

WATER PERMIT NO. 1970-1

Name of Applicant: Boulder Canyon Country Club

Address: PO Box 305, Sturgis SD 57785 Phone: 605 920-7878

Amount of Water Claimed: no add'l Total Acres: 29

Source of Water Supply: existing well

Water to be used for: irrigation County: Lawrence

Type of Waste Disposal System:

Location: 4 miles west of Sturgis

PRIORITY Date Received: 9/31/17 Application/License Fee: \$ 700
7-31-17

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Utilizing existing well authorized by Water Right No. 1510-1

Diversion Point: SE 1/4 NE 1/4 Sec 14-T5N-R4E

Land to be Irrigated: SE 1/4 SW 1/4, NW 1/4 SW
1/4 Sec 11; NE 1/4 NW 1/4, W 1/2 NE 1/4 Sec 14;
all in T5N-R4E

			11		
			14	⊗	

Depth of Well: 400 feet deep

Well Driller: Floyd Draine

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-1-2017

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1970-1

Date of first receipt of application July 31, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1970-1 to Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1970-1 authorizes irrigation of 29 additional acres. Water Right No. 1510-1 appropriates 0.22 cubic feet of water per second (cfs) from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SE 1/4 NE 1/4 Section 14 and a storage pond (2.42 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 29.6 acres located in the SW 1/4 NW 1/4 Section 13 and E 1/2 NE 1/4 Section 14; all in T5N-R4E. The water is pumped from this pond at a rate of 1.56 cfs to the irrigated acres. This permit authorizes irrigation of 29 additional acres located in the SE 1/4 SW 1/4, NW 1/4 SW 1/4 Section 11 and NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 14; all in T5N-R4E. This permit also authorizes an additional storage pond (2.53 acre-feet storage capacity) located in the SW 1/4 NE 1/4 Section 14-T5N-R4E. Water will be diverted from the well at a rate of 0.22 cfs as authorized by Water Right No. 1510-1 to the storage ponds and pumped at a rate of 1.11 cfs to the additional irrigated acres. The storage ponds will also receive incidental surface runoff. This permit and Water Right No. 1510-1 will authorize a total of 0.22 cfs from the well to irrigate 58.6 acres of the golf course. The permit holder is authorized a diversion rate greater than the statutory limit of 1 cfs per 70 acres for pump rate to apply water from the ponds to the irrigated acres. Boulder Canyon Country Club is located about 2 1/2 miles west of Sturgis.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31 (irrigation) and January 1 – December 31 (storage).
3. The date from which applicant may claim right is July 31, 2017.
4. The date of approval of Permit No. 1970-1 is October 23, 2017.
5. One-fifth of the construction is to be completed on or before April 23, 2020.
6. All construction is to be completed on or before October 23, 2022.
7. Water is to be put to beneficial use on or before October 23, 2026.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Right No. 1510-1 and Water Permit No. 1970-1 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. Water Permit No. 1970-1 authorizes pumping of ground water from the authorized well into a 2.53 acre-foot storage pond as needed for irrigation.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 1970-1 authorizes a maximum diversion rate of 1.11 cfs from the storage pond for the irrigation of 29 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

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

JAN 09 2018

date



FORM 2: Application for irrigation in South Dakota
(type or print)

RECEIVED
JUL 31 2017
WATER RIGHTS PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1970-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Boulder Canyon Country Club

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address P.O. Box 305 Sturgis SD 57785
(Address) (City) (State) (Zip Code)

Phone 605-347- Mobile 605 920-7878 Email chad@bouldercanyoncountryclub.com

2. Amount of water claimed _____ *CFS or (no add'l) 100 **GPM 2.53 ***AF (Hole 18 Pond) Total Acreage 29 acres
(*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 (existing) SE 1/4 NE 1/4 Sec 14-T5N-R4E

4. Location of point of diversion Hole 18 Lake - SW 1/4 NE 1/4 Sec 14-T5N-R4E
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Lawrence

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used April to October 31 + storage in ponds year round

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>see attached letter</u>			
<u>SE 1/4 SW 1/4 Sec 11</u>	<u>29 AC</u>	<u>NE 1/4 NE 1/4 Sec 14</u>	
<u>NW 1/4 SW 1/4 Sec 11</u>		<u>W 1/2 NE 1/4 Sec 14</u>	
		<u>all in T5N-R4E</u>	

8. Give a description of the project. (Attach sheet if more space is needed)

see attached letter

I, Chad A. [Signature], the applicant, certify under
Name of Person Title (if applicable)
Golf Course Supt.

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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 Floyd Draine

For either Existing or Proposed Wells:

c) Well Depth (required) 400' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 200'd) Distance to nearest domestic well on applicant's property _____ Property owned by others 800ft**2. Wastewater Disposal System Information**

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Informationa) Surface Dimensions see attached letter Depth 4' average

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)

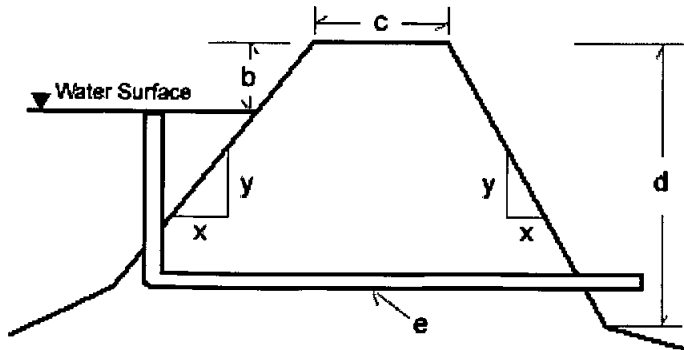
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Boulder Canyon County Club

The Legal Description for the new back nine is as follows:

Back Nine Tract 1, Back Nine Tract 2, Back Nine Tract 3, and Back Nine Tract 4 of the Apple Springs Subdivision, all located in the Apple Springs Tract; SE1/4 SW1/4, the NW1/4 of SW1/4 of Section 11; NE1/4 of NW1/4, and the W1/2 of NE1/4 lying North of US HWY 14A R.O.W of section 14, all located in T5N R4E B.H.M;
Lawrence County, South Dakota

The Legal Description for the front nine also changed it is as follows:

Golf Course Tract 1, A subdivision of
Lot D Revised of the SW1/4 of NW1/4 of Section 13 and a subdivision of the East 1/2 of the NE 1/4 of
Section 14 Less the previously platted R.O.W. all located in T5N R4E B.H.M
Lawrence County, South Dakota

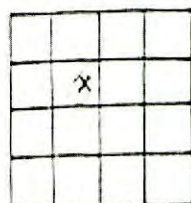
The Calculated volumes are as follows for the lakes

Hole 3 Lake	9085.70 Square Feet
Average Depth	4'
Calculated volume	36,342.8 Cubic Feet
Hole 18 Lake	27,537.6 Square Feet
Average Depth	4'
Calculated Volume	110,150.4 Cubic Feet

The nearest Well as we discussed is probably across Hwy 14A, the Approx. distance is 800' to the center of the House from our existing well

State SOUTH DAKOTA Farm BOULDER CANYON COUNTRY CLUB
County LAWRENCE Company _____
Sec. 13 T. 5 N. R. 4 E. Driller FLOYD DRAINE

Authority Drillers Records Samples Water



Date spudded _____ 1968 Completed _____ 1968

Elevation 3480 feet Method _____ T.D. 400 ft

Casing 303 feet 6 inches

Quad Sturgis Static level +3280 ft Date 6/30/77

Flow _____ SIP _____ Logs No

Remarks WATER LEVEL 200

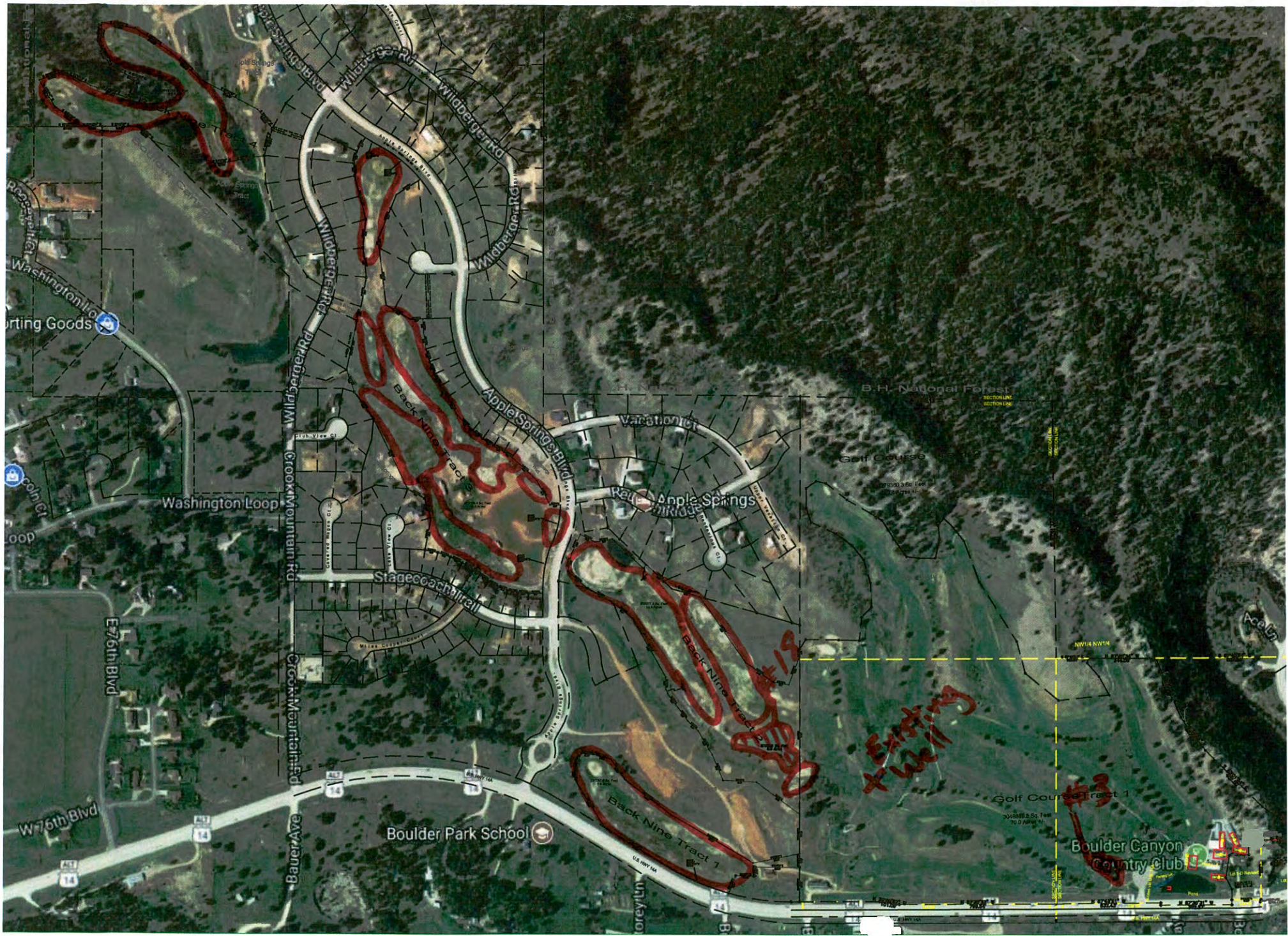
DISCHARGE 100 gpm

Vertical Scale



Description of Materials	8"	Depth in feet
Gravel, sand, silt, clay		0-18
Sandy shale (Spearfish Formation)		18-68
Limestone, finely crystalline, cream to brownish		68-118
Shale, orange sand, gypsum Minnekahta Formation		118-148
Sandstone, fine to medium, very calcareous, white		148-400

WELL # 38



Sec 3
T005N
R04E

Sec 2
T005N
R04E

Sec 1
T005N
R04E

Sec 10
T005N
R04E

Sec 11
T005N
R04E

Sec 12
T005N
R04E

Sec 15
T005N
R04E

Sec 14
T005N
R04E

Sec 13
T005N
R04E

Sec 22
T005N
R04E

Sec 23
T005N
R04E

Sec 24
T005N
R04E

Sec 1
T005N
R05E

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 1, 2017

RECEIVED OF Boulder Canyon Country Club PO Box 305 Sturgis, SD 57785-0305

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

Fee for Application for Permit No. <u>1970-1</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>1970-1</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	700 00

No. **08317**

By

Jeanne Goodman
Chief Engineer

27m

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 19, 2017 2:38 PM
To: Tieman, Aaron; Goodman, Jeanne
Cc: Rath, Mark; Schlaak, Karen; Duvall, Ron
Subject: FW: potential issue brewing with Boulder Canyon Country Club / Apple Springs development

Spoke with Chad who I presume is the grounds keeper for the golf course. He admitted they have begun irrigating the back nine of the golf course. He was told they had a permit but when he checked with me on June 2nd he found out they did not. He has an application filled out but is waiting for a country club member who is a surveyor to help with the legals. That person is on vacation this week and he intends to get this completed next Monday.

I stated that the Association has inquired whether construction activities as part of construction of the back 9 holes has diverted water away from the Association's pond to augment flow in the pond that will be use for the back 9 holes. Chad assured me that has not occurred.

I provided Aaron a map of what I believe to be Association's pond and two ponds just to the north that feed to that pond. Chad indicated that he it out there each day and said the upper of the three ponds used to have almost continually flow but about three weeks ago that flow stopped and suspect spring flow may have decrease dramatically due to the climatic conditions.

I asked Aaron to go out and take a look at the issue. All the people I have talked to regarding this have been very reasonable. I don't expect that Aaron will find that any construction / diversion was put in that diverted flow away for the Association's pond. What he will find is the golf course is irrigating the back 9 hole in an effort to get grass established without of permit. Hopefully they'll get a permit in by next week.

Aaron contact people are:
Chad – cell 920-7878 with the golf course.
Bruce Laymon with the Association - 970-290-5960

From: Bruce Laymon [<mailto:bvlaymon@yahoo.com>]
Sent: Thursday, July 13, 2017 9:10 AM
To: Gronlund, Eric
Cc: Howard Handcock; Marilyn Krogen
Subject: [EXT] Boulder Canyon Subdivision HOA Pond Concern

Eric,

As we discussed in our telephone conversation on July 11, 2017, the Board of Directors of the Boulder Canyon Subdivision Home Owners Association is concerned that construction activities and water use in the drainage area that supplies water to a small pond located on one of our common areas within the HOA may be adversely impacting the water level in this pond. Residents that have lived in this subdivision for over 10 years have never seen water levels this low in the pond.

The pond is located In the southern half of Tract A of Block 2 of the Boulder Canyon Subdivision in the SW 1/4 of Section 11, T5N, R4E, BHM.

We would appreciate any assistance you might provide in looking into this matter and would be happy to meet with you to discuss our concerns.

Bruce Laymon

Treasurer, Boulder Canyon Subdivision HOA
12182 Washington Loop, Sturgis SD 57785
970-290-5960

From: Gronlund, Eric
Sent: Tuesday, July 11, 2017 2:52 PM
To: Goodman, Jeanne; Duvall, Ron; Rath, Mark; DeFea, Michael; Tieman, Aaron
Cc: Schlaak, Karen
Subject: potential issue brewing with Boulder Canyon Country Club / Apple Springs development

In early June I fielded a call regarding the development of the back 9 holes at the Boulder Canyon /Apple Springs development. We have not received a application yet.

Received a call first from Kevin Carlen and then from Bruce Layman. Some you may recognize Bruce as he worked for the Bureau of Reclamation for a number of years.

Both gentleman indicate that a pond within the development is very low. They know it is dry but in other years the pond has always spilled. They believe the expansion of the golf course may have diverted water around their pond to supply ponds that may be being used to irrigate the newly developed back 9 holes. They aren't sure of this as the pipe may now be buried but as they piece this together, they feel it is possible.

The Apple Springs development got a permit back in 2005 for wells to supply the development and commercial use. A note on the explanation included that the well may be used for limited golf course irrigation in early development phases to supplement recycled wastewater. It also says that golf course irrigation is planned to be supplied with a combination of existing well supply from Boulder Canyon, surface runoff and/or spring flow. But I can not find a permit was ever obtained for surface water sources. Mike did an inspection of the permit in 2010 which is now in the name of H2O Clear Solutions LLC and licensing was just for residential and commercial use.

They are going to discuss with the President of their Association but it is possible we will get a written request to investigate. They indicated that irrigation has been taking place on the back 9 holes all spring and summer. But they are more concerned about their community pond. I did ask whether the diversion around the pond could have been for drainage issues. They did not know.

Mr. Layman indicated he will likely get back to me on Thursday or early next week on whether they intend to file for DENR to investigate.

Both gentleman were very reasonable and neither want to initiate a confrontation. They both recognize the value to them of having a golf course next year. They are just concerned for their pond.

From: Gronlund, Eric
Sent: Friday, June 02, 2017 8:59 AM
To: Schlaak, Karen
Subject: 1510-1, Boulder Canyon

Will be applying for more acres to cover the back 9 holes.

Current WR is for 100 gpm that is diverted from a pond to irrigate the existing 9 holes.

The new application will include another pond supplied by the existing well but there will be no increase in the well's pump rate.

There is another existing small pond that will be included in the application. According to Chad it is a pond for aesthetic purposes and well water is diverted to it and it overflows to the existing pond authorized by WR 1510-1.

Gronlund, Eric

From: Chad Anderson <chad@bouldercanyoncountryclub.com>
Sent: Wednesday, August 09, 2017 8:24 AM
To: Gronlund, Eric
Subject: Re: [EXT] question on water permit application for irrigation

Eric,
I called the guy that built the pump house for us for the back nine yesterday. He told me the two 30HP pumps he installed are supposed to do 300 gpm ea at 100 psi. My system runs somewhere between 115-125 psi. After telling him that, he figures I could get 250 psi out of each pump putting that pump house around 500 gpm. My pumps on the front nine are both 40HP and he said they should put out about 400 gpm ea at 100 psi. My system on the front nine runs a touch higher pressure, somewhere between 120-140 psi leading him to believe that I get around 650-700 gpm out of that pumphouse. Hope this answers your question! Let me know if you need anything else. Thanks!

Chad Anderson
Golf Course Superintendent

Boulder Canyon Country Club
12312 US Highway 14A
PO Box 305
Sturgis, SD 57785
chad@bouldercanyoncountryclub.com
Office-605-720-5109
Cell-605-920-7878

On Aug 8, 2017, at 9:48 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Chad

Aaron brought back the completed water permit application for irrigation you gave him when he was out there for a site visit. One question has arose, that is what is the pump rate (in gallons per minute) from the ponds to pressurize the sprinkler irrigation system?

The pump rate from the well to the ponds is 100 gpm but the pump rate from the pond to irrigate the various zones as not be quantified.

This is needed for both the pond used for the existing nine holes and the other pond that will be used on the back nine holes being developed.

Thanks

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

To: Jeanne Goodman, P.E., Chief Engineer
Water Rights Program

From: Aaron Tieman, Engineer II
Water Rights Program

Subject: Investigation of Complaint, Boulder Canyon Country Club, Lawrence County, SD

Legal location: SW¼ Section 11 and NW¼ Section 14, T5N-R4E BHM

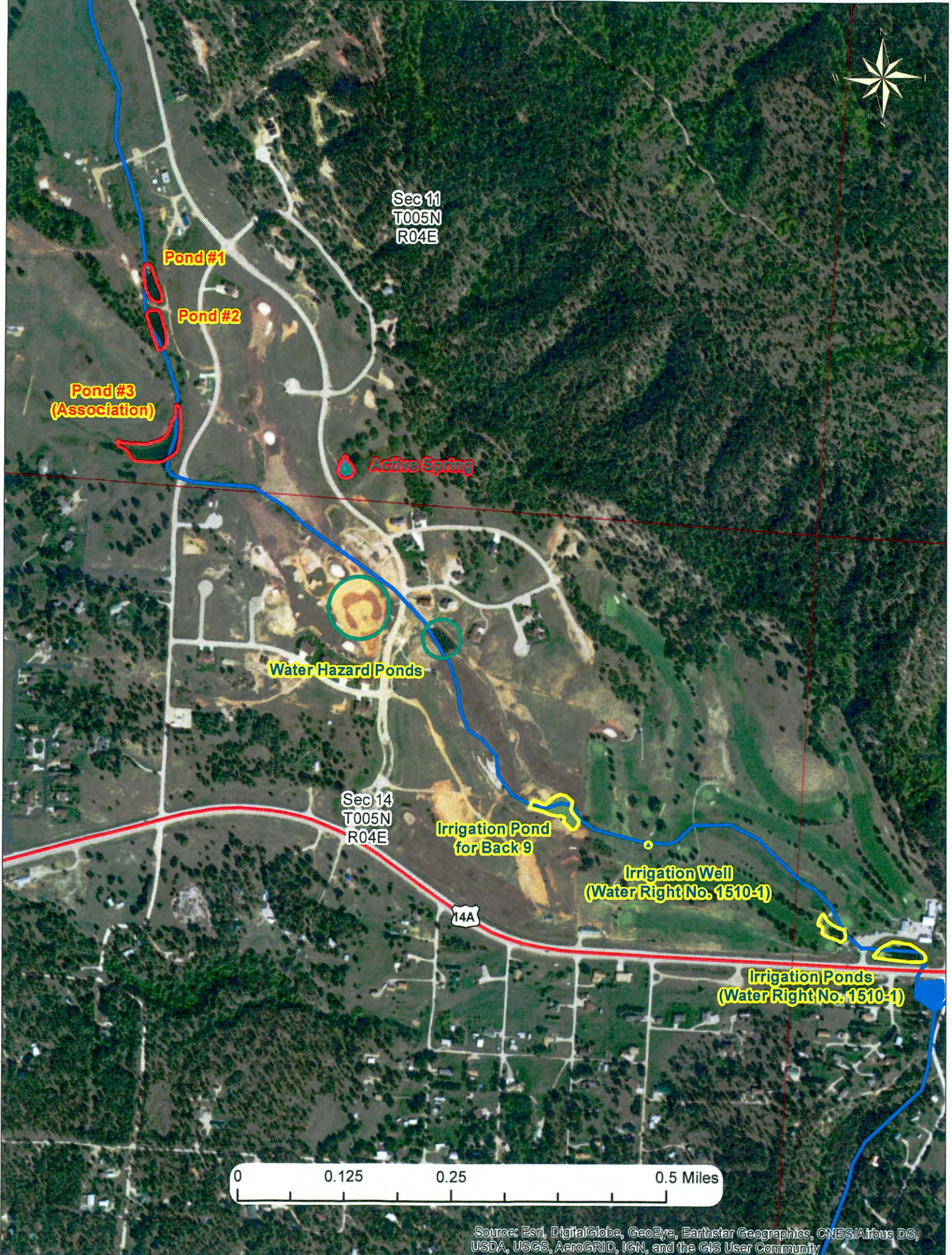
On July 11, 2017, the SD DENR Water Rights Program received a call from Mr. Bruce Laymon, Treasurer of Boulder Canyon Subdivision Home Owners Association (Association) indicating that the Board of Directors is concerned that recent construction activities and water use by Boulder Canyon Country Club golf course (Country Club) in the area may be adversely impacting the water level in their pond. Mr. Laymon stated that residents that have lived in the subdivision for over 10 years have never seen water levels this low in the pond. The pond is located in the SW¼ of Section 11, T5N-R4E, in Lawrence County, South Dakota.

On July 31, 2017, I made an on-site investigation of the recent construction activity performed by the Country Club. I arrived at the golf course maintenance shop and met Chad Anderson, Country Club Superintendent, Howard Handcock, Association President and Bruce Laymon, Association Treasurer. After introductions, we proceeded to the back nine of the golf course, stopping along the way where Chad described what construction activities had taken place during the expansion. He pointed out the location of the well authorized by Water Right No. 1510-1 that supplies water to the ponds used for irrigation of the existing holes (front nine). He indicated that the same well is designed and capable of supplying water to the newly constructed pond that will be used for irrigation of the back nine. He added that he would prefer not to use well water to fill the ponds but has no choice as there is not enough surface water runoff to keep the irrigation ponds full at this time. As we drove through the back nine, Chad pointed out an area of smaller ponds that were added as golf course water hazards only and not for irrigation. I noted and mentioned multiple occurrences of limestone outcrops (Minnekahta Limestone) in the area of the ponds. Chad said that during construction of the hazard ponds, they had trouble with leakage and several attempts were made to get a sufficient seal for the ponds to keep and hold water. Our next stop was the location of a spring that Chad said was flowing but not as much as in previous years. I recorded the location of the spring and measured the flow to be approximately 1 cubic foot per second. We then proceeded to the location of a series of three ponds with the Association's pond (#3 on the map) being the last one or furthest pond downstream in the series. The first thing I noticed was a 'rotten egg' smell emanating from the ponds indicating depleted or low oxygen levels common with stagnant pools of water. Chad said that the upper most ponds (#1 and #2) were flowing earlier this season but stopped spilling about three weeks ago. I recorded the conditions and noted that there was no water flowing into any of the ponds. I asked Chad about the pipelines that were installed to irrigate the back nine, specifically how deep the lines were buried. He said that the depth varied depending on the type of ground that was encountered but that the pipelines were no deeper than two feet below grade. Then

I asked if there was any type of alterations or changes made to the drainage during construction of the back nine, Chad assured me that nothing of the sort had occurred. I had noticed earlier that the golf course was irrigating the back nine which is not covered under permit, so I inquired with Chad. He informed me that he was initially told they had a permit but just recently found out they were not permitted. He told me that he had an application already filled out along with a check for the associated fees and asked if I would deliver it to the Water Rights office.

Based upon the conversations and observations made during my site investigation, it is my opinion that the Country Club did not perform any alteration to the drainage that supplies water to the Association's pond. Additionally, the current U.S. Drought Monitor map for South Dakota indicates a drought intensity category of D1 (moderate drought) for the eastern part of Lawrence County. Climatic conditions associated with a moderate drought such as lack of rainfall and hot summer temperatures have likely resulted in reduced flow of the springs in the area and possibly cause springs to dry up in certain instances.

Therefore after reviewing the facts and available information, there is no compelling evidence that the water use or the recent construction activities performed by the Country Club have impacted the Association's pond in any way.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Golf course water hazard pond (foreground) with Minnekahta Limestone outcroppings in the background.



Active spring located within the drainage area. Flow was approximately 1.0 cubic foot per second.



Pond #1 - facing upstream in a northwest direction.



Pond #1 – facing downstream in a southwest direction.



Pond #2 – facing downstream in a southwest direction. Note the line indicating previous water surface elevation.



Pond #2 – facing east looking across the face of the dam. Note the current water surface and evidence of previous water level.



Pond #2 - 4' diameter corrugated metal pipe serving as secondary spillway.

RECEIVED
OCT 16 2017
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. 1970-1

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 12th day of Oct. 2017, and the last publication on the _____ day of _____, that the amount of fees charged for publishing same, to-wit: The sum of \$ 35.57, 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.

[Signature]
Subscribed and sworn to before me this 12th day of Oct. 2017

[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2022

NOTICE OF APPLICATION NO. 1970-1 to Appropriate Water

Notice is given that Boulder Canyon Country Club, c/o Chad Anderson, PO Box 305, Sturgis SD 57785 has filed an application for a water permit to irrigate 29 additional acres. Water Right No. 1510-1 appropriates 0.22 cubic feet of water per second (cfs) from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SE 1/4 NE 1/4 Section 14 and a storage pond (2.42 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 29.6 acres located in the SW 1/4 NW 1/4 Section 13 and E 1/2 NE 1/4 Section 14; all in T5N-R4E. The notice serves to clarify that water is pumped from this pond at a rate of 1.56 cfs to apply to the irrigated acres. This application is to irrigate 29 additional acres located in the SE 1/4 SW 1/4, NW 1/4 SW 1/4 Section 11 and NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 14; all in T5N-R4E. This application also requests an additional storage pond (2.53 acre-feet storage capacity) located in the SW 1/4 NE 1/4 Section 14-T5N-R4E. Water will be diverted from the well at a rate of 0.22 cfs as authorized by Water Right No. 1510-1 to the storage ponds and pumped at a rate of 1.11 cfs to apply to the additional irrigated acres. The storage ponds will also receive incidental surface runoff. This application, if approved, and Water Right No. 1510-1 will authorize a total of 0.22 cfs from the well to irrigate 58.6 acres of the golf course. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres for pump rate to apply water from the ponds to the irrigated acres. Boulder Canyon Country Club is located about 2 1/2 miles west of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1970-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://dwr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 October 23, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the
total approximate cost of
\$36.96.

#469
Oct 12



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1970-1, Boulder Canyon Country Club**

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. 1970-1, Boulder Canyon Country Club, c/o Chad Anderson, Golf Course Superintendent, PO Box 305, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1970-1 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 qualifications:

1. The well approved under Water Right No. 1510-1 and Water Permit No. 1970-1 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.
2. Water Permit No. 1970-1 authorizes pumping of ground water from the authorized well into a 2.53 acre-feet storage pond as needed for irrigation.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 1970-1 authorizes a maximum diversion rate of 1.11 cfs from the storage pond for the irrigation of 29 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
October 3, 2017

REPORT ON APPLICATION NO. 1970-1
For Boulder Canyon Country Club, c/o Chad Anderson
September 14, 2017

Boulder Canyon Country Club, c/o Chad Anderson, has filed Water Permit Application No. 1970-1 for a water permit to impound 2.53 acre-feet of water and to irrigate 29 additional acres.

Water Permit Application No. 1970-1 proposes to irrigate 29 additional acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 and NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14; all in T5N-R4E. This permit application also requests an additional holding pond (2.53 acre-feet storage capacity) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T5N-R4E. Water will be diverted from the same well at a rate of 0.22 cfs as authorized by Water Right No. 1510-1 to the additional holding pond and then pumped from the pond at a rate of 1.11 cfs to apply to the additional irrigated acres.

Water Right No. 1510-1 is authorized to divert water from one well completed into the Minnelusa aquifer (400 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T5N-R4E, at a maximum diversion rate of 0.22 cubic feet of water per second (cfs) to a holding pond (2.42 acre-feet storage capacity) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T5N-R4E. Water is pumped from the holding pond to irrigate 29.6 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14, T5N-R4E, all in Lawrence County, SD. Application No. 1970-1 serves to clarify that water is pumped from this pond at a rate of 1.56 cfs to apply to the irrigated acres.

Water Permit Application No. 1970-1, if approved, and Water Right No. 1510-1 will authorize a total diversion rate of 0.22 cfs from one existing well to two holding ponds with a combined storage capacity of 5.05 acre-feet to irrigate a total of 58.6 acres of the golf course. The holding ponds will also receive incidental surface water runoff. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres in order to apply water from the holding ponds to the irrigated acres. Boulder Canyon Country Club is located approximately 2 $\frac{1}{2}$ miles west of Sturgis, SD.

AQUIFER – MINNELUSA AQUIFER (MNLs)

The Minnelusa Formation consists of varied, alternating beds of sandstones, limestone, dolomite, and shale (Rahn, 1979). The Minnelusa Formation underlies nearly all of western South Dakota and contains over 755 million acre-feet of recoverable water in storage (Allen and others, 1984). The Minnelusa aquifer underlies approximately 199,680 acres of Lawrence County and contains an estimated 5,591,040 acre-feet of recoverable water in storage in the county (Allen and others, 1984). Recharge to the Minnelusa aquifer in the Black Hills is primarily from infiltration of precipitation on the outcrop and stream flow losses. Average annual recharge from 1931-1998 is estimated to be approximately 112,145 acre-feet per year (Carter and others, 2001a).

According the well log submitted with the application, the top of the Minnelusa is reported to be 148 feet below grade with a static water level reported at 200 feet below grade; therefore, the aquifer is under unconfined conditions at this well site (Water Rights, 2017c).



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 reasonable probability that there is unappropriated water available for the 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.

WATER AVAILABILITY

Water Balance:

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater cannot 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 average estimated annual recharge.

Recharge to the Minnelusa aquifer is primarily from infiltration of precipitation on the outcrop and stream flow losses. Average annual recharge in the Black Hills area from 1931-1998 was estimated to be approximately 112,145 acre-feet per year (Carter and others, 2001a). Well withdrawals can be divided into irrigation and non-irrigation uses. There are a total of 192 appropriations from the Minnelusa aquifer in South Dakota (Water Rights, 2017b). For non-irrigation use, the majority of these being limited by diversion rate, the average annual use can be estimated by assuming that pumping will occur at the maximum diversion rate 60% of the time for water rights/permits.

The estimated average annual withdrawal from the Minnelusa aquifer by non-irrigation appropriations is 13,020 acre-feet per year. Estimated average domestic and livestock watering use of the Minnelusa aquifer during water years 1987 to 1996 is 968 acre-feet per year (Carter and others, 2001b). This results in an estimated average annual non-irrigation use of at least 13,988 acre-feet per year. The Water Rights Program collects and maintains irrigation data from across the state. A review of annual irrigation questionnaires found the average historic irrigation pumpage from the Minnelusa aquifer from 1982 to 2017 is 2,411 acre-feet per year. Therefore, the estimated average annual withdrawal from the Minnelusa aquifer is 16,399 acre-feet per year.

Comparison of annual recharge estimates and estimated annual well withdrawals show that well withdrawals from the Minnelusa are only a fraction of estimated average annual recharge. Therefore, based on a simple water budget, it is clear that unappropriated water is available for this appropriation. A water budget is not intended to suggest that all of the water that is in storage in the Minnelusa aquifer or that all of the recharge is available for this appropriation, merely to demonstrate that in general the aquifer is an immense resource that is relatively untapped.

Localized Hydrologic Budget:

Carter and others (2001b) developed a hydrologic budget for the Madison and Minnelusa aquifers combined, for a subarea that includes the well site proposed by this application. The hydrologic budget for this subarea balanced from 1987-1996, by estimating that water enters the subarea through streamflow recharge, precipitation recharge and groundwater inflow from the northwest. Water was assumed to exit this subarea through artesian spring discharge, well withdrawals and groundwater outflow to subareas to the east (Carter and others, 2001b). The estimates for this subarea are shown in Table 1.

Stream-flow recharge	Precipitation recharge	Minnelusa groundwater inflow	Minnelusa groundwater outflow	Artesian spring-flow	Well with-drawals
27.1 cfs	10.8 cfs	0 cfs	27.5 cfs	3.7 cfs	34.2 cfs

Table 1. Hydrologic budget for the subarea that includes the well site proposed by Application No. 1970-1 for Water Years 1987-1996. Modified from (Carter and others, 2001b).

It should be noted that if a new hydrologic budget is to balance for this subarea (i.e. a new condition of dynamic equilibrium), with an increase of well withdrawals, either groundwater outflow must decrease, groundwater inflow from other subareas must increase, or artesian spring flow must decrease. It can be assumed that with a very subtle change in the hydraulic gradient at either an inflow zone or an outflow zone, a new dynamic equilibrium would be established in this area with virtually immeasurable impacts to the amount of water in storage or artesian spring flow.

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 in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area (Water Rights, 2017a). The nearest Minnelusa aquifer observation wells are LA-63A (located approximately 0.25 miles southeast) and LA-86C (located approximately 2 miles northeast) (Water Rights, 2017a). The hydrographs for these wells are shown in Figures 1 and 2. The hydrographs are representative of the observation wells completed into the Minnelusa Formation and shows the aquifer responds to climatic conditions, and withdrawals have not exceeded recharge for the period of record.

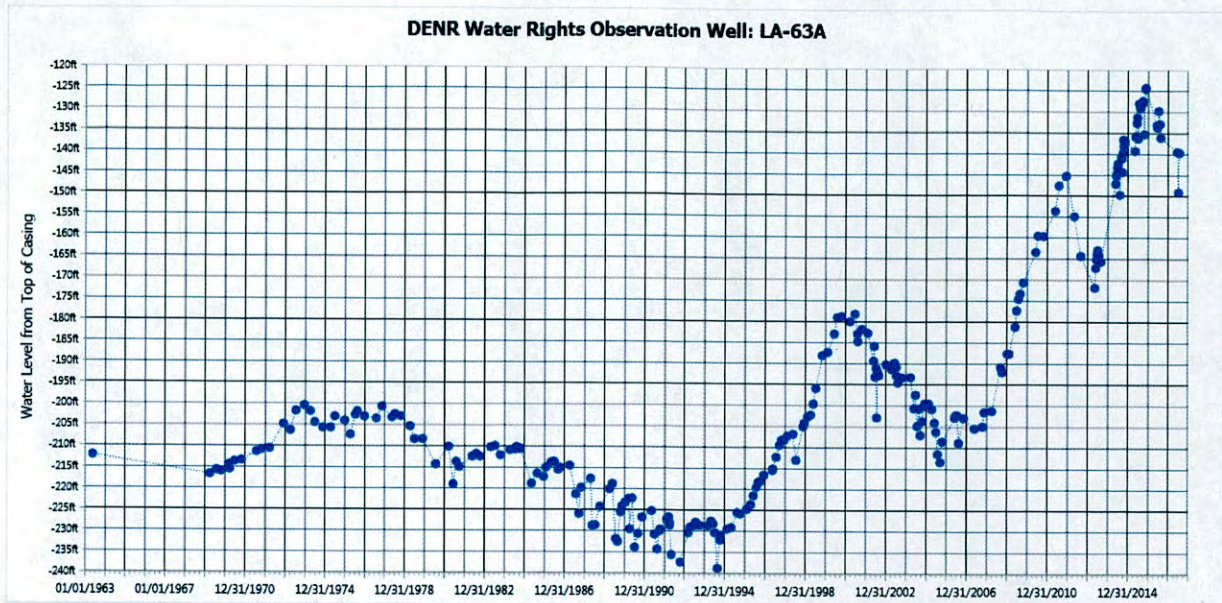


Figure 1. Hydrograph of observation well LA-63A which is completed into the Minnelusa aquifer located approximately 0.25 miles southeast of this application.

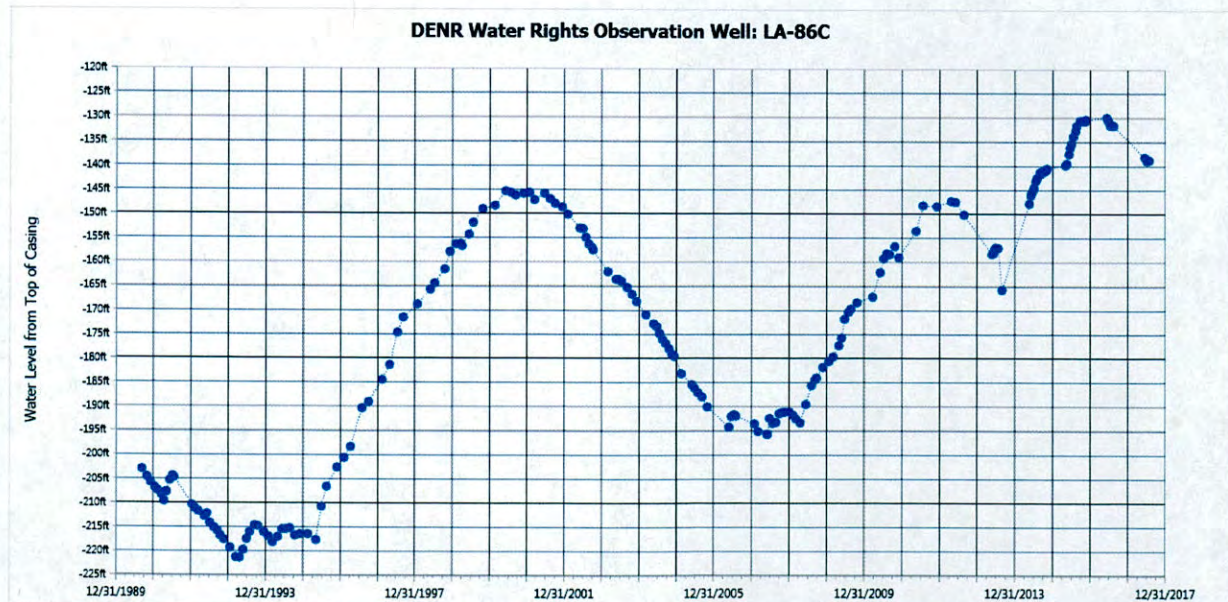


Figure 2. Hydrograph of observation well LA-86C which is completed into the Minnelusa aquifer located approximately two miles northeast of this application.

Therefore, recharge to the aquifer plus discharge from the aquifer greatly exceeds well withdrawal, so water is available for capture from natural discharge. The observation well data indicates there is a reasonable probability that unappropriated water is available from the Minnelusa aquifer to support the proposed appropriation.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Existing water rights/permits appropriating ground water located within a three mile radius of this application (if approved) are shown in Table 2 and Figure 3 (Water Rights, 2017b).

PERMIT NO.	NAME	STATUS	AQUIFER	USE	RATE (cfs)
1099-1	BOULDER PARK WATER USER'S ASSOCIATION	LC	MNLS	SHD	0.07
1349-1	MANN	LC	MNLS	COM	0.1
1510-1	BOULDER CANYON COUNTRY CLUB	LC	MNLS	IRR	0.22
1705-1	STURGIS WATER DEPARTMENT	LC	MNLS	MUN	0.78
1709-1	MURRAY WATER COMPANY	LC	MNLS	SHD	0.333
1722-1	HOG HEAVEN CAMPGROUND INC	LC	MNLS	COM	0.09
1763-1	STURGIS MUN UTILITY BOARD	LC	MNLS	MUN	0.89

Table 2. Water rights/permits within a three mile radius of the application showing the permitted diversion rate.
(LC = license, MNLS = Minnelusa, SHD = suburban housing development,
COM = commercial, IRR = irrigation, MUN = municipal)

Since the Minnelusa aquifer is under unconfined conditions at this site, pumping is expected to cause only a minimal decline in the potentiometric surface in the area. Any interference this proposed use would have on these water rights/permits is not expected to be adverse due to the relatively low diversion rate (100 gpm) requested by this application. Also, this application proposes to use an existing well that has been in use since 1968 with no complaints or adverse well interference reported.

In addition, considering the South Dakota Water Management Board's past action, any well interference this proposed use would have on adequate domestic wells, defined by ARSD 74:02:04:20(6), in the area is not expected to be significant or adverse.

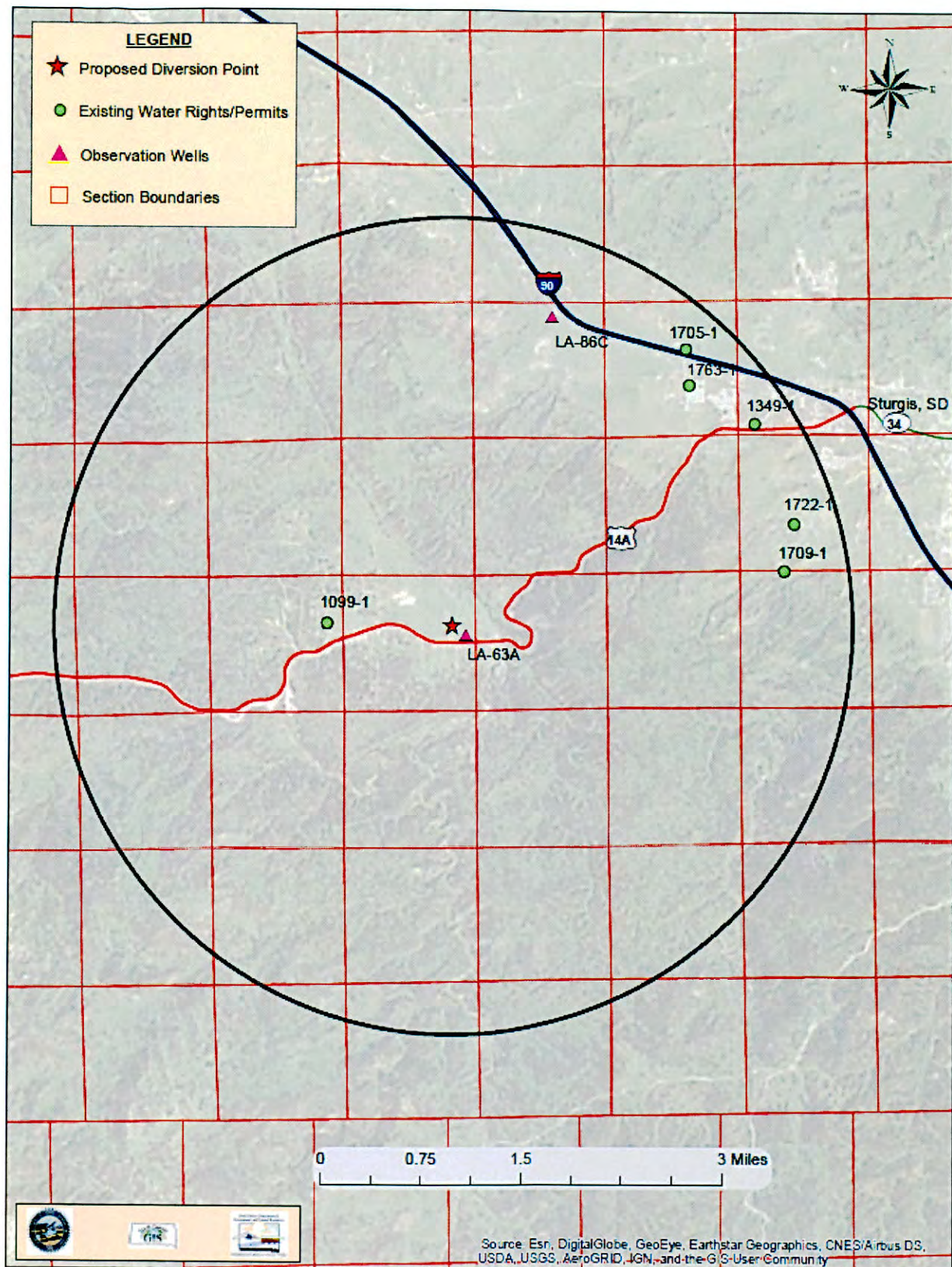
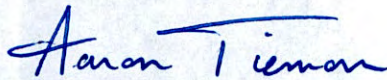


Figure 3. Approximate location of diversion points for water rights/permits appropriating water from Minnelusa aquifer. Dark circle denotes a three mile radius of Application No 1970-1 (if approved).

CONCLUSIONS

1. Water Permit Application No. 1970-1, if approved, and Water Right No. 1510-1 will authorize a total diversion rate of 0.22 cfs from one existing well to two holding ponds with a combined storage capacity of 5.05 acre-feet to irrigate a total of 58.6 acres of the golf course.
2. Based on observation well records and review of annual appropriative use, there is a reasonable probability that unappropriated water is available for the application.
3. There is reasonable probability that diversions under this application, if approved, will not adversely impact existing water rights/permits or adequate domestic wells defined by ARSD 74:02:04:20(6).



Aaron Tieman

SD DENR-Water Rights Program

REFERENCES

- Allen, J.C., Iles, D.L., Petres, A.K., 1984. Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory; Department of Water and Natural Resources, Division of Geological Survey, Vermillion, SD, U.S. Army Corps of Engineers Contract DAWC 45-82-C-0151.
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a. Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278, 66 p.
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b. Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996: U.S. Geological Survey, Rapid City, SD Water-Resources Investigations Report 01-4119, 53 p
- Rahn, P.H., 1979. Groundwater Resources of Western South Dakota. Department of Geology and Geological Engineering, South Dakota School of Mines and Technology, Project #2533. Rapid City, SD.
- Water Right, 2017a, Observation Well Data, SD DENR, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Water Right, 2017b, Water Right/Permit Files, SD DENR, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Water Right, 2017c, Well Completion Reports, SD DENR, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 03, 2017 11:35 AM
To: Legals (legals@bhpioneer.com)
Subject: 1970-1, Boulder Canyon Country Club
Attachments: 1970-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 12, 2017.

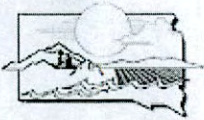
Boulder Canyon Country Club, c/o Chad Anderson, Golf Course Supt, PO Box 305, Sturgis SD 57785 (605 920-7878) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





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 RIGHT AWAY.**

October 3, 2017

Boulder Canyon Country Club
c/o Chad Anderson, Golf Course Supt.
PO Box 305
Sturgis SD 57785

Dear Mr. Anderson:

Water Permit Application No. 1970-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization 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.

NOTICE OF APPLICATION NO. 1970-1 to Appropriate Water

Notice is given that Boulder Canyon Country Club, c/o Chad Anderson, PO Box 305, Sturgis SD 57785 has filed an application for a water permit to irrigate 29 additional acres. Water Right No. 1510-1 appropriates 0.22 cubic feet of water per second (cfs) from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SE 1/4 NE 1/4 Section 14 and a storage pond (2.42 acre-feet storage capacity) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 29.6 acres located in the SW 1/4 NW 1/4 Section 13 and E 1/2 NE 1/4 Section 14; all in T5N-R4E. The notice serves to clarify that water is pumped from this pond at a rate of 1.56 cfs to apply to the irrigated acres. This application is to irrigate 29 additional acres located in the SE 1/4 SW 1/4, NW 1/4 SW 1/4 Section 11 and NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 14; all in T5N-R4E. This application also requests an additional storage pond (2.53 acre-feet storage capacity) located in the SW 1/4 NE 1/4 Section 14-T5N-R4E. Water will be diverted from the well at a rate of 0.22 cfs as authorized by Water Right No. 1510-1 to the storage ponds and pumped at a rate of 1.11 cfs to apply to the additional irrigated acres. The storage ponds will also receive incidental surface runoff. This application, if approved, and Water Right No. 1510-1 will authorize a total of 0.22 cfs from the well to irrigate 58.6 acres of the golf course. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres for pump rate to apply water from the ponds to the irrigated acres. Boulder Canyon Country Club is located about 2 1/2 miles west of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1970-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 October 23, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

JAN 09 2018

Boulder Canyon Country Club
c/o Chad Anderson
PO Box 305
Sturgis SD 57785

Dear Mr. Anderson:

Enclosed is Water Permit No. 1970-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

1970-1

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Date 8/13/2018

ph. (605) 773-3352

FROM: Ross Crover
(name)

(address)

(city) (state) (zip)

435-232-5730
(phone)

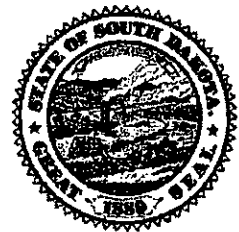
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1970-1 states that the water use system is to be constructed by
10/23/2022 (date), and water is to be put to beneficial use by 10/23/2026 (date)

The water use system was completed on July 15, 2017 (date)

Applying the water to beneficial use was completed on July 15, 2017 (date)

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



X C. Crover

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1970-1

I have this day, Aug 13, 2018 made a thorough examination of the water use system constructed by Boulder Canyon Country Club, PO Box 305, Sturgis, SD 57785 of Permit No. 1970-1, bearing the priority of 7/31/17 authorizing the diversion of a total of 0.22 cu. ft. per second of water for this permit and Water Right No. 1510-1 from one Minnelusa aquifer well for irrigation purposes in Lawrence County.

Inspection contact & relationship to permit holder,
if applicable:

Russ Grover, Course Superintendent
435-232-5730 (cell)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Floyd Draine (1968)
- 2) No. of Wells 1
- 3) Depth(s) 400 feet
- 4) Well log is available No It seems no log was filed by the driller but a log possibly from another nearby well was added to the file documentation for WR No. 1510-1

Casing:

- 1) Diameter 6"
- 2) Length 303 feet
- 3) Type Steel

Screen:

- 1) Type open hole
- 2) Length 97 feet
- 3) Static water level 200 (100 gpm reported by driller)

Pump:

- 1) Make unknown
- 2) Model ---
- 3) Size 4"
- 4) Capacity 100 GPM
- 5) Horsepower rating -- hp

A. Works used to divert the water:

Pond Information: ("18 pond")

- 1) Surface Area 0.8 acres
- 2) Depth 8 feet
- 3) Storage 2.5 acre-feet

Note: The pond is used for storage only. The source of water is the Minnelusa well plus some incidental surface runoff plus flow from a spring located approximately ½ mile upstream from the "18 pond".

The storage volume is estimated based calculations using the above dimensions. The spring flow was measured on 8/13 at 14 gpm and the Apple Springs maintenance supervisor stated that this rate was about at the peak rate the spring typically flows.

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

- 1) Type PVC pipelines 2) Size 2 and 4 inches 3) Length Varies feet

C. Works used to apply water to beneficial use:

A multiple zoned underground sprinkler system for the back nine of Boulder Canyon Country Club Golf Course. Water from the storage pond is boosted using twin VFD controlled 30 hp centrifugal pumps. The only use of this water is for irrigation.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes

Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes Irrigation use reported in 2017

List any extended period of nonuse: none

- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion as follows:

1,880' S and 875' W of NE corner Section 14 T5N R3E (44.395369, -103.586528)

2. The works are capable of diverting and conveying to the place of use .22 cubic feet per second of water (100 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 14 T5N R4E</u>		<u>Section 11 T5N R4E</u>	
NE ¼ NW ¼ 7.8 acres	NW ¼ NE ¼ 4.4 acres	NW ¼ SW ¼ 3.1 acres	SW ¼ SW ¼ 0.4 acres
SW ¼ NE ¼ 8.2 acres		SE ¼ SW ¼ 5.1 acres	

comprising a total of 29 acres of land and the license should be issued for 0.22 cubic feet per second.

All structures, wells and lands on map Yes

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

Water Right No. 1510-1 appropriated 0.22 cfs from one Minnelusa well located in the SE ¼ NE ¼ S14 and a 2.42 ac-ft storage pond located in the E ½ NE ¼ S14, all in T5N R4E for irrigation of 29.6 acres (golf course front nine). Water Permit 1970-1 authorized an additional 29 acres of irrigation (golf course back nine), and an additional storage pond of 2.53 ac.-ft. located in the SW ¼ NE ¼ S14 T5N R4E. Water from the Minnelusa well will be diverted to the storage ponds at a rate of 0.22 cfs. This permit and Water Right No. 1510-1 will authorize a total of 0.22 cfs from the well to irrigate 58.6 acres of the golf course.



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

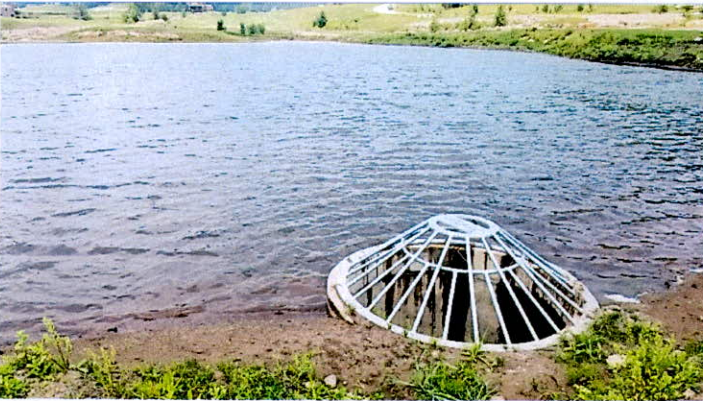
Date report completed: Aug 20, 2018



Well and piping to ponds



"18 pond"

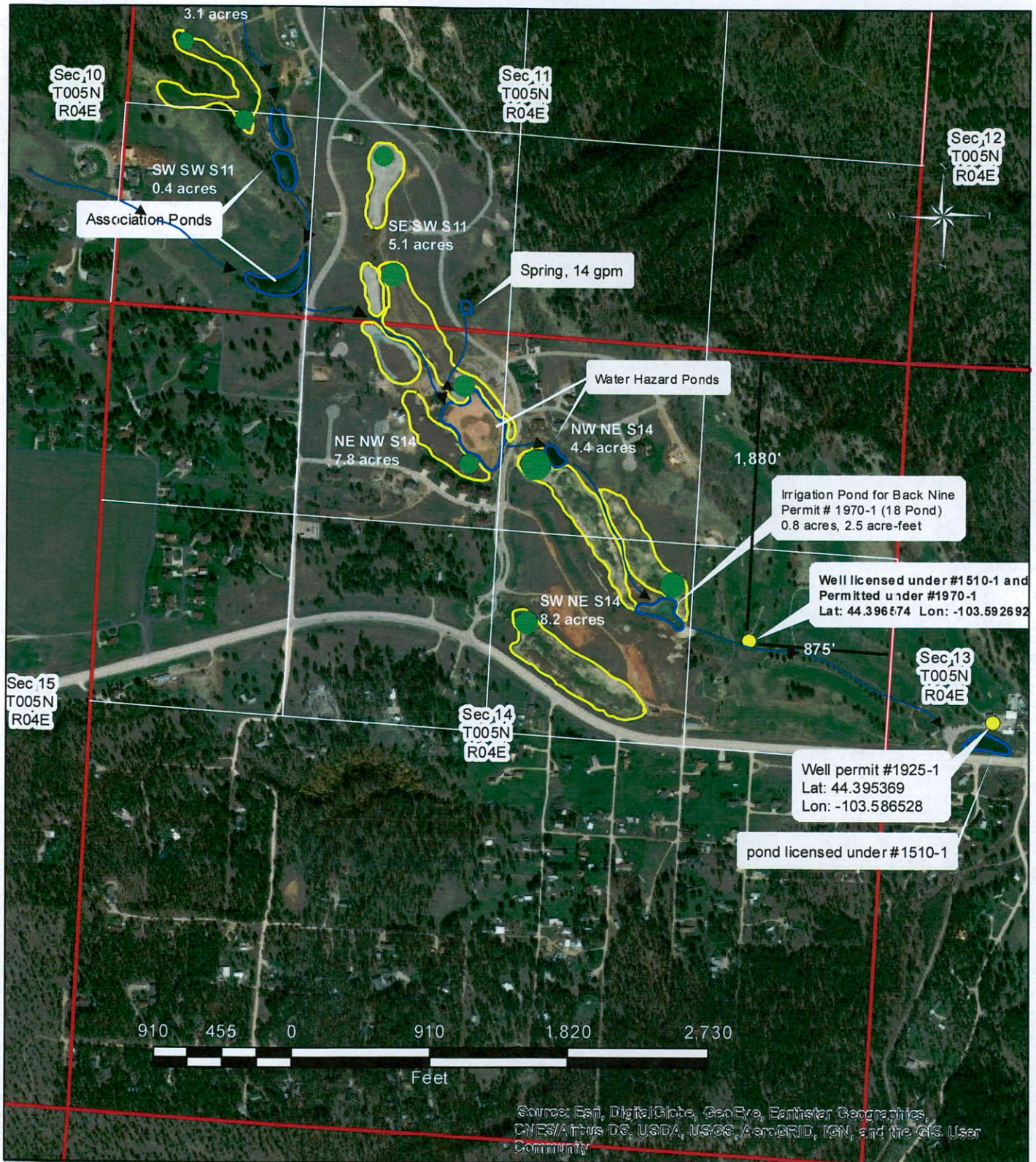


Upper water hazard



Pump house

**Water Right #1970-1
Boulder Canyon Country Club
8/13/2018**



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1970-1

(1) Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785 made Application No. 1970-1, July 31, 2017 for a water permit to add an additional 29 acres and a storage pond to the system authorized under Water Right No. 1510-1. No. 1970-1 and No. 1510-1 authorize a total of 0.22 cubic feet of water per second (cfs) from ground water (one existing Minnelusa well), Lawrence County, South Dakota for irrigation of 58.6 acres. Permit No. 1970-1, with a priority date of July 31, 2017 was approved October 23, 2017 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 23, 2022 and for the application to beneficial use of water on or before October 23, 2026.

Water Permit No. 1970-1 authorizes irrigation of an additional 29 acres (back nine of the golf course) and an additional storage pond of 2.53 acre feet located in located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T5N, R4E.

Water Right No. 1510-1 authorizes irrigation of 29.6 acres (front nine of the golf course) from the existing well into a 2.42 acre-feet storage pond located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T5N, R4E.

The applicable portions of Water Right No. 1510-1 have been incorporated into this license. Priority dates are as follows:

Minnelusa well: 0.22 cfs & 29.6 acres (front nine) – July 9, 1962 (established under No. 661-1)

Pond (SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13): February 13, 1991 (established under No. 1510-1)

Pond (SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14): 29 acres (back nine) July 31, 2017 (established under No. 1970-1)

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.22 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well: 1,880'S and 875'W of NE corner Section 14, T5N, R3E (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Latitude 44.395369,
Longitude -103.586528

Ponds: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, all in T5N, R3E

Note: The application rate to the acreage from the pond located in Section 13 is 1.56 cfs; the application rate to the acreage from the pond located in Section 14 is 1.11 cfs. Diversion rate from the well to the ponds is 0.22 cfs.

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

Section 11, T5N, R4E		Section 13, T5N, R4E		Section 14, T5N, R4E	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.1 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.5 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.6 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.4 acres			SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.1 acres			SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.2 acres
				NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4 acres
				NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8 acres

Total acres irrigated 58.6

(4) Pursuant to South Dakota Water Law 46-5-30.1 Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785 the holder and/or owner of Incorporated Water Right No. 1970-1 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from ground water, one well (Minnelusa Aquifer) with priority dates of July 9, 1962, February 13, 1991 and July 31, 2017 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1970-1 and subject to the following qualifications:

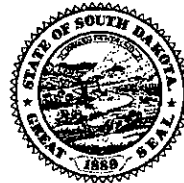
- The well approved under Water Right Nos. 1510-1 and 1970-1 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Approval authorizes pumping of ground water into a 2.42 acre-feet storage pond as needed for irrigation. *(Taken from No. 1510-1)*
- Approval of No. 1970-1 authorizes pumping of ground water from the authorized well into a 2.53 acre-feet storage pond as needed for irrigation.
- This water right is subject to the irrigation water use questionnaire being submitted each year.



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

SEP 04 2019

date



1970-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 04 2019

1510-1
1970-1

Russ Grover
Boulder Canyon Country Club
PO Box 305
Sturgis SD 57785-0305

Dear Mr. Grover:

Enclosed is Water License No. 1970-1 for Boulder Canyon Country Club. This is the final water right document completing the process of obtaining a Water Right. Included with the 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 constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1510-1 were incorporated into No. 1970-1.

1970-1



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

January 20, 2023

NOTICE

TO: BOULDER CANYON COUNTRY CLUB, RUSS GROVER, SUPT, PO BOX 305, STURGIS,
SD 57785 0305

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1970-1. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1970-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 1970-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

1970-1

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Latest Update

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STURGIS, SD 57785

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Street	RUSS GROVER, SUPT
City	PO BOX 305
PS	STURGIS SD 57785 0305

Feedback



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2023

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Russ Grover, Supt., Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 1970-1

On March 8, 2023, the Water Management Board ordered:

Effective April 8, 2022, Water Right No. 1970-1 be suspended for the 2023 irrigation season for failure to submit the 2022 irrigation questionnaire.

If the 2022 irrigation questionnaire is received prior to April 8, 2023, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2023 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2023 unless the 2022 irrigation questionnaire is submitted by April 8, 2023.

After April 8th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2022 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 3-4, 2023, in Pierre, SD. The letter should include your reasons for not completing the 2022 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelopes containing a "Notice" dated March 8, 2023, concerning Board action to amend, suspend or cancel water rights/permits to the following:

One-year suspensions:

1970-1: Russ Grover, Supt., Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785
 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:
David Ulvestad, 46720 201st St., Bruce SD 57220
Darwin Ulvestad, 46679 201st St, Bruce SD 57220

1252-1: Robert or Jennifer Weyrich, 6545 Dunsmore Rd, Rapid City SD 57702-7027

Three-year suspensions:

577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758

6291-3: Jason Ramsdell, 23086 SD Hwy 13, Flandreau SD 57028
Flandreau Park Golf Club, 48250 230th St, Flandreau SD 57028

1692A-2: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

Cancellations:

495-2: Harlan Eisenbraun, PO Box 416, Wall SD 57790
618-2: Joel Soderquist, Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd,
Wasta SD 57791 6001

Amendment:

1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

Gerry McMath

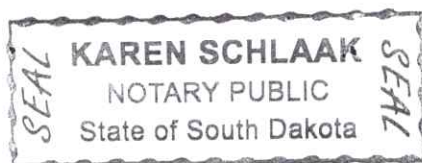
Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 9th day of March, 2023.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 21, 2023

1970-1

Russ Grover, Supt
Boulder Canyon County Club
PO Box 305
Sturgis SD 57785-0305

Dear Mr. Grover:

On March 8th the Water Management Board ordered Water Right No. 1970-1 suspended for one year if the 2022 irrigation questionnaire was not received prior to April 8, 2023. The online questionnaire was received on March 20th.

Since the irrigation questionnaire is now on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2023 irrigation season.

The 2023 irrigation questionnaire will be sent out in October 2023 and will be **due back in the office the first week in December.**

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352



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

January 14, 2025

NOTICE

TO: BOULDER CANYON COUNTRY CLUB, RUSS GROVER, SUPT, PO BOX 305, STURGIS,
SD 57785 0305

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1970-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1970-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1970-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TZSPKS**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

1970-1

Boulder Canyon County Club
c/o Russ Grover
PO Box 305
Sturgis SD 57785

Dear Mr. Grover:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1970-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us