

WATER PERMIT NO. 2766-2

Name of Applicant: Richard Nelson

Address: 24624 Bridle Rein Dr., Hermosa SD 57744

Phone: 605 545-4584

Amount of Water Claimed: 0.10 cfs (⁴⁴72 AF annually)

Total Acres: NE

Source of Water Supply: groundwater

Water to be used for: irrigation County: Custer

Type of Waste Disposal System:

Location: 5 miles west of Hermosa

PRIORITY Date Received: 6-16-17

Application/License Fee: \$ 300

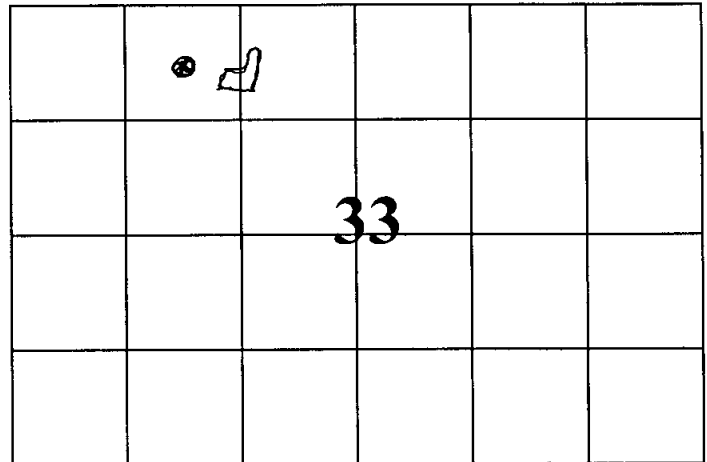
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 33-T2S-R7E

Land to be Irrigated: N 1/2 NW 1/4 Sec 33-T2S-R7E



Depth of Well: 280

Well Driller: Cimarron Drilling Inc.

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-26-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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JUN 16 2017

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>2766-2</u>	Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer County Chronicle</u> <u>Rapid City Journal</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|--|--|--|--|
| ☐ Municipal | ☐ Water Distribution System | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☒ Commercial | ☐ Fish & Wildlife | ☐ Geothermal |
| ☒ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other _____ | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name to Appear on Water Permit Richard Nelson
Mailing Address 24624 Bridle Run Dr Hermosa SD 57744
(Address) (City) (State) (Zip Code)
Phone 605(545-4584) Mobile same Email southdakotajane@gmail.com
- Amount of water claimed 0.10 *CFS or 45 **GPM and 44 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Private Well
- Location of point of diversion 1 well Lot 14B NW 1/4 NW 1/4 SEC 33, T2S, 57E BHM County Custer
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? Water used: N 1/2 NW 1/4 Sec 33-T2S-R7E
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Custer
- Annual period during which water is to be used 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)

Water will be used for residential and commercial garden use.
greenhouse and field crops will be grown. produce to be distributed
Locally.

I, Richard Nelson, 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. 2766-2

Date of first receipt of application June 16, 2017.

Date of return to applicant for corrections, amendments or changes June 19, 2017.

Date of receipt of corrected application June 26, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2766-2 to Richard Nelson, 24624 Bridle Rein Dr, Hermosa SD 57744 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. 2766-2 appropriates 44 acre-feet annually at a maximum diversion rate of 0.10 cubic feet of water per second from one well to be completed into the Minnelusa Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 33 for commercial use at a greenhouse and garden area and domestic use at a residence all located in the N 1/2 NW 1/4 Section 33; all in T2S-R7E. This is located approximately five miles west of Hermosa, SD.
2. The water appropriated shall be used for the purpose of commercial and domestic use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1- December 31.
4. The date of approval of Permit No. 2766-2 is September 11, 2017.
5. The date from which applicant may claim right is June 16, 2017.
6. One-fifth of the construction is to be completed on or before March 11, 2020.
7. All construction is to be completed on or before September 11, 2022.
8. Water is to be put to beneficial use on or before September 11, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2766-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
3. Water Permit No. 2766-2 authorizes a total annual diversion of 44.0 acre feet of water.

WATER MANAGEMENT BOARD

By: _____

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

SEP 14 2017

date



Supplemental Information

(type or print)

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JUN 16 2017

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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 Cimarron Drilling Inc

For either Existing or Proposed Wells:

c) Well Depth (required) 280 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 185

d) Distance to nearest domestic well on applicant's property Same Property owned by others No

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic Tank

b) System Capacity (gallons) 1500 Year Constructed 1999

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)

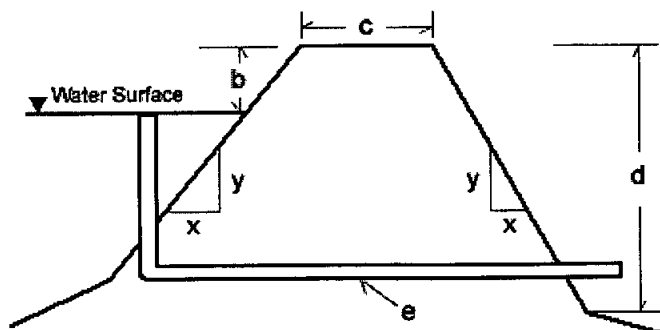
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Google earth

feet 200
meters 80



whole outlined area
is the market garden area

Sec 29
T002S
R07E

Sec 28
T002S
R07E

Sec 2
T002
R07E

Sec 32
T002S
R07E

Sec 33
T002S
R07E

Sec 34
T002S
R07E

Sec 5
T003S
R07E

Sec 4
T003S
R07E

Sec 3
T003S
R07E

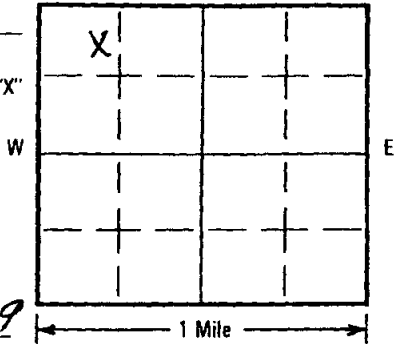


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 33 Twp 2-S Rg 7-E
 County Lot 14 Box CANYON S.D. North
Custer

Please mark well location with an "X"



Well Completion Date

06-07-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 120 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air-WaterCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>255</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Pretail No. of Sacks 40 Grout Weight 94 lb. From 0 ft. To 225 ft.
Type I-II lb./gal _____ ft. _____ ft.

Describe grouting procedure PRESSURE GROUT THRU Tremie pipe w Mud Pump to PACKERS

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 20 FEETMaterial P.V.C.Slot Size 1/16 Set From 235 Feet to 255 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Neo premeDescribe packer(s) and location? 2 @ 225'

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:Chlorine Pellets☐ NO, Why Not?

Laboratory sent to for water quality analysis

owner To Complete

Well Owner: Ernie Lehm Kahl
 Business Name: _____
 Address: P.O. Box 303
Rapid City S.D. 57709

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Limestone (Minnekahta)</u>	<u>0'</u>	<u>35'</u>
<u>MARROON SHALE</u>	<u>35'</u>	<u>60'</u>
<u>Red SHALE & S. Stone (Packer)</u>	<u>60'</u>	<u>180'</u>
<u>White Sandstone</u>	<u>180'</u>	<u>200'</u>
<u>Red SHALE & Sand Stone</u>	<u>200'</u>	<u>220'</u>
<u>Red & Yellow Sand Stone (Minnekahta)</u>	<u>220'</u>	<u>280'</u>

STATIC WATER LEVEL 185

If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: Air developed☐ Bailed☒ Other _____

Pumping Level Below Land Surface

220 ft. After 1 Hrs. Blow 12 GPM240 ft. After 2 Hrs. Blow 38 GPM

If pump installed, pump rate _____

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REMARKS

JUN 16 2017WATER RIGHTS
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And this report is true and accurate.

Drilling firm Cimarron Drilling Inc.

Signature of license Representative:

Michael J. Deutch

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 16, 2017

RECEIVED OF Richard Nelson 2464 Bridle Rein Dr Hermosa, SD

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

Fee for Application for Permit No. <u>27666-2</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. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. **08275**

By

Jeanne Goodman
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 26, 2017

RECEIVED OF Richard Nelson 2464 Bridle Rein Dr. Hermosa

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	200	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>27666-2</u>		
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	200 00

No. **08281**

By

Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2017

Richard Nelson
24624 Bridle Rein Dr.
Hermosa SD 57744

Mr. Nelson:

I work in the Water Rights Program with the South Dakota Department of Environment and Natural Resources (SD DENR). My department has been advised that you are in the process of constructing commercial greenhouses near Hermosa SD.

I am writing to determine whether you plan to use a private water source to supply the greenhouses. An example of a private water supply would be using your own well rather than being hooked to a municipal or rural water system. If using a private water supply, then you may need to apply for a water right permit. The only use of water in South Dakota that does not require a water right permit is domestic use as defined by South Dakota Codified Law 46-1-6(7). Some irrigation is allowed under the domestic use definition but only for noncommercial purposes. Consequently, if you are using a private water supply and the greenhouses are being used commercially, then a water right permit is needed. In the event you need a permit, I have enclosed application forms with an instruction sheet.

Please give me a call if you have any questions. I can be reached at (605) 773-3352. Also, if you don't believe you need the permit for the reasons mentioned above, please give me a call or email me at ron.duvall@state.sd.us to let me know. Thank you!

Sincerely,

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

Ron Duvall, Water Rights Permitting Administrator
Water Rights Program, SD DENR
605.773.3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

RECEIVED
JUN 26 2017
WATER RIGHTS
PROGRAM

June 19, 2017

Richard Nelson
24624 Bridle Rein Dr
Hermosa SD 57744

Dear Mr. Nelson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Custer County. In order to complete the application, the following is required.

- The application requests a pump rate of 45 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume of water needed for your project. It is unrealistic that 45 gpm will be pumped continuously during an entire year. Therefore, DENR requests an estimate of the annual volume to be used. A general practice is to convert the pump rate to a volume in acre-feet of water annually based on 60% pumping. Applying this 60% rate to 45 gpm over the course of a year equates to 72 acre-feet of water annually. Do you concur with this amount?
- We received your check for \$100.00. The inspection fee of \$200.00 is also required at this time. Please submit an additional \$200.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*I concur with the
72 acre-feet of water
annually.*

Richard Nelson

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2766-2, Richard Nelson

ADDRESS: COUNTY: Custer County

DATE: August 21, 2017 TELEPHONE: 605 545-4584

RE: volume of water

I contacted Mr. Nelson about the annual volume of water to be appropriated. Karen Schlaak's June 19th letter did not properly apply the 60% pump rule for a diversion rate of 45 gpm. Instead the 72 acre feet of water equates to continuous year round pumping at 45 gpm.

The 60 percent pump rule at a rate of 45 gpm equates to 44 acre feet of water annually. Mr. Nelson asked that I amend the application accordingly as this will provide sufficient water for his proposed use.

NAME: Eric Thunberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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<http://denr.sd.gov>

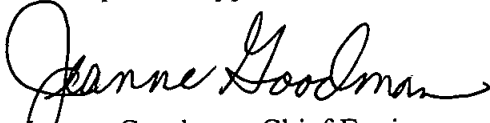
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2766-2, Richard Nelson**

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. 2766-2, Richard Nelson, 24624 Bridle Rein Drive, Hermosa SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 2766-2 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 Water Permit No. 2766-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
3. Water Permit No. 2766-2 authorizes a total annual diversion of 44.0 acre feet of water.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
August 24, 2017

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2766-2
RICHARD NELSON
AUGUST 24, 2017

Water Permit Application No. 2766-2 proposes to appropriate 44 acre-feet of water annually (ac-ft/yr.) at a maximum diversion rate of 0.10 cubic feet of water per second (cfs) from one well (280 feet deep) completed into the Minnelusa aquifer. The well is in the NW ¼ NW ¼ Sec. 33 T2S-R7E in Custer County, The water is to be used for commercial purposes at a greenhouse and garden area and domestic use at a residence all located in the N ½ NW ¼ Sec. 33 T2S-R7E. This location is approximately five miles west of Hermosa.

AQUIFER: Minnelusa (MNLS)

Aquifer Characteristics:

The Minnelusa Formation is an assemblage of varied sandstone, limestone, dolomite, and shale of Pennsylvanian and early Permian age (Rahn, 1979). Rahn and Gries (1973) described the Minnelusa Formation as consisting of three units: an upper red to white sandstone, a middle unit of dolomite, sandstone and shale with abundant anhydrite, and a lower unit of sandstones and dolomites with basal red shale. The Minnelusa aquifer is the porous portion of the Minnelusa Formation. Rahn (1979) estimated the average porosity of the Minnelusa to be 10 percent with an effective porosity of 5 percent. The Minnelusa aquifer underlies almost all of western South Dakota at an estimated area of 23,115,000 acres with over 755,500,000 ac-ft of recoverable water in storage (Allen et. al, 1984). Within Custer County, the Minnelusa aquifer underlies approximately 740,800 acres and contains and estimated 25,916,800 ac-ft of recoverable water in storage (Allen et. al, 1984).

The Minnelusa Formation is estimated to be 650 to 750 feet thick near the well site for this application (Carter, J.M. and Redden, J.A., 1999a and 1999b). The well location is near the area where the Minnelusa aquifer transitions from unconfined to confined (Water Rights, 2017a and 2017c). The direction of groundwater movement in this area is likely from the west to the east (Strobel et. al, 2000). The well site is within 0.25 miles of the Minnelusa aquifer outcrop (Strobel et. al, 1999). Regional studies of the aquifer indicate the aquifer transmissivity may range from 0.86 to 12,000 ft²/day with a storage coefficient of 0.003 to 5.0*10⁻⁹ (Driscoll et. al, 2002).

The well completion report submitted with this application indicates the Minnelusa Formation was encountered at 180 feet below grade. The well was completed to a depth of 280 feet. The well had a static water level of 185 ft at the time of construction in June 1999. The well is under unconfined conditions but is very near to being under confined conditions.

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 this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Minnelusa aquifer. The probability of unappropriated water available from the 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 a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is stratigraphically lower than the Greenhorn Formation. However, the applicant is not a water distribution system. Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget

Aquifer Scale:

The Minnelusa aquifer is recharged primarily through precipitation on the outcrop and from stream flow losses (Carter et. al, 2001a). As part of the Black Hills hydrology study, the average annual total recharge to the Madison and Minnelusa aquifers from precipitation and streamflow losses for water years 1931-1998 was estimated to be 344 cfs (249,000 ac-ft/yr.) (Carter et. al, 2001a). Carter and others (2001a) noted that because of the differences in recharge from streamflow losses, the Madison aquifer receives approximately 55 percent (137,950 ac-ft/yr.) and the Minnelusa aquifer 45 percent (112,050 ac-ft/yr.) of the total average annual recharge.

Discharge from the Minnelusa aquifer occurs through pumping of wells, and flow to headwater and artesian springs (Carter et. al, 2001a). The well withdrawals are for commercial, domestic, fish and wildlife propagation, industrial, institutional, irrigation, municipal, rural water system, and suburban housing development purposes (Water Rights, 2017b and 2017c). There are 191 water rights/permits authorized to withdraw water from the Minnelusa aquifer and one future use permit (Permit No. 439-2) authorized to reserve water from the Minnelusa aquifer (Water Rights, 2017b).

Historically, well withdrawals for non-irrigation purposes have been quantified by assuming pumping at the maximum permitted diversion rate for 60 percent of the time for water rights/permits only limited by diversion rate and full pumpage for water rights/permits limited by an annual volume (ac-ft/yr.). The estimated average annual withdrawal from the Minnelusa aquifer by non-irrigation appropriations is 13,020 ac-ft/yr. Future Use Permit No. 439-2 for Rapid City reserves 3,367 ac-ft/yr. from groundwater, infiltration galleries, and Minnelusa and Madison Formation wells located along Rapid Creek for municipal use by the city (Water Rights, 2017b). However, the permit does not attribute specific volumes to any source. Since there are no specific volumes, it is assumed full development of the permitted volume to occur from any one of the sources. The entire volume will be accounted for in developing a hydrologic budget for the Minnelusa aquifer in this report.

Carter and others (2001b) estimated the average domestic and livestock water use from the Minnelusa aquifer during water years 1987 to 1996 as 986 ac-ft/yr. or approximately 12 percent of the estimated total use for appropriative and domestic well withdrawals (8,140 ac-ft/yr.). However, development of domestic wells since the completion of the Black Hills hydrology study has increased at a rate that is likely greater than appropriative development. Therefore, Carter and others (2001b) suggested domestic volume and percentage of the total well withdrawals can be used as a minimal estimate for domestic use from the Minnelusa aquifer.

The average annual irrigation volume pumped from the Minnelusa aquifer from 1982 through 2016 is 2,411.5 ac-ft/yr. Irrigation appropriations have remained fairly steady over the period of record and especially since 2004. Table 1 shows the historical irrigation data as reported to the Water Rights Program through the annual irrigation questionnaires.

Table 1- Historic irrigation use from the Minnelusa aquifer (Water Rights, 1982-2017)

Year	No. Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2016	45	10442.3	1759.43
2015	45	10520.5	936.84
2014	44	10546.5	1281.93
2013	44	10160.5	2290.32
2012	44	10220.5	3368.89
2011	44	10220.5	1540.62
2010	44	10102.7	1588.3
2009	45	10357.04	1549.48
2008	45	10357.04	1509.57
2007	44	10357.04	2846.94
2006	44	10357.04	2713.21
2005	43	10237.04	2819.99
2004	43	10347.04	2645.39
2003	42	10674.04	2178.25
2002	41	10391.64	2488.26
2001	41	10391.64	2066.11
2000	40	10391.64	2753.21
1999	39	10428.84	1027.06
1998	39	10428.84	2666.39
1997	38	10004.84	1643
1996	38	10004.84	1476.7
1995	38	10004.84	793.24
1994	40	11930.84	2804.62
1993	42	10917.9	1003.56
1992	41	10851.9	3002.33
1991	41	10851.9	2652.18
1990	37	10609.9	3290.8
1989	37	10609.9	2985.5
1988	37	10609.9	3918.45
1987	34	989.84	2945.75
1986	33	9944.34	2956.3
1985	33	10485.34	5199.1
1984	32	10449.34	3626.6
1983	35	12085.95	4337.27
1982	29	10976.06	1736.85
Min	29	989.84	793.24
Max	45	12085.95	5199.1
Avg.	40.03	10236.00	2411.50

The estimated average annual recharge to the Minnelusa aquifer is 112,050 ac-ft/yr. The estimated average annual withdrawals for appropriative and domestic purposes plus the water reserved by Future Use Permit No. 439-2 is 3,367 ac-ft/yr. This application is expected to pump

less than 44 ac-ft/yr. Based on this simple, gross hydrologic budget, unappropriated water is available for this proposed appropriation. However, this is not to suggest that all of the recharge in the Minnelusa aquifer is available from any one well. This just shows the Minnelusa aquifer is an immense resource that is relatively untapped.

Localized Hydrologic Budget:

Carter and others (2001b) developed a hydrologic budget for nine subareas of the Black Hills including a subarea (Subarea 5) that contains the location of the well site this application proposes to use. The subarea hydrologic budgets were developed for 1987-1992 for a period of decreasing aquifer storage and 1993-1996 for a period of increasing storage (Carter et. al, 2001b). Over the entire period 1987-1996 the change in storage was assumed to be equal in magnitude but opposite for the two periods (i.e.: no change in storage) (Carter et. al, 2001b).

Table 2- Hydrologic Budget for the subarea of the Minnelusa and Madison aquifers that includes the well site for Application No. 2766-2 for Water Years 1987-1996 (modified from: Carter et. al, 2001b)

Stream-flow Recharge	Precipitation Recharge	Minnelusa Ground-water Inflow	Madison Ground-water Inflow	Minnelusa Ground-water Outflow	Madison Ground-water Outflow	Artesian Spring Flow	Well Withdrawals
11.4 cfs	3.2 cfs	0 cfs	0 cfs	4.2 cfs	1.7 cfs	7 cfs	1.6 cfs
8253.2 ac-ft/yr.	2316.7 ac-ft/yr.	0 ac-ft/yr.	0 ac-ft/yr.	3040.7 ac-ft/yr.	1230.7 ac-ft/yr.	5067.8 ac-ft/yr.	1158.3 ac-ft/yr.

There are five water rights (Water Rights, 2017b) authorized to withdraw water from the Minnelusa aquifer within subarea 5 as described in Carter and others hydrologic budget report (2001b). The water rights are listed in Table 3. The irrigation water rights pump an average annual volume of 6.5 ac-ft/yr. from 1993 through 2016 when all four water rights had operational irrigation systems (Water Rights, 1982-2017). Since Water Right No. 2511-2 is limited by diversion rate, the same method used previously has been used to estimate average annual pumpage which is 95.6 ac-ft/yr. The existing water rights have a combined estimated average annual withdrawal of 102.1 ac-ft/yr. This application is estimated to pump less than 44 ac-ft/yr. for a grand total of 146.1 ac-ft/yr. That volume is considerably less than the Minnelusa ground-water outflow as shown in Table 2 (3,040.7 ac-ft/yr.)

Table 3- Water rights authorized to withdraw water from the Minnelusa from the same subarea Application No. 2766-2 proposes to use (Water Rights, 2017b)

Permit No.	Name	County	Use	CFS	Acres
1677-2	Assad Barari	CU	IRR	0.28	40
1738-2	Black Hills Health & Education Center	CU	IRR	0.09	60
1901-2	Donald P Wojciechowski	PE	IRR	0.18	18
2247-2	James Borglum	CU	IRR/DOM	0.09	8
2511-2	Black Hills Health & Education Center	CU	INS	0.22	

Carter and others (2001b) hydrologic budget is based on an equilibrium between discharge (outflow plus withdrawals) and recharge. If a new hydrologic budget is to balance for this subarea with an increase in well withdrawals, either groundwater outflow must decrease, groundwater inflow from other subareas must be induced or artesian spring flow must decrease. Buhler (2012) stated that it can be assumed a subtle (i.e.: small) change in the hydraulic gradient

at either a potential inflow zone or at an outflow zone would establish a new equilibrium at that area with virtually non-measurable impacts to the amount of water in storage in the subarea or artesian spring flow. Simply, the slight increase of well withdrawals caused by approving that application for 0.056 cfs would have essentially no effect on the hydrologic budget of the subarea of the Minnelusa aquifer. Application No. 2766-2 is for nearly double the diversion rate of Cancelled Permit No. 2682-2 that Buhler (2012) was discussing. However, the proposed volume is still miniscule compared to the any of the components of the localized hydrologic budget developed by Carter and others (2001b). Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon 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 average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer (Water Rights, 2017a). The nearest Minnelusa aquifer observation wells are CU-83A (1.5 miles east), CU-93B (7.7 miles south), and PE-94A (10.5 miles north) (Water Rights, 2017a). The hydrographs for these observation wells are shown in Figures 1 through 3, respectively. Observation wells CU-83A and PE-94A are under confined conditions and CU-93B is under unconfined conditions.

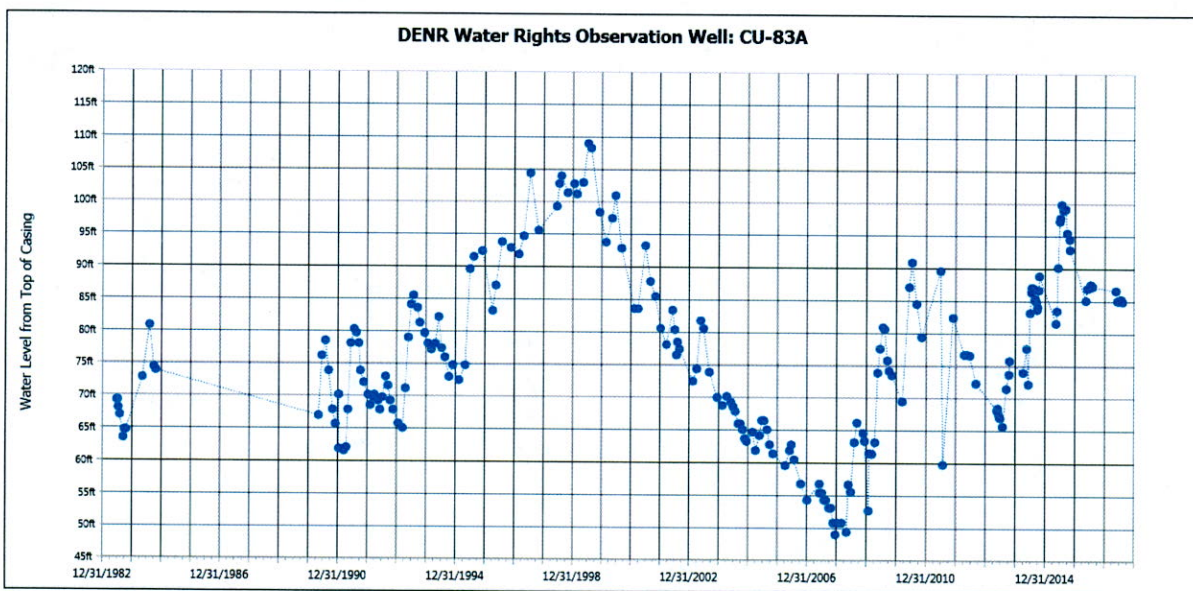


Figure 1- Hydrograph for Observation well CU-83A (Water Rights, 2017a)

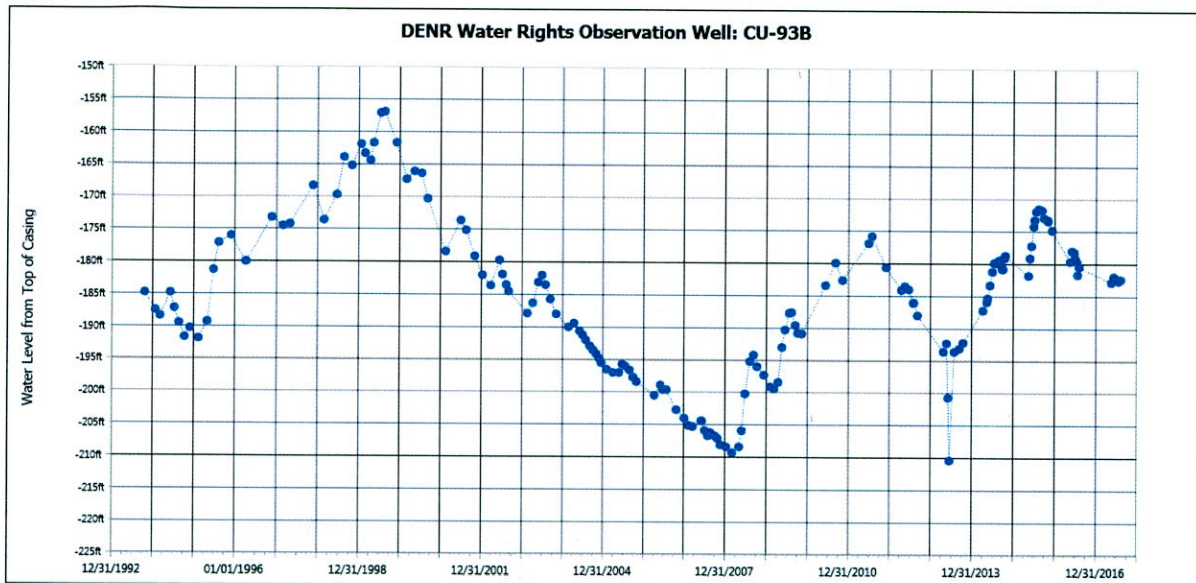


Figure 2- Hydrograph for Observation well CU-93B (Water Rights, 2017a)

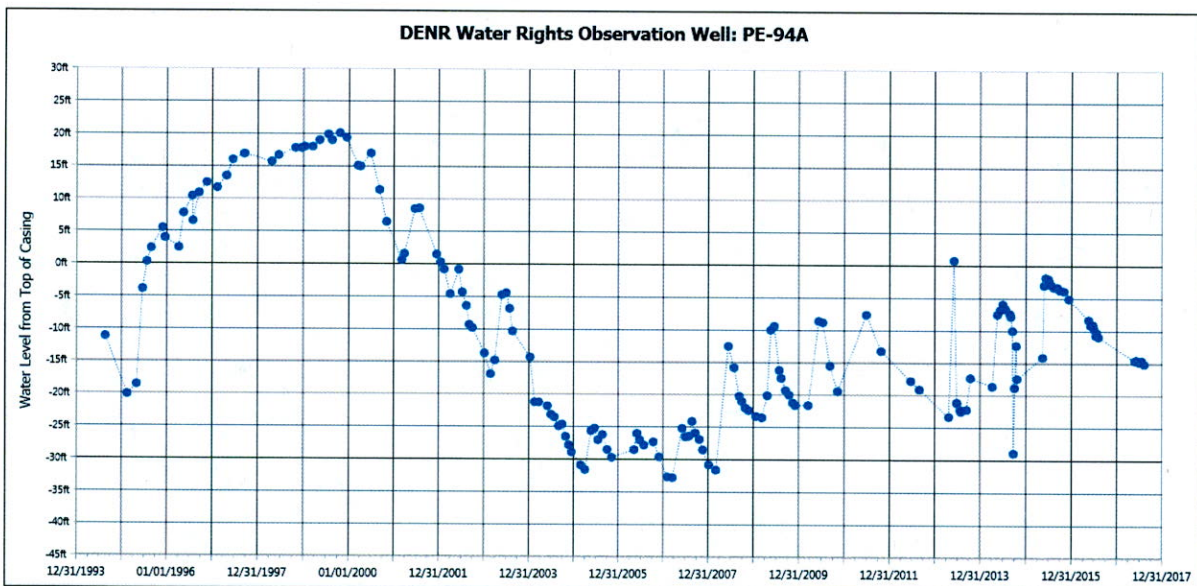


Figure 3- Hydrograph for Observation well PE-94A (Water Rights, 2017a)

The hydrographs for all of the observation wells completed into the Minnelusa aquifer show relatively stable to rising water levels over the period of record indicating withdrawals plus natural discharge from the aquifer have not exceeded recharge to the aquifer. Furthermore, the hydrographs for the observation wells completed into the Minnelusa aquifer show the climatic conditions and the variation of recharge from precipitation from year to year dominate the changes in water level of the aquifer. This means that recharge to and natural discharge from the aquifer greatly exceeds pumping from the aquifer. Recognizing natural discharge from an aquifer can be captured for pumping, the observation well hydrographs document unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

Figure 4 is a map of water rights authorized to withdraw water from the Minnelusa aquifer in the area of the well this application proposes to use. The nearest of the wells authorized by a water right is approximately 0.3 miles away from the well site. The water rights shown in Figure 4 are listed in Table 3.

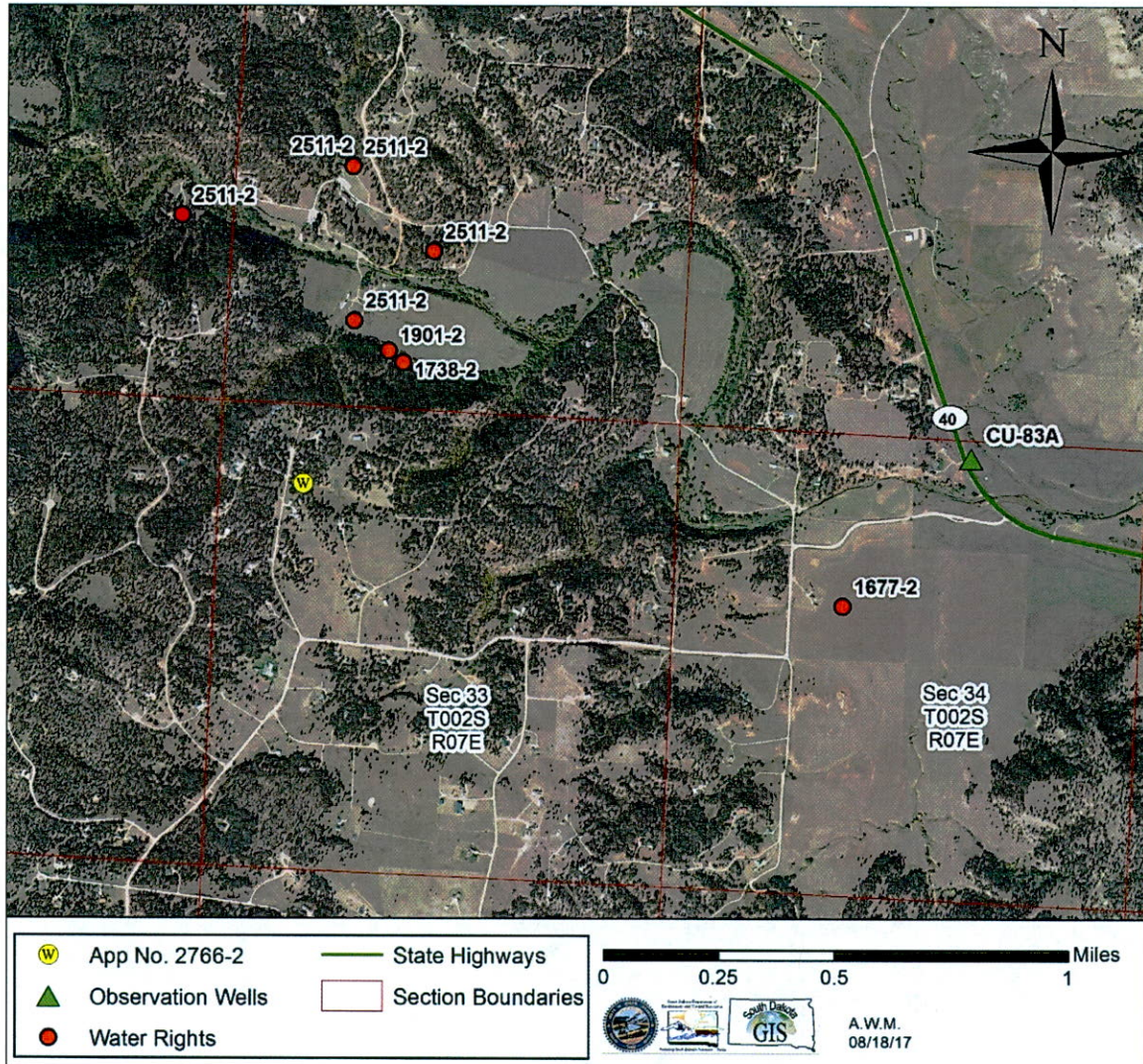


Figure 4- Map of diversion points for water rights authorized to withdraw water from the Minnelusa aquifer in the area of Application No 2766-2 (Water Rights, 2017a and 2017b)

There are eight wells on file with the Water Rights Program (2017c) within approximately 1,000 ft of the well site this application proposes to use that appear to be completed into the Minnelusa aquifer and over 60 within approximately one mile of the well site this application proposes to use (Water Rights, 2017c). The precise amount and radial extent of drawdown cannot be quantified without aquifer testing. The annual amplitude of water level change shown in observation well CU-83A averages 11.7 feet with a maximum of 29.8 feet. Over the entire period of record, the difference between the highest and lowest water level readings at CU-83A is 60 feet due to normal fluctuations caused by climatic conditions. The drawdown created by

pumping this well is expected to be masked by the changes in water level caused by climatic conditions.

At the well this application proposes to use, the aquifer is under unconfined conditions, to the west the aquifer is generally unconfined and to the east it is generally confined. There was at least 95 feet of saturated aquifer material at the well site at the time of construction. When comparing the annual amplitude change in water level (11.7 feet) and the maximum amplitude over the period of record (60 feet) for observation well CU-83A, the recent increase in development of domestic wells in the area without complaints filed with the Water Rights Program regarding well interference, and the likely maximum drawdown created from pumping the proposed well, the diversion requested by this application is not expected to unlawfully impact adequate appropriative or domestic wells as defined by Administrative Rule of South Dakota (ARSD) 74:02:04:20(6). However, the Water Management Board has promulgated rules to protect adequate domestic wells from nearby pumping. Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) states:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”.

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). However out of an abundance of caution if this application is approved, the water permit should include a qualification the well owner should control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. When all of the above factors are considered, there is a reasonable probability the proposed diversion can be made without adversely impacting existing appropriative or domestic water users.

PUBLIC INTEREST:

Rahn and Gries (1973) identified five large springs within the subarea this application proposes to withdraw water from that may originate from the Minnelusa aquifer. Some of these springs may also originate from the Madison aquifer. The springs include: Battle Creek 5 miles west of Hermosa, Deadman Gulch, Spokane Creek at Route 16A, Grace Coolidge Creek at Custer Park Zoo, and Grace Coolidge Creek 3 miles west of Hermosa. The nearest of these springs (Battle Creek 5 miles west of Hermosa) to the well site this application proposes to use is approximately 0.9 miles east of the well site. At the distance and relatively low requested diversion rate, any pumping under this application, if approved, is expected to have minimal effect on the spring discharge.

CONCLUSIONS:

1. Application No. 2766-2 proposes to authorize the annual appropriation of 44 ac-ft of water at a maximum diversion rate of 0.1 cfs from an existing well completed into the Minnelusa aquifer in Custer County approximately five miles west of Hermosa.

2. The Minnelusa aquifer is a viable aquifer in this area and can be found under both confined and unconfined conditions within a short distance of the well this application intends to use.
3. Based on the observation well data, a regional and a localized hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
4. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

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- Strobel, M.L. Galloway, J.M., Hamade, G.R., and Jarrell, G.J. 2000. Potentiometric Surface of the Minnelusa Aquifer in the Black Hills Area, South Dakota. U.S. Geological Survey Hydrologic Investigations Atlas HA-745-C. 2 Sheets. Scale 1:100,000.
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- Water Rights. 2017b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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

Water Rights Program
Notice of Application # 2766-2
Richard Nelson

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 one successive week(s), on which said newspaper was regularly published, to wit:

Aug 30, 2017; _____;

_____, _____; _____;

_____, _____; _____;

_____, _____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 26.27.

Charles W. Najacht

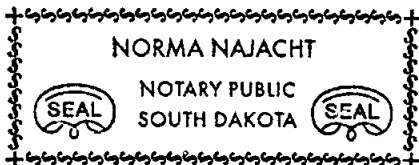
Subscribed and sworn to me before this 30th

of August, 20 17;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2018



NOTICE OF APPLICATION

NO. 2766-2

TO APPROPRIATE WATER

Notice is given that Richard Nelson, 24624 Bridle Rein Dr. Hermosa SD 57744 has filed an application for a water permit to appropriate 44 acre-feet annually at a maximum diversion rate of 0.10 cubic feet of water per second from one well to be completed into the Minnelusa Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 33 for commercial use at a greenhouse and garden area and domestic use at a residence all located in the N 1/2 NW 1/4 Section 33; all in T2S-R7E. This is located approximately five miles west of Hermosa, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2766-2 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 September 11, 2017.

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 an approximate cost of \$26/27.

RECEIVED

SEP 05 2017

WATER RIGHTS PROGRAM

Affidavit of Publication

RECEIVED
SEP 05 2017
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Aug 30 L21056398
NOTICE OF APPLICATION
NO. 2766-2 to Appropriate Water
Notice is given that Richard Nelson, 24624 Bridle Rein Dr, Hermosa SD 57744 has filed an application for a water permit to appropriate 44 acre-feet annually at a maximum diversion rate of 0.10 cubic feet of water per second from one well to be completed into the Minnelusa Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 33 for commercial use at a greenhouse and garden area and domestic use at a residence all located in the N 1/2 NW 1/4 Section 33; all in T2S-R7E. This is located approximately five miles west of Hermosa, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2766-2 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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/s/ Steven M. Pirner,
Secretary, Department of Environment and Natural Resources

(Published once at the total approximate cost of \$61.69).

Sheri Sponder 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 day for one successive day, the first publication there of being on the 30th day of Aug 2017 that the fees charged for the publication there of are 61 dollars and 69 cents.

Sheri Sponder

Subscribed and sworn to before me this 30th day of August, 2017.

[Signature]

Notary public

DUSTIN RICE

7/1/20

My commission expires



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 24, 2017 10:11 AM
To: custerchronicle@gwtc.net
Subject: 2766-2, Richard Nelson
Attachments: 2766-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 30, 2017.

Richard Nelson, 24624 Bridle Rein Dr, Hermosa SD 57744 (605 545-4584) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 24, 2017 10:12 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2766-2, Richard Nelson
Attachments: 2766-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 30, 2017.

Richard Nelson, 24624 Bridle Rein Dr, Hermosa SD 57744 (605 545-4584) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





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.**

August 24, 2017

Richard Nelson
24624 Bridle Rein Dr
Hermosa SD 57744

Dear Mr. Nelson:

Water Permit Application No. 2766-2 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 Custer County Chronicle printed at Custer SD (Ph # 605-673-2217) and 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.

NOTICE OF APPLICATION NO. 2766-2 to Appropriate Water

Notice is given that Richard Nelson, 24624 Bridle Rein Dr, Hermosa SD 57744 has filed an application for a water permit to appropriate 44 acre-feet annually at a maximum diversion rate of 0.10 cubic feet of water per second from one well to be completed into the Minnelusa Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 33 for commercial use at a greenhouse and garden area and domestic use at a residence all located in the N 1/2 NW 1/4 Section 33; all in T2S-R7E. This is located approximately five miles west of Hermosa, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2766-2 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 September 11, 2017.

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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 14 2017

Richard Nelson
24624 Bridle Rein Dr
Hermosa SD 57744

Dear Mr. Nelson:

Enclosed is Water Permit No. 2766-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An information sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Schlaak, Karen

From: Richard Nelson <richard71141surat@gmail.com>
Sent: Sunday, March 03, 2019 7:20 AM
To: Schlaak, Karen
Subject: Re: [EXT] Water use for permit no. 2766-2 change of ownership.

Same address: 24624 Bridle Rein Dr, Hermosa, SD 57744

Sent from my iPad

On Feb 19, 2019, at 6:55 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Do you have a mailing address for Matthew Dealy. I will then send him the Notice of Transfer of Ownership form to complete.

Thanks,
 Karen

From: Richard Nelson [<mailto:richard71141surat@gmail.com>]
Sent: Sunday, February 10, 2019 11:05 AM
To: Schlaak, Karen
Subject: Re: [EXT] Water use for permit no. 2766-2 change of ownership.

I have sold this property to Matthew Dealy. In the future he will be responsible for this well.

Sent from my iPad

On Jan 29, 2019, at 8:31 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Thank you for the information.

From: Richard Nelson [<mailto:richard71141surat@gmail.com>]
Sent: Tuesday, January 29, 2019 9:16 AM
To: Schlaak, Karen
Subject: [EXT] Water use for permit no. 2766-2

Water use per permit No. 2766-2

Water use in gallons for Sept, Oct. Nov. Dec.: 120,000 gal.

If you need more information, let me know.

Richard Nelson
 24624 Bridle Rein Dr
 Hermosa, SD
 57744
 Sent from my iPad



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 4, 2019

No. 2766-2

Matthew Dealy
24624 Bridle Rein Dr
Hermosa SD 57744

Dear Mr. Dealy:

Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change on Water Permit No. 2766-2. Richard Nelson has informed us that this property has been sold to you. A copy of Water Permit No. 2766-2 is attached for your records.

Please note qualification No. 2 on the permit requires the permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer. A letter will be sent to you each January requesting this amount. Please maintain the appropriate records of your water use for reporting purposes.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$50.00.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

MAR 18 2019

Ck# 3005

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAR 18 2019

WATER RIGHTS
PROGRAM

No.

2766-2

Date:

3-10-19

I/We request that Water Right/Permit No. 2766-2

formerly owned by: Richard Nelson

be transferred to: (name & address) x MATTHEW & DEIDRE DEALY

24624 BRIDLE REIN DR. HERMOSA, SD 57744

Telephone No. x 605-545-0852

Title to the following described land(s)/property has been transferred as described above:

one well - NW 1/4 NW 1/4 Section 33 for commercial and domestic use located in N 1/2 NW 1/4

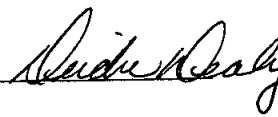
Section 33; all in T2S-R7E

I/We understand that the validity of Water Right/Permit No. 2766-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We x MATTHEW & DEIDRE DEALY, the new owner, certify that the above information is true and correct.

x  
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 18, 20 19

RECEIVED OF Matthew & Deidre Dealy 24624 Bridle Dr Hermosa SD 57744

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2766-2</u>		
Fee for _____	50	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	50 00

No. **09097**

By Jeanne Goodman
Chief Engineer
Jm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2019

2766-2

Matthew & Deidre Dealy
24624 Bridle Rein Dr
Hermosa SD 57744

Dear Mr. & Mrs. Dealy:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 2766-2.

The ownership change has been completed. The permit formerly held by Richard Nelson is now listed in your names.

Enclosed for your records is Receipt No. 09097 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure