

WATER PERMIT NO. 1824-1

Name of Applicant: **Brooks Properties, Inc.**

Address: **2543 Dakota Trail, Prior Lake MN 55372**

Phone: **952 445-5192**

Amount of Water Claimed: **0.033 cfs (15 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial**

County: **Lawrence**

Type of Waste Disposal System:

Location: **5 miles southeast of Deadwood**

PRIORITY Date Received: **6-16-04**

Application/License Fee: **\$100**

Corrected Application Received: **6-24-04**

Period of Annual Use: **May 1 – October 31**

Remarks: **for use at Creekside Campground**

Diversion Point: **NE ¼ NE ¼ Sec 19-T4N-R4E**

Land to be Irrigated: **NA**

Depth of Well: **100**

Well Driller: : **Tefertiller Drilling**

Remarks:

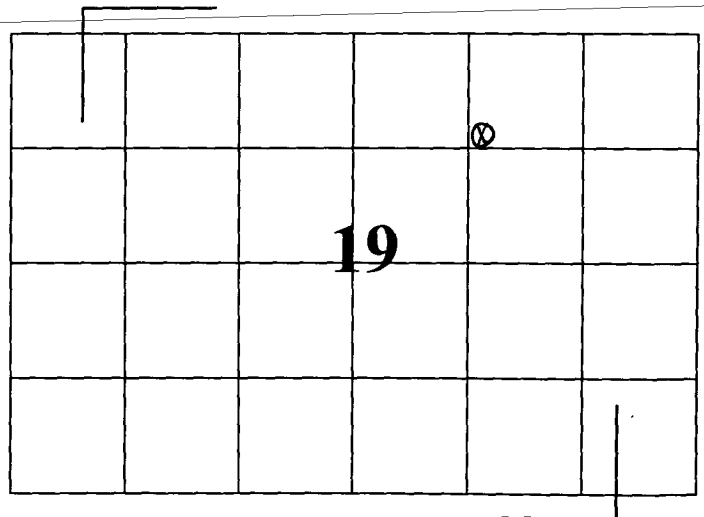
Type of Map: **topo**

Prepared by: **Neil J Stodolski, PE**

Reviewed and the Number Assigned on: **6-24-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

RECEIVED
JUN 16 2004
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1824-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R</u>
	Newspaper <u>Lawrence Co. Centennial, Deadwood</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:
(check one)

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

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

Change in diversion point with new well drilled

- Name of Applicant Brooks Properties, Inc. Phone 952-445-5192
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 2543 Dakota Trail, Prior Lake State MN 55372
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.033 *CFS or 15 **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 Water well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
NW 1/4, NE 1/4, Sec 19, T4N, R4E
- County or counties where water will be used Lawrence
- Annual period during which water is to be used May 1 - October 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)
New well drilled to replace old well, creating a new diversion point from an existing appropriation point. New well approximately 50 feet from old well. (See Attachment A).

STATE OF MINNESOTA
SOUTH DAKOTA SS
County of Hennepin

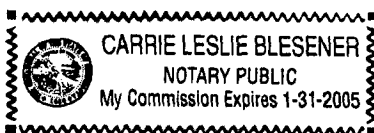
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Charles R. Vig, 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 Charles R. Vig

Subscribed and sworn to before me this 21st day of May 2004

Carrie Leslie Blesener
Notary Public signature



**SOUTH DAKOTA
WATER PERMIT NO. 1824-1**

Date of first receipt of application June 16, 2004.

Date of return to applicant for corrections, amendments or changes June 17, 2004.

Date of receipt of corrected application June 24, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1824-1 to Brooks Properties, Inc., 2543 Dakota Trail, Prior Lake MN 55372 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. 1824-1 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into Crystalline Rock (100 feet deep) located in the NE ¼ NE ¼ Section 19-T4N-R4E.
2. The water appropriated shall be used for the purpose of commercial use at the Creekside 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: May 1 – October 31.
4. The date of approval of Permit No. 1824-1 is August 23, 2004.
5. The date from which applicant may claim right is June 16, 2004.
6. One-fifth of the construction is to be completed on or before February 23, 2007.
7. All construction is to be completed on or before August 23, 2009.
8. Water is to be put to beneficial use on or before August 23, 2013.
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.

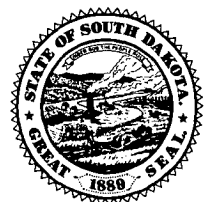
WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 27 2004

date



Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 inches Depth 100 feet
- b) Casing Type steel Diameter 6 inches Thickness Sch 40
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 60 feet
- f) Depth to Water (ground surface to water level) 6 feet
- g) Distance to nearest existing domestic well:
On applicants property 50 feet On property owned by others 300 feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Current septic holding tank; new construction of @ground system@ septic tank to be completed by 10/41/04. See attachments
- b) System Capacity (gallons) 1460 gpd Year Constructed 2004 B & C.
- c) Connected to the City of n/a see attachment Sanitary System

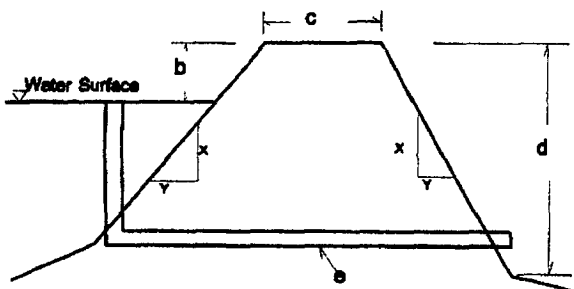
3. Dugout Information

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

4. Water Storage Dams - not applicable

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

Date June 24, 20 04

RECEIVED OF Blue dog Olson & Small Pllp, southgate Office Plaza, Ste 500, 5001 American

Bldg W, Minneapolis MN 55437

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

Fee for Application for Permit No. <u>1824-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1824-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

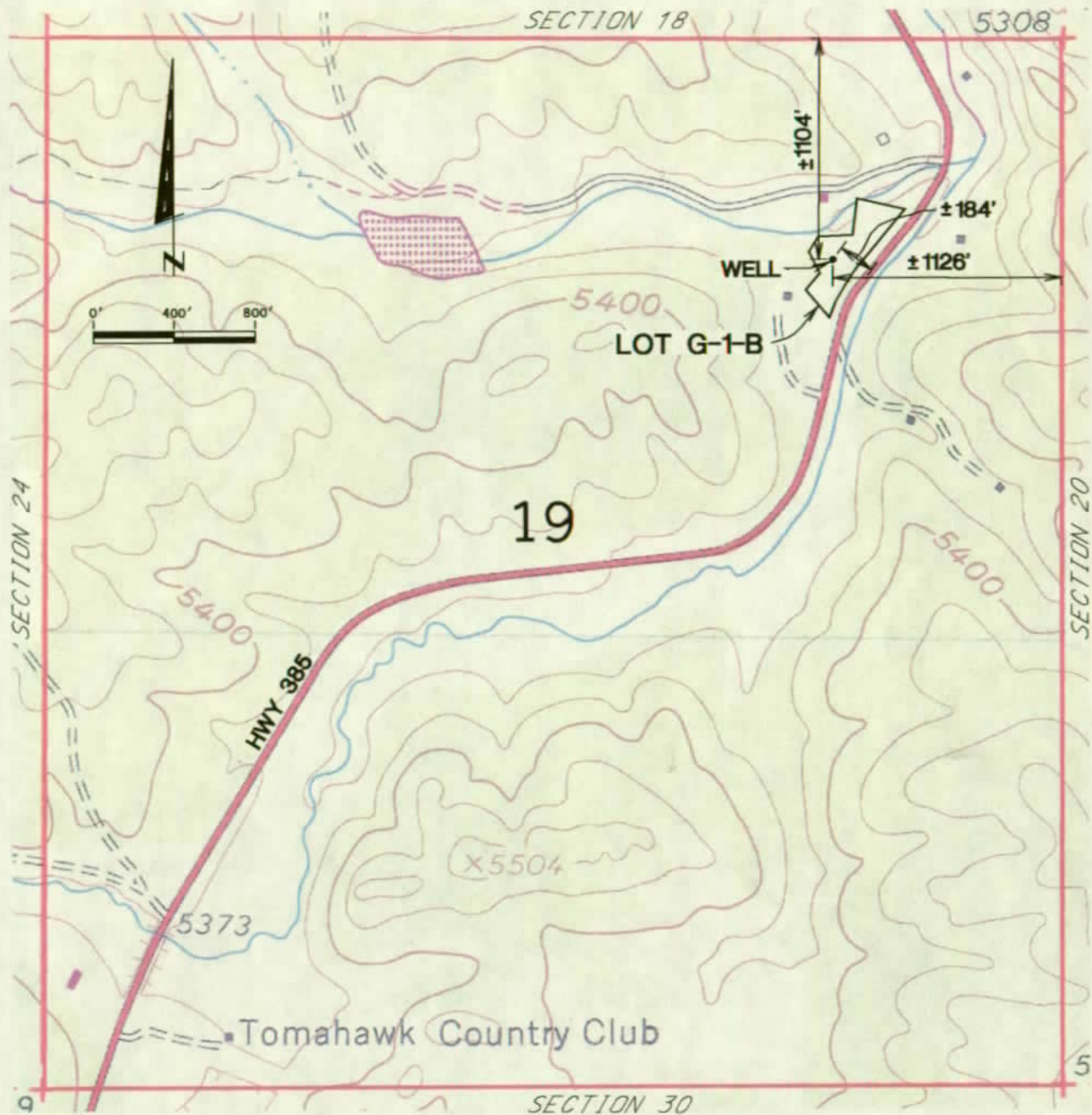
No.

004754

By

Darland Erbe
Chief Engineer gm

WELL LOCATION CREEKSIDE CAMPGROUND SECTION 19, T4N, R4E, BHM, LAWRENCE COUNTY, SD



Neil J. Stodolski

Date: 6/03/04

Reg. No. 3021

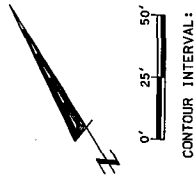


1824-1

PREPARED BY:

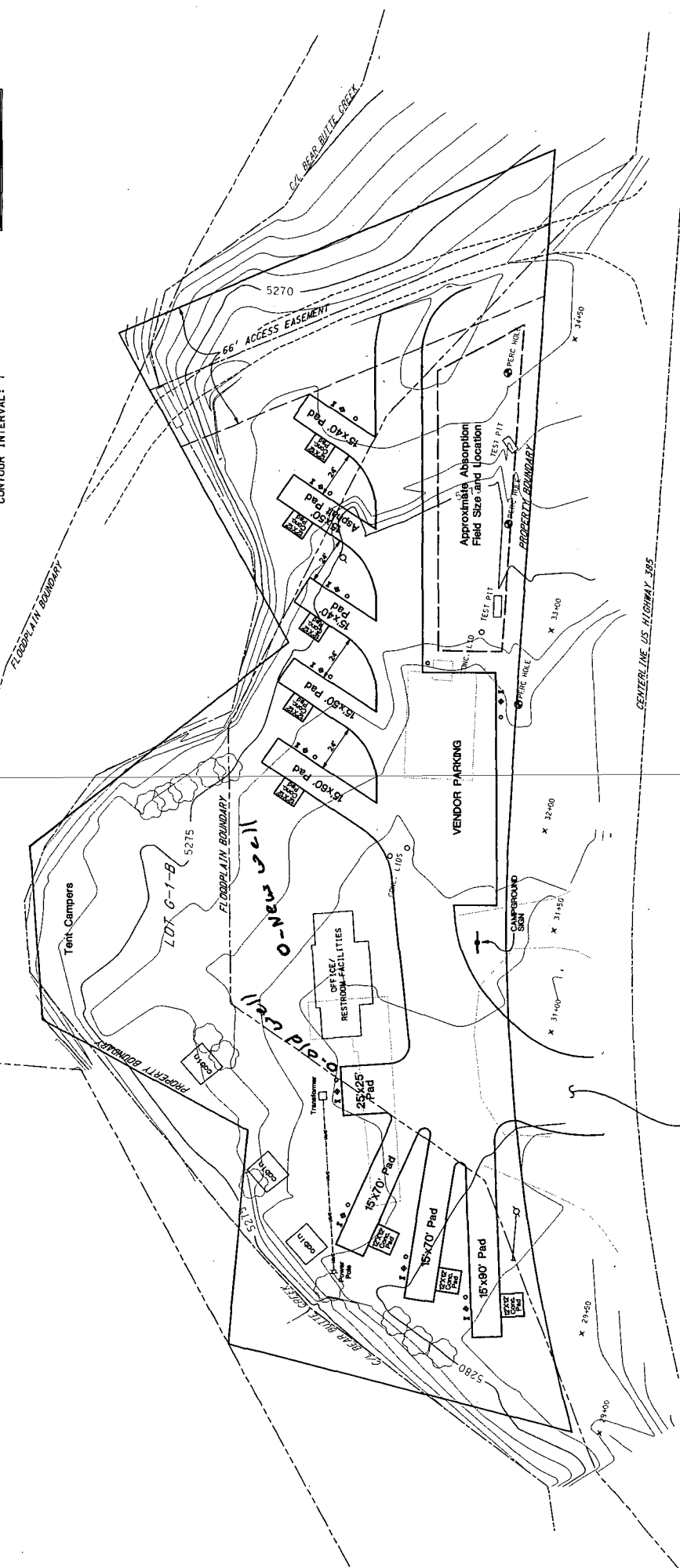


NOTES:
 CAMPGROUND RESTROOM FACILITY
 CONTAINS: 2 - URINALS
 4 - LAVATORIES
 4 - TOILETS
 4 - SHOWERS



LEGEND	
—	Water Riser
•	Electrical Riser
o	Sewer Riser

CONTOUR INTERVAL: 1'



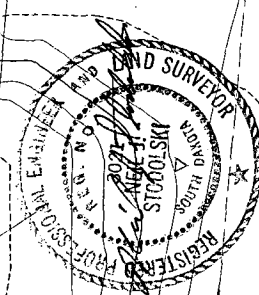
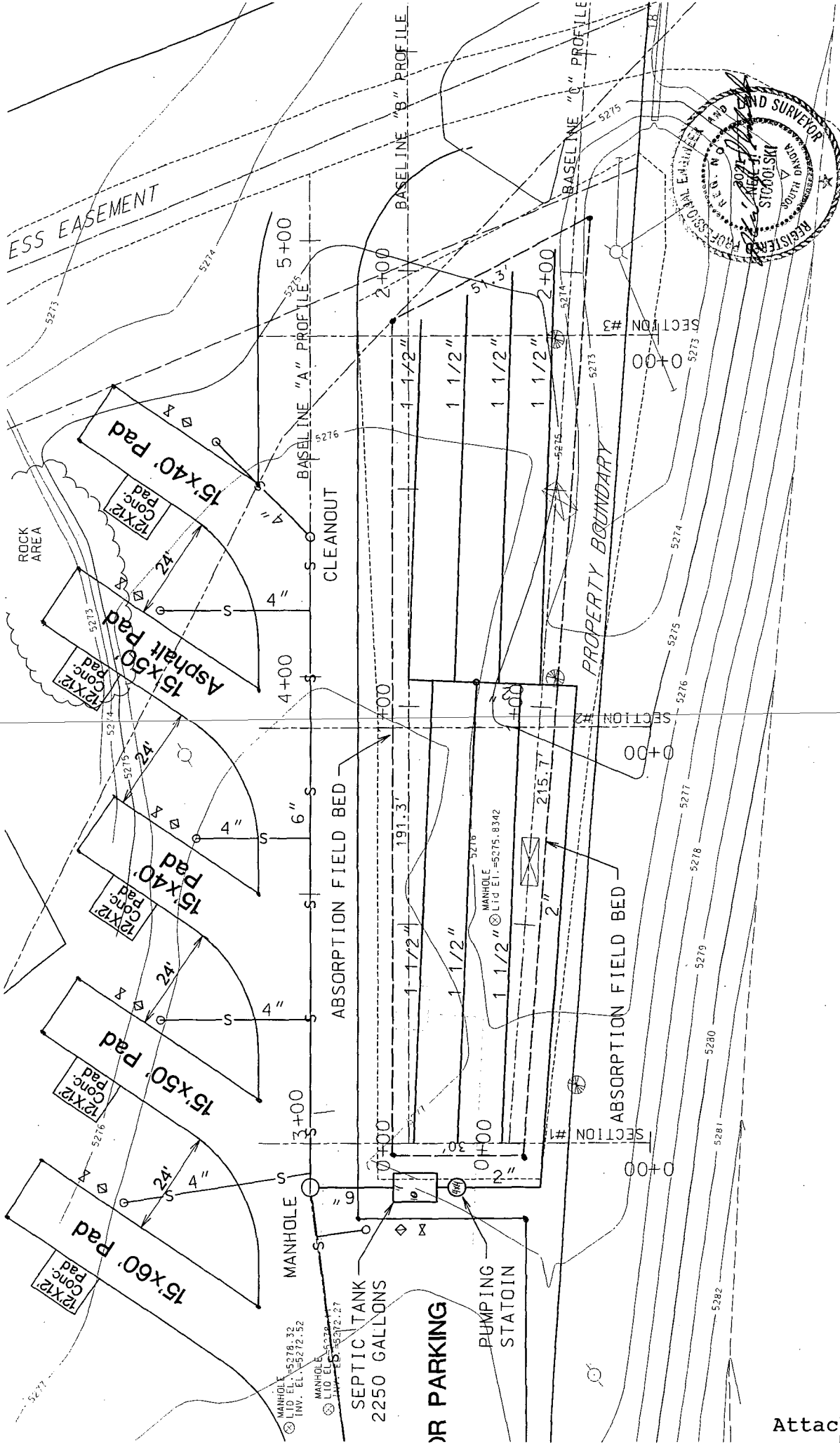
INSTALL APPROACH PER SDDOT INTERSECTING ROAD, FARM AND FIELD ENTRANCE SPECS. USING 44" SUBGRADE WITH 40' FINISHED SURFACING WIDTH.

CREEKSIDE CAMPGROUND
LAWRENCE COUNTY, SD

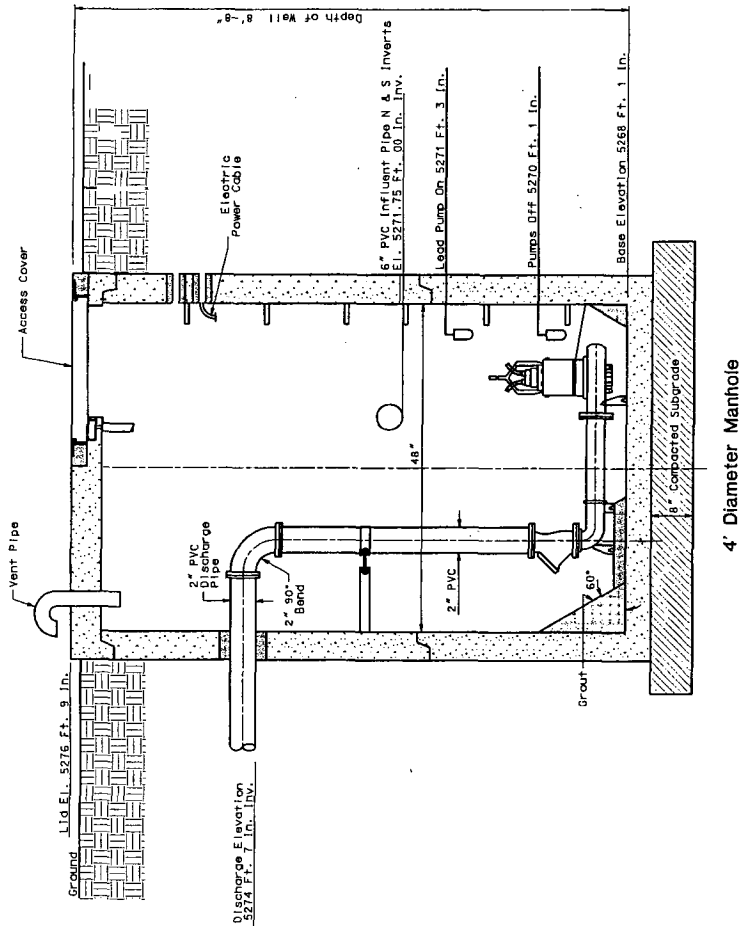
ENGINEERING
NJSN

P.O. BOX 228
 123 E. JACKSON BLVD. SUITE 1
 SPOONER, SD 57783

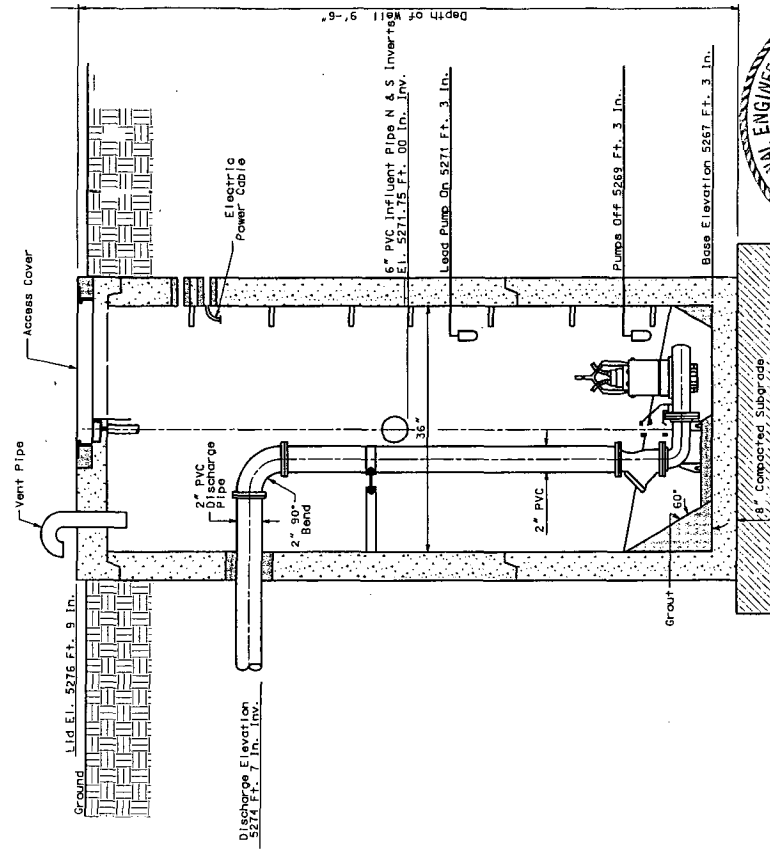
TELEPHONE: (605) 445-4772
 FAX: (605) 445-4773



CENTERLINE US HIGHWAY 385

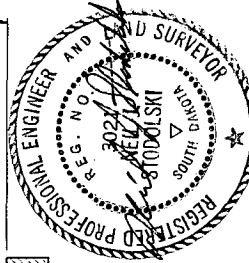


4' Diameter Manhole



3' Diameter Manhole

NOTE: PUMP STATION CAN USE A 3' OR 4' DIAMETER MANHOLE. USE WHICHEVER DETAIL APPLIES.



SURVEY: _____
DATE: _____
DRAW: _____
DATE: _____

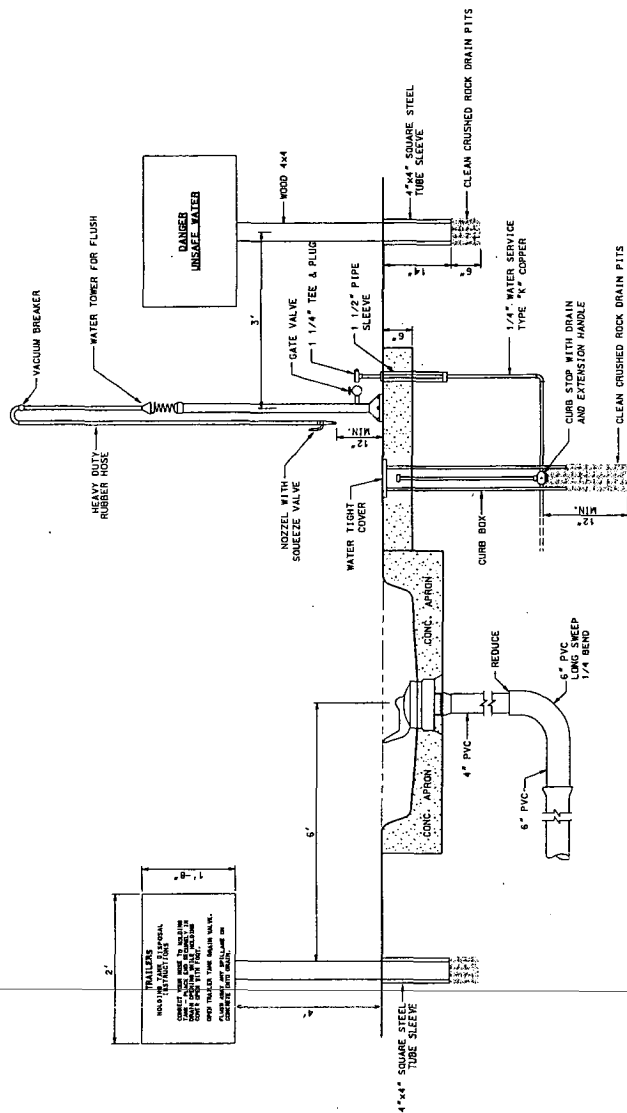
DESIGN: _____
DATE: _____
CHECK: _____
DATE: _____

NJS ENGINEERING
P.O. BOX 205
33 E. JACKSON BLVD. SUITE 1
SPEARFISH, SD 57783
TELEPHONE: (605) 842-4772
FAX: (605) 842-4773

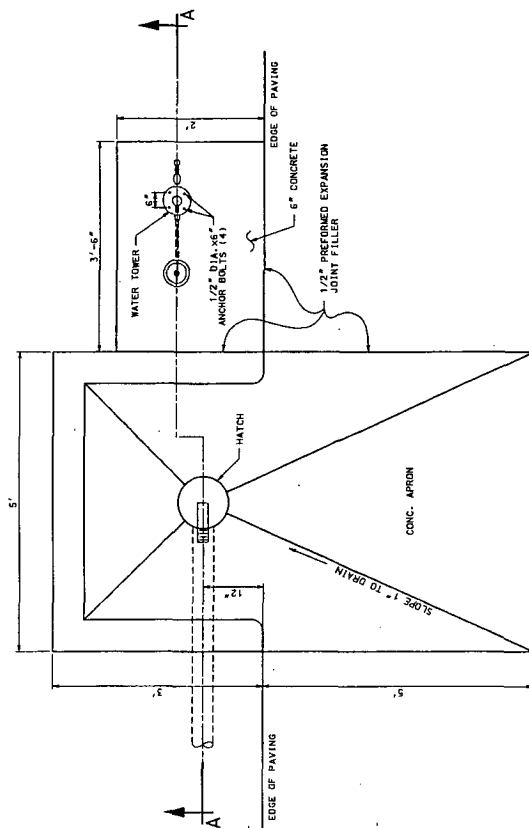
REV.#	DESCRIPTION	DATE	CHKD

SHEET TITLE: LIFT STATION DETAILS
PROJECT: CREEKSIDE CAMPGROUND
LAWRENCE COUNTY, SOUTH DAKOTA

SHEET 4 OF 5
LIFT STATION
PROJECT NO. 3359



SECTION A-A
NTS



PLAN
NTS

5 OF 5

CREEKSIDE CAMPGROUND
LAWRENCE COUNTY, SD



P.O. BOX 226
123 E. JACKSON BLVD. SUITE 1
SPEARFISH, SD 57763

TELEPHONE (605) 842-4772
FAX (605) 842-4773

JUNE 27, 2003
PROJECT NO. 03-01
TRAILER WASTE TREATMENT



**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 19, 2003

Neil J. Stodolski, PE/LS
NJS Engineering
123 East Jackson, Suite One
PO Box 226
Spearfish, SD 57783

RE: Proposed On-Site Wastewater System for Creekside Campground

Dear Mr. Stodolski:

The Department of Environment and Natural Resources (DENR) has received one copy of the plans and revised specifications for the above-referenced system. This evapotranspiration system will service Charlie Vig's Creekside Campground, located in Lawrence County, South Dakota. The plans and revised specifications for this system were reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

The Department hereby approves the plans and revised specifications for the proposed on-site wastewater system for Creekside Campground. The system is designed to handle wastes from 11 full hookup locations, 3 tent locations and 3 undeveloped cabins, with flows totaling 1,460 gallons per day at maximum campground occupancy.

Please be advised that any system that has the capacity to serve 20 or more people per day may also have to be authorized by the U.S. Environmental Protection Agency. For more details about EPA's requirements, please contact Douglas Minter at (303) 312-6079 or Valois Shea at (303) 312-6276.

If you have any further questions, please contact me.

Sincerely,

Kent R. Woodmansey, P.E.
Natural Resources Engineering Director
Surface Water Quality Program
(605) 773-3351

cc: Pete Young, DENR – Surface Water Quality Program
Jon Epp, Surface Water Quality Program, Rapid City

CREEKSIDE CAMPGROUND AMENDED FLOWS

Absorption Field

11	Full Hookup Locations (includes office) 100 GPD/Spot =	1,100
3	Tent Locations 2 People/Site x 30 GPD =	180
3	Undeveloped Cabins 2 People/Site x 30 GPD =	<u>180</u>
		1,460 GPD

$$1,460 \text{ GPD} \div 0.20 \text{ Gal/S.F.} = 7,300 \text{ S.F.}$$

$$\text{Septic Tank Size: } 1,460 \text{ GPD} \times 150\% = 2,190 \text{ Gal}$$

Use a 2,250 Gal Septic Tank

6'-6" W 10'L 6'-8"H

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, February 23, 2004 2:48 PM
To: Schlaak, Karen
Subject: Creekside Campground - Charlie Vig

Got a call from the owner's attorney. Said they replaced the well a few years ago - wanted to know if the water right reflected this new well. Couldn't find a water right in Section 19, T4N, R4E for this campground. Went through the process of getting a permit and that we'd work with them as long as they actively pursued getting the necessary permit in place. Found this well completion report on file - Was in the owner's name and listed as for domestic use so there's no reason we'd have sent him anything stating to get a permit.

6/16/2004

BLUEDOG, OLSON & SMALL
SOUTHGATE OFFICE PLAZA, SUITE 500
5001 AMERICAN BOULEVARD WEST
MINNEAPOLIS, MINNESOTA 55437

KURT V. BLUEDOG*
STEVEN F. OLSON**
ANDREW M. SMALL†
GREG S. PAULSON
SUSAN L. ALLEN
JESSICA L. RYAN
JEFFREY S. RASMUSSEN***
TODD M. ROEN*
LIZA M. O'REILLY

PHONE (952) 893-1813
FACSIMILE (952) 893-0650

ALSO ADMITTED IN:
*WISCONSIN
**SOUTH DAKOTA
ONLY ADMITTED IN:
†MONTANA**
***WASHINGTON

June 14, 2004

RECEIVED
JUN 16 2004
WATER RIGHTS
PROGRAM

Mr. Eric Gronslund
Water Rights Program
Department of Environment & Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

VIA U.S. MAIL

Re: Water Appropriation Permit Amendment Application

Dear Mr. Gronslund:

Enclosed for your consideration is Brooks Properties, Inc.'s application for an amendment to an existing water appropriation permit for Creekside Campground located in Lawrence county and the required filing fee. Our office spoke with you earlier, and at that time, you indicated any change in a diversion point pursuant to an existing water rights permit required the completion of the "Application For Permit to Appropriate Water Within the State of South Dakota" or "Form 2" and supplemental "Form 2A." We ask that the Chief Engineer promptly review the enclosed application for approval of an amendment to the existing water permit for Creekside Campground.

As you know, South Dakota law provides that an existing water right permit may be amended to change the point of diversion "if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest." S.D. CODIFIED LAWS §46-2A-12. If the change in the location is for non-irrigation purposes, the permit may be amended if: (1) the water source remains unchanged; (2) no additional water is appropriated; and (3) the Chief Engineer finds that a change does not increase the potential for interference with existing diversions. *Id.* at §46-5-13.1. Any "change in location of a diversion point[] may be allowed without application or publication pursuant to §46-2A-4, if the chief engineer is contacted and makes a finding that the change does not increase the potential for interference with existing diversions." *Id.* § 46-5-13.1. Prior to the commencement of the well's drilling, a well driller has the responsibility to inform the owner of the construction requirements, including filing the necessary applications or contacting the Chief Engineer for approval to amend an existing water permit. S.D. ADMIN. R. §74:02:04:73.

For Creekside campground, a new well was drilled and completed on August 10, 2002. At that time, Brooks Properties, Inc. never received information from the well driller that an application for amendment to an existing water appropriation right had to be made to the Chief Engineer of the Department. Because Brooks Properties, Inc. was never provided this information, it was unaware of the application requirement until our firm contacted your office at the end of February, 2004.

BLUEDOG, OLSON & SMALL, P.L.L.P.

Mr. Eric Gronslund
Water Rights Program
June 14, 2004
Page 2

Since then, we have been able to gather the necessary information from the well driller and other requisite sources to complete this application for your review and consideration.

If you should have any questions or concerns, please do not hesitate to contact us.

Sincerely,


Steven F. Olson
Liza M. O'Reilly

Encls. as stated

cc: Charles Vig, CEO
Brooks Properties, Inc.

RECEIVED

JUN 16 2004

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 2004

Steven F Olson
Bluedog, Olson & Small, PLLP
Southgate Office Plaza, Suite 500
5001 American Boulevard West
Minneapolis MN 55437

Dear Mr. Olson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Creekside Campground located in Lawrence County.

Enclosed is the check for \$200. Since the application is requesting less than 45 gallons per minute, the application/license filing fee will be \$100.

Upon receipt of the correct fee, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 2004

Liza M O'Reilly
Bluedog, Olson & Small, PLLP
Southgate Office Plaza, Suite 500
5001 American Boulevard West
Minneapolis MN 55437

Dear Ms. O'Reilly:

Yesterday you called concerning my June 17th letter, and the *Application for a Permit to Appropriate Water* for Creekside Campground located in Lawrence County.

I have reviewed our files and could not find a water permit for a campground and well located in the NW ¼ NE ¼ Section 18-T4N-R4E. Therefore, this application will be considered a new application. South Dakota Codified Law 46-2A-4 requires this application to be public noticed.

After the required application/license fee is submitted, we will continue processing the application. As requested, information regarding the public notice will be sent to both the applicant and you.

If you have any further questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

BLUEDOG, OLSON & SMALL
SOUTHGATE OFFICE PLAZA, SUITE 500
5001 AMERICAN BOULEVARD WEST
MINNEAPOLIS, MINNESOTA 55437

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PHONE (952) 893-1813
FACSIMILE (952) 893-0650

ALSO ADMITTED IN:
*WISCONSIN
**SOUTH DAKOTA
ONLY ADMITTED IN:
†MONTANA††
***WASHINGTON

June 22, 2004

Ms. Karen Schlaak
Water Rights Program
Dept. of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

VIA U.S. MAIL

Re: *Creekside Campground Application Fee*

Dear Karen:

As we discussed, I am submitting the correct fee amount for the Application for a Permit to Appropriate Water in the amount of \$100.00.

If you should have any questions, please contact either me or Steven Olson.

Sincerely,


Liza M. O'Reilly

Enclosures as stated

cc: Charles Vig, CEO
Brooks Properties, Inc.

RECEIVED
JUN 24 2004
WATER RIGHTS
PROGRAM

WATER PERMIT APPLICATION NO.1824-1
BROOKS PROPERTIES, INC
JULY 20, 2004

Water Permit Application No. 1824-1 proposes to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one existing well, 100 feet deep, completed into the Precambrian aged Crystalline Rock aquifer, located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.19, T4N-R4E, Lawrence County. The water is used for commercial use at the Creekside Campground.

AQUIFER: Crystalline Rock (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The South Dakota Water Well Completion Report provided with this application indicates the well that is to be used to supply water for this appropriation was completed in August 2002. The report indicates the well is 100 feet deep, had a static water level of six feet below grade at the time of construction, was capable of producing over 75 gallons per minute, and appears to be constructed in accordance with the SD Well Construction Standards.

Geologically, this area has been mapped as Precambrian aged crystalline rock (metamorphosed phyllite, schist, and graywacke), overlain with alluvial deposits (sand, gravel and clay) along Bear Butte Creek and its tributaries (Strobel and others 1999). The alluvium mantled precambrian rock probably constitutes a single aquifer under unconfined (water table conditions). Estimates of the amount of water in storage or for recharge to the aquifer are not available. The aquifer is probably hydraulically connected to Bear Butte Creek and its tributaries. During periods of high flow, when the creek stage is higher than the water table of the aquifer, the creek is probably a "losing stream" (i.e. the stream flow recharges the aquifer). When the water table of the aquifer is higher than the creek stage the creek is probably a "gaining stream"; (i.e. the aquifer contributes to stream flow). In general the ground water probably discharges towards the creek. Recharge is accomplished through infiltration of precipitation and possibly through streamflow losses from area streams.

The Water Rights Program does not monitor any observation wells in this area. There is no historical water level data available.

AFFECTS ON EXISTING RIGHTS:

There are a number of domestic wells in the area, which obtain water from the same source (Water Rights, 2004a). Eight Water Rights/Permits appropriate ground water within about one mile of this well (Water Rights, 2004b). They shown in table 1.

PERMIT NO	NAME	USE	CFS	ACRES
407-1	FISH'N FRY INN	COM	0.09	
813-1*	ALIMADAD JATOI, MD	IRR	0.10	7.59
1366-1	WILD BILL'S CAMPGROUND	COM	0.07	
1562-1	TOMAHAWK LAKE COUNTRY CL	COM	0.04	
1563-1	TOMAHAWK LAKE COUNTRY CL	IRR	0.03	25.60
1675-1	BLACK HILLS GAME LODGE	COM	0.04	
1711-1	HIDDEN VALLEY CAMPGROUND	COM	0.06	
1774-1	TOMAHAWK LAKE COUNTRY CL	IRR	0.07	

Table 1. Groundwater appropriations within approximately one mile of 1824-1

The nearest ground water appropriation (1711-1, Hidden Valley Campground) is supplied water from a well 125 feet deep, located less than 300 feet northwest of the well that is to be used for 1824-1. It is possible that drawdown from Creekside Campground well will be measurable in Hidden Valley Campground well. Although the well interference is measurable, it would probably not constitute an "adverse impact to existing rights".

A precise definition of an adversely impacted groundwater right does not exist. However, the South Dakota Well Construction Standards define an adverse impact to a domestic well through ARSD 74:02:04:20(6) and 74:02:04:20(7). ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. It may be appropriate to apply the criteria defining an adverse impact to a domestic well, outlined in ARSD 74:02:04:20(7), to all wells.

Since the porosity of the Crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this aquifer, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, natural water level fluctuations in this aquifer are expected to greatly exceed drawdown caused by pumping an individual well, (interference between these two wells should only amount to a few feet compared with 40'-50' of natural fluctuation). The discontinuation of pumping a competing well in the Crystalline aquifer will have an insignificant impact on the water levels in a well as compared with climatic conditions. A well that is only a marginal producer may technically be adversely impacted by a competing well but the discontinuation of pumping the competing well not result in a reliable water supply for the effected well. In other words, drawdown of a few feet could be considered insignificant.

* Water Right No. 813-1 appropriates both groundwater and surface water

There are six Water rights that appropriate surface water within approximately one mile of the well to be used to supply 1824-1. They are shown in Table 2.

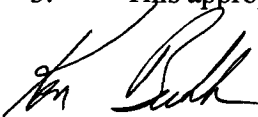
PERMIT NO	NAME	USE	CFS	ACRES
1471-1	TOMAHAWK LAKE COUNTRY CL	IRR	0.50	25.60
1472-1	TOMAHAWK LAKE COUNTRY CL	IRR	0.07	1.65
386-1	FISH 'N FRY INN	COM	3.00	
763-1	DAVID GEARY	REC	0.00	
813-1*	ALIMADAD JATOI, MD	IRR	0.10	7.59
US528-1	USDA FOREST SERVICE	DOM	0.00	

Table 2. Surface water appropriations within approximately one mile of 1824-1

The base flows of local streams are probably maintained through groundwater gains most of the time in this area. This groundwater appropriation should have no measurable impact to streamflows, because of the relatively low diversion rate proposed by this application. Therefore, surface water rights will not be affected by this appropriation.

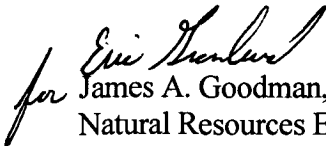
CONCLUSIONS:

1. Water is available from the alluvium mantled Precambrian aquifer.
2. The aquifer is under water table conditions and drawdown due to this diversion is not expected to adversely affect adequate wells in the area.
3. This appropriation will not adversely affect the flows of area streams.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

Strobel, M.L., G.Jarrell, J. Sawyer, J. Schleicher, M. Fahrenbach, 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota, USGS Hydrologic Investigations Atlas HA-743

Water Rights Program, 2004a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2004b, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**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. 1824-1, Brooks Properties**

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. 1824-1, Brooks Properties, c/o Charles R Vig, 2543 Dakota Trail, Prior Lake MN 55372.

The Chief Engineer is recommending APPROVAL of Application No. 1824-1 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
July 28, 2004

RECEIVED

AUG 13 2004

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

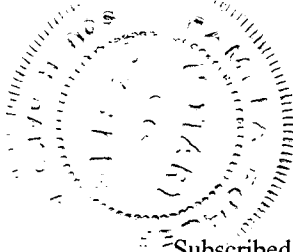
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Sheri Wiechmann, Being duly sworn, says, That the Lawrence County Centennial is and, during all times hereinafter mentioned, is a legal newspaper as defined in SDDCL 17-2-2, as amended, published in Deadwood, Lawrence 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:

<u>Aug 5</u> 200 <u>4</u>	_____ 200_____
<u>Aug 12</u> 200 <u>4</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

\$ 36.75, I insure 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.



Sheri Wiechmann
Accounting Clerk

Subscribed and sworn before me this

12 Day of Aug. 2004

Pamela Buehler
Notary Public, South Dakota

My Commission expires Feb 8, 2007

**Water
application**

NOTICE OF APPLICATION

NO. 1824-1 TO APPROPRIATE WATER
NOTICE IS HEREBY GIVEN that Brooks Properties, Inc., 2543 Dakota Trail, Prior Lake MN 55372 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into Crystalline Rock (100 feet deep) located in the NE 1/4 NE 1/4 Section 19-T4N-R4E. The water is for commercial use at the Creekside Camp-ground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1824-1 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 interesting person or the applicant must be filed by August 23, 2004.

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 August 5 & August 12, 2004
Lawrence County Centennial**

Instruction to Newspaper - Publish first Notice on August 5, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1824-1 to Appropriate Water

Notice is given that Brooks Properties, Inc., 2543 Dakota Trail, Prior Lake MN 55372 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one existing well completed into Crystalline Rock (100 feet deep) located in the NE ¼ NE ¼ Section 19-T4N-R4E. The water is for commercial use at the Creekside Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1824-1 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.

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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.

July 29, 2004

Brooks Properties Inc
% Charles Vig
2543 Dakota Trail
Prior Lake MN 55372

Dear Mr. Vig:

Water Permit Application No. 1824-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Lawrence Co Centennial printed at Deadwood, SD (Ph # 605-578-3305). 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

cc: Liza M O'Reilly, Bluedog Olson & Small

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

July 29, 2004

Lawrence Co. Centennial
376 Main Suite A
Deadwood SD 57732

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1824-1 to Appropriate Water to be published twice. Please publish the first notice on August 5, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brooks Properties, Inc., % Charles R Vig, 2543 Dakota Trail, Prior Lake MN 55372 (Ph # 952-445-5192).

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. 1824-1

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

Date _____

We are in receipt of your letter of July 29, 2004 enclosing Notice to Appropriate Water by Application No. 1824-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 27 2004

Brooks Properties Inc
% Charles Vig
2543 Dakota Trail
Prior Lake MN 55372

Dear Mr. Vig:

Enclosed is Water Permit No. 1824-1 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

cc: Liza O'Reilly, BlueDog, Olson & Small, 5001 American Boulevard West, Minneapolis MN 55437

enclosures

1824-1

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

Date 11/15/04

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

RECEIVED
NOV 22 2004
WATER RIGHTS
PROGRAM

FROM:

Charles Vig (Creekside Campground)
(name)

2543 Dakota Trail (Fire No 21433 Hwy 385)
(address) *Deadwood SD 57732*

Prior Lake MN 55372
(city, state, zip)

H 952-445-5197 B: 605-578-2267
(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. 1824-1 states that the water use system is to be constructed by

11/15/04 (date), and water is to be put to beneficial use by 11/15/04 (date).

The water use system was completed on

7

(date)

** Late 2002*

Applying the water to beneficial use was completed on

7

(date)

** Late 2002*

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

Charles Vig
(signature)



7-98

* 1-6-05 Spoke with Mr. Vig; System was put in late in 2002. When inspection is scheduled, give him about a weeks notice and he may be able to get back to area to meet with Staff.

Permit No. 1824-1
Belle Fourche 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, 28 August 2007, made a thorough examination of the water use system constructed by Brooks Properties Inc. of 2543 Dakota Trail, Prior Lake, MN. 55372 holder of Permit No. 1824-1, bearing the priority of 16 June 2004 authorizing the diversion of 0.033 cu. ft. per second of the waters of a crystalline rock formation for commercial purposes, in Lawrence County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Tefertiller
- 2) No. of Wells: 1
- 3) Depth(s) 100 feet
- 4) Well log is available Y
- 5) Comment:
 - 1) Casing: 6 inches
 - 2) Length 37 feet
 - 3) Type steel

Screen:

- 1) Type none
- 2) Static water level 6 feet

Pump:

- 1) Make Unknown
- 2) Capacity 15 GPM

Motor:

- 1) Make unknown

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

- 1) Type PVC

C. Compliance with Permit Requirements:

Report of Examination of Works

Permit No. 1824-1

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: NE ¼ NE ¼ Section 19 Township 4 North Range 4 East, approximately 1148 feet west and 1095 feet south of the north east corner of section 19, N 44.29681 Latitude and W -103.67958 Longitude. The works are capable of diverting and conveying to the place of use 0.033 cu. ft. per second of water

The license should be issued for 0.033 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: Pump and motor information was provided by a gentleman named Andy who represented himself as the grounds keeper for this property.



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 20 February 2008



South Dakota

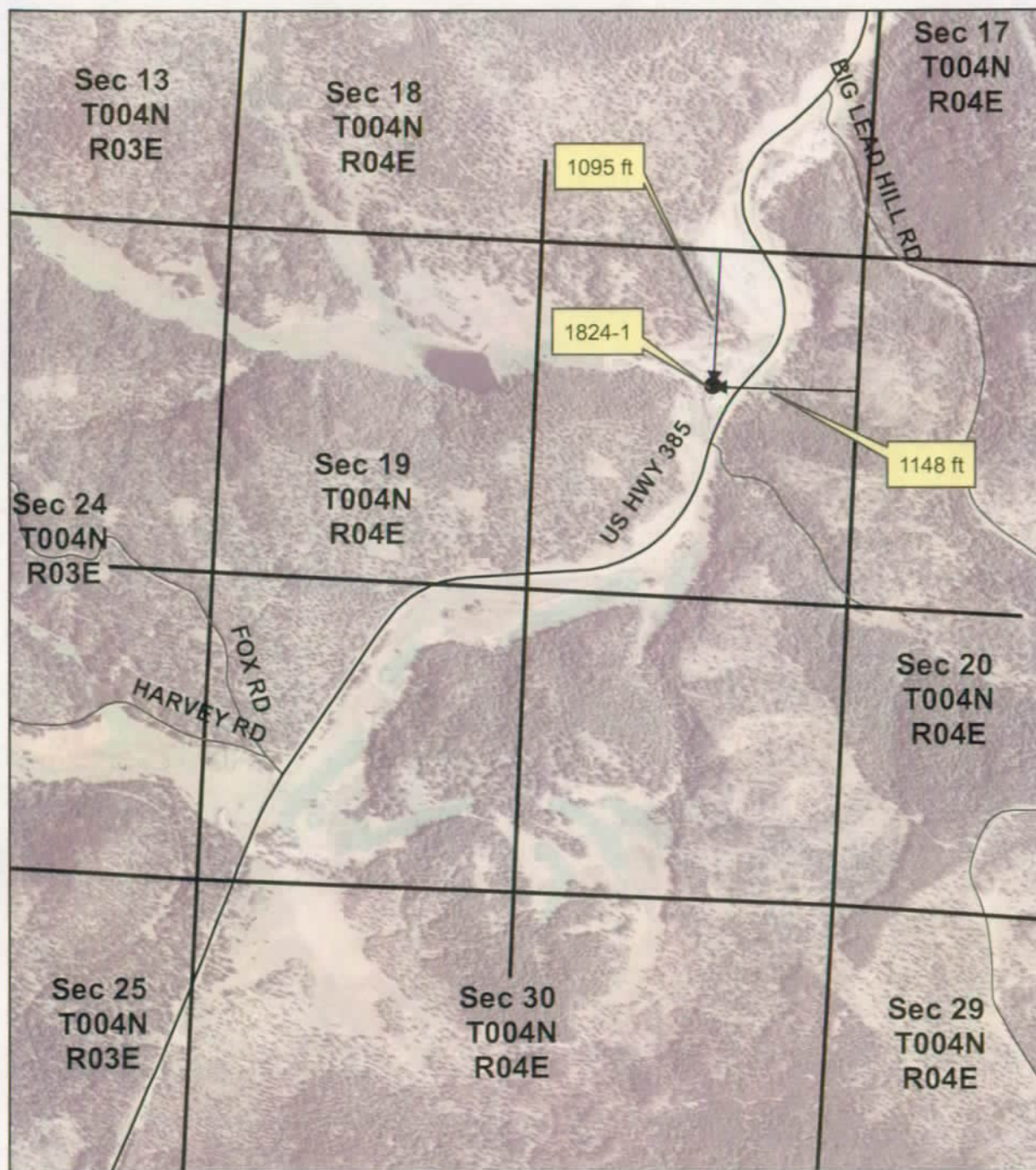
1824-1

Brooks Properties Inc.
2543 Dakota Trail
Prior Lake, MN. 55372

South Dakota Department of
Environment and Natural Resources

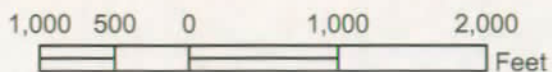


Protecting South Dakota's Tomorrow... Today



Mark Costello

Mark Costello
Natural Resources Engineer
SD DENR, Water Rights
20 February 2008



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1824-1

(1) Brooks Properties, Inc., 2432 Redwing Dr, Shakopee MN 55379-2997 made Application No. 1824-1, June 16, 2004 for a water permit to divert 0.033 cubic feet of water per second (15 gallons per minute) from ground water (one well completed into the Crystalline Rock), Lawrence County, South Dakota for commercial purposes. Permit No. 1824-1 with a priority date of June 16, 2004 was approved August 23, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 23, 2009 and for the application to beneficial use of said water on or before August 23, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is:

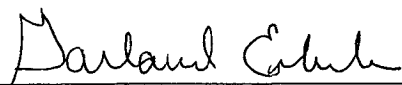
- 1,148 feet W and 1,095 feet S of the NE corner of Section 19, T4N, R4E (**NE ¼ NE ¼**)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial purposes for Creekside Campground located at 21433 Hwy 385, Deadwood, SD 57732.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brooks Properties Inc., 2432 Redwing Dr, Shakopee MN 55379-2997 the holder and/or owner of Water Right No. 1824-1 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second (15 gallons per minute) from ground water (one well completed into the Crystalline Rock) with a priority date of June 16, 2004 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1824-1 and subject to the following qualification:

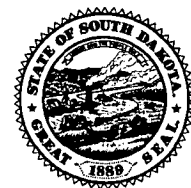
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



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

APR 07 2008

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

APR 07 2008

1824-1

Charles Vig
Brooks Properties Inc
2432 Redwing Dr
Shakopee MN 55379-2997

Dear Mr. Vig:

Enclosed is Water License No. 1824-1. This is the final water right document completing your process of obtaining a Water Right. Also 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. 1824-1, 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.

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