

WATER PERMIT NO. 2591-2

Name of Applicant: Larry & Geri Gustafson

Address: 25446 Sidney Park Rd, Custer SD 57730 Phone: 605 673-2942

Amount of Water Claimed: 0.055 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: 4 miles south of Custer

PRIORITY Date Received: 6-6-06

Application/License Fee: \$100

Corrected Application Received: 6-9-06

Period of Annual Use: April 1 – November 30

Remarks:

Diversion Point: NE ¼ SE ¼ Sec 12-T4S-R4E

Land to be Irrigated: NA

Depth of Well: 500 feet deep

Well Driller: : Alexander Drilling Co.

Remarks:

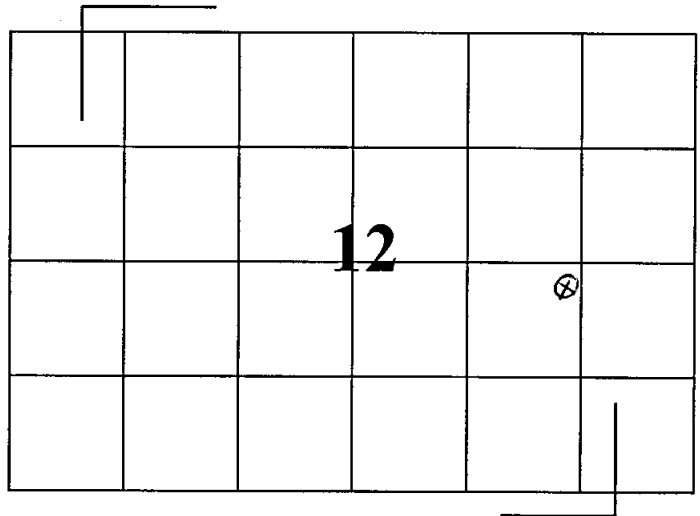
Type of Map: plat

Prepared by: Jack H Knust, PE

Reviewed and the Number Assigned on: 6-12-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

JUN - 9 2006

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

RECEIVED

JUN - 6 2006

WATER RIGHTS
PROGRAM

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 2591-2 (office use only)
Hydrologic Unit 10120109 WATER RIGHTS PROGRAM
Basin Upper Cheyenne
Newspaper Custer Co. Chronicle, Custer

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 Camp Ground ☐ 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.)

- Name of Applicant Larry Gustafson + Geri Phone 605-673-2942
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 25446 Sidney Park Rd State Custer SD 5773
(Street, RR, or Box and 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 private well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Custer
well in lot 1 of lot 1 in SE 1/4 NE 1/4 + NE 1/4 SE 1/4
Section 12 T4S R4E BHM
- County or counties where water will be used Custer
- Annual period during which water is to be used April - November 30
- 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)

County of Custer 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, Larry Gustafson
Geri Gustafson, 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 Larry Gustafson + Geri GustafsonSubscribed and sworn to before me this 5th day of June 20 06

Mary Winchester
Notary Public signature

My Commission Expires
October 18, 2010

4-2000

Check enclosed # 1046 \$100

**SOUTH DAKOTA
WATER PERMIT NO. 2591-2**

Date of first receipt of application June 6, 2006.

Date of return to applicant for corrections, amendments or changes June 6, 2006.

Date of receipt of corrected application June 9, 2006.

The Water Management Board approved Water Permit No. 2591-2 on October 11, 2006 for Larry & Geri Gustafson, 25446 Sidney Park Rd, 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. 2591-2 appropriates 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE ¼ SE ¼ Section 12-T4S-R4E.
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: April 1 – November 30.
4. The date from which applicant may claim right is June 6, 2006.
5. One-fifth of the construction is to be completed on or before April 11, 2009.
6. All construction is to be completed on or before October 11, 2011.
7. Water is to be put to beneficial use on or before October 11, 2015.
8. 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

NOV 01 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 500'
- b) Casing Type PVC Diameter 6" Thickness
- c) Screen Type NONE Diameter 6" Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) 140'
- g) Distance to nearest existing domestic well:
On applicants property 500 On property owned by others 800

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank & drain field
- b) System Capacity (gallons) 2250 Year Constructed 2006
- c) Connected to the City of Sanitary System

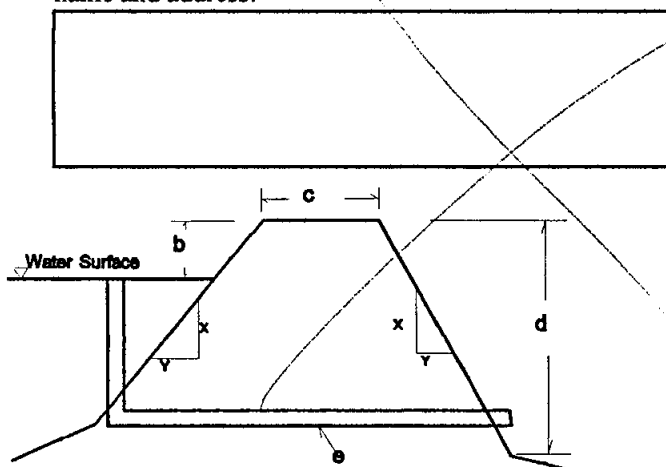
3. Dugout Information

- a) Surface Dimensions 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 June 9, 20 06

RECEIVED OF Larry Gustafson, HC 83 Box 1010, Custer SD 57730

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

Fee for Application for Permit No. <u>2591-2</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>2591-2</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.

07484

By

Darland Ebel
Chief Engineer

Larry + Geri Gustafson

KRANZLER SUBDIVISION
PLAT OF LOT 5 OF TRACT C LOCATED IN THE SE 1/4 NE 1/4.
AND THE NE 1/4 SE 1/4 OF SECTION 12. T4S. R4E. B.H.M.
CUSTER COUNTY. SOUTH DAKOTA

LEGEND

- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT R.L.S. 4896
- CORNER FOUND REBAR WITH ALUMINUM CAP MARKED BRYANT R.L.S. 2196
- CORNER FOUND BLU BRASS CAP
- CORNER FOUND FOREST SERVICE ALUMINUM CAP

BASIS OF BEARINGS

THE RECORDED BEARING OF $S89^{\circ}42'00"E$ WAS ASSIGNED TO THE INVERSE OF THE LINE FROM THE E 1/4 CORNER OF SECTIONS 1112 TO THE CORNER OF SECTIONS 1112 AND TRANSFERRED BY DIRECT ANGLES

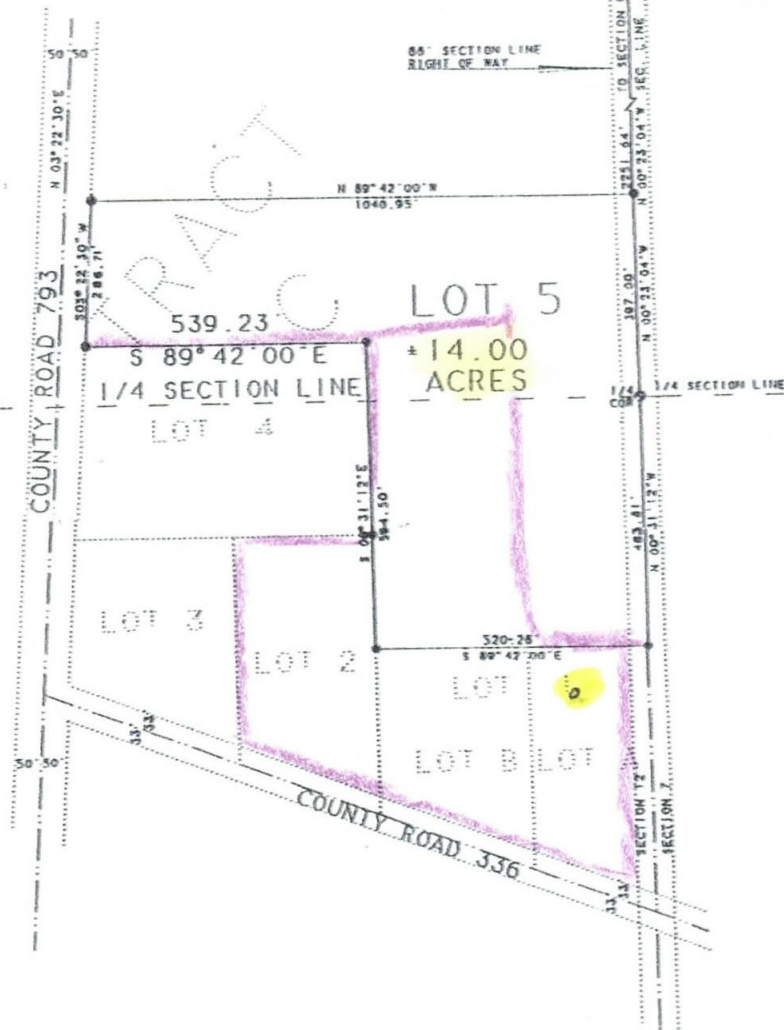
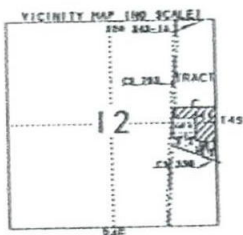
NOTE

10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENT. IF THE LOT BORDERS NATIONAL FOREST THE ENTIRE 20 FEET WILL BE TAKEN FROM THE LOT.

PREPARED BY
JACK H. KRUST
BRYANT SURVEYING
41 N SIXTH STREET
CUSTER, SD 57730
16051 873-2394



SCALE 1" = 200'



Our
property
line

Well

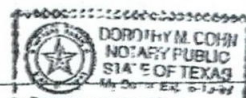
STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S

I, WE LEONARD & DONALD WOOD

DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DID AUTHORIZE AND SO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

WITNESS OUR HANDS THIS 9 DAY OF APRIL 1998

OWNERS: Leonard Wood



ON THE 9TH DAY OF APRIL 1998, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED LEONARD & DONALD WOOD KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC: Dorothy M. Cohn MY COMMISSION EXPIRES: 6-13-99

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT

DATED THIS 29th DAY OF April 1998

DIRECTOR OF EQUALIZATION: Karen K. Whitney, Administrative Assistant

CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE.

DATED THIS 27th DAY OF April 1998

TREASURER: Scott K. Campbell, Deputy

STATEMENT OF SURVEYOR

JACK H. KRUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 1st DAY OF APRIL 1998

JACK H. KRUST, REGISTERED LAND SURVEYOR: Jack H. Krust

RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S



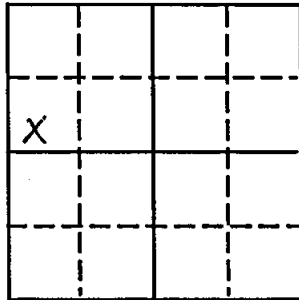
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 7 Twp 45 Rg 5E

County
Custer

North



Please mark well location with an "X"

Well Completion Date

5/4/06

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

130 ft. from Septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe 40' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0 FT	38 FT	8 IN
LB/FT	IN	38 FT	500 FT	6 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Portland II No. of Sacks 4 Grout Weight 38 Lb/gal 6 Ft 6 Ft
Lb/gal Ft Ft

Describe grouting procedure

thru 1" brim pipe

SCREEN: None ☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other Information

Casing set in hd rock

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location
open hole

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? w/chlorine

☐ No, Why Not? Solution

Lab sample sent to for water quality analysis

Well Owner:

Larry Gustafson

Business Name:

Address:

25440 Sydney Park Rd.

City, State, Zip:

Custer, SD 57730

WELL LOG:

DEPTH

FORMATION	FROM	TO
Drift	0	10
Dark Schist	10	182
Med Hd Schist	184	442
Hd grey schist	444	464
Hd grey schist	466	478
Schist fract. 50+gpm	478	480
Hd grey schist	480	500

STATIC WATER LEVEL

140

FEET

If flowing: closed in pressure

PSI

GPM flow 50+ through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air

☐ Bailed

☐ Other

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 # 334

And this report is true and accurate.

Drilling firm:

Alexander Dilling Co

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

6-05-06



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2006

Larry & Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Dear Mr. & Mrs. Gustafson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use at a campground. In order to complete the application the following is required.

- Enclosed is your application and fee. On Item No. 2 of the application, please complete the amount of water claimed. This would be the peak pump rate in gallons per minute.
- I am assuming the amount of water claimed will be less than 45 gallons per minute (gpm). The application/license filing fee will be \$100.00. If the amount of water claimed is between 45 gpm and 75 gpm, the filing fee will be \$200.00 as originally submitted.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

WATER PERMIT APPLICATION NO. 2591-2
LARRY & GERI GUSTAFSON
AUGUST 11, 2006

Water Permit Application No. 2591-2 proposes to appropriate 0.055 cubic feet of water per second (25 gallons per minute) from one well completed into the Precambrian aged Crystalline Rock aquifer, approximately 500 feet deep, located in the NE¼ SE¼ Sec. 12, T4S-R4E, in Custer County. The water is for commercial use at a campground.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metamorphosed greywacke, phyllite, schist and undifferentiated metamorphosed sedimentary deposits, along with undifferentiated igneous rocks (Strobel and others, 1999). The area is fairly complex geologically with this well site located right on the Grand Junction Fault (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 four miles north of this well site. The hydrograph for the observation well is shown in figure 1.

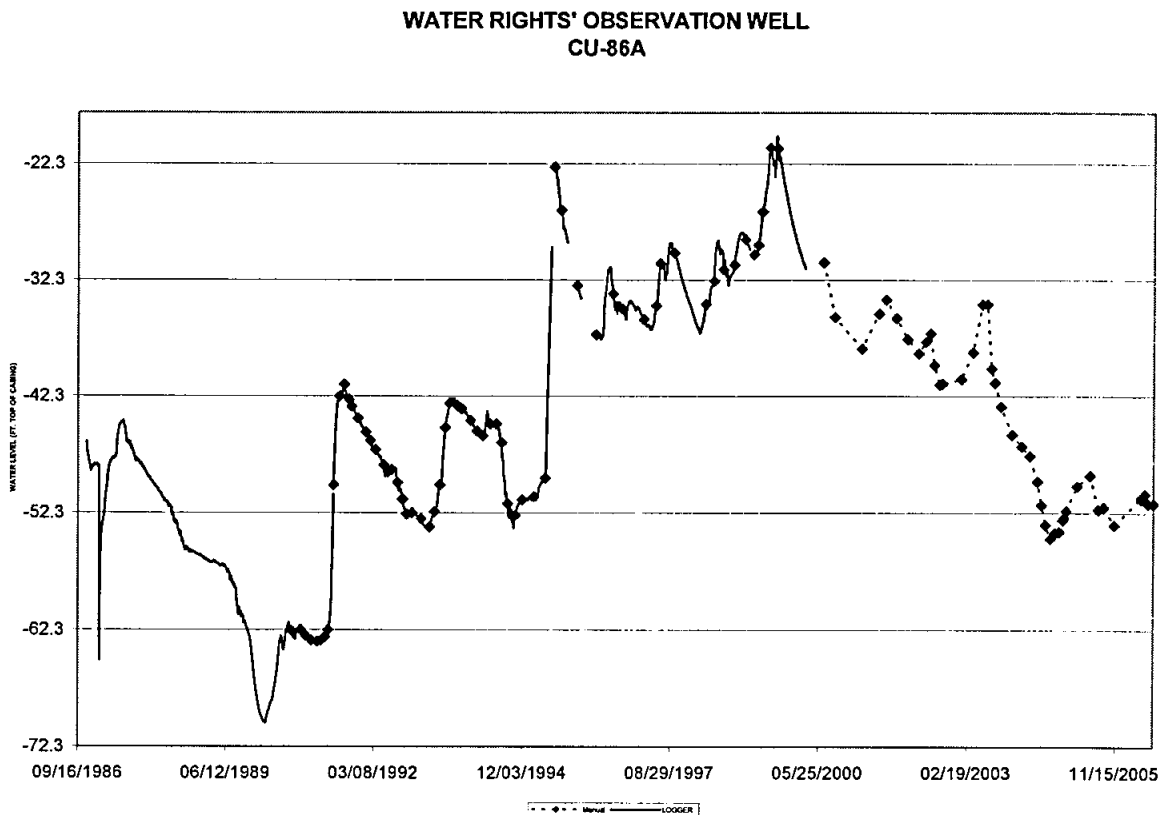


Figure 1. Hydrograph of Water Rights' Observation Well CU-86A, located approximately four miles north of 2591-2

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 29 feet higher than the current level in 1999 and 20 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 eight Water Rights/Permits appropriating water from the aquifer within approximately three miles of this site. The appropriations include:

PERMIT NO	NAME	USE	CFS
1937-2	GRAY ROCKS LLC	COM	0.05
2060-2	ROBERT N WITTROCK	COM	0.03
2079A-2	T & E ENTERPRISES	COM	0.06
2243-2	CUSTER COUNTY AIRPORT	COM	0.02
2264-2	SD DEPT OF CORRECTIONS	INS	0.18
2265-2	SD DEPT OF CORRECTIONS	INS	0.09
2332-2	FIRST BAPTIST CHURCH	INS	0.02
2579-2	PACER CORPORATION	COM	0.02

Table 1. Water Rights/Permits within approximately one mile of 2591-2

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. However, even with the low diversion rate proposed by this application (25 gpm), it is possible that drawdown from 2591-2 could be measurable in the area domestic 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, technically, any measurable interference (drawdown), from a competing well is actually an adverse impact.

It is unlikely that wells which are reliable water supplies will be negatively impacted by pumping from this proposed appropriation. However, in this hydrogeologic setting, low yield wells that are at best marginal in terms of supplying reliable water supplies could be "technically" affected, although any "practical" affect to the users water supply would be inconsequential. Enforcement of the domestic well preference that is provided by statute would have to be considered on a case by case basis.

Conclusions:

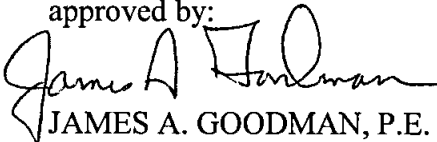
1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.

3. The Well Completion Report submitted with this application identifies the well location as the SW¼ NW¼ Sec. 7, T4S-R5E. The plat map submitted with this application is for Sec. 12, T4S-R4E. The location for the Gustafson well appears to be added to the map sometime after the map was prepared. It is not known who identified the well on the map or if that person meets the requirements of ARSD 74:02:01:07. The general vicinity of the well (i.e. E½ Sec. 12, T4S-R4E or the W½ Sec. 7, T4S-R5E) is probably sufficient to evaluate the availability of water for this application and the affect on existing water rights.



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, 150 p.
- 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, 2006a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2006b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2006c, 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. 2591-2, Larry and Geri Gustafson**

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. 2591-2, Larry and Geri Gustafson, 25446 Sidney Park Road, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2591-2 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
August 22, 2006

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

Larry + Geri Gustafson

25446 Sidney Park Rd.

Notice of 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:

Aug 30, 2006; Sept. 6, 2006;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 35.74.

Charles W. Najacht

Subscribed and sworn to me before this 6

of September, 2006;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2012

NOTICE OF APPLICATION

NO. 2591-2 TO APPROPRIATE WATER

Notice is given that Larry and Geri Gustafson, 25446 Sidney Park Rd., Custer SD 57730 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE1/4 SE1/4 Section 12-T4S-R4E. The water is for commercial use at a campground.

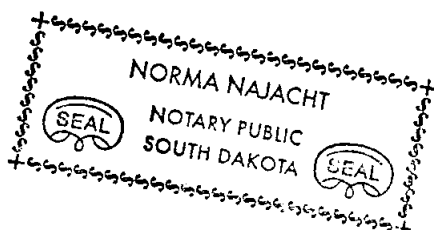
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2591-2, because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the 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 September 18, 2006.

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

#275, 8/30, 9/6



RECEIVED
SEP 13 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on August 30, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2591-2 to Appropriate Water

Notice is given that Larry and Geri Gustafson, 25446 Sidney Park Rd, Custer SD 57730 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE ¼ SE ¼ Section 12-T4S-R4E. The water is for commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2591-2 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 September 18, 2006.

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

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

August 22, 2006

Custer Co Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

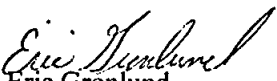
Enclosed is a Notice on Application No. 2591-2 to Appropriate Water to be published twice. Please publish the first notice on August 30, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Larry and Geri Gustafson, 25446 Sidney Park Rd., Custer, SD (Ph # 605-673-2942).

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. 2591-2

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

Date _____

We are in receipt of your letter of August 22, 2006 enclosing Notice to Appropriate Water by Application No. 2591-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.**

August 22, 2006

Larry and Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Dear Mr. & Mrs. Gustafson:

Water Permit Application No. 2591-2 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 Co. 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

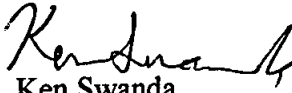
NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

RECEIVED
SEP 15 2006
WATER RIGHTS
PROGRAM

Dear Sirs

I have emailed the Chief Engineer concerning the water application below. I received no response so as required by the application below I am filing a petition against this application. I live within ¼ mile of this address (25465 Sidney Park Road) and both my neighbor and I have had problems with having an adequate amount of water from our wells. Thus until it is proven that this additional withdrawal will not cause additional problems than I am making notice that I am against this commercial well being installed. A separate letter has been sent to the applicant.



Ken Swanda
Box 134
Pickstown, SD

NOTICE OF APPLICATION NO. 2591-2 to Appropriate Water

Notice is given that Larry and Geri Gustafson, 25446 Sidney Park Rd, Custer SD 57730 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE ¼ SE ¼ Section 12-T4S-R4E. The water is for commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2591-2 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 September 18, 2006.

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**

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

September 21, 2006

NOTICE OF HEARING

TO: Larry and Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Ken Swanda
Box 134
Pickstown SD 57367

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing on Water Permit Application No. 2591-2, Larry and Geri Gustafson

Ken Swanda submitted a petition opposing Water Permit Application No. 2591-2 filed by Larry and Geri Gustafson. A copy of the letter is enclosed to the applicant. A hearing is being scheduled before the Water Management Board to allow parties to present testimony. The Board will make its decision based on the evidence presented at the hearing.

As specified in the publication notice, Application No. 2591-2 proposes to appropriate 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE ¼ SE ¼ Section 12-T4S-R4E. The water is for commercial use at a campground.

The Water Management Board will conduct a hearing to consider Application No. 2591-2 at 2:30 PM (Central Time), on October 11, 2006, in the Visitor Center (west side of Capitol Lake), 650 E. Capitol Avenue, Pierre SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Notice will be provided to all parties of record of any change in the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2591-2 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The October 11, 2006, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by October 2, 2006.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant has the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by October 2, 2006, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

enclosure

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by October 2, 2006.

CERTIFICATION

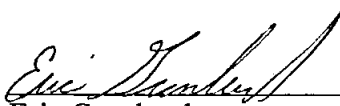
I hereby certify that on September 21, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 21, 2006, regarding scheduling of hearing for Water Right Permit Application No. 2591-2, Larry and Geri Gustafson, addressed as stated below :

Larry and Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Ken Swanda
Box 134
Pickstown SD 57367

A copy of the above described Notice was sent Inter-office to:

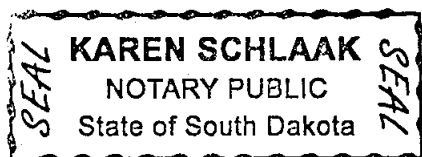
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of September, 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Dear Sirs

After discussion with Ken Buhler my concerns have been addressed concerning application noted below. There seems to be confidence that I will not see any affects from this well. I further understand per the report that he sent me is that if affects of this well do occur my domestic well will have precedence. Under these conditions I am withdrawing my petition against this application.

Ken Swanda
Box 134
Pickstown, SD

NOTICE OF APPLICATION NO. 2591-2 to Appropriate Water

Notice is given that Larry and Geri Gustafson, 25446 Sidney Park Rd, Custer SD 57730 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second from one well completed into the Precambrian Aged Crystalline Rock (500 feet deep) located in the NE ¼ SE ¼ Section 12-T4S-R4E. The water is for commercial use at a campground.

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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 18, 2006.

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**

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

September 27, 2006

TO: Larry and Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Ken Swanda
Box 134
Pickstown SD 57367

FROM: Eric Gronlund *Eric Gronlund*
Water Rights Program

SUBJECT: Withdrawal of Petition Opposing Application No. 2591-2

Ken Swanda submitted the enclosed letter via email withdrawing his petition opposing Application No. 2591-2. The hearing before the Water Management Board scheduled for October 11, 2006 in Pierre will still take place. The Board will be made aware that the application is not contested.

enclosure



NOV 01 2009

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Larry & Geri Gustafson
25446 Sidney Park Rd
Custer SD 57730

Dear Mr. & Mrs. Gustafson:

Enclosed is Water Permit No. 2591-2 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 11-4-06

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

FROM:

LARRY OR GERRI Gustafson
(name)25446 SIDNEY PK Rd
(address)CLUSTER S.D. 57730
(city, state, zip)605-673-2942
(phone)605-517-0393-CELL

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. 2591-2 states that the water use system is to be constructed by

6-6-06, and water is to be put to beneficial use by 7-1-06.
(date) (date)

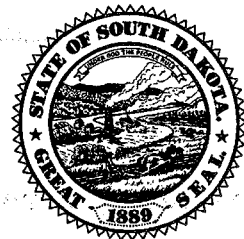
The water use system was completed on 6-6-06.
(date)

Applying the water to beneficial use was completed on 7-1-06.
(date)

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

Larry Gustafson
(signature)

RECEIVED
NOV - 6 2006
WATER RIGHTS
PROGRAM



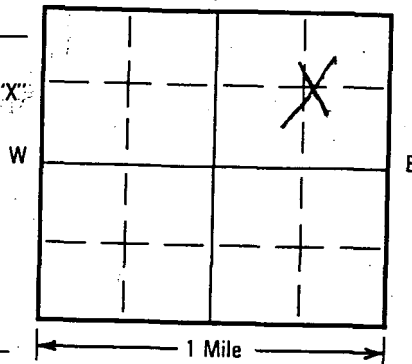
SOUTH DAKOTA WATER WELL COMPLETION REPORT

State Copy

07-92

Location $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 Twp 45 Rg 4E
County CU North

Please mark well location with an "X"



Well Completion Date

7-24-98

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from New Septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Down Hole Hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe 30' - 6" PVC 160

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT 6	IN 4	FT 0	FT 28	IN 8
LB/FT 4 1/2	IN 4	FT 25	FT 185	IN 6
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
PORTLAND	3	1445 lb./gal	4 ft	28 ft
		lb./gal	ft	ft

Describe grouting procedure

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter IN Length 20 FEET

Material

Slot Size Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? 6" case set H.C. Pack

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

NO, Why Not?

laboratory sent to for water quality analysis

Well Owner: LARRY - Gustafson
Business Name: 1308 Pine St.
Address: Custer, S.D 57730

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	15
Schist Broken	15	20
Schist grey M. Hd.	20	60
Schist Fractured trace H ₂ O	60	62
Schist grey med. Hd to Soft	62	168
Pegmatite Fractured	168	170
H ₂ O 18 gpm		
Schist grey Hd-M. Hd.	170	185

STATIC WATER LEVEL 60'

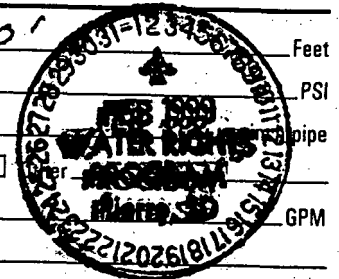
If flowing: closed in pressure

GPM flow through

Controlled by ☐ Valve ☐ Reducers ☐

Reduced Flowrate

Can well be completely shut in?



WELL TEST DATA:

☒ Pumped WAIR Describe: 18 gpm

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS: Unstable area above 168' made liner necessary. Shut off decomposed schist.

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm ALEXANDER DRILLING INC

Signature of License Representative:

Boj Alexander

Signature of Well Owner or Equitable Property Holder:

X Larry Gustafson

Date: 8-1-98

21 Oct 13

2591-2
RECEIVED

OCT 23 2013

WATER RIGHTS
PROGRAM

Genny - Water Rights

Fyl - This map shows the
well location I GPS'd for
the campground we visited
about on Monday.

Zinda

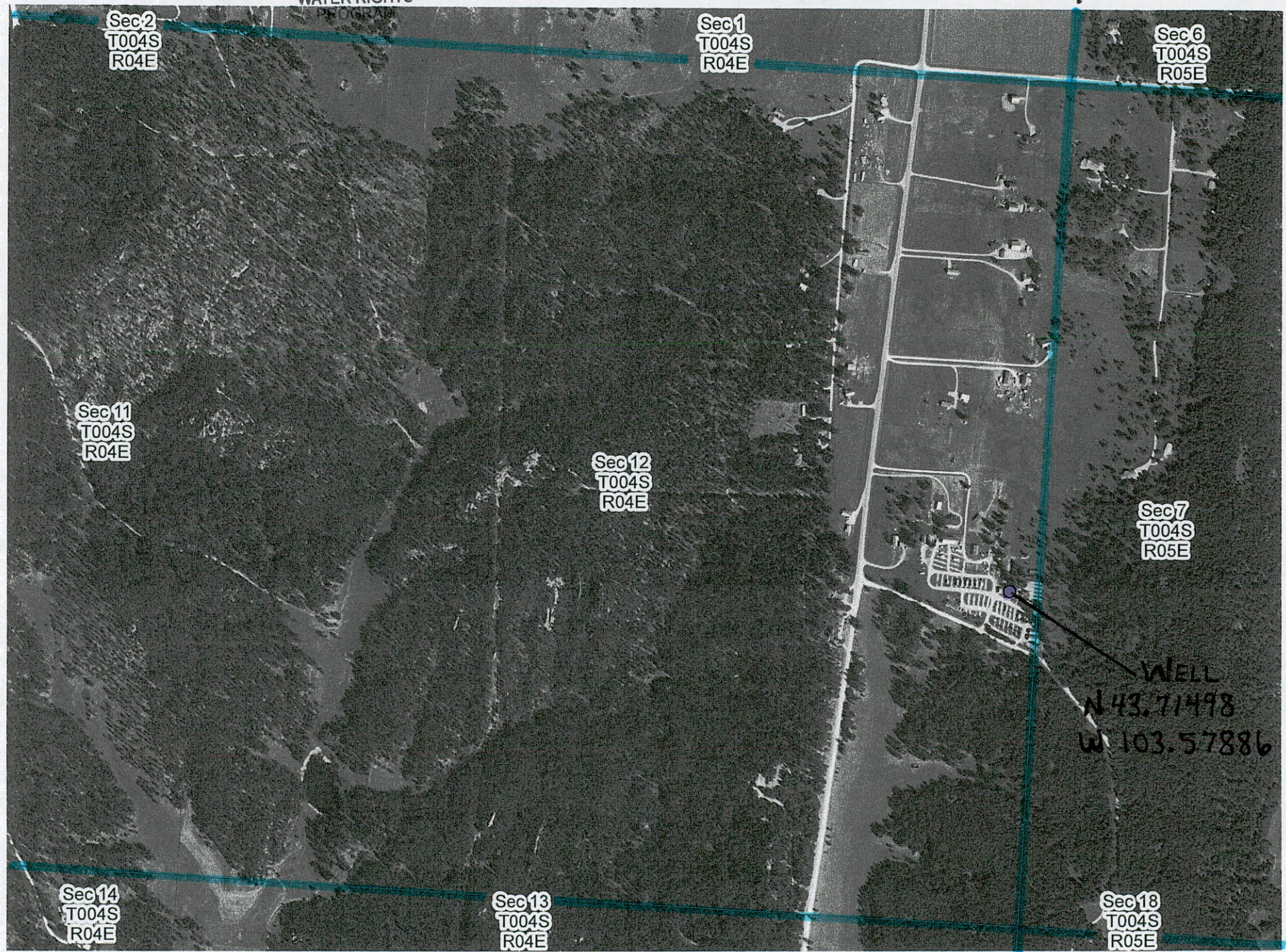
N 43.71498

W 103.57886

RECEIVED
OCT 23 2013
WATER RIGHTS

2591-2

Broken Arrow Horse Camp



0 0.125 0.25 0.5 Miles

Permit 2591-2



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2591-2

I have this day, January 13, 2016, made a thorough examination of the water use system constructed by Larry Gustafson, for the Broken Arrow Horse Camp, 2546 Sidney Park Rd, Custer, SD 57730 of Permit No. 2591-2, bearing the priority of 6/6/2006 authorizing the diversion of ~~96~~ cu. ft. per second of the water from 1 well for commercial purposes, in Custer County. 055

Inspection contact & relationship
to permit holder, if applicable:

Daniel Riggs, present owner
4307 Skylane Rd., Beach City, Texas 77523

Note: Any correspondence by mail prior to 3/31/2016 to be directed to Texas address.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling
- 2) No. of Wells 1
- 3) Depth(s) 500 feet
- 4) Well log is available Yes Note: The well log for this well **incorrectly** shows the location as SW ¼ NW ¼ S7 T4S R5E. The well is located in NE ¼ SE ¼ S12.

Casing:

- 1) Diameter 6 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level 140 feet

Pump:

- 1) Make Grundfos
- 2) Model 25S50-26 (pump is set @ 483 ft.)
- 3) Size 4"
- 4) Capacity 28 GPM
- 5) Horsepower rating 5 hp

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

- 1) Type PVC pipeline
- 2) Size various inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The system serves a horse camp/campground with approximately 40 campsites, 4 cabins, office facility and associated horse barns and corrals.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: NE ¼ SE ¼ S 12, T4S, R4E (177 ft. west and 2,102 ft. north of the SE corner), N 43.71513° W 103.57899°.
2. The works are capable of diverting and conveying to the place of use .06 cu. ft. per second (28 gpm) of water which is to be used for **commercial use** and the license should be issued for **.06 cfs**.
3. All structures, wells and lands on map – Yes

F. Comments or other permit(s) associated with the project:

The current owner purchased this property (Broken Arrow Horse Camp) in 2015.

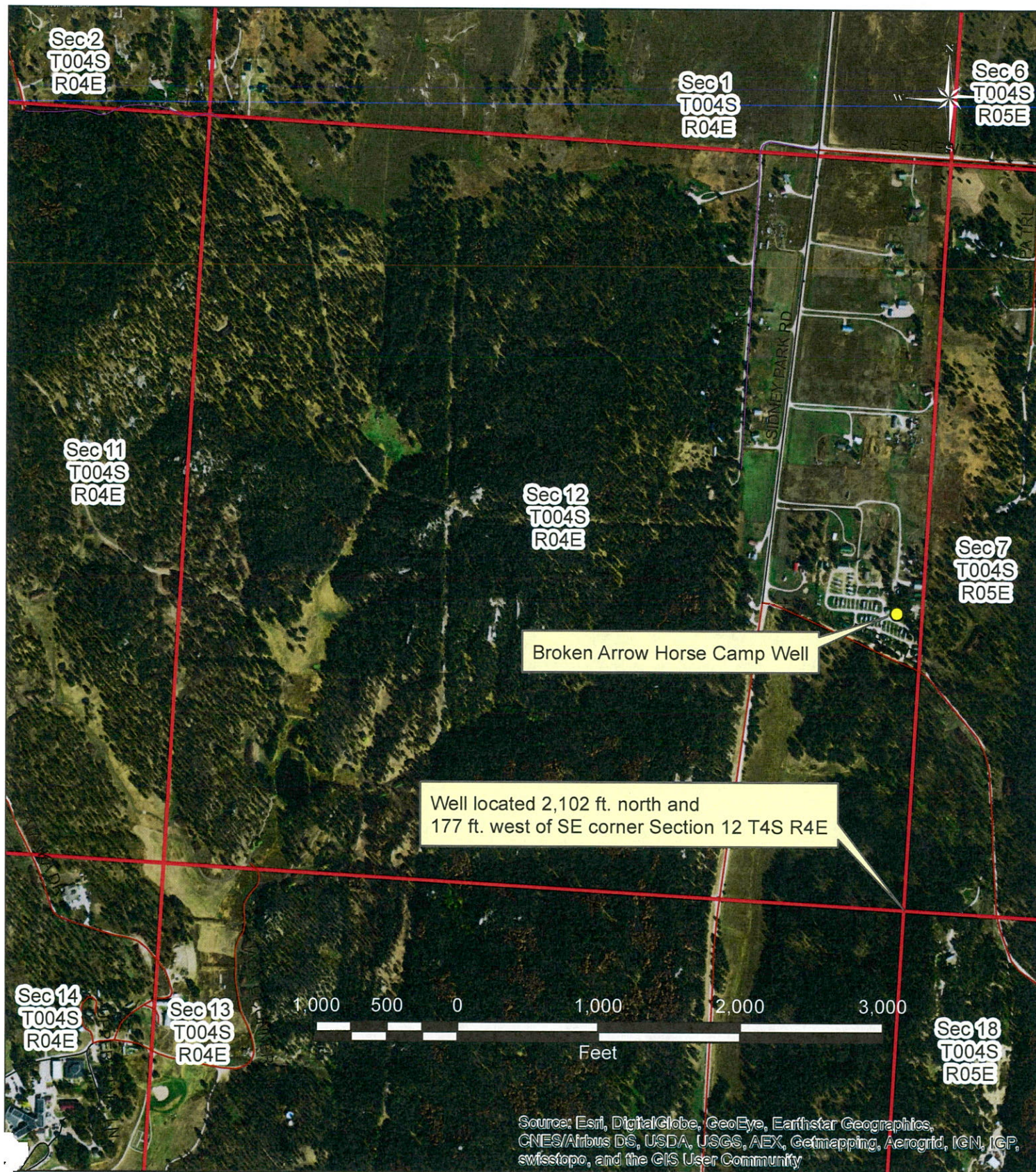


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 1/19/2015



Water Right #2591-2
Larry Gustafson
1/19/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 20, 2016

2591-2

Daniel Riggs
4307 Skylane Rd
Beach City TX 77523

Dear Mr. Riggs: .

I am writing in regard to Water Permit No. 2591-2 currently listed in the name of Larry Gustafson. Upon inspection of the permit for licensing, Department of Environment and Natural Resources staff discovered that the permit is under new ownership.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the permit in the event you do not have one. If you have any questions, please contact Genny McMath at (605) 773-3352 or e-mail at genny.mcmath@state.sd.us .

Sincerely,

Lynn Beck, Natural Resources Engineer III
Water Rights Program
(605) 773-3352
e-mail: lynn.beck@state.sd.us

RECEIVED

FEB 29 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2591-2

Date: 2-28-16

I/We request that Water Right/Permit No. 2591-2

formerly owned by: Larry Gustafson, 25446 Sidney Park Rd., Custer SD 57730

be transferred to: (name & address) Daniel Riggs 25446 Sidney Park Rd.
Custer SD 57730

Telephone No. 605-517-1964

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

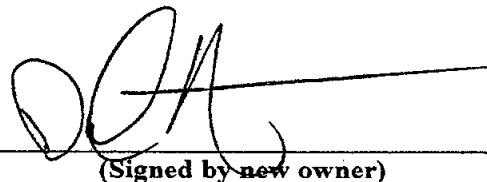
Diversion point location: NE ¼ SE ¼ S 12, T4S, R4E (177 ft. west and 2,102 ft. north of the SE corner), N 43.71513° W 103.57899°

I/We understand that the validity of Water Right/Permit No. 2591-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Dan Riggs Daniel Riggs, the new owner, certify that the above information is true and correct.
Daniel Riggs


(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 2/29, 20 16

RECEIVED OF Daniel Riggs 25446 Sidney Park Rd Custer SD 57730

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 <u>2591-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07773**

By *Jean Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 22 2016

2591-2

Daniel Riggs
25446 Sidney Park Rd
Custer SD 57730

Dear Mr. Riggs:

Enclosed is Water License No. 2591-2. This is the final water right document completing the process of obtaining a Water Right. Enclosed is the receipt in the amount of \$50.00 which you paid for the transfer of ownership and also a map prepared by the staff engineer who conducted the investigation.

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. 2591-2, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2591-2

(1) Larry and Geri Gustafson, Custer SD made Application No. 2591-2, June 6, 2006 for a water permit to divert 0.055 cubic feet of water per second from one well – Precambrian Aged Crystalline Rock, Custer County, South Dakota for commercial purposes. Permit No. 2591-2, with a priority date of June 6, 2006 was approved October 11, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 11, 2011 and for the application to beneficial use of water on or before October 11, 2015.

On February 29, 2016, Water Permit No. 2591-2 was transferred to Daniel Riggs, 25446 Sidney Park Rd, Custer SD 57730.

(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. 2591-2 is issued a license, bearing a priority date of June 6, 2006 to appropriate 0.055 cubic feet of water per second from one well – Precambrian Aged Crystalline Rock for commercial purposes at the Broken Arrow Horse Camp and campground.

The diversion point is located: 177 feet west and 2,102 feet north of the SE corner of Section 12-T4S-R4E (NE 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2591-2 including 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.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAR 22 2016

date

