

WATER PERMIT NO. 2538-2

Name of Applicant: JKRK Properties LLC

Address: 1935 Samco Rd, Suite 102, Rapid City SD 57702

Phone: 605 342-9606

Amount of Water Claimed: 0.244 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing

County: Pennington

Type of Waste Disposal System:

Location: 6 miles west of New Underwood

PRIORITY

Date Received: 8-30-04

Application/License Fee: \$200

Corrected Application Received: 9-2-04

Period of Annual Use: January 1 – December 30

Remarks:

Diversion Point: SW ¼ SW ¼ Sec 5-T1N-R10E

Land to be Irrigated: NA

Depth of Well: 2900 feet

Well Driller:

Remarks:

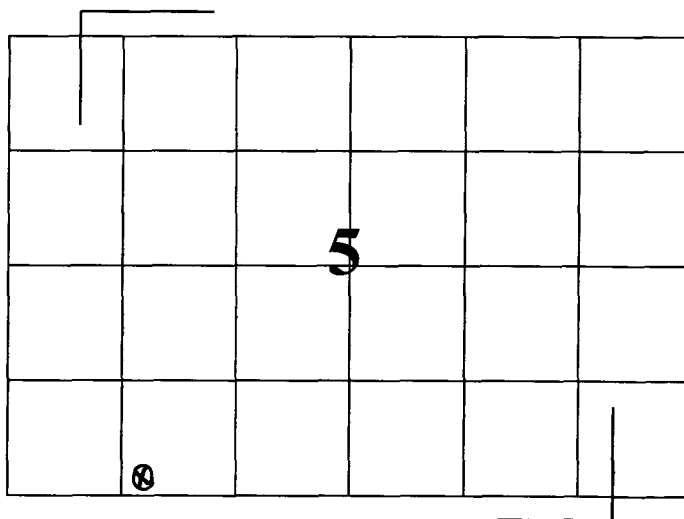
Type of Map: plat

Prepared by: Ralph W Goodson, PE

Reviewed and the Number Assigned on: 9-2-04

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2538-2</u>	(office use only) Hydrologic Unit <u>10120110</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City</u>	

RECEIVED
AUG 30 2004
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 JKRK Properties LLC Phone 605-342-9606
(check one) ☒ Owner Suite 102 ☐ Tenant/lessee
Mailing Address 1935 Samco Rd. Rapid City State S. D. 57702
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.244 *CFS or 110 **GPM 80 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well drilled in the Dakota Sandstone Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4SW1/4 Sec. 5, T.1N., R.10E., BHM County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used all year 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)

This well is to be drilled into the Dakota Sandstone and will provide water for a Planned Unit Development in Sections 4 & 5, T.1N., R.10E. and Sections 32 and 33, T.2N., R.10E., of the BHM.

STATE OF SOUTH DAKOTA)
County of Pennington) 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, Ryan Kask- Manager, 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 R Kask- Manager of JKRK Properties

Subscribed and sworn to before me this 27 day of August 16 2004

Jennifer L Matkins exp 2/11/09
Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 2538-2**

Date of first receipt of application August 30, 2004.

Date of return to applicant for corrections, amendments or changes August 30, 2004.

Date of receipt of corrected application September 2, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2538-2 to JKRK Properties LLC, 1935 Samco Rd, Suite 102, 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. 2538-2 appropriates 0.244 cubic feet of water per second from one well to be completed into the Inyan Kara Formation (approximately 2900 feet deep) located in the SW ¼ SW ¼ Section 5-T1N-R10E.
2. The water appropriated shall be used for the purpose of 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. 2538-2 is November 22, 2004.
5. The date from which applicant may claim right is August 30, 2004.
6. One-fifth of the construction is to be completed on or before May 22, 2007.
7. All construction is to be completed on or before November 22, 2009.
8. Water is to be put to beneficial use on or before November 22, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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.
2. The well authorized by Permit No. 2538-2 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.
3. JKRK Properties shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Formation.

WATER MANAGEMENT BOARD

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

DEC 07 2004
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 7/8" Depth 2900 feet
- b) Casing Type Steel Diameter 7.625" OD Thickness .328"
- c) Screen Type NA Diameter _____ Thickness _____
- d) Gravel Pack NA Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2500 feet (Estimated)
- f) Depth to Water (ground surface to water level) 350 feet (Estimated)
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 0.8 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 _____

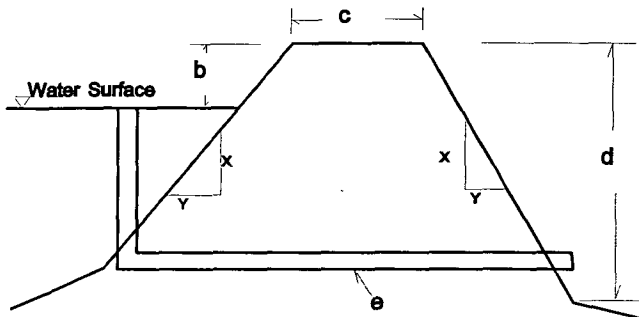
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 2, 2004

RECEIVED OF JKRK Properties LLC, 1935 Sanco Rd Suite 102, Rapid City SD 57702

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

Fee for Application for Permit No. <u>2538-2</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2538-2</u>	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	200.00

No. 000000

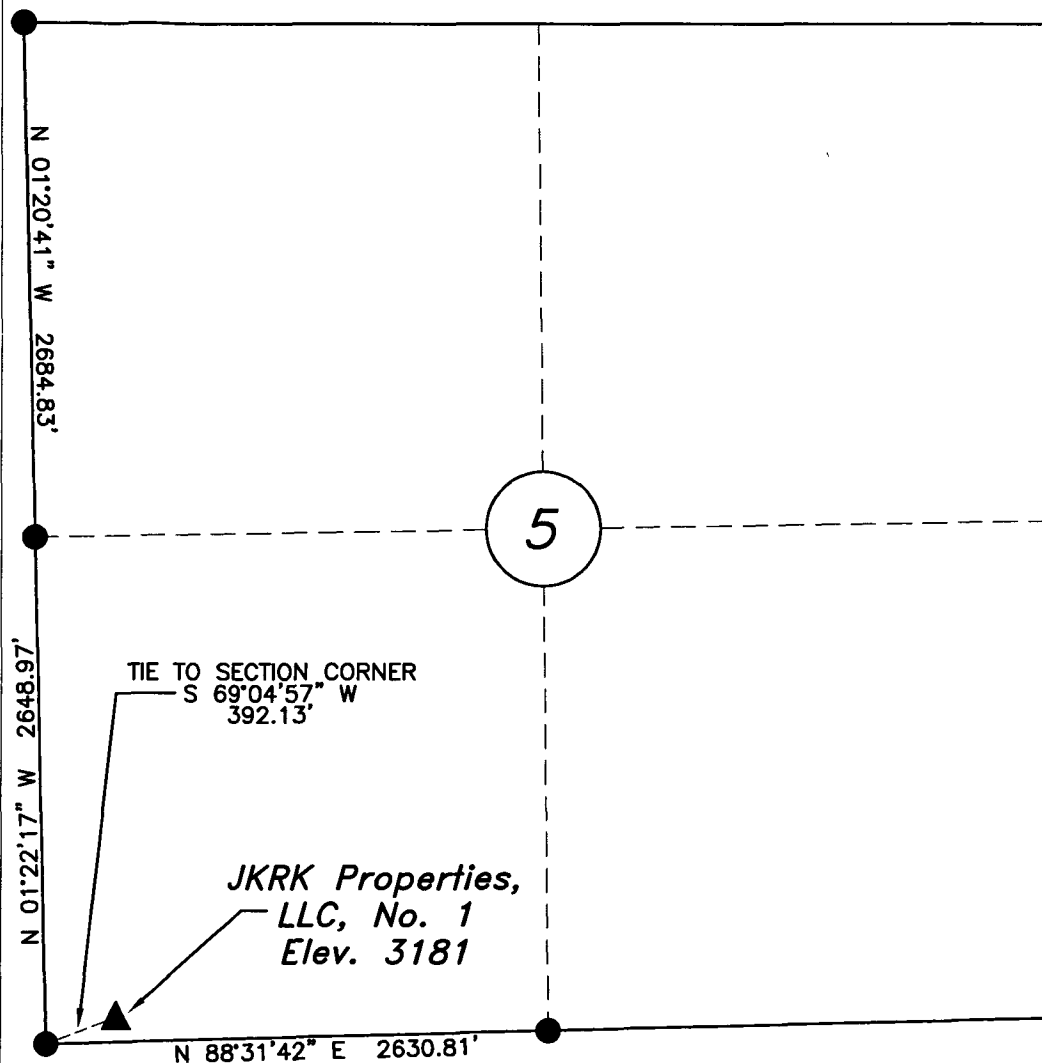
By Darland Erbe

Chief Engineer gm

EXHIBIT

JKRK Properties, LLC, No. 1

*Section 5, T.1N., R.10E. of the BHM,
Pennington County, South Dakota*



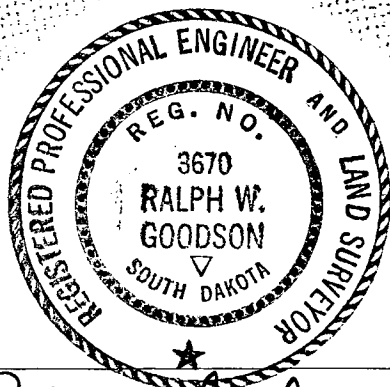
LEGEND

- – Indicates corner evidence found, remonumented, and/or Certified Land Corner Recordation Certificate filed
- ▲ – Indicates Bore Site

BASIS OF ELEVATION:
SOUTHWEST CORNER
SECTION 5 = 3175'

CERTIFICATE OF SURVEYOR

I, Ralph W. Goodson, of Sundance, Crook County, Wyoming, do hereby certify that this map was drawn from notes taken during an actual survey done by me and under my direct supervision during August, 2004, and that that survey is accurately represented hereon.



08-12-2004

04620-WELL-EXHIBIT

Prepared By:

BEARLODGE LTD., INC.

Consulting Engineers & Land Surveyors

P.O.Box 130, 611 Main St., Sundance, WY 82729 (307) 283-3633



Ralph J. Lodge

2538-2

August 27, 2004

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

RECEIVED

AUG 30 2004

WATER RIGHTS
PROGRAM

To Whom It May Concern:

Please send any fees due or other correspondence to JK RK PROPERTIES, LLC., 1935
Samco Road, Suite 102, Rapid City, SD 57702.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Matkins".

Jennifer Matkins
Office Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 2004

Jennifer Matkins, Office Manager
JKRK Properties LLC
1935 Samco Rd
Suite 102
Rapid City SD 57702

Dear Ms. Matkins:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a suburban housing development.

The application/license filing fee will be \$200.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

WATER PERMIT APPLICATION NO. 2538-2
JKRK PROPERTIES, LLC
OCTOBER 21, 2004

Water Permit Application No. 2538-2 proposes to appropriate 0.244 cubic feet of water per second from one well completed into the Inyan Kara aquifer, (approximately 2,900 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.5, T1N-R10E, Pennington County. The water is for a suburban housing development.

AQUIFER: Inyan Kara

GENERAL:

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen and others, 1985). The aquifer underlies 1,245,440 acres and contains an estimated 23,352,000 acre-feet of recoverable water in storage in Pennington County alone (Allen and others, 1985). The Inyan Kara outcrops about 14 miles west of this well site (Strobel and others, 1999). The top of the Inyan Kara is estimated to be approximately 2,700 feet below grade at this well site (Allen and others, 1985). The Inyan Kara is estimated to 250- 300 feet thick in this area (Allen and others, 1985). The thickness of the Inyan Kara aquifer does however, vary considerably within short distances. The static water level of a well in this location is expected to be between 500 and 600 feet below grade (Water Rights, 2004a). There are a few completion reports on file for Inyan Kara aquifer wells in this area however, most of the domestic wells in this area are shallow wells (Water Rights, 2004a).

WATER AVAILABILITY:

Average annual recharge to the Inyan Kara aquifer in the Black Hills area from 1950 through 1998, is estimated to be 11,600 acre-feet annually (Driscoll and others, 2002). The average annual withdrawals from the aquifer for the same time period were estimated to be 1,400 acre-feet/year (Driscoll and others, 2002). A simple water budget demonstrates that withdrawals from the aquifer do not exceed recharge.

The Water Rights Program monitors seven observation wells completed into the Inyan Kara aquifer in the Black Hills area. None of the observation wells are in this immediate area. Water Rights' Observation Well PE-95E is located approximately 13.5 miles northwest of this well site and Observation Well PE-95B is located about 12 miles west of this well site. The observation wells document that the aquifer readily recharges, and that the aquifer can sustain additional appropriations (Water Rights, 2004b).

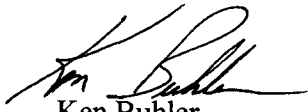
EXISTING WATER RIGHTS:

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 144 Water Rights/Permits. There are 41 rights/permits appropriating water from the Inyan

Kara Aquifer in Pennington County (Water Rights, 2004c). The nearest appropriations from the Inyan Kara aquifer are over four miles away from this proposed well site. Well interference is not expected to be a problem between the wells due to the distance.

CONCLUSIONS:

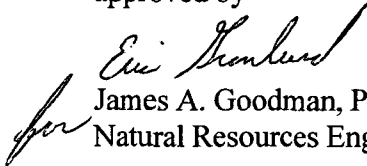
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem at the proposed well site because of the distance from existing wells.



Ken Buhler

Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.

Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Driscoll, D.G., Carter, J.M., Williamson, J.E. and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 02-4094, 150 p.
- 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, 2004a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2004b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2004c, "Water Permit Files" DENR-Water Rights Program, Joe Foss
Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 2538-2, JKRK Properties, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2538-2, JKRK Properties, LLC, c/o Ryan Kaski, Manager, 1935 Samco Road, Suite 102, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2538-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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.
2. The well authorized by Permit No. 2538-2 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.
3. JKRK Properties shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara Formation.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 26, 2004

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 3, 2004

November 10, 2004

Cost of Printing Eighty-seven dollars

and forty-eight cents (\$87.48)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

11/12/04
(Date Signed)

RECEIVED

NOV 15 2004

WATER RIGHTS
PROGRAM

Nov. 3, 10 L1799447

NOTICE OF APPLICATION NO. 2538-2 TO APPROPRIATE WATER

Notice is given that JKRK Properties LLC, 1935 Samco Rd., Suite 102, Rapid City, SD 57702, has filed an application for a water permit to appropriate 0.244 cubic feet of water per second from one well to be completed into the Inyan Kara Formation (approximately 2900 feet deep) located in the SW1/4SW1/4 Section 5-T1N-R10E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2538-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)," and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 22, 2004.

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**

PMB 2020
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.

October 26, 2004

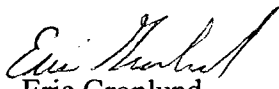
JKRK Properties LLC
% Jennifer Matkins Office Manager
1935 Samco Rd Suite 102
Rapid City SD 57702

Dear Ms. Matkins:

Water Permit Application No. 2538-2 for suburban housing use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has 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.

Instruction to Newspaper - Publish first Notice on November 3, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2538-2 to Appropriate Water

Notice is given that JKRC Properties LLC, 1935 Samco Rd, Suite 102, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.244 cubic feet of water per second from one well to be completed into the Inyan Kara Formation (approximately 2900 feet deep) located in the SW ¼ SW ¼ Section 5-T1N-R10E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2538-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 22, 2004.

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

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

October 26, 2004

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2538-2 to Appropriate Water to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 JKRK Properties LLC, % Jennifer Matkins, Office Manager, 1935 Samco Rd Suite 102, Rapid City SD (Ph # 605-342-9606).

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. 2538-2

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

Date _____

We are in receipt of your letter of October 26, 2004 enclosing Notice to Appropriate Water by Application No. 2538-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEC 07 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JKRK
% Jennifer Matkins Office Manager
1935 Samco Rd Suite 102
Rapid City SD 57702

Dear Ms. Matkins:

Enclosed is Water Permit No. 2538-2 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

2538-2

BEARLODGE LTD. INC.

P. O. BOX 130

SUNDANCE, WY. 82729

Ph: 307-283-3633

Fax: 307-283-2633

Jan. 31, 2005

Mr. Eric Gronlund, Natural Resources Engineer

DENR

Joe Foss Building

523 E. Capitol

Pierre, South Dakota 57501-3182

Dear Sir:

My client, JKRR Properties LLC has received water permit Application No. 2538-2 for suburban housing. The location of this well as shown in the original application (SW1/4SW1/4 Sec. 5, T.1N., R.10E., BHM) needs to be changed in order to better accommodate the construction of the proposed housing development.

We wish to request that the location be changed to the NW1/4NE1/4 Section 32, T.2N., R.10E., BHM. This change will allow for a more appropriate location for the well in the development that it is to serve. I have included a location map showing the requested location for your information.

If you have any questions or require additional information, please contact me any time.

Very truly yours,



Ralph W. Goodson, PE&LS

Encls.

Pc: JKRR Properties, LLC

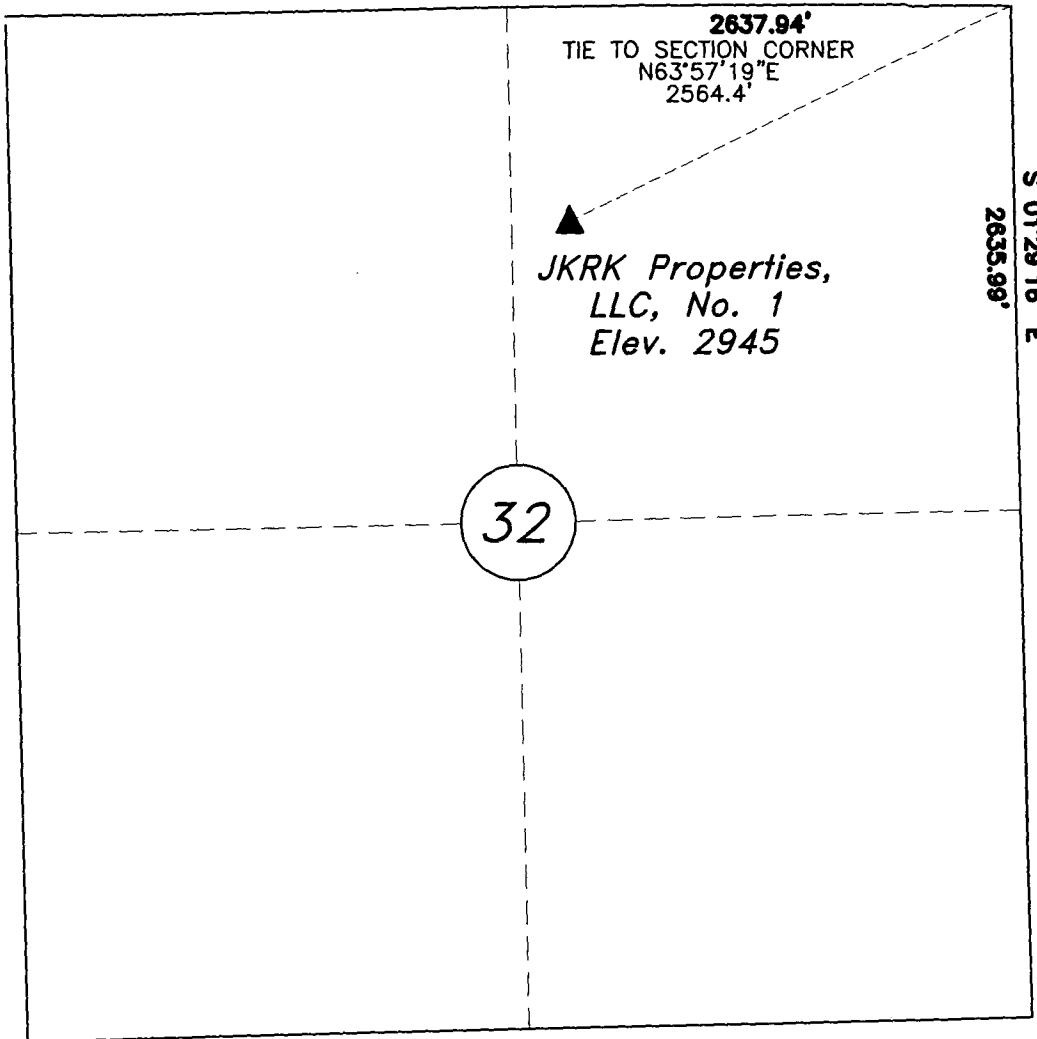
RECEIVED

FEB - 2 2005

WATER RIGHTS
PROGRAM

EXHIBIT

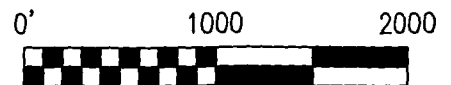
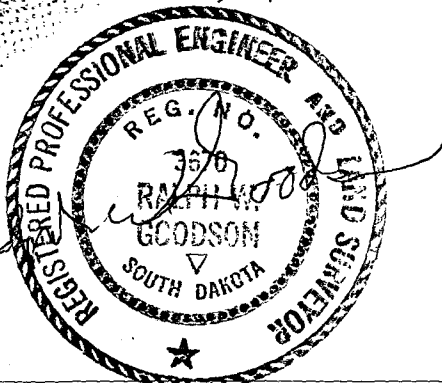
WELL LOCATION MAP (rev.)
JKRK Properties, LLC, No. 1
Section 32, T.2N., R.10E. of the BHM,
Pennington County, South Dakota
N 89°42'42" E



▲ - Indicates Bore Site

CERTIFICATE OF SURVEYOR

I, Ralph W. Goodson, of Sundance, Crook County, Wyoming, do hereby certify that this map was drawn from notes taken during an actual survey done by me and under my direct supervision during August, 2004, and that that survey is accurately represented hereon.



1/31/05

04620-WELL-EXHIBIT

Prepared By:

BEARLODGE LTD., INC.

Consulting Engineers & Land Surveyors

P.O.Box 130, 611 Main St., Sundance, WY 82729 (307) 283-3633



1/31/05

Change of Diversion Point

NAME: JKRK Properties, LLC

ADDRESS: 1935 Samco Rd, Suite 102, Rapid City SD 57702

DATE: February 7, 2005 **COUNTY:** Pennington County

BACKGROUND:

JKRK Properties obtained Water Permit No. 2538-2 in 2004 to appropriate 0.244 cfs from one well to be completed into the Inyan Kara Formation located in the SW ¼ SW ¼ Section 5, T1N, R10E. The water is for use in a suburban housing development.

Ralph Goodson, a consultant for JKRK Properties, submitted a request to change the location of the well to a more appropriate location to serve the development. The well has not been drilled.

The new location for the well is approximately one and a half miles northeast from the originally planned location. The well will now be located in the NW ¼ NE ¼ Section 32, T2N, R10E.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well authorized by Water Permit No. 2538-2 is to be completed into the Inyan Kara Formation at a depth of approximately 2900 feet. Completing the well into a different water source will require a new water permit.

No additional appropriation of water is requested. The water permit appropriates 0.244 cfs (110 gpm). This request for a change of diversion point is only to better accommodate serving water for the development.

- **Review of Existing Diversions**

This is a request to change the authorized well location by a little over one and a half miles northeast of the originally planned location. Ken Buhler prepared the staff report on this application in October 2004. The review at that time found the nearest existing water rights over four miles from the proposed well site. The new location of the well will now be approximately 3.7 miles from the nearest appropriation from the Inyan Kara Formation. A review of the Water Rights well log database found only two well logs in neighboring sections. These wells were constructed in 1955 and 1969 by oil companies.

CONCLUSION

- This change in the location of the permitted well does not appropriate additional water.
- The well will be constructed into the Inyan Kara Formation which is the water source authorized by Water Permit No. 2538-2.
- Existing domestic wells will not be adversely impacted by authorizing this replacement well.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of the diversion point be authorized.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point will not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



2538-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2005

Ryan Kaski
JKRK Properties, LLC
1935 Samco Road, Suite 102
Rapid City SD 57702

Dear Mr. Kaski:

I am writing in regard to the request by Ralph Goodson on behalf of JKRK Properties for a change in the location of the well authorized by Water Permit No. 2538-2. This water permit appropriates 0.244 cubic feet of water per second (110 gpm) from a well completed in the Inyan Kara Formation located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T1N, R10E.

Upon review of the request and pursuant to SDCL 46-5-13.1, JKRK Properties is authorized to construct this well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T2N, R10E without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. This authorization does not grant an increase in the 0.244 cfs diversion rate as appropriated by Water Permit No. 2538-2.

This request has been authorized under SDCL 46-5-13.1 for which there is no application filing fee.

If you have any questions, please feel free to contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Ralph Goodson, Bearlodge LTD, PO Box 130, Sundance, WY 82729

**LITHOLOGIC LOG FOR KASKI HOMES
SUNSET RANCH #1
PENNINGTON COUNTY, SOUTH DAKOTA
NW NE SEC 32, T2N, R10E**

DEPTH	GENERAL LITHOLOGY	SAMPLE DESCRIPTION	COMMENTS
TOP SOIL			
0	Clay	Brown to gray clay	
PIERRE FORMATION			
0-325	Shale	multi-colored silty calcareous clay - chips of pale And grayish yellow green silty clay	
325- 645	Shale	hard, platy olive black shale interbedded with siltstone	
645-865	Siltstone	olive black siltstone containing abundant sand and Clayey (Marl) interlayers	
865-905	Shale	Olive black shale, occasionally iron stained with interbedded Olive black marl, yellowish gray non-calcareous shale and calcareous siltstone	
TOP OF NIOBRARA FORMATION			
905-1030	Chalk and shale	Calcareous light gray shale with abundant chalk	
TOP OF CARLILE FORMATION			
1030- 1295	Shale	Dusky blue, fissile, non calcareous shale, pale-dark yellowish brown noncalcareous shale with streaks of v.f. sand	
1295- 1485	Shale	Grayish black non-calcareous shale and limestone interbedded with gray marl and olive gray sandstone	
TOP OF GREENHORN LIMESTONE			
1485- 1505	Limestone	Dark gray with rounded white calcareous grains, light gray sandy limestone with fine yellowish gray lime mudstone	
TOP OF BELLE FOURCHE SHALE			
1505- 1690	Shale	Brownish black, slightly fissile shale; abundant bentonite and minor yellowish brown calcareous shale	
TOP OF MOWRY			
1690- 1945	Shale	Brownish black, fossiliferous shale, pyrite and oxidized iron stains; Interbedded with white arkosic/calcareous sandstone, calcite veining and yellowish brown micaceous shale	
TOP OF MUDDY FORMATION			
1945- 2140	Interbedded shale and sandstone	Brown - black shale containing dolomite concretions, pyrite, calcite veining. Finely laminated black and light olive gray shale with bentonite and calcite cemented v.f. sandstone	

TOP SKULL CREEK SHALE

2140- 2385	Shale	Black shale containing dolomite concretions, pyrite; Olive black shale with iron staining in lower shales
------------	-------	---

TOP OF DAKOTA SANDSTONE

2385-2490	Interbedded Shale and Sandstone	Fine grained, calcite cemented, light gray sandstone, with non-calcareous dark gray shale and iron staining in lower olive black shale. Small amount of pyrite. Mostly shale.
-----------	---------------------------------------	---

TOP OF FUSON SHALE

2490- 2540	Shale	Dark gray shale with minor amounts of yellowish brown siltstone, pyrite, and light gray sandstone, intermingled reddish and yellowish sandstone
------------	-------	---

TOP OF LAKOTA SANDSTONE

2540- 2710	Sandstone interbedded Shale	Light gray v.f. to med. Grained sub-angular to sub-rounded quartz sandstone Dark gray calcareous-non-calcareous shale intermingled with white clay
------------	-----------------------------------	---

2710- 2865	Sandstone	Fine grained, calcite cemented, light gray sandstone, v.f. to med. Grained sub-angular to sub-rounded quartz sandstone
------------	-----------	--

TOP OF MORRISON FORMATION

2865-2954	Shale	Dark gray shale, white bentonite clay
-----------	-------	---------------------------------------



LABORATORY ANALYTICAL REPORT

Client: Weston Engineering-Upton
Project: Kaski WSW #1A
Lab ID: R05110179-001
Client Sample ID: Wellhead

Report Date: 11/29/05
Collection Date: 11/15/05 08:30
Date Received: 11/15/05
Matrix: DRINKING
WATER

Analyses	Result	Units	Qual	RL	MCL/ QCL	DF	Method	Analysis Date / By
PHYSICAL PARAMETERS								
Conductivity @ 25 C	809	umhos/cm		5		1	A2510 B	11/16/05 15:50/AH
pH	8.38	s.u.		0.01		1	A4500-H B	11/16/05 15:50/AH
Solids, Total Dissolved TDS @ 180 C	530	mg/L		5		1	A2540 C	11/17/05 14:09/AH
INORGANIC PARAMETERS								
Calcium	46	mg/L		1		1	E200.7	11/18/05 11:43/LJH
Chloride	6.3	mg/L		0.50		1	E300.0	11/16/05 15:06/LJH
Hardness as CaCO ₃	180	mg/L		1		1	A2340 B	11/18/05 14:48/ADM
Magnesium	16	mg/L		1		1	E200.7	11/18/05 11:43/LJH
Nitrogen, Nitrate as N	0.16	mg/L		0.10		1	E300.0	11/16/05 15:06/LJH
Sodium	100	mg/L		1		1	E200.7	11/18/05 11:43/LJH
Sulfate	225	mg/L	D	4.6		10	E300.0	11/23/05 16:46/LJH
Hardness as CaCO ₃ - Grains	11	grains/gal		0.06		1	A2340 B	11/18/05 14:48/ADM
TOTAL METALS ANALYSES								
Iron	1.8	mg/L		0.03		1	E200.7	11/28/05 16:50/LJH
Manganese	0.12	mg/L		0.01		1	E200.7	11/28/05 16:50/LJH

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.
D - RL increased due to sample matrix interference.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.



LABORATORY ANALYTICAL REPORT

CLIENT: Weston Engineering-Upton

Project: Kaski WSW #1A

Report Date: 11/29/05

Lab ID: R05110179-001 **Matrix:** DRINKING WATER

Collection Date: 11/15/05 08:30

Client Sample ID: Wellhead

Received Date: 11/15/05 16:07

Sampled By: Not Given

Analyses	Result	Units	Safe/Unsafe	Qual	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	11/15/05 17:15 / AH
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	11/15/05 17:15 / AH

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.