

WATER PERMIT NO. 2600-2

Name of Applicant: Gary Kluthe

Address: 8031 StIRRup Court, Rapid City SD 57702

Phone: 605 390-2205

Amount of Water Claimed: 0.044 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing development

County: Pennington

Type of Waste Disposal System:

Location: southwest of Rapid City

PRIORITY

Date Received: 8-18-2006

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 36-T1N-R7E

Land to be Irrigated: NA

Depth of Well: 817 feet deep

Well Driller: Taylor Drilling Co.

Remarks:

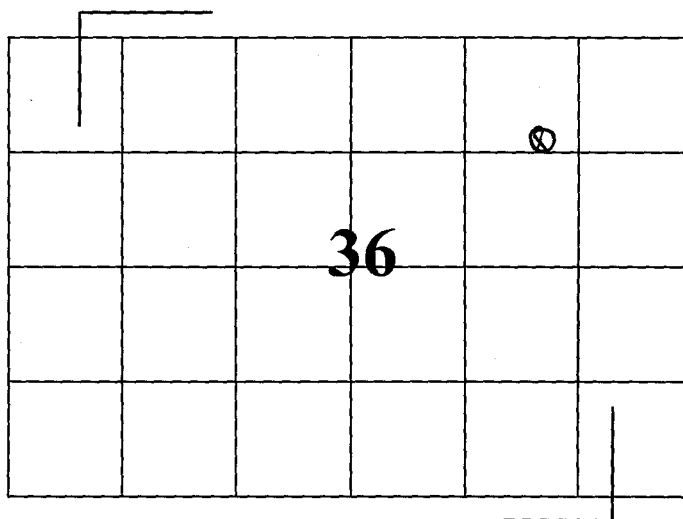
Type of Map: plat

Prepared by: William C Phillips, RLS

Reviewed and the Number Assigned on: 8-21-06

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

(office use only)
No. 2600-2 Hydrologic Unit 10/20/10
Basin Upper Cheyenne
Newspaper Rapid City Journal,

RECEIVED
AUG 18 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.)

1. Name of Applicant Gary Kluthe Phone (605) 390-2205
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 8031 Stirrup Court, Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.044 *CFS or 20 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Deadwood Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Pennington
One well in the NE1/4 NE1/4 of Section 36, TIN, R5E
6
5. County or counties where water will be used Pennington County
6. Annual period during which water is to be used January 1 through December 31
7. 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)

Domestic water source for Silver Spur Estates Phase 2, a rural residential subdivision just southwest of the Rapid City city limits. The well will provide water for 16 lots. Well drilled approximately 1070 feet into the Deadwood formation. Plan to use pressure tanks, underground storage and restrict flows to 1 gallon per minute per lot.

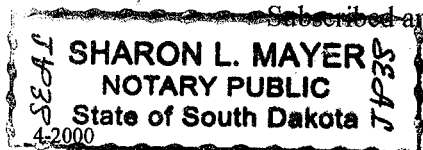
STATE OF SOUTH DAKOTA)
County of Pennington) SS

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, Gary Kluthe, 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 Gary Kluthe

Subscribed and sworn to before me this 15th day of August 20 06



My Commission Expires
November 21, 2010

Notary Public signature Sharon L Mayer

SOUTH DAKOTA
WATER PERMIT NO. 2600-2

Date of first receipt of application August 18, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2600-2 to Gary Kluthe, 8031 Stirrup Court, 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. 2600-2 appropriates 0.044 cubic feet of water per second from one well completed into the Deadwood Formation (1066 feet deep) located in the NE ¼ NE ¼ Section 36-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. 2600-2 is November 20, 2006.
5. The date from which applicant may claim right is August 18, 2006.
6. One-fifth of the construction is to be completed on or before May 20, 2009.
7. All construction is to be completed on or before November 20, 2011.
8. Water is to be put to beneficial use on or before November 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.

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

DEC 07 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6-1/2" Depth 760'
- b) Casing Type Steel Diameter 5-1/2" I.D. to 751' Thickness 0.275
- c) Screen Type N/A-Open Hole Diameter 4-3/4" to 1066' Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 450' (Static)
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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

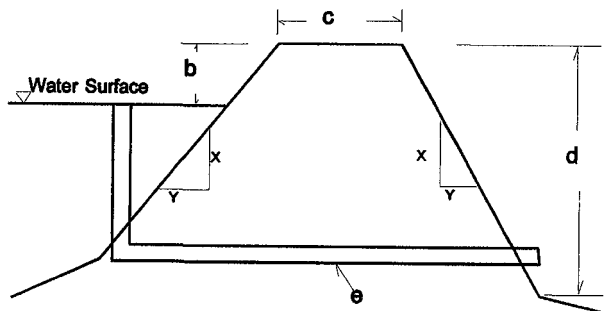
3. Dugout Information

- 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 AUGUST 21, 20 06

RECEIVED OF ENVISION, 706 W BLVD, RAPID CITY SD 57701

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

Fee for Application for Permit No. <u>2600-2</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>2600-2</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.

02556

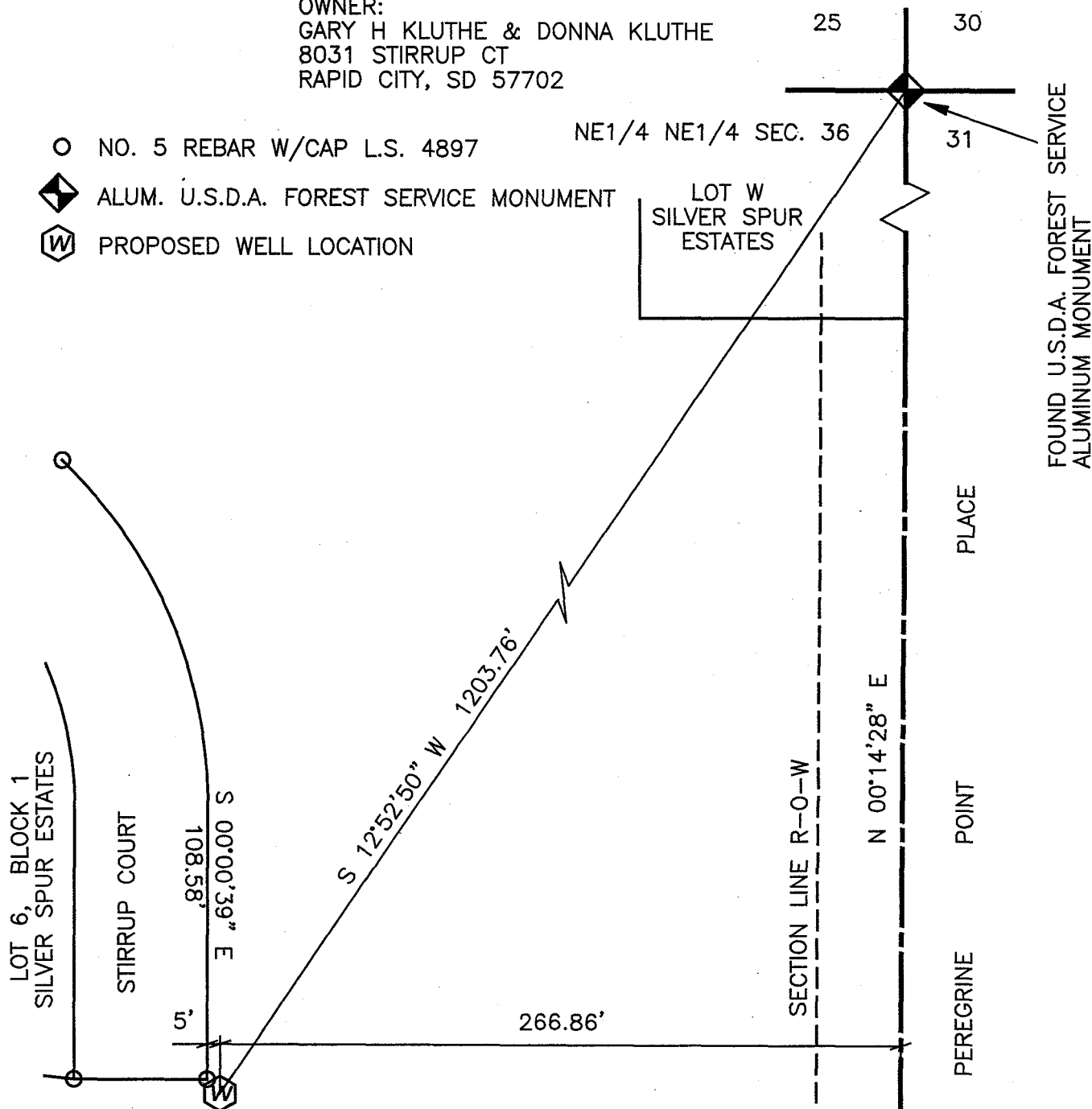
By

Darland Erbe
Chief Engineer
gm

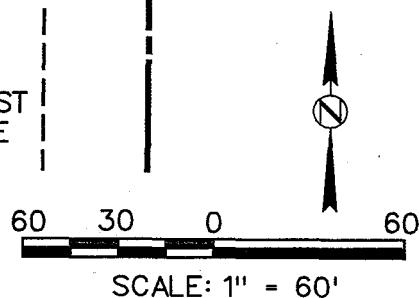
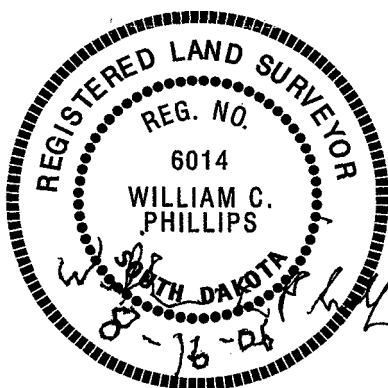
SILVER SPUR ESTATES PHASE 2

OWNER:
GARY H KLUTHE & DONNA KLUTHE
8031 STIRRUP CT
RAPID CITY, SD 57702

- NO. 5 REBAR W/CAP L.S. 4897
 ALUM. U.S.D.A. FOREST SERVICE MONUMENT
 PROPOSED WELL LOCATION



I WILLIAM C. PHILLIPS A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE DIRECTION OF GARY H. KLUTHE AND DONNA KLUTHE THIS WELL LOCATION WAS PREPARED UNDER MY DIRECTION AND SUPERVISION USING RECORD DOCUMENTS AND INFORMATION PROVIDED BY D.C. SCOTT SURVEYORS, INC., AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE DIMENSIONS SHOWN ARE CORRECT.



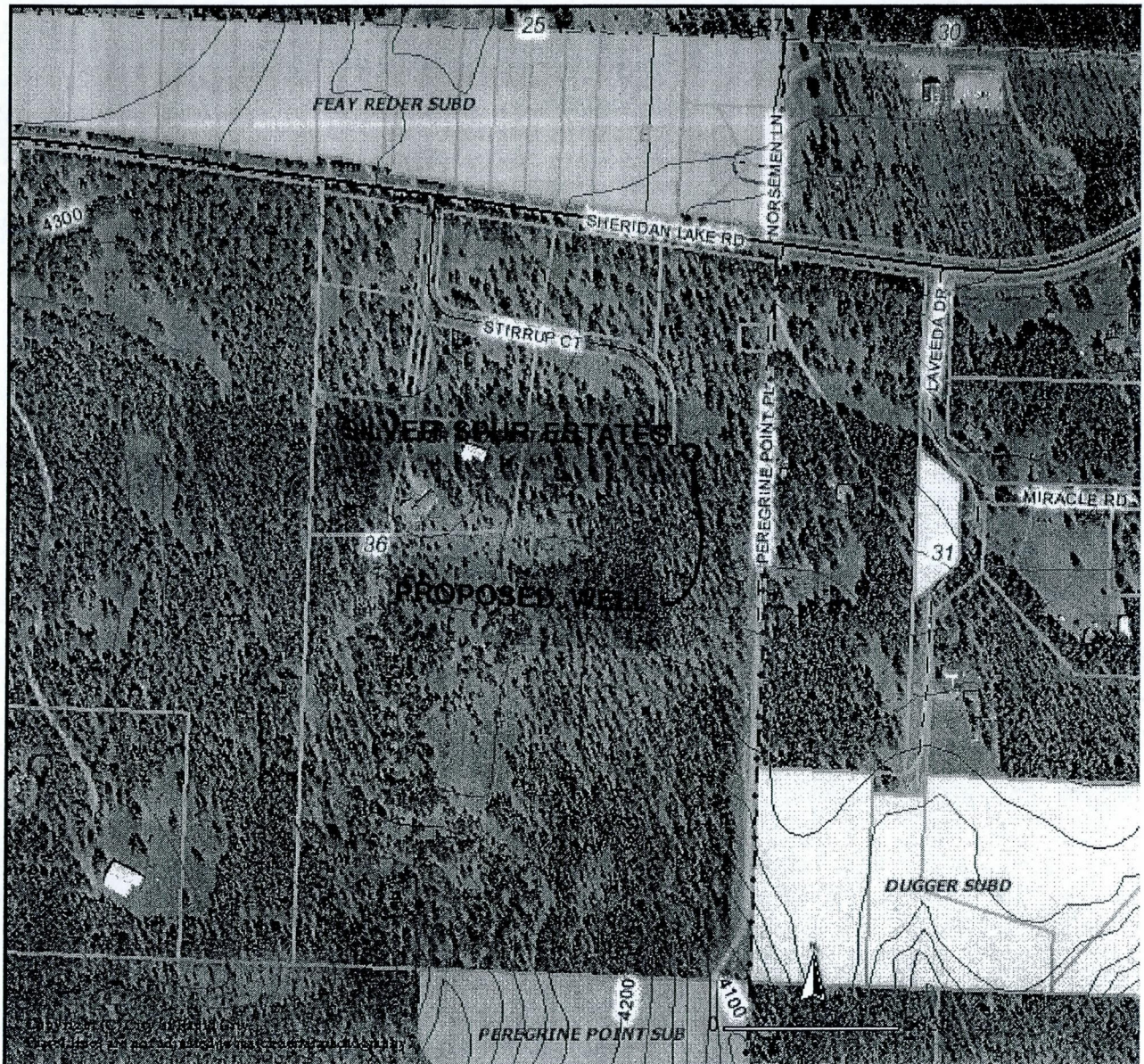
PREPARED BY: 
enVision Design, Inc
706 WEST BOULEVARD
RAPID CITY, SOUTH DAKOTA



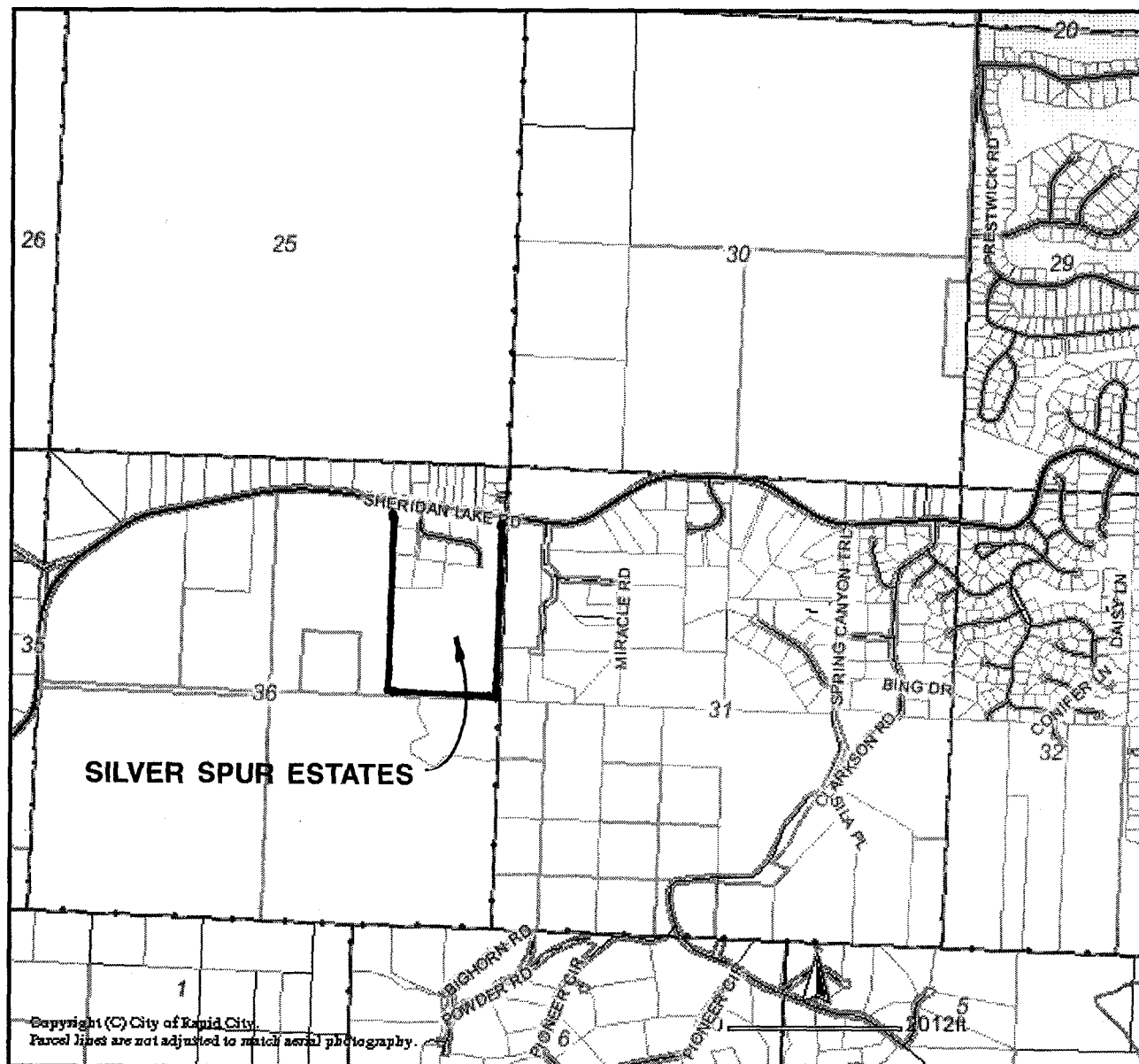
enVision
Design, Inc.

DRAWN BY K.MCGINNESS DATE 08-16-06
CHECKED BY W. C. PHILLIPS DATE 08-16-06

Pennington County - Rapid City GIS



Pennington County - Rapid City GIS

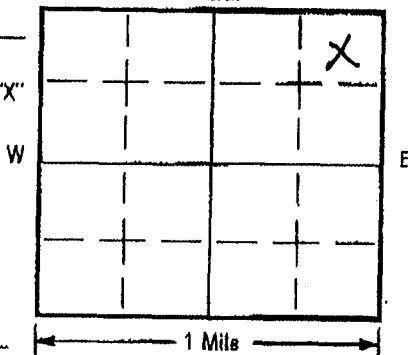


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE 1/4 Sec 36 Twp 1N Rg 6E
 County Pennington

Please mark well location with an "X"



Well Completion Date

3-21-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? >1000 ft. from septic system (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Air Rotary + DHH

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15.50 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>757 FT</u>	<u>6 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>48</u>	<u>15 lb./gal</u>	<u>0 ft.</u>	<u>757 ft.</u>
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pressure grouted through casing

SCREEN: ☐ 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?

☒ YES, How: chlorine solution

☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

pump not installed yet

Well Owner: Gary Kluthe

Business Name: _____

Address: 8031 Stirrup Ct.
Rapid City, SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Silt w/ limestone boulders</u>	<u>0</u>	<u>5</u>
<u>SS + LS red, pink, orange</u>	<u>5</u>	<u>84</u>
<u>SS yellow + red</u>	<u>84</u>	<u>90</u>
<u>LS yel, wh, red w/ some silt</u>	<u>90</u>	<u>207</u>
<u>shale, red + LS white</u>	<u>207</u>	<u>252</u>
<u>LS yellow + white</u>	<u>252</u>	<u>330</u>
<u>Lost Circulation</u>	<u>330</u>	<u>763</u>
<u>LS purple</u>	<u>763</u>	<u>776</u>
<u>SS red to gray</u>	<u>776</u>	<u>817</u>

STATIC WATER LEVEL

450

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Bailed

air developed

☐ Other _____

Pumping Level Below Land Surface

1060 ft. After 1 Hrs. pumped 45 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS 817 - 860 SS red, silty
860 - 990 shale red, gray
990 - 1060 SS greenish gray

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder _____

RECEIVED
AUG 18 2006

Date: _____

WATER RIGHTS
PROGRAM

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2600-2, Gary Kluthe

ADDRESS: COUNTY: Pennington

DATE: August 21, 2006 TELEPHONE:

RE: call to Envision Design regarding legal description of well site

COMMENTS:

I contacted Bill Phillips with Envision Design regarding the legal description of the well for Mr. Kluthe's application. I stated the map describes the well location at being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T1N, R6E. The application lists the legal description as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T1N, R7E. Mr. Phillips confirmed the well is in R6E.

NAME: Eric Trenlund

WATER PERMIT APPLICATION NO. 2600-2
GARY KLUTHE
SEPTEMBER 28, 2006

Water Permit Application No. 2600-2 proposes to appropriate 20 gallons per minute (0.044 cubic feet of water per second) from one well completed into the Deadwood Formation (1,066 feet deep) located in the NE¼ NE¼ Sec. 36, T1N-R6E, in Pennington County. The water is for use in a suburban housing development.

AQUIFER: Deadwood Formation (DDWD)

General:

The Deadwood Formation is a Cambrian aged sandstone, shale and shaley limestone. The formation underlies approximately 1,492,480 acres of Pennington County and contains an estimated 14,924,800 acre feet of recoverable water in storage (Allen and others, 1985). The aquifer is laterally extensive and underlies most of Western South Dakota. There is limited aquifer test data available for wells in the Deadwood, and aquifer characteristics are not available, however the permeability of the formation is assumed to be "moderately low" (Rahn, 1979). The Deadwood Formation outcrops about one mile west of this well site (Strobel and others, 1999) and the top of the aquifer is assumed to be between 750-776 feet below grade in this well. The aquifer is under artesian conditions in this area and the static water level of this well is reported to be 450 feet below grade. The quality of the water in the Deadwood Aquifer is difficult to assess due to the limited amount of data. The concentration of common ions in the Deadwood Aquifer water in this area appears to be quite low, with analysis from area wells indicating total dissolved solids of less than 500 ppm. The water quality probably deteriorates rapidly within a few miles downdip of the recharge area. Very high concentrations of radionuclides are present in some water supplied from the Deadwood aquifer. Recharge to the Deadwood aquifer, which occurs through direct infiltration of precipitation at the outcrop area and to a minor extent streamflow losses, has been estimated to be 14,500 acre-feet per year (Driscoll and Carter, 2001).

Water Availability:

Development of the Deadwood Aquifer has generally been limited to a fairly small area in or near the outcrop area. This is due to the fact that most of the aquifer is overlain by productive aquifers. Relatively few wells have been completed into the Deadwood aquifer and the water use from the Deadwood Formation is fairly low. The aquifer is utilized primarily for domestic use near the outcrop area, however, there are 35 Water Rights/Permits appropriating water from the Deadwood aquifer in South Dakota. All of the appropriations from the Deadwood are from Lawrence (12), Meade (4), Pennington (18) and Custer (1) counties. Water use by appropriate rights/permits include: 15 permits/rights for commercial use; 15 permits/rights for suburban housing developments; 2 permits for institutional use; 1 water right for domestic use; 1 water right for irrigation use; and 1 water right for RWS use. The combined diversion rate of these appropriate rights totals 4.96 cfs. It is doubtful that the combined use from the Deadwood exceeds 2,500 acre-feet per year (Water Rights, 2006).

A simple comparison between estimated average annual recharge (14,500 ac-ft/yr) and estimated annual withdrawals (2,500 ac-ft/yr) indicated that unappropriated water is available from the Deadwood aquifer. The Water Rights Program monitors five observation wells completed into the Deadwood Aquifer in the Black Hills. Observation well PE-84A is located approximately one and one-half miles northeast of this well site. The hydrograph for the well, (figure 1) shows that water levels fluctuate seasonally as well as over 50 feet due to climatic conditions.

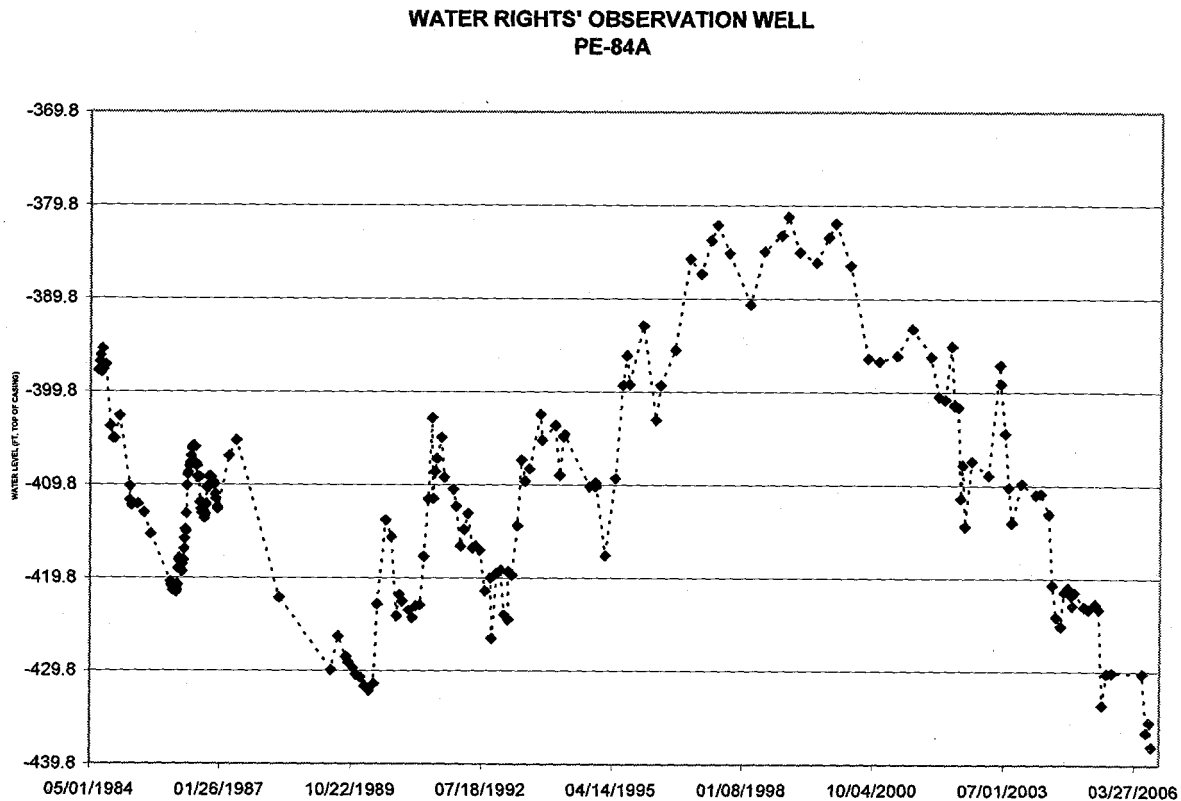


Figure 1. Hydrograph of a Water Rights' Observation Well completed into the Deadwood aquifer approximately one and one-half miles northeast of 2600-2

Data from observation wells indicate the potentiometric surface of the Deadwood aquifer fluctuates seasonally in response to recharge events, with the highest water level occurring in late spring-early summer, and the lowest water level occurring in late winter-early spring. The water levels are generally higher in "wet" years and are generally lower in "dry" years. 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.

Affects on Existing Rights:

There are a number of domestic wells completed into the Deadwood aquifer in this area (Water Rights, 2006_a). There are 16 Water Rights/Permits appropriating groundwater within approximately two miles of the well to be used for this appropriation, see table one (Water Rights, 2006_b). Five of these Water Right/Permits appropriate water from the Deadwood aquifer, (Water Rights, 2006_b).

PERMIT NO	NAME	STATUS	AQUIFER	USE	CFS
1628-2	COPPER OAKS WATER ASSN	LC	MDSN	SHD	0.05
1726-2	COLONIAL PINE HILLS SANITARY DISTRICT	LC	MDSN	SHD	0.38
1925-2	PONDEROSA PARK DEV ASSOC	LC	MDSN	SHD	0.03
1965-2	HIGHLAND HILLS WATER ASS.	LC	MDSN	SHD	0.06
2045-2	WHISPERING PINES WATER	LC	DDWD	SHD	0.08
2053-2	SPRING CANYON WATER CO	LC	MDSN	SHD	0.05
2056-2	COUNTRYSIDE HOMEOWNERS	LC	DDWD	SHD	0.30
2108-2	COLONIAL PINE HILLS SANITARY DISTRICT	LC	MDSN	SHD	0.04
2295-2	COLONIAL PINE HILLS SANITARY DISTRICT	LC	DDWD	SHD	0.29
2305-2	SPRING CANYON WATER CO	LC	DDWD	SHD	0.04
2473-2	CREGUT INC	LC	MDSN	COM	0.04
2461-2	COLONIAL PINE HILLS SANITARY DISTRICT	PE	MDSN	SHD	0.33
2496-2	SPRING CANYON WATER CO	PE	MDSN	SHD	0.17
2498-2	COUNTRYSIDE HOMEOWNERS	PE	MNLS	SHD	0.33
2507-2	HANI SHAFAI	PE	DDWD	SHD	0.07
2572-2	RYAN KELLY	PE	CRSL	SHD	0.10

Table 1. Groundwater Appropriations within approximately two miles of the 2600-2

The nearest Deadwood appropriation is Water Permit No. 2045-2 Whispering Pines Water, located less than 1000 feet north of the well that is to be used to supply 2600-2. Interference from pumping this Deadwood well is not expected to be a problem for adequate wells in the area because of the relatively low diversion rate proposed by this application and the distance between wells.

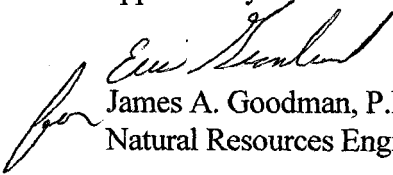
CONCLUSIONS:

1. The Deadwood aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

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
- Driscoll, D.G., and Carter, J.M., 2001, Hydrologic conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998: U.S. Geological Survey Water Resources investigations Report 01-4226, 143 p.
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota: South Dakota School of Mines and Technology, U.S. Army Corps of Engineers, SDSM&T Project #2533
- 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
- Water Rights Program, 2006_a, "Domestic Well Log Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2006_b, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights Program, 2006_c, "Water Right/Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2600-2, Gary Kluthe**

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. 260-2, Gary Kluthe, 8031 Stirrup Court, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2600-2 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
October 24, 2006

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:

November 1, 2006

November 8, 2006

Cost of Printing Eighty - nine dollars and
sixty cents (\$89.60)

Patricia A. Van Datten
(Signature)

Legal Advertising Rep.
(Title)

11/08/06
(Date Signed)

Nov. 1, 8 L2440685

**NOTICE OF
APPLICATION NO. 2600-2
TO APPROPRIATE WATER**

Notice is given that Gary Kluthe, 8031 Stippur Court, Rapid City, SD 57702, has filed an application for a water permit to appropriate 0.044 cubic feet of water per second from one well to be completed into the Deadwood Formation (1066 feet deep) located in the NE¼ NE¼ Section 36, T1N-R6E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2600-2 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 November 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

NOV 13 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2006

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2600-2 to Appropriate Water to be published twice. Please publish the first notice on November 1, 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 Gary Kluthe, 8031 Stirrup Court, Rapid City SD (Ph # 605-390-2205).

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. 2600-2

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

Date _____

We are in receipt of your letter of October 25, 2006 enclosing Notice to Appropriate Water by Application No. 2600-2 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 November 1, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2600-2 to Appropriate Water

Notice is given that Gary Kluthe, 8031 Stirrup Court, Rapid City SD 57702 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second from one well completed into the Deadwood Formation (1066 feet deep) located in the NE ¼ NE ¼ Section 36-T1N-R6E. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2600-2 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 November 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2006

Gary Kluthe
8031 Stirrup Court
Rapid City SD 57702

Dear Mr. Kluthe:

Water Permit Application No. 2600-2 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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

DEC 07 2008

Gary Kluthe
8031 Stirrup Court
Rapid City SD 57702

Dear Mr. Kluthe:

Enclosed is Water Permit No. 2600-2 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

Permit No. 2600-2
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 on this day, 6/5/2012 thorough examination of the water use system constructed by Gary Kluthe, 8031 Stirrup Court, Rapid City, SD 57702, holder of Permit No. 2600-2, bearing the priority date of August 18, 2006. Permit No. 2600-2 is authorized to appropriate a total of 0.044 cfs (20 gpm) from one groundwater well (Deadwood) for suburban housing purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Gary Kluthe (Owner)

A. Works used to divert the water:

Grundfos submersible pump 20 gpm.

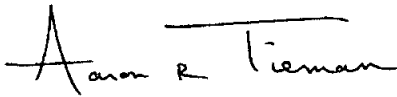
B. Works used to transport water to place of use:

Storage tank and underground distribution lines.

The system is in the following condition good. The points of diversion (wells) are located specifically at Lat/Lon – N44.006389/W-103.333086 which is the approximately 1665 feet south and 160 feet west of the NE corner of Section 36, T1N-R6E. The works are capable of diverting 0.044 cfs which is to be used for suburban housing purposes. The license should be issued for 0.044 cfs.

All structures, wells and lands on map Y
Exceptions to compliance are: none.

Comments:



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: June 24, 2015

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2600-2

DATE OF INVESTIGATION:	June 5, 2012
NAME & ADDRESS OF PERMIT HOLDER	Gary Kluthe 8031 Stirrup Court Rapid City, SD 57702
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Gary Kluthe (Owner)
DIVERSION POINT LEGAL LOCATION	NE¼ NE¼ Section 36, T1S-R6E
WATER SUPPLY SOURCE	Ground water, Deadwood

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: **Taylor**
- 2) No. of Wells **One**
- 3) Depth(s) **817** feet
- 4) Well log is available **Yes**
- 5) Comment:

Casing:

- 1) Diameter: **5½** inches
- 2) Length: **757** feet
- 3) Type: **Steel**

Screen:

- 1) Type: **Open Hole**
- 2) Length: feet
- 3) Static water level: **450** feet

Pump:

- 1) Make: **Grundfos**
- 2) Model: **20S50-24**
- 3) Capacity: **20** GPM

Motor:

- 1) Make: **Franklin**
- 2) Model No.: **224303**
- 3) Horsepower rating: **5** hp

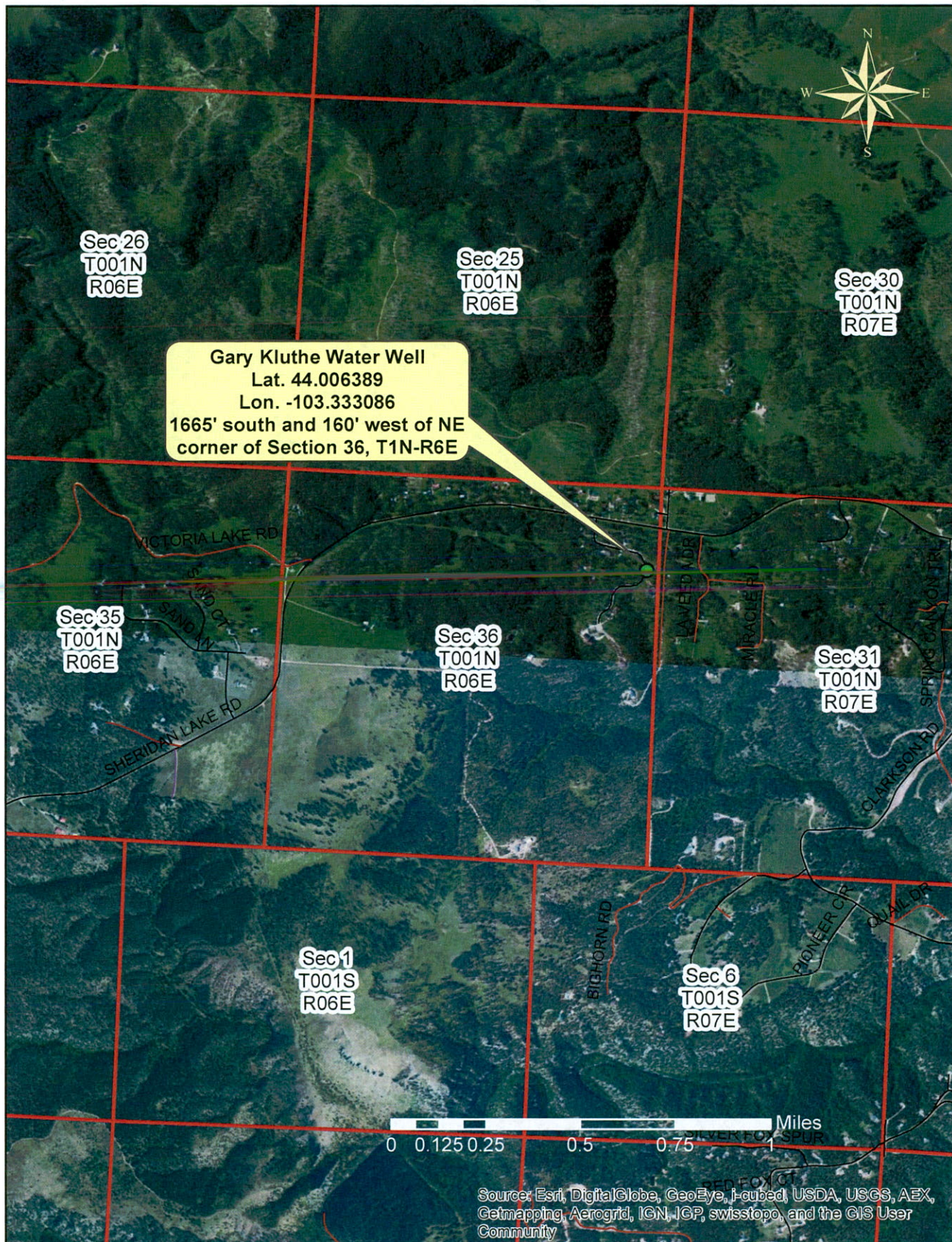
DISTRIBUTION LINES OR CANALS:

- 1) Type: **Underground distribution lines.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**

Water Right 2600-2
Gary Kluthe
June 5, 2012



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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<http://denr.sd.gov>

JUL 01 2015

2600-2

Gary Kluthe
8031 Stirrup Court
Rapid City SD 57702

Dear Kluthe:

Enclosed is Water License No. 2600-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the 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. 2600-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2600-2

(1) Gary Kluthe, 8031 Stirrup Court, Rapid City SD 57702 made Application No. 2600-2, August 18, 2006 for a water permit to divert 0.044 cubic feet of water per second from ground water (one well – Deadwood Formation), Pennington County, South Dakota for suburban housing development purposes. Permit No. 2600-2, with a priority date of August 18, 2006 was approved November 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 November 20, 2011 and for the application to beneficial use of water on or before November 20, 2015.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.044 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 1,665 feet south and 160 feet west of the NE corner of Section 36, T1N-R6E (NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a housing development known as Silver Spur Estates.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Kluthe, 8031 Stirrup Court, Rapid City SD 57702 the holder and/or owner of Water Right No. 2600-2 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second from ground water (one well – Deadwood Formation) with a priority date of August 18, 2006 from the location specified in (2) of this license for suburban housing development purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2600-2 and subject to 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.



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

JUN 30 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 2015

2600-2

Gary Kluthe
8031 Stirrup Court
Rapid City SD 57702

Dear Mr. Kluthe:

Thank you for notifying us that an ownership change is needed for Water Right No. 2600-2.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner will need to complete and sign the form. Upon completion, please have them return the form to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Once the form and filing fee are received in our office, Water Right No. 2600-2 will be transferred to the new owner. If you have any questions, please contact me.

Sincerely,

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

enclosure