

WATER PERMIT NO. 2539-2

Name of Applicant: Custer's Gulch, Inc.

Address: HC 8³Box 84, Custer SD 57730 Phone: 605 673-4764

Amount of Water Claimed: 0.17 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Custer

Type of Waste Disposal System:

Location: 2 miles east of Custer

PRIORITY Date Received: 9-10-04 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: May 1 – October 1

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 29-T3S-R5E

Land to be Irrigated: NA

Depth of Well: 280 feet deep

Well Driller: : Tefertiller Drilling

Remarks:

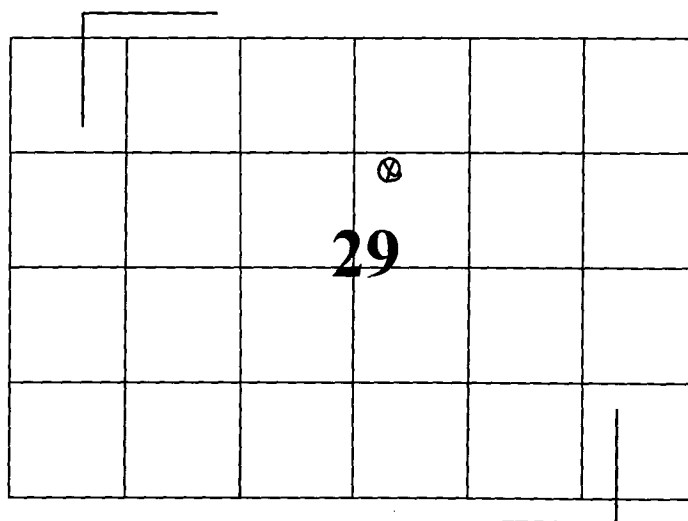
Type of Map: plat

Prepared by: Jack H Knust, RLS

Reviewed and the Number Assigned on: 9-21-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2539-2</u>	(office use only) Hydrologic Unit <u>10/20109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer County Chronicle, Custer</u>	

RECEIVED
SEP 10 2004
WATER RIGHTS
PROGRAM

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: ☒ 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 Custers Gulch Inc Phone 673-4764
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 83 Box 84 Custer State SD 57730
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.17 *CFS or 75 gallon **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) 1 well in SW1/4 NE1/4 of
Sec 29 T3S R5E BHM County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used May 1 - October 1 or Memorial Day to Labor Day
- 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)

STATE OF SOUTH DAKOTA. 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, John B Gausman, 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.

Subscribed and sworn to before me this

Signed

7th day of

September

2004

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2539-2**

Date of first receipt of application September 10, 2004.

Date of return to applicant for corrections, amendments or changes September 10, 2004.

Date of receipt of corrected application September 14, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2539-2 to Custer's Gulch Inc., HC 83 Box 84, 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. 2539-2 appropriates 0.17 cubic feet of water per second from one well to be completed into the Precambrian aged Crystalline Rock (280 feet deep) located in the SW ¼ NE ¼ Section 29-T3S-R5E.
2. The water appropriated shall be used for the purpose of commercial use at a 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: May 1 - October 1.
4. The date of approval of Permit No. 2539-2 is December 6, 2004.
5. The date from which applicant may claim right is September 10, 2004.
6. One-fifth of the construction is to be completed on or before June 6, 2007.
7. All construction is to be completed on or before December 6, 2009.
8. Water is to be put to beneficial use on or before December 6, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

DEC 16 2004

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 280 ft.
- b) Casing Type PVC Diameter 6" Thickness 160 pipe weight
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
Cement grouting to 30 feet.
- e) Depth to Top of Water Bearing Material 235 ft.
- f) Depth to Water (ground surface to water level) 35 ft.
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank & drain field
- b) System Capacity (gallons) septic tanks only 18,750 Year Constructed 2001
+ 3 acres of drain field
- c) Connected to the City of N/A Sanitary System

3. Dugout Information

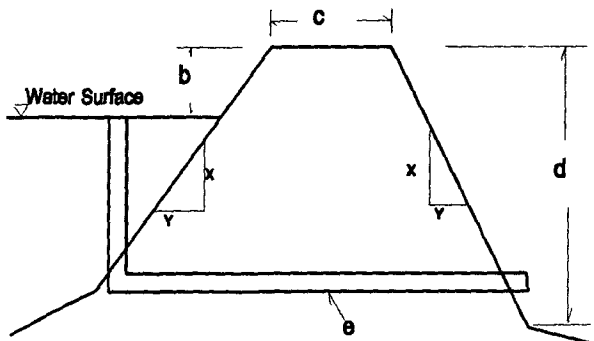
- a) Surface Dimensions N/A Depth _____
- b) Depth to water (ground surface to water level) _____

4. 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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 16, 20 04

RECEIVED OF Custer's Gulch Inc., PO Box 84, Custer SD 57730

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

Fee for Application for Permit No. <u>2539-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>2539-2</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	150.00

No.

001115

By

Darland Ebelke

Chief Engineer

gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 14, 20 04

RECEIVED OF Custer's Gulch Inc., EC 83 Box 84, Custer SD 57730

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

Fee for Application for Permit No. <u>2539-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	50.00

No.

091112

By

Darland Eide
Chief Engineer

DAWSON SUBDIVISION

DRAWING OF SITE SURVEY OF TRACT CUSTER GULCH OF TRACT G OF DAWSON SUBDIVISION A PART OF M.S. 724 (RICHARDSON PLACER) LOCATED IN THE SE1/4 SECTION 20, SW1/4 SECTION 21 AND NE1/4 SECTION 29, T3S, R5E, B.H.M. CUSTER COUNTY, SOUTH DAKOTA

TRACT
GOLD VALLEY
17.98 Acres.

C.S. 346
GOLDEN VALLEY ROAD

TRACT CUSTER GULCH
21.78 Acres.

LEGEND

- CORNER SET THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BRYANT R.L.S. 4896
- CORNER FOUND THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BRYANT
- ⊙ CORNER FOUND THIS SURVEY
U.S.F.S. ALUMINUM MONUMENT
- CORNER FOUND THIS SURVEY
REBAR WITH CAP MARKED
ANDERSON LS 2842
- ⊕ WELL
- TELEPHONE RISER

BASIS OF BEARINGS

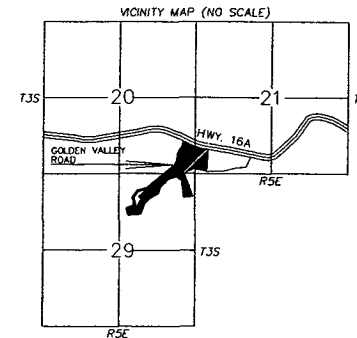
THE RECORDED BEARING OF S12° 57'00"W
WAS ASSIGNED TO THE INVERSE OF THE
LINE FROM CORNER 15 TO CORNER 16
OF M.S. 724
SECTIONS 20, 21, AND 29, T3S, R5E, B.H.M.

PREPARED BY
JACK H. KNUST
BRYANT SURVEYING
41 N SIXTH STREET
CUSTER, SOUTH DAKOTA 57730
(605) 673-2394

NOTE
10 FEET EACH SIDE OF REAR
AND SIDE LOT LINES ARE
RESERVED FOR UTILITY EASEMENT
IF BOTH SIDES OF LOT LINES ARE
NOT CONTROLLED BY THIS PLAT
THE ENTIRE 20 FEET WILL BE
TAKEN FROM THE LOT

SCALE 1" = 100'

Scale
1" = 200'



well

2539-2

SW 1/4 of NE 1/4 of Sec 29

Campground

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NM NE 29 35 SE

County

Custer

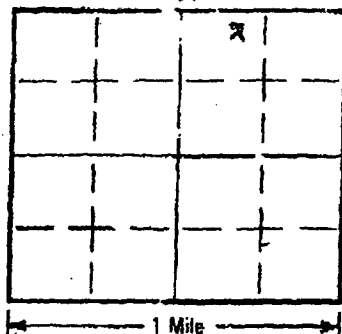
North:

Please mark well location with an "X"

W

E

Well Completion Date

2-2-2000

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1 ft. from Septic tube installed (Identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Air RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>30</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>4</u>	<u>600</u> lb./gal	<u>0</u> ft.	<u>30</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pumpedSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine Tablets
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: John Gausman

Business Name: _____

Address: HC 83 Box 84
Custer SD 57730

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Top Soil</u>	<u>0</u>	<u>10</u>
<u>Weathered Brown Schist</u>	<u>10</u>	<u>25</u>
<u>Brown Schist</u>	<u>25</u>	<u>235</u>
<u>White quartz</u>	<u>235</u>	<u>280</u>

STATIC WATER LEVEL 35 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☒ OtherDescribe: Air Lift
log

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 603

And this report is true and accurate.

Drilling firm Fertillizer Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 2004

John B. Gausman
Custer Gulch, Inc.
HC 83, Box 84
Custer SD 57730

Dear Mr. Gausman:

Thank you for submitting the Application for a Permit to Appropriate Water for commercial use at the Custer Gulch. In addition to the application filing fee of \$150 for the 75 gallons per minute being requested, the Water Rights Program also collects the \$50 licensing fee at this time. Please submit \$50 licensing fee in the enclosed self addressed stamped envelope.

Thank you. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

WATER PERMIT APPLICATION NO. 2539-2
CUSTER'S GULCH, INC.
OCTOBER 26, 2004

Water Permit Application No. 2539-2 proposes to appropriate 0.17 cubic feet of water per second (cfs), from one existing well completed into the Precambrian aged Crystalline Rock aquifer (280 feet deep) located in the SW¼ NE¼ Sec. 29, T3S-R5E, in Custer County. The water is for commercial use.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of schist, quartzite, chert, iron formation, greywacke and Harney Peak Granite (Martin and others, 2004). The area is fairly complex geologically with at least two major faults in the area (Redden and Norton, 1975). The aquifer (crystalline rock) is exposed at the surface throughout this area, except where it is covered by alluvium along French Creek and its tributaries (Strobel and others, 1999). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as French Creek. 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 monitors an observation well (CU-86A), completed into the crystalline aquifer approximately two miles west-northwest of this well site. The hydrograph for the well is shown in figure 1.

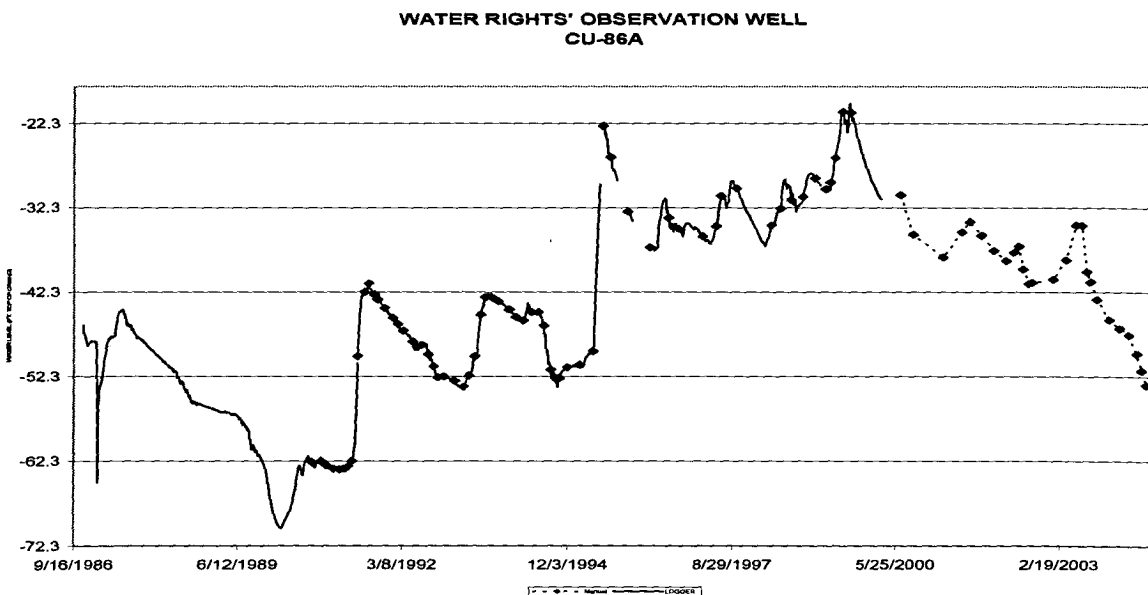


Figure 1. Hydrograph of Water Rights' Observation Well CU-86A, located approximately two and one-half miles from 2539-2

Water levels in the observation well fluctuate over 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. The observation well data shows the water levels of the aquifer were 32 feet higher than the current level in 1999 and 17 feet lower in 1990. The hydrograph demonstrates that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area and there are 11 Water Rights/Permits appropriating water from the aquifer within approximately one mile of this site. The appropriations include:

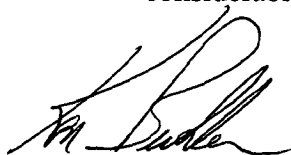
PERMIT NO	NAME	USE	CFS
1924-2	CITY OF CUSTER	MUN	0.04
1948-2	HOPE ENTERPRISES INC	COM	0.10
1956-2	VALLEY MOTEL	COM	0.07
1969-2	WHEELS WEST RV PARK	COM	0.08
2003-2	THE ROOST RESORT	COM	0.02
2026-2	JAN CHARLESGRAY	COM	0.02
2188-2	CUSTER LUTHERAN	INS	0.01
2307-2	KINGDOM HALL OF JEHOVAH	INS	0.06
2322-2	CALAMITY PEAK LODGE, LLC	COM	0.50
2364-2	NORTHSTREAM INVESTMENTS	COM	0.06
1948-2	HOPE ENTERPRISES INC	COM	0.10

The nearest appropriation, No. 2322-2 is located approximately one-half mile north of the applicant's well site. 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. Although the diversion rate proposed by this application is relatively small, it is possible that drawdown from this appropriation could be measured in 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; drawdown of a few feet could be considered insignificant.

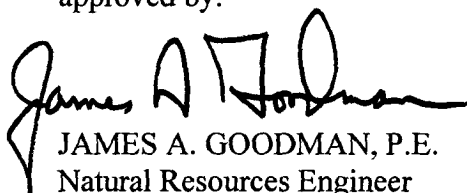
Conclusions:

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.
3. This is an application to divert water from an existing well. The completion report on file for the well indicates it was constructed in accordance with the SD Well Construction Standards
4. The project map provided with this application does not appear to meet the requirements of ARSD 74:02:01:07 which requires it to show the location of the diversion point in relation to a corner of a government surveyed section or quarter section. The vicinity map included with the application provides general information of the project area but is considerably smaller than the 8 by 11 inches required by the rule.



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.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D., 2004, Geologic Map of South Dakota: S.D. DENR-Geologic Survey General Map 10, Scale 1:500,000
- 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, 2004a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 2539-2, Custer's Gulch, 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 Water Permit Application No. 2539-2, Custer's Gulch, Inc., c/o John B. Gausman, HC 83, Box 84, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2539-2 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 8, 2004

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

John Gausman

Notice of Application to

Appropriate Water

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:

Nov. 17, 2004; Nov. 24, 2004;

_____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 37.20.

Charles W. Najacht

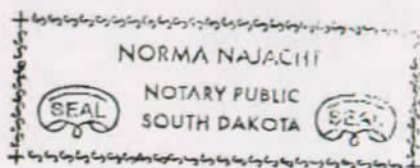
Subscribed and sworn to me before this 24

of November, 2004;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006

**NOTICE OF APPLICATION NO.****2539-2****TO APPROPRIATE WATER**

Notice is given that Custer Gulch, Inc., John B. Gausman, HC 83 Box 84, Custer SD 57730 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well to be completed into the Precambrian aged Crystalline Rock (280 feet deep) located in the SW 1/4 NE 1/4 Section 29-T3S-R5E. The water is for commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2539-2 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 December 6, 2004.

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.

#363, 11/17, 11/24



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

November 9, 2004

Custer's Gulch Inc
% John B. Gausman
HC 83 Box 84
Custer SD 57730

Dear Mr. Gausman:

Water Permit Application No. 2539-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 605-673-2217). 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 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. 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
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2004

Custer County Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2539-2 to Appropriate Water to be published twice. Please publish the first notice on November 17, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Custer's Gulch Inc., % John B. Gausman, HC 83 Box 84, Custer SD (Ph # 605-673-4764).

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
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2539-2

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

Date _____

We are in receipt of your letter of November 9, 2004 enclosing Notice to Appropriate Water by Application No. 2539-2 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 November 17, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2539-2 to Appropriate Water

Notice is given that Custer's Gulch, Inc, % John B. Gausman, HC 83 Box 84, Custer SD 57730 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well to be completed into the Precambrian aged Crystalline Rock (280 feet deep) located in the SW ¼ NE ¼ Section 29-T3S-R5E. The water is for commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2539-2 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 December 6, 2004.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 16 2004

Custer's Gulch Inc
% John B Gausman
HC 83 Box 84
Custer SD 57730

Dear Mr. Gausman:

Enclosed is Water Permit No. 2539-2 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 1/3/2005

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

FROM: Custer Gulches, Inc. c/o John Gausman
(name)

HC 83 Box 84

(address)

Custer SD 57730

(city, state, zip)

673-4764

(phone)

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. 2539-2 states that the water use system is to be constructed by
12/6/2009 , and water is to be put to beneficial use by 12/6/2013 .
(date) (date)

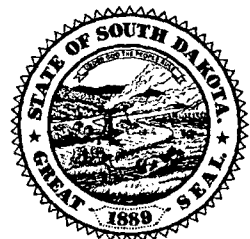
The water use system was completed on 2/2/2000 .
(date)

Applying the water to beneficial use was completed on 2/2/2000 .
(date)

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

*Completed based on telephone call
from John Gausman on 1/3/2005.
System has been in place.*

Eric Ironlund



**Permit No. 2539-2
Custer County**

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

Other permit/license(s) associated with project: **None**

Contact Person & Address: **John Gausman, HC 83 Box 84, Custer, SD 57730**

Report of Examination of Works

On **July 11, 2005**, I made a thorough examination of the water use system constructed by the **Custer's Gulch Campground, Inc.** holder of Permit No. **2539-2**, bearing the priority of **September 10, 2004** authorizing the diversion of **0.17** cubic feet per second (cfs) of the water from **one well** for **commercial** use, in **Custer County**.

The system is in the following condition: **Good**. The well is located in the **SW¼ NE¼ Section 29 T3S R5E 2800 feet East 1365 feet South of the NW corner of Section 29** with a longitude of **W103.547846** and a latitude of **N43.763780**. The works are capable of diverting and conveying to the place of use **0.022 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: Tefertiller Drilling | 2) No. of Wells: 1 |
| 3) Depth(s) 280 feet | 4) Well log is available: Yes |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter: 6 inches | 2) Length: 30 feet |
| 3) Type: Plastic | |

Screen:

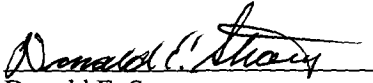
- | | |
|---------------------------------------|---------------------------|
| 1) Type: NA | 2) Length: NA feet |
| 3) Static water level: 35 feet | |

Pump\ Motor:

- | | |
|-------------------------------|------------------------------------|
| 1) Pump Make: NA | 2) Pump Model: NA |
| 3) Capacity: 10 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: NA | 6) Horsepower rating: NA hp |

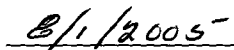
COMMENTS:

Permit No. 2539-2 should be licensed for 0.022 cfs for commercial use at the campground.

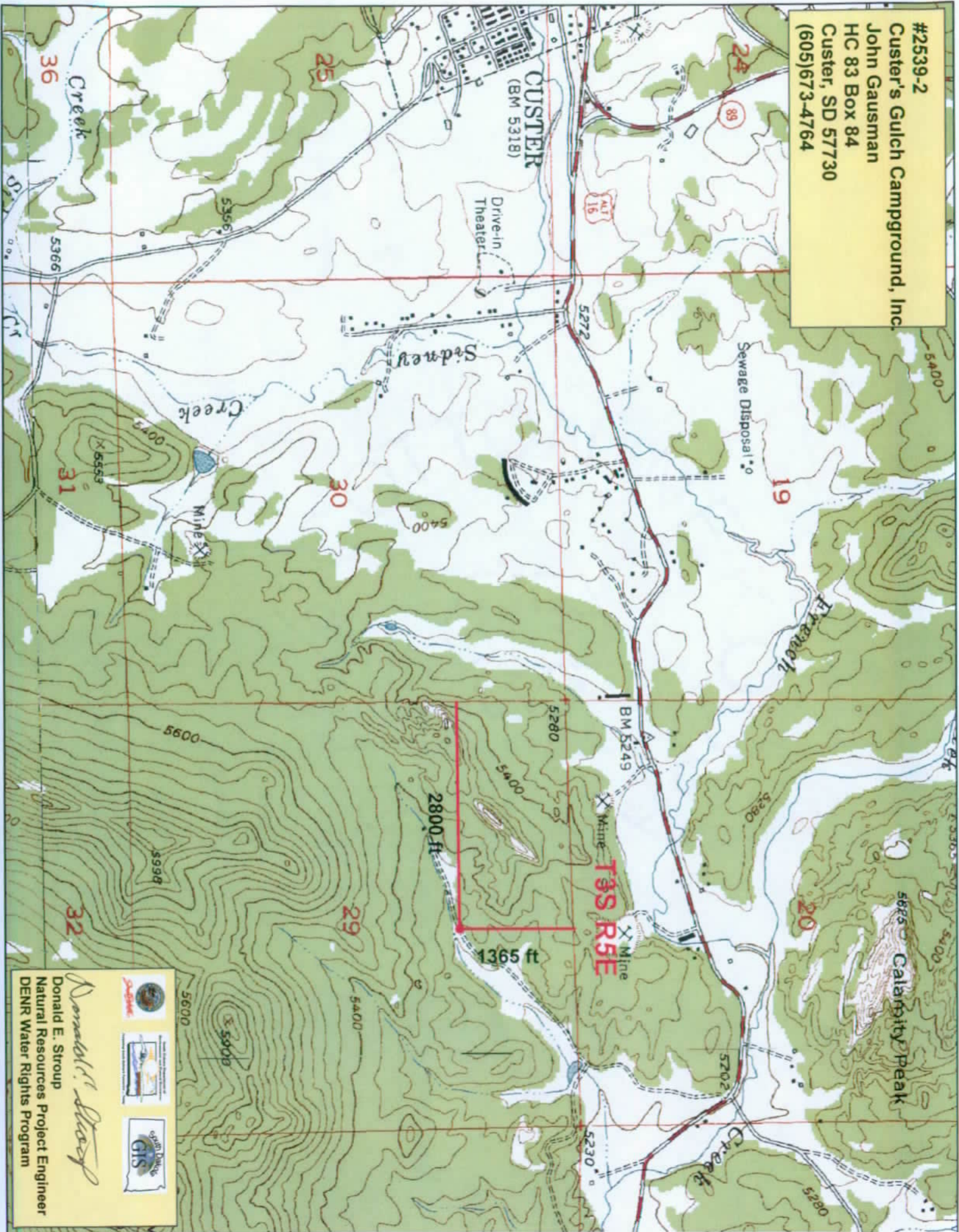


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program


Date

#2539-2
Custer's Gulch Campground, Inc
John Gausman
HC 83 Box 84
Custer, SD 57730
(605)673-4764



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



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2539-2

(1) Custer's Gulch Campground, Inc, HC 83 Box 84, Custer SD 57730 made Application No. 2539-2, September 10, 2004 for a water permit to divert 0.17 cubic feet of water per second from groundwater (one well), Custer County, South Dakota for commercial use purposes. Permit No. 2539-2, with a priority date of September 10, 2004 was approved December 6, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 6, 2009 and for the application to beneficial use of water on or before December 6, 2013.

The permit holder verbally confirmed on January 3, 2005 the diversion system was completed and the water placed to beneficial use when the well was drilled in February, 2000.

(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, the holder and/or owner of Water Right No. 2539-2 is issued a license, bearing a priority date of September 10, 2004 to appropriate 0.022 cubic feet of water per second from groundwater (one well) for commercial use purposes at the campground.

The diversion point is located: 2,800 feet east and 1,365 feet south of the northwest corner of Section 29-T3S-R5E (SW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2539-2 including the following now applicable qualification:

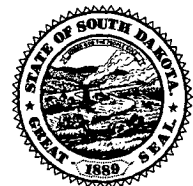
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Garland Erbele

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

AUG 05 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 02 2005

2539-2

Custer's Gulch Campground Inc.
% John Gausman
HC 83 Box 84
Custer SD 57730

Dear Mr. Gausman:

Enclosed is Water License No. 2539-2. This is the final water right document completing your process of obtaining a Water Right.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2009

2539-2

Raymond & Elaine Zobel
Custer's Camp Properties LLC
25112 Golden Valley Rd
Custer SD 57730

Dear Mr. & Mrs. Zobel:

Thank you for calling concerning the need for an ownership change on Water Right No. 2539-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

RECEIVED

MAR - 5 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2539-2

Date: 03-04-09

I/We request that Water Right No. 2539-2

formerly owned by: Custer's Gulch Campground Inc

be transferred to: (name & address) Custer's Camp Properties LLC
25112 Golden Valley Rd.
Custer SD 57730

Telephone No. 605-673-4647

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

Diversion point: SW ¼ NE ¼ Section 29, T3S, R5E

I/We understand that the validity of Water Right No. 2539-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

Elaine J. Zobel

I/We Raymond C. Zobel, the new owner, certify that the above information is true and correct.

Raymond C. Zobel
Elaine J. Zobel
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/5, 20 09

RECEIVED OF Custer's Gulch RV Park & Campground 25112 Goldsboro Valley RD Custer SD 57780

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>2539-2</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

04048

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 2009

2539-2

Raymond & Elaine Zobel
Custer's Camp Properties LLC
25112 Golden Valley Rd
Custer SD 57730

Dear Mr. & Mrs. Zobel:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 2539-2. The transfer has been completed. The water right formerly held by Custer's Gulch Campground Inc is now listed in the name of Custer's Camp Properties LLC.

Enclosed is your Receipt No. 04048 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us