

WATER PERMIT NO. 1940-1

Name of Applicant: **Slim Buttes Lodge LLC**

Address: **PO Box 94, Reva SD 57651** Phone: **605 641-0171**

Amount of Water Claimed: **0.05 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial** County: **Harding**

Type of Waste Disposal System:

Location: **SE edge of Reva**

PRIORITY Date Received: **10-4-13** Application/License Fee: **\$ 300**

Corrected Application Received: **10-15-13** Period of Annual Use: **Jan 1 – Dec 31**

Remarks:

Diversion Point: **NW 1/4 NE 1/4 Sec 12-T18N-R8E**

Land to be Irrigated: **NA**

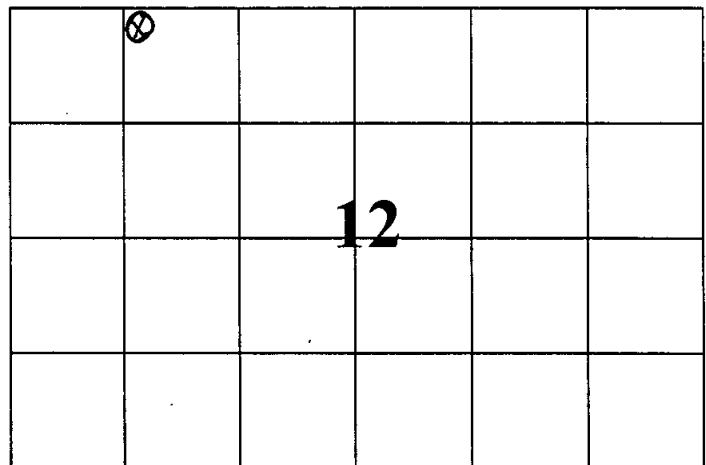
Depth of Well: **400 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **10-15-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>1940-1</u>	Hydrologic Unit <u>10130305</u>
	Basin <u>Moreau River</u>	<u>605-642-2761</u>
	Newspaper <u>Nation's Center News PO Box 7</u>	<u>Black Hills Pioneer PO Box 7 - Spearfish 57783</u>

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Same editor

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

Check use(s) of water:

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

Type of Application:

(check one)

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

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

1. Name to Appear on Water Permit Slim Buttes Lodge, LLC(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Scott B Besler

(name and complete address if different than above name)

Mailing Address PO Box 94 Reva SD 57651

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-375-3789 Cell 605-641-0171 Email sbbesler@sdplains.com2. Amount of water claimed 0.05 *CFS or 20 **GPM ***AF

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Private well4. Location of point of diversion 1 well in Lot 5 of the NW1/4NW1/4 sec 12-T18N-R8E County Harding

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ NoIf "Yes," where will water be used? Lot 5 of the NW1/4NW1/4 sec 12-T18N R8E

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Harding County6. Annual period during which water is to be used Jan 1 to Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The water will be used for a "Specialty Resort". The lodge building is be a renovated rural school previously operated by the Harding Co. School Dist. as recent as 2008. It consists of 3 rooms set up like studio apartments and will be rented out on per day usage. The well that is there was used as the water source for the school and was drilled in circa 1972 and was in use until they closed the school in 2010.

I, Scott B Besler, Treasure, Slim Buttes Lodge LLC, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 1940-1

Date of first receipt of application October 4, 2013.

Date of return to applicant for corrections, amendments or changes October 7, 2013.

Date of receipt of corrected application October 15, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1940-1 to Slim Buttes Lodge, LLC, c/o Scott B Besler, PO Box 94, Reva SD 57651 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. 1940-1 appropriates 0.05 cubic feet of water per second from existing one well completed into the Upper Hell Creek and Lower Ludlow Aquifer System (approximately 560 feet deep) located in the Lot 5 of the NW 1/4 NW 1/4 Section 12-T18N-R8E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1940-1 is December 16, 2013.
5. The date from which applicant may claim right is October 4, 2013.
6. One-fifth of the construction is to be completed on or before June 16, 2016.
7. All construction is to be completed on or before December 16, 2018.
8. Water is to be put to beneficial use on or before December 16, 2022.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

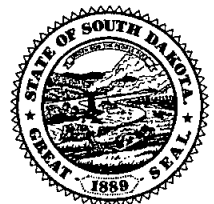
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 27 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by unknown

c) Well Depth 400 + Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others 1/2 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) septic tank with drain field

b) System Capacity (gallons) 1,500.00 Year Constructed 1973

c) Connected to the City of N/A Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

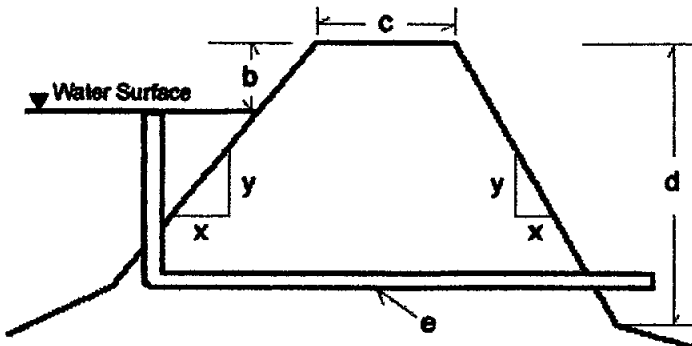
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



← 23 miles W to Buffalo
1/2 mile to Reva →

SD Hwy 20

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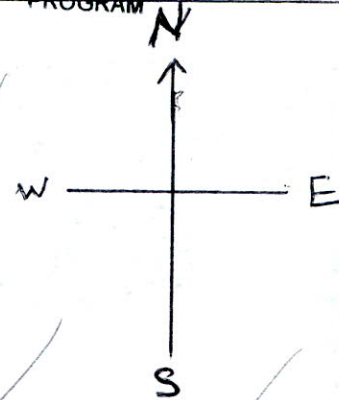
OCT 15 2013

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↖ NW corner
of Section 12-18N-8E

Well
location →

Slim
Buttes
Lodge



SD Hwy 79

6.62 acres owned by
Slim Buttes Lodge LLC

Lot 5 of NW 1/4 NW 1/4 sec 12-18N-8E

State of
South Dakota land

Sec 2
T018N
R08E

Sec 1
T018N
R08E

Sec 6
T018N
R09E

Sec 11
T018N
R08E

Sec 12
T018N
R08E

Sec 7
T018N
R09E

Sec 14
T018N
R08E

Sec 13
T018N
R08E

Sec 18
T018N
R09E



Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use****RECEIVED****OCT - 4 2013****WATER RIGHTS
PROGRAM**Name of Applicant (Same as Form 2) Slim Buttes Lodge, LLCMailing Address PO Box 94 Reva SD 57651
(Address) (City) (State) (Zip Code)A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____B. Date of start of construction of water supply system circa 1972C. Date that water was first applied to beneficial use January 1, 1973D. Name of owner of original water supply system Harding County School Dist.E. Amount of water originally applied to beneficial use unknownF. Present use of water - amount of water now being used none

Date that this water was first used _____

G. Chronological History of Water Use

1973 to 2010 - Water was used for the Reva Elementary School located at the site.
November 2013 and near future - water will be used for lodgers of the Slim Buttes Lodge.

Fred Reede of Rose Plumbing & Electric of Meadow, SD had a times worked on the well for the Harding Co. School Dist. and may be able to answer some of the technical questions about the well such as depth and water level etc. To my knowledge the well is over 400 ft deep and the water level rises no closer than about 250 to the surface but I can't swear to that. I do know it's not a shallow well and it is either draws it's water from the Hell Creek or the Fox Hills aquifers. The Harding Co. School Dist. may have filed a log report when it was drilled and if that was the case you would have it.

I didn't fill out the water usage estimate because I didn't know what to put. I doubt it will be very high as the rooms will likely only be used seasonal for the most part. Therefore I thought you would have a better idea of estimated usage than me.

I, Scott B Besler, Treasure, Slim Buttes Lodge, LLC the applicant, certify that I have read the foregoing and that the matters therein are true.

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

September 27, 2013Scott B Besler 9-27, 2013

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/7, 20 13

RECEIVED OF Slim Buttes Lodge LLC Reva SD 57651

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

Fee for Application for Permit No. <u>1940-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	50 00

No. **06453**

By Jeanne Hoalman
Chief Engineer

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/15, 20 13

RECEIVED OF Slim Buttes Lodge LLC

Reva SD 57651

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

Fee for Application for Permit No. <u>1940-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1940-1</u>	200	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	250 00

No. **06458**

By Jeanne Goodman
Chief Engineer



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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 7, 2013

Slim Buttes Lodge LLC
c/o Scott B Besler
PO Box 94
Reva SD 57651

Dear Mr. Besler:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Harding County. In order to complete the application, the following is required.

- Based on the Affidavit of Water Use form and fee submitted with your application, it appears you are requesting to apply for a Vested Right. As defined by State Statutes, in order to qualify for a Vested Right, beneficial use of the water had to be made prior to March 2, 1955.
- Enclosed is the aerial photo map for Section 12-T18N-R8E. Please mark the proposed well location with an "X". *I marked it with a red X.*
- Please complete Item No. 2, Amount of water claimed in gallons per minute. I understand you do not know the amount. The standard in determining the amount of water claimed is the peak pump capacity rate. You indicated that Rose Plumbing & Electric has worked on the well; they should be able to help determine an estimate regarding the pump capacity.
- I have reviewed our files and did not find a well completion report for this well. It is your understanding that the well depth is over 400 feet deep, is that correct? *Yes*
- We received your check for \$50.00. If your application is for 45 gallons per minute or less, the application/license fee will be \$300.00. Please submit an additional \$250.00.

If you have any questions, please contact me.

I've included the check

Sincerely,

Karen Schlaak

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

enclosures

File Nos. 1940-1

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Slim Buttes Lodge LLC c/o Scott B. Besler

ADDRESS: PO Box 94, Reva, SD

DATE: 11/18/2013 TELEPHONE: (605) 641-0171

RE: Well Depth

COMMENTS:

A supplemental sheet included with the application stated that Fred Reede of Rose Plumbing and Electric of Meadow, SD had been the last person to work on the well. On November 1, 2013, I contacted Mr. Reede to see if he knew some of the technical specs for the well, specifically depth. Mr. Reede stated that he believed the pump to be placed at about 560 feet below ground surface, but he was not sure. He stated that he would look through his records. I followed up with Mr. Reede on November 18, 2013 to see if he had found anything. He stated he did not have a well depth but that the pump is set at 560 feet below ground surface and that it would be highly unlikely that the well is much deeper than that.



Adam Mathiowetz

Natural Resources Engineer

DENR-Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1940-1, Slim Buttes Lodge LLC**

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. 1940-1, Slim Buttes Lodge LLC, c/o Scott B Besler, PO Box 94, Reva SD 57651.

The Chief Engineer is recommending APPROVAL of Application No. 1940-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Jeanne Goodman, Chief Engineer
November 21, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 1940-1
SLIM BUTTES LODGE LLC
C/O SCOTT B. BESLER
NOVEMBER 20, 2013

Water Permit Application No. 1940-1 proposes to appropriate water at a maximum diversion rate of 0.05 cubic feet of water per second (cfs) from an existing well completed into the Hell Creek aquifer. The well is approximately 560 feet deep and is located in Lot 5, NW ¼ NW ¼ Section 12; T18N-R8E in Harding County. The water is for commercial use at a "Specialty Resort."

AQUIFER: Upper Hell Creek and Lower Ludlow Aquifer System (HLCK)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Tertiary aged Ludlow Formation and the Late Cretaceous Hell Creek Formation are combined in this report and considered a single hydrologic unit (called the Hell Creek aquifer in this report) because: 1) it is consistent with the U.S. Geological Survey's distinction used in North Dakota; 2) the formations are both continental deposits of Late Cretaceous to Paleocene age, and possess similar hydrogeologic properties (Rahn, 1979); and 3) the contact between the formations "was arbitrarily drawn at the base of some otherwise unidentifiable beds that showed a high resistivity on several electric logs" (Croft, 1978). The aquifer consists of sandstone and lignite in the lower part of the Ludlow Formation and sandstone in the upper part of the Hell Creek Formation (Petsch, 1955). The sandstone is interbedded with siltstone, shales, pseudoscoria and claystone (Petsch, 1955). The aquifer occurs in northwestern South Dakota, southwestern North Dakota, and southeastern Montana. The aquifer underlies approximately 5,390,720 acres and contains an estimated 82,260,400 acre-feet of recoverable water in storage in South Dakota (Allen et. al, 1985). The aquifer underlies approximately 1,629,440 acres and contains an estimated 28,515,200 ac-ft of recoverable water in storage in Harding County alone (Allen et. al, 1985).

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

This application proposes to appropriate water from the Hell Creek aquifer. Actual water use, if this application is approved, will likely be less than 21.7 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated

annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

There is very little data regarding recharge to the Hell Creek aquifer. However, it is likely that recharge to the aquifer comes from precipitation falling on the outcrop of the aquifer, groundwater migration from adjacent aquifers, and possibly stream flow losses. Hedges and others (1985) performed a base flow recession analysis to determine an order of magnitude for recharge. They calculated two values, 0.25 inches per year (in/yr) and 0.29 in/yr (Hedges et. al, 1985). Therefore, recharge to the Hell Creek aquifer should be at least 112,307 to 130,276 ac-ft/yr with 33,947 to 39,378 ac-ft/yr in Harding County alone.

Discharge:

Discharge from the Hell Creek aquifer occurs through evapotranspiration and stream flow losses near the outcrop and well withdrawals. Currently there are eight water rights/permits appropriating water from the Hell Creek aquifer with six of those water rights/permits in Harding County (Water Rights, 2013b). There have been two water permits, Water Permit Nos. 231-1 and 232-1 for O.E. Haivala, for irrigation that appropriated water from the Hell Creek aquifer (Water Rights, 2013b). Permit Nos. 231-1 and 232-1 were not developed, and both were subsequently cancelled.

The eight water rights/permits appropriating water from the Hell Creek aquifer in South Dakota are shown in Table 1. The estimated average annual withdrawal by these permits is 341 ac-ft/yr. This estimate comes from assuming that a water right/permit will be pumped at the maximum permitted diversion rate for 60 percent of the time. The estimated average annual recharge is orders of magnitude greater than the estimated average annual withdrawal. Therefore there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Permit No	Name	County	Status	Type	CFS
278-1	Town of Buffalo	HR	LC	MUN	0.13
1163-1	Town of Buffalo	HR	LC	MUN	0.07
1178A-1	Town of Buffalo	HR	LC	MUN	0.14
1178B-1	Town of Buffalo	HR	LC	MUN	0.26
1273-1	City of Morristown	CN	LC	MUN	0.08
1626-1	Slim Buttes Lutheran Church	HR	LC	INS	0.026
1782-1	Floyd Johnson	PK	LC	SHD/DOM	0.04
1909-1	Alvin L. Cordell	HR	PE	COM	0.04
HR= Harding, CM= Corson, PK= Perkins, MUN= Municipal, INS= Institutional, SHD= Suburban Housing Development, DOM= Domestic, COM= Commercial					

Table 1- Water rights/permits appropriating water from the Hell Creek aquifer in South Dakota (Water Rights, 2013b)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors one observation well completed into the Hell Creek aquifer (Water Rights, 2013a). Observation well HR-86F is approximately 18 miles west of the proposed well. The hydrograph for the observation well is shown in Figure 1. The hydrograph for the observation well shows that the water level responds to climatic conditions, rising water levels during wet periods and gradually declining water levels during dry conditions. Observation well HR-86F is approximately 4.2 miles from the wells authorized by water rights held by the Town of Buffalo. At that distance the temporal impacts of well withdrawals cannot be seen in the water level of the observation well. The water level has been very stable across the period of record, only fluctuating 3.5 feet. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

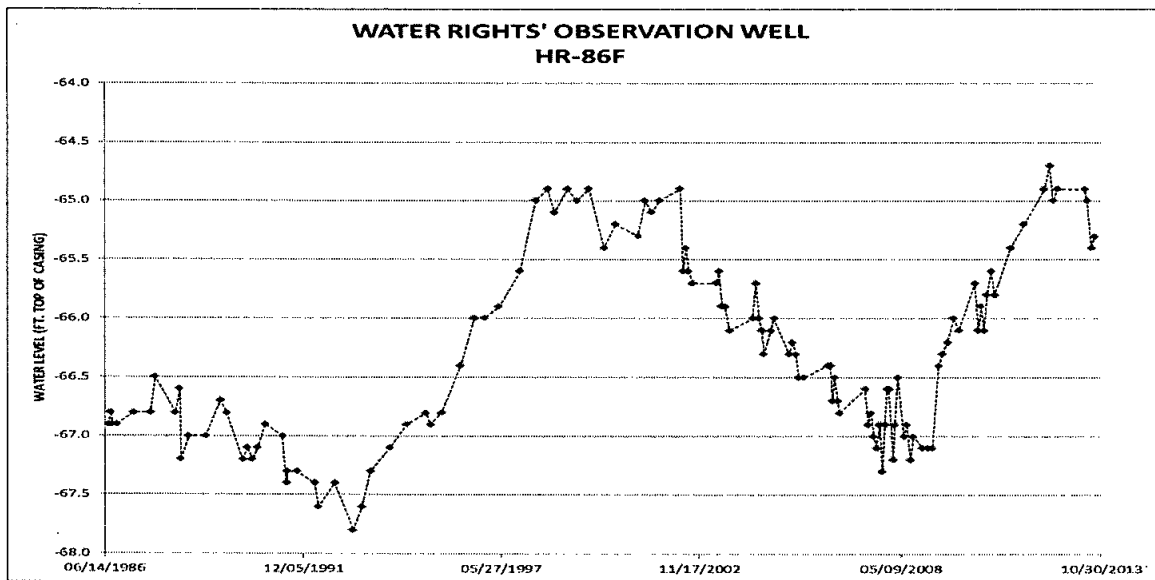


Figure 1- Hydrograph for observation well HR-86F (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are eight water rights/permits appropriating water from the Hell Creek aquifer (Water Rights, 2013b). The nearest water right/permit authorizing a well to be completed into the Hell Creek aquifer, Water Right No. 1626-1 Slim Buttes Lutheran Church, is approximately three miles east of the proposed well. The next nearest water rights/permits are for the Town of Buffalo approximately 22 miles west of the proposed well. There are a number of domestic wells (primarily stock wells) completed into the aquifer. Due to the low diversion, distance from other higher capacity wells, and that this well has been in consistent use since 1972, with the exception of the last few years, there is a reasonable probability that this proposed diversion will not adversely impact existing domestic and appropriative users.

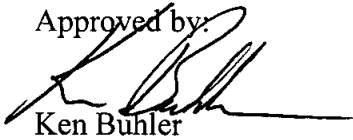
CONCLUSIONS:

1. Water Permit Application No. 1940-1 proposes to appropriate water at a maximum diversion rate of 0.05 cfs from an existing well completed into the Hell Creek aquifer for commercial use in a "Specialty Resort".
2. There is a reasonable probability that unappropriated water is available from the Hell Creek aquifer to supply this proposed appropriation.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., D.L. Iles, and A.K. Petres. 1985. Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey, Vermillion, South Dakota.
- Croft, M.G. 1978 Ground-Water Resources of Adams and Bowman Counties, North Dakota. County Ground-Water Studies 22-Part III; Bulletin 65-Part III. North Dakota Geological Survey, Bismarck, North Dakota.
- Hedges, L.S. and S.L. Burch. 1985. Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge. SD DENR-Geological Survey, Vermillion, South Dakota.
- Petsch, B.A. 1955. Areal Geology of the Reva Quadrangle. SD-DENR Geological Survey. Vermillion, South Dakota.
- Rahn, P.H. 1979. Ground Water Resources of Western South Dakota. U.S. Army Corps of Engineers. SDSM&T Project No. 2533. SDSM&T, Rapid City, South Dakota.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

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Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF HARDING:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the NATION'S CENTER NEWS is a legal weekly newspaper of general circulation, printed and published in the City of Buffalo, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice OF Application
No. 1940-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 5th day of Dec, 2013, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 22.16, insures solely to the benefit of the publisher of the NATION'S CENTER NEWS, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 6th day of Dec, 2013

[Signature]

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2016

NOTICE OF APPLICATION NO. 1940-1 to Appropriate Water

Notice is given that Slim Buttes Lodge LLC, Scott B Besler, PO Box 94, Reva SD 57651 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second from existing one well completed into the Upper Hell Creek and Lower Ludlow Aquifer System (approximately 560 feet deep) located in the Lot 5 of the NW 1/4 NW 1/4 Section 12-T18N-R8E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1940-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 December 16, 2013.

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.

Published once at the total approximate cost of \$22.16.

#549
Dec. 5

RECEIVED

DEC 11 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice OF Application
No. 1940-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 5th day of Dec., 2013, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 22.16, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Letitia Lister
Subscribed and sworn to before me this 9th day of Dec., 2013

Quintin Richards
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2016

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Published once at the total approximate cost of \$22.16.

#171
Dec. 5



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 21, 2013

Nation's Center News
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1940-1 to Appropriate Water. Please publish the notice once on December 5, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Slim Buttes Lodge LLC, c/o Scott B Besler, PO Box 94, Reva SD 57651 (Ph # 605-375-3789 or 605-641-0171).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 21, 2013

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

November 21, 2013

Slim Buttes Lodge LLC
Scott B Besler
PO Box 94
Reva SD 57651

Dear Mr. Besler:

Water Permit Application No. 1940-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Nation's Center News printed at Buffalo SD (Ph # 605-331-2200) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on December 5, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1940-1 to Appropriate Water

Notice is given that Slim Buttes Lodge LLC, Scott B Besler, PO Box 94, Reva SD 57651 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second from existing one well completed into the Upper Hell Creek and Lower Ludlow Aquifer System (approximately 560 feet deep) located in the Lot 5 of the NW 1/4 NW 1/4 Section 12-T18N-R8E for commercial use.

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Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

DEC 27 2013

Slim Buttes Lodge LLC
Scott B Besler
PO Box 94
Reva SD 57651

Dear Mr. Besler:

Enclosed is Water Permit No. 1940-1 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1940-1
RECEIVED

JAN - 6 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-30-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

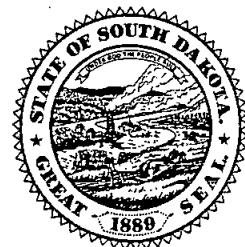
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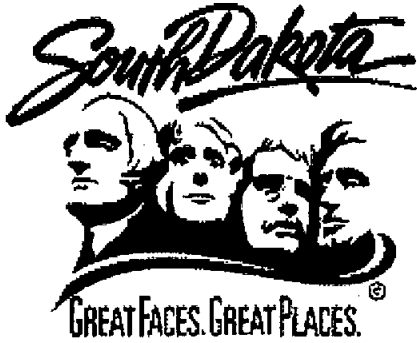
Slim Buttes Lodge, LLC
(name)PO Box 94
(address)Reva, SD 57651
(city, state, zip)605-375-3789
(phone)cell# 605-641-0171

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. 1940-1 states that the water use system is to be constructed by12-16-13, and water is to be put to beneficial use by 12-17-13
(date) (date)The water use system was completed on 12-16-13
(date)Applying the water to beneficial use was completed on 12-17-13
(date)

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

Slim Buttes Lodge, LLCScott B. Besler Treas
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 10, 2014

1940-1

Scott Besler
Slim Buttes Lodge LLC
PO Box 94
Reva SD 57651 0094

Dear Mr. Besler:

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 your water use system authorized under Water Permit No. 1940-1.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1940-1

I have this day, **November 9, 2016** made a thorough examination of the water use system constructed by **Slim Buttes Lodge LLC, % Scott Besler, P.O. Box 94, Reva, SD 57651** of Permit No. **1940-1**, bearing the priority of **10/4/2013** authorizing the diversion of **.05** cu. ft. per second of the water from one well for **commercial** purposes, in **Harding** County.

Inspection contact & relationship to permit holder, if applicable:

Scott Besler, Treasurer
605-641-0171

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown (1972)
- 2) No. of Wells 1
- 3) Depth(s) 400 feet
- 4) Well log is available No

Casing:

- 1) Diameter 6"
- 2) Length Unknown feet
- 3) Type PVC

Screen:

- 1) Type ---
- 2) Length -- feet
- 3) Static water level 250 feet (level is approximate)

Pump:

- 1) Make Grundfos
- 2) Model 10S20-27 (see below)
- 3) Size 4"
- 4) Capacity 12 GPM
- 5) Horsepower rating 2 hp

Note: The exact pump model is unknown. The owner thought the pump was a Grundfos 1 hp but that hp would be inadequate to provide the needed capacity. The company servicing the well said records for years back were not very good and provided no information. If it is assumed that the pump is a Grundfos, then the most likely model is the 10S20-27 shown.

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

Plastic pipe to lodge

C. Works used to apply water to beneficial use:

The well is used for domestic use purposes for the renovated rural school now being operated as a lodge with 3 rental rooms/apartments.

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
160'S and 267' E of the NW corner Section 12 T18N R8E (45.544970, -103.093717)
2. The works are capable of diverting and conveying to the place of use .03 cu. ft. per second (12 gpm) of water which is to be used for **commercial** use and the license should be issued for .03 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

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



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 11/17/2016



well and lodge



well cap inside protective enclosure

Water Right #1940-1
Slim Buttes Lodge LLC
11/9/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1940-1

(1) Slim Buttes Lodge LLC, c/o Scott Besler, PO Box 94, Reva SD 57651 made Application No. 1940-1, October 4, 2013 for a water permit to divert 0.05 cubic feet of water per second from one well – Upper Hell Creek and Lower Ludlow Aquifer System, Harding County, South Dakota for commercial use purposes. Permit No. 1940-1, with a priority date of October 4, 2013 was approved December 16, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 16, 2018 and for the application to beneficial use of water on or before December 16, 2022.

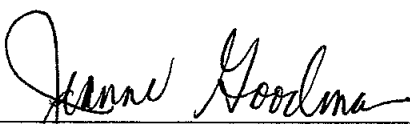
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 6, 2014. The *Notice* stated the diversion system was completed on December 16, 2013 and the water placed to beneficial use on December 17, 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1940-1 is issued a license, bearing a priority date of October 4, 2013 to appropriate 0.03 cubic feet of water per second from one well – Upper Hell Creek and Lower Ludlow Aquifer System for commercial use purposes at a lodge.

The diversion point is located: 160 feet S and 267 feet E of the NW corner of Section 12-T18N-R8E (NW 1/4 NW 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1940-1 including the following qualification:

- The well approved under this permit will be located near domestic wells and other wells with 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.

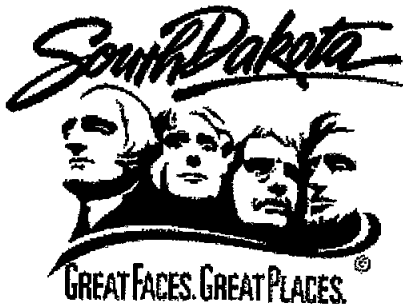


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 30 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 30, 2017

1940-1

Scott Besler
Slim Buttes Lodge LLC
PO Box 94
Reva SD 57651 0094

Dear Mr. Besler:

Enclosed is Water License No. 1940-1. 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. 1940-1, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures