

**WATER PERMIT NO. 1518A-1**

Name of Applicant: Rod Woodruff

Address: PO Box 909, Belle Fourche SD 57717

Phone: 605 892-2033

Amount of Water Claimed: 0.10 cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Meade

Type of Waste Disposal System:

Location: Supplies Buffalo Chip Campground

PRIORITY

Date Received: 12-26-06

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: Amends the annual period of use to Jan 1 – Dec 31

Diversion Point: NE ¼ NE ¼ Sec 8-T5N-R6E

Land to be Irrigated: NA

Depth of Well: 1250 feet deep

Well Driller: : Graf Drilling

Remarks:

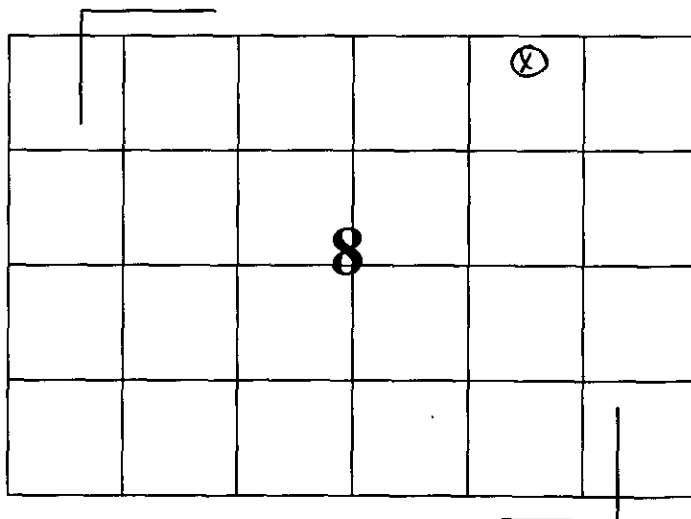
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 1-2-07

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



FORM 2: Application for uses other than irrigation  
(type or print)

|                                                                                                                    |                                                                         |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>1518A-1</u> (office use only)<br>Hydrologic Unit <u>10120202</u> |
|                                                                                                                    | Basin <u>Belle Fourche River</u>                                        |
|                                                                                                                    | Newspaper <u>Meade Co. Times Sturgis</u><br><u>SD 57785</u>             |

RECEIVED  
DEC 26 2006  
WATER RIGHTS  
PROGRAM

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

Check use(s) of water:

|                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial            | <input type="checkbox"/> 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. 1518-1

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

To amend annual period from May 1 - Aug. 31 to be Jan. 1 to Dec. 31

1. Name of Applicant Rod Woodruff Phone 605-892-2033  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address PO Box 909 Belle Fourche State SD 57717  
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.10 \*CFS or 45 \*\*GPM \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Inyan Kara Formation
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade  
600' W and 230'S of the NE corner Section 8-T5N-R6E (NE1/4NE1/4)
5. County or counties where water will be used Meade
6. Annual period during which water is to be used January 1 to December 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)  
See description of amendment above.

STATE OF SOUTH DAKOTA)

County of Butte SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Rod Woodruff, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Rod Woodruff

Subscribed and sworn to before me this 21<sup>st</sup> day of December 20 06

Wicky L. Hauck  
Notary Public signature

my commission expires: 11-2-08



**SOUTH DAKOTA  
WATER PERMIT NO. 1518A-1**

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Date of first receipt of application December 26, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1518A-1 to Rod Woodruff, PO Box 909, Belle Fourche SD 57717 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. 1518A-1 amends Water Right No. 1518-1 to reflect annual use. Water Right No. 1518-1 appropriates 0.10 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Formation (1285 feet deep) located in the NE ¼ NE ¼ Section 8-T5N-R6E.
2. The water appropriated shall be used for the purpose of commercial use at the Buffalo Chip Campground 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. 1518A-1 is March 12, 2007.
5. The date from which applicant may claim right is February 8, 1991 (May 1 – August 31) and December 26, 2006 (September 1 – April 30).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATION**

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

**WATER MANAGEMENT BOARD**

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

APR 13 2007  
date



# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1518A-1

(1) Rod Woodruff, PO Box 909, Belle Fourche SD 57717 made Application No. 1518A-1, December 26, 2006 for a water permit to amend Water Right No. 1518-1, Lawrence County, South Dakota for commercial purposes. Permit No. 1518A-1, with a priority date of December 26, 2006 was approved March 12, 2007 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

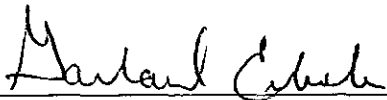
Water Right No. 1518-1 with a priority date of February 8, 1991 authorized an annual period of use from May 1 – August 31. Water Permit No. 1518A-1 authorized an annual period of use for the remainder of the year which includes September 1 – April 30. The applicable portions of No. 1518-1 are incorporated into No. 1518A-1.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 1518A-1 is issued a license, bearing priority dates of February 8, 1991 (May 1 – August 31) and December 26, 2006 (September 1 – April 30) to appropriate 0.10 cubic feet of water per second from groundwater (one well) for commercial use at the Buffalo Chip Campground.

The diversion point is located: 600 feet west and 230 feet south of the northeast corner Section 8-T5N-R6E (NE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1518A-1 including the following now applicable qualification:

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



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

APR 13 2007

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1518A-1, Rod Woodruff**

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. 1518A-1, Rod Woodruff, PO Box 909, Belle Fourche SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 1518A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Garland Erbele, Chief Engineer  
February 13, 2007



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 20 07

RECEIVED OF Buffalo Chip Camground LLC, PO Box 909, Belle Fourche SD 57717

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

|                                                                                                                         |       |        |
|-------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>1518A-1</u> to Appropriate Water, to construct and to put water to beneficial use | 50    | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                            |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1518A-1</u>            | 50    | 00     |
| Fee for Filing Transfer Form _____                                                                                      |       |        |
| Fee for _____                                                                                                           |       |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                     |       |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                      |       |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                  |       |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                               |       |        |
| (Any Other Work Provided by Law)                                                                                        | TOTAL | 100.00 |

No.

02754

By

David E. Ebel

Chief Engineer

gm

WATER PERMIT APPLICATION NOS. 1518A-1, 1718A-1 AND 1780A-1  
ROD WOODRUFF  
JANUARY 8, 2007

Water Permit Application No. 1518A-1 proposes to amend Water Right No. 1518-1 by extending the annual period during which water may be used from the current May 1 through August 31, to annual use. Water Right No. 1518-1 appropriates 0.10 cubic feet of water per second (cfs) from one well completed into the Inyan Kara aquifer (1,285 feet deep) located in the NE¼ NE¼ Section 8, T5N-R6E. This application does not propose to increase the diversion rate authorized for the existing well. The water is for commercial use at the Buffalo Chip Campground.

Water Permit Application No. 1718A-1 proposes to amend Water Right No. 1718-1 by extending the annual period during which water may be used from the current June 1 through September 30, to annual use. Water Right No. 1718-1 appropriates 0.04 cfs from one well completed into the Inyan Kara aquifer (1,296 feet deep) located in the SW¼ NE¼ Section 8, T5N-R6E. This application does not propose to increase the diversion rate authorized for the existing well. The water is for commercial use at the Buffalo Chip Campground.

Water Permit Application No. 1780A-1 proposes to amend Water Permit No. 1780-1 by extending the annual period during which water may be used from the current May 1 through August 31, to annual use. Water Right No. 1780-1 appropriates 17 acre-feet annually at a diversion rate of 0.444 cfs, from one well completed into the Madison aquifer (3,080 feet deep) located in the NE¼ NW¼ Section 8, T5N-R6E. This application does not propose to increase the diversion rate authorized for the existing well or an increase of the annual volume of water that can be withdrawn. The water is for commercial use at the Buffalo Chip Campground.

**AQUIFER** <sup>1518A-1 & 1718A-1</sup>: **Inyan Kara aquifer (INKR)**  
**AQUIFER** <sup>1780A-1</sup>: **Madison aquifer (MDSN)**

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

## **WATER AVAILABILITY**

The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“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.”

Water Right No. 1518-1 authorizes the diversion of 45 gallons per minute continuously for 122 days, or approximately 24 acre-feet annually. If the amendment proposed by Water Permit Application No. 1518A-1 is approved, the theoretical maximum withdrawal would be approximately 72 acre-feet annually (45 gpm continuously for 365 days), or an increase withdrawal of approximately 48 ac-ft./yr. In actuality, the increase would be more like 29-34 ac-ft/yr (60-70% pumping)

Water Right No. 1718-1 authorizes the diversion of 18 gallons per minute continuously for 121 days, or approximately 10 ac-ft/yr. Water Permit Application No. 1718A-1 proposes to allow withdrawals year-round for a theoretical maximum withdrawal of approximately 29 ac-ft/yr. Therefore the increased appropriation amounts to approximately 19 ac-ft/yr. The actual increased withdrawals would be closer to 11-13 ac-ft/yr.

The water permit amendment proposed by application No. 1780A-1 will not increase the volume of water authorized for withdrawal (17 ac-ft/yr).

The volume of water represented by these permit applications is minuscule in regard to the amount of water that is available from the aquifers (Goodman, 1991), (Buhler, 2000) and (Buhler, 2003). Unappropriated water is available from the Inyan Kara and Madison aquifers in this area.

## **AFFECTS ON EXISTING RIGHTS:**

### **Water Permit Applications Nos. 1518A-1 and 1718A-1**

There are six existing Water Permits/Rights belonging to others, that appropriate water from the Inyan Kara aquifer within approximately two and one-half miles of the wells that will supply Water Permit 1518A-1 and Water Permit No. 1718A-1, if approved. They are shown in table one.

| <b>PERMIT NO</b> | <b>NAME</b>               | <b>STATUS</b> | <b>AQUIFER</b> | <b>USE</b> | <b>CFS</b> |
|------------------|---------------------------|---------------|----------------|------------|------------|
| 1724-1           | MICHAEL BALLARD           | PE            | INKR           | COM        | 0.09       |
| 1487-1           | GLENCOE CAMP<br>RESORT    | LC            | INKR           | COM        | 0.27       |
| 1615-1           | GLENCOE CAMP<br>RESORT    | LC            | INKR           | COM        | 0.00       |
| 1804-1           | ROSS LAMPHERE             | PE            | INKR           | COM        | 0.10       |
| 1742-1           | HENRY OR CONNIE<br>PETERS | PE            | INKR           | COM        | 0.10       |
| 1706-1           | CITY OF STURGIS           | LC            | INKR           | MUN        | 0.06       |

Table 1. Inyan Kara Water Rights/Permits not belonging to Rod Woodruff within 2.5 miles of 1518A-1 and 1718A-1

If Water Permit No. 1518A-1 is approved, diversions from the well that take place between September 1 and April 30, will have a December 12, 2006, priority date and the water use will be junior to the existing Water Rights/Permits.

If Water Permit No. 1718A-1 is approved, diversions from the well that take place between October 1 and May 31, will have a December 12, 2006, priority date and the water use will be junior to the existing Water Rights/Permits.

In addition to the wells that supply the appropriative rights listed in Table one, there are a number of domestic wells completed into the Inyan Kara aquifer in this area. The Inyan Kara aquifer is under artesian conditions in this area and wells completed into the aquifer will flow at the land surface throughout much of this area, therefore, interference between wells may be measurable. However, since the diversion rates associated with Water Permit No. 1518A-1 and Water Permit 1718A-1 are relatively small, and the distance between wells is sufficient, the impacts of these appropriations on existing wells will be minimal. The wells (domestic and appropriative) are generally constructed so that a pump can be lowered.

#### **Water Permit Application No 1780A-1**

There is only one water permit appropriating water within approximately four miles of the well that is to be used to supply water to Water Permit No. 1780A-1, it is Water Permit No. 1858-1, Glencoe Camp Resort Inc. Interference between wells is not expected to be an issue.

Since Water Permit Application No. 1780A-1 does not propose an additional diversion rate or volume, diversions made between September 1 and April 30 will retain the original priority date. Therefore, all of the diversions made under the authority of Water Permit No. 1780-1 and Water Permit No. 1780A-1 will have seniority over diversions authorized by Water Permit No. 1858-1.

#### **TERM LIMITATION:**

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

(1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and

(2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing these permits without a term limitation of 20 years.

Water Permit No. 1718A-1 does not authorize construction of works to withdraw water from the Madison formation. Therefore, if Water Permit No. 1718A-1 is issued it could be without a 20 year term limit.

#### **CONCLUSIONS:**

1. Water Permit Application Nos. 1518A-1, 1718A-1 and 1780A-1, if approved, do not increase the diversion rates authorized for the water rights/permits to be amended (Nos. 1518-1, 1718-1 & 1780-1).
2. Water Permit Application Nos. 1518A-1 and 1718A-1 propose to increase the volume of water withdrawal from the Inyan Kara aquifer by a maximum of 77 acre-feet annually.

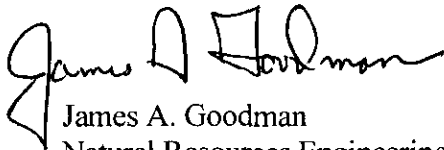
3. Water Permit Application No. 1780A-1 does not propose to increase the volume of water withdrawn annually from the Madison aquifer.
4. There is a reasonable probability that unappropriated water is available from the Inyan Kara and Madison aquifers to supply these permits.
5. Existing water rights, including domestic users, will not be adversely affected by the approval of Water Permit Application Nos. 1518A-1, 1718A-1 and 1780A-1.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

#### **REFERENCES:**

Buhler, K.A., 2000, Report for Water Permit Application No. 1718-1, Rod Woodruff, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Buhler, K.A., 2003, Report for Water Permit Application No. 1780-1, Rod Woodruff, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Goodman, J.A., 1991, Report for Water Permit Application No. 1718-1, Rod Woodruff, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006b, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006c, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )

County of Meade ) SSI, Pam Buhler

certify that the attached printed Notice was taken

from the Meade Co Times  
Tribuneprinted and published in SturgisCounty of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Feb 21, 07Feb 28, 07Cost of Printing \$55.21Pam Buhler  
(Signature)Office Manager  
(Title)Feb 28 2007  
(Date Signed)**NOTICE OF APPLICATION NOS.****1518A-1, 1718A-1 and 1780A-1**

Notice is given that Rod Woodruff, PO Box 909, Belle Fourche SD 57717 has filed applications to amend existing Water Right/Permit Nos. 1518-1, 1718-1 and 1780-1 to reflect annual use. Currently, the annual period of use is restricted to the summer season. The water is for commercial use at the Buffalo Chip Campground.

Water Right No. 1518-1 appropriates 0.10 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Formation (1285 feet deep) located in the NE1/4 NE1/4 Section 8-T5N-R6E. Water Right No. 1718-1 appropriates 0.04 cfs from one well completed into the Inyan Kara Formation (1296 feet deep) located in the SW1/4 NE1/4 Section 8-T5N-R6E. Water Permit No. 1780-1 appropriates 0.444 cfs (17 acre-feet annually) from one well completed into the Madison Aquifer (3080 feet deep) located in the NE1/4 NW1/4 Section 8-T5N-R6E. Application Nos. 1518A-1, 1718A-1 and 1780A-1, if approved, do not increase the diversion rates authorized by each permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1518A-1, 1718A-1 and 1780A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 March 12, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Meade County Times-Tribune**  
**Publ. Feb. 21 & 28, 2007**

RECEIVED  
MAR - 2 2007  
WATER RIGHTS  
PROGRAM



February 13, 2007

Meade Co Times-Tribune  
PO Box 69  
Sturgis SD 57785-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 1518A-1, 1718A-1 and 1780A-1 to Appropriate Water to be published twice. Please publish the first notice on February 21, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Rod Woodruff, PO Box 909, Belle Fourche SD 57717 (Ph # 605 892-2033).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

No. 1518A-1, 1718A-1 and 1780A-1

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

Date \_\_\_\_\_

We are in receipt of your letter of February 13, 2007 enclosing Notice to Appropriate Water by Application Nos. 1518A-1, 1718A-1 and 1780A-1 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

February 13, 2007

Rod Woodruff  
PO Box 909  
Belle Fourche SD 57717

Dear Mr. Woodruff:

Water Permit Application Nos. 1518A-1, 1718A-1 and 1780A-1 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Meade Co Times-Tribune printed at Sturgis, SD (Ph # 605 347-2503). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on February 21, 2007 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF APPLICATION NOS. 1518A-1, 1718A-1 and 1780A-1

Notice is given that Rod Woodruff, PO Box 909, Belle Fourche SD 57717 has filed applications to amend existing Water Right/Permit Nos. 1518-1, 1718-1 and 1780-1 to reflect annual use. Currently, the annual period of use is restricted to the summer season. The water is for commercial use at the Buffalo Chip Campground.

Water Right No. 1518-1 appropriates 0.10 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Formation (1285 feet deep) located in the NE ¼ NE ¼ Section 8-T5N-R6E. Water Right No. 1718-1 appropriates 0.04 cfs from one well completed into the Inyan Kara Formation (1296 feet deep) located in the SW ¼ NE ¼ Section 8-T5N-R6E. Water Permit No. 1780-1 appropriates 0.444 cfs (17 acre-feet annually) from one well completed into the Madison Aquifer (3080 feet deep) located in the NE ¼ NW ¼ Section 8-T5N-R6E. Application Nos. 1518A-1, 1718A-1 and 1780A-1, if approved, do not increase the diversion rates authorized by each permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1518A-1, 1718A-1 and 1780A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 March 12, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

1518A-1  
1718A-1  
1780A-1

Rod Woodruff  
PO Box 909  
Belle Fourche SD 57717

Dear Mr. Woodruff:

Enclosed are Water Permit Nos. 1518A-1, 1718A-1 and 1780A-1 which amend the existing permits to reflect annual use. Also, enclosed are Water License Nos. 1518A-1 and 1718A-1.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by these water rights, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. At some future time, we will schedule an inspection of Water Permit No. 1780A-1 so the water license may issued.

If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 1518-1 are incorporated into Water License No. 1518A-1.  
The applicable portions of No. 1718-1 are incorporated into Water License No. 1718A-1.

enclosures