

WATER PERMIT NO. 1722-1

Name of Applicant: Wilderness Outpost & Resort c/o Jim Jensen

Address: PO Box 8, Sturgis SD Phone: 347-8240

Amount of Water Claimed: 75 gpm (0.167 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Meade

Type of Waste Disposal System:

Location: south side of Sturgis

PRIORITY Date Received: 4-26-2000 Fee: \$150

Corrected Application Received:: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 8-T5N-R5E

Land to be Irrigated: NA

Depth of Well: approximately 580 feet deep

Well Driller: : Cimmarron Drilling

Remarks:

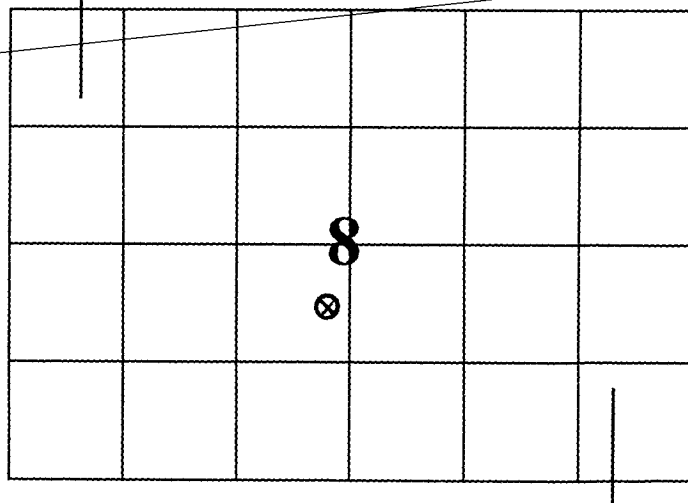
Type of Map: aerial

Prepared by: Darrell Vig, NRCS

Reviewed and the Number Assigned on: 5-1-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1722-1**

Date of first receipt of application April 26, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1722-1 to Wilderness Outpost & Resort, PO Box 8, 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. 1722-1 appropriates 0.167 cubic feet of water per second (75 gallons per minute) from one well (Minnelusa Aquifer) approximately 580 feet deep located in the NE ¼ SW ¼ Section 8-T5N-R5E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: May 1 – September 30.
4. The date of approval of Permit No. 1722-1 is June 26, 2000.
5. The date from which applicant may claim right is April 26, 2000.
6. One-fifth of the construction is to be completed on or before December 26, 2002.
7. All construction is to be completed on or before June 26, 2005.
8. Water is to be put to beneficial use on or before June 26, 2009.
9. 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

AUG 02 2000

date



FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1722-1 Hydrologic Unit 10/20202
Basin Belle Fourche River
Newspaper Meade Co-Times-Tribune, Sturgis, SD
(office use only)



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

Check use of water:

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

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 Wilderness Outpost Resort Phone 347-0023
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address P.O. Box 4778 Sturgis State S.D. 57785
 (Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75 **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 New Well #1 Minnelusa Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Section Twp Range 8-T5N-R5E Dess 2 NW1/2 SE1/4 DIAGONAL
(NE1/4SW1/4) County Meade Co.
- County or counties where water will be used meade
- Annual period during which water is to be used May 1 June July - Aug 30
- 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)

New well to support New Shower House 32-Showers,
20 toilets & 20 bays.

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)

STATE OF SOUTH DAKOTA)

County of Meade SS

I, Jim Jensen, 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 Jim JensenSubscribed and sworn to before me this 25th day of April 2002

My Commission Expires April 2, 2004

Angela M. Ross
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 580'
- b) Casing Type New Steel Diameter 7" Thickness 1/4 inch
- c) Screen Type NA Diameter _____ Thickness _____
- d) Gravel Pack NA Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 400'
- f) Depth to Water (ground surface to water level) 210'
- g) Distance to nearest existing domestic well:
On applicants property 1500' On property owned by others 3000'

2. Wastewater Disposal System Information

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

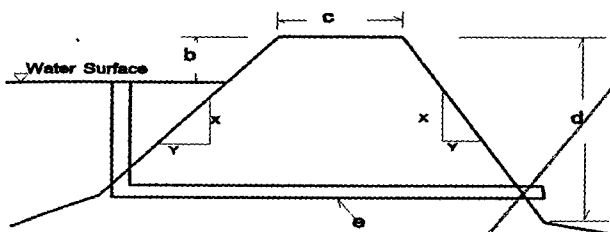
3. Dugout Information

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

4. Water Storage Dams

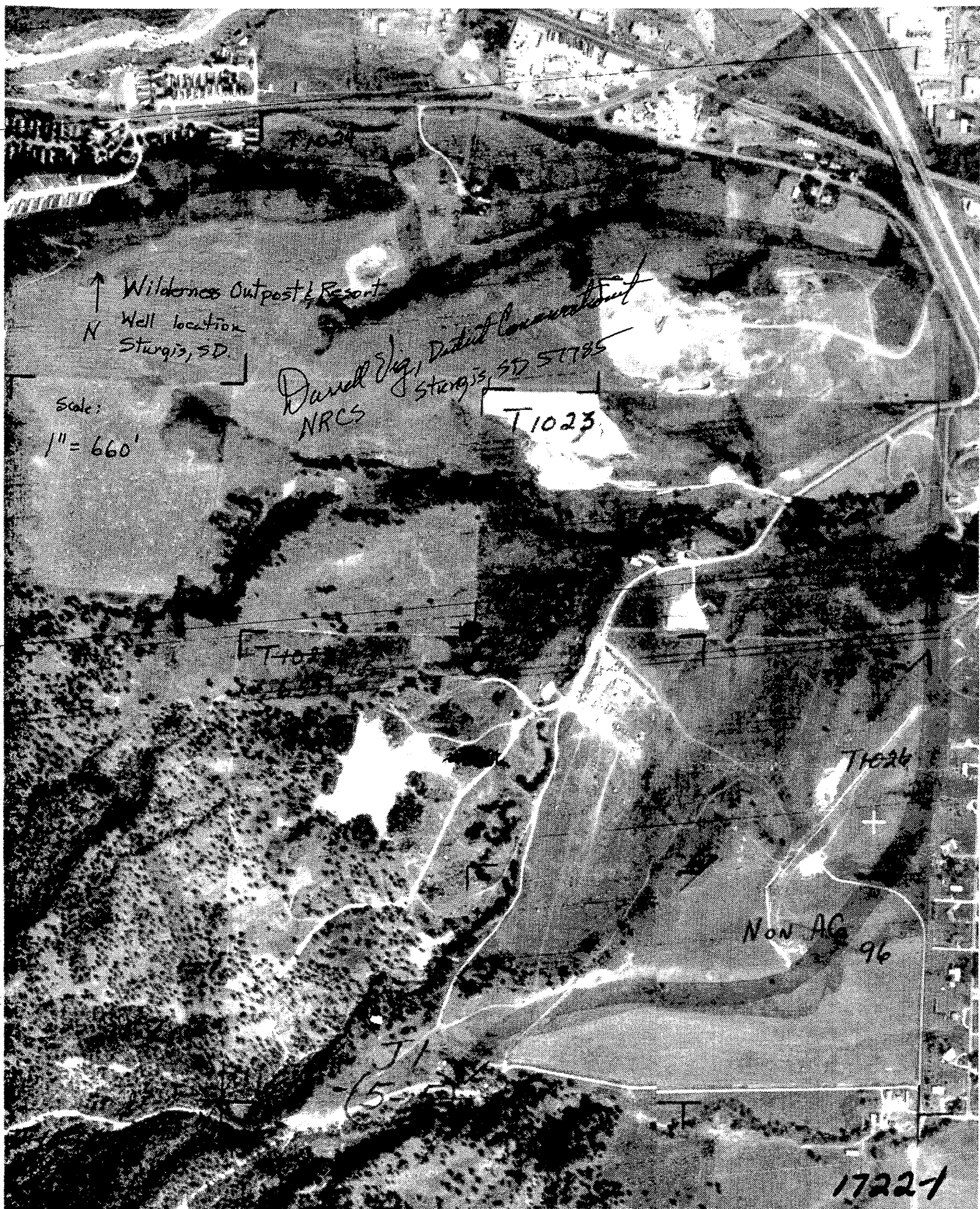
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



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

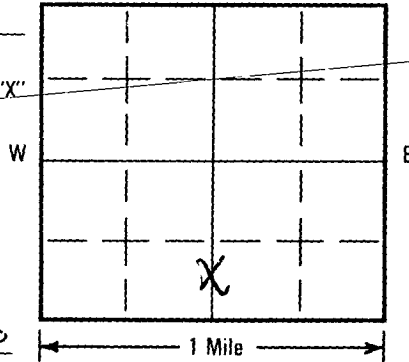
MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location $\frac{1}{4}$ S $\frac{1}{2}$ Sec 8 Twp 5-N Rg 5-E
 County Meade
 Please mark well location with an "X"



Well Completion Date

3-01-2000

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 500 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - Air - Water

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21 LB/FT	7 IN	0 FT	460 FT	8 3/4 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Portland Type II	60	946 lb./gal	0 ft	460 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure grout thru casing w/ mud pump, Displace Fresh 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☐ NO, Why Not? pellets

Laboratory sent to for water quality analysis

owner to complete

Well Owner: Kathy Walker
 Business Name: Wilderness Outpost & Resort
 Address: P.O. Box 477
Sturgis S.D. 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Red SHALE (spars)	0'	10'
Limestone (MINNEKAHTA)	10'	50'
Red SHALE (Opeche)	50'	255'
Red & white SAND & SS.	255'	400'
White SAND & Stone	400'	450'
Yellow & Red S. Stone	450'	560'
White SAND (MINNEKAHTA)	560'	580'

STATIC WATER LEVEL 210 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air-developed☐ Bailed☒ Other

Pumping Level Below Land Surface

460 ft. After 2 Hrs. Blow 40 GPM400 ft. After 2 Hrs. Blow 30 GPMIf pump installed, pump rate 40 GPM GPM

REMARKS

This well was drilled under license # 568

And this report is true and accurate.

Drilling firm CIMARRON Drilling IncSignature of License Representative: Michael Deuthe

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416486

Pierre, April 28, 2000

RECEIVED OF Jim or Jolene Jensen (Wilderness Out Post Resort), P.O. Box 8, Sturgis, SD 57785
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1722-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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>1722-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Harland Eskild
Chief Engineer

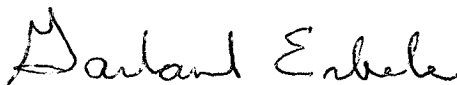
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1722-1, Wilderness Outpost & Resort

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. 1722-1, Wilderness Outpost & Resort, c/o Jim Jensen, PO Box 8, Sturgis, SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1722-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following 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
May 30, 2000

WATER PERMIT APPLICATION NO. 1722-1
WILDERNESS OUTPOST AND RESORT
MAY 15, 2000

Water Permit Application No. 1722-1 proposes to appropriate 0.167 cubic feet of water per second (cfs) [75 gallons per minute (gpm)] from one well 580 feet deep located in the NE¼ SW¼ of Section 8, T5N-R5E. The water is for suburban housing development use and commercial use at a campground.

AQUIFERS: Minnelusa Formation (MNLS)

GENERAL:

The Minnelusa Formation is approximately 450 feet thick in this area (Water Rights, 2000_b), consisting of interbedded sandstone, limestone, dolomitic limestone and lesser amounts of shale. The top of the Minnelusa is estimated to be 350 feet below ground surface at this well site (Carter, 1999). The Minnelusa Formation underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage in the county (Allen, 1984). The aquifer is areally extensive around the Black Hills and is hydraulically connected into the counties surrounding Meade County. Ground water movement in this area is probably toward the north and east. There is no aquifer-test data available for the Minnelusa aquifer at these well sites; therefore, the aquifer transmissivity and storage coefficient values are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 30 to 1000 ft²/d, and the storage coefficient ranges from 6.6×10^{-5} to 2×10^{-4} (Kyllonen, 1987).

Recharge to the Minnelusa Formation occurs through infiltration of precipitation falling directly on the outcrop of the formation, streamflow losses and potentially upward leakage from the Madison Formation. No estimate for average annual recharge is available for the Minnelusa Formation.

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area (Water Rights, 2000_b). Water Rights' Observation Well LA-63A is located approximately 2.5 miles west of this well site. The hydrograph for the well (see figure 1), is fairly representative for the Minnelusa Aquifer and has one of the longest periods of record (1963-present) of the observation wells.

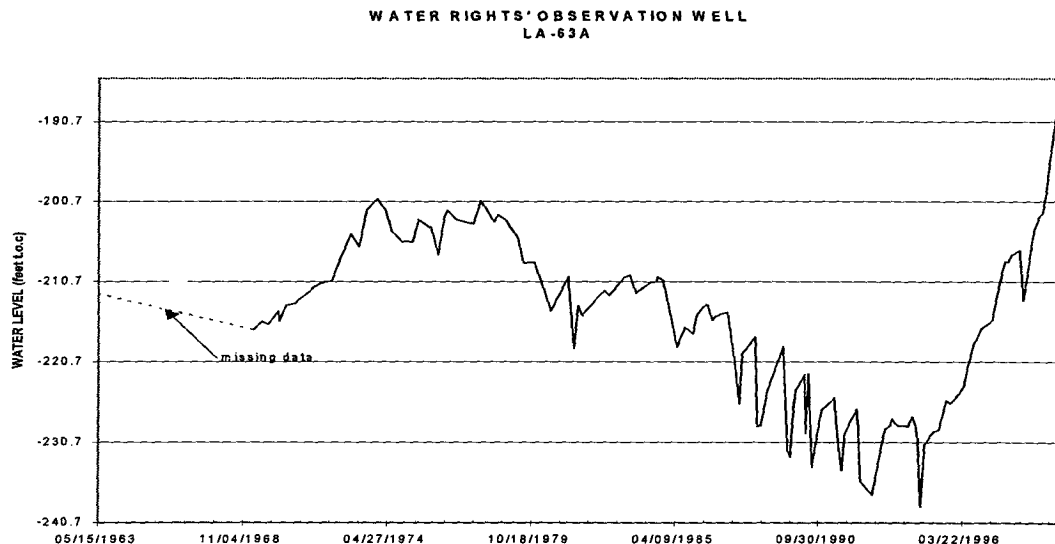


Figure 1. Minnelusa Aquifer Observation Well, 2.5 miles west of 1722-1

Water levels typically reach their peak each year in the late spring or early summer and gradually decline throughout the year. The hydrograph also suggests a cyclic nature to recharge. From 1969-1973 recharge exceeded withdrawals (pumping, groundwater outflow, etc.), between 1973 and 1977 the amount of water in storage in the aquifer did not change significantly, there was less recharge than discharge between 1977 and 1994. The hydrograph also shows that recharge since 1994 has exceeded discharges. There is currently more water in storage in the aquifer than at any time since Water Rights' began monitoring the Minnelusa in this area. The hydrograph shows the magnitude of fluctuation in the water levels in the area (>51') with the lowest water level on record occurring in 8/24/1994 and the highest occurring at the last measurement (02/09/2000).

Water Rights Observation Well LA-86C is located approximately 2.5 miles northwest of this well site. The hydrograph for this well (see figure 2), is similar to figure 1.

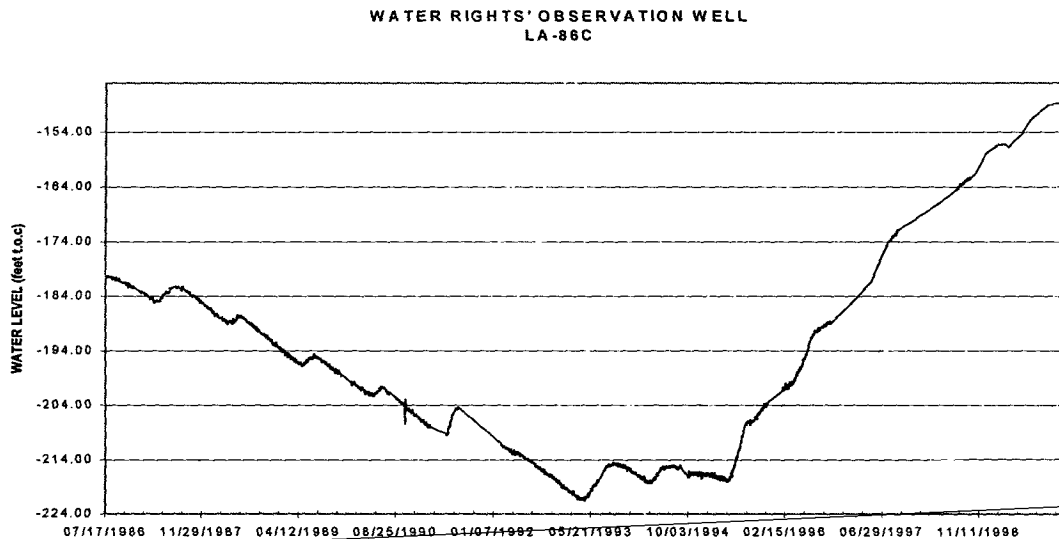


Figure 2. Minnelusa Aquifer Observation Well, 2.5 miles northwest of 1722-1

The hydrograph shows the magnitude of fluctuation in the water levels in the area (>72') with the lowest water level on record occurring in 1993 and the highest occurring at the last measurement (02/23/2000). It is interesting to note that on October 14, 1990, the Minnelusa Aquifer was essentially "pumped" at a rate of 150 gpm just 20' away from this well during the drilling of a Madison observation well. As can be seen in figure 2, the pumping resulted in about three feet of drawdown in this well.

It is obvious from the Water Rights' Minnelusa Aquifer Observation Well hydrographs that withdrawals have not exceeded recharge for the period of record. The observation well data suggest that at the existing level of development, the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are a number of domestic wells on file with the Water Rights Program in this area (Water Rights, 2000_a). They are supplied six general zones, listed in descending order: Alluvium, Spearfish Formation, Minnekahta Limestone, Opeche Shale, Minnelusa Formation and the Madison Limestone.

There are 13 Water Rights/Permits that appropriate groundwater within approximately two miles of this well site. They include:

Water Right No.	Owner	Aquifer
441A-1 ₁	Sturgis Water Dept.	Madison
441B-1 ₁	Sturgis Water Dept.	Madison
683-1	Murray Water Co.	Opeche
1062-1	Sturgis Mun Utility Board	Minnelusa
1287-1	City of Sturgis.	Madison
1318-1	Gerald Baldwin	Minnelusa
1349-1	Warren Mann	Minnelusa
1351-1	Molly B's Truckstop	Minnelusa
1473-1	Veterans Adm. Medical Cntr	Deadwood
1541-1	Automatic Vendors, Inc	Minnekahta
1558-1	Leo Bestgen	Minnelusa
1705-1	Sturgis Water Department	Minnelusa
1709-1	Murray Water Company	Minnelusa

The nearest appropriative right (Water Permit No. 1709-1), utilizes two wells completed into the Minnelusa aquifer approximately 2000 feet from this well site. Any well interference this proposed application would have on adequate wells in the area is not expected to be adverse due to the distance between appropriations and the relatively low diversion rate proposed by this application.

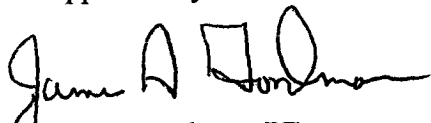
CONCLUSIONS:

1. This is an application to appropriate water for commercial use at a campground.
2. This application proposes to appropriate 0.167 cfs from the Minnelusa aquifer.
3. Unappropriated water is available from the Minnelusa aquifer to supply this permit.
4. This appropriation will not adversely impair existing ground water rights.



Ken Buhler
Water Rights Engineer

Approved by



James Goodman, PE
Water Rights Engineer

REFERENCES:

- Allen, J.C., Iles, D.L., Petres, A.K. 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD
- Carter, J.M., Redden, J.A., 1999, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C,
- Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, U.S. Geologic Survey Folio No. 219.
- Kyllonen, D.P, Peter, K.D., 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, USGS, Rapid City, SD
- Redden, J.A., 1994, Structural Contours and Phanerozoic Structures in the Rapid City, South Dakota, 1:100,000 Scale Quadrangle, Open-File Report 95-81, U.S. Geological Survey, Rapid City, SD
- Water Rights Program, 2000_a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000_b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2000_c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2000

Michael Deutsch
Cimarron Drilling
9017 S. Ridge Trail
Sturgis, SD 57785

Dear Mr. Deutsch:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Wilderness Outpost and Resort, Kathy Walker, PO Box 477 Sturgis, SD, 57785, prior to approval of a water permit. The test well is to be completed into the Minnelusa Aquifer in the S½ Section 8, T5N-R5E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

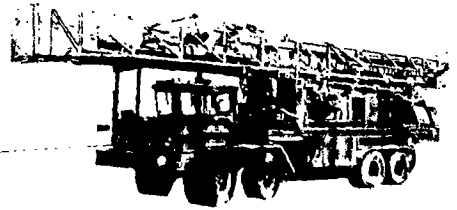
JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

CIMARRON DRILLINGWATER WELLS - TEST HOLES - CATHODIC - PUMPS
PUMP SERVICE - SHALLOW PRODUCTION

9017 S. RIDGE TRAIL

STURGIS, SD 57785

605-347-3071



Mr. Buhler:

I request permission to
drill a Test Well into the
Minnehusa Aquifer, Approx. 500'-600';
for Wilderness Outpost & Resort.

% KATHY WALKER, P.O. Box 477, Sturgis
S.D. 57785.

LEGAL: E $\frac{1}{2}$ of SW $\frac{1}{4}$ + NW $\frac{1}{4}$ of SE $\frac{1}{4}$
of S-8 - T-5 - R-5 Meade Cty S.D.

This well will be used primarily
for Shower House + Camper Hookups
during Motorcycle Rally in August.

Respectfully Submitted
Michael J. Deutsch
CIMARRON Drilling Inc.

Water Rights Div.

4-26-2000

Please send further information or instructions
to Jim Jensen P.O. Box 8 Sturgis, S.D. 57785.

Also please let me know amt. due for
permit int. & will mail you a check.

Thank You

Jim Jensen
mgr. Wilderness Outpost



21



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

May 31, 2000

Wilderness Outpost & Resort
%Jim Jensen
P.O. Box 8
Sturgis, SD 57785

Dear Mr. Jensen:

Water Permit Application No. 1722-1 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 57501-3182
www.state.sd.us/denr

May 31, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1722-1 to Appropriate Water to be published twice. Please publish the first notice on June 7, 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 Wilderness Outpost & Resort, %Jim Jensen, P.O. Box 8, Sturgis, SD 57785 (Ph # (605) 347-8240).

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. 1722-1

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

Date _____

We are in receipt of your letter of May 31, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 1722-1 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 June 7, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1722-1 to Appropriate Water

Notice is given that Wilderness Outpost & Resort, c/o Jim Jensen, PO Box 8, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from one well (Minnelusa Aquifer) approximately 580 feet deep located in the NE ¼ SW ¼ Section 8-T5N-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1722-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 June 26, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Meade) SS

I, Joan Lewis

certify that the attached printed Notice was taken

from the Meade County Times

printed and published in Sturgis

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 7, 2000

June 14, 2000

Cost of Printing 36.95

Joan M. Lewis
 (Signature)

Bookkeeper
 (Title)

6/23/00
 (Date Signed)

**Water application****NOTICE OF APPLICATION
NO. 1722-1 to Appropriate Water**

Notice is given that Wilderness Outpost & Resort, c/o Jim Jensen, PO Box 8, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from one well (Minnelusa Aquifer) approximately 580 feet deep located in the NE 1/4 SW 1/4 Section 8-T5N-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1722-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 June 26, 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.

**Publ June 7 and 14, 2000
Meade County Times-Tribune**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

AUG 02 2000

Wilderness Outpost & Resort
%Jim Jensen
P.O. Box 8
Sturgis, SD 57785

Dear Mr. Jensen:

Enclosed is Water Permit No. 1722-1 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 8/15/2003

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: R. T. Shaw
Hog Heaven Campground Inc.
(name)

PO Box 477
(address)

Sturgis SD 57785-0477 605-347-0023
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1722-1 states that the water use system is to be constructed by

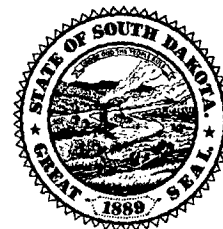
6/26/2005, and water is to be put to beneficial use by 6/26/2009.
(date) (date)

The water use system was completed on 6-2000.
(date)

Applying the water to beneficial use was completed on 6-2000.
(date)

You may schedule an investigation so that the water license may be issued.

RECEIVED
AUG 20 2003
WATER RIGHTS
PROGRAM





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 22, 2003

1722-1

R T Shaw
Hog Heaven Campground Inc
PO Box 477
Sturgis SD 57785-0477

Dear Mr. Shaw:

I am contacting you in regard to ownership of Water Permit No. 1722-1. The permit is currently listed in the name of Wilderness Outpost Resort.

On May 13, 2003, Ron Duvall with our program, conducted a field investigation of the area described in the permit for licensing purposes. Prior to issuance of the water license, an ownership change should be filed to update the permit. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

The fee for issuance inspection and issuance of the water license was paid by the previous owner. A water license will be issued as soon as we receive the signed transfer form and filing fee from you. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2003

R. T. Shaw
Hog Heaven Campground Inc.
PO Box 477
Sturgis SD 57785-0477

Dear Mr. Shaw:

Thank you for returning your transfer of ownership form. Water Permit No. 1722-1 is now in listed in the name of Hog Heaven Campground Inc.

I am writing in regard to the licensing of your water permit which is the final step in obtaining a water right. The inspection I completed on May 13, 2003 was necessary for this licensing to be completed. Typically, we do not license permits prior to expiration of the construction period which in the case of Permit No. 1722-1 is June 26, 2005 or until a "Notice of Completion of Works" form is received. We do this to ensure that the permit holder has developed their water use to the full extent before a license is issued.

When I completed the inspection of your permit on May 13, 2003, you indicated that the pump rate from the well is 40 gallons per minute (gpm.) The permit was originally approved for 75 gpm from the well. If you are satisfied that 40 gpm serves your needs, then we can license your permit now provided you complete and return the enclosed "Notice of Completion of Works" form. I have completed the form except for the last 2 blanks concerning the dates when your system was completed and when water use began. If you prefer you can submit the same form directly to our office over the internet at: <https://www.state.sd.us/eforms/secure/eforms/E1311V1-CompletionOfWorks.pdf> or go to www.state.sd.us/denr/wr and follow the "download forms" link to find the form.

I look forward to your response. I have the inspection report drafted and the license is ready for issuing if you choose to proceed at this time. Please let me know if you have any questions at 605 773-3352 or by email at ron.duvall@state.sd.us.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date August 14, 2003

RECEIVED OF Hog Heaven Campground Inc., Box 477, 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	2	50
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>1722-1</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	2.50

No. 000874

By Darland Erbe
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

AUG 14 2003

WATER RIGHTS
PROGRAM

No. 1722-1

Date: 8-11-03

I/We request that Water Permit No. 1722-1

formerly owned by: Jim or Jolene Jensen dba Wilderness Outpost Resort

be transferred to: (name & address) Hog Heaven Campground Inc.
Box 477, Sturgis, SD, 57785

Telephone No. 605/547-0023

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

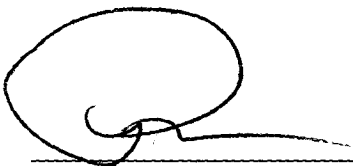
Diversion point located in the NE ¼ SW ¼ Section 8, T5N, R5E

I/We understand that the validity of Water Permit No. 1722-1 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 Two Dollars and Fifty Cents (\$2.50) 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 Roy T. Shaw - President the new owner, certify that the above information is true and 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.

Permit No. 1722-1
Upper Cheyenne - 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 13, 2003, made a thorough examination of the water use system owned by Hog Heaven Campground, Inc. of PO Box 477, Sturgis SD 57785 holder of Permit No. 1722-1, bearing the priority of April 26, 2000 authorizing the diversion of 0.167 cu. ft. per second of the waters of ground water (Minnelusa formation) for commercial purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **R. T. Shaw, owner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Cimarron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 580 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 7 inches
- 2) Length 460 feet
- 3) Type Steel

Screen:

- 1) Type ?
- 2) Static water level 210 feet

Motor/Pump:

- 1) Make submersible
- 2) Size 8 - 10 hp
- 3) Capacity 40 GPM

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

Water is diverted to a 9,000 gallon storage tank and then to approximately 50 hookups.

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: 2,200 feet E and 1,750 feet N from the SW corner section 8-T5N-R5E (NE¼SW¼ -- Lat. 44.40675, Long. -103.54064). The works are capable of diverting and conveying to the place of use 0.09 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 and the license should be issued for 0.09 cfs.

All structures, wells and lands on map Y

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


Ron Duvall

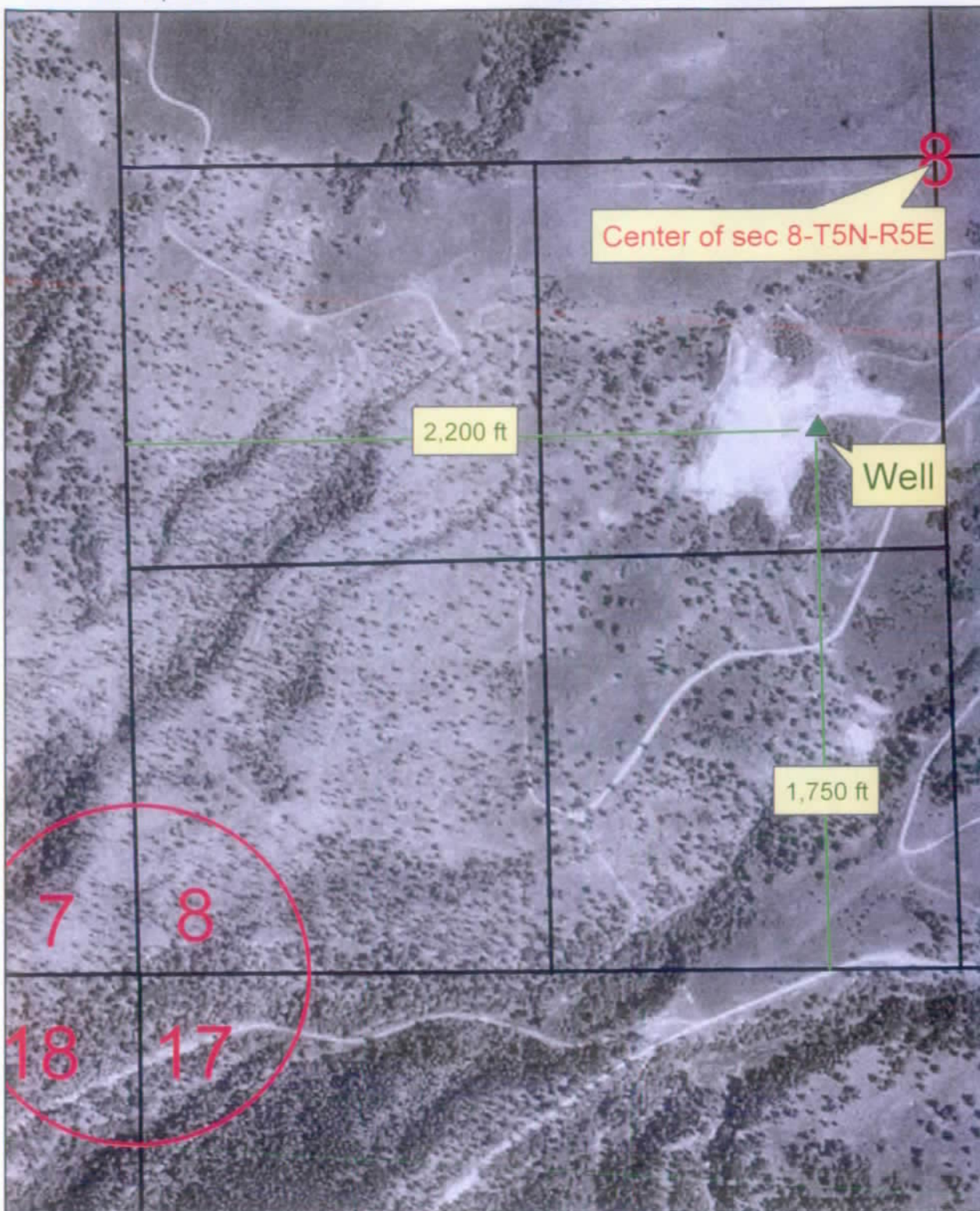
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: July 21, 2003

Scale: 1 inch equals 485 feet

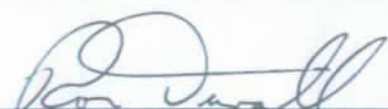
680

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: July 21, 2003

Water Right No. 1722-1

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1722-1

(1) Wilderness Outpost & Resort, Sturgis SD 57785 made Application No. 1722-1, April 26, 2000 for a water permit to divert 0.167 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial use purposes. Permit No. 1722-1, with a priority date of April 26, 2000 was approved June 26, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 26, 2005 and for the application to beneficial use of water on or before June 26, 2009.

On August 14, 2003, Water Permit No. 1722-1 was transferred to Hog Heaven Campground, Inc., Box 477, Sturgis SD 57785.

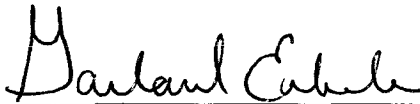
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 20, 2003. The *Notice* stated the diversion system was completed June, 2002 and the water placed to beneficial use on June, 2002.

(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. 1722-1 is issued a license, bearing a priority date of April 26, 2000 to appropriate 0.09 cubic feet of water per second from groundwater (one well) for commercial use.

The diversion point is located: 2,200 feet east and 1,750 feet north from the southwest corner of Section 8-T5N-R5E (NE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1722-1 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

AUG 28 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

AUG 28 2003

1722-1

Hog Heaven Campground Inc
Box 477
Sturgis SD 57785

Dear Sir:

Enclosed is Water License No. 1722-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000864 in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1722-1.

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