

WATER PERMIT NO. 2045-1

Name of Applicant: **DVC Cabin Investments, LLC.**

Address: **13602 Violet Bay Ct., Pearland TX 77584**

Phone: **903-470-0218**

Amount of Water Claimed: **0.10 cfs**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **COM**

County: **Lawrence**

Type of Waste Disposal System:

Location: **Approx. 5 miles southeast of Deadwood**

PRIORITY Date Received: **03-28-25**

Application/License Fee: **\$300.00**

Corrected Application Received: **04-04-25**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NE 1/4 SE 1/4 Sec 18-T4N-R4E**

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

Depth of Well: **110-116**

Well Driller: **Heaton, & Amon**

Remarks:

Type of Map: **aerial**

			18	x x	

Reviewed and the Number Assigned on: **04-04-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2045-1**

Date of first receipt of application March 28, 2025.

Date of return to applicant for corrections, amendments or changes April 3, 2025.

Date of receipt of corrected application April 7, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2045-1 to DVC Cabin Investments, LLC., 13602 Violet Bay Court, Pearland TX 77584, 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. 2045-1 appropriates up to 2.45 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (110 and 116 feet deep) located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. Water will be used for commercial purposes, serving multiple vacation rental cabins and an ATV wash station located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. This site is located approximately five miles southeast of Deadwood 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. 2045-1 is June 23, 2025.
5. The date from which applicant may claim right is March 28, 2025.
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 wells approved under Water Permit No. 2045-1 are 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 Crystalline Rock Aquifer.
3. Water Permit No. 2045-1 authorizes a total annual diversion of up to 2.45 acre-feet of water.

WATER MANAGEMENT BOARD

By: _____

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

7/21/25
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>2045-1</u> Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche</u>
	Newspaper <u>Spearfish Black Hills Pioneer</u>
	(office use only)

RECEIVED

MAR 28 2025

**OFFICE OF
WATER**

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

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

Type of Application:
(check one)

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

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

1. Name to Appear on Water Permit DVC CABIN INVESTMENTS, LLC

Mailing Address 13602 VIOLET BAY CT PEARLAND TX 77584
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 903-470-0218 Email dvcllc3@gmail.com

2. Amount of water claimed 0.10 *CFS or 45 **GPM and 2.45 ***AF or 798,900 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)

3. Source of water supply Ground water - two existing wells

4. Location of point of diversion Both wells are in the NE1/4 SE1/4 sec 18-T4N-R4E 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)

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used Jan 1 - Dec 31

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

6 vacation rentals (max occ. 12 ppl/cabin) and an
ATV washing station

I, Noriefel R. Manuel

Owner

Name of Person

Title (if applicable)

, the applicant, certify under 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)

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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 _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 wells Provide copy of log(s), if available. Drilled by Heaton and Aman

For either existing or proposed wells:

See well completion reports, new well completed Oct 12, 2024, uncertain if old well is identified on completion report dated June 21, 2004

c) Well Depth (required) 116 ft Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
Old well depth uncertain, believed to be similar to new well

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic tanks and drain fields

b) System Capacity (gallons) Total 4,850 Year Constructed 2010 - 2019

c) Connected to the City of Deadwood 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)

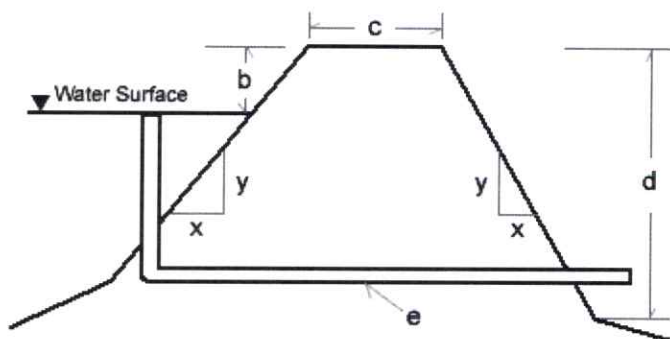
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Scale: 1 inch = 167 feet

230

Feet



DANR
SOUTH DAKOTA

Completed by:

Ron Duvall, W.R. Engineer
SD DANR, Water Rights Program

Date: March 21, 2025

Appl. No.

4N 3E
Section: 12

4N 4E
Section: 07

4N 4E
Section: 08

4N 3E
Section: 13

10120202 Lower Belle Fourche

Belle Fourche

4N 4E
Section: 18

4N 4E
Section: 17

4N 3E
Section: 24

4N 4E
Section: 19

4N 4E
Section: 20

Cheyenne

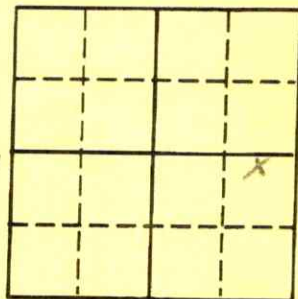
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 18 Twp 4N Rg 4E

County Lawrence

North



Please mark well location with an "X"

Well completion Date

Oct 12 2024

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

? 300 ft. from Septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

DTH

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2100</u> LB/FT	<u>6"</u> IN	<u>15</u> FT	<u>30</u> FT	<u>10"</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Type II</u>	<u>6</u>	<u>6-1</u> Lb/gal	<u>6</u> Ft	<u>30</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter _____ Inches Length _____ Feet
 Material _____
 Slot Size _____ Set From _____ Feet to _____ Feet
 Other information _____

WAS A PACKER OR SEAL USED?

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? NO pump
☐ No, Why Not?
 Lab sample sent to for water quality analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

Cole Cabin's

13602 Violet Bay Ct

Pearland, TX

77584

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Shist</u>	<u>0</u>	<u>127</u>
<u>Fractured</u>	<u>115</u>	<u>116</u>

STATIC WATER LEVEL

If flowing: closed in pressure

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 Dev @ 127
☐ Bailed 50 gpm
☒ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

MAR 28 2025

OFFICE OF

This well was drilled under license # 197

And this report is true and accurate

Drilling firm: Heaton Drilling LLC

Signature of License Representative: Ray Heaton

Signature of Well Owner or Equitable Property Holder: _____

Date:

Water Rights

523 E Capitol Ave.

Pierre SD 57501

Program

Please return WHITE COPY to: DENR Water Rights

RECEIVED

JAN 27 2025

OFFICE OF
WATER

RECEIVED

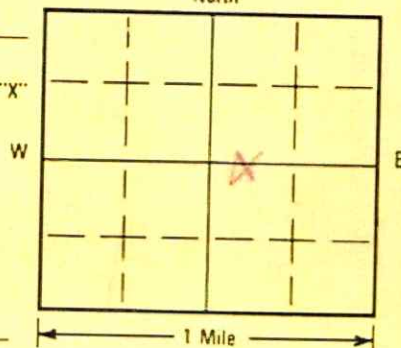
MAR 28 2025

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 Sec 18 Twp 4N Rg 4E
County Laurens North

Please mark well location with an "X"



Well Completion Date

6-21-04

Well Owner: Dave Cole

Business Name:

Address: P.O. Box 512

Deerwood S.D. 57732

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		
<u>Shale</u>		

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from Deerwood (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Air Blast

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>140</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>20</u> FT	<u>7</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>3</u>	<u>941/2</u> lb./gal	<u>0</u> ft	<u>30</u> ft

Describe grouting procedure Grout slurry on top of prod.

SCREEN ☒ Perforated pipe ☐ Manufactured

Diameter 4 IN Length 20 FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Rubber

Describe packer(s) and location? 25'

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlor

☐ NO, Why Not?

Laboratory sent to for water quality analysis

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MAR 28 2025

OFFICE OF WATER

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MAR 28 2025

Water Rights Program

STATIC WATER LEVEL

1.5

Feet

If flowing closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped

Describe: Air Assisted

☐ Bailed

☒ Other

Pumping Level Below Land Surface

ft. After Hrs pumped GPM

ft. After Hrs pumped GPM

If pump installed, pump rate GPM

REMARKS

1st water at 35' & 60'
Well producing 8-10 gpm

This well was drilled under license # 638

And this report is true and accurate

Drilling firm Arman Drilling

Signature of License Representative

Arman

Signature of Well Owner or Equitable Property Holder

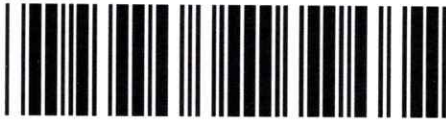
David Cole

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JUN 24 2004

WATER RIGHTS PROGRAM

6-22-04



532842269

ANNUAL REPORT

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

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2025
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL273112
BUSINESS ID

DVC Cabin Investments LLC
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

**13602 VIOLET BAY CT.
PEARLAND, TX 77584**

Mailing Address

**13602 VIOLET BAY CT.
PEARLAND, TX 77584**

4. 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.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **COGENCY GLOBAL INC. (0000001)**

Actual Street Address in this State

**207 E CAPITOL AVE
SUITE 101B
PIERRE, SD 57501-2629**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

Andrew Thomas Heymans

500 N 64th St W, Muskogee, OK 74401

6. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

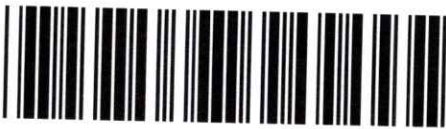
Does the entity own any Agricultural land? (Required)

No

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.

Does the entity have any foreign beneficial owners/interests?



N/A

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

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 criminal penalty (SDCL 22-39-36).

03/19/2025

Dated

Email (Optional)

Andrew Thomas Heymans

Signature of an Authorized Person

Andrew Thomas Heymans

Printed Name

B0354-1927 03/19/2025 9:41PM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 3rd, 2025

RECEIVED OF DVC Cabin Investments LLC C/O Noriefel R Manuel 13602 Violet Bay Ct Pearland TX 77584

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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>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>300.00</u>

By Mark Mayer
Chief Engineer

Dewell, Amanda

From: Dream Ventures Capital <dvcllc3@gmail.com>
Sent: Monday, April 7, 2025 9:59 AM
To: Dewell, Amanda
Cc: Duvall, Ron
Subject: Re: [EXT] DVC Cabin Investments - Water Permit Application

Hi Amanda,

It was a pleasure speaking with you. I wanted to let you know that I appreciate input on our application. Thank you for taking care of the adjustment.

If possible, we would prefer to have the maximum amount of water allowance, as we want to make sure we have enough for any future needs. I agree with your suggestion on this.

Thank you once again for your help with this. I truly appreciate it.

Best regards,

Noriefel Manuel

On Mon, Apr 7, 2025, 08:53 Dewell, Amanda <Amanda.Dewell@state.sd.us> wrote:

Good morning,

Thank you for taking a few minutes this morning to discuss DVC's application for a commercial water permit. As discussed, I believe the total annual volume of water may need to be increased. The calculated annually volume should be the maximum amount of water used.

If you have 6 cabins, with a maximum occupancy of 12 people/cabin, and assume the typical adult will use 30 gallons of water per day (Jan 1 – Dec 31), that is equal to 788,400 gallons per year. You also indicated that an ATV wash station should also be included. Estimating 75 gallons of water per ATV, averaging 5 ATVs per week for the peak operating season of April – October, equals an additional 10,500 gallons per season.

788,400 gallons of water (cabin operations) + 10,500 gallons of water (ATV wash station) = 798,900 gallons of water per year, which is approximately 2.45 acre-feet of water annually. Since the requested rate of diversion (45 gallons per minute) is not being increased, the fees associated with the application would not be increased by changing the annual volume of water.

Please review the figures I've provided above and let me know if you are comfortable with me adjusting your application to reflect the increase in annual volume of water being requested.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



PDF DVC Cabin Inv OpAgt 042 ... r signature_updated.pdf

Open with Google Docs

other acts as may be required to comply with the operation of the Company hereunder and in the Act.

1.2 NAME

The name of the Company is DVC Cabin Investments LLC, a South Dakota limited liability company.

1.3 PLACE OF BUSINESS

The Company's principal place of business is:

DVC Cabin Investments LLC
c/o Dream Ventures Capital LLC
13602 Violet Bay Ct.
Pearland, TX 77584

or such other place as the Manager shall determine.

DVC Cabin Investments LLC 1 Operating Agreement

1.4 MANAGER

The initial Manager of the Company is Dream Ventures Capital LLC, a South Dakota limited liability company (the Manager). The Manager is member-managed. The members of Dream Ventures Capital LLC are Andrew Heymans (Chief Executive Officer), Noriefel Manuel (Chief Financial Officer) and Joshua Mann (Chief Operating Officer), each of whom will be making investment decisions on behalf of the Manager with respect to the Company. The Manager may admit additional members to Dream Ventures Capital LLC as it deems appropriate or if required by a broker.

The principal business address of the Manager is:

Dream Ventures Capital LLC
13602 Violet Bay Ct.
Pearland, TX 77584

Account Owner(s) Name & Address
DVC Cabin Investments LLC
13602 Violet Bay Ct
Pearland TX 77584

Additional Information:

COPY

Signature(s). The undersigned certifies the accuracy of the information he/she has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following agreement(s) and/or disclosure(s):

☒ Terms & Conditions ☒ Truth in Savings ☒ Funds Availability
☐ Electronic Fund Transfers ☒ Privacy ☐ Substitute Checks
☐ Common Features ☐

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

(1): ☒ Andrew Thomas Heymans
I.D. # _____ DOB 12/02/1982
Authorized Signer

(2): ☒ Noriefel Sanchez Manuel
I.D. # _____ DOB 08/01/1985
Authorized Signer

(3): ☒ Joshua Douglas Mann
I.D. # _____ DOB 11/23/1988
Authorized Signer

RECEIVED

APR 4 2025

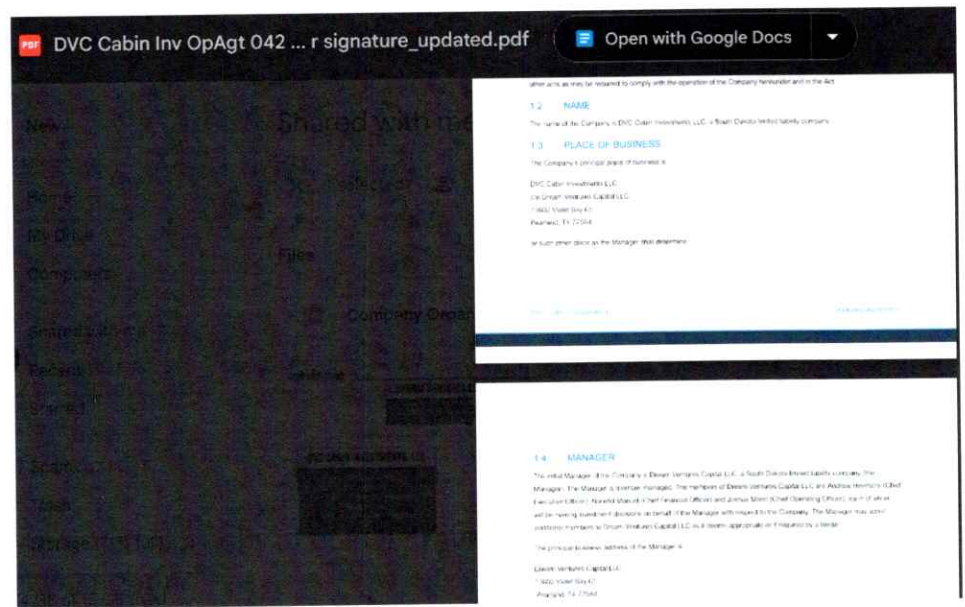
Water Rights
Program

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APR 04 2025

Water Rights
Program

From: Dream Ventures Capital <dvcllc3@gmail.com>
Sent: Friday, April 4, 2025 12:24 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application
Attachments: image001.png



Hi Rachel,

Attached is a copy of our Operating Agreement and bank account information under DVC Cabin Investments.

Please let me know if you have any questions.

Account Owner(s) Name & Address
DVC Cabin Investments LLC
13602 Violet Bay Ct
Pearland TX 77584

Additional Information:

COPY

Signature(s). The undersigned certifies the accuracy of the information he/she has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledges the receipt of a copy and agree to the terms of the following agreement and/or disclosure(s):

☒ Terms & Conditions ☒ Truth in Savings ☒ Funds Availability
☐ Electronic Fund Transfers ☒ Privacy ☐ Substitute Checks
☐ Common Features ☐

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

(1): ☒ Andrew Thomas Heymans
Authorized Signer
I.D. # _____ D.O.B. 12/02/1982

(2): ☒ Noriefel Ranchez Manuel
Authorized Signer
I.D. # _____ D.O.B. 08/01/1985

(3): ☒ Joshua Douglas Mann
Authorized Signer
I.D. # _____ D.O.B. 11/23/1988

On Thu, Apr 3, 2025, 09:34 Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Hello Noriefel,

Please see attached information from the Secretary state website, there is only one person listed. So, yes we would need a document verifying you are partial owner.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Dream Ventures Capital <dvcllc3@gmail.com>
Sent: Thursday, April 3, 2025 9:24 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hi Rachel,

Thank you for the update. Just to clarify, Andrew Heymans, Joshua Mann, and Noriefel Manuel are the 3 owners/members of DVC Cabin Investments LLC. I tried looking up this information on the website, but couldn't find it the listed member. If needed, I can provide documents to verify our ownership and ID reflecting the address of the business.

Best regards,
Noriefel Manuel

Owner, Cole Cabins

Dream Ventures Capital LLC, DVC Cabin Investments LLC

Office Hours: Monday-Friday 7:00 AM - 4:00 PM

(903) 470-0218

DVCLLC3@gmail.com

On Thu, Apr 3, 2025, 08:23 Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good morning,

In looking over your application, I see one issue:

- A review of the Secretary of State's corporation website finds DVC Cabin Investments, LLC. listed. Your name is not listed as one of its partners. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the

authority to act on behalf of DVC Cabin Investments, LLC. on all matters involving the water permit application.

Once this issue has been resolved, I can begin processing the application.

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. 2045-1, DVC Cabin Investments, 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. 2045-1, DVC Cabin Investments, LLC, 13602 Violet Bay Ct, Pearland TX 77584.

The Acting Chief Engineer is recommending APPROVAL of Application No. 2045-1 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 wells approved under Water Permit No. 2045-1 are 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 Crystalline Rock Aquifer.
3. Water Permit No. 2045-1 authorizes a total annual diversion of up to 2.45 acre-feet of water.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
June 4, 2025

Report to the Chief Engineer
On Water Permit Application No. 2045-1
DVC Cabin Investments, LLC

June 3, 2025

Water Permit Application No. 2045-1 proposes to appropriate up to 2.45 acre-feet of water annually at a maximum instantaneous diversion rate of 0.1 cubic feet per second (cfs) (approximately 45 gallons per minute (gpm)) from two existing wells completed into the Crystalline Rock aquifer (110 and 116 feet deep) located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18-T4N-R4E. Water will be used for commercial purposes, serving multiple vacation rental cabins and an ATV wash station located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18-T4N-R4E. This site is located in Lawrence County approximately five miles southeast of Deadwood, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY:

The Crystalline Rock aquifer consists of many localized aquifers within the Precambrian-aged, crystalline core of the Black Hills, where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rock is generally exposed at land surface except where overlain by localized gravel deposits and alluvium along stream beds and topsoil (Martin et al., 2004; Redden et al., 2021). The crystalline rocks that comprise the aquifer have very low primary porosity, so water movement in the aquifer is controlled by secondary porosity, where groundwater flow is through fractures and faults (Rahn, 1979). The nature of secondary porosity is highly variable and unpredictable; therefore, local aquifer characteristics are site specific. The Crystalline Rock aquifer is estimated to have an outcrop area of approximately 574,000 acres (Rahn, 1979). Rahn (1979) estimated the effective porosity of the Crystalline Rock aquifer to be one percent of the outcrop area, while assuming groundwater is only recoverable in fractures and joints that typically only occur within a depth of 500 feet of ground surface, resulting in an estimated 2,900,000 acre-feet of recoverable water in storage for the Crystalline Rock aquifer in western South Dakota. Driscoll and Carter (2001) estimated the outcrop of the "Localized aquifers in the crystalline core area (Precambrian/Tertiary/Other)" to be approximately 616,800 acres.

The geology underlying the general location of the existing wells consists primarily of the Grizzly Formation (Phyllite, slate, mica schist, and minor metagraywacke) and the Deadwood Formation (Glaucconitic sandstone, shale, limestone, intraformational conglomerate, and local basal conglomerate) (Redden et al., 2021).

Due to the unpredictable nature of secondary porosity, and the very low primary porosity of crystalline rock, it is very difficult to determine if the aquifer is confined or unconfined at a specific site. Depending on exactly what depth the secondary porosity was encountered in the well bore and the water level in the well compared to the secondary porosity features, the well may change from acting as a confined well to an unconfined well at various water levels that are

not comparable to adjacent wells completed into the same aquifer. Generally, a well completed into the crystalline rock behaves in a manner more similar to a confined aquifer well.

Water well completion reports are on file for the existing wells proposed to be used by Water Permit Application No. 2045-1. Reiterations of the hydrogeology from the water well completion reports are displayed in Table 1 (Water Rights, 2025c).

Table 1. Water well completion reports submitted with Water Permit Application No. 2045-1 (Water Rights, 2025c)

Well 1: Formation Log	From	To
Schist	0	127
Fractured	115	116
Date of Well Completion	10/12/2024	
Estimated Static Water Level (at well completion)	15	
Well 2: Formation Log	From	To
Black Slate	0	110
Date of Well Completion	06/21/2004	
Estimated Static Water Level (at well completion)	15	

Figure 1 displays the location of the existing wells proposed to be used for Water Permit Application No. 2045-1, with the Crystalline Rock aquifer water rights/permits within approximately two miles (Water Rights, 2025b), and the significant fault locations (modified from Redden et al., 2021). Table 2 lists the water rights/permits displayed in Figure 1. It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults and other significant geological features (such as, synclines and anticlines). Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized secondary porosity. However, information is not available to delineate an exact extent of the localized aquifer.

Based on the geologic features, it appears one of the diversion points authorized by Water Right No. 1562-1 may be withdrawing from the same localized aquifer as the aquifer this application's wells are completed into. However, when looking into the file for Water Right No. 1562-1, this water right authorizes diversion from two locations: a spring and a Crystalline Rock aquifer well (Water Rights, 2025b). Figure 1 displays two diversion points on the map for Water Right No. 1562-1, with the diversion point on the map located west of the Tomahawk Fault approximately one mile south of the existing wells being for the spring, and not the well. Therefore, the estimated use for Water Right No. 1562-1 will be omitted from this analysis.

There is a chance Water Right Nos. 1366-1, 1675-1, 1711-1, 1824-1 and 1860-1 (with an emphasis on Nos. 1366-1 and 1675-1 due to their proximity) may be withdrawing from the same localized aquifer as the aquifer this application's wells are withdrawing from, depending on how groundwater moves along the approximate fault separating the water rights listed above from the

applicant's proposed wells. The mapped faults are approximate and therefore, may not be as separating as a more significant fault such as the one by 1774-1 and the western diversion point for 1562-1 (the Crystalline Rock aquifer well) (Redden et al., 2021; Water Rights, 2025b).

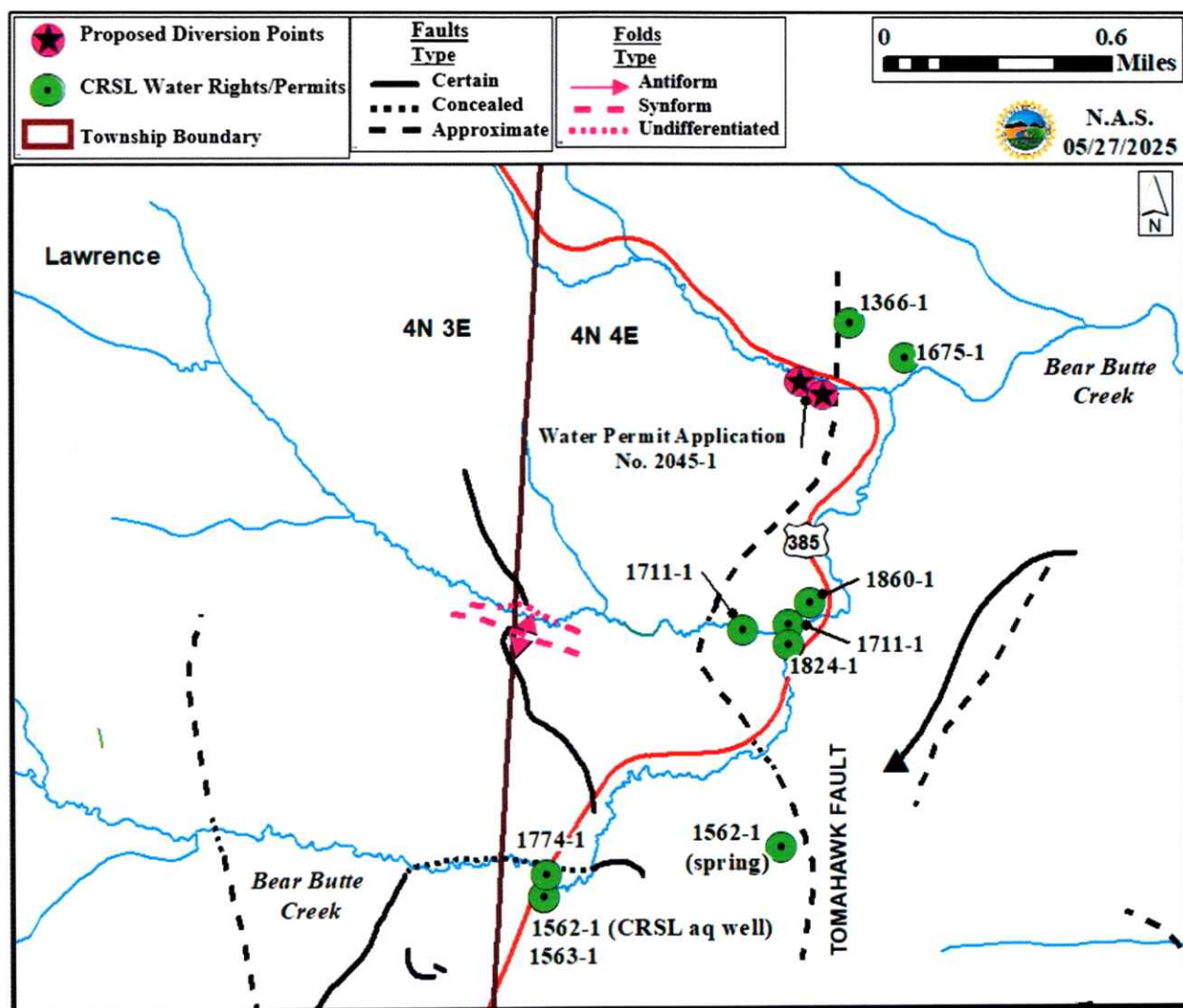


Figure 1. Location of the existing wells proposed to be used by Water Permit Application No. 2045-1 with the Crystalline Rock aquifer water rights/permits within approximately two miles (Water Rights, 2025b), and the significant fault locations (modified from Redden et al., 2021)

Table 2. Water rights/permits authorized to appropriate water from the Crystalline Rock aquifer within approximately two miles of the existing wells, as shown in Figure 1 (Water Rights, 2025b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Acres if IRR
1366-1	Wild Bill's Campground	LC	COM	0.07	
1562-1	Tomahawk Lake Country Club	LC	COM	0.042	
1563-1	Tomahawk Lake Country Club	LC	IRR, COM	0.033	25.6
1675-1	David B Cole	LC	COM	0.033	
1711-1	Wichterman & Sons Inc	LC	COM	0.056	
1774-1	Tomahawk Lake Country Club	LC	IRR	0.066	27.6*
1824-1	Brooks Properties Inc	LC	COM	0.033	
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; IRR: Irrigation *See IRR section					

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 Crystalline Rock aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2045-1 proposes to appropriate water from the Crystalline Rock 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 Crystalline Rock 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 Crystalline Rock aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Crystalline Rock aquifer is through the infiltration of precipitation and streamflow losses (likely Bear Butte Creek near this location) (Driscoll and Carter, 2001).

Driscoll and Carter (2001) estimated the average annual recharge rate, over the water years 1950 to 1998, to the Crystalline Rock aquifer in its entirety within the core of the Black Hills, must be at least equal to the average withdrawal rate of 3,600 acre-feet per year. Driscoll and Carter (2001) further concluded that the recharge to the Crystalline Rock aquifer must be much larger than the estimated 3,600 acre-feet per year to account for discharge to streams. Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifer, “Recharge conditions are highly transient and have large spatial variability; thus, quantification is not attempted.” While looking at faults and other significant geological features may allow for some limiting of the areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer near the existing wells with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation for this Crystalline Rock aquifer at the applicant’s proposed location, simply applying the 3,600 acre-feet per year

equally over the entirety of the aquifer is inappropriate. However, by utilizing Driscoll and Carter's (2001) estimated recharge rate of 3,600 acre-feet per year, or 0.07 inches per year, for the Crystalline Rock aquifer (estimated areal extent of 616,800 acres), a general sense of the minimum average annual recharge rate is provided. It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Furthermore, Driscoll and Carter (2001) noted that average annual recharge rate must be much greater to account for discharge from the Crystalline Rock aquifer to streamflow. Therefore, there is no estimated average annual recharge rate available for the localized Crystalline Rock aquifer the applicant proposes to use.

Carter and Driscoll (2001) also estimated average annual yield potential. The average annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Carter and Driscoll (2001) utilized a recharge factor to estimate how much of the annual yield could infiltrate and recharge a bedrock aquifer in the Black Hills, such as the Madison and Minnelusa aquifers. However, Carter and Driscoll (2001) did not estimate a recharge factor for the crystalline core of the Black Hills because the localized Crystalline Rock aquifers are not extensive regional aquifers and are highly variable in nature.

Figure 2 displays a map of the estimated annual yield potential from Carter and Driscoll's (2001) report, with the location of the existing wells for Water Permit Application No. 2045-1, and the location of the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2025a). The Crystalline Rock aquifer near the existing well locations has an estimated average annual yield potential of approximately 6 to 7 inches per year (Driscoll and Carter, 2001). Average annual yield potential is not appropriate to use as a recharge rate for the Crystalline Rock aquifer, but it does provide a general sense of an upper limit of a possible recharge rate.

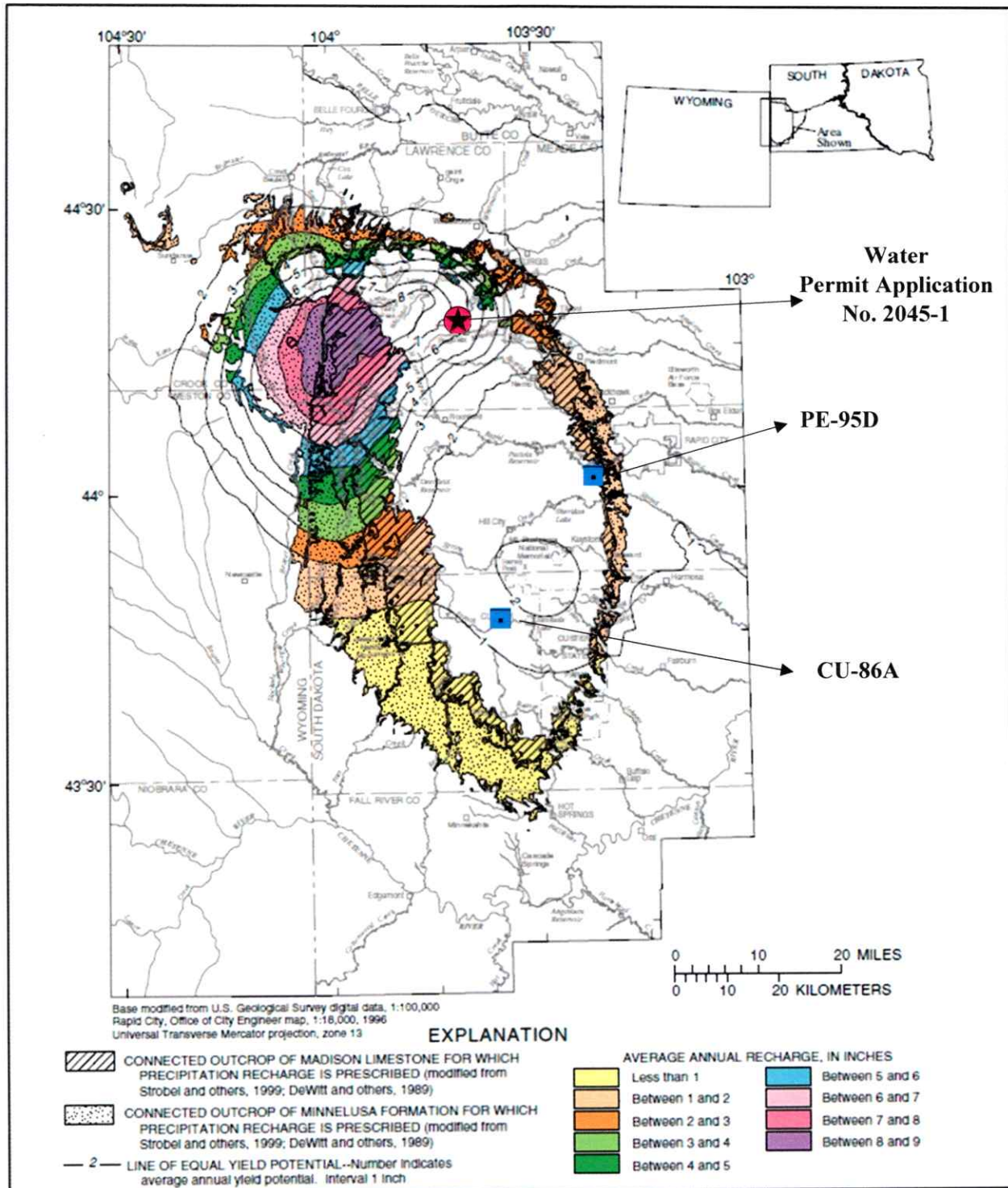


Figure 2. Estimated annual yield potential for the Black Hills in South Dakota and Wyoming for water years 1950 to 1998 (modified from Carter, J. M., Driscoll, D. G., Hamade, G. R., & Jarrell, G.J., 2001), with the location of the existing wells proposed to be used by Water Permit Application No. 2045-1, and the Crystalline Rock aquifer observation wells in western South Dakota (Water Rights, 2025a)

Discharge

Discharge from the Crystalline Rock aquifer is primarily through well withdrawals (Water Rights, 2025b and 2025c), seepage to streams (likely Bear Butte Creek near this location) (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is at or near the ground surface.

As shown in Figure 1, Water Right Nos. 1366-1, 1675-1, 1711-1, 1824-1 and 1860-1 (with an emphasis on Nos. 1366-1 and 1675-1 due to their proximity) may be withdrawing from the same localized aquifer as the aquifer this application's wells depending on how groundwater moves along the approximate fault separating the water rights listed above from the applicant's proposed wells.

Table 3 summarizes the water rights/permits authorized to appropriate water from the localized Crystalline Rock aquifer within the same region bounded by faults as the existing wells or in close proximity, with the estimated annual use for each water right/permit as determined by their permitted maximum 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 DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025b). Because each of the water rights listed in Table 3 are for campgrounds except for Water Right No. 1774-1, the seasonality of that use means the 60% of full-time pumping is likely an overestimation since it is likely there are several months each year when the campgrounds are not operating or operating at very minimal capacity.

Overall, the estimated average annual withdrawal rate from the localized Crystalline Rock aquifer by the currently authorized water rights/permits is expected to be less than 180 acre-feet per year (Table 3) (including the estimated use for Water Right No. 1774-1 and Water Permit Application No. 2045-1 (if approved)) (Water Rights, 2025b).

Table 3. Estimated average annual water use for the water rights authorized to withdraw water from the localized Crystalline Rock aquifer within the same faults as the existing wells, with estimated use for Water Permit Application No. 2045-1 (if approved) (Water Rights, 2025b)

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Acres if IRR	Estimated Use (acre-feet/year)
1366-1	Wild Bill's Campground	LC	COM	0.07		30.4
1675-1	David B Cole	LC	COM	0.033		14.3
1711-1	Wichterman & Sons Inc	LC	COM	0.056		24.3
1774-1	Tomahawk Lake Country Club	LC	IRR	0.066	n/a	see IRR section
1824-1	Brooks Properties Inc	LC	COM	0.033		14.3
2045-1	DVC Cabin Investments, LLC	<i>pending</i>	COM	0.1		2.45*
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; IRR: Irrigation					TOTAL:	86
*Assuming full volume						

Water Right No. 1774-1 is a backup water supply to irrigate lands covered by Water Right No. 1471-1 (authorizes a spring fed collection dam) which is limited to an annual volume of 94 acre-feet per year for the irrigation of 25.6 acres (Water Rights, 2025b). For this analysis, the 94 acre-feet per year will be assumed to be fully supplied from the Crystalline Rock aquifer well authorized by Water Right No. 1774-1.

There are a number of domestic wells completed into the Crystalline Rock aquifer within the area of the existing wells that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025c). There could potentially be other domestic wells completed into the Crystalline Rock aquifer near the existing wells that are not on file with the DANR-Water Rights Program. As noted earlier in the report, it is difficult to determine the areal extent of the localized Crystalline Rock aquifer due to the unpredictable nature of secondary porosity, therefore it is difficult to determine exactly how large a component of the hydrologic budget domestic use may represent.

However, in the past, the Water Rights Program has used, and the Water Management Board has accepted, a domestic water use estimation using the following assumptions: 1) 2.5 residents per rural dwelling, and 2) either the average water use per capita by self-serve well users for the county of interest or an average use from across the state if county specific data is not available in the Carter and Neitzert (2008) report on estimated water use in South Dakota. For Pennington County, self-supplied domestic water users withdraw approximately 70 gallons per day per capita. That is equivalent to approximately 0.2 acre-feet per year for each rural dwelling, assuming each dwelling has one well, using the previously mentioned assumptions, and that the dwelling is occupied year-round. The DANR-Water Rights Program Well Completion Report database maps the reports at the centroid of the smallest geographic division provided on the report submitted by the well driller. Therefore, the locations as mapped are not the exact locations of the well. However, the data provides a sense of how many wells are in the general area.

There were eight domestic wells identified on file within approximately a one-half mile of the existing wells that may be withdrawing from the same localized portion of the Crystalline Rock aquifer as the applicant's existing wells (Water Rights, 2025c). Assuming 0.2 acre-feet per year for each rural dwelling, the eight domestic wells within approximately a one-half mile equates to approximately 1.6 acre-feet per year. This domestic use estimation provided is to give a sense of scale to local domestic use from the Crystalline Rock aquifer rather than be an estimate for the use of each domestic well that may be present but not on record with the Water Rights Program.

Hydrologic Budget Summary

There is no estimated average annual recharge rate available for the localized Crystalline Rock aquifer. However, to provide a general sense of minimum and maximum recharge to the aquifer, Driscoll and Carter (2001) estimated a minimum recharge rate of 3,600 acre-feet per year, or 0.07 inches per year. It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Thus, it cannot be applied evenly across the entire outcrop of the crystalline rock in the Black Hills, and it does not account for

other sources of recharge. Additionally, the average annual recharge rate must be much greater to account for losses from the Crystalline Rock aquifer to streamflow (Driscoll and Carter, 2001). Utilizing average annual yield potential, Driscoll and Carter (2001) provided broadly a general sense of an upper limit on a possible recharge rate to the Crystalline Rock aquifer ranging between approximately 6 to 7 inches per year.

The estimated average annual withdrawal rate for the water rights likely withdrawing from the same localized aquifer as the existing wells, including the estimated use for Water Permit Application No. 2045-1 (if approved), is expected to be less than 180 acre-feet per year (non-irrigation: 86 acre-feet/year; irrigation: 94 acre-feet/year). Assuming 0.2 acre-feet per year for each rural dwelling, the eight domestic wells within approximately one-half mile equates to approximately 1.6 acre-feet per year. Collectively, the estimated average annual withdrawal rate is approximately 181.6 acre-feet per year. It is likely this estimate is an overestimation due to assuming year-round use for the water rights serving campgrounds and assuming the maximum pumping from the Crystalline Rock aquifer well for irrigation (authorized by Water Right No. 1774-1) that is meant to serve as a backup supply to another water right.

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 two observation wells that have been historically considered as completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2025a). These observation wells are PE-95D (approximately 26 miles southeast of the existing wells) and CU-86A (approximately 37 miles southeast of the existing wells) (Water Rights, 2025a). Kilts (2018) determined that observation well PE-95D is open to both the Deadwood Formation and the Crystalline Rock, so it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifer. Therefore, only observation well CU-86A will be used in this analysis. The hydrograph for observation well CU-86A is displayed in Figure 3 (Water Rights, 2025a). 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.

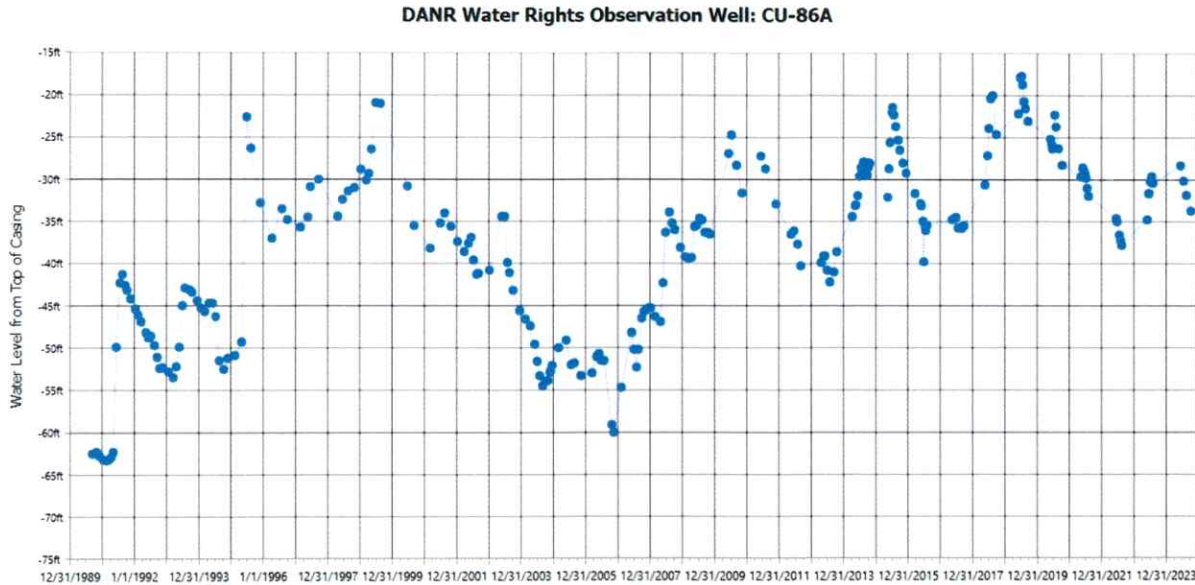


Figure 3. Hydrograph for observation well CU-86A (Water Rights, 2025a)

The hydrograph for CU-86A indicates the aquifer responds 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 period of record, the water levels displayed on the hydrograph for observation well CU-86A have fluctuated approximately 45 feet in response to climatic conditions (Water Rights, 2025a). An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by climatic conditions indicating that changes in water levels are governed by natural conditions, that is to say recharge to and natural discharge from the aquifer. Both recharge to and natural discharge from an aquifer can be captured for pumping. Although observation well CU-86A is located approximately 37 miles southeast of the existing wells and is not directly representative of the conditions in the localized aquifer this application proposes to use, the hydrograph still documents that recharge to the Crystalline Rock aquifer has occurred over the period of record (Water Rights, 2025a).

Driscoll and Carter (2001) stated that recharge to the Crystalline Rock aquifer must be much greater than the estimated 3,600 acre-feet per year to account for the groundwater discharge that contributes to the base flow to many streams and this statement is supported by the hydrograph for observation well CU-86A (Figure 3), which displays the water level generally rising over its period of record despite increased development of the localized aquifer in the area of the observation well.

When considering the hydrograph for observation well CU-86A, Driscoll's and Carter's (2001) commentary regarding recharge to the Crystalline Rock aquifer, and the relatively small annual appropriation requested by this application, there is a reasonable probability unappropriated water is available for this proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

As shown in Figure 1, the nearest water right to the existing wells proposed to be used is Water Right No. 1366-1, which is held by Wild Bill's Campground and the diversion point (~70 feet deep) for Water Right No. 1366-1 is located approximately 0.2 miles northeast of the existing wells (Figure 1) (Water Rights, 2025b).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Crystalline Rock aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.1 miles southwest of the existing well locations (Water Rights, 2025d). There could potentially be other domestic wells completed into the Crystalline Rock aquifer near the wells the applicant proposes to use that are not on file with the DANR-Water Rights Program. 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.

In Pennington County, there has been one complaint submitted to the DANR-Water Rights Program regarding potential well interference for wells completed into the Crystalline Rock aquifer (Water Rights, 2025d). The complaint involved Water Right No. 2572-2, held by Sheridan Lake Highlands HOA, during the initial development of the permit. In October of 2006, the Chief Engineer limited Water Right No. 2572-2 to a maximum diversion rate of 18 gallons per minute, which is also known as the limit for reasonable domestic use detailed in ARSD 74:02:01:01(7) (Water Rights, 2025b and 2025d). This well interference complaint was heard at a Water Management Board meeting and the Board concluded the permit holders had satisfied each of the factors set forth in SDCL 46-2A-12; additionally, no complaints have been reported since that hearing (Water Rights, 2025b and 2025d). The diversion points authorized by Water Right No. 2572-2 are located approximately 26.2 miles southeast of the existing wells (Water Rights, 2025b). There have been no other complaints submitted to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Crystalline Rock aquifer within Pennington County (Water Rights, 2025d).

In May of 2021, the Chief Engineer received a complaint regarding a number of entities near Rockerville, South Dakota (Pennington County) that were suspected of using water without proper permitting. Since then, the entities mentioned in this complaint have obtained the proper permitting necessary for their respective water withdrawals (Mathiowetz, 2021a and 2021b; Water Rights, 2025c).

In Lawrence County, development of both appropriative and domestic use wells has continued without any complaints that have been submitted at this time to the DANR-Water Rights Program regarding well interference for adequate wells completed into the Crystalline Rock aquifer (Water Rights, 2025d). Additionally, Water Permit Application No. 2045-1 is requesting a relatively limited diversion rate, appropriation volume, and the Crystalline Rock aquifer has large natural fluctuations of water levels that often mask or exceed drawdown caused by well pumping. Therefore, there is a reasonable probability this application can be developed without

unlawful impairment of existing water right/permit holders or domestic users with adequate wells (Water Rights 2025b, 2025c, and 2025d).

An adequate well as defined in ARSD 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

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.”

Due to the very low primary porosity of the Crystalline Rock aquifer, and the highly variable and uneven nature of secondary porosity, 20 feet of saturated thickness above the pump inlet may not be sufficient for a dependable water supply. Without conducting an aquifer performance test, the precise drawdown effects caused by pumping a well cannot be determined. Over the period of record, the water levels shown on the hydrograph for observation well CU-86A (Figure 3) have fluctuated approximately 45 feet due to climatic conditions. Pump depth requirements for a well are detailed in ARSD 74:02:04:60(2), which states in part, “The depth of the pump setting shall be determined by dividing the specific capacity into the required yield and adding at least 10 additional feet to maintain pump inlet submergence below the maximum anticipated drawdown, where possible.”

There is a reasonable probability that the proposed diversion by Water Permit Application No. 2045-1 will not unlawfully impair adequate wells for existing water rights/permits and domestic users because:

- Continued development of the Crystalline Rock aquifer has occurred without a significant history of well interference complaints (Water Rights, 2025d);
- The hydrograph for observation well CU-86A (Figure 3) showing natural fluctuations in water levels over the period of record (Water Rights, 2025a), along with Driscoll’s and Carter’s (2001) commentary, indicate there is natural recharge to the Crystalline Rock aquifer;

- Adequate domestic wells are protected under South Dakota Codified Water Law;
- Water Permit Application No. 2045-1 seeks to appropriate a relatively small annual volume of water; and
- The existing wells proposed to be used have been in place and are presumed to have been in use since approximately 2004 and 2024 respectively without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2025b and 2025d).

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

CONCLUSIONS:

1. Water Permit Application No. 2045-1 proposes to appropriate up to 2.45 acre-feet of water annually at a maximum instantaneous diversion rate of 0.1 cfs (approximately 45 gpm) from two existing wells completed into the Crystalline Rock aquifer (110 and 116 feet deep). Water will be used for commercial purposes serving multiple vacation rental cabins and an ATV wash station. This site is located in Lawrence County approximately five miles southeast of Deadwood, SD.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Crystalline Rock aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2045-1 will not unlawfully impair adequate wells for existing water rights/permits 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 III
SD DANR - Water Rights Program

Reviewed by:

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

References

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- Water Rights, 2025b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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.**

June 4, 2025

DVC Cabin Investments, LLC.
c/o Noriefel R. Manuel
13602 Violet Bay Ct.
Pearland TX 77584

Dear Ms. Manuel:

Water Permit Application No. 2045-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 Acting 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 Acting 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 June 12, 2025. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2045-1 to Appropriate Water

Notice is given that DVC Cabin Investments, LLC., 13602 Violet Bay Ct., Pearland TX 77584, has filed an application for a water permit to appropriate up to 2.45 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (110 and 116 feet deep) located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. Water will be used for commercial purposes, serving multiple vacation rental cabins and an ATV wash station located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. This site is located approximately five miles southeast of Deadwood SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2045-1 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 June 23, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 June 23, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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: Wednesday, June 4, 2025 10:35 AM
To: Kelly Langer
Subject: 2045-1 DVC Cabin Investments - Public Notice
Attachments: 2045-1 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2025.

DVC Cabin Investments, LLC., 13602 Violet Bay Ct., Pearland TX 77584, 903-470-0218, 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. 2045-1
to Appropriate water

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 12th day of June, 2025, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 41.73, 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 18th day of June, 2025



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

RECEIVED

JUN 25 2025

OFFICE OF
WATER

YOUR RIGHT TO KNOW

The Public Notices section of this newspaper is your source for information on your local government meetings, proposed ordinances, bids, foreclosures, abandoned vehicle sales and many other legal matters of which you need to be informed.

This newspaper urges every citizen to read and study these notices. We strongly advise those citizens seeking further information, to exercise their right of access to public records and meetings.

DEADLINE FOR LEGAL ADVERTISING

Up to two legal-sized typewritten pages, the deadline is 2 p.m. FOUR DAYS in advance of publication date, more than two legal-sized typewritten pages will require up to SIX DAYS for publication.

Search
statewide legal notices at sdpublicnotices.com



LAWRENCE COUNTY Public Notices 56

NOTICE

Notice is hereby given, pursuant to South Dakota statutes, the contents within the following leased unit(s) 12 occupied by Lacey Lynn Norris be sold to satisfy the lien(s) claimed by Heritage Drive Self Storage, located at 630 Heritage Drive in Spearfish. The sale will be held on Monday, June 16 at 8:00 am. The contents will be sold to the highest bidder and must be removed within 48 hours after the sale. Any of the above goods may be withdrawn for sale at any time without

prior notice.

Published twice at the total approximate cost of \$13.10 and can be viewed free of charge at www.sd-publicnotices.com.

#426
June 5, 12

NOTICE OF APPLICATION NO. 2045-1 to Appropriate Water

Notice is given that DVC Cabin Investments, LLC, 13602 Violet Bay Ct., Pearland TX 77584, has filed an application for a water permit to appropriate up to 2.45 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from two existing wells completed into the Crystalline Rock Aquifer (110 and 116 feet deep) located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. Water will be used for commercial purposes, serving multiple vacation rental cabins and an ATV wash station located in the NE 1/4 SE 1/4 Section 18-T4N-R4E. This site is located approximately five miles southeast of Deadwood SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 2045-1 with qualifications because 1) inappropriate 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 Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval 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 Acting Chief Engineer. A petition opposing the application shall be

filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 June 23, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 June 23, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 \$42.70 and can be viewed free of charge at www.sd-publicnotices.com.

#446
June 12

MEADE COUNTY Meeting Minutes 72

Piedmont Board of Trustees June 3, 2025 Unapproved Regular Meeting Minutes

1) The Meeting of the Piedmont Board of Trustees was called to order at 6:30 p.m. on Tuesday,

May 20, 2025, beginning with the Pledge of Allegiance. In Attendance: Phil Anderson, Jack Parks, Phil Aitken, Bruce Lutz & Mike Johns.

2) Johns made a Motion to Approve the Agenda as written, Seconded by Aitken. All voted "Aye". Motion carried.

3) Minutes: Minutes of the Regular Meeting on May 20, 2025: Motion by Lutz to approve the Minutes, Seconded by Parks. All voted "Aye" Motion carried.

4) Library: a) Megan is at Institute and will come home with a report on how the State is handling the financial cutbacks. Reading Program kickoff is this Saturday with lots going on in the Park.

5) Planning & Zoning: a) Report: Have 1 building permit that has recently come in.

b) Frontier Estates sidewalk variance: P&Z recommend approval. It was asked what the conversation was at P&Z-big lots, rural location, discussed the wider road with shoulders for walking. Anderson stated he wasn't sure the variance is a good idea. It was brought up that traffic won't be that great in a horseshoe shaped road, that sidewalks won't get shoveled and that the cost is big. These subjects were discussed. Parks brought up the water system. After a bit of discussion The City Attorney recommended that some estimates for costs be brought in and pictures of other subdivisions. He also discussed a few other alternatives. More discussion was had and then Lutz made a Motion, Seconded by Johns to continue this discussion to the next meeting. All voted "Aye". Motion carried. c) Schulz/Soelzer sidewalk variance: With little discussion because of the location, Lutz made a Motion, Seconded by Aitken to approve the sidewalk variance. All voted "Aye". Motion carried. Preliminary Plat: Discussed. The City Attorney shared his thoughts about platting over a section line. After discussion it was brought up that maybe the way to deal with this matter is to do a aliquot. This will get looked into. Lutz made a Motion, Seconded by Parks to Continue to the next meeting. All voted "Aye". Motion carried.

6) Park: Mowing is being done. Ball Hut is getting good use, but neighbor is having to return a lot of balls. The trees all look good. 7) Street Maintenance: a) Spencer has been doing pothole repair and did some road grading after the rain the other day. 8) Water: a) Writing report is in the packet. Numbers look good. 9) Finance: a) Lutz made a Motion, Seconded by Johns to pay the bills.

All voted "Aye". Motion carried. Bills paid: Merchant Bank fees: \$14, \$54. USDA Rural Development (Phase 1 water) \$2,407.00, A&B Business Solutions \$273.83, BH Library Consortium \$7.98, DANR fees \$300.00, Diana Evans-mileage \$87.10, Mastercard \$1,476.04, Stan Houston- road repair \$718.50, Trail West-surcharge \$5,333.12. Payroll: Finance Office \$3,730.32, Water \$744.33, Maintenance \$1,287.37, Board of Trustees \$1,388.93, Library \$6,374.22.

10) City Hall New Building Update: Parks reported that Spencer is almost ready to texture, paint and install doors. IT has wiring done and Bluepeak will be in later this week to wire for phones and internet.

11) Old Business: None 12) New Business: a) Ordinance 2025-06 Establishing Commissioner form of Government. With a brief discussion, Parks made a Motion to approve as 1st Reading, Seconded by Aitken. All voted "Aye". Motion carried. b) Resolution 2025-02 Approval of Tax Increment District expenses for TID established by Resolution 2015-04. Aitken made a Motion, Seconded by Parks to approve the Resolution. All voted "Aye". Motion carried.

13) Public Comment: None.

14) Executive Session: Lutz made a Motion, Seconded by Parks to go into Executive Session in 5 minutes pursuant to SDCL 1-25-2 subsection 3. All voted "Aye". Motion carried. 8:05 p.m./ Lutz made a Motion, Seconded by Aitken to come out of Executive Session. 15) Being there was no other business, Lutz made a Motion to adjourn the meeting, Seconded by Parks. All voted "Aye". Meeting Adjourned. 8:38 p.m.

Philip C. Anderson, President
Piedmont Board of Trustees
Finance Officer
Diana L. Evans

This institution is an equal opportunity provider.

Published once at the total approximate cost of \$49.01 and can be viewed free of charge at www.sdpublicnotices.com.

#451
June 12

MEADE COUNTY Public Notices 76

NOTICE OF INTENTION TO TAKE TAX DEED

TO: Edward J. Proudfoot and

Edward Lusefer Shay, owners of record.

YOU ARE HEREBY GIVEN NOTICE, that Louis Pistolis, has paid the back taxes on the following:

The East Half of the West Half of the Southwest Quarter (E1/2W1/2SW1/4) and the East Half of the Southwest Quarter (E1/2SW1/4) of Section 33, Township 6 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota, EXCEPTING therefrom the South one third; and,

The South one-third of the East Half of the West Half of the Southwest Quarter (E1/2W1/2SW1/4) and the East Half of the Southwest Quarter (E1/2SW1/4) of Section 33, Township 6 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota.

The taxes have been due and owing to Meade County, South Dakota, since 2020. On June 1, 2021, Richard McGrath purchased Tax Certificate No. 21-0098 at a public tax sale. Such Tax Certificate relates to the above-described real estate. Richard McGrath and Louis Pistolis have jointly paid the back taxes on the referenced property. On March 20, 2025, the Estate of Richard McGrath executed an Assignment of Tax Deed assigning all claim, right, title, and interest in Tax Certificate No. 21-0098 to Louis Pistolis.

YOU ARE FURTHER NOTIFIED, that you have sixty (60) days from the date of filing of the affidavit documenting service of this Notice upon you in which to pay the back taxes with interest, attorney fees and other costs to the Meade County Treasurer and to redeem your legal interest in the above described real property. If you fail to redeem this property within said sixty days from the date of filing of the affidavit documenting service of this Notice upon you, you will lose all interest in said real property and a Tax deed will be issued to Louis Pistolis.

Dated May 8, 2025.

NIES KARRAS & SKJOLDAL, P.C.
Attorneys for
Louis Pistolis
By:
/s/ Eric John Nies
Eric John Nies
Po Box 769
Spearfish, SD
57783
(605)642-2757

Published twice at the total approximate cost of \$46.30 and can be viewed free of charge at www.sd-publicnotices.com.

#448
June 12, 19

RECEIVED LAWRENCE COUNTY Meeting Minutes 52 JUN 25 2025

POWDER HOUSE OFFICE COMMUNITY IMPROVEMENT DISTRICT BOARD OF SUPERVISORS MEETING MINUTES May 8, 2025 Powder House Pass Community Building

A. ROLL CALL/CALL TO ORDER: Meeting called to order by Board President Greg Kaschmitter @9:31 AM. MST. In attendance (in person, at PHP Community Building, unless noted):

1) Board Members: Julie Stone, Ross Ortman

2) Board Members (via Teams): Greg Kaschmitter, Jennifer Kaschmitter, Steve Hasche

3) CID: Kent Wince (District Manager), Tony Merkel (Operations Manager)

4) CID (via Teams): Jay Headley, Laurelle McDaniel (Finance-RMB Associates)

5) AE/TS: Jim Jones, Trent Walters (Engineering), and Jayme Klecker (via Teams)

6) Others: John Fredrickson, Mike Nadolski (Lynn, Jackson, Schultz and LeBrun)

7) PHP CID Property Owners (via Teams): Daniel Ingemansen, Kim Lamers, Brock Hutchinson, Jason Erickson

B. APPROVE MINUTES
1) Approve minutes of March 13, 2025 Regular Meeting

a) m/Ortman, s/Stone to approve the minutes. Carried.

C. LEGAL:
1) Proposed "no-build" zone along boundary of Waste Water Treatment lot (now platted as Lots 1 and 2 of the subdivision of Common Area A revised of PHP) - Wince presented the Quitclaim Deed and the restrictive covenant language to the Board. m/J. Kaschmitter, s/Stone to approve the document and authorize the Chairman to sign. Carried.

2) John Fredrickson, Attorney for Lynn, Jackson, Schultz and LeBrun - Mr. Fredrickson will be retiring from his law practice and the Board thanked him for his many years of excellent guidance to PHP CID. Mike Nadolski, Attorney for Lynn, Jackson, Schultz and LeBrun will be taking his place.

D. FINANCE:
1) March and April Financials - Headley reviewed the March and April reports with the Board. m/Ortman, s/Stone to accept the March and April 2025 financial reports, including the Bill Lists in the amount of \$50,504.17 for March and \$85,612.87 for April.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 4, 2025 10:38 AM
To: dvcllc3@gmail.com
Subject: 2045-1 DVC Cabin Investments - Public Notice
Attachments: 2045-1 Rec.pdf; 2045-1 Ltr.pdf; 2045-1 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

JUL 21 2025

DVC Cabin Investments, LLC.
c/o Noriefel R. Manuel
13602 Violet Bay Court
Pearland TX 77584

Dear Ms. Manuel:

Enclosed is Water Permit No. 2045-1 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.: 2045-1

Name of Applicant: DVC Cabin Investments, LLC, c/o Noriefel R. Manuel

Date of Posting: 6/9/2025

Date of Removal: 7/21/2025

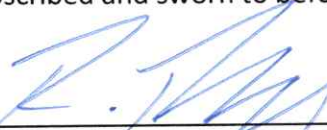


Ron Duvall, Engineer III

7/21/2025

Date

Subscribed and sworn to before me, a notary public, this 21st day of July, 2025.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez
My Commission Expires
May 18, 2029**

(SEAL)

