

Considered: _____

Vested Right
WATER PERMIT NO. 1969-2

MAP No. same

Name of Applicant Historic Wagon Train Campground

Post Office Address Rt 3, Box 85A, Custer, SD 57730

Amount of Water Claimed .08 Total Acres NA

Source of Water Supply groundwater

Water to be used for commercial purposes County Custer

About 2 miles E of Custer

PROOF OF PUBLICATION: Received 8/18/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

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

PRIORITY _____ Date Received June 21, 1985 Fee 10.50 Remarks _____

1/1/52 Vested Right Application

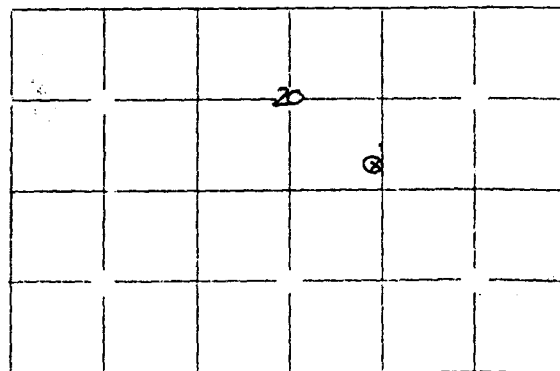
Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

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

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

Diversion Point well: SE 1/4 SE 1/4 of
sec 20 - T35 - R5E

Land to be Irrigated NA



Well Log: Driller Not avail. Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Plat PREPARED BY Laurence T. Price Reviewed and the Number

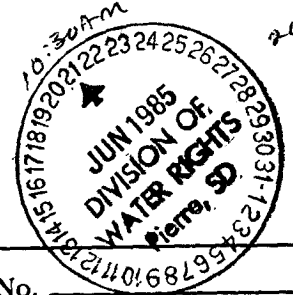
assigned on June 18, 1986 By Ron Duvall

No. 1969-2 Hydrologic Unit 10120109
 Map No. same Basin Upper Cheyenne R.
 Newspaper Custer County Chronicle, Box 551 (w)

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 HISTORIC WAGON TRAIN CAMPGROUND Phone No. 673-3706Post Office Address Rt 3 Box 85A CUSTER State SD Zip Code 57730
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 40 gpm 0.083. Source of water supply WELL4. Location of point of diversion SE⁴ SE⁴ sec. 20 T3S-R5ECounty CUSTER5. Counties where water will be used CUSTER6. Annual period during which water is to be used May 1 - September 30
MAY JUNE JULY AUG SEPT

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}I, Edward W Sanders 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 Edward W SandersSubscribed and sworn to before me this 9th day of July 1985X Louis L. Laro
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

see VR-2

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ 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 _____, 19____.
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 _____

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 _____ 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 _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby ^{claim} validates Vested Water Right No. 1969-2

Historic Wagon Train Campground

(applicant)

Rt 3, Box 85A, Custer

(post office address)

SD

57730

(state)

(zip code)

Date of receipt of Application June 21, 19 85.

Validated September 3, 19 86.

The Water Management Board hereby validates 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 1, 19 52.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of commercial use.
4. The prior rights 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.
5. The amount of appropriation hereby validated shall not exceed 0.08 cubic feet per second of time; 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 has been actually and beneficially applied for commercial use. The water to be used during the following described period May 1 - September 30.

WATER MANAGEMENT BOARD

By: John H. Dalt
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986, 19 86

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth UNKNOWN
- b) Casing Type CAST Diameter 8" Thickness 1"
- 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 4000 Ft

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 _____

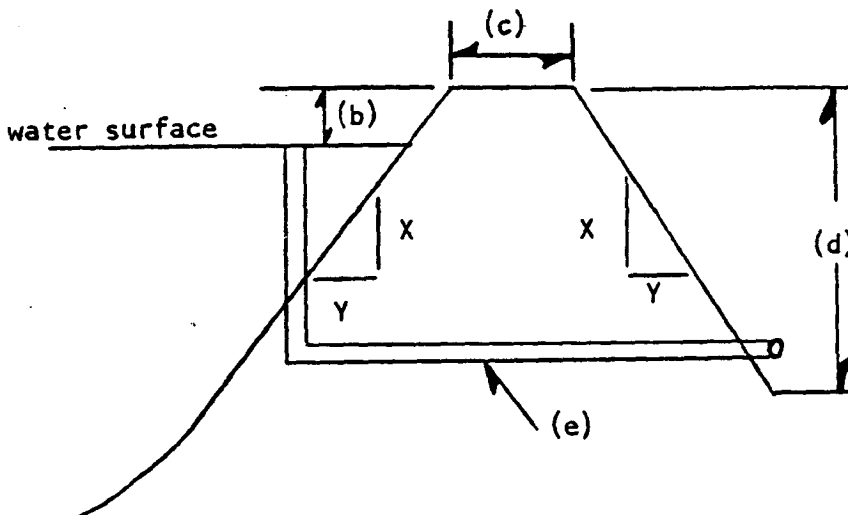
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Edward W. Sander
 Signature of Applicant

State of South Dakota

VESTED RIGHT Water License No. 1969-2

(1) Historic Wagon Train Campground
of RR 3, Box 85A, Custer SD 57730
made Application No. 1969-2, June 21, 1985 for validation of a vested right claim
~~for a water permit~~ to appropriate
0.08 cubic feet per second of water from groundwater (one well),
Custer County, South Dakota for commercial purposes.

~~Vested Water~~
~~Right~~ Permit No. 1969-2, with a priority date of January 1, 1952
validated September 3, 1986
was ~~approved~~ and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed.

and

(2) It is certified that the application 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 0.08 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T3S, R5E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is diverted through the campgrounds distribution system for commercial use by the Historic Wagon Train Campground

(4) Pursuant to §46-5-30.1 Historic Wagon Train Campground

of RR 3, Box 85A, Custer SD 57730

Vested Water Right

the holder(s) and/or owner(s) of Water Permit No. 1969-2 is issued a license to appropriate water, the right to use

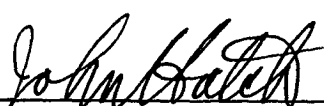
0.08 cubic feet per second of water from groundwater (one well) with a priority date

of January 1, 1952 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of commercial use

Vested Water Right

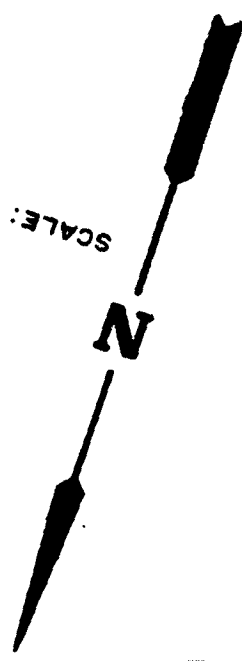
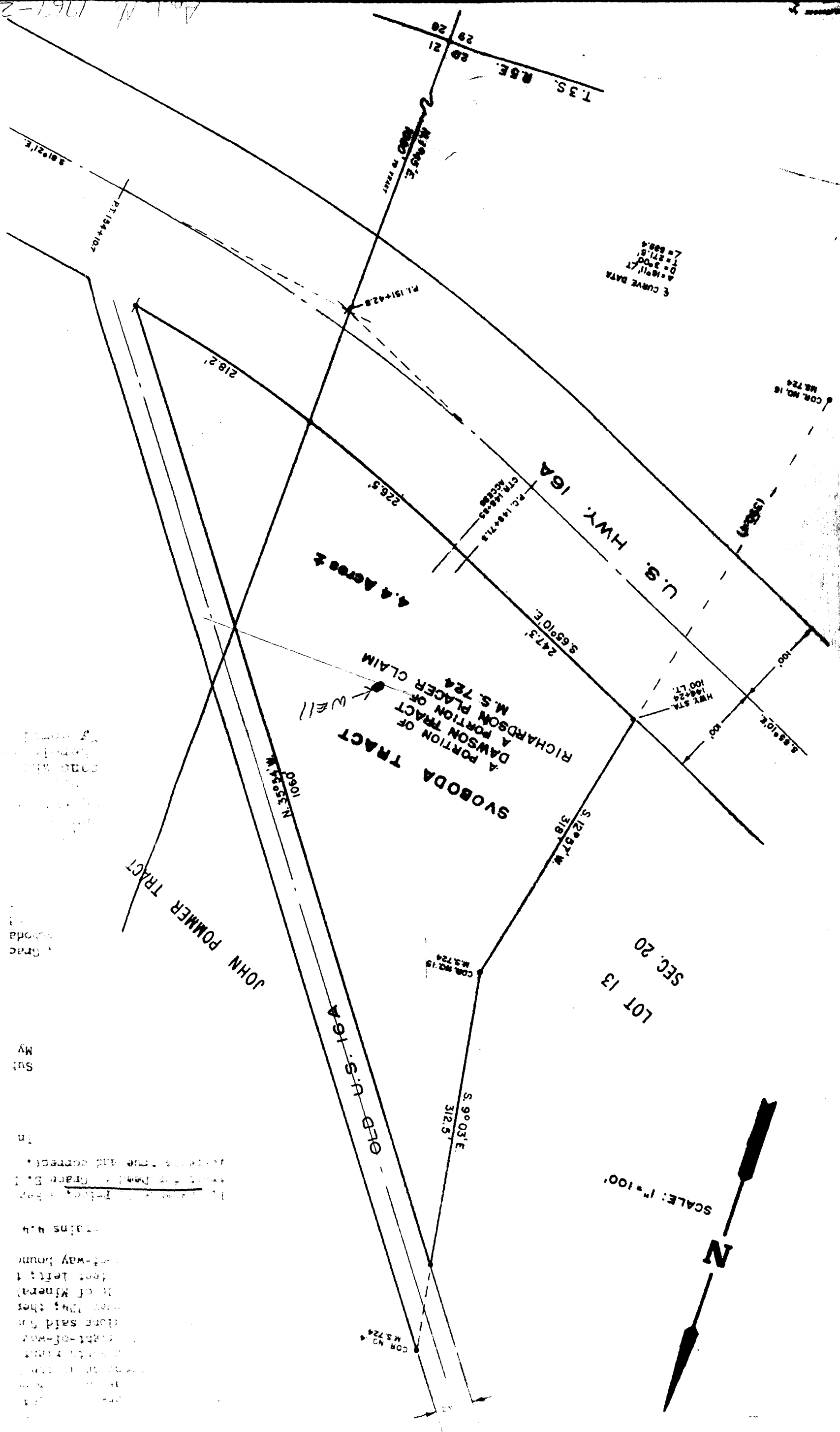
This license is subject to any limitations or qualifications listed in Water Permit No. 1969-2 and subject to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 25 1986

401 N. 1767-2



SCALE: 1" = 100'

COAST AND GEOD. SURV. DIST. NO. 1000

Sut My

In the event of a dispute, the survey shall be deemed correct.

It is the policy of the Department of the Interior to acquire and hold land for the benefit of the people of the United States.

South Dakota School of Mines and Technology
(Survey of Non-Community Water Supply)

NA = nonapplicable

ID# 4600609

Survey taken by Steve Naylor (SDSMT) Survey date 5-28-8

Is system active or inactive Active

If inactive, deactivation date NA

Deactivation reason NA

Location of NC PWS 3 miles EAST of custer on highway 16A, Left side of road

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

Name of NC PWS Historic Wagon Train Campground

NC PWS mailing address Star Rt #3 Box 85A, Custer Telephone # 673-3706

Name of Operator/Manager Edward Sanders

Owner of NC PWS Edward Sanders

Owner's mailing address Star Rt #3 Box 85A, Custer

Type of owner: private (X) city () state () federal () other ()

County NC PWS located in Custer Seasonal operation dates 5-1 to 9-1

Number of people served: Average daily 40 Peak daily 105

Comments on type of people (transient vs. permanent) transient, (2) permanent homes

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

Source name unknown

Visual inspection of water source (comments) NA

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

Surface Area Characteristics located on hillside of a valley.
Grass lawns, graveled campsite access roads

Wells: drilled (☒) bored () dug () driven ()

Well depth ^{over} 100 ft

Casing material Steel

Casing diameter 7" Height casing top above ground 12"

Grouted unknown Grouted to what depth unknown

Date of well construction unknown

Distance to: Septic tank SEE Report page 4 Disposal field NA

Is well situated in a pit or depression where it will be subject to flooding
No, Located in a pit, ^{top of} casing is 6 1/2 under ground

Any known private sewage systems nearby NONE

Any known source of contamination unknown, New owner as of 1994

Pump:

Well pump type Submersible Capacity unknown GPM

Number of service connections 20 campsites with 10 spigots
(1) shower house, (1) store, (2) private homes

Pumphouse floor/ housekeeping NA

Storage:

Size and type of storage Only storage is in (2) pressure tanks

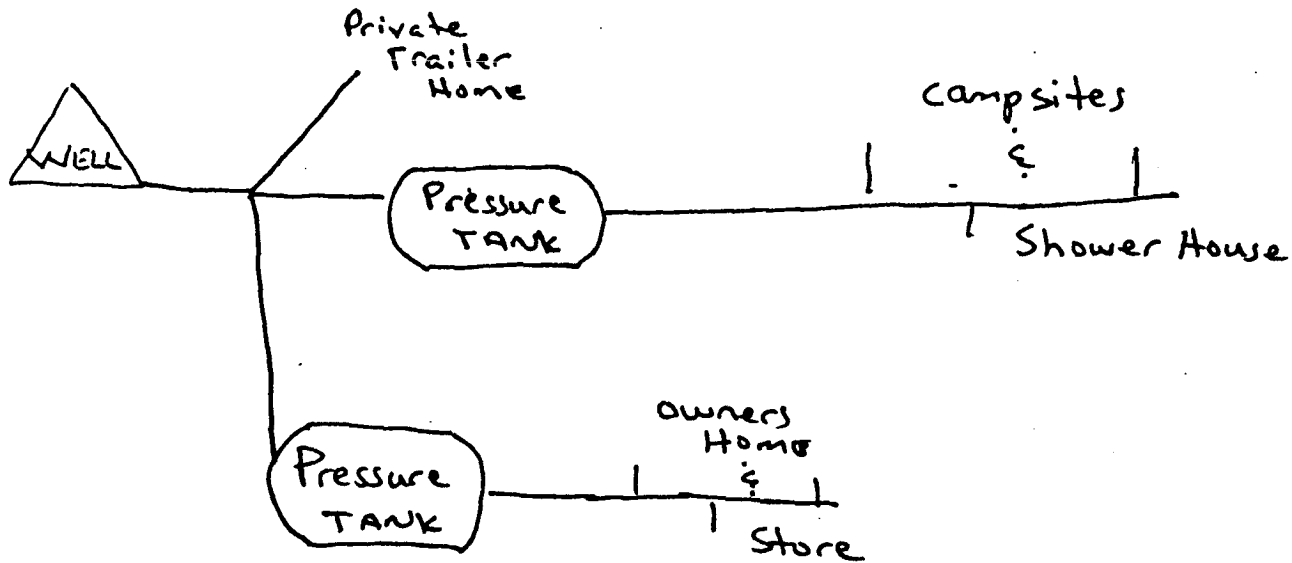
Cover/manhole conditions (overlapping cover?) NA

Overflow and vents screened NA

Distance from pits/ contamination/ drainage NA

General condition NA

Block diagram of system:



Short report on system:

Water is pumped by a submersible pump through a line that goes to a trailer house approx. 100 ft from the well. Another line goes from the well, through a small (10-15 gal) pressure tank and into a distribution system that serves the owners house and an adjacent store. Another line comes from the well and goes to a (50 gal) pressure tank located in a showerhouse approx. 200 feet from the well. This line serves the showerhouse and the campsites. ~~sites~~. There are 4 septic tank / leach field systems. They serve the camp sites, a dump station, the mobile home and the owners home & store. Their locations with respect to the well are 200 ft, 200 ft, 100 ft and 100 ft respectively. There doesn't seem to any deficiencies in this system.

**Department of
Water & Natural Resources**

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

August 28, 1984

Historic Wagon Train Campground
Star Route #3, Box 85A
Custer, South Dakota 57730

Dear Mr. Sanders:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Historic Wagon Train Campground.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures



Department of Water & Natural Resources

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

April 25, 1985

NOTICE

Historic Wagon Train Campground
St. Rt. 3, Box 85A
Custer, South Dakota 57730

Dear Mr. Sanders:

August 28, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a campground. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

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

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR

LAW OFFICES
BALDWIN & KELLEY
430 MOUNT RUSHMORE ROAD
CUSTER, SOUTH DAKOTA 57730

(605) 673-2622

GERALD M. BALDWIN
DAN KELLEY

April 29, 1985

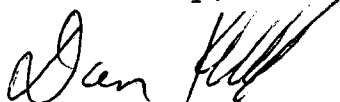
John Hatch
Water Rights Division
South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Historic Wagon Train Campground/Water Permit

Dear Mt. Hatch:

I am in receipt of a copy of a notice to Mr. Ed Sanders, the owner of the Historic Wagon Train Campground. The notice requires that he purchase a water permit and fill out applications to do so. I have reviewed the statutes cited in that letter and am not sure whether they apply to Mr. Sanders. However, I would like copies of the applications to acquire a permit to review for Mr. Sanders. Also, if you have a copy of the Water Management Board rule ARSD 74:02:01:03 this would also be helpful in determining Mr. Sanders legal rights.

Sincerely,


Dan Kelley

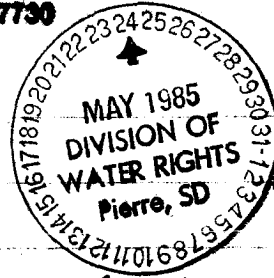
DK:jo

cc: Ed Sanders



*Form mailed
4/30/85*

HISTORIC WAGON TRAIN CAMPGROUND
RT. 3, BOX 86A
CUSTER, SD 57730



Mr. John Hatch

Enclosed please find a description
off the property on which there is a
well I am not able to fill out
the application you sent since I
have no idea when the well was
drilled, how deep it is or any of
the particulars you ask for on the paper.
This place has changed hands
som 6 or 7 times over the years
and I am sure there must be
water rights listed some place.

Svoboda Tract, a portion of the
Dawson tract, which is a portion
Richardson Placer Claim, Mineral
Survey No 724, lying between
the Old U.S. Highway 16A and the
new U.S. Highway 16A in Section (20)
and (21) Township (3) South Range (5)
East, Black Hills Meridian, Custer
County S.D. more particularly described
on that certain Plat recorded in Book 4
of Plats, Page 31, in the office of the
Register of Deeds of Custer County S.D.

Sincerely Edward Sanders

1969-2

Water Rights Division
605 773-3352

June 17, 1985

Historic Wagon Train Campground
Rt 3, Box 85A
Custer SD 57730

Mr. Sanders:

I have checked our records and cannot find anything on file. If you need assistance in completing the necessary forms we can possibly do it over the phone or have one of our staff stop by when they are in the area. We will be very happy to provide any assistance we can. If you would like someone to stop by, please advise and we will set up an appointment.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

June 26, 1985

Historic Wagon Train Campground
Edward Sanders
Rt 3, Box 85A
Custer SD 57730

Mr. Sanders:

Thank you for submitting your water permit application. On Form 2 you checked "Vested Right", in order to qualify for a vested right the system has to have been in operation since prior to 1955. If this is the case, please complete Form 2B. If your system does not qualify for a vested right then it will be considered a new application. The filing fee for a new application is as follows: up to 45 gpm \$50.00
45 gpm to 75 gpm \$150.00

I am also returning Form 2 to be notarized and completed were marked. We will keep your \$10.50 on file with your application. If a higher fee is required please deduct the \$10.50 and submit the balance. Upon receipt of the above material we will continue to process your application.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures

Equal Opportunity Employer

Mr. Larson

I have investigated and inquired about the well located on this property and have not been able to come up with any different dates pertaining to when the well was drilled. This was an Homestead at one time and people seem to think that this was one of the wells used for ranching back then.

yours Truly
Edward W Sanden



SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

August 6, 1985

Historic Wagon Train Campground
Rt 3, Box 85A
Custer SD 57730

Mr. Sanders:

Thank you for your reply to my letter dated June 26, 1985. If Form 2B cannot be completed then we will consider your application a new permit application. A new permit application will require an additional \$39.50 filing fee. Upon receipt of the additional fee we will continue processing your application.

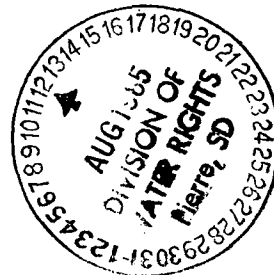
Thank you,



KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosure



Equal Opportunity Employer

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and use of water already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) HISTORIC WAGON TRAIN CAMP GROUND
 Post Office Address RR 3 Box 85A CUSTER S.D. 57730
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system _____

X C. Date that water was first applied to beneficial use 1952 to the best of my knowledgeX D. Name of owner of original water supply system SwabodaX E. Amount of water originally applied to beneficial use 40 gals per minX F. Present Use of Water - Amount of water now being used 30 gals per minDate that this water was first used Water first used by Homesteader date unknown

X G. Chronological History of Water Use

used for house can rock shop originally as
far as I know was turned into a campground
in 1954

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of CUSTER)
SS
 I, EDWARD W SANDERS the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Edward W SandersSubscribed and sworn to before me July 9, 1985
Maria L. Jones
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

EDWARD W SANDERS 1985
(Print name)

 _____ 19____
(Print name)

RECEIPT

Division of Water Rights

No 4 10087

South Dakota Department of Water and Natural Resources

Pierre, June 24, 1985

RECEIVED OF Historic Wagon Train Campground, Edward Sanders, Rt#3, Box 85A, Custer, SD
the following amount in fees for services rendered as provided for by law: 57730

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	8	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. _____	2	50
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	10 50

By

Chief Engineer

JOHN HATCH/ms

Report on Vested Right Application No.1969-2
Historic Wagon Train Campground
July 23, 1986

Application No. 1969-2 requests validation of a vested right water claim to appropriate 0.08 c.f.s. from a well located in SE 1/4 SE 1/4 sec. 20 T3S-R5E. The water has been used since construction of the system after January 1, 1952 for commercial purposes by the campground.

Conclusions:

1. The project has not been inspected, but the affidavit states that the water is from a ground water source and is used for commercial purposes.
2. The system was constructed and the water put to beneficial use after January 1, 1952.
3. It is recommended that the vested right claim be validated.

Michael Jensen / KS

Michael S. Jensen
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1969-2

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 Validation of Vested Water Right Application No. 1969-2, Historic Wagon Train Campground, Rt 3, Box 85A, Custer SD.

The Chief Engineer is recommending VALIDATION of Application No. 1969-2 because 1) water has been appropriated as described for commercial use with a January 1, 1952 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
July 25, 1986



Department of Water & Natural Resources

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

July 25, 1986

CUSTER COUNTY CHRONICLE
Box 551
Custer SD 57730

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1969-2, 1970-2, 1971-2 and 1981-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before July 30, 1986.

Please bill the Water Rights Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date_____

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

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

July 25, 1986

Historic Wagon Train Campground
Rt 3, Box 85A
Custer SD 57730

Dear Mr. Sanders

Your Application No.1969-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the CUSTER COUNTY CHRONICLE printed at Custer SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before July 30, 1986 with 2nd publication 1 week later.

NOTICE OF HEARINGS To Validate
Vested Right Application Nos. 1969-2, 1970-2, 1971-2 and 1981-2
to Appropriate Water

Notice is hereby given that Historic Wagon Train Campground, Rt 3, Box 85A, Custer, South Dakota has filed Application No. 1969-2 to validate a vested right claim to appropriate 0.08 cubic feet of water per second from one well located in the SE 1/4 SE 1/4 Section 20, T3S, R5E. The water use has a priority date of January 1, 1952 and is used for commercial purposes by the campground.

Notice is hereby given that Wayne G. Van Norman, RR 1, Box 56B, Custer, South Dakota has filed Application No. 1970-2 to validate a vested right claim to appropriate 0.04 cubic feet of water per second from one well 70 feet deep located in the N 1/2 NE 1/4 Section 5, T4S, R4E. The water use has a priority date of February 12, 1953 and is used for commercial purposes.

Notice is hereby given that Paul & Carol Fugier, RR 1, Box 104, Buffalo Gap, South Dakota have filed Application No. 1971-2 to validate a vested right claim to appropriate 0.95 cubic feet of water per second from Beaver Creek to irrigate 66.6 acres with a priority date of November 22, 1881. The point of diversion is located in SE 1/4 SE 1/4 of Section 29, T6S, R7E. The irrigated acreage is located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 33, T6S, R7E and the NW 1/4 NE 1/4 Section 4, T7S, R7E.

Notice is hereby given that Charles Bliss, HCR 83, Box 119, Custer, South Dakota has filed Application No. 1981-2 to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 93 feet deep located in the SW 1/4 SW 1/4 Section 20, T3S, R5E. The water use has a priority date of January 1, 1945 and is used for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1969-2, 1970-2, 1971-2 and 1981-2 because 1) water has been appropriated as described with the above priority dates, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of an 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 petitioner's 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.

These applications are 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, 46-2A-18; 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, 46-5-49; 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 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, 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 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

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

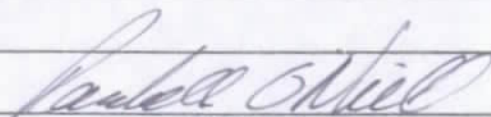
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

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 30, 1986

August 6, 1986



(Signature)

Publisher
(Title)

8/6/86
(Date Signed)

Cost of Printing:

July 30, 1986 - \$34.93

August 6, 1986 - \$27.94

Total - \$62.87

WNR-808-7/79
Proof of Publication

Notice of Hearings

To Validate Vested Right
Application Nos. 1969-2,
1970-2, 1971-2 and 1981-2
to Appropriate Water

Notice is hereby given that Historic
Wagon Train Campground, Rt. 3, Box 85A,
Custer, South Dakota has filed Application
No. 1969-2 to validate a vested right claim
to appropriate 0.08 cubic feet of water per
second from one well located in the SE 1/4
SE 1/4 Section 20, T3S, R5E. The water use
has a priority date of January 1, 1952 and is
used for commercial purposes by the
campground.

Notice is hereby given that Wayne G.
Van Norman, RR 1, Box 56B, Custer, South
Dakota has filed Application No. 1970-2 to
validate a vested right claim to appropriate
0.04 cubic feet of water per second from one
well 70 feet deep located in the N 1/2 NE
1/4 Section 5, T4S, R4E. The water use has
a priority date of February 12, 1953 and is
used for commercial purposes.

Notice is hereby given that Paul & Carol
Fugier, RR 1, Box 104, Buffalo Gap, South
Dakota have filed Application No. 1971-2
to validate a vested right claim to
appropriate 0.95 cubic feet of water per
second from Beaver Creek to irrigate 66.6
acres with a priority date of November 22,
1881. The point of diversion is located in
SE 1/4 SE 1/4 Section 29, T6S, R7E. The
irrigated acreage is located in the SE 1/4 SW
1/4, SW 1/4 SE 1/4 Section 33, T6S, R7E
and the NW 1/4 NE 1/4 Section 4, T7S,
R7E.

Notice is hereby given that Charles Bliss,
HCR 83, Box 119, Custer, South Dakota has
filed Application No. 1981-2 to validate a
vested right claim to appropriate 0.022
cubic feet of water per second from one well

93 feet deep located in the SW 1/4 SW 1/4
Section 20, T3S, R5E. The water use has a
priority date of January 1, 1945 and is used
for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends VALIDATION of Vested Water
Right Application Nos. 1969-2, 1970-2,
1971-2 and 1981-2 because 1) water has
been appropriated as described with the
above priority dates, 2) the use has been
developed without unlawful impairment of
existing rights, 3) it is a beneficial use of
water and 4) it is in the public interest.

Validation of these applications will be
considered by the Water Management Board
in Room 216, Joe Foss Building, Pierre SD
on September 3, 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 validation, 2) approve the
validation with qualifications, 3) defer, or 4)
deny validation of the 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 1-16, must file
a written petition with BOTH the applicant
and the Chief Engineer by August 22, 1986.
The petition may be informal, but is must
include a statement describing the petitioner's
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.

These applications are 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,
46-2A-18; 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, 46-5-49; 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 and 74:02:01:19, thru
74:02:01:22.

These hearings are 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
State Supreme Court as provided by law.

Any person wishing a copy of the Chief
Engineer's recommendation, further
information on an application or to assure
access to the hearing by the handicapped can
contact the Water Rights Division, 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 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.

#291 07-30-86
08-06-86





Department of Water & Natural Resources

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

NOV 25 1986

Edward Sanders
Historic Wagon Train Campground
Rt 3, Box 85A
Custer SD 57730

Dear Mr. Sanders:

Enclosed are your Validated Vested Water Right and Water License No. 1969-2.
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.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

JH:ks

enclosures

Equal Opportunity Employer



WATER USE FOR 1990

1969-2

HCR 83 * ~~HISTORIC WAGON TRAIN CPG~~ Wheels West RV PARK
~~RR 3~~ BOX 85A
CUSTER, SD 57730

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER ☒ , NUMBER AND DEPTH OF WELLS _____

1 WELL, APPROX 300 FEET

SURFACE WATER _____, NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERCIAL ☒ INSTITUTIONAL _____

GEOTHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE ESTIMATE 3,000,000 GALLONS

NAME OF CONTACT PERSON RODGER T. FLEEK

TELEPHONE NO. (605) 923-6617 (WORK) (605) 341-0905 (HOME)
(605) 673-2570 (BUSINESS)

ADDRESS CORRECTION WHEELS WEST RV PARK

HCR 83, BOX 85A

CUSTER, SD 57730



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 26, 1991

1969-2

Rodger T Fleek
Wheels West RV Park
HCR 83 Box 85A
Custer, SD 57730

Dear Mr. Fleek:

I am contacting you in regard to ownership of Vested Water Right No. 1969-2, listed in the name of Historic Wagon Train Campground. You indicated, when returning the "1990 Water Use Data" that a name change was needed. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right No. 1969-2.

The transfer form should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 1969-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181



Date: 4-24-91

I/We request that ^{Vested} Water ~~Permit~~ Right No. 1969-2

formerly owned by: Historic Wagon Train Campground

be transferred to: (name & address) Wheels West RV Park

HCR 83 Box 85A, Custer, SD 57730

(telephone No.) 673-2570

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

(diversion point location) SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T3S, R5E

I/We understand that the validity of ^{Vested} Water ~~Permit~~ Right No. 1969-2 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 at the Division of Water Rights, 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 Pennington)

I/We Rodger T. Fleek 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.

Rodger T. Fleek
(Signed)

Subscribed and sworn to before me this 29th day of April, 19 91.

Lucille M. Freiberg



My Commission Expires Aug. 14, 1997

Lucille M. Freiberg
(Notary Public)

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 water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

412821

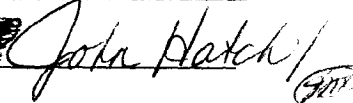
Pierre, ~~XXXXXXXXXX~~ Aug 29, 19 91

RECEIVED OF Darsy Moore (Wheels West) HC 83 Box 85A, 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 _____		
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 <u>Vested Water Right No. 1969-2</u>	2	50
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	2 50

By 
Chief Engineer

John Hatch




**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 9, 1991

No. 1969-2

Wheels West RV Park
HCR 83, Box 85A
Custer, SD 57730

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1969-2.

Our records now show you as the owner of Vested Water Right No. 1969-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 20, 2018

1969-2

Andy Jensen
12598 US Hwy 16A
Custer SD 57730

Dear Mr. Jensen:

I am contacting you in regard to Vested Water Right No. 1969-2, currently listed in the name of Wheels West RV Park. The Drinking Water Program within our Department recently conducted surveys in your area. They notified our program of the need for an ownership change for Vested Water Right No. 1969-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the vested water right and the past ownership change filed. You may keep this for your records. If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

PAID

OCT 01 2018

Gk# 7391

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

SEP 28 2018

WATER RIGHTS
PROGRAM

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

No. 1969-2

Date: _____

I/We request that Vested Water Right No. 1969-2

formerly owned by: Wheels West RV Park

be transferred to: (name & address) Wheels West RV Park (Andy + Kathi Jensen.) 12598 US Hwy 16 A Custer SD 57730
Telephone No. 605-673-2570

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

diversion point location: SE ¼ SE ¼ Section 20, T3S, R5E

I/We understand that the validity of Vested Water Right No. 1969-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Andy + Kathi Jensen, the new owner, certify that the above information is true and correct.

Andy Jensen

Kathi L Jensen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

RECEIVED OF Wheels West RV Park 12598 US Hwy 16A Custer SD 57730 Date October 1, 20 18

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	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 <u>1969-2</u>		
Fee for _____	50	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08772**

By Jeanne Loodman
Chief Engineer

24m



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 1, 2018

1969-2

Andy & Kathi Jenson
Wheels West RV Park
12598 US Hwy 16A
Custer SD 57730

Dear Mr. & Mrs. Jenson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 1969-2.

The ownership change has been completed. Vested Water Right No. 1969-2 formerly held by Roger Fleek dba Wheels West RV Park is now listed under Andy & Kathi Jenson dba Wheels West RV Park.

Receipt No. 08772 in the amount of \$50 which you paid for filing the ownership change is enclosed. You may keep this for your records. If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure