

Considered: _____

WATER PERMIT NO. 2143-2

Phone: 673-4824

Name of Applicant: City of Custer

Post Office Address: 622 Crook St 57730

Amount of Water Claimed: 0.35 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: municipal County: Custer

About - _____ miles - _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-26-90 Fee: \$15.00 Remarks Vested Right

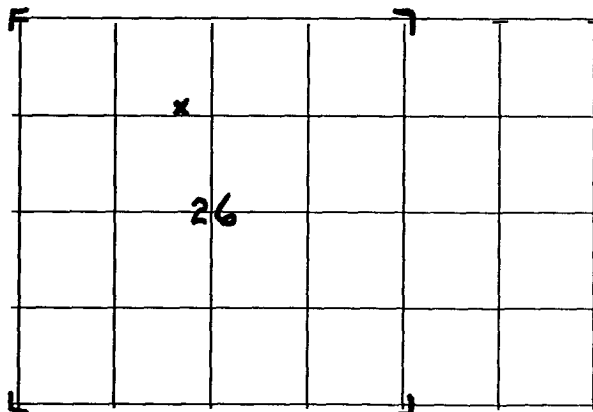
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 NW 1/4 26-3S-4E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 143' REMARKS _____

Type of Map: plat PREPARED BY: Randy Greenway Reviewed and the Number

Assigned on 11-1-90 By Karen Schlaak

No. 2143-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Custer Co. Chronicle

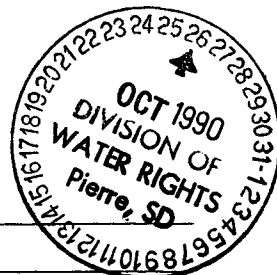
523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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 City of Custer Phone No. (605) 673-4824

Post Office Address 622 Crook Street Custer State SD 57730
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.35 cfs3. Source of water supply Precambrian-Schists, Quartzite and Pegmatite

4. Location of point of diversion is N56°26'00"E a distance of 2,399.66 feet from the W1/4 corner
of Section 26, T3S, R4E, BHM. NE1/4 NW1/4

County Custer5. Counties where water will be used Custer

Jan 1 - Dec 31

6. Annual period during which water is to be used all year - particularly summer months.

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, Annella Wright, Mayor for the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

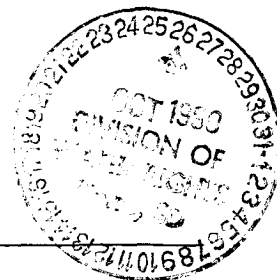
Signed Annella WrightSubscribed and sworn to before me this 25 day of October 19 90

She O. Bennett
 Notary Public

My Commission Expires 3-31-95

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth 148'
- b) Casing Type Steel Diameter 10" Thickness 0.45
- c) Screen Type -- Diameter -- Thickness --
- d) Gravel Pack Thickness -- Length of Gravel Pack --
- e) Depth to Top of Water Bearing Material 105'
- f) Depth of Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:
 On applicants property 200' On property owned by others 1,400'

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 _____

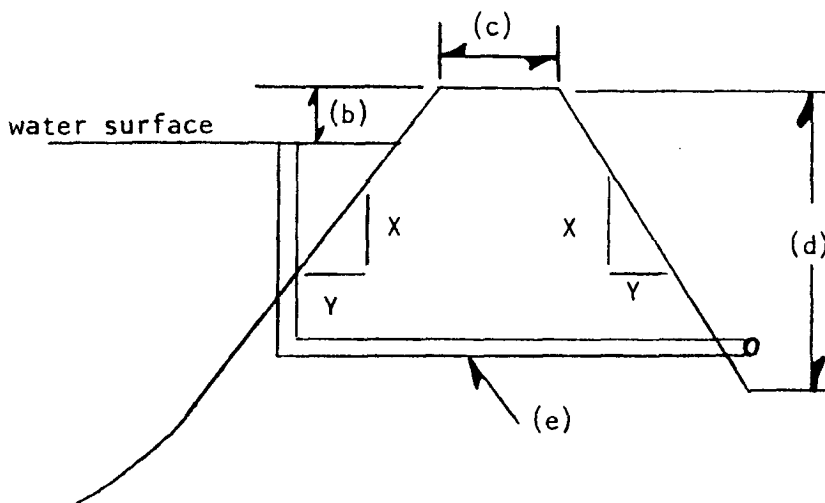
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Annele Wright
 Signature of Applicant

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 of a water use system 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) City of Custer

Post Office Address 622 Crook Street, Custer SD 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 1943C. Date that water was first applied to beneficial use 1943D. Name of owner of original water supply system City of CusterE. Amount of water originally applied to beneficial use 0.35F. Present Use of Water - Amount of water now being used 0.35Date that this water was first used 1943

G. Chronological History of Water Use

Continuous usage during the summer months from 1943 to present.

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, Annella Wright, Mayor for the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Annella WrightSubscribed and sworn to before me October 25, 1990She C Bennett
Notary Public or other qualified officer

My Commission Expires 3-31-95

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.

(Print name) 19_________
(Print name) 19____

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2143-2

Date of Receipt of Claim October 26, 1990.

Date of Validation May 1, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2143-2 for the City of Custer, 622 Crook St., Custer SD 57730 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2143-2 appropriates 0.35 cubic feet of water per second from one well, 143 feet deep (Precambrian Rock) located in the NE 1/4 NW 1/4 Section 26-T3S-R4E.
2. The appropriated water is used for supplying water to the City of Custer and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is: January 1, 1943.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Right Division
Department of Environment and Natural Resources

SEP 18 1991
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2143-2

(1) City of Custer of 622 Crook St., Custer, SD 57730 made Application No. 2143-2, October 26, 1990 for validation of a vested right claim to appropriate 0.35 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for municipal purposes. Vested Water Right No. 2143-2 was validated May 1, 1991 with a priority date of January 1, 1943. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.35 cubic feet of water per second for beneficial use. The location of the diversion point is N56 degrees 26'00"E, 2,399.66 feet from the W 1/4 corner of Section 26, T3S, R4E (NE 1/4 NW 1/4).

(3) Pursuant to Section 46-5-30.1 City of Custer of 622 Crook Street, Custer, SD 57730 the holder(s) and/or owner(s) of Vested Water Right No. 2143-2 is issued a license to appropriate 0.35 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1943 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2143-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural
Resources

SEP 18 1991

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412407

Pierre, October 31, 1, 19 90

RECEIVED OF City of Custer, 622 Crook Street, Custer SD

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

Fee for Application for Permit No. <u>2143-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 00

By

John Hatch
Chief Engineer

#12 well

SOUTH DAKOTA STATE DEPARTMENT OF HEALTH
Division of Sanitary Engineering
Pierre, South Dakota

MINERAL WATER ANALYSIS REPORT

TOWN Custer DATE 12-3-56
OWNER OF SUPPLY City LAB. NO. _____
COLLECTOR'S NAME Fred Edwards MINERAL NO. 552
DATE COLLECTED 9-13-56 DATE RECEIVED 9-19-56
REPORT TO: B. K. Burke, Mayor and cc: Fred Edwards, Water Supt.
Members of the City Council M. O. Nelson, Dist. Engr.
Custer, South Dakota

FIELD DATA

SOURCE: Well Name City Well Well No. 2
Depth 148' Construction date 1910
Location of Well West End City Limits
Point of Collection Well
Well pumped 4 hrs. at 100 gpm.
Was sample free of turbidity when collected? yes
Temperature °C _____ Alkalinity (ppmCaCO₃) P _____ Total _____
pH _____ Iron (ppmFe) _____
Remarks: Chemical Analysis - City may install treatment plant.

LABORATORY ANALYSIS
(Parts Per Million)

Specific Conductance K @ 25 °C 42.55 × 10⁻⁵ Turbidity _____
Insoluble Matter _____ Fe₂O₃/Al₂O₃/Mn₂O₃(R₂O₃) 2.4
Total Solids 276 Dissolved Solids _____ Total Iron(Fe) 0.0
Alkalinity P 0 Total 160 pH 7.05

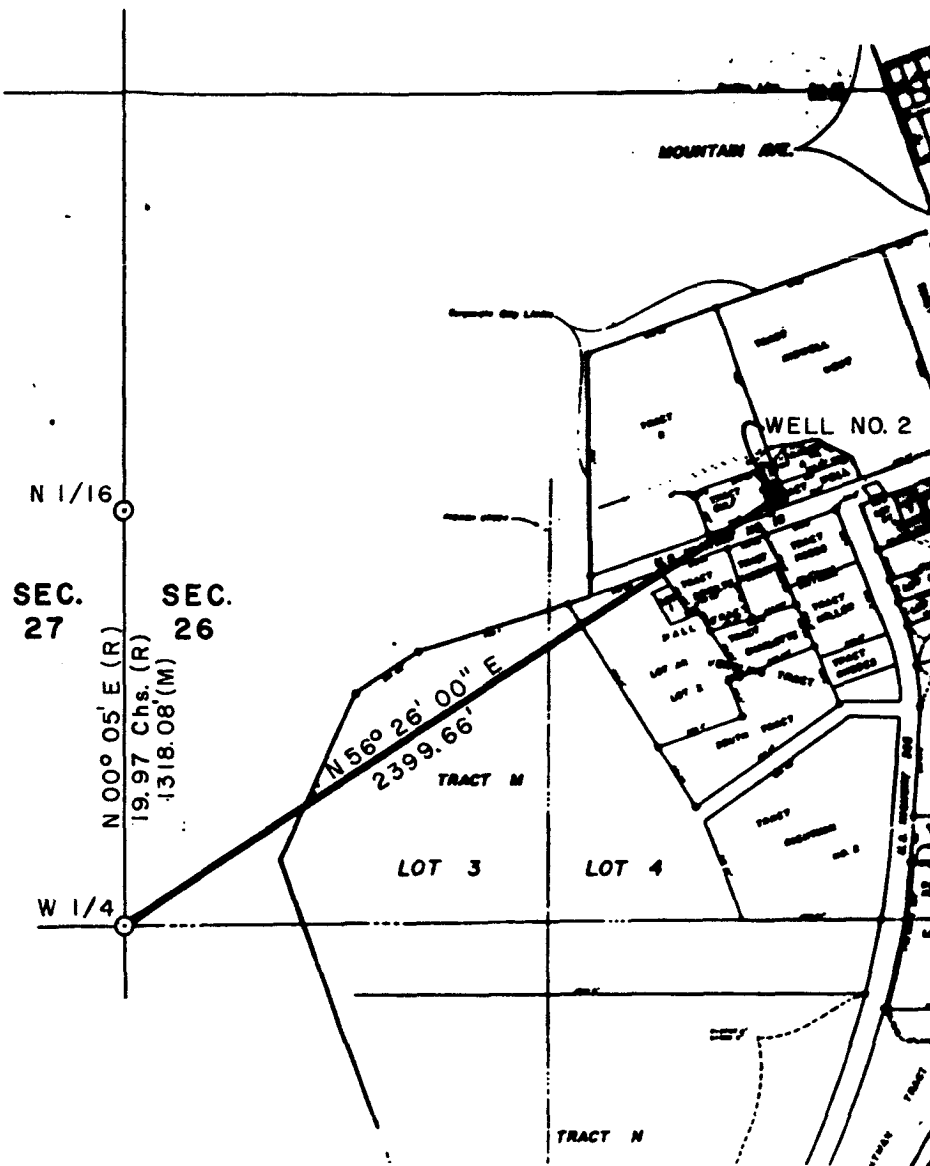
~~XXXXXXXXXX~~ Nitrate as N 1.0
Calcium as Ca 48.06 Fluoride as F 0.25
Magnesium as Mg 17.98 Chloride as Cl 8.0
Manganese as Mn 0.00 Sulfate as SO₄ 43.11
Sodium as Na 11.73 Bicarbonate as HCO₃ 195.2
Potassium as K 5.2

Calculated Hardness as CaCO₃ 194.0 ppm 11.35 gpg
analyst O. D. Dunbar



Charles E. Carl
DIRECTOR, DIVISION OF SANITARY ENGINEERING
Title _____

MAP TO ACCOMPANY WATER RIGHT APPLICATION



NO SCALE
OCTOBER 1990

LEGEND

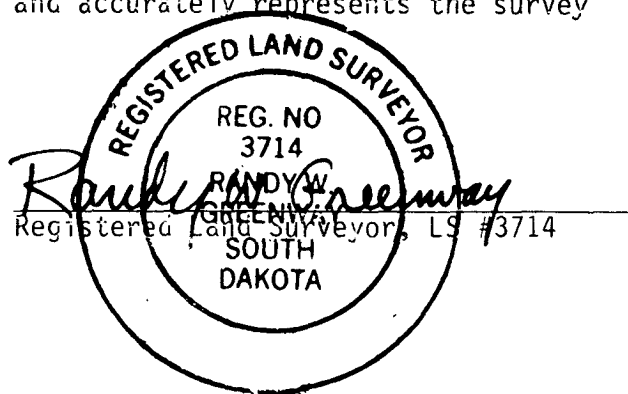
- ⊙ DENOTES FOUND CORNER OF RECORD
- DENOTES POINT OF DIVERSION

NOTES:

THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING BETWEEN THE W 1/4 CORNER AND THE N 1/16 CORNER OF SECTION 26, T3S, R4E, B.H.M..

SURVEYOR'S CERTIFICATE

I, Randy W. Greenway, Registered Land Surveyor in the State of South Dakota, hereby certify that this map was made from field notes taken during an actual survey made by me in October, 1990, and that it correctly and accurately represents the survey as shown hereon.



CITY OF CUSTER CITY

CUSTER, SOUTH DAKOTA

57730

DATE: October 25, 1990

TO: Water Rights Division
523 East Capitol
Pierre, South Dakota 57501



ATTENTION: Mr. Ron Duvall

WE TRANSMIT:

☒ herewith ☐ in accordance with your request
☐ hand delivered ☐ under separate cover via ☐

FOR YOUR:

☒ approval ☐ review and comment ☐ distribution to parties
☐ use ☐ information ☐ record
☐ signature ☐

THE FOLLOWING:

☐ letter ☐ voucher ☐ payment request
☐ report ☒ Applications for Permit to Appropriate Water

REMARKS:

Enclosed are applications for water rights for Custer City
Wells #1, 2, 3 & 4 plus the applicable permit fee.

CITY OF CUSTER CITY

Sue C. Bennett, Finance Officer

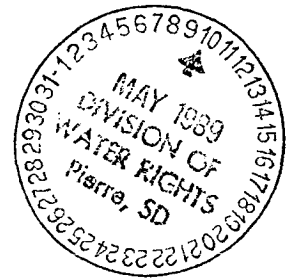
COPIES TO:

The Alliance of Architects
and Engineers

CITY OF CUSTER CITY

CUSTER, SOUTH DAKOTA

57730



May 8, 1989

SD Dept. of Water & Natural Resources
Attn: Ms. Susan Bowar
Division of Water Rights
523 East Capitol
Pierre, South Dakota 57501

re: Municipal Wells
General Information

Dear Ms. Bowar:

My office has been requested to supply you with the following information regarding the Custer City Municipal Wells.

Well #1:

Location: East portion of Tract Well, NE1/2, NW1/4, Sec 26,
T35, R4E.
Depth: 354'
Construction Date: 1955
Status: Produces 200 gpm, pumped 15 hours every 3rd day.
Casing: 8"

Well #2:

Location: West portion of Tract Well, NE1/2, NW1/4, Sec 26,
T35, R4E.
Depth: 142'
Construction Date: unknown
Status: Produces 150 gpm, pumped 5 hours every 3rd day.
Casing: 10"

Well #3:

Location: Block 85, Lot 1 and the W1/2 Lot 2, City of Custer
Depth: 236'
Construction Date: 1947
Status: Produces 200 gpm, pump schedule to be determined upon
completion of construction of iron removal plant.
Casing: 10"

Well #4 - Water Permit #298-2:

Location: Sec 27, T35, R4E, on east side of West Dam
Depth: 242'
Construction Date: 1952
Status: Produces 190 gpm, pumped 15 hours every 3rd day.
Casing: unknown

Well #5 - Water Permit #470-2:

Location: Block 50, N50' Lot 12, City of Custer
Depth: unknown-probably less than 100'
Construction Date: possible 1-15-58
Status: Produces 40 gpm, pumped 15 hours every 3rd day.

Well #5 Cont.

Casing: unknown

Well #9 - Water Permit #1251-2:

Location: 2440' from the SE corner, Sec 28, T35, R4E.

Depth: 249'

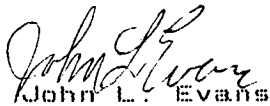
Construction Date: 1974

Status: Produces 275 gpm, pumped up to 10 hours daily.

Casing: 10"

If you require more information than is provided, please contact my office at 673-4824. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "John L. Evans".

John L. Evans
Public Works Director

JLE/scb



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 28, 1991

Annella Wright, Mayor
City of Custer
622 Crook Street
Custer, SD 57730

Dear Ms. Wright:

Your Application Nos. 2143-2, 2144-2, 2145-2, and 2146-2 for vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claims has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice 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 hearing to validate vested rights 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 twenty days before the board meeting. We must receive Proof of Publication before the applications can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: John Evans, Public Works Director

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on these applications.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Custer County Chronicle
Box 551
Custer, SD 57730

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application Nos. 2143-2, 2144-2, 2145-2, and 2146-2 to be published twice. Please publish the notice on or before April 3, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit applications cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS To Validate Vested Water Right Application Nos. 2143-2,
2144-2, 2145-2, 2146-2 to Appropriate Water

Notice is given that the City of Custer, 622 Crook Street, Custer, SD 57730 has filed several applications to validate vested water right claims.

Application No. 2143-2 appropriates 0.35 cubic feet of water per second (cfs) from one well, 143 feet deep (Precambrian Rock) located in the NE 1/4 NW 1/4 Section 26, T3S, R4E. The water use has a claimed priority date of January 1, 1943 and is a municipal use for the City of Custer.

Application No. 2144-2 appropriates 0.45 cfs from one well, 229 feet deep (Precambrian Rock) located in the NE 1/4 SE 1/4 Section 27-T3S-R4E. The water use has a claimed priority date of January 1, 1952 and is a municipal use for the City of Custer.

Application No. 2145-2 appropriates 0.56 cfs from one well, 354 feet deep (Precambrian Rock) located in the NE 1/4 NW 1/4 Section 26-T3S-R4E. The water use has a claimed priority date of January 1, 1955 and is a municipal use for the City of Custer.

Application No. 2146-2 appropriates 0.50 cfs from one well, 254 feet deep (Precambrian Rock) in Block 85, Lot 1 and the W 1/2 Lot 2 (SE 1/4 SW 1/4) Section 24-T3S-R4E. The water use has a claimed priority date of January 1, 1947 and is a municipal use for the City of Custer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application Nos. 2143-2 for 0.35 cfs, 2144-2 for 0.45 cfs, 2145-2 for 0.56 cfs, and 2146-2 for 0.50 cfs because 1) water has been appropriated as described for municipal use with priority dates of January 1, 1943, January 1, 1952, January 1, 1955, and January 1, 1947, respectively, 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. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the vested water right applications as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 2143-2, 2144-2, 2145-2, 2146-2 and 2) the chief engineer's recommendations, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD. If these applications are opposed or the recommendations are contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearings, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

REPORT ON VESTED WATER RIGHT CLAIM
NOS. 2143-2, 2144-2, 2145-2, 2146-2
MARCH 5, 1991

Vested Right Claim No. 2143-2 claims a priority date of January 1, 1943 for the appropriation of 0.35 cubic feet of water per second (cfs) from one well 143 feet deep, located in the NE 1/4 NW 1/4 Sec. 26, T3S-R4E. Vested Right Claim No. 2144-2 claims a January 1, 1952 priority date for the appropriation of 0.45 cfs from one well, 229 feet deep located in the NE 1/4 SW 1/4 Sec. 27, T3S-R4E. Vested Right Claim No. 2145-2 claims a priority date of January 1, 1955 for the appropriation of 0.56 cfs from one well 354 feet deep located in the NE 1/4 NW 1/4 Sec. 26, T3S-R4E. Vested Right Claim No. 2146-2 claims a priority date of January 1, 1947 for the appropriation of 0.50 cfs from one well, 254 feet deep in the Block 85, Lot 1 and the W 1/2 lot 2, SE 1/4 SW 1/4 Sec. 24, T3S-R4E. Vested Right Claim Nos. 2143-2, 2144-2, 2145-2, and 2146-2 all claim appropriations for municipal use by the City of Custer.

AQUIFER: Precambrian Rock (CRSL)

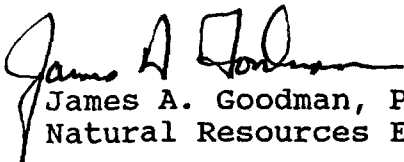
The Precambrian rock in this area consists of thin bedded quartz-micaschists and pegmatite. Groundwater is derived from voids in the rock which occur either as small intergranular openings (primary porosity); or bedding planes, joints, and fractures (secondary porosity).

Affidavits provided with these vested right claims indicate wells at these sites have provided water for municipal purposes since January 1, 1943 (VR Claim 2143-2); January 1, 1952 (VR Claim 2144-2); January 1, 1955 (VR Claim 2145-2); and January 1, 1947 (VR Claim 2146-2).



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2143-2, City of Custer

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. 2143-2, City of Custer, 622 Crook Street, Custer, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2143-2 for 0.35 cfs because 1) water has been appropriated as described for municipal use with a priority date of January 1, 1943, 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 report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
March 6, 1991

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)



I, Terri Tuggle

certify that the attached printed Notice 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:

4/3/91

4/10/91

Terri Tuggle
 (Signature)

Publisher
 (Title)

4-29-91
 (Date Signed)

Cost of Printing: 60.23

601 E Havens, Mitchell SD. If these applications are opposed or the recommendations are contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearings, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) deny or 4) deny validation of the applications. The Board on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These rights will be forfeited if the applicant does not appear. Decisions of the Board may be appealed to the Circuit Court or the Supreme Court as provided by law. We act as the Water Rights Division to receive copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.
 #1508 4/3 & 4/10/91

Notice of Hearings

To Validate Vested Water Right
 Application Nos. 2143-2, 2144-2, 2145-2,
 2146-2 to Appropriate Water

Notice is given that the City of Custer, 622 Crook Street, Custer, SD 57730 has filed several applications to validate vested water right claims.

Application No. 2143-2 appropriates 0.35 cubic feet of water per second (cfs) from one well, 143 feet deep (Precambrian Rock) located in the NE 1/4 NW 1/4 Section 26, T3S, R4E. The water use has a claimed priority date of January 1, 1943 and is a municipal use for the City of Custer.

Application No. 2144-2 appropriates 0.45 cfs from one well, 229 feet deep (Precambrian Rock) located in the NE 1/4 SE 1/4 Section 27-T3S-R4E. The water use has a claimed priority date of January 1, 1952 and is a municipal use for the City of Custer.

Application No. 2145-2 appropriates 0.56 cfs from one well, 354 feet deep (Precambrian Rock) located in the NE 1/4 NW 1/4 Section 26-T3S-R4E. The water use has a claimed priority date of January 1, 1955 and is a municipal use for the City of Custer.

Application No. 2146-2 appropriates 0.50 cfs from one well, 254 feet deep (Precambrian Rock) in Block 85, Lot 1 and the W 1/2 Lot 2 (SE 1/4 SW 1/4) Section 24-T3S-R4E. The water use has a claimed priority date of January 1, 1947 and is a municipal use for the City of Custer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application Nos. 2143-2 for 0.35 cfs, 2144-2 for 0.45 cfs, 2145-2 for 0.56 cfs, and 2146-2 for 0.50 cfs because 1) water has been appropriated as described for municipal use with priority dates of January 1, 1943, January 1, 1952, January 1, 1955, and January 1, 1947, respectively, 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. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the vested water right applications as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications. Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 2143-2, 2144-2, 2145-2, 2146-2 and 2) the chief engineer's recommendations, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. at Chef Louie's, Meeting Room,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2143-2

2144-2

2145-2

2146-2

SEP 18 1991

City of Custer
622 Crook St.
Custer, SD 57730

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License Nos. 2143-2, 2144-2, 2145-2 and 2146-2. 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,

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

enclosures

2143-2

**LEGGETTE, BRASHEARS & GRAHAM, INC.**

140 East Hinks Lane, Suite 126

Sioux Falls, SD 57104

(605) 334-6000 or Fax (605) 334-1850

GEOLOGIST LOG

WELL NO.: BMW-2

Page 1 of 4

OWNER: South Dakota Petroleum Release Comp Fund
LOCATION: Tract Charlotte of Hall Tract of Ventling Tract
DATE COMPLETED: 10/03/05
DRILLING CO.: Taylor Drilling Company
SAMPLING METHOD: Screen
DRILLING METHOD: Air Hammer

GEOLOGIST: Mitch Kannenberg
REFERENCE POINT (RP): Top of Casing
ELEVATION OF RP: 5346.25
SURFACE COMPLETION: Above-grade
REMARKS: Empty Lot S. of Dakota Cowboy Inn
STATIC WATER LEVEL: 35.5

DEPTH IN FEET	WELL CONSTRUCTION	GRAPHIC	LITHOLOGIC DESCRIPTION	FROM	TO	SAMPLE TYPE	REC (FEET)	DEPTH IN FEET
0	Stick-up							0
-5	8 3/4" Borehole		SCHIST: silvery-gray, drills to fine powder, quartz, muscovite and biotite	0	5			-5
-10	7" Steel Surface Casing			5	10			-10
-15	Cement Grout		@15 slightly more chips (schist fragments)	10	15			-15
-20			@20 few more schist fragments, moist, set surface casing and let sit overnight	15	20			-20
-25			@25 tan, drills to discrete individual grains of quartz, muscovite and biotite, dry	20	25			-25
-30				25	30			-30
-35	Open hole completion 6 1/4" Diameter		@35 oxidized material changing color slightly from tan to golden brown	30	35			-35
-40			@40 abundant oxidation and water from 43 to 45	35	40			-40
-45			@45 dark brown to dark gray, oxide staining	40	45			-45
				45	50			

NOTES:



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DEPTH IN FEET	WELL CONSTRUCTION	GRAPHIC	LITHOLOGIC DESCRIPTION	FROM	TO	SAMPLE TYPE	REC (FEET)	DEPTH IN FEET
-50			on schist, also fine-grained sized angular quartz fragments					-50
-55			PEGMATITE: brownish-gray, pegmatite is mostly quartz that drills to very coarse-grained sand to fine-grained gravel size, quartz grains are oxide-stained and angular	60	65			-55
-60			@55 grading back to schist, trace of green, soft, tabular to columnar minerals	55	60			-60
-65			@60 water discharge at 63 feet is 50 gpm					-65
-70			@65 Taylor says hit real loose spot, schist drills to gravel-size fragments, quartz drills to very coarse-grained sand, schist is oxidized, and still have white or light green soft flaky minerals	65	70			-70
-75			@70 clear to white, almost entirely quartz, small amount of schist fragments, return water turned very brown at 74, likely more water	70	75			-75
-80			@75 more schist (nearing end of pegmatite body)	75	80			-80
-85			SCHIST: dark brown, very weathered, return water turned very brown at 85, likely more water, water discharge at 83 feet is 65 to 70 gpm	80	85			-85
-90			@90 less weathered	85	90			-90
-95			@95 return water turned very brown at 95, likely hit more water	90	95			-95
				95	100			

NOTES:



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DEPTH IN FEET	WELL CONSTRUCTION	GRAPHIC	LITHOLOGIC DESCRIPTION	FROM	TO	SAMPLE TYPE	REC (FEET)	DEPTH IN FEET
-100			@100 water discharge at 103 feet is approximately 100 gpm					-100
-105			@105 gray to brownish-gray, drills to chips, mostly quartz, also trace pyrite, water discharge at 106 is approximately 130 to 160 gpm	100	105			-105
-110				105	110			-110
-115			@115 no pyrite	110	115			-115
-120			@120 dark gray, mostly quartz and mica, trace green clay minerals, water discharge at 123 is approximately 180 to 200 gpm	115	120			-120
-125			@125 brown, appears more weathered	120	125			-125
-130			@130 orange-brown, very weathered, 40% oxidized clay minerals, with coarse biotite flakes and sub-rounded quartz grains, return water turned very silty at 129 to 130, more water here, fractured	125	130			-130
-135			@135 brown, less weathered	130	135			-135
-140				135	140			-140
-145			@145 dark gray, drills to mostly quartz grains, estimate water discharge at 225 to 250 gpm	140	145			-145
-150			@150 return water turned very brown at 153, likely hit more water	145	150			-150

NOTES:



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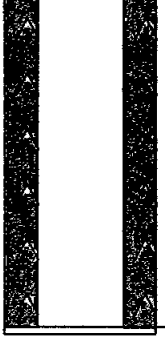
GEOLOGIST LOG

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Page 4 of 4

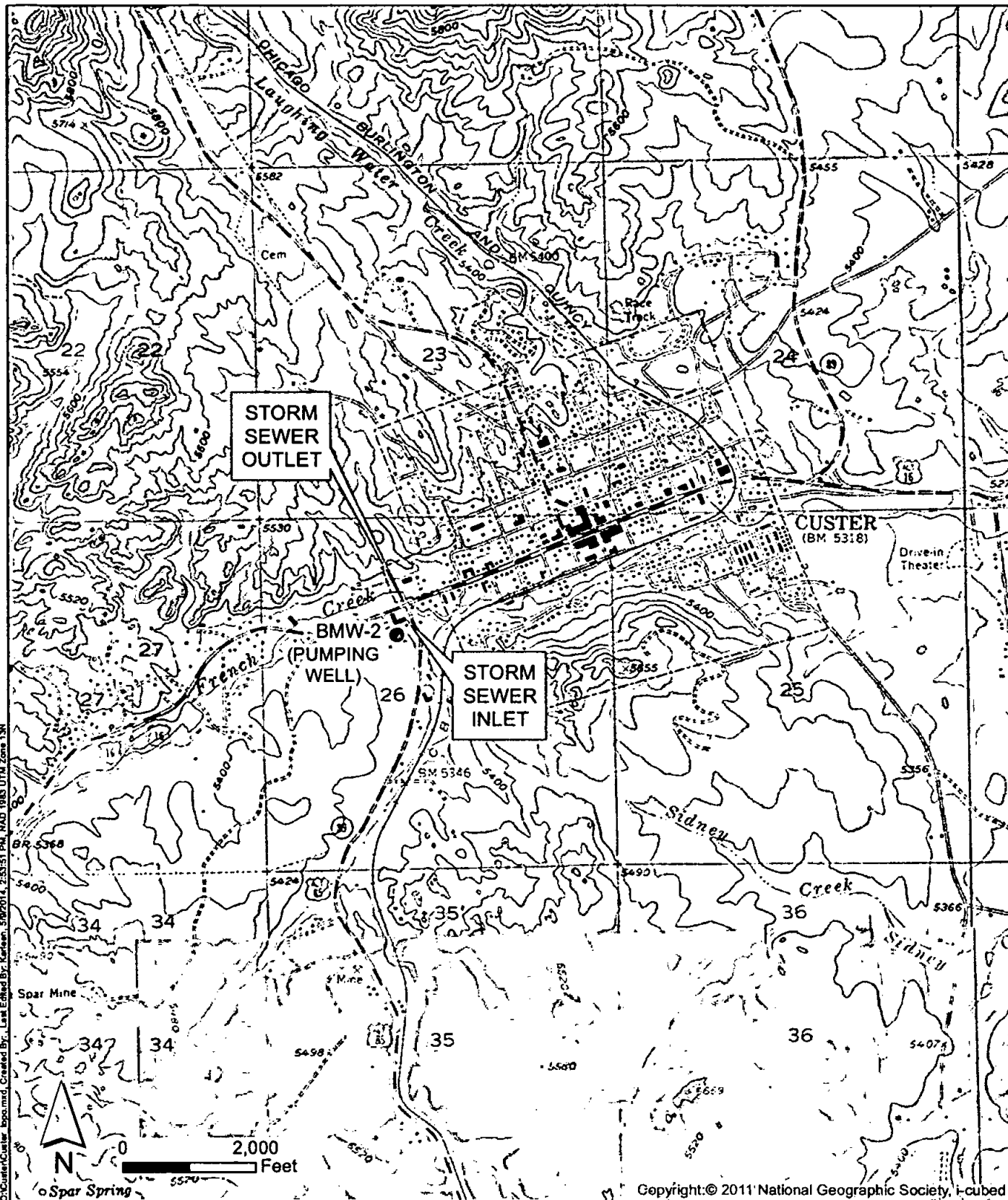
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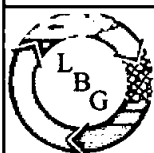
DEPTH IN FEET	WELL CONSTRUCTION	GRAPHIC	LITHOLOGIC DESCRIPTION	FROM	TO	SAMPLE TYPE	REC (FEET)	DEPTH IN FEET
-155			@155 increasing quartz and quartz grain size	150	155			-155
-160				155	160			-160
-165			GARNET SCHIST: @160 dark gray, mostly quartz, biotite, muscovite, with garnets	160	163			-165

NOTES:

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Prepared By:
LEGGETTE, BRASHEARS & GRAHAM, INC.
Professional Groundwater and
Environmental Engineering Services
140 East Hinks Lane, Suite 126
Sioux Falls, SD 57104
(605) 334-6000

CITY OF CUSTER
CUSTER, SOUTH DAKOTA

**BMW-2 WELL PUMPING TEST
WELL & DISCHARGE LOCATION**

Path: O:\Custer\Custer_topo.mxd

Date: 09 May 2014

FIGURE: 1