

WATER PERMIT NO. 2791-2

Name of Applicant: **Twisted Oak Trail Road District**

Address: **c/o David Jones, PO Box 883, Keystone SD 57751**

Phone: **605 415-9818**

Amount of Water Claimed: **additional 0.047 cfs (additional 21 gpm)**

Total Acres: **NA**

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

Water to be used for: **water distribution system**

County: **Pennington**

Type of Waste Disposal System:

Location: **4 miles southeast of Keystone**

PRIORITY Date Received: **9-24-2018**

Application/License Fee: **\$ 300**

Corrected Application Received: **10-11-2018**

Period of Annual Use: **Jan 1- Dec 31**

Remarks: **Increase the diversion rate authorized by 1933-2 and changes the use from commercial to water distribution system**

Diversion Point: **SE 1/4 SW 1/4 Sec 18-T2S-R7E**

Land to be Irrigated: **NA**

Depth of Well: **166 feet deep**

Well Driller: **Alexander Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Steven Quissell**

			18		
		⊗			

Reviewed and the Number Assigned on: **10-11-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED
SEP 24 2018
WATER RIGHTS
PROGRAM
RECEIVED
OCT 11 2018
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2791-2</u> (office use only) Hydrologic Unit <u>10120109</u> Basin <u>Upper Cheyenne</u> Newspaper <u>Rapid City Journal</u>
---	--

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. <u>1933-2</u> | | |

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

INCREASE DIVERSION RATE OF PERMIT 1933-2 .042 cfs (219 gpm)
TOTAL DIVERSION REQUESTED .069 cfs (319 gpm)

1. Name to Appear on Water Permit Twisted Oak Trail Road District % DAVID JONES

Mailing Address PO BOX 883 KEYSTONE SD 57751
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-415-9818 Email d12vette@yahoo.com

2. Amount of water claimed (.047 additional) 219 gpm addition
.0697 *CFS or 31 **GPM and 1.0 ***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 EXISTING WGI (SE 1/4 SW 1/4)

4. Location of point of diversion 247' N AND 1,667' E of SW corner County Pennington
518 T 29 R 7 E
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? _____

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used JAN 1 - DEC 31

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)

change use from commercial to water distribution system

I, David Jones, President, 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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

SOUTH DAKOTA
WATER PERMIT NO. 2791-2

Date of first receipt of application September 24, 2018.

Date of return to applicant for corrections, amendments or changes September 24, 2018.

Date of receipt of corrected application October 11, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2791-2 to Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD 57751 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. 2791-2 appropriates an additional 0.047 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 1933-2. Water Permit No. 1933-2 appropriates 0.02 cfs from one existing well completed into the Deadwood Aquifer (166 feet deep) located in the SE 1/4 SW 1/4 Section 18-T2S-R7E for commercial use. An investigation of the permit found the system capable of diverting an additional 0.047 cfs from the existing well. This permit and Water Permit No. 1933-2 will authorize a total diversion rate of 0.067 cfs (31 gallons per minute). The annual volume used under Water Permit No. 1933-2 and this permit will not exceed 1.0 acre feet of water. This permit also changes use from commercial to water distribution system use. The site is located approximately 4 miles southeast of Keystone SD.
2. The water appropriated shall be used for the purpose of water distribution system 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. 2791-2 is December 17, 2018.
5. The date from which applicant may claim right is September 24, 2018 (0.047 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 Permit Nos. 1933-2 and 2791-2 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 Deadwood aquifer.
3. Water Permit Nos. 1933-2 and 2791-2, combined, authorize a total annual diversion of up to 1.0 acre foot of water.

WATER MANAGEMENT BOARD

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

JAN 17 2019
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
1983

For either Existing or Proposed Wells:

c) Well Depth (required) 166' Depth to Top of Water Bearing Material 130' Depth to Water from Surface 16'

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

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)

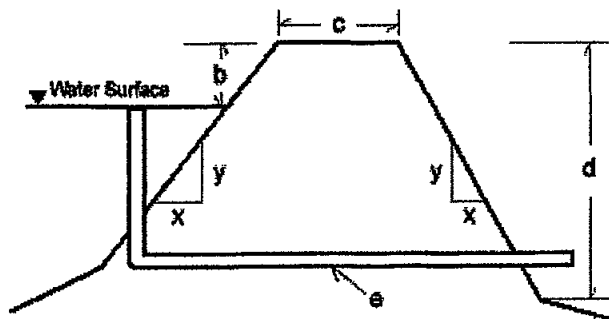
Upstream _____

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 September 24, 20 18

Thomas Pitlick 15 Beech St Gillette, WY 82716

RECEIVED OF _____

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

Fee for Application for Permit No. <u>2791-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2791-2</u>	100	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	150 00

No. **08765**

By

Joanne Goodman
Chief Engineer

L.P.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 24, 20 18

RECEIVED OF David Jones PO Box 883 Keystone, SD 57751

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

Fee for Application for Permit No. <u>2791-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2791-2</u>	100	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	150 00

No. 08767

By

Janne Goodman
Chief Engineer

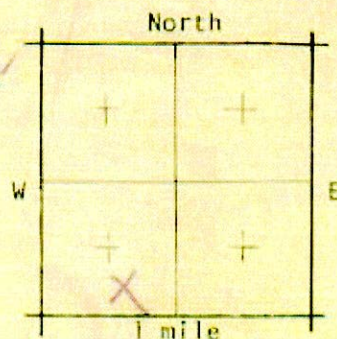
zm

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/4 Sec 18 Twp 2 S Rg 7 E

County Pennington

Please mark well location with an "X"



Well Completion Date 3-16-84

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling: Downhole Hammer Rotary

WELL CONSTRUCTION:

Diameter of hole 6 1/4 inches Depth 166 feet

Casing: ☐ Steel ☒ Plastic ☐ Other

Specify 107' - 6" - 160

Pipe Weight Diameter From To
1 lb/ft 4 inches 0 feet 107 feet

1 lb/ft 4 inches 4 feet 166 feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify 107' - 6" - 160

Screen Type 107' - 6" - 160 Slot Size 107' - 6" - 160

Length 107' - 6" - 160 Diameter 107' - 6" - 160

Was Casing left open end? ☒ Yes ☐ No

Was a Packer or seal used? ☐ Yes ☐ No

If so what material? 107' - 6" - 160

Was well gravel packed? ☐ Yes ☐ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure Type III

Cement sand casing

To what depth? 107' - 6" - 160 Feet

What was grouting material? 107' - 6" - 160

If cement, how many sacks? 107' - 6" - 160

Location of packer(s) and screen or perforated pipe 107' - 6" - 160

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? 107' - 6" - 160

Well Owner:

Name Clare Voshall

Address Hayward - Keystone S.D.

Well Log: 37751 Depth

Formation From To

Drift 0 22

Shale - pink to yellow 22 65

Shale - grey to green 65 70

Shale - gray to green 70 130

S.S. - white to grey 130 140

S.S. - grey white 140 145

Water - 100 gpm

S.S. - grey 145 153

Schist - Reddish 153 166

STATIC WATER LEVEL 16 Feet

If flowing: closed in pressure 16 PSI

GPM flow 100 through 100 inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify 100

Can well be completely shut off? 100

WELL TEST DATA:

☒ Pumped W/AIR - 100.9 gpm + -

☐ Bailed Describe: 100

☐ Other 100

Pumping Level Below Land Surface

16 ft. After 100 Hrs. pumped 100 GPM

16 ft. After 100 Hrs. pumped 100 GPM

16 ft. After 100 Hrs. pumped 100 GPM

Remarks:



This well was drilled under license # 324

and this report is true and accurate.

Alexandre Delg Boj Alexandro

Drilling Firm Signed by

3-20-83 St. Sent

Date 5-23-84

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2791-2

(1) Twisted Oak Trail Road District, PO Box 883, Keystone SD 57751 made Application No. 2791-2, September 24, 2018 to increase the diversion rate under Water Permit No. 1933-2 from 0.02 to 0.067 cubic feet of water per second (cfs) from one well – Deadwood Aquifer, located in Pennington County, South Dakota. No. 2791-2 also changed the use of water from commercial to a water distribution system. Water Permit No. 2791-2, with a priority date of September 24, 2018 (0.047 cfs) was approved December 17, 2018 and issued to the applicant with construction of the described water supply system and the application of water to beneficial use completed.

Water Permit No. 1933-2, with a May 22, 1985 priority date, authorizes 0.02 cfs from one well. The applicable portions of No. 1933-2 are incorporated into Water License No. 2791-2.

(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. 2791-2 is issued a license, bearing priority dates of May 22, 1985 (0.02 cfs) and September 24, 2018 (0.047 cfs) to appropriate 1.0 acre-foot annually with a maximum diversion rate of 0.067 cfs from one well – Deadwood Aquifer to supply a water distribution system.

The diversion point is located: 247'N and 1,667'E of the SW corner of Section 18-T2S-R7E (SE 1/4 SW 1/4). Latitude 43.869293, Longitude -103.331954

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 2791-2 including the following qualifications:

- The well approved under Permit Nos. 1933-2 and 2791-2 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.
- The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Deadwood aquifer.
- Water Permit Nos. 1933-2 and 2791-2, combined, authorize a total annual diversion of up to 1.0 acre foot of water.


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

JAN 17 2019
date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2791-2

I have this day, March 30, 2016 made a thorough examination of the water use system constructed by **Twisted Oak Trail Road District, P.O. Box 883, Keystone, SD 57751** of Permit No. **2791-2**, bearing the priority of **10/11/2018** authorizing the diversion of **0.047** cu. ft. per second additional water from one well for **suburban housing** purposes, in **Pennington** County. This well was originally permitted as No. 1933-2 bearing the priority of 5/22/1985 authorizing the diversion of .02 cfs (10 gpm).

Inspection contact & relationship to permit holder, if applicable: **David Jones, Road District President**
605-415-9818 dl2vette@yahoo.com
Tom Pitlick, Landowner (well lot)
605-222-8293 tpitlick@gmail.com

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (1984)
- 2) No. of Wells 1
- 3) Depth(s) 166 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6"
- 2) Length 107 feet
- 3) Type PVC

Screen:

- 1) Type open hole
- 2) Length 59 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Grundfos
- 2) Model 25S20-11
- 3) Size 4"
- 4) Capacity 31 GPM (This is a 25 gpm rated pump producing 31 gpm as installed)
- 5) Horsepower rating 2 hp

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

- 1) Type Plastic
- 2) Size 1 1/4 inches
- 3) Length 650 feet (approximately)

C. Works used to apply water to beneficial use:

The well provides water to a small subdivision consisting of five lots. Four of these lots have water delivered to the lot line. One of the lots does not have a tap at this time. The pump is controlled with a pressure switch with pump cycling controlled by twin pressure tanks (no other storage on system).

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:
247' N and 1,667' E of the SW corner Section 18 T2S R7E (43.869293, -103.331954)
2. The works are capable of diverting and conveying to the place of use .047 cu. ft. per second (21 gpm) of additional water for a total diversion of 0.69 cu. ft. per second which is to be used for **suburban housing** use and the license should be issued for 0.47 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

F. Comments or other permit(s) associated with the project: Water Permit No. 1933-2 carried a priority date of 5/22/1985 and appropriated 0.02 cfs for commercial use. Permit No. 2791-2 increases the diversion rate authorized by Permit No. 1933-2 an additional 0.047 cfs for a total authorized diversion rate of 0.69 cfs (31 gpm). The original priority date of 5/22/1985 is retained for .02 cfs and the additional 0.047 cfs bears a priority date of 10/11/2018.

The site inspection for this permit was completed on March 30, 2016. At that time the lot owners were in the process of forming a home owners association and the application for a new permit was delayed until such time as the association was legally formed. The owners subsequently made the application through the Twisted Oak Trail Road District. After the application was received, this Examination of Works was completed.



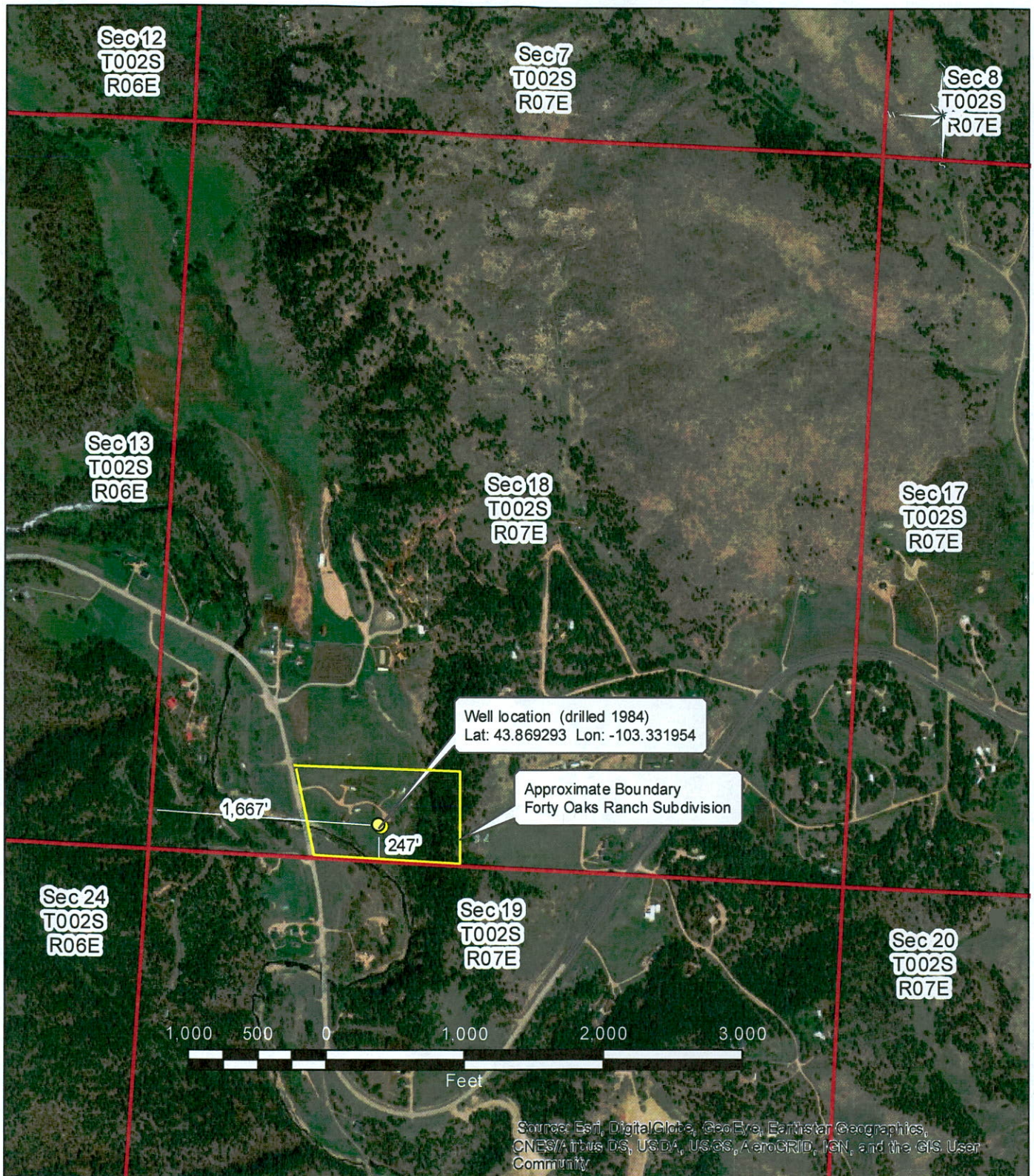
Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: October 23, 2018



Well and well pit in foreground, developed lot in background

Water Permit #2791-2
Twisted Oak Trail Road District
10/23/2018



Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Quissell, Steve

From: tpitlick@bresnan.net
Sent: Monday, March 14, 2016 7:50 AM
To: Quissell, Steve
Subject: Re: Forty Oaks Ranch well (permit #1933-2)

Steve,

I checked the well this weekend and found the following:

Pump Installer: A&A Waterwell; Lee Anderson 391-3241

Date installed: 8/26/4

Pump: Grundfos: 25^S20-11; 2HP

Didn't see anything to indicate how deep it was set.

Hope this helps.

Tom

25S20-11

4" 25 gpm RATED

230V 11 STAGE 2hp.

----- Original Message -----

From: Quissell, Steve <Steve.Quissell@state.sd.us>

To: "tpitlick@bresnan.net" <tpitlick@bresnan.net>
Cc:

Sent:
Thu, 3 Mar 2016 20:15:58 +0000
Subject:
Forty Oaks Ranch well (permit #1933-2)

Tom

The use of water supplied by a water distribution system for household, livestock, or irrigation of non-commercial gardens less than one acre is considered "Domestic use" as long as the well production is not exceeding **eighteen gallons per minute (18 gpm)** on an average daily basis. Therefore if you could find out any information pertaining to the pump installed in the well, the capacity of the pump will determine whether DENR will **leave the water permit in effect** or whether the well would be classified "**domestic use**", in which case the permit would be **recommended for cancellation** to the Water Management Board.

If the water permit is left in effect, I would need to make a brief site inspection and the well would then be licensed for the well production capacity and the license would be transferred to you, and at some point in time the name on the license would be changed to the applicable Homeowners association.

If you can find out who installed the pump, just ask for the **make, model, horsepower, and depth the pump is set at**. We have a well log from Alexander Drilling (1984) that shows the well drilled for Buffalo Billy's campground was 166 ft. deep and the static water level was 16 ft. below ground surface.

Thanks for any help you can provide to get our records for this well updated.

Steven Quissell

Water Right Inspector

SD Department of Environment and Natural Resources

Water Rights Program

Phone: (605) 394-6763

Fax: (605) 394-5317

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Tom Pitlick
815 Beech St., Gillete, Wy 82716-2618
tpitlick@bresnan.net

ADDRESS: Well address – Forty Oaks Ranch Subdivision, Lot 5

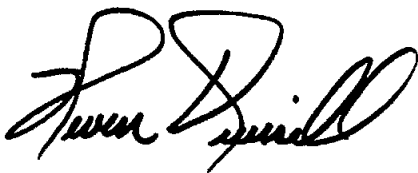
COUNTY: Pennington County

DATE: March 3, 2016 **TELEPHONE:** (307) 686-5208

RE: Permit #1933-2, formerly Ruth Saunders

COMMENTS: Permit #1933-2 was issued to Ruth Saunders in 1985 for commercial use (Buffalo Billy's Campground). The campground has been out of business for many years. The well is located on property owned by Tom Pitlick. I spoke with Pitlick by phone on March 3rd. The property owned by Saunders was purchased by a developer and subdivided into 5 lots (Forty Oaks Ranch) one of which has the well site and is owned by Pitlick. The lots were purchased with the understanding that the well would be turned over to a home owners association once the last lot was sold. The last lot was sold in the fall of 2015, but a homeowners association has not been formed. Currently four lots have water to the lot line, two of which have homes constructed, and one of the lots has no tap. Pitlick said the well was being used but had no knowledge of the pump or capacity. Later that day I emailed Pitlick with information on "domestic" use and uses requiring a water permit. He was at the lot on March 12th and obtained the pump information. The pump is a Grundfos 25S20-11, 2 hp, 4" submersible rated at 25 gpm with a capacity of 31 gpm as installed. I visited the site on March 30th and located and photographed the well and pit.

NAME: Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell". The signature is stylized with large, sweeping loops and is positioned below the printed name.



Forty Oaks Ranch Subdivision well and pit with one of the homes in background



Pit with pressure tanks and controller

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2791-2, Twisted Oak Trail / Road District

ADDRESS: COUNTY: Pennington

DATE: November 19, 2018 TELEPHONE: 605 415-9818

RE: Annual Volume

I contacted Mr. Jones regarding the annual volume of water used by Twisted Oak. He indicated there are four properties but only three are developed. The other property is owned by one of the other property owners and will not be developed any time soon. The water use is minimal as water is only used about seven months per year and only for indoor purposes. No lawn watering occurs from the well.

Based on this I assume a peak daily use of 350 gallons/daily for seven months a year at a pump rate of 31 gallons per minute. This was chosen to be liberally high. Assuming this the annual use would be 220,500 gallons per year. Mr. Jones agreed that the permit should reflect a annual use of not more than 1.0 acre feet of water per year (325,851 gallons).

This is the combined water use for Water Permit No. 1933-2 and Application No. 2791-2.

NAME: Eric Kumborg



September 24, 2018

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

Twisted Oak Trail Road District
c/o David Jones
PO Box 883
Keystone SD 57751

Dear Mr. Jones:

Thank you for submitting the *Application for a Permit to Appropriate Water* and the Notice of Transfer of Ownership form for Water Permit No. 1933-2.

- The application is being returned because a signature is required at the bottom of the form.
- Also, please clarify who the contact person should be and the mailing address. The new application lists Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD. The Notice of Transfer lists Twisted Oak Trail Road District, c/o Tom Pitlick, 13622 Twisted Oak Trail, Keystone SD. Who is the contact person and what is the mailing address? That person should sign both the application and the transfer form.

I have enclosed a postage prepaid envelope for your use. Please return both forms.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**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. 2791-2, Twisted Oak Trail Road District**

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. 2791-2, Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD 57751.

The Chief Engineer is recommending APPROVAL of Application No. 2791-2 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 Permit Nos. 1933-2 and 2791-2 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 Deadwood aquifer.
3. Water Permit Nos. 1933-2 and 2791-2, combined, authorize a total annual diversion of up to 1.0 acre foot of water.

See report on application for additional information.

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
November 28, 2018

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2791-2
TWISTED OAK TRAIL ROAD DISTRICT
C/O DAVID JONES
NOVEMBER 27, 2018

Water Permit Application No. 2791-2 proposes to divert an additional 0.047 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 1933-2. Water Permit No. 1933-2 authorizes the diversion of water from one existing well (166 feet deep) completed into the Deadwood aquifer at a maximum instantaneous diversion rate of 0.02 cfs for commercial use. The well is located in the SE ¼ SW ¼ Sec. 18-T2S-R7E in Pennington County approximately four miles southeast of Keystone, SD. An investigation of Water Permit No. 1933-2 found the system capable of diverting an additional 0.047 cfs from the existing well. This application, if approved, and Water Permit No. 1933-2 will authorize a total diversion rate of 0.067 cfs (31 gallons per minute). The annual volume to be used under Water Permit No. 1933-2 and this application, if approved, will not exceed 1.0 acre-feet (ac-ft) of water per year. This application also proposes to change the authorized use from commercial use to water distribution system use.

AQUIFER: Deadwood (DDWD)

Aquifer Characteristics:

The Deadwood aquifer is found within the porous and permeable portions of the Deadwood Formation. The Deadwood Formation consists of sandstone, shale, dolomitic limestone, and dolomite of Lower Ordovician and Middle Cambrian age (Martin et al, 2004). The Deadwood aquifer is a regional scale aquifer that underlies most of western South Dakota and extends into Montana, North Dakota, and Wyoming (Downey, 1986). The Deadwood aquifer underlies approximately 19,619,040 acres of western South Dakota with approximately 1,492,480 acres in Pennington County alone (Allen et al, 1985). Allen and others (1985) estimated there is 280,476,200 ac-ft of recoverable water in storage in the Deadwood aquifer in western South Dakota with 14,924,800 ac-ft in Pennington County alone. Except for a narrow area at or near the outcrop, the Deadwood aquifer is under confined conditions. The well this application proposes to use is constructed on or near a surficial portion of the Deadwood Formation outcrop.

The well completion report submitted with this application indicates the Deadwood Formation was encountered from 130 to 153 feet below grade. The static water level of the aquifer when the well was completed in March 1984 was 16 feet below ground surface. The Deadwood aquifer is under confined conditions at the well site for this application. It should be noted that nearby wells along or near the Deadwood Formation outcrop may be under confined or unconfined conditions. Figure 1 is a map of the project area including Deadwood aquifer observation wells and water rights/permits and the Deadwood Formation outcrop.

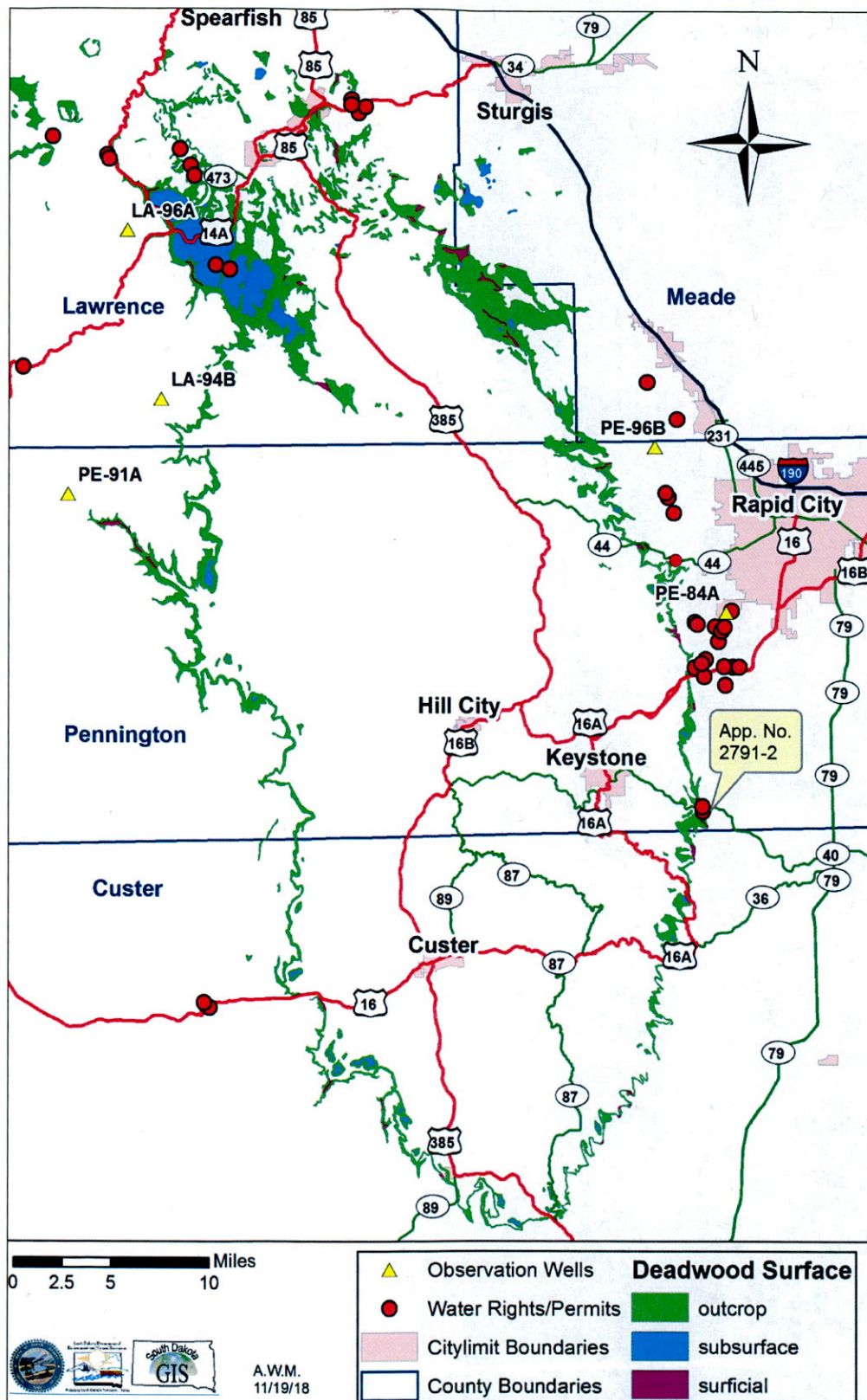


Figure 1- Map of Deadwood aquifer water rights/permits (Water Rights, 2018b) and observation wells (Water Rights, 2018a) in South Dakota along with the Deadwood Formation outcrop identified by type (modified from: Williamson et al, 2000)

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 a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Deadwood aquifer. The probability of unappropriated water available from the 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Deadwood aquifer is stratigraphically lower/older than the Greenhorn Formation and the applicant is a water distribution system as defined in SDCL 46-1-6(17). Therefore, a comparison of average annual recharge and average annual withdrawals from the Deadwood aquifer does not necessarily need to be performed for this application. However, out of an abundance of caution, water availability will be examined.

Hydrologic Budget

Recharge

The recharge to the Deadwood aquifer in the Black Hills area occurs through infiltration of precipitation at the outcrop area and any groundwater inflow from surrounding areas. The recharge has been estimated to be 14,500 ac-ft/yr. (Driscoll and Carter, 2001).

Withdrawals:

Discharge from the Deadwood aquifer occurs through well withdrawals, groundwater outflow, and spring discharge. There are relatively few wells completed into the Deadwood aquifer despite its regional scale. Currently, there are 33 water rights/permits authorizing the withdrawal of water from the Deadwood aquifer (Water Rights, 2018b). There are also a number of domestic wells on file with the DENR-Water Rights Program that appear to be completed into the Deadwood aquifer (Water Rights, 2018c). However, the water use by these wells is not significant to a hydrologic budget for the aquifer due to their limited diversion rates and overall use.

Table 1 lists the water rights/permits authorized to withdraw water from the Deadwood aquifer along with an estimated average annual use for each permit. Water Right Nos. 1458-1 and

2056A-2 are for irrigation. The average annual water use by Water Right No. 1458-1 is an average of the reported volumes across their entire period of record, 1989 through 2017 (Water Rights, 2018d). Water Permit No. 2056A-2 has just been developed. Therefore, it is assumed they will apply 12 in/ac to their permitted 107 acres. The non-irrigation rights/permits, except for 1900-1, 1969-1, 2745-2, and 2782-2, are limited by diversion rate and are assumed to pump at their respective maximum permitted diversion rates for 60 percent of the time. Water Right No. 1900-1 for the City of Deadwood is required to report annual pumpage to the Chief Engineer. Their average annual use was calculated from their reported volumes from 2011 through 2017 (Water Rights, 2018e). Water Permit Nos. 1969-1 for Terry Trojan Well No. 2, 2745-2 for Croell Redi Mix, and 2782-2 for Big Game Storage LLC are limited by annual volume and are assumed to pump their full permitted volume. The estimated average annual use from the Deadwood aquifer is 1,936 ac-ft/yr.

Hydrologic Budget

The estimated average annual recharge to the Deadwood aquifer is 14,500 ac-ft/yr. The estimated average annual withdrawals from the aquifer are 1,936 ac-ft/yr. This application, if approved, and Water Permit No. 1933-2 annual use will not exceed one ac-ft/yr. A simple comparison between the estimated average annual recharge and the average annual withdrawals shows there is unappropriated water available for this proposed appropriation

Table 1- Water rights/permits authorized to withdraw water from the Deadwood aquifer (Water Rights, 2018b) with estimated average annual use in acre-feet

PERMIT NO.	NAME	COUNTY	STATUS	USE TYPE	CFS	ACRES	ANNUAL VOL.
522A-2	JEWEL CAVE NAT'L MONUMENT	CU	LC	COM	0.04	N/A	17.4
608-2	UNITED NATIONAL BANK	PE	LC	COM	0.02	N/A	8.7
1174-1	WHARF RESOURCES (USA) INC	LA	LC	COM/MUN	0.67	N/A	291
1406A-1	TERRY VALLEY TROJAN WATER PROJECT DISTRICT	LA	LC	SHD	0.178	N/A	77.3
1450-2	BEAR COUNTRY USA INC	PE	LC	DOM	0.2	N/A	86.9
1458-1 ^a	LEAD COUNTRY CLUB	LA	LC	IRR	0.18	52	26.8
1525-1	SPEARFISH CANYON RESORTS LLC	LA	LC	COM	0.038	N/A	16.5
1551-1	TRAILSHED LODGE INC	LA	LC	COM	0.033	N/A	14.3
1560-1	RICHARD D SLEEP	LA	LC	COM	0.078	N/A	33.9
1596-1	RADIO TOWER HOMEOWNER'S	LA	LC	SHD	0.09	N/A	39.1
1605-1	WOODLAND HILLS COMM ASSOC	MD	LC	RWS	0.197	N/A	85.6
1608-1	SPEARFISH CANYON RESORTS LLC	LA	LC	COM	0.34	N/A	147.7
1623-1	OAK MOUNTAIN COUNTRY ESTATES	LA	LC	SHD	0.035	N/A	15.2
1725-1	ASPEN VIEW SUBDIVISION	LA	LC	SHD	0.02	N/A	8.7
1819-2	STRATO-RIM ESTATES INC	PE	LC	SHD	0.5	N/A	217.2
1864-2	HIGH MEADOWS WATER INC	MD	LC	SHD	0.06	N/A	26.1
1900-1 ^c	CITY OF DEADWOOD	LA	LC	MUN	0.1	N/A	4.9
1933-2	TWISTED OAK TRAIL ROAD DISTRICT	PE	PE	COM	0.02	N/A	^e
1969-1 ^d	TERRY TROJAN WELL NO 2	LA	PE	SHD	0.22	N/A	46
1989-2	RUSHMORE CAVE	PE	LC	COM	0.055	N/A	23.9
2045-2	WHISPERING PINES WATER	PE	LC	SHD	0.08	N/A	34.8
2056A-2 ^b	COUNTRYSIDE HOMEOWNERS ASSOCIATION	PE	LC	IRR	0.3	107	<107
2253-2	HIGHMEADOWS RANCHETTES	PE	LC	SHD	0.044	N/A	19.1
2288-2	BLACK HILLS RESORTS INC	PE	LC	COM	0.03	N/A	13
2295-2	COLONIAL PINE HILLS SANITARY DISTRICT	PE	LC	SHD	0.289	N/A	125.5
2305-2	SPRING CANYON WATER CO	PE	LC	SHD	0.044	N/A	19.1
2389-2	SITTING BULL CRYSTAL CAVE	PE	LC	COM	0.022	N/A	9.6
2424-2	S CANYON COUNTRY ESTATES	PE	LC	SHD	0.56	N/A	243.3
2449-2	OAKS WATER USERS ASSOC	PE	LC	SHD	0.25	N/A	108.6
2507-2	HANI SHAFI	PE	LC	SHD	0.067	N/A	29.1
2600-2	GARY KLUTHE	PE	LC	SHD	0.044	N/A	19.1
2745-2 ^d	CROELL REDI MIX	PE	PE	IND/DOM	0.33	N/A	19.6
2782-2 ^d	BIG GAME STORAGE LLC	PE	PE	COM	0.033	N/A	1
Total							1,936
^a = Irrigation, average annual use 1989-2017; ^b = Irrigation, use based on 12 in/ac use; ^c = Required to report annual use; ^d = Limited by annual volume; ^e = will be limited by annual volume with Application No. 2791-2, if it is approved							

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon 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 average annual recharge of the aquifer.

The DENR-Water Rights Program monitors five observation wells completed into the Deadwood aquifer (Water Rights, 2018a). The nearest of the observation wells is PE-84A, located approximately 10 miles north-northeast of the well this application proposes to use (Water Rights, 2018a). The hydrograph for PE-84A is shown in Figure 2.

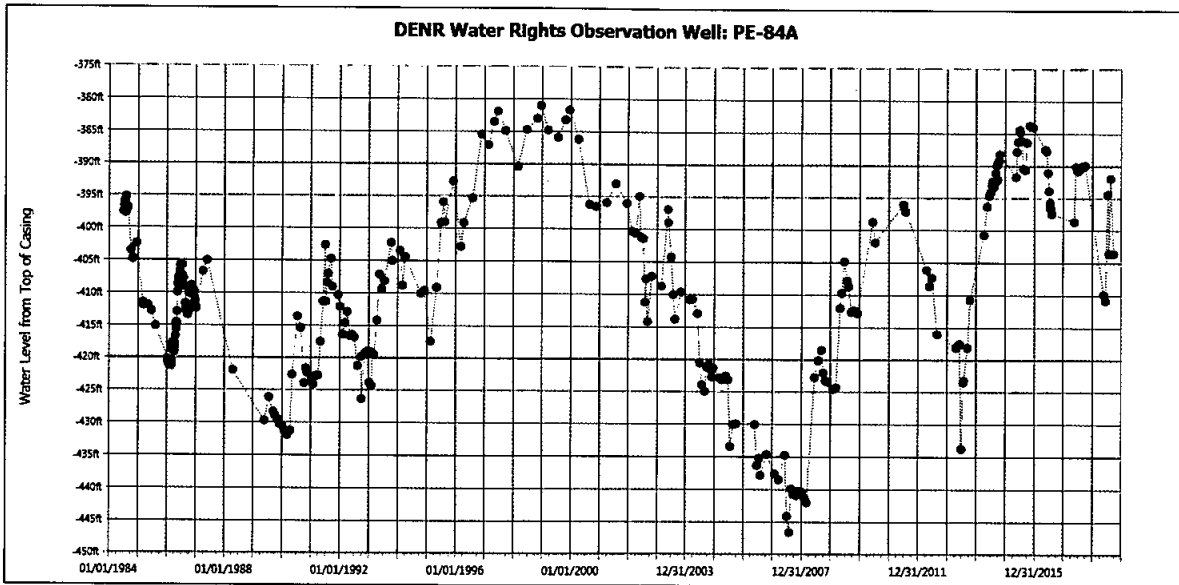


Figure 2- Hydrograph for Deadwood aquifer observation well PE-84A (Water Rights, 2018a)

The hydrograph for PE-84A shows the aquifer responds well to climatic conditions, and this observation well responds in a manner similar to the rest of the observation wells completed into the Deadwood aquifer. However, observation well PE-96B (see Figure 3) appears to not be functioning properly and therefore not be reflective of the actual water levels of the Deadwood aquifer. The water level data for PE-96B shows a declining trend in water level while still showing some response to climatic conditions. The large, sudden rise of water level, over 40 feet, during 2014 and the long-term decline of the water level with minimal development of the aquifer in the immediate area of the well, contradictory to water levels shown in the other observation wells, indicates the well may not be functioning properly.

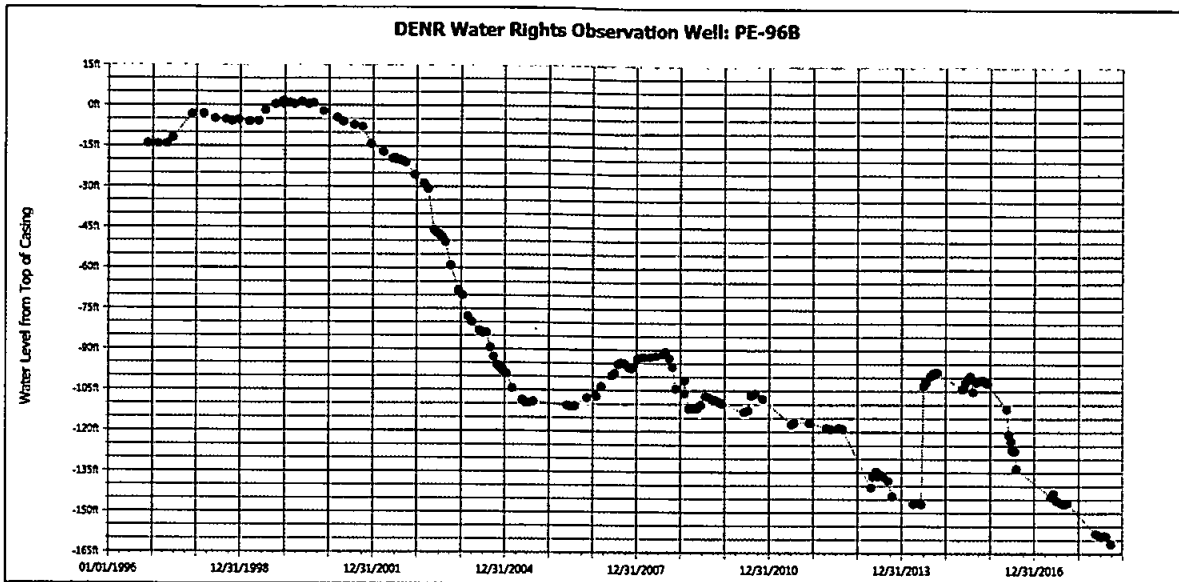


Figure 2- Hydrograph for Deadwood aquifer observation well PE-96B (Water Rights, 2018a)

Ignoring what may be anomalous data from observation well PE-96B, the observation well data shows the water levels in the aquifer rise during wetter periods when recharge to the aquifer exceeds withdrawals plus natural discharge, and slowly declines during the opposite situation. The hydrographs for the observation wells do not show any effects from pumping on the water levels, despite the fact PE-84A is within approximately 1.6 miles of seven appropriative wells completed into the Deadwood aquifer. The observation well data suggest that at the existing level of development, natural influences (i.e.: climatic conditions, groundwater outflow, etc.) dominate the water levels of the aquifer. Recognizing that natural discharge can be captured for pumping, the observation well data shows there is unappropriated water available for this proposed appropriation and supports the hydrologic budget from earlier in this report.

EXISTING WATER RIGHTS:

The well authorized by Water Right No. 1989-2 for Rushmore Cave is the closest well authorized by a water right and is approximately one-quarter mile north of the well authorized by Water Permit No. 1933-2 (Water Rights, 2018b). Considering the small combined diversion rate for this application and Water Permit No. 1933-2, 0.067 cfs (31 gpm), and that the hydrograph for PE-84A shows no effect of pumping even though it is within approximately 1.6 miles of seven appropriative wells, approval of this proposed diversion is not expected to adversely impact existing appropriative users.

There are a number of domestic wells on file with the DENR-Water Rights Program that appear to be completed into the Deadwood aquifer within one mile of the well this application proposes to use (Water Rights, 2018c). Deadwood aquifer wells within two miles of the diversion point for this application can be found under both confined and unconfined conditions. At the time of completion of the well this application proposes to use, the Deadwood aquifer had 114 feet of artesian head pressure above the top of the aquifer. Considering the artesian head pressure and the relatively low diversion rate, pumping this proposed diversion is not expected to adversely impact adequate domestic wells.

To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in Administrative Rule of South Dakota (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 at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical 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”.

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Water Management Board adopted Findings of Facts and Conclusions of Law that noted reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute (SDCL 46-6-6.1), rule (ARSD 74:02:04:20(7)), the artesian head pressure, and the relatively small diversion rate proposed by this application, well interference from this proposed diversion is not expected to cause an adverse impact.

CONCLUSIONS:

1. Application No. 2791-2 proposes to appropriate an additional 0.047 cfs from the Deadwood aquifer to what is currently authorized by Water Permit No. 1933-2, change the authorized use from commercial use to water distribution system use, and limit the annual volume of water to be pumped under this application and Water Permit No. 1933-2 to a combined total of one acre-foot per year.
2. Water Permit No. 1933-2 authorizes the diversion of water at a maximum instantaneous diversion rate of 0.02 cfs for commercial use from one well completed into the Deadwood Aquifer in Pennington County.
3. Combined, Water Permit No. 1933-2 and Application No. 2791-2, if approved, will authorize the appropriation of one ac-ft/yr. from the Deadwood aquifer at a maximum instantaneous diversion rate of 0.067 cfs.
4. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available in the Deadwood aquifer for this proposed appropriation.
5. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K. 1985. Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory. Groundwater Resource Inventory. Department of Water and Natural Resources Division of Geological Survey. Vermillion, South Dakota.
- Downey, J.S. 1986. Geohydrology of Bedrock Aquifers in the Northern Great Plains in Parts of Montana, North Dakota, South Dakota, and Wyoming. U.S. Geological Survey Professional Paper 1402-E.
- 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.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D. 2004. Geologic Map of South Dakota. General Map 10. SD DENR-Geological Survey. Vermillion, SD.
- Water Rights. 2018a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018d. "Annual Irrigation Questionnaires". SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018e. "Non-Irrigation Yearly Questionnaires". SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DENR-Water Rights Program file for Water Right No. 2313-2. Pierre, South Dakota.
- Williamson, J.E., Jarrell, G.J., Clawges, R.M., Galloway, J.M., and Carter, J.M. 2000. Digital Data Sets for Map Products Produced as Part of the Black Hills Hydrology Study, Western South Dakota. U.S. Geological Survey Open-File Report 2000-471. Scale 1:100,000.

Affidavit of Publication

RECEIVED

DEC 13 2018

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Dec 6 L21101926

NOTICE OF APPLICATION

NO. 2791-2 to Appropriate Water

Notice is given that Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD 57751 has filed an application for a water permit to appropriate an additional 0.047 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 1933-2. Water Permit No. 1933-2 appropriates 0.02 cfs from one existing well completed into the Deadwood Aquifer (166 feet deep) located in the SE 1/4 SW 1/4 Section 18-T2S-R7E for commercial use. An investigation of the permit found the system capable of diverting an additional 0.047 cfs from the existing well. This application, if approved, and Water Permit No. 1933-2 will authorize a total diversion rate of 0.067 cfs (31 gallons per minute). The annual volume used under Water Permit No. 1933-2 and Application No. 2791-2 will not exceed 1.0 acre feet of water. This notice also serves to change use from commercial to water distribution system use. The site is located approximately 4 miles southeast of Keystone SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2791-3 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 December 17, 2018.

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 an approximate cost of \$47.75)

Sheri Sponder 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 6th day of Dec 2018 that the fees charged for the publication there of are 47 dollars and 75 cents.

Sheri Sponder

Subscribed and sworn to before me this 11th
day of December, 2018.

Kerri Berard
Notary public

8/21/2019
My commission expires

KERRI BERARD



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 27, 2018 4:09 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2791-2, Twisted Oak Trail Road District
Attachments: 2791-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 6, 2018.

Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD 57751 (605 415-9818) 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 RIGHT AWAY.**

November 28, 2018

Twisted Oak Trail Road District
c/o David Jones
PO Box 883
Keystone SD 57751

Dear Mr. Jones:

Water Permit Application No. 2791-2 for water distribution use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8300). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization 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. 2791-2 to Appropriate Water

Notice is given that Twisted Oak Trail Road District, c/o David Jones, PO Box 883, Keystone SD 57751 has filed an application for a water permit to appropriate an additional 0.047 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 1933-2. Water Permit No. 1933-2 appropriates 0.02 cfs from one existing well completed into the Deadwood Aquifer (166 feet deep) located in the SE 1/4 SW 1/4 Section 18-T2S-R7E for commercial use. An investigation of the permit found the system capable of diverting an additional 0.047 cfs from the existing well. This application, if approved, and Water Permit No. 1933-2 will authorize a total diversion rate of 0.067 cfs (31 gallons per minute). The annual volume used under Water Permit No. 1933-2 and Application No. 2791-2 will not exceed 1.0 acre feet of water. This notice also serves to change use from commercial to water distribution system use. The site is located approximately 4 miles southeast of Keystone SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2791-3 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 December 17, 2018.

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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 17 2019

Twisted Oak Trail Road District
c/o David Jones
PO Box 883
Keystone SD 57751

Dear Mr. Jones:

Enclosed is Water Permit and Water License No. 2791-2. These are the final water right documents 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.

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