

Considered: _____

WATER PERMIT NO. 1967-2

MAP No. same

Name of Applicant Outlaw Ranch

Post Office Address HCR 83, Box 90, Custer SD 57730

Amount of Water Claimed .042 Total Acres NA

Source of Water Supply groundwater - Pre-Cambrian

Water to be used for institutional County Custer

About 3 miles NE of Custer

PROOF OF PUBLICATION: Received 8/11/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

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

PRIORITY _____ Date Received April 25, 1986 Fee \$50.00 Remarks _____

4/25/86

Corrected Application Received June 20, 1986 Period of Annual Use Jan 1 - Dec 31

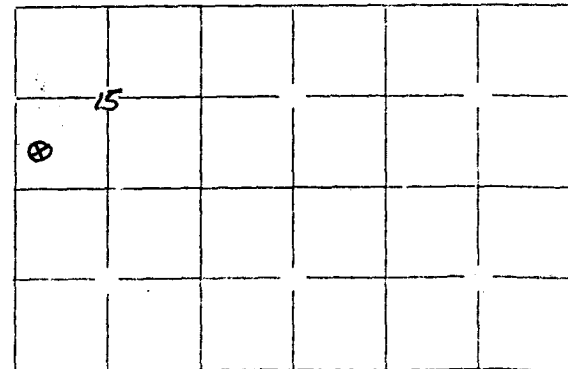
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: SW 1/4 SW 1/4 of sec 15-

T3S - R5E

Land to be Irrigated NA



Well Log: Driller contractor: Joe Neffe Licensed YES _____ NO _____

Depth of Well 300 ft REMARKS _____

Type of Map Topo + Plat PREPARED BY Renner + Sperlich Reviewed and the Number

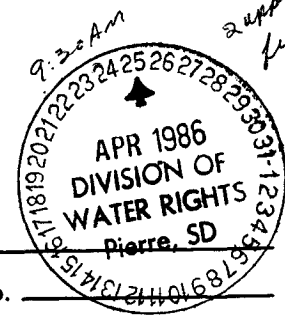
assigned on June 12, 1986 By Ron Duvall

No. 1967-2 Hydrologic Unit 10120109
 Map No. same Basin Upper Cheyenne
 Newspaper Custer County Chronicle, Box 551 (Wed)

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 Outlaw Ranch Phone No. 613-4040Post Office Address HR 83 Box 90 Custer State SD Zip Code 57730
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 19 gpm .042 cfs3. Source of water supply dug well4. Location of point of diversion SW 1/4 - SW 1/4 Sec 15 T 35-R5 +SW 1/4 Sec 1/4 Sec 15 T 3 R5County Custer5. Counties where water will be used Custer6. Annual period during which water is to be used year-around January 1 - 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)

Submitted to SD Dept. of Water & Natural Resources
Drillers log attached

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 _____)

I, Dick Brown, Owner of Outlaw Ranch 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.

Signed Dick BrownSubscribed and sworn to before me this 29th day of April 1986

Douglas Spauld
 Notary Public (or other qualified officer)

BORROW
SITE 2

NOTE: SCHEDULE II CONTRACTOR IS RESPONSIBLE FOR CONNECTING EFFLUENT POND PIPING TO SCHEDULE I VALVES AND SEPTIC TANK.

SCHEDULE I
CONSTRUCT 1030 I.P. OF 4" PVC FORCE MAIN W/ BENDS AND THRUST BLOCKS AS NECESSARY, AND 2-4" GATE VALVES.

SCHEDULE II
CONSTRUCT 11/25 I.P. OF 4" BARBED WIRE FENCE AS PER DETAIL.

NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING POWER AND ELECTRICAL PANEL FOR LIFT STATION. CONTRACTOR MUST VERIFY POWER SOURCE PRIOR TO BIDDING.

SCHEDULE II
CONSTRUCT 275 I.P. OF 4" PVC FORCE MAIN W/ BENDS AND THRUST BLOCKS AS NECESSARY.

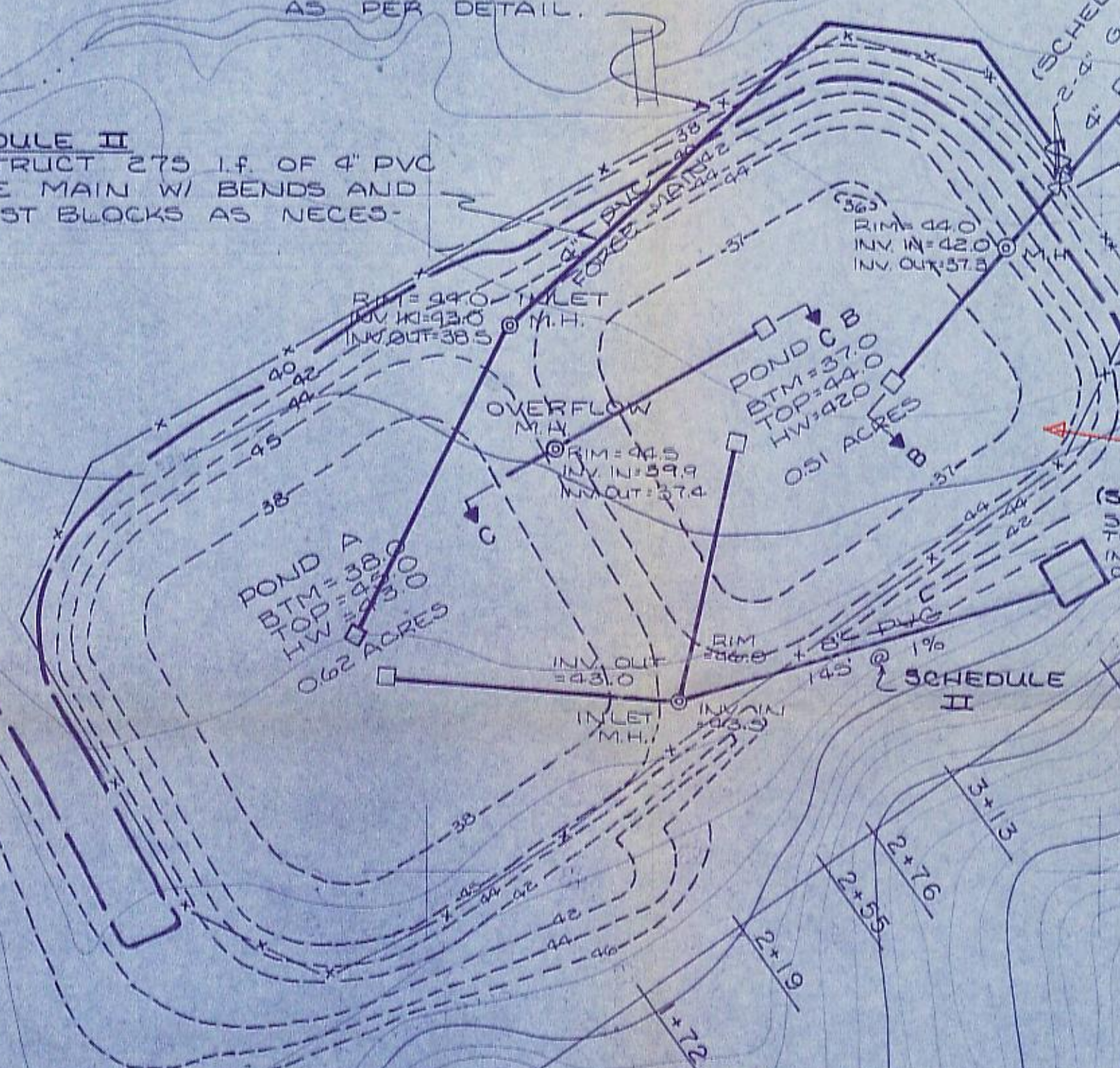
SCHEDULE II
CONSTRUCT SEWAGE EFFLUENT POND COMPLETE W/ PIPING AS PER PLAN, DETAILS, CROSS-SECTIONS & SPECIFICATIONS.

NOTE: SCHEDULE I INCLUDES SEPTIC TANKS, LIFT STATION AND 4" FORCE MAIN INCLUDING 2-4" GATE VALVES.

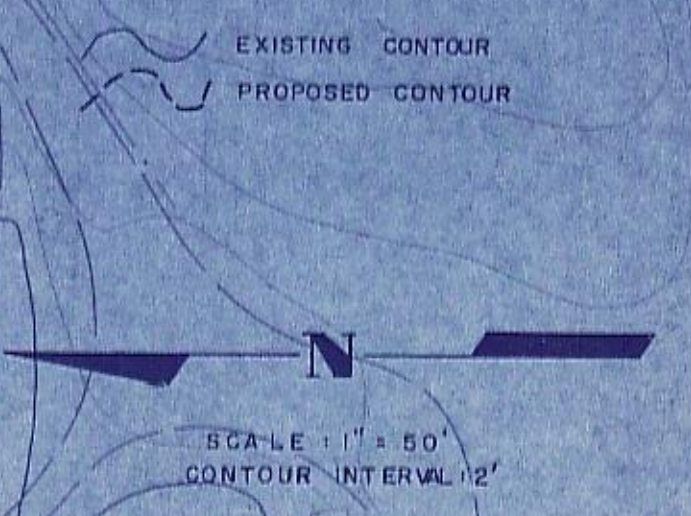
EXISTING WELL, GRAD. EL. 52.65

SCHEDULE II
CONSTRUCT GRADING IMPROVEMENTS FOR ACTIVITIES AREA. BORROW FOR FILL IS TO COME FROM BORROW SITE AS NOTED.

(SCHEDULE I)
LIFT STATION
BTM OUT
24.0
RIM 29.50
INV. IN 27.0
TOP 30.0
OUT 28.4
IN 28.65
SEPTIC TANK



SEWER
PIPING PLAN
&
GRADING PLAN



Appl. No. 1967-2
L.O.S.D./OUTLAW RANCH

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1967-2
Outlaw Ranch HCR 83, Box 90, Custer
(Applicant) (Post Office Address)
SD 57730 With the following qualifications.
(State) (Zip Code)

1. 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.
2. Approval of Permit No. 1967-2 grants a variance to Water Management Board Rule 74:02:04:24 and allows the well authorized by this permit to be located 450 feet from a proposed wastewater stabilization pond.

Date of first receipt of application April 25, 1986.
Date of return to applicant for correction, amendments or changes required April 28, 1986.
Date of receipt of corrected application June 20, 1986. Approved September 3, 1986.

The Water Management Board hereby approves this Water Permit No. 1967-2 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 April 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 institutional use by
Outlaw Ranch
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 .042 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 institutional 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 D. Smith
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources
NOV 14 1986

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 300'
- b) Casing Type 19-18 lb black 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:
- On applicants property _____ 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 _____

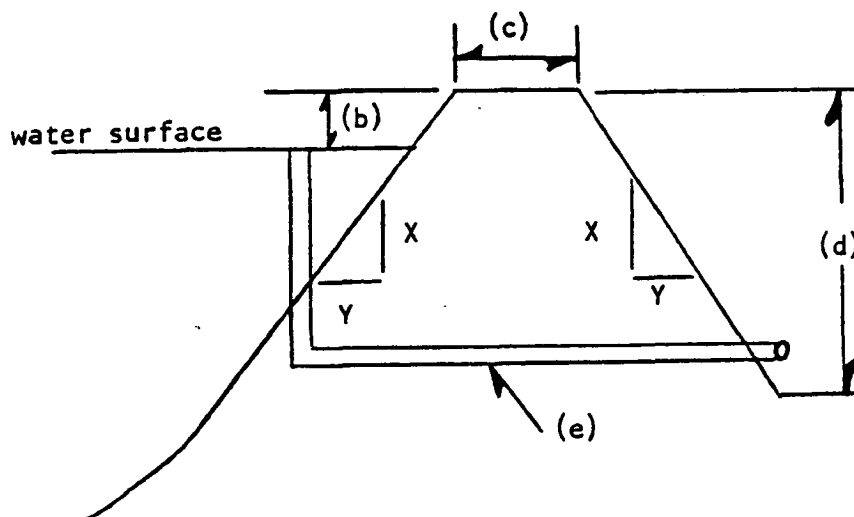
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

410429

South Dakota Department of Water and Natural Resources

Pierre, April 24, 19 86

RECEIVED OF Outlaw Ranch HCR 83, Box 90, Custer, SD 57730

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

Fee for Application for Permit No. _____ 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

John Hatch

Chief Engineer

JOHN HATCH MS

Well Drilled for surface water loose clay at 68 ft
Camp at the Cattle Ranch
NE of Custer S.D. 10 Boiler Reservoir (approx 140 gal.) with
1 1/2 G.P.M. recovery at 117 ft

SW 1/4 - NW 1/4 Sect 15 - T35 - R5 and SW 1/4 Rock turned harder at 110 ft
Sect 15 - T3 - R5 Much harder 208' to 220' Causing
Drilled from well to tighten to bit size 208' to 212'

Mar. 29, 1962 to April 13, 1962

By Joe Jeff Drilling of Custer S.D. 8-8 P.M. at 217 ft

Static level 27 ft of Grd. Level Blue clay in seams of Peg- 247 ft
Water Recovery in Excess of 15 G.P.M. to 261 ft, some caving at 247 ft

With 60 ft Drawdown at 300 ft More Water from 258' to 277 ft
10 G.P.M. at 277 ft (total flow)

Total Depth 300 ft - Total Casing used

73 ft of 6 in. I.O. - 19:18 lb black steel More Water 277 ft to 300 ft

Casing cemented in Pegmatite Rock Total Recover in Excess of
at bottom of Casing 15 G.P.M. (Gal. per Minute)

From 0+60 ft some clay in the seams
of Pegmatite

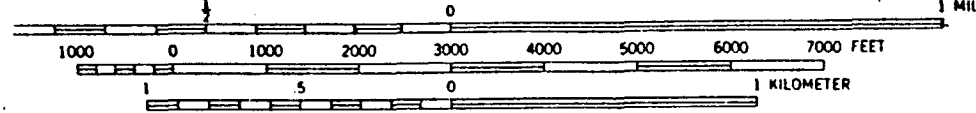
60' + 63' Schist & trace of water

63' + 300 Pegmatite - 'With following'
Trace of water at 88 ft

- over -

Joe Jeff
Driller Contractor

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

OUTLAW RANCH

T3S
R5E

4448
1.3 MI. TO S. DAK. 97
9.5 MI. TO S. DAK. 36

4447

4446

Ron Survall

Appl. No. 1967-2

SURVEY OF NON-COMMUNITY WATER SUPPLY

ID# _____

Survey taken by Walther Survey Date 7/18/85

Is system active or inactive Active

If inactive, deactivation date _____

Deactivation reason _____

Location of NC PWS NE off Hwy 16 (E. of Custer)

Type of NC PWS (campground, motel, resort, etc.) Church camp

Name of NC PWS Outlaw Ranch

NC PWS mailing address HCR B3 Box 90 Custer 57730 Telephone # 673-4040

Name of Operator ~~Manager~~ Dick Iverson

Owner of NC PWS _____

Owner's mailing address _____

Type of owner: Private ☒ City () State () Federal () Other ()

County NC PWS located in Custer Seasonal operation dates 12 Mo.

Number of people served: Average daily winter = 20 / summer = 125 Peak Daily winter = 20 / summer = 125

Comments on type of people (transient) vs (permanent)

Water source (well), spring, lake, river, other) _____

Source name _____

Visual inspection of water source (comments) _____

well located on top of a hill in a locked pump house

Observation of owner/operator making a turbidity test (if source is a surface supply).

Comments: _____

Surface Area Characteristics _____

hilly

WELLS: Drilled ☒ Bored () Dug () Driven ()

Well depth 260' Well diameter 6" Casing material steel

Casing diameter _____ Height casing top above ground 4"

Grouted NO Grouted to what depth _____

Date of well construction ?

Distance to: Septic tank 150' Disposal field 150'

Is well situated in a pit or depression where it will be subject to flooding?

NO

Any known private sewage systems nearby NO - 1/4 mi.

Any known source of contamination NO

PUMP:

Well pump type submersible Capacity ≈ 30 CPM

Number of service connections 4

Pumphouse floor/housekeeping _____

STORAGE:

Size and type of storage 1-60 gal P.T. ; 1-1500 gal storage tank

Cover/manhole conditions (overlapping cover?) _____

Overflow and vents screened _____

Distance from pits/contamination/drainage _____

General condition _____

PRESSURE TANKS:

1-60 gal

TREATMENT:

Type of treatment: Filtration () Softening () Disinfection () Other ()

None (X) Describe other

Chlorine added once a Month (1 gal / 1200 gal)

Type of filtration

Type of disinfection

Type of softening

Noted defects (if any) in the treatment facility

Chlorine Residual Test: Time and date sample taken

Test conditions and location

Test equipment

Test results

Turbidity Test: Time and date sample taken

Test conditions and location

Test equipment

Test results

Coliform Test and Nitrate Test: Time and date sample taken 7/19/85 945 am

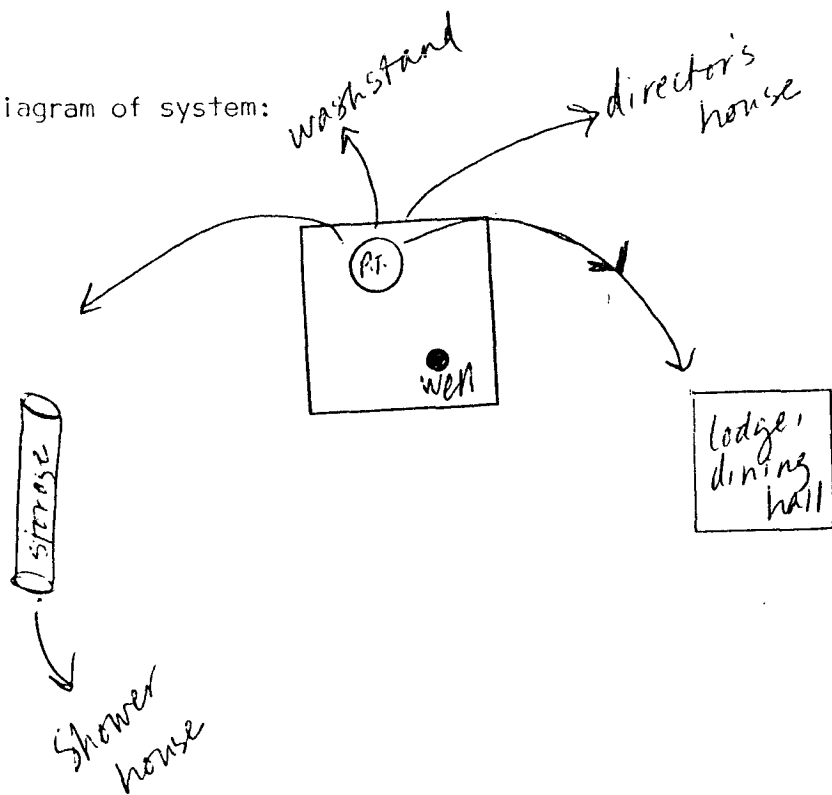
Test conditions and location Kitchen

Name of lab St. Health Lab

Time and date sample received 7/19/85

Results 0 of 5 tubes pos.

Block diagram of system:



Short report on system:



Renner & Sperlich Engineering Company

P.O. Box 9165

• Rapid City, South Dakota 57701

• 605/342-1191

April 4, 1986

Department of Water & Natural Resources
Water Rights Division
Attn: Mr. John Hatch
Joe Foss Building
Pierre, SD 57501



RE: Outlaw Ranch, Custer, SD

Dear Mr. Hatch:

Enclosed herewith are:

1. Sheet from the construction plans showing proposed improvements of a total containment sewage treatment pond in relation to existing deep well.
2. Portion of USGS map showing location of Outlaw Ranch. The well location is in the SW1/4 of SW1/4 of Section 15, T3S, R5E, BHM, Custer Co., SD.

We have been informed by Mr. Ray Birchem that our construction plans cannot be approved without a variance from your office. The water supply well is existing. We do not know very much about the construction, but we have been told by the Camp Director, Mr. Dick Iverson that the well is 260 feet deep with a 30 foot static water head and current pumping rate is 20 gpm.

We cannot give you any specific geological information about the well or the depth of casing but if necessary, maybe we could track it down.

We are hereby requesting, on behalf of the owner, that a variance be granted in order to allow the construction as proposed.

Mr. John Hatch
April 4, 1986
Page 2

You may wish to contact Ray Birchem for construction specifications and his comments. It was his opinion that a variance would probably be granted in this instance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas Sperlich".

Douglas Sperlich
#425

John Hatch

**South Dakota Department of
Water & Natural Resources**

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

April 7, 1986

Re: *10.2* & 10.3 Custer Co.
P&S No. 85-117P

Douglas Sperlich, P.E.
Renner & Sperlich Engineering Co.
P.O. Box 9165
Rapid City, South Dakota 57701



Subject: Review of Plans and Specifications for the Outlaw Ranch
Utility Improvements for Lutherans Outdoors of South Dakota,
Custer, South Dakota

Dear Mr. Sperlich:

Receipt is acknowledged of one set of preliminary plans and specifications for the above mentioned project.

A review of the plans and specifications has been completed. The proposed construction is not in compliance with the minimum requirements of the Department of Water and Natural Resources (DWRN) in most part because of qualification **3. The Department has these other qualifications and comments as follows:

1. Lift chains and guides in wet well are recommended to be of corrosion resistant material or corrosion protected.
2. Extreme caution will be required when entering a wet well as designed without ventilation. We would recommend that a warning sign to that effect be provided and to include a means for mechanical ventilation for the workers safety if or when inspection and maintenance is required.
- ** 3. According to S.D. Well Construction Standards Chapter 74:02:04:24, no well supplying potable water may be located any closer than 1000 feet of a wastewater stabilization pond. If the soils, water gradient and elevation differences are favorable as would appear to be, it recommended that a variance request be made to the Chief Engineer in the DWRN Water Rights Division.

4. The seepage rate for the cells shall not exceed 1/16 inch per day through the dikes and pond bottoms. Prior to putting the ponds into operation, tests shall be conducted to verify that the required seepage limits have been met.
5. We recommend that vacuum-breakers be installed on all yard hydrants.
6. Best Management Practices should be used for borrow site area.
7. Cross-connection protection should be provided in waterline to barn.
8. On water distribution plan sheet, the S.D. State Plumbing Code is not applicable beyond 5 feet of building structures; thereon it is recommended design criteria of this department.
9. Dimensions of lift station are not mentioned.
10. Thrust blocking should be also specified for water mains.
11. Forcemains shall be tested at a minimum pressure of at least 50 percent above the design operating pressure, for at least 30 minutes. Leakage shall not exceed the amount given by the following formula:

$$L = \frac{NDP^{1/2}}{1,850}$$

Where:

L = The allowable leakage in gallons per hour.

N = The number of pipe joints.

D = The nominal pipe diameter in inches.

P = The test pressure in psi.

12. Exfiltration tests for leakage should also be specified as infiltration testing should be only applicable in high ground water areas.
13. Water samples for bacterial analysis shall be collected and show acceptable bacteriological quality before the water line is placed into service.
14. It should be noted in the specifications that the highly chlorinated water in the pipelines or storage tanks shall not be flushed to a creek, stream, or lake. Past experience have demonstrated the highly toxic effect chlorine has on fish and aquatic life.
15. The effective capacity of the wet well should be such that one pump will continuously run at least five (5) minutes of every 30 minute period at minimum flow. The volume of a wet well between start and stop elevations for pump(s) and speed(s) can be determined by using the formula:

$$V = \frac{T \times q}{4}$$

Where:

V = Required capacity in gallons

T = Minimum time of one pumping cycle between successive

Re: 10.2 & 10.3 Custer Co.

April 7, 1986

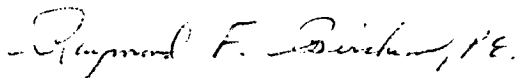
Page 3

starts, or speed increases of the control range in minutes
 q = Pump capacity in gallons per minutes

For smaller pumps, (T) can be reduced to 10 minutes with 15 minutes being the more desirable.

In conclusion, the above requirements are not meant to cause delay in construction but rather to insure that an adequate system is installed for this development. At this time, it cannot be certified that there is reasonable assurance that the project is located or designed in such a manner that it will not result in any environmental conditions which would exceed current Drinking Water or Water Quality Standards for the State of South Dakota.

Sincerely,



Raymond F. Birchem, P.E.
Staff Engineer
Department of Water and Natural Resources
Phone: (605) 773-3296

cc: Steve Pirner, Office Water Quality
John Hatch, Water Rights ✓
Gary Stephenson, BHRO
Jack McBride, Custer Co. Planning & Zoning

B40301RB.WQ



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 15, 1986

Dick Iverson
Outlaw Ranch
HCR 83, Box 90
Custer SD 57730

Dear Mr. Iverson:

This letter is in response to information received from Renner and Sperlich Engineering Company on April 7, 1986.

Mr. Sperlich requested that a variance be granted to construct proposed improvements to a sewage treatment pond. The variance was requested due to the close proximity of a water supply well to the sewage ponds. The Well Construction Standards, Chapter 74:02:04:24 specifies that a well which supplies a common distribution system must be at least 1000 feet away from a wastewater stabilization pond.

A check on our records has found that Outlaw Ranch does not have a water permit as required by SDCL 46-1-15, 46-5-9 and 46-5-10. Uses of water other than private domestic use require a water permit. Therefore, Outlaw Ranch needs to apply for a water permit to comply with state law.

The Water Management Board is responsible for approving water permit applications. A variance to allow the proposed construction will not be considered until a permit application has been received and approved by the Board. The next scheduled meeting at which time the Board can consider your water permit application is on July 1 and 2, 1986.

Enclosed are permit application forms and an instruction sheet. The application needs to be completed and returned with an application fee as outlined in the instructions. The fee is \$50.00 for a pumping capacity of 45 gallons per minute or less. The well may qualify for a vested right, if the well was in existence prior to 1955. If the well does qualify for a vested right, complete the Affidavit of Construction form, otherwise disregard this form. The fee for a vested right application is \$10.50.

The application needs to be completed and returned by April 25, 1986 in order to meet advertising deadlines for the July Board meeting. Please be sure to answer all the questions to prevent delays in processing the application.

Please let us know, if we can be of assistance.

Very truly yours,

JOHN HATCH, Chief Engineer

encl.

cc: Douglas Sperlich

Equal Opportunity Employer

WATER RIGHTS DIVISION
(605) 773-3352

April 28, 1986

Dick Iverson
Outlaw Ranch
HCR 83, Box 90
Custer, South Dakota 57730

Dear Mr. Iverson:

This letter is in response to your water permit application for Outlaw Ranch which was received on April 25, 1986. The following information is needed before the permit application can be processed:

1. The amount of water claimed (gallons per minute) needs to be specified in Question No. 2 on the enclosed Form 2. The driller's log specified that the total recovery from the well was in excess of 15 gpm. If this is the current pumping rate, then indicate that the pumping rate is 15 gpm in Question No. 2.
2. Form 2A needs to be signed.
3. The enclosed map locates the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15-T3S-R5E. Question No. 4 on Form 2 specified the well as being located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15-T3S-R5E. Please indicate which location is correct.

Complete and return the enclosed forms. The permit application can be processed only upon receiving a complete application. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

REPORT ON APPLICATION NO. 1967-2
OUTLAW RANCH
May 27, 1986

Application No. 1967-2 proposes to appropriate 0.04 cfs from one 300 foot deep Pre-Cambrian well located in the SW 1/4 SW 1/4 Section 15, T3S, R5E. The well is used to supply water through a common distribution system for institutional use.

Aquifer - Pre-Cambrian Rock

Geology and Aquifer Characteristics

The Pre-Cambrian complex in this area consists of thin bedded mica schists and pegmatite, which is an exceptionally coarse-grained igneous rock. Ground water is derived from voids in the Pre-Cambrian rock which occur either as small intergranular openings; or bedding planes, joints and fractures. The total porosity of the Pre-Cambrian rock in this area is estimated to be 3%, and the effective porosity is estimated to be 1% (Rahn, 1979). Water in the Pre-Cambrian is under water table conditions.

The driller's log that accompanies this application identifies four water producing zones from 88 to 300 feet deep.

There are no recharge estimates available for the Pre-Cambrian rock in this area. Recharge is through direct infiltration of precipitation via fractures and fissures, and possibly through streamflow from French Creek.

Review of Existing Permits

There are two existing permits in this area; they include:

Permit

<u>No.</u>	<u>Owner</u>	<u>Location</u>	<u>Use</u>
727-2	GF & P	NW 1/4 NW 1/4 22-T3S-R5E	70 ac-ft/yr to fill Bismark Lake from Willow Creek
734-2	GF & P	SE 1/4 SE 1/4 22-T3S-R5E	400 ac-ft/yr to fill Stockade Lake from French Creek

The Division of Water Rights has records of seven domestic wells within one mile of the applicant's well.

Conclusions

1. The Pre-Cambrian Rock is a viable source of groundwater in this area.
2. Groundwater flow through the Pre-Cambrian Rock is along joints, fractures and down dip bedding planes.
3. Recharge to the Pre-Cambrian Rock, which is through direct infiltration of precipitation and streamflow from French Creek, has not been quantified.

4. There are numerous domestic wells in the area which are supplied by the Pre-Cambrian Rock.
5. The nearest groundwater permit is approximately two miles from the applicant's well site.
6. There are two existing surface water permits from French Creek and Willow Creek.
7. The existing water rights in the area and the domestic wells in the area should not be effected by the low withdrawal rates proposed by this application.
8. The well has been in use since 1962 with no reported controversy.
9. A sewage treatment pond is to be constructed approximately 450 feet from the existing well. SDAR 74:02:04:24 requires that wells constructed to supply water to water distribution systems may be located no closer than 1000 feet from a waste water stabilization pond.

Kent Buhler / KS

KENT BUHLER
Natural Resources Engineer

Reference

Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corp of Engineers, SDSM & T Project #2533, Rapid City SD.

Water Rights Division, 1986, " Water Rights Division Files and Domestic Well Log Files", DWNr, Water Rights Division, Joe Foss Building, Pierre SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1967-2, Outlaw Ranch

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. 1967-2, Outlaw Ranch, HCR 83 Box 90, Custer SD.

The Chief Engineer is recommending APPROVAL of Application No. 1967-2 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 qualifications:

1. 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.
2. Approval of Permit No. 1967-2 grants a variance to Water Management Board Rule 74:02:04:24 and allows the well authorized by this permit to be located 450 feet from a proposed wastewater stabilization pond.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
July 11, 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

July 16, 1986

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Outlaw Ranch
HCR 83, Box 90
Custer, South Dakota 57730

Dear Sir:

Your Application No. 1967-2 for a permit to appropriate water for

institutional & commercial use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Custer County Chronicle printed at Custer

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this 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
of intent to appropriate water and to arrange for payment. Early contact with
the paper can eliminate delays. The publisher has been instructed to publish
your notice once each week for two consecutive weeks with the last publication
to occur at least thirty days before the board meeting. We must receive
Proof of Publication before the application can be considered by the Water
Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

July 16, 1986

Custer County Chronicle
Box 55
Custer, South Dakota 57730

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Outlaw Ranch
Application No. 1967-2, in Custer County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before July 23, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
Transmittal form on the bottom of this page. The first copy is needed to check
the publication for errors so any corrections can be made before the second
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been recieved.

Thank you for your assistance.

Sincerely,

RON DUVAL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer

No. 1967-2

Instruction to Newspaper - Publish first publication of the following Notice on or before July 23, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1967-2 to Appropriate Water and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Outlaw Ranch whose mailing address is HCR 83, Box 90, Custer, South Dakota has made an application for a permit

to appropriate .042 cubic feet of water per second from one well (Pre-Cambrian Rock) 300 feet deep in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15-T3S-R5E. The water is for institutional and commercial use by the ranch.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 1967-2 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, South Dakota, September 3 19 86 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 August 22, 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 August 22, 1986.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1967-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Randall O'Neill hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Custer County Chronicle

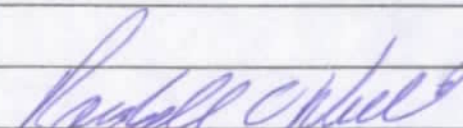
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Custer

County of Custer and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

July 23, 1986

July 30, 1986


(Signature)

Publisher
(Title)

7/31/86
(Date Signed)

Cost of Printing: _____

July 23, 1986 - 23.86

July 30, 1986 - 19.09

Total for 7/23 & 7/30 - \$42.95



Notice of Hearing

Notice of Hearing on Application No.
1967-2 to Appropriate Water

Notice is hereby given that Outlaw Ranch
whose mailing address is HCR 83, Box 90,
Custer, South Dakota has made an
application for a permit to appropriate .042
cubic feet of water per second from one well
(Pre-Cambrian Rock) 300 feet deep in the
SW 1/4 NW 1/4 of Section 15-T3S-R5E. The
water is for institutional and commercial use
by the ranch.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends APPROVAL of Application No.
1967-2 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, South
Dakota, September 3, 1986 at 10:00 a.m.

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 August 22, 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; 46-6-3, 46-6-3.1, 46-6-6.1,
46-6-10, 46-6-13, 46-6-14; and Board Rules
ARSD 74:02:01:01 thru 74:02:01:15.

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,
DWNRR, 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 August 22, 1986.

#285 07-23-86

07-30-86



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 14 1986

Outlaw Ranch
HCR 83, Box 90
Custer, South Dakota 57730

Dear Sir:

Enclosed is your Water Permit No. 1967-2 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 dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

Permit No. 1967-2
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: **Mark Thompson, Outlaw Ranch, HC 83 Box 90, Custer, SD 57730**

Report Of Examination Of Works

On **June 12, 2002**, I made a thorough examination of the water use system authorizing the appropriation of 0.042 cubic feet per second (cfs) of water from a well for **institutional purposes** at the Outlaw Ranch and bearing the priority date of April 25, 1986.

The well and distribution system are in good condition and capable of pumping water at **18 gallons per minute (gpm)** or 0.042 cfs. The diversion point is in the **SW¼ SW¼ of Section 15 T3S R5E (N43.7847° W103.5163°), 740-feet East and 1110-feet North of the Southwest Corner of the section.**

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: Neff Drilling | 2) No. of Wells: 1 |
| 3) Depth(s): 300-feet | 4) Well log available: Yes |

Casing:

- 1) Diameter: **6-inch**
- 2) Length: **73-feet**
- 3) Type: **Steel**

Screen:

- | | |
|---------------------------------------|----------------------|
| 1) Type: None | 2) Length: NA |
| 4) Static water level: 27-feet | |

Pump\ Motor:

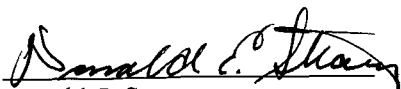
- | | |
|---|------------------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 18 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: NA hp |

Distribution System:

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

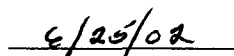
COMMENTS:

This well should be licensed for the as built 18 gpm (0.042 cfs) diversion rate.

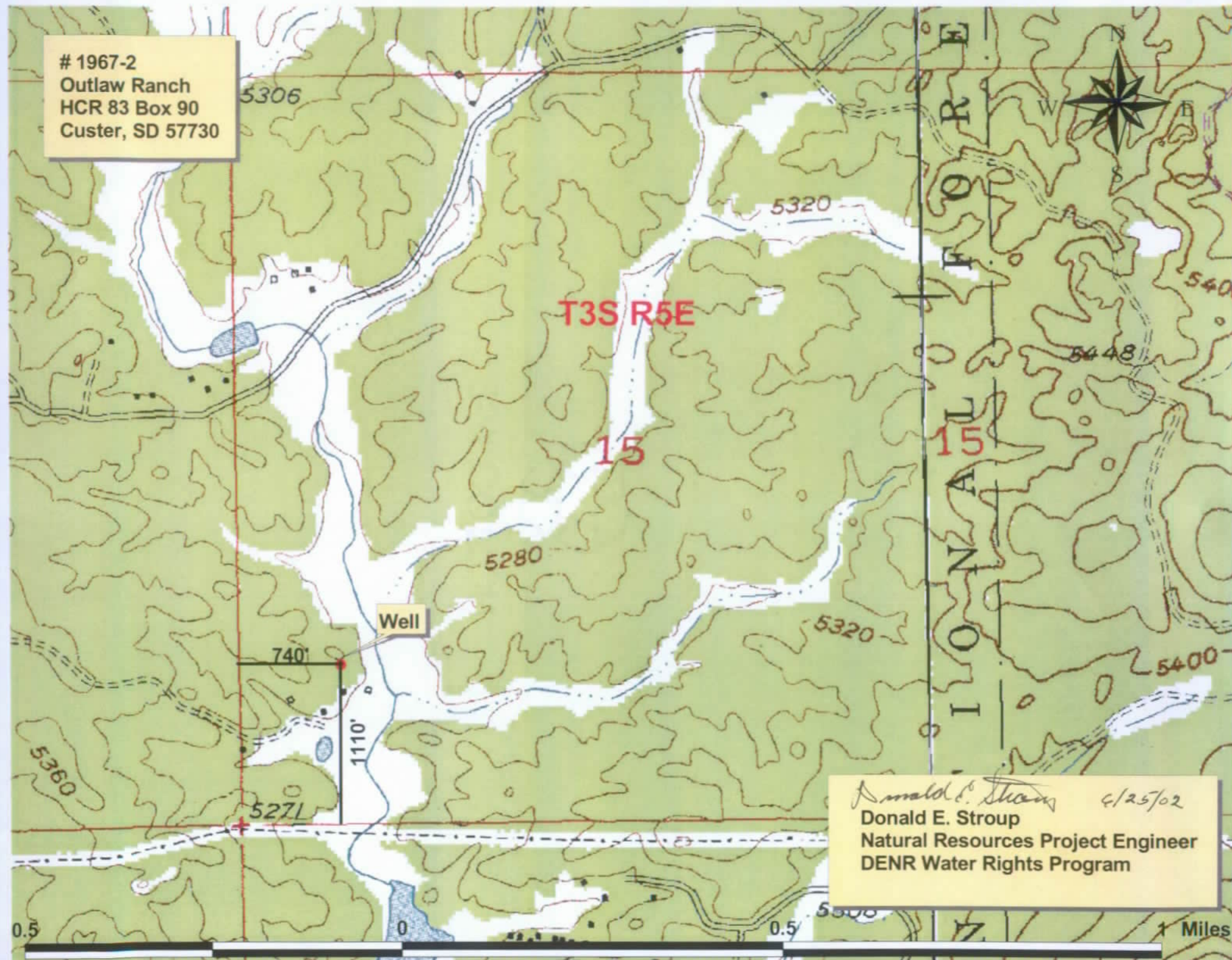


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program


Date

1967-2
Outlaw Ranch
HCR 83 Box 90
Custer, SD 57730



Donald E. Stroup 6/25/02
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

July 8, 2002

RECEIVED

1967-2

JUL 25 2002

WATER RIGHTS
PROGRAM

Mark Thompson
Outlaw Ranch
HC 83 Box 90
Custer SD 57730

Dear Mr. Thompson:

On June 12, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1967-2, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires 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. The check or money order for the fee should be made payable to the "Water Rights Program".

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.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

OUTLAW/ATLANTIC MT. RANCHES
Charge Acct. # 16-506041 = 50.00
Approved By [Signature]

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 417242

Pierre, July 25, 2002

RECEIVED OF NeSoDak-Klein-Outlaw & Atlantic Mt. Ranches, Augustana College, Sioux Falls SD 57197
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 _____

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. 1967-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2002

1967-2

Outlaw Ranch
Mark Thompson
HC 83 Box 90
Custer SD 57730

Dear Mr. Thompson:

Enclosed is Water License No. 1967-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417242 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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. 1967-2, 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. 1967-2

(1) Outlaw Ranch, HC 83 Box 90, Custer SD 57730 made Application No. 1967-2, April 25, 1986 for a water permit to divert 0.042 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for institutional use purposes. Permit No. 1967-2, with a priority date of April 25, 1986 was approved September 3, 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.

(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 0.042 cubic feet of water per second for beneficial use. The location of the diversion point is 740 feet east and 1,110 feet north of the southwest corner of Section 15-T3S-R5E (SW 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.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Outlaw Ranch, HC 83 Box 90, Custer SD 57730 the holder and/or owner of Water Right No. 1967-2 is issued a license to appropriate water, the right to use 0.042 cubic feet of water per second from groundwater (one well) with a priority date of April 25, 1986 from the location specified in (2) of this license for institutional use purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1967-2 and subject to South Dakota State Law.



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

SEP 20 2002

date

