

WATER PERMIT NO. 2578-2

Name of Applicant: City of Box Elder

Address: 520 N Ellsworth Rd, Suite 9C, Box Elder SD 57719 Phone: 605 923-1404

Amount of Water Claimed: 0.67 cfs (290 acre-feet) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: municipal County: Pennington

Type of Waste Disposal System:

Location: west of Box Elder

PRIORITY Date Received: 2-3-06 Application/License Fee: \$325

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Well #6

Diversion Point: SE ¼ NW ¼ Sec 25-T2N-R8E

Land to be Irrigated:

Depth of Well: 4450 feet deep

Well Driller:

Remarks:

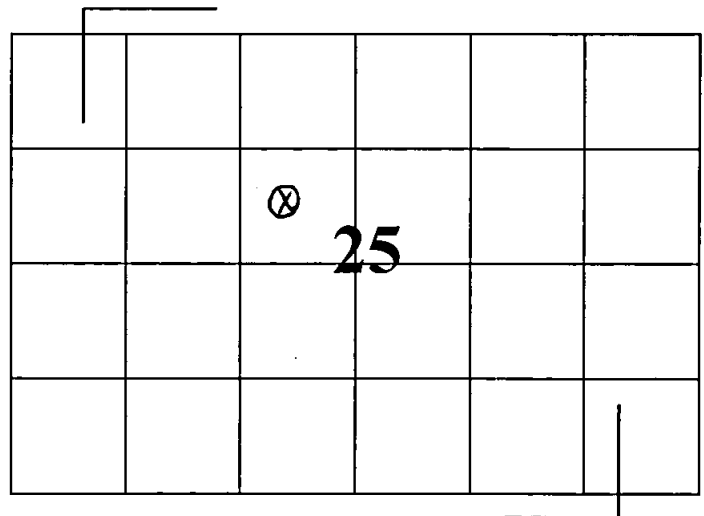
Type of Map: topo

Prepared by: Raymond T Bettmeng, PE

Reviewed and the Number Assigned on: 2-7-06

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>2578-2</u>	(office use only) Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	

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FEB 03 2006
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 City of Box Elder, South Dakota Phone (605) 923-1404
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 520 N. Ellsworth Road, Suite 9C; Box Elder State SD 57719
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.67 *CFS or 300 **GPM 290 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Madison Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well in SE 1/4 NW 1/4, section 25 - T.2N. - R.8E. (Well #6)
NE 1/4 NW 1/4 County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used January 1 through December 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)

The project consist of constructing an approximately 4450 foot deep well and pump house with electrical control and chemical feed system to tie into the municipal water to the City of Box Elder.

STATE OF SOUTH DAKOTA)

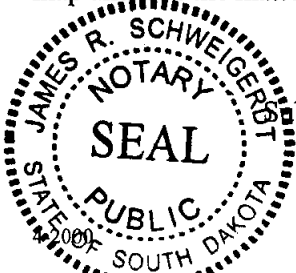
County of Pennington SS

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, Carolyn Haddenham, 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 Carolyn Haddenham

Subscribed and sworn to before me this 31 day of January 20 06



My Commission Expires
March 30, 2010

Jan R. Schweigert
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2578-2

Date of first receipt of application February 3, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2578-2 to City of Box Elder, 520 N Ellsworth Rd, Suite 9C, Box Elder SD 57719 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. 2578-2 appropriates 0.67 cubic feet of water per second (290 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 4450 feet deep) located in the NE ¼ NW ¼ Section 25-T2N-R8E.
2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2578-2 is May 8, 2006.
5. The date from which applicant may claim right is February 3, 2006.
6. One-fifth of the construction is to be completed on or before November 8, 2008.
7. All construction is to be completed on or before May 8, 2011.
8. Water is to be put to beneficial use on or before May 8, 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2578-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2578-2 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 2578-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. The city of Box Elder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

WATER MANAGEMENT BOARD

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

MAY 12 2006
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter See Table 7 Depth 4450'
- b) Casing Type Steel Diameter 14", 10-3/4", 7-5/8" Thickness 0.375"
- c) Screen Type N/A (Open Hole) Diameter _____ Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material Est. 4000'
- f) Depth to Water (ground surface to water level) Est. 200'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others Approx. 4,200' (Well #1)

2. Wastewater Disposal System Information

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

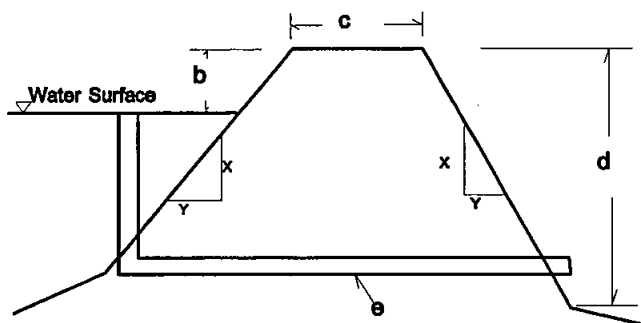
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 20 06

RECEIVED OF Box Elder, 520 N Ellsworth Rd Ste 9C, Box Elder SD 57719

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

Fee for Application for Permit No. <u>2578-2</u> to Appropriate Water, to construct and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2578-2</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	325.00

No.

12284

By

Darland Elbe
Chief Engineer
gsm

TABLE 7
BOX ELDER WATER SYSTEM FACILITIES PLAN
PROPOSED MADISON WELL NO. 6
SEPTEMBER 2005

Item #	Description	Unit	Quantity
1.	DRILLING 18" BOREHOLE	FT	40
2.	FURNISH AND SET 14" O.D. 36.71# CASING	FT	40
3.	DRILLING 13-3/4" BOREHOLE	FT	1360
4.	FURNISH AND SET 10-3/4" O.D. 41.85# CASING	FT	1400
5.	DRILLING 9-7/8" BOREHOLE	FT	2700
6.	FURNISH AND SET 7-5/8" O.D. 26.4# CASING	FT	2770
7.	DRILLING 6-3/4" BOREHOLE	FT	350



**BOX ELDER
WATER SYSTEM FACILITIES
BOX ELDER, SOUTH DAKOTA**

Scale:	AS NOTED
Designed By:	Drawn By:
RTB	JDH
Design Date:	Print Date:
01/25/2006	01/25/2006
AAE Project No.:	
05-1200.000	
File Name:	
1222WATERAPP#6.DGN	
Revisions:	

**PROPOSED MADISON WELL #6
WATER SYSTEM LAYOUT MAP**

FIGURE 1

Sheet:

Gronlund, Eric

From: Ray Bettmeng [rbettmeng@envisiondesigninc.com]
Sent: Friday, April 07, 2006 1:21 PM
To: Gronlund, Eric
Cc: Goodman, Jim; Buhler, Ken; Lynn Derby - City of Box Elder; Al Todd - Box Elder; Bob Rothermel; R. J. Inskeep - Midwest Technical Assistance; Jay A. Larson
Subject: Revised Legal for Box Elder Well #6

Eric;

The city of Box Elder is negotiating with the property owner to acquire a parcel of land to utilize for Well #6 and a pump house. This is a change from the original legal description submitted in early February 2006.

As it turn out, this location is a better location in terms of proximity to a main water line. Attached is an exhibit which provides the legal location of the well and pump house.

Please call if you have any questions.

Thank you

<<1222-002ge01 4-7-2006.pdf>>

Ray Bettmeng
enVision Design, Inc.
706 West Boulevard
Rapid City, SD 57701
Phone: (605) 342-9470
Fax: (605) 342-2377

04/10/2006

WATER PERMIT APPLICATION NOS. 2577-2 and 2578-2
CITY OF BOX ELDER
APRIL 3, 2006

Water Permit Application No. 2577-2 proposes to appropriate 290 acre-feet annually with a maximum diversion rate of 0.67 cubic feet of water per second from one well to be completed into the Madison aquifer (approximately 4,350 feet deep) located in the NW¼ NE¼ Sec. 34, T2N-R8E.

Water Permit Application No. 2578-2 proposes to appropriate 290 acre-feet annually with a maximum diversion rate of 0.67 cubic feet of water per second from one well to be completed into the Madison aquifer (approximately 4,450 feet deep) located in the SE¼ NW¼ Sec. 25, T2N-R8E.

Water Source: Madison aquifer (MDSN)

Geology and Aquifer Characteristics:

The Madison (Pahasapa) Limestone is a massive limestone and dolomite that underlies much of the Western United States. Estimates of the thickness of the Madison in this area range from approximately 400 feet thick (Allen and others, 1985) to approximately 550 feet thick (Carter and Redden, 1999a) (Carter and Redden, 1999b). The Madison underlies approximately 1,489,920 acres of Pennington County and contains an estimated 29,798,400 acre-feet of recoverable water in storage in the county (Allen and others, 1985). The Madison extends into the counties adjacent to Pennington County. The top portion of the Madison Limestone contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The well sites proposed by these applications are located around ten miles from the Madison outcrop (recharge area), (Strobel and others, 1999). The top of the Madison Limestone is expected to be approximately 4,000 feet below grade at the proposed site of well No. 5 (Application No. 2577-2) and approximately 4,100 feet below grade at the well site proposed for well No. 6 (Application No. 2578-2) (Carter and Redden, 1999a). The Madison is under confined conditions at the well sites proposed by these applications and the static water level of the wells is estimated to be around 550 feet below grade (Strobel and others, 2000).

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). Average annual recharge from 1931-1998 is estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001a).

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area (Water Rights, 2006b). Long-term water level declines are not apparent from any of the Water Rights' Madison aquifer observation wells. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious. The nearest Water Rights' Madison aquifer observation well is over ten miles from this well site.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are a total of 139 permits/rights which appropriate water from the Madison aquifer in South Dakota (Water Rights, 2006c). In addition, there are three Future Use Permits (1833-2 Weston Heights Home Owners, 2086-2 the City of Rapid City and 2560-2 Fall River Water Users), that reserve water from the Madison aquifer. The majority of the water rights/permits from the aquifer are from Butte, Lawrence, Meade, Pennington and Fall River Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be less than 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Withdrawals from wells completed into the Madison aquifer were estimated to be 10,990 acre-feet annually from 1987-1996 (Carter and others, 2001b). Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

Affects on Existing Rights:

The well site proposed by Application No 2577-2 (well #5) is within one mile of the area reserved for future use by the City of Rapid City (Future Use Permit No. 2086-2). The nearest wells completed into the Madison aquifer supplying Water Rights/Permits other than for the City of Box Elder, are located approximately four and one-half miles from the proposed well #5. They include Permit No. 1807-1, 28 Bomb Wing; and Incorporated License No. 2125-2, City of Rapid City. In addition to the future use area reserved by the City of Rapid City (Future Use Permit No. 2086-2), approximately two and one-half miles away, the only appropriation from the Madison aquifer that does not belong to the City of Box Elder within six miles of the well proposed by Application No. 2578-2 (Well No. 6), is Permit No. 1807-1, 28 Bomb Wing.

Wells, including domestic wells, completed into aquifers shallower than the Madison aquifer (i.e. Inyan Kara aquifer, Sundance aquifer, Minnekahta aquifer, Opeche aquifer, and Minnelusa aquifer) are not expected to be affected by this proposed appropriation since the

lower Minnelusa is a confining bed that isolates the Madison hydraulically from shallower aquifers.

Since the Madison is under artesian conditions in this area, drawdown from pumping a well may extend over a fairly large area. The distance between these proposed well sites and existing appropriations is great enough to minimize well interference that may result from these appropriations. At this time, it is not practical to attempt to quantify the specific affect this well may have on the Box Elder well since aquifer characteristics have not been determined for this area, and the aquifer characteristics of the Madison can vary considerably within a short distance.

Although the impact of this appropriation cannot be quantified precisely, it is still possible to address whether this appropriation can be made without adversely affecting existing water rights, including domestic wells.

Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water **independent of artesian**. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

If the water levels in the Madison aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary. Increased lift would decrease the pump discharge; or require a larger pump or a different type of a pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state that if the increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

TERM LIMITATION:

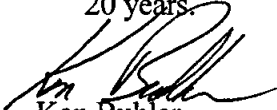
SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing these permits without a term limitation of 20 years.

Conclusions:

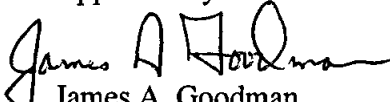
1. The Madison aquifer is a viable aquifer in this area.
2. This diversions proposed by these applications will not adversely impair existing water rights.
3. Information is not available to justify issuing these permits without a term limitation of 20 years.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

References:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, 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
- Carter, J.M., Redden, J.A., 1999a, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000
- Carter, J.M., Redden, J.A., 1999b, Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-E, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278, 66 p
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996, Water-Resources Investigations Report 01-4119, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000

- Strobel, M.L., Galloway, J.M., Hamade, G.R., Jarrell, G.J., 2000, Potentiometric Surface of the Madison Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745-D, 2 sheets, scale 1:100,000
- Water Rights Program, 1983, "Water Right File 1830-2", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2006a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2006b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2006c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of the Interior, Bureau of Land Management



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 2578-2, City of Box Elder**

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. 2578-2, City of Box Elder, c/o Mayor Carolyn Haddenham, 520 N Ellsworth Road, Suite 9C, Box Elder SD 57719.

The Chief Engineer is recommending APPROVAL of Application No. 2578-2 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2578-2 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2578-2 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 2578-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. The city of Box Elder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 7, 2006

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:

April 19, 2006

April 26, 2006

Cost of Printing One hundred ten dollars
and eighty-eight cents (\$110.88)

Patricia K. Van Patten
 (Signature)

Legal Advertising Rep.
 (Title)

04/26/06
 (Date Signed)

April 19, 26 L2255207

NOTICE OF APPLICATION NOS. 2577-2 AND 2578-2 TO APPROPRIATE WATER

Notice is given that the City of Box Elder, Carolyn Haddenham, Mayor, 520 N. Ellsworth Road, Suite 9C, Box Elder, SD 57719, has filed the following applications for a water permit for municipal use.

Application No. 2577-2 proposes to appropriate 0.67 cubic feet of water per second (290 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 4350 feet deep) located in the NW¼ NE¼ Section 34-T2N-R8E.

Application No. 2578-2 proposes to appropriate 0.67 cubic feet of water per second (290 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 4450 feet deep) located in the NE¼ NW¼ Section 25-T2N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2577-2 and 2578-2 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year limitation, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 May 8, 2006.

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

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

RECEIVED
 MAY - 2 2006
 WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on April 19, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2577-2 and 2578-2 to Appropriate Water

Notice is given that the City of Box Elder, Carolyn Haddenham, Mayor, 520 N Ellsworth Road, Suite 9C, Box Elder SD 57719 has filed the following applications for a water permit for municipal use.

Application No. 2577-2 proposes to appropriate 0.67 cubic feet of water per second (290 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 4350 feet deep) located in the NW ¼ NE ¼ Section 34-T2N-R8E.

Application No. 2578-2 proposes to appropriate 0.67 cubic feet of water per second (290 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 4450 feet deep) located in the NE ¼ NW ¼ Section 25-T2N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2577-2 and 2578-2 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 May 8, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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

April 10, 2006

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

ATTENTION: Legal Public Notice

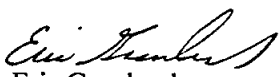
Enclosed is a Notice on Application Nos. 2577-2 & 2578-2 to Appropriate Water to be published twice. Please publish the first notice on April 19, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 City of Box Elder, % Carolyn Haddenham, Mayor, 520 N Ellsworth Road, Suite 9C, Box Elder SD (Ph # 605-394-8300).

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-----

Nos. 2577-2 & 2578-2

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

Date _____

We are in receipt of your letter of April 10, 2006 enclosing Notice to Appropriate Water by Application Nos. 2577-2 & 2578-2 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.

April 10, 2006

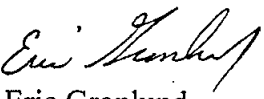
City of Box Elder
% Carolyn Haddenham Mayor
520 N Ellsworth Rd Suite 9C
Box Elder SD 57719

Dear Ms. Haddenham:

Water Permit Application Nos. 2577-2 & 2578-2 for municipal 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 recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Al Todd, Public Works Director

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 12 2006

City of Box Elder
% Mayor Al Dial
520 N Ellsworth Rd Suite 9C
Box Elder SD 57719

Dear Mayor Dial:

Enclosed are Water Permit Nos. 2577-2 & 2578-2 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

cc: Al Todd, Public Works Director
Ray Bettmeng, EnVision Design, 706 West Boulevard, Rapid City SD 57701

enclosures

RECEIVED

JAN 22 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Jan 17, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: CITY OF BOX ELDER

(name)

520 N. ELLSWORTH RD, STE 9C

(address)

BOX ELDER SD 57719 605923-1408

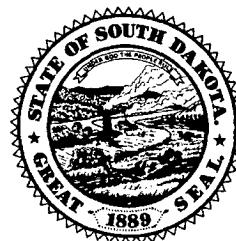
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2578-2
2616-2 states that the water use system is to be constructed byDec 12, 2007 , and water is to be put to beneficial use by Jan 5, 2007
(date) (date)The water use system was completed on Dec 12, 2007
(date)Applying the water to beneficial use was completed on Jan 5, 2007
(date)

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

Al Todd
(signature)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 14 2010

2578-2
2616-2

Al Todd
City of Box Elder
520 N Ellsworth Rd Suite 9C
Box Elder SD 57719

Dear Mr. Todd:

Enclosed is Water License No. 2616-2. This is the final water right document completing the process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2616-2, 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.

The applicable portions of Water Permit No. 2578-2 were incorporated into Water License No. 2616-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures