

WATER PERMIT NO. 2023-1

Name of Applicant: Bulldog Creek Campground

Address: 21120 Pleasant Valley Rd, Sturgis SD 57785

Phone: 308 763 1607

Amount of Water Claimed: 0.022 cfs

Total Acres: NA

Source of Water Supply: groundwater (1 existing well)

Water to be used for: commercial

County: Meade

Type of Waste Disposal System:

Location: 6 miles southeast of Sturgis

PRIORITY

Date Received: 9-21-22

Application/License Fee: \$300

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SW 1/4 SE 1/4 Sec 36-T5N-R5E

Campground located: S 1/2 SE 1/4 Sec 36-T5N-R5E

			36		
			⊗		

Depth of Well: 100 feet

Well Driller: Cimmaron Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-22-22

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2023-1**

Date of first receipt of application September 21, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2023-1 to Bulldog Creek Campground, c/o Aaron Sorensen, 21120 Pleasant Valley Rd, 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. 2023-1 appropriates up to 3 acre-feet of water annually at a maximum pump rate of 0.022 cubic feet of water per second from one existing well completed into the Spearfish Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 36 for commercial use at the campground located in the S 1/2 SE 1/4 Section 36; all in T5N-R5E. This site is located approximately 5 miles southeast of Sturgis SD.
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. 2023-1 is December 5, 2022.
5. The date from which applicant may claim right is September 21, 2022.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

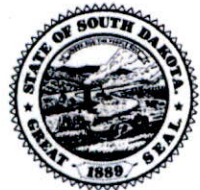
QUALIFICATIONS

1. The well approved under Water Permit No. 2023-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Spearfish aquifer.
3. Water Permit No. 2023-1 appropriates up to 3.0 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 21 2022
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2023-1</u> Hydrologic Unit <u>10120 III</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Faith Independent</u>
	<u>Rapid City Journal</u> (office use only)

RECEIVED

SEP 21 2022

OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☒
☐

Water Distribution System
Commercial
Industrial

☐
☐
☐

Recreational
Fish & Wildlife
Other

☐

Institutional
Geothermal

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.)

- Name to Appear on Water Permit Bulldog Creek Campground
Mailing Address 21120 PLEASANT VALLEY ROAD Sturgis SD 57785
(Address) (City) (State) (Zip Code)
Phone 6053478000 Mobile 3087631607 Email bulldogcreek@gmail.com
- Amount of water claimed 0.022 *CFS or 10 **GPM and 3 ***AF or 1,000,000 Gallons
Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply Well
- Location of point of diversion SW 1/4 SE 1/4 Sec 36 - T5N - R5E 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? Campground: S 1/2 SE 1/4 Sec 36 - T5N - R5E
(example - NW 1/4 section 12 - T104N - R53W)
- County or counties where water will be used Meade
- Annual period during which water is to be used Year round Jan - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Already existing well on campground trying to come into compliance.

I, Aaron Sorensen Owner _____, the applicant, certify under
Name of Person Title (if applicable)

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 Cimarron Drilling

For either existing or proposed wells:

- c) Well Depth (required) 100 Depth to Top of Water Bearing Material _____ Depth to Water from Surface 35
- d) Distance to nearest domestic well on applicant's property NA Property owned by others unknown

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank and drain field. several on the property
- b) System Capacity (gallons) unknown Year Constructed unknown
- c) Connected to the City of NA Sanitary System

3. Dugout Information

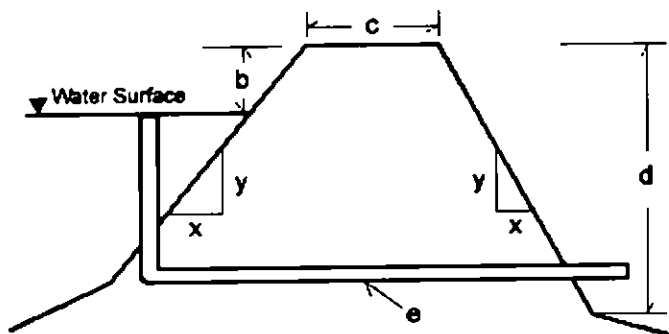
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

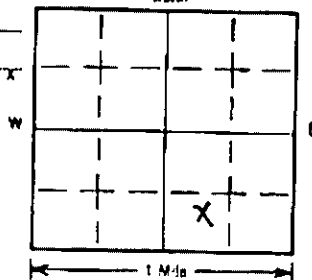


- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Q7-92

Please mark well location with an "X"



Well Completion Date 10-12-96

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 140 ft from Septic (Identify source)

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

Rotary Air-Water

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOSE DIAMETER
200 LB/FT	5 IN	0 FT	100 FT	7 7/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	13	94/6 lb per	0	8.5
		lb per		

Describe grouting procedure PRESSURE GROUT
THRU TREMIC PIPE FROM
PACKER @ 85' TO SURFACE,
WITH MUD PUMP

Diameter 5 IN Length 5 FEET

Station PUC
Start Size 18 Set from 95 Feet to 100 Feet

Other information

Is the wheel material? Neoprene

Describe packet(s) and location? 1-5x8 @ 85'

Was well distracted upon completion? ✓ YES. How Reluctant
 _____ NO. Why Not? _____

Laboratory sent to for water quality analysis OWNER To Complete

Well Owner: Bob PERAW
Business Name:
Address: HC 75 Box 488
Sturgis S.D. 57785

[illegible]

STATIC WATER LEVEL 35'

11) Flowing closed in pressure _____ PSI

GPM How through the the

Controlled by ☐ Value ☐ References ☐ Other _____

Reduced flowrate _____ GPM

Can we'll be completely shut in?

☐ Pumped Describe Air developed
☐ Banded
☒ Other

Pumping Level Below Land Surface
90 ft After 2 hrs ^{blow} pumped 35 ft GPM

_____ ft After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 10 GPM

REMARKS



This well was drilled under license # 568

And this report is true and accurate

Drilling firm Cinaron Drilling

Signature of License Representative _____

Michael J. Deutsch

Signature of Well Owner or Equitable Property Holder:

Date: _____

STATE OF SOUTH DAKOTA

Doing Business As (DBA) Fictitious Business Name Registration

Bulldog Creek Campground
ID: UB187706

The address where the main office of the above listed business is to be maintained:

Physical Address:
**21120 PLEASANT VALLEY ROA
STURGIS, SD 57785**

Mailing Address:
**21120 PLEASANT VALLEY ROAD
STURGIS, SD 57785**

The owner of the above listed business is:

Name	Address
Exit 37 Group, Inc.	Physical: 21120 Pleasant Valley Road, Sturgis, SD 57785, USA Mailing: 21120 Pleasant Valley Road, Sturgis, SD 57785, USA

The DBA/Fictitious Business Name registered above has a filing date of September 15, 2020, and is effective for a term of 5 years and will expire on September 15, 2025.

Steve Barnett
SD Secretary of State





531437737

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Business Corporation
SDCL 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2022
FILING YEAR

1. Business ID and Name:

DB163472
BUSINESS ID

Exit 37 Group, Inc.
BUSINESS NAME

2. The jurisdiction under whose law it is formed South Dakota

3. The address of the principal executive office (business address):

Actual Street Address

**21120 PLEASANT VALLEY ROAD
STURGIS, SD 57785**

Mailing Address

**7092 DODGE ROAD
HEMINGFORD, NE 69348**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Zachary W. Kraenow**

Actual Street Address in this State

**21120 PLEASANT VALLEY ROAD
STURGIS, SD 57785**

Mailing Address in this State

**21120 PLEASANT VALLEY ROAD
STURGIS, SD 57785**

5. The names and business addresses of its principal officers.

Title	Name	Address
Vice President	Zachary Wayne Kraenow	21120 pleasant valley road
President	Aaron Sorensen	7092 Dodge Road, Heminford, Ne 69348

6. The names and business addresses of its directors (governors).

Name	Address
Zachary W Kraenow	21120 Pleasant Valley Road Sturgis SD 57785
Aaron Sorensen	7092 Dodge Road, Hemingford, Ne 69348

7. Beneficial Owners (optional). A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129, 22-39-36).

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, September 22, 2022 9:48 AM
To: Bulldog Creek Campground
Subject: RE: [EXT] Water Permit Application

Aaron,

Received your email and map. The application will be complete when we receive the \$300 application/license fee.

FYI – Once the application is complete, we have 60 days to prepare a report and recommendation. At that time, you will be notified of what is required of you regarding the public notice. If the engineer preparing the report has any questions, they will contact you.

Let me know if you have questions.
Karen

From: Bulldog Creek Campground <bulldogcreek@gmail.com>
Sent: Wednesday, September 21, 2022 5:21 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hello Karen,

Attached is the map you requested. The legal description is SEC 36 TWP 5 RNG 5 E25WSE, LOT2SESE

I am guessing the total water usage will be 1,000,000 gallons per year.

Thank You for the help.

Aaron Sorensen

Bulldog Creek Campground

308-763-1607

www.bulldogcreekcampground.com

~ Make your Reservation TODAY at: <http://bit.ly/BulldogReservation> ~

On Wed, Sep 21, 2022 at 3:23 PM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Aaron,

In order to complete the application, a few items need to be addressed.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have attached a map with those designations. Please mark the well location with an "X". Also outline the area of the campground.

- The application requests an appropriation of 10 gallons per minute (gpm). In addition to the pump rate, the application needs to include an annual volume in either gallons/year or acre feet/year. In calculating the annual volume, be reasonable but also plan for the maximum annual volume of use from the well. It is unlikely that 10 gpm is be pumped continuously during an entire year. Therefore, DANR requests identification of an annual volume to be used at the campground.
- The application/license fee will be \$300.00. You indicated you wanted to pay by credit card. To do so, please contact Lynda Fratzke (with our fiscal office) 605 773-4216. Please indicate that the payment is for a water permit application.

Let me know if you have questions.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 25, 2017

Bull Dog Creek Campground
Zach Kraenow
21120 Pleasant Valley Rd
Sturgis SD 57785

Dear Mr. Kraenow:

I am writing in regard to a well driller's report filed by Taylor Drilling Company. The report shows a new well has been completed on July 16, 2017. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by October 1, 2017.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

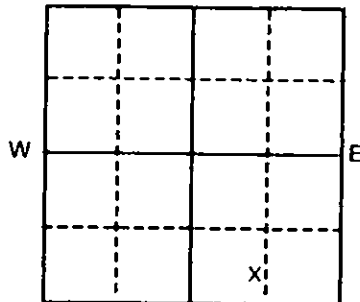
Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ SE ¼ Sec 32 Twp 5N Rg 5ECounty Meade

North

Please mark well
location with an "X"

Well Completion Date

7-16-17

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

200 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - Air

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	5 IN	+2 FT	87 FT	7 7/8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
cement	10	14 lb/gal	0 Ft	41 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 40 FeetMaterial PVCSlot Size .032 Set From 47 Feet to 87 Feet

Other information pea gravel up to 43', bentonite chip up to 41'

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?

☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Zach KraenowBusiness Name: Bull Dog Creek CampgroundAddress: 21120 Pleasant Valley Rd.City, State, Zip: Sturgis ☒ SD ☒ 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
red shale / siltstone	0	8
light brown / clay	8	17
red shale / siltstone	17	83
weathered gypsum	83	131
with red siltstone		
Void	91	95

STATIC WATER LEVEL 29 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: Air developed☐ Bailed☒ Other

Pumping Level Below Land Surface

60 Ft. After 2 Hrs. pumped 15 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

? Minnelusa AMThis well was drilled under license # 331 and this report is true and accurate.Drilling firm: Taylor Drilling Co.

Signature of License Representative:

K TL

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: AUG 14 2017WATER RIGHTS
PROGRAM

73221

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 22, 2022

RECEIVED OF Bulldog Creek Campground 21120 Pleasant Valley Road, Sturgis SD 57785

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

Fee for Application for Permit No. <u>2023-1</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>2023-1</u>	\$200.00
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$300.00

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2023-1, Bulldog Creek Campground**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2023-1, Bulldog Creek Campground, 21120 Pleasant Valley Road, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 2023-1 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2023-1 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Spearfish aquifer.
3. Water Permit No. 2023-1 appropriates up to 3.0 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 8, 2022

Report to the Chief Engineer
On Water Permit Application No. 2023-1

Bulldog Creek Campground

c/o Aaron Sorensen

November 9, 2022

Water Permit Application No. 2023-1 proposes to appropriate an amount of water not to exceed 3 acre-feet annually at a maximum instantaneous diversion rate of 0.022 cubic feet per second (cfs) from one existing well completed into the Spearfish aquifer (100 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 for commercial use at a campground located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36; all in T5N-R5E. The site of interest is located in Meade County approximately five miles southeast of Sturgis, SD.

AQUIFER: Spearfish Formation (SPRF)

HYDROGEOLOGY:

The Lower Triassic and Upper Permian aged, Spearfish Formation consists predominantly of red, planar-bedded, and laminated shale, siltstone, and very fine-grained sandstone, with interbedded gypsum abundant at varying horizons (Epstein and Doctor, 2013; Martin et al., 2004). The bedding in the Spearfish Formation is generally sheet-like, although lenticular beds and ripple laminations are not uncommon (Epstein and Doctor, 2013). Additionally, salt casts have been reported in the formation (Epstein and Doctor, 2013). These sedimentary features indicate that the Spearfish Formation was deposited in a hot and arid climate on low-gradient coastal plains and nearshore hypersaline mudflats bordering evaporite basins (Epstein and Doctor, 2013). In South Dakota, the Spearfish Formation ranges from approximately 328 to 559 feet thick (Martin et al., 2004). Most areas of the Spearfish Formation do not serve as a viable aquifer as the Spearfish aquifer is generally not considered a major regional aquifer; however, local aquifers exist within the Spearfish Formation (Driscoll et al., 2002).

Near the existing well site, the Spearfish Formation may be able to supply water to wells because of the folding that has occurred in the sedimentary rock (Fagnan and Lisenbee, 2014). There are numerous minor fault and solution collapse structures in the area (Fagnan and Lisenbee, 2014). The folding has allowed fracturing and the solution of gypsum and anhydrite in the Spearfish Formation, thus increasing porosity and permeability (Driscoll et al., 2002).

The Spearfish Formation generally overlies the Minnekahta Limestone and acts as a confining unit to the Minnekahta aquifer and other underlying Paleozoic aquifers (such as, the Minnelusa and Madison aquifers), resulting in artesian springs occurring near or within the outcrop of the Spearfish Formation (Rahn and Gries, 1973; Driscoll et al., 2002). The Spearfish Formation outcrops in the Black Hills (shown in Figure 1) but is otherwise buried in South Dakota (Strobel et al., 1999). The existing well proposed to be used is located on the outcrop of the Spearfish Formation (Fagnan and Lisenbee, 2014; Martin et al., 2004) and the elevation of the ground surface at the existing well site is approximately 3,696 feet above mean sea level (fmsl) using the

North American Datum of 1983 (NAD 83) (USGS, EROS, 1999). The top of Minnekahta Limestone is at approximately 3,375 fmsl near the existing well site (Carter and Redden, 1999); therefore, the Spearfish Formation is estimated to be approximately 320 feet thick near the existing well site.

A water well completion report was submitted with Water Permit Application No. 2023-1 for the existing well proposed to be used (Water Rights, 2022d). The report indicated “Gravel” from 0 to 23 feet below the ground surface, “Red Shale” from 23 to 80 feet, and “Sandstone” from 80 to 100 feet (Water Rights, 2022d). The well was screened in “Sandstone” from 95 to 100 feet and had a static water level of approximately 35 feet below the ground surface at the time of well completion (October 12, 1996) (Water Rights, 2022d). Based on the submitted well completion report, and water well completion reports on file, the Spearfish aquifer is unconfined at the existing well site (Water Rights, 2022d).

The high pressure, large flows, and relatively good water quality from the Spearfish aquifer in the areas of where the Spearfish aquifer water rights/permits have developed may indicate the water may originate as upward leakage from the Minnelusa and Madison aquifers (Water Rights, 2022d). There are springs located on the Spearfish Formation that are sourced from the Madison and Minnelusa aquifers (Cox, 1962; Driscoll et al., 2002; Rahn and Gries, 1973).

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 the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Spearfish aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2023-1 proposes to appropriate water from the Spearfish aquifer. The probability of unappropriated water being 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Spearfish aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010); however, the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Spearfish aquifer must be considered.

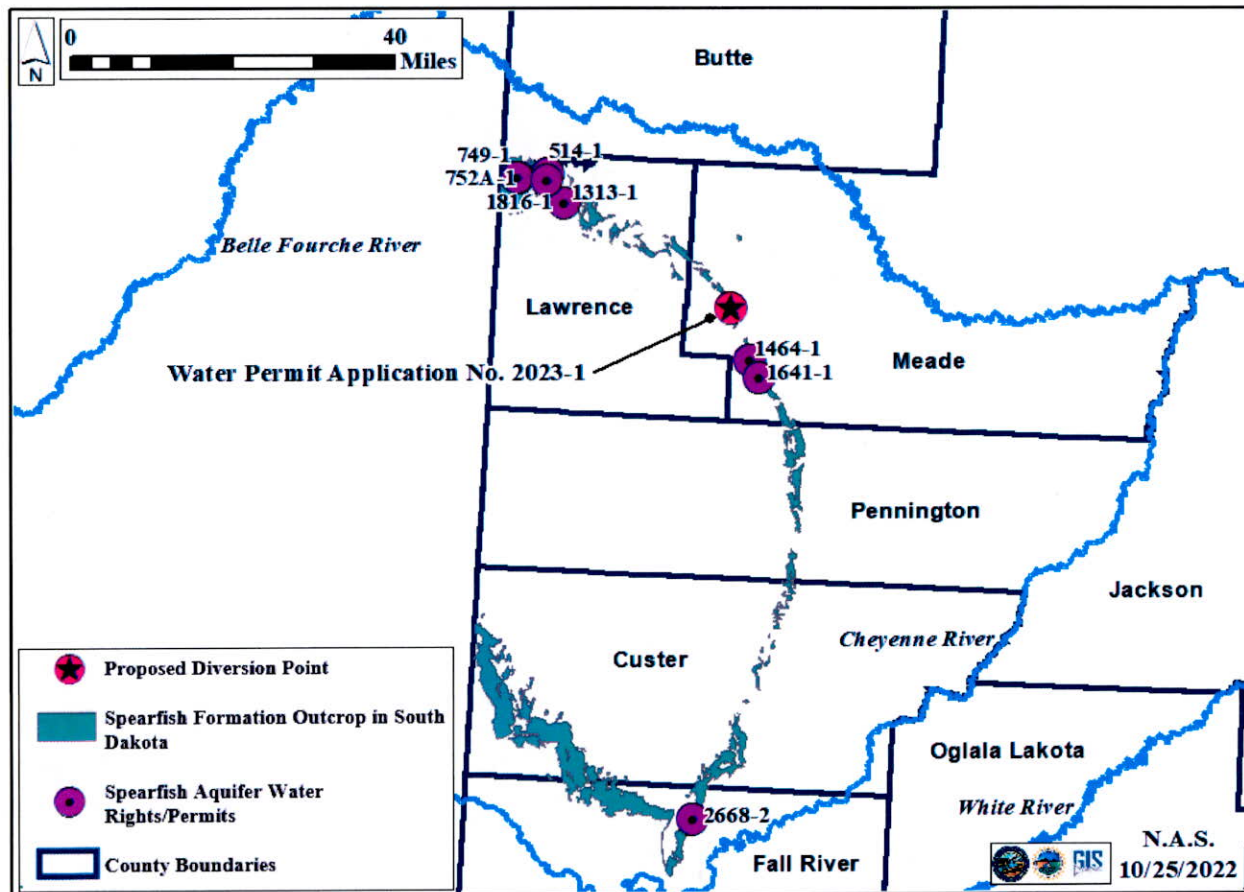


Figure 1. Spearfish Formation outcrop in the Black Hills in South Dakota (Strobel et al., 1999), the Spearfish aquifer water rights/permits (Water Rights, 2022c), and the existing well site for Water Permit Application No. 2023-1 (Water Rights, 2022d)

HYDROLOGIC BUDGET:

Recharge

Recharge to the Spearfish aquifer occurs through the infiltration of precipitation at the outcrop area and through groundwater from underlying formations (primarily the Minnelusa Formation and Madison Limestone) reaching the Spearfish Formation by way of channels, solution caverns, and/or faults (Cox, 1962). The estimated average annual recharge rate to the Spearfish aquifer has not been quantified at this time.

Discharge

Discharge from the Spearfish aquifer occurs through well withdrawals (Water Rights, 2022d), and possibly some leakage through channels, solution caverns, and/or faults to underlying aquifers.

Currently, there are eight water rights/permits authorized to appropriate water from Spearfish aquifer (Water Rights, 2022c). Table 1 summarizes the five non-irrigation water rights/permits authorized to appropriate water from the Spearfish aquifer with the estimated annual use for each

water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the IDNR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c). Overall, the estimated average annual withdrawal rate from the Spearfish aquifer by the non-irrigation water rights/permits is approximately 2,464 acre-feet per year (Table 1) (Water Rights, 2022c).

Table 1. Estimated annual use for the non-irrigation water rights/permits authorized to divert water from the Spearfish aquifer (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Total Estimated Use (acre-feet/year)
749-1	Dept. of Game, Fish, & Parks	LC	FWP	2.23	968.7
752A-1	Dept. of Game, Fish, & Parks	LC	FWP	3.23	1,403.1
1313-1	Spearfish Meadows	LC	SHD	0.07	30.4
1464-1	Mountain West LLC	LC	IND, DOM	0.12	52.1
1641-1	Lantis Fireworks	LC	COM	0.022	9.6
				TOTAL:	2,464
LC: Licensed Water Right; COM: Commercial; DOM: Domestic; FWP: Fish and Wildlife Propagation;					
IND: Industrial; SHD: Suburban Housing Development					

Currently, there are three irrigation water rights/permits authorized to appropriate water from the Spearfish aquifer (Water Rights, 2022c). The estimated average annual withdrawal rate for the Spearfish aquifer irrigation water rights/permits that have reported over the period of record (2005 to 2021) is approximately 182 acre-feet per year (Table 2) (Water Rights, 2022a).

There are domestic wells completed into the Spearfish aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally with the development of rural water systems in some of the areas where the Spearfish aquifer is a viable aquifer; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Spearfish aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Spearfish aquifer has not been quantified at this time. The estimated average annual withdrawal rate from the Spearfish aquifer is approximately 2,649 acre-feet per year (non-irrigation: 2,464 acre-feet/year; irrigation: 182 acre-feet/year; Water Permit Application No. 2023-1 (if approved, assuming full volume): 3 acre-feet/year).

Table 2. Reported historic irrigation use from Spearfish aquifer (Water Rights, 2022a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
2005	2	137.9
2006	2	225.8
2007	2	30.1
2008	2	40.2
2009	2	144.1
2010	2	80
2011	3	181
2012	3	346.5
2013	3	205.9
2014	3	204
2015	3	40.5
2016	3	273.8
2017	3	319.7
2018	3	28.7
2019	3	103.3
2020	3	231.5
2021	3	502.2
Min	2	28.7
Max	3	502.2
Avg	3	182

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors zero observation wells completed into the Spearfish aquifer (Water Rights, 2022b); therefore, no direct observation well analysis can be used to determine water availability in the Spearfish aquifer.

However, review of observation wells completed into other aquifers near the existing well site can yield some information as to how the aquifer likely reacts to climatic conditions and local pumping. The closest observation wells completed into other aquifers near the existing well site are MD-90A (Madison aquifer) (approximately 3.3 miles southeast), MD-95A (Minnekahta aquifer) (approximately 3.3 miles southeast), MD-84B (Minnelusa aquifer) (approximately 3.3 miles southeast), and MD-86A (Madison aquifer) (approximately 4.6 miles northwest). The hydrographs for these observation wells are displayed in Figures 2 to 5 (Water Rights, 2022a). The data points utilized to construct the hydrographs are measurements of the static water level

in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DANR Water Rights Observation Well on the hydrographs.

The hydrographs for the nearby observation wells completed into the Minnekahta, Minnelusa, and Madison aquifers indicate the aquifers respond well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Over the respective periods of record, the water levels displayed on the hydrographs for the nearby observation wells completed into the Minnekahta, Minnelusa, and Madison aquifers have fluctuated approximately 50 to 90 feet in response to climatic conditions (Water Rights, 2022b). An examination of the hydrographs show that any effects caused by pumping on the water levels measured in the nearby observation wells are masked by climatic conditions indicating that changes in the water levels are governed by natural conditions, as in recharge to and natural discharge from the aquifers. Both recharge to and natural discharge from an aquifer can be captured for pumping. Although observation wells MD-90A, MD-95A, MD-84B, and MD-86A are completed into aquifers other than the Spearfish aquifer and are located approximately three to five miles from the existing well site, the hydrographs still provide proof of recharge to the underlying Paleozoic aquifers over the periods of record. Thus, it is expected that recharge has also occurred to the Spearfish aquifer and there is a reasonable probability that unappropriated water is available from the Spearfish aquifer to supply the proposed appropriation.

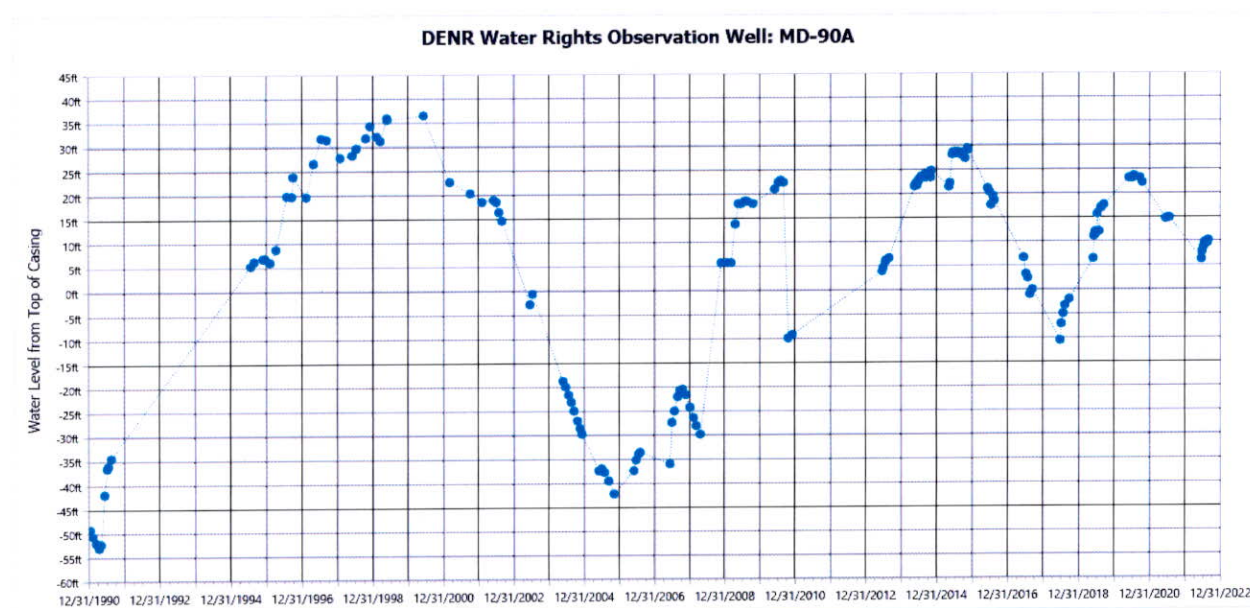


Figure 2. Hydrograph for observation well MD-90A (Water Rights, 2022b)

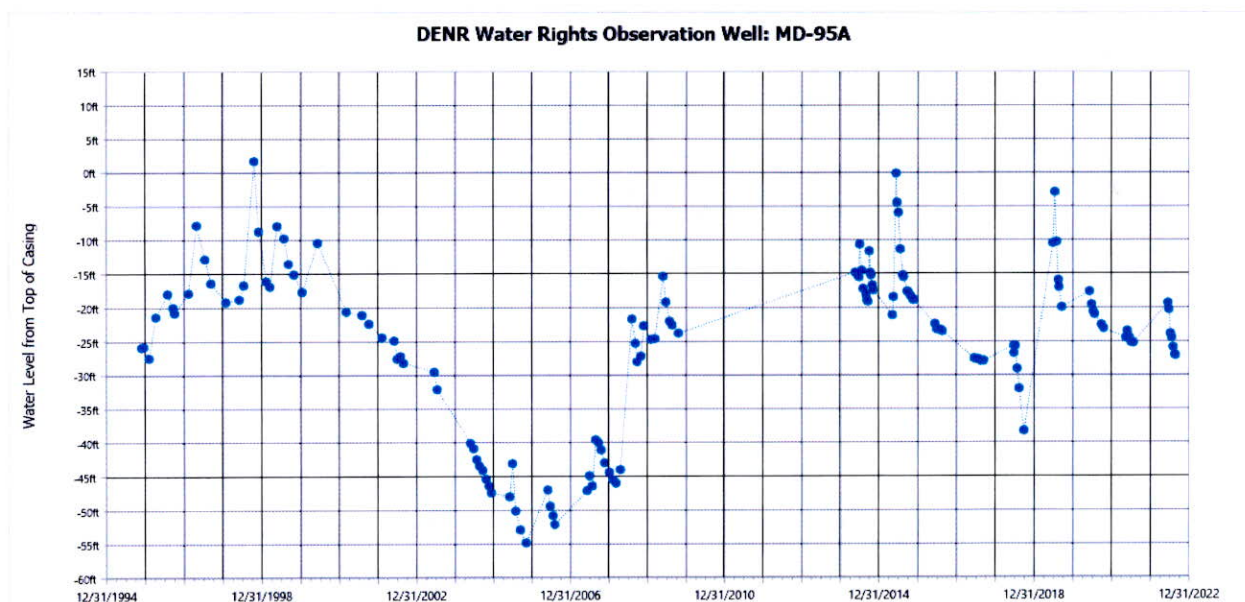


Figure 3. Hydrograph for observation well MD-95A (Water Rights, 2022b)

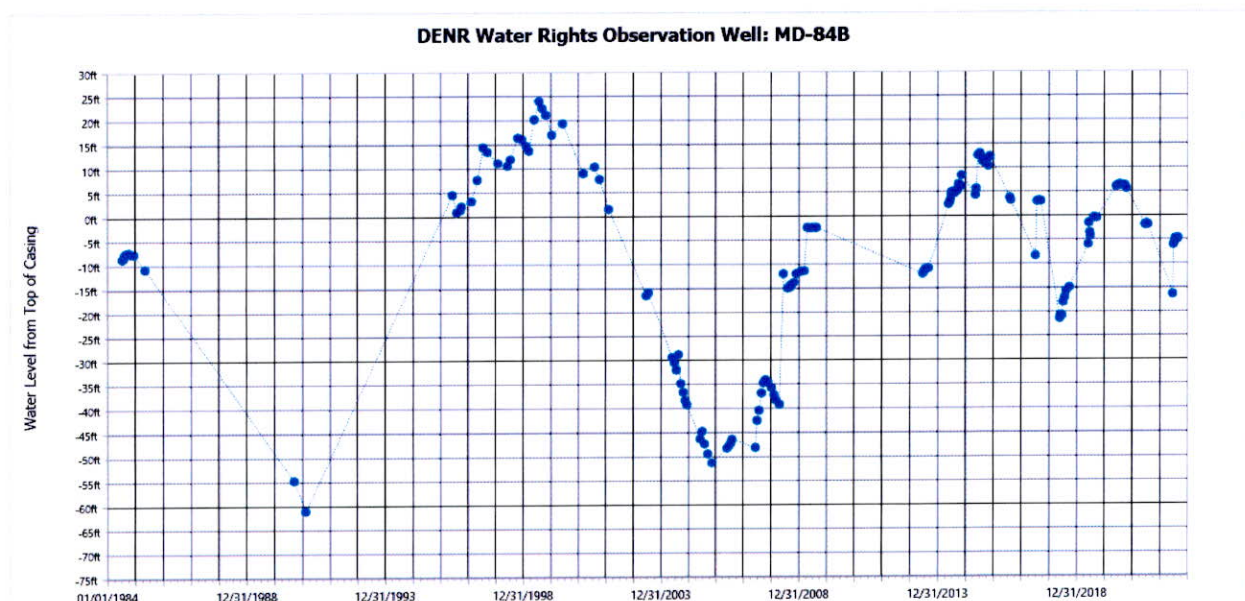


Figure 4. Hydrograph for observation well MD-84B (Water Rights, 2022b)

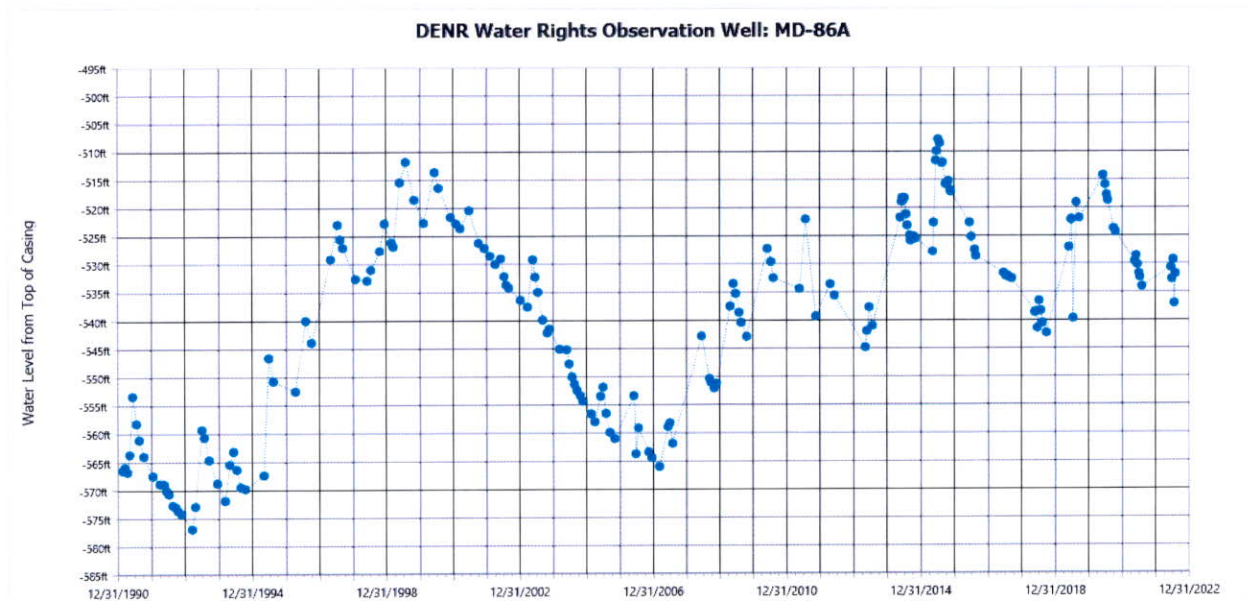


Figure 5. Hydrograph for observation well MD-86A (Water Rights, 2022b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are eight water rights/permits authorized to appropriate water from the Spearfish aquifer (Water Rights, 2022c). The closest water right/permit authorized to appropriate water from the Spearfish aquifer to the existing well site is Water Right No. 1464-1, which is held by Mountain West LLC. The diversion point for Water Right No. 1464-1 is located approximately seven miles southeast of the existing well site for this application (Table 3) (Figure 6) (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Spearfish aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.2 miles southeast of the existing well site (Water Rights, 2022d). There could potentially be other domestic wells completed into the Spearfish aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program.

Table 3. Water rights/permits authorized to withdraw water from the Spearfish aquifer within approximately thirty miles of the existing well, as shown in Figure 6 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Acres if IRR
514-1	Roland Bryan	LC	IRR	2.72	191
749-1	Dept. of Game, Fish, & Parks	LC	FWP	2.23	
752A-1	Dept. of Game, Fish, & Parks	LC	FWP	3.23	
1313-1	Spearfish Meadows	LC	SHD	0.07	
1464-1	Mountain West LLC	LC	IND, DOM	0.12	
1641-1	Lantis Fireworks	LC	COM	0.022	
1816-1	Richard D Sleep	LC	IRR, COM, DOM	1.34	87.5
LC: Licensed Water Right; COM: Commerical; DOM: Domestic; FWP: Fish and Wildlife Propagation;					
IND: Industrial; SHD: Suburban Housing Development					

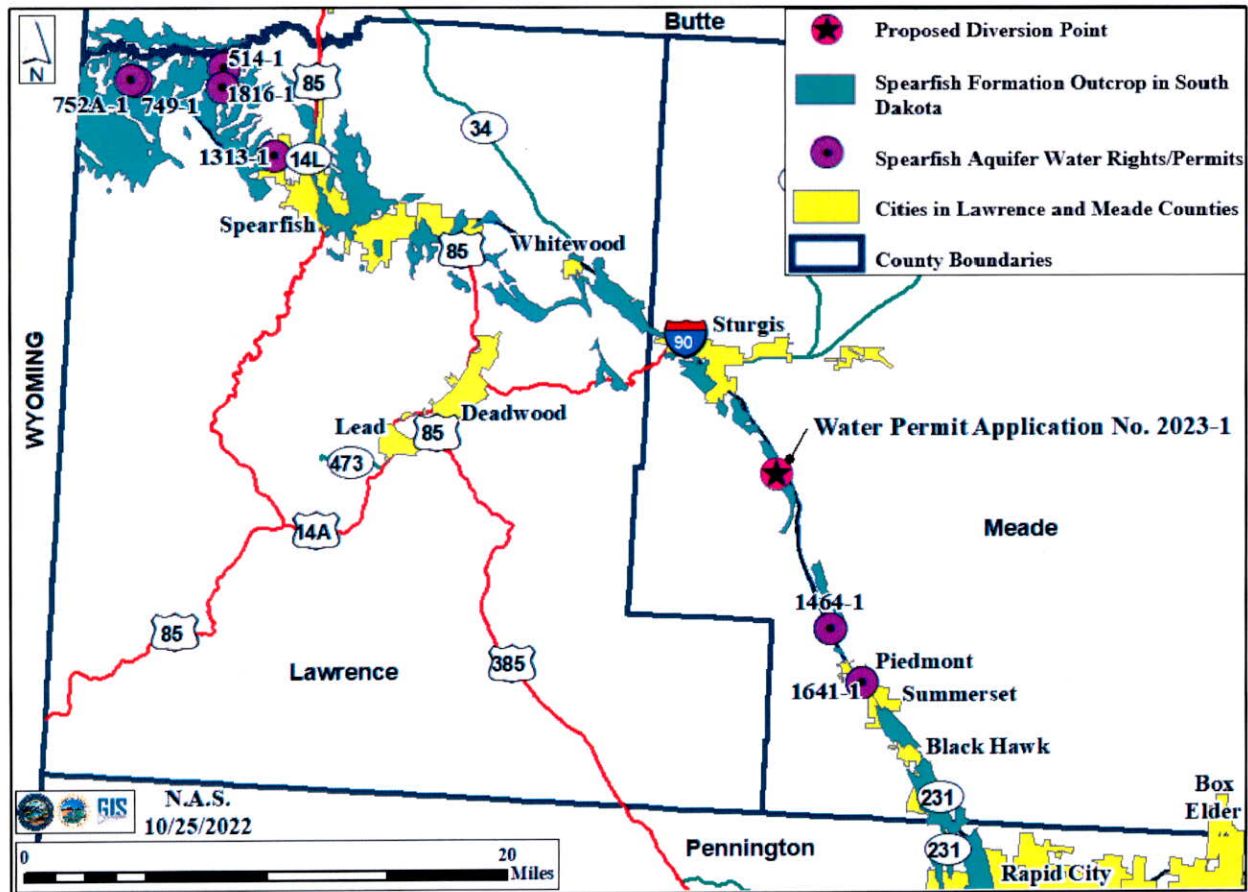


Figure 6. Location of the existing well site for Water Permit Application No. 2023-1 with the Spearfish aquifer water rights/permits within approximately thirty miles (Water Rights, 2022c and 2022d)

The Spearfish aquifer ranges from confined to unconfined aquifer conditions but is primarily under unconfined conditions (Epstein and Doctor, 2013; Water Rights, 2022d). Based on the submitted water well completion report and nearby well completion reports on file, the Spearfish aquifer is unconfined at the existing well site (Water Rights, 2022d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. In Lawrence and Meade Counties, the development of both appropriative and domestic users wells completed into the Spearfish aquifer has continued with no history of well interference complaints (Water Rights, 2022e).

Within approximately one-half mile of the existing well proposed to be used, the Spearfish aquifer has a saturated aquifer thickness ranging from approximately 10 to 70 feet below the ground surface (Water Rights, 2022d). This thickness generally allows for a pump inlet to be placed 20 feet below the top of the aquifer, which is required for the well to be considered adequate under ARSD 74:02:04:20(6).

When considering the generally unconfined nature of the aquifer near the existing well site, the minimal number of water rights/permits authorized to appropriate water from the Spearfish

aquifer, Water Permit Application No. 2023-1 seeks to divert water at a relatively small proposed diversion rate and appropriate a relatively small annual limit, and the lack of well interference complaints for adequate wells completed into the Spearfish aquifer in Lawrence and Meade Counties, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, the well proposed to be used is an existing well that has been in place since roughly 1996 and is presumed to have been in use for some time without any reported well interference complaints on file with the DNR-Water Rights Program (Water Rights, 2022c and 2022c). Therefore, there is a reasonable probability that any interference from the proposed diversion by Water Permit Application No. 2023-1 will not impose unlawful impairments on existing users with adequate wells.

If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

Additional Considerations: Nearby Water Rights/Permits in Other Aquifers

There are eleven water rights/permits authorized to appropriate groundwater within two miles of the existing well proposed to be used (Water Rights, 2022c). The appropriations are authorized from the Alluvium (1), Madison (5), and Minnekahta (5) aquifers (Water Rights, 2022c). Theoretically, if leakage from the underlying Paleozoic aquifers (Minnelusa and Madison aquifers) to the Spearfish aquifer is significant, drawdown in the Spearfish aquifer could cause increased leakage and consequently, lower water levels in other aquifers.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. 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.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4, which requires South Dakota’s water

resources to be put to beneficial use to the fullest extent of which they are capable (Water Rights, 1995).

Regardless of the water source for the nearby groundwater appropriations, it is unlikely that the drawdown that may result from the proposed diversion by Water Permit Application No. 2023-1 will impose unlawful impairments on existing users with adequate wells due to the distance between the appropriative users (nearest water right: Water Right No. 1277-1, located approximately 0.3 miles north of the existing well site, authorized to appropriate water from the Madison aquifer) and the relatively small proposed diversion rate and annual limit proposed by this application. Furthermore, there are generally several confining layers separating the Madison aquifer from the Spearfish aquifer.

Additional Considerations: Springs

In the past, there have been concerns that development of the Madison and Minnelusa aquifers in the Black Hills will affect spring discharge. The nearest major springs that are sourced primarily by water from the Madison and Minnelusa aquifers are Elk Creek Springs (approximately six miles southeast of the existing well) and City Springs (approximately four miles southwest of the existing well) (Driscoll et al., 2002). When considering the deferral of Water Permit Application No. 2585-2 for the Southern Black Hills Water System, the Water Management Board adopted a conclusion of law stating in part "...The only protection South Dakota law provides when considering an application for an underground water permit for flow from an artesian spring is under the public interest criteria" (Water Rights, 1997). Given the distance between the existing well site and the springs mentioned above, while considering the applicant's proposed maximum diversion rate and annual volume limitation, there is a reasonable probability Water Permit Application No. 2023-1 can be developed without making an impact that would be measurable above the natural fluctuations in the nearest spring.

CONCLUSIONS:

1. Water Permit Application No. 2023-1 proposes to appropriate an amount of water not to exceed 3 acre-feet annually at a maximum instantaneous diversion rate of 0.022 cfs from one existing well completed into the Spearfish aquifer (100 feet deep) for commercial use at a campground. The site of interest is located in Meade County approximately five miles southeast of Sturgis, SD.
2. Based on the data for observation wells completed into other aquifers that may contribute recharge to the Spearfish aquifer near the existing well site, and the minimal number of water rights/permits authorized to appropriate water from the Spearfish aquifer, there is a reasonable probability that unappropriated water is available from the Spearfish aquifer to supply the proposed appropriation.
3. There is a reasonable probability the proposed diversion by Water Permit Application No. 2023-1 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.

4. If this application is approved, a qualification requiring the applicant to control their water withdrawals, so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights, should be included.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:

Adam Mathiowetz

Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

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- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 14, 2022 9:13 AM
To: Bulldog Creek Campground
Subject: Water Permit Application No. 2023-1
Attachments: 4396.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



RECEIVED

DEC 05 2022

OFFICE OF
WATER

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. 2023-1

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 23rd day of Nov, 2022, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 39.31, 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.


Subscribed and sworn to before me this 19th day of Dec., 2022



Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

**NOTICE OF
APPLICATION
NO. 2023-1 to
Appropriate Water**

Notice is given that Bulldog Creek Campground, c/o Aaron Sorensen, 21120 Pleasant Valley Rd, Sturgis SD 57785 has filed an application for a water permit to appropriate up to 3 acre-feet of water annually at a maximum pump rate of 0.022 cubic feet of water per second from one existing well completed into the Spearfish Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 36 for commercial use at the campground located in the S 1/2 SE 1/4 Section 36; all in T5N-R5E. This site is located approximately 5 miles southeast of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2023-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 5, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided

above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 5, 2022.

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.

Published once at the total approximate cost of \$41.24 and can be viewed free of charge at www.sd-publicnotices.com.

#457
Nov 23

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Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by December 5, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided

above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by December 5, 2022.

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.

Published once at the total approximate cost of \$41.24 and can be viewed free of charge at www.sd-publicnotices.com.

#457
Nov 23

RECEIVED

DEC 05 2022

OFFICE OF
WATER

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. 2023-1

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 23rd day of Nov, 2022, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 39.31, 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.


Subscribed and sworn to before me this 1st day of Dec., 2022



Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

RECEIVED

NOV 28 2022

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Kris Stecklin Johnson

certify that the attached printed Notice was taken
from the Faith Independent

printed and published in Faith

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following date:

11/23/22

Cost of Printing \$37.76

Kris Stecklin Johnson
(Signature)

Editor
(Title)

11/25/22
(Date Signed)

2022

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Published November 23, 2022 at the approximate cost of \$37.76 and may be viewed free of charge at www.sdpublic-notices.com.

NOTICE OF
APPLICATION
NO. 2023-1 to
Appropriate Water

Notice is given that Bulldog Creek Campground, c/o Aaron Sorensen, 21120 Pleasant Valley Rd. Sturgis SD 57785 has filed an application for a water permit to appropriate up to 3 acre feet of water annually at a maximum pump rate of 0.022 cubic feet of water per second from one existing well completed into the Spearfish Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 36 for commercial use at the campground located in the S 1/2 SE 1/4 Section 36, all in T5N R5E. This site is located approximately 5 miles southeast of Sturgis SD.

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RECEIVED

MAY 2 1962

OFFICE OF
WATER

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 14, 2022 9:08 AM
To: 'faithind@faithsd.com'
Subject: 2023-1, Bulldog Creek Campground
Attachments: 2023-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 23, 2022.

Bulldog Creek Campground, c/o Aaron Sorensen, 21120 Pleasant Valley Rd, Sturgis SD 57785 (308 763-1607) 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
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 14, 2022 9:09 AM
To: Legals (legals@bhpioneer.com)
Subject: 2023-1, Bulldog Creek Campground
Attachments: 2023-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 23, 2022.

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Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

November 14, 2022

Bulldog Creek Campground
c/o Aaron Sorensen
21120 Pleasant Valley Rd
Sturgis SD 57785

Dear Mr. Sorensen:

Water Permit Application No. 2023-1 for commercial use have 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 (Ph # 605 967-2161) and the Faith Independent printed at Faith (Ph # 605 642-2761). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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 November 23, 2022. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2023-1 to Appropriate Water

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Published once at the total approximate cost of



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

DEC 21 2022

Bulldog Creek Campground
c/o Aaron Sorensen
21120 Pleasant Valley Rd
Sturgis SD 57785

Dear Mr. Sorensen:

Enclosed is Water Permit No. 2023-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2023-1

Name of Applicant: Bulldog Creek Campground, Aaron Sorensen

Date of Posting: 11/21/2022

Date of Removal: 12/21/2022



Ron Duvall, Water Rights Permitting Administrator

12/21/22

Date

Subscribed and sworn to before me, a notary public, this 21st day of Dec, 20 22.



Notary Public - South Dakota
My commission expires: 4/1/2025

