

**WATER PERMIT NO. VR 2364-2**

Name of Applicant: Northstream Investments, Inc.

Address: PO Box 730, Ft. Pierre SD 57352 Phone: 605 223-9360

Amount of Water Claimed: 25 gpm (0.055 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Custer

Type of Waste Disposal System: septic tank w/drain field

Location: just east of Custer

PRIORITY Date Received: 5-10-85

Fee: \$15.00

Corrected Application Received: 5-16-96

Period of Annual Use: January 1 - December 31

Remarks: claimed priority date of 1930

Diversion Point: SE 1/4 SE 1/4 Sec 19-T3S-R5E

Land to be Irrigated: NA

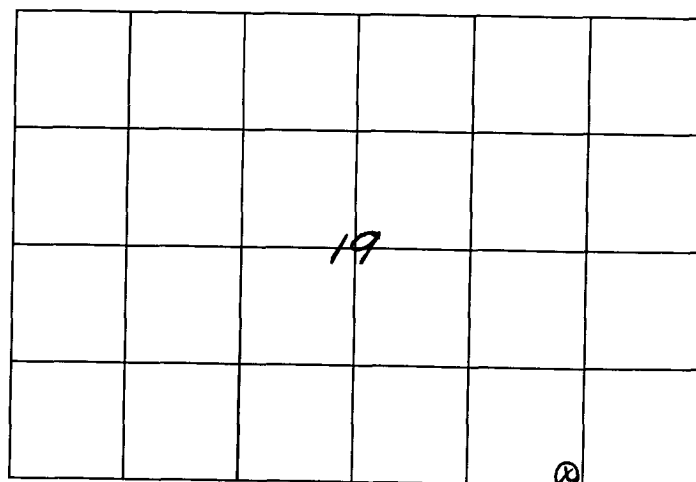
Depth of Well: 38 feet deep

Well Driller:

Remarks: hand dug well

Type of Map: aerial

Prepared by: DelRon Peters



Reviewed and the Number Assigned on: 5-28-96

By: **Karen Schlaak**

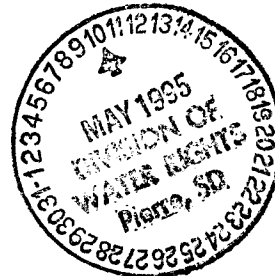
Notice of Hearing - date to intervene: \_\_\_\_\_

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

V.R.  
No. 2364-2 Hydrologic Unit 10/20/09  
Basin Upper Cheyenne  
Newspaper Custer Co. Chronicle, Custer, SD  
(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 Cabins & Campgrounds  
(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.) \_\_\_\_\_

- Name of Applicant Northstream Investments, Inc. Phone 605-223-9360  
(check one) ☐ Owner ☐ Tenant/lessee  
Mailing Address P.O. Box 730 Fort Pierre State SD 57532  
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.055 \*CFS or 25 \*\*GPM \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
Tract A HES 421 Custer County, SD SE1/4 SE1/4 sec. 19-T35-R5E  
County \_\_\_\_\_
- County or counties where water will be used Custer
- Annual period during which water is to be used Year round Jan 1 - Dec 31
- 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)

Custer Mountain Campground

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 Stanley <sup>SS</sup>

I, [Signature], 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 8th day of May 19 95

Ruby E. Potts, Notary Public  
My Commission Expires April 7, 1999 Notary Public

## SOUTH DAKOTA

### VESTED WATER RIGHT NO. 2364-2

---

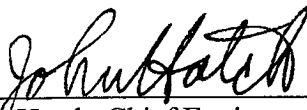
Date of Receipt of Claim May 10, 1995.

Date of Validation September 2, 1997.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2364-2 for Northstream Investments, Inc. PO Box 730, Ft. Pierre SD 57532 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2364-2 appropriates 0.055 cubic feet of water per second (25 gallons per minute) from one well (Precambrian Rock) 60 feet deep located in the SE 1/4 SE 1/4 Sec 19-T3S-R5E.
2. The appropriated water is used for supplying water to Custer Mountain Campground and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1949.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

#### WATER MANAGEMENT BOARD

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

NOV 12 1997

date

## Supplemental Information

(type or print in ink)



### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter ± 5' Depth 38'
- b) Casing Type hand dug Diameter ± 5' Thickness N/A
- c) Screen Type N/A Diameter N/A Thickness N/A
- d) Gravel Pack Thickness N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:

On applicants property \_\_\_\_\_ On property owned by others ~~800~~ approx. 800 ft. (domestic)

### 2. Dugout Information (none)

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 3. Water Storage Dams (none)

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

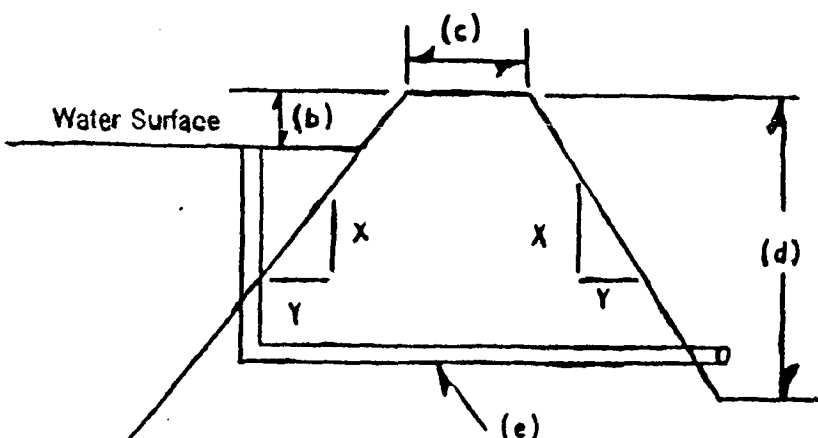
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres



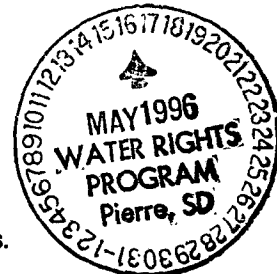
DVP 15

Form 2B  
(Type or Print in Ink)

# Affidavit of Water Use

No. \_\_\_\_\_

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



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

Name of Applicant (Same as Form 2) Northstream Investments, Inc.  
Mailing Address P.O. Box 730 Fort Pierre SD 57532  
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation — Date of Posting —  
Date of Recording — Recording Date —  
B. Date of start of construction of water supply system Prior to 1930  
C. Date that water was first applied to beneficial use 1930  
D. Name of owner of original water supply system unknown  
E. Amount of water originally applied to beneficial use 25 gpm  
F. Present use of water - amount of water now being used 25 gpm  
Date that this water was first used 1930

### G. Chronological History of Water Use

*Homestead use for many years. Recent years used to supply needs for campgrounds. Hand dug well, used by early settlers of the area.*

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

State of South Dakota )

County of Beauregard )  
SS

I, Paul Nordstrom the applicant, certify that I have read the foregoing and that the matters therein are true.  
(print or type)

Signed [Signature]

Subscribed and sworn to before me 15th May 1996

**Ruby E. Potts, Notary Public**  
My Commission Expires April 7, 1999

[Signature]  
Notary Public

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

Paul Nordstrom 5-15, 1996

(Print name)

Northstream Investments, Inc. 5-15, 1996

(Print name)



DeRon Peters  
DENR - Natural Resources Eng. II  
DeRon Peters Aug. 25, 1995  
August 25, 1995

# RECEIPT

414965

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ May 16, 19 96

RECEIVED OF Northstream Investments, Inc., P.O. Box 730, Ft. Pierre, SD 57532

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

|                                                                                                                                   |       |       |
|-----------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>W.R. 2364-2</u> to Appropriate Water, to construct and to put water to beneficial use _____ | 15    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____                                               |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                            |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                               |       |       |
| Fee for Filing Transfer Form _____                                                                                                |       |       |
| Fee for Filing Extension Request _____                                                                                            |       |       |
| Fee for _____                                                                                                                     |       |       |
| _____                                                                                                                             |       |       |
| _____                                                                                                                             |       |       |
| (Any Other Work Provided by Law)                                                                                                  | Total | 15 00 |

By John Hatch   
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 15, 1995

Darryn Witt  
Custer Mountain Campground  
PO Box 472  
Custer, SD 57730

Dear Mr. Witt:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

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 operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

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.

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 April 14, 1995. If you have questions or need assistance contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

April 26, 1995

Paul Nordstrom  
Custer Mountain Campground  
PO Box 472  
Custer, SD 57730

Dear Mr. Nordstrom:

I am writing to follow-up my March 15, 1995 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. **A business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.**

Please complete and return the application that was sent to you with my March 15, 1995 letter. Send the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by May 19, 1995. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Division



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 16, 1995

Paul Nordstrom  
Northstream Investments, Inc.  
PO Box 730  
Ft. Pierre SD 57532

Dear Mr. Nordstrom:

In regard to the water permit application received on May 10, 1995, the following information needs to be submitted and/or clarified in order to process the application.

1. Enclosed is the map submitted with the application. The map must show the location of the well 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 a Form 2A, "Supplemental Information". Items No. 1 and 2 need to be completed on this form. In addition to the information requested on Item No. 1 regarding the well construction, submit a well log or driller's test log signed by a South Dakota licensed well driller. Please indicate if a well log is not available.
3. The application indicates you are applying for a vested right. In order to qualify for a vested right, the water needs to have been applied to beneficial use prior to March 2, 1955. Enclosed is a Form 2B "Affidavit of Water Use". This form needs to be completed, signed and notarized, in order to claim vested right status. This form documents the dates and amount of water use. If this application qualifies for a vested right, the application filing fee is \$15.00 and the remaining portion of the \$50.00, already submitted, will be refunded to you.
4. Also, Item No. 2 of the application states the amount of water claimed is 45 gallons per minute. The amount of water claimed should be based on your pump rate. This amount would appear to be excessive for a few cabins and a campground.

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

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak  
Environmental Scientist  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 22, 1996

Paul Nordstrom  
Northstream Investments, Inc.  
PO Box 730  
Ft. Pierre, SD 57352

Dear Mr. Nordstrom:

I am writing regarding Northstream Investment's water right applications for the use of water at Custer Mountain Campground. Last May you filed two applications. One application claimed vested status for a well with a 1930 priority date while the other application was a new water permit application for another existing well. I contacted you on June 21, 1996, regarding the vested water right application which you claim a 1930 priority date.

The affidavit of water use filed with the vested water right application states the well served a homestead for many years (estimated about 1930). Also, the affidavit indicated that it wasn't until recent years that water was used to supply the campground from the well. To qualify for a vested water right, water use for the *commercial use* would have to have been prior to 1955.

During our phone conversation you indicated that the well was used for *commercial use* prior to 1955. You were going to try to put together additional documentation of *commercial use* from the well. To date, I have not heard from you.

If you are unable to provide additional documentation of *commercial use* prior to 1955, I believe an option is to combine the two applications into one new water permit application. The Water Rights Program will then proceed with one application appropriating 28 gallons per minute from two wells.

Please let me know how you would like to proceed.

Sincerely,

  
Eric Gronlund  
Water Rights Program  
(605) 773-3352

Water Rights Program

**Owner:** Paul Nordstrom, Northstream Investments, Inc.  
Custer Mountain Campground

**Date:** August 15, 1995



**Subject:** Map and application for water right.

I measured the water level and depth of the well. The well depth was 38 ft. and the water level was 30 ft. It was an old hand dug well approximately 5ft in diameter. I completed a map of the diversion pnt (well) location.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 7, 1995

Paul Nordstrom  
Northstream Investments, Inc.  
PO Box 730  
Ft. Pierre SD 57532

Dear Mr. Nordstrom:

This letter is in regard to the water permit application submitted for the Custer Mountain Campground. I have received the required map from DelRon Peters, staff engineer. Mr. Peters has indicated that you would like to amend this application from 45 gallons per minute to 25 gallons per minute. Enclosed is a Form 2B *Affidavit of Water Use*. In order to qualify for a vested right, this form needs to be completed, signed, notarized and returned. You are not required to complete Item A. of this form. The filing fee for a vested right application is \$15.00.

Mr. Peters also indicated that you have another well located in Section 30-T3S-R5E that requires a water permit. Enclosed are application forms for this well. The \$50.00 filing fee which you submitted with the first application can be applied toward the new application. Please submit any information you have regarding the well. A map for this well will be required also. If you have difficulties in getting the required map, you can contact DelRon Peters, with our regional office in Rapid City (phone 605 394-2229) for assistance.

When the two applications are complete, we will prepare a public notice to be advertised in a local newspaper. The notice will include both wells.

If you have any questions, please contact DelRon Peters or me.

Sincerely,

Karen Schlaak  
Environmental Scientist  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 13, 1997

Paul Nordstrom  
Northstream Investments, Inc.  
PO Box 730  
Ft. Pierre, SD 57352

Dear Mr. Nordstrom:

I am writing regarding Northstream Investment's water right permit applications for the use of water at Custer Mountain Campground. Over the past eight months, we have at various time discussed the vested status for a well which you claim a 1930 priority date (see August 22, 1996, letter). I explained that to claim vested status the well must have served a continuous commercial use prior to 1955. The affidavit of water use filed with the application states the well served a homestead.

In the course of our discussion you indicated that the well was used for commercial use not just a homestead prior to 1955. You were planning to talk to people in the area and get some confirmation of this commercial use since before 1955. To date, I have not received any documentation showing water was used for commercial use prior to 1955.

Your vested water right application and water right permit application remain on hold. I know that during the winter it is difficult to get this information together, however, I would like to get this resolved this spring.

Please contact me when you have further documentation together.

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure

*Please send copy of letter  
from a party that camped here  
in 1997 and before.*

*I have talked to other the support this  
place being in use as a summer camp in the  
late 'Forties or 'fifties" but have not been able to  
get a statement from them.*

June 29-1997

Dear Sir

I have Camped.  
On this Camp ground.  
since 1950. All My  
family - the Bill Gould  
family had held "Camping"  
re-union since 1949  
& My relatives from Minn.  
Camped here for hunting  
seasons in the early 50's  
& it still is a beautiful Campground.



Sincerely  
Maryanne Bryant  
9395 Carr  
Westminster, Colo.  
80021

Copy of Letter from  
A Customer who has "camped"  
at this place for years

June 18 / letter from West Mt. Custer Campground

## Water Rights Program - File Documentation

---

NAME: Paul Nordstrom

ADDRESS: Custer Mt. Campground, Box 472, Custer SD 57730

DATE: 4-3-01 COUNTY: Custer TELEPHONE: 605 673-5440

RE: Cancellation of 1981-2, Charles Bliss

### COMMENTS:

The 2000 Water Use Questionnaire was sent to Charles Bliss for Water Right No. 1981-2. Mr. Bliss indicated he no longer owned Custer Mountain Campground. A transfer form was sent 3-13-2001. Paul Nordstrom, present owner of Custer Mountain Campground called and stated he was not aware that 1981-2 existed. Mr. Nordstrom stated he obtained 2 water permits in 1997. After review the water right files, we found the following:

No. 1981-2 – 0.022 cfs from 1 well located in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 20-T3S-R5E with a priority date of January 1, 1945

No. 2364-2 – 0.055 cfs from 1 well located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Sec 19-T3S-R5E with a priority date of January 1, 1949

No. 2365-2 – 0.006 cfs from 1 well located in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec 30-T3S-R5E with a priority date of May 16, 1996.

It appears that the well authorized by No. 1981-2 and 2364-2 is the same well. The well location on both application maps shows the well right near the quarter-quarter line. The aerial photo prepared by DelRon Peters, staff engineer for No. 2364-2 appears to be the most accurate.

Mr. Nordstrom stated he was not positive of the well location because he owns land in the corner of Secs 19, 20, 29, 30-T3S-R5E. Mr. Nordstrom indicated No. 2364-2 accurately reflects their water use of 25 gpm (0.055 cfs).

It was staff consensus that the priority date of January 1, 1949 as authorized by No. 2364-2 would be the most accurate because of the documentation from Marjorie Bryant.

Based on the above information, Water Right No. 1981-2 can be cancelled because No. 2364-2 authorizes use from the same well. I told Mr. Nordstrom he would be receiving a Notice of Cancellation for 1981-2 prior to the July, 2001 board meeting. Mr. Nordstrom agreed with the cancellation.

Vested Water Right No. 2364-2 needs to be reissued because of a topographical error on the priority date which should be January 1, 1949 instead of January 1, 1940.

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist

## REPORT ON VESTED RIGHT WATER PERMIT APPLICATION 2364-2

for Northstream Investments, Inc.

July 7, 1997

Vested Water Right Application No. 2364-2 claims 0.055 cfs (25 gpm) from one well approximately 38 feet deep located in the SE 1/4 SE 1/4 of Section 19, T3S-R5E in Custer County. The water use has a claimed priority date of 1930 and is for commercial use at the Custer Mountain Campground.

### AQUIFER - PRECAMBRIAN ROCK (CRSL)

The Precambrian rock in this area consists of a dark gray siliceous mica schist and impure quartzite (DeWitt, 1989). Ground water is contained within fractures in the rock and the upper more weathered zone near the land surface. The aquifer is under unconfined or water table conditions. According to the Affidavit of Water Use filed with this application and an inspection by an engineer from the Water Rights staff, this well is hand dug with a diameter of about five feet and a depth of about 38 feet. The depth to water was reported to be about 30 feet below land surface. There is no information available concerning the actual well construction.

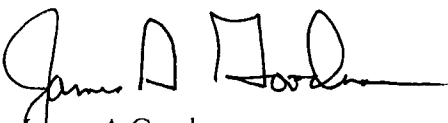
The Water Rights Program does monitor an observation well, CU-86A, which is completed into Precambrian rock and located about two miles west of this application. Water levels for this observation well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

### REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 1938-2 which is located about one quarter mile west of this application. Interference is not a concern. The diversion rates are relatively small and drawdown should not be significant.

### CONCLUSIONS

1. Water is available from the Precambrian rock.
2. The aquifer is unconfined and under water table conditions. Interference is not a concern because of the distance between wells and the relatively small diversion rates. This well has been in use for many years with no apparent problems.
3. It cannot be determined if this well meets South Dakota Well Construction Standards.
4. The affidavit of water use filed with this application indicates this well was used for a homestead for many years (estimated about 1930). Based upon a June 29, 1997, letter from Marjarie Bryant, the earliest priority date that can be documented is 1949.



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.

Water Rights, 1997, Unpublished Observation Well Data for Custer County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 2364-2, Northstream Investments, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2364-2, Northstream Investments, Inc., %Paul Nordstrom, P.O. Box 730, Ft. Pierre, SD 57532.

The Chief Engineer is recommending VALIDATION of Application No. 2364-2 for 0.055 cfs because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer  
August 5, 1997



**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.

August 7, 1997

Northstream Investments, Inc.  
%Paul Nordstrom  
P.O. Box 730  
Ft. Pierre, SD 57532

Dear Mr. Nordstrom:

Vested Water Right Application No. 2364-2 and Water Permit Application No. 2365-2 for commercial use have 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 Co. Chronicle printed at Custer, SD (Ph # (605) 673-2274).<sup>17</sup> For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 /ks*

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 application.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 7, 1997

Custer Co. Chronicle  
Box 551  
Custer, SD 57330-0551

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Vested Water Right Application No. 2364-2 and Application No. 2365-2 to be published twice. Please publish the first notice on August 14, 1997, 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 Northstream Investments, Inc., %Paul Nordstrom, P.O. Box 730, Ft. Pierre, SD 57532 (Ph # (605) 223-~~9630~~ 7360).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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* /KS

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre SD 57501-3181

Nos. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Appropriate Water by Application Nos. \_\_\_\_\_ 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 August 14, 1997 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING To Validate Vested Water Right Application No. 2364-2  
and Application No. 2365-2 to Appropriate Water

Notice is given that Northstream Investments, Inc., P.O. Box 730, Ft. Pierre, SD 57532 has filed an application to validate a vested water right claim and an application for a water permit.

Vested Water Right Application No. 2364-2 <sup>claims</sup> ~~33~~ <sup>60</sup> 0.055 cubic feet of water per second (cfs) (25 gallons per minute) from one well (Precambrian Rock) ~~33~~ feet deep located in the SE 1/4 SE 1/4 Section 19-T3S-R5E. The water use has a claimed priority date of 1930 and is for commercial use at the Custer Mountain Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2364-2 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 2365-2 appropriates 0.006 cfs (3 gallons per minute) from one well (Precambrian Rock) 390 feet deep located in the SE 1/4 NE 1/4 Section 30-T3S-R5E. The water is for commercial use at a campground facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2365-2 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 September 2, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Custer ) SS

1. James Anderson

certify that the attached printed Notice was taken

from the Custer County  
Chronicle

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:

8-14-97

8-21-97

Cost of Printing 55.08

James Anderson  
(Signature)

Owner/Publisher  
(Title)

8-28-97

(Date Signed)

## NOTICE OF HEARING TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 2364-2 AND APPLICATION NO. 2365-2 TO APPROPRIATE WATER

Notice is given that Northstream Investments, Inc., P.O. Box 730, Ft. Pierre, SD 57532 has filed an application to validate a vested water right claim and an application for a water permit.

Vested Water Right Application No. 2364-2 claims 0.055 cubic feet of water per second (cfs) (25 gallons per minute) from one well (Precambrian Rock) 60 feet deep located in the SE1/4 SE1/4 Section 19-T3S-R5E. The water use has a claimed priority date of 1930 and is for commercial use at the Custer Mountain Campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2364-2 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 2365-2 appropriates 0.006 cfs (3 gallons per minute) from one well (Precambrian Rock) 390 feet deep located in the SE1/4 NE1/4 Section 30-T3S-R5E. The water is for commercial use at a campground facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2365-2 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 September 2, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

#2165, 8/14, 8/21

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Vested Water Right Application No. 2364-2

ADDRESS: COUNTY: Custer

DATE: August 12, 1997 TELEPHONE:

RE: Call from Paul Nordstrom

COMMENTS:

Mr. Nordstrom called regarding the notice of hearing on the two applications for Northstream Investments. He stated that on Vested Water Right Application No. 2364-2 that 60 feet deep was a better representation of the depth of the well than 38 feet deep. At either depth the water source is Precambrian Rock.

When he contacts the newspaper to authorize publication, he will also make the change in the well depth from 38 feet to 60 feet deep. I told him that would be fine.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Nordstrom

## STATE OF SOUTH DAKOTA

### VESTED RIGHT WATER LICENSE NO. 2364-2

---

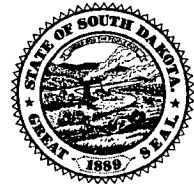
(1) Northstream Investments, Inc., PO Box 730, Ft Pierre SD 57532-0730 made Application No. 2364-2, for validation of a vested right claim to appropriate 0.055 cubic feet of water per second from groundwater (one well), Custer County, South Dakota, for commercial use purposes. Vested Water Right No. 2364-2 was validated September 2, 1997 with a priority date of January 1, 1940. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 0.055 cubic feet of water per second for beneficial use. The location of the diversion point is: SE 1/4 SE 1/4 Section 19-T3S-R5E.

(3) Pursuant to Section 46-5-30.1 Northstream Investments, Inc., PO Box 730, Ft. Pierre SD 57532-0730 the holder and/or owner of Vested Water Right No. 2364-2 is issued a license to appropriate 0.055 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1940 from the location specified in (2) of this license. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2364-2 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

NOV 12 1997  
\_\_\_\_\_  
date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 12 1997

VR 2364-2  
WP 2365-2

Northstream Investments, Inc.  
%Paul Nordstrom  
P.O. Box 730  
Ft. Pierre, SD 57532

Dear Mr. Nordstrom:

Enclosed are your Validated Vested Water Right and Water License No. 2364-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Enclosed is Water Permit No. 2365-2 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 Rights.

Very truly yours,

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

enclosures

**REISSUED**

**STATE OF SOUTH DAKOTA**

**VESTED RIGHT WATER LICENSE NO. 2364-2**

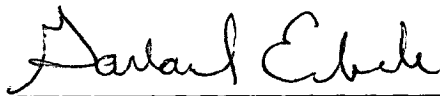
---

(1) Northstream Investments, Inc, PO Box 472, Custer SD 57730 was issued Vested Water License No. 2364-2, for validation of a vested right claim to appropriate 0.055 cubic feet of water per second from groundwater (one well), Custer County, South Dakota, for commerical use purposes. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 2364-2 was validated September 2, 1997. The original water license issued on November 12, 1997 contained a typographical error in the priority date. The water license is being reissued to correct the error from January 1, 1940 to the validated priority date of January 1, 1949.

(2) It is certified that the vested right owner is entitled to divert 0.055 cubic feet of water per second for beneficial use. The location of the diversion point is: SE ¼ SE ¼ Section 19-T3S-R5E (Custer Mountain Campground).

(3) Pursuant to Section 46-5-30.1 Northstream Investments, Inc., PO Box 472, Custer SD 57730 the holder and/or owner of Vested Water Right No. 2364-2 is reissued a license to appropriate 0.055 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1949 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2364-2 and subject to South Dakota State Law.



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

MAY 09 2001

date





MAY 09 2001

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

2364-2

Paul Nordstrom  
Northstream Investments, Inc.  
PO Box 472  
Custer SD 57730

Dear Mr. Nordstrom:

Enclosed is Reissued Vested Water Right License No. 2364-2. The license is being reissued to correct the priority date. A copy of the map is also included.

Water Right No. 1981-2 issued for the same well, will be scheduled for cancellation. You will be notified of the time, date and place of the hearing once it is scheduled.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures