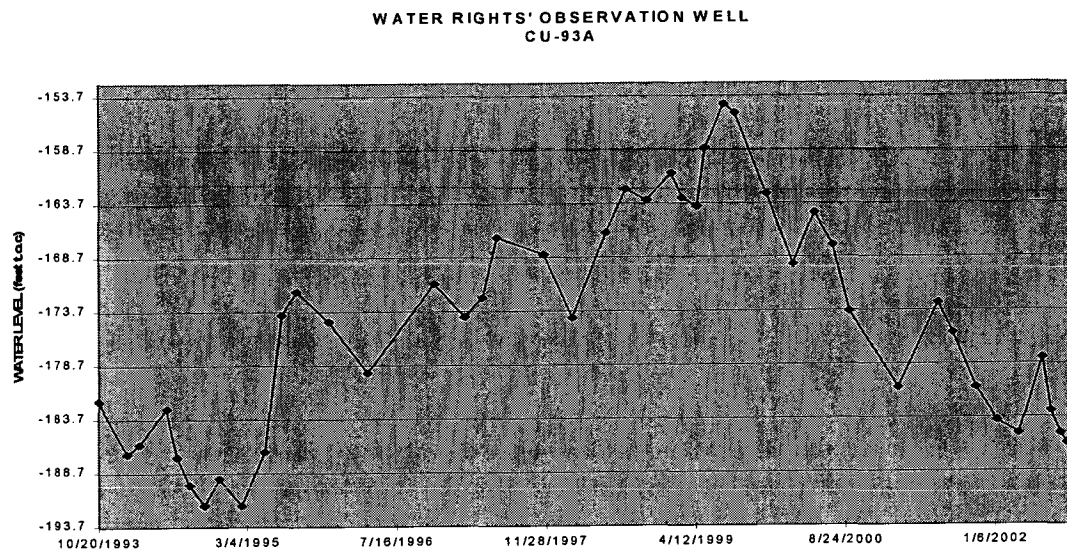


Figure 1. Hydrograph of Madison aquifer observation well approximately five miles southwest of 2489-2

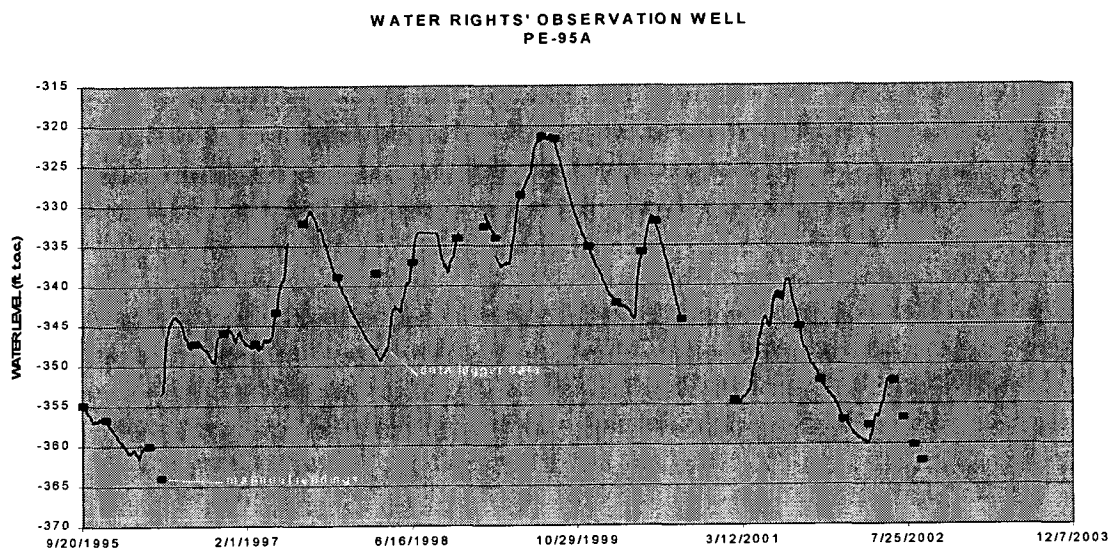


Figure 2. Hydrograph of Madison aquifer observation well approximately seven miles northwest of 2489-2

Records from the observation wells indicated 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 levels 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 a total of 121 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(23),

Meade(24), Pennington(34) and Fall River(11) Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case 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 less than 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Withdrawals from wells completed into the Madison aquifer were estimated to be 10,990 acre-feet annually from 1987-1996 (Carter and others, 2001b). 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.

Affects on Existing Rights:

There are only nine Water Rights/Permits appropriating groundwater within approximately five miles of this proposed well site, all of which are supplied by aquifers shallower than the Madison. Wells supplied from shallower aquifers are not expected to be affected by withdrawals from this well because the lower Minnelusa Formation isolates the Madison from upper aquifers.

The nearest Water Permit appropriating water from the Madison aquifer is Water Permit No. 2377-2, Rushmore Ranch Estates. The Rushmore Ranch well is located approximately 6.5 miles from the well proposed by this application. Well interference at this distance is expected to be insignificant.

Although there are a limited number of domestic wells completed into the Madison aquifer in this area (Water Rights 2002a) the potential affect of this appropriation to domestic wells must be considered. 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:

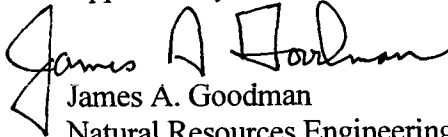
1. The Madison aquifer is a viable aquifer in this area.
2. This diversion will not adversely impair existing water rights.
3. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

References:

Allen, J.C., Iles, D.L., and Petres, A.K., Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-82-C-0151,

Carter, J.M., Redden, J.A., 1999a, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000

Carter, J.M., Redden, J.A., 1999b, Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-E, 2 sheets, scale 1:100,000

Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278, 66 p

Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996, Water-Resources Investigations Report 01-4119, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD

Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000

Water Rights Program, 2002a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2002b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2002c, "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 the 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. 2489-2, Hermosa Water Users Association**

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. 2489-2, Hermosa Water Users Association, c/o John McMahon, PO Box 41, Hermosa SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 2489-2 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. 2489-2 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. 2489-2 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 wells authorized by Permit No. 2489-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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. The Hermosa Water Users Association shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Formation

See report on application for additional information.

Garland Erbele, Chief Engineer
November 18, 2002

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

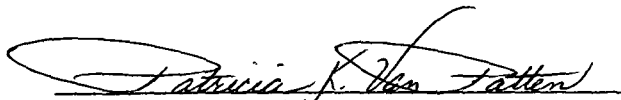
in the newspaper on the following two dates:

November 27, 2002

December 4, 2002

Cost of Printing Ninety-four dollars

and sixty-four cents (\$94.64)


(Signature)

Legal Advertising Representative
(Title)

12/4/02
(Date Signed)

Nov. 27, Dec. 4 L1272252

NOTICE OF APPLICATION NO. 2489-2 TO APPROPRIATE WATER

Notice is given that Hermosa Water Users Association, c/o John McMahon, P.O. Box 41, Hermosa, SD 57744, has filed an application for a water permit to appropriate 0.56 cubic feet of water per second (250 gallons per minute) from one well (Madison Formation) 2400 feet deep located on the quarter-quarter line between the SW¼ NW¼ and NW¼ SW¼ Section 23-T3S-R7E. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer is recommending APPROVAL of Application No. 2489-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also 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 December 16, 2002.

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

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

RECEIVED

DEC 06 2002

WATER RIGHTS
PROGRAM

EJS

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

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 _____ successive week(s), on which said newspaper was regularly published, to wit:

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

Charles W. Najacht

Subscribed and sworn to me before this _____

of _____, 20____;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: *May 5, 2004*

**NOTICE OF
APPLICATION
NO. 2489-2**
TO APPROPRIATE WATER

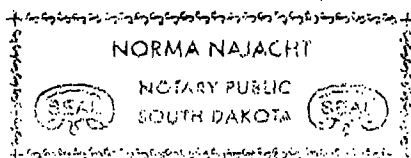
Notice is given that Hermosa Water Users Association, c/o John McMahon, PO Box 41, Hermosa SD 57744 has filed an application for a water permit to appropriate 0.56 cubic feet of water per second (250 gallons per minute) from one well (Madison Formation) approximately 2400 feet deep located on the quarter-quarter line between the SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 23-T3S-R7E. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer is recommending APPROVAL of Application No. 1758-1 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. 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

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 16, 2002.

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

#375, 11/27, 12/4



Instruction to Newspaper - Publish first Notice on November 27, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2489-2 to Appropriate Water

Notice is given that Hermosa Water Users Association, c/o John McMahon, PO Box 41, Hermosa SD 57744 has filed an application for a water permit to appropriate 0.56 cubic feet of water per second (250 gallons per minute) from one well (Madison Formation) approximately 2400 feet deep located on the quarter-quarter line between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23-T3S-R7E. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer is recommending APPROVAL of Application No. 1758-1 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. 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

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 16, 2002.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2489-2 to Appropriate Water to be published twice. Please publish the first notice on November 27, 2002 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 Hermosa Water Users Association, % John McMahon, PO Box 41, Hermosa SD 57744 (Ph # 605-343-0534).

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. 2489-2

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

Date _____

We are in receipt of your letter of November 19, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2489-2 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

November 19, 2002

Custer Co. Chronicle
PO Box 551
Custer SD 57730

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2489-2 to Appropriate Water to be published twice. Please publish the first notice on November 27, 2002 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 Hermosa Water Users Association, % John McMahon, PO Box 41, Hermosa SD 57744 (Ph # 605-343-0534).

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. 2489-2

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

Date _____

We are in receipt of your letter of November 19, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2489-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 19, 2002

Hermosa Water Users Association
%John McMahon
PO Box 41
Hermosa SD 57744

Dear Mr. McMahon:

Water Permit Application No. 2489-2 for rural water system 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 Publishers of the Custer Co. Chronicle printed at Custer, SD (Ph # 605-673-2271) and the Rapid City Journal printed at Rapid City, SD (Ph.#605-394-8300). You will need to contact the newspapers and authorize publication of this notice. 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers 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 newspapers have also 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

MAR 19 2003

Hermosa Water Users Association
% John McMahon
PO Box 41
Hermosa SD 57744

Dear Mr. McMahon:

Enclosed is Water Permit No. 2489-2 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

2489-2

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

Date 5-9-05

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

RECEIVED
MAY 12 2005
WATER RIGHTS
PROGRAM

FROM: Hermosa Water User Assoc.
(name)

P.O. Box 41
(address)

Hermosa, SD 57744
(city, state, zip)

605-255-4504
(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. 2489-2 2532-2 states that the water use system is to be constructed by Sept. 7, 2009 (date), and water is to be put to beneficial use by Sept 7, 2013 (date).

The water use system was completed on February 15, 2005 (date).

Applying the water to beneficial use was completed on February 15, 2005 (date).

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

Alan Mielke
(signature)



Permit No. 2489-2 and 2532-2
Upper Cheyenne - Water District

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

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

I have this day, 06/29/05, made a thorough examination of the water use system constructed by Hermosa Water Users Association of P.O. Box 41, Hermosa, SD, 57744 holder of Permit No. 2489-2 and 2532-2, bearing the priority of 09/16/02 and 07/23/04 authorizing the diversion of 1.11 cu. ft. per second of the waters of Madison Formation for Rural Water System purposes, in Custer County.

Inspection contact & relationship **Allen Milke**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells 1
- 3) Depth(s) 2414 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 13 3/8" to 28 ft, 9 5/8" to 1093 ft, 7 inches to 2248 ft.
- 2) Length 2248 feet
- 3) Type Steel

Screen:

- 1) Type
- 2) Length _____ feet
- 3) Static water level 164 feet

Pump:

- 1) Make Grunfuss
- 2) Model
- 3) Size
- 4) Capacity 500 GPM

Motor:

- 1) Make Hitachi
- 2) Model No. Mfg. # 689363
- 3) Horsepower rating 25 hp

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: NONE

The system is in Excellent condition with the point(s) of diversion located as follows: 2600 ft South and 400 ft East of the NW1/4 corner of Sec. 23-T3S-R7E (N 43.77465, W -103.257517). The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for Rural Water System.

Water has been put to beneficial use to the maximum extent as follows:

The license should be issued for 1.11 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: Water Permit No. 2489-2 authorizes a diversion of 0.56 cfs from the Madison Formation. The applicant has applied for an additional 0.56 cfs for the same well under Water Permit No. 2532-2. The combined diversion of 1.11 cfs will equal the maximum pump capacity in place. Water Permit Nos. 2489-2 (priority date of 09/16/02) and 2532-2 (priority date 07-23-04) should both be licensed under Water Permit No. 2532-2 with their original priority dates.



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: October 1, 2005

2489-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 08 2005

2532-2
2489-2

Alan Mielke
Hermosa Water Users Association
PO Box 41
Hermosa SD 57744-0041

Dear Sirs:

Enclosed is Water License No. 2532-2. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a copy of the 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. 2532-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 2489-2 were incorporated into Water License No. 2532-2.