

WATER PERMIT NO. 2504-2

Name of Applicant: **Beaver Lake Campground**

Address: **12005 West Hwy 16, Custer SD 57730**

Phone: **605 673-2464**

Amount of Water Claimed: **0.056 cfs (25 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial** County: **Custer**

Type of Waste Disposal System: **septic tank, drain field**

Location: **2 miles southwest of Custer**

PRIORITY

Date Received: **4-29-03**

Application/License Fee: **\$100**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks: **Water Right No. 2237-2 authorizes 1 well**

Diversion Point: **SW 14/ SW ¼ Sec 33-T3S-R4E**

Land to be Irrigated: **NA**

Depth of Well: **270 feet**

Well Driller: : **Charles Howe Well Drilling**

Remarks:

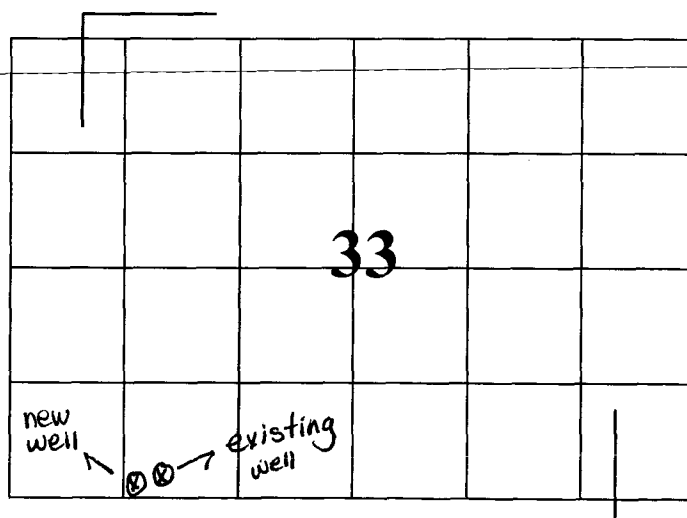
Type of Map: **plat**

Prepared by: **Frank A Bryant, RLS**

Reviewed and the Number Assigned on: **4-29-03**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2504-2

Date of first receipt of application April 29, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2504-2 to Beaver Lake Campground, 12005 West Hwy 16, 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. 2504-2 appropriated 0.056 cubic feet of water per second (25 gallons per minute) from one additional well (Precambrian Rock) 270 feet deep located in the SW ¼ SW ¼ Section 33-T3S-R4E.
2. The water appropriated shall be used for the purpose of commercial use at the campground and may not exceed the amount of water needed for beneficial use.
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. 2504-2 is July 7, 2003.
5. The date from which applicant may claim right is April 29, 2003.
6. One-fifth of the construction is to be completed on or before January 7, 2006.
7. All construction is to be completed on or before July 7, 2008.
8. ~~Water is to be put to beneficial use on or before July 7, 2012.~~
9. 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 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.
2. The well authorized by Permit No. 2504-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 10 2003

date



SD EForm - 1585 V1
FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

APR 29 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2504-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer County Chronicle</u>	

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

Check use(s) of water:

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

Type of Application:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

Existing permit 2237-2

- Name of Applicant Beaver Lake Campground Phone (605) 673-2464
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12005 West Hwy. 16 Custer State SD 57730
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.056 *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, PRECAMBRIAN FORM. SCHIST
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County CLUSTER
1 WELL, 158' N, 28' E OF THE S.W. CORNER OF THE SW 1/4 OF SEC.
33, T3 S R4 E B4M. (DEPT. OF INT. MARKER ON SITE) (SW 1/4 SW 1/4)
- County or counties where water will be used CLUSTER
- Annual period during which water is to be used SEASONAL, SUMMERS 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)

SUPPLEMENTAL WATER SUPPLY FOR SEASONAL USE
NEEDS FOR CONTINUED OPERATION OF CAMPGROUND.
EXISTING WELL NO LONGER ABLE TO SUPPLY ALL WATER
NEEDED DURING PEAK DEMAND, JUNE - AUG.

STATE OF SOUTH DAKOTA)

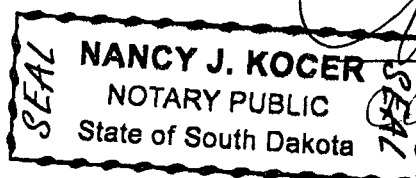
County of CLUSTER SS

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)

I, MAX HAMMER, 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.

Applicant's signature

Subscribed and sworn to before me this 25th day of April 20 03



Notary Public signature

Nancy J. Kocer
Commission Expires: 3-27-09

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 29, 2003

RECEIVED OF MCH Enterprises Inc., Rt 1 Box 55H, 12005 West Highway 16, Custer SD 57730

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

Fee for Application for Permit No. <u>2504-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2504-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

000733

By

Darland Ebele
Chief Engineer
gm



R4E

35

34

PLANNED WELL

4

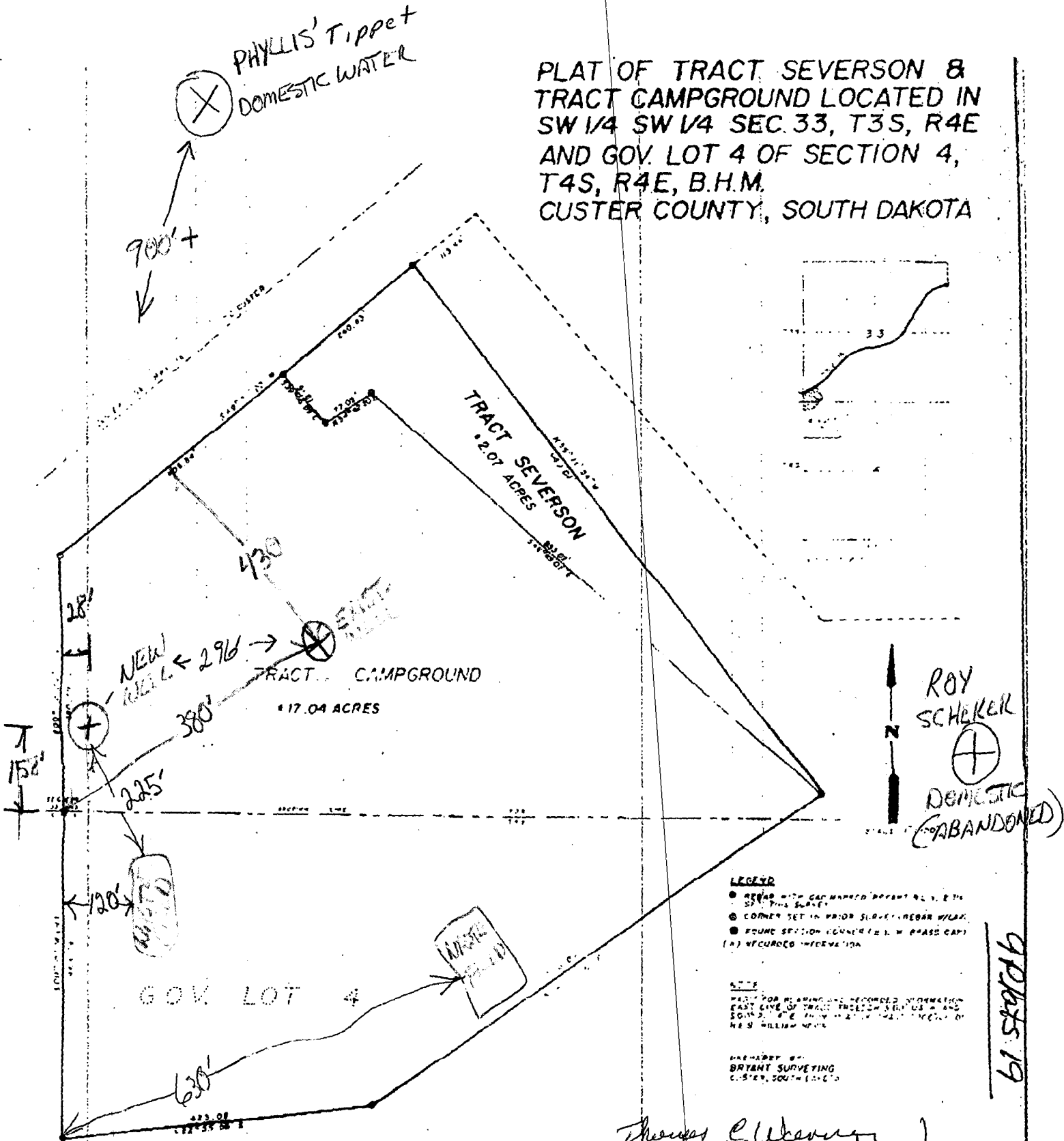
3

9

Thomas C. Warner
District Conservationist
NRCS

2504-2

PLAT OF TRACT SEVERSON &
TRACT CAMPGROUND LOCATED IN
SW 1/4 SW 1/4 SEC. 33, T3S, R4E
AND GOV. LOT 4 OF SECTION 4,
T4S, R4E, B.H.M.
CUSTER COUNTY, SOUTH DAKOTA



STATE OF SOUTH DAKOTA
COUNTY OF CUSTER

I, Lowell K. Severson

do hereby certify that we are the owners of the tract of land shown and described hereon, that the survey was done at our request for the purpose indicated hereon, and that we do hereby endorse the survey and within list of said land.

In witness whereof, we have hereunto set our hand and seal.

Owner: Lowell K. Severson

On the 24th day of January, 1904, before me, a Notary Public,

personally appeared Lowell K. Severson

known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they executed the same.

Notary Public: W. L. K. Severson

My commission expires 4-1-04

CERTIFICATE OF SURVEYOR

I, Frank A. Bryant, Registered Land Surveyor No. 2116 of the State of South Dakota, do hereby certify that being an authorized, I ran the survey and within plat of the land shown and described hereon, and that the same is, in all things, true and correct.

Registered Land Surveyor: Frank A. Bryant

On the 20 day of Nov., 1978, before me, a Notary Public,

personally appeared Frank A. Bryant, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: Frank A. Bryant

My commission expires: October 11, 1985

NOTARIAL PUBLIC COMMISSION

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER

I, Auditor of Custer County, do hereby certify that on official meeting

held on the 1st day of Jan., 1904, the Survey

County Commissioners by W. L. K. Severson did receive the plat as shown hereon.

MAX HAMMER, MEASURED AND PLATTED WELLS AND
WASTE PLOTS AS SHOWN, APR. 24/2003

NOT
SEAL
NAME: KOCER
NOTARY PUBLIC
State of South Dakota

Subscribed and Sworn to before me
this 25th of April, 2003. Wanda Kocer
3-27-09 2504-2

07-92

Date: _____

April 17, 2003

Dept. of Environment & Natural Resources

Surface Water Quality Program

Joe Foss Building

523 E. Capitol

Pierre, SD 57501

Dear Mr. Ken Beuhler

I am requesting to drill a test hole for Beaver Lake Campground 12005 W Hwy 16 Custer, SD 57730. The owners name is Max Hammer. The legal description is SW ¼ Sec. 33 T3S R4E.

Sincerely

Charles Howe

Charles Howe

Howe Well Drilling and Excavating

PO Box 766

Custer, SD 57730

RECEIVED

APR 18 2003

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 22, 2003

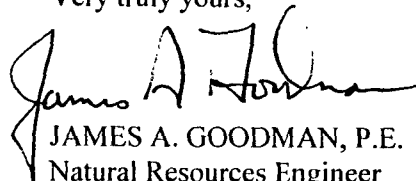
Charles Howe
Howe Well Drilling and Excavating
PO Box 766
Custer, SD 57730

Dear Mr. Howe:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Beaver Lake Campground, 12005 W. Hwy 16, Custer, SD (Max Hammer) prior to approval of a water permit. The test well is to be completed into the Precambrian Crystalline Rock in the SW¼ Section 33, T3S-R4E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,



JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 4, 2003

RECEIVED

JUN - 9 2003

WATER RIGHTS
PROGRAM

Beaver Lake Campground
Max Hammer
12005 W Hwy 16
Custer SD 57730

Dear Mr. Hammer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. Enclosed is the map you submitted with your application.

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. We note that you signed the map, but unless you meet the criteria listed above, you are not qualified to sign the map. Our suggestion is you contact the ~~Custer County~~ Natural Resource Conservation Service and obtain an aerial photo map. Someone from that office may help mark the location of your well and will be qualified to sign the map.

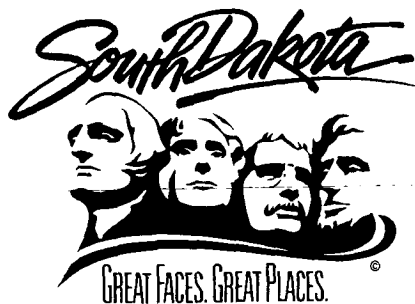
If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2504-2, Beaver Lake Campground**

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 Water Permit Application No. 2504-2, Beaver Lake Campground, c/o Max Hammer, 12005 West Hwy 16, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2504-2 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) it is in the public interest with the following qualifications:

1. 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.
2. The well authorized by Permit No. 2504-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 12, 2003

WATER PERMIT APPLICATION NO. 2504-2
BEAVER LAKE CAMPGROUND
JUNE 9, 2003

Water Permit Application No. 2504-2 proposes to appropriate 0.056 cubic feet of water per second (cfs), (25 gallons per minute) from one well (Precambrian Crystalline Rock aquifer) 270 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T3S-R4E. The water is for commercial use at the campground.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metamorphosed greywacke (sandstone or fine-grained conglomerate), and quartz-mica schist (Redden and Norton, 1975), and (Strobel and others, 1999). The aquifer (crystalline rock), which is exposed at the surface throughout this area is under unconfined conditions and the static water level of this well (21 feet below grade) is expected to be about the same elevation as local streams. Groundwater is derived primarily through joints, fractures and foliation within the rock. The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. Recharge to the crystalline rock occurs through infiltration of precipitation and steamflow losses. Average annual recharge to the aquifer has not been quantified.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. The nearest observation well completed into this aquifer is located in Custer, about 4 miles northeast of this site. The hydrograph for this well is shown in figure 1.

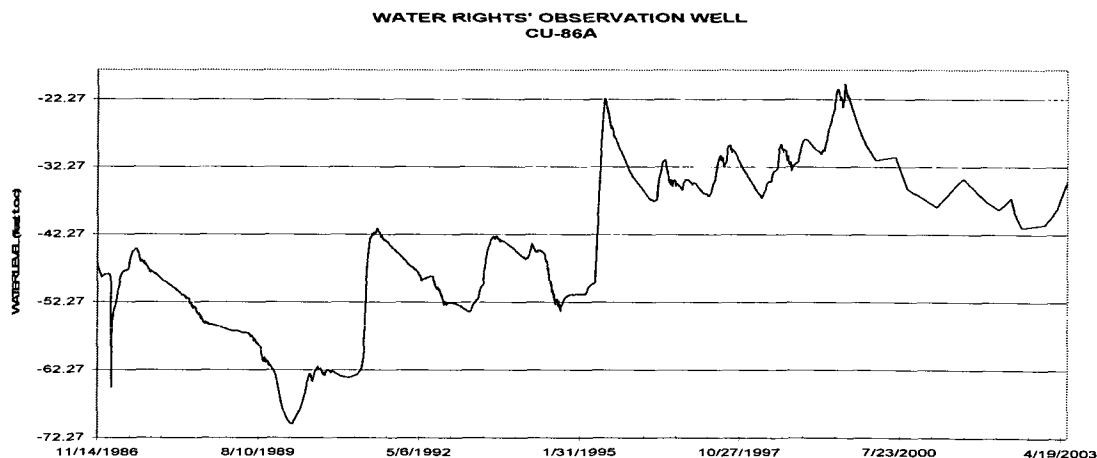


Figure 1. Hydrograph of Water Rights Observation Well located approximately four miles northeast of 2504-2

The hydrograph shows that the water levels in the aquifer fluctuate nearly 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. The aquifer in this area should behave similarly to the aquifer in the Custer area.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area and there are six Water Rights appropriating water from the aquifer within approximately one mile of this site. The water rights include:

NO	NAME	USE	CFS	DISTANCE TO 2504-2
1916-2	MINERAL TECHNOLOGY CORP	IND	0.03	.75 mi
1936-2	CUSTER/MT RUSHMORE KOA	COM	0.27	<.25 mi
1945-2	BIG PINE CAMPGROUND	COM	0.03	.9 mi
1970-2	WESTWARD HO TRAILER COURT	COM	0.04	.5 mi
2000-2	LARRY MATHIS	COM	0.34	.9 mi
2255-2	WILD BILLS ANTIQUE MALL	COM	0.02	.5 mi
2336-2	ROGER KROGMAN	COM	0.03	1 mi

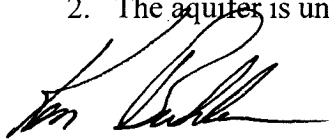
Table 1. Water Permits/Rights within approximately one mile of 2504-2

Since the porosity of the Crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. The nearest appropriation not belonging to the Beaver Creek Campground, Water Right No. 1936-2 is located less than one-quarter mile of this well site. It is possible that drawdown from this proposed well could be measurable in the Custer/Mt. Rushmore KOA well. Interference should not be significant to other area wells.

ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. Since the porosity of the Crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 50' at the Water Rights' Observation well; well interference of a few feet could be considered a "futile call".

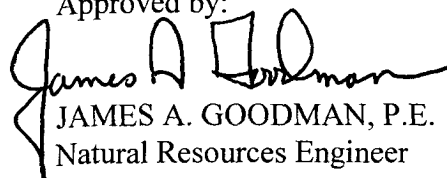
Conclusions:

1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern



KEN BUHLER
Natural Resource Engineer

Approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Driscoll, D.G., Carter J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 02-4094, 1503 p.
- Redden, J.A., and Norton, J.J., 1975, Precambrian Geology of the Black Hills in Mineral And Water Resources of South Dakota: U.S. Geological Survey report to Committee on Interior and Insular Affairs, United States Senate. P. 21-32
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Water Rights, 2003a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2003b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2003c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 12, 2003

Custer County Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2504-2 to Appropriate Water to be published twice. Please publish the first notice on June 18, 2003 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 Beaver Lake Campground, c/o Max Hammer, 12005 W Hwy 16, Custer SD (Ph # 605 673-2464).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2504-2

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

Date _____

We are in receipt of your letter of June 12, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2504-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

June 12, 2003

Beaver Lake Campground
Max Hammer
12005 W Hwy 16
Custer SD 57730

Dear Mr. Hammer:

Water Permit Application No. 2504-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 605 673-2271). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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 recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on June 18, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2504-2 to Appropriate Water

Notice is given that Beaver Lake Campground, 12005 West Hwy 16, Custer SD 57730 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one additional well (Precambrian Rock) 270 feet deep located in the SW ¼ SW ¼ Section 33-T3S-R4E. The water is for commercial use at the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2504-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 July 7, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher 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

Beaver Lake Campground
Water Application

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:

June 18, 2003; June 25, 2003;

_____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 36.02.

Charles W. Najacht

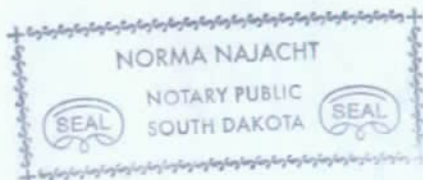
Subscribed and sworn to me before this 25

of June, 2003;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2004



**NOTICE OF APPLICATION
NO. 2504-2**

TO APPROPRIATE WATER

Notice is given that Beaver Lake Campground, 12005 West Hwy 16, Custer SD 57730 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second (25 gallons per minute) from one additional well (Precambrian Rock) 270 feet deep located in the SW 1/4 SW 1/4 Section 33-T3S-R4E. The water is for commercial use at the campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2504-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 July 7, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

#209, 6/18, 6/25

RECEIVED

JUL 14 2003

WATER RIGHTS
PROGRAM



OCT 10 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Beaver Lake Campground
Max Hammer
12005 W Hwy 16
Custer SD 57730

Dear Mr. Hammer:

Enclosed is Water Permit No. 2504-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date OCT 17/03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: MAX HAMMER, DBA
BEAVER LAKE CAMPGROUND
(name)
12005 W. HWY 16
(address)
CUSTER, S.D. 57730
(city, state, zip)

605-673-2464
(phone)

RECEIVED
OCT 31 2003
WATER RIGHTS
PROGRAM

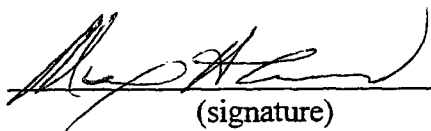
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

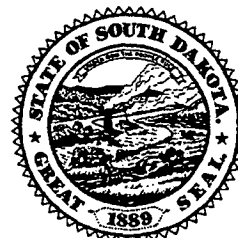
Water Permit No. 2504-2 states that the water use system is to be constructed by
JULY 7/2008, and water is to be put to beneficial use by JULY 7/2012.
(date) (date)

The water use system was completed on JUNE 25/03.
(date)

Applying the water to beneficial use was completed on JULY 10/03.
(date)

You may schedule an investigation so that the water license may be issued.


(signature)



Permit No. 2504-2

Custer County

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

Other permit/license(s) associated with project: **2237-2**

Contact Person & Address: **Max Hammer, 12005 W. Hwy 16, Custer, SD 57730**

Report of Examination of Works

On **July 12, 2005**, I made a thorough examination of the water use system constructed by **Beaver Lake Campground** holder of Permit No. **2504-2**, bearing the priority of **April 29, 2003** authorizing the diversion of **0.056** cubic feet per second (cfs) of the water from **one well** for **commercial** use in the campground, in **Custer County**.

The system is in the following condition: **Good**. The well is located in the **SW¼ SW¼ Section 33 T3S R4E 36 feet East 190 feet North of the SW corner of Section 33** with a longitude of **W103.6581** and a latitude of **N43.73873**. The works are capable of diverting and conveying to the place of use **0.056 cfs** of water for **commercial use**.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: **NA**
- 2) All structures, wells and lands on map: **Diversion location 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: **None**

Report on Specifics of the System

Diversion Point Information:

- | | |
|--|--------------------------------------|
| 1) Well Drilling Firm: Howe Well Drilling | 2) No. of Wells: 1 |
| 3) Depth(s) 270 feet | 4) Well log is available: Yes |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter: 6 inches | 2) Length: 40 feet |
| 3) Type: Plastic | |

Screen:

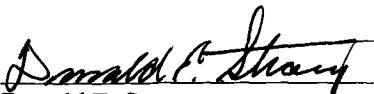
- | | |
|---------------------------------------|---------------------------|
| 1) Type: NA | 2) Length: NA feet |
| 3) Static water level: 21 feet | |

Pump\ Motor:

- | | |
|-------------------------------|-------------------------------------|
| 1) Pump Make: NA | 2) Pump Model: NA |
| 3) Capacity: 25 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: NA | 6) Horsepower rating: 1.5 hp |

COMMENTS:

Beaver Lake Campground holds Water Right No. 2237-2 licensed for 0.066-cfs priority date July 16, 1992. Permit No. 2504-2 should be licensed for 0.056-cfs with No. 2237-2 incorporated into No. 2504-2.


Donald E. Stroup

8/2/2005
Date

Natural Resources Project Engineer
DENR, Water Rights Program

THE INFORMATION CONTAINED ON THIS INSPECTION REPORT SHOULD BE INCORPORATED INTO THE INSPECTION REPORT FOR 2504-2. BOTH WELLS ARE BEING USED TO SUPPLY WATER TO THE BEAVER LAKE CAMP GROUND.

Permit No. 2237-2

Water District: Upper Cheyenne

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

I have this day made a thorough examination of the water use system constructed by Beaver Lake Campground holder of Permit No. 2237-2, bearing the priority of July 16, 1992 authorizing the diversion of 0.066 cu. ft. per second of groundwater for commercial purposes in Custer County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One well, 230' deep and a submersible pump rated at 30 GPM.

B. Works used to transport water to place of use:

A system of 1" PVC pipe running throughout the campground.

C. Works used to apply water to beneficial use:

A 160 gallon pressure tank and the campground's water distribution system.

The system is in the following condition good. The point of diversion is located 440' east and 132' north of SW corner of the SW1/4 Sec 33, T3S, R4E.

The works are capable of diverting and conveying to the place of use 0.066 cu. ft. per second of water which is to be used for commercial purposes.

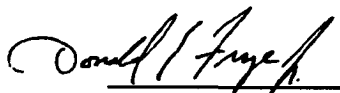
Water has been put to beneficial use to the maximum extent as follows:

Water is used in a campground with 52 hookups, a store/office and a swimming pool with a water slide and should be issued for 0.066 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 5/27/92



DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division

PIPING SCHEMATIC FOR
BEAVER LAKE CAMPGROUND,
CUSTER, S.D., AS OF 1/04
NOT TO SCALE
PG. 1 OF 2

RED — 1/4" X 200, P.E.
BLUE — 1" X 200, P.E.
GRN. — 3/4" X 100 X 200, P.E.
— HOSE BIBBS, ETC.

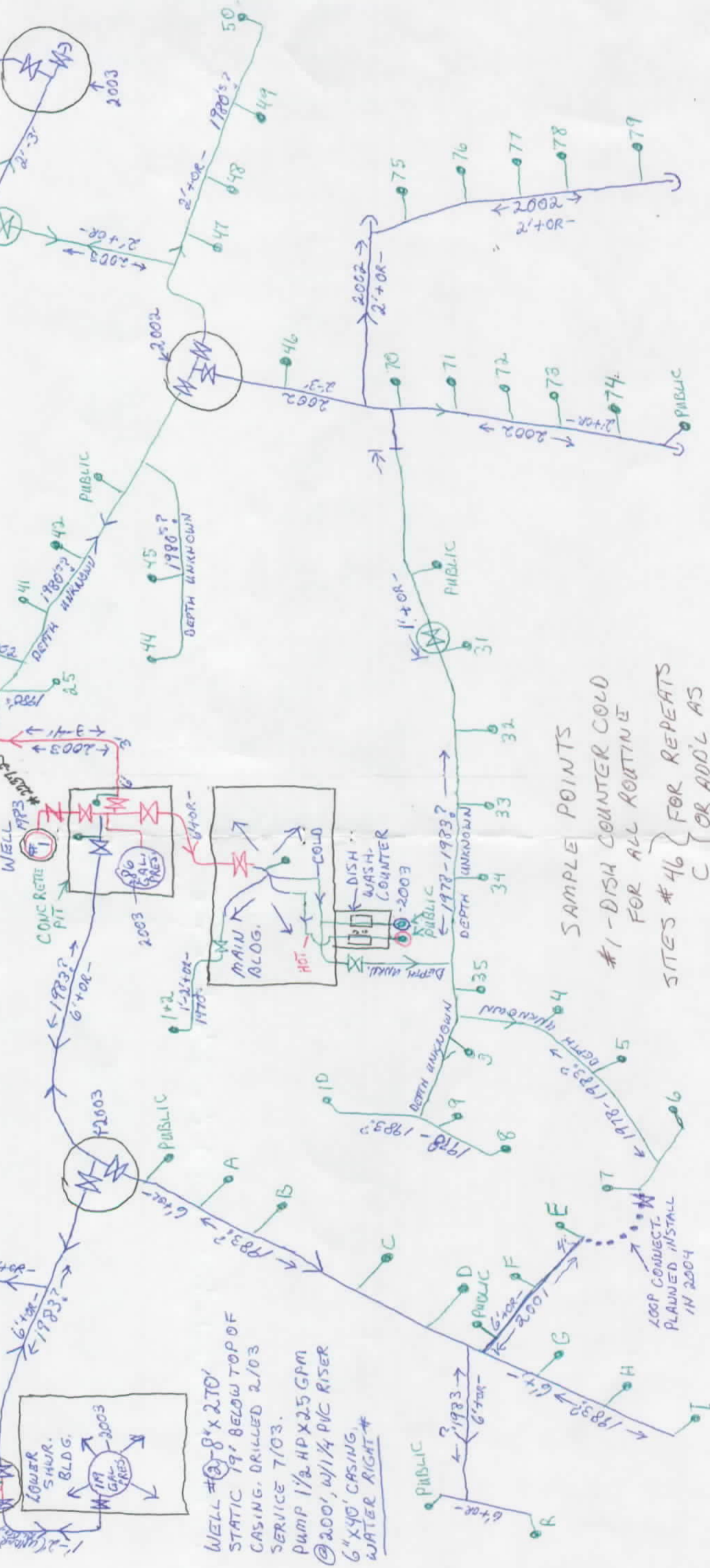
*NOTE:
EXACT ROUTING OF
41-45, 3-10, 31-35
IS UNKNOWN

WELL #1 — 6" X 200'
STATIC UNKNOWN
PRESUMED DRILLED 1983
PUMP 2 HP X 20 GPM, 1995
CASING 6" X ? W/ TOP SEAL
PUMP DEPTH UNKNOWN.
ALL PIT PIPING AND VALVES
REPLACED/UPGRADED 10/03
WATER RIGHT #

WELL #2 — 8" X 200'
STATIC 19' BELOW TOP OF
CASING, DRILLED 2/03
SERVICE 7/03.
PUMP 1 1/2 HP X 25 GPM
@ 200', W/ 1/4" PVC RISER
6" X 40' CASING,
WATER RIGHT #

WELL #3 — 6" X 200'
STATIC UNKNOWN
PRESUMED DRILLED 1983
PUMP 2 HP X 20 GPM, 1995
CASING 6" X ? W/ TOP SEAL
PUMP DEPTH UNKNOWN.
ALL PIT PIPING AND VALVES
REPLACED/UPGRADED 10/03
WATER RIGHT #

WELL #4 — 6" X 200'
STATIC UNKNOWN
PRESUMED DRILLED 1983
PUMP 2 HP X 20 GPM, 1995
CASING 6" X ? W/ TOP SEAL
PUMP DEPTH UNKNOWN.
ALL PIT PIPING AND VALVES
REPLACED/UPGRADED 10/03
WATER RIGHT #



SAMPLE POINTS
#1 - DISH COUNTER COLD
FOR ALL ROUTING
SITES #46 } FOR REPEATS
C } OR ADD'L AS
82 } NEEDED
4 }

#2504-2
Beaver Lake Campground
Max Hammer
12005 W. Hwy 16
Custer, SD 57730
(605)673-2464

T3S R4E

BM 5410

White Sp

Campgrounds

36 ft

190 ft



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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2504-2**

(1) Beaver Lake Campground, 12005 W Hwy 16, Custer SD 57730 made Application No. 2504-2, April 29, 2003 for a water permit to divert 0.056 cubic feet of water per second from ground water (one well – Precambrian Rock), Custer County, South Dakota for commercial purposes. Permit No. 2504-2, with a priority date of April 29, 2003 was approved July 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 7, 2008 and for the application to beneficial use of water on or before July 2012.

On October 31, 2003, the permit holder submitted a “*Notice of Completion of Works and Application of Water to Beneficial Use*”. The “*Notice*” stated the water use system was completed on June 25, 2003 and water placed to beneficial use on July 10, 2003.

Beaver Lake Campground also holds Water Right No. 2237-2 which carries a priority date of July 16, 1992 for diversion of 0.066 cfs from ground water for use at the campground. The applicable portions of Water Right No. 2237-2 are incorporated into this Water License.

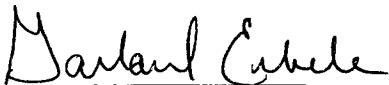
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Beaver Lake Campground the holder and/or owner of Incorporated Water Right No. 2504-2 is issued a license, bearing priority dates of July 16, 1992 (0.066 cfs) and April 29, 2003 (0.056 cfs) to appropriate a total of 0.122 cubic feet of water per second from ground water (two wells – Precambrian Rock) for commercial purposes at the campground.

The diversion points are located:

- 440 feet east and 132 feet north of the SW corner, Section 33, T3S, R4E (SW ¼ SW ¼); and
- 36 feet east and 190 feet north of the SW corner of Section 33, T3S, R4E (SW ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 2504-2 including the following qualifications:

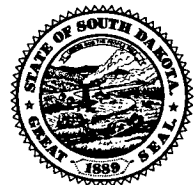
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Incorporated No. 2504-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*wells have been constructed*).



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

AUG 08 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

AUG 08 2005

2504-2
2237-2

Max Hammer
Beaver Creek Campground
12005 W Hwy 16
Custer SD 57730

Dear Mr. Hammer:

Enclosed is Water License No. 2504-2. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a copy of the map showing the well location for well #2.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2504-2, 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. 2237-2 have been incorporated into Water License No. 2504-2