

WATER PERMIT NO. 2568-2

Name of Applicant: Clearwater Lake Estates

Address: HCR 52 Box 124A, Hot Springs SD 57747

Phone: 605 745-5471

Amount of Water Claimed: 0.17 cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic and fish & wildlife propagation

County: Fall River

Type of Waste Disposal System:

Location: 5 miles southeast of Hot Springs

PRIORITY Date Received: 9-13-05

Application/License Fee: \$200

Corrected Application Received: 9-23-05

Period of Annual Use: May 1 – August 31

Remarks: 7 AF dugout filled by the well for domestic use, lawn watering and fish & wildlife use

Diversion Point: SW ¼ NE ¼ Sec 10⁶-T8S-R6E

Land to be Irrigated: NA

Depth of Well: 600 – 800 feet deep

Well Driller:

Remarks:

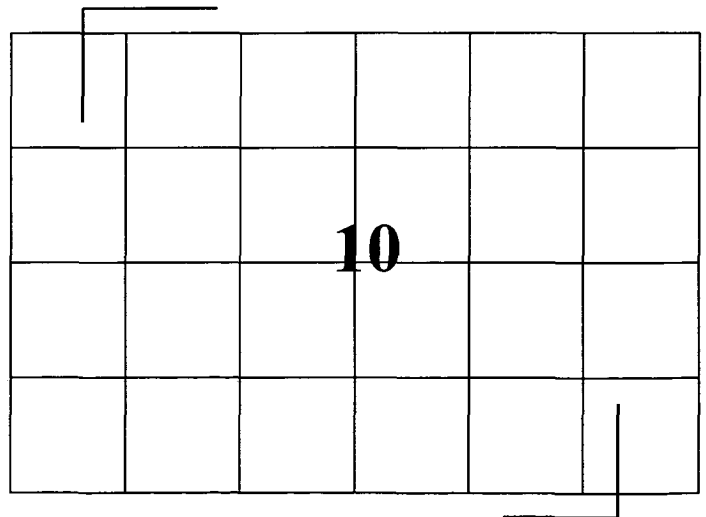
Type of Map: plat

Prepared by: Clinton C Gregory, PE

Reviewed and the Number Assigned on: 9-23-05

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>2568-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star, Hot Springs</u>	

RECEIVED
SEP 13 2005
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 Clearwater Lake Estates Phone 605 745 5471
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HCR 52 Box 124A, Hot Springs State SD 57747
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.17 *CFS or 7.5 **GPM 7 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Fall River Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in SW2NE1/4 section 16 Township 8 S. Range 6 E.
County _____
- County or counties where water will be used Fall River
- Annual period during which water is to be used May, June, July Aug. 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)

Small dug out used for Domestic use and storage of water for Lawn, Gardens, and Fish & Wildlife. which will be filled from New well.

STATE OF SOUTH DAKOTA)

County of Fall River 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, William D. Ballin, Sr., President of Clearwater Lake Estates, a S.D. Corporation, 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

William D. Ballin, Sr., President

Subscribed and sworn to before me this 12 day of September 2005

Michael B. Oster

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2568-2**

Date of first receipt of application September 13, 2005.

Date of return to applicant for corrections, amendments or changes September 13, 2005.

Date of receipt of corrected application September 23, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2568-2 to Clearwater Lake Estates, HCR 52, Box 124A, Hot Springs SD 57747 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. 2568-2 appropriates 0.17 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 600 - 800 feet deep) located in the W ½ NE ¼ Section 16-T8S-R6E. Water will be diverted from the well into a 7 acre-feet storage dugout in the same location.
2. The water appropriated shall be used for the purpose of domestic use and fish & wildlife propagation 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: May 1 – August 31.
4. The date of approval of Permit No. 2568-2 is December 19, 2005.
5. The date from which applicant may claim right is September 13, 2005.
6. One-fifth of the construction is to be completed on or before June 19, 2008.
7. All construction is to be completed on or before December 19, 2010.
8. Water is to be put to beneficial use on or before December 19, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

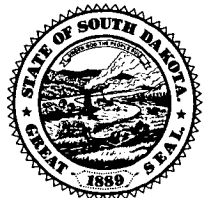
QUALIFICATIONS

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. 2568-2 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. Water Permit No. 2568-2 authorizes a dugout/pond with a storage capacity of 7.0 acre feet of water. The dugout may be filled one or more times per year.

WATER MANAGEMENT BOARD

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

JAN 26 2006
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 600' - 800'
- b) Casing Type steel Diameter 6" Thickness 1/4
- c) Screen Type plastic Diameter 6" Thickness 1/4
- d) Gravel Pack yes pea gravel Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 600' to 800'
- f) Depth to Water (ground surface to water level) ~~1200'~~ N/A
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others yes 1500'

2. Wastewater Disposal System Information

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

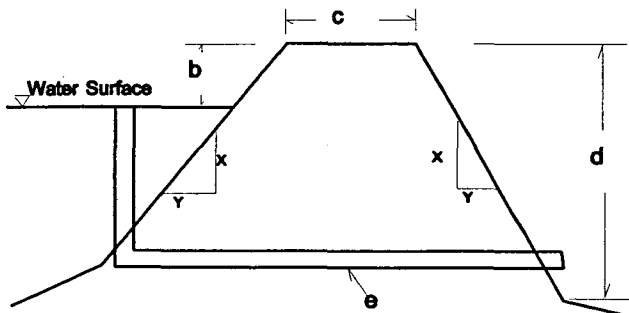
3. Dugout Information

- a) Surface Dimensions 4 AC. Depth 8 ft.
- b) Depth to water (ground surface to water level) 2 ft

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 9/13, 20 05

RECEIVED OF Clear Water Lake Estate, HCR 52 Box 124A, Hot Springs SD 57747

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

Fee for Application for Permit No. <u>SS68-2</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. _____		
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	150.00

No.

001919

By

Darland Erbe

Chief Engineer

gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 23, 2005

RECEIVED OF William Bolln, HCR 52 Box 124A, Hot Springs SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3568-2</u>		
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	50.00

No.

00190

By

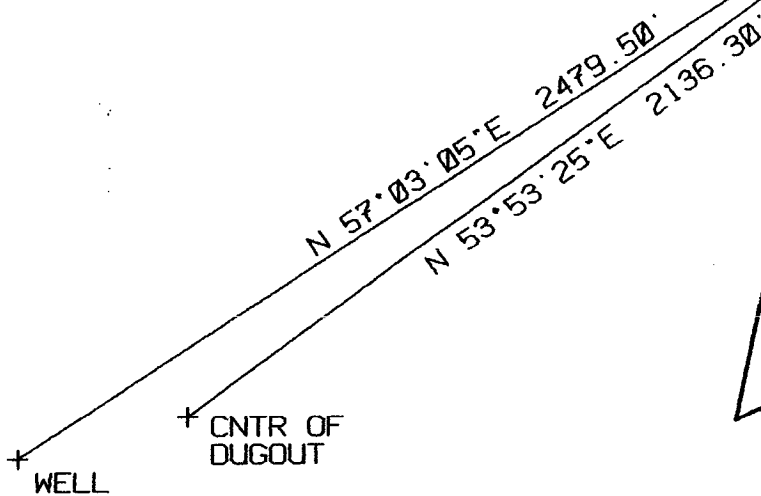
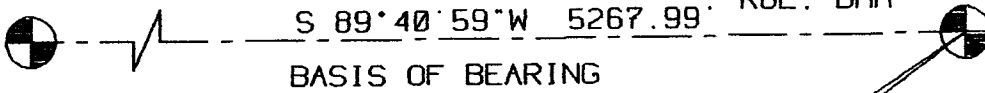
Darlene Schell

Chief Engineer

gm

SW SEC COR
SEC 9, T8S.
R6E. BHM

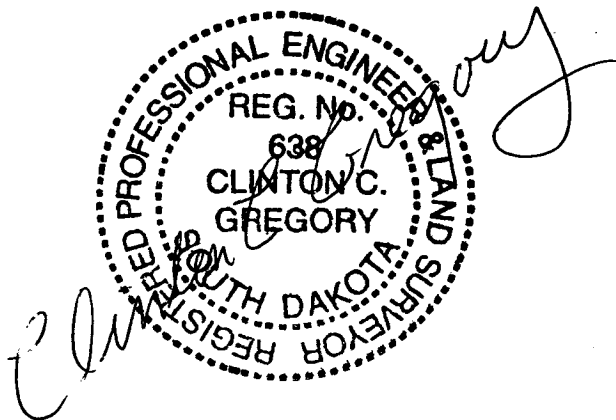
SE SEC COR
SEC 9, T8S.
R6E. BHM



SCALE: 1" = 400'

SEPT. 21, 2005

FALL RIVER COUNTY
SOUTH DAKOTA





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2005

Clearwater Lake Estates
William D Belln, President
HCR 52, Box 124A
Hot Spring SD 57747

RECEIVED

SEP 23 2005

WATER RIGHTS
PROGRAM

Dear Mr. Belln:

Thank you for submitting the *Application for a Permit to Appropriate Water* for fish & wildlife propagation and domestic use. In order to complete the application the following is required.

- Please submit a map showing the location of the well and the dugout in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- We have received a \$150 application filing fee. The Water Rights Program also collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Appl. No. 2568-2, Clearwater Lake Estates

ADDRESS: COUNTY: Fall River

DATE: September 26, 2005 TELEPHONE:

RE: Call to Clinton Gregory, Registered Professional Engineer and Land Survey

COMMENTS:

I contact Mr. Gregory regarding the map he prepared for Application No. 2568-2. His reference point was the SE corner of Section 9, T8S, R6E. However the well and dugout are to be located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, T8S, R6E.

NAME: Eric Henderson

WATER PERMIT APPLICATION NO. 2568-2
CLEARWATER LAKE ESTATES
OCTOBER 27, 2005

Water Permit Application No. 2568-2 proposes to appropriate 0.17 cubic feet of water per second (76 gallons per minute) from one well completed into the Inyan Kara aquifer, located in the W½ NE¼ Sec.16, T8S-R6E, Fall River County. The water will be diverted from the well into a dugout with a capacity of seven acre-feet, in the same location and will be used for domestic use and fish & wildlife propagation.

AQUIFER: Inyan Kara

GEOLOGY AND AQUIFER CHARACTERISTICS:

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 917,760 acres and contains an estimated 22,370,400 acre-feet of recoverable water in storage in Fall River County alone (Allen and others, 1985). Recharge to the aquifer occurs primarily through infiltration of precipitation at the outcrop. 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 Carter, 2001).

The Inyan Kara outcrops about one-half mile west of this well site (Strobel and others, 1999). The top of the Inyan Kara aquifer is expected to be approximately 550 feet below grade in this area (Strobel and others, 1999). The Inyan Kara is estimated to nearly 450 feet thick in this area (Allen and others, 1985). The static water level of a well in this area is expected to be around 50 feet below grade (Strobel and others, 2000).

Observation Well Data

The Water Rights Program monitors seven observation wells completed into the Inyan Kara aquifer in the Black Hills area. Water Rights' Observation Well FR-95C is located about four miles south-southeast of this proposed well site. The hydrograph for the well is shown below in figure 1.

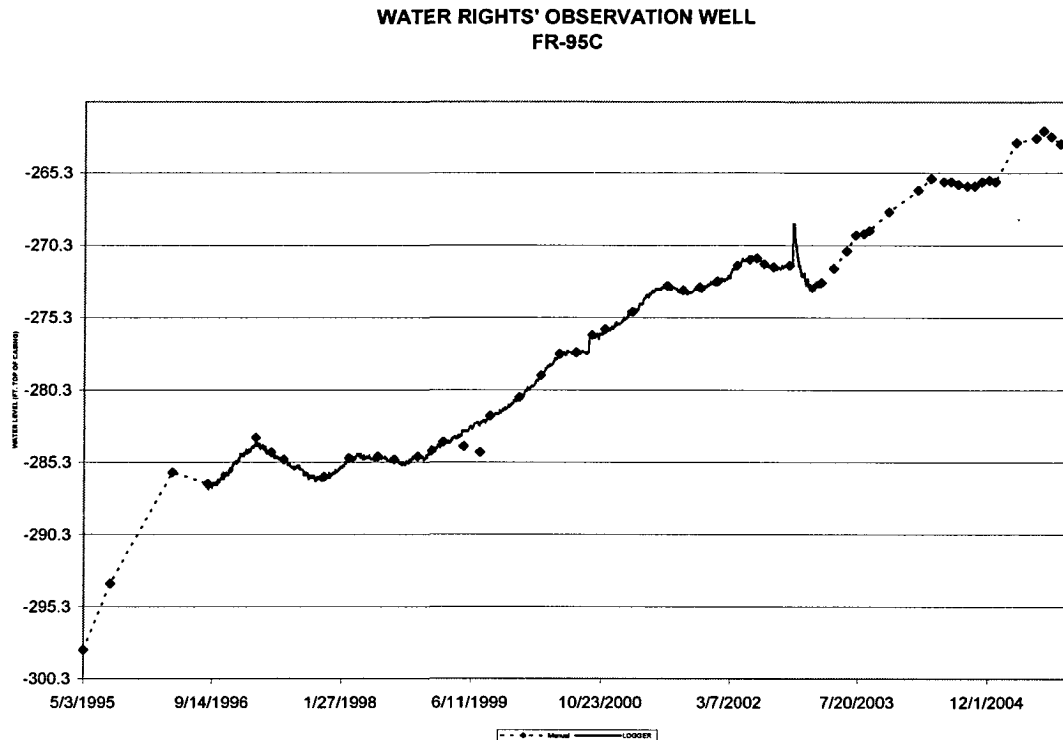


Figure 1. Hydrograph of an observation well completed into the Inyan Kara aquifer approximately four miles west-southeast of 2568-2

The hydrograph documents that the water level of the aquifer has fluctuated, and in general, has risen about 36 feet over the period of record. It is clear from the data that the aquifer recharges readily (Water Rights, 2005c). The hydrographs indicates water is available for this appropriation.

EXISTING WATER RIGHTS:

The Inyan Kara aquifer has been developed in at least 23 counties in South Dakota with 156 Water Rights/Permits. The total appropriation from the Inyan Kara is 37.087 cfs for non-irrigation uses. There are 7 water rights/permits appropriating 781.30 ac-ft/yr water from the Inyan Kara for irrigation purposes (Water Rights, 2005a).

The actual amount of water used annually from the Inyan Kara is considerably less than the amount appropriated. For example, the average of the annual reported irrigation usage from the Inyan Kara between 1982 and 2004 was 45.703 ac-ft/yr with a maximum of 224.6 ac-ft/yr reported in 1985, and a minimum of 2.53 reported in 1982 (Water Rights, 2005a). The average annual withdrawals from the aquifer from the Black Hills area, where the majority of water rights are located, for the period from 1950-1998 was estimated to be 1,400 acre-feet/year (Driscoll and Carter, 2001).

There are nine rights/permits appropriating water from the Inyan Kara aquifer in Fall River County (Water Rights, 2005d). Fourteen Water Rights/Permits appropriate groundwater

within three miles of this well site. Five of these appropriations are from the Inyan Kara aquifer. They are shown in table 1.

PERMIT NO	NAME	USE	CFS
1185-2	ANGOSTURA WATER ASSN	SHD	0.09
1929A-2	FLOYD/STEVE SIMUNEK	COM	0.10
2178-2	FALL RIVER FEED YARD LLC	COM	0.62
2192-2	BOB AZARSKI	COM	0.04
2429-2	SHEPS CANYON COVE LLP	SHD	0.09

Table 1. Inyan Kara aquifer appropriations within three miles of 2568-2

The nearest appropriation from the Inyan Kara (Water Right No. 2178-2, Fall River Feed Yard) is located about one and one-half miles east of this proposed well site.

Since the Inyan Kara is under confined (artesian) conditions in this area, pumping from an individual well may cause a decline in the potentiometric surface over a fairly widespread area. The distances from existing Water Rights/Permits from the Inyan Kara aquifer will minimize the affects of pumping this well to nearby wells, and the impact of this appropriation on existing water rights is not likely to be significant.

The Water Rights Program has record of a number of domestic wells completed into the Inyan Kara aquifer in this area (Water Rights, 2005b). An Inyan Kara well for Dale Benzel appears to be located within 1,000 feet of the site proposed by this application. The potential affect of this appropriation on domestic wells must be considered. An "Adversely impacted domestic well" is defined by ARSD 74:02:04:20(7), as a well that was constructed to allow the pump intake to be set at least 20 feet below the top of the aquifer, in which the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. It is likely that even if a domestic well completed into the Inyan Kara 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.

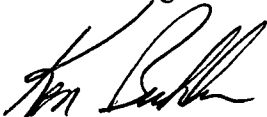
SPECIAL CONSIDERATIONS:

This application proposes to use water to fill a seven acre-foot dugout. Geologically, the well and dugout are situated on a terrace deposit (poorly sorted sand and gravel), that was deposited by the Cheyenne River (Connor, 1963). Well Completion Reports on file with the Water Rights Program (Water Rights, 2005b) indicate that the sand and gravel ranges from 38'-75' feet thick in this area. The thick terrace deposits at the dugout may lead to excessive water loss to the sand and gravel deposits resulting in unwarranted pumping from this proposed appropriation.

CONCLUSIONS:

1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation. Comparison of the estimated annual recharge to the aquifer with the water use estimated from the aquifer, and the observation well data indicate unappropriated water is available from the Inyan Kara aquifer.

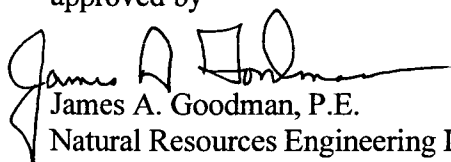
2. Well interference should not be a problem at the proposed well site because of the distance from existing wells.
3. The thick terrace deposits at the dugout may lead to excessive water loss to the sand and gravel deposits resulting in wasteful pumping from this proposed appropriation.



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,
- Connor, J.J., 1963, Geology of the Angosura Reservoir Quadrangle Fall River County South Dakota: Geology and Uranium Deposits of the Southern Black Hills, Geological Survey Bulletin 1063-D, 126 p.
- Driscoll, D.G., and Carter, J.M., 2001, Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998: U.S. Geological Survey Water-Resources Investigations Report 01-4226, 143 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
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745, 3 sheets, scale 1:100,000
- Water Rights, 2005a, "2004 Irrigation Summary by Aquifer" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2005b, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2005c "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2005d "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. 2568-2, Clearwater Lake Estates**

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. 2568-2, Clearwater Lake Estates, c/o William D. Bolln, Sr., President, HCR 52 Box 124A, Hot Springs SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2568-2 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. 2568-2 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. Water Permit No. 2568-2 authorizes a dugout/pond with a storage capacity of 7.0 acre feet of water. The dugout may be filled one or more times per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 21, 2005

NOTE: The engineering report on the application states that due to thick terrace deposits at the dugout there may be excessive water loss to the sand and gravel deposits. This would result in increased pumping to maintain the water level. I encourage you to investigate lining the dugout with an impervious material to limit water loss.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
County of Fall River)

Brett Nachtigall of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, is a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed —

050- Notice of
Application

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the issue dated _____

November 29, 2005

and ending with the issue dated _____

December 6, 2005

That the full amount of the fee charged for the publication of said notice is \$ 38.75, and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

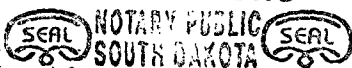
Brett Nachtigall
Subscribed and sworn to before me

this 7 day of Dec

20 05

Jean Meadows

Notary Public
JEAN MEADOWS



My Commission Expires
March 28, 2011

050

**NOTICE OF APPLICATION NO.
2568-2 TO APPROPRIATE WATER**

Notice is given that Clearwater Lake Estates, c/o William Bolln Sr., HCR 52, Box 124A, Hot Springs SD 57747 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 600 - 800 feet deep) located in the W1/2 NE1/4 Section 16-T8S-R6E. Water will be diverted from the well into a 7 acre-foot storage dugout in the same location for domestic use and fish & wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2568-2 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 19, 2005.

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. Firner, Secretary, Department of Environment and Natural Resources.

Nov. 29, Dec. 9

RECEIVED
DEC - 8 2005
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on November 29, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2568-2 to Appropriate Water

Notice is given that Clearwater Lake Estates, c/o William Bolln Sr., HCR 52, Box 124A, Hot Springs SD 57747 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (approximately 600 - 800 feet deep) located in the W ½ NE ¼ Section 16-T8S-R6E. Water will be diverted from the well into a 7 acre-feet storage dugout in the same location for domestic use and fish & wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2568-2 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 19, 2005.

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.

November 21, 2005

Clearwater Lake Estates
% William Bolln Sr.
HCR 52 Box 124A
Hot Springs SD 57747

Dear Mr. Bolln:

Water Permit Application No. 2568-2 for domestic and fish & wildlife propagation 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 Hot Springs Star printed at Hot Springs, SD (Ph # 605-745-4170). 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

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

November 21, 2005

Hot Springs Star
PO Box 1000
Hot Springs SD 57747-1000

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2568-2 to Appropriate Water to be published twice. Please publish the first notice on November 29, 2005 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 Clearwater Lake Estates, % William Bolln Sr, HCR 52 Box 124A, Hot Springs SD (Ph # 605-745-5471).

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. 2568-2

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

Date _____

We are in receipt of your letter of November 21, 2005 enclosing Notice to Appropriate Water by Application No. 2568-2 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JAN 26 2006

Clearwater Lake Estates
% William Bolln Sr
HCR 52 Box 124A
Hot Springs SD 57747

Dear Mr. Bolln:

Enclosed is Water Permit No. 2568-2 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

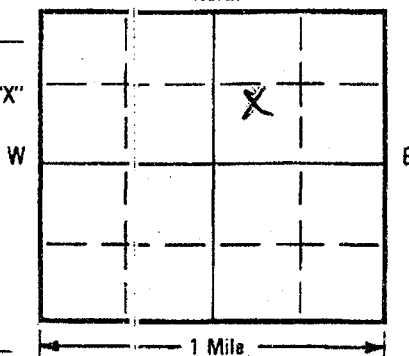
SOUTH DAKOTA WATER WELL COMPLETION REPORT

2568-2

07-92

Location SW 1/4 NE 1/4 Sec 16 Twp 85 Rg 6E
 County Fall River
 North

Please mark well location with an "X"



Well Completion Date

6/22/06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
23 LB/FT 7 IN +1.5 FT 963 FT 8 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Portland 145 14 lb./gal 963 ft. 0 ft.
lb./gal

Describe grouting procedure PRESSURE GROUTED
through casing

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From 877 Feet to 940 Feet

Other information Goodwell Inc. logged &
PERFORATED

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:Chlorine_____
 NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Bill Bollin
 Business Name: Clear Water Resort
 Address: HCR Box 124 A
Hot Springs SD 57747

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>SAND & gravel</u>	<u>0</u>	<u>60</u>
<u>gray shale</u>	<u>60</u>	<u>480</u>
<u>Red brown clay</u>	<u>480</u>	<u>500</u>
<u>BROWN silty sand</u>	<u>500</u>	<u>520</u>
<u>gray to black shale</u>	<u>520</u>	<u>720</u>
<u>gray to green shale</u>	<u>720</u>	<u>810</u>
<u>gray sand</u>	<u>810</u>	<u>820</u>
<u>gray silty shale & sand</u>	<u>820</u>	<u>960</u>

STATIC WATER LEVEL 0 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: AIR Developed
☐ Bailed
☒ Other _____

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 100 GPM100 ft. After 2 Hrs. pumped 50 GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

This well was drilled under license # 705 JAN - 4 2007

And this report is true and accurate.

Drilling firm DAKOTA BICE LLC

Signature of license Representative

Frank Boney

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2568-2

I have this day, April 29, 2016, made a thorough examination of the water use system constructed by Clearwater Lake Estates, % Steve Simunek, 27851 So. Buffalo Gap Rd, Oral SD 57766 of Permit No. 2568-2, bearing the priority of 9/13/2005 authorizing the diversion of .17 cu. ft. per second of the water from one well and 7.0 acre-feet storage in one dugout for domestic use and fish and wildlife propagation purposes, in Fall River County.

Inspection contact & relationship to permit holder, if applicable: **Steve Simunek, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dakota Bice LLC (2006)
- 2) No. of Wells 1
- 3) Depth(s) 960 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 7 inch
- 2) Length 963 feet
- 3) Type Steel

Screen:

- 1) Type shot perforated
- 2) Length 63 feet (877 to 940 ft. level)
- 3) Static water level 0' (no flow rate listed on log)

Pump:

- 1) Make Gould
- 2) Model 18GS10
- 3) Size 4"
- 4) Capacity 25 GPM
- 5) Horsepower rating 1 hp
- 6) Pressure Switch Setting constant pressure

Comment: This is an 18 gpm pump with 25 gpm capacity as installed.

B. Works used to transport water to place of use:

1 ½" pvc delivers water to a 1,000 gallon concrete cistern and to the dugout.

C. Works used to apply water to beneficial use:

The system currently serves 1 home and maintains the water level in the dugout. Construction on other homes is in progress with lots available for 24-30 homes. A 4" pvc line serves curb stops at each lot. The dugout is filled as needed to maintain water levels for esthetics, fish and wildlife.

Dugout Information:

- 1) Surface Area 4.8 acres
- 2) Maximum depth 10 feet
- 3) Approximate storage volume 10.8 acre feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : *Yes
- 2) Exceptions to compliance are: * **Dugout storage volume estimated at 10.8 acre feet, authorized volume of 7 acre-feet.**

E. Condition and Location:

1. The system is in **good** condition with the point of diversion (well) located as follows:
1,324' S and 2,082' W of the NE corner Section 16 T8S R6E (43.357798, -103.409774)
The pond has a clay liner with gravel cap and is in excellent condition.
2. The works are capable of diverting and conveying to the place of use **.056** cu. ft. per second (25 gpm) of well water and are capable of storing **10.8** acre-feet all of which is to be used for **domestic and fish and wildlife** use, and the license should be issued for **.056** cfs.

All structures, wells and lands on map – Yes

F. Comments or other permit(s) associated with the project:

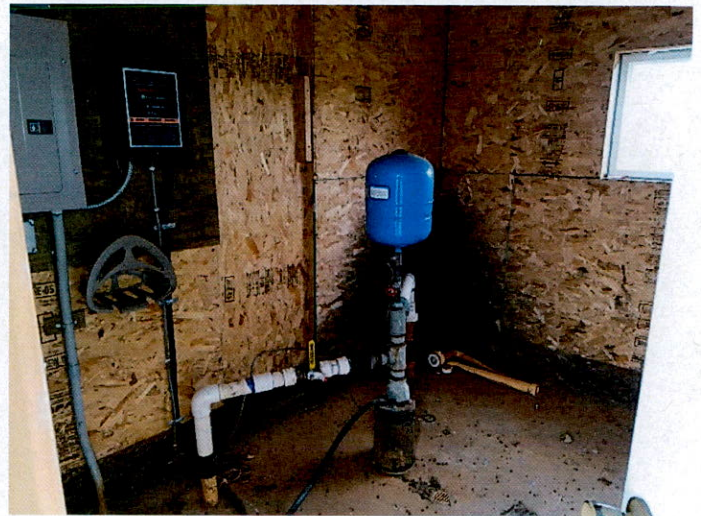


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **May 6, 2016**

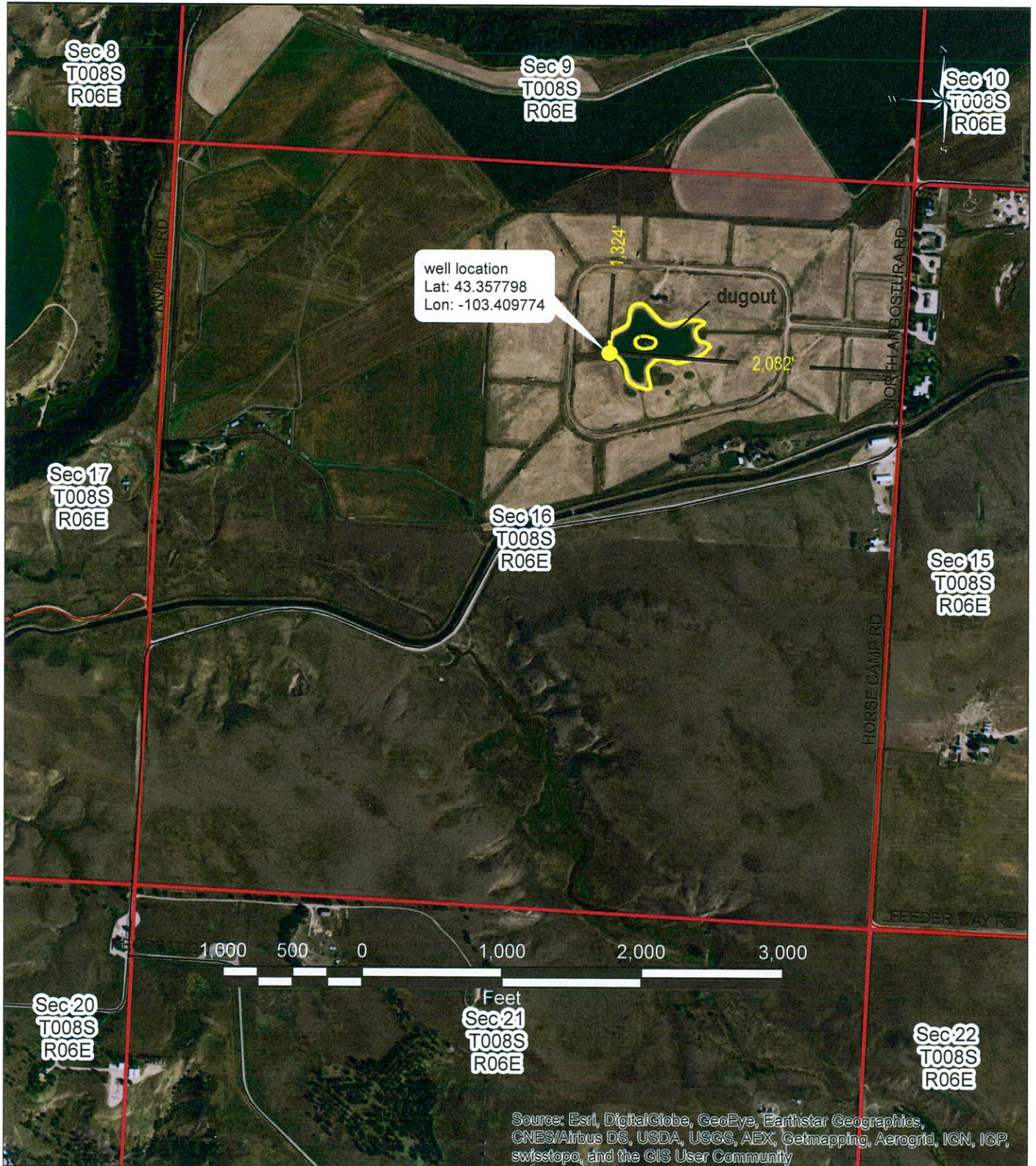


Dugout with pump house in foreground



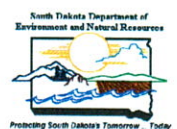
Well in pump house

Water Right # 2568-2
Clearwater Lake Estates
4/29/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



McMath, Genny

From: Quissell, Steve
Sent: Monday, May 09, 2016 11:27 AM
To: McMath, Genny
Cc: Beck, Lynn
Subject: Clearwater Lake Estates #2568-2
Attachments: Clearwater_Lake_Estates_2568-2.pdf; Clearwater_Lake_Estates_2568-2.docm

Genny

Attached is EOW and Arc.pdf for Clearwater Lake Estates #2568-2 now owned by Steve Simunek. Please include a transfer of ownership with his correspondence.

Steven Quissell

Water Right Inspector
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 394-6763
Fax: (605) 394-5317



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 11, 2016

No. 2568-2

Clearwater Lake Estates
c/o Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2568-2. The water permit is currently listed in the name of Clearwater Lake Estates, c/o William D Bolln Sr., Hot Springs SD.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

You should be aware Water Permit No. 2568-2 is authorized for domestic use and fish & wildlife propagation use (copy enclosed). Use of water from this well for a common distribution system (multiple homes) would require an additional permit if the pump rate exceeds 18 gallons per minute (application forms enclosed).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

RECEIVED

MAY 31 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2568-2

Date: 5-26-16 X

I/We request that Water Right/Permit No. 2568-2

formerly owned by: Clearwater Lake Estates, c/o William D Bolln Sr., Hot Springs SD

X be transferred to: (name & address) Quality Real Estate, Inc
27851 S. Buffalo Gap RD
Oral, SD 57766 Telephone No. 605-890-4162

Title to the following described land(s)/property has been transferred as described above:

one well - W 1/2 NE 1/4 Section 16-T8S-R6E and

7 acre-feet storage dugout for domestic use and fish & wildlife propagation

future use for sand wash on additional property
attached (Clearwater Tract)

I/We understand that the validity of Water Right/Permit No. 2568-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Steve Simunek, the new owner, certify that the above information is true and correct.
President, Quality Real Estate, Inc.

X [Signature]
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/31, 20 16

RECEIVED OF Quality Real Estate 27851 S Buffalo Gap Rd Oral SD 57766

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2568-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07850

By James Hodges
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2568-2

(1) Clearwater Lake Estates, Hot Springs SD made Application No. 2568-2, September 13, 2005 for a water permit to divert 0.17 cubic feet of water per second from one well – Inyan Kara Aquifer, Fall River County, South Dakota for domestic use and fish & wildlife propagation purposes. Permit No. 2568-2, with a priority date of September 13, 2005 was approved December 19, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 19, 2010 and for the application to beneficial use of water on or before December 19, 2014.

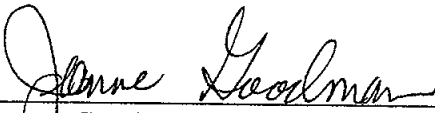
On May 31, 2016, Water Permit No. 2568-2 was transferred to Quality Real Estate, Inc., 27851 S Buffalo Gap Rd, Oral SD 57766.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2568-2 is issued a license, bearing a priority date of September 13, 2005 to appropriate 0.056 cubic feet of water per second from one well – Inyan Kara Aquifer for domestic use and fish & wildlife propagation. Water from the well is used to maintain the water level in a 7 acre-feet dugout.

The diversion point is located: 1,324 feet south and 2,082 feet west of the NE corner of Section 16-T8S-R6E (W 1/2 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2568-2 including the following qualifications:

- 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.
- The well authorized by Permit No. 2568-2 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.
- Water Permit No. 2568-2 authorizes a dugout/pond with a storage capacity of 7.0 acre feet of water. The dugout may be filled one or more times per year.


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUL 01 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 01 2016

2568-2

Quality Real Estate Inc.
c/o Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

Enclosed is Water License No. 2568-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the investigation. Also, enclosed is the receipt for \$50.00 for payment of the transfer fee. The water right is now listed in the name of Quality Real Estate, Inc.

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. 2568-2, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures