

WATER PERMIT NO. 1858-1

Name of Applicant: Glencoe Camp Resort, Inc.

Address: PO Box 999, Sturgis SD 57785 Phone: 605 347-4712

Amount of Water Claimed: 0.94 Total Acres: 34 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Meade

Type of Waste Disposal System:

Location: east of Sturgis

PRIORITY Date Received: 3-8-06

Application/License Fee: \$200

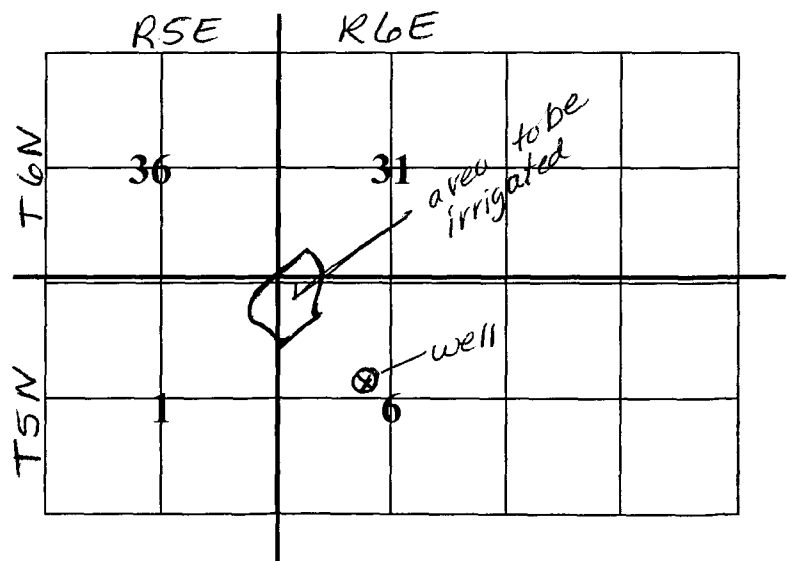
Corrected Application Received: 3-14-06

Period of Annual Use: May 1 – Sept 30

Remarks: irrigation of music amphitheatre and commercial use at the campground

Diversion Point: SE ¼ NW ¼ Sec 6-T5N-R6E

Land to be Irrigated: SW ¼ SW ¼ Sec 31-T6N-R6E, NE ¼ NE ¼ Sec 1-T5N-R5E, NW ¼ NW ¼ Sec 6-T5N-R6E



Depth of Well: 3200
1440 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Rick Bush, RLS

Reviewed and the Number Assigned on: 3-14-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1858-1</u> (office use only) Basin <u>Belle Fourche River</u> Newspaper <u>Meade Co Times</u> <u>Sturgis SD</u> <u>605-347-2503</u> <u>57785</u>
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RECEIVED

MAR 14 2006

WATER RIGHTS
PROGRAM

originally
Red
3/8/06

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant Glencoe Camp Resort, Inc Phone 605-347-4712
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 999 Sturgis State SD 57785
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.94 CFS or 425 **GPM 100 ***AF Total Acreage 34 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply GROUND WATER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
One well in SE1/4 NW1/4 in Section 6, Township 5 North,
Range 6 East County Meade
- County or counties where water will be used meade
- Annual period during which water is to be used MAY 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Govt Lot 4; SE1/4 SW1/4, SW1/4 SE1/4	34		
E 1/2 NW 1/4 SE 1/4 Sec 31, T6N, R6E		SW1/4 SW1/4 Sec 31 T6N R6E	
E 1/2 N 1/2 of Govt Lot 14, S1, T5N, R5E		NE1/4 NE1/4 Sec 1 T5N R5E	
Govt Lot 2 of S6, T5N, R6E		NW1/4 NW1/4 Sec 6 T5N R6E	

- Give a description of the project. (Attach sheet if more space is needed)
IRRIGATION OF 34 acre music Amphitheatre (May 1 - Sept 30)
WATER FOR OPERATION OF Campground (Aug 1 - Aug 15) Commercial Use

STATE OF SOUTH DAKOTA) SS.
County of Meade

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, GARY LIPPOLD, 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 Gary Lippold

Subscribed and sworn to before me this 6 day of March 2006

Frances Ruebel-Albert

Notary Public signature

August 5, 2007

SOUTH DAKOTA
WATER PERMIT NO. 1858-1

Date of first receipt of application March 8, 2006.

Date of return to applicant for corrections, amendments or changes March 8, 2006.

Date of receipt of corrected application March 14, 2006.

The Water Management Board approved Water Permit No. 1858-1 on November 29, 2006 for Glencoe Camp Resort, Inc., c/o Gary Lippold, PO Box 999, Sturgis SD 57785 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1858-1 appropriates 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE 1/4 NW 1/4 Section 6-T5N-R6E to irrigate 34 acres located in the SW 1/4 SW 1/4 Section 31-T6N-R6E, NE 1/4 NE 1/4 (Gov't Lot 1) Section 1-T5N-R5E and the NW 1/4 NW 1/4 (Gov't Lot 4) Section 6-T5N-R6E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period May 1 – September 30 for irrigation and commercial uses at Glencoe Camp Resort.
3. The water is to be used during the following described annual period: May 1 – September 30.
4. The date from which applicant may claim right is March 8, 2006.
5. One-fifth of the construction is to be completed on or before May 29, 2009.
6. All construction is to be completed on or before November 29, 2011.
7. Water is to be put to beneficial use on or before November 29, 2015.
8. 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. 1858-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-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. 1858-1 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.

(continued)

3. The well authorized by Permit No. 1858-1 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) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

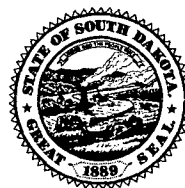
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 30 2007

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17 1/2" 12 1/4" 8 3/4" Depth 80' 150.2' 1440'
- b) Casing Type Steel Diameter 13 3/8" 9 5/8" 6 5/8" Thickness 48 #/Ft 36 #/Ft 20 #/Ft
- c) Screen Type NONE Diameter N/A Thickness N/A
- d) Gravel Pack Pressure Grouted Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material EST. 3140 Ft.
- f) Depth to Water (ground surface to water level) EST 100 Ft + or -
- g) Distance to nearest existing domestic well:

On applicants property Approx. 2440 Ft

On property owned by others Approx 2610 Ft

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) LAGOON
- b) System Capacity (gallons) 4,100,000 Year Constructed 94 + 99
- c) Connected to the City of N/A Sanitary System N/A

3. Dugout Information

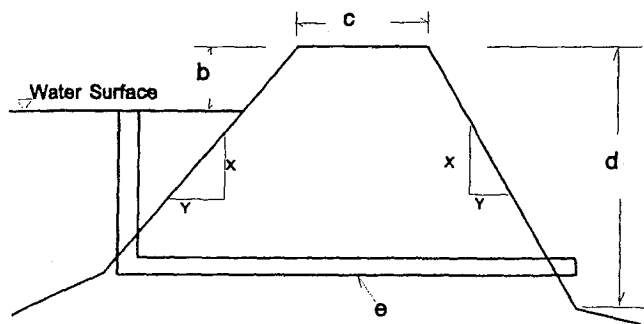
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

N/A



- 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

IRRIGATED
AREA OF
Amphitheater

PARKING LOT
90.00 ACRES

Well at end of
Track

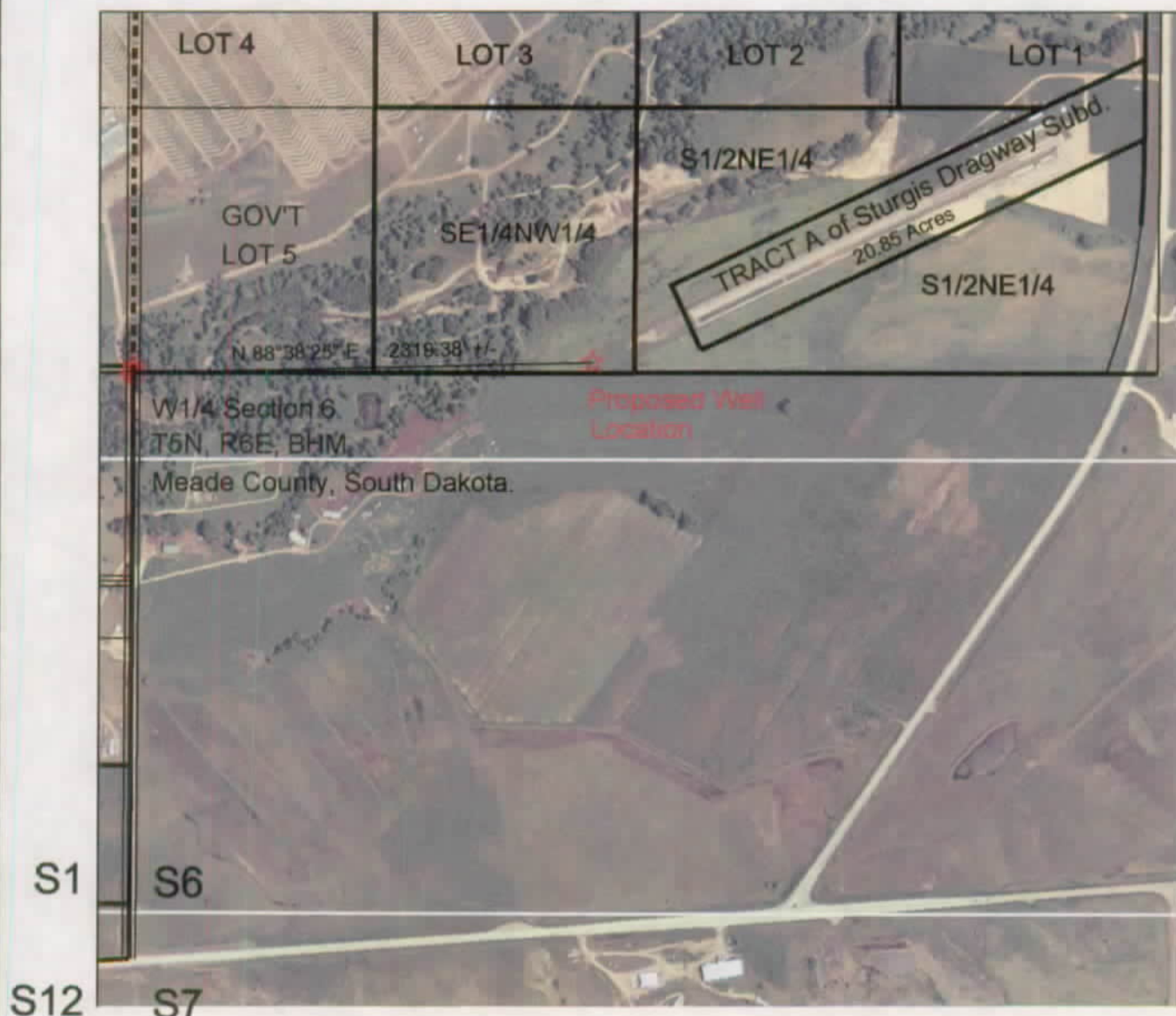
SD HIGHWAY 78

PRECISION SURVEYING & MAPPING, Inc.

2030 MAIN STREET, PO BOX 66
STURGIS, SD 57785
PHONE: 605-347-4014 FAX: 605-423-4110



MARCH 2006



WELL LOCATION SURVEY

The purpose of this Survey is to provide a representation of the information gathered at the time of inspection for the interested parties. This Survey is based on existing but not confirmed boundary evidence and is subject to any inaccuracies that a Boundary Survey might reveal. It is not intended to be a Boundary or Property Line Survey, and all dimensions are of record and no corners were set. This should not be relied on for establishment of any fence, building or other improvements. No responsibility is extended hereon to the present or future landowners.

LEGAL DESCRIPTION

SE1/4NW1/4, SECTION 6, T5N, R6E, BHM,
Meade County, South Dakota.

JOB NO. GLENCOE WELL

DATE: 3-6-06

DRAWN BY: RJB

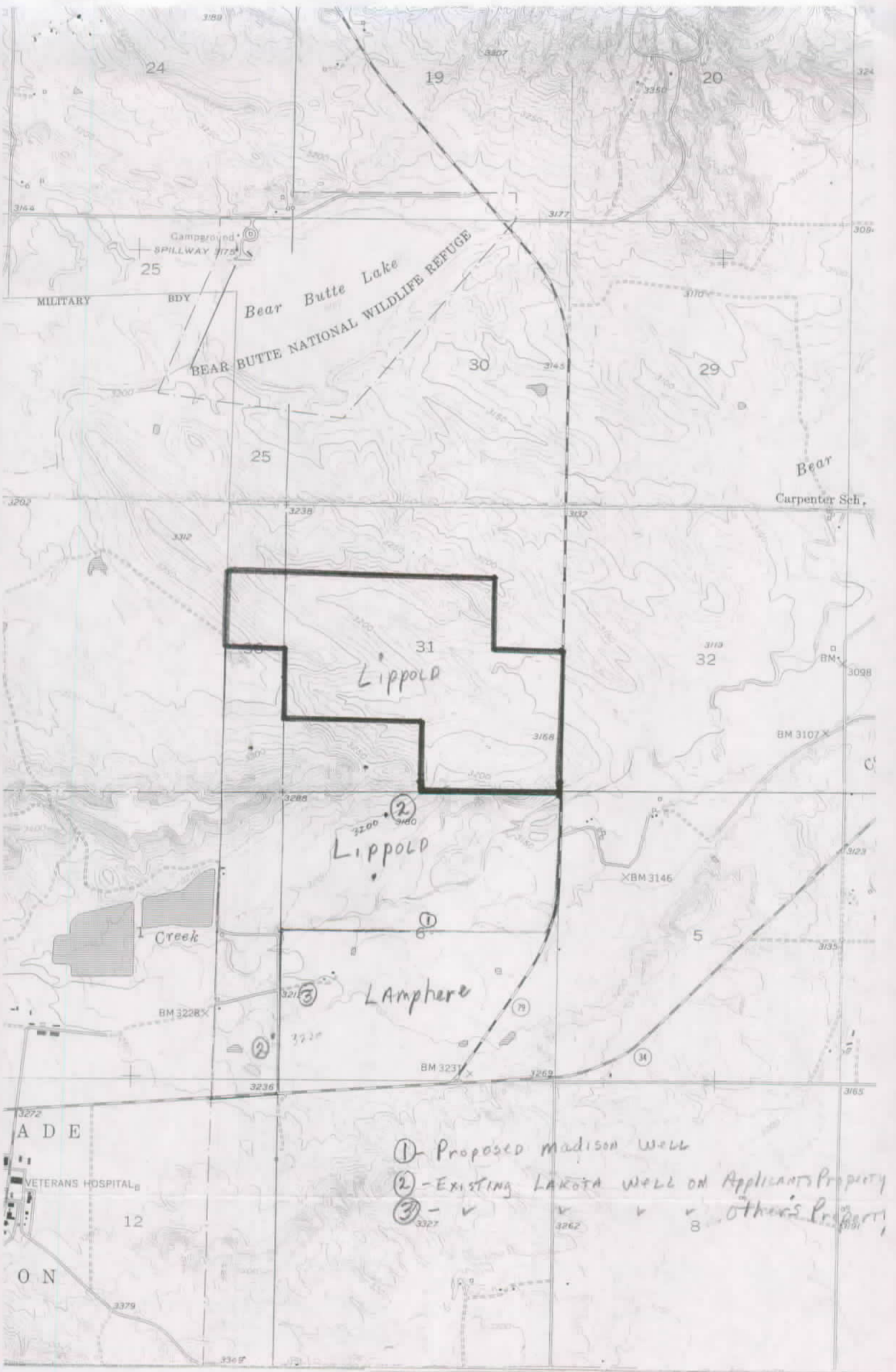
Title work ☐ was ☒ was not provided at the time of survey request.

SURVEYOR'S CERTIFICATE

I, Ricky J. Bush, do hereby certify that this Survey shows the dwelling as located on the premises described in this report and that this report is an accurate representation of the information gathered at the time of inspection of the subject property.



RICK J. BUSH R.L.S. #6699



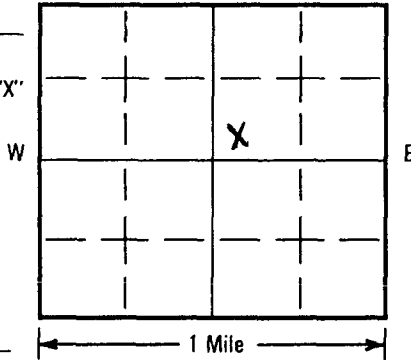
- ① Proposed madison well
- ② - Existing LAKOTA well ON Applicants Property
- ③ - ✓ Other's Property

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NE 1/4 Sec 6 Twp 5N Rg 6ECounty Meade North

Please mark well location with an "X"



Well Completion Date

7-20-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - MudCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>54</u> LB/FT	<u>13 3/8</u> IN	<u>+ 1</u> FT	<u>86</u> FT	<u>17 1/2</u> IN
<u>36</u> LB/FT	<u>9 5/8</u> IN	<u>+ 2</u> FT	<u>1500</u> FT	<u>12 1/4</u> IN
<u>20</u> LB/FT	<u>6 5/8</u> IN	<u>1460</u> FT	<u>2975</u> FT	<u>8 3/4</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>244</u>	<u>11.5/13.5</u> lb./gal	<u>0</u> ft	<u>1500</u> ft
<u>Cement</u>	<u>151</u>	<u>11.5/13.5</u> lb./gal	<u>1460</u> ft	<u>2975</u> ft

Describe grouting procedure Pressure grouted through casing. 13 3/8 casing WAS Pressure grouted also 8 5/8 SK.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 _____

Well Owner: Gary Lippold
 Business Name: Glencoe Campresort, Inc.
 Address: P.O. Box 999
Sturgis, SD 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Sand - clay + Gravel</u>	<u>0</u>	<u>48</u>
<u>Belle Fourche / Mowry</u>	<u>48</u>	<u>665</u>
<u>Newcastle</u>	<u>665</u>	<u>760</u>
<u>Skull Creek</u>	<u>760</u>	<u>940</u>
<u>RYAN KARA</u>	<u>940</u>	<u>1210</u>
<u>Morrison / Sundance</u>	<u>1210</u>	<u>1865</u>
<u>Spearfish</u>	<u>1865</u>	<u>2337</u>
<u>Minnekahta</u>	<u>2337</u>	<u>2378</u>
<u>- see Remarks -</u>		

STATIC WATER LEVEL 165 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

500 ft. After 11 Hrs. pumped 450 GPM300 ft. After 1 Hrs. pumped 150 GPM

If pump installed, pump rate _____ GPM

REMARKS

opeache 2378-2450
minnekahta 2450-2910
Madison 2910-3240

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

RECEIVEDAUG 16 2006

Signature of Well Owner or Equitable Property Holder:

WATER RIGHT PROGRAM

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Glencoe Camp Resort, Inc., PO Box 999, Sturgis SD 57785 Date March 8, 20 06

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

Fee for Application for Permit No. <u>1858-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1858-1</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	200.00

No.

02347

By

Garland Erbe

Chief Engineer

(KS)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2006

Gary Lippold
Glencoe Camp Resort, Inc.
PO Box 999
Sturgis SD 57785

Dear Mr. Lippold:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation at your campground. In order to complete the application the following is required.

- Enclosed are the maps submitted with the application. On the maps, please outline the land to be irrigated. The outlined areas need to match with those identified on Item No. 7 of the application. Please make any corrections on the application, if necessary.
- Item No. 4 states the well will be located in Section 36. The location, as identified on the map, indicates the proposed well will be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6-T5N-R6E. Please clarify the well location.
- Also, Item No. 2 under amount of water claimed, is the 100 AF referring to the storage capacity of the lagoon?

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Glencoe CampResort

P.O. Box 999

Sturgis, South Dakota 57785

605-347-4712

1-800-272-4712

Email: campinfo@glencoecamp.com

Fax: 605-347-8888

Web Site www.glencoecamp.com

March 11, 2006

Ms. Karen Schlaak
Water Right Program
DENR
PMB 2020
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3182

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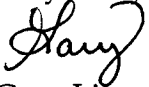
**WATER RIGHTS
PROGRAM**

Dear Karen,

Enclosed please find Glencoe's application for a permit to appropriate water. I have made the changes and additions you requested. I also submitted an additional map that shows the area to be irrigated.

Thank you for your assistance and consideration of this request.

Very Truly Yours,



Gary Lippold
Glencoe CampResort



RALPH L. TAYLOR, JR. (Randy)
KIM E. TAYLOR

April 11, 2006

TELEPHONE:
Office: (605) 348-3600
After Hours: (605) 341-5417
or: (605) 787-4989

DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Taylor Drilling request permission to construct a test well for Glencoe Campground prior to them receiving a water permit.

The test well will be located at Sec.6 Twp 5N Rg 6E. The test well will be completed into the Madison aquifer. Depth estimated to be 3,140 ft.

Respectfully Submitted,

Kim Taylor
Taylor Drilling co.

RECEIVED
APR 12 2006
WATER RIGHTS
PROGRAM

MAILING ADDRESS: P.O. BOX 7738 • RAPID CITY, SOUTH DAKOTA 57709-7738



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 2006

Kim Taylor
Taylor Drilling, Co.
2310 Commerce Road
Rapid City, SD 57702-8062

Dear Mr. Taylor:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Taylor Drilling Co. is authorized to construct a test well for GLENCOE CAMPGROUND prior to approval of a water permit. The test well is to be completed into the Madison aquifer (approximately 3140 feet deep), in the Sec. 6, T5N-R6E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

2050 West Main, Suite #1
Rapid City, SD 57702
Telephone 605-394-2229
FAX Number 605-394-5317

May 16, 2006

Gary Lippold, Owner
Glencoe Camp Resort
PO Box 999
Sturgis, SD 57785-0999

RE: Glencoe Campground Storm Water Inspection

Dear Mr. Lippold:

The South Dakota Department of Environment and Natural Resources conducted a storm water inspection of the Glencoe amphitheater construction project on February 7, 2006. The inspection was conducted to acquire additional information about the project and to determine compliance with the state's general permit for construction activities. The department appreciates your time in providing the requested information.

A copy of the inspection summary is enclosed for your reference. Based on the findings of the inspection, the following comments apply to the project:

Storm Water Comments

1. The Administrative Rules of South Dakota require that a Notice of Intent (NOI) to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) be submitted for any construction activity that disturbs greater than one acre of land. NOIs are required to be submitted 15 days prior to land disturbance activities. According to the submitted NOI, the project work was initiated September 1, 2005. The NOI was submitted March 8, 2006.

Section 2.5.6 of the General Permit states the following:

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization of storm water discharges is granted.

Failure to obtain a permit or comply with the conditions of the permit are violations of the South Dakota Water Pollution Control Act, subject to penalties of up to \$10,000 per day.

2. A storm water pollution prevention plan must be developed and implemented, as required in the general permit. The plan shall identify the pollution control measures that will be used at the site and must be updated as control measures and site conditions change.
3. The site must be inspected at least weekly and within 24 hours following storm events of at least 0.5 inches or a snowmelt event that causes surface erosion. Where runoff is unlikely due to winter conditions, these inspections can be reduced to monthly. A thorough check of the site shall be made to ensure that materials have not been discharged off-site. Records of the inspections must be kept with the pollution prevention plan, and the plan must be updated as site conditions change.
4. Erosion and sediment controls must retain sediment on site to the best extent practicable. Measures must be implemented to control dust and vehicle tracking if problems are observed. If sediment escapes the construction site, off-site accumulations of sediment must be removed. The plan must be modified to prevent further sedimentation off site.
5. All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. If site inspections identify control measures that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
6. Effective permanent control measures, such as seeding and mulching the disturbed area, should be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. Stabilization measures must also be taken on exposed areas where construction activities have temporarily stopped and are not expected to occur again for at least 21 days.

Wastewater Comments

1. A second wastewater stabilization pond was constructed without department approval. Wastewater treatment systems are required to be designed by a professional engineer licensed in the state of South Dakota and submitted to the department for review and approval **prior** to being placed into service. The second stabilization pond shall not be used in the treatment system until plans and specifications are approved for the pond. Constructing and use of a wastewater

stabilization pond without department approval can be subject to penalties of up to \$10,000 per day.

2. The stabilization pond area should be seeded with appropriate native grasses or ripped to minimize erosion and control weed growth on the stabilization pond dikes.
3. The stabilization pond area should be fenced to limit public access and exposure to wastewater. In addition, warning signs should be placed around the pond to warn the public of potential health hazards.

Based on the violations observed during the inspection, the department is considering possible enforcement action which may include penalties. Please acknowledge written receipt of this report, along with your proposals for addressing the above mentioned items by **May 26, 2006**. If you have any additional questions, please contact this office.

Sincerely,



Michael Pogany, E.I.T.
Natural Resources Project Engineer
Surface Water Quality Program

CC: Al Spangler, State Storm Water Coordinator
Kelli Buscher, Surface Water Quality Program DENR Pierre
Sarah Speck, Surface Water Quality Program Pierre
✓ Eric Gronlund, Water Rights Program DENR Pierre
Mark Mayer, Drinking Water Program DENR Pierre

SD Department of Environment & Natural Resources
Storm Water Inspection Report

Facility: Glencoe Camp Resort

Applicable SWD permits: SDR10C388

Inspection Date: 02/07/2006

OVERVIEW

On February 7, 2006, a storm water inspection was conducted at the Glencoe Camp Resort. The inspection was conducted to acquire additional information about the project and to determine compliance with the state's general permit for construction activities. The following people were present during the inspection:

Michael Pogany, Department of Environment and Natural Resources (DENR)
Gary Lippold, Glencoe Camp Resort

The facility was entered at 1:00 PM. A brief introductory meeting explaining the storm water regulations was conducted, followed by a site inspection. Photos are enclosed with this report in Attachment 1. The site was exited at 2:30 PM.

FINDINGS

Glencoe Camp Resort is constructing a 120,000 seat amphitheater adjacent to the current camping facilities (refer to attached aerial photograph in Attachment 2). The amphitheater will hold concerts and other entertainment venues during the annual Sturgis Motorcycle Rally and on select dates during the year.

Earth moving activities are ongoing in many areas of the project. Disturbed areas are for construction of the amphitheater and parking facilities. The 90-acre parking lot is to be located east of the amphitheater and will provide access to the site from Highway 79. The construction activities are expected continue through this spring in preparation for the Rally in August. Existing vegetation is the primary sediment control mechanism. Additional control measures may be required in the future if construction activities expand to other areas. Bear Butte Creek flows through the Glencoe complex.

As projects of this size require additional support facilities, including water and wastewater infrastructure, I inquired about the status of these items. Currently, Mr. Lippold is working on several fronts on the water side. He is working with the DENR Water Rights Program to secure a water right for a well to be drilled on the property. This well will be used for domestic use, as well as providing irrigation for the grassed amphitheater area during events. He is also working with the city of Sturgis to acquire non-potable water from the city's wastewater treatment facility for irrigation during non facility use periods. In addition to the existing facilities, Glencoe is also constructing a 60

unit shower house. This unit will be located near the Sturgis drag strip, in the southeast area of the complex. Mr. Lippold inquired about land application of gray water from this unit. I informed Gary that I would provide him with the necessary information and contacts regarding this water reuse.

Wastewater from the full service camp sites, RV dump stations, and all temporary and permanent toilet facilities are disposed of in a stabilization pond at the site. Mr. Lippold has an agreement with the city of Sturgis authorizing the disposal of septage wastes at the municipal wastewater treatment facility. The pond, about one acre in size, is located north of the camp area and east of the amphitheater. The stabilization pond receives wastewater from a gravity flow collection system aided by a main lift station. Crews have hauled in rock on the southeast end of the pond in efforts to minimize erosion from prevailing winds (refer to Attachment 1). The material will be reworked with heavy equipment to provide a smooth dike slope.

During the pre-inspection meeting, Mr. Lippold mentioned a second stabilization pond was constructed (refer to the attached inspection photos). The second pond was constructed last season, immediately north (down gradient) of the primary pond. The pond, built without engineered plans and specifications, is estimated to be about ½ of an acre. The pond has no physical connection to the primary pond (no piping, valve, etc.). I informed Mr. Lippold that before this pond was placed into service that it would have to be certified by a licensed professional engineer, with plans submitted to the department for review and approval. Mr. Lippold agreed and stated that he was considering alternatives for wastewater, including the addition of another stabilization pond north of the camp facilities. He stated that he would contact Cetec Engineering (engineer of the original stabilization pond) and work on design/approval of the wastewater system improvements.

DEFICIENCIES / CORRECTIVE ACTIONS

Storm Water

1. The Administrative Rules of South Dakota require that a Notice of Intent (NOI) to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) be submitted for any construction activity that disturbs greater than one acre of land. NOIs are required to be submitted 15 days prior to land disturbance activities. According to the submitted NOI, the project work was initiated September 1, 2005. The NOI was submitted March 8, 2006.

Section 2.5.6 of the General Permit states the following:

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions

for any unpermitted activities that may have occurred between the time construction commenced and authorization of storm water discharges is granted.

Failure to obtain a permit or comply with the conditions of the permit is a violation of the South Dakota Water Pollution Control Act, subject to penalties of up to \$10,000 per day.

2. A storm water pollution prevention plan must be developed and implemented, as required in the general permit. The plan shall identify the pollution control measures that will be used at the site and must be updated as control measures and site conditions change.
3. The site must be inspected at least weekly and within 24 hours following storm events of at least 0.5 inches or a snowmelt event that causes surface erosion. Where runoff is unlikely due to winter conditions, these inspections can be reduced to monthly. A thorough check of the site shall be made to ensure that materials have not been discharged off-site. Records of the inspections must be kept with the pollution prevention plan, and the plan must be updated as site conditions change.
4. Erosion and sediment controls must retain sediment on site to the best extent practicable. Measures must be implemented to control dust and vehicle tracking if problems are observed. If sediment escapes the construction site, off-site accumulations of sediment must be removed. The plan must be modified to prevent further sedimentation off site.
5. All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. If site inspections identify control measures that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
6. Effective permanent control measures, such as seeding and mulching the disturbed area, should be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. Stabilization measures must also be taken on exposed areas where construction activities have temporarily stopped and are not expected to occur again for at least 21 days.

Wastewater Comments

1. A second wastewater stabilization pond was constructed without department approval. Wastewater treatment systems are required to be designed by a professional engineer licensed in the state of South Dakota and submitted to the

department for review and approval **prior** to being placed into service. The second stabilization pond shall not be used in the treatment system until plans and specifications are approved for the pond. Constructing a wastewater stabilization pond without department approval can be subject to penalties of up to \$10,000 per day.

2. The stabilization pond area should be seeded with appropriate native grasses or riprapped to minimize erosion and control weed growth on the stabilization pond dikes.
3. The stabilization pond area should be fenced to limit public access and exposure to wastewater. In addition, warning signs should be placed around the pond to warn the public of potential health hazards.

ATTACHMENT 1
Inspection Photos

Glencoe Camp Resort 02-07-06



Overview of amphitheater construction project. Area under construction is circled in red.

Glencoe Camp Resort 02-07-06



Top: Primary stabilization pond, constructed circa 1996. Note material on right dike (south east). Material to be reworked as rip rap to slow erosion.

Left: Secondary stabilization pond constructed last year. Pond is located to the north of the primary.



Glencoe Camp Resort 02-07-06



Disturbed area to the northeast of the amphitheater, to be used for parking. After dirt work is completed, area will be graveled.

Glencoe Camp Resort 02-07-06



View from the top of the amphitheater area overlooking the campground. The Sturgis WWTF is visible to the right.

ATTACHMENT 2
Aerial Photograph



PARKING LOT
90.00 ACRES

60 HIGHWAY 78





Glencoe CampResort
P.O. Box 999
Sturgis, SD 57785
605-347-4712

RECEIVED
MAY 24 2006
WATER RIGHTS
PROGRAM

May 22, 2006

Mr. Michael Pogany, E.I.T.
Natural Resources Project Engineer
Surface Water Quality Program
Dept. of Environment and Natural Resources
2050 West Main St., Ste. 1
Rapid City, SD 57702

Re: Glencoe CampResort

Dear Mike:

I am in receipt of your letter of May 16, 2006 and please consider this my response as to how we have addressed the issues raised in your letter.

I. Storm Water.

As I stated back on February 7, I was unaware that I had to submit a Notice of Intent (NOI) to obtain coverage under the storm water regulations. In the last 24 years, I have had many large projects, most very visible to the general public, and was never informed or asked to submit a NOI until our meeting of February 7. These projects include the Sturgis Dragway, the Pavilion at Glencoe, construction of over 1,000 RV sites, Kickstart Travel Center, Thunder Road and the Thunderdome. When informed that a NOI was required, I received the necessary forms from you and had them hand-delivered to your office (copy attached). We received our Storm Water Discharge Permit on March 20, 2006. Our design worked very well and no storm water left the site, even with the very heavy snows we had.

I do have one question: Our settling ponds are at or near capacity. Can we pump those out onto hay ground, so if additional heavy rains occur, our ponds would be able to accept more runoff? Please advise.

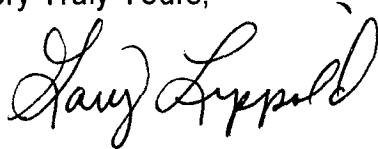
My father always told me that ignorance is no excuse, but I was truly unaware of the requirements and will abide by them in the future. Mike, you would have to admit, it's unlikely we could build this project without someone noticing.

II. Wastewater.

I did start building a second lagoon next to our primary lagoon. I have contracted with Cetec to design this lagoon, as well as our third and fourth lagoons at a second site. I had some available material from our amphitheater project and wanted to use it productively, so we started the preliminary groundwork for the lagoon last fall. The lagoon is not finished (pictures enclosed) and does not even have the piping to it from our lift station. There has been no discharge of sewer water into it and there will not be until it meets approval. As I stated, Cetec will be submitting the proposed design for all three lagoons within the next two weeks. Upon approval of these designs by the DENR, the lagoons will be completed to those specifications, and then they will be placed into service. I fully understand, as stated in the last paragraph on Page 2 of your letter, wastewater designs are to be submitted to DENR for review and approval prior to being placed into service. I can assure you that all requirements will be met before any discharge of wastewater.

Thank you for your help on both of these projects, Mike, and please advise if any additional information is required.

Very Truly Yours,



Gary Lippold
Glencoe CampResort
gary@sturgisbikeweek.com

Enc: Completed NOI Forms
Photographs

cc: Al Spangler, State Storm Water Coordinator
Kelli Buscher, Surface Water Quality Program
Sarah Speck, Surface Water Quality Program
Eric Grolund, Water Rights Program
Mark Mayer, Drinking Water Program
Ted Schultz, PE, Cetec Engineering Services, Inc.



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Industrial or Construction Activities

Return to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

PLEASE PRINT OR TYPE

I. Applicant/Owner Information:

Name Glencoe Camp Resort, Inc Phone 605-347-4712
Responsible Contact Person GARY Lippold
Street P.O. Box 999 20555 Glencoe Drive
City Sturgis State SD Zip Code 57785

II. Facility/Site Information:

Name Glencoe Camp Resort, Inc Phone 605-347-4712
Responsible Contact Person GARY Lippold
Street P.O. Box 999 20555 Glencoe Drive
City Sturgis State SD Zip Code 57785

Type of Ownership:

☒ Private

☐ Federal

☐ State

☐ Public (Other than Federal or State)

III. Type of Permit Requested: Check (X) the appropriate response:

☐ Industrial Activity

☐ Sand/Gravel Mining Activity

☒ Construction Activity

IV. Pollution Prevention Plan

A. Has the Pollution Prevention Plan been developed as Required? Yes ☒ No ☐

If No, when will it be developed? _____

Please note: The plan must be developed before any industrial or construction activity begins

B. Please include a brief description of best management practices (pollution control measures) being used at the facility/site:

See ATTACHED EXPLANATION

V. Facility/Site Location:

See ATTACHED Legal Description
A. Quarter _____ Section _____ Township _____ Range _____
County Meade [If available: Latitude _____ Longitude _____]
B. Site/Project Name: Rock'n the Rally at Glencoe
C. What is the total area covered by the site (in acres) 84 acres

FOR DENR USE ONLY

Postmark Date:

Permit Number:

Date Permitted:

VI. Receiving Waters:

Please list all possible receiving waters of the storm water discharge (if discharging to a Municipal Storm Sewer, indicate which municipality and the ultimate receiving water):

VII. Nature of Discharge

- A. **Standard Industrial Classification (SIC) codes of this facility** (Include at least one, and up to four, SIC or 6-digit North American Industry Classification (NAIC) codes which best describe the facility. For example, the SIC Code for a sand/gravel pit is 1442. For construction activities, no codes are assigned; therefore, indicate CO):

CO - Construction Site for music Amphitheater

- B. Please include a brief description of the activities conducted at this facility or construction site:

34 Acre Music Amphitheater
50 Acre GRAVELLED Parking LOT

VIII. Operational History (Industrial Only)

Date Constructed: Sept 05

Operational Start-up: Aug 06

Construction Project History (Construction or sand/gravel mining)

Project Start Date (MM/DD/YY): 09/01/05

Estimated Area of Total Disturbance (in acres): 85 acres

Estimated Completion Date (MM/DD/YY): 07/15/06

IX. Existing Environmental Permits

Please check (X) all other Environmental Permits which are held by this facility/activity. Include permit numbers in the space provided:

☐ SWD or NPDES (Discharges to Surface Water)

☐ UIC (Underground Injection of Fluids)

☐ RCRA (Hazardous Wastes)

☐ PSD (Air Emissions from Proposed Sources)

☐ Other (please specify) _____

X. Certification (Authorized representative should *initial* the box)

☐

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Storm Water permit and I agree to comply with those requirements.

CERTIFICATION OF APPLICANT (COA)

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

NOTE: The Notice of Intent must be signed by the authorized chief elective, an executive officer or a corporate responsible official of the applicant, or by the applicant, if an individual.

I declare and affirm under the penalties of perjury that this certification has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Name (print) _____
Title _____
Signature _____
Date _____

**PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.**

Rock'N the Rally Amphitheater

A. Amphitheater construction- 34 acres

- 1) Removed top soil
- 2) have regraded and landscaped hillside to a 5 to 1 slope
- 3) have compacted fill dirt to prevent erosion
- 4) installing irrigation system so a grass cover of Kentucky Blue Grass/Rye can be established and maintained as quickly as possible
- 5) grass seed will be hydro seeded
- 6) soil will be treated with Soil Guard to prevent erosion until grass is established
- 7) Measures to limit runoff
 - a. all surrounding vegetation has been left undisturbed to act as filtration material
 - b. all natural berms and ponds have been retained until construction is completed to act as settling ponds
 - c) hay bales or silt fencing will be used as required
- 8) all disturbed areas will be replanted with Kentucky Blue Grass or asphalted

B. Parking lot and roads- approx 50 acres

- 1) Removed topsoil
- 2) All top soil has been stockpiled to reduce potential erosion
- 3) All areas disturbed for parking lot will be covered with 4 inches of pit run gravel and 2 inches of crushed gravel
- 4) All gravel will be compacted and treated with magnesium chloride to create a hard packed surface for easy runoff with little or no erosion
- 5) Measures to deal with runoff
 - a) all surrounding vegetation has been left undisturbed to act as a filtration material
 - b) all natural berms and ponds have been retained until construction is completed to act as settling ponds
 - c) hay bale or silt fencing will be used as required

C. Amphitheater Legal Description

Govt Lot 4; SE ¼ SW ¼, SW ¼ SE ¼, E ½ NW ¼ SE1/4 of S31, T6N, R6E
E ½ N ½ of Govt Lot 1 of S1, T5N, R5E
Govt Lot 2 of S6, T5N, R6E

D. Nearest Receiving Water: Bear Butte Creek



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 1858-1, Glencoe Camp Resort, Inc.**

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. 1858-1, Glencoe Camp Resort, c/o Gary Lippold, PO Box 999, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1858-1 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1858-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-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. 1858-1 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. 1858-1 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) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 31, 2006

REPORT ON WATER PERMIT APPLICATION NO. 1858-1
GLENCOE CAMP RESORT, INC
June 2, 2006

Water Permit Application No. 1858-1 proposes to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison aquifer (approximately 3200 feet deep), located in the SE¼ NW¼ Sec.6, T5N-R6E; to irrigate 34 acres located in the SW¼ SW¼ Sec. 31, T6N-R6E, the NE¼ NE¼ Sec. 1, T5N-R5E and the NW¼ NW¼ Sec. 6, T5N-R6E. The water will also be used to supply the Glencoe Camp Resort campground.

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 between 500 feet thick (Allen and others, 1985) and 775 feet thick (Carter and Redden, 1999a, and Carter and Redden, 1999b) in this area. 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, 1985). 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 four and one-half miles northeast of Water Rights' Observation Well MD-86A, approximately seven miles east of Water Rights' Observation Well LA-90A, and eight and one-half 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).

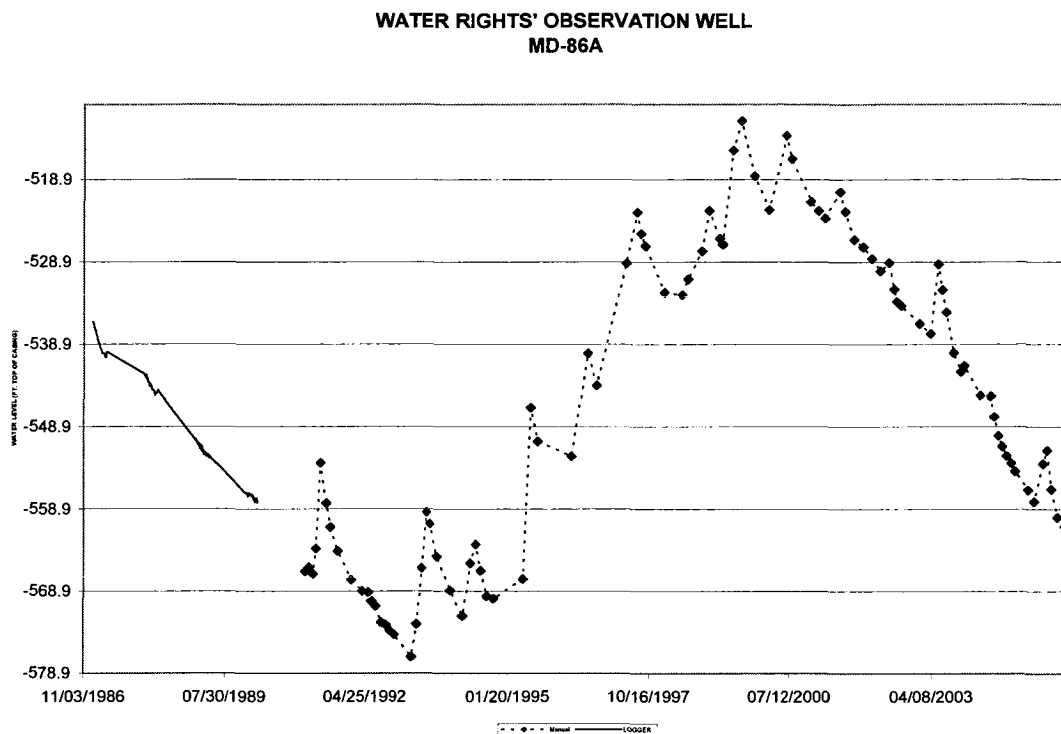


Figure 1. Hydrograph of Madison aquifer observation well approximately five miles north-east of 1858-1

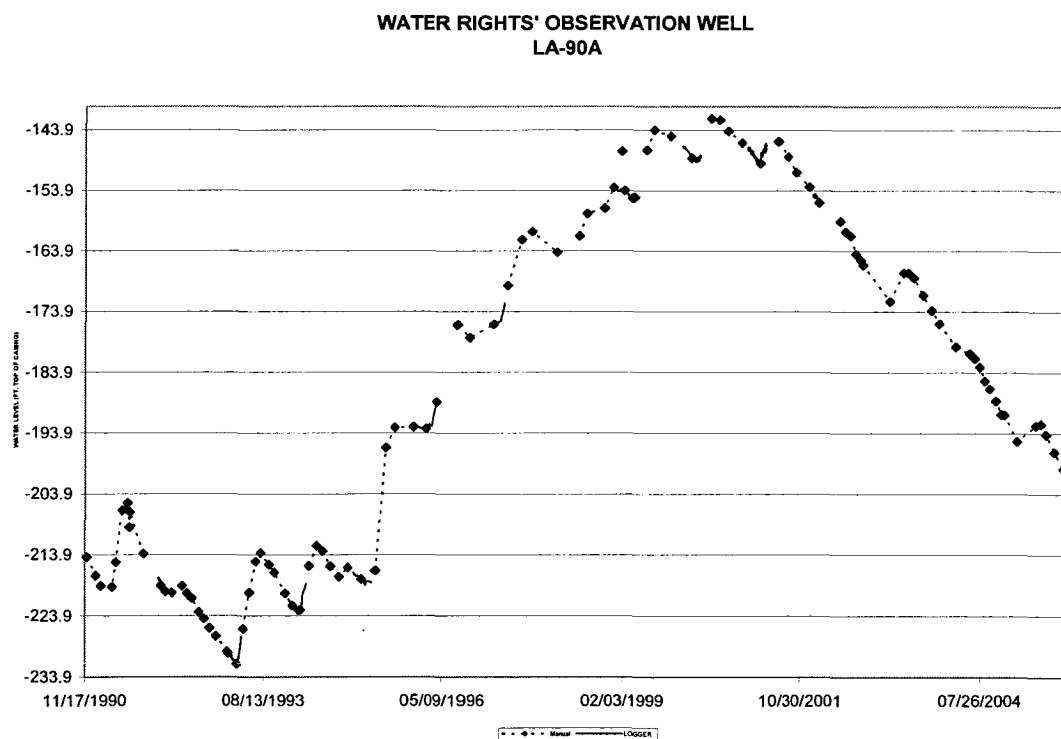


Figure 2. Hydrograph of Madison aquifer observation well approximately seven miles west of 1858-1

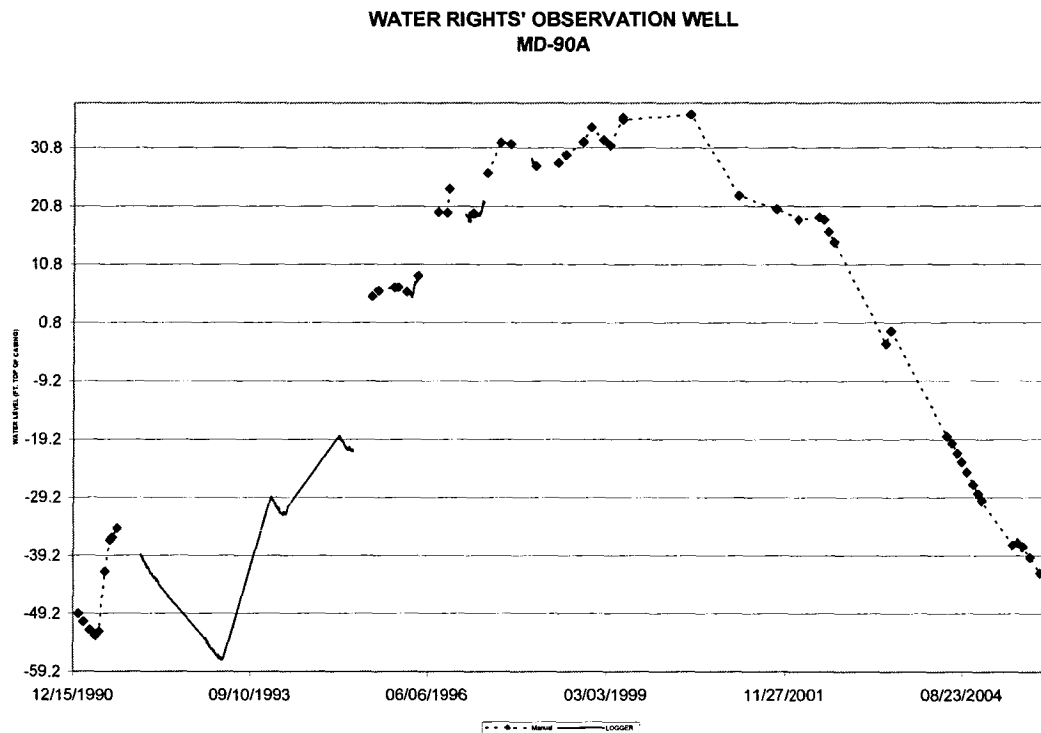


Figure 3. Hydrograph of Madison aquifer observation well approximately eight and one-half miles south of 1858-1

Records from the observation wells indicated the potentiometric surface of the Madison aquifer has fluctuated over 93 feet in MD-90A, over 89 feet in LA-90A, and over 65 feet in MD-86A during 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 or 2000. 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 (20), Lawrence (29), Meade (28), Pennington (38) and Fall River (10) 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 19 Water Rights/Permits appropriating groundwater within approximately three and one half miles of this proposed well site (Water Rights, 2006c). Most of these appropriations are from aquifers shallower than the Madison aquifer: the Inyan Kara aquifer (ten appropriations); Alluvium (four appropriations); the Minnelusa aquifer (two appropriation); and from the Sundance 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.

There are two appropriations from the Madison aquifer within three and one-half miles of this well site. They include: Water Permit No. 1581-1, Bear Butte Water Assoc. (3.5 miles); and Water Permit No. 1780-1, Rod Woodruff (1.25 miles) (Water Rights, 2006c). 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 2006a) 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.

However, at this time it is not practical to attempt to quantify the specific affect pumping this well will have on area wells since aquifer characteristics have not been determined for this area, and the variability of the hydraulic characteristics has been well documented (Greene, 1993). In addition, Greene concluded that the transmissivity of the Madison is not equal in all directions (anisotropic); therefore the drawdown cone will extend farther in one direction than another. It is possible that drawdown from a well authorized by this appropriation could be measurable some distance from the well. However, Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection to wells only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement in a prior appropriator's well is not necessarily protected. In fact, in past action, the Water Management Board has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable. In this area, the Madison aquifer has around 3,200 feet of artesian head pressure.

Term Limitation:

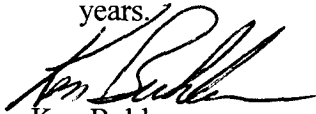
SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the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

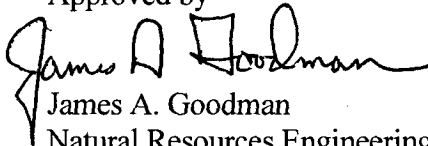
1. The Madison aquifer is a viable aquifer in this area.
2. This diversion will not adversely impair existing water rights.
3. Information is not available to justify issuing this permit without a term limitation of 20 years.



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., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: 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, 53 p.
- Greene, E.A., 1993, Hydraulic Properties of the Madison Aquifer System in the Western Rapid City Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4008, 56 p.
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- Water Rights Program, 2006a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2006b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2006c, "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

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

June 5, 2006

Meade Co Times-Tribune
PO Box 69
Sturgis SD 57785

ATTENTION: Legal Public Notice

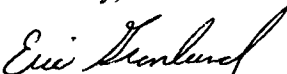
Enclosed is a Notice on Application No. 1858-1 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Glencoe Camp Resort Inc., % Gary Lippold, PO Box 999, Sturgis SD (Ph # 605-347-4712).

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. 1858-1

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

Date _____

We are in receipt of your letter of June 5, 2006 enclosing Notice to Appropriate Water by Application No. 1858-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 5, 2006

Glencoe Camp Resort Inc
% Gary Lippold
PO Box 999
Sturgis SD 57785

Dear Mr. Lippold:

Water Permit Application No. 1858-1 for irrigation 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 Meade Co Times-Tribune printed at Sturgis, SD (Ph # 605-347-2503). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the 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

enclosures

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

Instruction to Newspaper - Publish first Notice on June 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1858-1 to Appropriate Water

Notice is given that Glencoe Camp Resort, Inc., c/o Gary Lippold, PO Box 999, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6-T5N-R6E to irrigate 34 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31-T6N-R6E, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Gov't Lot 1) Section 1-T5N-R5E and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Gov't Lot 4) Section 6-T5N-R6E. The water will also be used for commercial purposes to supply the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) existing rights will not be unlawfully impaired, 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 July 3, 2006.

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

Pam Buhler, being duly sworn, says: That the Meade County Times Tribune during all times hereinafter mentioned, is a legal newspaper as defined in published in Sturgis, Meade County, South Dakota, by Lee Enterprises; the said times, was employed as an Accounting Clerk by the publisher of such knowledge of the facts stated in the affidavit, that the notice, order or advertisement attached, was published in said newspaper for successive issues, bearing

June 14	200	6
June 21	200	6
	200	
June 28	200	6
	200	

Make
good
run
(no charge)

that the full amount of the fee charged for publishing the same, to-wit, the solely to the benefit of the publisher of said newspaper; that no agreement division of the fee has been made with any person, and that no part of the to any other person.

Frank

Subscribed and sworn to before me this

29 day of June, 2006
Pamela Buhler
Notary Public, South Dakota

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JUL - 3 2006
WATER RIGHTS
PROGRAM



Account No. 6
Total Amount

NOTICE OF APPLICATION NO. 1858-1 to Appropriate Water

Notice is given that Glencoe Camp Resort, Inc., c/o Gary Lippold, PO Box 999, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE 1/4 NW 1/4 Section 6-T5N-R6E to irrigate 34 acres located in the SW 1/4 SW 1/4 Section 31-T6N-R6E, NE 1/4 NE 1/4 (Gov't Lot 1) Section 1-T5N-R5E and the NW 1/4 NW 1/4 (Gov't Lot 4) Section 6-T5N-R6E. The water will also be used for commercial purposes to supply the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) existing rights will not be unlawfully impaired, 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 July 10, 2006.

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.

Publ. June 28, 2006
Meade County Times-Tribune

67981
/28

Water Rights Program - File Documentation

NAME: Pam Buhler, Meade County Times-Tribune

ADDRESS: Sturgis SD

DATE: 6-22-06 **COUNTY:** MD **TELEPHONE:** 605 347-2503

RE: Publication Notice

COMMENTS:

On June 19th we received an affidavit of publication for Water Permit Application No. 1858-1 first published on June 14th. There were errors in the legal descriptions. On that same day I called Pam and stated we had corrections to the notice. I then emailed her the correct notice.

On June 22nd Pam called and stated that for whatever reason, the corrected version of the notice did not run in the June 21st issue. They will run the notice for a 3rd week (June 28th) with the date for petitions to be received changed to July 10th.


Karen Schlaak
Environmental Scientist

WATER RIGHT PROGRAM

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	Rick Richards	FROM:	Eric Gronlund
COMPANY:	Butte Meade Sanitary District	DATE:	06/23/2006
FAX NUMBER:	456-2260	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:		SENDER'S TELEPHONE NUMBER:	(605) 773-3352
RE:	Glencoe water permit application report	SENDER'S FAX NUMBER:	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Rick – here is the report prepared by Ken Buhler regarding Glencoe's water permit application. Please feel free to contact Ken on Monday to discuss the Madison formation.

Also, I note that Dale Knutson is listed as the Manager and contact person on our database for Butte Meade's water rights. Let us know if this should be changed to your name.

Eric.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

June 21, 2006

Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Kenneth B. Johnson
12940 197th Street
Vale, SD 57788

RECEIVED
JUN 27 2006
WATER RIGHTS
PROGRAM

Dear Sir,

This is a petition opposing application No. 1858-1 by Gary Lippold for a water permit to appropriate 0.94 cubic feet of water per second from the Madison Aquifer for the purpose of irrigating 34 acres. I am opposed to any use of Madison water for irrigation.

We have a well five miles north of Bear Butte that was drilled in the Lakota aquifer in 1962, and is 1800 feet deep. The flow has decreased some over the years, but was adequate for wintering livestock in some close pastures.

There was a well drilled in 1921 on the west side of Bear Butte for oil, but of course, it produced a flow of water. The well was not capped and was later piped to the swimming pool at Bear Butte Lake. In a matter of some years the casing of the well ruptured under the ground and the flow found its way underground to Spring Creek. The State Water Rights sealed this well by cementing it to the bottom in May 1987.

Our well in the Lakota is five miles north of the well at Bear Butte. Five months after that well was sealed, our well in the Lakota more than doubled in pressure. We have a pressure gauge on our well head which is easily read.

I give this history to prove that one aquifer can feed into another in the uplift on Bear Butte. The 420 gallon per minute from a new well is probably a larger flow than the old well produced.

As I mentioned, our water supply was adequate close to our headquarters, but not for the prolonged drought we have had. We have many deep dams (15'-20'), but with no run-off or snow for the last six years, they are all dry.

Only with pipelines of about 15, 000 feet have we been able to supply water to our cattle. With that length of pipeline and a 50' to 80' head, it takes considerable pressure to reach the farthest pastures. At this point there is a four gallon per minute flow, and by using three ten foot tanks, we can store enough water for a hot day. The cattle still have to walk a mile for the water.

I submit that with sealing the old well at Bear Butte, this Madison water flowed into the Lakota sands, and gave us increased pressure.

Conversely, if over 420 gallons per minute is taken from the Madison (about two miles from Bear Butte), it could reduce our flow to the point that we couldn't supply our cattle with water.

For the before mentioned reasons I oppose appropriation 1858-1 of Madison water for irrigation. I also oppose any further application for Madison water for irrigation purposes. The loss of the flow from our well would be a large monetary loss.

Grass has no value without water.

Respectfully submitted,


Kenneth B. Johnson

Donna M. Johnson

c.c: Gary Lippold – Glencoe Camp Resort

Dale Johnson
12917 197th Street
Vale, SD 57788
June 26, 2006

Water Rights Program
Foss Building
523 E. Capital
Pierre, SD 57501

Dear Sirs:

This is in regard to application No.1858-1 by Gary Lippold for a water permit to pump .94 cubic feet of water per second from the Madison Aquifer for the purpose of irrigating 34 acres.

I am opposed to the use of underground water for the purpose of irrigation.

I have a ranch a few miles north of the proposed well. Our well is in the Lakota aquifer. The water is used for livestock and house. The last few years we have had no water in our many dams. The ranch has about 3 miles of pipeline to supply water to the cattle. If the well loses pressure or volume I won't be able to water the cattle, thus, losing our business, livelihood, and significantly reducing the value of my ranch.

I believe this is an excessive amount of water to take from this aquifer. I would not be opposed to a much smaller amount of water.

Respectfully,


Dale Johnson
Effie Johnson

cc: Gary Lippold – Glencoe Camp Resort

RECEIVED
JUN 27 2006
WATER RIGHTS
PROGRAM

Water Rights Program
Foss Building
523 E. Capitol
Pierre, S.D. 57501

RECEIVED

JUN 28 2006

WATER RIGHTS
PROGRAM

June 25 2006

To: Chief Engineer - Water Rights Program

Notice of Application No. 1858-1 to appropriate water.

I oppose the Chief Engineers recommendation of approval of application No. 1858-1

I farm just north of the well area and use water from a well for Livestock and house as do most of the farmera and ranchers in the immediate area.

I believe that using this amount of water from the Madison Aquifer could affect wells in the area. I oppose this water permit because of the amount of water appropriated for the purpose of Irrigating. Also I do not believe that water of this quality from this Aquifer should be used for irrigating when no specific use is specified.

Is this water going to be used for crops, a garden ,lawn or for what.

When residents of the towns in the area are under water restrictions why are you issuing a permit for this large amount of water to a single person for unspecified Irrigating.

Sincerely
Daryl And Gwen Schindler

Daryl Schindler
Gwen Schindler

Copy to.
Gary Lippold

Chief Engineer
Water Rights Program

RECEIVED

JUN 28 2003

WATER RIGHTS
PROGRAM

Lippoid water

%Chief Engineer Water Rights Program

Application No. 1858-1 to Appropriate Water

1 copy to → % Gary Lippoid PO Bx 999, Sturgis, SC 57785

Dear Sirs:

The undersigned living about 5 & 1/2 miles NW of this requested deep well of Gary Lippoid should be denied his request as I have had to dig two new wells for livestock this past year as the wells we had for 25 years went dry. I understand this water will be used for grass irrigation on the hills he is using for his bike park and may lower the water table I have and those neighbors around me. I also understand that Mr. Lippoid already has 2 deep well in use.

Therefore, we ask that this request for another deep well be denied.

Sincerely,

John & Eileen Rafter
John Rafter
Eileen Rafter
12749 Bighorn Road

Whitewood, SD 57793

June 28, 2006

Timothy J. O'Reilly
19581 Hwy 79
Vale, SD 57788

(605) 347-6047

RECEIVED
JUN 30 2006
WATER RIGHTS
PROGRAM

Chief Engineer
The Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Chief Engineer,

Pursuant to SDCL 46-2A-23 this is a petition contesting your recommendation to grant an application for a water permit to the *Glencoe Camp Resort Inc.* The Notice of Application was posted in the June 14th issue of the *Meade County Times-Tribune*. The application number listed was 1858-1 to appropriate water. The public notice states *Glencoe* wants to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer.

My concern is that *Glencoe's* excessive water consumption will overtax the Madison aquifer. This will lead to severe hardship and extreme loss of real estate value to landowners that already rely on the Madison aquifer for residential and agricultural water use.

It should be noted that I currently rely on the Madison aquifer for residential, agricultural and recreational water use and would suffer immensely from the loss of this water supply.

The Madison Aquifer also supplies water to Cotton Wood Creek. Cotton Wood Creek is frequently used by local sportsman to fish and hunt water fowl. Recreational uses of Cotton Wood Creek will be greatly impaired if the water level drops or if it should completely dry up.

Cotton Wood Creek is also frequently used as a water supply for fire fighting operations by local volunteer Fire Departments. Fire suppression efforts in the area become extremely difficult when the water level in that creek drops. Lives and property will be jeopardized. Thank you for consideration in this matter.

Respectfully,

Timothy J. O'Reilly

June 28, 2006

Chief Engineer-Water Rights Program
Notice of Application No1858-1 to appropriate water.

I oppose the Chief Engineers recommendation of approval of Application No1858-1

I farm just North of the well area and use water from a well for livestock and house, as do most of the farmers and ranchers in the immediate area.

I believe that using this amount of water from the Madison Aquifer could affect wells in the area.

I oppose this water permit because of the amount of water appropriated for the purpose of irrigating.

I do not believe that water from the Madison Aquifer should be used for irrigating when no specific use is specified. Is this for crop, lawn or whatever.

When the residents of the towns of the area are under water restrictions, why are you issuing permit for this large amount of water for a single person for unspecified irrigating.

PETE SEYKORA

Pete Seykora

Pete & Sue Seykora
12778 Bighorn Road
Whitewood, SD 57793

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PROGRAM

July 5, 2006

Christine J Walls
19581 SD Hwy 79
Vale, SD 57788

RECEIVED
JUL - 7 2006
WATER RIGHTS
PROGRAM

Eric Gronlund
Water Rights Program
Foss Building
523 East Capitol, Pierre, SD 57501

Dear Mr. Gronlund,

This is to inform you that I am opposed to Gary Lippold's application 1858-1 to appropriate water from the Madison Aquifer.

I use water from this aquifer for my household and agricultural use. I am extremely concerned that your water usage will further deplete the Madison Aquifer. I am experiencing excessive sand and much finer sand this year that is becoming increasingly harder to filter out. To lose this source of water will cause great hardship to me, and will seriously lower my property values. To take each one of the reasons to approve the permit:

- 1) Re: evidence: Has there been any studies as to how it will affect the other residential and agricultural users, or are you just assuming that there won't be an impact because there are no existing studies?
- 2) I have existing rights, and I believe my rights will be impaired.
- 3) See above.
- 4) Who's public interest? Certainly not mine, or others who use this water for their families, livestock and crops.

In addition to my concerns for my personal use, the water from the aquifer feeds our stock dam and Cottonwood Creek, which is the the only source of water nearby for firefighters to use. People fish in our dam all summer, so there is recreational use as well.

In conclusion, I want to emphatically state that I AM OPPOSED to Application No. 1858-1. Thank You.



Christine J Walls

RECEIVED

JUL - 6 2006

WATER RIGHTS
PROGRAM

Water Rights Program
Foss Building,
523 E Capitol,
Pierre, SD 57501

Re: APPLICATION NO 1858-1 to Appropriate Water.

July 5th 2006

% The Chief Engineer,

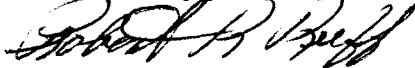
I Robert R. Ruff address 12960 194th St. Vale, SD 57788
adamantly oppose APPLICATION NO 1858-1 to Appropriate
Water.

I do not believe that drawing 0.94 C F S from the Madison
Aquifer will not adversely effect the surrounding wells
supplying domestic water to me and to our community.

I also do not believe that it would be in the public
interest to use that water for irrigation.

This letter is Official Notice to you that you will be
held accountable for your actions in this matter.

Sincerely,



Robert R. Ruff
12960 194th St.
Vale, SD 57788

ph 605 456-2524

7-10-06

RECEIVED

JUL 10 2006

WATER RIGHTS
PROGRAM

Eric.Gronlund@state.sd.us

Chief Engineer's

"Water Rights Program"

Foss Building

523 E. Capitol

Pierre, SD 57501

605-773-3352

I am a Meade County resident, drought conditions are extreme this year and I need clarification about applicant NO. 1858-1 regarding the amount of water usage impact on Meade County Ag. Producers.

I have learned that agriculture is our state and Meade County's number one industry. Please do not approve the permit application at this time and do include my name on all notices for future water right hearing processes.

Best regards;



Nancy Kile, 2614 Moose Dr., Sturgis, SD 57785 605-720-0282 e-mail:
kile@rushmore.com

Petition to contest the recommendation for approval by the Chief Engineer of Application No. 1858-1 for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer.

Before the SD Water Management Board

Decision-maker:
Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501
(605) 773-3352

Petitioner:
G. Matthew Pike
35 Lincoln Ave.
Deadwood, SD 57732

Dated:
July 10, 2006

RECEIVED

JUL 11 2006

**WATER RIGHTS
PROGRAM**

Notice of Petition to Contest Approval of Ground Water Permit Application:

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because: 1) evidence is not available to justify issuing this permit without a 20 year term limitation; 2) the proposed diversion can be developed without unlawful impairment of existing rights; 3) existing rights will not be unlawfully impaired, and; 4) it is in the public interest.

I hereby petition for relief from the decision for approval of Application No. 18 No. 1858-1 for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE 1/4 NW 1/4 Section 6-T5N-R6E to irrigate 34 acres located in the SW 1/4 SW 1/4 Section 31-T6N-R6E, NE 1/4 NE 1/4 (Gov't Lot 1) Section 1-T5N-R5E and the NW 1/4 NW 1/4 (Gov't Lot 4) Section 6-T5N-R6E for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20.

The water will also be used for commercial purposes to supply a campground and concert venue.

Statement of Standing/Interest

My name is G. Matthew Pike, and I live in Deadwood, SD, and I stand to be harmed by a standing for approval of the above named application.

As a resident of the Northern Black Hills area, I have grave concerns about the environmental impact of the planned expansion at the foot of Bear Butte. Though an individual in this matter, my views are shared with a large percentage of residents of and local to Sturgis, SD. I am concerned about the environmental impact ^{that} such a large and expanded facility will have on the Madison Aquifer, as well as surrounding aquifers. Significantly, with the current and continuing drought, I wish to emphasize the superior rights of the resident population over those rights of new commercial interests serving tourists. The additional impact of this project may also adversely affect the native wildlife populations, including but not limited to the still-threatened American Bald Eagle.

Further, like so many others, I enjoy Bear Butte and its surroundings in their current and undiminished form for hiking and outdoor recreation. I am representative of the thousands of year-round residents who do not wish to see this area abused for commercial purposes.

Finally, I recognize, along with so many South Dakota residents who have or whose families have arrived in this area only in the last century and a quarter, the conviction that the most superior rights belong to those native populations and specifically those tribes who use Bear Butte Mountain for spiritual practices

The increased environmental impact from the expanded camping and concert facility, exacerbated by the increased water usage will adversely affect my personal use of Bear Butte, its surrounding area, as well as possibly threaten or adversely affect the very water supply or future use of that water supply on which I depend year round.

Statement of Opposition

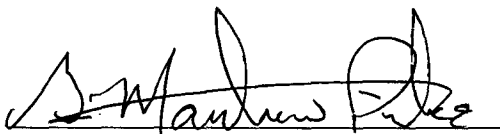
I intend to demonstrate that the approval is not in the public interest due to the potential adverse impact of the use of this critical water supply on the Black Hills environment and residents.

Despite significant opposition and controversy, this campground is expanding and adding an outdoor concert venue to facilitate annual attendance by 30,000 or more persons, while increasing its "footprint" on the surrounding landscape. Such expansion will inevitably lead to increases in the noise, dust, traffic, potential for water pollution from waste treatment. Furthermore, it will denigrate and disparage the visual quality of a historically significant, scenic area, and one that is additionally spiritually significant to a large number of Native American tribes.

Proponents of this expansion and those requesting this permit have consistently stated publicly that they intend to move forward with this project despite the tremendous opposition and any obstacles faced. They state, in sum, that their plans will move ahead regardless. Given that logic, I formally request a denial of their permit application, since such a denial will, according to their own statements, have no impact on their plans whatsoever, but where granting such a permit may have significant detrimental impact on the Madison Aquifer and its surrounding aquifers, thus causing harm to year-round residents of the area.

Relief Requested

I therefore contest the recommendation of the Chief Engineer and request that No. 1858-1 water permit application be denied.

A handwritten signature in black ink, appearing to read "G. Matthew Pike", written over a horizontal line.

G. Matthew Pike
35 Lincoln Ave.
Deadwood, SD 57732

July 10, 2006

RECEIVED

JUL 11 2006

WATER RIGHTS
PROGRAM

TO: Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Glencoe Camp Resort, Inc.
c/o Gary Lippold
P. O. Box 999
Sturgis, SD 57785

RE: NOTICE OF PETITION TO CONTEST APPROVAL OF GROUND
WATER PERMIT APPLICATION AS SET FORTH BELOW:

"Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation 2) the proposed diversion can be developed without unlawful impairment of exiting rights, 3) existing rights will not be unlawfully impaired, 4) it is in the public interest."

I hereby petition for relief from the decision of the Chief Engineer for approval of Application No. 1858-1 for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE ¼ NW ¼ Section 6-T5N-R6E to irrigate 34 acres located in the SW ¼ SW ¼ Section 31-T6N-R6E, NE ¼ NE ¼ (Gov't Lot 1) Section 1-T5N-R5E and the NW ¼ NW ¼ (Gov't Lot 4) Section 6-T5N-R6E for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20. The water will also be used for commercial purposes to supply the campground.

My name is Barbara Harjo Ryan and I live at 11729 BIA Hwy 801, Sisseton, South Dakota. I am an enrolled member of the Seminole Nation of Oklahoma. I have resided in South Dakota for thirty-four years. My family and I use Bear Butte Mountain for spiritual practices and recreation. The increased impact from the larger Glencoe Camp Resort facility, facilitated by the increased water usage will adversely affect my use of the Mountain and Lake areas. Native Americans from across the United States consider Bear Butte a sacred mountain and come here to pray. Use of the area in the manner proposed will interfere with that practice.

I intend to demonstrate that the approval of the application herein is not in the public interest.

This campground is expanding, adding an outdoor concert venue to facilitate attendance by 30,000 persons, increasing its "footprint" in the landscape. Such expansion will increase the noise, dust, traffic, and potential for water pollution from waste treatment. It will denigrate the visual quality of a very scenic area.

Based on information and belief, water usage will increase threefold (from the current permit of 0.37 cubic feet to 0.94 cubic feet). Further, based on information and belief, this water will provide irrigation for a 120,000-seat amphitheatre, not just the campground.

I hereby request that the permit application not be approved and that the matter be set for hearing before the Water Management Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara (Harjo) Ryan".

BARBARA (HARJO) RYAN
P. O. Box 112
11729 BIA Hwy. 801
Sisseton, SD 57262
Phone: (605) 742-0366 (Home)

July 10, 2006

RECEIVED

JUL 11 2006

WATER RIGHTS
PROGRAM

Petition to contest the recommendation for approval by the Chief Engineer of Application No. 18 No. 1858-1 for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison

Before the SD Water Management Board

Decision maker:

Chief Engineer's
Water Rights Program,
Foss Building,
523 E Capitol,
Pierre SD 57501
(605 773-3352)

Petitioner

Anne White Hat
20178 N Hwy 79
Whitewood, SD
605-347-4127 home
swlp@rapidnet.com

Notice of Petition to Contest Approval of Ground Water Permit Application:

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) existing rights will not be unlawfully impaired, 4) it is in the public interest.

I petition for relief from the decision for approval of Application No. 18 No. 1858-1 for a water permit to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE 1/4 NW 1/4 Section 6-T5N-R6E to irrigate 34 acres located in the SW 1/4 SW 1/4 Section 31-T6N-R6E, NE 1/4 NE 1/4 (Gov't Lot 1) Section 1-T5N-R5E and the NW 1/4 NW 1/4 (Gov't Lot 4) Section 6-T5N-R6E. for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20. The water will also be used for commercial purposes to supply the campground.

STANDING STATEMENT

My name is Anne White Hat and I live in Meade County, directly below Bear Butte. I am a member of the Rosebud Sioux tribe, which tribe owns property on the North slopes of Bear Butte and am a lessee of the Northern Cheyenne Tribe, which owns properties surrounding Bear Butte. I use the Bear Butte Mountain for spiritual practices and I also use Bear Butte Lake for recreation. My family relies on water from a local well for our household use and watering of outdoor vegetations.

The increased impacts from the potentially larger Glencoe Camp Resort and it's adjacent Rock n the Rally facility, facilitated by the increased water supply will adversely affect my use of Bear Butte and Bear Butte Lake areas. Draw down from the Madison aquifer could impact our well and the potential of the Rosebud Tribe and the Northern Cheyenne Tribe to drill future wells on tribal land. It could perhaps affect the water levels of Bear Butte Lake, which I use for recreation.

STATEMENT OF REASONS

I intend to demonstrate that the approval is not in the public interest.

LARGE CONCERT VENUE

The campground has existing permits for approximately .37 cubic feet per second from the Inyan Kara aquifer, and wishes to add .94 cubic feet per second from the Madison aquifer. This will be a total of 1.31 cubic feet per second and more than triples water use.

The campground is increasing its "footprint" in the landscape. Such expansion will increase the noise, dust, traffic, increase the potential for water pollution from by-pass events at the waste water containment ponds. It will denigrate the visual quality of a very scenic area due to amphitheater and 90 acre parking lot.

They are adding a bathhouse and also an outdoor concert venue to host attendance by 120,000 persons at concerts. In the SD Department of Environment and Natural Resources "Storm Water Inspection Report", the physical inspection for which occurred on 2/07/2006 and the cover letter for which is dated May 16th 2006 and which is signed by Michael Pogeny it states:

Glencoe Camp Resort is constructing a 120,000 seat amphitheater adjacent to the current camping facilities. The amphitheater will hold concerts and other entertainment venues during the annual Sturgis Motorcycle Rally and on select dates throughout the year.

As projects of this size require additional support facilities, including water and wastewater infrastructure, I inquired about the status of these items. Currently, Mr Lippold is working on several fronts on the waterside. He is working with DENR Water

Rights Program to secure a water right for a well to be drilled on the property. This well will be used for domestic use, as well as providing irrigation for the grassed amphitheater area during events.

Bear Butte is very important to Native Americans and the campground expansion with an outdoor concert venue of this magnitude will increase impacts on our use of the butte.

WHAT is the Beneficial use:

The Chief Engineer stated that:

"The water will also be used for commercial purposes to supply the campground."

I question if that statement is fully accurate. Michael Pogney writes that some of the water will be used to irrigate the concert venue and I assume the concert venue will have bathroom facilities and commercial restaurant kitchens.

POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

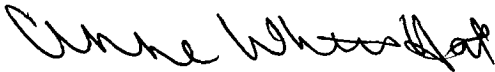
IMPACTS TO BEAR BUTTE LAKE:

Bear Butte Lake suffers from fish kills and low water levels and in the past artesian wells were used to keep it more full. Depletion of the ground water in the area may limit the future potential to once again use ground water to fill up the lake.

RELIEF REQUESTED

Please do not approve the permit application.

Respectfully,



Anne White Hat

cc:

Glencoe Camp Resort, Inc.,
c/o Gary Lippold,
PO Box 999,
Sturgis SD 57785

EXHIBIT ANNE WHITEHAT
PETITIONDEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

2050 West Main, Suite #1
Rapid City, SD 57702
Telephone 605-394-2229
FAX Number 605-394-5317



May 16, 2006

Gary Lippold, Owner
Glencoe Camp Resort
PO Box 999
Sturgis, SD 57785-0999

RE: Glencoe Campground Storm Water Inspection

Dear Mr. Lippold:

The South Dakota Department of Environment and Natural Resources conducted a storm water inspection of the Glencoe amphitheater construction project on February 7, 2006. The inspection was conducted to acquire additional information about the project and to determine compliance with the state's general permit for construction activities. The department appreciates your time in providing the requested information.

A copy of the inspection summary is enclosed for your reference. Based on the findings of the inspection, the following comments apply to the project:

Storm Water Comments

1. The Administrative Rules of South Dakota require that a Notice of Intent (NOI) to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) be submitted for any construction activity that disturbs greater than one acre of land. NOIs are required to be submitted 15 days prior to land disturbance activities. According to the submitted NOI, the project work was initiated September 1, 2005. The NOI was submitted March 8, 2006.

Section 2.5.6 of the General Permit states the following:

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization of storm water discharges is granted.

Failure to obtain a permit or comply with the conditions of the permit are violations of the South Dakota Water Pollution Control Act, subject to penalties of up to \$10,000 per day.

2. A storm water pollution prevention plan must be developed and implemented, as required in the general permit. The plan shall identify the pollution control measures that will be used at the site and must be updated as control measures and site conditions change.
3. The site must be inspected at least weekly and within 24 hours following storm events of at least 0.5 inches or a snowmelt event that causes surface erosion. Where runoff is unlikely due to winter conditions, these inspections can be reduced to monthly. A thorough check of the site shall be made to ensure that materials have not been discharged off-site. Records of the inspections must be kept with the pollution prevention plan, and the plan must be updated as site conditions change.
4. Erosion and sediment controls must retain sediment on site to the best extent practicable. Measures must be implemented to control dust and vehicle tracking if problems are observed. If sediment escapes the construction site, off-site accumulations of sediment must be removed. The plan must be modified to prevent further sedimentation off site.
5. All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. If site inspections identify control measures that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
6. Effective permanent control measures, such as seeding and mulching the disturbed area, should be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. Stabilization measures must also be taken on exposed areas where construction activities have temporarily stopped and are not expected to occur again for at least 21 days.

Wastewater Comments

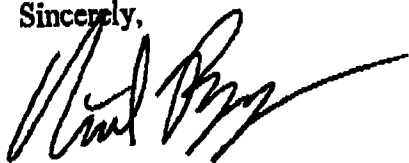
1. A second wastewater stabilization pond was constructed without department approval. Wastewater treatment systems are required to be designed by a professional engineer licensed in the state of South Dakota and submitted to the department for review and approval prior to being placed into service. The second stabilization pond shall not be used in the treatment system until plans and specifications are approved for the pond. Constructing and use of a wastewater

stabilization pond without department approval can be subject to penalties of up to \$10,000 per day.

2. The stabilization pond area should be seeded with appropriate native grasses or ripped to minimize erosion and control weed growth on the stabilization pond dikes.
3. The stabilization pond area should be fenced to limit public access and exposure to wastewater. In addition, warning signs should be placed around the pond to warn the public of potential health hazards.

Based on the violations observed during the inspection, the department is considering possible enforcement action which may include penalties. Please acknowledge written receipt of this report, along with your proposals for addressing the above mentioned items by **May 26, 2006**. If you have any additional questions, please contact this office.

Sincerely,



Michael Pogany, E.I.T.
Natural Resources Project Engineer
Surface Water Quality Program

CC: Al Spangler, State Storm Water Coordinator
Kelli Buscher, Surface Water Quality Program DENR Pierre
Sarah Speck, Surface Water Quality Program Pierre
Eric Gronlund, Water Rights Program DENR Pierre
Mark Mayer, Drinking Water Program DENR Pierre

**SD Department of Environment & Natural Resources
Storm Water Inspection Report**

Facility: Glencoe Camp Resort

Applicable SWD permits: SDR10C388

Inspection Date: 02/07/2006

OVERVIEW

On February 7, 2006, a storm water inspection was conducted at the Glencoe Camp Resort. The inspection was conducted to acquire additional information about the project and to determine compliance with the state's general permit for construction activities. The following people were present during the inspection:

Michael Pogany, Department of Environment and Natural Resources (DENR)
Gary Lippold, Glencoe Camp Resort

The facility was entered at 1:00 PM. A brief introductory meeting explaining the storm water regulations was conducted, followed by a site inspection. Photos are enclosed with this report in Attachment 1. The site was exited at 2:30 PM.

FINDINGS

Glencoe Camp Resort is constructing a 120,000 seat amphitheater adjacent to the current camping facilities (refer to attached aerial photograph in Attachment 2). The amphitheater will hold concerts and other entertainment venues during the annual Sturgis Motorcycle Rally and on select dates during the year.

Earth moving activities are ongoing in many areas of the project. Disturbed areas are for construction of the amphitheater and parking facilities. The 90-acre parking lot is to be located east of the amphitheater and will provide access to the site from Highway 79. The construction activities are expected continue through this spring in preparation for the Rally in August. Existing vegetation is the primary sediment control mechanism. Additional control measures may be required in the future if construction activities expand to other areas. Bear Butte Creek flows through the Glencoe complex.

As projects of this size require additional support facilities, including water and wastewater infrastructure, I inquired about the status of these items. Currently, Mr. Lippold is working on several fronts on the water side. He is working with the DENR Water Rights Program to secure a water right for a well to be drilled on the property. This well will be used for domestic use, as well as providing irrigation for the grassed amphitheater area during events. He is also working with the city of Sturgis to acquire non-potable water from the city's wastewater treatment facility for irrigation during non facility use periods. In addition to the existing facilities, Glencoe is also constructing a 60

unit shower house. This unit will be located near the Sturgis drag strip, in the southeast area of the complex. Mr. Lippold inquired about land application of gray water from this unit. I informed Gary that I would provide him with the necessary information and contacts regarding this water reuse.

Wastewater from the full service camp sites, RV dump stations, and all temporary and permanent toilet facilities are disposed of in a stabilization pond at the site. Mr. Lippold has an agreement with the city of Sturgis authorizing the disposal of septage wastes at the municipal wastewater treatment facility. The pond, about one acre in size, is located north of the camp area and east of the amphitheater. The stabilization pond receives wastewater from a gravity flow collection system aided by a main lift station. Crews have hauled in rock on the southeast end of the pond in efforts to minimize erosion from prevailing winds (refer to Attachment 1). The material will be reworked with heavy equipment to provide a smooth dike slope.

During the pre-inspection meeting, Mr. Lippold mentioned a second stabilization pond was constructed (refer to the attached inspection photos). The second pond was constructed last season, immediately north (down gradient) of the primary pond. The pond, built without engineered plans and specifications, is estimated to be about $\frac{1}{2}$ of an acre. The pond has no physical connection to the primary pond (no piping, valve, etc.). I informed Mr. Lippold that before this pond was placed into service that it would have to be certified by a licensed professional engineer, with plans submitted to the department for review and approval. Mr. Lippold agreed and stated that he was considering alternatives for wastewater, including the addition of another stabilization pond north of the camp facilities. He stated that he would contact Cetec Engineering (engineer of the original stabilization pond) and work on design/approval of the wastewater system improvements.

DEFICIENCIES / CORRECTIVE ACTIONS

Storm Water

1. The Administrative Rules of South Dakota require that a Notice of Intent (NOI) to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) be submitted for any construction activity that disturbs greater than one acre of land. NOIs are required to be submitted 15 days prior to land disturbance activities. According to the submitted NOI, the project work was initiated September 1, 2005. The NOI was submitted March 8, 2006.

Section 2.5.6 of the General Permit states the following:

Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions

for any unpermitted activities that may have occurred between the time construction commenced and authorization of storm water discharges is granted.

Failure to obtain a permit or comply with the conditions of the permit is a violation of the South Dakota Water Pollution Control Act, subject to penalties of up to \$10,000 per day.

2. A storm water pollution prevention plan must be developed and implemented, as required in the general permit. The plan shall identify the pollution control measures that will be used at the site and must be updated as control measures and site conditions change.
3. The site must be inspected at least weekly and within 24 hours following storm events of at least 0.5 inches or a snowmelt event that causes surface erosion. Where runoff is unlikely due to winter conditions, these inspections can be reduced to monthly. A thorough check of the site shall be made to ensure that materials have not been discharged off-site. Records of the inspections must be kept with the pollution prevention plan, and the plan must be updated as site conditions change.
4. Erosion and sediment controls must retain sediment on site to the best extent practicable. Measures must be implemented to control dust and vehicle tracking if problems are observed. If sediment escapes the construction site, off-site accumulations of sediment must be removed. The plan must be modified to prevent further sedimentation off site.
5. All erosion and sediment control measures and other protective measures identified in the plan must be maintained in effective operating condition. If site inspections identify control measures that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
6. Effective permanent control measures, such as seeding and mulching the disturbed area, should be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. Stabilization measures must also be taken on exposed areas where construction activities have temporarily stopped and are not expected to occur again for at least 21 days.

Wastewater Comments

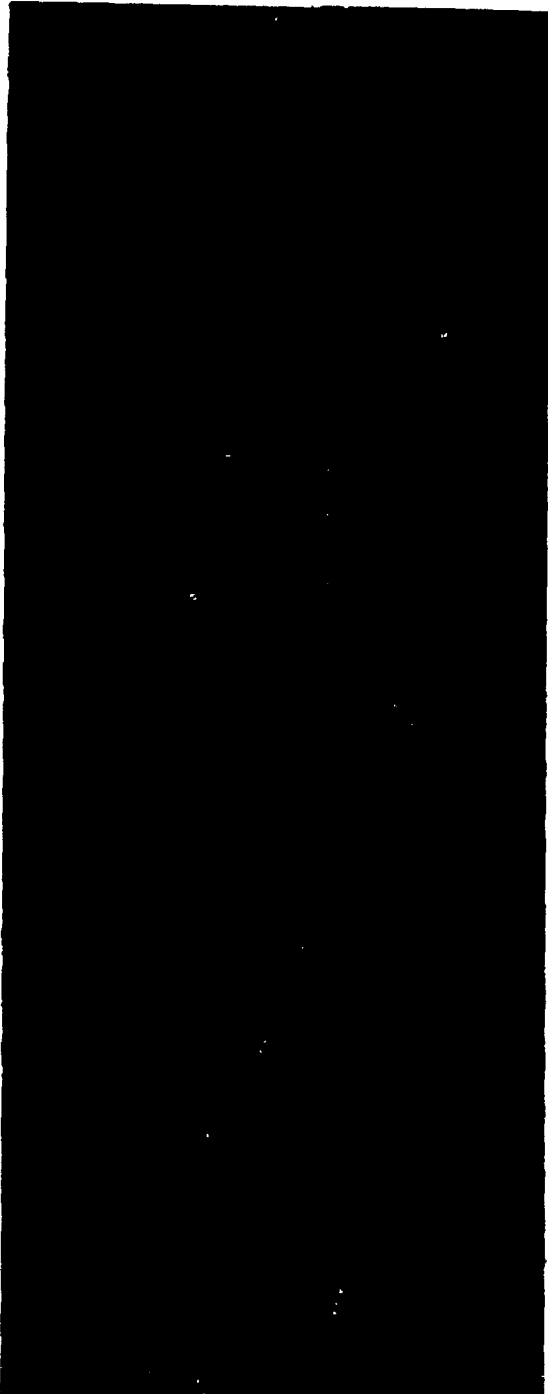
1. A second wastewater stabilization pond was constructed without department approval. Wastewater treatment systems are required to be designed by a professional engineer licensed in the state of South Dakota and submitted to the

department for review and approval prior to being placed into service. The second stabilization pond shall not be used in the treatment system until plans and specifications are approved for the pond. Constructing a wastewater stabilization pond without department approval can be subject to penalties of up to \$10,000 per day.

2. The stabilization pond area should be seeded with appropriate native grasses or riprapped to minimize erosion and control weed growth on the stabilization pond dikes.
3. The stabilization pond area should be fenced to limit public access and exposure to wastewater. In addition, warning signs should be placed around the pond to warn the public of potential health hazards.

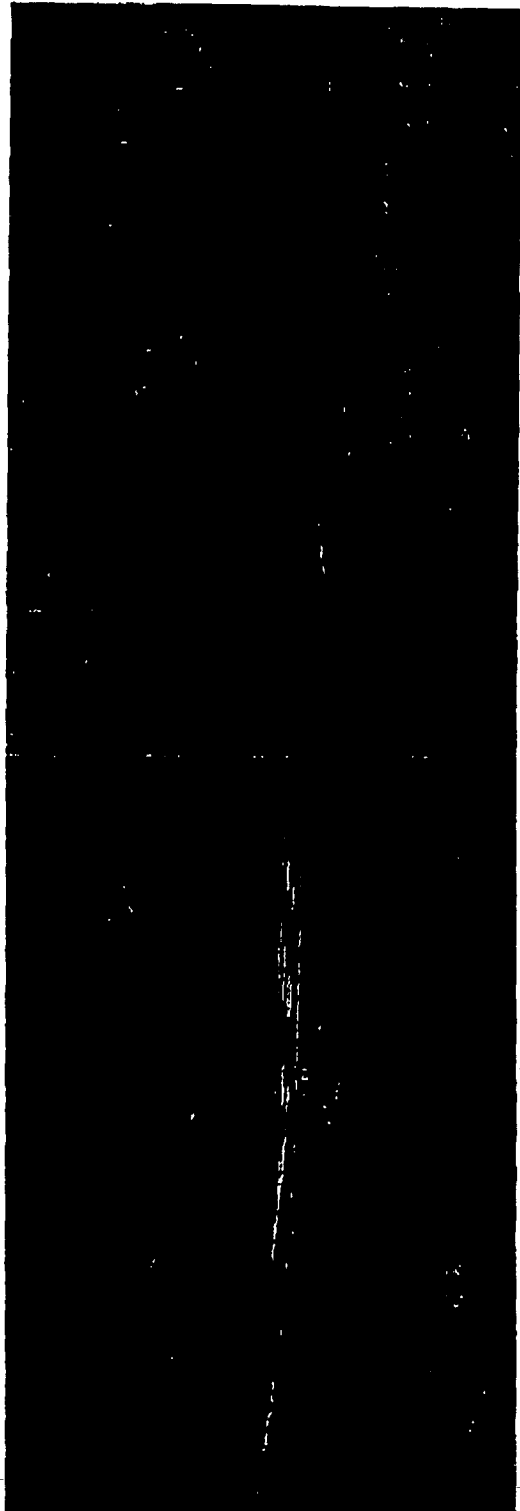
ATTACHMENT 1
Inspection Photos

Glencoe Camp Resort 02-07-06

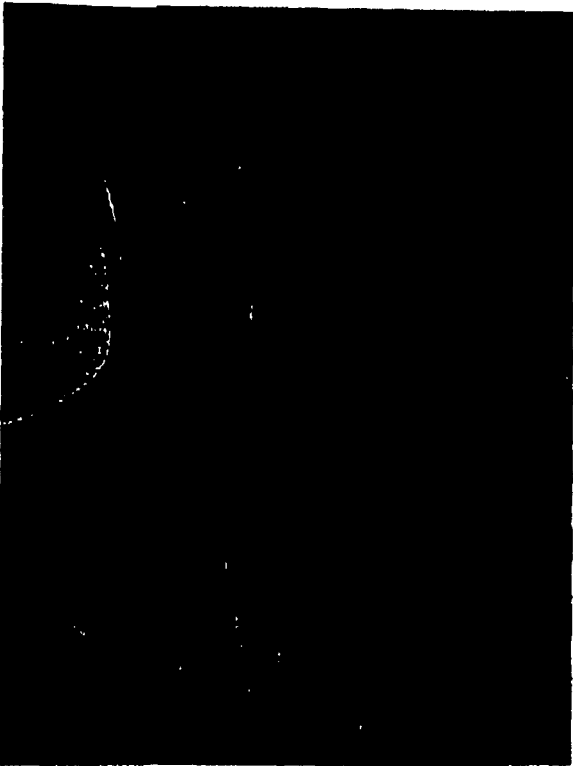


Overview of amphitheater construction project. Area under construction is circled in red.

Glencoe Camp Resort 02-07-06



Top: Primary stabilization pond, constructed circa 1996. Note material on right dike (south east). Material to be reworked as rip rap to slow erosion.



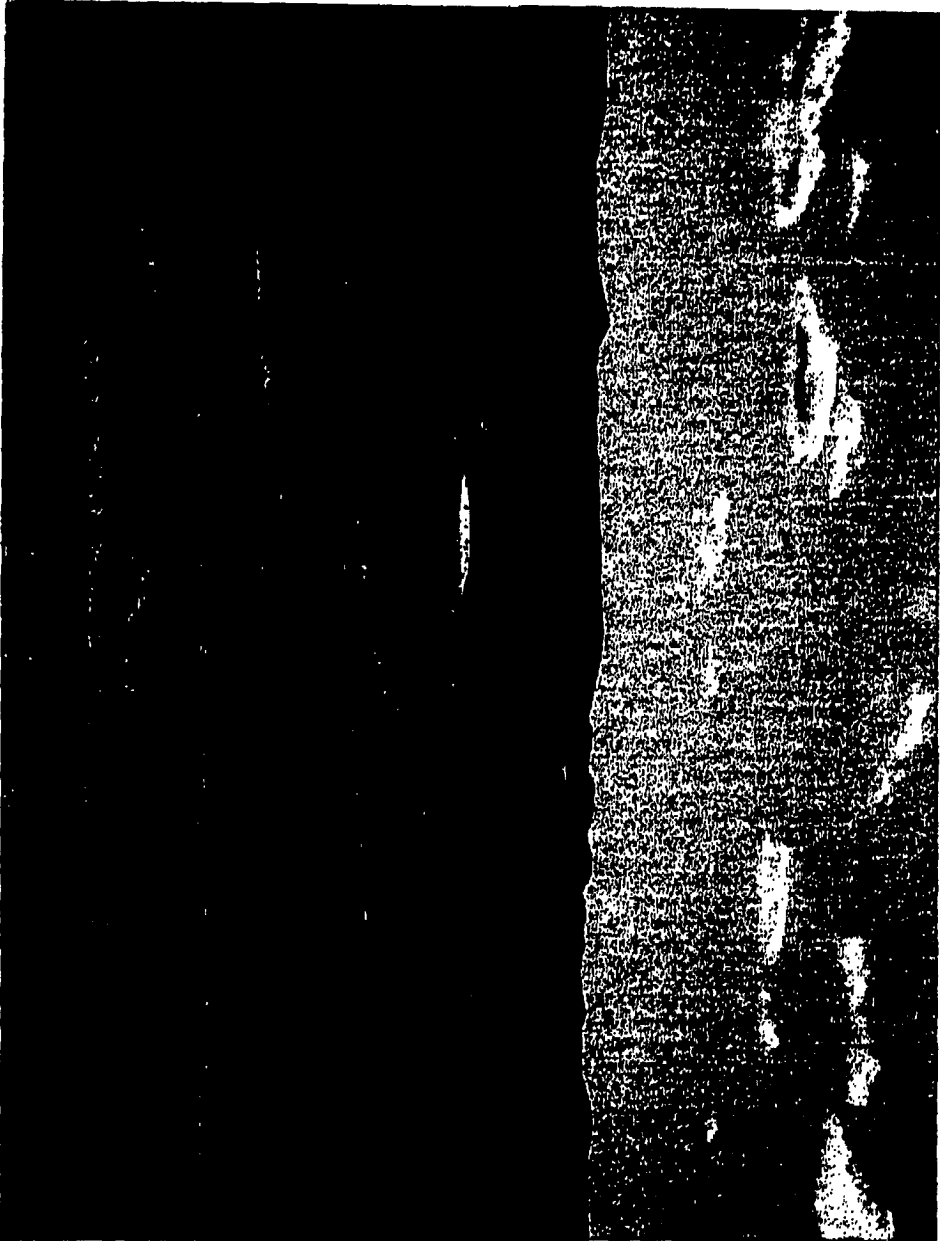
Left: Secondary stabilization pond constructed last year. Pond is located to the north of the primary.

Glencoe Camp Resort 02-07-06



Disturbed area to the northeast of the amphitheater, to be used for parking. After dirt work is completed, area will be graveled.

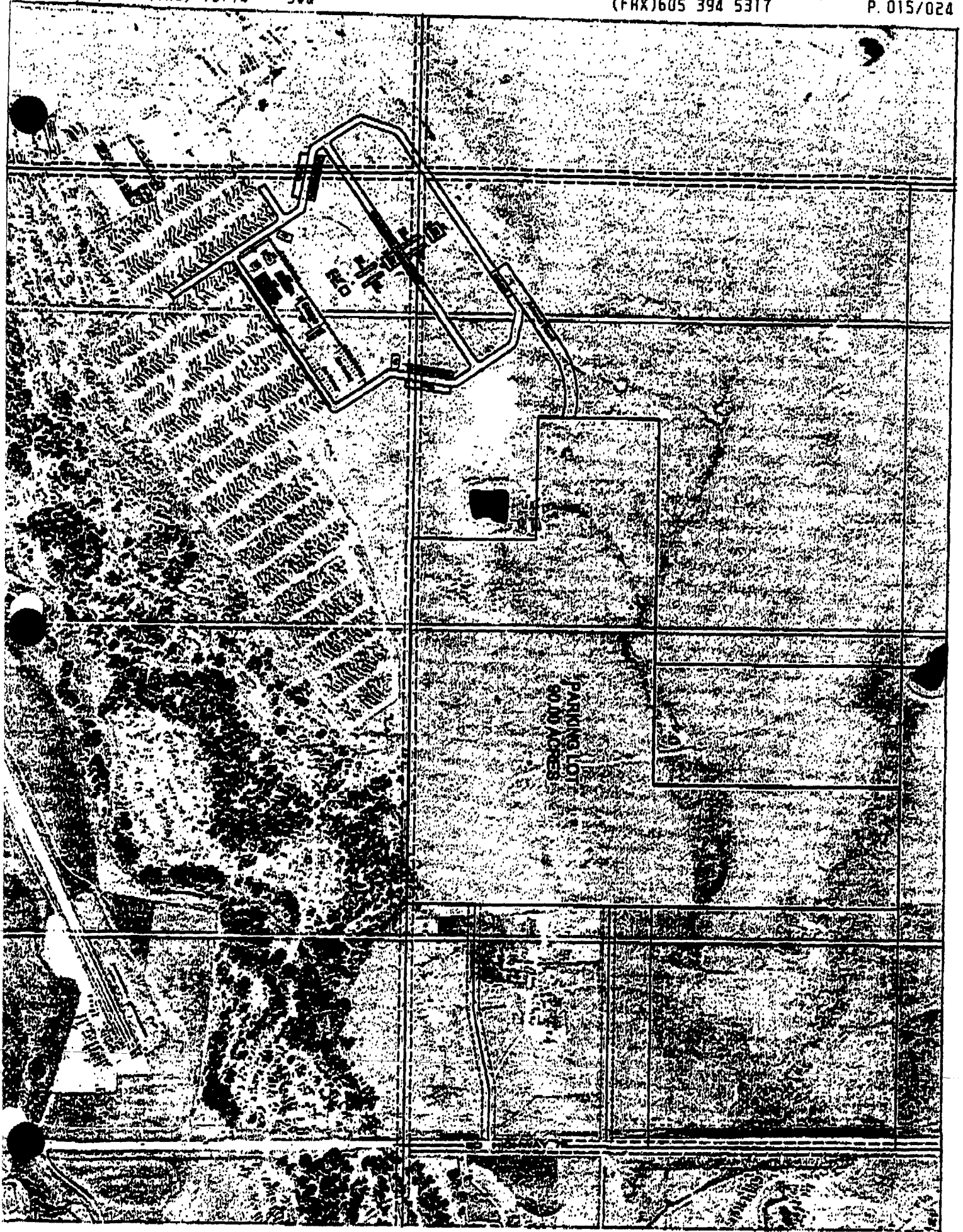
Glencoe Camp Resort 02-07-06



View from the top of the amphitheater area overlooking the campground. The Sturgis WWTTF is visible to the right.

ATTACHMENT 2

Aerial Photograph





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 2006

NOTICE

TO: Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing on Water Permit Application No. 1858-1, Glencoe Camp Resort, Inc.

Petitions in opposition to approval of Water Permit Application No. 1858-1 have been filed in response to the Notice of Application to appropriate water published in the Meade County Times-Tribune. A copy of all the petitions is enclosed in the mailing to the applicant.

As specified in the publication notice, Application No. 1858-1 proposes to appropriate 0.94 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 3200 feet deep) located in the SE 1/4 NW 1/4 Section 6-T5N-R6E to irrigate 34 acres located in the SW 1/4 SW 1/4 Section 31-T6N-R6E, NE 1/4 NE 1/4 (Gov't Lot 1) Section 1-T5N-R5E and the NW 1/4 NW 1/4 (Gov't Lot 4) Section 6-T5N-R6E. The water will also be used for commercial purposes at the campground facility.

The Water Management Board will conduct a hearing to consider Application No. 1858-1 at 9:00 AM (Central Time), on October 11, 2006, in the Visitor Center (west side of Capitol Lake), 650 E. Capitol Avenue, Pierre SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Notice will be provided to all parties of record of any change in the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1858-1 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) existing rights will not be unlawfully impaired, 4) it is in the public interest. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The October 11, 2006, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 30, 2006.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by September 30, 2006, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

enclosure

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by September 30, 2006.

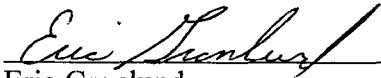
CERTIFICATION

I hereby certify that on July 13, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2006, regarding scheduling of hearing for Water Right Permit Application No. 1858-1, Glencoe Camp Resort, Inc, addressed as stated below and on the Parties of Record list:

Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



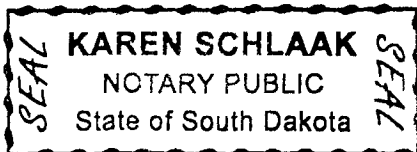
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Parties of Record

Water Permit Application No. 1858-1, Glencoe Camp Resort, Inc.

Applicant

Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Petitions in Opposition

Christine J. Walls
19581 SD Hwy 79
Vale SD 57788

Robert R. Ruff
12960 194th Street
Vale SD 57788

Peter and Sue Seykora
12778 Bighorn Road
Whitewood SD 57793

Timothy J. O'Reilly
19581 Hwy 79
Vale SD 57788

Daryl and Gwen Schindler
19908 Bear Butte Road
Whitewood SD 57793

Dale and Effie Johnson
12917 197th Street
Vale SD 57788

Kenneth and Donna Johnson
12940 197th Street
Vale SD 57788

Nancy Kile
2614 Moose Drive
Sturgis SD 57785

G. Matthew Pike
35 Lincoln Avenue
Deadwood SD 57732

Barbara Harjo Ryan
PO Box 112
Sisseton SD 57262

Anne White Hat
20178 N Hwy 79
Whitewood SD 57793

John and Eileen Raforth
12749 Bighorn Road
Whitewood SD 57793



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2006

Glencoe Camp Resort Inc
% Gary Lippold
PO Box 999
Sturgis SD 57785

Dear Mr. Lippold:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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If you have any questions, please feel free to contact me at (605) 773-3352 or email eric.gronlund@state.sd.us.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2006

Anne White Hat
20178 N Hwy 79
Whitewood SD 57793

Dear Ms. White Hat:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Sincerely,

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October 3, 2006

Robert R Ruff
12960 194th St
Vale SD 57788

Dear Mr. Ruff:

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October 3, 2006

Timothy J O'Reilly
19581 Hwy 79
Vale SD 57788

Dear Mr. O'Reilly:

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October 3, 2006

Pete and Sue Seykora
12778 Bighorn Rd
Whitewood SD 57793

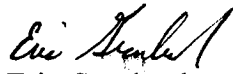
Dear Mr. & Mrs. Seykora:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Sincerely,


Eric Gronlund
Water Rights Program
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October 3, 2006

Christine J Walls
19581 SD Hwy 79
Vale SD 57788

Dear Ms. Walls:

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October 3, 2006

Nancy Kile
2614 Moose Dr
Sturgis SD 57785

Dear Ms. Kile:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Eric Gronlund
Water Rights Program
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October 3, 2006

G Matthew Pike
35 Lincoln Ave
Deadwood SD 57732

Dear Mr. Pike:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Eric Gronlund
Water Rights Program
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enclosure



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October 3, 2006

Barbara (Harjo) Ryan
PO Box 112
Sisseton SD 57262

Dear Ms. Ryan:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



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October 3, 2006

Daryl and Gwen Schindler
19908 Bear Butte Road
Whitewood SD 57793

Dear Mr. & Ms. Schindler:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



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October 3, 2006

John and Eileen Raforth
12749 Bighorn Road
Whitewood SD 57793

Dear Mr. & Ms. Raforth:

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Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

October 3, 2006

Dale Johnson
12917 197th Street
Vale SD 57788

Dear Mr. Johnson:

I am enclosing a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 1858-1 filed by Glencoe Camp Resort Inc. The hearing on this application is scheduled for 9:00 a.m. (Central Standard Time) on October 11, 2006 in the Visitor Center, 650 E Capitol Avenue, Pierre SD. The Visitor Center is located along the west bank of Capitol Lake near the war memorials.

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Sincerely,


Eric Gronlund
Water Rights Program
605 773-3352

enclosure



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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 3, 2006

Kenneth B Johnson
12940 197th St
Vale SD 57788

Dear Mr. Johnson:

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Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

Parties of Record

Water Permit Application No. 1858-1, Glencoe Camp Resort, Inc.

Applicant

Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Petitions in Opposition

Christine J. Walls
19581 SD Hwy 79
Vale SD 57788

Robert R. Ruff
12960 194th Street
Vale SD 57788

Peter and Sue Seykora
12778 Bighorn Road
Whitewood SD 57793

Timothy J. O'Reilly
19581 Hwy 79
Vale SD 57788

Daryl and Gwen Schindler
19908 Bear Butte Road
Whitewood SD 57793

Dale and Effie Johnson
12917 197th Street
Vale SD 57788

Kenneth and Donna Johnson
12940 197th Street
Vale SD 57788

Nancy Kile
2614 Moose Drive
Sturgis SD 57785

G. Matthew Pike
35 Lincoln Avenue
Deadwood SD 57732

Barbara Harjo Ryan
PO Box 112
Diddryon DF 57262

Anne White Hat
20178 N Hwy 79
Whitewood SD 57793



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 13, 2006

NOTICE

TO: Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Barbara Ryan
PO Box 112
Sisseton SD 57262

Dale Hansen
PO Box 580
Sturgis SD 57785

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed Diane Best and Dale Hansen to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the approval of Water Permit Application No. 1858-1. The Board will consider adoption of Findings, Conclusions and Final Decision at 1:00 PM (CDT) on Wednesday, November 29, 2006, in the Chamber of Commerce meeting room, 800 W. Dakota Avenue, Pierre SD 57501.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and parties by November 9, 2006. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) by November 20, 2006.

At the Board's discretion, oral arguments by parties who timely filed written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on November 29, 2006. The public hearing was completed on October 11, 2006. No additional testimony will be received on November 29, 2006.

If either party has questions about the findings process, please contact Eric Gronlund at (605) 773-3352.

Enclosure

c: Jeff Hallem, Assistant Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on October 13, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 13, 2006, regarding preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Right Permit Application No. 1858-1, Glencoe Camp Resort, Inc, addressed as stated below:

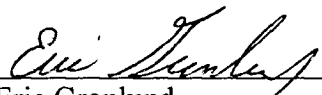
Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Barbara Ryan
PO Box 112
Sisseton SD 57262

Dale Hansen
PO Box 580
Sturgis SD 57785

A copy of the above described Notice was sent Inter-office to:

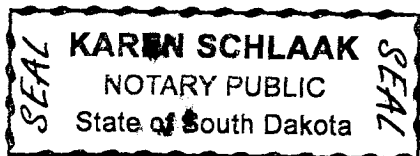
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501
Jeff Hallem, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501


Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

www.state.sd.us/atg

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NOV 13 2006

WATER RIGHTS
PROGRAM

LARRY LONG
ATTORNEY GENERAL

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

MEMORANDUM

November 9, 2006

TO: South Dakota Water Management Board and Interested Parties

FROM: Diane Best, Assistant Attorney General *DB*

RE: In the Matter of Water Permit Application No. 1858-1, Glencoe Camp Resort, Inc. and In the Matter of Water Permit Application No. 1865-1, Jay Allen

At the close of hearing on each of the above-referenced water permit applications, the Board directed that Findings of Fact and Conclusions of Law be prepared and mailed to each board member and to the parties by November 9, 2006.

For the Glencoe Camp Resort Application, the Board directed that attorneys for the Chief Engineer and for the Applicant prepare joint proposed finding of fact if possible. Consistent with that direction, I am enclosing Joint Proposed Findings of Fact, Conclusions of Law and Final Decision in that matter. I have communicated with Dale Hansen, counsel for Glencoe Camp Resort and am authorized to state that this submission is made jointly on behalf of the Chief Engineer and Glencoe Camp Resort.

For permit application No. 1865-1 (Jay Allen), the Board asked that I prepare the proposed Findings of Fact, Conclusions of Law and Final Decision. Consistent with that direction I have prepared a document in that case as well.

It is my understanding that any written objections or comments are to be mailed to each Board member, Board attorney Hallem, and to the parties in this proceeding by November 20, 2006.

DB/jmm

Enclosures

STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	JOINT PROPOSED FINDINGS
APPLICATION NO. 1858-1,)	OF FACT, CONCLUSIONS OF LAW
GLENCOE CAMP RESORT, INC.)	AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 0.94 cubic feet per second of water. The water will be used by the Applicant to supply the Glencoe Camp Resort campground for irrigation of 34 acres at a music amphitheater as well as for various commercial purposes at the campground. The commercial purposes include general campground use such as shower facilities, food, camping facilities, a convenience store, and a t-shirt factory.

2. The grant of this application would allow Applicant to appropriate water from one Madison Aquifer well. This water use would be in addition to two existing shallow artesian wells from the Inyan Kara Aquifer located on the same premises near Sturgis, South Dakota.

3. The Glencoe campground facility consists of 962 acres. It provides services to between 15,000 and 16,000 people per year. This includes provision of campground facilities and of shower facilities.

4. The Glencoe campground and its associated t-shirt factory and convenience store provide an economic benefit to the

community. It employs over 500 persons on a part-time basis. It has 69 full-time employees. It pays annual gross wages of over two million dollars.

5. The Glencoe facility has recently made improvements in its facility, including increased landscaping at the music amphitheater and public use areas, but the facility is not expected to have additional growth. A Glencoe representative testified that the size of the facility will not get much bigger.

6. To irrigate its landscaped areas, the Applicant currently uses recycled water from the Sturgis waste water system. The agreement with Sturgis is presently in effect until 2010. Water use under this permit would augment and serve as a standby source for irrigation. This second source is necessary because irrigation using waste water in areas where there will be human contact is subject to change due to water quality requirements. In 2006, Glencoe was able to use the Sturgis recycled waste water in its landscaped areas for up to 48 hours in advance of human contact by campers. The 48-hour time frame is currently permissible because the Sturgis system is currently producing high quality water. In the event Sturgis wastewater quality declines, this situation may change. Depending on the presence of coliform bacteria in the water, the time period between irrigation events and human contact would necessarily be

greater. This water permit would allow for separate water for irrigation during such time periods when wastewater cannot be applied or is no longer available.

7. The source of water under the application is the Madison Aquifer which is a massive limestone aquifer that underlies most of the western United States. It is reliably estimated that the aquifer contains at least 640 million acre feet of recoverable water in the state. The Madison Aquifer is recharged through infiltration by precipitation and through stream losses to the aquifer.

8. Recharge for the entire Madison Aquifer in South Dakota has been reliably estimated to range from 140 thousand to 400 thousand acre feet per year. According to DENR expert witness Ken Buhler, the total water use of the Madison Aquifer is significantly less than 50,000 acre feet per year.

9. Unappropriated water is available from the Madison Aquifer for this application.

10. Several intervenors filed petitions to intervene concerning this permit. The only intervenor that appeared and presented testimony in this matter was Barbara Ryan. In addition to her own testimony, she called Darlene Pipeboy as a witness. Neither Ms. Ryan nor Ms. Pipeboy challenged the DENR expert opinion that there is sufficient water available from the Madison Aquifer for this application.

11. DENR witness Buhler also testified concerning his opinion as to whether the proposed diversion can be developed without unlawful impairment of existing water rights. There are nineteen water rights/permits appropriating ground water within three and one-half miles of the well site for the proposed permit. Most of these nineteen appropriations are from aquifers shallower than the Madison Aquifer. Ten of the appropriations are from the Inyan Kara Aquifer. There are four appropriations from Alluvium. There are two appropriations from the Minnelusa Formation. There is one appropriation from the Sundance Aquifer. Water supplied from shallower aquifers is not expected to be affected by withdrawals from this Madison well because the lower Minnelusa formation effectively isolates the Madison Aquifer from these upper aquifers.

12. There are two appropriations from the Madison Aquifer within three and one-half miles of this well site. They include Water Permit No. 1581-1, Bear Butte Water Association (3.5 miles) and Water Permit No. 1780-1, Rod Woodruff (1.25 miles). The Board credits the expert opinion of witness Buhler who testified that well interference at this distance is expected to be insignificant. Neither the Bear Butte Water Association nor Rod Woodruff intervened in this proceeding. No other witness testified in contravention of the Buhler opinion.

13. Based on the foregoing Findings of Fact, this Board finds that this Permit will not adversely impair existing water rights for appropriative use.

14. In addition to appropriative water rights, there are a limited number of domestic wells completed into the Madison Aquifer in this area. Even if a domestic well completed into the Madison Aquifer experienced interference, it would still be capable of delivering sufficient water with the pump inlet placed near the top of the aquifer. If a domestic user was unable to obtain water near the surface by means of artesian head pressure, that user would still be able to obtain sufficient water by means of lowering a pump. Given this circumstance, adverse impact to domestic wells is not probable for this application.

15. Prior rights for appropriative water use and any right for domestic use would take priority over the appropriative water right granted in this proceeding. Such prior rights would be enforceable as against this right. The priority of rights in this groundwater situation applies when the priority wells have the ability to produce water independent of artesian head pressure and the priority wells are otherwise adequately constructed. Simply put, the pump placement in a prior appropriative well may not be protected if the pump could be lowered and still produce a sufficient water supply. This Board

has concluded in the past that because South Dakota's water resources are to be put to beneficial use to the fullest extent of which they are capable, it will not protect prior water users who seek to rely on artesian head pressure or who seek to pump water from upper levels within a well when the source aquifer could sustain pumping at lower pump placements and thereby allow for increased beneficial use of water.

16. The Board finds that the proposed diversion will not adversely impair existing domestic or appropriative water rights as described in the foregoing Findings of Fact.

17. The evidence available to this Board is sufficient to determine that adequate water is available from the Madison Aquifer for this permit and that appropriative and domestic wells completed in the Madison Aquifer in this area will not be unlawfully impaired. However, it is not practical to attempt to quantify the specific effect pumping on this area will have on area wells since aquifer characteristics have not been determined for this area and there is a variability of hydraulic characteristics. In addition, the transmissivity of the Madison Aquifer is not necessarily equal in all directions. Therefore, the drawdown cone will extend further in one direction than another. Due to this issue, drawdown from the well authorized by this appropriation could be measurable some distance from the well. Given this circumstance, evidence is not available to

justify issuing this permit for a period in excess of twenty years.

18. The Board has also considered whether the proposed use is beneficial. The Board finds that the appropriation of water for commercial purposes including drinking water and for irrigation, as described in previous Findings of Fact, are reasonable and useful and beneficial to the appropriator. In addition to benefit to the appropriator, this Board must also consider whether the contemplated use is consistent with the interests of the public of this state in the best utilization of water supplies. This Board has consistently approved applications for water use for irrigation and for commercial uses such as campground uses. The specific proposed water use here provides for use for the public welfare in that it provides for meeting drinking water needs (including campground use and showers) of tourists visiting the Black Hills. It further provides for utilization of water and there is no evidence of waste.

19. Intervenor Barbara Ryan testified against the use of water under this application. She testified that using water for the proposed permit would not be a beneficial use as compared to continuing to maintain natural conditions in the aquifer. She submits that maintaining nature conditions in the aquifer would allow for aquifers to continue to be recharged and

would maintain a natural balance consistent with Native American cultural and spiritual beliefs. Neither Ms. Ryan nor her witness Darlene Renville Pipeboy testified that the proposed water use would affect specific rights or specific spiritual practices of Native Americans. This Board has considered the issue presented by Ms. Ryan. Under Ms. Ryan's analysis, no appropriations from the Madison Aquifer would be consistent with the natural laws or Native American interest in ensuring that water continued to remain in place. This Board is required to approve water uses that provide for maximum utilization of water and are not wasteful, and therefore determines that the water use in this case is consistent with the interests of the public of this state in the best utilization of water supplies.

20. This Board is also required to consider public interest. In this regard, the Board also considered the testimony offered by Ms. Ryan concerning the Native American belief that natural laws should require aquifers to remain pristine. In addition, Ms. Ryan testified as to other concerns which would properly be identified as public interest concerns. In particular, she is concerned that increased traffic at the Glencoe campground facility will have a severe effect on the practices of Native American peoples as they visit Bear Butte. Ms. Ryan testified that Bear Butte is a sacred place for Native

American people. She further testified that Bear Butte has been used for thousands of years.

21. Ms. Ryan recognized that a large majority of the traffic and noise at the Glencoe campground will be during the one month surrounding the Sturgis Rally. She testified that she did not know if the one month of camping would disturb the spiritual practices at Bear Butte. However, she is concerned that the increased traffic, combined with other traffic from other campgrounds, would impact the use of Bear Butte.

22. The Board has considered the evidence offered by Ms. Ryan. No evidence was offered that any specific spiritual or religious rite or practice would be directly impaired by water use granted by the permit. The Board also has considered the fact that the campground at issue would not be increased in size as a result of granting the water right. Further, the Board recognizes that the campground in question is approximately three miles from Bear Butte.

23. When considering the public interest, the Board considers a wide variety of public interest concerns including economic interest in the facility, the interest of campers using the facility for drinking water and other needs, the impact to neighbors and others using nearby lands. Such impacts must, of course, be considered in terms of the public interest (or lack thereof) relating to the specific use at hand. The Water

Management Board finds that the additional water use granted for Glencoe campground for this site would result in better accommodation of campers at the facility and would not result in a large increment of additional noise or traffic. When weighing the various concerns involved, this Board finds that the water permit application is in the public interest.

24. To the extent that any of the foregoing public interest concerns were also intended to apply to consideration of beneficial use, the same rationale applies.

25. The Board finds that (a) there is reasonable probability that there is unappropriated water available for the Applicant's proposed use, (b) the proposed diversion can be developed without unlawful impairment of existing rights, (c) the proposed use is a beneficial use and (d) the proposed use is in the public interest.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.

2. There is a reasonable probability there is unappropriated water available for the Applicant's proposed use from the Madison Aquifer.

3. The proposed uses for commercial purposes and for irrigation are beneficial uses in that they are (a) reasonable and useful and beneficial to the appropriator and (b) at the same time is consistent with the interests of the public of this

state in the best utilization of water supplies. SDCL 46-1-6(3).

4. The proposed diversion can be developed without unlawful impairment of existing rights. The Board concludes that any effect on either appropriative or domestic wells will not cause adverse impairment to properly constructed wells that have the ability to produce water independent of artesian pressure.

5. In light of the foregoing Findings, the proposed use for commercial use and irrigation is in the public interest.

6. This Board has carefully considered the positions of the various parties in this matter. SDCL 46-1-4 requires that South Dakota's water resources be put to beneficial use to the fullest extent of which they are capable. Further, the "beneficial use" criteria for consideration of the water permit in this case requires consideration of the best utilization of the water supply. Ultimately, the legal criteria for approval of water permits in this matter are designed to provide for maximum utilization of water for the arid climate in western South Dakota. This Board finds that these legal requirements are best met by approval of the water permit at issue in this case.

7. SDCL 46-2A-20 is applicable in this case because there is insufficient evidence to support granting the water permit

for a period in excess of twenty years. Although there is sufficient evidence to demonstrate that (a) there is unappropriated water available in the Madison Aquifer for this permit and (b) this permit can be developed without unlawful impairment of existing rights, there is a heightened evidentiary requirement in SDCL 46-2A-20 that specifically applies to withdrawal of water from the Madison Formation in various counties, including Meade County. DENR expert Buhler contends that the heightened requirement has not been met in this case. No other party in this proceeding disputes the Buhler testimony. Accordingly, evidence is not available to justify issuing this Permit for a period in excess of twenty years.

FINAL DECISION

Application No. 1858-1 is hereby granted and a Permit shall be issued forthwith containing the following qualifications:

1. In accordance with SDCL 46-1-14 and SDCL 46-2A-20, Permit No. 1858-1 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. 1858-1 may also be cancelled for non-construction, 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.

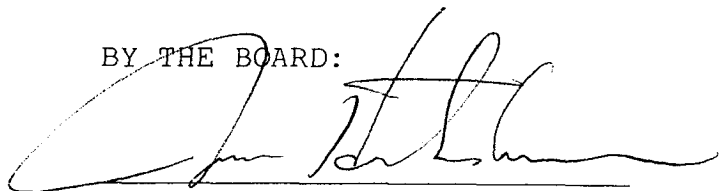
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

3. The well authorized by Permit No. 1858-1 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, ch. 74:02:04, with the well casing pressure grouted (bottom to top) pursuant to § 74:02:04:28.

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Dated this 29 day of November 2006.

BY THE BOARD:

A handwritten signature in black ink, appearing to read 'James Hutmacher', is written over a horizontal line.

James Hutmacher, Chairman

STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 1858-1,) CERTIFICATE OF SERVICE
GLENCOE CAMP RESORT, INC.)

The undersigned hereby certifies that true and correct copies of Joint Proposed Findings of Fact, Conclusions of Law and Final Decision In the Matter of Water Permit Application No. 1858-1, Glencoe Camp Resort, Inc., were served upon each of the following by enclosing the same in envelopes with first class postage, prepaid and affixed thereto, and depositing said envelopes in the United States mail, at Pierre, South Dakota, on this 9th day of November, 2006:

Francis E. Brink
1214 South Wells Street
Aberdeen, SD 57401-7351

Everett Hoyt
4422 Carriage Hills Drive
Rapid City, SD 57702-6874

Leo Holzbauer
29416 395th Avenue
Wagner, SD 57380

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Dwayne Rollag
320 Lincoln Lane, South
Brookings, SD 57006-2741

James Hutmacher, Chairman
802 East 7th Street
Oacoma, SD 57365

Glencoe Camp Resort, Inc.
c/o Gary Lippold
P.O. Box 999
Sturgis, SD 577785

Barbara Ryan
P.O. Box 112
Sisseton, SD 57262

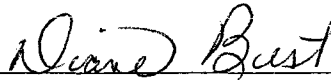
Dale Hansen
P.O. Box 580
Sturgis, SD 57785

By interoffice to:

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre, SD 57501

By hand delivery to:

Jeffrey P. Hallem
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501



Diane Best
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215

pld.db(Certificate of Service Glencoe Camp Resort)(jmm)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 2006

NOTICE

TO: Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Barbara Ryan
PO Box 112
Sisseton SD 57262

Dale Hansen
PO Box 580
Sturgis SD 57785

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted November 29, 2006, by the Water Management Board approving Water Right Permit No. 1858-1 filed by Glencoe Camp Resort, Inc. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: Jeff Hallem, Assistant Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on December 5, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 2006, regarding adoption of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Right Permit Application No. 1858-1, Glencoe Camp Resort, Inc, addressed as stated below:

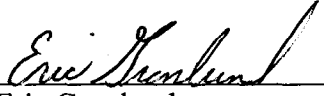
Glencoe Camp Resort, Inc.
c/o Gary Lippold
PO Box 999
Sturgis SD 57785

Barbara Ryan
PO Box 112
Sisseton SD 57262

Dale Hansen
PO Box 580
Sturgis SD 57785

A copy of the above described Notice was sent Inter-office to:

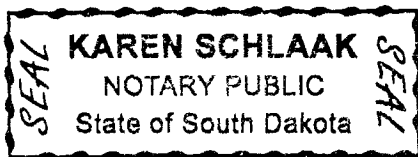
Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501
Jeff Hallem, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501


Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of December 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**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 30 2007

GLENCOE CAMP RESORT INC
GARY LIPPOLD
PO BOX 99
STURGIS SD 57785

Dear Mr.Lippold:

Enclosed is Water Permit No. 1858-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

RECEIVED

NOV - 1 2007

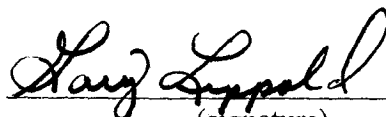
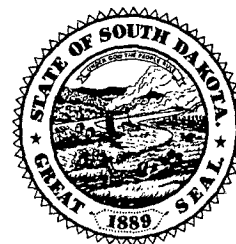
WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Oct 31, 2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: GLENCOE Camp Resort, Inc
(name)
P.O. Box 999
(address)
Sturgis, SD 57785
(city, state, zip)

(phone)

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

Water Permit No. 1858-1 states that the water use system is to be constructed byNov. 29, 2011, and water is to be put to beneficial use by Nov. 29, 2015.
(date) (date)The water use system was completed on 7-20-06.
(date)Applying the water to beneficial use was completed on August 1, 2007.
(date)

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


(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2007

1858-1

Gary Lippold
Glencoe Camp Resort Inc
PO Box 999
Sturgis SD 57785

Dear Mr. Lippold:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the system authorized by Water Permit No. 1858-1.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



1858-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: GLENCOE CAMP RESORT INC, GARY LIPPOLD, PO BOX 999, STURGIS, SD 57785 0999
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1858-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1858-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1858-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1858-1

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6715
Status: **Delivered**

Your item was delivered at 1:39 PM on January 26, 2009 in STURGIS, SD 57785. The item was signed for by C CRUICKSHAN.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

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Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6715	GLENCOE CAMP RESORT INC GARY LIPPOLD PO BOX 999 STURGIS SD 57785 0999		ing.
	Waiver of Signature ☐ YES ☐ NO		
Postmark Here		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2009

1858-1

Gary Lippold
Glencoe Camp Resort Inc
PO Box 999
Sturgis SD 57785-0999

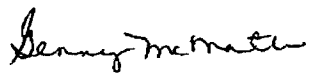
Dear Mr. Lippold:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit No. 1858-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Recently in the news, there was an article about the campground changing ownership. If this has occurred, please contact us and we can send a "Notice of Transfer of Ownership" form to the campground for use in changing the water permit to reflect the new ownership.

If you have any questions, please contact me.

Sincerely,


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

1858-1

McMath, Genny

From: Glencoe CampResort [campinfo@glencoecampground.com]
Sent: Monday, February 16, 2009 3:03 PM
To: McMath, Genny
Subject: Notice of Transfer

Genny,

Glencoe CampResort has been sold as you have heard. Please send a "Notice of Transfer of Ownership" Form so we can change the water permit to reflect new ownership. Please send it to Glencoe CampResort LLC, at PO Box 999, Sturgis, SD 57785. If you have any further questions please call us at 605-347-4712 thank You.

Sincerely,

Fritz Lamphere
Glencoe CampResort



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2009

Fritz Lamphere
Glencoe CampResort LLC
PO Box 999
Sturgis SD 57785

RE: Transfer of ownership for Water Right Nos. 1487-1 & 1615-1 and Water Permit No. 1858-1

Dear Mr. Lamphere:

Thank you for your email concerning the ownership changes needed for water rights or permits listed in the name of Glencoe Camp Resort. I have included a copy of Water Right Nos. 1487-1 & 1615-1 and Water Permit No. 1858-1. You may keep these for your records.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing the ownership changes. Please complete the forms as needed and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

Sincerely,

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

enclosures

RECEIVED

SEP 10 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1858-1

Date: 9-9-09

I/We request that Water Permit No. 1858-1

formerly owned by: Glencoe Camp Resort Inc % Gary Lippold

be transferred to: (name & address) Glencoe Camp Resort II LLC
% Fritz Lamphere

Telephone No. 347-4712

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

SW ¼ SW ¼ Section 31, T6N, R6E; NE ¼ NE ¼ (Gov't Lot 1) Section 1, T5N, R5E and the

NW ¼ NW ¼ (Gov't Lot 4) Section 6, T5N, R6E

I/We understand that the validity of Water Permit No. 1858-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Fritz Lamphere, the new owner, certify that the above information is true and correct.

Fritz Lamphere

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 10, 2009

Fritz Lamphere
Glencoe CampResort LLC
PO Box 999
Sturgis SD 57785

RE: Transfer of ownership for Water Right Nos. 1487-1 & 1615-1 and Water Permit No. 1858-1

Dear Mr. Lamphere:

The "Notice of Transfer of Ownership" forms and \$7.50 in filing fees have been received. When the forms and fees were requested back in February, 2009, the fee for filing an ownership change was \$2.50. On July 1st, the fee increased to \$50.00.

Enclosed is the check from Cindy Cruickshank in the amount of \$7.50. The correct fee for filing the ownership changes for Nos. 1487-1, 1615-1 and 1858-1 is **\$150.00** (\$50.00 each). The check or money order for the fee can be made payable to the Water Rights Program.

The ownership changes will be processed upon receipt of the \$150.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure: check #1000

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/28, 20 09

RECEIVED OF Cindy Cruickshank 20555 Glencoe Dr Sturgis SD 57785

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1858-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04218

By *Harold Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 2009

Fritz Lamphere
Glencoe Camp Resort II LLC
PO Box 999
Sturgis SD 57785-0999

RE: Transfer of ownership for Water Right Nos. 1487-1 & 1615-1 and Water Permit No. 1858-1

Dear Mr. Lamphere:

The fees for the ownership changes have been received and the transfers finalized.

Water Right Nos. 1487-1 & 1615-1 and Water Permit No. 1858-1 formerly listed in the name of Glencoe Camp Resort Inc are now listed under the name of "Glencoe Camp Resort II LLC".

The receipts for the filing fees are being forwarded with a copy of this letter to Cindy Cruickshank.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Cindy Cruickshank w/Receipt Nos. 04216, 04217 and 04218

Permit No. 1858-1
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, **September 22, 2009**, made a thorough examination of the water use system constructed by **Glencoe Camp Resort, Inc.** of **PO Box 999** holder of Permit No. **1858-1**, bearing the priority of **March 8, 2006** authorizing the diversion of **0.94** cu. ft. per second of the waters of the **Madison Aquifer** for **Irrigation and Commercial** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling Company**
- 2) No. of Wells **1**
- 3) Depth(s) **3240** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **13 3/8, 9 5/8, 6 5/8** inches
- 2) Length **2975** feet
- 3) Type **Steel**

Screen:

- 1) Type **Open Hole**
- 2) Static water level **165** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **385S750-9**
- 3) Size **75 hp**
- 4) Capacity **385** GPM

Motor:

- 1) Make **Franklin**
- 2) Horsepower rating **75** hp

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2450 feet south and 2330 feet east of the NW corner of Section 6-T5N-R6E

(N 44.42424, W -103.43921) (SE ¼ NW ¼)

The works are capable of diverting and conveying to the place of use 0.86 cu. ft. per second of water which is to be used for Irrigation and Commercial use. Water has been put to beneficial use to the maximum extent as follows:

Section 31-T6N-R6E

SW ¼ SW ¼ -10 acres

Section 36-T6N-R5E

SE ¼ SE ¼ - 4 acres

Section 1-T5N-R5E

NE ¼ NE ¼ - 7.5 acres

Section 6-T5N-R6E

NW ¼ NW ¼ -12.5 acres

comprising a total of 34 acres of land and the license should be issued for 0.86 cfs.

All structures, wells and lands on map Y

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

The four acres in Section 36-T6N-R5E were not included with the original application. However, SDCL 45-5-30.5 allows unpermitted acreage to be licensed if there is no increase in permitted acreage or water appropriated occurs. SDCL 45-5-30.5 also states the unpermitted acreage shall be contiguous to the permitted acreage, owned by the the same property owner, and developed as part of the original project within the time period designated for completion of works. Licensing of the unpermitted acreage may occur without application or publication if the chief engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.


Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **December 3, 2009**

Water Permit No. 1858-1

Glenco Camp Resort, Inc
PO Box 999
Sturgis, SD 57785



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 3, 2009

0 435 870 1,740 2,610 3,480 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today

Licensing of Acreage Outside of Permitted Area

NAME: Glencoe Camp Resort (Fritz Lamphere)

ADDRESS: PO Box 999

DATE: December 4, 2009

COUNTY: Meade

TELEPHONE: 347-4712

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 34 acres as compared to 34 acres authorized by the permit. Licensing of the permit will remain the same in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The 4 acres located in the SE ¼ SE ¼ Section 36-T6N-R5E are contiguous to the other acres which were originally permitted in Section 31-T6N-R6E, Section 1-T5N-R5E and Section 6-T5N-R6E.

- **Owned by Same Property Owner**

On December 4, 2009, I contacted Fritz Lamphere to find out if he did own the land in Section 36. He stated that he did and there were several sections which intersect the camp ground.

- **Developed Prior to Expiration of Construction Period**

All acreage was developed prior to expiration date and was developed as part of the original project

RECOMMENDED ACTION

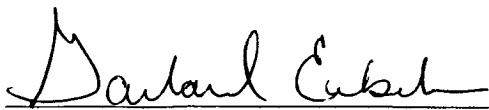
Based on the above criteria, it is recommended that the 4 acre area be included in the water license.



Mike DeFea, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the non-permitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 2010

1858-1

Fritz Lamphere
Glencoe Camp Resort II LLC
PO Box 999
Sturgis SD 57785-0999

Dear Mr. Lamphere:

Enclosed is Water License No. 1858-1. 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. 1858-1, 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,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive, flowing style.

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1858-1

(1) Glencoe Camp Resort, Inc., Sturgis SD made Application No. 1858-1, March 8, 2006 for a water permit to divert 0.94 cubic feet of water per second from ground water (one well – Madison formation), Meade County, South Dakota for irrigation and commercial purposes. Permit No. 1858-1, with a priority date of March 8, 2006 was approved November 29, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 29, 2011 and for the application to beneficial use of said water on or before November 29, 2015.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on November 1, 2007. The *"Notice"* stated the water use system was completed on July 20, 2006 and the water placed to beneficial use on August 1, 2007.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

On September 10, 2009, Water Permit No. 1858-1 was transferred to Glencoe Camp Resort II LLC, c/o Fritz Lamphere.

(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 0.86 cubic feet of water per second for beneficial use. The location of the diversion point is 2,450 feet south and 2,330 feet east of the NW corner of Section 6, T5N, R6E (SE ¼ NW 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 use at the campground and for irrigation of the following land:

T6N, R6E Section 31	SW ¼ SW ¼	10.0 acres
T6N, R5E Section 36	SE ¼ SE ¼	4.0 acres
T5N, R5E Section 1	NE ¼ NE ¼	7.5 acres
T5N, R6E Section 6	NW ¼ NW ¼	12.5 acres
	Total	34.0 acres

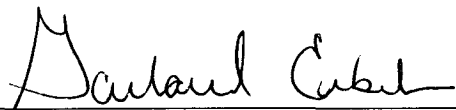
(4) Pursuant to South Dakota Water Law 46-5-30.1 Glencoe Camp Resort II, LLC, % Fritz Lamphere, PO Box 999, Sturgis SD 57785 the holder and/or owner of Water Right No. 1858-1 is issued a license to appropriate water, the right to use 0.86 cubic feet of water per second from ground water (Madison Formation) with a priority date of March 8, 2006 from the location specified in (2) of this license. The water is used for commercial and irrigation purposes.

(continued)

Water License No. 1858-1

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1858-1 and subject to the following qualifications:

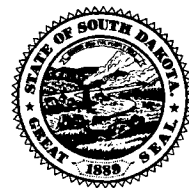
- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1858-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1858-1 may also be cancelled for non-construction, 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.
- 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.
- The well authorized by Permit No. 1858-1 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 (*well drilled by Taylor Well Drilling – log on file with the Water Rights Program*).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

APR 23 2010

date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: GLENCOE CAMP RESORT II LLC, FRITZ LAMPHERE, PO BOX 999, STURGIS, SD 57785 0999

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1858-1. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1858-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1858-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UJLNHS**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1858-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 27, 2023

1858-1

Fritz Lamphere
Glencoe Camp Resort II LLC
PO Box 999
Sturgis SD 57785

Dear Mr. Lamphere:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 1858-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us