

WATER PERMIT NO. 1780-1

Name of Applicant: Rod Woodruff

Address: PO Box 909, Belle Fourche SD 57717 Phone: 605 892-2033

Amount of Water Claimed: 0.444 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Meade

Type of Waste Disposal System:

Location: east of Sturgis

PRIORITY Date Received: 11-19-02 Application/License Fee: \$300

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

Remarks: supply Buffalo Chip Campground

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

Land to be Irrigated: NA

Depth of Well: 2500 feet

Well Driller: : Taylor Drilling

Remarks:

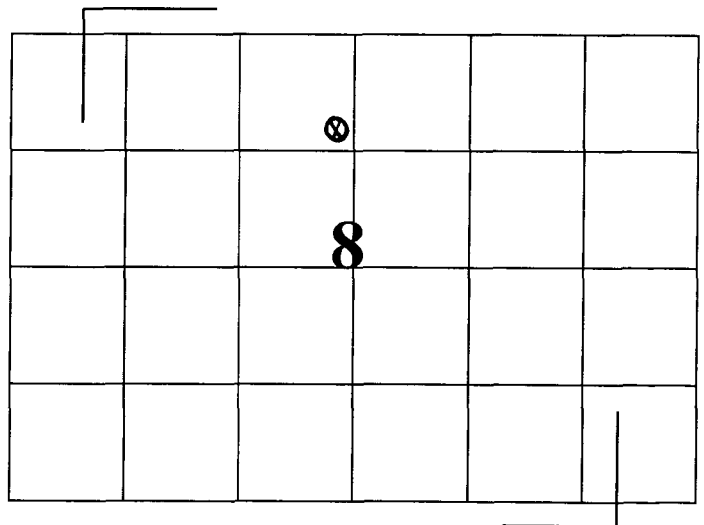
Type of Map: topo

Prepared by: Neal J. Stodolsky, RLS

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1780-1**

Date of first receipt of application November 19, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1780-1 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. 1780-1 appropriates 0.446 cubic feet of water per second (200 gallons per minute) from one well (Madison Aquifer) approximately 3700 feet deep located in the NE ¼ NW 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: April 1 – September 30.
4. The date of approval of Permit No. 1780-1 is February 18, 2003.
5. The date from which applicant may claim right is November 19, 2002.
6. One-fifth of the construction is to be completed on or before August 18, 2005.
7. All construction is to be completed on or before February 18, 2008.
8. Water is to be put to beneficial use on or before February 18, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1780-1 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. 1780-1 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.
3. The well authorized by Permit No. 1780-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. Water Permit No. 1780-1 authorizes a total annual diversion of 17 acre feet of water from the Madison Aquifer.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 11 2003

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>1780-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Meade Co. Times</u> <u>Sturgis</u>	

RECEIVED
NOV 19 2002
WATER RIGHTS
PROGRAM

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. _____

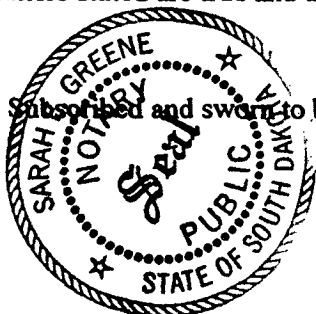
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Rod Woodruff Phone 605-892-2033
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 909 Belle Fourche State SD 57717
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.444 *CFS or 200 **GPM 17 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Madison Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE⁴NW⁴ 8-5-6
(see attached map) County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used April- September 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) This water is needed to supply the Buffalo Chip Campground. Nearly all usage will be during the annual Sturgis Motorcycle Rally. Since no commercial use will be made other than for the Rally, no more than 17 acre-feet per year will be needed and the permit may be restricted accordingly.

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 15 day of November, 20 02

Sarah E. Greene
Notary Public signature

my commission expires: 7/5/07

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 11" / 7 $\frac{3}{8}$ " Depth 1200' / 2500'
- b) Casing Type steel Diameter 8 $\frac{5}{8}$ " / 6 $\frac{5}{8}$ " Thickness .322 / .280
- c) Screen Type — Diameter — Thickness —
- d) Gravel Pack — Length of Gravel Pack —
- e) Depth to Top of Water Bearing Material Approximately 2900'
- f) Depth to Water (ground surface to water level) Approximately 400'
- g) Distance to nearest existing domestic well:

On applicants property

On property owned by others

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Black water is hauled.
Gray water has been hauled.
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

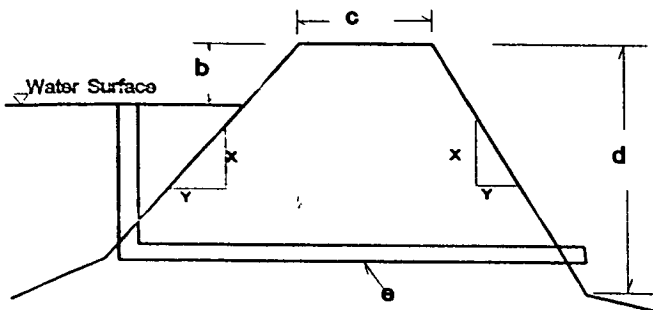
- a) Surface Dimensions NIS Engineering, Spearfish (Neil Stodolsky) is designing a holding pond. Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams N/A

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:

NIS Engineering
123 E Jackson Blvd, Ste 1
Spearfish, SD 57783



- 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

Date November 19, 2002

RECEIVED OF Red Woodruff, 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>1780-1</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>1780-1</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	325.00

No.

000259

By

Darlene White
Chief Engineer *gm*

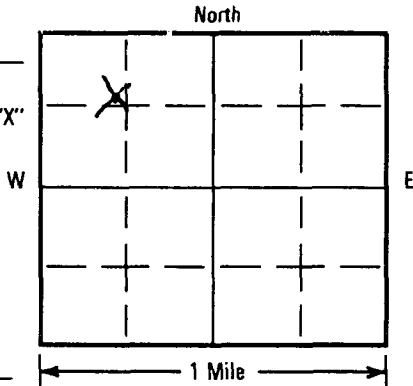
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

1780-1

Location NW 1/4 NW 1/4 Sec 8 Twp 5N Rg 6E
County Meade

Please mark well location with an "X"



Well Completion Date

7-8-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 900 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Air - Mud

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>33.38</u> LB/FT	<u>12 3/4</u> IN	<u>0</u> FT	<u>54</u> FT	<u>17 1/2</u> IN
<u>28.55</u> LB/FT	<u>8 5/8</u> IN	<u>0</u> FT	<u>1406</u> FT	<u>11</u> IN
<u>18.95</u> LB/FT	<u>6 7/8</u> IN	<u>1355</u> FT	<u>2970</u> FT	<u>7 7/8</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland 1-11</u>	<u>525</u>	<u>14</u> lb./gal	<u>0</u> ft.	<u>1405</u> ft.
<u>Portland 1-11</u>	<u>375</u>	<u>14</u> lb./gal	<u>1355</u> ft.	<u>2970</u> ft.

Describe grouting procedure Pressure Grouted through casing

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? solution

Laboratory sent to for water quality analysis

Mid Continent

Well Owner: Rod Woodruff

Business Name: Buffalo Chip Campground, LLC

Address: P.O. Box 909

Belle Fourche, SD 57717

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Br. clay + Gravel</u>	<u>0</u>	<u>37</u>
<u>Belle Fourche / Mowry</u>	<u>37</u>	<u>630</u>
<u>Newcastle</u>	<u>630</u>	<u>720</u>
<u>Skull creek</u>	<u>720</u>	<u>900</u>
<u>Fall River - Lakota</u>	<u>900</u>	<u>1170</u>
<u>Morrison / Unkpapa / Sundance</u>	<u>1170</u>	<u>1870</u>
<u>Spearfish</u>	<u>1870</u>	<u>2340</u>
<u>MINNEKAHTA</u>	<u>2340</u>	<u>2380</u>
<u>see Remarks</u>	<u>-</u>	<u>-</u>

STATIC WATER LEVEL 170 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

600 ft. After 6 Hrs. pumped 400 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 200 GPM

REMARKS Opache 2380-2460
Minnekahta 2460-2930
Madison 2930-3080

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

K Tyl

Signature of Well Owner or Equitable Property Holder:

Date: _____

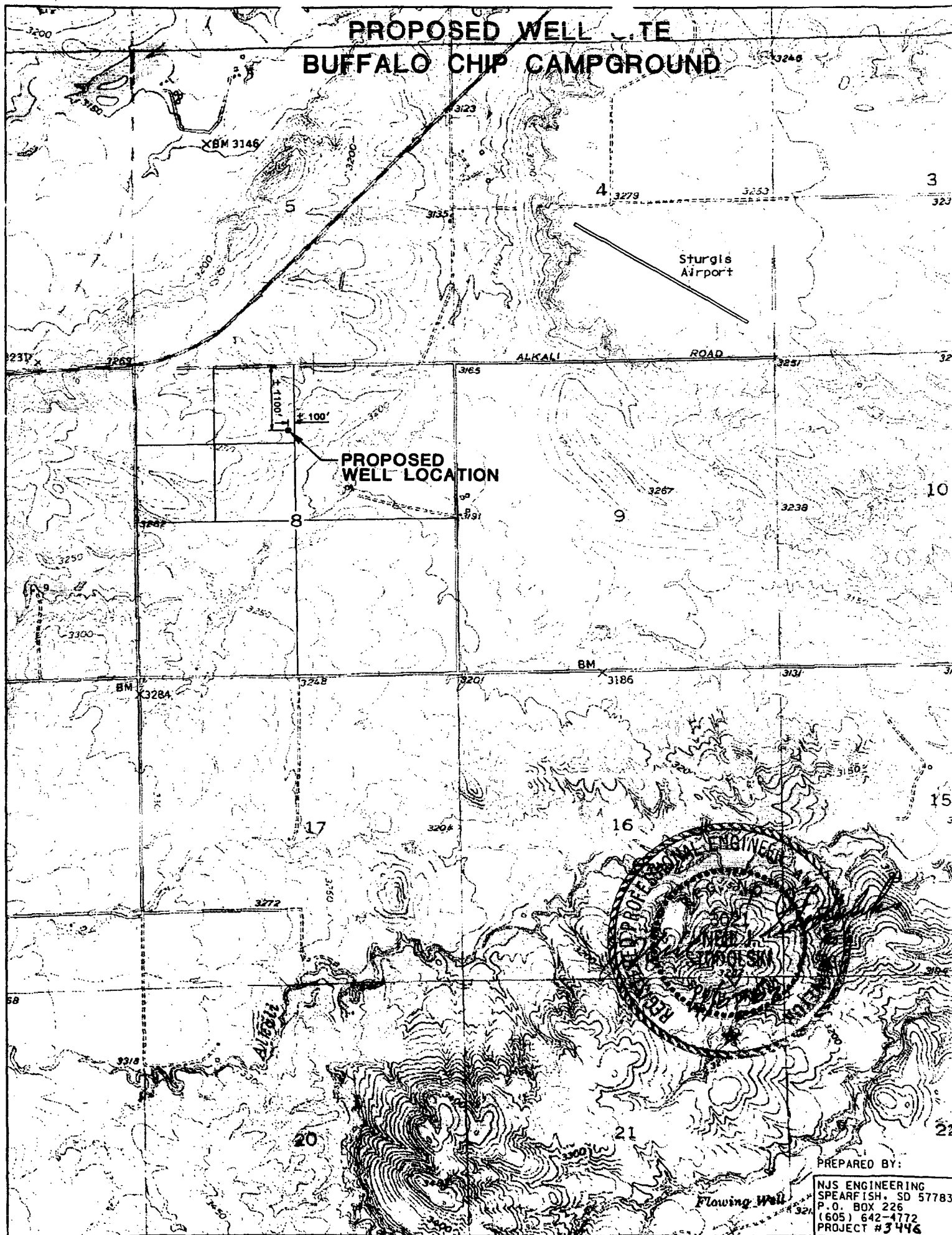
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JUL 30 2003

WATER RIGHTS PROGRAM

31-03

PROPOSED WELL SITE BUFFALO CHIP CAMPGROUND



PREPARED BY:
NJS ENGINEERING
SPEARFISH, SD 57783
P.O. BOX 226
(605) 642-4772
PROJECT #3446

Woodruff Law Office

Rod Woodruff

P.O. Box 909 • Belle Fourche, SD 57717
Telephone (605)892-2033 • Facsimile (605) 892-4995

Attorney At Law

WoodruffLaw-Rod@rushmore.com

November 15,2002

RECEIVED

NOV 19 2002

WATER RIGHTS
PROGRAM

Department of Enviroment & Natural Resources
523 E. Capitol
Pierre, SD 57501

Attn: Ken Buhler

Re: Madison Well Permit

Gentlemen,

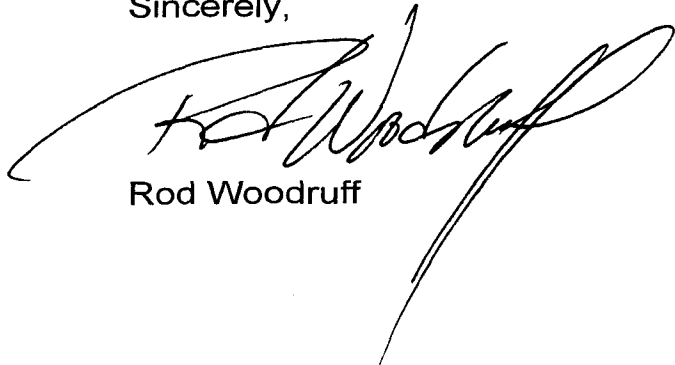
Enclosed for processing is my application for the well I have discussed with Ken & Eric. I believe Taylor Drilling will be the contractor. Neil Stodolsky is working with me on engineering, including a pond for the gray water.

I have enclosed a check for \$325.00, which amount which is expected to cover all contingencies.

Please call me immediately if any further information is needed. It is my hope that Mr. Taylor will be able to drill a well this winter to insure operablitiy during the up coming rally.

Ken and Eric have been extremely helpful and I thank you all for your continued cooperation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Rod Woodruff', is written over the printed name.

Rod Woodruff

REPORT ON WATER PERMIT APPLICATION NO. 1780-1
ROD WOODRUFF
JANUARY 6, 2003

Water Permit Application No. 1780-1 proposes to appropriate 0.446 cubic feet of water per second (200 gpm) from one well approximately 3700 feet deep (Madison aquifer), located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.8, T5N-R6E. The water is for commercial use at the Buffalo Chip Campground. Water use will not exceed 17 acre-feet annually.

Water Source: Madison aquifer (MDSN)

Geology and Aquifer Characteristics:

The Madison (Pahasapa) Limestone is a massive limestone and dolomite that underlies much of the Western United States. The Madison Limestone is estimated to be about 800 feet thick in this area (Carter and Redden, 1999a, and Carter and Redden, 1999b). The top portion of the Madison Limestone contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The aquifer underlies approximately 30,000 square miles of western South Dakota and contains at least 640 million acre-feet of recoverable water in storage in the State (Allen and others, 1984). The well site proposed by this permit is located approximately five miles northeast of the Madison outcrop (recharge area) (Strobel and others, 1999). The top of the Madison Limestone is expected to be approximately 2900 feet below grade at this site (Carter and Redden, 1999a).

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). Average annual recharge from 1931-1998 is estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001a).

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area (Water Rights, 2003b). This well site is located approximately five miles east-northeast of Water Rights' Observation Well MD-86A, approximately eight miles east of Water Rights' Observation Well LA-90A, and eight miles north of Water Rights' Observation Well MD-90A; all of these observation wells are completed into the Madison aquifer. Hydrographs for the wells show the aquifer's response to climatic conditions and clearly demonstrate the system is recharged, (see figures 1-3).

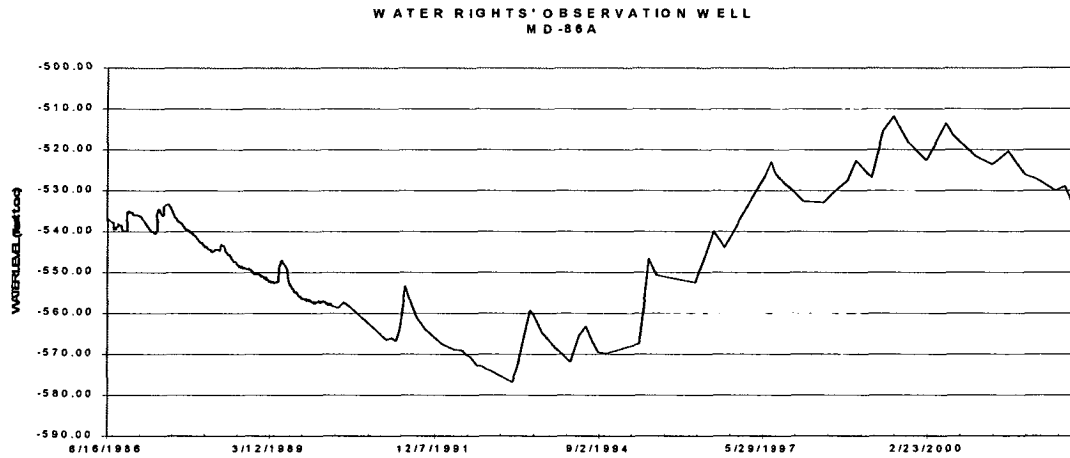


Figure 1. Hydrograph of Madison aquifer observation well approximately five miles east-northeast of 1780-1

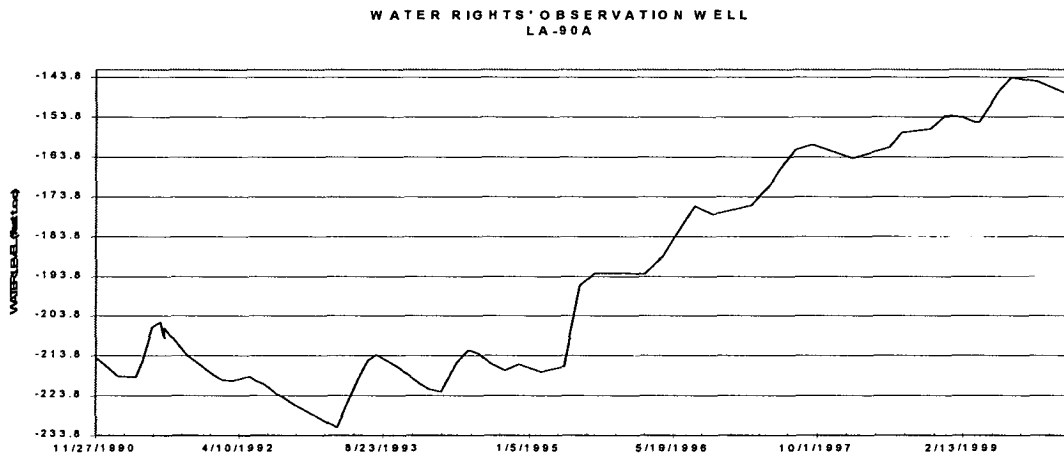


Figure 2. Hydrograph of Madison aquifer observation well approximately eight miles west of 1780-1

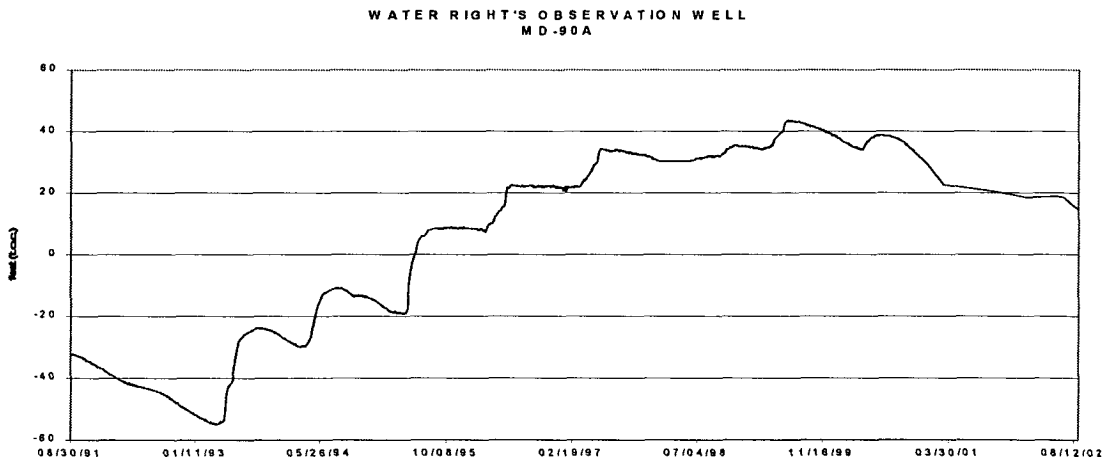


Figure 3. Hydrograph of Madison aquifer observation well approximately eight miles south of 1780-1

Records from the observation wells indicated the potentiometric surface of the Madison aquifer has fluctuated over 87 feet in LA-90A, over 65 feet in MD-86A and around 11 feet in MD-90A for the period of record. These fluctuations are in response to seasonal and climatic variations, showing the lowest water levels occurred in 1993 and the highest water levels occurred in 1999. Long-term water level declines are not apparent from any of the Water Rights' Madison aquifer observation wells. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are a total of 123 permits/rights which appropriate water from the Madison aquifer in South Dakota. The majority of the water rights/permits from the aquifer are from Butte (17), Lawrence (24), Meade (25), Pennington (34) and Fall River (11) Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be less than 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Withdrawals from wells completed into the Madison aquifer were estimated to be 10,990.2 acre-feet annually from 1987-1996 (Carter and others, 2001b). Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

Affects on Existing Rights:

There are 17 Water Rights/Permits appropriating groundwater within approximately three and one half miles of this proposed well site (Water Rights, 2003c). These appropriations are from aquifers shallower than the Madison aquifer and are from the Inyan Kara aquifer (11 appropriations), Alluvium (five appropriations), and from the Minnelusa aquifer (one appropriation). Wells supplied from shallower aquifers are not expected to be affected by withdrawals from this well because the lower Minnelusa Formation effectively isolates the Madison from these upper aquifers.

The nearest appropriations from the Madison aquifer are located over three and one half miles from this proposed well site (Water Rights, 2003c). They include permits for Black Hills National Cemetery, No Name City RV & Cabins, and Blucksberg Mt. Water Association. Well interference at this distance is expected to be insignificant.

Although there are a limited number of domestic wells completed into the Madison aquifer in this area (Water Rights 2003a) the potential affect of this appropriation to domestic wells must be considered. It is likely that even if a domestic well completed into the Madison aquifer in this area experienced interference, it would still be capable of delivering sufficient

water with a pump inlet placed near the top of the aquifer. Therefore adverse impact to domestic wells is not probable.

Term Limitation:

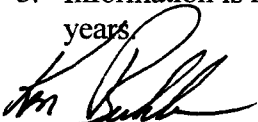
SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the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

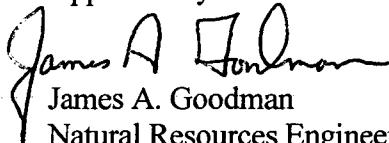
1. The Madison aquifer is a viable aquifer in this area.
2. This diversion will not adversely impair existing water rights.
3. Information is not available to justify issuing this permit without a term limitation of 20 years.



Ken Buhler

Natural Resources Engineering Specialist

Approved by



James A. Goodman

Natural Resources Engineering Director

References:

Allen, J.C., Iles, D.L., and Petres, A.K., Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-82-C-0151,

Carter, J.M., Redden, J.A., 1999a, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000

Carter, J.M., Redden, J.A., 1999b, Altitude of the Top of the Deadwood Formation in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-E, 2 sheets, scale 1:100,000

Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water

Years 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278, 66 p

Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996, Water-Resources Investigations Report 01-4119, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD

Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000

Water Rights Program, 2003a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2003b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2003c, "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 the Interior, Bureau of Land Management



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1780-1, 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. 1780-1.

The Chief Engineer is recommending APPROVAL of Application No. 1780-1 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. 1780-1 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. 1780-1 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.
3. The wells authorized by Permit No. 1780-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. Water Permit No. 1780-1 authorizes a total annual diversion of 17 acre feet of water from the Madison Aquifer.

See report on application for additional information.

for
Eric Erbele
Garland Erbele, Chief Engineer
January 16, 2003



**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.**

January 17, 2003

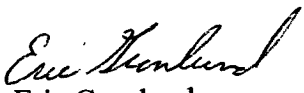
Rod Woodruff
PO Box 909
Belle Fourche SD 57717

Dear Mr. Woodruff:

Water Permit Application No. 1780-1 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 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 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. Upon receiving authorization, 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

Meade Co. Times
PO Box 69
Sturgis SD 57785-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1780-1 to Appropriate Water to be published twice. Please publish the first notice on January 29, 2003 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 Rod Woodruff, PO Box 909, Belle Fourche, SD (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. 1780-1

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

Date _____

We are in receipt of your letter of January 17, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1780-1 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 January 29, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1780-1 to Appropriate Water

Notice is given that Rod Woodruff, PO Box 909, Belle Fourche SD 57717 has filed an application for a water permit to appropriate 0.446 cubic feet of water per second (200 gallons per minute) from one well (Madison Aquifer) approximately 3700 feet deep located in the NE ¼ NW ¼ Section 8-T5N-R6E. Water use will not exceed 17 acre-feet of water annually. The water is for commercial use at the Buffalo Chip Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer is recommending APPROVAL of Application No. 1780-1 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 February 18, 2003.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

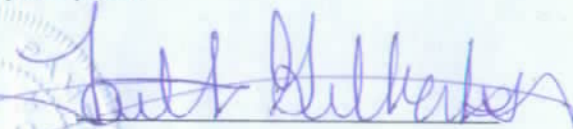
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Faith Gilbertson, Being duly sworn, says, That the Meade County Times is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Sturgis, Meade County, South Dakota, by Country Media, Inc.; that affiant is and, during all of said times, was employed as an accounting clerk by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for the issue (s) bearing the following dates:

Jan 29	200	3	_____	200	_____
Feb 5	200	3	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____

That the full amount of the fee charged for publishing the same, to-wit the sum of \$ 40.45, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fees has been made with any person, and that no part of the fee has been agreed to be paid to any other person.


Accounting Clerk

Subscribed and sworn before me this

14 day of Feb 2003
Pamela Buhler
Notary Public, South Dakota

My commission expires Feb 8, 2007

Water application

NOTICE OF APPLICATION

NO. 1780-1 to Appropriate Water

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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. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Publ Jan. 29 and Feb. 5, 2003
Meade County Times-Tribune

RECEIVED

FEB 18 2003

WATER RIGHTS
PROGRAM

BUFFALO CHIP® CAMPGROUND, L.L.C.

Rod Woodruff, Member/Manager
reservations 605. 892.4101
605.892.2033
fax.892.4995

P.O. Box 909, Belle Fourche, SD 57717-0909
<http://www.buffalochip.com>
woody@buffalochip.com

January 22, 2003

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

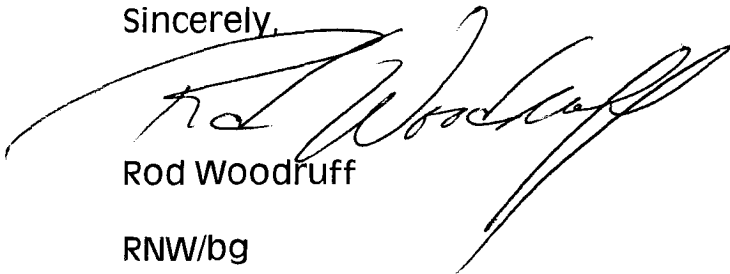
Attn: Eric Gronlund, Ken Bueller and James Goodman

Gentlemen:

I received your mailings dated January 17th. I reviewed the application, approval and notice for publication and see nothing in need of amendment.

I thank you all for all the help provided and the extreme courtesies shown in response to my inquiries about securing this water rights permit.

Sincerely,



Rod Woodruff

RNW/bg

RECEIVED
JAN 24 2003
WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Rod Woodruff
PO Box 909
Belle Fourche SD 57717

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund of \$25.00
\$325.00 was submitted and the correct fee was \$300.00

AMOUNT: \$25.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara Eubank

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

Rod Woodruff
PO Box 909
Belle Fourche SD 57717

Dear Mr. Woodruff:

Enclosed is Water Permit No. 1780-1 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.

At the time of application, an application/license fee of \$325 was submitted. Enclosed is the receipt. The correct fee for the amount of water requested is \$300. Therefore, you will be receiving a refund check for \$25 within the next couple of weeks.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 22 2010

1780-1
1780A-1

Rod Woodruff
20622 131st Ave
Sturgis SD 57785

Dear Mr. Woodruff:

Enclosed is Water License No. 1780A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1780A-1, 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.

The applicable portions of Water Permit No. 1780-1 were incorporated into Water License No. 1780A-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures



Rod Woodruff, President/CEO rod.woodruff@buffalochip.com
Buffalo Chip Campground, LLC 605-347-9000
20622 Fort Meade Way
Sturgis, SD 57785

January 10, 2022

Eric Gronlund
DENR - Water Rights
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501-3182

Re: Water Permit Renewal
 Permit 1780 - 1 (March 11, 2003)
 Permit 1780A-1 (July 22, 2010)

Dear Mr. Gronlund:

Thank you for taking the time today to converse about the need and procedure for renewal of the water rights for the Madison Well that is the principal source of water for the Buffalo Chip Campground. I had called to inquire of the procedure to apply for and secure renewal of the above Water Permit. It was a relief to visit with someone who'd actually helped us with the initial application procedures back in 2002 and 2003.

I wanted to make application in ample time to allow for whatever the procedure might require. I did not find a procedure for renewal in the Water Rights Programs' website. You provided a great explanation for that absence, thank you, and further advised that there presently is no procedure in place. No decision has been made by DENR of how to deal with expiration of the 20-year terms.

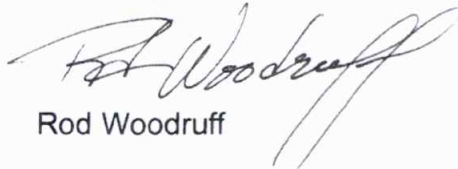
There presently are a number of Madison Formation well permits for which the respective 20-year terms have expired. The owners have been advised they may continue to operate within the terms of their respective permits without renewal. It will likewise be acceptable for the Chip to continue to operate within the terms its present permit after expiration in the event there is no further development of the issue by DENR's Water Rights Program or the State's Legislature. Your office will provide timely notice to all permittees of any future development that would require action by the well owners.

Eric Gronlund
SD DENR - Water Rights
Madison Well Permit
January 10, 2022
Page 2

The purpose of this letter is simply to make a record in the file that I need not worry about expiration of the present 20-year term. The Chip may continue to operate as if the present Water Permit(s) remain in force without further action until further notice.

I thank you again for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Woodruff", with a stylized, flowing script.

Rod Woodruff

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, January 13, 2022 2:49 PM
To: Rod Woodruff
Subject: RE: [EXT] Madison well permit followup

Mr. Woodruff:

Thank you for your letter providing a recap of our phone conversation. A point of clarification is in order regarding water rights from the Madison aquifer with a twenty year term limitation

There are a number of water permits whose source is the Madison aquifer that were conditioned with a twenty year term limit pursuant to SDCL 46-2A-20 that are past their twenty year term. You are correct there is not an application procedure for renewal set forth in state law. The Water Rights Program's opinion is that the term limitation is not self-executing at the end of the twenty-year period requiring the holder to cease water use as authorized by the water right. Instead, only the Water Management Board may either: 1) cancel; 2) amend the permit with a new term limitation; or 3) delete the term limitation if sufficient information is available to do so. Due to various reasons, the technical review of the Madison aquifer for bringing water rights that are past the twenty-year period has not been completed. When that technical review is complete all affected water right holders past the twenty-year period will be provided notice scheduling when the matter is brought before the Board. Until there is due process and a hearing before the Board, water rights continue to exist and holders may continue to divert within the authorized diversion rate and volume set forth in their water right unless otherwise ordered to cease by the Board or Chief Engineer.

Your letter and this email will be filed in the administrative record for Water Right No. 1780-1 held in your name.

Eric Gronlund
Water Rights Program, DANR

From: Rod Woodruff <rod.woodruff@buffalochip.com>
Sent: Thursday, January 13, 2022 6:54 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] Madison well permit followup

Eric,

I am attaching the confirmation letter discussed.

Thank you again for your time and the advisory.

Rod

--
Rod Woodruff
Sturgis Buffalo Chip