

WATER PERMIT NO. 2753-2

Name of Applicant: **Camp Bob Marshall**

Address: **25007 Camp Bob Marshall, Custer SD 57730** Phone: **605 673-2730**

Amount of Water Claimed: **0.025 cfs (11 gpm)** Total Acres: **NA**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **institutional use** County: **Custer**

Type of Waste Disposal System:

Location: **5 miles east of Custer near Stockade Lake**

PRIORITY Date Received: **5-9-16** Application/License Fee: **\$ 100**

Corrected Application Received: Period of Annual Use: **April 1 – November 1**

Remarks: **Increase diversion rate authorized by No. 2486-2**

Diversion Point: **NW 1/4 NE 1/4 Sec 22-T3S-R5E**

Land to be Irrigated: **NA**

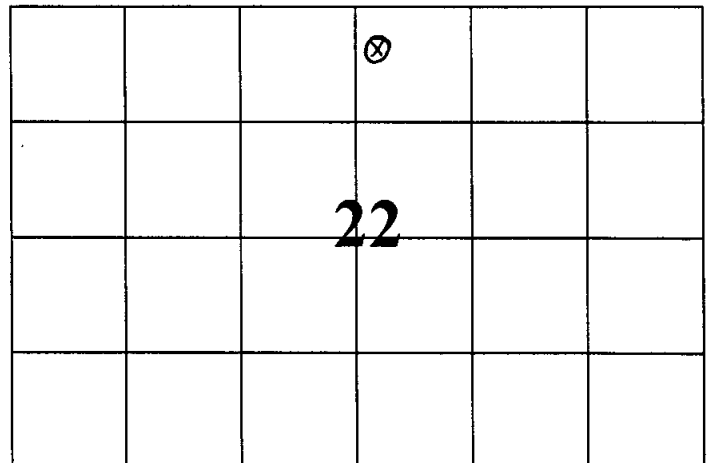
Depth of Well: **200 feet deep**

Well Driller: **Alexander Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Steven Quissell**



Reviewed and the Number Assigned on: **5-9-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
MAY - 9 2016
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 2486-2

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

INCREASE DIVERSION RATE 6 gpm ABOVE THE 5 gpm
PERMITTED UNDER 2486-2 (TOTAL 11 gpm)

1. Name to Appear on Water Permit CAMP BOB MARSHALL
Mailing Address 25007 CAMP BOB MARSHALL CUSTER 57730
(Address) (City) (State) (Zip Code)

Phone 605-673-2730 Mobile _____ Email CAMPBOB2@GOLDENWEST.NET

2. Amount of water claimed 0.025 *CFS or 11 **GPM and ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply 2011 WELL

4. Location of point of diversion NW 1/4 NE 1/4 S22 T3S R5E County CUSTER
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R33W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? NE 1/4 NW 1/4 S NW 1/4 NE 1/4 S22 T3S R5E
(example - NW 1/4 section 12-T104N-R33W)

5. County or counties where water will be used CUSTER

6. Annual period during which water is to be used April 1 - Nov 1

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well supplies dining room, bath house, craft hall AND
A STAFF housing residence for 5 people.

I, X Theresa Dern President of Camp Ass.
Name of Person Title (if applicable)
WATER SYSTEM OPERATOR applicant, certify under

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 2753-2**

Date of first receipt of application May 9, 2016.

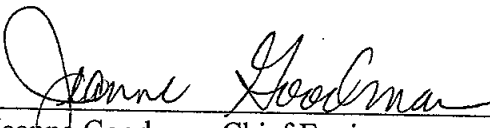
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2753-2 to Western Dakota Camp Association (Camp Bob Marshall), 23790 160th Ave, Caputa SD 57725 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2753-2 appropriates an additional 6 gallons per minute (gpm) [0.013 cubic feet of water per second] to what is authorized by Water Permit No. 2486-2 and corrects the well location to the NW 1/4 NE 1/4 Section 22, T3S-R5E. Water Permit No. 2486-2 appropriates 5 gpm from one well completed into the Precambrian aged Crystalline Rock (200 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for institutional use of water at locations in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 22; all in T3S-R5E. This notice clarifies the well is actually in the NW 1/4 NE 1/4 Section 22-T3S-R5E. This permit and Water Permit No. 2486-2 authorizes a total diversion of 11 gpm (0.025 cfs) from the existing well.
2. The water appropriated shall be used for the purpose of institutional use 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 1.
4. The date of approval of Permit No. 2753-2 is August 1, 2016.
5. The dates from which applicant may claim right are May 9, 2016 (0.013 cfs) and August 13, 2002 (0.012 cfs).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

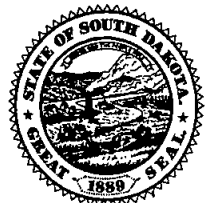
QUALIFICATIONS

1. The well approved under Water Permit No. 2753-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Western Dakota Camp Association shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian aged Crystalline Rock well.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 03 2016
date



Supplemental Information

(type or print)

1. Well Information

 (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by ALEXANDER DRILLING
(on file w/ DENR)

For either Existing or Proposed Wells:

c) Well Depth (required) 200' Depth to Top of Water Bearing Material 45' Depth to Water from Surface 45'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2,060'
BHNF BISMARCK LAKE C.G.

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) SEPTIC/DRAIN FIELD 200 ft. away

b) System Capacity (gallons) _____ Year Constructed _____

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 (e.g. 3 to 1 is a typical slope)

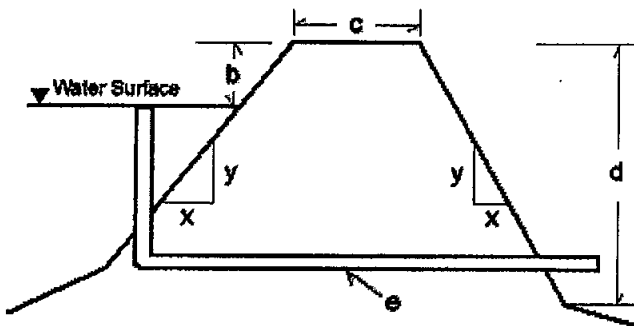
Upstream _____

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 5/9, 20 16

RECEIVED OF Western Dakota 4-H Camp 25007 Camp Bob Marshall Rd Custer SD 57730

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

Fee for Application for Permit No. <u>2753-2</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. _____		
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. **07841**

By *[Signature]*
Chief Engineer

From: Anderson, Tracy L -FS [mailto:tlanderson@fs.fed.us]

Sent: Thursday, July 28, 2016 12:25 PM

To: Witte, Lois - OGC; Rogers, Andrea E -FS; Reyher, Deanna -FS; Gronlund, Eric

Cc: Derr, Theresa; Pickford, David M -FS; Buehler, Meagan K -FS; Krueger, Jerome A -FS

Subject: Camp Bob Marshall Water Rights - Withdrawal

Hell all – I spoke with Theresa Derr, President of Western Dakota 4H Camp this morning. I explained to her the situation we have regarding the water rights issue we have out at Camp Bob Marshall. Theresa agreed she would take action to withdraw the application for increased water rights. Theresa understands the sensitivity of time to get this completed before Monday August 1, 2016. She told me she would call Eric Gronlund as well as send written documentation to the State with a copy to me. Once I receive her request to withdraw, I'll forward it on to you all.

I did reassure her the camp will still have water to operate and we will get the legal issues regarding water rights related to Camp Bob Marshall cleared up.

Thank you all for your prompt response in address this issue. Tracy



Tracy L Anderson
District Ranger

Forest Service
Black Hills National Forest, Hell Canyon Ranger District

p: 605-673-4853

f: 605-673-5461

tlanderson@fs.fed.us

330 Mt. Rushmore Rd

Custer, SD 57730

www.fs.fed.us



Caring for the land and serving people

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Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, July 29, 2016 2:12 PM
To: Mines, Ann; Goodman, Jeanne; Buhler, Ken
Cc: McMath, Genny; Schlaak, Karen
Subject: FW: Camp Bob Marshall Water Rights

Did not get a hold of Tracy Anderson with the USFS on Friday as she must be out of the office. I did call Theresa Derr with the Camp Association and she had talked with Ms. Anderson last night. Ms. Derr stated she explained our prior discussion and the best course of action is the let the application proceed through the public notice process and then transfer to the US Govt. According to Ms. Derr, the USFS is 100% in agreement with that approach.

Karen/Genny – the date to intervene on this application is Monday, once the mail clears we should get the permit drafted and the license ready that will incorporate No. 2486-2 and 2753-2 so that will be done by the time this gets transferred

From: Gronlund, Eric
Sent: Friday, July 29, 2016 10:58 AM
To: 'Anderson, Tracy L -FS'
Subject: RE: Camp Bob Marshall Water Rights - Withdrawal

Ms. Anderson:

Left a voice mail but am not sure if you are in the office today.

Theresa Derr contacted me late Thursday afternoon regarding your call to her regarding withdrawing the application. I told her since our initial conversation, legal counsel for USFS (Ms. Witte) and DENR (Ms. Mines-Bailey) had spoken. It is my understanding that Ms. Witte represented USFS's desire to have the original permit for 5 gpm (Permit No. 2486-2) transferred to the US government's name and the \$50 transfer fee waived since "Camp Bob Marshall " was never a recognized entity capable of holding a permit. After consulting with DENR, Ms. Mines –Bailey sent an email to Ms. Witte that in summary states that if Forest Service desires to have the permit reflect the correct well location and rate of 11 gpm, it is our recommendation that you allow the proceedings on the current application take place and then Water Rights will transfer the water rights upon receipt of a written request from Western Dakota 4-H Camp Association. DENR will waive the transfer fee in this case. If the application is withdrawn and USFS wishes to retain the original water right for 5 gpm that can certainly be transferred. However if the USFS desire the water right to reflect the 11 gpm well capacity, you will need to reapply for the additional diversion rate. Since the application is already processed, it seems to be the most efficient course to proceed with the current application and transfer the water right to USFS as opposed to reapplying for the additional 6 gpm.

I conveyed to Ms. Derr that DENR was waiting for a response to how the USFS wants to proceed. Therefore I told her to hold off formally withdrawing the application until we find what course of action the USFS wants her to take. Ms. Derr indicated she is very willing to submit in writing that the Association is in agreement with the water rights being held by the US government. I indicated I would contact you regarding our discussion and said I would contact her again Friday.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

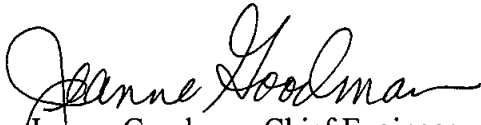
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2753-2, Camp Bob Marshall**

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. 2753-2, Camp Bob Marshall, c/o Theresa Derr, President, Western Dakota Camp Association, 23790 160th Avenue, Caputa SD 57725.

The Chief Engineer is recommending APPROVAL of Application No. 2753-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 2753-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Camp Bob Marshall shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian aged Crystalline Rock well.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 7, 2016

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2753-2
CAMP BOB MARSHALL
MAY 31, 2016**

Water Permit Application No. 2753-2 proposes to appropriate water from the Precambrian age Crystalline Rock aquifer at a maximum diversion rate of six gallons per minute (gpm) [0.013 cubic feet of water per second]. This application also proposes to correct the legal location of the well authorized by Water Permit No. 2486-2. This application was filed as a consequence of an inspection of works for Water Permit No. 2486-2 that was conducted by DENR-Water Rights' staff. Water Permit No. 2486-2, approved November 18, 2002, authorized a maximum diversion rate of five gpm from a well completed into the Precambrian age Crystalline Rock aquifer, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T3S-R5E. The inspection identified works consisting of a pump capable of delivering 11 gpm installed in a well located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T3S-R5E. Water Permit No. 2753-2, if approved and Water Permit No. 2486-2 will authorize a total diversion of 11 gpm from the existing well for institutional use.

AQUIFER: PRECAMBRIAN AGE CRYSTALLINE ROCK (CRSL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The water well completion report submitted with this application indicates work was done on the well in 1990 to deepen it from a total depth of 165 feet to its current total depth of 260 feet. The driller reported encountering gray and black schist while distinguishing between hard and fractured schist. The completion report indicates the well was capable of producing 60 gpm when pumped with air.

This well site is located in an area of fairly complex Precambrian geology. In general, Harney Peak Granite has been intruded into a Banded iron-formation and into a Sillimanite and andalusite schist (Redden and others, 2001). Sills and dikes of metagabbro have been mapped a short distance from this well site and isolated sills and dikes of Harney Peak Granite occur within the schist in this area (Redden and others, 2001). The rock types present are all crystalline and make up what can be considered a single hydrologic unit. The crystalline rocks themselves are relatively impermeable, and 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. The rock is fractured with multiple strike and dips of the fractures in this area.

The aquifer (Crystalline rock), which outcrops throughout this area, is under unconfined conditions, and the static water level of wells in this area are expected to be about the same elevation as Bismarck Lake and Stockade Lake.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, although the aquifer is older or lower than the Greenhorn Formation a water distribution system is not involved therefore the withdrawal versus recharge issue must be addressed.

This application proposes to authorize an existing diversion, identified during an inspection of works for Water Permit. No. 2486-2. The inspection identified a diversion rate that was 6 gpm (0.013 cfs) higher than the rate authorized by the permit.

Water Permit Application No. 2753-2 proposes to authorize the current diversion rate capacity of this well (i.e. 0.013 cfs more than is permitted), for a period of annual use limited to April 1 through November 1. Assuming a diversion rate of 0.013 cfs, and diversions 60% of the continuous pumping, a very liberal water usage estimate for this appropriation over the 214 day annual use period would be 3.3 acre-feet of water.

The Crystalline Rock aquifer is not a regional aquifer, in the fact that groundwater is available for wells in localized aquifers, especially where extensive fractures or weathered zones are present. Recharge to the aquifer occurs through infiltration of precipitation on the outcrop, and in this area, seepage from area streams and likely from Stockade Lake and Bismark Lake when surface water levels are higher than adjacent groundwater levels. Average annual recharge has not been quantified for the localized aquifer that contains this existing well. Although discharge from the Crystalline Rock aquifer in this area occurs through well withdrawals and seepage to area streams and lakes, discharge is primarily through evapotranspiration and lake evaporation. Driscoll and Carter (2001) report: “In the Black Hills area, where potential evaporation generally exceeds precipitation, most water is eventually returned to the atmosphere through evapotranspiration (ET)”. Bismark Lake and Stockade Lake are both located within one mile of the well that is to be used for this appropriation and are presumably within the same localized aquifer. Average annual lake evaporation in this area is estimated to be approximately 41 inches per year (Spuhler and others, 1971). Since the surface area of Bismark Lake is approximately 23 acres and Stockade Lake has a surface area of approximately 129 acres, evaporation losses from the two lakes averages approximately 519 acre-feet per year. Clearly, the amount of water that would be diverted if this permit is approved (3.3 acre-feet annually) is a fraction of the natural

discharge from this aquifer. Therefore, water is available for capture, and unappropriated water is available for this appropriation.

The DENR-Water Rights Program monitors two observation wells completed into the Precambrian aged Crystalline Rock aquifer. Observation well CU-86A is located approximately four miles west of the well this application proposes to use. The observation well may or may not be located in the same localized aquifer as the well this application proposes to use, however hydrologic conditions at the two well sites should be similar. A hydrograph for the observation well is shown in Figure 1.

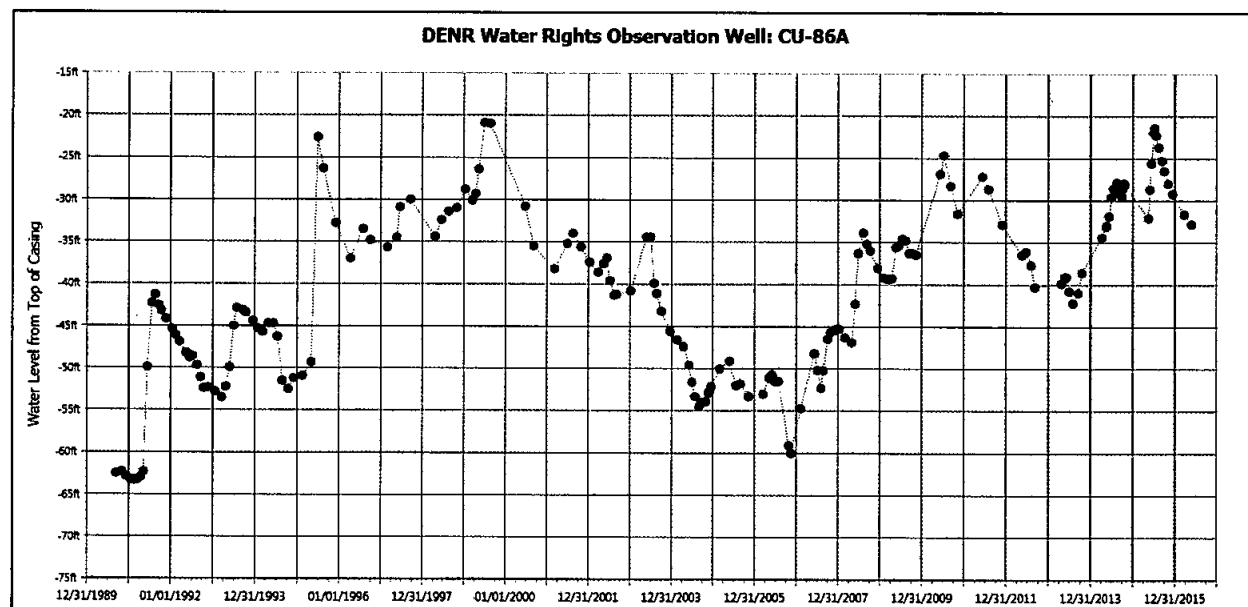


Figure 1. Hydrograph of DENR-Water Rights' observation well completed into the Crystalline Rock aquifer approximately four miles west of the well that is to be used for this appropriation (Water Rights, 2016a).

Water level data from the observation well identifies fluctuations of over 40 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. In general, the temporal effects of pumping are masked by climatic conditions indicating that recharge to, and natural discharge from the Precambrian Crystalline Rock aquifer greatly exceeds well withdrawals and additional water is available for well withdrawals to capture. Therefore, this proposed appropriation is not expected to cause withdrawals to exceed recharge in the crystalline rock aquifer in the area of the well site.

IMPAIRMENT OF EXISTING RIGHTS:

The nearest well supplying a water right (No. 1967-2, Outlaw Ranch) is located over one half mile northwest of the well that is to be used to supply this appropriation (Water Rights, 2016b). Considering the distance between wells, the small diversion rate (6 gpm), and the fact that there has not been controversy over this existing water use, it is likely this appropriation can be approved without adversely impacting existing rights.

CONCLUSIONS:

1. This application proposes to authorize an existing diversion. If approved, this permit will authorize a maximum diversion rate of 6 gallons per minute.
2. Water Right No. 2486-2 currently authorizes a maximum diversion rate of 5 gallons per minute from the existing well Application No. 2753-2 proposes as a water source.
3. If Water Permit No. 2753-2 is approved and Water Right No. 2486-2 will authorize a maximum combined diversion rate from this existing well of 11 gallons per minute (0.025 cfs).
4. This permit application also proposes to authorize the current location of the existing well (i.e. NW¼NE¼ Sec. 22, T3S-R5E)
5. Precambrian aged crystalline rock is a viable aquifer in this area.
6. Observation well data indicates that there is a reasonable probability that withdrawals will not exceed recharge.
7. There is a reasonable probability that any possible well interference due to the proposed diversion will not unlawfully impair existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Driscoll, D.G., and Carter, J.M., 2001, Hydrologic Conditions and Budgets for the Black Hills of South Dakota Through Water Year 1998: U.S. Geological Survey Water-Resources Report 01-4226, 143 p.
- Redden, J.A., Nonnast, D, and Siren, D., 2001, Geologic Map of Custer Quadrangle, South Dakota: S.D. DENR-Geological Survey Program 7.5 Minute Series Geologic Quadrangle Map 4, scale 1:24,000
- Spuhler, W., Lytle, W.F., and Moe, D, 1971, Climate of South Dakota: South Dakota State University Bulletin 582, pg. 29
- Water Rights, 2016a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights, 2016b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

RECEIVED

JUL 28 2016

WATER RIGHTS PROGRAM

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

Camp Bob Marshall
Notice 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 one successive week(s), on which said newspaper was regularly published, to wit:

July 20, 2016, _____;

_____, _____;

_____, _____;

_____, _____;

_____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 28.02.

Charles W. Najacht

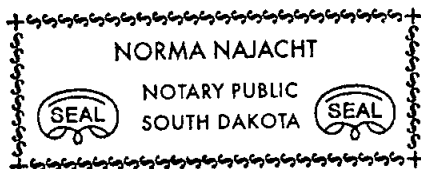
Subscribed and sworn to me before this 20th

of July, 20 16;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2018



NOTICE OF APPLICATION

NO. 2753-2 TO APPROPRIATE WATER

Notice is given that Camp Bob Marshall, 25007 Camp Bob Marshall, Custer SD 57730 has filed an application for a water permit to appropriate an additional 6 gallons per minute (gpm) [0.013 cubic feet of water per second] to what is authorized by Water Permit No. 2486-2 and correct the well location to the NW 1/4 NE 1/4 Section 22, T3S-R5E. Water Permit No. 2486-2 appropriates 5 gpm from one well completed into the Precambrian aged Crystalline Rock (200 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for institutional use of water at locations in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 22; all in T3S-R5E. This notice clarifies the well is actually in the NW 1/4 NE 1/4 Section 22-T3S-R5E. This application, if approved and Water Permit No. 2486-2 will authorize a total diversion of 11 gpm (0.025 cfs) from the existing well for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2753-2 with qualifications 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 with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 August 1, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$28.02.

Affidavit of Publication

RECEIVED

JUL 22 2016

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

July 20
L21001182

NOTICE OF APPLICATION

NO. 2753-2 to Appropriate Water

Notice is given that Camp Bob Marshall, 25007 Camp Bob Marshall, Custer SD 57730 has filed an application for a water permit to appropriate an additional 6 gallons per minute (gpm) [0.013 cubic feet of water per second] to what is authorized by Water Permit No. 2486-2 and correct the well location to the NW 1/4 NE 1/4 Section 22, T35-R5E. Water Permit No. 2486-2 appropriates 5 gpm from one well completed into the Precambrian aged Crystalline Rock (200 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for institutional use of water at locations in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 22; all in T35-R5E. This notice clarifies the well is actually in the NW 1/4 NE 1/4 Section 22-T35-R5E.

This application, if approved and Water Permit No. 2486-2 will authorize a total diversion of 11 gpm (0.025 cfs) from the existing well for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2753-2 with qualifications 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 with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Granlund for this information, or other information, at the Water Rights Program address provided below.

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 August 1, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

/s/ Steven M. Pirner,
Secretary,
Department of Environment and
Natural Resources.

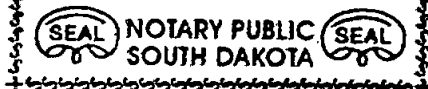
(Published once at the total approximate cost of \$68.54).

Brandyn Crawford being first duly sworn, upon his/her oath says:
That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week for one successive week, the first publication there of being on the 20th day of July that the fees charged for the publication there of are 68 dollars and 54 cents.

Brandyn Crawford
Subscribed and sworn to before me this 20th
day of July, 2016.

Notary public

DUSTIN RICE



My commission expires

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 11, 2016 8:41 AM
To: custerchronicle@gwtc.net
Subject: 2753-2, Camp Bob Marshall
Attachments: 2753-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on July 20, 2016.

Camp Bob Marshall, c/o Theresa Derr, 23790 160th Ave, Caputa SD 57725 has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 11, 2016 8:40 AM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: 2753-2, Camp Bob Marshall
Attachments: 2753-2publicnov2015.short1.docx; FORM8.FRM.doc

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Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

June 8, 2016

Camp Bob Marshall
25007 Camp Bob Marshall
Custer SD 57730

Dear Sir:

Water Permit Application No. 2753-2 for institutional use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Custer County Chronicle printed at Custer SD (Ph # 605-673-2217) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

cc: Theresa Derr, President, Western Dakota Camp Assn, 23790 160th Ave, Caputa SD 57725

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.

NOTICE OF APPLICATION NO. 2753-2 to Appropriate Water

Notice is given that Camp Bob Marshall, 25007 Camp Bob Marshall, Custer SD 57730 has filed an application for a water permit to appropriate an additional 6 gallons per minute (gpm) [0.013 cubic feet of water per second] to what is authorized by Water Permit No. 2486-2 and correct the well location to the NW 1/4 NE 1/4 Section 22, T3S-R5E. Water Permit No. 2486-2 appropriates 5 gpm from one well completed into the Precambrian aged Crystalline Rock (200 feet deep) to be located in the NE 1/4 NW 1/4 Section 22 for institutional use of water at locations in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 22; all in T3S-R5E. This notice clarifies the well is actually in the NW 1/4 NE 1/4 Section 22-T3S-R5E. This application, if approved and Water Permit No. 2486-2 will authorize a total diversion of 11 gpm (0.025 cfs) from the existing well for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2753-2 with qualifications 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 with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 August 1, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2486-2

I have this day, April 6, 2016, made a thorough examination of the water use system constructed by Camp Bob Marshall, 25007 Camp Bob Marshall Rd, Custer, SD 57730 of Permit No. 2486-2, bearing the priority of 8/13/2002 authorizing the diversion of 0.013 cu. ft. per second of the water from one well for Institutional purposes, in Custer County.

Inspection contact & relationship to permit holder, if applicable: **Gary Holst, Water System Operator**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (2011)
- 2) No. of Wells 1
- 3) Depth(s) 200 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6" 0 – 45 ft. 4.5" 45 ft – 200 ft.
- 2) Length 200 feet
- 3) Type PVC

Screen:

- 1) Type perforated pvc
- 2) Length 16 feet
- 3) Static water level 45 feet

Pump:

- 1) Make Grundfos
- 2) Model 10S05
- 3) Size 4"
- 4) Capacity 11 GPM (metered flow 4/6/16)
- 5) Horsepower rating 1/2 hp

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

A 1" PE line delivers water from the well to the concrete storage tanks on the ridge above camp.

The camp is supplied by gravity flow from two below ground concrete storage reservoirs measuring 10'x10'x10' with storage capacity of approximately 6,700 gallons each.

C. Works used to apply water to beneficial use:

Water is supplied to the dining room, bath house, craft hall and a residence for staff housing 5 people.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by : see below
- 2) Exceptions to compliance are: Current well capacity is 6 gpm more than permitted.

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
NW ¼ NE ¼ S 22, T3S, R5E (464 ft. south and 2,344 ft. west of the NE corner),
N 43.780329° W 103.507471°
2. The works are capable of diverting and conveying to the place of use 0.025 cu. ft. per second (11 gpm) of water which is to be used for **institutional** use and the license should be issued for 0.025 cfs.
3. All structures, wells and lands on map – **Well and storage only**

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

The original well for the camp (completion date unknown) and a 165 ft. well drilled in 1986 and later deepened to 250' in 1990 were both plugged in 2011 by Alexander drilling after successful completion of the present well drilled in 2011.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 4/22/2016

Permit No. 2735-2, with a priority date of May 9, 2016 was approved August 1, 2016 for an additional 0.012 cfs. This permit and No. 2486-2 authorize a total diversion of 11 gpm (0.025 cfs) from the existing well and will be incorporated in No. 2735-2.



Camp Bob Marshall well completed in 2011

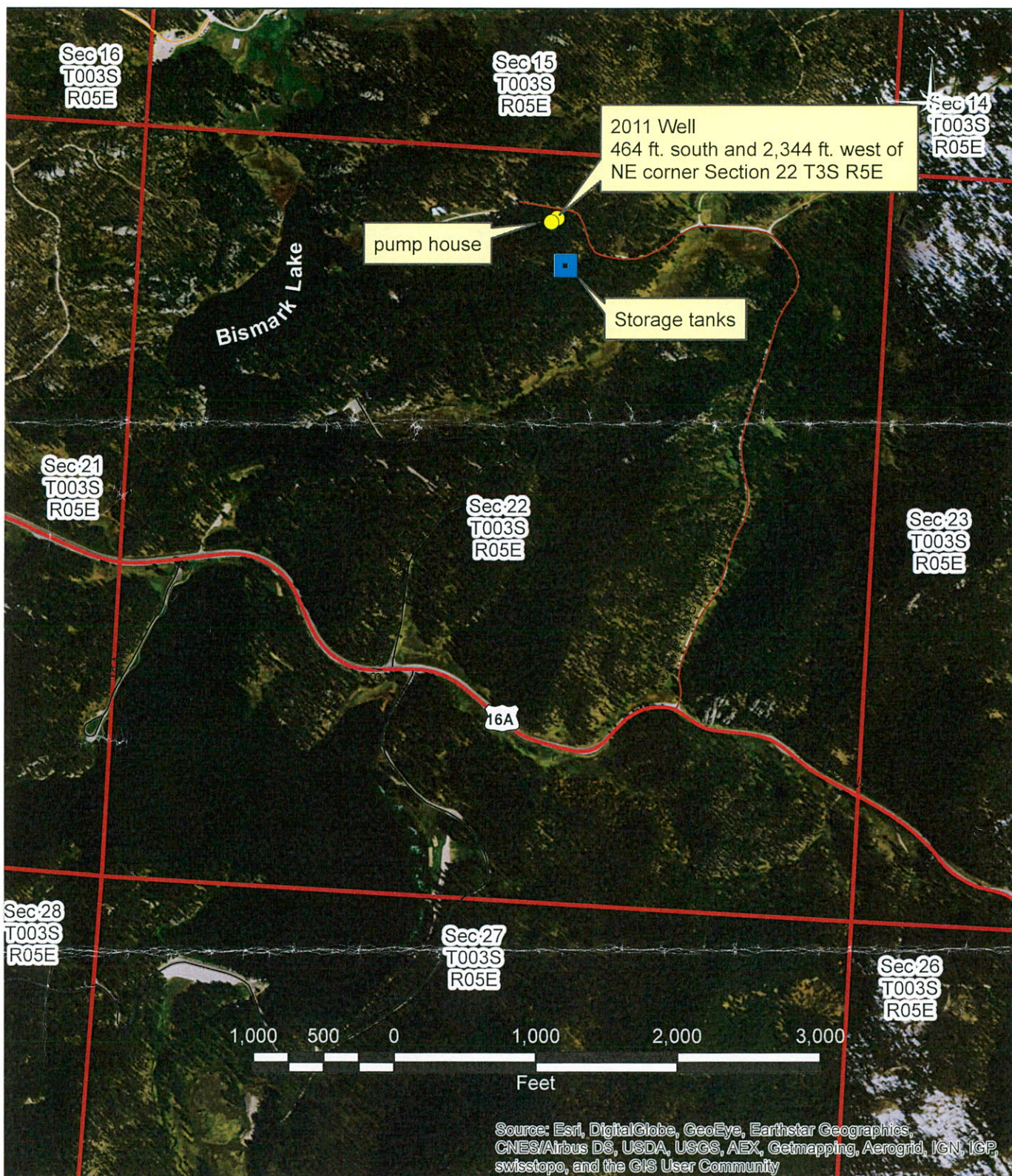


Well house



Storage Tanks

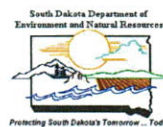
Camp Bob Marshall
4/6/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
WENR Water Rights Program

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MAY - 9 2016
WATER RIGHTS
PROGRAM



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2753-2

(1) Western Dakota Camp Association (Camp Bob Marshall) 23790 160th Ave, Caputa SD 57725 made Application No. 2753-2, May 9, 2016 for a water permit to divert an additional 0.013 cubic feet of water per second (cfs) from one well-Precambrian aged Crystalline Rock Aquifer, Custer County, South Dakota for institutional purposes. Permit No. 2753-2, with a priority date of May 9, 2016 was approved August 1, 2016 and issued to the applicant for diversion of water and for the application to beneficial use of water completed.

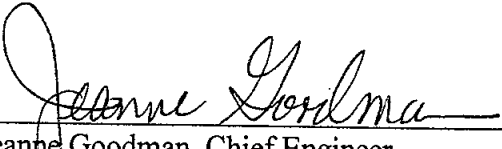
Water Permit No. 2486-2, with a priority date of August 13, 2002 authorizes 0.012 cfs from one well. The applicable portions of No. 2486-2 are incorporated into No. 2753-2.

(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 Incorporated Water Right No. 2753-2 is issued a license, bearing priority dates of August 13, 2002 (0.012 cfs) and May 9, 2016 (0.013 cfs) to appropriate 0.025 cfs (11 gallons per minute) from one well-Precambrian aged Crystalline Rock Aquifer for institutional use purposes.

The diversion point is located: 464 feet south and 2,344 feet west of the NE corner of Section 22-T3S-R5E (NW 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2753-2 including the following qualifications:

- The well approved under Water Permit No. 2753-2 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.
- Western Dakota Camp Association shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian aged Crystalline Rock well.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 03 2016
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 03 2016

2753-2

Western Dakota Camp Association
c/o Theresa Derr
23790 160th Ave
Caputa SD 57725

Dear Ms. Derr:

Enclosed is Water License No. 2753-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

It is our understanding that this water right will be transferred to the United States Government. The transfer of ownership cannot occur until DENR receives in writing from the Association their agreement to the transfer of the water right.

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. 2753-2, 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

Note: The applicable portions of No. 2486-2 are incorporated into Water License No. 2753-2.

enclosures



United States
Department of
Agriculture

Forest
Service

Black Hills National Forest

1019 North 5th Street
Custer, SD 57730
605-673-9200
Fax: 605-673-9350

2753-2

File Code: 2540
Date: April 30, 2018

RECEIVED
MAY 02 2018
WATER RIGHTS
PROGRAM

JEANNE GOODMAN
CHIEF ENGINEER
SOUTH DAKOTA DEPT OF ENVIRONMENT & NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3182

Dear Ms. Goodman:

Per past emails and official communication with your office and the United States Government, we are indicating our agreement and request of a transfer of Water Right 2753-2. Attached is the South Dakota form, "Notice of Transfer of Ownership" with the details for the transfer.

In addition to the owner address for the United States of America identified on the form, we request that any correspondence regarding Water Right 2753-2 be sent to:

Black Hills National Forest
Attn: District Ranger, Hell Canyon District
1019 North 5th Street
Custer, SD 57730

Per electronic correspondence from Eric Gronlund, of your office, to Tracy Anderson, District Ranger, Hell Canyon District, Black Hills National Forest (dated August 5, 2016) he specified that DENR would waive the \$50 transfer fee for this water right. If you have any questions, please contact District Ranger Tracy Anderson at (605) 673-9301.

Sincerely,

MARK E. VAN EVERY
Forest Supervisor

Enclosure: Notice of Transfer of Ownership

cc: Tracy Anderson, Brian Jackson; Ashley Ross



RECEIVED

MAY 02 2018

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2753-2

Date: _____

I/We request that Water Right/Permit No. 2753-2 formerly owned by:
Western Dakota Camp Association (Camp Bob Marshall) be transferred to:

New Owner Name: United States of America - Black Hills National Forest

Address: 1617 Cole Blvd., Building 17

City, State, Zip Lakewood CO 80401-3305 Telephone No. 303-275-5096

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

Point of diversion: NW 1/4, NE 1/4, Sec. 22, T3S, R5E

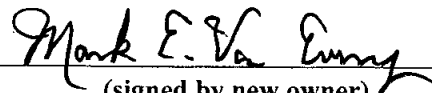
Water used in: NE1/4 NW1/4 and NW 1/4 NE 1/4, Sec. 22, T3S, R5E

☒ I understand that the validity of Water Right/Permit No. 2753-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, United States of America, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 9, 2018

2753-2

Tracy Anderson, District Ranger
Hell Canyon District
Black Hills National Forest
1019 N 5th St
Custer SD 57730

Dear Mr. or Ms. Anderson:

I am writing to acknowledge receipt of the "*Notice of Transfer of Ownership*" form submitted to change ownership of Water Right No. 2753-2.

The ownership change has been completed. The water right formerly held by Western Dakota Camp Association (Camp Bob Marshall) is now listed in the name of "**United States of America – Black Hills National Forest**". As requested in the letter which accompanied the ownership change, all correspondence concerning the water right will be directed to your Custer office.

For informational purposes, Water Right No. 2753-2 contains a qualification requiring annual reporting of the amount of water withdrawn from the well (see enclosed water license). Please maintain the appropriate records. A letter is sent from our office after the 1st of each year requesting water use for the prior year.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosure