

WATER PERMIT NO. 2255-2

Phone: 673-5377 or 673-3178

Name of Applicant: The Butcher Block, Inc.

Post Office Address: PO Box 787, Custer SD 57730

Amount of Water Claimed: 0.02 cfs 8 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Custer

About 1 miles southwest of Custer

PRIORITY Date Received: 11-18-92 Fee: \$50.00 Remarks: _____

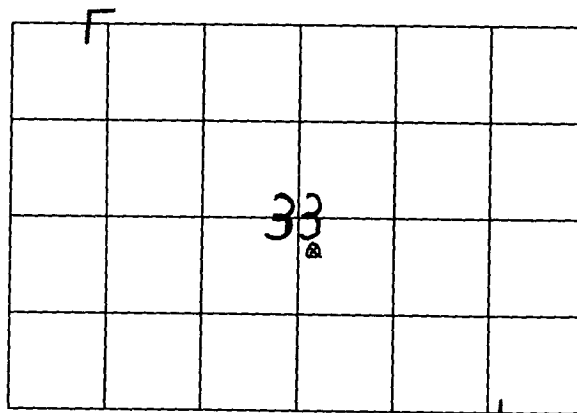
Corrected Application Received: 11-25-92 Period of Annual use: Jan 1 - Dec 31

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

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

Diversion Point: NW 1/4 SE 1/4 Sec 33-T3S-R4E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 125 feet REMARKS: well log not available

Type of Map: plat PREPARED BY: Thomas Warner, SCS Reviewed and the Number

Assigned on: 11-25-92 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)



Mail to: Water Rights Division Joe Foss Building 523 E Capitol Pierre SD 57501-3181 605 773-3352

No. 2255-2 Hydrologic Unit 10120109 Basin Upper Cheyenne Newspaper Custer Co. Chronicle, Box 551, Custer (office use only)

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

Check use of water:

- Municipal, Suburban Housing, Recreational, Institutional, Rural Water System, Commercial, Fish & Wildlife, Geothermal Heat, Domestic, Industrial, Other

Type of Application: New, Vested Right, Future Use Reservation, Place to Beneficial Use Water Reserved by Future Use Permit No., Amendment/Correction to Permit No.

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

1. Name of Applicant The Butcher Block, Inc. Phone 673-5377 Mailing Address P.O. Box 787 Custer SD 57730

2. Amount of water claimed 0.02 *CFS or 8 (eight) **GPM ***AF

3. Source of water supply Existing Water Well

4. Location of point of diversion One Well - north east portion of Dakota Pine Acres: Lot 18 of Tract 2 of H.E.S. #138, Section 33, T3S, R4E of the BHM (NW 1/4 SE 1/4) County Custer

5. County or counties where water will be used Custer

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

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) This is an existing well drilled about 1975 by an unknown driller. Alexander Drilling (673-4293) attempted to locate the well log in their records and the records of other local drillers without success. The daily water requirement will be less than 1,500 gallons. The pump capacity is 8 GPM. The property and the well have been in commercial use since construction in 1975.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Custer)ss

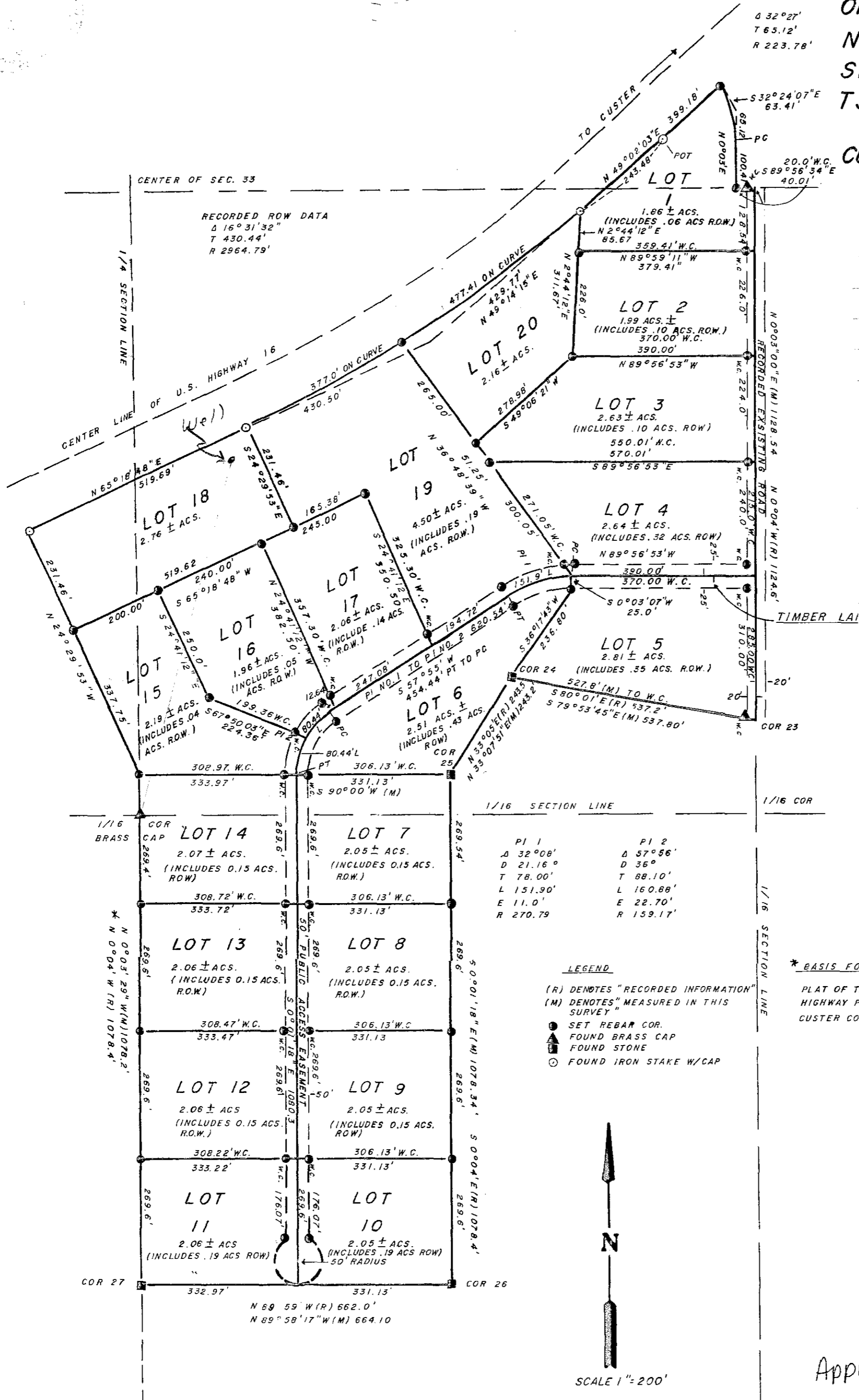
I, John Sickmann, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed [Signature] Subscribed and sworn to before me this 17 day of November 1992 [Signature] Notary Public

STILLMAN E. HAZELTINE NOTARY PUBLIC CUSTER COUNTY, S. DAK. MY COMMISSION EXPIRES NOVEMBER 2 1998

PLAT OF DAKOTA PINE ACRES INCLUDES LOTS 1 THROUGH 20
 OF TRACT 2 OF H.E.S. 138
 NE 1/4 OF SW 1/4, W 1/2 OF SE 1/4,
 SW 1/4 OF NE 1/4 ALL IN SEC. 33,
 T3S, R4E, BHM

CUSTER COUNTY, SOUTH DAKOTA



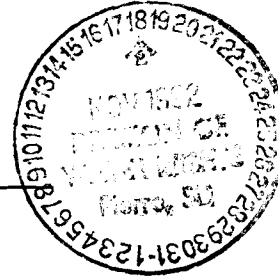
Appl No. 2255-2

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter about 6" Depth 125 feet 8 GPM submersed pump
- b) Casing Type steel Diameter 6" Thickness unknown
- c) Screen Type unknown Diameter unknown Thickness unknown
- d) Gravel Pack Thickness unknown Length of Gravel Pack unknown
- e) Depth to Top of Water Bearing Material unknown
- f) Depth to Water (ground surface to water level) unknown
- g) Distance to nearest existing domestic well:
 On applicants property none On property owned by others 1/4 mile



2. Dugout Information

NA

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

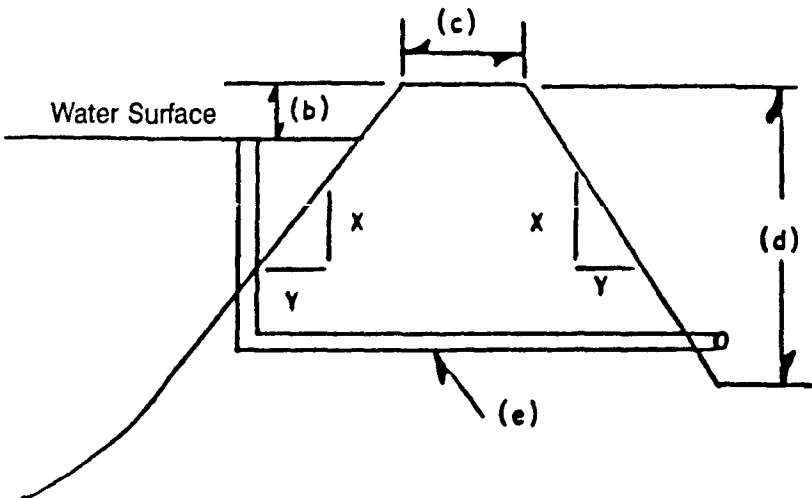
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 2255-2**

Date of first receipt of application November 18, 1992.


Date of return to applicant for corrections, amendments or changes November 18, 1992.

Date of receipt of corrected application November 25, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2255-2 to The Butcher Block, Inc., PO Box 787, Custer SD 57730 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2255-2 to appropriate 8 gallons per minute (0.02 cubic feet of water per second) from one well (Precambrian Rock) 125 feet deep located in the NW 1/4 SE 1/4 Section 33-T3S-R4E.
2. The water appropriated shall be used for the purpose of supplying water to the business and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2255-2 is March 3, 1993.
5. The date from which applicant may claim right is November 18, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 26 1993
date

RECEIPT

413518

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 25, 19 92

RECEIVED OF The Butcher Block, Inc., PO Box 787, Custer, SD 57730-0787

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

Fee for Application for Permit No. <u>2255-2</u> 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 _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	50 00

By John H. Halderson
Chief Engineer

191

1991

DATE 01/10/92 TIME 08:08

CITY OF CUSTER

PAGE 1

FORM 00100/00 TO 99/99/95

CONSUMPTION HISTORY REPORT

BILLBOX SERVICE 5 PRESENT

ACCOUNT#	NAME	DATE	CODE	READING	CONSUMPTION	CHARGE	PAYMENT	ARREARS	NET DUE
0000101001	O & K MARKET	01/07/91					143.35		00
		01/17/91	SM		27000	76.95			
			WM			48.00			
			WM		0	.00			
			TAX			.00			124.93
		02/05/91					124.93		.00
		02/22/91	SM		31000	88.35			
			WM			55.00			
			WM		0	.00			
			TAX			.00			.00
		03/03/91					143.35		.00
		03/19/91	SM		30000	83.50			
			WM			53.25			
			WM		0	.00			
			TAX			.00			.00
		04/08/91					138.75		.00
		04/23/91	SM		35000	95.75			
			WM			70.25			
			WM		0	.00			
			TAX			.00			.00
		05/13/91					170.00		.00
		05/20/91	SM		45000	128.25			
			WM			90.25			
			WM		0	.00			
			TAX			.00			.00
		06/06/91					218.50		.00
		06/24/91	SM		49000	139.65			
			WM			98.25			
			WM		0	.00			
			TAX			.00			.00
		07/03/91					237.90		.00
		07/18/91	SM		73000	208.05			
			WM			146.25			
			WM		0	.00			
			TAX			.00			.00
		08/03/91					394.30		.00
		08/20/91	SM		63000	179.55			

141121

0000101001

CITY OF DUNSTER

LONG 2

1991

CONSUMPTION HISTORY REPORT

BILL/PAID DEPOSIT PRESENT

ACCOUNT NAME DATE CODE 1 READING CONSUMPTION CHARGE PAYMENT DISCOUNT NET DUE

0000101001 2371 RT. HUSHMORE ERI. 07/31/91 MW E 258 63000 126.25 0 .00 303.80

09/09/91 305.80 00

09/18/91 SU 347 89000 233.65 0 .00 305.80

06/31/91 MW 347 89000 178.25 0 .00 305.80

10/08/91 413.90 00

10/22/91 SU 419 72000 205.80 0 .00 413.90

09/23/91 MW 419 72000 140.25 0 .00 413.90

11/03/91 349.45 00

11/20/91 SU 462 23000 122.55 0 .00 208.80

10/31/91 MW 462 43000 86.25 0 .00 208.80

12/03/91 208.80 00

12/23/91 SU 505 43000 122.55 0 .00 208.80

11/30/91 MW 505 43000 86.25 0 .00 208.80

03/08/91 26.25 00

03/17/91 SU 17 1900 14.00 0 .00 26.25

02/22/91 MW 17 4.25 0 .00 14.00

02/06/91 MW 0 0 0 .00 14.00

03/04/91 14.25 00

03/19/91 MW 17 14.00 0 .00 14.25

TAX 0 0 0 .00 14.25

DATE 10/22/92 TIME 02:30
 FROM 00/00/00 TO 99/99/99

CITY OF CUSTER
 CONSUMPTION HISTORY REPORT

PAGE 1

1992

ACCOUNT#	NAME	BILL/PAY DATE	SERVICE CODE	S PRESENT READING	CONSUMPTION	CHARGE	PAYMENT	ARREARS	NET DUE
0000101001	A & K MARKET	01/07/92					208.80		.00
	214 HT. RUSHMORE RD.	01/26/92	BR	552	47000	55.25			
		FR	0	0	0	2.75			
		12/31/91	SM	552	47000	133.95			
		WA	552	0	0	88.00			
		MW	0	0	0	.00			
		TAX				.00			259.95
		02/11/92					259.95		.00
		02/26/92	BR	592	40000	30.00			
		FR	0	0	0	2.75			
		01/31/92	SM	592	40000	114.00			
		WA	592	0	0	75.05			
		MW	0	0	0	.00			
		TAX				.00			221.80
		03/17/92					221.80		.00
		03/19/92	BR	631	39000	29.25			
		FR	0	0	0	2.75			
		02/29/92	SM	631	39000	111.15			
		WA	631	0	0	72.20			
		MW	0	0	0	.00			
		TAX				.00			216.35
		04/06/92					216.35		.00
		04/21/92	BR	658	27000	20.25			
		FR	0	0	0	2.75			
		03/31/92	SM	658	27000	76.95			
		WA	658	0	0	51.00			
		MW	0	0	0	.00			
		TAX				.00			150.95
		05/19/92					150.95		.00
		05/21/92	BR	709	51000	38.25			
		FR	0	0	0	2.75			
		04/30/92	SM	709	51000	145.35			
		WA	709	0	0	95.40			
		MW	0	0	0	.00			
		TAX				.00			5.00
		05/21/92					5.00		286.75
		06/18/92	BR	752	43000	32.25			
		FR	0	0	0	2.75			
		05/31/92	SM	752	43000	122.55			
		WA	752	0	0	80.60			
		MW	0	0	0	.00			
		TAX				.00			5.00

DATE 10/22/92 TIME 02:30
 FROM 00/00/00 TO 09/99/99

CITY OF CUSTER
 CONSUMPTION HISTORY REPORT

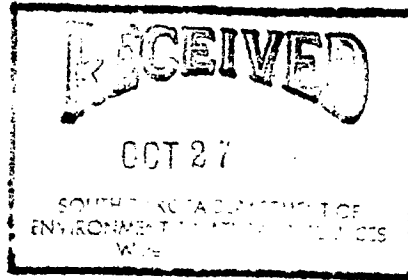
1992

ACCOUNT#	NAME	BILL/PAY DATE	SERVICE CODE	PRESENT READING	CONSUMPTION	CHARGE	PAYMENT	ARREARS	NET DUE
000101001	A & K MARKET		TAX			.00		291.75	529.90
	214 HT. RUSHMORE RD.	06/18/92	PENALTY			5.00			291.75
		06/23/92					286.75		243.15
		07/21/92	BR	807	55000	41.25			
			FR	0	0	2.75			
			SM	807	55000	156.75			
			WA	807	55000	102.90			
			WW	0	0	.00		246.15	551.80
			TAX			.00			
		07/21/92	PENALTY			5.00			248.15
		07/28/92					286.75		265.05
		08/19/92	BR	898	91000	68.25			
			FR	0	0	2.75			
			SM	898	91000	259.35			
			WA	898	91000	169.50			
			WW	0	0	.00		270.05	709.90
			TAX			.00			
		08/19/92	PENALTY			5.00			270.05
		08/25/92					265.05		504.85
		09/17/92	PENALTY			5.00			509.85
		09/18/92	BR	976	78000	58.50			
			FR	0	0	2.75			
			SM	976	78000	222.30			
			WA	976	78000	145.45			
			WW	0	0	.00		509.85	938.85
			TAX			.00			
		10/16/92	BR	33	57000	42.75			
			FR	0	0	2.66			
			SM	33	57000	162.45			
			WA	33	57000	106.60			
			WW	0	0	.00		938.85	1253.31
			TAX			.00			

0

October 26, 1992

Bill Baer
DENR
523 East Capitol
Pierre, S.D. 57501



Dear Mr. Baer;

Enclosed please find a copy of the A&K Market water report for the years of 1991 and 1992.

The Butcher Block Inc. which is located in Dakota Pines Acres has purchased equipment from the A&K Market to provide the same or similar service that the A&K Market did in regards to the processing of meat and slaughter-house services.

As you can see the A&K Market's use of water was very high on an average which is a great concern to all home owners in the immediate area regarding sewer waste disposal along with the high water draw from the ground water supplies. Our area has numerous wells that will not provide enough water for domestic house hold use let alone a 40,000 gallon per month draw on ground water supplies in our area for their industrial use.

Granted at this point we may be unable to accurately judge just how much water the Butcher Block Inc. will use, but I feel we can safely assume that if they provide the same or similar service as A&K Market did that their water consumption will be a lot greater than 500 to 1000 gallons per day as they "the Butcher Block" stated which is on record at the last Custer County Commission meeting held on October 20, 1992.

Please provide the proper DENR departments with this material, and if you have questions feel free to contact me.

Thanking you in advance for your concern and help,
I remain,

Sincerely yours,

Brad Merriman
Box 448
Custer, S.D. 57730

BLM/blm
Encl.



November 9, 1992

John Sickman
PO Box 91
Custer, SD 57730

Dear Mr. Sickman:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in the Butcher Block facility. I can not locate a water permit for the use of water from the existing well at this facility. I was given your name as the primary contact for the Butcher Block facility. If you are not the contact person, please inform me.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operations. If the facility was supplied water from a permitted distribution system such as the City of Custer, a permit would not be required.

A business or an institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you have a permit issued under another name, please contact us.

This letter was prompted by a call from a citizen who was concerned whether the facility had the necessary permits to operate. I expect that your application for a water permit may be contested. Water Permits in the Custer area have had a history of being controversial.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by December 18, 1992. If you have questions or need assistance, please feel free to contact me at 605 773-3352.

Sincerely,

Eric Gronlund, Natural Resource Engineer
Water Rights Division

enclosure

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1992

10.3 Custer County

HAL HUNTER
CUSTER COUNTY PLANNING AND ZONING
420 MT RUSHMORE RD
CUSTER SD 57730

Dear Mr. Hunter:

The Department of Environment and Natural Resources (DENR) has received a general operations and facility description of the Butcher Block slaughter and meat cutting business located near Custer, South Dakota. The information has been provided to the DENR in order that we may evaluate the wastewater system serving the establishment.

The DENR has also received water use records for the former A & K Market located in Custer, which might give an indication of the anticipated water use at the Butcher Block. As you know, accurate water use figures are required to properly design a wastewater treatment system. You have stated that the anticipated water use will be less than 1,000 gallons per day, despite the fact that the volume of water utilized at the A & K Market is substantially higher than this. We believe the projected water use figures might be attainable, although the only definitive way to determine water use is with a water meter.

The DENR has been advised that the existing on-site wastewater system consists of a 1,500 gallon septic tank and 600 square feet of absorption system. We can determine the wastewater system's design capacity at a specific gallons per day figure once we have received percolation test results. This would allow the use of the existing wastewater system while closely monitoring water use figures. Daily water use may not exceed the system's design capacity. If it becomes apparent that daily water use will exceed the design capacity, the system will have to be upgraded accordingly.

It is critical to minimize the amount of blood, fat, tallow and bone dust that is allowed to enter the wastewater system by practicing good "housekeeping" measures and by using grease traps or other screening devices. We would still prefer that the kill area utilize a holding tank for catching the wash down water and rely on the existing system for the trimming and cutting process wastewater only. However, we will not require a holding tank at this time as long as blood, paunch manure, viscera and other wastes are efficiently collected as you have assured. The facility owners should be fully aware that excessive amounts of blood, tallow and fat flowing through the septic tank can render the absorption system

Hal Hunter
November 17, 1992
Page 2

useless. Replacing an absorption system is quite expensive and it is certainly in the owner's best interest to take precautions to protect the system.

If you have any questions or comments, please feel free to contact this Office at (605) 773-3351.

Sincerely,

Raymond F. Bircham, P.E.

Raymond F. Bircham, P.E.
Staff Engineer
Division of Environmental Regulation

cc: Bill Baer, DER-DENR
Gary Stephenson, BHRO-DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1992

The Butcher Block, Inc.
John Sickman
PO Box 787
Custer SD 57730-0787

Dear Mr. Sickman:

In regard to your water permit application received on November 18, 1992, the following information needs to be submitted in order to process your application.

1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. Enclosed is the check for \$150.00. Since your application is requesting less than 45 gallons per minute, the filing fee for the application will be \$50.00.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

November 17, 1992

Eric Grunlund
Dept of Water and Natural Resources
Foss Building
Pierre SD 57501



Re: New Business
"The Butcher Block"
Hwy 16 West
Custer SD 57730

Dear Mr. Grunlund:

We are sure you have recently had conversation and/or communication regarding the new commercial enterprise called "The Butcher Block" in Custer, South Dakota.

There is concern on the part of neighboring residents and also on the part of the "The Butcher Block" partners regarding the fact that both groups are deeply interested in adequate water and sewer facilities as well as continued cleanliness, appearance, etc.

We have spoken with many offices, all of whom will receive a copy of this letter. The situation we believe you are addressing now is the water quantity and quality for all concerned. It is our understanding that you have sent Mr. Sickmon, owner of record of "The Butcher Block", a letter regarding his testing as well as any other requirements you may have pursuant to the issuing of "Water Rights Permit".

We further understand that Mr. Bill Baer of the office of "Private Water Systems" recommended by letter to his "Staff Engineer", Mr Brad Merrmon, that an additional holding tank be installed for flushing and cleaning water from the processing area.

We believe it is necessary to retest water and sewer facilities there. When the testing was done several years ago there was little use of water or septic on the property, only perhaps a half dozen flushes per day. It was an antique car museum and septic testing at that time was a very loose operation. Plus at that time there was no subdivision surrounding this property.

While none of the below signed residents wish to be unreasonable and certainly wish this venture to succeed, we also want to be sure that all concerns are resolved. Residents and Butcher Block owners should all feel safe in that their homes will not decrease in value and that the large investment the "Butcher Block" group is making will not be lost due to a lack of adequate or proper procedures prior to start up.

We wish to "Thank You" for your valued assistance to both groups and look forward to your report in the near future.

Very Truly Yours,

Signatures as Follows

Name

Address

Telephone

The principals of the "Butcher Block" were given an opportunity to sign this letter and they declined.

Name

Address

Telephone Number

BUTCHER BLOCK PARTNERS (ABOVE)

Ellis W. Lampe

Name

P.O. Box 403
Custer, S.D. 57730

Address

605-673-3316
Telephone Number

Betty Lampe

Name

P.O. Box 403 Custer, S.D.

Address

673-3316
Telephone Number

Ken Barfoot

Name

P.O. Box 706 Custer, S.D. 57730

Address

605-673-4789
Telephone Number

W. A. Murner

Name

Box 647 CUSTER SD 57730

Address

605-673-3229
Telephone Number

Jimmy D. Scott

Name

RR #1 Box 54C Custer SD

Address

673-2758
Telephone Number

Lawrence J. Murner

Name

RR1 Box 55G Custer, S.D.

Address

673-4191
Telephone Number

Bill Murner
Name
Custer, S.D.
Address
RT 1 Box 55 B
6734438
Telephone Number

Emie Orend
Name
RT 1 Box 54
Address
Custer, S.D.
673-4671
Telephone Number

Patricia Murner
Name
P.O. Box 647, Custer
Address
673-3229
Telephone Number

Kristie Martin
Name
RR1 Box 54-J Custer, S.D.
Address
673-3651
Telephone Number

Margaret Higney
Name
Box 14 - Custer, S.D.
Address
673-4108
Telephone Number

Robert W. Olson
Name
RT. 1 Box 54-Z Custer, S.D.
Address
673-5093
Telephone Number

NEIGHBORING RESIDENTS (ABOVE)

CC: Bill Baer - Department of Water and Natural Resources
Brad Merrmon - Department of Water and Natural Resources
Dr. Thorpe - Livestock Board
Department of Health

Handwritten notes at the top of the page, including "Custer, S.D." and "RR 1 Box 55A".

Luella Olson

Rt. 1 Box 54Z Custer, S.D.

673-5093

Raymond J. Eide

RR 1 Box 55A - Custer SD 57730

673-4063

John Satterfield
PO Box 244 - Custer

673-2043

Ms John Satterfield
BX 244, Custer

673-2043

Paula Walters
Name

P.O. Box 591 - Custer, SD
Address

673-5370
Telephone

Shirley M. Overland
Name

R1 Box 54 Custer, S.D.
Address

673-4671
Telephone

James E. Amable
Name

R.R. 1, Box 55R
Custer, SD
Address

673-3664
Telephone

John & Wanda (John)
Name

RT. 1 Box 34A
CUSTER S.D. 57730
Address

673-2874
Telephone

Diana L. Bombick
Name

Rt. 1 Box 54P Custer SD 57730
Address

673-3760
Telephone

Mary Bombick
Name

Rt 1 Box 54P Custer S.D. 57730
Address

673-3760
Telephone

Paul L. Mellman
Name

Box 448, Custer SD 57730
Address

(605) 673-5090
Telephone

Jim & Annette Hawkey
Name

RR 1, Box 54J Custer, SD
Address

673-3848
Telephone

TOM KOEPIG
Name

RR1 Box 54E Custer
Address

673-3694
Telephone

Laura Koepig
Name

RR1 Box 54E Custer
Address

673-3694
Telephone

Larry W. Martin
Name

RR1 Box 54-I Custer, SD
Address

673-3651
Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1992

TO: Neighboring Residents of the Butcher Block Facility
(see attached list)

I am writing in response to your letter concerning water permitting for the business known as 'The Butcher Block' located near Custer, South Dakota. The Butcher Block has submitted the necessary application for a permit to appropriate water.

A Water Rights Division engineer is currently preparing a report on this application. This report will investigate whether: 1) unappropriated water is available; 2) existing rights will be unlawfully impaired; 3) it is a beneficial use of water; and 4) it is in the public interest. A recommendation will then be made by the Chief Engineer on the application and a notice of hearing will be published for two consecutive weeks in the Custer County Chronicle. Prior to the publishing of the notice of hearing, I will send a copy of the report, recommendation and notice of hearing to all interested parties. At this time, you may petition to intervene in the water permitting process and a hearing will be scheduled before the Water Management Board.

If you have any questions regarding the water permitting process, please feel free to contact me. Questions regarding the wastewater system should be directed to Bill Baer, Division of Environmental Regulation at (605) 773-3351.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

cc: Bill Baer, DER-DENR
The Butcher Block, c/o John Sickmann, PO Box 787, Custer, SD

REPORT ON APPLICATION NO. 2255-2
for The Butcher Block, Inc.
January 18, 1993

Application No. 2255-2 proposes to appropriate 8 gpm (0.02 cfs) from one well approximately 125 feet deep located in the NW 1/4 SE 1/4 of section 33, T3S R4E BHM in Custer County. The water is for commercial use.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of metagraywacke and quartz-mica schist or phyllite (Redden, 1975). Ground water is obtained from fractures and natural foliations inherent to this rock type. Recharge to the aquifer is by direct infiltration of rainfall and snowmelt into the rock. The rock is under unconfined (water table) conditions and typically the yields of wells completed into this rock type are relatively small. There is no estimate available for the amount of water in storage for this area. Very little well information was submitted with this application. The well is reportedly 125 feet deep and is capable of supplying 8 gpm.

The Division of Water Rights monitors an observation well CU-TEMP which is located about 4 miles northeast of this application. The record for this well should be indicative and at least comparable to what is happening to the water level in the area of this permit application even though the water source is not the same. Water levels for the observation well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The records for this well indicate that highest water levels recorded occurred in 1991 and the lowest recorded occurred in 1990. The aquifer does recharge and should be able to support additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

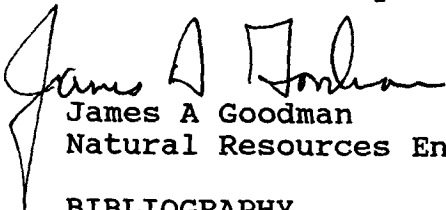
There are four other water permits/rights Nos. 1916-2, 1936-2, 1945-2 and 2237-2 which are located within the same section as this application. The closest is Water Right No. 1916-2 which is located within 1/4 mile north of this application. Interference is not expected to be a concern. Withdrawal rates are relatively small and any drawdown created is not expected to be significant.

There are numerous domestic wells in this area. These wells have been in use for many years with no apparent problems. This application will not change the use of ground water in the area.

CONCLUSIONS

1. Water is available from the Precambrian rock.

2. The rock is under unconfined conditions. Drawdown created by pumping is not expected to be significant at the proposed rates of withdrawal. Interference is not expected to be a concern.
3. Very little well information is included with this application. It can not be determined if the well is constructed in accordance with SD Well Construction Standards. This is an existing well and has been used for many years. The well was drilled in the early 1970's.
4. DENR has reviewed the existing wastewater system and determined that as long as the daily water use will not exceed the design capacity of the system, it will not be necessary to upgrade the system.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Redden, J.A., 1975, Precambrian Geology of the Black Hills, in Bulletin 16, Mineral and Water Resources of South Dakota, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1993, Unpublished Observation Well Data for Custer County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2255-2, The Butcher Block, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2255-2, The Butcher Block, Inc., c/o John Sickmann, PO Box 787, Custer, SD 57730

The Chief Engineer is recommending APPROVAL of Application No. 2255-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 19, 1993



**DEPARTMENT of ENVIRONMENT
and 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.

January 28, 1993

John Sickmann
The Butcher Block, Inc.
PO Box 787
Custer, SD 57730

Dear Mr. Sickmann:

Water Permit Application No. 2255-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 673-2217). 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 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1993

Custer County Chronicle
Box 551
Custer, SD 57730

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2255-2 to be published twice. Please publish the first notice on February 3, 1993, 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 The Butcher Block, Inc., PO Box 787, Custer, SD 57730 (Ph # 673-5377 or 673-3178).

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. No action may be taken on the permit application 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: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ 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 February 3, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2255-2 to Appropriate Water

Notice is given that The Butcher Block, PO Box 787, Custer, SD 57730 has filed an application for a water permit to appropriate 8 gallons per minute (0.02 cubic feet of water per second) from one well (Precambrian Rock) 125 feet deep located in the NW 1/4 SE 1/4 Section 33-T3S-R4E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2255-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. 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 February 22, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 3, 1993, 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 application. The request for an automatic delay must be filed by February 22, 1993.

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 Eric Gronlund by February 22, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

FORM 2: Application for uses other than irrigation

(type or print)



Mail to: Water Rights Division Joe Foss Building 523 E Capitol Pierre SD 57501-3181 605 773-3352

No. 2255-2 Hydrologic Unit 10120109 Basin Upper Cheyenne Newspaper Custer Co. Chronicle, Box 551, Custer (office use only)

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

Check use of water:

- Municipal Suburban Housing Recreational Institutional Rural Water System X Commercial Fish & Wildlife Geothermal Heat Domestic Industrial Other (over 18 gpm)

Type of Application: New Vested Right (Use predates Mar 2, 1955) Future Use Reservation (check one) Place to Beneficial Use Water Reserved by Future Use Permit No. Amendment/Correction to Permit No.

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

- 1. Name of Applicant The Butcher Block, Inc. Phone 673-5377 Mailing Address P.O. Box 787 Custer State SD 57730
2. Amount of water claimed 0.02 *CFS or 8 (eight) **GPM ***AF
3. Source of water supply Existing Water Well
4. Location of point of diversion One Well - north east portion of Dakota Pine Acres: Lot 18 of Tract 2 of H.E.S. #138, Section 33, T3S, R4E of the BHM (NW1/4 SE1/4) County Custer
5. County or counties where water will be used Custer
6. Annual period during which water is to be used Twelve months / year Jan 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) This is an existing well drilled about 1975 by an unknown driller. Alexander Drilling (673-4293) attempted to locate the well log in their records and the records of other local drillers without success. The daily water requirement will be less than 1,500 gallons. The pump capacity is 8 GPM. The property and the well have been in commercial use since construction in 1975.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Custer)ss

I, John Sickmann, 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 [Signature] Subscribed and sworn to before me this 17 day of November 19 92 [Signature] Notary Public

STILLMAN E. HAZELTINE NOTARY PUBLIC CUSTER COUNTY, S. DAK. MY COMMISSION EXPIRES NOVEMBER 2 1998

OK

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA)
County of Custer) ss

I, Terrri Tuggle

certify that the attached printed Notice was

taken from the Custer Co Chronicle
PO Box 551 Custer, SD 57730

printed and published in Custer

County of Custer and State of

South Dakota. The notice was published in the newspaper on the following two dates:

2/3/1993
2/10/1993

Cost of Printing: \$50.64

Terrri Tuggle
(Signature)

Publisher
(Title)

2-16-93
(Date Signed)

NOTICE OF HEARING

ON APPLICATION NO. 2255-2
TO APPROPRIATE WATER

Notice is given that The Butcher Block, P.O. Box 787, Custer, SD 57730 has filed an application for a water permit to appropriate 8 gallons per minute (0.02 cubic feet of water per second) from one well (Precambrian Rock) 125 feet deep located in the NW 1/4SE 1/4 Section 33-T3S-R4E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2255-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. 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 February 22, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 3, 1993, 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 application. The request for an automatic delay must be filed by February 22, 1993.

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 Eric Gronlund by February 22, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary,
Department of Environment and
Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

TO: Neighboring Residents of The Butcher Block Facility
(see attached list)

Water Permit Application No. 2255-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the publisher of the Custer County Chronicle, Custer, SD. We know you have concerns regarding this application. For your information, we are enclosing a copy of the notice, the recommendation of the Chief Engineer and a report on this application.

If you have any questions, please contact Eric Gronlund at (605)773-3352.

Sincerely,

A handwritten signature in cursive script that reads 'Jaci R. Konop'.

Jaci R. Konop
Senior Secretary
Water Rights Division

Enclosure

Ellis W. Lampe
P.O. Box 403
Custer, SD 57730
(605) 673-3316

Ken Barfoot
P.O. Box 706
Custer, SD 57730
(605) 673-4789

Jimmy D. Scott
RR 1, Box 54C
Custer, SD 57730
(605) 673-2758

Betty Lampe
P.O. Box 403
Custer, SD 57730
(605) 673-3316

W. L. Murner
Box 647
Custer, SD 57730
(605) 673-3229

Arloween J. Murner
RR 1, Box 55G
Custer, SD 57730
(605) 673-4191

Bill Murner
Rt 1, Box 55G
Custer, SD 57730
(605) 673-4438

Patricia Murner
P.O. Box 647
Custer, SD 57730
(605) 673-3229

Margaret Hegna
Box 14
Custer, SD 57730
(605) 673-4108

Ernie O. Overland
Rt 1, Box 54
Custer, SD 57730
(605) 673-4671

Kristie Martin
RR 1, Box 54-I
Custer, SD 57730
(605) 673-3651

Robert W. Olson
Rt 1, Box 54-Z
Custer, SD 57730
(605) 673-5093

Jess and Marilyn L. Lacey
2080 Hillrise Road
Fallbrook, CA 92028
(619) 731-3166

Luella Olson
Rt 1, Box 54Z
Custer, SD 57730
(605) 673-5093

John Sutterfield
P.O. Box 244
Custer, SD 57730
(605) 673-2043

Raymond G. Eide
RR I, Box 55A
Custer, SD 57730
(605) 673-4063

Ms. John Sutterfield
Box 244
Custer, SD 57730
(605) 673-2043

Tina Mathis
P.O. Box 591
Custer, SD 57730
(605) 673-5370

James E. Annable
RR 1, Box 55R
Custer, SD 57730
(605) 673-3664

Diane L. Bombeck
Rt 1, Box 54P
Custer, SD 57730
(605) 673-3760

Brad L. Merriman
Box 448
Custer, SD 57730
(605) 673-5090

Shirley M. Overland
RR 1, Box 54
Custer, SD 57730
(605) 673-4671

John and Wanda Akers
Rt 1, Box 54A
Custer, SD 57730
(605) 673-2874

Gary Bombeck
Rt 1, Box 54P
Custer, SD 57730
(605) 673-3760

Tim and Annette Harvey
RR 1, Box 54J
Custer, SD 57730
(605) 673-3848

Tom Koenig
RR 1, Box 54E
Custer, SD 57730
(605) 673-3694

Laura Koenig
RR 1, Box 54E
Custer, SD 57730
(605) 673-3694

Larry Martin
RR 1, Box 54-I
Custer, SD 57730
(605) 673-3651



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 26 1993

John Sickmann
The Butcher Block, Inc.
PO Box 787
Custer, SD 57730

Dear Mr. Sickmann:

Enclosed is Water Permit No. 2255-2 authorizing construction of your water diversion system and beneficial use of the water, 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 cursive script, appearing to read "John Hatch".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 2002

2255-2

Bill Busskohl
PO Box 251
Custer, SD 57730-0251

Dear Mr. Busskohl:

On June 10, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2255-2, was completed by Donald Stroup, a staff engineer with our program. The permit authorizes diversion of ground water for commercial purposes.

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. 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.

Currently, the water permit is listed in the name of the "Butcher Block". Prior to licensing, the permit should be transferred to your name (or business name). Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please return the form to our office along with a \$2.50 filing fee as required by statute.

A total of \$52.50 is due for licensing and transfer of Water Permit No. 2255-2. The check or money order for the fee should be made payable to the "Water Rights Program".

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

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 1, 2002

REMINDER NOTICE

2255-2

Bill Busskohl
PO Box 251
Custer, SD 57730-0251

Dear Mr. Busskohl:

On June 26, 2002, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit No. 2255-2. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Currently, the water permit is listed in the name of the "Butcher Block". Prior to licensing, the permit should be transferred to your name (or business name). Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please return the form to our office along with a \$2.50 filing fee as required by statute.

A total of \$52.50 is due for licensing and transfer of Water Permit No. 2255-2. The check or money order for the fee should be made payable to the "Water Rights Program".

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 2255-2

*Bill Busckohl
PO Box 251
Custer SD 57730-0251*

RECEIVED

OCT - 4 2002

WATER RIGHTS

PROGRAM

2. Article Number (Copy from service label) 7001 1140 0003 1305 8363

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature X Patricia Hopkins Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 2255-2

OCT - 9 2002

Date: 10.3.02

WATER RIGHTS
PROGRAM

I/We request that Water Permit No. 2255-2

formerly owned by: John Sickmann, dba The Butcher Block, PO Box 787, Custer, SD 57730

be transferred to: (name & address) Bill Busckohl dba Wild Bill's Antique
Mail & Rock Shop, P.O. Box 251, Custer SD 57730
Telephone No. 605-673-4186

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

diversion point location: NW ¼ SE ¼ Section 33, T3S, R4E

I/We understand that the validity of Water Permit No. 2255-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Bill Busckohl, the new owner, certify that the above information is true and correct.

Bill Busckohl

(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

Date October 9, 2002

RECEIVED OF Bill Busskohl, dba Wild Bill's Antique Mall & Rock Shop, PO Box 251, 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 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. <u>2255-2</u>	50	00
Fee for Filing Transfer Form <u>2255-2</u>	2	50
Fee for _____		
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	52.50

No.

000312

By Darland Ebele
Chief Engineer gm

**Permit No. 2255-2
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: **Patty Hopkins, Slave Girl, 2 Miles West of Custer, SD 57730**

Report Of Examination Of Works

On **June 10, 2002**, I made a thorough examination of the water use system authorizing the appropriation of 0.02 cubic feet per second (cfs) of water from a well for **commercial use** bearing the priority date of November 18, 1992.

The well and distribution system are in good condition and capable of pumping water at **8 gallons per minute (gpm)**. The well is located in the **NW¼ SE¼ Section 33 T3S R4E (103.647490 43.743990) 2430-foot West and 2060-foot North of the SE Corner of the Section**, Custer County, SD.

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: Unknown | 2) No. of Wells: 1 |
| 3) Depth(s): 125-feet | 4) Well log available: No |

Casing:

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

Screen:

- | | |
|---------------------------------------|----------------------|
| 1) Type: Unknown | 2) Length: NA |
| 4) Static water level: Unknown | |

Pump/Motor:

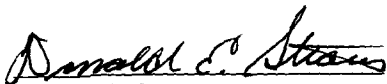
- | | |
|---|------------------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 8 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: NA hp |

Distribution System:

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

COMMENTS:

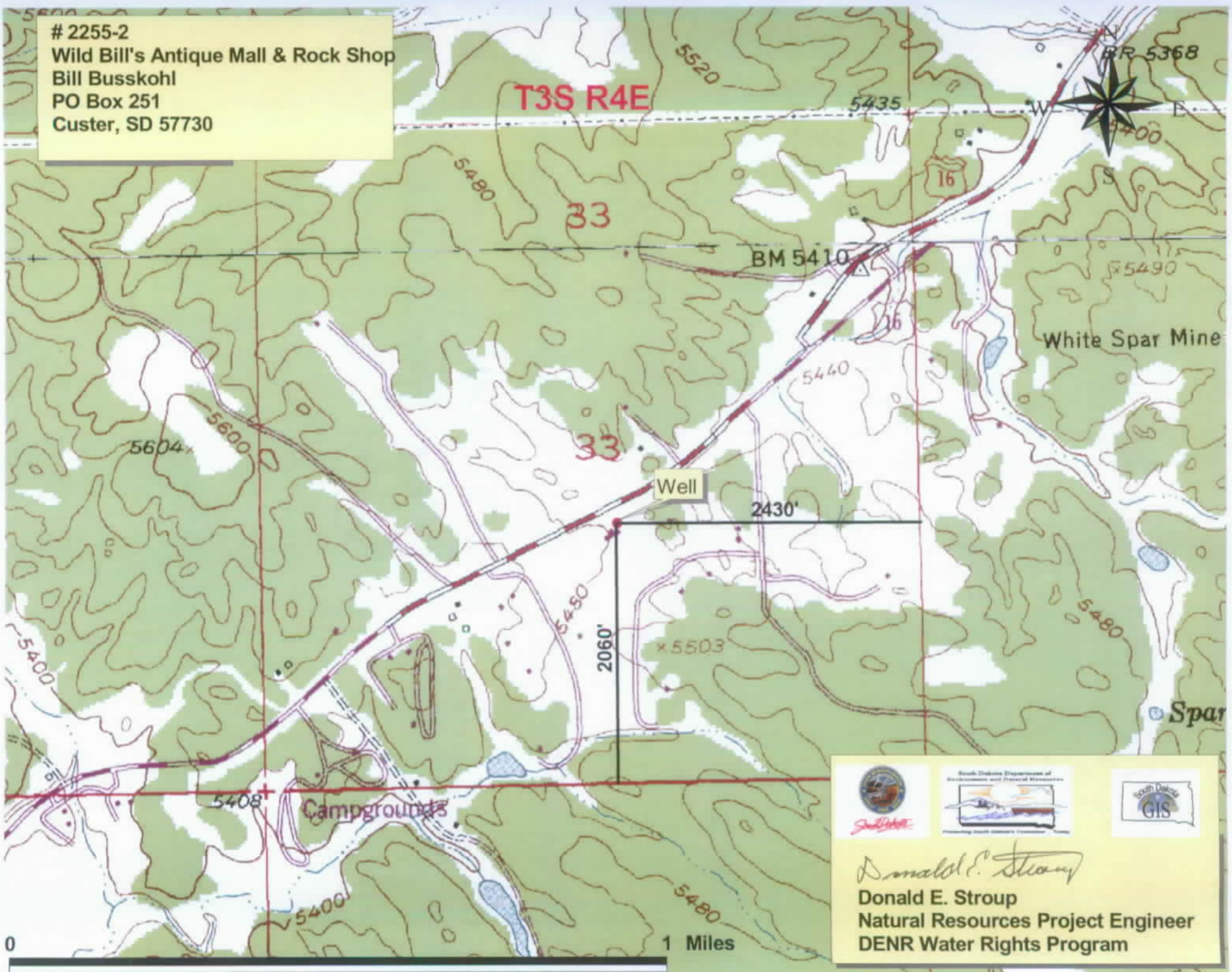
Bill Busskohl, PO Box 251, Custer, SD 57730 is the new owner of the property. There was very little information on this well when the permit was issued to the Butcher Block in 1992. The present owner has not had the well serviced and can provide no further information. The well should be licensed for 0.02 cfs and the license transferred to Mr. Busskohl.






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

6/25/02
Date

2255-2
Wild Bill's Antique Mall & Rock Shop
Bill Busckohl
PO Box 251
Custer, SD 57730



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

2255-2

Wild Bill's Antique Mall & Rock Shop

Bill Buskohl

PO Box 251

Custer, SD 57730



Well

2430'

2060'

Donald E. Stroup 6/25/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

1 Miles



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2255-2


(1) The Butcher Block made Application No. 2255-2, November 18, 1992 for a water permit to divert 0.02 cubic feet of water per second from ground water (one well – Precambrian Rock), Custer County, South Dakota for commercial purposes. Permit No. 2255-2, with a priority date of November 18, 1992 was approved March 3, 1993 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 water completed.

On October 9, 2002, Water Permit No. 2255-2 was transferred to Bill Busskohl, dba Wild Bill's Antique Mall and Rock Shop.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Bill Busskohl, dba Wild Bill's Antique Mall and Rock Shop, PO Box 251, Custer, SD 57730 the holder and/or owner of Water Right No. 2255-2 is issued a license, bearing a priority date of November 18, 1992 to appropriate 0.02 cubic feet of water per second from ground water (one well – Precambrian Rock) for commercial use purposes.

The diversion point is located 2,430'W and 2,060'N of the SE corner of Section 33, T3S, R4E (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2255-2.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 25 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 25 2002

2255-2

Bill Busskohl
Wild Bill's Antique Mall & Rock Shop
PO Box 251
Custer SD 57730-0251

Dear Mr. Busskohl:

Enclosed is Water License No. 2255-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000312 in the amount of \$52.50 which you paid for filing the ownership change and 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. 2255-2, 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