

Considered: _____

WATER PERMIT NO. 1956-2

MAP No. Same

Name of Applicant Valley Motel

Post Office Address HCR 83, Box 126 Custer, S.D. 57730

Amount of Water Claimed 0.10 cfs Total Acres —

Source of Water Supply groundwater one well (135 ft deep)

Water to be used for com County Custer

About 1 1/2 miles E of Custer

PROOF OF PUBLICATION: Received April 14, 1986 Not Received _____

APPLICATION: Approved May 14, 1986 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 2-25-86 Fee \$50.00 Remarks _____

2/25/86

Corrected Application Received _____ Period of Annual Use Jan. 1 To Dec. 31

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point SE⁴ SW⁴ sec. 19 T3S-R5E

Land to be Irrigated N.A.

	19				
	⊙				

Well Log: Driller Alexander Dalg. Licensed YES X NO _____

Depth of Well 135 ft. REMARKS well log states section 24 but

it should be sec. 19

Type of Map USGS. Topo PREPARED BY Elizabeth Johnson/K.C. Larson Reviewed and the Number

assigned on 2-26-86 By Kevin P. Larson

No. <u>1956-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>Same</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Custer Co. Chronicle</u>	<u>Box 551 (Wed)</u>

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Valley Motel Phone No. 673-4819Post Office Address HCR 83, Box 126 Custer, South Dakota State 57730
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 0.10 cfs3. Source of water supply Ground water 135 foot well4. Location of point of diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 19 T3S R5E_____ County Custer5. Counties where water will be used Custer6. Annual period during which water is to be used January 1 to December 31

7. Give a brief description of proposed 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)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Custer) ss

X I, Elizabeth Johnson, Manager Valley Motel the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

X Signed Elizabeth JohnsonSubscribed and sworn to before me this 24th day of February 1986X W. Marshall Ramsey
Notary Public (or other qualified officer)My Commission expires 9-14-1993

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1956-2
Valley Motel HCR 83, Box 126, Custer
(Applicant) (Post Office Address)
SD 57730 With the following qualifications.
(State) (Zip Code)

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

Date of first receipt of application February 25, 1986.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved May 14, 1986.

The Water Management Board hereby approves this Water Permit No. 1956-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 25, 1986.
2. The equivalent of at least one-fifth of the specified work is ~~to be~~ completed ~~on or before~~ _____, 19____.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of commercial use
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .10 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for commercial use on or before _____, 19____; said water to be used during the following described annual period: Jan. 1 - Dec. 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
JUN 20 1986, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" ? Depth 180 ft
- b) Casing Type Steel Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: 200' (approx)
- On applicants property yes On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

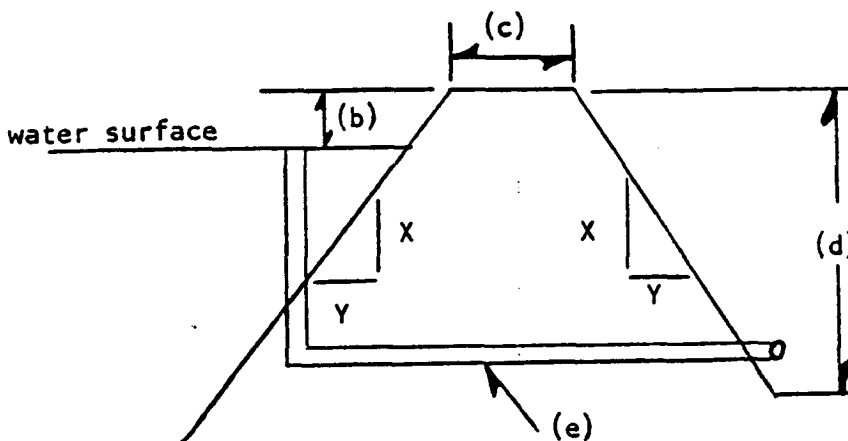
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Valley Motel
Elizabeth Johnson, Manager
Signature of Applicant

1956-2 Custer

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 24 Township 35 Range 5E
Well owner Wilbur Moses Valley Motel
(Name) (Address)
Date well drilling completed 5-22-78 Purpose of well dom
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
0-70	DRIFT,	118 to 120 ft.
	gravel, sand	Depth to static water level <u>8' +</u> ft.
20-86	schist, hd, gray	Name of producing aquifer (if known) <u>FRACTURES</u>
	abundant water	Total depth of drill hole <u>140</u> ft.
	(cased off)	Depth to bottom of casing <u>135'</u> ft.
86-91	schist, soft	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
	caved in.	<u>78' of 6" steel - cemented to case off upper water very much IRON.</u>
91-118	schist, hd, gray	<u>62' 6" of 5" steel Bottom</u>
118-120	schist, fractured	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
120'	water 30 gpm.	<u>Bottom 20' of 5" steel perforated.</u>
120-135	schist, some quartz	
135	water 45 gpm.	

Attach sheet if more space is needed

If a flowing well, flow of completed well 45.0 + G.P.M.

Alexander Drilling Co. Roy Alkhore
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump (owner installed) HP _____
Type of pump _____ Capacity of installed pump _____ G.P.M.
Depth of pump placement _____ ft., Date of pump installation _____

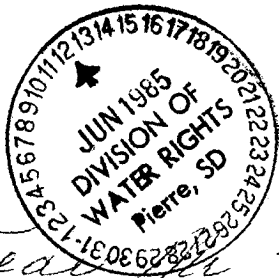
(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

Received 3-5-79



June 10, 1985

Dear Mr. Hatch,

We are in need of knowing if a water permit has been issued to the Valley Motel, Custer, SD at any time - Our legal description is -

TR A1 & TR B B of lot 5
Sect 19 township 3 Range 5
0.79 Acres

TR B lot 5 & TR Cullum of
TR B of lot 5 Sect 19 township
3 Range 5 1.62 Acres

Thank you -

Sincerely

Elizabeth Johnson
Manager

Valley Motel
HCR 83 Box 124
Custer SD 57830

WATER RIGHTS DIVISION
(605) 773-3352

February 10, 1986

Valley Motel
Elizabeth Johnson
HCR 83, Box 126
Custer, South Dakota 57730

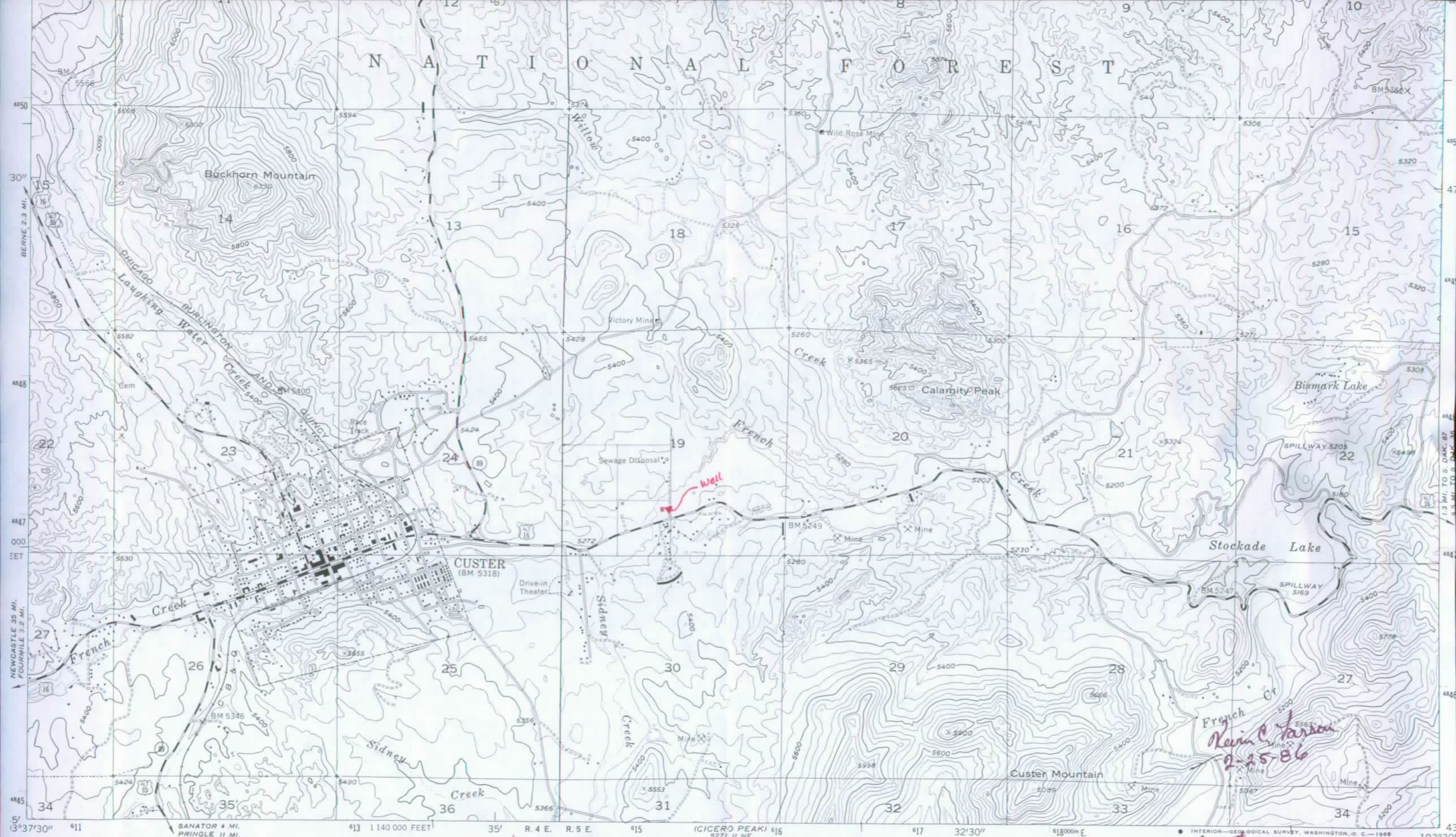
Dear Mrs. Johnson:

I am returning two typed copies of form 2 for a water permit application. Please complete the forms where I have indicated. I am also sending a map and a copy of a well log that I found in our files. Mark the location of the well on the map and return it to this office along with the completed copies of form 2 and a \$50.00 filing fee. You may keep the well log for your information. When we have received the required information we will continue processing your application. If you have any further questions please contact this office.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.



Mapped, edited, and published by the Geological Survey

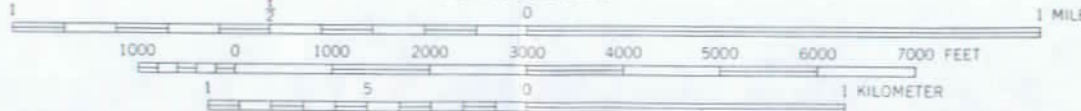
Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods
Aerial photographs taken 1952. Field check 1954

Polyconic projection. 1927 North American datum
10,000-foot grid based on South Dakota coordinate system,
south zone

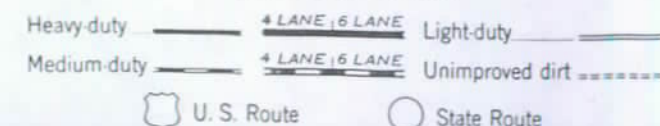
• Approx location
of the well at the Valley Motel

SCALE 1:24 000



APP # 1956-2

ROAD CLASSIFICATION



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410334

Pierre, February 25, 1986

RECEIVED OF Valley Motel, HCR 83, Box 126, Custer, SD 57730

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

Fee for Application for Permit No. <u>1956-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatch
JOHN HATCH (MS)

Water Rights Division
605 773-3352

June 17, 1985

Valley Motel
Elizabeth Johnson
HCR 83, Box 126
Custer SD 57730

Ms. Johnson:

I have reviewed our records and do not find anything filed for the Valley Motel. We would be very glad to provide you any assistance we can in preparing the proper application forms. If you need any assistance or forms please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KEL:ks

REPORT ON APPLICATION NO. 1956-2

Valley Motel

March 18, 1986

Application No. 1956-2 proposes to appropriate 0.10 cfs from one existing well, 135 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T3S, R5E. The water is used to supply the motel.

Aquifer: Pre-Cambrian Rocks

Geology and Aquifer Characterists

The Pre-Cambrian rocks in this area consist of mica-schist or phyllite, quartzite, amphibolite, meta-iron formation and graphitic schist (Redden, 1975). Groundwater is derived from bedding planes, joints, and fractures that occur in the meta-morphic rocks. Recharge is accomplished through precipitation infiltrating down into the rocks via fractures and fissures. Because of the close proximity of French Creek, water from the creek may supply recharge to the rock. The aquifer is under water table conditions with the reported static water level of the well, of 8 feet. Area domestic wells are all similar in depth and are low yield wells.

The Division of Water Rights does not monitor any observation wells in the area and there is no historical data (water levels) available.

Review of Existing Permits

There are five existing permits within approximately one mile of the applicant's well. They include:

<u>Permit No.</u>	<u>Owner</u>
1909-2	Calamity Peak Lodge
1924-2	City of Custer
1938-2	Gerald Dennis
1940-2	Pine Lodge Cabins
1948-2	Needles View Supper Club

The wells supplying these permits are similar in depth and obtain water from the same source as several domestic wells, and the applicant's well. All of the permits in the area have been approved with only the standard well interference qualification.

Gerald Dennis, owner of Permit No. 1938-2 reported concern over declining water levels in his well during the summer of 1985, and suspected interference from the well supplying Permit No. 1949-2. Investigation revealed Mr. Dennis' problem may be a "Well Problem" rather than well interference.

Conclusions

1. Water is available from the Pre-Cambrian age rocks.
2. Interference should not be a problem because of low pumping rates.
3. The Division of Water Rights does not monitor any observation wells in this area.
4. The well supplying water for this permit has been in use for several years with no reported interference.
5. The proposed diversion can be developed without unlawful impairment of existing rights.



KENT BUHLER

Natural Resources Engineer

References

Redden, J.A, Norton J.J., "Precambrian Geology of the Black Hills", Mineral and Water Resources of South Dakota, 1975, USGS, US Government Printing Office, Washington D.C.

Division of Water Rights, "Water Permit and Domestic Well Log Files", 1986, DWNR, Pierre SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

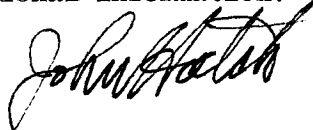
APPLICATION No. 1956-2, Valley Motel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1956-2, Valley Motel, HCR 83, Box 126, Custer SD.

The Chief Engineer is recommending APPROVAL of Application No. 1956-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
March 19, 1986

Instruction to Newspaper - Publish first publication of the following Notice on or before **March 26, 1986** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1956-2 to Appropriate Water and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that the Valley Motel whose mailing address is HCR 83, Box 126, Custer, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second from one existing well, 135 feet deep located in the ~~SE 1/4~~ Section 19 T3S-R5E. Water is used to supply the motel.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1956-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, May 14, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26 must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.

Notice of Hearing

STATE OF SOUTH DAKOTA)
) ss.
County Custer)

Water was taken from the Cater County Chronicle

City of Custer

March 26, 1986

April 2, 1986

(Signature)

Publisher _____
(Title)

1/2/86
(Date Signed)

Cost of Printing:

1st. Week - 25.33

2nd Week - 20.26

Total for 2 weeks 45.59

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.

#109 03-26-86

04-02-86

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-30.4 thru 46-5-40; (transfer lands) 46-5-38.4, 46-5-33 thru 46-5-35; thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

June 20, 1936

Elisabeth H Johnson, Manager
Valley Motel
HDR 83, Box 126
Custer SD 57730

Dear Ms. Johnson:

Enclosed is your Water Permit No. 1956-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style with some loops and flourishes.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

Permit No. 1956-2
Custer County

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501
Other permit/license(s) associated with project: **None**
Contact Person & Address: **LeYen Wendland, HCR 83 Box 126, Custer, SD 57730**

Report Of Examination Of Works

On **October 16, 2001**, I made a thorough examination of the water use system authorizing the appropriation of 0.10 cubic feet per second (cfs) of water from a well for commercial purposes at the **Valley Motel** and bearing the priority date of February 25, 1986.

There are **two (2) wells** in use at the motel with a manual switchover installed in the pump house. Each well is equipped with a **16 gallon per minute (gpm)** pump for a total diversion rate of 0.071 cfs. The wells and distribution system are in good condition. The diversion points are in the **SE¼ SW¼ of Section 19 T2S R5E (N43.7702° W103.5684°), 2430-feet East and 1010-feet North of the Southwest Corner of the section. One well head is located in the pump house and the other one is located approximately 50' East of the pump house.**

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by: **Yes**
- 2) All structures, wells and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **None**

Report on the Specifics of the System

Diversion Point Information:

- | | |
|---|--|
| 1) Well Drilling Firm: Alexander Drilling | 2) No. of Wells: 2 |
| 3) Depth(s): One well @135 feet, other estimated @same | 4) Well log available: For 1 Well |

Casing:

- 1) Diameter: **6&5-inch**
- 2) Length: **78-feet 6-inch, 62.5-feet 5-inch**
- 3) Type: **Steel**

Screen:

- | | |
|--------------------------------------|---------------------------|
| 1) Type: Perforated casing | 2) Length: 20-feet |
| 3) Static water level: 8-feet | |

Pump\ Motor:

- | | |
|---|-----------------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 16 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: 1 hp |

Distribution System:

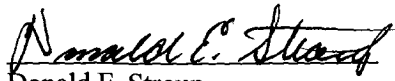
- 1) Type: **NA**
- 2) Length: **NA feet**

Note: The above information is for the well that is documented. The servicing plumber in Custer believes the other well is identical in construction.

COMMENTS:

This commercial property is presently owned and operated by Loren & LeYen Wendland. Both wells are in the same metamorphic fractured schist and are not pumped at the same time. The combined total diversion rate of the two wells is 32 gpm (0.071 cfs), which is less than the permitted withdrawal rate of 0.10.

These wells should be licensed for the as-built 32 gpm (0.071 cfs) combined diversion rate and the license transferred to Loren and LeYen Wendland, HCR 83 Box 126, Custer, SD 57730.



Donald E. Stroup

Natural Resources Project Engineer

DENR, Water Rights Program

10/18/01
Date

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Valley Motel, Loren and Le Yen Wendland

ADDRESS: HC 83 Box 126, Custer, SD 57730

DATE: October 18, 2001 **COUNTY:** Custer

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed 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**

Only one (1) well was permitted at this location. Two (2) wells are actually in use at the motel with a manual switchover located in the pump house. Both wells are in the same metamorphic fractured schist with the well heads approximately 50-feet apart. Both wells are not pumped at the same time. The combined total diversion rate of the two wells is 32 gpm (0.071 cfs), which is less than the permitted withdrawal rate of 0.10.

- **If irrigation, no new land is irrigated**

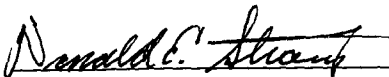
No land is irrigated.

- **Review of Existing Diversions**

This additional diversion point (well) will not affect any other appropriations in the area.

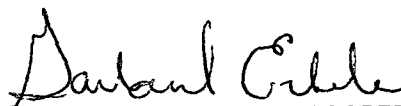
RECOMMENDED ACTION

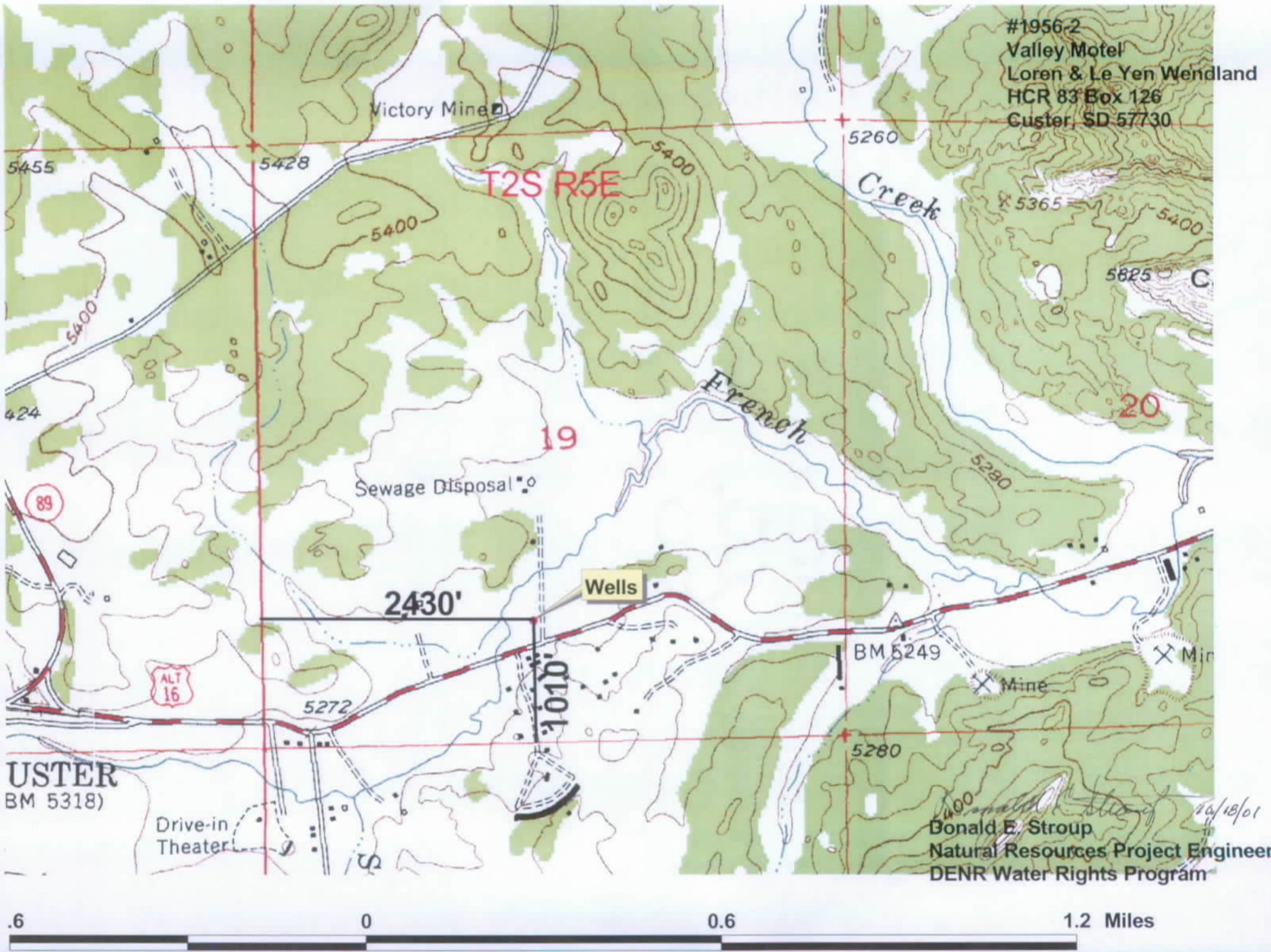
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.

 10/18/01
Donald E. Stroup, Natural Resources Project Engineer
Water Rights Program

The 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.


Garland Erbele, Chief Engineer
Water Rights Program



#1956-2
Valley Motel
Loren & Le Yen Wendland
HCR 83 Box 126
Custer, SD 57730

T2S R5E

19

20

2430'

1010'

CUSTER
BM 5318)

Drive-in
Theater

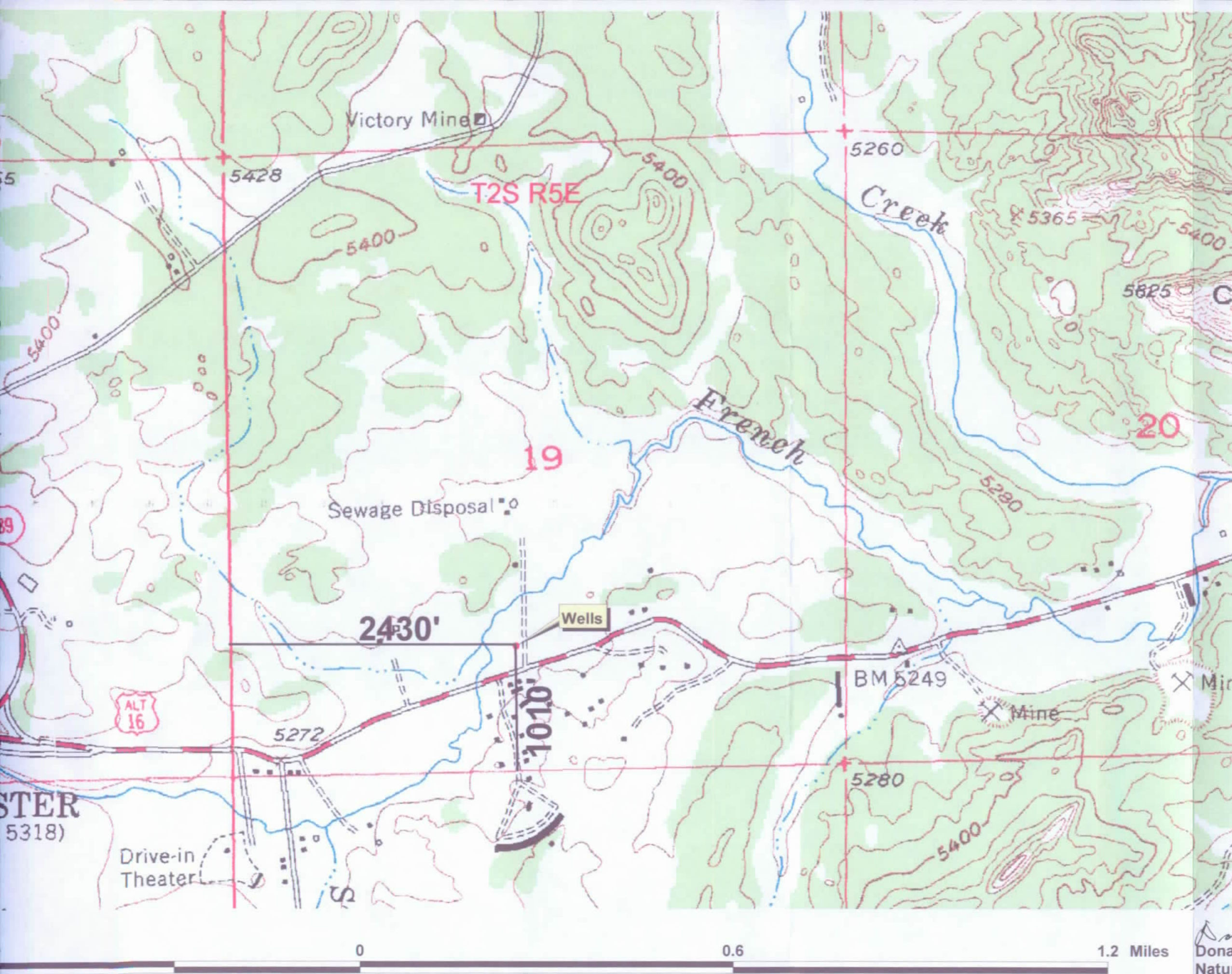
Wells

BM 5249

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

10/18/01





#1956-2
Valley Motel
Loren & Le Yen Wendland
HCR 83 Box 126
Custer, SD 57730

Donald E. Stroup 10/18/01
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2001

1956-2

Loren & LeYen Wendland
HCR 83 Box 126
Custer SD 57730

Dear Mr. & Mrs. Wendland:

On October 16, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1956-2, was completed by Donald E Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1956-2

Date: OCTOBER 31, 2001

I/We request that Water Permit No. 1956-2

formerly owned by: Valley Motel, HCR 83, Box 126, Custer

be transferred to: (name & address) LI YEN WENDLAND FOR VALLEY MOTEL, HCR 83 BOX 126,

CUSTER SD 57730

Telephone No. 605-673-4819

Title to the following described land(s)/property has been transferred as described above:

one well - SE 1/4 SW 1/4 Sec 19-T2S-R5E

I/We understand that the validity of Water Permit No. 1956-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

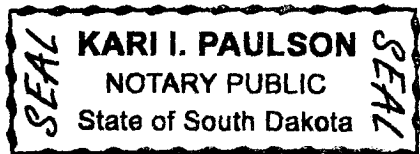
STATE OF SOUTH DAKOTA)

County of CUSTER)

I/We LI YEN WENDLAND being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Li Yen Wendland
(Signed)

Subscribed and sworn to before me this 31st day of October, 2001.



Kari D. Paulson
(Notary Public)
commission expires 12.23.05



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416949

Pierre, November 1, 20 01

RECEIVED OF Li Yen Wendland, Valley Motel, HCR 83 Box 126, Custer SD 57730
the following amount in fees for services rendered as provided for by law: (Valley Motel)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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. 1956-2

Fee for Filing Transfer Form 1956-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

52 50

By

Darland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

1956-2

Li Yen Wendland
Valley Motel
HCR 83 Box 126
Custer, SD 57730

Dear Mr. Wendland:

Enclosed is Water License No. 1956-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416949 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and the filing of transfer form.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1956-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1956-2

(1) Valley Motel, Custer SD 57730 made Application No. 1956-2, February 25, 1986 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for commercial use purposes. Permit No. 1956-2, with a priority date of February 25, 1986 was approved May 14, 1986 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

An investigation conducted for licensing purposes found an additional diversion point developed under Water Permit No. 1956-2. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing water rights.

On November 1, 2001, Water Permit No. 1956-2 was transferred to Li Yen Wendland dba Valley Motel.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.071 cubic feet of water per second for beneficial use. The location of the diversion points are approximately: 2,430 feet east and 1,010 feet north of the southwest corner of Section 19-T2S-R5E (SE ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Li Yen Wendland dba Valley Motel, HCR 83, Box 126, Custer SD 57730 the holder and/or owner of Water Right No. 1956-2 is issued a license to appropriate water, the right to use 0.071 cubic feet of water per second from groundwater (two wells) with a priority date of February 25, 1986 from the location specified in (2) of this license for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1956-2 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 07 2001

date

