

WATER PERMIT NO. 2817-2

Name of Applicant: Aspen Meadows Horse and RV Campground

Address: 514 Americas Way #12559, Box Elder SD 57719

Phone: 304 481-0998

Amount of Water Claimed: 0.10 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Custer

Type of Waste Disposal System:

Location: approximately 7 miles southwest of Custer

PRIORITY Date Received: 4-15-21

Application/License Fee: \$ 300

Corrected Application Received: 5-4-21

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 SW 1/4 Section 27-T4S-
R4E

Land to be Irrigated: NA

Depth of Well: 160 feet deep

Well Driller:

Remarks:

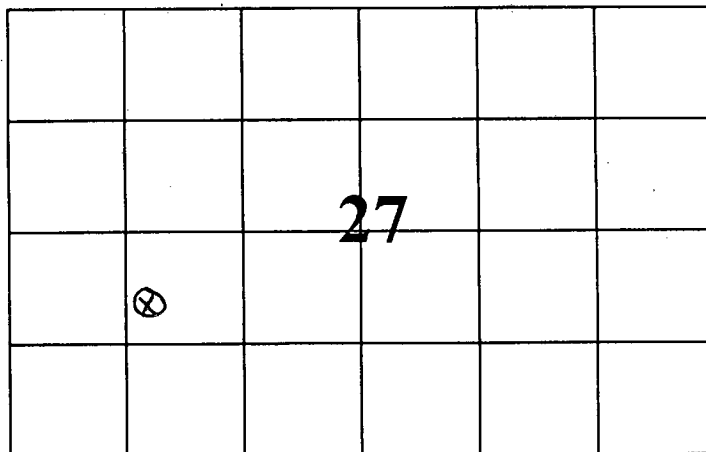
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-4-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2817-2

Date of first receipt of application April 15, 2021.

Date of return to applicant for corrections, amendments or changes April 15, 2021.

Date of receipt of corrected application May 4, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2817-2 to Aspen Meadows Horse and RV Campground, c/o Steven B Piggot, 514 Americas Way #12559, Box Elder SD 57719 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. 2817-2 appropriates 1.4 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (approximately 160 feet deep) located in the NW 1/4 SW 1/4 Section 27-T4S-R4E. This site is located approximately 7 miles south of Custer SD.
2. The water appropriated shall be used for the purpose of commercial and domestic use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is April 15, 2021.
5. The date of approval of Permit No. 2817-2 is July 19, 2021.
6. One-fifth of the construction is to be completed on or before January 19, 2024.
7. All construction is to be completed on or before July 19, 2026.
8. Water is to be put to beneficial use on or before July 19, 2030.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 2817-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled 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. 2817-2 authorizes a total annual diversion of up to 1.4 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUL 23 2021
date



APR 15 2021

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2817-2</u>	(office use only) Hydrologic Unit <u>10/20/09</u>	WATER RIGHTS PROGRAM
	Basin <u>Upper Cheyenne</u>		
	Newspaper <u>Custer Co. Chronicle</u>		
	<u>Rapid City Journal</u>		

PAID

APR 15 2021

Ck# 4138

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.)

- Name to Appear on Water Permit ASPEN MEADOWS HORSE AND RV CAMPGROUND
Mailing Address 514 AMERICAS Way #12559 Box Elder SD 57719
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 304-481-0998 Email autumn_piggott@yahoo.com
- Amount of water claimed 0.10 *CFS or 45 **GPM and 1.4 ***AF or 463,000 Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply 12114 EAST MEADOW Ridge Rd. CUSTER, South Dakota 57730
- Location of point of diversion NW 1/4 SECTION OF PROPERTY County CUSTER
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? NW 1/4 SW 1/4 Section 27-T4S-R4E
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used CUSTER
- Annual period during which water is to be used YEAR-ROUND
- 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)

1-MODULAR TRAILER HOME THAT WILL HAVE RESIDENCE
YEAR-ROUND

I, STEVEN B. Piggott, 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.

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 N/A
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by NOT AVAILABLE

For either Existing or Proposed Wells:

c) Well Depth (required) ~160' Depth to Top of Water Bearing Material ____ Depth to Water from Surface ~20'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others YES
(ME + 4 OTHERS)

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) SEPTIC TANK AND DRAIN FIELD

b) System Capacity (gallons) 1500 gal. Year Constructed 1987

c) Connected to the City of N/A Sanitary System

3. Dugout Information

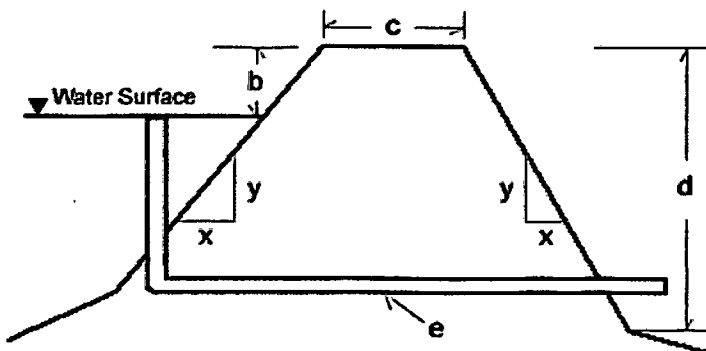
a) Surface Dimensions N/A Depth N/A

b) Depth to water (ground surface to water level) N/A

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

REVISED LOT

3

7.79 ACRES

S29°39'08"E

67.57'

N78°45'32"E

105.28'

• *location of well*

PREVIOUSLY PLATTED
20' UTILITY R.O.W.

REVISED LOT

4

5.00 ACRES

S29°39'08"E

134.28'

L-150.32'

R-360.00'

Δ 28°20'

S58°01'00"E

65.27' (R)

L-322.65'

R-188.00'

Δ 63°44'

LOT 4

FOREST
SERVICE

FOREST
SERVICE

PREVIOUSLY PLATTED
20' UTILITY

LOT 1

TRACT C

105.58' (L)
87°12'20"E (L)
87°08'00"E (L)
102.38' (L)

4S 4E
Section: 21

4S 4E
Section: 22

4S 4E
Section: 23

4S 4E
Section: 28

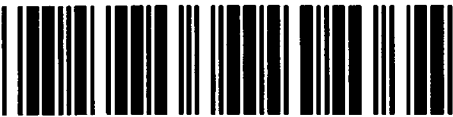
4S 4E
Section: 27

4S 4E
Section: 26

4S 4E
Section: 33

4S 4E
Section: 34

4S 4E
Section: 35



DL188138

ARTICLES OF ORGANIZATION

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Filing Fee: \$150

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Total Fee: \$150

Article I

The name of the Company: **Aspen Meadows Horse & RV Campground LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**514 AMERICAS WAY NUM 8333
BOX ELDER, SD 57719**

Mailing Address

**514 AMERICAS WAY NUM 8333
BOX ELDER, SD 57719**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Lee Ann Piggott**

Actual Street Address in this State

**514 AMERICAS WAY NUM 8333
BOX ELDER, SD 57719**

Mailing Address in this State

**514 AMERICAS WAY NUM 8333
BOX ELDER, SD 57719**

Article IV

The name and address of each organizer

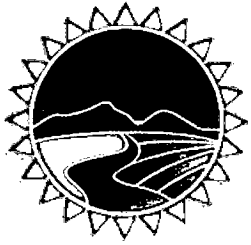
Name	Address
Robert Piggott	514 Americas Way Num 8333, Box Elder, SD 57719
Lee Ann Piggott	514 Americas Way Num 8333, Box Elder, SD 57719
Steve Piggott	514 Americas Way Num 12559, Box Elder, SD 57719
Autumn Piggott	514 Americas Way Num 12559, Box Elder, SD 57719

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0153-4861 09/23/2020 1:54PM Rec'd by SD SOS



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 2021

Aspen Meadows Horse and RV Campground
c/o Steven B Piggott
514 Americas Way #12559
Box Elder SD 57719

Dear Mr. Piggott:

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

- The application requests an appropriation of 45 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. In calculating the annual volume, be reasonable but also plan for the maximum annual volume of use from the well at full development. It is unrealistic that 45 gpm will be pumped continuously during an entire year. Therefore, DENR requests identification of an annual volume to be used at the campground.

If you are unsure what your annual volume will be, a general practice is to convert the diversion rate to a volume in acre-feet of water annually based on pumping 60% of the time. Applying this 60% rate to 45 gpm over the course of a year equates to 23,652,000 gallons/year or 72 acre-feet/year of water annually. We also assume the campground would only be open a portion of the year, reducing that amount correspondingly.

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

Water Rights Program - File Documentation

NAME: Steven Piggott – Aspen Meadows Horse & RV Campground

ADDRESS: Box Elder SD

DATE: 5-4-21

RE: Pending application

COMMENTS:

I talked with Steven Piggott regarding my letter dated April 15, 2021. Mr. Piggott stated he would like to request 463,000 gallons/year which equals 1.4 acre-feet annually.



Karen Schlaak
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 15, 2021

RECEIVED OF Steven/Autumn Piggott 514 Americas Way #12559 Box Elder SD 57719

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

Fee for Application for Permit No. <u>2817-2</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>2817-2</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
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
vm

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 28, 2021 3:50 PM
To: autumn_piggott@yahoo.com
Subject: Water Permit Application No. 2817-2
Attachments: 1430.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(s) 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. 2817-2, Aspen Meadows Horse and RV Campground**

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. 2817-2, Aspen Meadows Horse and RV Campground, 514 Americas Way, #12559, Box Elder SD 57719.

The Chief Engineer is recommending APPROVAL of Application No. 2817-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 2817-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled 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. 2817-2 authorizes a total annual diversion of up to 1.4 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 28, 2021

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2817-2
ASPEN MEADOWS HORSE AND RV CAMPGROUND
C/O STEVE B PIGGOTT
JUNE 28, 2021

Water Permit Application No. 2817-2 proposes to appropriate up to 1.4 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.10 cubic feet of water per second (cfs) (45 gallons per minute) from one existing well (approximately 160 feet deep) completed into the Crystalline Rock aquifer for commercial use. The well is located in the NW ¼ SW ¼ Sec. 27-T4S-R4E in Custer County. This site is located approximately 7 miles south of Custer, SD. This well will also serve a year round residence.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY

The crystalline rock in the area of the well proposed for use by this application consists of metamorphosed graywacke and undifferentiated metamorphosed phyllite and schist (Strobel et al, 1999), some of which is identified as Harney Peak Granite, along with portions of the Deadwood Formation and the Madison Group within a mile to the west of the well (Martin et al, 2004). The crystalline rock is generally exposed at land surface except where covered by localized gravel deposits and alluvium along stream beds within the core of the Black Hills (Martin et al, 2004). 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 50 to 330 feet with an average depth of 203 feet (Water Rights, 2021c). The well the applicant intends to use is approximately 160 feet deep with a static water level of

approximately 20 feet below ground surface. There is no well completion report on file with the Water Rights Program nor was a completion report submitted with the application. On Form 2A of the application, the applicant noted that the wastewater disposal system for the site was constructed in 1987. The well is likely of a similar age or older.

Figure 1 is a map of the area near the applicant's well including Crystalline Rock aquifer Water Rights (Water Rights, 2021b), Crystalline Rock aquifer observation well (Water Rights, 2021b), locations of significant geological features (faults, anticlines, synclines), and geologic formations (Strobel et al, 1999). It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults and other geological features. Furthermore, the actual areal extent of the localized aquifer is likely even further limited by localized 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 potential for unlawful impairment of 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.

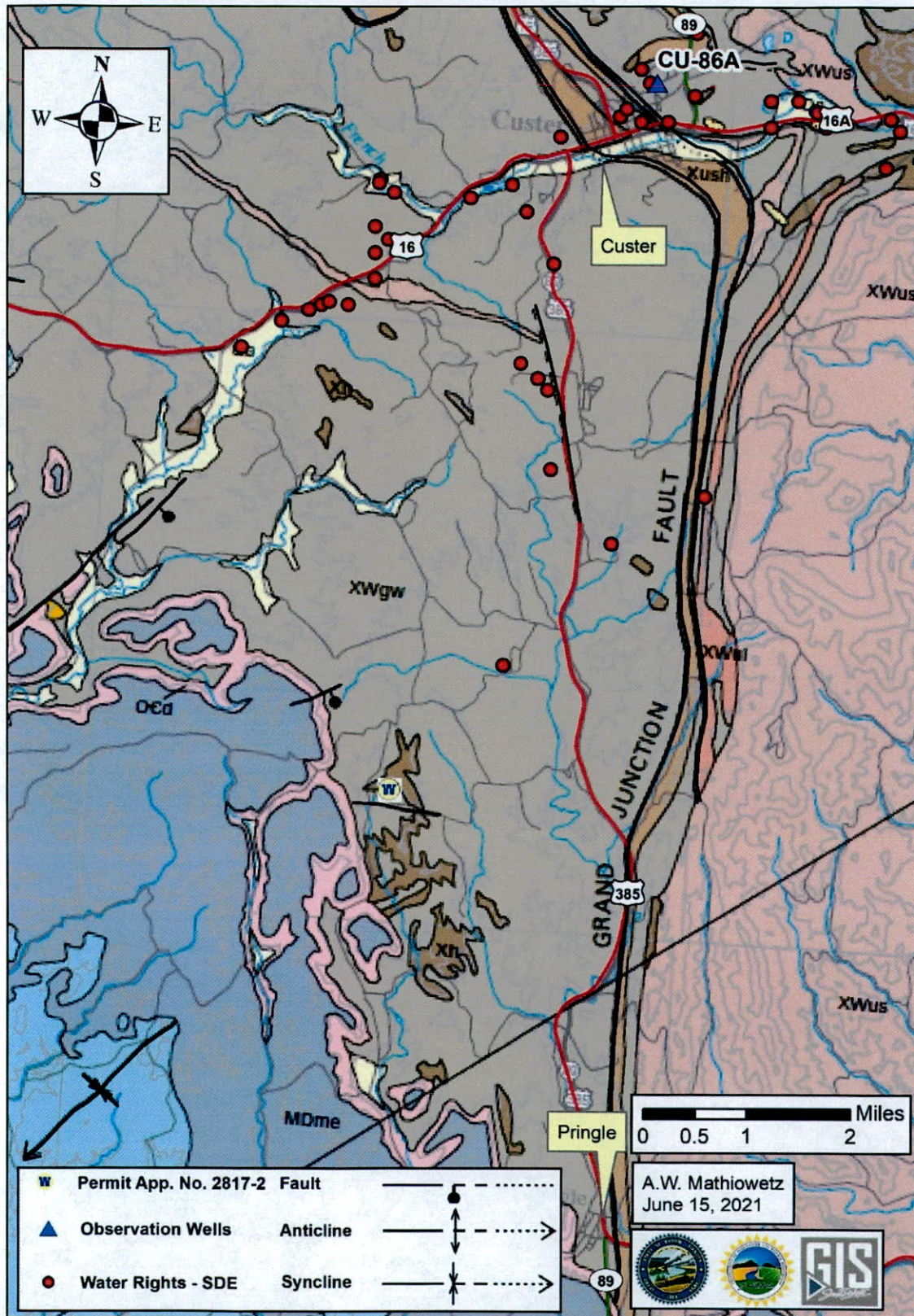


Figure 1- Map of area near Application No. 2817-2 with Crystalline Rock aquifer water rights and observation wells (Water Rights, 2021b and 2021c), and significant geologic feature locations and formations (modified from: Strobel et al, 1999)

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 Driscoll and Carter'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, Driscoll and Carter (2001) noted that recharge must be much greater to account for losses from the Crystalline Rock aquifers to streamflow.

Driscoll and Carter (2001) also estimated annual yield potential. The estimated annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Driscoll and Carter (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, Driscoll and Carter (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 Driscoll and Carter'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 less than 1 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 a likely upper limit on a possible recharge rate.

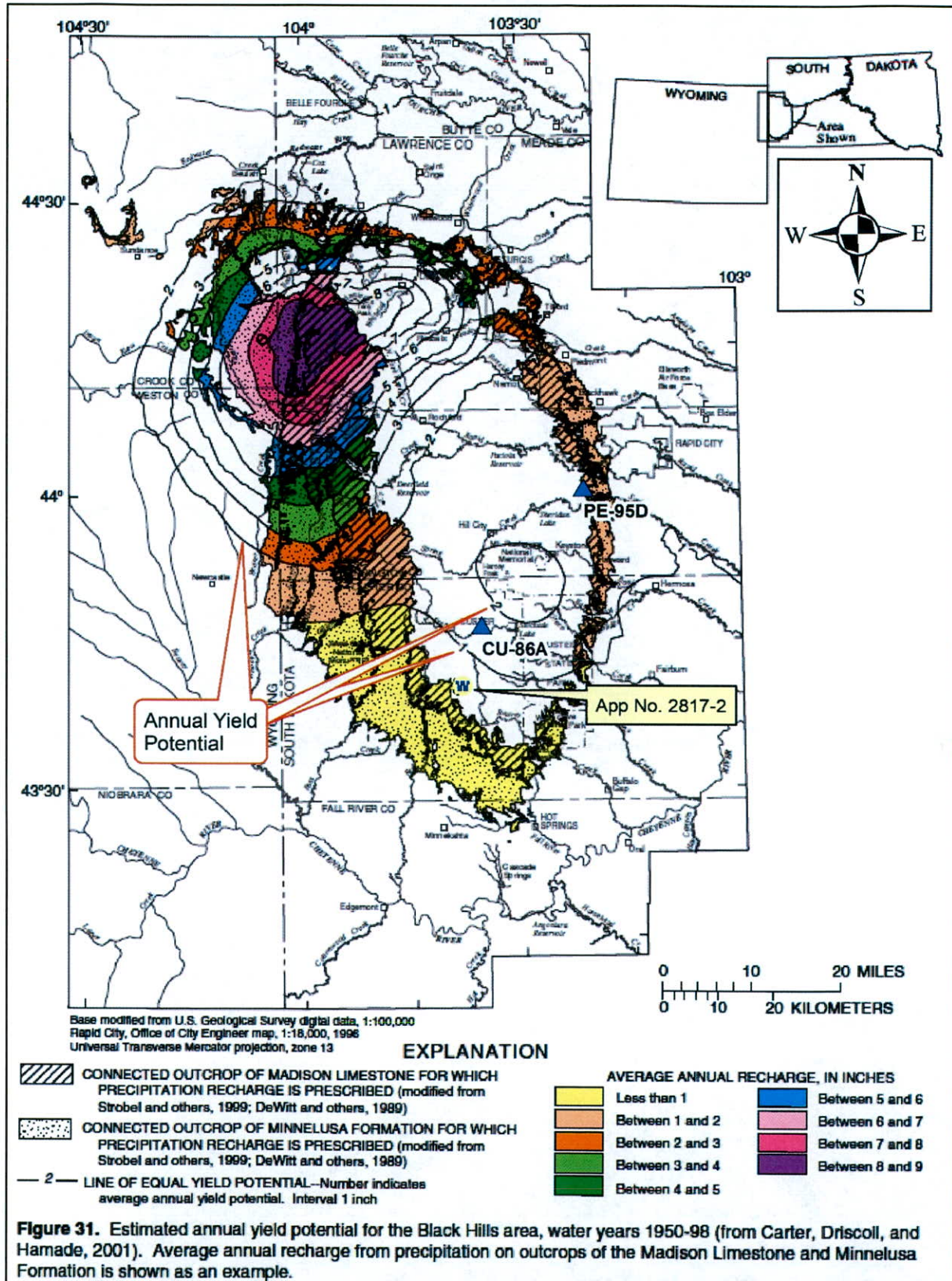


Figure 2- Estimated annual yield potential for Black Hills area (modified from: Driscoll and Carter, 2001) with Application No. 2817-2 and Crystalline Rock aquifer observation wells (Water Rights, 2021a)

Discharge

Discharge from the Crystalline Rock aquifer is through pumping of wells (Water Rights, 2021b and 2021c), 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 or, if their permit(s) were limited by an annual volume, the permitted volume is shown. Water Right No. 2322-2 and Water Permit No. 2780-2 have a combined permitted volume that is listed with Water Permit No. 2780-2 (Water Rights, 2021b).

Due to the faults, synclines and anticlines in the area of this application, the generally limited extent of the smaller fractures (secondary porosity) holding water, and the distance between the well for this application and the water rights/permits shown in Figure 1, it is very unlikely any of the water rights/permits shown in Figure 1 are completed into the same localized portion of the Crystalline Rock aquifer. The nearest water right, Water Right No. 2265-2, is located approximately 1.6 miles northeast of the applicant's well

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 1 mile and 3 within approximately 0.5 miles of the well the applicant intends to use (Water Rights, 2021c). 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 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, Custer County self-supplied domestic users withdrew approximately 69 gallons per day per capita. That is equal to 0.19 ac-ft/yr for each rural dwelling with a well using the previously discussed assumptions and assuming the dwelling is occupied year-round. Using the above mentioned estimate per dwelling, 0.19 ac-ft/yr, the 12 wells within approximately 1 mile equates to approximately 2.3 ac-ft/yr and the 3 wells within approximately 0.5 miles equates to approximately 0.6 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.

Table 1- Water rights/permits shown in Figure 1 with permitted volume or estimated average annual use (Water Rights, 2021b)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES	PERMITTED VOL. (AC-FT/YR)	ESTIMATED AVG. ANNUAL USE (AC-FT/YR)
470-2	CITY OF CUSTER	02/11/1958	LC	MUN	0.1	n/a		43.4
1251-2		03/17/1975	LC	MUN	0.56	n/a		243.3
1407-2		01/10/1977	FU	MUN	n/a	n/a	434	
1916-2	MINERAL TECHNOLOGY CORP	02/11/1985	LC	IND	0.03	n/a		13.0
1924-2	CITY OF CUSTER	03/05/1985	LC	MUN	0.044	n/a		19.1
1936-2	CUSTER/MT RUSHMORE KOA	05/08/1985	LC	COM/DOM	0.27	n/a	120	
1937-2	GRAY ROCKS LLC	06/18/1985	LC	COM	0.05	n/a		21.7
1945-2	BIG PINE CAMPGROUND	06/21/1985	LC	COM	0.033	n/a		14.3
1956-2	VALLEY MOTEL	02/25/1986	LC	COM	0.071	n/a		30.8
1970-2	WESTWARD HO TRAILER COURT	02/12/1953	LC	COM	0.04	n/a		17.4
2000-2	LARRY MATHIS	01/01/1953	LC	COM	0.34	n/a		147.7
2003-2	SHELAH VAVRING	01/01/1945	LC	COM	0.02	n/a		8.7
2024-2	CUSTER SCHOOL DIST 16-1	05/14/1987	LC	IRR	0.02	1.5		n/a
2026-2	JAN CHARLES GRAY	01/13/1987	LC	COM	0.02	n/a		8.7
2060-2	ROBERT N WITTRICK	07/28/1988	LC	COM	0.033	n/a		14.3
2071-2	SIMON CONTRACTORS	02/08/1989	LC	IND	0.1	n/a		43.4
2079A-2	T & E ENTERPRISES	04/13/1989	LC	COM	0.06	n/a		26.1
2107-2	CITY OF CUSTER	10/26/1990	LC	MUN	2.03	n/a		881.8
2143-2		01/01/1943	LC	MUN	0.35	n/a		152.0
2144-2		01/01/1952	LC	MUN	0.45	n/a		195.5
2145-2		01/01/1955	LC	MUN	0.56	n/a		243.3
2146-2		01/01/1947	LC	MUN	0.5	n/a		217.2
2243-2	CUSTER COUNTY AIRPORT	07/23/1992	LC	COM	0.015	n/a		6.5
2255-2	WILD BILLS ANTIQUE MALL	11/18/1992	LC	COM	0.02	n/a		8.7
2264-2	SD DEPT OF SD DEPT OF CORRECTIONS	01/01/1926	LC	INS	0.18	n/a		78.2
2265-2		09/07/1966	LC	INS	0.09	n/a		39.1
2322-2	JOSEPH & LORI HARRISON	12/02/1994	LC	COM	0.05	n/a	*	
2332-2	FIRST BAPTIST CHURCH	03/09/1995	LC	INS	0.022	n/a		9.6
2336-2	ROGER C. & MARY KROGMAN	04/14/1995	LC	COM	0.033	n/a		14.3
2364-2	NORTHSTREAM INVESTMENTS	01/01/1949	LC	COM	0.055	n/a		23.9
2504-2	BEAVER LAKE CAMPGROUND	04/29/2003	LC	SHD	0.122	n/a		53.0
2524-2	SANCTUS V LLC	03/29/2004	LC	COM	0.067	n/a		29.1
2539-2	CUSTER'S CAMP PROPERTIES LLC	12/06/2004	LC	COM	0.022	n/a		9.6
2549-2	CITY OF CUSTER	01/24/2005	LC	MUN	0.76	n/a		330.1
2554-2	CROSSROADS CHURCH OF CUSTER	03/24/2005	LC	INS	0.033	n/a		14.3
2555-2	SOUTHERN HILLS ANIMAL CLINIC	04/01/2005	LC	COM	0.013	n/a		5.6
2579-2	PACER CORPORATION	02/13/2006	LC	COM	0.022	n/a		9.6
2591-2	DANIEL RIGGS	06/06/2006	LC	COM	0.055	n/a		23.9
2764-2	VICKI L BARTZ	06/01/2017	LC	COM	0.067	n/a	0.31	29.1
2780-2	CALAMITY PEAK LODGE	01/19/2018	PE	COM	0.017	n/a	4.6*	

LC=Water Right, FU= Future Use Permit, PE= Water Permit, MUN= Municipal, IND= Industrial, COM= Commercial, DOM= Domestic, IRR= Irrigation, INS= Institutional, SHD= Suburban Housing Development (Water Distribution System), n/a= Not Applicable

The nearest appropriative water right to the applicant's well is approximately 1.6 miles away (Water Rights, 2021b). The distance of 1.6 miles between appropriative wells means, based on the nature of secondary porosity of the Crystalline Rock aquifer, it is likely the applicant would be the only appropriative user with a well completed into their particular localized portion of the Crystalline Rock aquifer. The estimated appropriative use from the localized portion of the Crystalline Rock aquifer the applicant intends to use is likely to be the 1.4 ac-ft/yr the applicant proposes to use. It is reasonable to assume that only the wells on file within approximately 0.5 miles of the applicant's well may be completed into the same localized portion of the Crystalline Rock aquifer. Furthermore, it is likely that only wells within half that distance are completed into the same portion as the applicant's well.

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, 2021a). Observation well CU-86A is located approximately 7.5 miles north-northeast, and observation well PE-95D is located approximately 27.2 miles northeast of the well the applicant intends to use (Water Rights, 2021a). 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, 2021a and 2021c; 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, 2021a and 2021c). 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.

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 completed into the same localized portion of the Crystalline Rock aquifer as the applicant's well, it is close enough to show the Crystalline Rock aquifer receives recharge and in general follows climatic trends.

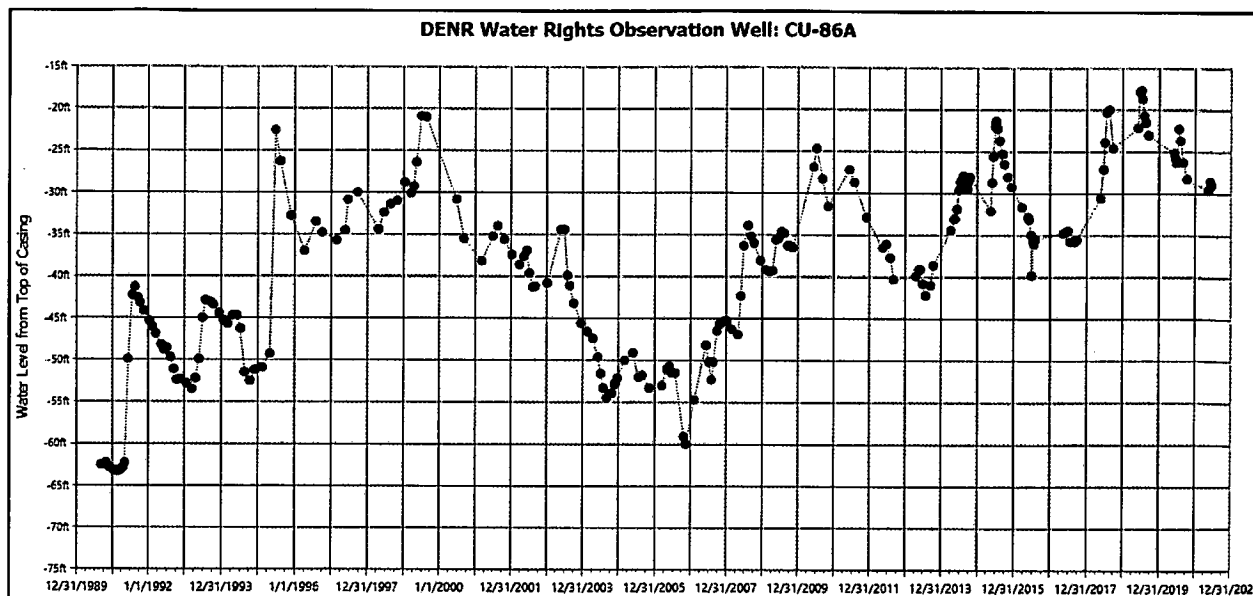


Figure 3- Hydrograph of Crystalline Rock aquifer observation well CU-86A (Water Rights, 2021a)

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

There has been development of both domestic and appropriative wells completed into the Crystalline Rock aquifer without a history of well interference complaints in Custer County. 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.

Figure 1 is a view of the Crystalline Rock aquifer water rights/permits in the vicinity of the applicant's well (Water Rights, 2021b). The nearest appropriative water right to the applicant's well, Water Right No. 2265-2, is approximately 1.6 miles away (Water Rights, 2021b). Considering the distance between the applicant's well and the well authorized by Water Right No. 2265-2, the lack of complaints filed with the Water Rights Program regarding well interference in Custer County (Water Rights, 2021d), 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 1 mile with 3 of those being mapped within approximately 0.5 miles of the well for this application (Water Rights, 2021c). 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 Sec 28-T4S-R4E). 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 0.5 miles of the applicant's well that are not on file with the DANR-Water Rights Program. A review of information to attempt to locate dwellings determined the closest dwelling to the applicant's well is within approximately 300 feet (Beacon, 2021).

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 primary 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 performance 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 for wells completed into the Crystalline Rock aquifer. This involved Water Right No. 2572-2, located approximately 26 miles northeast of the applicant's well in Pennington County, 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 complaints since then (Water Rights, 2021d). 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 requests onsite investigations.

South Dakota Water Law affords protection to adequate domestic wells. 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. 2817-2 proposes to appropriate up to 1.4 ac-ft/yr at a maximum instantaneous diversion rate of 0.10 cfs (45 gpm) from an existing well completed into the Crystalline Rock aquifer for commercial use in Custer County approximately 7 miles south of Custer, 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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Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

RECEIVED

JUL 19 2021

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 2817-2 TO
APPROPRIATE WATER

Notice is given that Aspen Meadows Horse and RV Campground, c/o Steven B Piggott, 514 Americas Way #12559, Box Elder SD 57719 has filed an application for a water permit to appropriate 1.4 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (approximately 160 feet deep) located in the NW 1/4 SW 1/4 Section 27-T4S-R4E for commercial and domestic use. This site is located approximately 7 miles south of Custer SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2817-2 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 July 19, 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 an approximate cost of \$23.94.

7/7

Water Rights Program
State of South Dakota
Aspen Meadows Horse & RV Campground
a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on which said newspaper was regularly published, to wit:

July 7, 2021; _____;

_____; _____;

_____; _____;

_____; _____;

_____; _____;

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

Charles W. Najacht

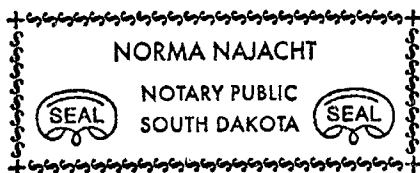
Subscribed and sworn to me before this 7th

of July, 2021;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2024



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

Aspen Meadows Horse and RV Campground

514 AMERICAS WAY
RAPID CITY SD 57719

ORDER NUMBER 32789

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

7th day of July, 2021

Rory Broedner

Section: Legal

Category: 0084 Water Permits

PUBLISHED ON: 07/07/2021

TOTAL AD COST: 47.98

FILED ON: 7/7/2021

Subscribed and sworn to before me this

7th day of July, 2021

Sheri Sponder Notary Public

My commission expires

November 21, 2025

July 7 L32789

NOTICE OF APPLICATION NO. 2817-2 to Appropriate Water
Notice is given that Aspen Meadows Horse and RV Campground, c/o Steven B Piggott, 514 Americas Way #12559, Box Elder SD 57719 has filed an application for a water permit to appropriate 1.4 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (approximately 160 feet deep) located in the NW 1/4 SW 1/4 Section 27-T4S-R4E for commercial and domestic use. This site is located approximately 7 miles south of Custer SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2817-2 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 July 19, 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 \$47.98)

RECEIVED

JUL 12 2021

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 28, 2021 3:46 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2817-2, Aspen Meadows Horse and RV Campground
Attachments: 2817-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 7, 2021.

Aspen Meadows Horse and RV Campground, c/o Steven B Piggout, 514 Americas Way, #12559, Box Elder SD 57719 (304 481-0998) 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>



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 28, 2021 3:46 PM
To: 'custerchronicle@gwtc.net'
Subject: 2817-2, Aspen Meadows Horse and RV Campground
Attachments: 2817-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 7, 2021.

Aspen Meadows Horse and RV Campground, c/o Steven B Piggout, 514 Americas Way, #12559, Box Elder SD 57719 (304 481-0998) has been notified to contact you to authorize publication and arrange for payment.

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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**

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

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

June 29, 2021

Aspen Meadows Horse and RV Campground
c/o Steve B Piggott
514 Americas Way #12559
Box Elder SD 57719

Dear Mr. Piggott:

Water Permit Application No. 2817-2 for commercial and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Custer Co Chronical printed at Custer SD (Ph # 605 673-2217) and the Rapid City Journal printed at Rapid City SD (Ph # 605 4394-8336). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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. 2817-2 to Appropriate Water

Notice is given that Aspen Meadows Horse and RV Campground, c/o Steven B Piggott, 514 Americas Way #12559, Box Elder SD 57719 has filed an application for a water permit to appropriate 1.4 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well completed into the Crystalline Rock Aquifer (approximately 160 feet deep) located in the NW 1/4 SW 1/4 Section 27-T4S-R4E for commercial and domestic use. This site is located approximately 7 miles south of Custer SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2817-2 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 July 19, 2021.

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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

JUL 23 2021

Aspen Meadows Horse and RV Campground
c/o Steven B Piggot
514 Americas Way #12559
Box Elder SD 57719

Dear Mr. Piggot:

Enclosed is Water Permit No. 2817-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures