

WATER PERMIT NO. 2540-2

Name of Applicant: **Jane E Meuwissen / Inskeep**

Address: **PO Box 419, Hill City SD 57745** Phone: **605 574-2179**

Amount of Water Claimed: **0.10 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (2 wells)**

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

Type of Waste Disposal System:

Location: **southwest of Hill City**

PRIORITY Date Received: **10-4-04** Application/License Fee: **\$100**

Corrected Application Received: Period of Annual Use: **Jan 1- Dec 30**

Remarks: **for a bottled water business**

Diversion Point: **N ½ NE ¼ Sec 36-T1S-R4E**

Land to be Irrigated: **NA**

Depth of Well: **60 feet**

Well Driller: : **Alexander Drilling Inc.**

Remarks:

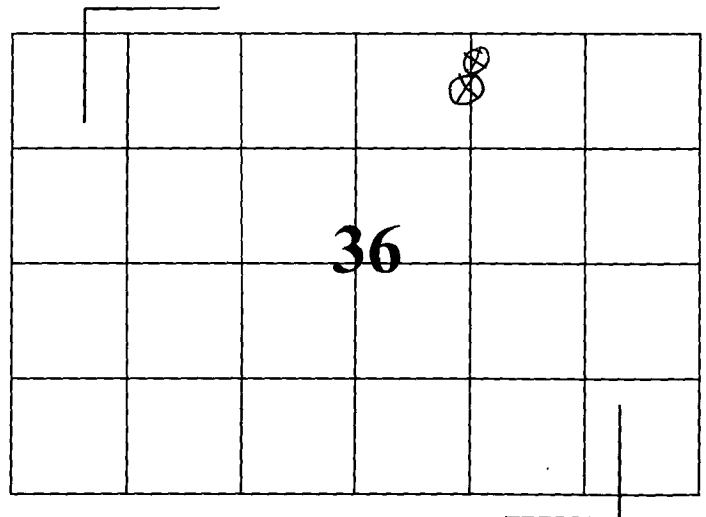
Type of Map: **topo**

Prepared by: **Gene Waterson, NRCS**

Reviewed and the Number Assigned on: **10-4-04**

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>2540-2</u> (office use only) Hydrologic Unit <u>10/20109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Hill City Prevalier News, Hill City</u>

RECEIVED
OCT - 4 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 Jane E. Meuwissen / Inskeep Phone 605. 574. 2179
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 419, Hill City State SD 57745-0419
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.10 *CFS or 45 **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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in NE 1/4 Sec. 36
(N 1/2 NE 1/4) 01S 04E
County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used year-around 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)
Development of bottled water business.

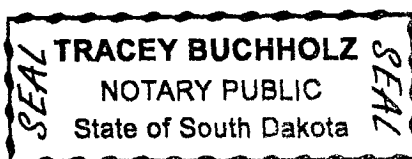
STATE OF SOUTH DAKOTA)

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, Jane E. Meuwissen, 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 Jane Meuwissen
Subscribed and sworn to before me this 27th day of September 20 04



Tracey Buchholz
Notary Public signature
My Commission Expires:
October 7, 2009

**SOUTH DAKOTA
WATER PERMIT NO. 2540-2**

Date of first receipt of application October 4, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2540-2 to Jane E Meuwissen / Inskeep, PO Box 419, Hill City SD 57745-0419 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. 2540-2 appropriates 0.10 cubic feet of water per second from two wells to be completed into the Precambrian Aged Crystalline Rock (approximately 60 feet deep) located in the N ½ NE ¼ Section 36-T1S-R4E.
2. The water appropriated shall be used for the purpose of commercial use in a bottled water operation 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. 2540-2 is December 20, 2004.
5. The date from which applicant may claim right is October 4, 2004.
6. One-fifth of the construction is to be completed on or before June 20, 2007.
7. All construction is to be completed on or before December 20, 2009.
8. Water is to be put to beneficial use on or before December 20, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

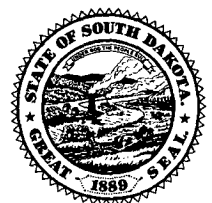
QUALIFICATION

The wells 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

APR 01 2005
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 60'
- b) Casing Type PVC Diameter 6" Thickness 1/4"
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property 125' On property owned by others 1000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic / Drainfield
- b) System Capacity (gallons) 1500 Year Constructed 2000
- c) Connected to the City of N/A Sanitary System N/A

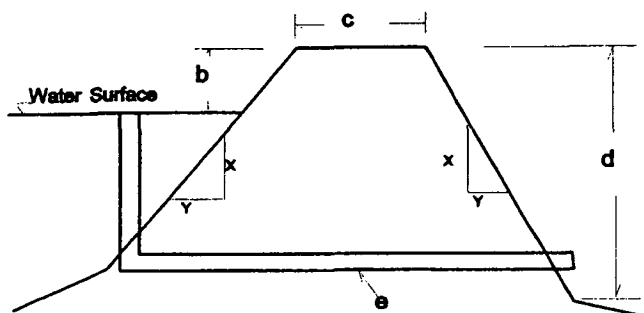
3. Dugout Information

- 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 October 4, 20 04

RECEIVED OF Jane Meuwissen, PO Box 419, Hill City SD 57745

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

Fee for Application for Permit No. <u>8540-2</u> 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. <u>8540-2</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	100.00

No.

001403

By

Darlene Erbe
Chief Engineer
gm



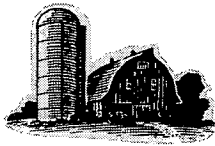
Gene Waterson
District Conservationist



Natural Resources Conservation Service
United States Department of Agriculture
1530 Samco Road, Suite 3
Rapid City, SD 57702

Phone 605/342-0301, Ext. 3
Fax 605/348-8656 Eugene.Waterson@sd.usda.gov

2540-2



COWBOY GULCH COMPANIES

"Making dreams happen for years and today"

Diversion Point MAP-Jane E. Meuwissen Property
12384 Cowboy Gulch Road, Hill City, SD

● — Diversion Points (well)
NE 1/4 Sec. 36
see supplemental map
(attached)

36
01S 04E
Pennington Co.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2540-2

ADDRESS: COUNTY: Pennington

DATE: October 7, 2004 TELEPHONE:

RE: RJ Inskeep

COMMENTS:

RJ Inskeep called regarding Application No. 2540-2 filed in the name of Jane Meuwissen / Inskeep. He and the NRCS agent found that the legal description on the well completion report is incorrect. The correct location is on the application and shown on the signed NRCS map. He wanted to make sure the record was clear.

NAME: Eric Meuwissen

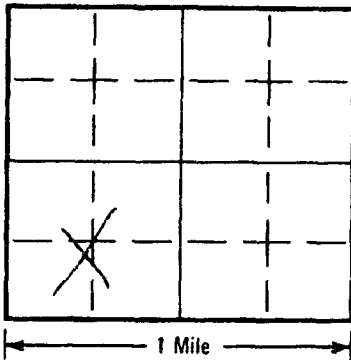
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 SW 1/4 Sec 30 Twp 1 S. Rg 5 E.
 County Penn.

Please mark well location with an "X"

Cowboy Gulch W



Well Completion Date

3-31-00

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 25' 6" PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>6</u> IN	<u>0</u> FT	<u>24</u> FT	<u>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>Pack 1-11</u>	<u>3</u>	<u>14-15</u> lb./gal	<u>0</u> ft.	<u>24</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured none

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? Casing Set Hd. Rock

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine solution

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: R. J. Inskip

Business Name: 12384 Cowboy gulch Rd.

Address: P.O. Box 419
Hill City, S.D. 57745

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>8</u>
<u>Schist BRN. M. Hd.</u>	<u>8</u>	<u>37</u>
<u>Schist Fracture</u>	<u>37</u>	<u>39</u>
<u>H₂O - 20" gpm</u>		
<u>Schist grey M. Hd.</u>	<u>39</u>	<u>60</u>

STATIC WATER LEVEL 20' 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 W/Air Describe: 25" gpm

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Gregory M. Johnson
841 Rena Place
Rapid City, SD 57701

December 20, 2004

RECEIVED
DEC 21 2004
WATER RIGHTS
PROGRAM

Water Rights Program
Foss Building
Attn: Chief Engineer
523 E. Capitol
Pierre, SD 57501

RE: Application to Appropriate Water No. 2540-2

Dear Chief Engineer:

I am a landowner in this area that may be affected by this proposed activity. I request that you deny the application at this time.

It has been less than 24 hours since I have been apprised that this application has been made. I have strong concerns both privately and in the general public interest.

I do not know the exact location of the wells to be permitted.

At this time I can only guesstimate the hydrology of the area.

I do not know if the regulations in place are appropriate for these unique formations in the hardrock of the Black Hills.

There are a number of concerns that need to be addressed. I also request that all pertinent information related to the geology, hydrology, and regulations relevant to this proposed activity be given to myself and others that may share these concerns.

Until such time that I can be assured that existing residents will not be negatively impacted by this or future applications and that it is in the public interest, I oppose this application.

Respectfully,



Gregory M. Johnson

Gregory M. Johnson
841 Rena Place
Rapid City, SD 57701

December 20, 2004

RECEIVED

DEC 21 2004

WATER RIGHTS
PROGRAM

Jane E Meuwissen/Innskeep
PO Box 419
Hill City SD 57745

RE: Application to Appropriate Water No. 2540-2

Dear Jane:

I am a landowner in this area that may be affected by this proposed activity. I request that this application be denied at this time.

It has been less than 24 hours since I have been apprised that this application has been made. I have strong concerns both privately and in the general public interest.

I do not know the exact location of the wells to be permitted.

At this time I can only guesstimate the hydrology of the area.

I do not know if the regulations in place are appropriate for these unique formations in the hardrock of the Black Hills.

There are a number of concerns that need to be addressed. I also request that all pertinent information related to the geology, hydrology, and regulations relevant to this proposed activity be given to myself and others that may share these concerns.

Until such time that I can be assured that existing residents will not be negatively impacted by this or future applications and that it is in the public interest, I oppose this application.

Respectfully,



Gregory M. Johnson

cc Chief Engineer

December 20, 2004

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

RECEIVED

DEC 22 2004

WATER RIGHTS
PROGRAM

Re: Notice of Application
No. 2540-2 To Appropriate Water

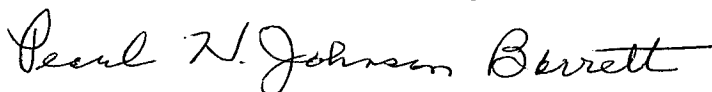
I am responding to the application for water permit to have a commercial water bottling company.

I am Pearl H Johnson Barrett a recent resident of Cowboy Gulch and with my husband, Carl F Johnson, Jr, deceased January 20, 1997, established a residence above which is now Cowboy Gulch Ridge in June of 1962. I still have an interest in the home there.

I object to this application because one day we will not have that water. Yes, I know it is the sweetest tasting water in the Hills and a well kept secret, but we have to protect our right to this water that it will not go dry. During some of the dry years in residence there our water was extremely low, but not dry, although our neighbor Gormans did go dry. Again we have to protect our water that we will always have it.

The well drillers in the Black Hills are drilling because wells have gone dry this summer. This shows a sign of dry years and continued population of residents in the Black Hills. Please use good judgment.

A former resident of Cowboy Gulch



Pearl H Johnson Barrett
255 Texas St Apt H226
Rapid City, SD 57701

A copy of this letter has been sent to Jane E Meuwissen/Inskeep
PO Box 419
Hill City, SD 57745-0419

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

RECEIVED

DEC 22 2004

WATER RIGHTS
PROGRAM

December 20, 2004

RE: Application NO. 2540-2 TO APPROPRIATE WATER

To whomever it concerns:

I am writing this petition to halt a possible commercial water bottling operation in a remotely residential area per Application NO. 2540-2 TO APPROPRIATE WATER. As a lifetime resident and landowner of nearly ten years, I feel it is unnecessary to disturb the quiet and pristine lifestyle that we have enjoyed for so long.

As we all know, we are in a severe need of moisture as the prolonged drought continues. I hesitate with the comment that 1) unappropriated water is available. While it may seem to be there now, how long will it last with such an amount extracted daily. As I, along with others in the area have experienced for a number of years; our water quality is deteriorating. Having visited with a few well-drillers in the area, there have been several wells that have had to be re-drilled. This is a strong sign that there is not an adequate water supply to support a commercial water bottling operation.

Furthermore, I realize no legal impairment would necessarily be present (2: existing rights will not be unlawfully impaired). However, the rightful access to an already limited and declining water supply would be drastically affected. At this time I do not know of the zoning rules and regulations regarding this matter, but it seems as though a commercial operation in a residential area is simply out of line.

Additionally, I would argue that 3) it is a beneficial use of water. While the public may see some benefit in terms of a larger supply of bottled water and perhaps an economic perk, the permanent residents' would be permanently affected in adverse and detrimental ways over time.

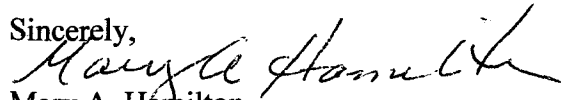
Finally, I would argue that it is not 4) in the public's interest to have such a facility or operation in this area. While it may seem advantageous from an economic perspective, the effects on the well-being of our lifestyle should also be considered.

As with most things there are advantages and disadvantages, however, in this case I see a few economic benefits that are heavily outweighed by the negative impact that would be felt by surrounding landowners.

In closing, I would like to again mention the continuing drought we are experiencing. If we are to significantly increase the amount of water extracted, there will be many adversities and a significant negative impact on surrounding residents and landowners such as myself.

Thank you for your time and consideration of my petition against Application NO. 2540-2 TO APPROPRIATE WATER. Please let me know of the next step in the process and procedures to further my petition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary A. Hamilton".

Mary A. Hamilton

P.O. Box 453

Hill City, SD 57745-0453

(605) 574-4292

Gregory M. Johnson
841 Rena Place
Rapid City, SD 57701

RECEIVED
JAN 12 2005
WATER RIGHTS
PROGRAM

January 11, 2005

Water Rights Program
Foss Building
Attn: Chief Engineer
523 E. Capitol
Pierre, SD 57501

RE: Application to Appropriate Water No. 2540-2

Dear Chief Engineer:

I withdraw my opposition and my petition to decline the Application to Appropriate Water No. 2540-2.

Respectfully,



Gregory M. Johnson

Carland

January 14, 2005

RECEIVED

JAN 14 2005

WATER RIGHTS
PROGRAM

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

Re: Notice of Application
No. 2540-2 To Appropriate Water

I had written earlier to oppose the application for a water permit to have a commercial water bottling company. Since then I have visited with R.J. Innskeep and am satisfied with the intent of his application. At this time I withdraw my opposition to his application.

Sincerely,

Pearl H. Barrett
Pearl H. Johnson Barrett
255 Texas St Apt H226
Rapid City, SD 57701

A copy of this letter has been sent to

*RJ Innskeep
PO Box 419
Rapid City SD*

57745-0419

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

January 24, 2005

To whomever it concerns:

I am writing to withdraw my petition against the Application NO.2540-2 TO
APPROPRIATE WATER.

I apologize for the length of time it has taken me to reply after I spoke with Mr.
Gronlund.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary A. Hamilton".

Mary A. Hamilton
P.O. Box 453
Hill City, SD 57745-0453

RECEIVED

JAN 26 2005

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2005

NOTICE

TO: Jane E. Meuwissen / Inskeep
PO Box 419
Hill City SD 57745

Gregory M. Johnson
841 Rena Place
Rapid City SD 57701

Pearl H. Johnson Barrett
255 Texas Street, Apt. H226
Rapid City SD 57701

Mary A. Hamilton
PO Box 453
Hill City SD 57745-0453

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Petitioners Withdrawn Opposition to Water Permit Application No. 2540-2, Jane E. Meuwissen / Inskeep

Application No. 2540-2 filed by Jane E. Meuwissen / Inskeep proposes to appropriate 0.10 cubic feet of water per second from two wells to be completed into the Precambrian Aged Crystalline Rock (approximately 60 feet deep) located in the N ½ NE ¼ Section 36-T1S-R4E. The water is for commercial use in a bottled water operation.

Three petitions were submitted in opposition to issuance of Water Permit Application No. 2540-2. Since that time all three petitioners have submitted letters withdrawing their opposition to Application No. 2540-2. Therefore, the water permit will be issued as set forth in the recommendation and there will not be a hearing before the Water Management Board.

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on January 28, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 28, 2005 regarding Notice of Petitioner Withdrawn Opposition to Water Permit Application No. 2540-2 addressed as stated below:

Jane E Meuwissen/Inskeep
PO Box 419
Hill City SD 57745

Gregory M Johnson
841 Rena Place
Rapid City SD 57701

Pearl H Johnson Barrett
255 Texas Street Apt H226
Rapid City SD 57701

Mary A Hamilton
PO Box 453
Hill City SD 57745-0453

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

Diane Best, Assistant Attorney General, Capitol Building



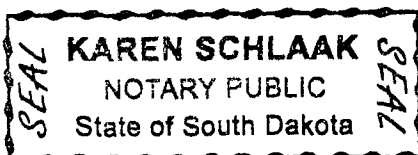
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of January, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 2004

Gregory M. Johnson
841 Rena Place
Rapid City SD 57701

Dear Mr. Johnson:

The Water Rights Program is in receipt of your petition regarding Water Permit Application No. 2540-2 filed by Jane Meuwissen-Inskeep. Please find enclosed a copy of the report prepared on the application and the Chief Engineer's recommendation.

A notice of hearing will be sent to parties in the near future scheduling the application for consideration by the Water Management Board.

If you have any questions regarding the staff's review and report on the application, please contact Ken Buhler at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure

WATER PERMIT APPLICATION NO. 2540-2
JANE E MEUWISSEN/ INSKEEP
NOVEMBER 10, 2004

Water Permit Application No. 2540-2 proposes to appropriate 0.10 cubic feet of water per second (cfs), from two existing wells completed into the Precambrian Crystalline Rock aquifer (approximately 60 feet deep) located in the N½ NE¼ Sec. 36, T1S-R4E, Pennington County. The water is for commercial use in a bottled water operation.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metamorphosed black shale (phyllite and schist), (Strobel and others, 1999). The crystalline rock aquifer is exposed at the surface throughout this area, except where it is covered by alluvium along Spring Creek and its tributaries (Strobel and others, 1999). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as Spring Creek. Groundwater is derived primarily through joints, fractures and foliation within the rock. The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. Recharge to the crystalline rock occurs through infiltration of precipitation and streamflow losses.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. The nearest observation well completed into this aquifer is located in Custer, about 10 miles south of this site. Water levels in the observation well fluctuate over 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years, see figure 1. The aquifer in this area should behave similarly to the aquifer in the Custer area.

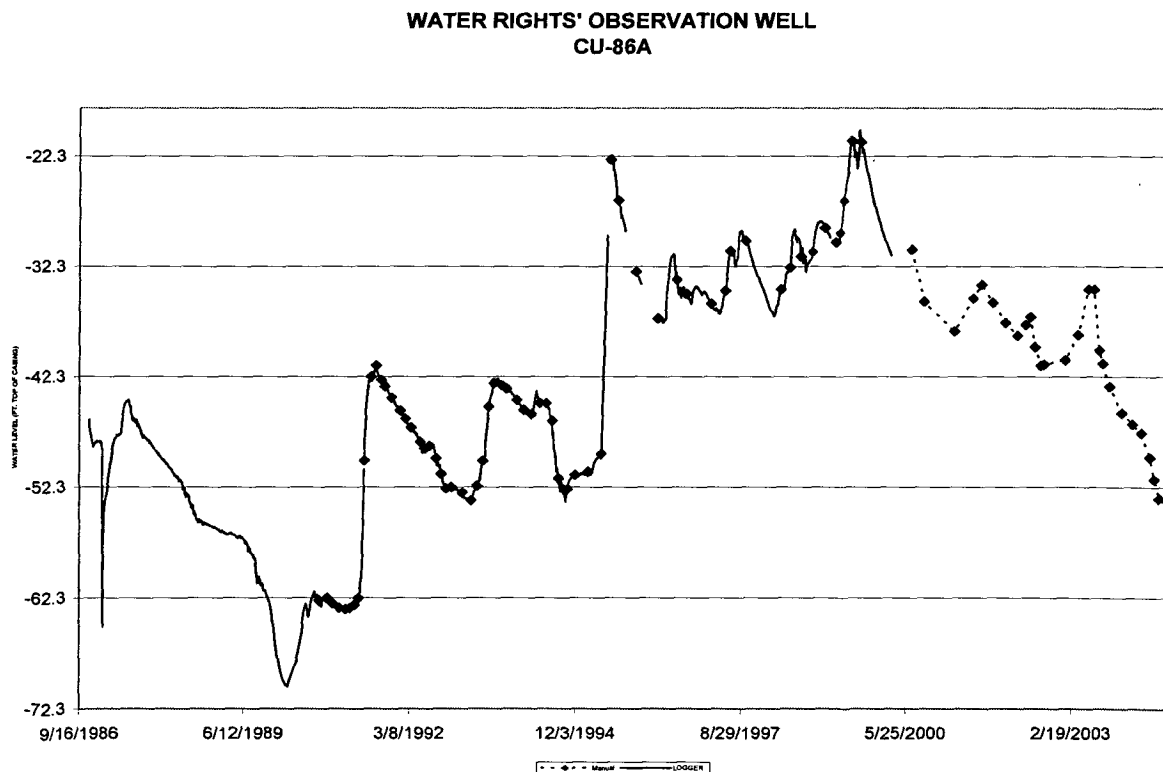


Figure1. Hydrograph of Crystalline aquifer observation well located approximately 10 miles south of 2540-2.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area and there are seven Water Rights/Permits appropriating water from the aquifer within approximately one mile of this site. The appropriations include:

PERMIT NO	NAME	AQUIFER	USE	CFS
1598-2	TOWN OF HILL CITY	ALQ	MUN	0.85
1694-2	LESLIE WADE	ALQ	IND	0.22
2149-2	STEVEN D JOHNSON	CRSL	COM	0.03
2150-2	STEVEN D JOHNSON	CRSL	COM	0.03
2152-2	CHARLES MCKAY	CRSL	COM	0.05
2212-2	QUAIL'S CROSSING	CRSL	COM	0.03
2257-2	HARNEY LOUNGE/GARBONZOS	CRSL	COM	0.02

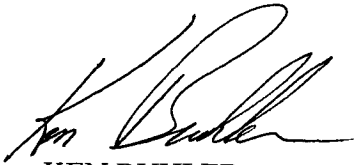
Table 1. Groundwater appropriations within approximately one mile of 2540-2

The nearest groundwater appropriation, No. 1598-2, Town of Hill City, is located about one half mile from the applicant's well site. Since the porosity of the Crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. Although the diversion rate proposed by this application is relatively small (45 gpm), it is possible that drawdown from this well could be measurable in the Hill City well. Any drawdown associated with the 0.10 cfs pumping rate proposed by this application should be insignificant when measured at 1598-2.

ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. Since the porosity of the Crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 50 feet at the Water Rights' Observation well; drawdown of a few feet could be considered insignificant.

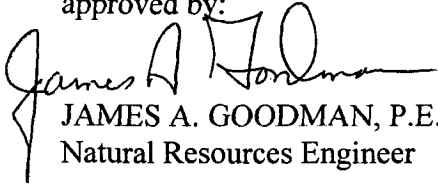
Conclusions:

1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.
3. This is an application to divert water from an existing well. The completion report on file for the well indicates it was constructed in accordance with the SD Well Construction Standards.



KEN BUHLER
Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

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, 1503 p.

Strobel, M.L, Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., 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 Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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. 2540-2, Jane E. Meuwissen / Inskeep**

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. 2540-2, Jane E. Meuswissen / Inskeep, PO Box 419, Hill City SD 57745-0419

The Chief Engineer is recommending APPROVAL of Application No. 2540-2 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
November 19, 2004

Affidavit of Publication

State of South Dakota)

)ss.

County of Pennington)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Hill City Prevailer-News, a weekly newspaper printed and published in Hill City, said County of Pennington, 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

Jane Meuwissen / Inskeep
PO Box 419 Hill City 57745

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:

Dec. 1, 2004; Dec. 8, 2004;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

as stipulated in SDCL 17-2-2.1 through 17-2-2.4 inclusive; the full amount of the fees for the publication of the annexed notice is \$ 36.58.

Charles W. Najacht

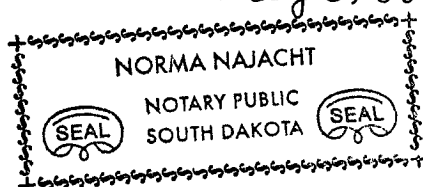
Subscribed and sworn to me before this 8

of December, 2004;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF APPLICATION

NO. 2540-2 TO APPROPRIATE WATER

Notice is given that Jane E Meuwissen / Inskeep, PO Box 419, Hill City SD 57745-0419 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells to be completed into the Precambrian Aged Crystalline Rock (approximately 60 feet deep) located in the N 1/2 NE 1/4 Section 36-T1S-R4E. The water is for commercial use in a bottled water operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2540-2 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 December 20, 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.

#334, 12/1, 12/8

RECEIVED
DEC 23 2004
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on December 1, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2540-2 to Appropriate Water

Notice is given that Jane E Meuwissen / Inskeep, PO Box 419, Hill City SD 57745-0419 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells to be completed into the Precambrian Aged Crystalline Rock (approximately 60 feet deep) located in the N ½ NE ¼ Section 36-T1S-R4E. The water is for commercial use in a bottled water operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2540-2 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.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 22, 2004

Hill City Prevailer News
PO Box 266
Hill City SD 57745-0266

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2540-2 to Appropriate Water to be published twice. Please publish the first notice on December 1, 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 Jane E. Meuwissen/Inskeep, PO Box 419, Hill City, SD 57745-0419 (Ph # 605-574-2179).

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. 2540-2

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

Date _____

We are in receipt of your letter of November 22, 2004 enclosing Notice to Appropriate Water by Application No. 2540-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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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.

November 22, 2004

Jane E Meuwissen/Inskeep
PO Box 419
Hill City SD 57745-0419

Dear Ms. Meuwissen:

Water Permit Application No. 2540-2 for commercial 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 Hill City Prevalier printed at Hill City, SD (Ph # 605-574-2538). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

APR 01 2005

Jane E Meuwissen/Inskeep
PO Box 419
Hill City SD 57745-0419

Dear Ms. Meuwissen/Inskeep:

Enclosed is Water Permit No. 2540-2 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