

WATER PERMIT NO. 2764-2

Name of Applicant: Vicki L Bartz

Address: 5870 Lost Valley St, Las Vegas NV 89113 Phone: 702 858-4087

Amount of Water Claimed: 0.067 cfs Total Acres: NA

Source of Water Supply: groundwater (1 existing well)

Water to be used for: commercial use County: Custer

Type of Waste Disposal System:

Location: 1 miles south of Custer

PRIORITY Date Received: 6-1-17 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: January 1 – December

Remarks:

Diversion Point: SW 1/4 SW 1/4 Sec 26-T3S-R4E

Land to be Irrigated: NA

Depth of Well: 145 feet deep

Well Driller: Alexander Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-1-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			26		
	⊗				

SD EForm - 1585LD V5

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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2764-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Custer County Chronicle</u> <u>Rapid City Journal</u>

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JUN - 1 2017

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. _____		

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

_____1. Name to Appear on Water Permit Vicki L. BartzMailing Address 5870 Lost Valley Street Las Vegas NV 89113
(Address) (City) (State) (Zip Code)Phone 702-858-4087 Mobile 702-858-4087 Email Grandmashouseinthewoods@gmail.com ref2. Amount of water claimed 0.067 *CFS or 30 **GPM and 0.31 AF ***AF or 100,000 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 one existing well4. Location of point of diversion SW1/4 SW1/4 Section 26 Township 3South Range 4East County Custer
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ NoIf "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Custer6. Annual period during which water is to be used January - December

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)

This will be a vacation rental at our home. Attached is the water well completion report, dated 11/18/1999.

I, Vicki L. Bartz, the applicant, certify under
Name of Person Title (if applicable)

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. 2764-2

Date of first receipt of application June 1, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2764-2 to Vicki L Bartz, 5870 Lost Valley Street, Las Vegas NV 89113 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. 2764-2 appropriates 0.067 cubic feet of water per second (0.31 acre-feet annually) from one well completed into the Precambrian aged Crystalline Rock (145 feet deep) located in the SW 1/4 SW 1/4 Section 26-T3S-R4E.
2. The water appropriated shall be used for the purpose of commercial 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: January 1- December 31.
4. The date of approval of Permit No. 2764-2 is August 21, 2017.
5. The date from which applicant may claim right is June 1, 2017.
6. One-fifth of the construction is to be completed on or before February 21, 2020.
7. All construction is to be completed on or before August 21, 2022.
8. Water is to be put to beneficial use on or before August 21, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2764-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian Aged Crystalline Rock.
3. Water Permit No. 2764-2 authorizes a total annual diversion of 0.31 acre feet of water.

WATER MANAGEMENT BOARD

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

AUG 29 2017
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, Inc.

For either Existing or Proposed Wells:

c) Well Depth (**required**) 145 ft Depth to Top of Water Bearing Material 30 ft Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property N/A Property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic Tank

b) System Capacity (gallons) 1,000.00 Year Constructed 1999

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions 570 Square Feet Depth ____

b) Depth to water (ground surface to water level) (see attached SD ltr from Kent Woodmansey)

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)

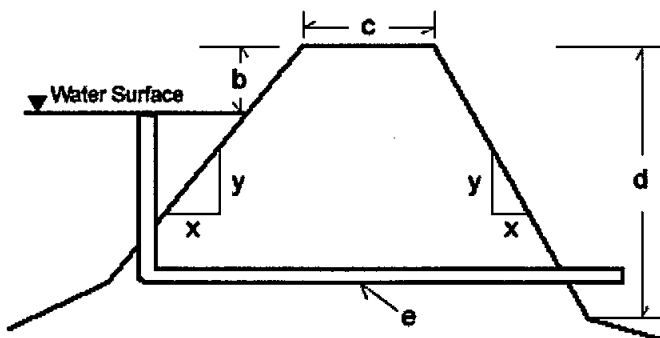
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



State Copy-
677-2295

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

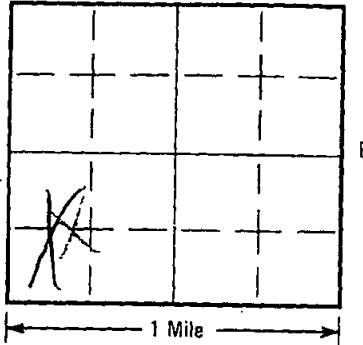
Location SW 1/4 Sec 26 Twp 35 Rg. 4E
County Custer North

Please mark well location with an "X"

Bench MARK
Lane S. Custer

Well Completion Date

7-19-99



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from new sewer (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 ☐ OtherIf other describe 30' - 160 PUC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	6 IN	0 FT	30 FT	8 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Pack 111	3	1475 lb./gal	4 ft	28 ft
		lb./gal	ft	ft

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ Manufactured None

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NOIf so, what material? Casing Set into Rock

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: Tyler Keyser

Business Name: RT #1

Address: Custer, S.D 57730

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	10
Schist grey m. Hd.	10	41
Schist BLK-grey m. Hd.	41	90
Schist Fracture zone Hd.	90	92
Schist grey Hd.	92	98
Schist Fracture Hd.	98	99
Schist grey Hd. - m. Hd.	99	120
Schist Fracture Hd. - m. Hd.	120	122
Schist grey m. Hd.	122	145

STATIC WATER LEVEL 30' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped w/AIR Describe: 30' gpm

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped

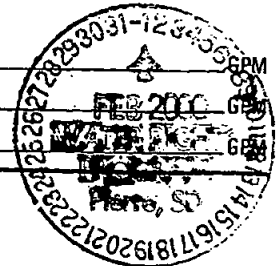
_____ ft. After _____ Hrs. pumped

If pump installed, pump rate

REMARKS

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WATER RIGHTS
PROGRAMThis well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling, Inc

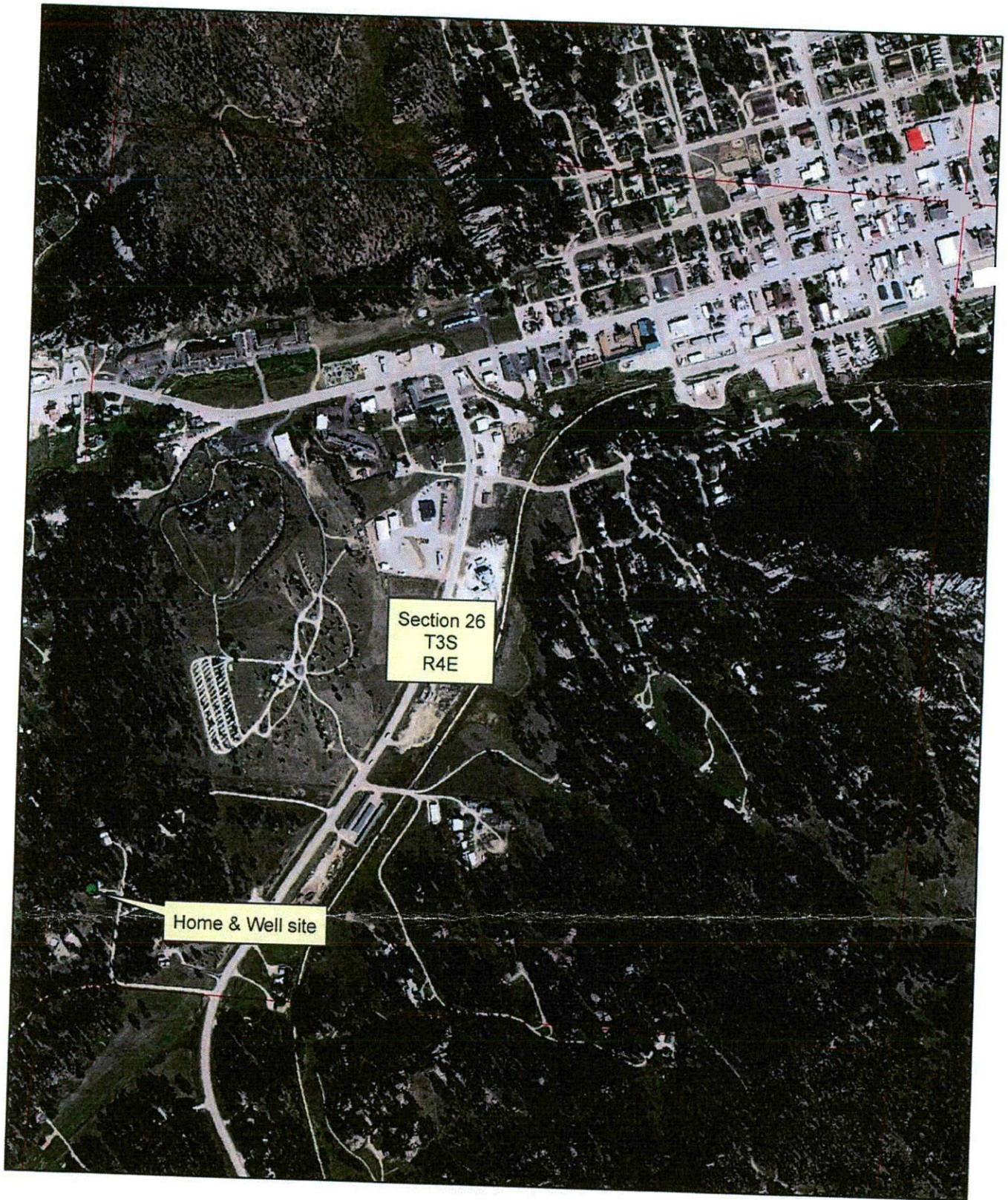
Signature of License Representative:

Boj Alexander

Signature of Well Owner or Equitable Property Holder:

X Tyler KeyserDate: 11-18-99

WATER PERMIT APPLICATION FOR VICKI BARTZ



1,000 500 0 1,000 Feet

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WATER

07-92

Well Owner: Carl Gola
Business Name: PO Box 805
Address: Custer SD 57730

Please mark well location with an "X"

Well Completion Date

6-8-98

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

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

AIR ROTARY

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>180</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>30</u> FT	<u>8 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
<u>II</u>	<u>5</u>	<u>14.5</u> lb./gal	<u>3</u> ft	<u>30</u> ft
		lb./gal	ft	ft

Describe grouting procedure *pumped cement down
tremie tube from bottom up*

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

If so, what material? Rubber

Describe packer(s) and location? Flashed Rubber 301H

Q YES, How: Charing Road

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

DEPTH

[illegible]

STATIC WATER LEVEL 52 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

☐ Pumped Describe: Blue with air
☐ Bailed _____
☒ Other _____

Pumping Level Below Land Surface

184 ft. After 4 Hrs. pumped 3 GPM

ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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**WATER RIGHTS
PROGRAM**

This well was drilled under license # 171

And this report is true and accurate.

Drilling firm Hamm Drilling

Signature of License Representative: _____

Davidus Herman

Signature of Well Owner or Equitable Property Holder:

Signatures of Non-Owner of Equine (Rider, Trainer, etc.):

Date: 6-19-98



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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WATER RIGHTS
PROGRAM

May 24, 2017

David Bartz
5870 Lost Valley Street
Las Vegas, NV 89113

RE: On-site wastewater system for a vacation rental located at 12217 Benchmark Lane, Custer, SD

Dear Mr. Bartz:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system that serves a home located in the Southwest ¼ Southwest ¼, Section 26, Township 3 South, Range 4 East, Custer County, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

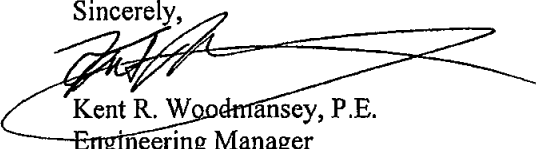
The following information was used in making the determination.

- Based on information provided by Custer County the present septic system was installed in 1999, has a 1,000 gallons septic tank, a percolation rate of 15 minutes per inch, and 570 square feet of drainfield. This would be sufficient for an anticipated maximum daily flow of 414 gallons per day.
- After checking with Custer County and our files we find no history of problems with the existing wastewater system.

Based on the information provided by Custer County we consider this wastewater system approved for a maximum daily flow of 414 gallons, until such time as the system is altered or fails. This would be sufficient for up to 7 persons per night staying at this vacation rental.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance.

Sincerely,



Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: Rex Harris, Custer County Planning
Bob Morrison, Custer Public Works Director
Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.

**MIDCONTINENT**

TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709
(605) 348-0111 -- www.thechemistrylab.com

Received: 05/22/17 at 03:00 PM
by Jennifer Hill
Account: 8500
Valued Customer...

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WATER RIGHTS
PROGRAM

VALUED CUSTOMER
2381 S. PLAZA DR.
RAPID CITY, SD 57702

DRINKING WATER REPORT

EPA #	SAMPLE SITE	SAMPLE POINT	SAMPLE DATE & TIME	TOTAL COLIFORM SM 9223 B (P/A)	E. COLI SM 9223 B (P/A)	NITRATE SM 4500-NO3 F	ANALYST	LAB NUMBER
	Bartz, Vicki _{1, 5}		05/22/17 01:47 PM	Absent	Absent	0.888 mg/L	JMH 05/22/17	20170522840

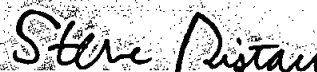
Key to Notes:

- 1. Bacteriologically safe for drinking or washing uncooked foods at the time of sampling.
- 5. Nitrate content not of concern.

Notes:

12217 Benchmark Ln. Custer SD 57730

REPORT APPROVED BY:

REPORT APPROVED DATE: 5/24/2017 2:11:53 PM

DATE PRINTED: 05/24/2017 03:07 PM

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WATER RIGHTS
PROGRAM

May 25, 2017

• • •

Vicki L. Bartz
Grandma's House in the Woods
5870 Lost Valley Street
Las Vegas, NV 89113

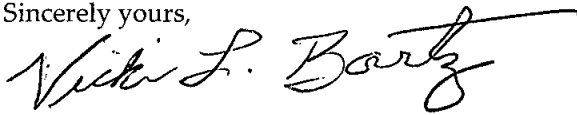
Department of Environmental and Natural Resources
Water Rights Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Dear Sir or Madam:

At enclosure 1 is my application to appropriate water for our vacation rental at 12217 Benchmark Lane in Custer, SD 57730. The map at enclosure 2 gives a good depiction of the home and well site, approximately 1 mile south of Custer. When the well was drilled in 1999, Tyler Keyser was the owner of the property (see Enclosure 3). The neighbor just to the north of the property is the Carl Gola property, which I have also included at Enclosure 4. I included Carl Gola's Well Completion Report because pinpointing the location in 1999 seemed less accurate than it should have been. At attachment 5 I've included Mr. Kent Woodmansey's letter referencing and approving the existing wastewater system for the property. The location mentioned in this letter is very accurate. At Attachment 6 I've included Mid-Continent's results from the water testing for bacteria and nitrates for record. The testing shows that the water is good for drinking with no contaminants.

My husband, David Bartz, is my co-manager for this property. He can answer any and all questions you may have, as well as myself. You may contact me via email at Grandmashouseinthewoods@gmail.com or 702-858-4087. I've also enclosed a check for \$300.

Sincerely yours,



Vicki L. Bartz
Personal Representative for the Phyllis D. Grey Estate
Grandma's House in the Woods

Enclosures:	1. Permit Application	4. Carl Gola Well Completion Report
	2. Location Map	5. Kent R. Woodmansey Letter
	3. Tyler Keyser Well Completion Report	6. Mid-Continent Lab Water Test Results
		7. Check for \$300

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/1, 20 17

RECEIVED OF Vicki Lynn Bartz 5870 Lost Valley St Las Vegas NE 80113

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

Fee for Application for Permit No. <u>2764-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2764-2</u>	200	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	300 00

No. **08255**

By Jessie Handman Self
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2764-2, Vicki Bartz**

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. 2764-2, Vicki Bartz, 5870 Lost Valley Street, Las Vegas NV 89113.

The Chief Engineer is recommending APPROVAL of Application No. 2764-2 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. 2764-2 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian Aged Crystalline Rock.
3. Water Permit No. 2764-2 authorizes a total annual diversion of 0.31 acre feet of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 1, 2017

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 2764-2

Vicki L. Bartz

July 24, 2017

Water Permit Application No. 2764-2 proposes to appropriate water at a maximum instantaneous diversion rate of 0.067 cubic feet per second (cfs) and a maximum annual appropriation of 0.31 acre-feet per year. The diversion point for this application is an existing well that is completed into the Precambrian aged Crystalline Rock aquifer at a depth of 145 feet and located in the SW ¼ SW ¼ Section 26 in T3S-R4E. This water will be used for commercial use in a vacation rental property located in the SW ¼ SW ¼ Section 26 in T3S-R4E in Custer County, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY

The water well completion report included with this application indicates that the well this application proposes to use was completed in 1999 (Water Rights, 2017b). The report identifies the geologic formations encountered were “drift” to a depth of 10 feet and then medium-hard to hard gray schist layers from a depth of 10 to 145 feet. The well is cased from 0 to 30 feet, with the remainder being completed as an open hole. Fractures in the crystalline rock were encountered at three different depths within this well. At the time of completion, the static water level was reported to be 30 feet below grade with the well producing approximately 30 gallons per minute when it was developed with air. The aquifer is under unconfined conditions in the area near this well.

The geology of the Custer area is complex with many structural features. The location of this application is situated on the limbs of an overturned anticline (Redden et al., 2001). The trend of this anticline is generally northwest-southeast, plunging towards the southeast. The limbs of the anticline dip towards the southwest at approximately 50 degrees. Redden et al. (2001) also mapped the locations of at least 10 pegmatites within the same quarter quarter section as this application. These pegmatites also trend in the northwest-southeast direction. There are also several mapped faults within one mile of the application, two that trend northwest-southeast, and one that trends northeast-southwest (Redden and DeWitt, 2008).

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.

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 within the aquifer.

WATER AVAILABILITY

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “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 than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is older or lower than the Greenhorn Formation, but a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

The Crystalline Rock aquifer is reliant upon secondary porosity from fractures, faults, and weathered zones within the rock. At distances away from the Black Hills, the Crystalline Rock does not exhibit the secondary porosity that is present in the uplifted Black Hills. Wells constructed into the Precambrian Crystalline Rock outside of the Black Hills have not encountered measureable amounts of groundwater (Driscoll and Carter, 2001). As the aquifer is not continuous across the geologic unit, the aquifer can be considered a localized aquifer.

There are no estimates for the average annual withdrawal or recharge from this local aquifer. Driscoll and Carter (2001) estimated that the average total recharge from precipitation to the entirety of the Crystalline Core of the Black Hills, which includes units of Precambrian and Tertiary ages, in addition to other minor units, is 3,600 acre-feet per year. They also made the estimation that the recharge to the localized aquifer was equal to the well withdrawals in the localized aquifer. These estimates do not take into account the losses due to evapotranspiration or contributions to/from streams.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program currently monitors two observation wells completed in the Crystalline Rock aquifer in the Black Hills (Water Rights, 2017c). The nearest observation well is CU-86A, located approximately 1.8 miles to the northeast of the well location (Figure 2). This observation well is not located in the same localized aquifer as it is located on the opposite side of the Grand Junction fault, however, the hydrologic conditions should be similar between the two well sites and CU-86A should be representative of the aquifer. The hydrograph for observation well CU-86A is shown below.

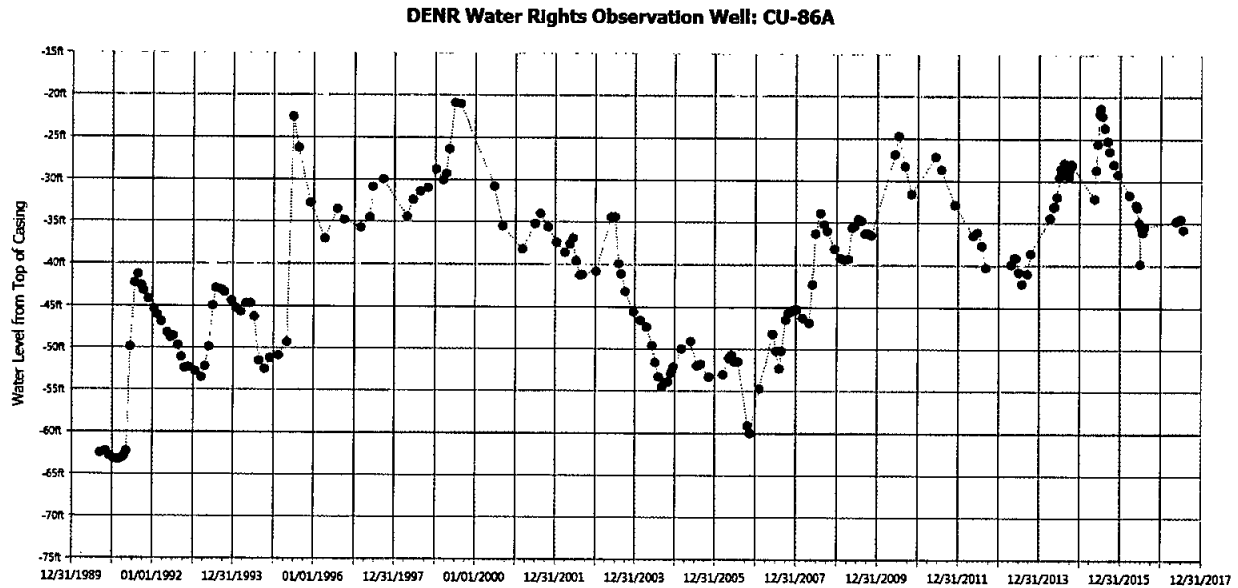


Figure 1: Hydrograph for Observation Well CU-86A (Water Rights, 2017c)

The hydrograph for CU-86A shows that the aquifer responds well to climatic conditions, rising during wet periods and declining during dry periods. Since 1989, the observed range of fluctuation at this observation well has been less than 45 feet between the maximum and minimum recorded value. When climatic conditions have a dominant effect on the aquifer, the volume of natural recharge to the aquifer and natural discharge from the aquifer greatly exceeds well withdrawal, so water is available for capture from natural discharge. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Crystalline Rock aquifer.

EXISTING WATER RIGHTS

There are currently seven existing water rights/permits within one mile of the applicant's location. Six of these are for the City of Custer, of which three withdraw water from the Crystalline Rock aquifer and three are for surface water. Water Rights 2143-2, 2144-2, and 2145-2 are licensed to appropriate water at a total diversion rate of 1.36 cfs from the Crystalline Rock aquifer. The other existing groundwater right/permit is Water Right 1937-2 for Gray Rocks Resort and is licensed to use 0.05 cfs from two wells completed in the Crystalline Rock aquifer. The surface water rights/permits within the one mile radius are for the City of Custer and consist of Water Right 257-2 for 0.23 cfs from French Creek, Water Right 298-2 for the storage of 30 acre-ft behind West Dam in Gates Park on French Creek, and Water Permit 2751-2 for an additional 47.5 acre-ft of storage behind West Dam.

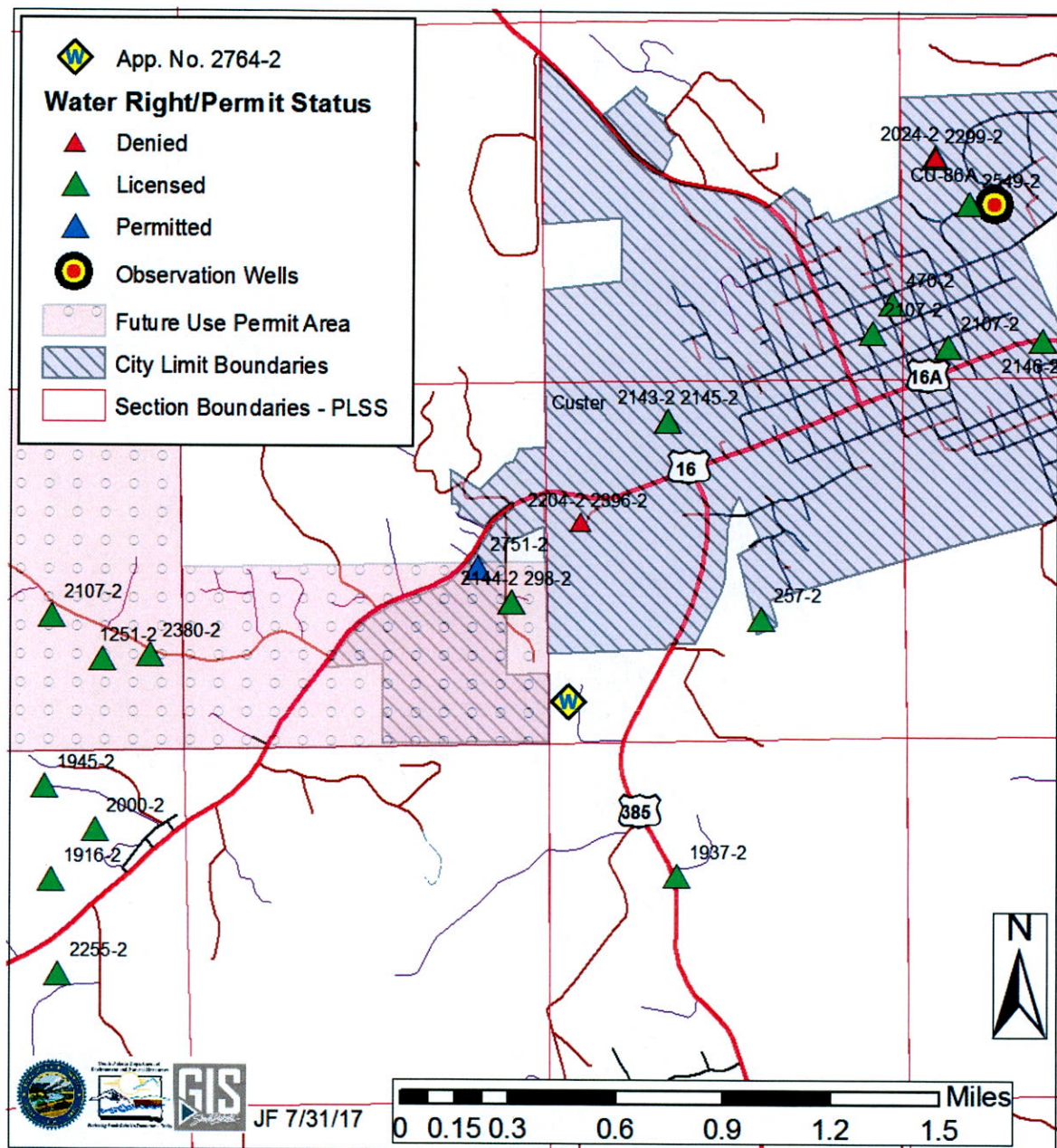


Figure 2: Map showing water rights/permits and observation wells in a portion of the Crystalline Rock aquifer (Water Rights, 2017a and 2017c)

The City of Custer has reserved the future use of 434 acre-ft of water per year from groundwater through Future Use permit 1407-2. The area that this future use permit applies to is the city well field, and is located in the S $\frac{1}{2}$ of Section 27 and Section 28, both in T003S R04E. The applicant's property is located immediately to the east of the portion in the S $\frac{1}{2}$ of Section 27 T003S R04E.

Water permits 2204-2 and 2396-2 were applied for by Flintstone Bedrock City and were located within city limits of Custer, approximately $\frac{1}{2}$ mile north of the applicant's location. Both applications were contested and subsequently denied for not being in the public interest.

Application 2204-2 was for the irrigation of 4 acres and requested a diversion rate of 20 gallons per minute (0.045 cfs) from a 143 foot deep well. Application 2396-2 was essentially the same as 2204-2, using the same well and requesting the same diversion rate.

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 Rock aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measureable interference (drawdown), from a competing well is an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 45' at the Water Rights' Observation well, well interference of a few feet could be considered insignificant.

The use of water from this well for domestic purposes has been occurring since the time the well was completed in 1999, and there have been no complaints regarding impairment of existing water rights or adequate wells. Given the distance between wells in this unconfined aquifer and the low diversion rate for the intended use, this proposed appropriation is unlikely to cause any adverse impacts to the adequate wells of domestic users and existing water rights.

CONCLUSIONS

1. This application proposes to appropriate water from an existing well (145 feet deep) completed in the Crystalline Rock aquifer.
2. There is a reasonable probability that unappropriated water is available from the Crystalline Rock aquifer to supply the 0.31 acre-ft per year at a maximum diversion rate of 0.067 cubic feet per second.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells as defined by ARSD 74:02:04:20(6) for existing water rights and domestic use.



John Farmer
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. Water-Resources Investigations Report 01-4226. U.S. Geological Survey.
- Redden, J.A., Nonnast, D., and Siren, D., 2001. Geologic Map of the Custer Quadrangle, South Dakota. SD DENR-Geological Survey Program 7.5 Minute Series Geologic Quadrangle Map 4.
- Redden, J.A., and DeWitt, E., 2008. Maps Showing Geology, Structure, and Geophysics of the Central Black Hills, South Dakota. Scientific Investigations Map 2777. U.S. Geological Survey.
- Water Rights. 2017a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c. Observation Well Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Aug 9 L21053427
NOTICE OF APPLICATION NO.
2764-2 to Appropriate Water
Notice is given that Vicki L. Bartz, 5870 Lost Valley Street, Las Vegas NV 89113 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (0.31acre-feet annually) from one well completed into the Precambrian aged Crystalline Rock (145 feet deep) located in the SW 1/4 SW 1/4 Section 26-T3S-R4E for commercial use.
Pursuant to SDCL 46-2A-2, the

Chief Engineer recommends APPROVAL of Application No. 2764-2 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 21, 2017.

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 \$57.12)

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

AUG 23 2017

WATER RIGHTS
PROGRAM

Tracey Kennedy 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 day for one successive day, the first publication there of being on the 9th day of August that the fees charged for the publication there of are 57 dollars and 12 cents.

Tracey Kennedy

Subscribed and sworn to before me this 9th
day of August, 2017.

Dustin Rice

Notary public

DUSTIN RICE



NOTARY PUBLIC
SOUTH DAKOTA



7/1/20
My commission expires

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

Notice of Application

No. 2764-2

Vicki L. Bartz

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:

Aug 9, 2017; _____;

_____; _____;

_____; _____;

_____; _____;

_____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 23.94.

Charles W. Najacht

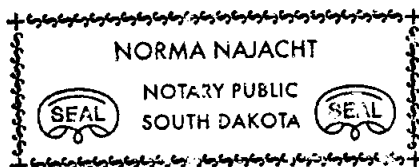
Subscribed and sworn to me before this 9th

of August, 20 17;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2018



NOTICE OF APPLICATION

NO. 2764-2 TO
APPROPRIATE WATER

Notice is given that Vicki L. Bartz, 5870 Lost Valley Street, Las Vegas NV 89113 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (0.31 acre-feet annually) from one well completed into the Precambrian aged Crystalline Rock (145 feet deep) located in the SW 1/4 SW 1/4 Section 26-T3S-R4E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2764-2 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 21, 2017.

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 \$23.94.

RECEIVED

AUG 14 2017

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 02, 2017 9:38 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2764-2, Vicki L Bartz
Attachments: 2764-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 9, 2017.

Vicki L Bartz, 5870 Lost Valley St, Las Vegas NV 89113 (702 858-4087) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 02, 2017 9:37 AM
To: custerchronicle@gwtc.net
Subject: 2764-2, Vicki L Bartz
Attachments: 2764-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 9, 2017.

Vicki L Bartz, 5870 Lost Valley St, Las Vegas NV 89113 (702 858-4087) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(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.**

August 2, 2017

Vicki L Bartz
5870 Lost Valley St
Las Vegas NV 89113

Dear Ms. Bartz:

Water Permit Application No. 2764-2 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 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

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. 2764-2 to Appropriate Water

Notice is given that Vicki L Bartz, 5870 Lost Valley Street, Las Vegas NV 89113 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (0.31 acre-feet annually) from one well completed into the Precambrian aged Crystalline Rock (145 feet deep) located in the SW 1/4 SW 1/4 Section 26-T3S-R4E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2764-2 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.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 29 2017

Vicki L Bartz
5870 Lost Valley St
Las Vegas NV 89113

Dear Ms. Bartz:

Enclosed is Water Permit No. 2764-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2764-2

I have this day, Aug 15, 2018 made a thorough examination of the water use system constructed by **Vicki Bartz**, **5870 Lost Valley St., Las Vegas, NV 89113** of Permit No. **2764-2**, bearing the priority of **6/1/2017** authorizing the diversion of **.067** cu. ft. per second of the water from one well for commercial purposes, in Custer County.

Inspection contact & relationship to permit holder, if applicable: **Vicki Bartz, owner**
702-858-4087

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (7/99)
- 2) No. of Wells 1
- 3) Depth(s) 145 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6"
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Type open hole
- 2) Length 115 feet
- 3) Static water level 30 feet

Pump:

- 1) Make ----
- 2) Model -----
- 3) Size 4"
- 4) Capacity 30 gpm (based on well yield at time of completion)
- 5) Horsepower rating -- hp

Note: The well was air tested at 30 gpm at time of drilling

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

- 1) Type PE
- 2) Size 1 inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The well serves a short term rental/vacation home near Custer. The well is controlled with a pressure switch (30/50 psi est.) and pressure tank located in the garage.

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:
683' N and 304' E of the SW corner Section 26 T3S R4E (43.754644, -103.616727)
2. The works are capable of diverting and conveying to the place of use **.067** cu. ft. per second (30 gpm) of water which is to be used for **commercial** use and the license should be issued for **.067** cfs.
3. All structures, wells and lands on map: **No, Well only**

F. Comments or other permit(s) associated with the project: none



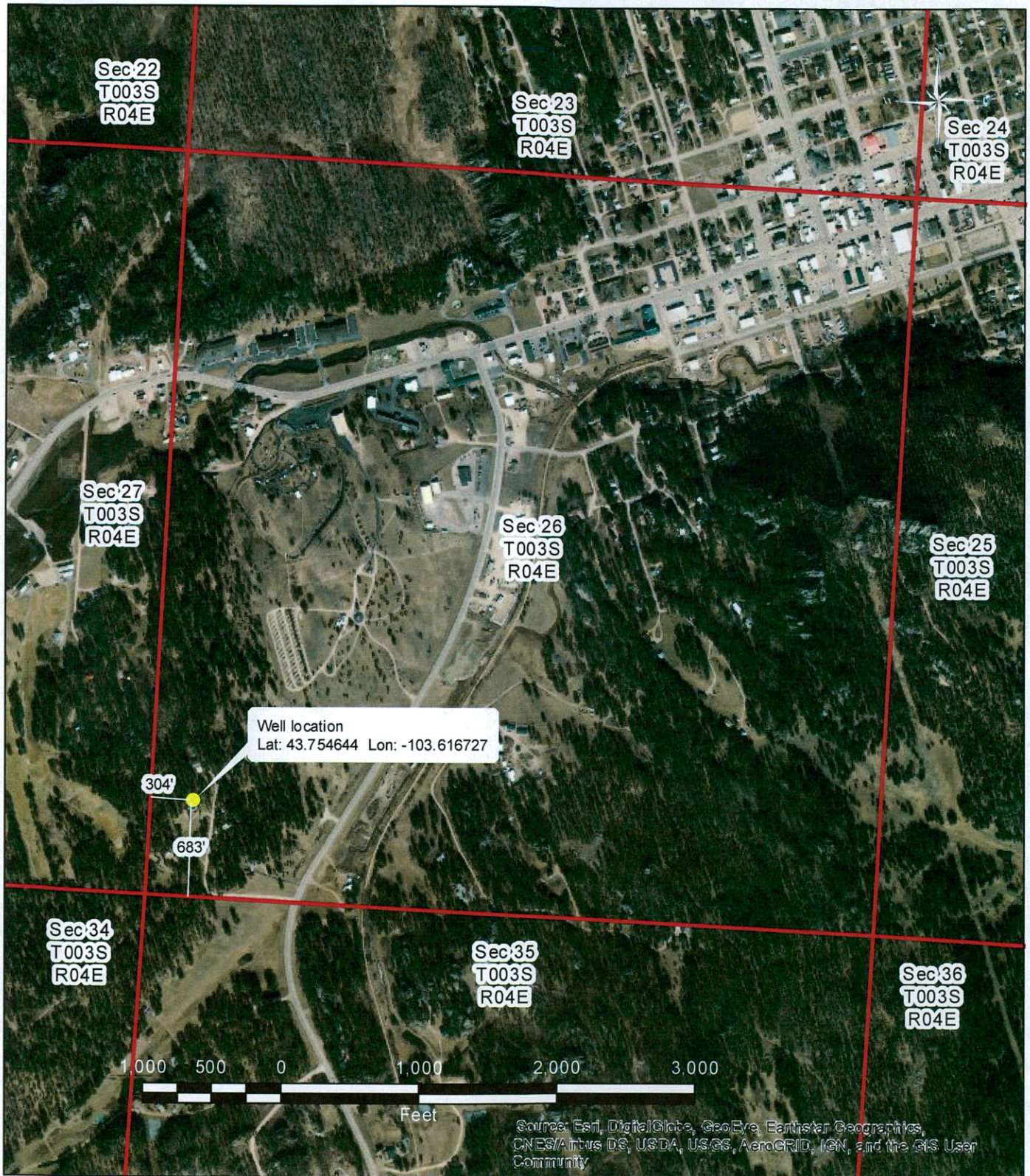
Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date Report Completed: **8/22/2018**



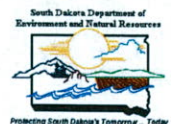
Well located north side of house

Water Right #2764-2
Vicki Bartz
8/15/2018



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
<http://denr.sd.gov>

SEP 11 2018

2764-2

Vicki L Bartz
5870 Lost Valley St
Las Vegas NV 89113

Dear Ms. Bartz:

Enclosed is Water License No. 2764-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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. 2764-2

(1) Vicki L Bartz, 5870 Lost Valley St, Las Vegas, NV 89113 made Application No. 2764-2, June 1, 2017 for a water permit to divert 0.067 cubic feet of water per second from ground water, one well (Precambrian aged Crystalline Rock), Custer County, South Dakota for commercial purposes. Permit No. 2764-2, with a priority date of June 1, 2017 was approved August 21, 2017 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 21, 2022 and for the application to beneficial use of said water on or before August 21, 2026.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is:

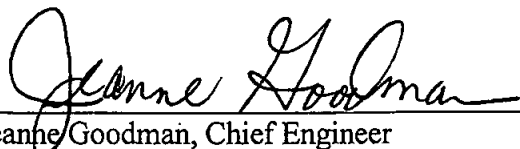
- 683'N and 304'E of the SW corner of Section 26, T3S, R4E (SW ¼ SW ¼ Section 26)
Latitude 43.754644, Longitude -103.616727

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Vicki L Bartz, 5870 Lost Valley St, Las Vegas, NV 89113 the holder and/or owner of Water Right No. 2764-2 is issued a license to appropriate water, the right to use 0.067 cubic feet of water per second from ground water, one well (Precambrian aged Crystalline Rock) with a priority date of June 1, 2018 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2764-2 and subject to the following qualifications:

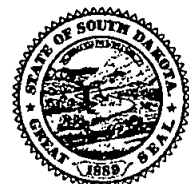
- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The water holder shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian aged Crystalline Rock.
- Water Right No. 2764-2 authorizes a total annual diversion of 0.31 acre feet of water.



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

SEP 11 2018

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 11, 2024

NOTICE OF HEARING

TO: Vicki L Grey, PO Box 407, Custer SD 57730

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Violation of Permit Qualification to Report Annual Water Use

Our records indicate your 2023 annual water use has not been submitted for Water Right No. 2764-2. The request to report water use for 2023 was dated January 5, 2024. Two follow-up attempts to get the required water use report have gone unanswered. The Water Management Board has directed owners of water permits who have not submitted the 2023 water use reporting be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Right No. 2764-2 qualification:

"The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Precambrian aged Crystalline Rock aquifer."

The hearing will be held at **Wednesday, July 10, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Water Right No. 2764-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

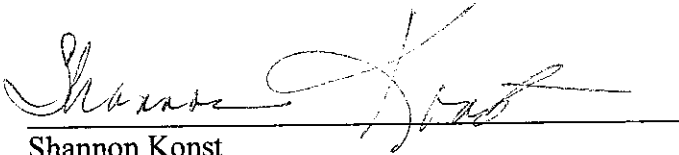
If the water use report(s) is (are) received in this office before the **July 10, 2024** hearing, you will no longer be in violation of your permit and your name will be removed from the Board agenda. You may submit your water use report by providing the information to Rachel Rodriguez at (605) 773-3352 or via email at rachel.rodriguez@state.sd.us. You may also submit the water use report via mail using the address in the NOTE at the bottom of this Notice.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD 57501 or call (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing, dated June 11, 2024, concerning violation water use reporting qualification in the matter of Water Right No. 2764-2 was served by U.S. certified mail, postage prepaid, upon the following on June 11, 2024.

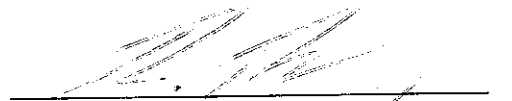
Vicki L Grey
PO Box 407
Custer SD 57730



Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11 day of June , 2024.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



Water Rights Program - File Documentation

NAME: Vicki L. Grey (formerly Vicki Bartz)

ADDRESS: PO Box 407, Custer SD 57730

DATE: June 20, 2024

RE: Water Usage

COMMENTS:

Vicki called today and indicated that she emailed me the annual water usage. I waited on the line until I received the email, she forwarded to me. Then, I let her know that she was no longer on the list for the Water Management Board meeting in July.



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