

WATER PERMIT NO. 2620-2

Name of Applicant: **Brenda Lee Hellwig**

Address: **3021 Heidiway Lane, Rapid City SD 57702**

Phone: **605 342-8081**

Amount of Water Claimed: **0.10 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **Custer**

Type of Waste Disposal System:

Location: **1 mile southwest of Custer**

PRIORITY

Date Received: **8-15-07**

Application/License Fee: **\$15**

Corrected Application Received: **8-23-07**

Period of Annual Use: **January 1 – December 31**

Remarks: **Vested Right Claimed with a January 1, 1947 priority date**

Diversion Point: **NE ¼ SE ¼ Sec 27-T3S-R4E**

Land to be Irrigated: **NA**

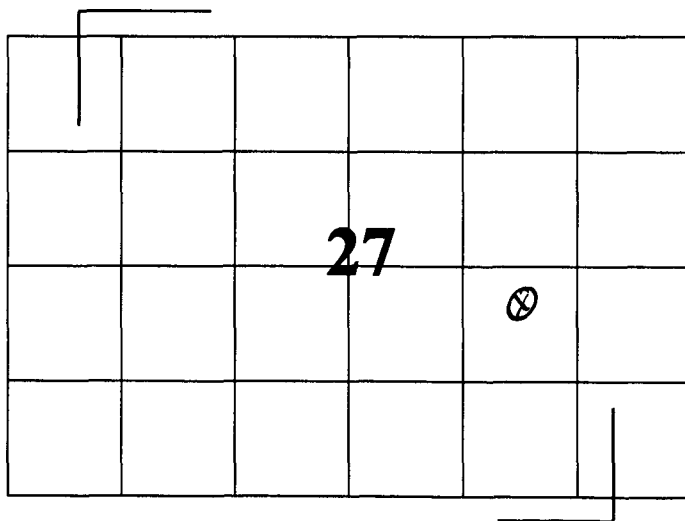
Depth of Well: **130 feet deep**

Well Driller: : **Amen Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**



Reviewed and the Number Assigned on: **8-27-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

AUG 15 2007

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2620-2</u> (office use only)	Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer Co. Chronicle P.O. Box 551</u>	
	<u>605-673-2217 (wed) Custer 57730</u>	

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 <u>BT</u>	☐ 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 Brenda Lee Hellwig Phone (605) 342-8081
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 3021 Heidiway Lane Rapid City State S.D. 57702
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.022 *CFS or 10 **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in Crest Sub
Revised lot 3 of Markel Tract of NE5*412 in NE4SE4 Sec 27
T3SR4E County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used year around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)

County of Custer 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, Brenda Hellwig, 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 Brenda Hellwig

Subscribed and sworn to before me this 14th day of August 20 07

Vera Vichow
Notary Public signature
my Commission Expires: 3-26-12

**SOUTH DAKOTA
VESTED WATER RIGHT NO. 2620-2**

Date of Receipt of Claim August 15, 2007.

Date of Validation December 5, 2007.

The Water Management Board validated Vested Water Right Claim No. 2620-2 for Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2620-2 authorizes validation of 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Precambrian Rock Aquifer (approximately 130 feet deep) located in NE ¼ SE ¼ (Revised Lot 3 of Crest Subdivision of Markel Tract of H.E.S. 412) Section 27-T3S-R4E.
2. The appropriated water is used for commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following annual period: January 1 – December 31.
4. The priority date of the Vested Water Right is January 1, 1947.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

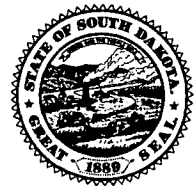
By: _____

Garland Erbele

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

FEB 12 2008

date



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2620-2

(1) Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702 made Application No. 2620-2, for validation of a vested right claim to appropriate 0.022 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for commercial use purposes. Vested Water Right No. 2620-2 was validated December 5, 2007 with a priority date of January 1, 1947.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Vested Water Right No. 2620-2 is issued a license, bearing a priority date of January 1, 1947 to appropriate 0.022 cubic feet of water per second from groundwater (one well) for commercial use purposes.

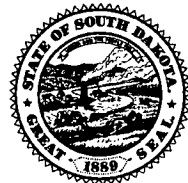
The diversion point is located: approximately 2,440 feet north and 525 feet west of the southeast corner of Section 27-T3S-R4E (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2620-2.

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

FEB 12 2008

date



Supplemental Information

(type or print in ink)

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 _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank + Drain Field
- b) System Capacity (gallons) 1-12,000 gal + 1,000. Year Constructed Not Known
- c) Connected to the City of _____ Sanitary System _____

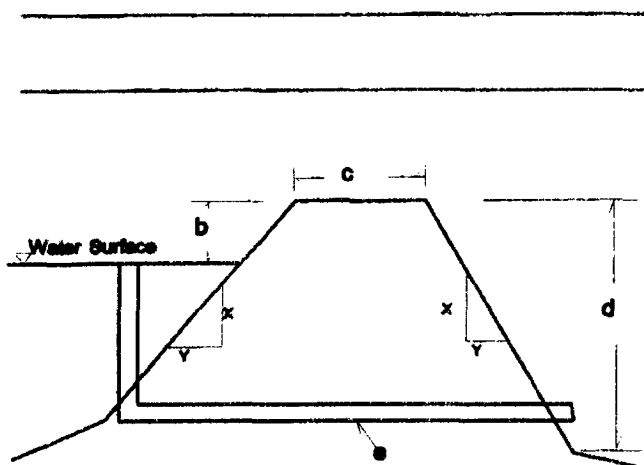
3. Dugout Information

- 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

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2)

Brenda Hellwig

Mailing Address

3021 Heidway Lane Rapid City SD 57702

(Street, RR or Box)

(City)

(State)

(Zip Code)

A. Notice of Appropriation

Date of Posting

Date of Recording

Recording Date

B. Date of start of construction of water supply system

1947

C. Date that water was first applied to beneficial use

D. Name of owner of original water supply system

E. Amount of water originally applied to beneficial use

45 gpm

Forty Five Gallons

F. Present use of water - amount of water now being used

45 gpm

Forty Five Gallons

Date that this water was first used

1947

G. Chronological History of Water Use

House built in 1947. 2 large Cabins built prior to 1955 as part of lodging complex to rent seasonally. Cabins consisted of 4 Rooms and 2 Bathrooms / 2 Kitchens each. Additional structure added to RENT By Night consisted of 4 Rooms, 4 Bathrooms. Additional Unit added to RENT Behind large House made Total Usage of Nightly Rentals 9 and including House 10 Units

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota

)
SS

County of

Pennington

I, Brenda Hellwig

(print or type)

the applicant, certify that I have read the foregoing and that the matters therein are true.

Signed

Brenda Hellwig

Subscribed and sworn to before me

Aug 22

, 20 07

Ulla Viichow

Notary Public

My Commission expires 3-26-12

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

(Print Name)

, 20

(Print Name)

, 20

Permit No. 2620-2
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, 06 September 2007, made a thorough examination of the water use system constructed by Brenda Hellwig of 3021 Heidiway Lane, Rapid City, SD. 57702 holder of Permit No. 2620-2, bearing the priority of 01 January 1947 authorizing the diversion of 0.10 cu. ft. per second of the waters of Precambrian Rock for commercial use, in Custer County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Amen Drilling
- 2) No. of Wells: 1
- 3) Depth(s) 130 feet
- 4) Well log is available N
- 5) Comment: Well and pump information from telephone interview with pump installer that worked on this system in the 1990's

Casing:

- 1) Diameter unknown
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type unknown
- 2) Static water level unknown feet

Pump:

- 1) Make Grundfos
- 2) Capacity 10 GPM

Motor:

- 1) Make Franklin
- 2) Model No.: 2801084915
- 3) Horsepower rating 1 hp

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: NE ¼ SE ¼ Sec 27-T3S-R4E, approximately 2440 feet north and 525 feet west of the south east corner of section 27, N 43.75945 Latitude and W -103.61985 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:



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 18 December 2007

2620-2
Brenda Hellwig
3021 Heidiway Ln.
Rapid City, SD. 57702

Sec 22
T003S
R04E

Sec 23
T003S
R04E

2620-2

525 ft

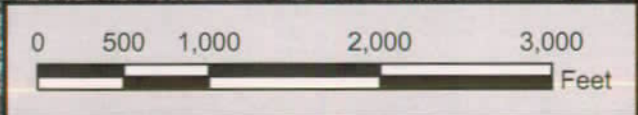
Sec 27
T003S
R04E

2440 ft.



Mark Costello

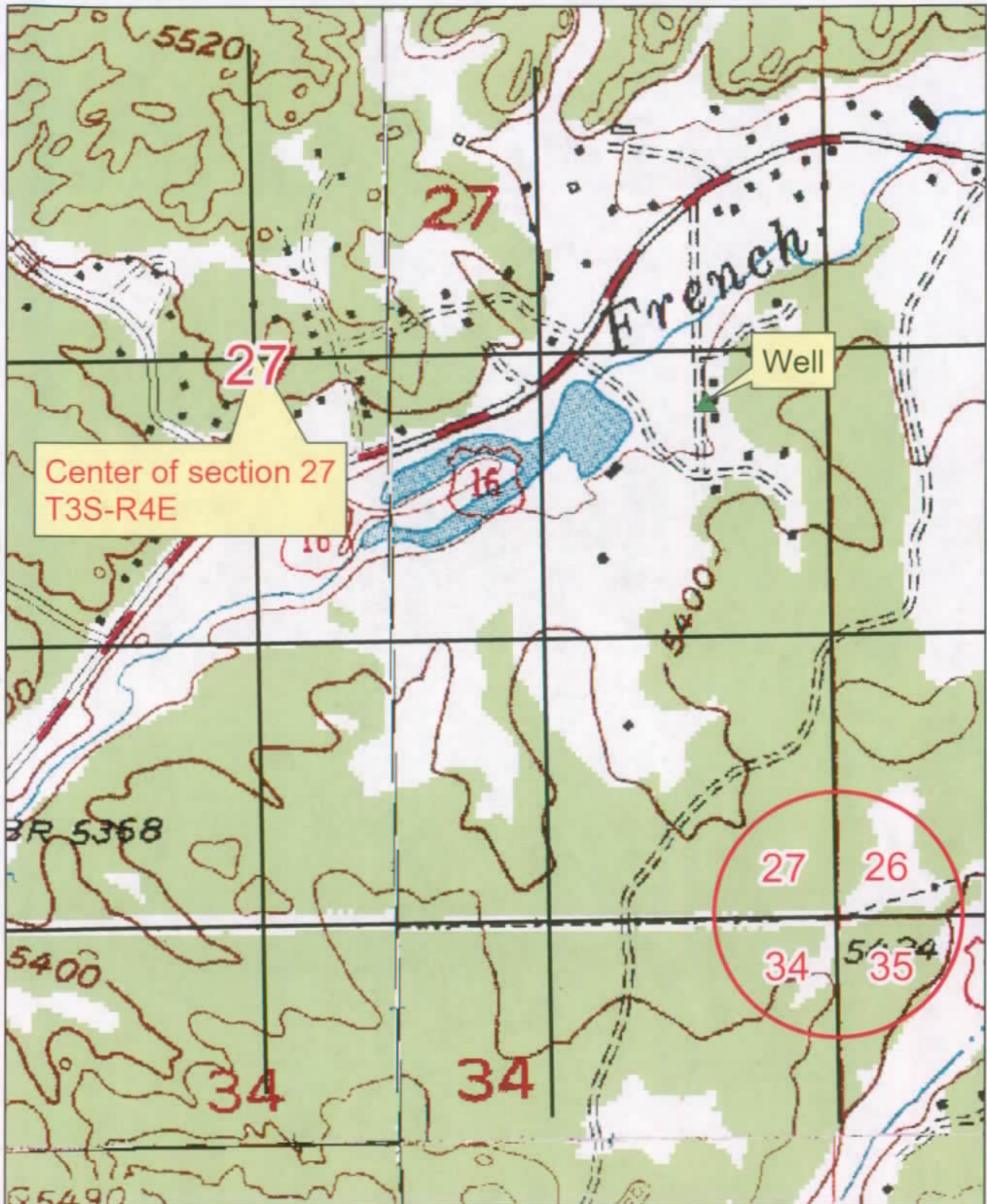
Mark Costello
Natural Resources Engineer
DENR, Water Rights



Scale: 1 inch equals 679 feet

1,000

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

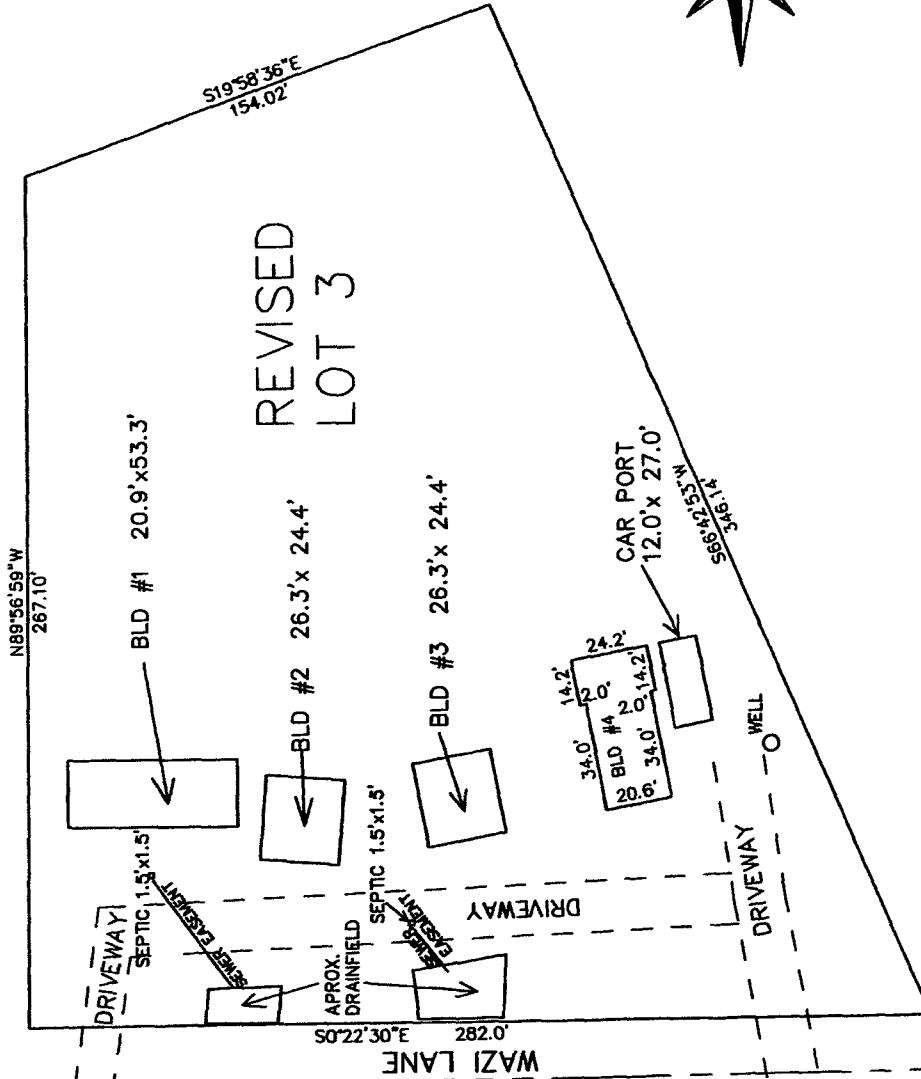
Date: Aug 16, 2007

Application No.

The well is located exactly 35 Feet From Front of House and 10 Ft east (S/West corner of House) with a 5x5 concrete border in ground around it. This looks right X marks Spot BkA



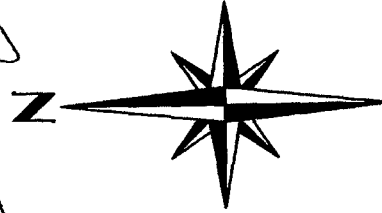
DRAWING OF SEPTIC, DRAINFIELD, WELL AND LOCATION OF BUILDINGS AND DRIVEWAY ON REVISED LOT 3 OF CREST SUBDIVISION OF MARKEL TRACT OF H.E.S. 412 IN SECTION 27, T3S, R4E, CUSTER COUNTY



Statement of surveyor
I, Jack H. Knust, Registered
Land Surveyor No. 4896 of the
State of South Dakota, do hereby
state that being so authorized,
I made the house location on
the land shown and described
hereon and that I personally
supervised and state that in
the best of my knowledge and
beliefs, that in all things
is true and correct

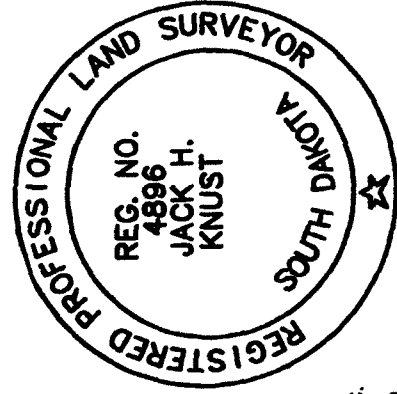
in witness whereof, I have
hereunto set my hand and seal
this 20th day of 04-20-2020
2020

Jack H. Knust
BUCKHORN SURVEYING INC.
By Jack H. Knust
Registered Land Surveyor



SCALE 1" = 60'

PREPARED BY:
JACK H. KNUST, LS
BUCKHORN SURVEYING INC.
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 23, 20 07

RECEIVED OF B L Hellwig 3021 Heidiway Ln Rapid City SD 57702

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for <u>Vested Water Right No. 2620-2</u>	15	00
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	15 00

No.

03140

By

Lambert Erbule

Chief Engineer

eg



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 16, 2007

Brenda Lee Hellwig
3021 Heidiway Ln
Rapid City SD 57702

Dear Ms. Hellwig:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Custer County and visiting on the phone about your application. In order to complete the application the following is required.

We received two water permit applications – one for a “vested” water right and the other for a “new” water permit.

- As we discussed on the phone, if the current pump rate does not exceed what was being pumped prior to February 28, 1955, then you can claim a vested right for the entire pump rate. If the rate was increased at a later date, then you can only claim a vested right for the amount in use prior to February 28, 1955. Any increase in the pump rate following February 28, 1955 will need to be included on the other application you submitted. The “new” application, as submitted to us, does not currently specify any pump rate (gallons per minute).
- In order to apply for a vested right, an “Affidavit of Water Use” form needs to be included with the vested right claim. I have enclosed a form with check marks by the sections we would like to have completed. This form is necessary for documenting when the water use began and the amount of water being used prior to February 28, 1955.
- The application filing fee for a vested right is \$15.00. If you can not claim a vested right for the entire water usage, then the application filing fee for the new water permit is \$100.00 provided the additional usage is 45 gallons per minute or less.
- You indicated on the phone that the well depth is 150 feet deep. I am going to place that on your application. If you find out from Alexander Drilling that the well is a different depth, then please indicate so in your response to this letter. We could not locate a well log for your well and you indicated that the original driller is unknown.
- The map submitted with your application does not reference the well location to a government section corner or quarter corner. However, I believe I have your well site located on the enclosed aerial photo. If your well is located near the crosshairs highlighted in orange, please indicate so and I will use a copy of the enclosed topographic map for your application.

August 16, 2007
Brenda Lee Hellwig
Page 2 of 2

After receiving responses to the above questions, the "Affidavit of Water Use" form, and the application fee, we can proceed with processing your application(s). If you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" and last name "Duvall" clearly distinguishable.

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

RECEIVED

AUG 23 2007

WATER RIGHTS
PROGRAM

August 22, 2007

Attn Ron Duval - @ 605-773-4068
1 of 3

CUSTER ROCKY KNOLLS CABINS

(formerly known as Crest Motel)

**25150-25152-25154 & 25156 (House) Wazi Lane Custer SD
County of Custer**

Brenda L. Hellwig
3021 Heidiway Lane
Rapid City South Dakota 57702

Phone: 605-342-8081
Fax: 605-737-0662
brenda@rapmidcounsel

RE: AFFIDAVIT OF WATER USE AND CONSTRUCTION

TO WHOM IT MAY CONCERN:

I HAVE BEEN INSTRUCTED TO DETAIL KNOWLEDGE OF VESTED WATER
USE ON ABOVE NOTED PROPERTY IN CUSTER COUNTY.

TO THE BEST OF MY KNOWLEDGE, THIS IS THE INFORMATION I HAVE
BEEN ABLE TO PUT TOGETHER TO RECONSTRUCT SUCH MATTER.

**After speaking with many well drillers, including Alexander Well
Drilling:**

Apparantly in the 1940' through 1953, a gentleman named Amen,
Chuck (deceased) used a rather primitive method of drilling wells.
Therefore, very few of the wells he drilled were over 100 feet deep.
Recently, my husband spoke with the last remaining family member
in the well drilling business (Alexander), he recalls putting in a new
well head for me in 1999 at around 100 feet deep. I spoke to the
widow of one of the former owners of the Motel, Ione Cameron, and
she indicated the well was around 100-130 feet deep and that it
drew a lot of water. I asked her if 45 gpm sounded right, and she
said more, but that is all I am applying for. I measured with a 5
gallon bucket from a spigot outside approx. 35 gpm, and the
pressure tank is pretty old, so am fairly certain once I get a new one
in, it will be closer to 40 gpm. Several years ago, before putting in a
new well head, (I have owned this property for around 12 years or
more), I couldn't even turn my back if I filled a 5 gallon bucket and
the pressure tank is starting to look pretty bad, as well as the drought
has probably affected the flow somewhat.

Subscribed & Sworn to before me
8-22-07.

Uena Vichow
Notary Public

my Commission expires: 3-26-12

Brenda L. Hellwig

Sander Sanitation Service, Inc.



P.O. Box 788
Custer, SD 57730-0788

October 31, 2006

3021 HEIDIWAY LANE
RAPID CITY, SD 57702

To Whom It May Concern:

For simplicity sake I will address the septic systems as system #1 and system #2.

System # 1 is the system which serves cabin #4 identified as 25152 Wazi Lane, cabin #5 as 25154 Wazi Lane and Crest House identified as 25156 Wazi Lane.

This system has a 1,200 gallon capacity tank with a drain field which lies between the drive way and Wazi Lane running North and South. The footage of this drain field is unknown by us. This is the older of the two systems as the tank was built in place verses a pre-cast that is set in. Our records date back to April 21, 1991. A tank was pumped and a new drain field was installed, however our records do not indicate which system got the new drain field. Custer County Planning may have records. It appears the owners were Dan and Linda Custis at the time of the new drain field in stallion.

We do know the Crest house had been full of occupants at the time. The remaining units may or may not have been full time occupants.

Our records also indicate that one or both septic systems were pumped on the following dates:

April 21, 1991

July 4, 1995

May 15, 2002

August 2, 2006

Our records do not indicate that these were anything other than routine pumps.

System #2 which serves 25150 Wazi Lane #1, #2 and #3 is a newer system based on the fact this is a manufactured pre-cast, 1,000 gallon tank. The drain field footage is unknown to us. This system may also have records at the Custer County Planning.

Sander Sanitation Service, Inc.



P.O. Box 788
Custer, SD 57730-0788

Based on our records, I would say if occupancy of the buildings remains consistent with past occupancy, routine pumping every 4 to 5 years would continue to be adequate. A higher occupancy may require more frequent pumping. As for the drain field, if occupancy remains the same as in the past it too should be adequate. Also I would like to add that is providing that no new water usage such as clothes washers, dish washers and water softeners are added.

To address adding RV spots and dumping station, I am not qualified either by training and experience to make such an assessment.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Sander".

Tim Sander

Sander Sanitation Service, Inc.

RECEIVED
NOV - 1 2007
WATER RIGHTS
PROGRAM

October 31, 2007

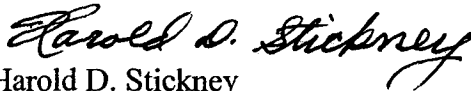
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Chief Engineer,

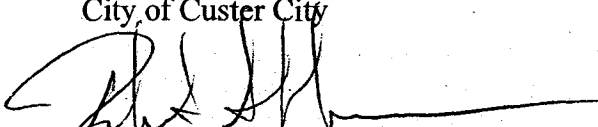
Subject: Vested Water Right Application No. 2620-2

The City of Custer objects to the application to validate a vested water right claim to appropriate 0.10 cubic feet of water per second (45 gallons per minute), Application No. 2620-2, filed by Brenda Lee Hellwig. This objection is based on the grounds that it is questionable that the applicant has used or requires 45 gallons per minute, and withdrawal of 45 gallons per minute may affect the City of Custer's water rights No. 2143-2 of .35 cubic feet per second priority date January 1, 1943 associated with a City well approximately 3,100 feet from the applicants property and water rights No. 2144-2 priority date of January 1, 1952 of .45 cubic feet per second associated with a well within 100 feet of the applicants property. Consideration should be given to the facts that the City of Custer is in the final stages of annexing an area immediately to the north of the applicant's property, the City is concerned that a permit of 45 gallons per minute could complicate future efforts of annexation and the ability to provide services to the area, and that there is an existing City water main within 75 feet of the applicant's property. The City of Custer's position would allow concurrence with the Chief Engineer's recommendation of a withdrawal rate less than that applied for with the qualification that the permit would be revoked when the property is annexed, if possible, or complete denial based on the fact that water is readily available from existing City infrastructure. It is not the City's intent to cause undue hardship to the applicant by objecting to the application; however it is apparent that other alternatives are available, a revocable permit being the preferred.

Respectfully,



Harold D. Stickney
Mayor
City of Custer City



Robert G. Morrison
Public Works Director
City of Custer City

cc: Brenda Lee Hellwig

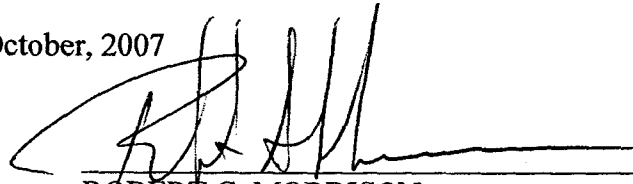
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of this document upon the persons herein next designated, all on the date shown, by depositing a copy thereof in the United States mail at Custer, South Dakota, postage prepaid, in an envelope addressed to said addresses, to wit:

Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City, SD 57702

Dated this 31st day of October, 2007



ROBERT G. MORRISON



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2007

TO: Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Mayor Harold D. Stickney &
Robert G. Morrison, Public Works Director
City of Custer
622 Crook Street
Custer SD 57730-1698

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Hearing on Vested Water Right Claim No. 2620-2

The city of Custer filed a petition to intervene in response to the public notice for Vested Water Right Application No. 2620-2 filed by Brenda Lee Hellwig.

The Water Management Board will conduct a hearing at 10:00 AM, December 5, 2007 on Vested Water Right Application No. 2620-2. The hearing will be held in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed by prior agenda items.

Applicable provisions of the public notice published October 10 and 17, 2007 in the Custer County Chronicle will still apply. This hearing may be an adversarial proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

I am enclosing a copy of the report, recommendation and petition in the matter of Vested Water Right Application No. 2620-2. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The enclosed material is the same information being sent to the Board members in advance of the hearing.

Please contact Eric Gronlund, Water Rights Program at (605) 773-3352, if you have any questions.

enclosures

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on November 6, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 6, 2007, scheduling a hearing on Vested Water Right Application No. 2620-2 as addressed below.

Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Mayor Harold D. Stickney &
Robert G. Morrison, Public Works Director
City of Custer
622 Crook Street
Custer SD 57730-1698

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



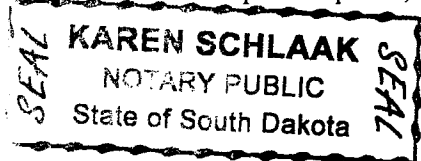
Gail Jacobson, Secretary
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of November, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Page 1 of 3 total

Fax To: 605-773-4068

Fax From: 605-737-0662

**Attention: Eric Gronlund
Water Rights Program**

**From: Brenda Hellwig
Phone: 605-737-0662**

Eric: You have been so helpful with this. I hope we can keep the ball rolling! I also hope you had a great Thanksgiving. I haven't had the ----s to call Bob Morrison. That "no news may be good news" thing has me hung up! I will be going to visit a sick friend at the time the meeting is to be. My husband is planning on going to Pierre for the meeting if necessary and advised. Thanks for reviewing my response to Custer's objection, as well as Mark's recommendation. Would you let me know if I need to Do anything else? Thanks much! Brenda



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2007

Mayor Harold D. Stickney
City of Custer
622 Crook Street
Custer SD 57730-1698

Robert G. Morrison, Public Works Director
City of Custer
622 Crook Street
Custer SD 57730-1698

Dear Mayor Stickney and Mr. Morrison:

Please find enclosed a copy of Ms. Hellwig's response to the city of Custer's petition in the matter of Vested Water Right Application No. 2620-2. The city of Custer filed a petition on November 1st objecting to validation of this vested water right application. Ms. Hellwig's letter along with the city's petition will be provided to the Water Management prior to the hearing.

The Water Management Board will conduct a hearing at 10:00 AM, December 5, 2007 on Vested Water Right Application No. 2620-2. The hearing will be held in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed by prior agenda items.

Please contact me if you have any questions about the hearing process.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

RECEIVED

NOV 26 2007

**WATER RIGHTS
PROGRAM**

November 5, 2007

Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre SD 57501

To Whom It May Concern:

Subject: Vested Water Rights Application No. 2620-2

Response to City of Custer Objections

Several times over the last 3 years, I had met with Blaze Emerson, Custer Planning and Economic Development Director at the time. We discussed City Water, annexation, etc. This is the first time I have heard it implied that I could hook up due to the readily available existing City infrastructure. My understanding is that it will be quite a few years before the City can afford to annex and hook up due to the fact that they will have to go under French Creek, which is just to the north of my property, and is a flood plain area. My property is not in the flood plain.

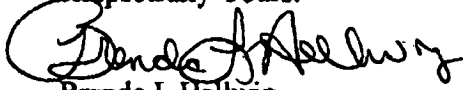
I simply desire the highest and best use of my property in a timely and pertinent manner. The well that I own, as well as the mineral rights, is a good well that should be able to produce over 35 gallons per minute. Knowledge of this is one of the main reasons I purchased this particular property. Due to installing a lower replacement cost well head in the late 90's, my water flow is not that high at this time. I am planning on putting in a higher capacity well head in the next year or two. The one horsepower is barely adequate. I am zoned low density residential. My property consists of 6 living units at this time. I have room for 2 more to total 8 homes/rentals. I understand that Mark Costello based his recommendation on the existing well head and the capacity it can pump. I am not zoned commercial, and I would like to request at least 20 gpm as a reasonable water rate.

The city water plant that is located across county road 395 from my property had not been used for many years. After recently speaking with Mr. Morrison, Custer Public Works Director, he noted that the water is not very good, and they use it for construction purposes. This appears to be the case, since I have recently (2006-2007) been seeing many trucks, from many different construction companies filling up daily.

I believe that by gaining my vested rights, clear of any revocable permit, you will be protecting me from undue hardships. It will help maintain the value of my property, as well as any expansion I may need to do to further improve my investment. I do not see a point where interrupting a good well will affect the City of Custer, or any adjoining properties. That is why I am seeking my vested water rights. I purchased this property for the well, the beauty of location, and as an investment towards my family's future.

I am requesting any correspondence from you regarding further steps, if any, that may be needed to ensure any rights I may have concerning this issue.

Respectfully Yours:



Brenda L. Hellwig
3021 Heidiway Lane
Rapid City South Dakota 57702
Phone: 605-737-0662

Ps I will be out of state on December 5, 2007. However, my husband, Vern Hellwig Will be planning on attending the meeting concerning this issue, on my behalf.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2007

NOTICE

TO: Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Robert G. Morrison, Public Works Director
City of Custer
622 Crook Street
Custer SD 57730-1698

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Validation on Vested Water Right Claim No. 2620-2

On December 5, 2007, the Water Management Board validated Vested Water Right No. 2620-2 filed by Brenda Lee Hellwig. The vested water right is quantified for a diversion rate of 10 gallons per minute (gpm) from the existing well for commercial use with a priority date of January 1, 1947.

At the hearing there was discussion regarding increasing the diversion rate from the well at a future time. A new water right permit will need to be obtained to increase the well's diversion rate above 10 gpm. This will require filing an application which will be processed and public noticed for a hearing before the Water Management Board. The city of Custer or any citizen will be afforded the opportunity to intervene in the hearing process.

If you have any question regarding the Board's action or the application process for increasing the diversion rate, please contact Eric Gronlund at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

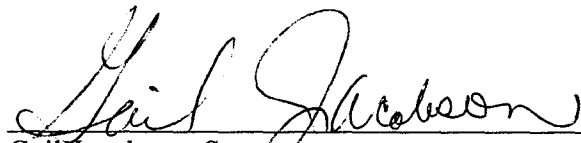
I hereby certify that on December 13, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 13, 2007, regarding validation of Vested Water Right No. 2620-2 as addressed below.

Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Robert G. Morrison, Public Works Director
City of Custer
622 Crook Street
Custer SD 57730-1698

A copy of the above described Notice was sent Inter-office to:

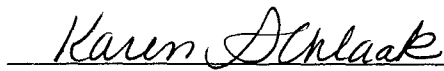
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



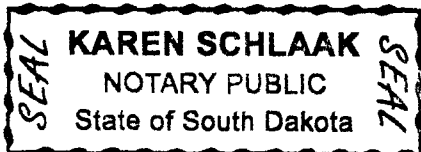
Gail Jacobson, Secretary
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**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 VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 2620-2, Brenda Lee Hellwig

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2620-2, Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702.

The Chief Engineer is recommending VALIDATION of Application No. 2620-2 for 0.022 cfs (10 gpm) because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1947, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 26, 2007

Report on Vested Water Right Claim No. 2620-2

Custer Rocky Knolls Cabins

C/o Brenda Hellwig

3021 Heidiway Lane

Rapid City, SD. 57702

30 August 2007

Vested Water Right Claim No. 2620-2 claims a priority date of January 1, 1947 appropriating 0.1 cfs of water from one well that is approximately 130 feet deep located in the NE ¼ SE ¼ Sec 27-T3S-R4E. This vested water right is being claimed for commercial purposes associated with the operation of a 10 unit rental property.

Aquifer – Precambrian Rock (CRSL)

The Precambrian rocks in the area of Sec 27-T3S-R4E consist mostly of schist, slate and quartzite rock (Carter, 2003). Ground water is present in the cracks, voids and bedding planes found in the rock formations. The availability of ground water and the capacity of wells in this area are unpredictable and may be limited.

Diversion Rate

An affidavit submitted with the claim to vested right No. 2620-2 indicates that to the best knowledge of the owner water has been put to beneficial use since January 1, 1947 and that a rate of 45 gallons per minute has been diverted. The owner has no record to indicate precisely the size, type, or capacity of the pump that is currently installed or that has been used in the past in this well. A telephone interview with Travis, of Alexander Well Drilling, on September 4, 2007 revealed that work was performed on this system in 1999 and that the system consists of a submersible pump rated at 10 gallons per minute with a 1 horse power motor. An inspection of the site took place on September 6, 2007. The property is a residential rental facility of 10 units. The data label on the electrical control box for the motor revealed that there is a Franklin 1 horse power motor with control box model No. 2801084915. No information was found to describe the pump that is currently installed.

Conclusions

1. This application should be recognized for 10 gpm.
2. This applicant should be required to provide some substantive proof to document any rate greater than 10 gpm.

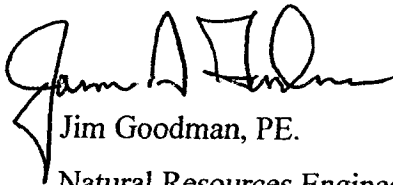
Submitted by:



Mark Costello

Natural Resources Engineer

Reviewed by:



Jim Goodman, PE.

Natural Resources Engineer

Bibliography

Carter, J. M. and Driscoll, D. G., Ground Water Resources in the Black Hills Area, South Dakota. Water Resources Investigation Report 03-4049. Rapid City, SD. 2003.

Water Rights Program - File Documentation

NAME: Brenda Hellwig

ADDRESS: Rapid City

DATE: 11-5-07 **COUNTY:** CU **TELEPHONE:**

RE: Publication Notice

COMMENTS:

When we received the first clipping of the Notice for Application No. 2620-2, I called with corrections to the legal description. When we received the Affidavit, the clipping attached had some of the requested changes made. There was still a period between the NW $\frac{1}{4}$. SE $\frac{1}{4}$.

Eric Gronlund indicated that he did not believe this would invalidate the legal notice.



Karen Schlaak
Environmental Scientist

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer 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

Brenda Hellwig
Water Right

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:

Oct. 10, 2007; Oct. 17, 2007;

_____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 62.94.

Charles W. Najacht

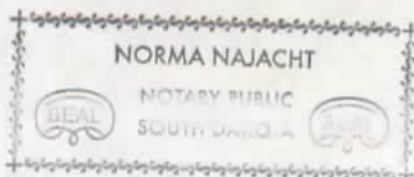
Subscribed and sworn to me before this 17

of October, 2007;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2007



NOTICE TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 2620-2 TO APPROPRIATE WATER

Notice is given that Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702 has filed an application to validate a vested water right claim to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well completed into the Precambrian Rock Aquifer (approximately 130 feet deep) located in NE 1/4, SE 1/4 (Revised Lot 3 of Crest Subdivision of Markel Tract of H.E.S. 412) Section 27-T3S-R4E. The water is for commercial use with a claimed priority date of January 1, 1947.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2620-2 for 10 gallons per minute because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1947, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 23, 2007. 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.

The Water Management Board will consider this application at 10:00 A.M. CST on December 5, 2007 at the Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 5, 2007 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 2007, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 23, 2007.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

#296, 10/10, 10/17

RECEIVED

NOV - 5 2007

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 4, 2007

Custer County Chronicle
PO Box 551
Custer SD 57730

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2620-2 to Appropriate Water to be published twice. Please publish the first notice on October 10, 2007 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 Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702 (Ph # 605-342-8081).

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. 2620-2

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

Date _____

We are in receipt of your letter of October 4, 2007 enclosing Notice to Appropriate Water by Application No. 2620-2 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.

October 4, 2007

Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Dear Ms. Hellwig:

Water Permit Application No. 2620-2 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 Custer County Chronicle printed at Custer SD (Ph # 605-673-2217). 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 report on the application is 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

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.

Instruction to Newspaper - Publish first Notice on October 10, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE To Validate Vested Water Right Application No. 2620-2 to Appropriate Water

Notice is given that Brenda Lee Hellwig, 3021 Heidiway Lane, Rapid City SD 57702 has filed an application to validate a vested water right claim to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well completed into the Precambrian Rock Aquifer (approximately 130 feet deep) located in NE ¼ SE ¼ (Revised Lot 3 of Crest Subdivision of Markel Tract of H.E.S. 412) Section 27-T3S-R4E. The water is for commercial use with a claimed priority date of January 1, 1947.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2620-2 for 10 gallons per minute because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1947, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 23, 2007. 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.

The Water Management Board will consider this application at 10:00 A.M. CST on December 5, 2007 at the Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 5, 2007 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 2007, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 23, 2007.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. 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

FEB 12 2003

Brenda Lee Hellwig
3021 Heidiway Lane
Rapid City SD 57702

Dear Ms. Hellwig:

The Water Management Board has validated the enclosed Vested Water Right No. 2620-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosure