

WATER PERMIT NO. 2265-2

Phone: 673-2521

Name of Applicant: SD Department of Human Services

Post Office Address: RR 1, Box 98, Custer SD 57730

Amount of Water Claimed: 0.18 Total Acres: NA

Source of Water Supply: groundwater - 2 wells

Water to be used for: institutional County: Custer

About 4 miles south of Custer

PRIORITY Date Received: 3-1-93 Fee: NA Remarks: Increase the

diversion rate authorized by Water Right No. 894-2 and includes an additional well

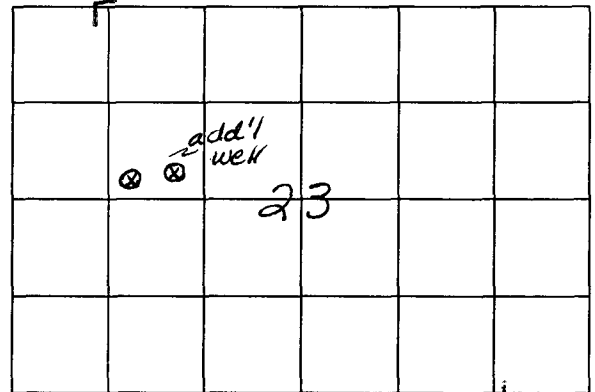
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NW 1/4 Sec 23-T4S-R4E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 185' and 250' REMARKS: _____

Type of Map: plat PREPARED BY: James P. Heald, P.E. Reviewed and the Number

Assigned on: 3-9-93 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2265-2**

Date of first receipt of application March 1, 1993.

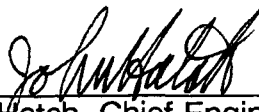
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2265-2 to the South Dakota Department of Human Services, South Dakota Developmental Center, RR 1, Box 98, Custer SD 57730 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2265-2 appropriates 0.04 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 894-2 and to appropriate an additional 0.09 cfs from one additional well. Water Right 894-2 authorizes 0.14 cfs from one well (Precambrian Rock) 185 feet deep located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. This permit increases the water appropriation from 0.14 cfs to 0.18 cfs. The additional well, 250 feet deep located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. Water Right No. 894-2 and this permit, combined, may not exceed 0.18 cfs.
2. The water appropriated shall be used for the purpose of supplying water to the developmental center and may not exceed the amount of water needed for beneficial use for institutional 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. 2265-2 is June 8, 1993.
5. The date from which applicant may claim right is March 1, 1993.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2265-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:30.
3. Combined diversion rates under all permits/rights (Nos. 894-2, 2264-2, 2265-2 and 2266-2) held by the Development Center may not exceed 0.18 cfs.

WATER MANAGEMENT BOARD

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

AUG 10 1993
date

(type or print)

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

No. 2265-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Custer Co Chronicle, Box 551
(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 _____
(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. 894-2

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) 1) Add diversion point (Mayo Well #2) 0.09CFS, 2) Increase withdrawal of Mayo deep well (Mayo Well #1) from 0.14CFS to 0.18CFS, 3) Adandon previously used diversion points

1. Name of Applicant South Dakota Department of Human Services Phone 605-673-2521
Mailing Address SD Developmental Center RR 1 Box 98 Custer SD 57730
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.14 cfs appropriated from Well No. 1 under No. 894-2, 0.04 cfs new appropriation from Well No. 1, 0.09 cfs new appropriation from Well No. 2
0.18 combined *CFS or 81 combined **GPM ***AF No. 2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Hardrock wells-fractured bedrock
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in SW1/4 of NW1/4 of Section 23, T4S, R4E, BHM. Refer to attached map.

County Custer

5. County or counties where water will be used Custer

6. Annual period during which water is to be used Jan 1 - Dec 31
Year around use at SD Developmental Center

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) Historically water has been withdrawn since approximately 1941 from 2 distinct gallery systems and 1 deep well in Echo Valley. The 2 gallery systems will be abandoned. It is proposed to increase the diversion of the deep well (Mayo Well #1) from 0.14CFS to 0.18CFS. A second deep well will be added (Mayo Well #2) with a maximum withdrawal of 0.09CFS. Either well may be used with combined withdrawal not to exceed 0.18CFS. This permit, in conjunction with other permits for the SD Developmental Center near Custer, will utilize a combined maximum withdrawal rate of 0.18CFS.

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, SD Dept of Human Services, 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 18 day of February 19 93

[Signature]
Notary Public

Supplemental Information

Mayo Well #1

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" + grout thickness Depth 185'
- b) Casing Type Steel Diameter 6" Thickness
- c) Screen Type Perforated casing Diameter 6" Depth
Thickness 35' to 185'
- d) Gravel Pack Thickness Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 55' - 100'
- f) Depth to Water (ground surface to water level) 4½'
- g) Distance to nearest existing domestic well:
On applicants property 580' On property owned by others greater than 1000'

2. Dugout Information

- 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

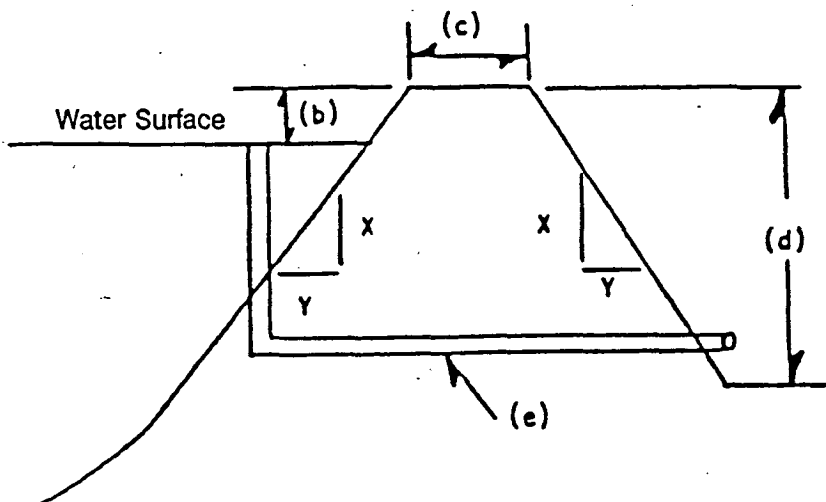
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area above Dam Acres



Supplemental Information

Mayo Well #2

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10" at surface Depth 250'
- b) Casing Type Steel Diameter 6" Depth 0'-45'
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 117'
- f) Depth to Water (ground surface to water level) 5'-7"
- g) Distance to nearest existing domestic well:
On applicants property 580' On property owned by others greater than 1000'

2. Dugout Information

- 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

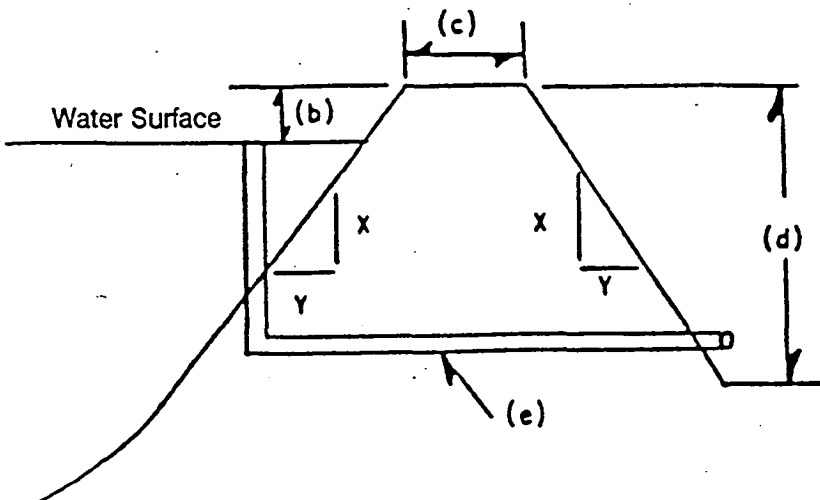
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres

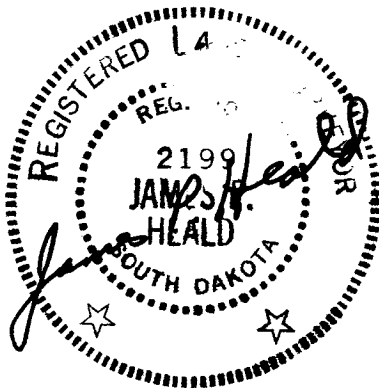
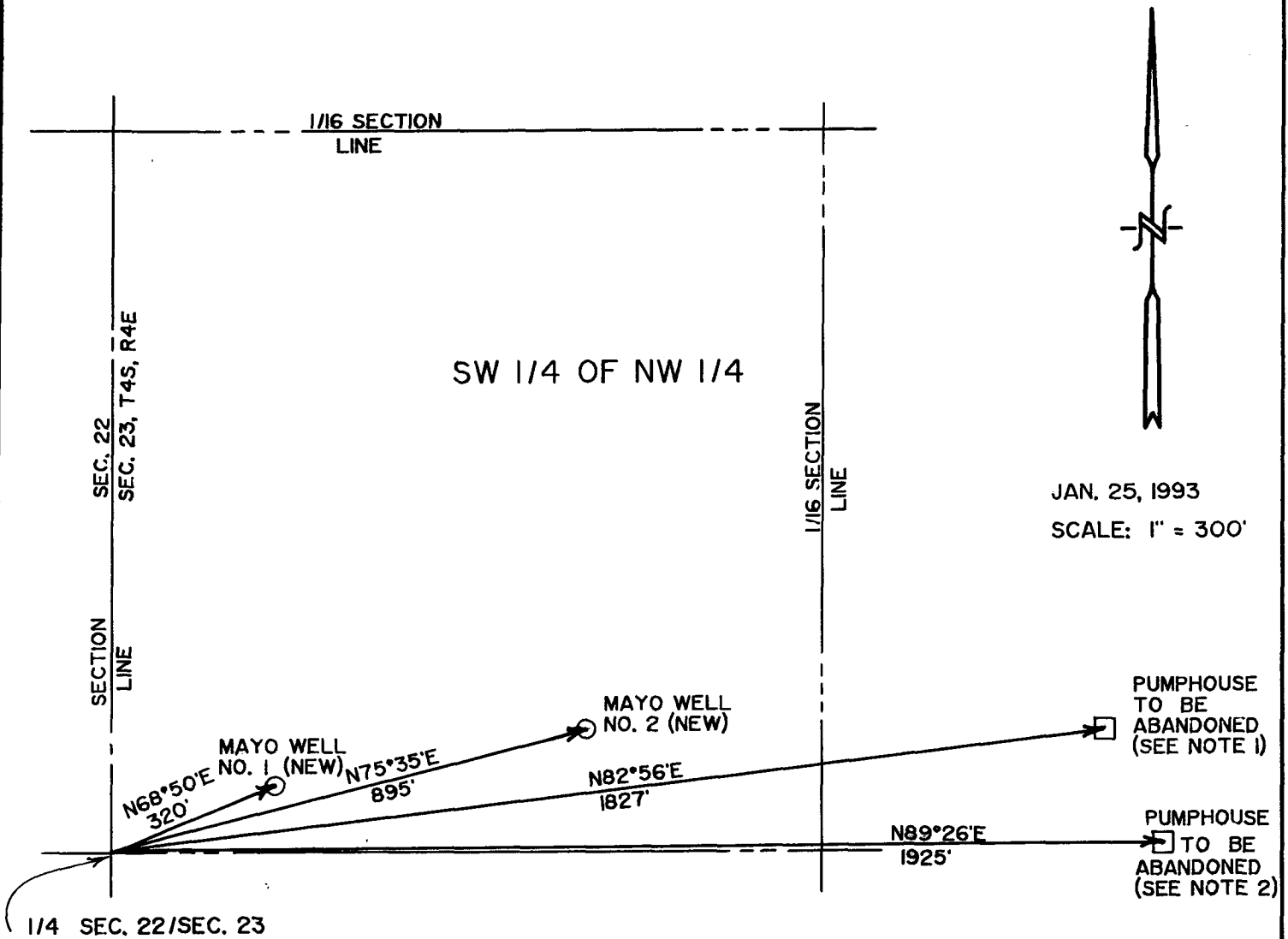


WATER DIVERSION LOCATION MAP

SOUTH DAKOTA DEPARTMENT OF HUMAN SERVICES
SD DEVELOPMENTAL CENTER NEAR CUSTER

MAYO WELL NO. 1 AND MAYO WELL NO. 2

LOCATED IN NW 1/4 OF SECTION 23, T4S, R4E,
B.H.M., CUSTER COUNTY, SOUTH DAKOTA



OSE PROJECT NO. HI7939279L

NOTES

- NOTE 1: PUMPHOUSE, CISTERN AND ASSOCIATED GALLERIES TO BE ABANDONED. THIS WATER SOURCE WAS FORMERLY IDENTIFIED AS MAYO NO. 1.
- NOTE 2: PUMPHOUSE, CISTERN AND ASSOCIATED GALLERIES TO BE ABANDONED. THIS WATER SOURCE WAS FORMERLY IDENTIFIED AS MAYO NO. 2.



ONEY ENGINEERING
SERVICES, INC.

P.O. BOX 786
CUSTER, SOUTH DAKOTA 57730
(605) 673-3243

Appl No. 2265-2

REPORT ON APPLICATION NO. 2265-2
for SD Department of Human Services
April 19, 1993

Application No. 2265-2 proposes to appropriate 0.04 cfs by increasing the authorized diversion rate of Water Right No. 894-2 and to appropriate 0.09 cfs from an additional well. Water Right No. 894-2 authorizes 0.14 cfs from one well approximately 185 feet deep located in the SW 1/4 NW 1/4 of section 23, T4S R4E. This application will increase the water appropriation from 0.14 cfs to 0.18 cfs. The additional well approximately 250 feet deep is located in the SW 1/4 NW 1/4 of section 23, T4S R4E in Custer County. Water Right No. 894-2 and this application, combined, may not exceed 0.18 cfs. The water is for institutional use at the SD Developmental Center.

AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of metagraywacke and is described as a medium to dark gray siliceous mica schist and impure quartzite (DeWitt, 1989). Ground water is obtained from fractures and natural foliations within the rock type. The aquifer is unconfined and under water table conditions. There is no estimate available for the amount of water in storage in the Precambrian rock. These wells are located in Echo Valley along a tributary into Beaver Creek. Both the creek and possibly alluvium associated with the creek are hydraulically connected to the Precambrian rock.

The Division of Water Rights monitors an observation well CU-TEMP located about 5 1/2 miles northeast of this location. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Water levels in this area should behave in a similar manner (Water Rights, 1993).

A well log for the 187 feet deep well (called MAYO WELL #1 on the application) is included with this application. Test pumping information is available for this well and indicates that the well has a specific capacity of about 6.7 gpm/ft of drawdown.

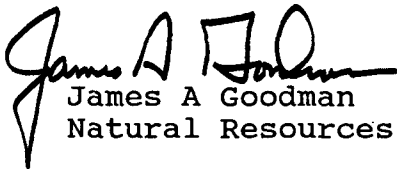
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other water right in this area is No. 894-2. This application is an upgrading of that original right. Interference is not expected to be a concern. The existing and proposed well will be about 600 feet apart. This distance should be sufficient to minimize any potential effects of pumping. No other water permits/rights will be affected.

CONCLUSIONS

1. Water is available from the Precambrian rock.

2. The aquifer is unconfined and under water table conditions.
3. Interference is not expected to be a concern. The well authorized by this application will be about 600 feet apart and the diversions rates are relatively small. Drawdown caused by pumping should not be significant.
4. The new well authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.
5. The existing well appears to be constructed in accordance with SD Well Construction Standards.
6. Any of the old wells which are to be abandoned must be plugged pursuant to SD Well Construction Standards.
7. This application states that the combined diversion rates for the facility would be 0.18 cfs (includes No. 2265-2 ,VR No. 2264-2 and this application).


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

DeWitt, E., J.A. Redden, D. Buscher, A.B. Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, USGS Map I-1910, scale 1:250,000.

Water Rights, 1993, Unpublished Observation Well Data for Custer County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

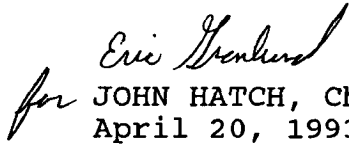
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2265-2, SD Department of Human Services

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. 2265-2, SD Department of Human Services, c/o Dr. Jim Rumbolz, RR 1 Box 98, Custer, SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2265-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed well authorized by Permit No. 2265-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:30.
3. Combined diversion rates under all permits/rights (Nos. 894-2, 2264-2, 2265-2 and 2266-2) held by the Development Center may not exceed 0.18 cfs.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
April 20, 1993

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF CUSTER



Terri Tuggle

of said county, being duly sworn, on oath says that she is publisher or _____ of the CUSTER COUNTY CHRONICLE, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of

publication: that the SD Developmental Center
RR 1 Box 98

Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

5/12 1993 _____ 19_____
5/19 1993 _____ 19_____
_____ 19____; _____ 19_____
_____ 19____; _____ 19_____
_____ 19____; _____ 19_____
_____ 19____; _____ 19_____

the the full amount of the fees for the publication of the annexed notice is \$ 66.82

Terri Tuggle

Subscribed and sworn to me before this 28th
of May 1993;

Chris Zweber
Notary Public

My commission expires: May 14, 2001

NOTICE OF HEARING

ON APPLICATION NOS. 2265-2 AND 2266-2 TO APPROPRIATE WATER

AND AMEND WATER RIGHT NO. 894-2

Notice is given that the South Dakota Department of Human Services, SD Developmental Center, RR 1 Box 98, Custer, SD 57730 has filed two applications for water permits.

Water Permit Application No. 2265-2 proposes to appropriate 0.04 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 894-3 and to appropriate an additional 0.09 cfs from one additional well. Water Right No. 894-2 authorizes 0.14 cfs from one well (Precambrian Rock) 185 feet deep located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. This application will increase the water appropriation from 0.14 cfs to 0.18 cfs. The additional well, 250 feet deep, is located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. Water Right No. 894-2 and this application, combined, may not exceed 0.18 cfs. The water is for institutional use at the SD Developmental Center.

Water Permit Application No. 2266-2 is to appropriate 0.18 cfs from one well (Precambrian Rock) approximately 52 feet deep located in the NW 1/4 NW 1/4 Section 13-T4S-R4E. The water is for institutional use at the SD Developmental Center.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2265-2 and 2266-2 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 applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit 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 the 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 June 1, 1993. 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. 2265-2 and 2266-2 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for June 8, 1993, at 10:00 am in Room 413, Joe Foss Building, 23 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the June 8, 1993, hearing date will be rescheduled for a regularly scheduled hearing. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 8, 1993, hearing date will be automatically delayed at least 20 days upon written request to Chief Engineer from the applicant or any interested person opposing the applications. A request for an automatic delay must be made by June 1.

If a hearing is held, the Chief Engineer's recommendations are not final or binding on the Board. The Board is authorized to approve, 2) approve with qualifications, defer, or 4) deny the applications based on facts presented at the public hearing. Any ruling will be an adversary proceeding. Person filing a petition and/or the applicant have the right to be represented by an attorney and may request an interpreter.

These and other public hearings will be examined whenever according to SDCL 1-26. These and other public hearings 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 June 1, 1993, at the above Water Rights Division address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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-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. 69432, 5/12, 5/19

Instruction to Newspaper - Publish first Notice on May 12, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 2265-2 and 2266-2 to Appropriate Water and Amend Water Right No. 894-2

Notice is given that the South Dakota Department of Human Services, SD Developmental Center, RR 1 Box 98, Custer, SD 57730 has filed two applications for water permits.

Water Permit Application No. 2265-2 proposes to appropriate 0.04 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 894-3 and to appropriate an additional 0.09 cfs from one additional well. Water Right No. 894-2 authorizes 0.14 cfs from one well (Precambrian Rock) 185 feet deep located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. This application will increase the water appropriation from 0.14 cfs to 0.18 cfs. The additional well, 250 feet deep, is located in the SW 1/4 NW 1/4 Section 23-T4S-R4E. Water Right No. 894-2 and this application, combined, may not exceed 0.18 cfs. The water is for institutional use at the SD Developmental Center.

Water Permit Application No. 2266-2 is to appropriate 0.18 cfs from one well (Precambrian Rock) approximately 52 feet deep located in the NW 1/4 NW 1/4 Section 13-T4S-R4E. The water is for institutional use at the SD Developmental Center.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2265-2 and 2266-2 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 applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit 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 the 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 June 1, 1993. 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. 2265-2 and 2266-2 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for June 8, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the June 8, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 8, 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 applications. The request for an automatic delay must be filed by June 1.

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, 2) approve with qualifications, 3) defer, or 4) deny 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 Eric Gronlund by June 1, 1993, at the above Water Rights Division address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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-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

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

April 30, 1993

Dr. Jim Rumbolz
SD Department of Human Services
SD Developmental Center
RR 1 Box 98
Custer, SD 57730

Dear Dr. Rumbolz:

Water Permit Application Nos. 2265-2 and 2266-2 and Vested Water Right Application No. 2264-2 for institutional use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notice of hearings have been sent to the Publisher of the Custer Co. Chronicle printed at Custer, SD (Ph # 673-2271). For your information, a copy of the notices, the recommendations 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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 the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1993

Custer Co. Chronicle
Box 551
Custer, SD 57730

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2265-2 and 2266-2 and a Notice of Hearing on Vested Water Right Application No. 2264-2, each to be published twice. Please publish the first notice on May 12, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICES ARE TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the South Dakota Department of Human Services, SD Developmental Center, RR 1 Box 98, Custer, SD 57730 (Ph # 673-2521).

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 applications until proof of publication has been received.

Sincerely,

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



AUG 10 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dr. Jim Rumbolz
South Dakota Department of Human Services
South Dakota Developmental Center
RR 1 Box 987
Custer, SD 57730

Dear Dr. Rumbolz:

Enclosed are Vested Water Right No. 2264-2 and Water Permit Nos. 2265-2 and 2266-2. As long as you use the water beneficially, as stated in the Water License and Water Permits, the State Law provides that you have a continuing right to use the water.

We will schedule an inspection so that the Water Licenses may be issued for Water Permit Nos. 2265-2 and 2266-2, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2265-2

Date: June 13, 1996

I/We request that Water Permit No. 2265-2

formerly owned by: SD Department of Human Services, SD Developmental Center

be transferred to: (name & address) Department of Corrections at Custer

115 E Dakota Ave Pierre, SD 57501

Telephone No. (605) 773-3478

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

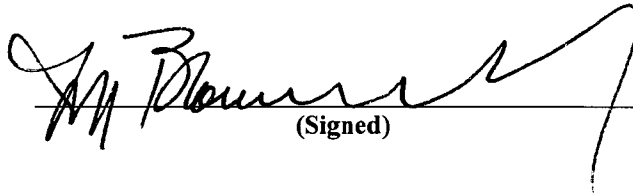
SW 1/4 NW 1/4 Section 23, T4S, R4E

I/We understand that the validity of Water Permit No. 2265-2 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).

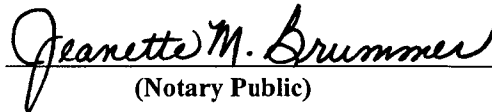
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

STATE OF SOUTH DAKOTA)
County of Hughes)

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


(Signed)

Subscribed and sworn to before me this 13th day of June, 19 96.


(Notary Public)

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



2265-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 23, 1996

894-2

2264-2

2265-2

2266-2

Jeff Bloomberg
Department of Corrections
115 E. Dakota Ave.
Pierre, SD 57501

Dear Mr. Bloomberg:

This is to notify you that transfer of ownership has taken place on Water Right No. 894-2, Vested Water Right No. 2264-2, and Water Permit Nos. 2265-2 and 2266-2. Our records now show the Department of Corrections at Custer as owner of the above listed Water Rights/Permits.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

**Permit Nos. 2265-2 & 2266-2
Custer County**

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501

Other permit/license(s) associated with project: **894-2, 2230-2 & 2264-2**

Contact Person & Address: **Bob Etzkorn, South Dakota Dept. of Corrections HC 83 Box 69A, Custer, SD 57730**

Report of Examination of Works:

On **June 4, 2001**, I made a thorough examination of the water use system in use by the **South Dakota Department of Corrections, HC 83 Box 69A, Custer, SD 57730** holder of Permits Nos. **2265-2 and 2266-2**, bearing the priority of **March 1, 1993** and authorizing a **total appropriation, combined with Permit/License 894-2 and Vested Water Right 2264-2, not exceeding 0.18 cubic feet per second (cfs) of ground water for institutional purposes, in Custer County.**

Only **two (2) wells** are presently used by the **South Dakota Department of Corrections** to supply water to the **Custer Youth Corrections Center (CYCC)** West portion of the institution. All shallow, large diameter wells and galleries previously used to supply water to the CYCC West have been plugged, filled, and/or dismantled.

A **170-foot well** is located in the **SW¼ NW¼ Section 23 T4S R4E, 792 feet East 2376 feet South of the NW corner of Section 23 at longitude W103° 36.888' latitude N43° 41.302'.** This well can be pumped at **40 gallons per minute (gpm).** This location and depth corresponds to the **Permit No. 2265-2 (Oney Engineering Services Map, Mayo #2) well.**

A **214-foot well** is located in the **NW¼ NW¼ Section 13 T4S R4E, 475 feet East 1426 feet South of the NW corner of Section 13 at longitude W103° 35.734' latitude N43° 42.338'.** This well can be pumped at **75 gpm.** This location corresponds to the **Vested Water Right No. 2264-2 and Permit No. 2266-2 (Oney Engineering Services Map, Sans #1) well.**

- 1) Special qualifications to permit being abided by: **Yes**
- 2) All structures, wells and lands on map: **Diversion locations shown on map.**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **The combined capacity of the two wells in use exceeds the qualification of 0.18 cfs.**

Report on Specifics of the System:

Diversion Point Information:

- | | |
|---------------------------------------|---|
| 1) Well Drilling Firm: Unknown | 2) No. of Wells: 2 |
| 3) Depth(s) 170 & 214 feet | 4) Well logs available: Old log for Mayo Deep Well |

Casing:

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

Screen:

- 1) Type: **Perforated Steel** 2) Length: **Unknown** feet
3) Static water level: **Unknown** feet

Pump\ Motor:

- 1) Pump Make: **Unknown** 2) Pump Model: **NA**
3) Capacity: **Mayo #2-40 gpm, Sans #1-75 gpm** 4) Motor Make: **NA**
5) Motor Model No.: **NA** 6) Horsepower rating: **NA** hp

Distribution System:

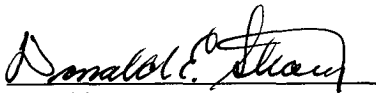
- 1) Type: **Unknown** 2) Size: **10** inches 3) Length: **Unknown-from well sites to storage reservoirs**

COMMENTS:

The well in Section 23 T4S R4E should be licensed incorporating the applicable portions of Water Right License No. 894-2, and Permit No. 2265-2. This well is located in the same metamorphic rock water source and the same area as authorized by the above referenced license and permit. Water Right License No. 894-2 and Permit No. 2265-2 can be incorporated into one document with priority dates of September 7, 1966 for 0.14 cfs and March 1, 1993 for 0.04 cfs withdrawals.

Vested Water Right 2264-2 should remain as issued and a memorandum placed in the file noting that the gallery system has been dismantled and only a 214 deep well in the same metamorphic rock water source as the licensed shallow gallery system is in use in Section 13 T4S R4E. Permit No. 2266-2 can be cancelled as this withdrawal is authorized by Vested Water Right 2264-2.

The new license should have the following qualification: **The total combined and/or individual withdrawal rate for Vested Water Right 2264-2 and this license may not exceed 0.18 cfs of water.**



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

9/19/01
Date

Attachments: Oney Engineering Services Inc. Water Diversion Maps

Topographic map of the San Antonio area. The map shows contour lines, roads, and various landmarks. Two yellow callout boxes highlight specific wells:

- 170-ft Well Mayo #2**: Located near the top left, with a distance of 2323' indicated.
- 214-ft Well Sans #1 VR 2264-2**: Located near the center right, with a distance of 1373' indicated.

Other labels on the map include:

- San Antonio**: The main area being mapped.
- Burlington**: A town or area to the left.
- Beaver**: A small settlement or area.
- Pole Creek**: A water feature flowing through the area.
- Beecher Rock**: A prominent rock formation.
- Winters Ranch**: A ranch area at the bottom.
- Cicero Peak**: A peak in the bottom left corner.

A red line, likely a boundary or road, runs diagonally across the map. A scale bar at the bottom left indicates distances from 0 to 1 mile.

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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2265-2**

(1) South Dakota Department of Human Services made Application No. 2265-2, March 1, 1993 for a water permit to increase the diversion rate and include an additional well to that authorized by Water Right No. 894-2. No. 2265-2 authorized an additional diversion rate of 0.04 cubic feet of water per second (cfs) from ground water (two wells), Custer County, South Dakota for institutional purposes. Permit No. 2265-2, with a priority date of March 1, 1993 was approved June 8, 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 June 17, 1996, Water Permit No. 2265-2 was transferred to the Department of Corrections at Custer.

Water Right No. 894-2, with a priority date of September 7, 1966 authorizes diversion of 0.14 cfs from one well. A June 4, 2001, investigation of the water use system found one well in Section 23 was being used (Mayo Well #2) and is capable of being diverted at a rate of 40 gallons per minute or 0.09 cfs. The applicable portions of No. 894-2 are incorporated into Water License No. 2265-2. Since the amount developed is within the diversion rate authorized by No. 894-2, a priority date of September 7, 1966 can be retained.

(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, SD Department of Corrections at Custer, HC 83 Box 69A, Custer SD 57730 the holder and/or owner of Water Right No. 2265-2 is issued a license, bearing a priority date of September 7, 1966 to appropriate 0.09 cubic feet of water per second from ground water (one well) to be used for institutional purposes. The diversion point for Mayo Well #2 is located: 792 feet east and 2,376 feet south of the NW corner of Section 23, T4S, R4E (SW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2265-2 including the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by No. 2265-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:30. (*Well has been constructed*)
- Combined diversion rates under Vested Water Right No. 2264-2 and Water Right No. 2265-2 may not exceed 0.18 cfs. (*The second well used by the Center, known as Sans #1, is licensed under Vested Right No. 2264-2 and is capable of 75 gpm or approximately 0.17 cfs*)



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

JUL 11 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 11 2005

2264-2
2265-2

Bob Etzkorn
SD Dept of Corrections
HC 83 Box 69A
Custer SD 57730

Dear Mr. Etzkorn:

Enclosed is Reissued Vested Right Water License No. 2264-2 and Water License No. 2265-2. Also enclosed is a map of showing the location of the wells utilized by the center. The map was prepared by the staff engineer who conducted the investigation of your water use system.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Nos. 2264-2 and 2265-2, 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

Note: The applicable portions of Water Right No. 894-2 were incorporated into Water License No. 2265-2. The applicable portions of No. 2266-2 were incorporated into Vested Right Water License No. 2264-2. The combinations of diversions under Nos. 2264-2 and 2265-2 may not exceed 0.18 cubic feet of water per second.

Nielsen Entities, LLC

24890 Sylvan Lake Rd. Custer, SD 57730 (605)673-4701 or (605)673-1519

October 25, 2022

Dear Genny McMath,

Enclosed please find the completed Notice of Transfer of Ownership for Mayo Well #2, No. 2265-2, as well as check 1021 in the amount of \$50.00 for filing fees.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Nielsen", with a long horizontal flourish extending to the right.

Kim Nielsen
Nielsen Entities, LLC

PAID

OCT 28 2022

Ck# 1021

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT 28 2022

OFFICE OF
WATER

No. 2265-2

Date: 7-21-22

I/We request that Water Right No. 2265-2

formerly owned by: The SD Department of Corrections

be transferred to: (name & address)

Nielsen Entitics, LLC
24890 Sylvan Lake Rd, Custer, SD 57230

Telephone

No. 605 673 4701

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

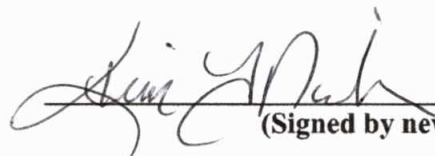
Mayo Well #2 - SW 1/4 NW 1/4 Section 23, T4S, R4E

I/We understand that the validity of Water Right No. 2265-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Nielsen Entitics, LLC, the new owner, certify that the above information is true and correct.


(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.

2265-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date October 28, 2022RECEIVED OF Nielsen Entities LLC 24890 Sylvan Lake Rd., 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. _____	\$ _____
Fee for Filing Transfer Form <u>2265-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
VM



OFFICE OF THE SECRETARY OF STATE
STEVEN J. BARNETT, SECRETARY OF STATE
JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Nielsen Entities, LLC**

General Information

SOS Business ID DL206564
Filing Type: Limited Liability Company - Domestic
 07/15/2021
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Kim Nielsen
 24890 SYLVAN LAKE ROAD
 CUSTER, SD 57730

Principal Address

24890 SYLVAN LAKE ROAD
 CUSTER, SD 57730

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
05/23/2022	2022 Annual Report	B0221-6670
07/15/2021	Initial Filing	B0186-3367



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 8, 2022

2265-2

Kim Nielsen
Nielsen Entities LLC
24890 Sylvan Lake Rd
Custer SD 57330

Dear Ms. Nielsen:

Thank you for sending in the transfer of ownership form and filing fee for Water Right No. 2265-2.

The ownership change has been completed. The water right formerly held by the SD Department of Corrections for May Well #2, is now listed under Nielsen Entities LLC.

Enclosed for your records is a receipt for the filing fee that was paid. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure