

WATER PERMIT NO. 2750-2

Name of Applicant: **Chapel in the Hills**

Address: **3788 Chapel Lane, Rapid City SD 57702** Phone: **605 342-8281**

Amount of Water Claimed: **33 gpm** Total Acres: **5.5 acres**

Source of Water Supply: **groundwater (1 well)**

Water to be used for: **irrigation** County: **Pennington**

Type of Waste Disposal System:

Location: **in Rapid City**

PRIORITY Date Received: **4-19-16** Application/License Fee: **\$150**

Corrected Application Received: Period of Annual Use: **May 1 – October 1**

Remarks: **increases diversion rate from 32 gpm to 65 gpm and to irrigate 0.5 add'l acres.**

Diversion Point: **SW 1/4 NE 1/4 Sec 17-T1N-R7E**

Land to be Irrigated: **SW 1/4 NE 1/4 Sec 17-T1N-R7E**

Depth of Well: **approximately 300 feet deep**

Well Driller: **Downen Drilling**

Remarks:

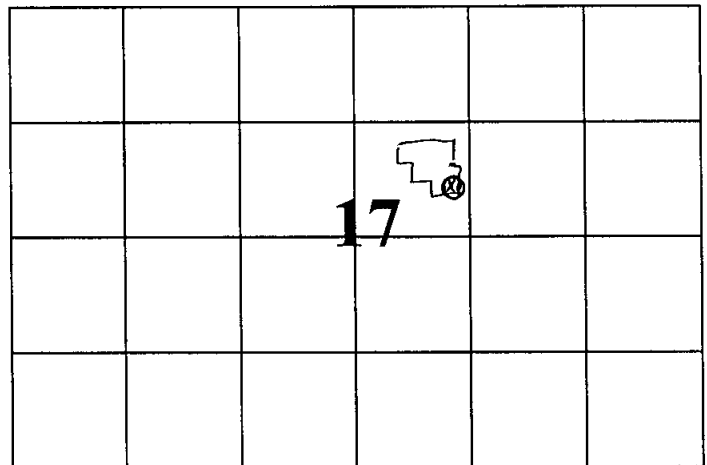
Type of Map: **aerial**

Prepared by: **Steve Quissel**

Reviewed and the Number Assigned on: **4-19-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED

APR 19 2016

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>2750-2</u>	Hydrologic Unit <u>10120110</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1990-2
 (Use predates Mar 2, 1955)

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

INCREASE DIVERSION RATE 33 gpm ABOVE 32 gpm of CURRENT PERMIT. TOTAL DIVERSION RATE TO BE 65 gpm.
1. Name to Appear on Irrigation Permit Chapel in the Hills

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

 Mailing Address 3788 CHAPEL LANE RAPID CITY S.D. 57702
 (Address) (City) (State) (Zip Code)

 Phone 605-342-8281 Mobile 605-290-7003 Email info@chapel-in-the-hills.org
 add'l 0.079 cfs add'l 33 gpm

 2. Amount of water claimed .15 *CFS or 65 **GPM ***AF add'l .5 ac Total Acreage 5.5
 (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply EXISTING WELL BY DOWNER DRILLING (1970) - NO LOG AVAILABLE
 4. Location of point of diversion SW1/4 NE1/4 S17 T1N R7E
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Pennington Co.5. County or counties where water will be used Pennington6. Annual period during which water is to be used May 1 - Oct 1
 7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW1/4 NE1/4 S17-T1N-R7E</u>	<u>5.5</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Irrigation for lawn, trees & shrubs for Chapel.

 I, Brian C. Thungen Manager, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 2750-2**

Date of first receipt of application April 19, 2016.

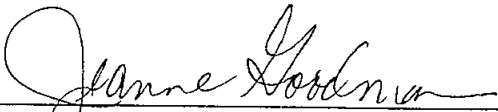
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2750-2 to Chapel in the Hills, Brian Kringen, Manager, 3788 Chapel Lane, Rapid City SD 57702 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2750-2 appropriates an additional 0.074 cubic feet of water per second (cfs) [33 gallons per minute (gpm)] and authorizes irrigation of an additional 0.5 acre to what is currently authorized by Water Permit No. 1990-2. Water Permit No. 1990-2 appropriates 0.071 cfs (32 gpm) from one well completed into the Minnelusa Aquifer (approximately 300 feet deep) located in the SW 1/4 NE 1/4 Section 17 for irrigation of 5 acres located in the SW 1/4 NE 1/4 Section 17; all in T1N-R7E. An investigation of the permit found the system capable of diverting an additional 33 gpm from the existing well and irrigating an additional 0.5 acre located in the area described above. This permit and Water Permit No. 1990-2 will authorize a total diversion rate of 0.145 cfs (65 gpm) for irrigation of 5.5 acres. This notice also serves to clarify the annual period of use for Water Permit No. 1990-2 and this permit is May 1 through October 1.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is April 19, 2016.
4. The date of approval of Permit No. 2750-2 is July 5, 2016.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 27 2016
date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Downen Drilling - 1970

For either Existing or Proposed Wells:

c) Well Depth (required) 300' Depth to Top of Water Bearing Material — Depth to Water from Surface 120' est.d) Distance to nearest domestic well on applicant's property 500 Property owned by others 1220'**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 (e.g. 3 to 1 is a typical slope)

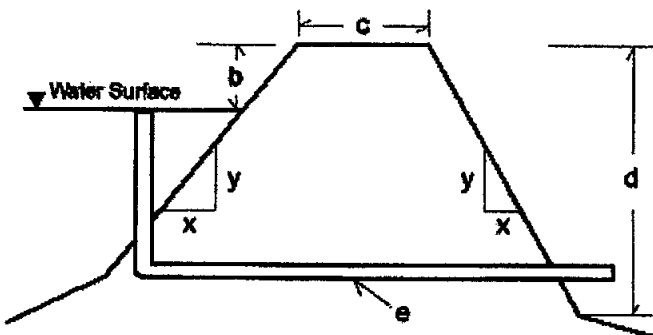
Upstream _____

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 4/18, 20 16

RECEIVED OF Chapel In the Hills 3788 Chapel In Rapid City SD 57702

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

Fee for Application for Permit No. <u>2750-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>2750-2</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	150	00

No. **07827**

By

J. Anne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2750-2, Chapel in the Hills**

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. 2750-2, Chapel in the Hills, c/o Brian Kringen, 3788 Chapel Lane, SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2750-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 14, 2016

Report to the Chief Engineer on
Water Permit Application No. 2750-2
Chapel in the Hills
June 7, 2016

Water Permit Application No. 2750-2 proposes to appropriate water at a diversion rate of 0.074 cubic feet per second (cfs) from one well completed in the Minnelusa aquifer (approximately 300 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 for the irrigation of 0.5 acre located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T1N-R7E in Pennington County. This well is also authorized by Water Permit No. 1990-2 for appropriation of 0.071 cfs for the irrigation of five acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 T1N-R7E. If approved, this permit and Water Permit No. 1990-2 would authorize the irrigation of 5.5 acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 T1N-R7E at a maximum diversion rate of 0.145 cfs (65 gallons per minute). This application is the result of a licensing inspection performed on Water Permit No. 1990-2.

Aquifer: Minnelusa (MNLS)

Aquifer Characteristics and Hydrogeology

The Minnelusa Formation is made up of generally yellow to red colored cross-stratified sandstone, limestone, dolomite, and shale (Strobel et al., 1999). The Minnelusa aquifer usually is located within the poorly consolidated sandstones of the upper portion of the Minnelusa Formation (Greene et al., 1999) but can also occur within porous limestone within the formation. The Minnelusa underlies the Opeche Shale, which acts as a confining unit between the Minnelusa and the Minnekahta (Strobel et al., 1999). The Minnelusa overlies the Madison Formation. The lower portion of the Minnelusa Formation acts as a confining layer between the two aquifers but may have increased permeability in the area of the outcrop as a result of brecciation and fractures from folding (Kyllonen and Peter, 1987). Putnam and Long (2007) postulate that “the hydraulic connection between the Madison Limestone and the Minnelusa Formation is spatially variable and probably results from faults, fractures, and breccia pipes.” However, aquifer tests in the Minnelusa aquifer conducted in the Spearfish area reported on in Greene et al. (1999) did not observe drawdown in area Madison observation wells. Madison aquifer tests in the western Rapid City area reported on in Greene (1993) showed drawdown in the Madison aquifer only at the study’s Canyon Lake site; however, at the study’s City Quarry site drawdown in both the Madison and the Minnelusa was observed. Furthermore the Canyon Lake wells have a notable difference in head (approximately 60 feet) (Water Rights, 2016b). The significant differences in potentiometric head between the aquifers would indicate that these aquifers can be expected to be hydrologically separate.

The amount of recoverable water in storage for the Minnelusa aquifer in western South Dakota is estimated at 755,555,520 acre-feet of which an estimated 51,432,000 acre-feet is in Pennington County (Allen et al., 1985). However, due to the large amount of heterogeneity in the characteristics of the Minnelusa aquifer water availability at any one location is subject to variability. Additionally, water quality notably declines within a short distance from the outcrop

areas. One of the most notable in the Minnelusa aquifer is sulfate concentrations due to the dissolution of anhydrite near the outcrop (low concentrations) and lack for dissolution further from the outcrop (high concentrations) (Driscoll et al., 2002).

The original permit application indicated that the well log for this well is not available, but that the well is approximately 300 feet deep (Buhler, 1986). The well location for the application is located on the eastern edge of the Minnelusa outcrop in this area (Strobel et al., 1999). Ground elevation at the well site is about 3,500 feet mean sea level. The top of the Madison Formation (which underlies the Minnelusa Formation) is about 3,000 feet mean sea level (Carter, J.M. and Redden, J.A., 1999b as digitized by Williamson et al., 2000), indicated at approximately 300 feet deep that the well is likely completed into the Minnelusa aquifer. Long and Putnam (2009) notes a hydraulic connection between the Minnelusa aquifer and Canyon Lake located about 0.7 miles north of this well site.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

Water Availability

Water Permit Application No. 2750-2 proposes to appropriate water from the Minnelusa aquifer for irrigation use. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and the application is for a water distribution system defined pursuant to SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. Here, the Minnelusa aquifer is older or lower than the Greenhorn Formation but a water distribution system is not involved, therefore the withdrawal/recharge issue must be considered.

Hydraulic Budget

Recharge

In the Black Hills, the Minnelusa aquifer is recharged by streamflow losses and infiltration of precipitation where the aquifer outcrops (Carter et al. 2001a). Carter et al. (2001a) as part of the Black Hills Hydrology study estimated combined average annual recharge from precipitation and streamflow to the Madison and Minnelusa aquifers in the Black Hills area for water years 1931-1998 at 344 cfs (249,211 acre-ft). When considering the distribution of this

recharge between aquifers, Carter et al. (2001a) notes that both aquifers receive a similar volume of recharge from precipitation. However, recharge due to streamflow is thought to be slightly higher in the Madison aquifer due to the upgradient location of its outcrops (Carter et al. 2001a). Based on this Carter et al. (2001a) estimated that the Madison aquifer receives about 55% (137,066 acre-ft) and the Minnelusa aquifer receives about 45% (112,145 acre-ft) of the combined average annual recharge, although it is noted that this is subject to temporal and spatial variability based on outcrop patterns.

Withdrawals

Withdrawals from the Minnelusa aquifer are pumping from wells and headwater and artesian springs (Carter et al. 2001a). Well withdrawals can be divided into irrigation and non-irrigation uses. There are 195 water rights/permits for the Minnelusa aquifer and one future use permit. The majority of water rights/permits for the aquifer are located in Lawrence, Meade, Pennington, and Custer counties (Water Rights, 2016a).

Historically, water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted authorized diversion rate. The majority of non-irrigation water rights/permits of the Minnelusa are limited only by diversion rate. For water rights/permits in the Minnelusa aquifer limited by diversion rate only average annual withdrawals can be estimated at less than 12,914 acre-feet per year. For water rights/permits limited to an annual rate, full use of that rate is assumed for estimation of average annual withdrawal. Three water rights/permits are limited by annual volume at a total of 75.75 acre-feet per year. Future Use Permit No. 439-2 reserves 3,367 acre-feet from groundwater, infiltration galleries, and Minnelusa and Madison Formation wells located along Rapid Creek for municipal use by Rapid City but does not attribute specific amounts to any of the listed water sources. Since there is no specific water source attributed to Future Use Permit No. 439-2, the potential for the entire amount being developed into the Minnelusa aquifer should be accounted for in the hydraulic budget of the aquifer. In evaluating future use permits it is assumed that the entire amount will be fully developed. Carter et al. (2001b) estimates average domestic and livestock watering use of the Minnelusa aquifer during water years 1987 to 1996 is 968 acre-feet (about twelve percent) of well withdrawals for the study period. Since the Black Hills Hydrology Study domestic wells in the aquifer have increased faster than uses which require a water right, it would not be accurate to estimate domestic use of this aquifer either as a percentage of use or as a similar number to the quantity presented in Carter et al. (2001b). However the domestic use presented in Carter et al. (2001b) can be considered a minimum estimate of domestic use for the Minnelusa aquifer. This results in an estimated average annual non-irrigation use of about 17,325 acre-feet per year.

The Water Rights Program collects and maintains irrigation data from across the state. Irrigation appropriations and reported pumping from 1982 to 2015 for water rights/permit completed into the Minnelusa aquifer are shown in Figure 1. Irrigation appropriations have remained relatively steady over the period of record. The average reported pumpage for this time period is 2,488 acre-feet. Reported pumpage has varied over the period of record due to

variations in climatic and economic conditions. Since irrigation appropriations have been relatively steady over the period of record, the average reported pumpage can serve as an estimate for average annual withdrawals due to irrigation.

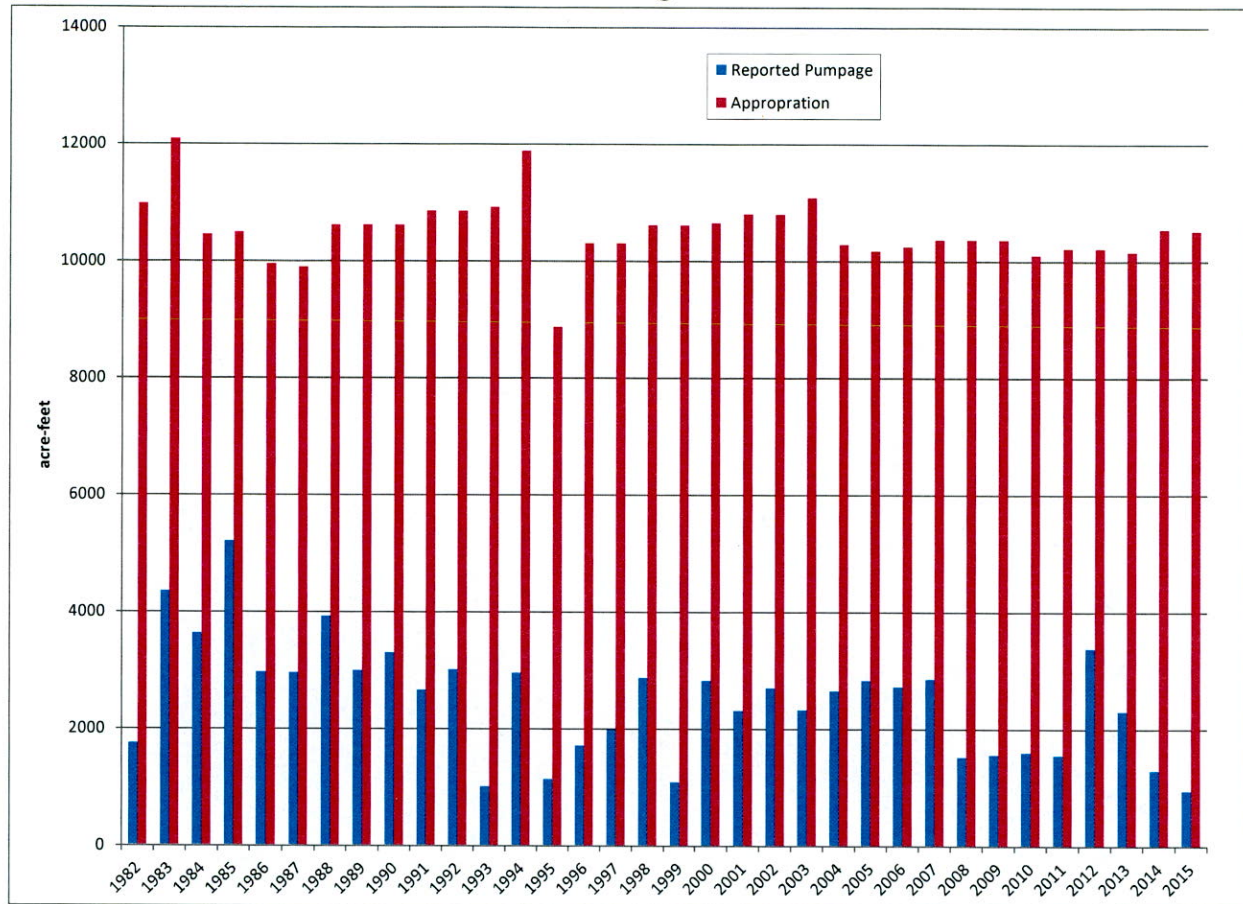


Figure 1: Irrigation pumping and appropriation from the Minnelusa aquifer (Water Rights, 1983-2016)

Balance

The estimated total average annual withdrawal from the Minnelusa aquifer is about 19,813 acre-feet per year. When compared to the estimated average annual recharge by Carter et al. (2001b) of 112,145 acre-feet per year, estimated average annual recharge exceeds average annual withdrawals. Additionally, recharge exceeds appropriative withdrawals by such an excessive amount that an increase in domestic use since Carter et al. (2001b) would be more than met by average annual recharge. However, not all of the recharge to or storage in the Minnelusa aquifer could possibly be available at any one location, therefore this general hydraulic budget demonstrates the Minnelusa aquifer is a vast water resource. This demonstrates the need to consider a localized view of water availability in the Minnelusa. This could be done either through a localized hydraulic budget or consideration of area observation wells.

Localized Hydraulic Budget

Long and Putnam (2002) conducted a water budget analysis for the Madison and Minnelusa aquifers in the Rapid City area for water years 1988 through 1997 as part of a conceptual model for these aquifers in the area. The conceptual model of Long and Putnam (2002) served as the basis for the later numerical model by Long and Putnam (2009) of the same area. The wellsite for this application is located within the Long and Putnam (2002) study area. The Minnelusa aquifer hydraulic budget components for the study area are summarized in Table 1. The study area for Long and Putnam (2002) is shown in Figure 2.

Table 1: Minnelusa Budget Components Water Years 1988-1997 (Long and Putnam, 2002)					
Inflow		Outflow			
Streamflow Recharge	Areal Recharge	Springflow	Water Use	Leakage	Regional Outflow
6.5 cfs	6.1 cfs	0 cfs	3.4 cfs	2 cfs	11.2 cfs
4,706 acre-feet	4,416 acre-feet	0 acre-feet	2,462 acre-feet	1,448 acre-feet	8,108 acre-feet

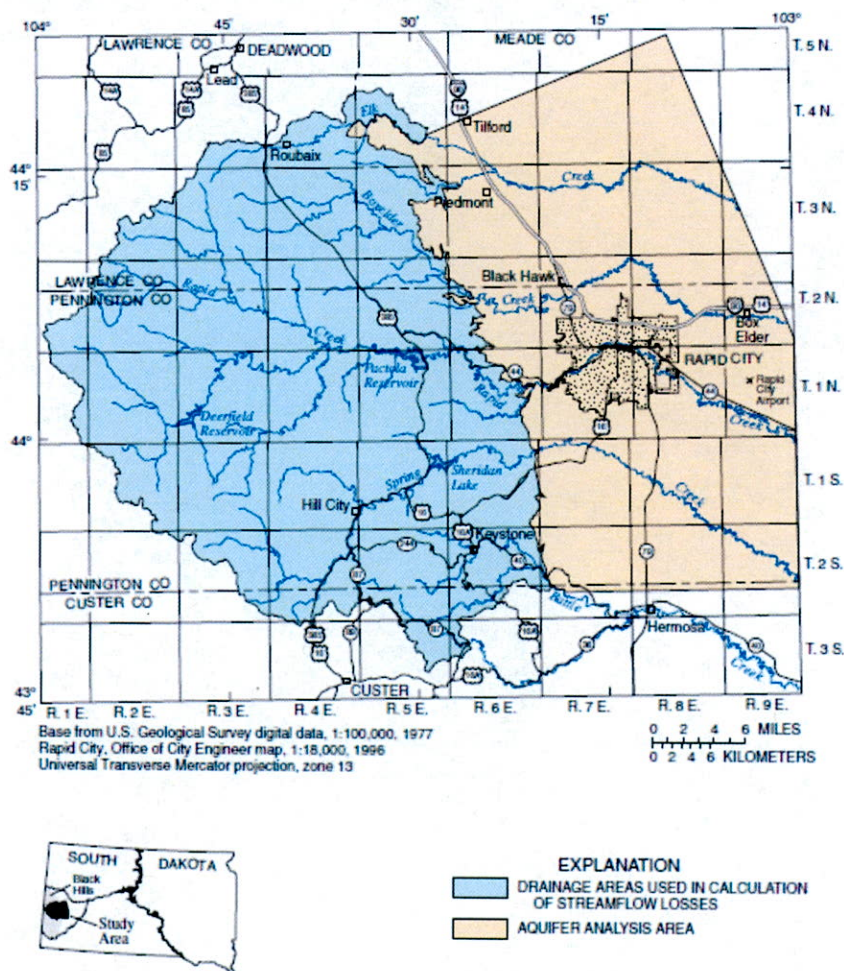


Figure 2: Rapid City Area conceptual model for the Madison and Minnelusa study area (modified from Long and Putnam, 2002)

In the Long and Putnam (2002) study area there are currently 97 water rights/permits and one future use permit for appropriating water from the Minnelusa aquifer. Of these 27 water rights/permits have priority dates after and near the end of water year 1997. Historically, water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted authorized diversion rate. The non-irrigation water rights/permits of the Minnelusa aquifer in this study area are limited by diversion rate. Average annual withdrawal for these water rights/permits is estimated at 1,213 acre-feet per year. Future Use Permit No. 439-2 reserves 3,367 acre-feet from groundwater, infiltration galleries, and Minnelusa and Madison Formation wells located along Rapid Creek for municipal use by Rapid City, but does not attribute specific amounts to any of the listed water sources. Since there is no specific water source attributed to Future Use Permit No. 439-2, the potential for the entire amount being developed into the Minnelusa aquifer should be accounted for in the hydraulic budget of the aquifer. In evaluating future use permits it is assumed to that the entire amount will be fully developed. There is one irrigation water right with a priority date after water year 1997; average annual reported irrigation pumpage under that water right is 2.6 acre-feet. Additional average annual use and future use to the Long and Putnam (2002) study area is estimated at 4,583 acre-feet per year. This additional amount is less than the Minnelusa aquifer hydraulic budget components in the study area that represent water available for capture (regional outflow and leakage). Therefore there is a reasonable probability that water is available to meet the proposed appropriation by this application in the Long and Putnam (2002) study area.

Observation Wells

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge. Observation wells offer a picture of conditions in the aquifer over the period of record.

The SD-DENR Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer. The nearest observation well to the well for this application is located about 0.9 miles north and is observation well PE-89B. The hydrograph for observation well PE-89B is shown in Figure 3. Observation well PE-64B is located 2.3 miles to the northeast of the well location for this application, and the hydrograph for this well is shown in Figure 4.

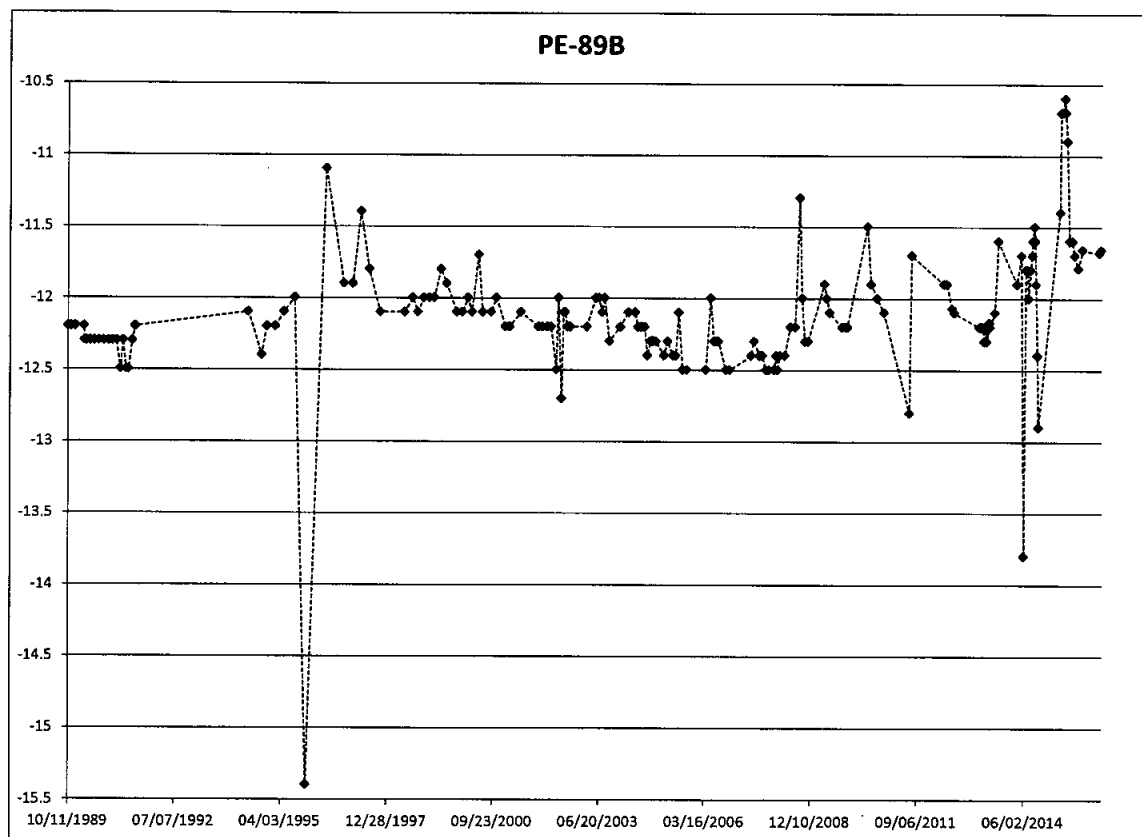


Figure 3: Hydrograph of observation well PE-89B (Water Rights, 2016b)

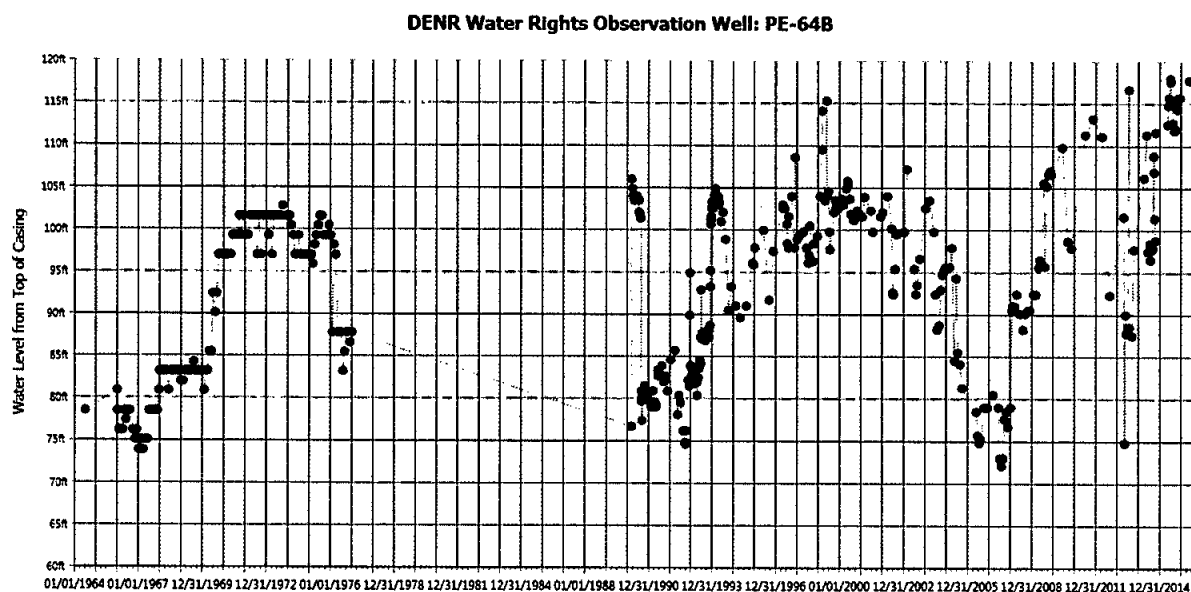


Figure 4: Hydrograph of observation well PE-64B (Water Rights, 2016b)

The hydrograph for observation well PE-89B shows fairly stable water levels though out its period of record. This may be the result of the hydraulic connection between the Minnelusa aquifer and Canyon Lake as noted by Long and Putnam (2009) located in close proximity to

observation well PE-89B. The hydrograph for observation well PE-64B shows seasonal and long term water level variations as a result of climatic conditions. The temporal effects of pumping appear to be masked by the impact of climatic conditions in observation well PE-64B and the effect of Canyon Lake on well levels in observation well PE-89B. This demonstrates that natural conditions dominate; therefore there is a reasonable probability that there is water available for capture. Additionally, since Water Permit No. 1990-2 has been irrigating since 1990, and this application is simply to authorize the additional diversion above the currently permitted amount of the system already in place, historic water use for this irrigation system is reflected in the periods of record for these observation wells. Furthermore, even with the historical irrigation of this irrigation system included in the period of record for these observation wells the hydrographs indicate that water is available for capture; therefore there is a reasonable probability that there is water available for the proposed appropriation of this application.

Existing Water Rights

The water rights/permits in the area of the wellsite for this application are shown in Figure 5 and summarized in Table 2. The nearest diversion point for existing water rights is for Water Right No. 1124-2 for a suburban housing development located 0.3 miles to the north northeast of the wellsite for this application. The well site for this application is on the western edge of the Rapid City limits. The well site is located approximately 0.6 miles to the south of one of the future use areas for Future Use Permit No. 439-2. There are domestic well completion reports on file with the SDDENR-Water Rights Program in the vicinity of this application that appear to be completed into the Minnelusa aquifer (Water Rights Program, 2016).

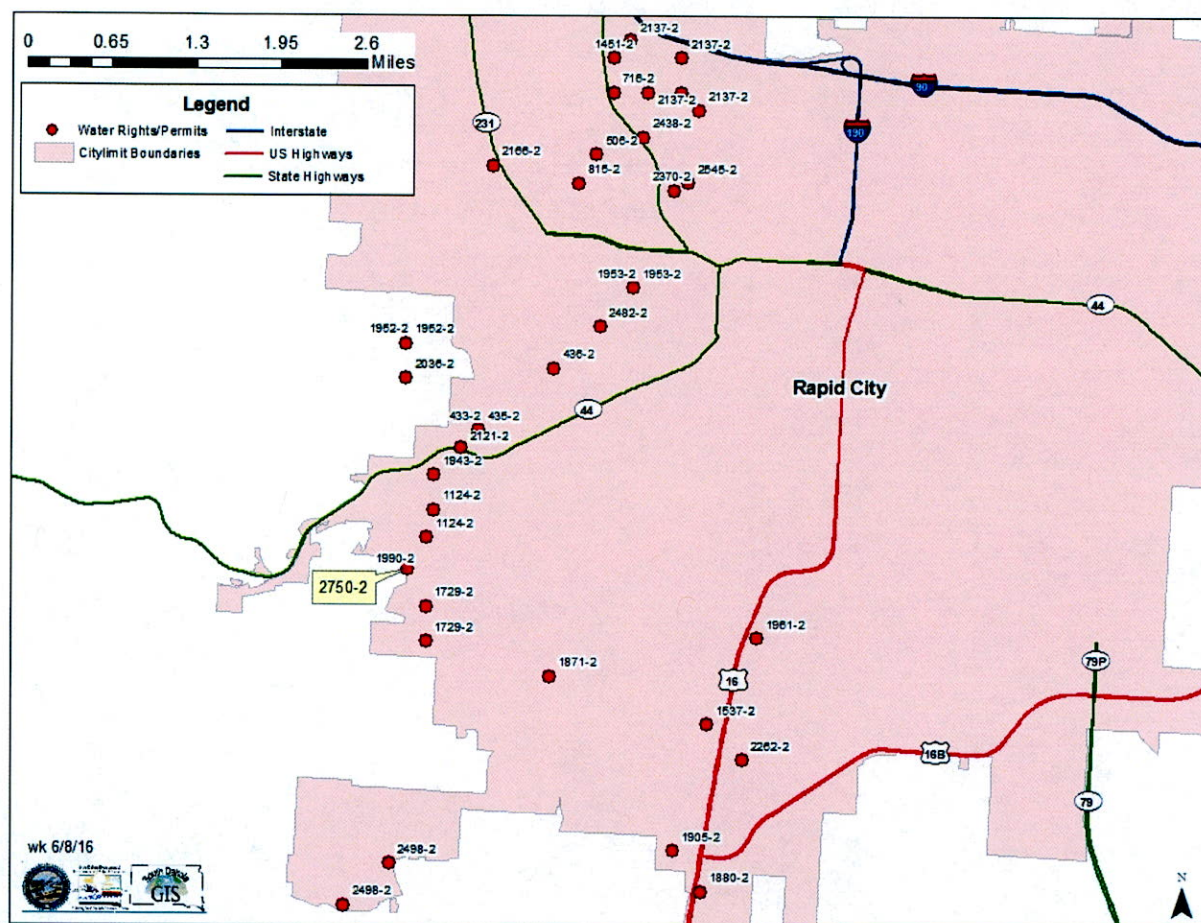


Figure 5: Water Rights/Permits appropriating water from the Minnelusa aquifer in the area of this application (Water Rights, 2016a)

Table 2: Summary of Area Minnelusa Water Rights/Permits (Water Rights, 2016a)

PERMIT_NO	NAME	USE	STATUS	Rate	Acres
1124-2	CHAPEL LANE WATER CO	SHD	LC	0.56	
1451-2	RAPID CHEVROLET CO INC	COM	LC	0.16	
1537-2	FIRST ASSEMBLY OF GOD	DOM	LC	0.09	
1729-2	CARRIAGE HILLS WATER ASSN	SHD	LC	0.27	
1871-2	VISTA HILLS WATER ASSOC	SHD	LC	0.09	
1880-2	RUSHMORE WATERSLIDE INC	COM	LC	0.17	
1905-2	BLACK HILLS JELLYSTONE RV	COM	LC	0.06	
1943-2	CANYON LAKE RESORT	COM	LC	0.05	
1961-2	THOMAS N ST HILL II	COM	LC	0.08	
2121-2	CITY OF RAPID CITY	MUN	LC	0.17	
2166-2	ELIZABETH M FREDERICK	COM	LC	0.022	
433-2	CITY OF RAPID CITY	MUN	LC	0.84	
435-2	CITY OF RAPID CITY	MUN	LC	1.78	
436-2	CITY OF RAPID CITY	MUN	LC	1.55	
506-2	PETE LIEN & SONS INC	IND	LC	0.34	
716-2	JULIAN STAVEN	COM	LC	0.07	
815-2	GCC DACOTAH INC	IND	LC	1.57	
2370-2	MIKE SWEET	COM	LC	0.133	
2438-2	STAN HOUSTON EQUIPMENT	COM	LC	0.133	
2482-2	SIOUX SAN HOSPITAL	INS	LC	0.078	
2498-2	COUNTRYSIDE HOMEOWNERS	SHD	LC	0.333	
1952-2	MILITARY & VETERANS AFFAIRS	DOM	PE	0.17	
1953-2	MILITARY & VETERANS AFFAIRS	IRR	PE	0.17	13
1990-2	CHAPEL IN THE HILLS	IRR	PE	0.071	
2036-2	DEPT MILITARY & VETERANS AFFAIRS	INS	PE	0.16	
2137-2	FRANK SIMPSON	IRR	PE	0.17	100
2262-2	SKYLINE DR/RUSHMORE INN	COM	PE	0.04	
2297-2	FRANKLIN SIMPSON	COM	PE	0.1	
2545-2	CEDAR INVESTMENT PROPERTY LLC	COM	PE	0.2	

LC-Water Right, PE-Water Permit, MNLS-Minnelusa, COM-commercial, IRR-irrigation, SHD-suburban housing development, IND-industrial, MUN-municipal, DOM-domestic, INS-institutional

The precise amount and radius of drawdown cannot be quantified without aquifer testing, especially considering the variability in aquifer characteristics both vertically and spatially in this aquifer (Kyllonen and Peter, 1987). Drawdown experienced by existing wells as a result of this application will likely not be significant when compared to the water level fluctuations that can occur as a result of climatic conditions in the aquifer (i.e. observation well PE-64B). Considering the relatively low diversion rate requested by this application and the distance to existing users, drawdown is not expected to be significant. Additionally, since Water Permit No. 1990-2 has been irrigating since 1990, and this application is the result of a licensing inspection (to authorize the additional diversion above the currently permitted amount of the system already in place) any adequate wells in the area are unlikely to experience any additional impacts of drawn down than what is currently occurring, if any, as a result of the pumping under this permit, if approved.

Public Interest

There are several springs located in the Long and Putnam (2002) study area. The conceptual model of Long and Putnam (2002) noted that geochemical analysis on the largest spring complex in the study area (Jackson-Cleghorn) indicates a Madison aquifer origin, however in the numerical model a very small portion of the Jackson-Cleghorn spring complex was modeled as Minnelusa in origin (Long and Putnam, 2009). Naus et al. (2001) notes that City Springs in the study area is of Madison origin. Additionally, Long and Putnam (2002) attributed springflow primarily to the Madison aquifer in the study area based on the hydraulic information for the Madison and Minnelusa aquifers in the study area. However, in the numerical model of Long and Putnam (2009) the flow of Boxelder Springs was attributed to the Minnelusa aquifer. Additionally, since Water Permit No. 1990-2 has been irrigating since 1990, and this application is the result of a licensing inspection (to authorize the additional diversion above the currently permitted amount of the system already in place) this application would not be expected to have any impact on area springs. Anderson et al. (1999) indicates that a small portion of water in the Meadowbrook Galley along Rapid Creek is likely from a bedrock source, but could not determine if the Madison or Minnelusa aquifer was the source. Anderson et al. (1999) also notes a probable contribution from a bedrock source to the Girl Scout Gallery.

Conclusions

1. Water Permit Application No. 2750-2 proposes to appropriate water at a diversion rate of 0.074 cfs from one well completed in the Minnelusa aquifer for the irrigation of 0.5 acre located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T1N-R7E.
2. If approved, this permit and Water Permit No. 1990-2 would authorize the irrigation of a total of 5.5 acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 T1N-R7E at a maximum diversion rate of 0.145 cfs (65 gallons per minute).
3. There is a reasonable probability that water is available for the appropriation proposed by this application.
4. There is a reasonable probability that existing water rights will not be adversely impacted by this permit, if approved.

Whitney Kilts

Whitney Kilts

SDDENR-Water Rights Program

Approved by

Ken Buhler

Ken Buhler

SDDENR-Water Rights Program

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Affidavit of Publication

RECEIVED

JUL 14 2016

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

June 22
L20997178

NOTICE OF APPLICATION

NO. 2750-2 to Appropriate Water

Notice is given that the Chapel in the Hills, 3788 Chapel Lane, Rapid City SD 57702 has filed an application for a water permit to appropriate an additional 0.074 cubic feet of water per second (cfs) [33 gallons per minute (gpm)] and to irrigate an additional 0.5 acre to what is currently authorized by Water Permit No. 1990-2. Water Permit No. 1990-2 appropriates 0.071 cfs (32 gpm) from one well completed into the Minnelusa Aquifer (approximately 300 feet deep) located in the SW 1/4 NE 1/4 Section 17 for irrigation of 5 acres located in the SW 1/4 NE 1/4 Section 17; all in T1N-R7E. An investigation of the permit found the system capable of diverting an additional 33 gpm from the existing well and irrigating an additional 0.5 acre located in the area described above. If approved, this application and Water Permit No. 1990-2 will authorize a total diversion rate of 0.145 cfs (65 gpm) for irrigation of 5.5 acres. This notice also serves to clarify the annual period of use for Water Permit No. 1990-2 and this application is May 1 through October 1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2750-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 July 5, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

(Published once at the total approximate
cost of \$71.40).

Brandyn Crawford being first duly sworn, upon his/her oath says:
That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

Week for one successive
Week, the first publication there of being on the
22nd day of June that the fees charged for
the publication there of are 71 dollars
and 40 cents.

Brandyn R Crawford

Subscribed and sworn to before me this 12th
day of July, 2016.

Dustin Rice

Notary public

DUSTIN RICE



NOTARY PUBLIC
SOUTH DAKOTA



7/1/20
My commission expires



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

June 14, 2016

Chapel in the Hills
Brian Kringen
3788 Chapel Lane
Rapid City SD 57702

Dear Mr. Kringen:

Water Permit Application No. 2750-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) 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 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 15, 2016 9:32 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: 2750-2, Chapel in the Hills
Attachments: 2750-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on June 22, 2016.

Chapel in the Hills, c/o Brian Kringen, 3788 Chapel Lane, Rapid City SD 57702 (605 342-8281) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Instruction to Newspaper - Publish the Notice on June 22, 2016. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2750-2 to Appropriate Water

Notice is given that the Chapel in the Hills, 3788 Chapel Lane, Rapid City SD 57702 has filed an application for a water permit to appropriate an additional 0.074 cubic feet of water per second (cfs) [33 gallons per minute (gpm)] and to irrigate an additional 0.5 acre to what is currently authorized by Water Permit No. 1990-2. Water Permit No. 1990-2 appropriates 0.071 cfs (32 gpm) from one well completed into the Minnelusa Aquifer (approximately 300 feet deep) located in the SW 1/4 NE 1/4 Section 17 for irrigation of 5 acres located in the SW 1/4 NE 1/4 Section 17; all in T1N-R7E. An investigation of the permit found the system capable of diverting an additional 33 gpm from the existing well and irrigating an additional 0.5 acre located in the area described above. If approved, this application and Water Permit No. 1990-2 will authorize a total diversion rate of 0.145 cfs (65 gpm) for irrigation of 5.5 acres. This notice also serves to clarify the annual period of use for Water Permit No. 1990-2 and this application is May 1 through October 1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2750-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of_____.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1990-2

I have this day, April 9, 2016, made a thorough examination of the water use system constructed by Chapel in the Hills of Permit No. 1990-2, bearing the priority of 9/5/1986 authorizing the diversion of .07 cu. ft. per second of water from one well for Irrigation purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Brian Kringen, Manager**
605-342-8281 (Chapel)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Downen Drilling (1970)
- 2) No. of Wells 1
- 3) Depth(s) approx. 300 feet (from permit application)
- 4) Well log is available No

Casing:

- 1) Diameter 8" surface inches
- 2) Length unknown feet
- 3) Type Steel @ surface

Screen:

- 1) Type unknown
- 2) Length -- feet
- 3) Static water level 120 feet (estimated)

Pump:

- 1) Make Flint and Walling
- 2) Model 4F55S75
- 3) Size 4"
- 4) Capacity 65 GPM (calculated from pump curve)
- 5) Horsepower rating 7.5 hp

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

PVC piping of various sizes to a multiple zone underground sprinkler system.

C. Works used to apply water to beneficial use:

Underground sprinkler system

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : see below
- 2) Exceptions to compliance are: **Current well capacity is 65 gpm, the permit was issued for .07 cfs (32 gpm).**

E. Condition and Location:

1. The system is in **good** condition with the point of diversion located as follows:
**SW ¼ NE ¼ S 17, T1N, R7E (1,743 ft. south and 1,368 ft. west of the NE corner),
N 44.048242° W 103.297405°**
2. The works are capable of diverting and conveying to the place of use **0.15** cu. ft. per second (65 gpm) of water which is to be used for sprinkler **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

SW ¼ NE ¼ S17 T1N R7E / 5.5 acres

legal description/acreage

comprising a total of **5.5** acres of land and the license should be issued for **0.15** cfs .

0.145

3. All structures, wells and lands on map – **Yes**

F. Comments or other permit(s) associated with the project: none

Steven Quissell

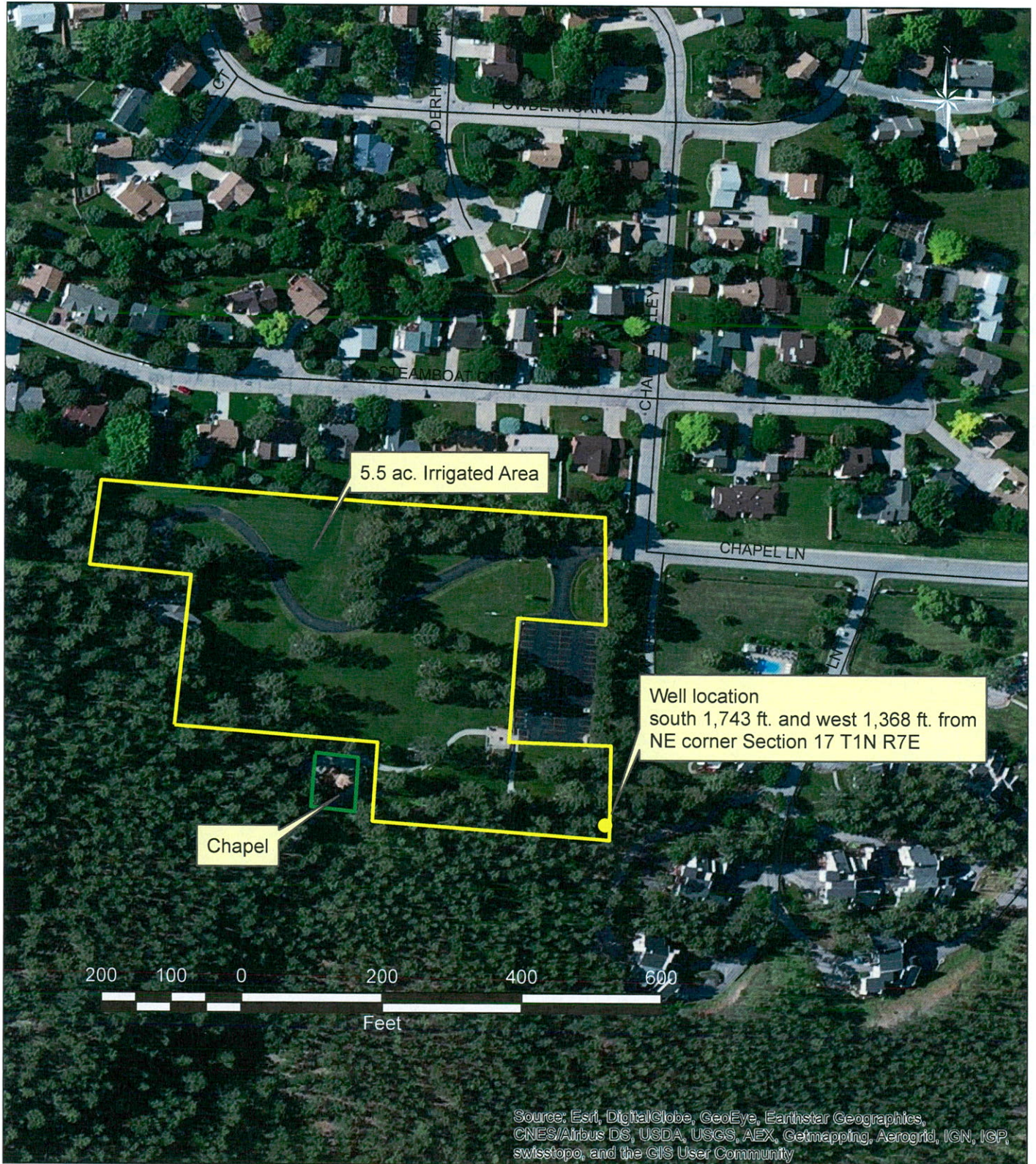
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **4/13/2016**

Chapel well

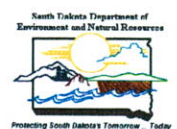


Water Right # 1990-2
Chapel in the Hills
4/9/2016

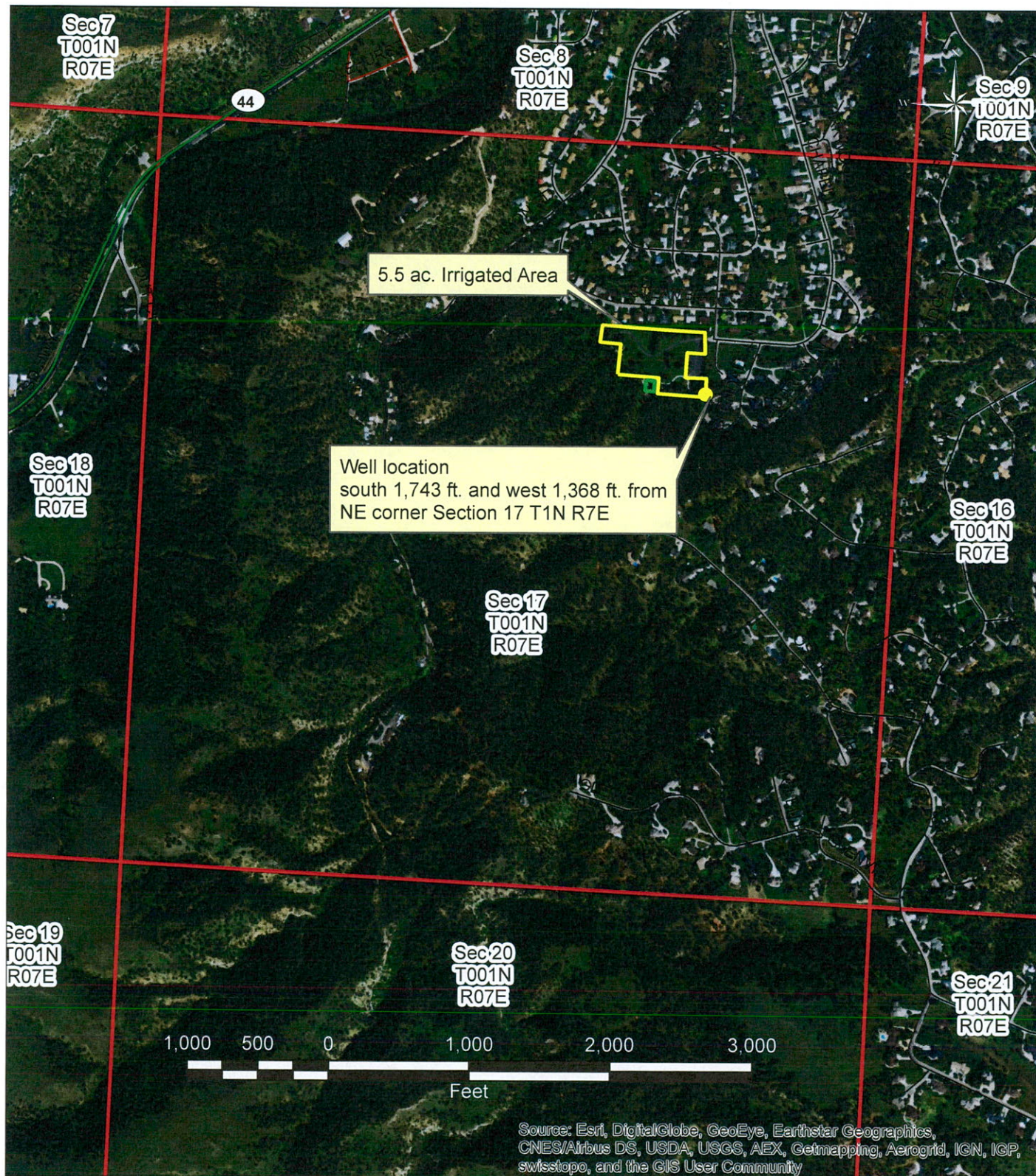


Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Water Right # 1990-2
Chapel in the Hills
4/9/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2750-2

(1) Chapel in the Hills, 3788 Chapel Lane, Rapid City SD 57702 made Application No. 2750-2, April 19, 2016 for a water permit to divert 0.074 cubic feet of water per second (cfs) from one existing well - Minnelusa Aquifer, Pennington County, South Dakota for irrigation purposes. Permit No. 2750-2, with a priority date of April 19, 2016 was approved July 5, 2016 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 1990-2, with a priority date of September 15, 1986, authorized diversion of 0.071 cfs from one well for irrigation of 5 acres. The applicable portions of No. 1990-2 are incorporated into this Water License No. 2750-2.

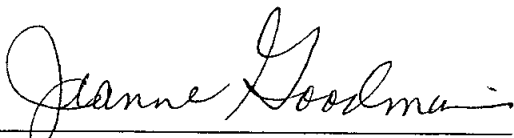
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2750-2 is issued a license, bearing priority dates of September 15, 1986 (0.071 cfs and 5 acres) & April 19, 2016 (0.074 cfs and 0.5 acres) to appropriate a total of 0.145 cfs from one well - Minnelusa Aquifer to irrigate 5.5 acres.

The diversion point is located: 1,743 feet south and 1,368 feet west of the NE corner of Section 17-T1N-R7E (SW 1/4 NE 1/4). The acres authorized for irrigation are as follows:

SW 1/4 NE 1/4 Section 17-T1N-R7E 5.5 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2750-2 including the following qualifications:

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



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

JUL 27 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 27, 2016

1990-2
2750-2

Brian Kringen, Mgr
Chapel in the Hills
3788 Chapel Lane
Rapid City SD 57702

Dear Mr. Kringen:

Enclosed are Water Permit and Water License No. 2750-2. The permit authorizes additional diversion authority and acreage not covered under Water Permit No. 1990-2. The water license incorporated the two permits together under one document to reflect the system as it was constructed. Also included 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. 2750-2, 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