

# WATER PERMIT NO. 1946-1

Name of Applicant: Nellies Mercantile & Saloon

Address: 17500 Hwy 34, Enning SD 57737 Phone: 605 222-1919

Amount of Water Claimed: 18 gpm Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Meade

Type of Waste Disposal System:

Location: Enning

PRIORITY Date Received: 2-20-14 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: Jan 1- Dec 31

Remarks:

Diversion Point: SW 1/4 SW 1/4 Sec 9-T7N-R13E

Land to be Irrigated: NA

Depth of Well: 245 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-20-14

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

|  |  |  |   |  |  |
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**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. 1946-1 Hydrologic Unit 10120202  
Basin Beale Frenche River  
Newspaper Meade Co. Times 1022 Main St.  
Sturgis 57785 - 605-347-2503  
Rapid City Journal Box 45057701 605-394-8302

**RECEIVED**  
**FEB 20 2014**  
**WATER RIGHTS**  
**PROGRAM**

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

**Check use(s) of water:**

|                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial            | <input type="checkbox"/> 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 Nellies Mercantile + Saloon  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_  
(name and complete address if different than above name)

Mailing Address 17500 Hwy 34 Enning SD 57737  
(Address) (City) (State) (Zip Code)  
Home Phone 985-5111 Cell 222-919 Email caren@mmsisd.com

2. Amount of water claimed 0.04 \*CFS or 18 \*\*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 well RBE BHM

4. Location of point of diversion SW 1/4 SW 1/4 SW 1/4 Sec 9 T7N County Meade  
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? \_\_\_\_\_  
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Meade

6. Annual period during which water is to be used yearly Jan 1 - December 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)

well

I, Caren Assman, 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. 1946-1**

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Date of first receipt of application February 20, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1946-1 to Nellies Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 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. 1946-1 appropriates 0.04 cubic feet of water per second (18 gallons per minute) from one well to be completed into the Fox Hills Aquifer (245 feet deep) located in the SW 1/4 SW 1/4 Section 9-T7N-R13E.
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. 1946-1 is May 12, 2014.
5. The date from which applicant may claim right is February 20, 2014.
6. One-fifth of the construction is to be completed on or before November 12, 2016.
7. All construction is to be completed on or before May 12, 2019.
8. Water is to be put to beneficial use on or before May 12, 2023.
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

MAY 22 2014

\_\_\_\_\_  
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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Mike Cameron  
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by on filec) Well Depth 245? Depth to Top of Water Bearing Material 155 Depth to Water from Surface 155

d) Distance to nearest existing domestic well:

On applicant's property 80 ft

On property owned by others \_\_\_\_\_

**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) septic tank

b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_

c) Connected to the City of No 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 &amp; Y Slope (e.g. 3 to 1 is a typical slope)

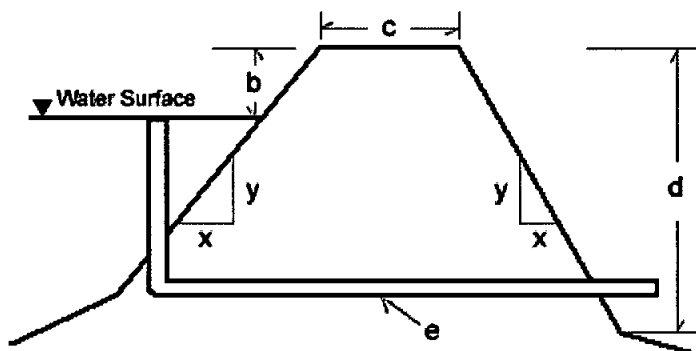
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

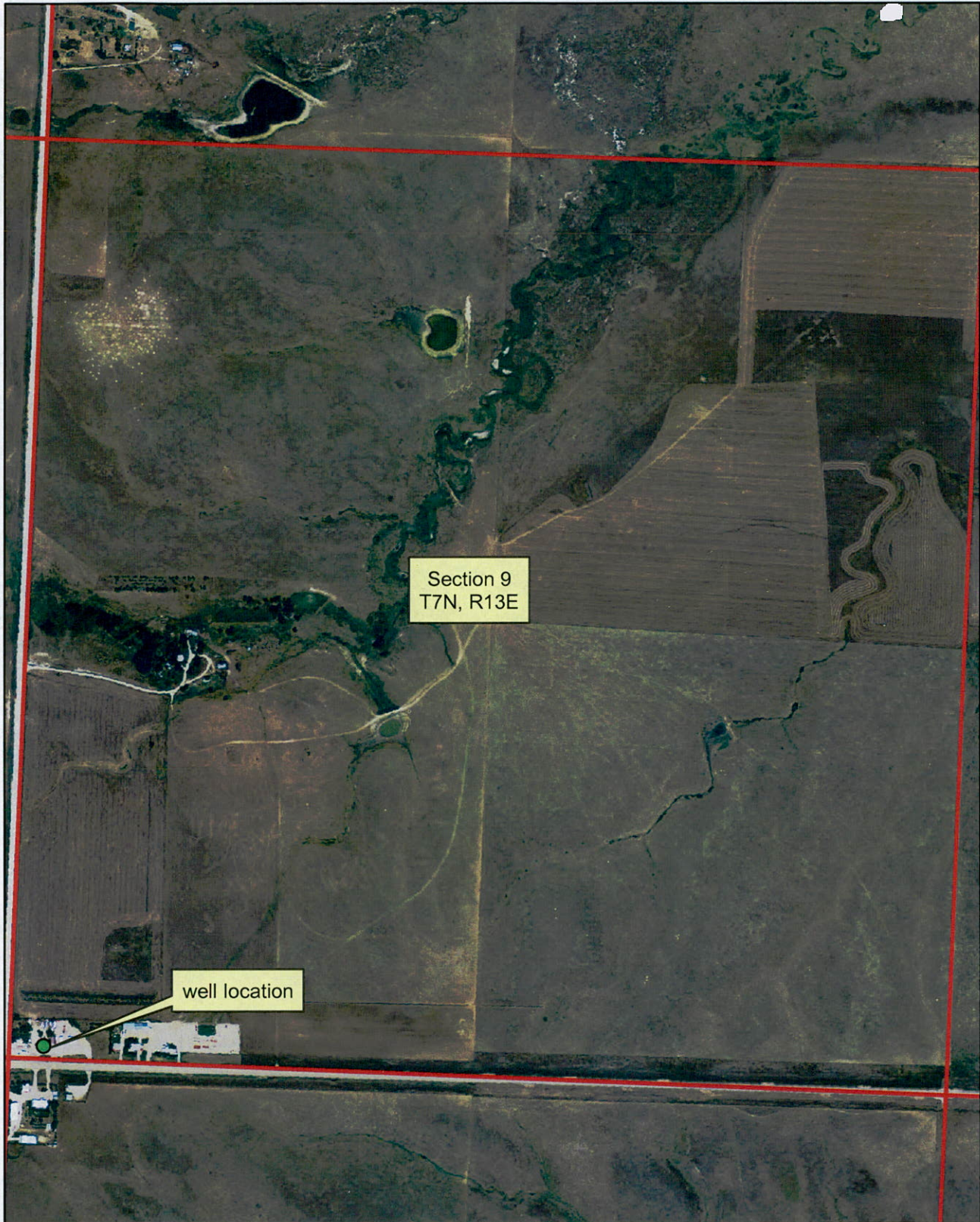
h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres



Water Permit Application for Nellie's Mercantile @ Saloon



1,000 500 0 1,000 Feet

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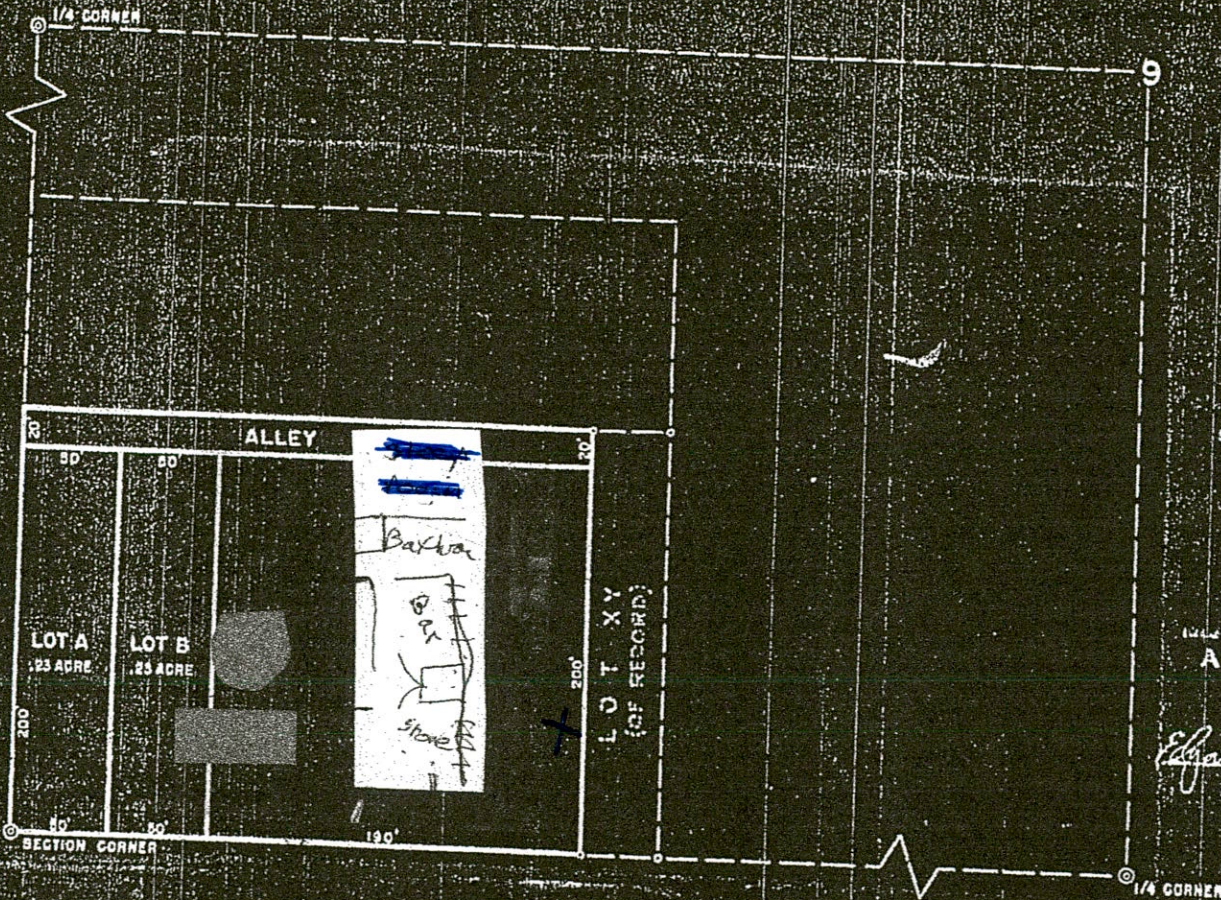
WATER RIGHTS  
PROGRAM

*Eric Gronlund*

Eric Gronlund  
based on representation by  
Caren Assman on February 20, 2014



PLAT OF LOTS A, B & C  
SW 1/4 SW 1/4 SW 1/4 SW 1/4  
SEC. 9, T7N, R13E, BHM



HEADING COUNTY, S.D.  
APPROVED

AUG 1 1961

*Ellen Harrington*  
CHAIRMAN

SURVEYOR'S CERTIFICATE

I, Allen L. Dittman, a Registered Land Surveyor, do hereby certify that, at the request of the property owners I have compiled the above plat from original records on file in the Register of Deeds Office, Heade County, South Dakota. The location and dimensions of said area are shown in the above plat. In witness whereof, I have hereunto set my hand and seal this 31st day of May, A. D., 1961.

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA  
COUNTY OF PENNINGTON

*Allen L. Dittman*  
Registered Land Surveyor

On this day, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Allen L. Dittman, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same. Witness my hand and seal this 31st day of May, 1961.

*Ernest M. Dittman*  
Notary Public  
My term expires May 21, 1967

CERTIFICATE OF OWNER

I, Eugene Pellegrin, do hereby certify that I, the sole owner of the tract of land shown in the above plat, did authorize, and do join in and approve the above survey and plat, and that the said tract of land is free from any encumbrance. In witness whereof, I have hereunto set my hand and seal this 31st day of May, 1961.

*Eugene Pellegrin*



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



1946-1

January 30, 2014

Mike Cameron  
Cameron Drilling  
PO Box 19  
Black Hawk, SD 57718

Dear Mr. Cameron:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Cameron Drilling is authorized to construct a test well for Caren Assman DBA Nellie's Merchantile, which will be constructed into the Fox Hills aquifer, prior to approval of a water permit. The test well will be located in the SW ¼ SW ¼ Sec. 9, T7N-R13E in Meade County. 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.

Authorization must be obtained before water from the 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.

Sincerely,

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

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

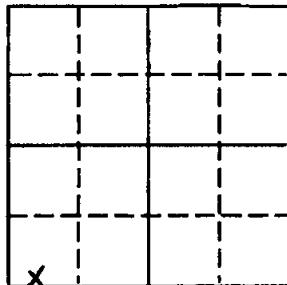
11-02

Location SW 1/4 SW 1/4 Sec 9 Twp 7N Rg 13E

County

Meade

North



Please mark well location with an "X"

Well completion Date

2-21-14

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

150 ft. from drain field (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Cable Tool

CASING DATA:

- ☐ Steel    ☒ Plastic    ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|------------|----------|--------|--------|---------------|
| 200 LB/FT  | 5.5 IN   | 175 FT | 245 FT | 8 IN          |
| LB/FT      | IN       | FT     | FT     | IN            |
| LB/FT      | IN       | FT     | FT     | IN            |

GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From  | To     |
|------------|--------------|--------------|-------|--------|
| Bentonite  | 4            | 10 Lb/gal    | 30 Ft | 105 Ft |
| Portland   | 6            | 15.6 Lb/gal  | 6 Ft  | 30 Ft  |

Describe grouting procedure pumped through Trismic hose from bottom up.

SCREEN:

- ☐ Perforated pipe    ☒ Manufactured

Diameter 5.5 Inches Length 60 Feet

Material PVC

Slot Size .030 Set From 175 Feet to 235 Feet

Other information gravel packed 1/4" x 1/8" 105 ft - 245 ft.

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? chlorinated

Lab sample sent to for water quality analysis

- ☐ No, Why Not? Well not Tied into system

Well Owner:

Caren Assman

Business Name:

Address1:

116 N. Euclid

Address2:

City, State, Zip:

Rx 549 Pierre S.D. 57501

WELL LOG:

DEPTH

| FORMATION                   | FROM | TO  |
|-----------------------------|------|-----|
| Gravel + dirt               | 0    | 5   |
| pink + grey clay            | 5    | 28  |
| Pine brown sand + clay      | 28   | 60  |
| Blue sand + shale           | 60   | 72  |
| Sticky brown clay + lignite | 72   | 80  |
| Grey shale + brown clay     | 80   | 165 |
| Blue sand                   | 165  | 201 |
| Sand stone                  | 201  | 210 |
| Blue + white sand           | 210  | 245 |

STATIC WATER LEVEL

150

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

- ☐ Valve    ☐ Reducers    ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

- ☐ Pumped Describe:

- ☒ Bailed

- ☐ Other

Pumping Level Below Land Surface

165

Ft. After

2

Hrs. pumped

10

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

668

And this report is true and accurate.

Drilling firm:

Cameron Drilling

Signature of License Representative:

Donald M. Cameron

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

523 E. Capitol Ave., Pierre SD 57501

MAR 03 2014

WATER RIGHTS PROGRAM

Please return White Copy to DENR Water Rights

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/20, 20 14

RECEIVED OF Nellie's Mercantile & Saloon 17500 Hwy 34 Enning SD 57737

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

|                                                                                                                        |     |    |
|------------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit No. <u>1946-1</u> to Appropriate Water, to construct and to put water to beneficial use | 100 | 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>1946-1</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                                                                                 | 300 | 00 |

No. **06757**

By Jeanne Toolman  
Chief Engineer

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application for Nellie's Merchantile and Saloon

ADDRESS: 17500 Hwy 34, Enning SD      COUNTY: Meade County

DATE: February 20, 2014      TELEPHONE:

RE:

Ms. Assman stopped in the office to file the application. The old well has been abandoned and a new well drilled. I was unable to find the new well on DENR's database.

I inquired regarding how long water has been used for this business to determine if it qualified for a vested right. Ms. Assman stated the prior owner had the business for 43 years but she had no way of know when water use began. She made the determination to file a new permit application.

NAME: Eric Kramel



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1946-1, Nellies Mercantile & Saloon**

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. 1946-1, Nellies Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737.

The Chief Engineer is recommending APPROVAL of Application No. 1946-1 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:

1. 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  
April 22, 2014

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 1946-1  
NELLIES MERCANTILE & SALOON  
C/O CAREN ASSMAN  
APRIL 16, 2014

Water Permit Application No. 1946-1 proposes to appropriate water at a maximum diversion rate of 0.04 cubic feet of water per second (cfs) (18 gallons per minute) from a well to be completed into the Fox Hills aquifer. The well is to be approximately 245 feet deep and is located in the SW ¼ SW ¼ Section 9; T7N-R13E in Meade County. The water is for commercial use.

**AQUIFER: Fox Hills aquifer (FXHL)**

**AQUIFER CHARACTERISTICS:**

The Fox Hills aquifer consists of the porous portions of the Fox Hills Sandstone, which underlies much of northwestern South Dakota (Martin et. al, 2004). The Fox Hills Sandstone consists of very fine to coarse-grained, glauconitic sandstone and siltstone, interbedded with gray and green to brown shale and silty shale (Martin et. al, 2004). The Fox Hills is often found under confined conditions, but near outcrop areas may be under unconfined conditions. The Fox Hills aquifer underlies approximately 11,630 square miles and contains an estimate 55,814,400 acre-feet of recoverable water in storage (Allen, Iles, and Petres, 1985). The proposed well site is located in a portion of the Fox Hills aquifer that is isolated from the main body (Martin et. al, 2004).

This smaller, isolated portion underlies approximately 576 square miles of Meade County and 70 square miles of Ziebach County. Based on methodology and assumption of five percent effective porosity from Rahn (1979) and an average aquifer thickness of 80 feet from DENR-Water Rights Program Well Logs (2014c), there is approximately 1,654,000 ac-ft of recoverable water in storage in the 646 square mile portion of the Fox Hills aquifer.

The well log submitted with this application indicates the aquifer is under unconfined conditions with a static water level of 150 feet below grade, and the top of the aquifer material is at ground surface at the proposed well site. There is at least 95 feet of saturated aquifer material at the proposed well site. The proposed well site is located approximately three miles north of the southern edge of the Fox Hills Sandstone (Martin et. al, 2004). Figure 1 shows the areal extent of the Fox Hills aquifer with the location of DENR-Water Rights observation wells completed into the formation and water rights/permits authorized to withdraw water from the aquifer.

**South Dakota Codified Law (SDCL) 46-2A-9**

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

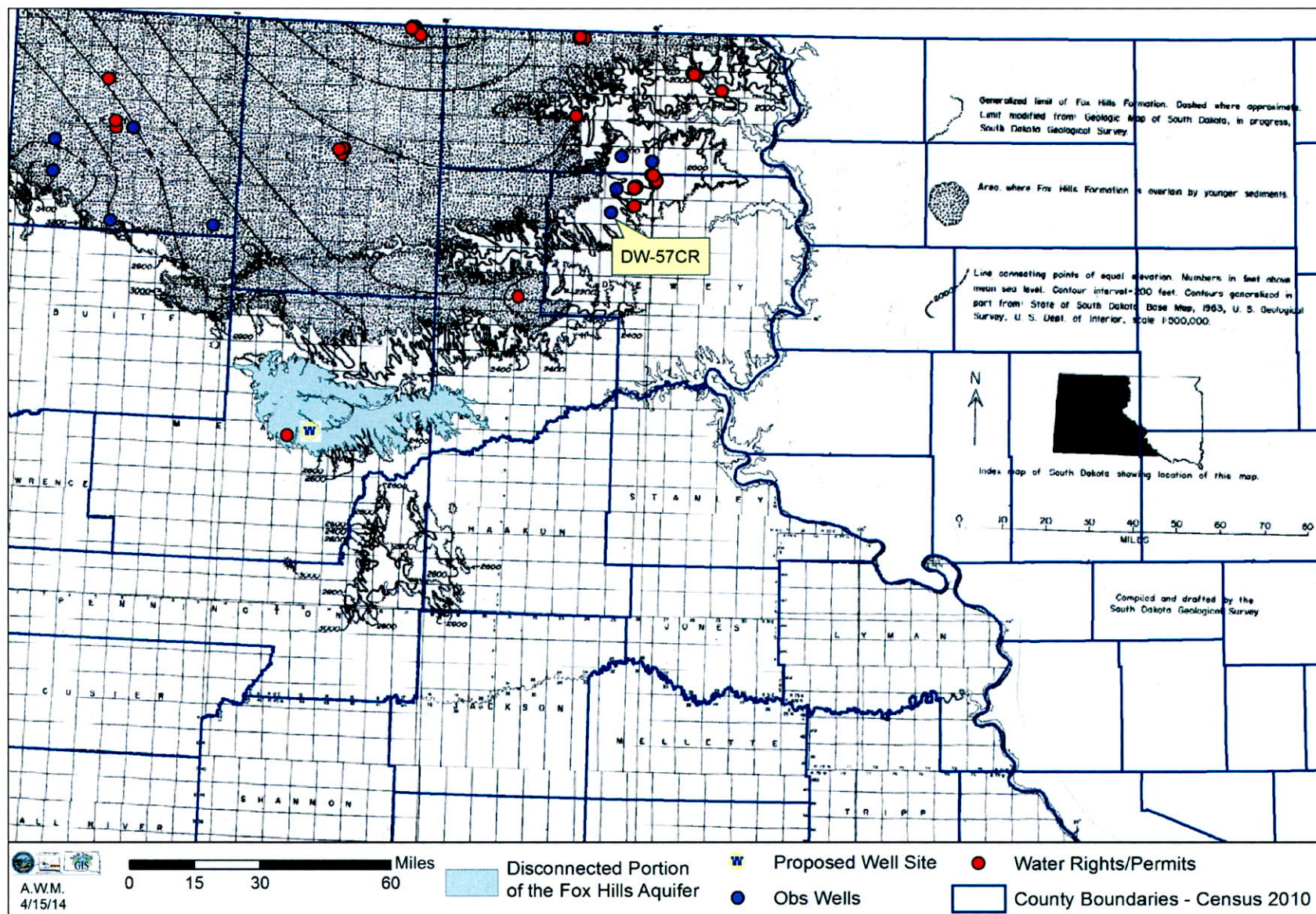


Figure 1- Fox Hills aquifer areal extent with observation wells and water rights/permits (modified from: Hedges and Burch, 1985; Martin et. al, 2004)

## **WATER AVAILABILITY:**

This application proposes to appropriate water from the Fox Hills aquifer. Actual water use, if this application is approved, will likely be less than 17.4 acre-feet annually (ac-ft/yr) based on pumping at the maximum authorized diversion rate for 60 percent of the time. The probability of unappropriated water available from the 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. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

## **Hydrologic Budget:**

### *Recharge:*

Recharge to the Fox Hills aquifer occurs through infiltration of precipitation at the outcrop, and leakage from overlying formations (Rahn, 1979). Hedges and Burch (1985) attempted to quantify recharge to the Fox Hills and Hell Creek Formations using base flow recession analysis for the Moreau River. The calculated recharge ranged from 0.25 to 0.29 inches per year (in/yr). However, Hedges and Burch (1985) noted that it is possible that a substantial amount of baseflow in the Moreau River may be from the alluvium rather than the Fox Hills and Hell Creek Formations, and therefore, the recharge rate to the Fox Hills and Hell Creek Formations may be lower than 0.25 to 0.29 in/yr.

Aurand (2013) quantified recharge across the Williston and Powder River Basins including the Fox Hills aquifer using two methods, soil water balance and chloride mass balance. The proposed well site is in the Williston Basin. Using the soil water balance method in the Williston Basin, Aurand (2013) calculated average recharge across various areas of the aquifer could range from 0.05 to 1 in/yr with a majority of the area of the aquifer in the 0.5 to 1 in/yr range. Using the chloride mass balance in the Williston Basin, Aurand (2013) calculated a median recharge to the Fox Hills aquifer of 0.052 in/yr and 0.188 in/yr to the Fox Hills/Hell Creek aquifer.

Using Aurand’s (2013) 0.052 in/yr calculation because it is the most conservative value, estimated recharge to the entire Fox Hills aquifer is 32,254 ac-ft/yr. Recharge to the isolated portion of the Fox Hills aquifer this application proposes to withdraw water from is estimated to be 1,792 ac-ft/yr. Note, not all of the recharge or water in storage is available everywhere in the aquifer. These recharge rates and the volume of water in storage demonstrates the Fox Hills aquifer is an immense resource.

### *Discharge:*

Discharge from the Fox Hills aquifer may occur through leakage to overlying formations and discharge to streams near outcrop areas, and through well withdrawals. There are currently 30 water rights/permits appropriating water from the Fox Hills aquifer with only one, Water Right No. 1829-1 for Gary L. Cammack, authorized to withdraw water from the same portion of the aquifer as this application proposes to use (Water Rights, 2014b). The well authorized by Water Right No. 1829-1 is approximately 5.5 miles west of the proposed well site. The expected

average annual withdrawal by all appropriations from the Fox Hills aquifer is estimated to be 1,910 ac-ft/yr (Water Rights, 2014b). The estimated average annual use by Water Right No. 1829-1 is 39 ac-ft/yr (Water Rights, 2014b). However, it is likely Water Right No. 1829-1 uses less than 39 ac-ft/yr.

The majority of well withdrawals from the isolated portion of the Fox Hills aquifer are for domestic use. There are a number of domestic and stock wells on file with the SD DENR-Water Rights Program likely completed into the same isolated portion of the Fox Hills aquifer as the proposed well site (Water Rights, 2014c). Carter and Neitzert (2008) estimated the water use across South Dakota. They estimated that livestock used 582 ac-ft/yr across all of Meade County and 202 ac-ft/yr in Ziebach County. Assuming the distribution of livestock is equal across each county and each county is independent of the other, livestock is estimated to use 93 ac-ft/yr in Meade County and 7 ac-ft/yr in Ziebach County from this isolated portion of the Fox Hills aquifer (Carter and Neitzert, 2008). There are approximately 151 rural housing units that likely have their own wells completed into this isolated area of the Fox Hills aquifer. Carter and Neitzert estimated domestic water use as 70 gallons per day per capita. Assuming 2.5 people (capita) per rural housing unit, domestic use in this area of the Fox Hills aquifer is estimated to be 30 ac-ft/yr.

#### *Hydrologic Budget:*

The recharge to the Fox Hills aquifer as a whole is estimated to be 32,254 ac-ft/yr with 1,792 ac-ft/yr of that in the smaller isolated portion, which includes the proposed well site. Appropriative users are currently estimated to withdraw only 1,910 ac-ft/yr from the whole aquifer. This application and Water Right No 1829-1 are estimated to use 56.4 ac-ft/yr. However, actual use will likely be less than that. Livestock and domestic use in the small, isolated portion of the Fox Hills aquifer is estimated to be 130 ac-ft/yr. The withdrawal numbers compared to the most conservative recharge rate estimates clearly show the Fox Hills aquifer is an immense resource that is relatively untapped. Therefore, there is a reasonable probability that there is unappropriated water available for this proposed appropriation. The average annual recharge and the average annual withdrawal from the Fox Hills aquifer are both minute percentages of the amount of water in storage. Therefore, the aquifer can withstand several years of drought conditions and the addition of this well with only minimal impact to wells or springs.

#### **Observation Well Data:**

Administrative Rule of South Dakota (ARSD) 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 9 observation wells completed into the Fox Hills aquifer (Water Rights, 2014a). None of the observation wells are within 50 miles of the proposed well site or within the isolated portion of the Fox Hills aquifer. However, the isolated portion of the Fox Hills aquifer is expected to behave similarly to the main body of the aquifer where the observation wells are located. Water levels in the observation wells show response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. The hydrographs do not show the effects of pumping. Figure 2 shows the

hydrograph for DW-57CR. Observation well DW-57CR is a typical observation well completed into the Fox Hills aquifer, and it is marked in Figure 1.

The water levels in the observation wells have been stable to rising over the period of record. This indicates that in general there is more water in storage now than in the past and that recharge has been exceeding withdrawals. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Fox Hills aquifer significantly exceeds pumping. Recognizing that natural discharge can be captured for pumping, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

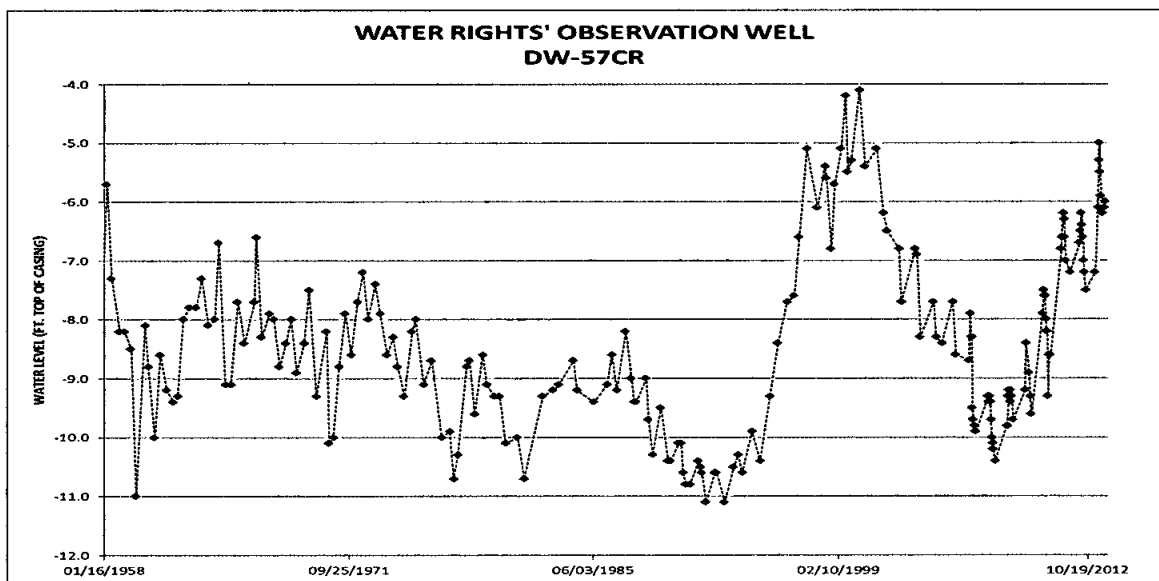


Figure 2- Hydrograph of observation well DW-57CR (Water Rights, 2013a)

### EXISTING WATER RIGHTS:

The nearest well authorized for withdrawal from the Fox Hills aquifer by a water right/permit is Water Right No. 1829-1 for Gary L. Cammack for commercial, domestic, and livestock watering purposes (Water Rights, 2014b). The well for Water Right No. 1829-1 is approximately 5.5 miles west-southwest of the proposed well site. There are a number of domestic wells on file with the SD DENR-Water Rights program within approximately one mile of the proposed well site (Water Rights, 2014c). The nearest wells range from 400 to 1,200 feet away. However, due to the small diversion rate (18 gpm) requested by this application, the distance to other appropriative users, and other nearby wells also pumping at 18 gpm or less, this proposed diversion is not likely to adversely impact other appropriative or domestic users.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between appropriative use and delivery of water by elevated water levels, the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as

near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

Depending on the specific characteristics of the Fox Hills aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate deeper water levels. However, when considering the statutes and rules, particularly ARSD 74:02:04:20(7), well interference from the proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

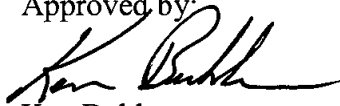
#### **CONCLUSIONS:**

1. Water Permit Application No. 1946-1 proposes to appropriate water at a maximum diversion rate of 0.04 cfs (18 gallons per minute) from the Fox Hills aquifer for commercial use.
2. This application proposes to withdraw water from a small isolated portion of the Fox Hills aquifer.
3. The Fox Hills aquifer is an immense and relatively untapped resource.
4. There is a reasonable probability that unappropriated water is available for this proposed appropriation.
5. 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.
- Aurand, K. 2013 Groundwater Recharge Estimates for the Lower Tertiary and Upper Cretaceous Aquifers in the Williston and Powder River Structural Basins. MS thesis. Rapid City, South Dakota: South Dakota School of Mines and Technology, Department of Geology and Geological Engineering Department.
- Carter, J.M. and K.M. Neitzert. 2008. Estimated Use of Water in South Dakota, 2005: U.S. Geological Survey Scientific Investigations Report 2008-5216. 30 p.
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- Martin, J.E., J.F. Sawyer, M.D. Fahrenbach, D.W. Tomhave, and L.D. Schulz. 2004. Geologic Map of South Dakota: General Map 10. SD DENR-Geological Survey. Vermillion, SD.
- Rahn, P.H. 1979. Ground Water Resources of Western South Dakota. South Dakota School of Mines and Technology Project #2533. SDSM&T, Rapid City, South Dakota.
- Water Rights. 1995-2013. "1995-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

# Affidavit of Publication

## NOTICE OF APPLICATION NO. 1946-1 to Appropriate Water

Notice is given that Nellies Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well to be completed into the Fox Hills Aquifer (245 feet deep) located in the SW 1/4 SW 1/4 Section 9-T7N-R13E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1946-1 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 May 12, 2014.

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 \$30.96).  
MEADE COUNTY TIMES

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

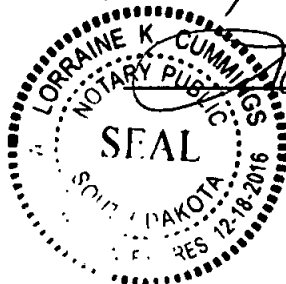
MAY - 9 2014

WATER RIGHTS  
PROGRAM

Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the Rapid City Journal, a corporation of Rapid City, South Dakota, the owner and publisher of the MEADE COUNTY TIMES, a legal and daily newspaper printed and published in Sturgis, in said County of Meade, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies weekly, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Sturgis, in said Meade County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Meade County Times, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

week for one successive  
week, the first publication there of being on the  
30<sup>th</sup> day of April that the fees charged for  
the publication there of are 30 dollars  
and 96 cents.

Subscribed and sworn to before me this 7<sup>th</sup>  
day of May, 2014.



Notary public

Lorraine K. Cummings  
Dec. 18, 2016

My commission expires

# Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

MAY - 9 2014

WATER RIGHTS  
PROGRAM

Apr. 30  
L20860440

## NOTICE OF APPLICATION

NO. 1946-1 to Appropriate Water

Notice is given that Nellies Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well to be completed into the Fox Hills Aquifer (245 feet deep) located in the SW 1/4 SW 1/4 Section 9-T7N-R13E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1946-1 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.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Published once at the total approximate cost of \$50.40).

Brandym Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

week for one successive week, the first publication there of being on the 30th day of April that the fees charged for the publication there of are 50 dollars and 40 cents.

*Brandym Crawford*

Subscribed and sworn to before me this 7th day of May, 2014.



Notary public

Dec. 18, 2016

My commission expires



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



April 22, 2014

Meade County Times & Tribune  
1022 Main St  
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1946-1 to Appropriate Water. Please publish the notice once on April 30, 2014. 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 Nellie's Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 (Ph # 605-985-5111).

**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

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



April 22, 2014

Rapid City Journal  
PO Box 450  
Rapid City SD 57701

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1946-1 to Appropriate Water. Please publish the notice once on April 30, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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**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

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Thursday, April 24, 2014 7:52 AM  
**To:** Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)  
**Cc:** Paulette Kok (Paulette.Kok@rapidcityjournal.com)  
**Subject:** Application No. 1946-1  
**Attachments:** 1946-1public.short.docx

Brandyn,

Attached is a Notice of Application No. 1946-1, for Nellie's Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 (605 985-5111): This notice is to run in both the Rapid City Journal and the Meade County Times Tribune on April 30, 2014.

Please send the affidavit ASAP.

If you have questions, let me know.

*Karen Schlaak*

Water Rights Program  
Phone: 605 773-3352  
Fax: 605 773-4068



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

April 22, 2014

Nellie's Mercantile & Saloon  
Caren Assman  
17500 Hwy 34  
Enning SD 57737

Dear Ms. Assman:

Water Permit Application No. 1946-1 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 Meade County Times & Tribune printed at Sturgis SD (Ph # 605-347-2503) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). 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 April 30, 2014. 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. 1946-1 to Appropriate Water

Notice is given that Nellies Mercantile & Saloon, c/o Caren Assman, 17500 Hwy 34, Enning SD 57737 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well to be completed into the Fox Hills Aquifer (245 feet deep) located in the SW 1/4 SW 1/4 Section 9-T7N-R13E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1946-1 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 May 12, 2014.

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 \_\_\_\_\_.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



MAY 22 2014

Nellies Mercantile & Saloon  
Caren Assman  
17500 Hwy 34  
Enning SD 57737

Dear Ms. Assman:

Enclosed is Water Permit No. 1946-1 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

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1946-1

I have this day, July 6, 2017 made a thorough examination of the water use system constructed by **Nellies Mercantile and Saloon, 17500 Hwy 34, Enning, SD 57737** of Permit No. **1946-1**, bearing the priority of **2/20/2014** authorizing the diversion of **.04** cu. ft. per second of the water from one well for **commercial** purposes, in **Meade** County.

Inspection contact & relationship to permit holder, if applicable:

**Caren Assman**  
**605-222-1919**

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Cameron Drilling (2014)
- 2) No. of Wells 1
- 3) Depth(s) 245 feet
- 4) Well log is available Yes

#### Casing:

- 1) Diameter 5 ½ "
- 2) Length 245 feet
- 3) Type PVC

#### Screen:

- 1) Type PVC .030 slot
- 2) Length 60 feet (set from 175 to 235 feet)
- 3) Static water level 150 feet

#### Pump:

- 1) Make unknown
- 2) Model -----
- 3) Size 4"
- 4) Capacity 10 GPM (The well tested @ 10 gpm at time of completion, pump unknown)
- 5) Horsepower rating --- hp

### B. Works used to transport and apply water to beneficial use:

PE pipe to Nellies mercantile, bar, camper hydrants and the ambulance service next door.

**C. Compliance with Permit Requirements:**

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

**D. Condition and Location:**

1. The system is in good condition with the point of diversion located as follows:  
**82' N and 236' E of the SW corner Section 9 T7N R13E (44.575703, -102.561978)**
2. The works are capable of diverting and conveying to the place of use .022 cu. ft. per second (10 gpm) of water which is to be used for **commercial** use and the license should be issued for .022 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

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



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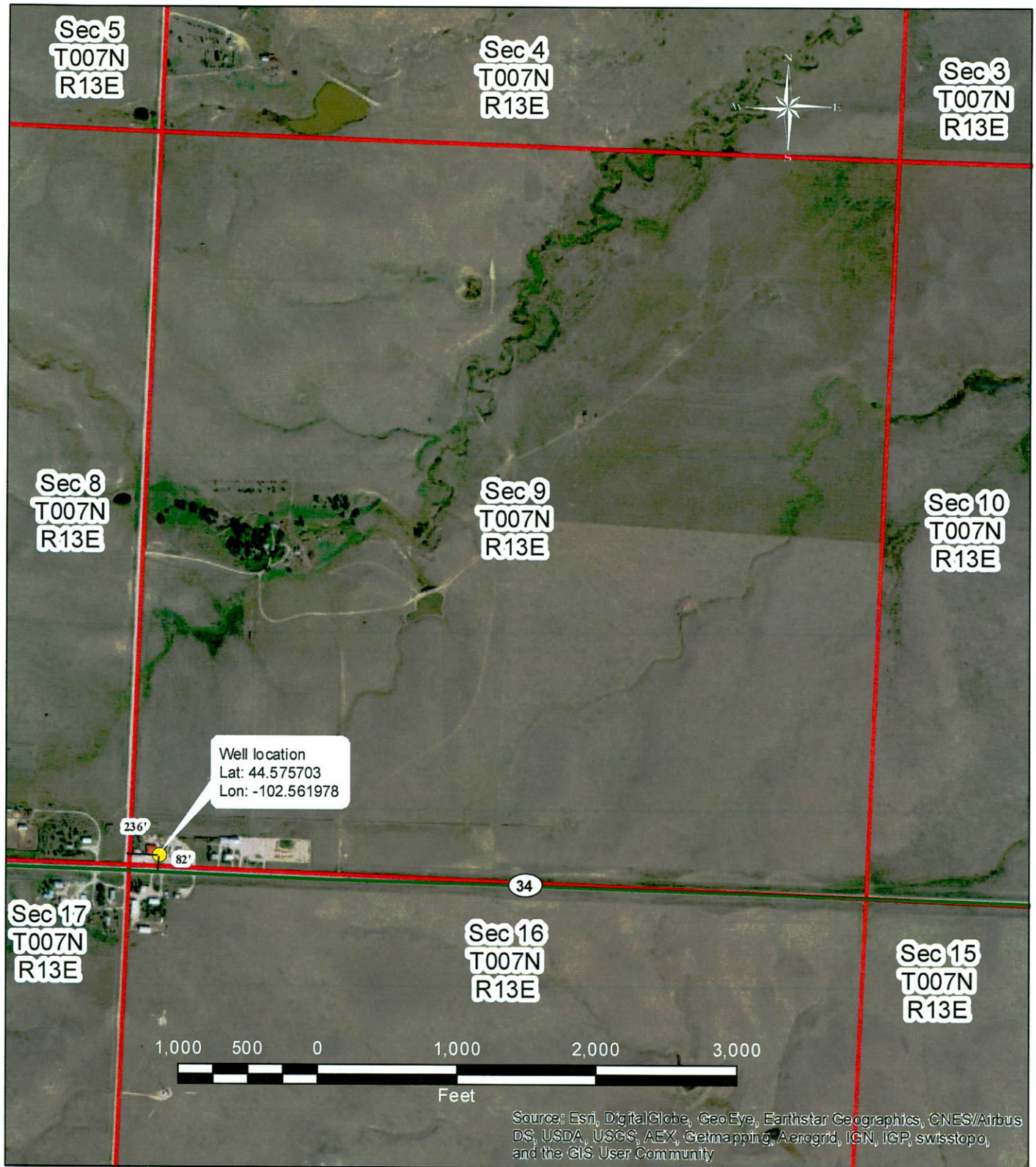
Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program

Date report completed: July 7, 2017



Well and pit foreground with mercantile and bar upper left

Water Right # 1946-1  
Nellies Mercantile and Saloon  
7/6/2017



*Steven Quissell*

Steven Quissell  
Water Rights Inspector  
DNR Water Rights Program



**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Caren Assman, Nellies Mercantile & Saloon, 17500 Hwy 34, Enning SD 57737

**DATE:** September 11, 2017

**TELEPHONE:** 605 222-1919

**RE:** Licensing of Water Permit No. 1946-1

**COMMENTS:**

Water Permit No. 1946-1 authorizes 18 gpm from one well for commercial purposes. The time to complete works is May 12, 2019 with water placed to beneficial use by May 12, 2023.

Steve Quissell conducted a field investigation of the site for licensing purposes on July 6, 2017. At that time, the well was capable of 10 gpm. Since the license would be issued for 10 gpm instead of the permitted 18 gpm, I called Ms. Assman to ensure she was done with the system and asked if she would sign a "completion of works" form to enable licensing to proceed.

She felt they may be adding to the system and may need more water. Although when asked, she didn't feel like the pump rate would increase over the 10 gpm the well is capable of. It sounded like she would be adding a trailer house within the next year (domestic use).

She requested we wait a year and contact her again for licensing. She did not want to have to go through permitting again and since the construction period was not up for another two years, she wanted to wait. I told her that was fine and we would check back with her in a year or so.



Genny McMath  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

September 12, 2017

1946-1

Caren Assman  
Nellies Mercantile & Saloon  
17500 Hwy 34  
Enning SD 57737

Dear Ms. Assman:

I am writing in follow-up to our phone conversation concerning licensing of Water Permit No. 1946-1. A copy of the water permit is enclosed.

Water Permit No. 1946-1 was approved May 12, 2014 authorizing diversion of 18 gpm from one well to be used for commercial purposes. Steve Quissell with our program conducted a field investigation of the water use system for licensing purposes.

The investigation found the well producing 10 gpm with water being provided to Nellies Mercantile, bar, camper hydrants and the ambulance service next door. Since the well capacity was found to be 10 gpm, the water license would be issued for that amount. During our phone conversation you requested we wait for licensing for at least another year in the event the water use would increase.

Enclosed is a partially completed "Form 10 – Completion of Works". Once you feel you are ready to have the permit licensed, please complete the form and return it to our office. We will hold up licensing until you send in the signed form or until the completion date expires, whichever comes first.

You mentioned during our phone conversation that you may be bringing in a trailer house to the site and would use the existing well to supply the trailer. Use of water for the trailer house would be considered a domestic use and would not require a water permit. The addition of the trailer could be done at any time and not affect your water permit or issuance of the water license.

If I can answer any questions for you, please give me a call.

Sincerely,

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

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

enclosures

1946-1

**Water Rights Program - DENR  
Conversation File Documentation**

**NAME OF PERSON OR FILE:** Caren Assman

**ADDRESS:** 17500 Hwy 34, Enning SD 57737

**COUNTY:** Meade County

**DATE:** July 1, 2019      **TELEPHONE:** (605) 222-1919

**RE:** Nellies Mercantile and Saloon Permit #1946-1

**COMMENTS:** I spoke by phone today with Caren Assman concerning completion of the water system authorized by Permit #1946-1. The time to construct expired as of May 12, 2019. I explained to Caren that after I completed the licensing inspection, she requested of the Water Rights Staff in Pierre that licensing be put on hold for a year as water use may increase. I asked if the 10 gpm pump in place at the time of inspection had been replaced with a larger pump and she replied that nothing had changed since the inspection. I said we would proceed with finalizing and issuing the license.

**NAME:** Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell". The signature is stylized with large, sweeping loops and is positioned below the printed name.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

JUL 12 2019

1946-1

Caren Assman  
Nellie's Mercantile & Saloon  
17500 Hwy 34  
Enning SD 57737

Dear Ms. Assman:

Enclosed is Water License No. 1946-1. 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 in the future, the owner of an existing well, 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

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1946-1

(1) Nellie's Mercantile & Saloon, 17500 Hwy 34, Enning SD 57737 made Application No. 1946-1, February 20, 2014 for a water permit to divert 0.04 cubic feet of water per second (18 gpm) from ground water, one well (Fox Hills Aquifer), Meade County, South Dakota for commercial purposes. Permit No. 1946-1, with a priority date of February 20, 2014 was approved May 12, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2019 and for the application to beneficial use of said water on or before May 12, 2023.

(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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 82°N and 236°E of the SW corner of Section 9, T7N, R13E (SW ¼ SW ¼)  
Latitude 44.575703, Longitude -102.561978

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nellie's Mercantile & Saloon, 17500 Hwy 34, Enning SD 57737 the holder and/or owner of Water Right No. 1946-1 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second (10 gpm) from ground water, one well (Fox Hills Aquifer) with a priority date of February 20, 2014 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1946-1 and subject to the following qualification:

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



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

**JUL 12 2019**

date

