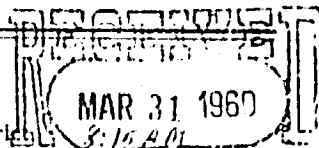


- 591-2
1. Considered January 7, 1969
 2. Name of Applicant Howard J. G. G. G.
 3. Post Office Address Wright City
 4. Amount of water claimed 0.334
 5. Source of water supply ground water (deep)
 6. Water to be used for Commercial
Acres to be irrigated _____
 7. Water to be diverted and used in Pennington County about
8 E miles 2 N of R. D.
 8. Proof of Publication Received ☒
Not Received _____
 9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 591-2

Water Division No. 2 Rapid Creek District
(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Howard J. Bartelsen
Postoffice address Ellsworth AFB, County Pennington, State South Dakota

I. If corporation _____

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors Howard J. Bartelsen, Owner

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Well to be drilled by contract. Pump installation by self and others.

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ Adequate

2. Name of diversion work Bartelsen Well No. 2

3. Amount of water claimed 0.334 cubic feet per second or 150 GPM

4. Source of water supply Deep Well

5. Location of point of diversion 1084.31 N. 75° 20' E. from the SW corner of Sec. 8,

T2N, R9E, B1M on _____ bank Pennington County.

6. Annual period or periods during which water is to be used Annually, year round, as needed.

7. To be used for:

I. Irrigation or domestic use. Gravity, overhead sprinkling or combination system? Pressure Tank Distribution System

(a) Number of acres to be irrigated None acres.

(b) Legal subdivisions to be irrigated None

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) Domestic use for shopping center and trailer court.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fire Protection
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____ rods. On property owned by others _____ rods to _____ hallow surface well) _____ all in same formation.

Map No 550-2

8. Estimated cost of work: See back of Form 2

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Deep well, pump and pipe line to existing storage reservoir.

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet:
Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 6 months years.

11. Time required for complete application of water to the proposed beneficial use 6 months years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

Rapid City Daily Journal ----- Rapid City, S. Dak.

STATE OF SOUTH DAKOTA

County of PENNINGTON } ss.

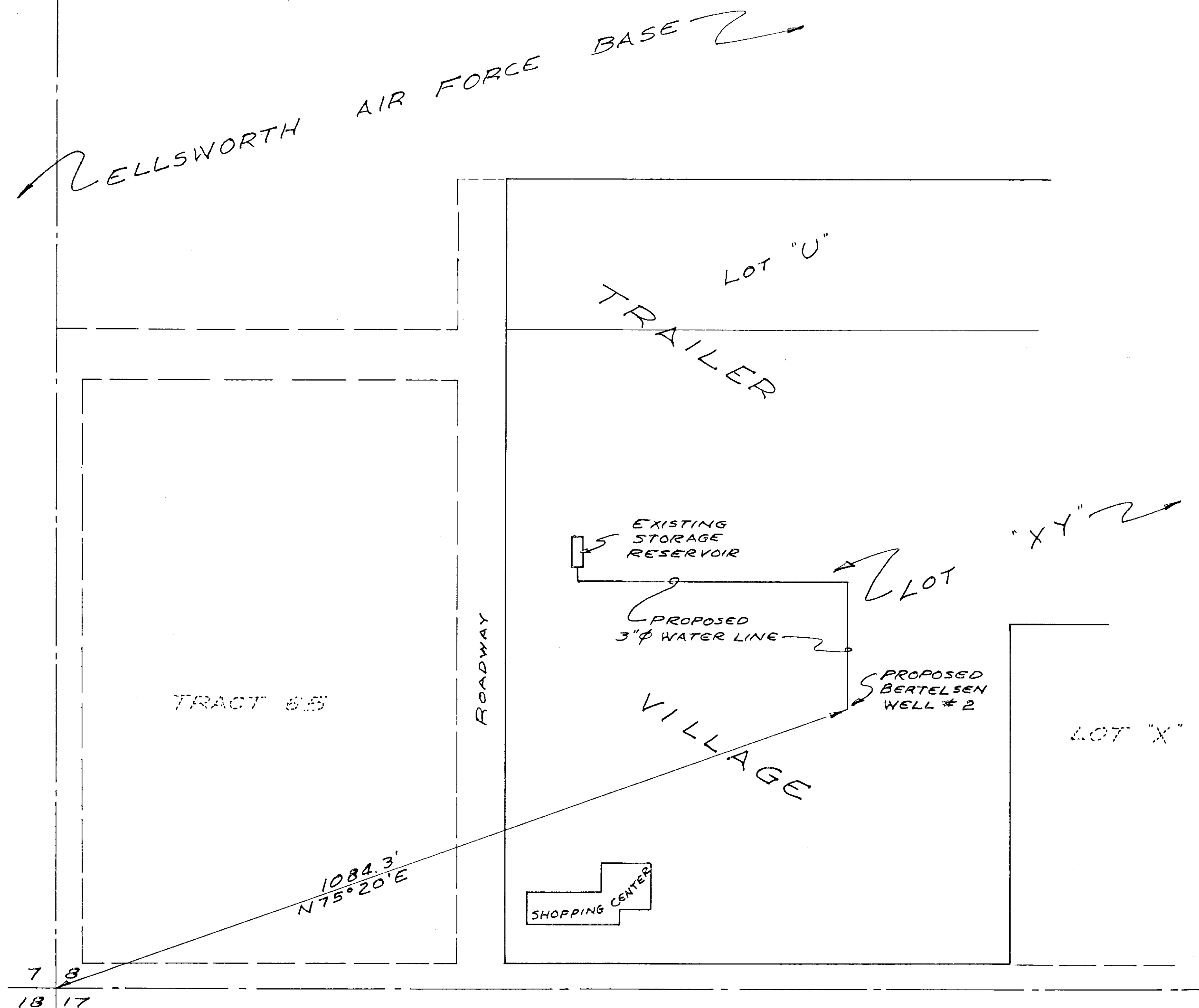
I, HOWARD BERTELSEN, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Howard Bertelsen

Subscribed and sworn to before me this 28th day of March 1960

W. L. Dwyer
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



MAP OF WELL SITE
SCALE $\rightarrow$ 1" = 100'

SURVEYOR'S CERTIFICATE

I, V. L. RUGG, A REGISTERED LAND SURVEYOR, DO
HEREBY CERTIFY THAT, AT THE REQUEST OF HOWARD
BERTELSEN, I DETERMINED THE LOCATION OF THE
SITE OF THE PROPOSED WELL & PREPARED THE ABOVE
MAP, WHICH IS A TRUE REPRESENTATION THEREOF.

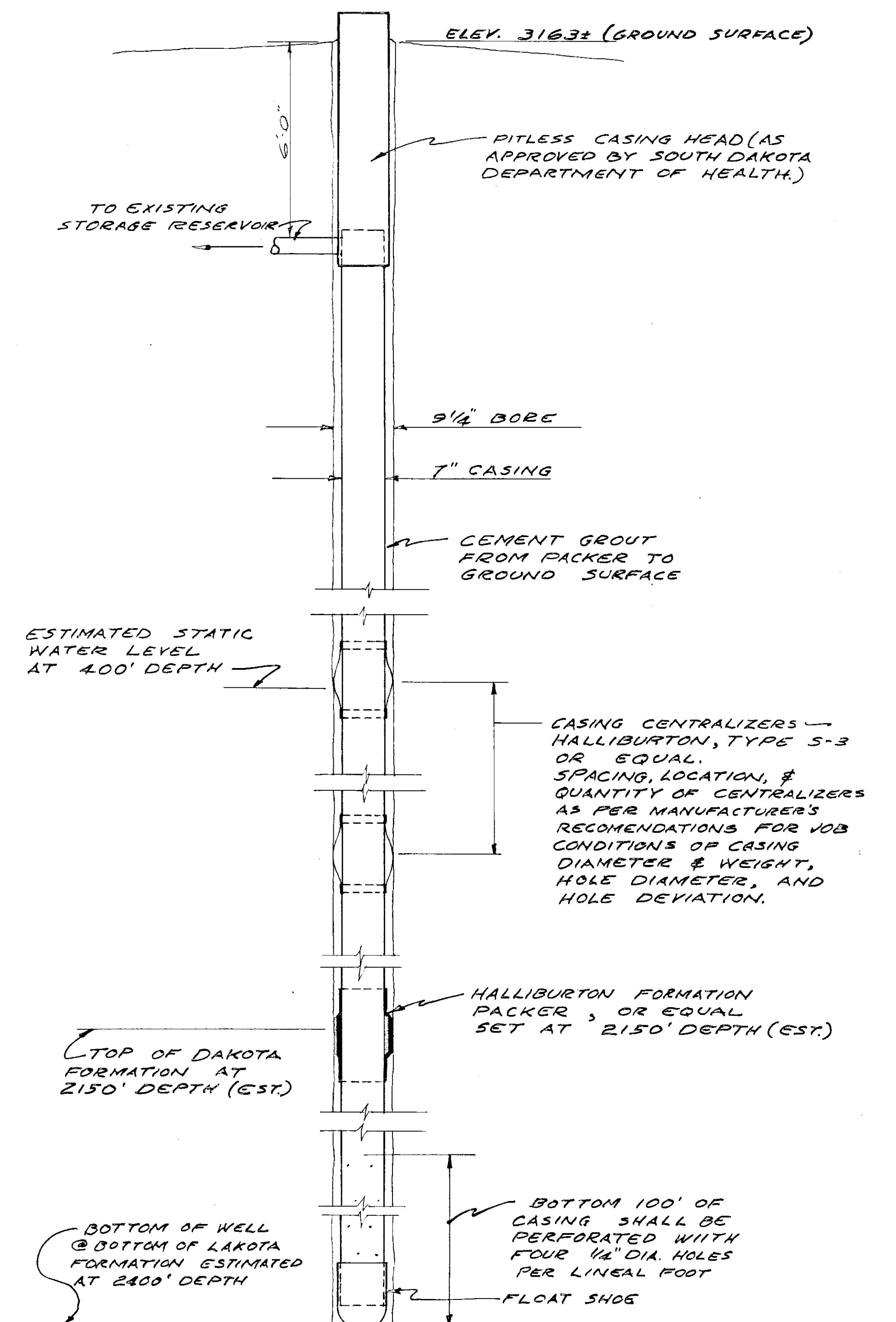
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
HAND AND SEAL THIS 29 DAY OF MARCH, 1960

V. L. Rugg
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 29 DAY OF MARCH, 1960.

Paul S. Johnson
NOTARY PUBLIC



WELL DETAILS
NO SCALE

LOCATION MAP & WELL DETAILS FOR APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BERTELSEN WELL NO. 2 LOCATED IN LOT "XY", SECTION 8, T2N, R9E, B.H.M.	
STAVEN ENGINEERING CO. RAPID CITY, S. DAK.	DATE MARCH, 1960 DRAWING NO. 60-23-1

Map # 550-2

(Appl. #591-2)

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota,

June 9, 1960

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

a.m. upon the 31st day of March, 1960

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 591-2

Date of first receipt of application March 31, 1960

Date of return to applicant for correction, amendments or changes required as follows: April 1, 1960

Date of receipt of corrected application April 5, 1960

Date from which applicant may claim right March 31, 1960

Approved June 8, 1960, Recorded in Book 6 Page 81

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 8, 1960

2nd. The whole of said work is to be completed on or before December 8, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

June 8, 1961

4th. The water appropriated shall be used for the purpose of Commercial use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .33 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops in the exercise of the best husbandry~~ and further, said appropriation must be limited to not more than ~~one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~ used as above noted and beneficially ~~applied for irrigation~~ on or before June 8, 1961; said water to be used during the following described annual period:

Continuously

Witness my hand this 9th day of June, 1960

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 26, 1971

Water License Issued APRIL 26, 1971

Remarks by the Applicant:

The demands of a shopping center and trailer court on the applicant's property have outgrown the capacity of the applicant's present shallow well, reportedly in the Fox Hills formation, to supply sufficient water. The applicant is presently, and has been for some time, hauling water from Rapid City to supplement the supply from the shallow well. The well to be drilled under this application is for the purpose of furnishing a more adequate water supply.

The location is adjacent to air base housing areas deriving their water from the base supply. Although most of the applicant's clientele are air base personnel, either military or civilian, he is unable to secure any portion of his water supply from the air base sources.

The estimated cost of the proposed installation is as follows:

Drilling, casing and cementing well.....	\$18,000.00
Pump: 60 GPM, to be presently installed.....	2,500.00
Supply line: Well to existing storage reservoir	2,000.00
	<u>\$22,500.00</u>

It is anticipated that future growth may require up to 150 GPM to satisfy the demand. In such case, it is recognized that the installation of a section of "Kobe" pre-packed gravel liner, or similar measures, will be required to control sand sloughing.

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III Well Specifications

(a) Hole and casing

Size of drill hole or excavation 9 1/2" Depth 2400'
Steel: Cemented from top of Dakota formation
 Type of casing to ground surface
 (wood, concrete, steel, etc.)
 Size of casing 7" O.D. Minimum Thickness of casing 0.231" 17"/LF, API Std.
 Length of casing 2400' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated Pipe
 Size of perforated screen Four 1/4" holes per LF 100'
 (diameter) (length)
 Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water 2150' Character of water bearing materials
Dakota Sands; top of formation, estimated depth, 2150'
Lakota Sands; bottom of formation, estimated depth, 2400'
Thickness of combined formations, 150'
Thickness of Fuson formations, 40' (Non-producing)
 Thickness of water bearing material Sands only 110'

(d) Pump and Motor

Type of pump Submersible deep well turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Not determined size Present - 60 GPM
Future - 150 GPM
 Kind of motor Electrical
 (gasoline, electric, diesel, etc.)
 Horsepower Present: 15 HP Name of Motor Not determined
Future: 40 HP

(e) Complete well

Capacity Present: 60 GPM 40' (est.)
Future: 150 GPM down to 200' (est.) Estimated cost \$21,000.00
\$27,000.00

(f) Owner of land upon which well is located Howard J. Bertelsen
 Name
Ellsworth Air Force Base, South Dakota
 Address

(g) Distance to nearest existing wells

On same owner's property 25 rods. On property owned by others 250 rods to
 (shallow surface well) all in same formation.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 591-2

(1) WHEREAS, On the 31st day of March A. D. 19 60

Howard J. Bertelsen

made Water Right Application No. 591-2 for a permit to use .33 cubic feet per second of the waters of ground water (Lakota)

County of Pennington, State of South Dakota, for commercial

purposes; and

(2) WHEREAS, On the 9th day of June A. D. 19 60

Permit No. 591-2, with a date of priority of March 31, 1960

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 8th day of December A. D. 19 60 and for the application to beneficial use of said water on or before the 8th day of June A. D. 19 61

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .16 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

water is used for commercial purposes in operation of a shopping center and
trailer court.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Howard J. Bertelsen

of Ellsworth Air Force Base, Rapid City, S.D.

the holder _____ and owner _____ of said permit No. 591-2 a water right, dating from March 31, 1960

_____ to use of .1E cubic feet per second of the waters

of ground water (Lakota)

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at 1084.3 feet, North 75° 20' East from the SW Corner,

Section 8, T2N, R9E

and ~~XXXXXXXXXXXX~~ conducted through the water distribution system

for the purpose of commercial use in operation of a shopping center and trailer park

Subject to any limitations listed in Water Right Permit No. 591-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 26th day of April A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 591-2

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Howard J. Bertelsen

_____ the holder _____ of
Permit No. 591-2, issued upon Application No. 591-2, bearing date of priority of March 31,
1960 authorizing the diversion of .33 cu. ft. per second of the waters of _____
ground water (Lexota) County of Pennington, State of South Dakota at _____
a point 1084.3 feet North 75° 20' East from the SW Corner, Section 1, T2N, R9E

_____, for commercial

purposes, has s complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .18 cu. ft. per second of water.

Date April 26, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication on or before May 12, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 22, 1960

Notice is hereby given that Howard J. Bertelsen whose postoffice address is Rapid City S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .33 cubic feet of water per second of time from the ground water through the Bertelsen Well #2, the point of diversion of which is to be located on the Lot xy of the SW 1/4 of Section 8 Twp. 2N Range 9E. Said water to be used for the purpose of providing domestic water for operation of trailer camp and shopping center lowing described land purpose

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of June, 1960, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: E.H. Lighter - Manager
Rapid City Daily Journal
Rapid City, South Dakota

By:

~~State Water Resources Commission~~
Burton F. Jones
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Rapid City Daily Journal a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____ City _____ of _____ Rapid City _____ County of _____

Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

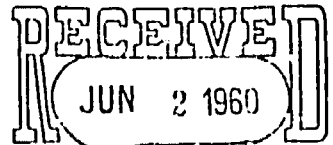
April 26
May 3
May 10
May 17

in each and every issue of the full number thereof, the first publication being made on the 26th day of April 1960 and the last publication on the 17th day of May 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this 17th day of May A. D. 1960

[Signature]
 Notary Public Pennington County, S. D.



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Apr. 26, May 3, 10, 17
APPROPRIATION OF WATER
 Office of State Water Resources
 Commission
 Pierre, S. Dak., April 23, 1960
 Notice is hereby given that Howard J. Bertelsen whose postoffice address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 33 cubic feet of water per second of time from ground water through the Bertelsen Well No. 2, the point of diversion of which is to be located in Lot 24 of the SW 1/4 of Section 4 Twp. 2N Range 9E. Said water to be used for the purpose of providing domestic water for operation of trader camp and shopping center.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1960, at 2 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any of all information presented.
 State Water Resources Commission
 By: Burton F. Jones
 Water Right Specialist

Permit No. 591-2Water Division 2 RAPID CREEK Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Howard J. Bertelsen
Ellsworth A.F.B., Rapid City, S.D. holder _____
 of Permit No. 591-2, bearing date of priority of March 31, 1960
 authorizing the diversion of 0.334 cu. ft. per second of the waters of ground water (Lakota formation)
 for Commerical purposes, in Pennington County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Well 2400 feet deep. Cased with 7 inch steel casing
 Well cemented to within 175 feet of bottom of well
 Static water level, 400 feet $\pm$
 Pump setting 600 feet
 Reel, 15 H.P. submersible pump

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

Underground distribution system
 20,000 gallon underground steel storage tank

C. Works used to apply water to beneficial use.

125 service connections

The system is in the following condition: good

The point of diversion is located 1084.3 feet North 75° 20' East from the SW Corner of
Section 8, T2N, R9E

The works are capable of diverting and conveying to the place of use 0.18
 cu. ft. per second of water which is to be used for Commercial purposes

Water has been put to beneficial use to the maximum extent as follows: _____
Used for commerical purposes as indicated

xxcomprising a total of xxxxxxxxxxxxxxxxx acres of landxx

February 16, 1971

Date

Donald Driscoll
 (Signature)
 DONALD DRISCOLL, Deputy Chief Engr., W.R.C.



Department of Water & Natural Resources

Joe Foss Building

Pierre, South Dakota 57501

Water Rights, Water Management Division

(605) 773-3352

November 20, 1979

John H. Shepard, Attorney
Morman, Smit, Shepard, Hughes & Wolsky
1134 Main Street, Box 29
Sturgis, South Dakota 57785

Dear Mr. Shepard:

This will acknowledge your letter concerning Bertelson Water Company, Water Permit No. 591-2 and the new well drilled by the City of Box Elder. We have investigated this matter and determined the following:

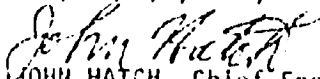
1. The well is finished into the Lakota Formation.
2. The City does not have a water permit for a Lakota Formation well. We have notified the City that since the original Permit No. 1608-2 authorizes a Madison Formation well, a new permit will be necessary.
3. The Box Elder well is approximately one mile from the Bertelson Water Company well.
4. The capacity of the pump installed is 160 gallons per minute.
5. The Bertelson Permit has a priority date of September 8, 1960 and is senior to any permit which may be issued to the City of Box Elder for a Lakota well.

Although the cones of depression from pumping both the Bertelson and Box Elder wells may overlap, with the one mile spacing and relatively low pumping rates, we do not anticipate adverse effects due to the Box Elder well. Prior to the time that a permit is issued, we expect to develop more information concerning any adverse effects.

Because of the present circumstances where the City is already the owner of an operating, but unauthorized well, any adverse effects on the Bertelson well with its existing pump setting, should have already occurred. It is fortunate for everyone involved that there has not been adverse interference.

Before the City can obtain a permit, advertising and a public hearing must occur and protection of the Bertelson supply, but not necessarily head pressure, must be provided for.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights, WMB

Equal Opportunity Employer

WATER RIGHTS DIVISION
(605) 773-3352

April 2, 1986

Pat Sutton
2420 Prairie Avenue
Rapid City, South Dakota 57701

Dear Ms. Sutton:

In reference to our telephone conversation of April 1, 1986, I have enclosed copies of the following: 1)

- 1) Well information submitted by the applicant with the application
- 2) The inspection report and
- 3) the Water License

We do not have a copy of the actual well log. You could try checking with Dr. J. P. Gries at the School of Mines in Rapid City. He may have the information you need.

I hope the above information is of some assistance to you. Please contact us if you have further questions.

Sincerely,

Genny McMath
Natural Resources

GL:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 15, 1989

591-2

St Goliard Investment Co
%Doyle Estes
516 5th Street
Rapid City, SD 57701

Dear Mr. Estes:

Our office was notified by Pat Sutton that you have purchased the Bertelsen Water Company and would like the water right transferred to your name.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 591-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



DOYLE D. ESTES
Attorney at Law

January 4, 1990

615 Kansas City Street, Box 330
Rapid City, SD 57709

(605) 343-3534
FAX (605) 343-4131

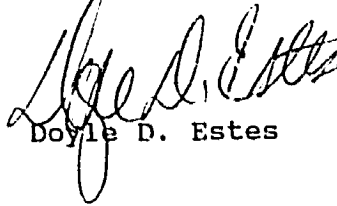
Ms. Jenny McMath
Natural Resources Analyst
S. D. Department of Water and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Dear Ms. McMath:

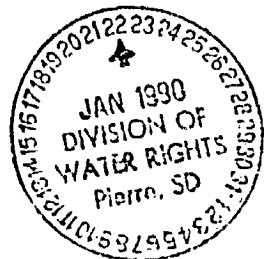
In accordance with your letter to me of November 15, 1989, I have enclosed herewith a duly executed Notice of Transfer of Water Permit. This relates to the ownership change on Water Right No. 591-2. I have also enclosed a check payable to the S.D. Department of Water and Natural Resources in the amount of \$2.50.

The owner of the water permit is a South Dakota corporation known as St. Goliard Investment Company, Inc. Please note the correct spelling of "St. Goliard". This water permit is operating under the business name known as Estes Water Company. I am the sole shareholder of all the outstanding shares of St. Goliard Investment Company, Inc. Please note that the address for St. Goliard Investment Company, Inc. has changed to P. C. Box 330, 615 Kansas City Street, Rapid City, SD 57709. If you would like to contact me during business hours, the phone number is 343-3534. Thank you.

Sincerely,


Doyle D. Estes

DDE/cs

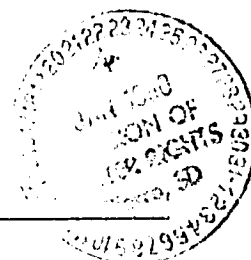


NO. 591-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/4/90



This is to notify you that the title to the lands described as follows:

Location of well: SW 1/4 Section 8, T2N, R9E

formerly owned by Howard J Bertelsen

has been transferred to St. Goliard, Inc. d/b/a Estes Water Company, P. O. Box 330,
615 Kansas City, Rapid City, SD (please include complete mailing address) 57709
together with any rights to the beneficial use of water thereon as evidenced by

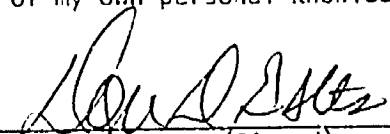
Water Right ~~Permit~~ No. 591-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

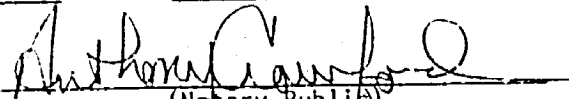
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

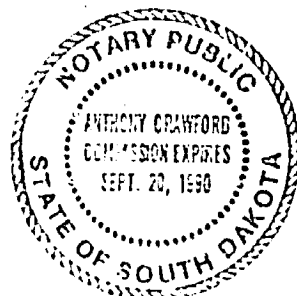
STATE OF SOUTH DAKOTA)
County of PENNINGTON) ss.

I, Doyle D. Estes being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.


(Signed)
Doyle D. Estes, President
St. Goliard, Inc.

Subscribed and sworn to before me this 4th Day of January, 1990.


(Notary Public)



RECEIPT

412050

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____

January 22, 19 90

RECEIVED OF St. Goliard, Inc. d/b/a Estes Water Company PO Box 330,
the following amount in fees for services rendered as provided for by law: Rapid City SD

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Right No. 591-2

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By John Hatch
Chief Engineer

JOHN HATCH *(signature)*

591-2

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 31, 1990

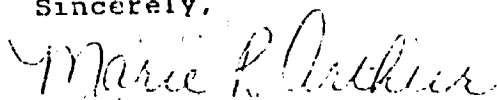
St. Goliard
d/b/a Estes Water Company
Box 330
Rapid City, SD 57709-0330

Dear Sirs:

Enclosed is Receipt No. 412050 in the amount of \$2.50 which you paid for transfer of Water Right No. 591-2.

Our records now reflect you as the owner of this Water Right.

Sincerely,



MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 15, 1990

591-2

Doyle Estes
PO Box 330
Rapid City, SD 57709

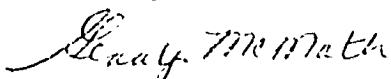
Dear Mr. Estes:

Enclosed is a copy of the "Report of Examination of Works" for Water Right No. 591-2. The information we have concerning the former Bertelsen Well is contained in this report.

We do not have a well log on file. Dr Gries, with the School of Mines in Rapid City may have a copy of the log. You can contact him at (605) 394-2461.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3381

November 19, 1993

A Wayne Vig
2 Hub Road
Box Elder, SD 57717

Dear Mr. Vig:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership". A form was completed, signed and received from Doyle Estes, however, the form needs to be signed by you, as the new owner.

Please sign the form in the presence of a notary public and return it to our office as soon as possible. The required filing fee was paid by Mr. Estes. Another fee will not be necessary.

During my telephone conversation with Mrs. Vig, she inquired about the EPA ID Number for the well. I checked with the office of Drinking Water and they have indicated the ID number is "0001".

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Resources Analyst
Water Rights Division
(605) 773-3352

enclosure

DOYLE D. ESTES
ATTORNEY AT LAW

BARBARA D. KEENER, LEGAL ASSISTANT

P.O. BOX 330
17 MAIN STREET
RAPID CITY, SD 57709-0330

MARY F. KARLEY, LEGAL ASSISTANT

OFFICE 605-343-3534
FAX 605-343-4131
HOME 605-348-754F

November 5, 1993

Ms. Genny McMath
South Dakota Department
of Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Genny:

Enclosed with this letter is a check payable to your department in the amount of \$2.50 relating to the transfer of water right number 591-2.

Also enclosed is a copy of the Bill of Sale by which St. Goliard Investment Company, Inc. has transferred its water rights to A. Wayne Vig. His address is 2 Hub Road, Box Elder, South Dakota 57719.

If you have any questions please contact me at your convenience.

Sincerely,

Doyle D. Estes

DDE:bk

Enclosed: Check
 Bill of Sale

591-2

BILL OF SALE



KNOW ALL MEN BY THESE PRESENTS:

That St. Goliard Investment Company, Inc., a South Dakota Corporation, for One Dollar (\$1.00) and other good and valuable consideration transfers unto A. Wayne Vig, South Dakota Water Right Number 591-2.

Dated at Rapid City, South Dakota, this ____ day of November, 1993.

ST. GOLIARD INVESTMENT COMPANY, INC.

By: *Doyle D. Estes*
Doyle D. Estes
Its: President

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF PENNINGTON)

On this the ____ day of November, 1993, before me the undersigned officer, personally appeared Doyle D. Estes, who acknowledged himself to be the President of St. Goliard Investment Company, Inc., a South Dakota Corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Barbara K. [Signature]
Notary Public

My Commission Expires: 1-21-98

(SEAL)

11/10/93 14:44 0057734088

SD/DENR

002

NOTICE OF TRANSFER OF OWNERSHIP

591-2

To: Chief Engineer
Water Rights Division, DENR
623 E. Capitol
Pierre, SD 57501 3181



No. 591-2

Date: November 15, 1993

I/We request that Water Right No. 591-2

formerly owned by: St. Gollard Investment Company, d/b/a Estes Water Company

be transferred to: (name & address) A. Wayne Vig

57719

2 Hub Road, Box Elder SD (Telephone No) 605-923-4785

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

I/We understand that the validity of Water Right No. 591-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of PENNINGTON)

I/We DOYLE D. ESTES being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

(Signed) DOYLE D. ESTES
President, St. Gollard Investment Company, Inc
93 d/b/a Estes Water
Company

Subscribed and sworn to before me this 15th day of November, 1993

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

591-2

DOYLE D. ESTES
ATTORNEY AT LAW

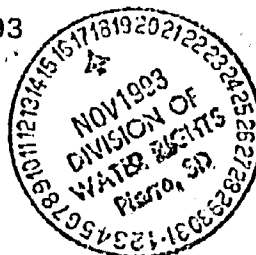
BARBARA D. KEENER, LEGAL ASSISTANT

MARY F. KARLEY, LEGAL ASSISTANT

P.O. BOX 330
17 MAIN STREET
RAPID CITY, SD 57709-0330

OFFICE 605-343-3534
FAX 605-343-4131
HOME 605-348-7546

November 15, 1993



Ms. Genny McMath
South Dakota Department
of Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

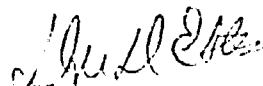
Ref: St. Gollard Investment Company, Inc. d/b/a Estes Water Company
Sale to A. Wayne Vig
Water Right No. 591-2

Dear Ms. McMath:

I have enclosed with this letter a duly executed Notice of Transfer of Ownership relative to the above matter. I have previously forwarded to you the transfer fee for this transaction.

If you have any questions, please advise. Thank you for your attention to this matter.

Sincerely,


Doyle D. Estes

DDE:bk

cc: A. Wayne Vig



591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

FAX TRANSMITTAL COVER PAGE

DATE: 8/26/93

TO: Doyle Estes

PHONE #: _____ FAX #: 343-4131

NUMBER OF PAGES INCLUDING COVER PAGE 2

MESSAGE: _____

FROM: DENR/ water Rights

PHONE #: 773-3352 FAX #: (605) 773-4068



591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

FACSIMILE TRANSMITTAL COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Doyle Estes

DESTINATION: _____

ADDRESS: _____

PHONE: (605) 343-3534 FAX: (605) 343-4131

MESSAGE: We received the fee for transfer of W.R. # 591-2,
but did not receive the completed form that was
previously faxed to you on 8/26/93. I have faxed
you another form which needs to be completed and
sent to our office

FROM: Genny McMath

AGENCY: DENR/WATER RIGHTS DIVISION

ADDRESS: JOE FOSS BUILDING, 523 EAST CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352 FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 2 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU.

591-2

Date: 11/29/93

(Telephone No) (605) 923-4785

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

591-2
413943

Pierre, _____ November 17, 19 93

RECEIVED OF Doyle D Estes, Attorney (A. Wayne Vig) PO Box 330, Rapid City, SD 57709
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Right No. 591-2		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John W. Hatch*
Chief Engineer



591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 16, 1993

No. 591-2

Doyle D. Estes, Attorney
P.O. Box 330
Rapid City, SD 57709

Dear Mr. Estes:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 591-2.

Our records now show A. Wayne Vig as the owner of Water Right No. 591-2.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

c: A. Wayne Vig, 2 Hub Road, Box Elder, SD 57719



591-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2006

591-2
1488-1

Al Todd
Public Works Director
City of Box Elder
520 N Ellsworth Rd #90C
Box Elder SD 57719

Dear Mr. Todd:

I am contacting you in follow-up to your email communication with Eric Gronlund with our program concerning the transfer of two water rights held by A Wayne Vig. I have included copies of the water rights in the event you do not have them.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 22, 2009

591-2
1488-1

Al Todd
Public Works Director
City of Box Elder
520 N Ellsworth Rd #90C
Box Elder SD 57719

Dear Mr. Todd:

This letter is in regard to Water Right Nos. 591-2 and 1488-1 currently listed in the name of A Wayne Vig (copies enclosed). Back in 2006, I mailed you "Notice of Transfer of Ownership" forms based on an email communication you had with Eric Gronlund in our office. I didn't realize until reviewing the files today that we did not receive anything back. Are the water rights still supposed to be transferred?

Enclosed is an additional set of forms for filing the ownership changes. The forms should be completed and returned to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Please be advised that the Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases will become effective July 1, 2009. The fee increase for an ownership change will be raised from \$2.50 to \$50.00. We will be required to assess the increased fee of \$50.00 (**each**) for any ownership change filed after July 1st.

To avoid having to pay the higher fee, please submit the enclosed transfer forms and remit the \$5.00 in filing fees as soon as possible. If the water rights are no longer supposed to be transferred, let me know.

Sincerely,

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

enclosures

591-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 31, 2013

591-2
1488-1

Al Todd
Public Works Director
City of Box Elder
420 Villa Dr
Box Elder SD 57719 2000

Dear Mr. Todd:

This letter is in regard to Water Right Nos. 591-2 and 1488-1 currently listed in the name of A Wayne Vig (copies enclosed). A review of these files found that you had spoken with Eric Gronlund back in 2006 concerning the need for ownership changes. The forms for filing the ownership changes were mailed to you in 2006 and again in 2009 but to date we have not received anything back from you. I have included copies of those letters for your review.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

We would like to get the water rights updated with current land ownership. Please take a few minutes to review the copies of the water rights and let us know whether or not the city still owns the wells. If the city of Box Elder does not own the wells or does not wish to have the water rights transferred, we need to know this so we can proceed with either contacting a new owner or possibly cancelling the water rights due to abandonment and/or forfeiture.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

enclosures

RECEIVED
AUG - 7 2013
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 591-2

Date: 08-02-2013

I/We request that Water Right No. 591-2

formerly owned by: A Wayne Vig

be transferred to: (name & address) CITY OF BOX ELDER

420 VILLA DR, BOX ELDER, SD 57719

Telephone No. 605 923-1404

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

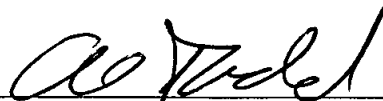
location of well: SW ¼ Section 8, T2N, R9E

I/We understand that the validity of Water Right No. 591-2 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 CITY OF BOX ELDER, the new owner, certify that the above information is true and AL TODD PW DIRECTOR correct.



(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

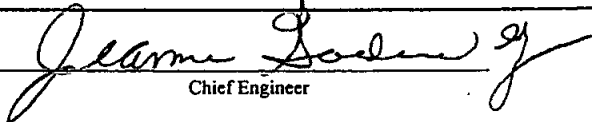
Date 8/7, 20 13

RECEIVED OF City of Box Elder 420 Villa Dr Box Elder SD 57719

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>591-2</u>		
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	50 00

No. **06398**

By 
Chief Engineer

591-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 2013

591-2
1488-1

Al Todd
Public Works Director
City of Box Elder
420 Villa Dr
Box Elder SD 57719 2000

Dear Mr. Todd:

I am writing to acknowledge receipt of the ownership changes and filing fees submitted for Water Right Nos. 591-2 and 1488-1.

The ownership changes have been completed. The water rights formerly held by A Wayne Vig are now listed as being held by the City of Box Elder.

Enclosed for your records are Receipt Nos. 06398 and 06399 in the amounts of \$50.00 each. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

enclosures