

WATER PERMIT NO. 1710-1

Name of Applicant: Rush-No-More Campground

Address: HC 75, Box 492, Sturgis SD 57785

Phone: 605 347-2916

Amount of Water Claimed: 0.056 cfs (25 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Meade

Type of Waste Disposal System: septic systems

Location: 5 miles southeast of Sturgis

PRIORITY Date Received: 1-31-2000

Fee: \$50

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 1-T4N-R5E

Land to be Irrigated: NA

Depth of Well: 860 feet deep

Well Driller: : Cimarron Drilling

Remarks: well log not on file

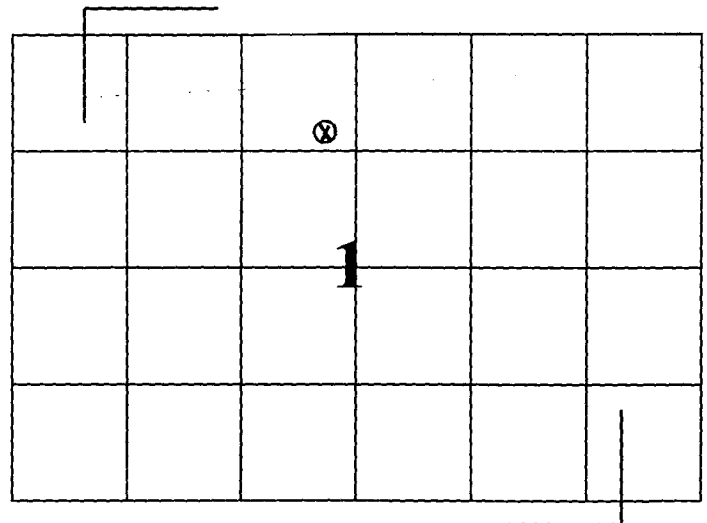
Type of Map: plat

Prepared by: Meric D Gigear, RLS

Reviewed and the Number Assigned on: 1-31-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1710-1**

Date of first receipt of application January 31, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1710-1 to Rush-No-More Campground, HC 75 Box 492, Sturgis SD 57785 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. 1710-1 appropriates 0.056 cubic feet of water per second (25 gallons per minute) from one well (Madison Formation) 860 feet deep located in the NE ¼ NW ¼ Section 1-T4N-R5E.
2. The water appropriated shall be used for the purpose of supplying water for domestic and commercial uses 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. 1710-1 is April 17, 2000.
5. The date from which applicant may claim right is January 31, 2000.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1710-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1710-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. 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

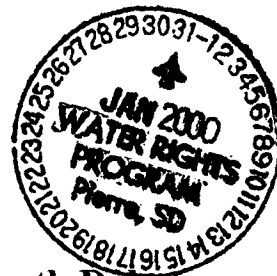
MAY 12 2000

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1710-1</u>	(office use only) Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times-Tribune, Sturgis, SD</u>	



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☒ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

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

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

- Name of Applicant Rush-Na-Mare Camp Phone 605-347-2916
(check one) Owner ☐ Tenant/lessee ☒
Mailing Address HC-75 Box 492 Sturgis State SO DAK 57725
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.056 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Deep Well #1 Madison Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 of NE 1/4 Sec 1 (NE 1/4 NW 1/4)
T-4N R-5E B4M County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used YEARLY, PEAK in Aug. June 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)
X

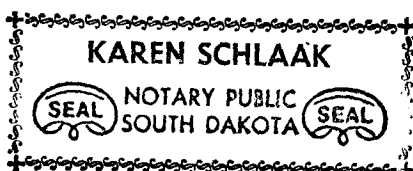
STATE OF SOUTH DAKOTA)
County of Hughes SS

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, James Hemmah, 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.

Signed James Hemmah

Subscribed and sworn to before me this 31st day of January 19 2000



Karen Schlaak
Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 860'
- b) Casing Type Steel Diameter 5 1/2" Thickness .250
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 800' MADISON
- f) Depth to Water (ground surface to water level) 500'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 400'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) 4 septic systems
- b) System Capacity (gallons) _____ Year Constructed 1995-1997
- c) Connected to the City of X Sanitary System _____

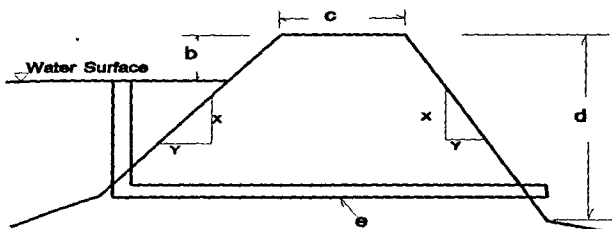
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416371

Pierre, January 31, 2000

RECEIVED OF Rush-No-More Campground, HC 75, Box 492, Sturgis, SD 57785
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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

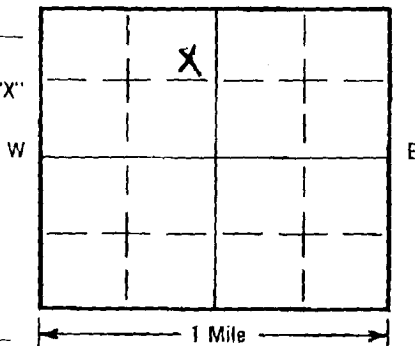
By Shirley Erbelle
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 1 Twp 4-N Rg 5-E
 County Meade

Please mark well location with an "X"



Well Completion Date

8 - 1990

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 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>15.5</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>802</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>140</u>	<u>94 lb./gal</u>	<u>0</u> ft	<u>802</u> ft
<u>Type III</u>		_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure grout thru casing w mud pump displace w water

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine Pellets

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

OWNER TO Complete

Well Owner: Jim Hemmiah
 Business Name: RUSH-NO-MORE Campground
 Address: HC 75 Box 492
Sturgis S.D. 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Spearfish</u>	<u>0'</u>	<u>175'</u>
<u>Minnekahta</u>	<u>175'</u>	<u>220'</u>
<u>Opeche</u>	<u>220'</u>	<u>350'</u>
<u>Minnekahta</u>	<u>350'</u>	<u>790'</u>
<u>Madison</u>	<u>790'</u>	<u>860'</u>

STATIC WATER LEVEL 495 Feet

If flowing: _____ PSI

GPM _____ inch pipe

Controlled by _____ Valve _____ Reducers ☐ Other _____

Reduced _____ GPM

Casing well _____

WELL TEST DATA: Air developed.☐ Pumped Describe: _____☐ Bailed _____☒ Other _____

Pumping Level Below Land Surface

650 ft. Alter 2 Hrs. Blew 25 GPM850 ft. Alter 2 Hrs. Blew 45 GPM

If pump installed, pump rate _____ GPM

REMARKS This report done frommemory 10 yrs after wellwas completed. ORIGINAL reportlost.This well was drilled under license # 568

And this report is true and accurate.

Drilling firm CIMARRON Drilling Inc

Signature of License Representative _____

Michael J. Dauterch 2/8/2000

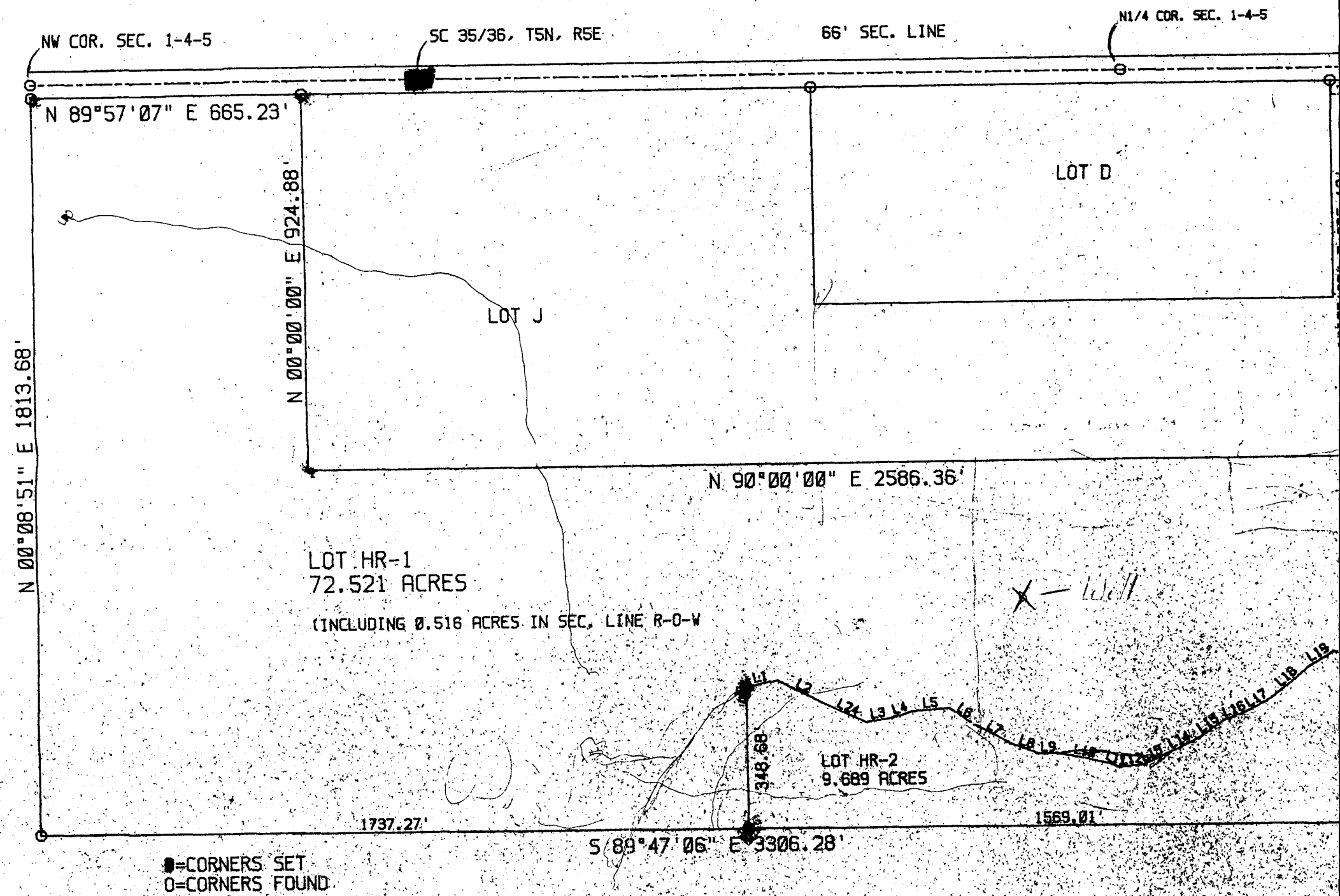
Signature of Well Owner or Equitable Property Holder: _____

Date: _____

PLAT OF

LOTS HR-1 AND HR-2, CARLSTEN SUBDIVISION, A REPLAT
OF LOT HR, ALL A PART OF THE NW1/4 AND NE1/4 OF
SECTION 1, T4N, R5E, B.H.M., MEADE COUNTY,
SOUTH DAKOTA

6X18 PG 2



LINE	DIRECTION	DISTANCE
L1	N 77°52'21" E	77.24
L2	S 62°16'04" E	131.98
L3	N 82°19'11" E	63.50
L4	N 71°38'60" E	54.21
L5	N 86°36'19" E	89.05
L6	S 56°18'36" E	72.11
L7	S 80°58'43" E	102.96
L8	S 70°20'46" E	74.33
L9	S 90°00'00" E	45.00
L10	S 78°41'24" E	127.48
L11	S 69°23'09" E	31.54
L12	N 68°00'37" E	62.71
L13	N 65°21'57" E	60.69
L14	N 64°27'29" E	91.44
L15	N 55°02'49" E	75.38
L16	N 68°38'10" E	61.55
L17	N 60°36'03" E	65.12
L18	N 49°14'17" E	120.30
L19	N 59°05'36" E	65.98
L20	S 60°58'14" E	82.71
L21	N 90°00'00" E	50.00
L22	N 90°00'00" E	66.00
L23	N 90°00'00" E	50.00
L24	S 65°19'15" E	108.28
L25	S 89°59'43" E	49.99



1710-1

PLAT OF

LOTS HR-1 AND HR-2, CARLSTEN SUBDIVISION, A REPLAT
OF LOT HR, ALL A PART OF THE NW1/4 AND NE1/4 OF
SECTION 1, T4N, R5E, B.H.M., MEADE COUNTY,
SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Meric D. Giger, Registered Land Surveyor #1007, do hereby certify that this plat was made from notes taken during an actual field survey and that to the best of my knowledge and belief it correctly represents the lands involved, their dimensions and the monumenting thereof as requested by the owner. In witness whereof, I have hereunto set my hand and official seal.

Meric D. Giger
Meric D. Giger P.L.S. #1007

OWNERS CERTIFICATE

We, James A. Hemmah and Beverly Hemmah, owners of the lands herein described as Lots HR-1 and HR-2, Carlsten Subdivision, a part of Lot HR, all a part of the NW1/4 and NE1/4 of Section 1, T4N, R5E, B.H.M., Meade County, South Dakota, do hereby approve this plat. We hereby dedicate a strip of land seven and one-half feet in width along and on either side of all lot lines for the installation and maintenance of utilities. All public right-of-way shown hereon is hereby dedicated to public right-of-way.

James A. Hemmah
Owner

Beverly Hemmah
Owner

ACKNOWLEDGEMENT OF THE OWNER

Be it remembered that on this _____ day of _____, 1993, before me, the undersigned, a Notary Public, personally appeared James A. and Beverly Hemmah, known to me to be the owners of the lands included in this plat. My Commission Expires _____

Erika Giger
Notary Public

CERTIFICATE OF THE COUNTY TREASURER

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

I, Hope E. Septka, Treasurer of Meade County, do hereby certify that all taxes which are liens upon the lands included in this plat have been fully paid to date.

Meade County Treasurer

OFFICE OF THE DIRECTOR OF EQUALIZATION

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

I, Kirk T. Chiffie, Director of Equalization, do hereby certify that I have received a copy of this plat.

Director of Equalization

HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

The location of the proposed access roads abutting the county or state highway as shown hereon is hereby approved. Any change in the proposed access shall require additional approval.

OFFICE OF THE PLANNING COMMISSION

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

Approved by the Meade County Planning Commission this _____ day of _____, 1993.

ATTEST:

Chairman, Planning Commission

Secretary, Planning Commission

MEADE COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

We, the undersigned, as authorized representatives of the Meade County Commissioners, do hereby certify that we approve this plat.

ATTEST:

Chairman, Meade County Commission

Meade County Auditor

OFFICE OF THE REGISTER OF DEEDS

STATE OF SOUTH DAKOTA, COUNTY OF MEADE

Filed for record this _____ day of _____, 1993, at _____ o'clock _____ m. and recorded in BOOK _____ of plats on PAGE _____ therein.

1710-1

WATER PERMIT APPLICATION NO. 1710-1
RUSH-NO-MORE CAMPGROUND
MARCH 15, 2000

Water Permit Application No. 1710-1 proposes to appropriate an additional 0.056 cubic feet of water per second (25 gallons per minute) from one well (Madison Formation) 860 feet deep located in the NE¼ NW¼ Section 1, T4N-R5E. The water is for domestic use and commercial uses at the campground.

AQUIFER: Madison Aquifer (MDSN)

General Information:

The Madison Aquifer is a massive, carbonate (limestone and dolomite) aquifer, which underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer system and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981).

The Madison outcrop is located within one mile of this well site (Darton, 1925), but the top of the aquifer is reported to be approximately 790 feet below ground surface. The Madison is generally considered an excellent aquifer both in terms of quality and quantity near the outcrop (recharge area).

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer. A Madison observation well (MD-90A) is located approximately 3 miles southeast of this site at Tilford and a Madison observation well (MD-86A) is located approximately 4.5 miles northwest of this site at Sturgis. Records from the observation wells indicate the potentiometric surface of the aquifer fluctuates 30-40 feet per year near the recharge area, in response to seasonal and climatic variations. Observation well data suggest that at the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

AFFECTS ON EXISTING RIGHTS:

Since the Madison is under artesian conditions in this area, pumping may cause a decline in the potentiometric surface over fairly widespread areas. The well this application proposes to use is located near domestic wells that are supplied by the Madison Aquifer and is within 2.25 miles of eight Water Rights/Permits appropriating ground water. They include:

NO.	Owner	Location	USE	Aquifer	Appropriation
1483-1*	BH National Cemetery	Sec.26, 5N-5E	IRR, INS	MDSN	74 ac-ft plus 100, 000 gal./yr INS
1484-1*	BH National Cemetery	Sec.26, 5N-5E	IRR, INS	MDSN	0.05cfs
1635-1	BH National Cemetery	Sec.26, 5N-5E	IRR	MDSN	0.2 cfs
1689-1	Jack Marler	Sec.31, 5N-6E	COM, DOM	MNLS	0.089 cfs
1609-1	Blucksberg Mt. Water Assoc	Sec.25, 5N-5E	SHD	MDSN	0.22 cfs
1188-1	Blucksberg Mt. Water Assoc	Sec.25, 5N-5E	SHD	MNLS	0.17
1277-1	Pleasant Valley	Sec.36, 5N-5E	SHD	MDSN	0.04
1503-1	US BLM	Sec.26, 5N-5E	DOM, REC	ALQ	0.20

* Vested Right 1484-1 and Water Permit 1483-1 are appropriations from the same well

Any influence this proposed use would have on these water rights/permits is not expected to be adverse, due to the distance between wells and the relatively low pumping rates of the wells involved and the probable hydraulic separation between the Madison Aquifer and shallower aquifers.

TERM LIMITATION:

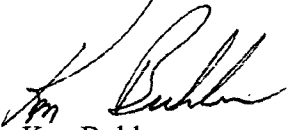
SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the 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 this permit without a term limitation of 20 years.

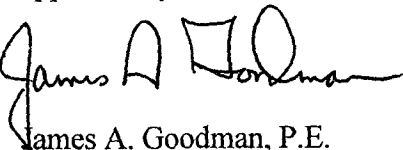
CONCLUSIONS:

1. The Madison Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.
3. Adverse impacts on area water levels, due to this increased appropriation from the Madison Aquifer are not expected.
4. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corp of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD

Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, USGS Folio No. 219.

Water Rights Program, 2000, "Domestic Well Log Files, Observation Well Files, and Water Permit Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management

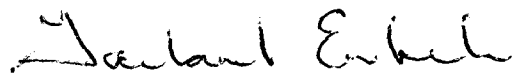
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1710-1, RUSH-NO-MORE CAMPGROUND

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. 1710-1, Rush-No-More Campground, c/o James Hemmah, HC 75 Box 492, Sturgis, SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1710-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1710-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1710-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. 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
March 16, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

March 20, 2000

Rush-No-More Campground
%James Hemmah
HC 75, Box 492
Sturgis, SD 57785

Dear Mr. Hemmah:

Water Permit Application No. 1710-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 20, 2000

Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785-0069

ATTENTION: Legal Public Notice

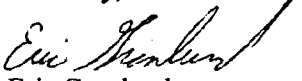
Enclosed is a Notice of Hearing on Application No. 1710-1 to Appropriate Water to be published twice. Please publish the first notice on March 29, 2000, with the second publication 7 days later.

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 Rush-No-More Campground, %James Hemmah, HC 75, Box 492, Sturgis, SD 57785 (Ph # (605) 347-2916).

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

-----CU T HERE-----

No. 1710-1

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

Date _____

We are in receipt of your letter of March 20, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1710-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 29, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1710-1 to Appropriate Water

Notice is given that Rush-No-More Campground, c/o James Hemmah, HC 75 Box 492, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one well (Madison Formation) 860 feet deep located in the NE ¼ NW ¼ Section 1-T4N-R5E. The water is for domestic use and commercial uses at the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1710-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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 April 17, 2000.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA COUNTY OF MEADE

Joan M. Lewis, being duly sworn, says: That the Meade County Times-Tribune, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Dickson Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>March 29</u>	200	<u>0</u>	_____	200	_____
<u>April 5</u>	200	<u>0</u>	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 41.08, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan M. Lewis
Bookkeeper

Subscribed and sworn to before me this

5th day of April, 2000

Tanjee Stansbury
Notary Public, South Dakota

Tanjee Stansbury
Notary Public
My commission expires January 4, 2006

(Continued from page 7)

Water application

NOTICE OF APPLICATION NO. 1710-1 to Appropriate Water

Notice is given that Rush-No-More Campground, c/o James Hemmah, HC 75 Box 492, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one well (Madison Formation) 860 feet deep located in the NE 1/4 NW 1/4 Section 1-T4N-R5E. The water is for domestic use

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Publ March 29 and April 5, 2000
Meade County Times-Tribune





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

MAY 12 2000

Rush-No-More Campground
%James Hemmah
HC 75, Box 492
Sturgis, SD 57785

Dear Mr. Hemmah:

Enclosed is Water Permit No. 1709-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 informational 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,

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

enclosures

Permit No. 1710-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 15, 2003, made a thorough examination of the water use system constructed by Rush-No-More Campground of 21137 Brimstone Place, Sturgis SD 57785 holder of Permit No. 1710-1, bearing the priority of January 31, 2000 authorizing the diversion of 0.056 cu. ft. per of the waters of ground water (Madison formation) for domestic and commercial purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Roger Ludwick, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cimarron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 860 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5½ inches
- 2) Length 802 feet
- 3) Type Steel

Screen:

- 1) Type open hole
- 2) Length 58 feet
- 3) Static water level 495 feet

Pump/Motor:

- 1) Make submersible
- 2) Size 2 hp?
- 3) Capacity 25 GPM

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

Water is diverted to 3 (1,000 gallon) cisterns and then distributed to a home and 27 hookups for sanitary and potable water uses.

C. Compliance with Permit Requirements:

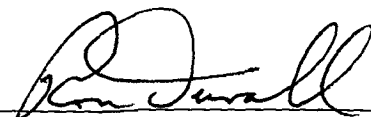
- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 2,450 feet W and 1,250 feet S from the NE corner section 1-T4N-R5E (NW¼NE¼ -- Latitude 44.34085, Longitude -103.46222). The works are capable of diverting and conveying to the place of use 0.056 cu. ft. per second of water which is to be used for domestic and commercial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.056 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The diversion point is outside of the permitted location.
See attached file documentation dated Sept. 17, 2003
correcting the well location.



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 17, 2003

Approval of Location Change and/or Additional Diversion Point(s)NAME: Rush-No-More CampgroundADDRESS: 21137 Brimstone Place, Sturgis SD 57785

DATE: September 17, 2003

COUNTY: Meade

TELEPHONE: 347-2916

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permitted water source and developed water source are both the Madison Formation and the developed diversion rate is the same as specified on the water permit.

- **If irrigation, no new land is irrigated**

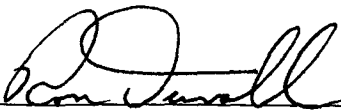
Not applicable. This water permit is for domestic and commercial water uses.

- **Review of Existing Diversions**

The nearest other existing Madison formation diversion is Water Right No. 1277-1, Pleasant Valley which authorizes a diversion of 0.04 cfs for suburban housing purposes. This diversion is located approximately 4,000 feet Northeast of No. 1710-1. There has been no reported interference between these wells and none is expected in the future. The diversions have co-existed since 1990.

RECOMMENDED ACTION

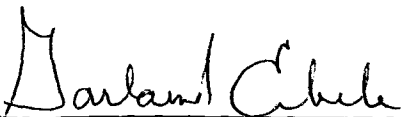
Water Permit No. 1710-1 was issued on May 12, 2000 for 0.056 cfs to be diverted from an existing Madison formation well drilled in August of 1990. According to the map submitted with the permit application the Madison well was located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ section 1-T4N-R5E. However, the actual location well location based on GPS positioning is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 1-T4N-R5E approximately 170 feet outside of the permitted area. Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Scale: 1 inch equals 489 feet

340

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sept 17, 2003

Water Right No. 1710-1

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1710-1

(1) Rush-No-More Campground, 21137 Brimstone Place, Sturgis SD 57785 made Application No. 1710-1, January 31, 2000 for a water permit to divert 0.056 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for domestic and commercial use purposes. Permit No. 1710-1, with a priority date of January 31, 2000 was approved April 17, 2000 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.

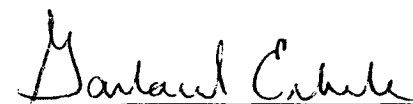
An investigation conducted for licensing purposes found the well under Water Permit No. 1710-1 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(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 Water Right No. 1710-1 is issued a license, bearing a priority date of January 31, 2000 to appropriate 0.056 cubic feet of water per second from groundwater (one well) for domestic and commercial use purposes.

The diversion point is located: 2,450 feet west and 1,250 feet south from the northeast corner of Section 1-T4N-R5E (NW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1710-1 including the following now applicable qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1710-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1710-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- 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

OCT 10 2003

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

OCT 10 2003

1710-1

Rush-No-More Campground
21137 Brimstone Place
Sturgis SD 57785

Dear Sir:

Enclosed is Water License No. 1710-1. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures