

WATER PERMIT NO. 2589-2

Name of Applicant: Rolland & Dawnette Owens

Address: 23831 Hwy 385, Hill City SD 57745

Phone: 605 574-4382

Amount of Water Claimed: 0.026 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Pennington

Type of Waste Disposal System:

Location: just outside Hill City

PRIORITY

Date Received: 5-25-06

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 21-T1S-R5E

Land to be Irrigated: NA

Depth of Well: 87 feet deep

Well Driller: : Hamm Drilling

Remarks:

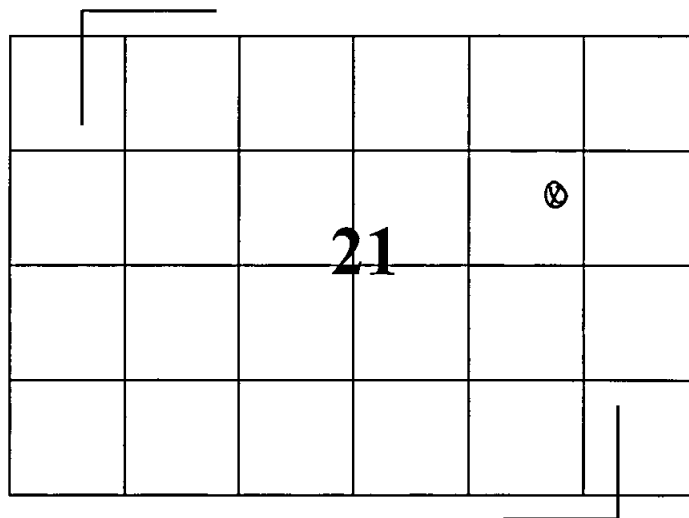
Type of Map: aerial

Prepared by: Jane Jensen, FSA

Reviewed and the Number Assigned on: 5-26-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2589-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hill City Recorder, Hill City</u>	

RECEIVED
MAY 25 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: (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. _____

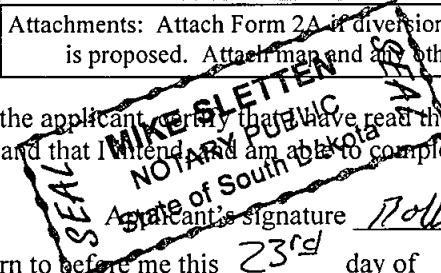
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name of Applicant Rolland and Dawnette Owens Phone (605) 574-4382
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 23831 Highway 385 Hill City State SD 57745
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.026 *CFS or 12 **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 Ground water - 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Pennington
1 well in SW tract of Annie Lode MS 1721, Section 21, R5E, BHM
(SE 1/4 NE 1/4) Sec 21-T1S-R5E
- County or counties where water will be used Pennington
- Annual period during which water is to be used January-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)
Potable, sanitary water to service a drive-up coffee shop.

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, Rolland Owens, 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.



Subscribed and sworn to before me this 23rd day of May 20 06
State of South Dakota
Notary Public signature Mike Sletten

Commission expires
10/06/2011

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2589-2

Date of first receipt of application May 25, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2589-2 to Rolland & Dawnette Owens, 23831 Hwy 385, Hill City SD 57745 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. 2589-2 appropriates 0.026 cubic feet of water per second from one well completed into the Precambrian Crystalline Rock Aquifer (87 feet deep) located in the SE ¼ NE ¼ Section 21-T1S-R5E.
2. The water appropriated shall be used for the purpose of commercial 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. 2589-2 is September 5, 2006.
5. The date from which applicant may claim right is May 25, 2006.
6. One-fifth of the construction is to be completed on or before March 5, 2009.
7. All construction is to be completed on or before September 5, 2011.
8. Water is to be put to beneficial use on or before September 5, 2015.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The 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.

WATER MANAGEMENT BOARD

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

NOV 03 2006
date



Supplemental Information

(type or print in ink)

REFER TO ATTACHED REPORT

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ 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) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 450 +- feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank with a drain field
- b) System Capacity (gallons) 1,500.00 Year Constructed 2006
- c) Connected to the City of _____ Sanitary System

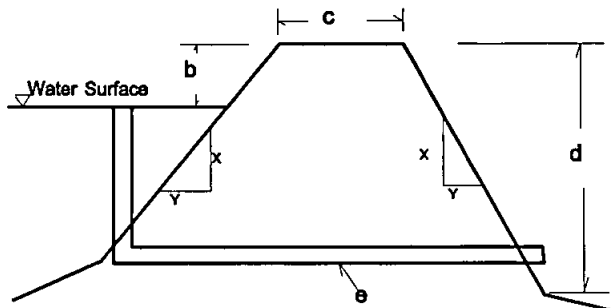
3. Dugout Information

- 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 N May 25, 20 06

RECEIVED OF Annie Lode Coffee Cabin LLC, 23831 Hwy 385, Hill City SD 57745

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

Fee for Application for Permit No. <u>2589-2</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>2589-2</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.

02466

By

Douglas O. Elise
Chief Engineer



USDA U.S. Dept. of Agriculture
Farm Service Agency

Jane Jensen
Program Tech.

S-23-06



South Dakota
Pennington Co.

21-1S-5E



Located 1,859 feet southwest from the
northeast section corner of 21-1S-5E

Legend

- Wetlands
- ▬ Tract Boundaries
- ▭ Section-Township-Range
- ▨ Easements
- ▤ CRP
- ▧ Common Land Units
- /// Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

April 14, 2006

07-92

Date: 11/1/2017



2589-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2006

Douglas Hamm
Hamm Well Drilling
12089 Deerfield Road
Hill City, SD 57745

Dear Mr. Hamm:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Hamm Well Drilling is authorized to construct a test well for Rolland Owens prior to approval of a water permit. The test well is to be completed into the Precambrian Rock aquifer in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, T1S-R5E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

Hamm Well Drilling

12089 Deerfield Road

Hill City SD 57745

605-574-2995

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APR 06 2006

WATER RIGHTS
PROGRAM

April 04 2006

Ken Buhler
Dept. of Environment and Nat. Resource
Water Rights Program
523 E Capitol
Pierre, SD 57501

Dear Ken:

This letter is to request permission to drill a test well for Rolland Owens for a drive inn coffee shop

The well will be drilled in Precambrian rock in SE $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 21, R5E, T1S, of Black Hills Meridian under license number 171.

Sincerely,
Hamm Well Drilling

Douglas Hamm

Douglas Hamm

WATER PERMIT APPLICATION NO. 2589-2
ROLLAND & DAWNETTE OWENS
JULY 25, 2006

Water Permit Application No. 2589-2 proposes to appropriate 0.026 cubic feet of water per second (cfs), (12 gallons per minute) from one well completed into the Precambrian Crystalline Rock aquifer (87 feet deep) located in the SE¼ NE¼ Sec. 21, T1S-R5E, Pennington, County. The water is for commercial use.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metagraywacke, quartzite and quartz-mica schist (Redden and Norton, 1975). The aquifer (crystalline rock) is exposed at the surface throughout this area, except where it is covered by alluvium along Spring Creek and its tributaries (Strobel and others, 1999). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as Spring Creek. Groundwater is derived primarily through joints, fractures and foliation within the rock. The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. Recharge to the crystalline rock occurs through infiltration of precipitation and steamflow losses. Average annual recharge to the aquifer has not been quantified.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. The nearest observation well completed into this aquifer is located in Custer, about 13 miles south-southwest of this site. The hydrograph for the well is shown in figure 1.

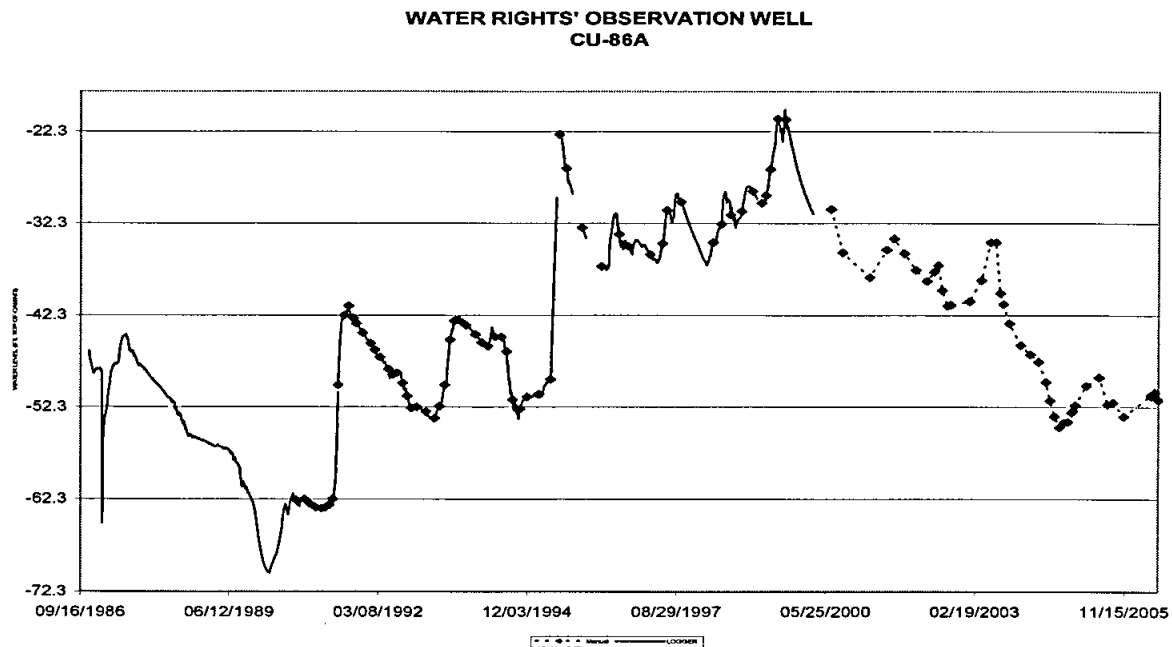


Figure 1. Hydrograph of Water Rights' Observation well CU-86A located about 13 miles south-southwest of 2529-2

The hydrograph document that the water levels in the observation well fluctuate over 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. The aquifer in this area should behave similarly to the aquifer in the Custer area.

Review of Existing Water Rights:

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

PERMIT NO	NAME	USE	CFS
2004-2	GUSTAVE A ORLOSKE	COM	0.02
2159-2	THREE FORKS CAMPGROUND	COM	0.07
2207-2	ROBINS ROOST CABINS	COM	0.02
2232-2	MOUNTAIN VIEW LODGE	COM	0.03
2238-2	LARRY & KAREN MOORE	COM	0.02
2246-2	GORDON W COLLINS	COM	0.02
2492-2	RUSHMORE FOREST PRODUCTS	IND	0.56
2506-2	ROBERT LEMERE	COM	0.04
2529-2	PRAIRIE BERRY LLC	COM	0.06

The nearest appropriation, No. 2529-2 is probably located within 1000 feet of the applicant's well site. Since the porosity of the Crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. Although the diversion rate proposed by this application is small (12 gpm), it is possible that drawdown from the Owens well could be measurable in the Prairie Berry well.

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

Conclusions:

1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.

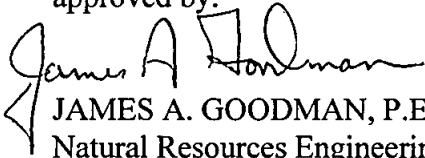
3. This is an application to divert water from an existing well. The completion report on file for the well indicates it was constructed in accordance with the SD Well Construction Standards



KEN BUHLER

Natural Resource Engineering Specialist

approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineering Director

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.

Redden, J.A., and Norton, J.J., 1975, Precambrian Geology of the Black Hills in Mineral And Water Resources of South Dakota: U.S. Geological Survey report to Committee on Interior and Insular Affairs, United States Senate. P. 21-32

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, 2006, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2006, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2006, 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. 2589-2, Rolland and Dawnette Owens**

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. 2589-2, Rolland and Dawnette Owens, 23831 Hwy 385, Hill City SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2589-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 7, 2006

Affidavit of Publication

State of South Dakota)

)ss.

County of Pennington)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Hill City Prevalier-News, a weekly newspaper printed and published in Hill City, said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Rolland & Dawnette Owens
Notice of Application
to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

August 16, 2006; August 23, 2006;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

as stipulated in SDCL 17-2-2.1 through 17-2-2.4 inclusive; the full amount of the fees for the publication of the annexed notice is \$ 37.04.

Charles W. Najacht

Subscribed and sworn to me before this 23

of August, 2006;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2012

NOTICE OF APPLICATION

NO. 2589-2 TO APPROPRIATE WATER

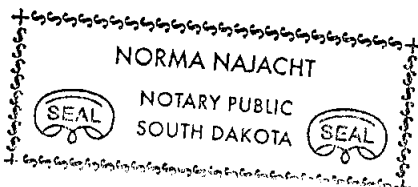
Notice is given that Rolland & Dawnette Owens, 23831 Hwy 385, Hill City SD 57745 have filed an application for a water permit to appropriate 0.026 cubic feet of water per second from one well completed into the Precambrian Crystalline Rock Aquifer (87 feet deep) located in the SE 1/4 NE 1/4 Section 21-T1S-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2589-2 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 September 5, 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.

#274 8/16, 8/23



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SEP - 5 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

August 8, 2006

Rolland & Dawnette Owens
23831 Hwy 385
Hill City SD 57745

Dear Mr. & Mrs. Owens:

Water Permit Application No. 2589-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Hill City Prevalier printed at Hill City, SD (Ph # 605-574-2538). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 8, 2006

Hill City Prevailor
PO Box 266
Hill City SD 57745-0266

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2589-2 to Appropriate Water to be published twice. Please publish the first notice on August 16, 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.

Please **BILL** the **APPLICANT** for the cost of publication. The APPLICANT is Rolland & Dawnette Owens, 23831 Highway 385, Hill City SD (Ph # 605-574-4382).

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. 2589-2

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

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application No. 2589-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 16, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2589-2 to Appropriate Water

Notice is given that Rolland & Dawnette Owens, 23831 Hwy 385, Hill City SD 57745 have filed an application for a water permit to appropriate 0.026 cubic feet of water per second from one well completed into the Precambrian Crystalline Rock Aquifer (87 feet deep) located in the SE ¼ NE ¼ Section 21-T1S-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2589-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 03 2008

Rolland & Dawnette Owens
23831 Hwy 385
Hill City SD 57745

Dear Mr. & Ms. Owens:

Enclosed is Water Permit No. 2589-2 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date Nov. 20, 2006

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Rolland and Dawnette Owens
(name)

23831 Hwy 385
(address)

Hill City, SD 57745
(city, state, zip)

605-574-4722 (w)

605-574-4382 (h)
(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. 2589-2 states that the water use system is to be constructed by
Sept 5, 2011 , and water is to be put to beneficial use by Sept 5, 2015 .
(date) (date)

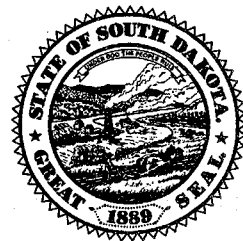
The water use system was completed on July 24, 2006 .
(date)

Applying the water to beneficial use was completed on July 26, 2006 .
(date)

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

Dawnette Owens
(signature)

RECEIVED
NOV 22 2006
**WATER RIGHTS
PROGRAM**



Permit No. 2589-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 29 November 2007, made a thorough examination of the water use system constructed by **Rolland & Dawnette Owens** of **23831 HWY 385, Hill City, SD. 57745** holder of Permit No. **2589-2**, bearing the priority of **25 May 2006** authorizing the diversion of **0.026** cu. ft. per second of the waters of **the Precambrian Crystalline Rock Aquifer** for **commercial use** purposes, in **Pennington** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hamm Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **87** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **6** inches
- 2) Length **25** feet
- 3) Type **Plastic**

Screen: none

- 1) Static water level **22** feet

Pump:

- 1) Make **Macdonald**
- 2) Model **unknown**
- 3) Capacity **10** GPM

Motor:

- 1) Make **Franklin**
- 2) Model No. **unknown**
- 3) Horsepower rating **1/2** hp

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

- 1) Type **PVC**
- 2) Size **2.0** inches
- 3) Length **150** feet

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: SE ¼ NE ¼ Sec 21-T1S-R5E, approximately 1789 feet south and 196 feet west of the north east corner of section 21, N 43.95030 Latitude and W -103.51923 Longitude. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial use.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Pump and motor information provided by Douglas Hamm of Hamm Drilling.**



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

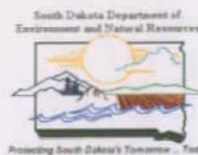
Date report completed: 29 November 2007



South Dakota

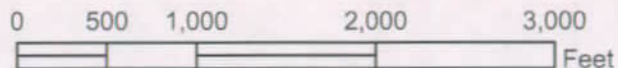
2589-2

Rolland & Dawnette Owens
23831 HWY 385
Hill City, SD. 57745



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
29 November 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 25 2008

2589-2

Rolland and Dawnette Owens
23831 Hwy 385
Hill City SD 57745

Dear Mr. and Mrs. Owens:

Enclosed is Water License No. 2589-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map 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. 2589-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2589-2

(1) Rolland and Dawnette Owens, 23831 Hwy 385, Hill City SD 57745 made Application No. 2589-2, May 25, 2006 for a water permit to divert 0.026 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2589-2, with a priority date of May 25, 2006 was approved September 5, 2006 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before September 5, 2011 and for the application to beneficial use of water on or before September 5, 2015.

The permit holders submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on November 22, 2006. The *Notice* stated the diversion system was completed on July 24, 2006 and the water placed to beneficial use on July 26, 2006.

(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 holders and/or owners of Water Right No. 2589-2 are issued a license, bearing a priority date of May 25, 2006 to appropriate 0.022 cubic feet of water per second from groundwater (one well) for commercial purposes.

The diversion point is located: approximately 1,789 feet south and 196 feet west of the northeast corner of Section 21-T1S-R5E (SE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2589-2 including the following now applicable qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Garland Erbele

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

JAN 25 2008

date

