

WATER PERMIT NO. 2041-1

Name of Applicant: **Rodney Benson (Bridger Canyon LLC)**

Address: **11652 Lazy HD Lane, Saint Onge SD 57779** Phone: **605-645-4167**

Amount of Water Claimed: **2 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **RWS/DOM** County: **Lawrence**

Type of Waste Disposal System:

Location: **Approx. 3 miles east of the city center of Spearfish**

PRIORITY Date Received: **01-07-25** Application/License Fee: **\$950.00**

Corrected Application Received: **01-13-25** Period of Annual Use: **January 1 – December 31**

Remarks: **Development of 14 lots w/one house per lot. Well water will be pumped into a 20,000 gal reservoir and water will be pumped from the reservoir to each lot.**

Diversion Point: **SE 1/4 NE 1/4 Sec 8-T6N-R3E**

Land to be Irrigated: **N/A**

Depth of Well: **1,580**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **01-13-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2041-1

Date of first receipt of application January 7, 2025.

Date of return to applicant for corrections, amendments or changes January 8, 2025.

Date of receipt of corrected application January 13, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2041-1 to Rodney Benson (Bridger Canyon LLC) 11652 Lazy HD Lane, Saint Onge SD 57779, 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. 2041-1 appropriates up to 2 acre-feet of water annually at a maximum pump rate of 0.34 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 1,580 feet deep) in the SE 1/4 NE 1/4 Section 8-T6N-R3E. Water is to be used in a water distribution system for domestic, and rural water system use in a housing development, located in the E 1/2 NE 1/4 Section 8-T6N-R3E. This site is located approximately four miles east of the city center of Spearfish SD.
2. The water appropriated shall be used for domestic and rural water purposes via a water distribution system 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. 2041-1 is April 7, 2025.
5. The date from which applicant may claim right is January 7, 2025.
6. One-fifth of the construction is to be completed on or before October 7, 2027.
7. All construction is to be completed on or before April 7, 2030.
8. Water is to be put to beneficial use on or before April 7, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2041-1 is issued for a twenty-year term. Pursuant to SDCL 46-2A-21, the twenty-year term may be deleted at any time during the twenty-year period or following its expiration. If the twenty-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2041-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

3. The well authorized by Permit No. 2041-1 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.
5. Water Permit No. 2041-1 appropriates up to 2 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

4/16/25
date



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

RECEIVED

JAN 07 2025

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2041-1</u> Hydrologic Unit <u>10120203</u> Basin <u>Belle Fourche</u> Newspaper <u>Spearfish Black Hills Pioneer</u> (office use only)
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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)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

☐

Future Use Reservation

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

- Name to Appear on Water Permit Rodney Benson (Bridger Canyon LLC)
Mailing Address 11652 Lazy HD Lane Saint Onge SD 57779
(Address) (City) (State) (Zip Code)
Phone 6056454167 Mobile 6056454167 Email rodney@falsebottomconstruction.com
- Amount of water claimed .34 *CFS or 150 **GPM and 2 ***AF or _____ 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 Madison Formation Well
- Location of point of diversion SE1/4 NE1/4 section 8-T6N-R3E County Lawrence
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Annually January 1 through December 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)

The development has 14 lots with one house on each lot. Well water will be pumped into a 20,000-gallon underground concrete reservoir and water will be pumped from reservoir to each lot.

I, Rodney Benson 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)

RECEIVED

JAN 07 2025

OFFICE OF
WATER

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 1580 Depth to Top of Water Bearing Material 1280 Depth to Water from Surface 400 +
- d) Distance to nearest domestic well on applicant's property 300 Property owned by others Boke Ranc

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic System
- b) System Capacity (gallons) 2000 Year Constructed Proposed
- c) Connected to the City of N/A Sanitary System

3. Dugout Information

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

4. Water Storage Dams

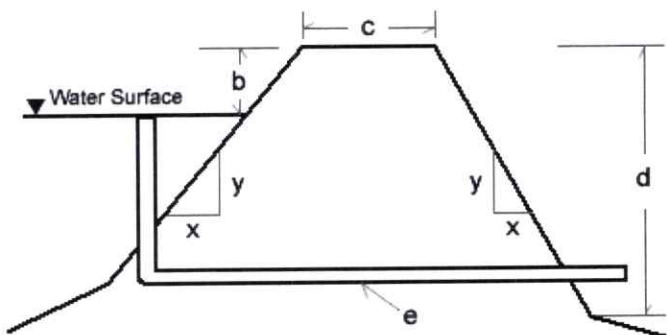
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

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

If pipe, diameter _____

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





NORTH
SE 1/4 NE 1/4 Sec 8 T6N
R3E

21000-00603-081-20

21

Proposed Well
Location

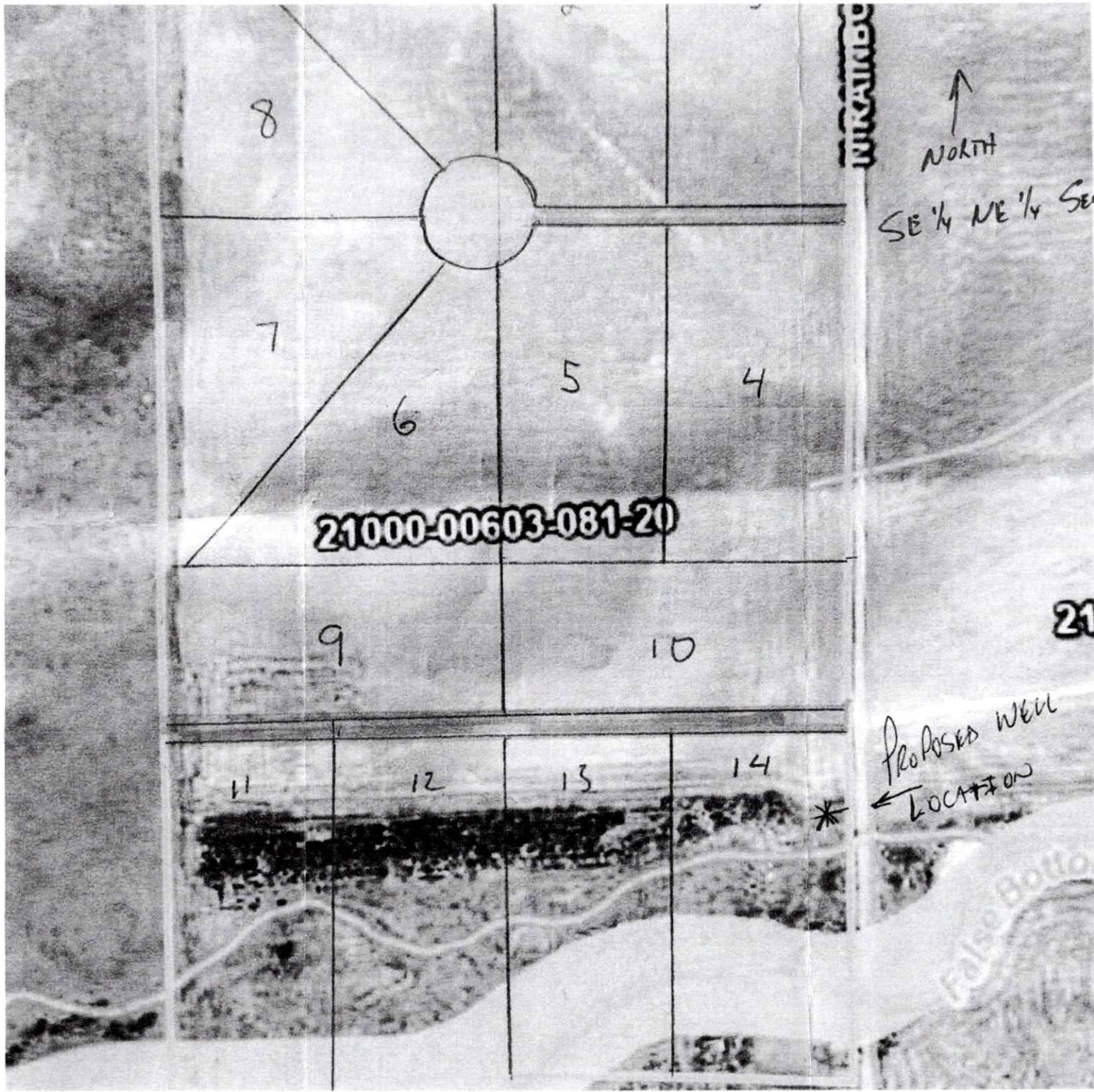
False Bottom

PAID

JAN 13 2025

Ck# 1002

Rec't#



SE 1/4 NE 1/4 Sec 8 T6N
R3E

21000-00603-081-20

Proposed Well
LOCATION

RECEIVED

JAN 13 2025

OFFICE OF
WATER

7N 3E
Section: 31

7N 3E
Section: 32

7N 3E
Section: 33

6N 3E
Section: 06

6N 3E
Section: 05

6N 3E
Section: 04

10120203 Redwater

Belle Fourche

6N 3E
Section: 07

6N 3E
Section: 08

6N 3E
Section: 09

6N 3E
Section: 18

6N 3E
Section: 17

6N 3E
Section: 16

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 13th 2025

RECEIVED OF Rodney Benson (Bridger Canyon LLC) 11652 Lazy HD Lane Saint Onge SD 57779

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

Fee for Application for Permit No. <u>2041-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>2041-1</u>	\$ <u>200.00</u>
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
	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer

SK

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Bridger Canyon LLC

BUSINESS ID# DL285997

with an effective date of: October 29, 2024, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.

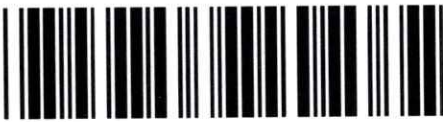


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, October 29, 2024.

Monae L. Johnson

Monae L. Johnson
Secretary of State

10/29/2024 5:48 PM



DL285997

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Bridger Canyon LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address
**11656 LAZY HD LANE
ST ONGE, SD 57779**

Mailing Address
**11656 LAZY HD LANE
ST ONGE, SD 57779**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

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

Name **Rodney Benson**

Actual Street Address in this State
**11656 LAZY HD LANE
SAINT ONGE, SD 57779**

Mailing Address in this State
**11656 LAZY HD LANE
SAINT ONGE, SD 57779**

Article IV

The name and address of each organizer

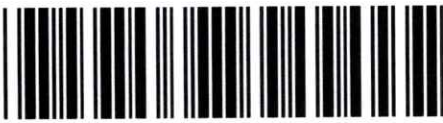
Name	Address
Rodney Benson	11656 Lazy HD Lane

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0335-6798 10/29/2024 5:48PM Rec'd by SD SOS



Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

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.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Rodney Benson	<i>Rodney Benson</i>	Owner	10/29/2024
PRINTED NAME	SIGNATURE	TITLE	DATED

Water Rights Program - File Documentation

NAME: Rodney Benson (Bridger Canyon LLC)

ADDRESS: 11652 Lazy HD Lane, Saint Onge SD 57779

DATE: January 8, 2024

RE: Water Permit Application

COMMENTS:

I received a call from Rodney regarding his water permit application. He wanted to know how to arrive at an annual volume of AF per year. I told him I would email a way to provide a best estimate and include a map so he could mark the location of the well.

Rachel Rodriguez

Rachel Rodriguez

Water Rights Program

605 773-3352

rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodney Benson <rodney@falsebottomconstruction.com>
Sent: Wednesday, January 8, 2025 2:14 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Water Permit Application
Attachments: Bridger Canyon.pdf

Rachel,

I think **TWO** Acre Feet of water per year or 650,000 gallons. So I plan to send \$950.00 check and copy of map to address that you provided today.

Thank you for your help!!! You have been great!!

Rodney Benson
Owner
Cell: 605-645-4167



From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, January 8, 2025 1:08 PM
To: Rodney Benson <rodney@falsebottomconstruction.com>
Subject: RE: Water Permit Application

Please mail to:

DANR – Water Right Program
523 East Capitol Ave
Pierre SD 57501

So, just to confirm, you are going to go with 620,000 gallons per year right?

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodney Benson <rodney@falsebottomconstruction.com>
Sent: Wednesday, January 8, 2025 2:04 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Water Permit Application

What address may I use to mail map and fees?

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, January 8, 2025 12:50 PM
To: Rodney Benson <rodney@falsebottomconstruction.com>
Subject: Water Permit Application

Hello Rodney,

I spoke with a senior engineer, and he said about the best you can do is provide an estimated annual usage on the high side. One way of estimating water usage is to estimate so many gallons per day per person. For example, if you think about 20 or 30 gallons per person per day is a good estimate, then you multiply the number of people per house by the number of days and your best guess as to the average number of gallons used per day. This will give you a total gallons for the year.

For example, if there are 4 people in each dwelling for 365 days, then 56 (people) X 30 gallons per day per person X 365 days = 613,200 gallons for the year. Then, you could round up to make it 620,000 gallons per year. The fee for that would be \$950.00 total, application fee \$750 + inspection fee \$200.

Per our conversation, attached is a map of Section 8-T6N-R3E, please mark the proposed location of the well with an "X" and outline the 14 lots area. Please return the map via email or regular mail with the fees

Let me know if you have any questions.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2041-1, Rodney Benson (Bridger Canyon LLC)**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2041-1, Rodney Benson (Bridger Canyon LLC), 11652 Lazy HD Lane, Saint Onge SD 57779.

The Chief Engineer is recommending APPROVAL of Application No. 2041-1 with a twenty-year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, 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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2041-1 is issued for a twenty-year term. Pursuant to SDCL 46-2A-21, the twenty-year term may be deleted at any time during the twenty-year period or following its expiration. If the twenty-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2041-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 2041-1 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.
5. Water Permit No. 2041-1 appropriates up to 2 acre-feet of water annually.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
March 14, 2025

Report to the Chief Engineer

On Water Permit Application No. 2041-1

Rodney Benson (Bridger Canyon LLC)

03/14/2025

Water Permit Application No. 2041-1 proposes to appropriate up to 2 acre-feet of water annually at a maximum pump rate of 0.34 cubic feet of water per second (cfs) from one well to be completed into the Madison aquifer (approximately 1,580 feet deep) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T6N-R3E. Water is to be used in a water distribution system for domestic purposes and rural water system use in a housing development, located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8-T6N-R3E. This site is located in Lawrence County approximately four miles east of the city center of Spearfish, SD.

AQUIFER: Madison Limestone (MDSN)

HYDROGEOLOGY:

The Madison Group in South Dakota is a Lower Mississippian and Upper Devonian aged group of formations that in the Black Hills consists of the Englewood and Pahasapa Limestone formations (Fahrenbach et al., 2010). The Pahasapa Limestone is a “white, light-gray to tan, fine- to medium-grained limestone and dolomite containing brown to gray chert” (Martin et al., 2004). The Englewood Limestone is a “pink to lavender to light-gray, thin- to medium-bedded, fine- to medium-grained, argillaceous, dolomitic limestone” (Martin et al., 2004). The Madison aquifer consists of the permeable and porous portions of the Madison Group that are sufficiently saturated to deliver useful quantities of water. The Madison aquifer extends over more than 210,000 square miles in Montana, Wyoming, North Dakota, South Dakota, and Nebraska (Downey, 1984) although, it may not be suitable as a source of water in all those areas due to extreme depth to the aquifer and poor water quality far from the outcrops (Carter, 2002). It crops out in the Black Hills and is buried elsewhere in South Dakota (Downey, 1984). The Madison aquifer may be hydrologically connected to the underlying Deadwood aquifer. It is also hydrologically connected to the overlying Minnelusa aquifer (Long, 2002). The Minnelusa aquifer overlies the Madison unconformably (Fahrenbach et al., 2010), which means there was a period of erosion or weathering between when the Madison Group and the Minnelusa Formation were deposited. Transmissivity in the Madison aquifer mainly comes from secondary porosity features such as solution cavities, faults, and fractures (Long, 2002). Because most of the transmissivity in the Madison aquifer comes from secondary porosity features, aquifer characteristics in the Madison aquifer vary greatly from location to location (Long, 2002).

No well completion report was filed for this application, but the proposed well depth and location corresponds to the Madison aquifer. Carter and Redden (1999) estimated the top of the Madison Limestone at approximately 2,450 feet mean sea level (ft msl) (NGVD29) and McKaskey (2013) potentiometric surface mapping of the Madison aquifer estimated the water level of the Madison aquifer at approximately 3,450 ft msl (NAVD 88). Since both of these references are for use on a regional scale and climatic variability, the exact top of the Madison

Limestone and water level may differ slightly from these estimates. However, given the scale of the area, the difference between the vertical datums is negligible. Historically, both of these references have generally provided good insight into the Madison aquifer (Water Rights, 2025c). Based on the estimated elevations, the Madison aquifer is expected to be under confined conditions at the well site. While the nearest wells on file to the proposed well location are for shallower aquifers than the Madison, the well completion reports on file for Madison wells within two miles support the Madison being under confined conditions at the proposed well site (Water Rights, 2025d).

SOUTH DAKOTA CODIFIED LAW (SDCL)

Water Permit Application No. 2041-1 proposes to appropriate water from the Madison aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, SDCL 46-2A-9 & SDCL 46-2A-20.

Pursuant to SDCL 46-6-3.1,

“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 Madison Group is stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010) and the water for this application, if approved, will be used for a water distribution system. Therefore, the Water Management Board’s authority to approve this application is not restricted by whether recharge exceeds withdrawals. However, a statewide and local hydrologic budget is included in this report for the information of the Chief Engineer and the Water Management Board.

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 Madison aquifer.

Pursuant to SDCL 46-2A-20,

“Notwithstanding §§ 46-1-14 and 46-2A-7, no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence,

Meade and Pennington counties may be issued for a term of more than twenty years, unless the Water Management Board determines, based upon the evidence presented at a hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and*
- (2) The information, whether provided by the applicant or by other means, shows that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."*

In addition to the requirements set forth by SDCL 46-2A-9, the Water Management Board must consider the effect this application may have on nearby Madison aquifer wells and springs. This application is subject to a 20-year term limit.

HYDROLOGIC BUDGET:

Statewide Recharge

The Madison aquifer receives recharge from the infiltration of precipitation and streamflow on the outcrop area and may also receive inflow from the underlying Deadwood aquifer (Carter, et al., 2001). There are several reports available that estimate recharge to the Madison aquifer.

Woodward-Clyde Consultants (1981) estimated recharge to the outcrop of the Madison aquifer in the Black Hills to assess the potential impacts of then-proposed ETSI Coal Slurry Pipeline Project on ground and surface water resources. The upper-bound estimate of recharge in the Woodward-Clyde Consultants (1981) report is approximately 400,000 ac-ft/yr, assuming almost all of the precipitation that falls on the outcrop infiltrates into the aquifer. Woodward-Clyde Consultants (1981) produced a lower-bound recharge estimate of 140,000 ac-ft/yr based on the Rahn and Gries (1973) report. However, the Rahn and Gries report (1973) estimated recharge for all Paleozoic limestone in the Black Hills, which includes the Madison Group, the Minnelusa Formation, and the Minnekahta Formation. Rahn and Gries (1973) reported that 146.6 cfs was their minimum estimated recharge rate for the Paleozoic limestone from infiltration of precipitation, which converts to approximately 106,000 ac-ft/yr for all Paleozoic formations. The Woodward-Clyde Consultants report does not acknowledge that the Rahn and Gries (1973) report estimated minimum recharge for a larger group of formations than only the Madison aquifer and therefore the minimum recharge to the Madison aquifer as stated in the Woodward-Clyde Consultants (1981) is likely an overestimate.

Carter, et al. (2001) analyzed streamflow and precipitation data from water years 1931 to 1998 in the Black Hills area in South Dakota and Wyoming to determine the average annual recharge to the Madison and Minnelusa aquifers. They estimated a combined average annual recharge to both aquifers to be 344 cfs, or approximately 249,000 ac-ft/yr, not including possible flow from the Deadwood aquifer (Carter, et al., 2001). Carter, et al., (2001) estimated that approximately 55% of the recharge goes to the Madison aquifer, resulting in the total estimated average recharge to the Madison aquifer from the outcrop in the Black Hills to be approximately 137,000

ac-ft/yr, not including possible inflow from adjacent aquifers or from the Madison aquifer outside of South Dakota. The Carter, et al., (2001) report uses more years of data, more recent data, and better assumptions than the Woodward-Clyde Consultants (1981) and Rahn and Gries (1973) reports. Therefore, the best estimate of recharge to the Madison aquifer is based on the Carter, et al., (2001) report.

Statewide Discharge

Discharge from the Madison aquifer in South Dakota is mainly by outflow to other aquifers when the hydraulic head in the Madison aquifer is higher than other aquifers, outflow to springs and seeps, and withdrawals by domestic and appropriative wells (Carter, et al., (2001); Water Rights, 2025d). Due to the presence of overlying aquifers and water distribution systems in many areas of the aquifer, domestic well withdrawals are a negligible portion of the hydrologic budget of the Madison aquifer. There are 177 water rights/permits currently authorized to withdraw from the Madison aquifer and 11 future use water rights/permits reserving water from the Madison aquifer (Water Rights, 2025c). Table 1 lists the future use permits.

Future use Permit Nos. 369-1 and 439-2 are assigned to multiple aquifers, but Table 1 will only list the reserved water from the Madison aquifer. Future use Permit No. 369-1 reserves 1,238 acre-feet annually from the Spearfish Creek alluvium, 620 acre-feet annually from the Minnelusa aquifer, and 620 acre-feet from the Madison aquifer. Future use Permit No. 439-2 reserves 3,367 acre-feet annually from the Madison aquifer for Meadowbrook Gallery. The remaining 2,172 acre-feet reserves water from the Minnelusa aquifer for Jackson Springs and Sioux Park Gallery.

Table 1. Future Use Permits from the Madison aquifer (Water Rights, 2025c)

Permit No.	Name/Business	County	Use	Priority Date	Amount Reserved (ac-ft/yr)
369-1	City of Belle Fourche	LA	MUN	12/10/1958	620
*439-2	City of Rapid City	PE	MUN	09/22/1956	3,367
1833-2	Weston Heights Home Owners	MD	RWS	02/18/1983	211
1872-1	City of Spearfish	LA	MUN	11/13/2006	2,704
1995-1	Black Hawk Water User District	MD	RWS	04/15/2020	1,300
2028-1	Bear Butte Valley Water, Inc	MD	RWS, WDS	03/23/2023	440
2086-2	City of Rapid City	PE	MUN	05/18/1989	4,075
2086A-2	City of Rapid City	PE	MUN	01/26/2023	**
2560-2	Fall River Water Users District	FR	RWS	05/16/2005	358
2560A-2	Fall River Water Users District	FR	RWS	05/16/2005	**
2560B-2	Fall River Water Users District	FR	RWS	05/16/2005	**
2580-2	Southern Black Hills Water System	FR	RWS	03/02/2006	1,474
				Total	14,549
FR - Fall River, LA - Lawrence, MD - Meade, PE - Pennington					
MUN - Municipal, RWS - Rural Water System, WDS - Water Distribution System					
* This permit reserves water from multiple aquifers but is assumed to withdraw solely from the Madison for estimation of the hydrologic budget; ** expands the future use area that was authorized by future use permit numbers 2086-2 and 2560-2					

Of the 177 active water rights/permits, 108 are primarily for water distribution systems (rural water system, municipal, suburban housing development, etc.), 34 primarily for irrigation, 15 for commercial use, 11 for industrial use, 4 for domestic use, 2 for geothermal use, 2 for institutional use, and one for recreation (Water Rights, 2025c). The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have multiple uses (Water Rights, 2025c). 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 DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2025c).

There are seven water rights/permits authorized to appropriate water from the Madison aquifer that are identified as being connected to a rural water system (RWS) and likely maintain their wells for standby purposes (Drinking Water Program, 2025; Water Rights, 2025c). These include Water Right/Permit Nos. 1628-2, 1709-1, 1858-2, 272-1, 568-2, 574-2, and 743-1. As a result, the average annual water use for these water rights has been estimated to be zero acre-feet per year.

Table 2. The non-irrigation water rights/permits authorized to appropriate from the Madison aquifer with estimated annual use determined by their respective diversion rate or annual volume (Drinking Water Program, 2025; Water Rights, 2025c)

Use Type	Count	Diversion Rate (cfs)	Estimated Diversion Rate Total (ac-ft/yr)	Limited by Volume (ac-ft/yr)	Total Estimated Use (ac-ft/yr)
Commercial	15	1.04	452.2	1064.3	1,516.5
Domestic	4	0.22	95.6	71	166.568
Geothermal	2	1.43	621.2		621.192
Industrial	11	4.88	2,119.9	301.3	2,421.2
Institutional	2	0.2	86.9		86.88
Municipal	36	16.82	7,306.6	18,156	25,462.6
Recreational	1			28.8	28.8
Rural Water System	20	3.853	1,673.7	5152	6,825.7
Suburban Housing Development	40	6.86	2,980	339.2	3,319.2
Water Distribution System	12			3,329.8	3,329.8
Total:	142	35.3	15,336.1	28,442.4	43,778.5

Overall, the estimated average annual withdrawal rate from the Madison aquifer by the non-irrigation water rights/permits is approximately 43,778.5 acre-feet per year (Table 2) (Water Rights, 2025c).

Estimated withdrawals for irrigation use are shown in Table 3. When there are more than 10 years of data available, the average reported irrigation was used to estimate irrigation withdrawals. When there were fewer than 10 years of irrigation reports available, withdrawals are assumed to equal two acre-feet per acre, although actual usage is likely less for non-turf irrigation. In addition to the two acre-feet per acre annual estimation, permit holders with non-irrigation as a secondary use are also assumed to withdraw at their maximum instantaneous

diversion rate 60% of the time. In the case of Water Right No. 1885-1, that would have caused the total estimated withdrawal to exceed the rate they were physically capable of withdrawing, so their total estimated withdrawal is 100% of their maximum instantaneous diversion rate.

Table 3. Permits with irrigation listed as one beneficial use, or are connected to an irrigation permit (Water Rights, 2025c)

Permit No.	Name/Business	Status	Diversion rate (cfs)	Acres Licensed/ Permitted	Average Report (ac-ft/yr)	Years of Irrigation Reports	Est. average irrigation (ac-ft/yr)	Est. Non-irr. Use (ac-ft/yr)	Total Est. Withdrawal (ac-ft/yr)
2773-2	ARROWHEAD COUNTRY CLUB	PE	1.11	100	0	6	200	0	200
1635-1	BLACK HILLS NATIONAL CEMETERY	LC	0.82	54.5	89.8	28	89.8	356.2	446
1452-1	BLACK HILLS STATE COLLEGE	LC	3.33	25.4	20	35	20	1,446.6	1,466.6
1670-1	BUDDY L, PEGGY A, KAMI S IRELAND	LC	3.61	253	45.8	26	*	*	*
1096A-1	BUTTE MEADE SANITARY DIST	PE	1.33	0	N/A	0	*	*	963.5
2458-2	CITY OF RAPID CITY	LC	0.80	107	104.6	23	104.6	0	104.6
2002-1	CITY OF SPEARFISH	PE	1.33	40	0	3	80	0	80
2313-2	COCA-COLA BOTTLING	LC	0.33	3	6.5	29	6.5	143.4	149.9
1899-1	DAVIS RANCHES INC	LC	1.43	100	0	15	0	0	0
1650-1	DENNIS L MILLER	LC	0.89	0	85.4	1	*	*	55.9
2673-2	DIOCESE OF RAPID CITY	LC	0.12	7	8.3	11	8.3	0	8.3
1009-1	DONALD F/ANN J BRADY	LC	0.78	53.7	29	42	29	338.8	367.9
1185-1	DONALD F/ANN J BRADY	LC	0.38	22.5	109.1	42	109.1	***	109.1
2286-2	DONALD KONECHNE	LC	0.10	38.5	10.2	30	10.2	0	10.2
1931-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	LC	0.17	3.3	3.1	11	3.1	73.8	76.9
1707A-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	PE	3.71	100	0	4	0	1,609.5	1,609.5
1707E-1**	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	PE	0.00	0	14.2	17	14.2	0	14.2
1945-1	FRAWLEY RANCHES LLC	PE	1.11	265	51.2	10	530	0	530
1858-1	GLENCOE CAMP RESORT II LLC	LC	0.86	34	0	18	0	373.6	373.6
2593-2	HART RANCH DEVELOPMENT	LC	0.49	72.5	28.5	17	28.5	212.9	241.3
1911-2	HART RANCH DEVELOPMENT CO	LC	0.88	124	117.8	30	117.8	382.3	500.1
1725-2	JANICE R CROWSER	LC	1.07	75.1	0.9	26	0.9	0	0.9
2037-1	JARED AND ANNA LUKENS-BLACK	PE	0.60	0.6	0	0	1.2	0	1.2
2012-1	JESSE HORSTMANN	PE	0.50	43.5	0	2	87	0	87
858-2	JOHN & HEIDI MCBRIDE	LC	9.36	655.8	6.4	40	6.4	0	6.4
1885-1	JOHN T & VERONICA WIDDOSS	LC	0.11	22	18.07	7	44	47.8	79.7
1960-1	ONE DIAMOND INC	LC	1.28	150	134.3	8	300	556	856.0
1223-1	P & L WATER AND HAY LLP	LC	0.67	263	186.1	42	186.1	0	186.1
1923-1	ROGER & JEAN RANSCHAU	LC	0.11	3	0.7	13	0.7	47.8	48.5
2013-1	SANTA MARIA LAND & CATTLE CORP	PE	2.22	460	0	1	920	0	920
1363-1	SPEARFISH CANYON COUNTRY CLUB	LC	0.90	80.1	64.3	37	64.3	0	64.3
2106-2	STUART RICE	LC	0.08	2.8	0.8	32	0.8	34.8	35.5
1842-1	TOM C DAVIS	LC	0.44	330	0	19	0	0	0
2741-2	TUBBS LAND & CATTLE LLC	PE	3.34	567	169.8	5	1,134	0	1,134
2879-2	WEINREIS BROTHERS	PE	0.50	75	0.0	0	150	0	150
419-2	WIND CAVE NATIONAL PARK	LC	0.15	6	N/A	0	12	65.2	77.2
TOTAL			44.91	4,137	1,305	630	4,258	2,632	10,954

*Discussed in text. ** gives additional time to develop 1707A-1. *** Reports all use types in irrigation report

Water Right/Permit Nos. 1096A-1, 1496-1, and 1670-1 are all authorized to withdraw from the same well and one dam. Water Right Nos. 1096A-1 and 1670-1 authorize diversion of water for irrigation use and Water Right No. 1096A-1 and Water Permit No. 1496-1 authorize diversion of water for rural water system use. Documentation in the administrative file for Water Right No. 1670-1 indicates that the well is not valved such that it can be shut off when not in use for the beneficial uses listed on the permits. A letter dated September 9, 1988, indicates that when the water for that well is not being used for the beneficial uses described in the permits, it is used for fish and wildlife propagation. The person writing the letter indicated they would prefer the Water Management Board not order the well to be shut off when not used for irrigation or rural water listed in Water Right No. 1096A-1 of 1.33 cfs, that well withdraws approximately 963 ac-ft/yr from the Madison aquifer.

Water Right No. 1650-1 does not require the water right holder to report annual withdrawals and allocates no acreage. It provides supplemental water supply from a flowing well for Water Right No. 1231-1. Water Right No. 1231-1 permits a 110 acre-ft dam to provide water for a commercial livestock operation and irrigation of 134 acres. Water Right No. 1650-1 allows for direct irrigation from a Madison aquifer well of up to 2 acre-ft per acre for the land permitted by Water Right No. 1231-1. Kilts estimated that Water Right No. 1650-1 withdraws 55.9 ac-ft/yr (Kilts, 2019). This water right was transferred to a new owner in 2021. For the 2023 irrigation season, the owner reported using 85.36 ac-ft of water for irrigation. As this is the only year this owner has reported, the value of 55.9 ac-ft/yr will be used as their average until more years of reporting can establish an average.

Water Permit Application No. 2585-2 for Southern Black Hills Water System proposes to appropriate 1,600 ac-ft/yr but is deferred for further study. Water Permit Application No. 2685-2 for Powertech, Inc is held in abeyance pending federal permitting and proposes to appropriate 889 ac-ft/yr.

There are domestic wells completed into the Madison aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). 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 water distribution systems in areas where the Madison aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to water distribution systems. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Madison aquifer.

Statewide Hydrologic Budget Summary

The estimated average annual recharge rate to the Madison aquifer is approximately 137,000 acre-feet per year. The estimated average annual withdrawal rate from the Madison aquifer is approximately 71,773 acre-feet per year (listed on Table 4). This application proposes to withdraw up to 2 ac-ft/yr, if approved, assuming the applicant withdraws their full volume appropriation. Therefore, based on the statewide hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 4. Statewide Approximated Appropriative withdrawals from Madison aquifer

Use Type	Estimated Use (acre-feet/year)
Future Use Reservations	14,549
Non-Irrigation	43,778.5
Irrigation	10,954
Deferred and pending applications	2,489
Water Permit App. No. 2041-1, <i>if approved</i> , assuming full volume	2
Total	71,773

Local Hydrologic Budgets

While the statewide hydrologic budget is used as the basis for determination of availability of water, other studies exist which have focused on smaller areas of the Black Hills. This section will address estimated withdrawals within those areas for the information of the Chief Engineer and the Water Management Board.

Carter, et al. (2001)

Carter, et al. (2001) used streamflow, precipitation, spring flow, estimated ground water flow, and well withdrawal data from 1987 to 1996 for hydrologic budgets for subareas of the Minnelusa and Madison aquifers. This application is in Subarea 1 of their report. The boundaries of the Carter, et al. (2001) subareas were designed to minimize flow across subarea boundaries. Carter, et al. (2001) estimated the total recharge to the Madison and Minnelusa aquifers in Subarea 1 was 130.7 cfs. Assuming 55% of the recharge goes to the Madison aquifer, the estimated recharge to the Madison aquifer in Subarea 1 is 71.9 cfs, or approximately 52,100 ac-ft/yr (Carter et. al, 2001). Carter, et al. (2001) do not provide values for the recharge area of the Madison and Minnelusa formations for each subarea in their report, so it is possible the proportion of recharge area to those two aquifers is different within each subarea. There are 38 water rights/permits authorized to withdraw from Subarea 1 and two future use permits reserving water from Subarea 1. Domestic well withdrawals are negligible on the scale of this hydrologic budget. Using the same methods as described in the Statewide Discharge section, the total estimated withdrawal from Subarea 1 is 20,070 ac-ft/yr as compared to the estimated recharge of 52,100 ac-ft/yr. This application proposes to withdraw up to 2 ac-ft/yr, if approved, to maintain a 20,000-gallon reservoir. Therefore, based on the local budget in combination with other information available, there is reasonable probability unappropriated water is available for this application.

Putnam and Long (2007)

Putnam and Long (2007) evaluated the Madison and Minnelusa aquifers in the northern half of Lawrence County for groundwater quality and flow. Putnam and Long (2007) estimated the average annual recharge rate directly to the Madison aquifer within their study area to be 16.5 cfs (11,945.5 acre-feet per year) from areal recharge (recharge from precipitation on the outcrop of the aquifer) and streamflow recharge. Additionally, Putnam and Long (2007) estimated there was 6.0 cfs (4,343.8 acre-feet per year) of recharge from streamflow loss zones in Bear Gulch and Beaver Creek being split between the Madison and Minnelusa aquifers (Putnam and Long, 2007). Putnam and Long (2007) report does not specifically attribute to either the Madison or Minnelusa aquifers. Therefore, based on the Putnam and Long (2007) report, recharge to the Madison aquifer in the area of that study is 17.9 cfs, equivalent to 12,968 ac-ft/yr.; that estimate does not include recharge from groundwater inflows from other parts of the Madison aquifer. There are 43 water rights/permits and two future use permits appropriating or reserving water from the Madison aquifer in the area of the Putnam and Long (2007) study area in an amount of 15,915 ac-ft/yr. This application seeks to appropriate up to 2 ac-ft/yr. This hydrologic budget does not include recharge from groundwater flow from other areas of the Madison aquifer and

estimated use by permits only limited by discharge rate are likely to be higher than actual withdrawals.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to 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 DNR-Water Rights Program monitors 25 observation wells completed into the Madison aquifer (Water Rights, 2025b). The three closest observation wells in order of proximity to the proposed diversion point are LA-95A (approximately 2.5 miles southeast), LA-88C (approximately 4 miles west), and LA-96B (approximately 7.4 miles southwest) (Water Rights, 2025b). From some time in 2018 through late 2023, observation well LA-96B had an object lodged in its casing, preventing measurement. The hydrographs for these observation wells are displayed in Figure 1 (Water Rights, 2025b). 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 which were then converted to elevation in feet from the NGVD29 datum.

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Madison aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 1 (Water Rights, 2025b). The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. The hydrographs for the Madison aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Madison aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

DANR-Water Rights Observation Wells: LA-95A, LA-88C & LA-96B

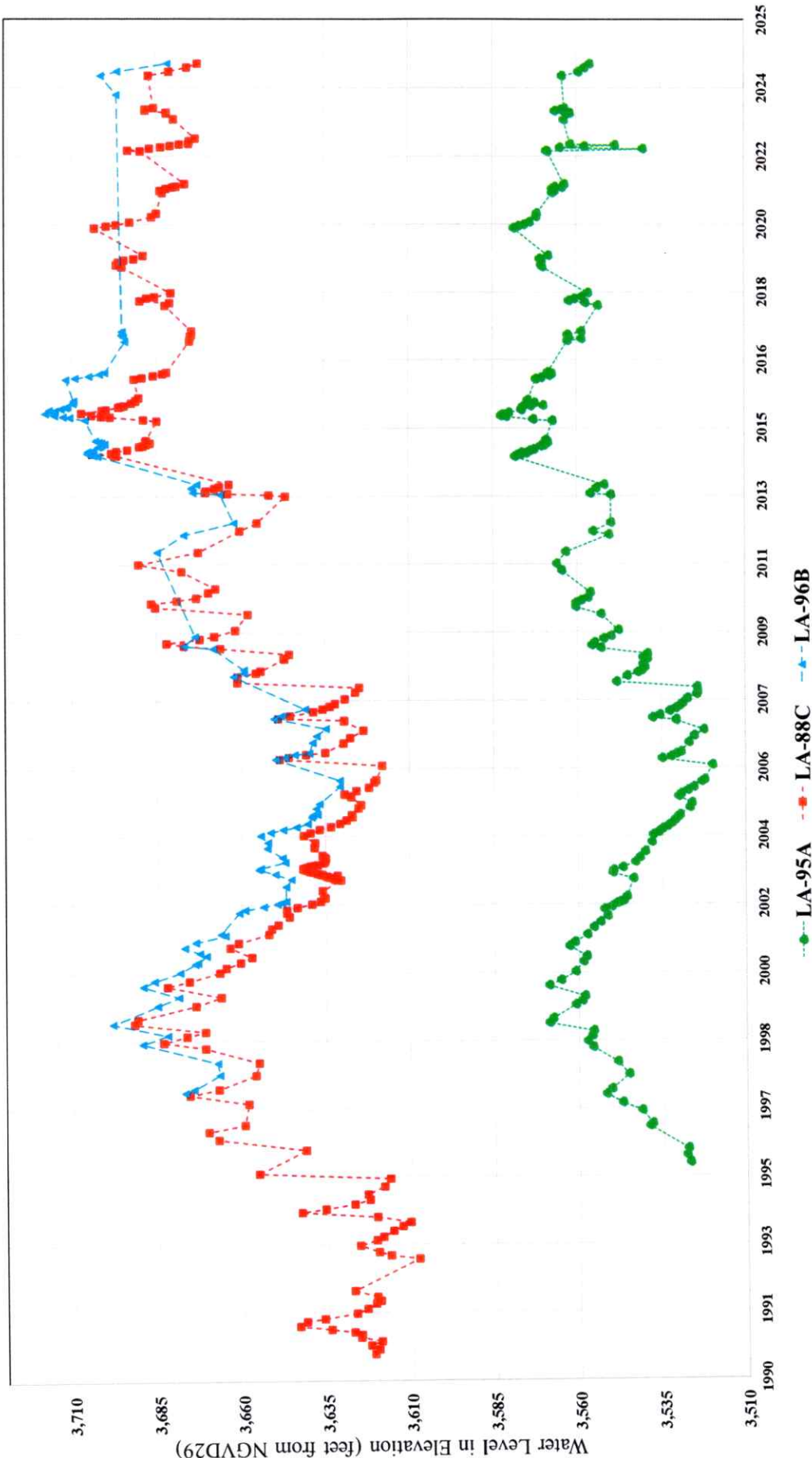


Figure 1. A graph showing the elevation of water levels for observation wells: LA-95A, LA-88C & LA-96B (Water Rights, 2025b)

Table 5. Water rights/permits authorized to withdraw or reserve water from the Madison aquifer as shown in Figure 2 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Authorized Acres (ac-ft/yr)
1452-1	BLACK HILLS STATE COLLEGE	LC	IRR	3.33	25.44
1987-1	CENTENNIAL VISTA ESTATES HOMEOWNERS ASSOC	LC	DOM	0.06	
579-1	CITY OF SPEARFISH	LC	MUN	1.20	
1229-1A	CITY OF SPEARFISH	LC	MUN	1.45	
1359-1	CITY OF SPEARFISH	LC	MUN	1.17	
1579-1	CITY OF SPEARFISH	LC	MUN	4.45	
1872-1	CITY OF SPEARFISH	FU	FU		2,704
1901-1	CITY OF SPEARFISH	LC	MUN	2.67	
1955-1	CITY OF SPEARFISH	LC	MUN	1.56	
2002-1	CITY OF SPEARFISH	PE	IRR	1.33	40
2030-1	CITY OF SPEARFISH	PE	MUN	1.78	679
1707A-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	PE	IRR	3.71	100
*1707E-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	PE	IRR		
1931-1	ELKHORN RIDGE @ FRAWLEY RANCHES LLC	LC	IRR	0.17	3.3
1945-1	FRAWLEY RANCHES LLC	PE	IRR	1.11	265
1854-1	OLD APOSTOLIC LUTHERAN CHURCH OF SPEARFISH	LC	INS	0.170	
1960-1	ONE DIAMOND INC	LC	IRR	1.280	150.00
1599-1	MOUNTAIN PLAINS 2 HOMEOWNERS ASSOC	LC	SHD	0.21	
2070-1	RAE MARIE HOMES LLC	PE	WDS	0.11	45
1923-1	ROGER & JEAN RANSHAU	LC	IRR	0.11	21.25
1187-1A	SIMON CONTRACTORS	LC	IND	0.04	
1547-1	SIMON CONTRACTORS	LC	IND	0.09	
1916-1	SIMON CONTRACTORS	LC	IND	0.220	
1363-1	SPEARFISH CANYON CNTRY CL	LC	IRR	0.90	80.10
1435-1	SPEARFISH PELLET COMPANY LLC	LC	IND	0.89	
1888-1	VALLEY VIEW WATER ASSOCIATION INC	LC	SHD	0.190	
LC: License; PE: Permit; FU: Future Use; DOM: Domestic; IND: Industrial; INS: Institutional; IRR: Irrigation; MUN: Municipal; SHD: Suburban Housing Development; WDS: Water Distribution Sytem; * This permit is for an extention of time on 1707A-1					

No well completion report was filed for this application, but the Madison is expected to be under confined conditions at the proposed well site. Based on information from Carter and Redden (1999) as well as well completion reports in this area (Water Rights, 2025d) there is expected to be at least 200 feet of saturated aquifer thickness at the proposed well location. This would allow for enough thickness for a pump 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). Any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells. In Lawrence County, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Madison aquifer (Water Rights, 2025e).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Water Management 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 Water Management 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 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Madison aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), stable to increasing observation well water levels, and the relatively small annual volume requested, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 2041-1 proposes to appropriate up to 2 acre-feet of water annually at a maximum pump rate of 0.34 cfs from one well to be completed into the Madison aquifer (approximately 1,580 feet deep) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T6N-R3E. Water is to be used in a water distribution system for domestic purposes, and rural water system use in a housing development, located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8-T6N-R3E. This site is located in Lawrence County approximately four miles east of the city center of Spearfish, SD.
2. Based on the statewide hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Madison aquifer to supply the proposed appropriation.
3. There is reasonable probability that the proposed diversion by Water Permit Application No. 2041-1 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



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Natural Resources Engineer I
SD DANR - Water Rights Program



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

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**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 NEWSPAPER RIGHT AWAY.**

March 17, 2025

Bridger Canyon LLC
c/o Rodney Benson
11652 Lazy HD Lane
Saint Onge SD 57779

Dear Mr. Benson:

Water Permit Application No. 2041-1 for water distribution system, rural water system, and domestic 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 in 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,

Rachel Rodriguez

Rachel Rodriguez
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.

NOTICE OF APPLICATION NO. 2041-1 to Appropriate Water

Notice is given that Rodney Benson (Bridger Canyon LLC), 11652 Lazy HD Lane, Saint Onge SD 57779, has filed an application for a water permit to appropriate up to 2 acre-feet of water annually at a maximum pump rate of 0.34 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 1,580 feet deep) in the SE 1/4 NE 1/4 Section 8-T6N-R3E. Water is to be used in a water distribution system for domestic, and rural water system use in a housing development, located in the E 1/2 NE 1/4 Section 8-T6N-R3E. This site is located approximately four miles east of the city center of Spearfish SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2041-1 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 April 7, 2025.

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 April 7, 2025.

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 _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 17, 2025 8:54 AM
To: legals@bhpioneer.com
Subject: 2041-1 Bridger Canyon LLC - Public Notice
Attachments: 2041-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 27, 2025.

Rodney Benson (Bridger Canyon LLC), 11652 Lazy HD Lane, Saint Onge SD 57779, 605-645-4167 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



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. 2041-1

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 27th day of March, 2025, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 40.28, 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 1st day of Apr., 2025

[Signature]

Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2025

NOTICE OF APPLICATION NO. 2041-1 to Appropriate Water

Notice is given that Rodney Benson (Bridger Canyon LLC), 11652 Lazy HD Lane, Saint Onge SD 57779, has filed an application for a water permit to appropriate up to 2 acre-feet of water annually at a maximum pump rate of 0.34 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 1,580 feet deep) in the SE 1/4 NE 1/4 Section 8-T6N-R3E. Water is to be used in a water distribution system for domestic, and rural water system use in a housing development, located in the E 1/2 NE 1/4 Section 8-T6N-R3E. This site is located approximately four miles east of the city center of Spearfish SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2041-1 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.

RECEIVED

APR 04 2025

OFFICE OF
WATER

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 April 7, 2025.

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

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 April 7, 2025.

to the applicant and any person filing a petition.

Published once at the total approximate cost of \$41.73 and can be viewed free of charge at www.sd-publicnotices.com.

#960
Mar 27

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 17, 2025 8:58 AM
To: rodney@falsebottomconstruction.com
Subject: 2041-1 Bridger Canyon LLC - Public Notice
Attachments: 2041-1 Rec.pdf; 2041-1 Ltr.pdf; 2041-1 PubNotice.pdf

Good morning,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 16 2025

Rodney Benson
Bridger Canyon LLC
11652 Lazy HD Lane
Saint Onge SD 57779

Dear Mr. Benson:

Enclosed is Water Permit No. 2041-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosures



**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
Posting on DANR Website**

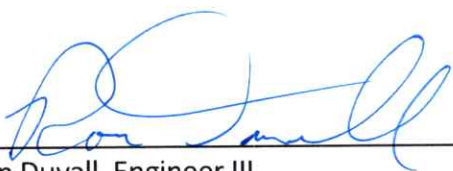
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 2041-1

Name of Applicant: Rodney Benson (Bridger Canyon LLC)

Date of Posting: 3/24/2025

Date of Removal: 4/16/2025



Ron Duvall, Engineer III

4/16/2025

Date

Subscribed and sworn to before me, a notary public, this 16th day of April, 2025.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



2041-1

Dewell, Amanda

From: Rodriguez, Rachel
Sent: Tuesday, February 17, 2026 2:01 PM
To: Dewell, Amanda
Subject: FW: [EXT] Changing the location of the well
Attachments: Bridger Canyon Well Placemet.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Amanda,

Here's the new proposed well location for Water Permit 2041-1. It was going to be drilled in the SE 1/4 NE 1/4 Section 8-T6N-R3E.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodney Benson <rodney@falsebottomconstruction.com>
Sent: Tuesday, February 17, 2026 1:53 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Changing the location of the well

Rachel,

Here is the proposed new location to keep the well out of the flood plain.

6N 3E
NE/NE Section 08
Marked with a **red X**.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, February 17, 2026 1:40 PM
To: Rodney Benson <rodney@falsebottomconstruction.com>
Subject: Changing the location of the well

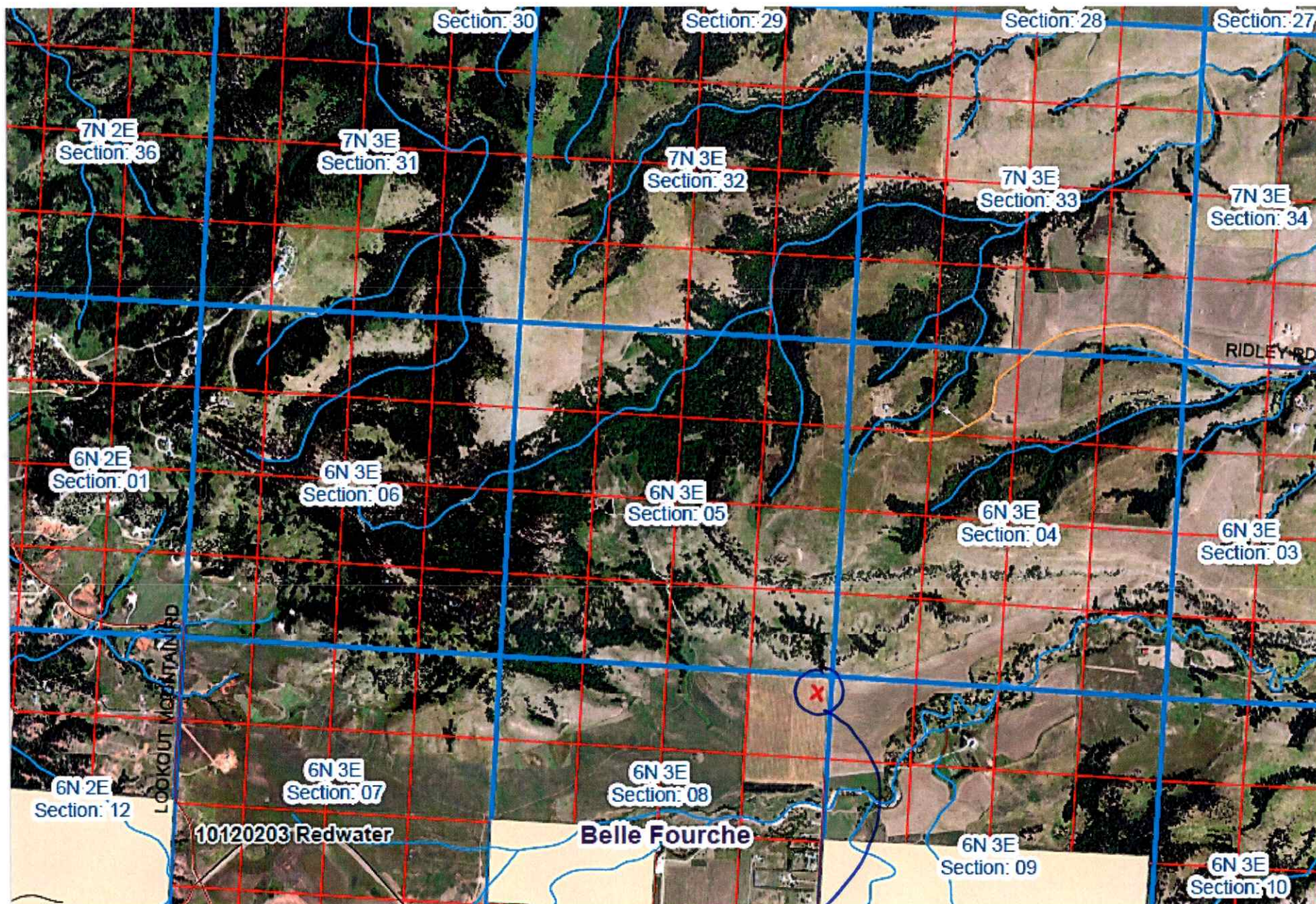
Good Afternoon Rodney,

I spoke with a co-worker regarding changing the location of the well for Water Permit 2041-1. Would you please mark the new proposed location of the well on the attached map. We may be able to do this “in-house” once we know the new location.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





NE 1/4 NE 1/4 - 8-6N-3E
(44.50277/-103.77061)

Approval of Location Change and/or Additional Diversion Point(s)NAME: Bridger Canyon LLC COUNTY: LawrenceADDRESS: 11652 Lazy HD Ln, Saint Onge SD 57779DATE: February 23, 2026**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Permit No. 2041-1 authorizes the appropriation of up to 2.0 ac-ft of water annually at a maximum rate of 0.34 cfs from one well completed into the Madison Aquifer (MDSN), to be located in the SE ¼ NE ¼ Section 8-T6N-R3E, with water being used for domestic service of a housing development (rural water system & water distribution system).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased.

Developed water source same as permitted source and no additional water appropriated,

On February 17, 2026, the Water Rights Program received a request submitted by Rodney Benson (w/ False Bottom Construction) asking that the location of the authorized well be allowed to move approx. 1,900 ft north of the original location. The reason for the request is to keep the well out of the flood plain. The well will be developed in the NE ¼ NE ¼ Sec 8-T6N-R3E. Changes in the well's authorized location will not result in, nor authorize an increase to, the 0.34 cfs pump rate or the 2.0 ac-ft annual volume authorized by WP No. 2041-1.

If irrigation, no new land is irrigated,

No acres are permitted for irrigation by the processing of this request.

Review of Existing Diversions

There are 58 other existing water permits/rights within 5 miles of the well requested by Mr. Benson; 20 of which also authorize diversion from MDSN. The nearest permit/right authorized for diversion from the MDSN is 2030-1 (City of Spearfish), located approximately 1.5 miles south of the newly proposed well site. It was determined in the review of WP No. 2041-1 that there was reasonable probability any interference due to pumping would not adversely or unlawfully impair the authorized well sites under WR No. 1923-1 or other existing rights, therefore the same would be expected of the new well location, which actually moves the well farther away. While there is a long history of complaints being received by the Water Rights Program in Lawrence County, the vast majority are regarding surface water, with no history of well interference complaints in the area near WP No. 2041-1.

The closest domestic well on file with the Water Rights Program (completed into the MDSN) is approximately 1.7 miles east-southeast of the new location, in the SE ¼ SW ¼ Section 6-T6N-R3E. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in diversion point location be approved.



Amanda Dewell, Permitting Administrator
Water Rights Program

02/24/2026



Kim Drennon, Eng III

2/20/26

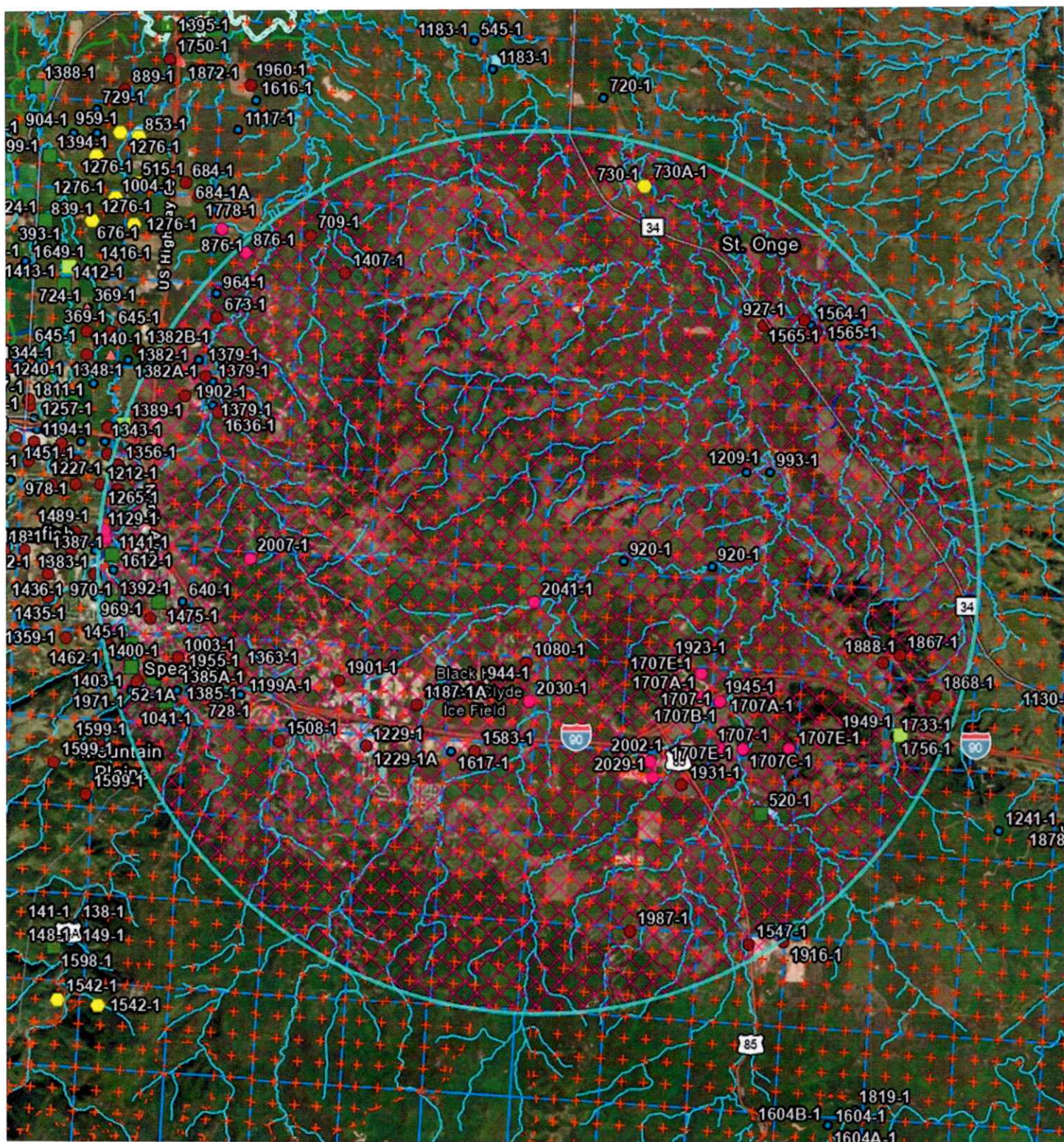
The Acting Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



02/24/2026

Adam Mathiowetz, PE
Acting Chief Engineer



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, February 24, 2026 11:03 AM
To: Rodney Benson
Cc: Mathiowetz, Adam (DENR)
Subject: FW: [EXT] Changing the location of the well
Attachments: 2014-1_dvp chng.pdf

Mr. Benson,

Attached, you will find approval for the change in proposed location for the well to be developed into the Madison Aquifer (approx. depth 1,580 ft), as otherwise authorized by Water Permit No. 2041-1. Be advised that approval of this change in location does NOT constitute approval of any increase to the authorized annual volume (2 ac-ft) or maximum rate of diversion (0.34 cfs) authorized by Water Permit No. 2041-1.

Please let me know if you have any questions or concerns.

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, February 17, 2026 2:01 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: FW: [EXT] Changing the location of the well

Amanda,

Here's the new proposed well location for Water Permit 2041-1. It was going to be drilled in the SE 1/4 NE 1/4 Section 8-T6N-R3E.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us