

WATER PERMIT NO. 2815-2

Name of Applicant: Jerry & Kari-Ann Casper

Address: 13350 Silver Mt Rd, Rapid City SD 57702

Phone: 605 342-2246

Amount of Water Claimed: 0.009 cfs

Total Acres: NA

Source of Water Supply: groundwater (one existing well)

Water to be used for: commercial

County: Pennington

Type of Waste Disposal System:

Location: 1 1/2 miles west of Rockerville

PRIORITY

Date Received: 3-26-21

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks: for Silver Mountain Resort and Cabins

Diversion Point: SW 1/4 NE 1/4 Sec 22-T1S-R6E

Land to be Irrigated: NA

Depth of Well: 500 feet deep

Well Driller:

Remarks:

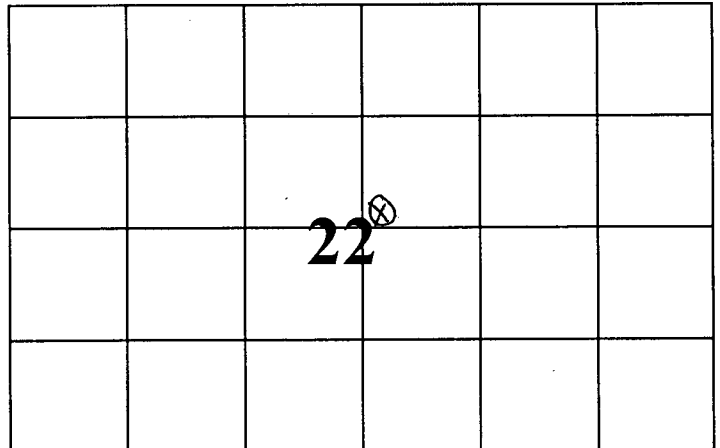
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-26-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2815-2**

Date of first receipt of application March 26, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2815-2 to Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 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. 2815-2 appropriates an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.009 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (500 feet deep) located in the SW 1/4 NE 1/4 Section 22-T1S-R6E for commercial use at Silver Mountain Resort and Cabins located approximately one and a half miles west of Rockerville SD.
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: May 1 – October 31.
4. The date of approval of Permit No. 2815-2 is June 7, 2021.
5. The date from which applicant may claim right is March 26, 2021.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2815-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 17 2021

date



RECEIVED

MAR 26 2021

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2815-2</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. _____		

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

1. Name to Appear on Water Permit Jerry & Kari-Ann Casper

Mailing Address 13350 Silver Mt Rd Rapid City SD 57702
(Address) (City) (State) (Zip Code)
Phone 605 342-2243 ²²⁴⁶ Mobile 503-999-2581 Email Silvermountaincabins@gmail.com

2. Amount of water claimed 0.009 *CFS or 4 **GPM and <1 ***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 groundwater (1 existing well)

4. Location of point of diversion SW 1/4 NE 1/4 Section 22-T1S-R6E County Pennington
(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 ☒ No

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

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used May 1 - October 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)

Kari-Ann Casper _____, 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.

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
- For either Existing or Proposed Wells:
- c) Well Depth (required) 500 Depth to Top of Water Bearing Material ____ Depth to Water from Surface Static - Level 110'
- 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) Septic - Drain Field
- b) System Capacity (gallons) 1500 Year Constructed 2005
- c) Connected to the City of ____ Sanitary System

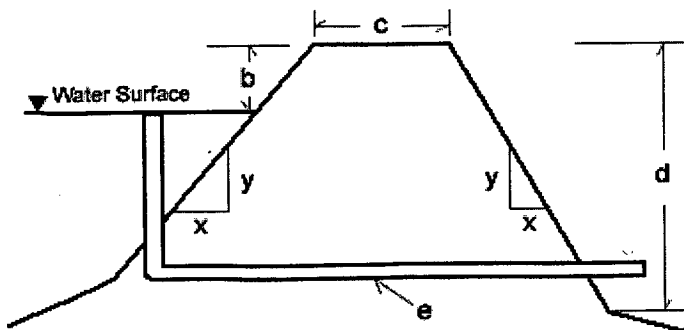
3. Dugout Information

- a) Surface Dimensions See Att. Sheet 400 S.F. 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:



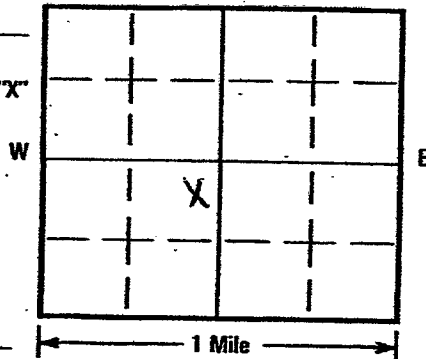
- b) Freeboard ____
- c) Crest Width ____
Crest Length ____
- d) Height ____
- e) Primary Outlet Capacity ____
If pipe, diameter ____
- f) Secondary Spillway Capacity ____
Spillway Width ____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream ____
Downstream ____
- h) Surface Area of Impoundment ____
- i) Storage ____ Acre Feet
- j) Drainage Area Above Dam ____ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SW 22 Twp 15 Rg 6E
 County Pennington

Please mark well location with an "X"



Well-Completion Date

5/30/14

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Down hole Hammer

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other, describe 30' gal 160 pvc

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0	28	8 3/4
LB/FT	IN	28	500	6
LB/FT	IN			

GROUTING DATA

Grout Type brl and 1/2 No. of Sacks 3 Grout Weight lb/gal From 28 ft. To 4 ft.
1/2% bentonite lb/gal ft ft

Describe grouting procedure through trimline pipe

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET

Material

Slot Size Set From Feet to Feet

Other information

NAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

X YES, How: bleach

NO, Why Not? sol.

Laboratory sent to for water quality analysis

Well Owner: Greg Bolt

Business Name:

Address: 13350 Silver Mountain Rd
Rapid City, SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Schist grey hard	0	160
fracture 1 gpm	160	161
Schist grey hard	161	280
Schist frae 3 gpm	280	281
Schist grey hard	281	450
Quartz fracture 4 gpm	450	452
Schist grey hard	452	500

STATIC WATER LEVEL 110 Feet

If flowing: closed in pressure PSI

GPM flow 4 through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 324

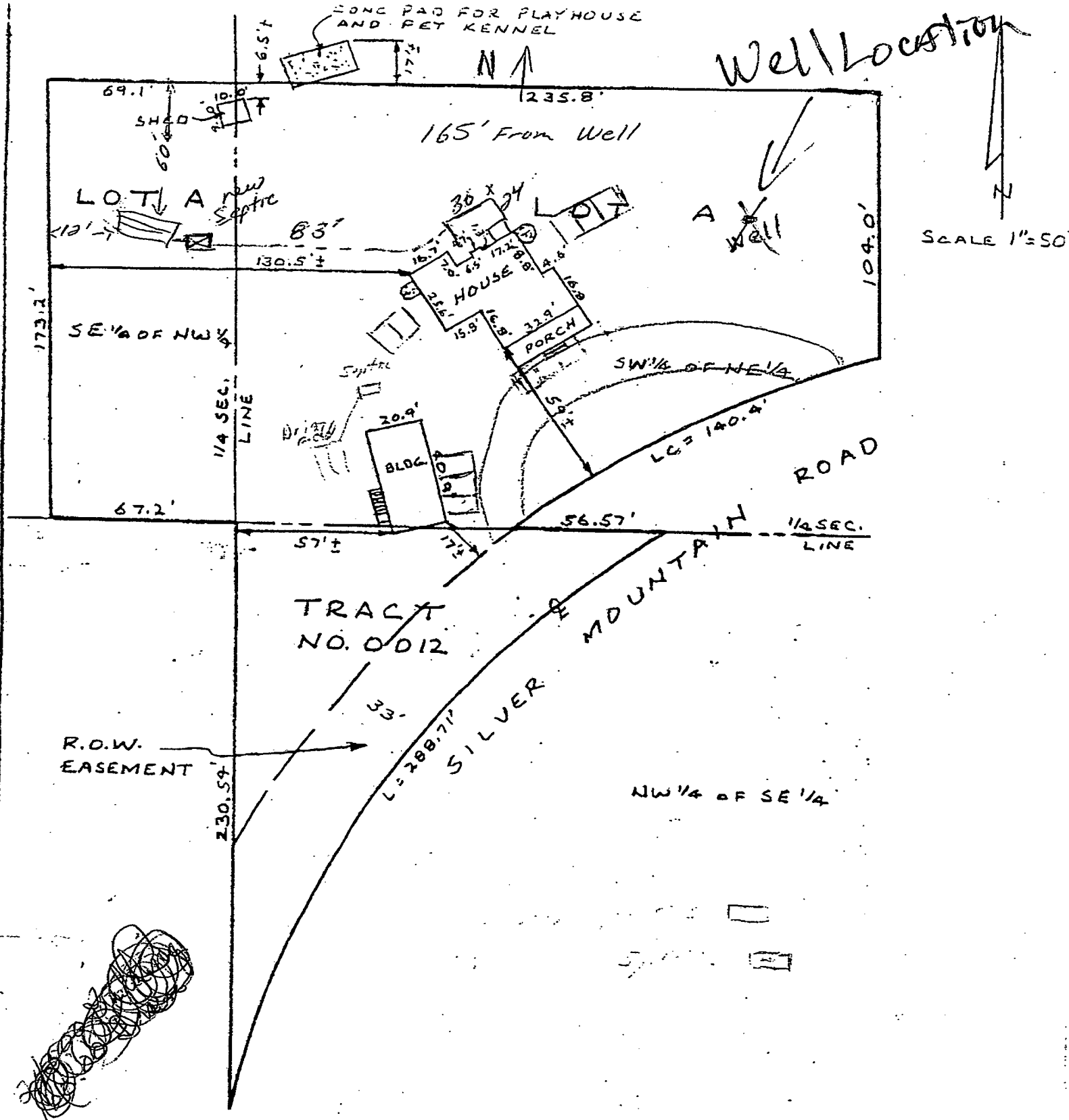
And this report is true and accurate.

Drilling firm Benford Drilling Inc

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder:

Date:



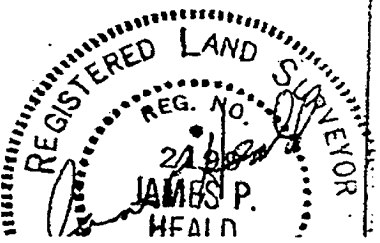
LEGAL DESCRIPTION: Lot A of SE 1/4 of NW 1/4 and Lot A of SW 1/4 of NE 1/4 and Tract No. 0012 in NW 1/4 of SE 1/4 of Section 22, T1S, R6E, BHM, Pennington County, SD.

BORROWERS NAME: Gregory L. and Marilyn K. Bolt

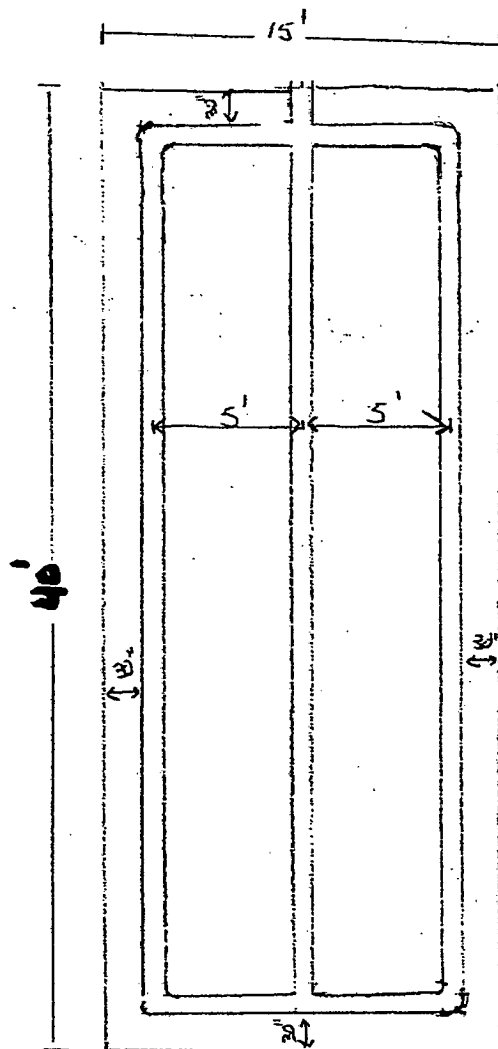
PROPERTY ADDRESS: 13350 Silver Mountain Road

SURVEYORS STATEMENT:

I, James P. Heald, Registered Land Surveyor No. 2189 in the State of South Dakota, do hereby state that on June 10, 2003, the improvement location shown hereon was made by me or under my direct supervision and was made from the recorded bearings and distances shown on the original plat or description. This improvement location was prepared to satisfy the needs of a lender or insurer, only. This document does not constitute a boundary survey and is subject to...

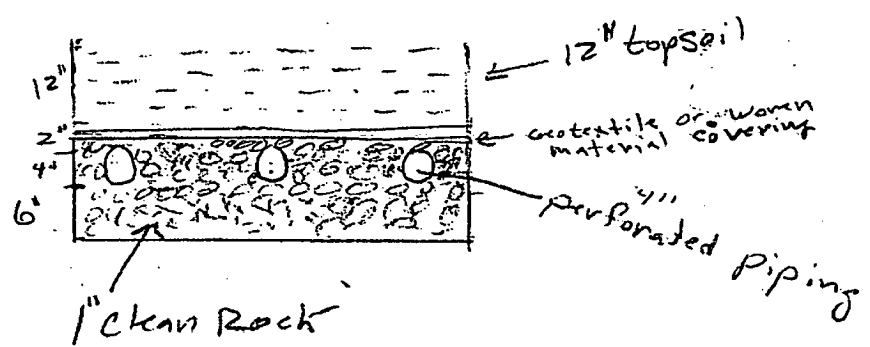


Drain Field Size



Plan View of Bed

X-Section of BED



Township: 1S 6E
Section: 22
QQ Sect: NWNW

Township: 1S 6E
Section: 22
QQ Sect: NENW

Township: 1S 6E
Section: 22
QQ Sect: NWNE

Township: 1S
Section: 22
QQ Sect: NE

Township: 1S 6E
Section: 22
QQ Sect: SWNW

Township: 1S 6E
Section: 22
QQ Sect: SENW

Township: 1S 6E
Section: 22
QQ Sect: SWNE

Township: 1S 6E
Section: 22
QQ Sect: SEN

Township: 1S 6E
Section: 22
QQ Sect: NWSE

Township: 1S 6E
Section: 22
QQ Sect: NWSW

Township: 1S 6E
Section: 22
QQ Sect: NESW

Township: 1S 6E
Section: 22
QQ Sect: NWSE

Township: 1S 6E
Section: 22
QQ Sect: NESE

Township: 1S 6E
Section: 22
QQ Sect: SWSW

Township: 1S 6E
Section: 22
QQ Sect: SESW

Township: 1S 6E
Section: 22
QQ Sect: SWSE

Township: 1S 6E
Section: 22
QQ Sect: SESE

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date November 24, 2020

RECEIVED OF Silver Mountain Resort & Cabins, 13350 Silver Mt Rd, Rapid City SD 57702

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

Fee for Application for Permit No. <u>2815-2</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>2815-2</u>	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$200.00
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$300.00

By Eric Gronlund
Chief Engineer
KS



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Greg B. H.

~~Aaron Galloway, Register Agent~~
Silver Mountain Resort and Cabins
13350 Silver Mountain Rd
Rockerville SD 57702

November 4, 2020

Dear Mr. Galloway:

The South Dakota Water Management Board recently conducted a hearing on a new water permit application to appropriate water from new wells to be completed for a proposed development in the Rockerville area. During that hearing, the issue arose whether a number of existing business' in the area hold water rights for well(s) used to supply water at their business. This letter is intended to make you aware of water right permitting requirements in South Dakota and inquire whether you are aware of any existing water right for the well(s) supplying Silver Mountain Resort and Cabins. This letter is being sent to you since you are listed as the registered agent on the Secretary of State's website.

The Water Rights Program is unable to find a water right for Silver Mountain Resort and Cabins. If you are aware of a water right for the well(s) used by Silver Mountain Resort and Cabins, please let us know by providing the water right number.

If a water right is not in place for the well used by Silver Mountain Resort and Cabins, a water right permit will need to be obtained. Under South Dakota law, any commercial use of water from a private well requires a water right permit.

Enclosed is an application form and instruction sheet to apply for a Permit to Appropriate Water within the State of South Dakota. For your use, enclosed is an aerial map. Please mark the location of the well with an "X" on the aerial map enclosed.

If you have any questions, please contact Ron Duvall or me. We want to work with you to get the necessary permitting in place.

You can find more information about using water in South Dakota and the permitting process by visiting our website at <https://denr.sd.gov/des/wr/wr.aspx>.

Sincerely,

Eric Gronlund

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

enclosures

SD Form - 1565LD v3
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. _____ (office use only) Hydrologic Unit _____ Basin _____ Newspaper _____
---	--

replaced by
application
dated 3/26/21

Application For Permit To Appropriate Water W

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐
☐ Rural Water System	☒ Commercial	☐
☐ Domestic (over 18 gpm)	☐ Industrial	☐

Type of Application: (check one)

☒ New	☐ Vested Right (Use predated permit)
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____	
☐ Amendment/Correction to Permit No. _____	

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

- Name to Appear on Water Permit Silver Mountain Resort's Cabins
Mailing Address 13350 Silver Mt. Rd. Rapid City SD. 57702
(Address) (City) (State) (Zip Code)
Phone 605-342-2343 Mobile _____ Email Silvermountaincabins@gmail.com
well produces
- Amount of water claimed _____ *CFS or 4 **GPM and _____ ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply private well
- Location of point of diversion Legal NE 1/4 SW 1/4 Sec 22 Twp 15 Rg 6 E County Penn.
(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 ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Pennington
- Annual period during which water is to be used April - November
- 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)

I, GREG BOET owner, 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.

Schlaak, Karen

From: Duvall, Ron
Sent: Tuesday, November 24, 2020 9:48 AM
To: silvermountaincabins@gmail.com
Cc: Schlaak, Karen
Subject: Water Permit Application for Silver Mountain Cabin and Resorts

Mr. Bolt,

I am writing concerning your water permit application. The application looks good but we have a question concerning an annual volume of water to be used. At 4 gallons per minute you could pump 6.5 acre-feet (2.1 million gallons) if you pumped continuously for a year. Of course, you don't do that so we need to come up with a reasonable yearly volume. Sometimes we use a rule of thumb of pumping 60% of the time. However, you are only using water for the commercial activity from April through November so usage will probably be significantly less than that. One acre-feet of water is 325,851 gallons – could you identify a volume value for your application.

Thank you,

Ron Duvall
Water Rights Program
605.773.3352
denr.sd.gov



DENR
SOUTH DAKOTA



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2020

Silver Mountain Resort & Cabins
c/o Greg Bolt
13350 Silver Mt. Rd
Rapid City SD 57702

Dear Mr. Bolt:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Pennington County. In order to complete the application, the following is required.

The application requests an appropriation of 4 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume in either gallons/year or acre feet/year. At 4 gpm you could pump 6.5 acre-feet (2.1 million gallons) if you pumped continuously for a year. Of course, you do not do that, so we need to come up with a reasonable yearly volume. Sometimes we use a rule of thumb of pumping 60% of the time. However, you are only using water for the commercial activity from April through November so usage will probably be significantly less than that. One acre-feet of water is 325,851 gallons. Could you please identify a volume value for your application?

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

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



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 9, 2021

Silver Mountain Resort & Cabins
c/o Greg Bolt
13350 Silver Mt Rd
Rapid City SD 57702

Dear Mr. Bolt:

On November 24, 2020, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for commercial use. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

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

enclosure

Water Rights Program - File Documentation

NAME: Marilyn Bolt with Silver Mountain Resort & Cabins

ADDRESS: Rapid City SD **PHONE:** (605) 209-6541

DATE: 3-8-21

RE: Pending application

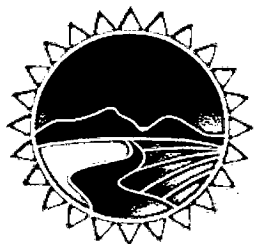
COMMENTS:

Marilyn Bolt called regarding my letter dated February 9, 2021. Ron Duvall and Marilyn discussed the amount of water used annually by the business. They determined that Silver Mountain Resort & Cabins would use less than 1 acre-foot of water per year. They also decided the period of annual use is from May 1 – October 31.

Ron, Marilyn and I discussed what name should be on the application. Marilyn indicated that her niece and husband were in the process of buying the business. Jerry and Kari-Ann Casper, 1648 NE 86th Place, Hillsboro OR 97006. I said I would send the new owners a completed application form in their names. The new owners can sign and return the application to us. Original application/license fees would still apply.



Karen Schlaak
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2021

Jerry and Kari-Ann Casper
1648 NE 86th Place
Hillsboro OR 97006

Dear Mr. & Mrs. Casper

Enclosed is an *Application for a Permit to Appropriate Water* for commercial use at Silver Mountain Resort & Cabins. Marilyn Bolt indicated you were in the process of buying the business from them. She also indicated that she would be explaining what is going on, so hopefully she has done that.

The application needs to be signed by both of you where indicated at the bottom. Please put in a cell number and email address. I am assuming the phone number listed is for the business. If this is incorrect, please change accordingly. Once the signed application is received, the application will be complete, and we will proceed with the permitting process.

If you want more information regarding the permitting process, please go to our web site at <http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 20, 2021 7:45 AM
To: silvermountaincabins@gmail.com
Subject: Water Permit Application No. 2815-2
Attachments: 1237.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2815-2, Jerry & Kari-Ann Casper**

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. 2815-2, Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2815-2 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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2815-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 19, 2021

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2815-2
JERRY & KARI-ANN CASPER
MAY 19, 2021

Water Permit Application No. 2815-2 proposes to appropriate up to one acre-foot of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.009 cubic feet of water per second (cfs) (4 gallons per minute) from one existing well (500 feet deep) completed into the Crystalline Rock aquifer for commercial use at Silver Mountain Resort and Cabins. The well is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22-T1S-R6E in Pennington County. This site is located approximately 1.5 miles southwest of Rockerville, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY

The crystalline rock at the well site for this application consists of metaconglomerate, quartzite, and metapelite that is gray, dark-gray, and tan in color (Redden et al, 2016). Metagraywacke is also common within two miles of the well site (Redden et al., 2016). The crystalline rock is generally exposed at land surface except where covered by localized gravel deposits and alluvium along stream beds (Lester and Rahn, 2001; Redden et al, 2016). The Crystalline Rock aquifer consists of numerous, localized aquifers in the Precambrian aged core of the Black Hills where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rocks that comprise the aquifer have very low primary porosity so water movement in the aquifer is along fractures, joints, and faults, which are called secondary porosity (Rahn, 1979). The distribution of secondary porosity features is uneven and unpredictable. Therefore, local aquifer characteristics are site specific and highly variable. Based on an estimated exposed area of 574,000 acres, water bearing material to a depth of 500 feet, and an effective porosity of one percent, Rahn (1979) estimated the amount of recoverable water in storage in the Crystalline Rock aquifer in western South Dakota to be 2,900,000 acre-feet. Driscoll and Carter (2001) estimated the outcrop of the "Localized aquifers in the crystalline core area (Precambrian/Tertiary/Other)" to be 616,800 acres.

Due to the unpredictable nature of secondary porosity and the very low primary porosity of crystalline rock, it is very difficult to determine if the aquifer is under confined or unconfined conditions. Depending on exactly what depth the secondary porosity was encountered in the well bore and the water level in the well compared to the secondary porosity features, the well may change from acting as a confined well to an unconfined well at various water levels that are not comparable to adjacent wells completed into the same aquifer.

Well completion reports on file with the DANR-Water Rights Program for wells completed into the Crystalline Rock aquifer within approximately one-half mile of the well for this application have depths ranging from 100 to 520 feet with an average depth of 340 feet (Water Rights, 2021d). The well the applicant intends to use is 500 feet deep completed through what the driller called gray schist to the well's total depth. The well completion report notes fractures were encountered at 160 to 161 feet, 280 to 281 feet, and 450 to 452 feet below land surface. The static water level

at time of completion, May 2014, was 110 feet below land surface (Water Rights, 2021d). The well as described meets the definition of an adequate well set forth in Administrative Rule of South Dakota (ARSD) 74:02:04:20(6).

Figure 1 is a map of the area near the applicant's well including Crystalline Rock aquifer Water Rights (Water Rights, 2021c), and fault locations (Redden et al, 2016; Lester and Rahn, 2001). There are several faults (see Figure 1) and other significant geological structures (e.g. synclines, anticlines, domes, etc.) in the area of this application (Redden et al, 2016; Lester and Rahn, 2001; Redden and DeWitt, 2008; Lester and Rahn, 2001). It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults. Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized secondary porosity. However, there is not sufficient data available to attempt a further refined delineation of the localized Crystalline Rock aquifer beyond the currently mapped faults and other significant geologic features that would likely create boundary conditions for the transmission of groundwater by secondary porosity.

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 water rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY

This application proposes to appropriate water from the Crystalline Rock 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 Crystalline Rock aquifer is stratigraphically lower/older than the Greenhorn Formation. However, the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to consider the relationship between estimated average annual recharge and average annual withdrawals for the Crystalline Rock aquifer.

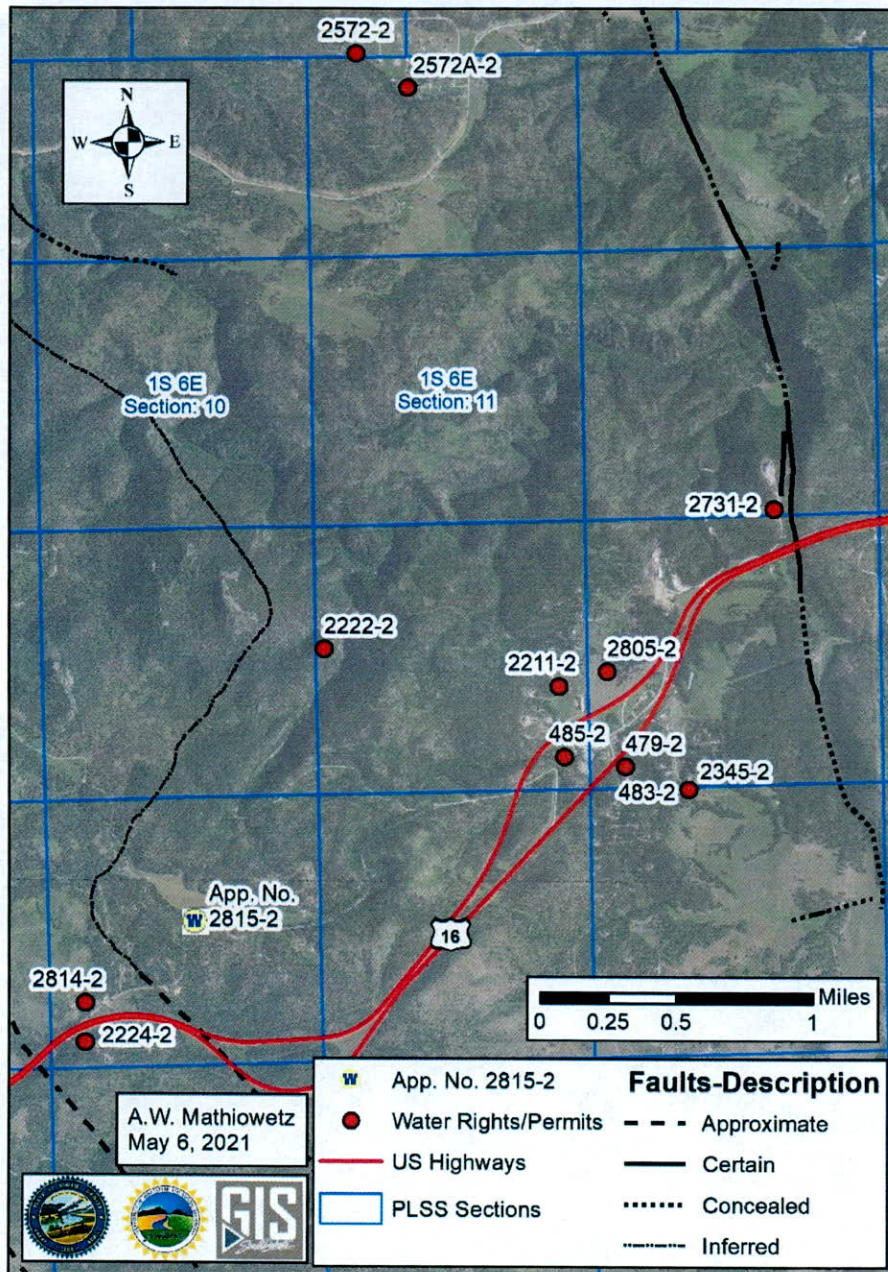


Figure 1-Map of area near Application No. 2815-2 with Crystalline Rock aquifer water rights (Water Rights, 2021c) and fault locations (modified from: Redden et al, 2016; Lester and Rahn, 2001)

Hydrologic Budget

Recharge

The Crystalline Rock aquifers are recharged through the infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001). Driscoll and Carter (2001) estimated the recharge to the entirety of the Crystalline Rock aquifers within the core of the Black Hills must be at least equal to average withdrawals, 3,600 acre-feet per year (ac-ft/yr), during their period of study, 1950-1998. Driscoll and Carter (2001) also noted the actual recharge to the Crystalline Rock aquifers must be much larger than estimated to account for discharge to streams. Additionally, Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifers, "Recharge conditions are highly

transient and have large spatial variability; thus, quantification is not attempted.” While looking at faults and other significant geological features may allow for some limiting of the areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation of this portion of the Crystalline Rock aquifer, simply applying the 3,600 ac-ft/yr equally over the entirety of the aquifer is inappropriate. However, the recharge rate using Carter and Driscoll’s (2001) estimated minimum annual recharge, 3,600 ac-ft/yr, for the Crystalline Rock aquifers is approximately 0.07 inches/year (in/yr). It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Furthermore, Carter and Driscoll (2001) noted that recharge must be much greater to account for losses from the Crystalline Rock aquifers to streamflow.

Carter and Driscoll (2001) also estimated annual yield potential. The estimated annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Carter and Driscoll (2001) used a recharge factor to estimate how much of the annual yield could infiltrate and recharge an aquifer. While other bedrock aquifers in the Black Hills area such as the Madison and Inyan Kara aquifers have a recharge factor, Carter and Driscoll (2001) did not estimate one for the crystalline core of the Black Hills. This is due to the fact that the localized Crystalline Rock aquifers are not extensive regional aquifers and are highly variable in nature. Figure 2 is the map of the estimated annual yield from Carter and Driscoll’s (2001) report with the location of the applicant’s well marked. The Crystalline Rock aquifers near the applicant’s location has an estimated annual yield likely between 1.5 and 2.0 in/yr. There is no average annual recharge estimate available for the localized Crystalline Rock aquifer the applicant proposes to use. The annual yield range is not appropriate to use as a recharge rate for the Crystalline Rock aquifers but does suggest an upper limit on a possible recharge rate.

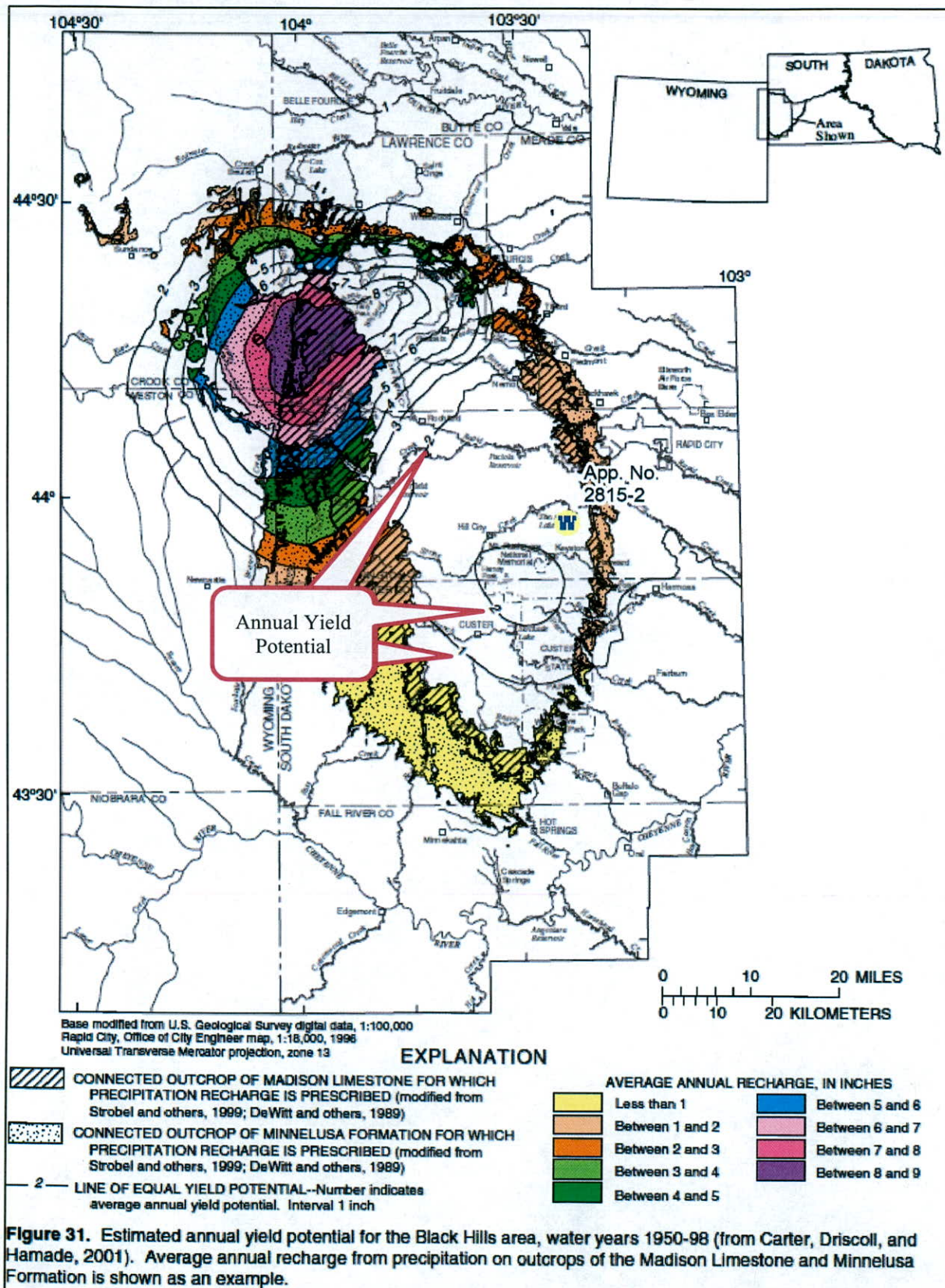


Figure 2- Estimated annual yield potential for Black Hills area with Application No. 2815-2 (modified from: Carter and Driscoll, 2001)

Discharge

Discharge from the Crystalline Rock aquifer is through pumping of wells (Water Rights, 2021c and 2021d), seepage to streams (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is near ground surface. The water rights shown in Figure 1 are listed below in Table 1. The estimated average annual use for each permit was determined by assuming pumping at the permitted diversion rate 60 percent of the time. Water Permit Nos. 2805-2 and 2814-2 and this application are limited by an annual maximum permitted volume (Water Rights, 2021c). Water Right Nos. 2572-2 and 2572A-2, combined, and Water Permit Nos. 2805-2 and 2814-2 are required to report their annual pumpage to the Water Rights Program (Water Rights, 2021c). Water Permit Nos. 2805-2 and 2814-2 are too new to have reported any use yet. Due to the extensive faults in the area of this application and the distance between the well for this application and most of the water rights/permits shown in Figure 1 that are on the same side of the faults as the applicant's well, it is unlikely any of the water rights/permits shown in Figure 1 are completed into the same localized portion of the Crystalline Rock aquifer.

Table 10- Water rights/permits shown in Figure 1 with estimated use (Water Rights, 2021a and 2021c)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	Estimated Use (ac-ft/yr)	Permitted Vol. (ac-ft/yr)	Reported Avg. Use (ac-ft/yr)
479-2	ROCKERVILLE GOLD TOWN INC	06/06/1953	LC	COM	0.09	39.1	n/a	n/a
483-2	ROCKERVILLE TRADING POST	05/01/1954	LC	COM	0.13	56.5	n/a	n/a
485-2	ROCKERVILLE PARK	05/01/1958	LC	COM	0.07	30.4	n/a	n/a
2211-2	PINE HAVEN HERITAGE HOME	12/20/1991	LC	COM	0.03	13	n/a	n/a
2222-2	STORM MOUNTAIN CENTER	02/24/1992	LC	REC/INS	0.04	17.4	n/a	n/a
2224-2	HILLSIDE COUNTRY CABINS	01/01/1898	LC	COM	0.004	1.7	n/a	n/a
2345-2	ROCKERVILLE ACRES SUB-DIV	08/28/1995	LC	COM	0.024	10.4	n/a	n/a
2572-2	SHERIDAN LAKE HIGHLANDS HOA	11/23/2005	LC	SHD	0.08	n/a	n/a	6.1*
2572A-2	SHERIDAN LAKE HIGHLANDS INC	11/23/2005	PE	SHD	n/a	n/a - permitting a backup well		
2731-2	JEFFREY A OR KRISTI HOFFMAN	10/27/2014	LC	DOM	0.1	43.4	n/a	n/a
2805-2	R & J LLC	09/25/2019	PE	COM	0.044	n/a	4	n/a
2814-2	JUDE WILDEMAN	11/16/2020	PE	COM	0.067	n/a	2	n/a
2815-2	JERRY & KARI-ANN CASPER	03/26/2021	APP	COM	0.009	n/a	1	n/a
LC= Water Right, PE= Water Permit, APP= Application, COM= Commercial, INS= Institutional, REC= Recreational, n/a= Not Applicable, *= Period of record 2007-2020								

There are 12 well completion reports on file with the DANR-Water Rights Program for domestic wells that appear to be completed into the Crystalline Rock aquifer within approximately 0.5 miles of the well the applicant intends to use (Water Rights, 2021d). There may be other domestic wells completed into the Crystalline Rock aquifer within that area that are not on file with the Water Rights Program.

In general, the volume of water pumped by domestic users is not a significant component of a hydrologic budget when compared to the appropriate use from an aquifer due to the limited diversion rate and needs of domestic users. However, due to what is likely a relatively small and fault-limited areal extent of the localized portion of the Crystalline Rock aquifer, it is probable that domestic use is a significant portion of the local hydrologic budget. In the past, the Water Rights Program has used, and the Water Management Board has accepted, a domestic water use estimation using the following assumptions: 1) 2.5 residents per rural dwelling, and 2) either the average per capita use by self-serve well users for the county in question or an average use from across the state if county specific data is not available in Carter and Neitzert's (2008) report on estimated water use in South Dakota. In this case, Pennington County self-supplied domestic users withdrew approximately 70 gallons per day per capita. That is equal to 0.20 ac-ft/yr for each rural dwelling with a well using the previously discussed assumptions and assuming the dwelling is occupied year-round. Based on well completion reports filed with the Water Rights Program, there are at least 12 domestic wells within approximately 0.5 miles and on the same side of the mapped faults as the applicant's well (Water Rights, 2021d). Using the above mentioned estimate per dwelling, 0.20 ac-ft/yr, twelve wells equates to approximately 2.4 ac-ft/yr for domestic use. It is possible some other domestic wells exist in this area that do not have completion reports on file with the Water Rights Program.

The nearest appropriate water right on the same side of the faults as the applicant is approximately 1.23 miles away (Water Rights, 2021c). The nearest appropriate right which is on a different side of the faults from the applicant is approximate 0.5 miles away (Water Rights, 2021c). The distance of 1.23 miles between appropriate wells and the separation by the fault between appropriate wells means it is likely the applicant is the only appropriate user with a well completed into their particular localized portion of the Crystalline Rock aquifer. The estimated appropriate use from the localized portion of the Crystalline Rock aquifer the applicant intends to use is likely to be the 1.0 ac-ft/yr the applicant proposes to use. Furthermore, the well the applicant intends to use was drilled in 2014 and has been in use for some time with no complaints filed with the DANR-Water Rights Program regarding water availability from neighbors in close proximity, less than 0.5 miles, to the applicant.

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 DANR-Water Rights Program maintains two observation wells that have historically been considered completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2021b). Observation well CU-86A is located approximately 15.8 miles southwest, and observation

well PE-95D is located approximately 4.4 miles northeast of the well the applicant intends to use (Water Rights, 2021b). While observation well PE-95D is located closer to this application, review of the construction of PE-95D determined the observation well is open to both the Deadwood Formation and the crystalline rock (Kilts, 2018). Both the Deadwood Formation and the crystalline rock can be aquifers at that location (Water Rights, 2021b and 2021d; Williamson et al, 2000). An examination of the water level data over the entire period of record of PE-95D determined the water levels appear to be more similar to the Deadwood aquifer than to the Crystalline Rock aquifer (Kilts, 2018; Strobel et al, 2000; Water Rights, 2021b and 2021d). Furthermore, the drilling records for PE-95D do not note encountering any large secondary porosity features (fractures, significant changes in water inflow or loss of water during drilling, etc.) in the crystalline rock portion of the borehole during drilling. Therefore, it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifers. Therefore, only observation well CU-86A will be considered in this report. Figure 3 shows the hydrograph for observation well CU-86A.

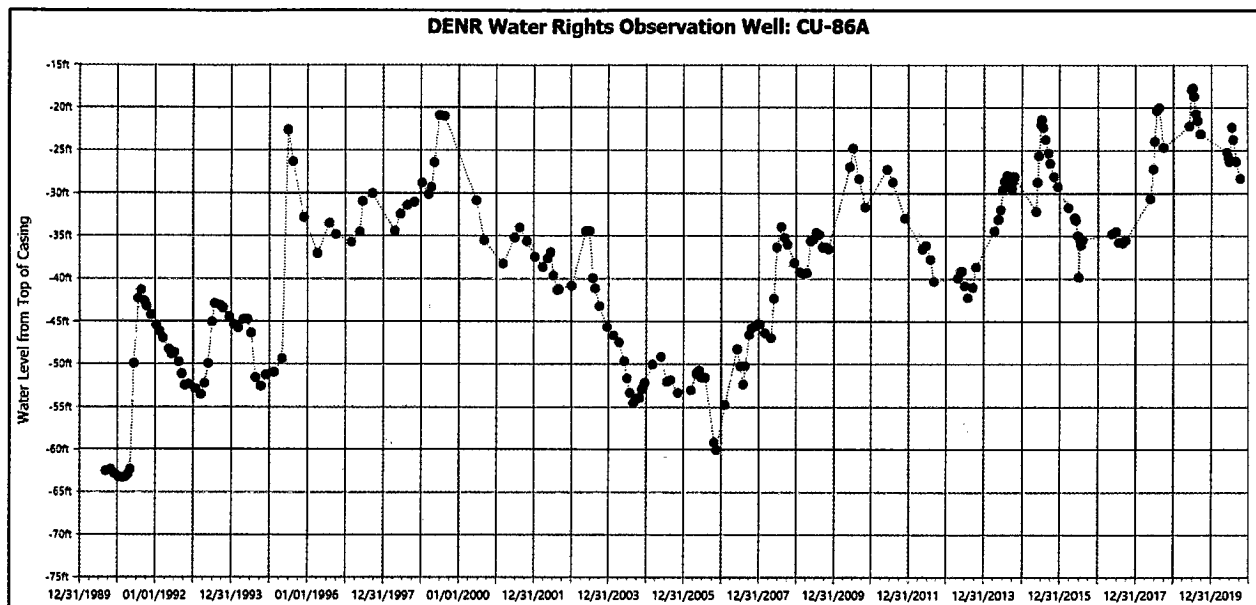


Figure 3- Hydrograph of Crystalline Rock aquifer observation well CU-86A (Water Rights, 2021b)

The hydrograph for CU-86A shows the water levels respond well to climatic conditions. Rising during wetter periods and declining during drier periods. The water levels have fluctuated 45 feet over the period of record in response to climatic conditions. An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by the climatic conditions indicating the changes in water levels are dominated by natural conditions, recharge to and natural discharge from the aquifer. Natural discharge from an aquifer can be captured for pumping. While CU-86A is not that close to the area of the Crystalline Rock aquifer the applicant proposes to use, water level data does show the Crystalline Rock aquifer receives recharge and in general follows climatic trends.

The commentary from Driscoll and Carter (2001) regarding how the recharge to the Crystalline Rock aquifer must be much greater than the estimated 5 cfs (3,600 ac-ft/yr) to account for the groundwater discharge that contributes base flow to many streams is well supported by the

hydrograph for observation well CU-86A, which shows the water level generally rising over its period of record.

When considering the commentary from Driscoll and Carter (2001) regarding recharge to the Crystalline Rock aquifers, the hydrograph for CU-86A, and the small annual appropriation requested by this application, there is a reasonable probability unappropriated water is available for this proposed appropriation.

EFFECTS ON EXISTING WATER RIGHTS

Figure 1 is a view of the Crystalline Rock aquifer water rights/permits in the vicinity of the applicant's well (Water Rights, 2021c). The nearest appropriative water right on the same side of the faults as the applicant, Water Right No. 2222-2, is approximately 1.23 miles away (Water Rights, 2021c). The nearest appropriative right which is on a different side of the faults from the applicant, Water Permit No. 2814-2, is approximate 0.5 miles away (Water Rights, 2021c). Considering the distance between the applicant's well and the wells authorized by Water Right No. 2222-2 and Water Permit No. 2814-2, the location of a nearby fault between the applicant's well and the well for Water Permit No. 2814-2, the minimal number of complaints regarding well interference in Pennington County on file with the DANR-Water Rights Program (Water Rights, 2021e), and the limited diversion rate requested by this application, there is a reasonable probability this application will not unlawfully impair existing appropriative water rights within the Crystalline Rock aquifer.

There are 12 well completion reports on file with the DANR-Water Rights for domestic wells that are mapped within 0.5 miles with 7 of those being mapped within approximately 0.25 miles of the well for this application (Water Rights, 2021d). Unless more accurate information is provided, well completion reports submitted to the DANR-Water Rights Program are mapped at the approximate center of the legal location provided on the well completion report, and multiple wells are mapped at the same location if they share the same legal location description (e.g. SW ¼ SW ¼ Sec 22-T1S-R6E). Therefore, there is not a better estimate of the exact distance to the nearest domestic wells on file with the Water Rights Program. It is also possible there are other wells completed into the Crystalline Rock aquifer within approximately 0.25 miles of the applicant's well that are not on file with the DANR-Water Rights Program. The previous review of information to attempt to locate dwellings determined the closest likely dwelling to the applicant's well is approximately 340 feet south.

The Water Management Board has defined an adequate well in Administrative Rule of South Dakota (ARSD) 74:02:4:20(6) as:

a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.

In the past the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. To protect domestic users, the Water Management Board defined an "adversely impacted domestic well" in 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".

For most aquifers, the placement of the pump intake 20 feet below the top of the aquifer is sufficient for domestic wells. However, for wells completed into the Crystalline Rock aquifer, 20 feet of saturated aquifer thickness may not be sufficient for a dependable water supply. This is due to the low porosity of the crystalline rock and the unpredictable occurrence of secondary porosity. Thus, wells that meet the definition of an adequate well and therefore should be easily protected by the definition of an adversely impacted domestic well may not yield sufficient water for a well owner's needs while still being adequate under the rule.

The precise drawdown effects caused by pumping a well cannot be determined without conducting an aquifer pumping test. Water levels in the Crystalline Rock aquifer are known to vary greater than 40 feet as a result of climatic conditions as shown in Figure 3. There has only been one reported instance of well interference in Pennington County for wells completed into the Crystalline Rock aquifer. This involved Water Right No. 2572-2 during the permit's initial development. The water right was limited to a maximum diversion rate of 18 gallons per minute, the limit for reasonable domestic use, by the Chief Engineer in October 2006. The permit holder reported to the Water Rights Program that the issue was resolved sometime before January 2009, and there have not been any other reports of well interference issues since then (Water Rights, 2021e). The Chief Engineer has recently received a complaint regarding a number of entities in the Rockerville area that are suspected of using water without proper permitting. The complaint further requests onsite investigations.

There has been local development of both domestic and appropriative wells completed into the Crystalline Rock aquifer without a significant history of well interference issues and this application is proposing a relatively limited diversion rate and appropriation volume. Furthermore, the aquifer has large natural fluctuation of water levels that often mask or exceed drawdown caused by well pumping. South Dakota Water Law affords protection to adequate domestic wells, and this water use has been occurring for a number of years with no reported well interference issues. The above factors mean there is a reasonable probability this diversion will not unlawfully impair existing users with adequate wells. If this application is approved, a qualification requiring the applicant to control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells that have prior water rights should be included.

CONCLUSIONS:

1. Water Permit Application No. 2815-2 proposes to appropriate up to 1 ac-ft/yr at a maximum instantaneous diversion rate of 0.009 cfs (4 gpm) from an existing well completed into the Crystalline Rock aquifer for commercial use in Pennington County approximately 1.5 miles southwest of Rockerville, SD.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability this proposed diversion will not without unlawfully impair existing users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

Jerry & Kari Ann Casper

13350 SILVER MOUNTAIN ROAD
RAPID CITY SD 57702

ORDER NUMBER 30811

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, 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 for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each day for one

successive day, the first publication there of being on the
28th day of May, 20 21

Section: Legal

Category: 0084 Water Permits

PUBLISHED ON: 05/28/2021

TOTAL AD COST: 47.98

FILED ON: 5/28/2021

Subscribed and sworn to before me this

1st day of June, 20 21

Sheri Sponder Notary Public

My commission expires

November 21, 20 25

May 28 L30811
NOTICE OF APPLICATION NO. 2815-2 to Appropriate Water
Notice is given that Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 have filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.009 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (500 feet deep) located in the SW 1/4 NE 1/4 Section 22-T1S-R6E for commercial use at Silver Mountain Resort and Cabins located approximately one and a half miles west of Rockerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2815-2 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 Ron Duval 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 June 7, 2021.

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.

(Published once at the approximate cost of \$47.98)

RECEIVED

JUN 04 2021

WATER RIGHTS PROGRAM



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, May 19, 2021 4:41 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2815-2, Jerry & Kari Ann Casper
Attachments: 2815-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2021.

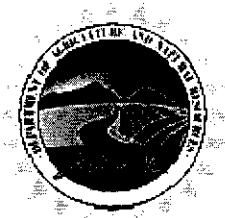
Jerry & Kari Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 (503 999-2581) has been notified to contact you to authorize publication and arrange for payment.

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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 20, 2021

Jerry & Kari-Ann Casper
13350 Silver Mt Rd
Rapid City SD 57702

Dear Mr. & Mrs. Casper:

Water Permit Application No. 2815-2 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 Rapid City Journal printed at Rapid City SD (Ph # 605 394-8336). 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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. 2815-2 to Appropriate Water

Notice is given that Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 have filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.009 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (500 feet deep) located in the SW 1/4 NE 1/4 Section 22-T1S-R6E for commercial use at Silver Mountain Resort and Cabins located approximately one and a half miles west of Rockerville SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2815-2 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 Ron Duvall 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 June 7, 2021.

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.

Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 17 2021

Jerry & Kari-Ann Casper
13350 Silver Mt Rd
Rapid City SD 57702

Dear Mr. & Mrs. Casper:

Enclosed is Water Permit No. 2815-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Eric Gronlund, 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. 2815-2

I have this day, June 24, 2021 made a thorough examination of the water use system constructed by Jerry and Kari-Ann Casper, 13350 Silver Mt. Rd, Rapid City, SD 57702 of Permit No. 2815-2 bearing the priority of 3/26/2021 authorizing the diversion of 0.009 cu- ft. per second of water from one well for commercial purposes in Pennington County.

Inspection contact

Kari-Ann Casper

Cell **503-999-2581**

Correspondence %

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling
- 2) Well No. 1 (5/30/14)
- 3) Depth 500 feet
- 4) Well log Yes

Comments: crystalline rock well

Casing:

- 1) Diameter 6 inch, +2 to 28 ft., open hole 28 to 500 ft.
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level 110 feet

Pump:

- 1) Make Grundfos
- 2) Model 5S10-22 (This is a 5 gpm rated pump producing 4 gpm as installed)
- 3) Size 4"
- 4) Capacity 4 GPM
- 5) Horsepower rating 1 hp

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

- 1) Type Plastic pipe
- 2) Size -- inches
- 3) Length -- feet

C. Works used to apply water to beneficial use:

The well supplies seven cabins and a small swimming pool. The system is controlled by a pressure switch and 52 gallon pressure tank operating at a 40/60 psi pressure setting.

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 excellent condition with the point of diversion located as follows:
**SW ¼ NE ¼ S22-T1S-R6E (2,518 ft. south and 2,467 ft. west of the NE corner),
N 43.948354° W 103.389013°**
2. The works are capable of diverting and conveying to the place of use **0.009** cu. ft. per second (4 gpm) of water which is to be used for **commercial use** and the license should be issued for **0.009 cfs**.
3. All structures, wells and lands on map – **Well only**

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



Steven Quissell
Water Rights Inspector
Department of Agriculture and Natural Resources
Water Rights Program

Date report completed: 7/1/2021

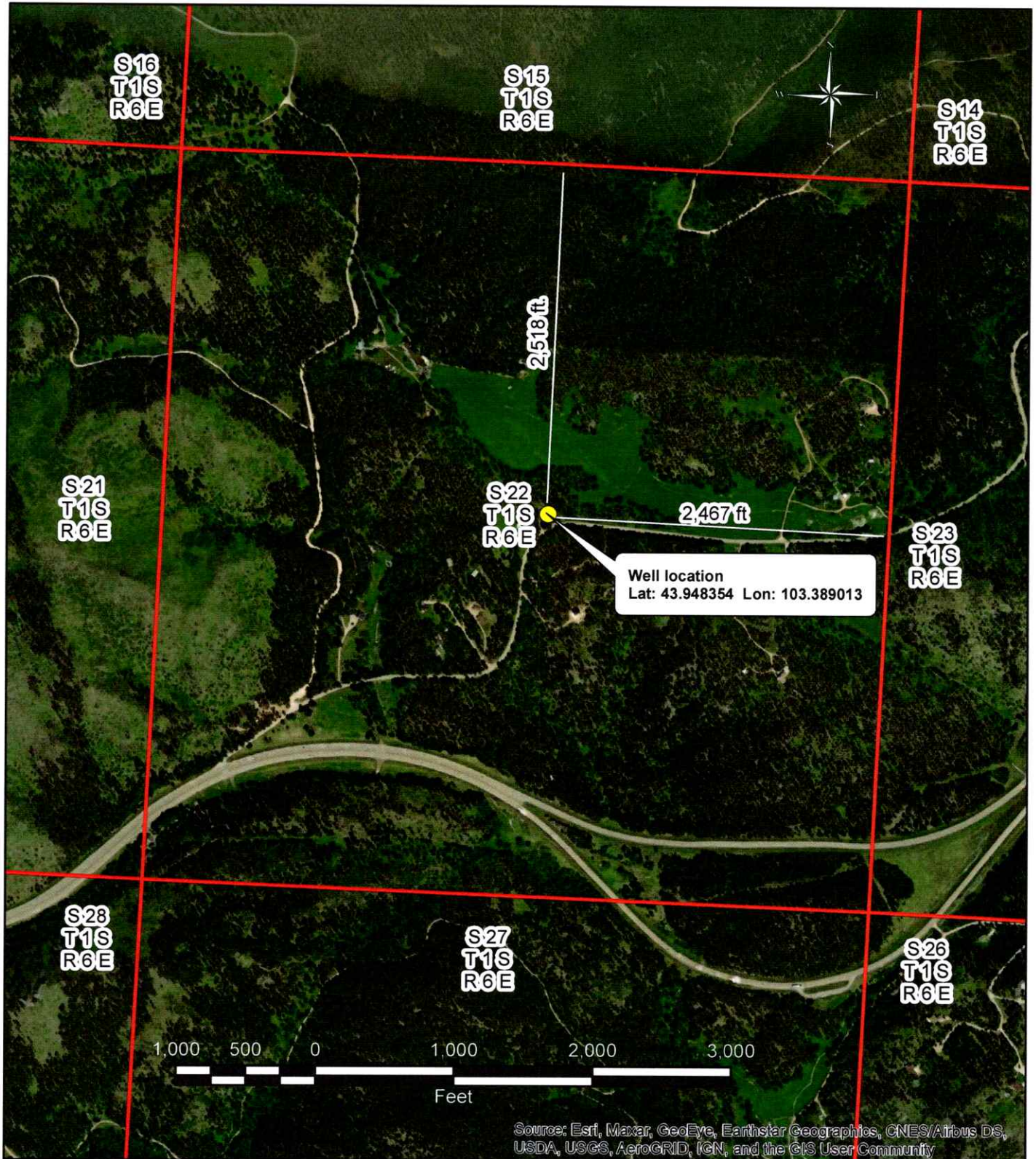


Silver Mt. Resort well



Pressure system

Water Right No. 2815-2
Jerry and Kari-Ann Casper
6/24/2021



Steven Quissell
Water Rights Inspector
Department of Agriculture and Natural Resources
Water Rights Program





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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JUL 02 2021

2815-2

Jerry & Kari-Ann Casper
13350 Silver Mt Rd
Rapid City SD 57702

Dear Mr. & Ms. Casper:

Enclosed is Water License No. 2815-2. 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2815-2

(1) Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 made Application No. 2815-2, March 26, 2021 for a water permit to divert 0.009 cubic feet of water per second (1 acre-foot annually) from ground water, one well (Crystalline Rock Aquifer), Pennington County, South Dakota for commercial purposes. Permit No. 2815-2, with a priority date of March 26, 2021 was approved June 7, 2021 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.009 cubic feet of water per second for beneficial use. The diversion point is located as follows:

- 2,518'S and 2,467' W of the NE corner of Section 22, T1S, R6E (SW ¼ NE ¼)
Latitude 43.948354, Longitude -103.389013

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial use at Silver Mountain Resort and Cabins near Rockerville SD.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry & Kari-Ann Casper, 13350 Silver Mt Rd, Rapid City SD 57702 the holders and/or owners of Water Right No. 2815-2 are issued a license to appropriate water, the right to use 0.009 cubic feet of water per second (4 gpm) from ground water, one well (Crystalline Rock Aquifer) with a priority date of March 26, 2021 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. 2815-2 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 water right 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 right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock Aquifer.
- Water Right No. 2815-2 authorizes a total annual diversion of up to 1.0 acre-feet of water.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 02 2021

date

