

WATER PERMIT NO. 2572-2

Name of Applicant: Ryan Kelly

Address: 4314 Wonderland Dr, Rapid City SD 57702

Phone: 605 391-3203

Amount of Water Claimed: 0.1 cfs

Total Acres: NA

Source of Water Supply: groundwater (three wells)

Water to be used for: suburban housing development

County: Pennington

Type of Waste Disposal System:

Location: west of Rapid City

PRIORITY

Date Received: 11-23-05

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ SE ¼ Sec 34 and SW ¼ SW ¼ Sec 35; all in T1N-R6E

Land to be Irrigated: NA

Depth of Well: 125 feet deep

Well Driller: : Hamm Drilling

Remarks:

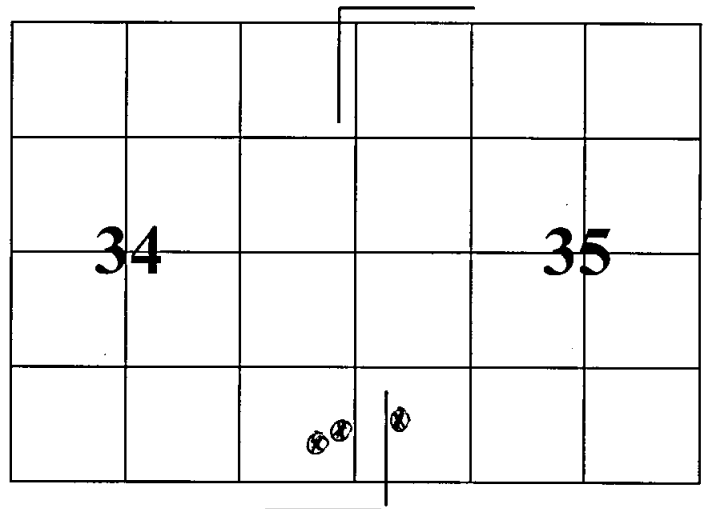
Type of Map: plat

Prepared by: Kale McNaboe, PE

Reviewed and the Number Assigned on: 11-23-05

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>2572-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal</u>

RECEIVED
NOV 23 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:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 Ryan Kelly Phone 605-391-3203
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 4314 Wonderland Dr, Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.1 *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 Rock Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Pennington
3 Wells in the SE 1/4 SE 1/4, Section 34 and the SW 1/4 SW 1/4, Section 35,
All in T1N, R6E, BHM, Pennington County, South Dakota
- County or counties where water will be used Pennington
- Annual period during which water is to be used Year Round 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)
25 Single Family Residential Lots served by 3 Wells pumping to
an elevated water tank. The elevated tank discharges to 8-inch
water mains providing fire and domestic water.

STATE OF SOUTH DAKOTA)
County of Pennington SS

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

I, Ryan Kelly, 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 Ryan Kelly

Subscribed and sworn to before me this 16th day of November 2005

Anna M. Potos
Notary Public signature
My Commission Expires 1-23-2009

**SOUTH DAKOTA
WATER PERMIT NO. 2572-2**

Date of first receipt of application November 23, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2572-2 to Ryan Kelly, 4314 Wonderland Dr., Rapid City SD 57702 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2572-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from three wells (one existing) to be completed into the Precambrian age Crystalline Rock (approximately 125 feet deep) located in the SE ¼ SE ¼ Section 34 and SW ¼ SW ¼ Section 35; all in T1N-R6E.
2. The water appropriated shall be used for the purpose of suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2572-2 is January 20, 2006.
5. The date from which applicant may claim right is November 23, 2005.
6. One-fifth of the construction is to be completed on or before July 20, 2008.
7. All construction is to be completed on or before January 20, 2011.
8. Water is to be put to beneficial use on or before January 20, 2015.
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 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.
2. The wells authorized by Permit No. 2572-2 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. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the wells.

WATER MANAGEMENT BOARD

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

APR 07 2006
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 inch Depth 125
- b) Casing Type PVC Diameter 6-inch Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 36 Feet
- g) Distance to nearest existing domestic well:
On applicants property 500' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) New septic tanks with drain fields
- b) System Capacity (gallons) 1500 gallon tanks Year Constructed to be constructed
- c) Connected to the City of _____ Sanitary System

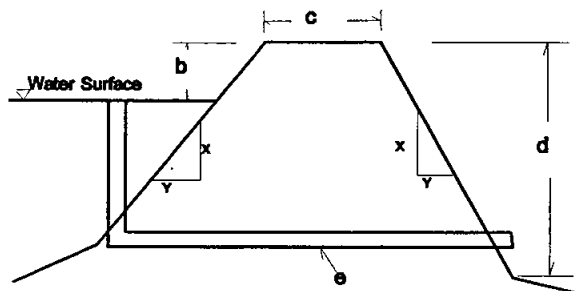
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 23, 2005

RECEIVED OF Ryan Kelly, 4314 Wonderland Dr., Rapid City SD 57702

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

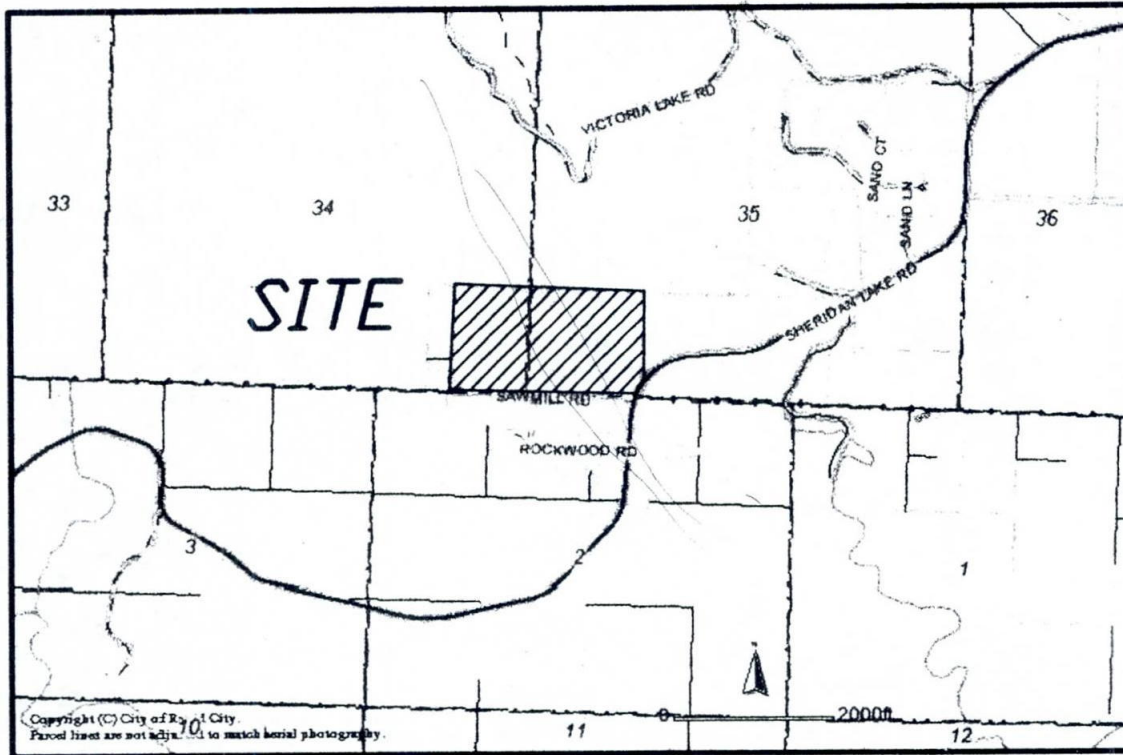
Fee for Application for Permit No. <u>2572.2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2572.2</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. 002017

By Darland White
Chief Engineer gmu

Original Map filed w/ Drinking Water

90.00'(M)
S00°18'19"W 485.00'
9°W 425.47'
8.56'



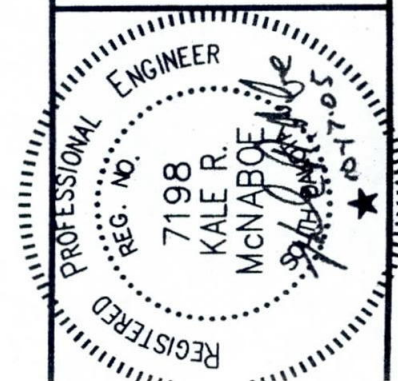
VICINITY MAP

INDEX OF SHEETS

<u>SHEET</u> <u>NO.</u>	<u>TITLE</u>
1	LAYOUT PLAN

SPERLICH
Consulting, Inc.

821 1/2 Columbus St. Rapid City SD 57701
TELE: (605) 721-4040 * FAX: (605) 721-4048
E-MAIL: dougsperllich@rushmore.com



(formerly a portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Less Lots 1-4 of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; A portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, of Section 35, Less Lot H-1 of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 35; and a portion of Tract B of the Boland Placer M.S. 1252)
LOCATED IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 34, T1N, R6E, B.H.M., AND IN THE SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 35, T1N, R6E, B.H.M.,
AND IN "GOVERNMENT" LOTS 2, 3, AND 4 OF SECTION 2, T1S, R6E, B.H.M.
PENNINGTON COUNTY, SOUTH DAKOTA



LOT 8
4.080 Ac.±

RESERVIOR LOT
0.322 Ac.±

LOT 8
2.420 Ac.±

LOT 7
2.451 Ac.±

LOT 6
2.617 Ac.±

LOT
2.516

LOT 5
3.319 Ac.±

LOT 6
2.573 Ac.±

LOT 7
2.000 Ac.±

LOT 4
3.222 Ac.±

WELL LOT 3
0.012 Ac.±

WELL LOT 2
0.009 Ac.±

WELL LOT 1
0.009 Ac.±

LOT 3
2.335 Ac.±

LOT 7
2.288 Ac.±

LOT 8
2.464 Ac.±

LOT 9
2.154 Ac.±

WIDE PUBLIC ROAD
MENT AS SHOWN IN
BOOK 9 PAGE 269

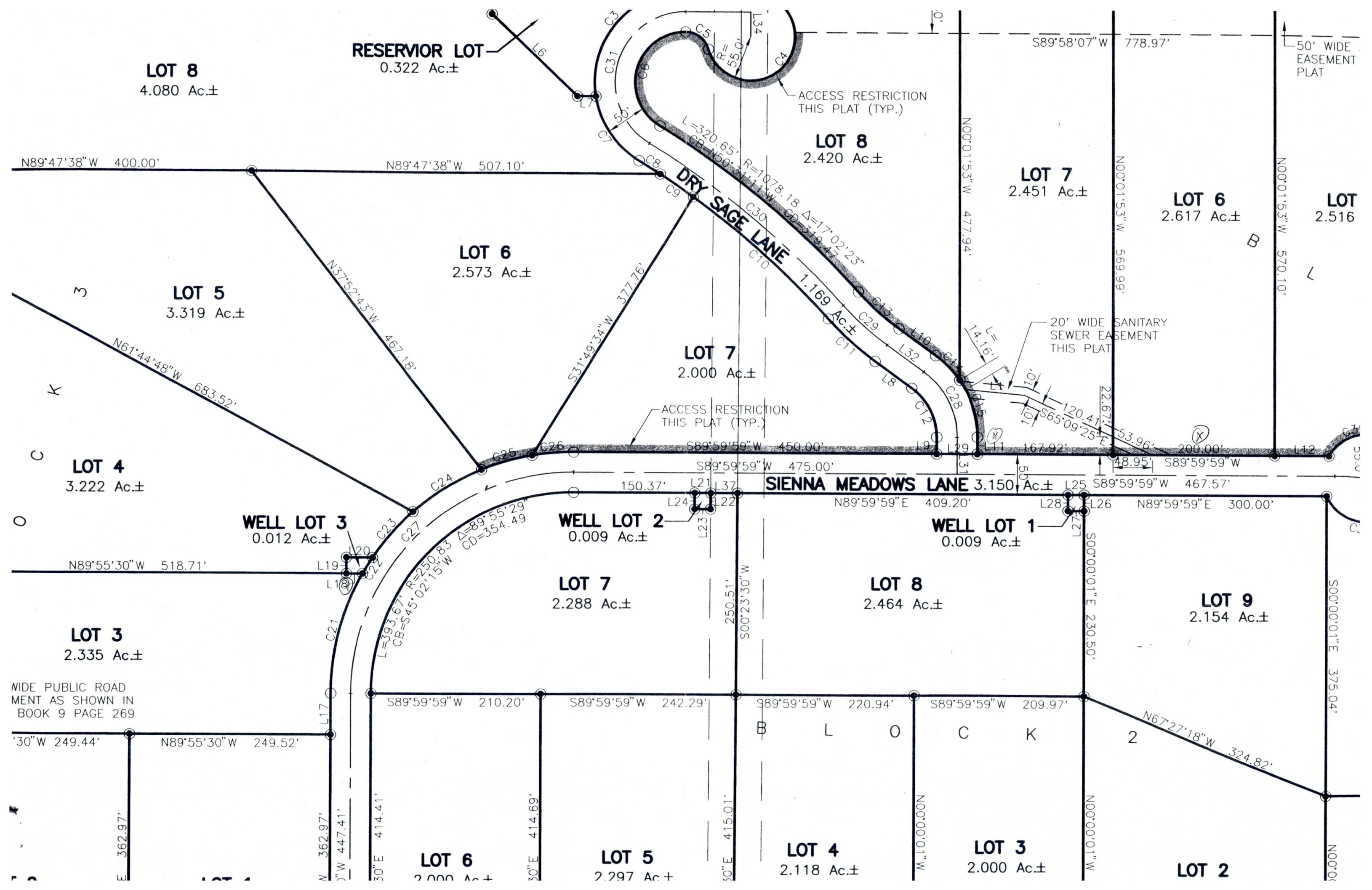
LOT 6
2.000 Ac.±

LOT 5
2.297 Ac.±

LOT 4
2.118 Ac.±

LOT 3
2.000 Ac.±

LOT 2



Water Rights Program - File Documentation

NAME: Kale McNaboe, Sperlich Copnsulting, Inc.

ADDRESS: Rapid City SD

DATE: 11-23-05 **COUNTY:** PE **TELEPHONE:** 605 721-4048

RE: Application for Ryan Kelly

COMMENTS:

In a telephone conversation with Kale McNaboe, he indicated that only one of the three wells was drilled. The two proposed wells will be approximately the same depth and water formation.



Karen Schlaak
Environmental Scientist

WATER PERMIT APPLICATION NO. 2572-2
RYAN KELLY
DECEMBER 13, 2005

Water Permit Application No. 2572-2 proposes to appropriate 0.10 cubic feet of water per second (cfs), (45 gallons per minute) from three wells including one existing well, completed into the Precambrian Crystalline Rock aquifer (approximately 125 feet deep) located in the SE¼ SE¼ Sec. 34, T1N-R6E; and the SW¼ SW¼ Sec. 35, T1N-R6E. The water will be used to supply a suburban housing development in Pennington County.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of Metagraywacke, which is siliceous mica schist with impure quartzite, (Strobel and others, 1999) and (Lester and Rahn, 2001). The crystalline rock is exposed at the surface throughout this area, except where it is covered by alluvium along Victoria Gulch and small localized gravel deposits (Lester and Rahn, 2001). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as the area streams. 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. Average annual recharge to the aquifer has not been quantified. Information provided with this application indicates individual septic tanks will be used for the 25 single family residential lots to be served by this appropriation. Since this development is located on the recharge area for the crystalline rock aquifer, improperly designed, constructed or maintained septic systems could produce water quality concerns.

The Water Rights Program monitors an observation well approximately one mile northeast of the well sites proposed by this application. The water level recorded at the observation well is probably representative of the crystalline rock aquifer in this area. The hydrograph for the well is shown in figure 1.

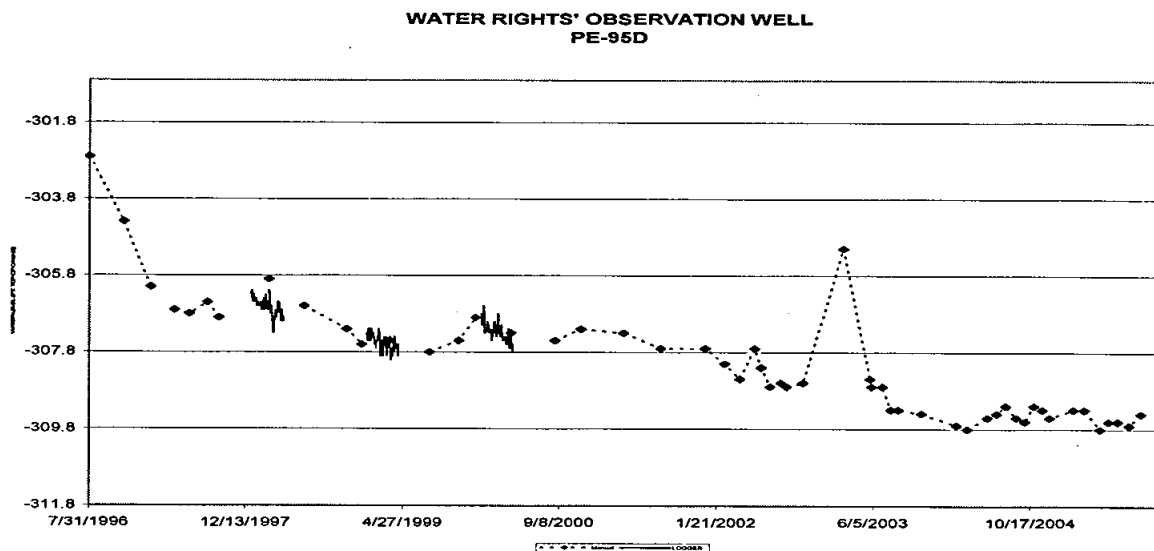


Figure 1. Hydrograph of Water Rights' observation well located approximately one mile northeast of the well sites proposed by this application.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area. The nearest groundwater appropriation from the Crystalline aquifer is Water Right No. 2222-2, Storm Mountain Center, which is located about two and one-half miles south of the well sites proposed by this application.

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 2572-2 could be measurable in the area domestic wells.

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, technically, any measurable interference (drawdown), from a competing well is actually an adverse impact.

It is unlikely that wells which are reliable water supplies will be negatively impacted by pumping from this proposed appropriation. However, in this hydrogeologic setting, low yield wells that are at best marginal in terms of supplying reliable water supplies could be "technically" affected, although any "practical" affect to the users water supply would be inconsequential. Enforcement of the domestic well preference that is provided by statute would have to be considered on a case by case basis.

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 suburban housing development proposes to use individual septic tanks for effluent disposal. Since this development is located on the recharge area for the crystalline rock aquifer, improperly designed, constructed or maintained septic systems could produce water quality concerns.


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.
- Lester, J.L., Rahn, P.H., 2001, Geologic Map of the Rockerville Quadrangle, South Dakota: South Dakota Department of Environment and Natural Resources 7.5 Minute Series Geologic Quadrangle Map 3, scale 1:24000
- Office of Drinking Water, 2005, SD DENR-Drinking Water Program, Joe Foss Bldg, Pierre, SD
- 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, 2005a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2005b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2005c, 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. 2572-2, Ryan Kelly**

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. 2572-2, Ryan Kelly, 4314 Wonderland Drive, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2572-2 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 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.
2. The wells authorized by Permit No. 2572-2 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. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the wells.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 21, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

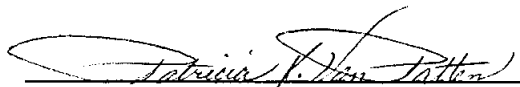
in the newspaper on the following two dates:

January 3, 2006

January 10, 2006

Cost of Printing Eighty-nine dollars

and sixty-four cents (\$89.64)


 (Signature)

1/10/06 Legal Advertising Rep.
 (Title)

1/10/06
 (Date Signed)

Jan. 3, 10 L2162024

NOTICE OF
 APPLICATION NO. 2572-2
 TO APPROPRIATE WATER

Notice is given that Ryan Kelly, 4314 Wonderland Dr., Rapid City, SD 57702, has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from three wells (one existing) to be completed into the Precambrian age Crystalline Rock (approximately 125 feet deep) located in the SE¼ SE¼ Section 34 and SW¼ SW¼ Section 35; all in T1N-R6E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2572-2 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 January 20, 2006.

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

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

RECEIVED

JAN 11 2006

WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on January 3, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2572-2 to Appropriate Water

Notice is given that Ryan Kelly 4314 Wonderland Dr, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from three wells (one existing) to be completed into the Precambrian age Crystalline Rock (approximately 125 feet deep) located in the SE ¼ SE ¼ Section 34 and SW ¼ SW ¼ Section 35; all in T1N-R6E. The water is for a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2572-2 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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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

December 22, 2005

Rapid City Journal
PO Box 450
Rapid City SD 57709

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2572-2 to Appropriate Water to be published twice. Please publish the first notice on January 3, 2006 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 Ryan Kelly, 4314 Wonderland Dr, Rapid City SD (Ph # 605-391-3203).

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. 2572-2

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

Date _____

We are in receipt of your letter of December 22, 2005 enclosing Notice to Appropriate Water by Application No. 2572-2 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

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

December 22, 2005

Ryan Kelly
4314 Wonderland Dr
Rapid City SD 57702

Dear Mr. Kelly:

Water Permit Application No. 2572-2 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Kale McNaboe, % Sperlich Consulting, Inc., 821 ½ Columbus St, Rapid City SD 57701

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

APR 07 2006

Ryan Kelly
4314 Wonderland Dr
Rapid City SD 57702

Dear Mr. Kelly:

Enclosed is Water Permit No. 2572-2 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



2572-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2006

Ryan Kelly
4314 Wonderland Dr.
Rapid City, SD 57702

Dear Mr. Kelly:

I am writing in regard to your suburban housing development along Sheridan Lake Road and your plans for supplying it water.

Water Permit No. 2572-2 was approved April 7, 2006 authorizing the diversion of 0.10 cfs (45 gallons per minute) from three wells for the purpose of supplying water to a suburban housing development. The permit included the following 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."

As you are aware, it appears that there has been a reduction of needed water supplies in adequate domestic wells that can be attributed to water withdrawals made under Water Permit No. 2572-2.

Pursuant to South Dakota Codified Law (SDCL) 46-2-18, the Chief engineer may issue an order to discontinue or limit use of Water Permit No. 2572-2. However, I understand you now intend to supply water to the homes in your development as a "domestic user" rather than water appropriated by Water Permit No. 2572-2.

SDCL 46-5-8 allows for the reasonable domestic use of water without obtaining a permit from the water management board. However, SDCL 46-5-8.2 requires water distribution systems (e.g. suburban housing developments) diverting more than eighteen gallons per minute to obtain water permits.

The well or wells that are to be used to supply this development may not be equipped with pumps capable of exceeding a rate of eighteen gallons per minute, and at no time can the combined, instantaneous pump rate from the wells to the system exceed eighteen gallons per minute. The maximum daily volume of the water pumped from the well(s) cannot exceed 25,920 gallons per day.

Failure to use water appropriated by Water Permit No. 2572-2 may subject it to cancellation by the Water Management Board.

If you have any questions, feel free to contact Ken Buhler at (605) 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" being more prominent than the last name "Erbele".

Garland Erbele, Chief Engineer
DENR-Water Rights Program

c: Linda Kelly, 13426 Sawmill Road, Rapid City, SD 57702

Buhler, Ken

From: Ryan Kelly [rkelly@rap.midco.net]

Sent: Friday, October 06, 2006 2:29 PM

To: Buhler, Ken

Ken.

It is October 6, 2006 and we have just spoken again about our water situation. I understand that we can only use 18 gallons per minute to stay as a domestic user.

Thanks,

Ryan

10/06/2006



2572-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2006

Ryan Kelly
4314 Wonderland Dr.
Rapid City, SD 57702

Dear Mr. Kelly:

I am writing as a follow-up to your recent telephone conversation with Ken Buhler and Eric Gronlund of the Water Rights Program regarding the suburban housing development along Sheridan Lake Road and your plans for supplying it water.

My October 19, 2006 letter to you stated, in part:

"The well or wells that are to be used to supply this development may not be equipped with pumps capable of exceeding a rate of eighteen gallons per minute, and at no time can the combined, instantaneous pump rate from the wells to the system exceed eighteen gallons per minute. The maximum daily volume of the water pumped from the well(s) cannot exceed 25,920 gallons per day."

As was discussed, this statement should be clarified to recognize that a housing development may be served by several water systems. In other words, portions of a development can be served by separate water systems. Provided there is no physical connection between the systems (e.g. common sewer or common water), each system is entitled to domestic use of water without obtaining a permit from the water management board. Domestic use is limited to a maximum pump rate of 18 gallons per minute.

If you have any questions, feel free to contact Ken Buhler at (605) 773-3352.

Very truly yours,

Garland Erbele, Chief Engineer
DENR-Water Rights Program

2572-2

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, January 15, 2009 1:53 PM
To: 'rkelly@rap.midco.net'
Cc: Schlaak, Karen
Subject: FW: Water Permit No. 2572-2

Mr. Kelly - I am responding to your email to Karen. First, thank you for reporting your 2008 water use.

Secondly, you inquire whether you still need to report since the diversion is 18 gpm. DENR's response is that as long as a permit is in place, we believe reporting is necessary. When the conflict came up between you and your neighbor, you chose to limit withdrawal to 18 gpm in order to be a domestic use of water. If that is your continued intent you may request cancellation of the water permit. It will be scheduled for cancellation and upon cancellation reporting will no longer be required.

It was my understanding (and I could be confusing this with another matter) that you bought out or otherwise resolved this issue with the complaining party. If that is the case, Permit No. 2572-2 is still within the construction period and time to place water to beneficial use. If that is the case, you may want to leave the permit in place in the event you decide to divert at a rate greater than 18 gpm within the time frame to place water to beneficial use (1/20/2015).

Please let me know if you have further questions.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

-----Original Message-----

From: Ryan Kelly [<mailto:rkelly@rap.midco.net>]
Sent: Thursday, January 15, 2009 10:16 AM
To: Schlaak, Karen
Subject: Water Permit No. 2572-2

Karen,

Do I still go under a water permit as I only Divert 18 gpm???

I pumped 798,100 gallons in 2008.

Ryan Kelly

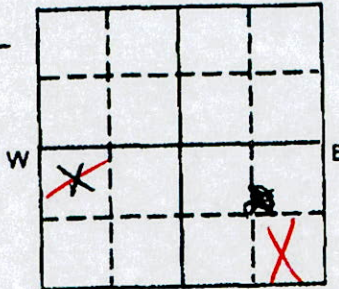


605-341-4300 Office
605-391-3203 Cell
605-343-4849 Dean Kelly Fax
605-341-3460 ReMax Fax

2572-2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

COPY

Location NE 1/4 SE 1/4 Sec 34 Twp 1N Rg 6E
SE SECounty
PenningtonPlease mark well
location with an "X"

Well Completion Date

6/6/06

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

200 ft from septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Down hole Hammer

CASING DATA:

If other describe 30' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
		0	160	6

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	FT	FT
Portland #3	3		30	0

Describe grouting procedure

thru 1" trim pipeSCREEN None ☐ Perforated pipe ☐ Manufactured

Diameter _____ inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

Casing Set in rd rockWAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location
Open hole

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? WichlorineLab sample sent to for water quality analysis ☐ No, Why Not? Solution

Well Owner:

Business Name:

Address:

City, State, Zip:

Dean Kelley Construction
434 Wonderland Drive
Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	10
Schist Browned Hd	10	25
Schist Grey Hd	25	50
Schist frac. 15gpm	50	55
Schist grey hd	55	70
Schist frac. 20-25 gpm	70	72
Schist blk	72	120
Schist frac. 30gpm	120	122
Schist blk	122	160

STATIC WATER LEVEL 20' FEET

If flowing: closed in pressure _____ PSI

GPM flow 30+ through _____ Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ FL After _____

_____ FL After _____

If pump installed, pump rate:

REMARKS

Corrected
locations
Z. Harris

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm:

Signature of Licensee Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

JUL 11 2006

WATER RIGHTS
PROGRAM

DENR DWP - Well #1, main well
 drilled to 320 ft in Sep 2013.
 west end Sawmill Rd.

2-13-06

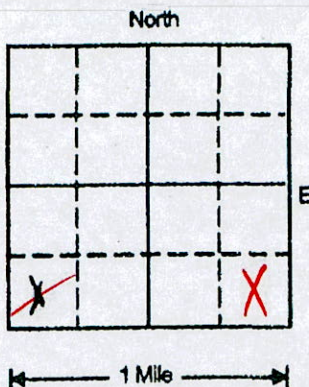
SOUTH DAKOTA WATER WELL COMPLETION REPORT

COPY

Location SE 1/4 SE 1/4 Sec 34 Twp 1N Rg 6E

County Pennington

Please mark well location with an "X"



Well Completion Date
5/26/06

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
200 ft. from Septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 40' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
		0	500	6

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	FT	FT
<u>Portland II</u>	<u>5</u>		<u>40</u>	<u>0</u>

Describe grouting procedure

thru 1" trim pipe

SCREEN: None ☐ Perforated pipe ☐ Manufactured

Diameter _____ inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

Casing set in 2nd rock

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location
Open hole

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Wichlorine
☐ No, Why Not? Solution

Lab sample sent to for water quality analysis

Well Owner:

Business Name: Dean Kelley Construction

Address: 4314 Wonderland Drive

City, State, Zip: Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>10</u>
<u>Schist Broken Brown</u>	<u>10</u>	<u>35</u>
<u>Schist Grey</u>	<u>35</u>	<u>75</u>
<u>Schist fract. 2 gpm</u>	<u>75</u>	<u>76</u>
<u>Schist grey</u>	<u>76</u>	<u>160</u>
<u>Schist frac. 4 gpm</u>	<u>160</u>	<u>162</u>
<u>Schist grey</u>	<u>162</u>	<u>280</u>
<u>Schist frac. 7 gpm</u>	<u>280</u>	<u>282</u>
<u>Schist Black</u>	<u>282</u>	<u>500</u>

STATIC WATER LEVEL

60 FEET

If flowing: closed in pressure _____ PSI

GPM flow 7 through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air
☐ 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: Dean Kelley Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIVED

JUL 11 2006

WATER RIGHTS PROGRAM

DENR DWP Well #2 (Emergency)

13453 Sienna Meadows Ln.

(NE corner)

13-06

07-92

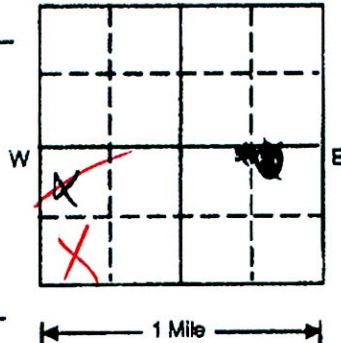
3-20-94

SOUTH DAKOTA WATER WELL COMPLETION REPORT

COPY

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 34 Twp 1N Rg 6E
SW SW 35 1N 6E

County
Pennington



Please mark well location with an "X"

Well Completion Date

6/2/06

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 200 ft. from Septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA:

If other describe 40' 9" 6" 160 PVC ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0 FT	300 FT	6 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>Portland II</u>	<u>5</u>	Lb/gal	<u>40 Ft</u>	<u>0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

thru 1" trim pipe

SCREEN: None ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

casing set in bed rock

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

open hole

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Wichlorine solution

Lab sample sent to for water quality analysis

☐ No, Why Not?

Well not developed.

NE corner 13465 Sienna Meadows Ln.

Well Owner:

Business Name:

Address:

City, State, Zip:

Dean Kelly Construction
4314 Wonderland Drive
Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Drift</u>	<u>0</u>	<u>5</u>
<u>Schist Brown</u>	<u>5</u>	<u>30</u>
<u>Schist Black</u>	<u>30</u>	<u>100</u>
<u>Schist frac. 1 gpm</u>	<u>100</u>	<u>101</u>
<u>Schist blk</u>	<u>101</u>	<u>180</u>
<u>Schist frac. 2 gpm</u>	<u>181</u>	<u>182</u>
<u>Schist blk.</u>	<u>182</u>	<u>300</u>

STATIC WATER LEVEL

120'

FEET

If flowing: closed in pressure

PSI

GPM flow

2

through

inch pipe

Controlled by

☒ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

W1a1w

☐ Bailed

☐ Other

Pumping Level Below Land Surface

FL After

Hrs. pumped

GPM

FL After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

43.99693 -103.37089

This well was drilled under license #

324

And this report is true and accurate.

Drilling firm:

Anderson Drilling Co

Signature of License Representative:

Dean Kelly

Signature of Well Owner or Equitable Property Holder:

Date:

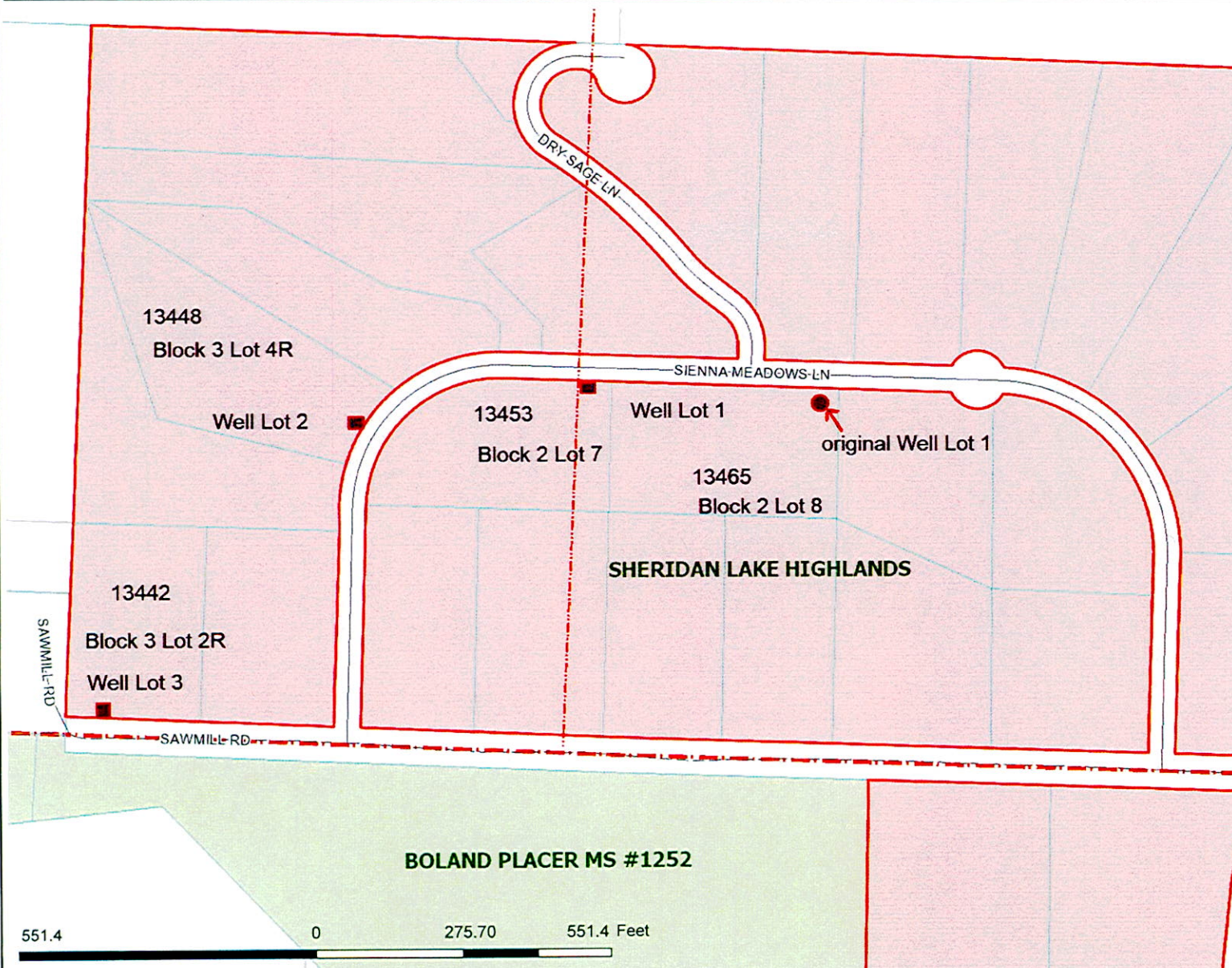
RECEIVED

JUL 11 2006
 WATER RIGHTS PROGRAM

Sheridan Lake Highlands

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Unimproved road
 - Trail
 - FS Highway
 - Airport Runway
 - Not yet coded
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines**
- 0
 - 7
- ☐ County Line



Scale: 1: 3,308

Map Notes:

DISCLAIMER: This map is provided 'as is' without warranty of any representation to accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. Rapid City and Pennington County make no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the data used to create the map is dynamic and is in the constant state of maintenance, correction, and update. This document does not represent a legal survey of the land. There are no restrictions on the distribution of printed Rapid City/Pennington County maps, other than the City of Rapid City copyright/credit notice must be legible on the print. The user agrees to recognize and honor in perpetuity the copyrights and other proprietary claims for the map(s) established or produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.

SHERIDAN LAKE HIGHLANDS

Name	Year Built	Diameter (in)	Depth (ft)	GPM	Status
#1 ID 1	2006	6	320	30	Permanent
#2 ID 2	2006	6	500	7	Emergency
#3 ID 3	1994	6	125	5	Emergency

Well #1 originally drilled in 2006 to 160ft and drilled to 320 ft in Sep 2013.

Name	Water Right #	Aquifer	Location Description
#1	2572-2	CRSL	West end of Sawmill Rd. T1N, R6E, Section 34 (DD)
#2	2572-2	CRSL	NE corner of 13453 Sienna Meadows Ln. T1N, R6E, Section 35 (CC)
#3	2572-2	CRSL	13448 Sienna Meadows Ln. T1N, R6E, Section 34 (DD)

2005 Plat Map prepared by Sperlich Consulting in 2005.
Well Lot 1: NE corner Lot 8 (13465 Sienna Meadows Ln). T1N, R6E, Sec 35 (CC)
This well was not developed.
Well Lot 2: NE corner Lot 7 (13453 Sienna Meadows Ln). T1N, R6E, Sec 34 (DD)
Well Lot 3: SE corner of Lot 4 (13448 Sienna Meadows Ln). T1N, R6E, Sec 34 (DD)
Rapid Map 2014
Well Lot 1: NE corner Lot 7 (13453 Sienna Meadows Ln). T1N, R6E, Sec 34 (DD)
Well Lot 2: SE corner of Lot 4 (13448 Sienna Meadows Ln). T1N, R6E, Sec 34 (DD)
Well Lot 3: SW corner of Lot 3 (13442 Sawmill Rd). T1N, R6E, Sec 34 (DD)

Sheridan Lake Highland wells

Well #1	43.9951956	-103.3760092
Well #2	43.9967269	-103.3742773
Well #3	43.9969467	-103.3725959

Well at NE corner of 13465 Sienna Meadows Lane was not developed due to low yield (2 gpm).		
T1N, 6E Section 35 (CC)	43.99693	-103.37089

Linda Harris
February 2014

Beck, Lynn

From: Quissell, Steve
Sent: Monday, February 08, 2016 7:49 AM
To: Beck, Lynn
Subject: FW: Ryan Kelly water permit

Lynn

See email response from Al Sage concerning the Ryan Kelly wells.

Steven Quissell

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

From: Msagebrush [<mailto:msagebrush@aol.com>]
Sent: Sunday, February 07, 2016 1:40 PM
To: Quissell, Steve
Subject: Re: Ryan Kelly water permit

The two wells in question are not in use nor are they connected to the system. Neither well produced water maybe 3 gpm. Sheridan Lake Highlands has 1 well that is connected to the distribution system. Steve that is were you and I meet. Please, I encourage the State to come out again or in writing tell me what I need to do with these two holes (wells). As I stated earlier there are issues with water and I don't need any misunderstandings. I encourage any feedback that would clear this up. They are abandoned and will never be used.

Thanks Al

Sent from my iPhone

On Feb 5, 2016, at 9:41 AM, Quissell, Steve <Steve.Quissell@state.sd.us> wrote:

Al

Sorry to bother with the need for additional details concerning Kelly's permit. Here is the issue. When I submitted my report for licensing the Kelly well I showed the other two wells on the property as being abandoned. As I recall from our conversation, you were very emphatic that they are not being used, and will not be used, and should just be filled in too eliminate any further confusion about their use. The staff in Pierre has requested I verify whether these are "abandoned" or "standby". It is a legal issue concerning the license. I did not include the unused wells in the licensing report other than showing the location on the map because I considered them abandoned. If they are on standby, then I need to modify my licensing report to include them. Thanks for your help with this. Just a reminder about your offer to send the annual water use reports for the systems you manage. I have attached a pdf file of the Kelly map.

Steven Quissell
 Water Right Inspector

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

<Ryan_Kelly_2572-2_alt.pdf>

McMath, Genny

From: Beck, Lynn
Sent: Friday, February 05, 2016 10:02 AM
To: Quissell, Steve; McMath, Genny
Subject: RE: Permit 2572-2

Follow Up Flag: Follow up
Flag Status: Flagged

Al Sage communicated with DENR – Drinking water that there are three wells but only one in use, the other two are standby wells. The inspection indicates which one is in use and the map shows all three well locations and the status of the wells. If the two wells shown as “abandoned” are to be standby wells, they need to be on the inspection report and license. The use as you indicated is 35 gpm and the license will reflect the same. The standby wells can be used when needed but the total use cannot exceed 35 gpm. Need to answer the question, “Are the two wells abandoned or to be kept operable as standby wells?”

Genny, permit info indicates that this is “to be finalized and signed”. I think we need to wait until the status of the two standby wells is answered.

Lynn Beck

Natural Resources Engineer III
SD Department of Environment and Natural Resources
Water Rights Program
Phone: (605) 773-3352
Fax: (605) 773-4066
Lynn.beck@state.sd.us
<http://denr.sd.gov/>

From: Quissell, Steve
Sent: Friday, January 08, 2016 1:53 PM
To: McMath, Genny
Cc: Beck, Lynn
Subject: Permit 2572-2

Genny

Attached are the files for Licensing #2572-2, Ryan Kelly (Sheridan Lake Highlands)

Steven Quissell

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2572-2

I have this day, Jan 8, 2016, made a thorough examination of the water use system constructed by Ryan Kelly at Sheridan Lake Highlands of Permit No. 2572-2, bearing the priority of 11/23/2005 authorizing the diversion of 0.1 cu. ft. per second of the waters from a single well for suburban housing purposes, in Pennington County.

Inspection contact & relationship
to permit holder, if applicable:

Al Sage, 5310 Ebony Place, Piedmont, SD 57769

Water System Operator

Well address – 13442 Sienna Meadows, Rapid City

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling
- 2) No. of Wells 1
- 3) Depth(s) 320 feet This well was originally drilled to 160 ft. and was deepened in 2013 to 320' depth
- 4) Well log Y

Comments: This is one of four wells drilled for the purposes of serving this development. It has been labeled various ways on reports and documents but is currently designated as well #1 and is the only well serving this development. All three of the other wells have been abandoned.

Casing:

- 1) Diameter 6"
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level 20 feet

Pump:

- 1) Model --
- 2) Size --
- 3) Capacity 35 GPM (Registered by flow meter 1/8/2016)
- 4) Press @ Well Head est. 85 PSI

Motor: HP rating - hp

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

- 1) Type PVC
- 2) Size Various inches
- 3) Length -- feet

Comments:

C. Works used to apply water to beneficial use:

Water is pumped to an elevated storage tank of 60,000 gallons and gravity feeds to all homes.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : Y
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
Lat/Lon – N43.9951956 W103.3760092 which is located approximately 37 ft. north and 900 ft. west of SE corner of Section 34 T1N R6E
2. The works are capable of diverting and conveying to the place of use .08 cu. ft. per second (35 gpm) of water which is to be used for suburban housing and the license should be issued for .08 cfs.
3. 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: 1/8/2016

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Al Sage, operator for Sheridan Lake Highlands
Permitted as Ryan Kelly # 2572-2

ADDRESS: Well address 13442 Sienna Meadows, Rapid City, SD

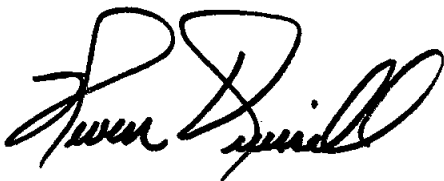
COUNTY: Pennington County

DATE: January 8, 2016 **TELEPHONE:** (605) 391-7483

RE: Licensing of Water Permit No. 2572-2

COMMENTS: I made the site visit today for permit 2572-2 and met with Al Sage, water system operator. Al was very emphatic that there is only one well in use serving this development. There have been a total of four wells drilled in this development over the years. Evidently since he has been in charge of operating the system, communication from DENR water rights, drinking water, and possibly ground water continue to question how many wells are being utilized. I suspect maybe findings of one DENR representative may not always get communicated to all divisions involved. He wanted to make it clear there is **only one well being used!** He is employed by a total of eighteen water systems and will forward to me all of the annual water use figures for these systems for 2015. I will forward these on when received. The well serving this development was metered today at 35 gpm, and the license is to be transmitted to Al Sage.

NAME: Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell". The signature is stylized with large, sweeping loops and is positioned below the printed name.



Well # 1 – Water Supply for Sheridan Lake Highlands



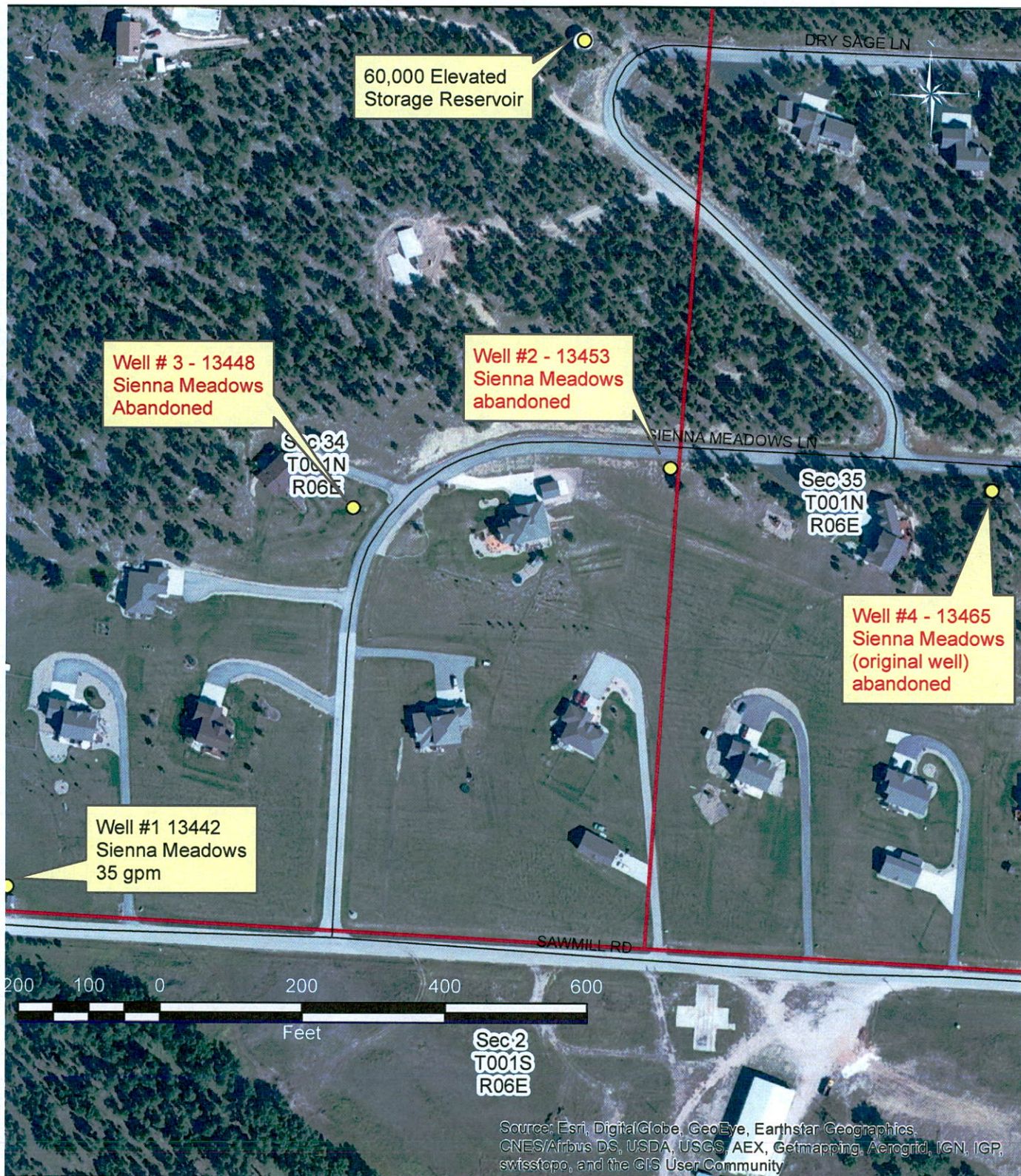
60,000 gallon Storage Reservoir



Well # 3 Abandoned



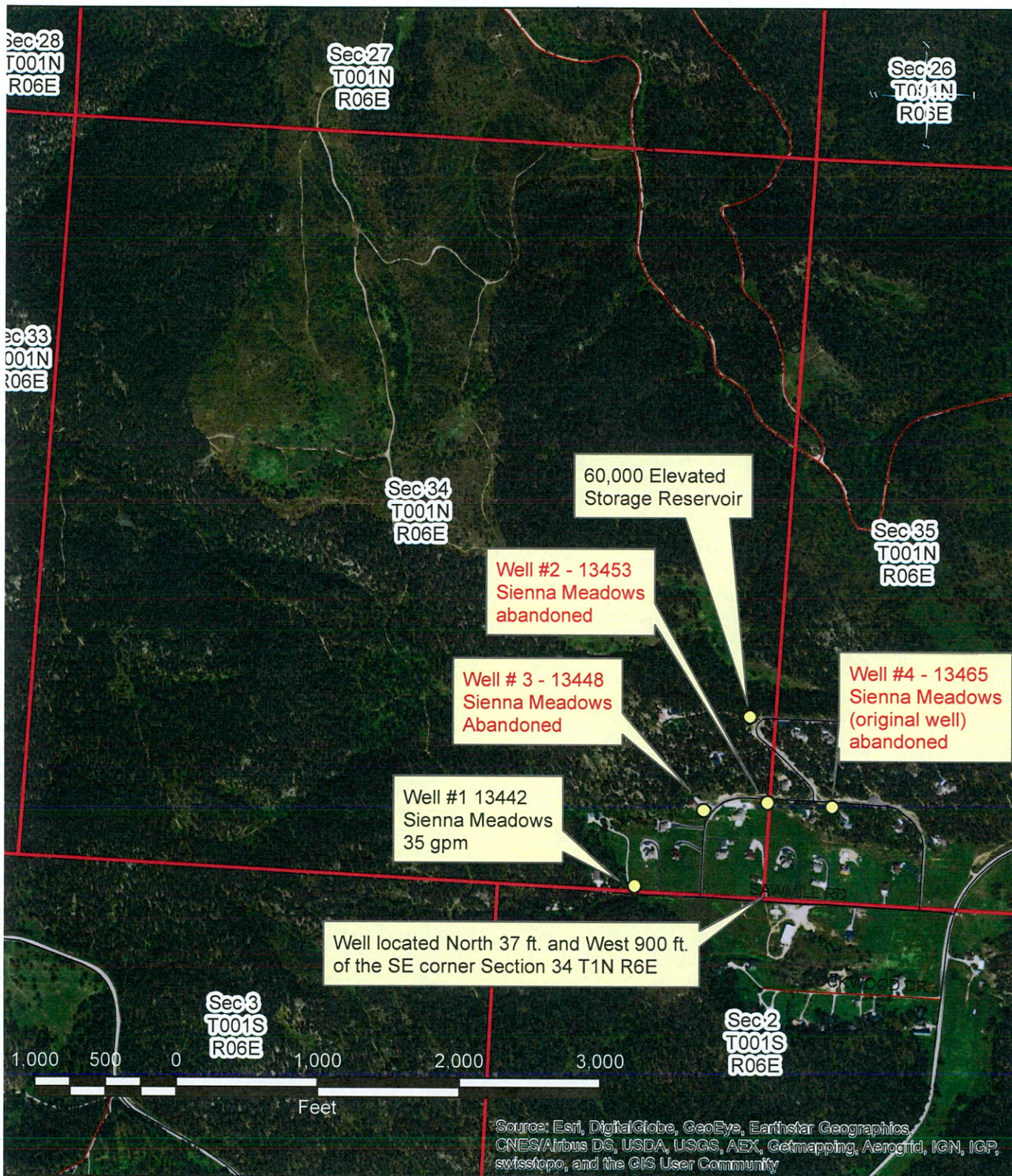
Well # 2 Abandoned



even Quissell

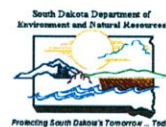
even Quissell
Water Rights Inspector
ENR Water Rights Program





even Quissell

even Quissell
Water Rights Inspector
ENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

2572-2

FEB 24 2016

Al Sage, Water System Operator
5310 Ebony Place
Piedmont SD 57769

RE: Water License No. 2572-2, Kelly Ryan (Sheridan Lake Highlands)

Dear Mr. Sage:

Enclosed is Water License No. 2572-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with the license are maps prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2572-2, 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 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2572-2

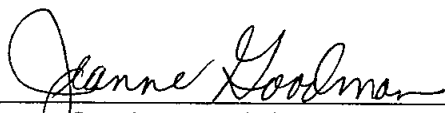
(1) Ryan Kelly, Sheridan Lake Highlands, Rapid City SD made Application No. 2572-2, November 23, 2005 for a water permit to divert 0.10 cubic feet of water per second from three wells-Precambrian Age Crystalline Rock Aquifer, Pennington County, South Dakota for suburban housing development purposes. Permit No. 2572-2, with a priority date of November 23, 2005 was approved January 20, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 20, 2011 and for the application to beneficial use of water on or before January 20, 2015.

(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. 2572-2 is issued a license, bearing a priority date of November 23, 2005 to appropriate 0.08 cubic feet of water per second from one well – Precambrian Age Crystalline Rock Aquifer for suburban housing development purposes at Sheridan Lake Highlands.

The diversion point is located: Well #1 - approximately 37 feet north and 900 feet west of the SE corner of Section 34-T1N-R6E (SE 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2572-2 including the following qualifications:

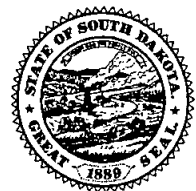
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2572-2 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. *The well was drilled by Alexander Drilling Co. in 2006 and deepened in 2013. A copy of the log is on file with the Water Rights Program. All other wells have been abandoned.*
- The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the well.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 24 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2016

Ryan Kelly
Dean Kelly Construction
4314 Wonderland Dr
Rapid City SD 57702

Dear Mr. Kelly:

Last February, Water License No. 2572-2 was issued for the water system developed and in use at Sheridan Lake Highlands. Specifically, the water license appropriates 0.08 cubic feet of water per second [35 gallons per minute (gpm)] from one well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T1N, R6E. The water license is attached.

On July 20, 2016, a well completion report was filed by the driller for a well completed that listed Dean Kelly Construction as the owner. This well was completed on May 12, 2016, and is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T1N, R6E. This appears to be located at Sheridan Lake Highlands. The report indicates the well was pumped at 30+ gpm. The completion report for this new well is attached.

This letter is an inquiry regarding the use from the new well. The use of this well for the Sheridan Lake Highland's water system likely will require additional water permitting. The current water license is quantified for use at a maximum diversion rate of 35 gpm from one well.

- If the new well is hooked to the system serving Sheridan Lake Highlands and the system is capable of diverting at a maximum rate greater than 35 gpm, a new water permit is required for the diversion rate capability above 35 gpm.
- If the new well replaces the well authorized by Water License No. 2572-2 without an increase in the 35 gpm diversion rate or if it serves as a back-up well to the existing well, a request for either a change of location or additional well is required.
- If the new well operates totally independent of the current Sheridan Lake Highlands development and does not divert at a rate greater than 18 gpm, a water permit is not required. However, if the pump rate is greater than 18 gpm, a new water permit is required for this well.

Enclosed are water permit application forms.

Please contact me if you want to discuss water permitting or if you do not believe that new permitting is necessary for this recently completed well.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

(605) 773-3352

Eric.gronlund@state.sd.us

Enclosure

C: Al Sage, Water System Operator, 5310 Ebony Place, Piedmont SD 57769

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

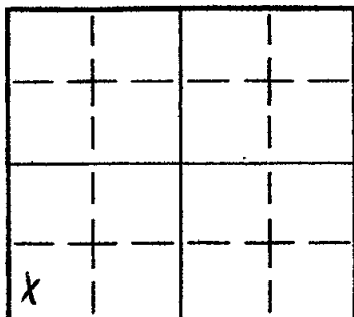
Location SW 1/4 SW 1/4 Sec 35 Twp 1N Rg 6ECounty Pennington

Please mark well location with an "X"

COPY

Well Completion Date

5/12/16



Well Owner:

Business Name: Dean Keely ConstructionAddress: 4314 Wonderland Dr
Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	15
Schist, Broken	15	35
Schist Grayhard	35	65
Fract 20gpm	65	68
Schist	68	78
Fract 30gpm	78	80
Schist	80	100

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 175 ft. from septic (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

42' of 6" Sch. 40 Steel

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

____ LB/FT ____ IN ____ FT ____ FT ____ IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type Portland No. of Sacks 5 Grout Weight ____ lb./gal From 42 ft. To 0 ft.

w/2% bentonite ____ lb./gal ____ ft. ____ ft.

Describe grouting procedure Through tremie pipeSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter ____ IN Length ____ FEET

Material ____

Slot Size ____ Set From ____ Feet to ____ Feet

Other information ____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion? Wichitine
X YES. How: 201

Laboratory sent to for water quality analysis ____ NO, Why Not? ____

STATIC WATER LEVEL 201 Feet

If flowing: closed in pressure ____ PSI

GPM flow 30+ through ____ inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other ____

Reduced Flowrate ____ GPM

Can well be completely shut in? ____

WELL TEST DATA:

☒ PumpedDescribe: W/air☐ Bailed☐ Other

Pumping Level Below Land Surface

____ ft. After ____ Hrs. pumped ____ GPM

____ ft. After ____ Hrs. pumped ____ GPM

If pump installed, pump rate ____ GPM

REMARKS

RECEIVED

JUL 20 2016

WATER RIGHTS PROGRAM

CRYSTALLING NOThis well was drilled under license # 324

And this report is true and accurate.

Drilling firm Dean Keely Construction

Signature of License Representative:

Dean Keely

Signature of Well Owner or Equitable Property Holder:

Date:

Gronlund, Eric

From: Ryan Kelly <rkelly@rap.midco.net>
Sent: Tuesday, October 11, 2016 10:32 AM
To: Gronlund, Eric
Subject: new well at highlands

Eric,

The well completion report is for a new home that is located at 13475 Sawmill Road.

This well serves only this house and has nothing to do with the Sheridan lake Highlands Water system.

Ryan Kelly

2572-2

RECEIVED

MAR 15 2018

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2752-2 ²⁵⁷²⁻²

Date: 3/4/18

I/We request that Water Right/Permit No. 2752-2 ²⁵⁷²⁻² formerly owned by:
Ryan Kelly, 4314 Wonderlan Drive, Rapid City Sd be transferred to:

New Owner Name: Sheridan Lake Highlands HOA
Address: 23468 Dry Sage Lane
City, State, Zip: Rapid City, SD - 57702 Telephone No. _____

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

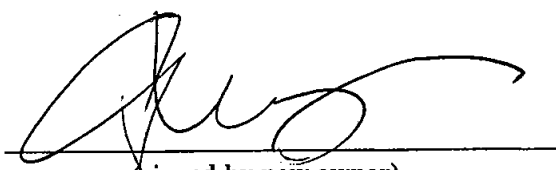
SE 1/4 SE 1/4 Section 34-T1N-R6E

☒ I understand that the validity of Water Right/Permit No. 2752-2 ²⁵⁷²⁻² has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Angela Vancas, President, the new owner, certify that the above information is true and correct.


(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 March 15

20 18

RECEIVED OF

Sheridan Lake Highlands Water/Sewer Rapid City, SD 58702-7909

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>-2752-2-</u> 2572-2		
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	

No. **08625**

By

Jeannie Goodman
Chief Engineer

24m



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 15, 2018

2572-2

Angela Vancas, President
Sheridan Lake Highlands HOA
23468 Dry Sage Lane
Rapid City SD 57702

Dear Ms. Vancas:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Right No. 2572-2.

The ownership change has been processed. Water Right No. 2572-2 formerly held by Ryan Kelly is now listed in the name of Sheridan Lake Highlands HOA.

Enclosed for your records is Receipt No. 08625 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Gronlund, Eric

From: Elbert L. Johnson <elbert.johnson@gmail.com>
Sent: Sunday, March 24, 2019 5:27 PM
To: Dreis, Erin
Cc: Gronlund, Eric
Subject: [EXT] New Sheridan Lake Highlands Public Well

We are extremely concerned about the permitting of a new public well that has been drilled to a depth of 200-300' on Lot 5, Block 4 of Sheridan Lake Highlands, Pennington County. The well is about 300' north of my private residential well located in the Boland Placer Subdivision on Rockwood Road. It is only logical that the demand on the limited water supply will be very detrimental to my well and to other residences located near me. I have been told that the new well may cause me to have to drill a well at least 200' deep. I'm estimating \$8,000-\$10,000 cost to do that and it's an IF that will provide water.

The Pennington County Commissioners had denied the developer permission to drill private wells on each of the additional four lots he was developing because of limited water resources. The Commissioners stated in open session in 2018 that more wells were not needed in the subdivision and that the well currently serving the existing houses was adequate if reasonable conservation measures were taken by users. One practical measure they proposed was to meter water usage instead of allowing unlimited use by occupants.

Our water supply and quality is very important to us. Please make a considered decision that will protect us. Although we are a small development we hope and trust that we will be afforded the same water rights as our larger neighborhood.

Thank you for your consideration,

Elbert & Marian Johnson

13430 Rockwood Road

Rapid City, SD 57702

605 348-5362

Gronlund, Eric

From: Daniel McGough <daniel.mcgough@outlook.com>
Sent: Sunday, March 24, 2019 6:22 PM
To: Dreis, Erin; Gronlund, Eric
Subject: [EXT] Permitting of new public well

We are extremely concerned about the permitting of a new public well that has been drilled to a depth of 200-300' on Lot 5, Block 4 of Sheridan Lake Highlands, Pennington County. As residents of Boland Placer Subdivision on Rockwood Road, it is only logical that the demand on the limited water supply will be very detrimental to our well and to other residents in our area.

The Pennington County Commissioners had denied the developer permission to drill private wells on each additional four lots he was developing because of limited water resources. The Commissioners stated in open session in 2018 that more wells were not needed in the subdivision and that the well currently serving the existing houses was adequate if reasonable conservation measures were taken by the users.

Our water supply and quality is very important to us. Please make a considered decision that will protect us.

Thank you for your consideration,

Dan and Gloria McGough
10650 Sheridan Lake Road
Rapid City, SD 57702
605-342-8746

Get [Outlook for iOS](#)

Gronlund, Eric

From: Darcy Nagel <djonagel@hotmail.com>
Sent: Sunday, March 24, 2019 6:49 PM
To: Dreis, Erin; Gronlund, Eric
Subject: [EXT] Water/Wells Kelly Development Sheridan Lake Highlands Pennington County

To Erin Dreis and Eric Gronlund,

We are one of ten homes on Rockwood Road which is the southern boundary of Ryan Kelly's development, Sheridan Lake Highlands. Throughout the years we have expressed our concerns with the number of wells and water usage by the development which we fear will affect our personal wells.

Most recently, on March 5, 2019, the Pennington County Commission approved of Ryan Kelly developing four more lots in Sheridan Lake Highlands. Approval was granted with several conditions including that no additional private wells be drilled. Within days of this approval, Mr. Kelly drilled another well which we are told would be to a depth of 200 to 300 feet.

Several of us have expressed our concerns to the Pennington County Planning & Zoning Department who now have determined this well is not a "private" well as intentions are to connect it to the water supply system that serves most of the houses in Sheridan Lake Highlands. That county agency now refers us to your department for our water concerns, indicating that you are aware of this situation.

We know that you have been involved in this matter in the past and are aware of our past, and ongoing, concerns with our water supply and quality. In our community, most all of our wells serve our individual households and are at the approximate depth of 100 feet, a couple are more. We hope our concerns will be a consideration of your review in this matter.

Although we do not have a home owners association, we are all members of the Rockwood Road District, and can be contacted using the email address rockwoodroaddistrict@gmail.com. We would appreciate being kept advised of this water situation.

Thank you for your time and efforts.

Dennis and Darcy Nagel
13435 Rockwood Rd
Rapid City, SD 57702
(605) 343-8570



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 3, 2019

ORDER

Ryan Kelly
Dean Kelly Construction
3618 Canyon Lake Drive, Suite 113
Rapid City SD 57702

Angela Vancas, President
Sheridan Lake Highlands HOA
23468 Dry Sage Lane
Rapid City SD 57702

SUBJECT: Order Prohibiting Using Recently Constructed Second Well for Sheridan Lake Highlands HOA until Water Right Permit is in Place

Dear Mr. Kelly and Ms. Vancas:

Water Right No. 2572-2 appropriates 0.08 cubic feet of water per second (cfs) [36 gallons per minute – gpm] from one well constructed into Precambrian Age Crystalline Rock to supply the water distribution system at Sheridan Lake Highlands. The water right was transferred from Ryan Kelly to Sheridan Lake Highlands HOA on March 15, 2018.

The Department of Environment and Natural Resources (DENR) received information from Pennington County that Alexander Drilling is in the process of completing a test well to supply Sheridan Lake Highland's water distribution system. Mr. Kelly indicated in a March 19, 2019, email that Alexander Drilling was hired to drill a test well with intent to connect to the water system. It is unclear whether the newly constructed well is intended to be an additional well operated on an alternating basis with the existing well with no increase in the authorized diversion rate or if both wells will be operated at the same time resulting in an increase in the authorized peak diversion rate. Regardless, a second well is not authorized by Water Right No. 2572-2.

In 2006, there was a reduction of needed water supplies in an adequate neighboring domestic well that was attributed to water withdrawals from Sheridan Lake Highlands' existing well. In response, Mr. Kelly limited the diversion from the well to 18 gpm to stay as a domestic user. At some point in time, the conflict between the affected domestic well and Sheridan Lake Highlands' well was reported to be resolved allowing the withdrawal of the originally permitted amount. In 2016, Water License No. 2572-2 was issued for the developed amount of 0.08 cfs (36 gpm). See attached water license.

The construction of the second well has again raised concern from area domestic users and DENR that their wells will be impacted by this second well. Water in the Precambrian Age Crystalline Rock is transmitted to wells from joints, faults, and fractures below the surface. Because water is transmitted to wells in this manner, availability of water is site specific

depending on the inter-connection of the joints, faults and fractures. Withdrawals by a neighboring well in close proximity but not connected by a joint, fault or fracture may not have any impact on the other well, while withdrawal from a well in direct connection to a joint, fault or fracture may cause a reduction of needed water supply to another well located a significant distance away.

Additional water right permitting is necessary prior to this new well being put into service. If this is not a test well and this new well is intended to be used as part of the Sheridan Lake Highlands' water system, Sheridan Lake Highlands HOA must seek approval from DENR. If both wells will be used by Sheridan Lake Highlands in a manner that the combined peak pump rate will exceed 0.08 cfs (36 gpm), a *new water right permit* will need to be obtained for the increased pump rate and the additional well prior to its use. If the additional well does not increase the authorized pump rate, an *amendment* to Water Right No. 2572-2 is needed to authorize the additional well. Enclosed are application forms for both possibilities. Please complete the appropriate application and submit it to this office. Once an application is received it will be reviewed for the purpose of making a recommendation, then public noticed with the ability of citizens to contest the application and cause a hearing before the Water Management Board.

Pursuant to SDCL 46-2-18, the Chief Engineer has the authority to not allow the use of a well to which the user has no legal right. Sheridan Lake Highlands HOA's existing water right does not authorize a second well, and it cannot be used as part of the water distribution system.

Therefore I am ordering Sheridan Lake Highlands HOA to not use the well recently under construction until proper authorization is obtained. Please inform the Water Rights Program of you intentions and/or submit the application by April 30, 2019. Failure to obey the order may result in DENR seeking a temporary restraining order or injunction with the court of proper jurisdiction.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program, DENR

Enclosures

C: Al Sage, 5310 Ebony Place, Piedmont SD 57769
Mark Mayer, Administrator, Drinking Water Program, DENR
Alexander Drilling Inc., PO Box 615, Hill City SD 57745-0615