

WATER PERMIT NO. 2838-2

Name of Applicant: SD Dept of Game, Fish & Parks, Custer State Park

Address: 13329 US Hwy 16A, Custer SD 57730

Phone: 605 255-4515

Amount of Water Claimed: 0.09 cfs (18.4 AF)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: recreational

County: Custer

Type of Waste Disposal System:

Location: 14 miles southeast of Custer

PRIORITY

Date Received: 1-27-22

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: March 1 – November 1

Remarks: Provide water to new Visitor Center

Diversion Point: NE 1/4 NW 1/4 Sec 2-T5S-R6E

Land to be Irrigated: NA

Depth of Well: 280 feet deep

Well Driller:

Remarks:

Type of Map: acrial

Prepared by:

		⊗			
			2		

Reviewed and the Number Assigned on: 1-31-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2838-2**

Date of first receipt of application January 27, 2022.

Date of return to applicant for corrections, amendments or changes January 27, 2022.

Date of receipt of corrected application January 31, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2838-2 to South Dakota Department of Game, Fish and Parks, Custer State Park, 13329 US Hwy 16A, Custer SD 57730 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. 2838-2 appropriates 18.4 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Minnelusa Aquifer (280 feet deep) located in the NE 1/4 NW 1/4 Section 2-T5S-R6E for recreational use at a new Visitor Center. This site is located approximately 14 miles southeast of Custer SD.
2. The water appropriated shall be used for the purpose of recreational 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: March 1 – November 1.
4. The date from which applicant may claim right is January 27, 2022.
5. The date of approval of Permit No. 2838-2 is April 4, 2022.
6. One-fifth of the construction is to be completed on or before October 4, 2024.
7. All construction is to be completed on or before April 4, 2027.
8. Water is to be put to beneficial use on or before April 4, 2031.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

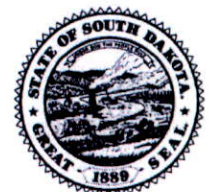
QUALIFICATIONS

1. The well approved under Water Permit No. 2838-2 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 Minnelusa aquifer.
3. Water Permit No. 2838-2 authorizes a total annual diversion of up to 18.4 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUN 01 2022
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2838-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Custer County Chronicle</u>	
	<u>Rapid City Journal</u>	

RECEIVED

JAN 27 2022

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

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

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

- Name to Appear on Water Permit SD GFA P Custer Park
Mailing Address 13329 US Hwy 16A Custer SD 57730
(Address) (City) (State) (Zip Code)
Phone (605) 255-4515 Mobile () Email jayne.severyn@state.sd.us
- Amount of water claimed 0.09 *CFS or 40 **GPM and 18.4 ***AF or 6,000,000 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 Minnekahta Minnelusa
- Location of point of diversion N 1/4 NW 1/4 Sec 2 T55 R6E County Custer
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? SE 1/4 NW 1/4 Sec 2 T55 R6E
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Custer
- Annual period during which water is to be used 3-1-11-1
- 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)

Provide water for new Visitor Center.

I, Jayne Severyn Name of Person program Sep Title (if applicable), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

(type or print)

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

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth (required) 258²⁸⁰ Depth to Top of Water Bearing Material 210 Depth to Water from Surface 140

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

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of Sanitary System

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

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)

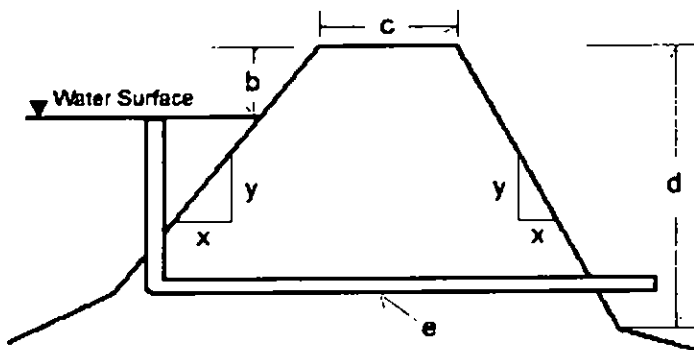
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage	Acre Feet
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j) Drainage Area Above Dam Acres



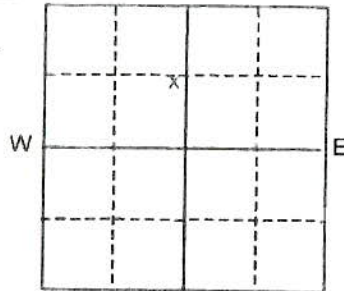


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 2 Twp 5S Rg 6ECounty Custer

North

Please mark well
location with an "X"

Well Completion Date

4/8/21

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary downhole hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe Set 283 of 5" certilok

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0.0 FT	280.0 FT	7.88 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland II	40	Lb/gal	160.0 Ft	0.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
through trimmie pipe

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 5.00 Inches Length 100.0 Feet
Material CertilokSlot Size Set From 180.0 Feet to 280.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? w/chlorine solution☐ No, Why Not?Lab to which water
quality sample sent for analysis

RECEIVED

Well Owner: Office of the State Engineer

Business Name:

Address: 523 East Capitol AveCity, State, Zip: Pierre SD 57501-3182

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Opeche	0	65
Minnekahta	65	175
Minnelusa sands	175	177
Minnelusa sands	177	210
Minnelusa sands 25 gpm	210	212
Minnelusa sands	212	235
Minnelusa sands 30 gpm	235	238
Minnelusa sands	238	252
Minnelusa sands 40 gpm	252	258

STATIC WATER LEVEL 140.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow 40.0 through _____ Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ 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

Well log formation continued:
Minnelusa 258 to 280This well was drilled under license # 324 and this
report is true and accurate.Drilling firm: Alexander Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

4/18/21

JAN 27 2021

OFFICE OF THE
STATE ENGINEER
Pierre, South Dakota

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Jayme Severyn, Program Specialist, SD GF&P

DATE: February 4, 2022 TELEPHONE: 605-255-4805

RE: Proposed aquifer discrepancy

COMMENTS:

Called Jayme Severyn to discuss discrepancy between the water source as identified on the application and as indicated on the submitted well completion report. The application stated Minnekahta aquifer, and the well completion report submitted with the application indicated the well was completed into the Minnelusa aquifer. Confirmed with Jayme that it is appropriate to update the application to identify the proposed water source as the Minnelusa aquifer.



Adam Mathiowetz

Natural Resources Engineer

DANR-Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 19, 2022 4:27 PM
To: Severyn, Jayme
Subject: FW: Message from GFCU1P01
Attachments: SGFCU1P0122011913200.pdf; 2428.pdf

Jayme,

Ron forwarded your application to me for review.

A couple of items are required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please mark the well location with an "X". Once the well location is marked on the map, we can determine if the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2-T5S-R6E as identified on the application is correct.
- The application requests an appropriation of 40 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 40 gpm will be pumped continuously during an entire year. Therefore, DANR requests identification of an annual volume to be used.
- The application/license filing fee will be \$300.00.

If you have questions, contact Ron Duvall or me.

Karen Schlaak

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



From: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Sent: Wednesday, January 19, 2022 2:30 PM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Subject: FW: Message from GFCU1P01

Hey Ron. Attached is the permit. Let me know if I need to change something or what I need to do to proceed.

Thanks for your time.

Jayme Severyn

Custer State Park

Office (605)255-4515

From: gfcu1p01@state.sd.us <gfcu1p01@state.sd.us>

Sent: Wednesday, January 19, 2022 1:21 PM

To: Severyn, Jayme <Jayme.Severyn@state.sd.us>

Subject: Message from GFCU1P01

Schlaak, Karen

From: Tentinger, Jeremy
Sent: Monday, January 31, 2022 1:14 PM
To: Schlaak, Karen; Keiser, Darcy
Cc: Van Sambeek, Levi; Severyn, Jayme
Subject: RE: Non cash voucher request
Attachments: N06201J027.pdf

Good afternoon-

Attached is an interagency billing to serve as payment for the enclosed invoice.

Let us know if further information is needed thanks.

Jeremy

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, January 27, 2022 8:56 AM
To: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Cc: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Subject: Non cash voucher request

Attached is an Application for Permit to Appropriate Water submitted by Jayme Severyn with GF&P.
The application/license fee will be \$300.00.

Please send me verification that the payment has been processed.
Thanks,

Karen Schlaak

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



Interagency

APPL. AREA	30	VOUCHER #: N06201J027
DATE	01/31/2022	
NUMBER		
DATA TYPE	1	

CR
DR

FROM: Game Fish and Parks
TO: DANR

LINE	COMP	ACCOUNT	CENTER		AMOUNT	DR CR	USER CODE
1	3125	52D40703	0621131	0008LOOP210A	300.00	DR	
2						CR	
3						CR	
4						CR	
5					300.00	CR	
6						DR	
7						DR	
8						DR	
9						DR	
10						DR	
TOTAL					300.00	DR	
TOTAL					300.00	CR	
VOUCHER TOTAL					600.00		

Description of service, product, or transfer

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in federally assisted programs.

AUTHORIZATION _____ Jeremy Tentinger 01/31/2022
AUTHORIZATION _____

Schlaak, Karen

From: Severyn, Jayme
Sent: Monday, January 31, 2022 9:13 AM
To: Schlaak, Karen
Subject: RE: Message from GFCU1P01
Attachments: SGFCU1P0122012011440.pdf

Here you go ... its on page four of the attachment .. Sorry took me so long to get back to you.

js

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, January 27, 2022 8:50 AM
To: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Subject: RE: Message from GFCU1P01

Received the application this morning. The map with the well marked on it wasn't included. I pretty sure you had emailed it to me, but with all the back and forth, I may have deleted it. Please email it again.
I will proceed with the non-cash voucher request.

For your information, we now have 60 days to prepare a report and recommendation on the application. Once that is done, I will send you information regarding the public notice process.

From: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Sent: Monday, January 24, 2022 2:45 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Message from GFCU1P01

Awesome .. I understand .. and that sounds get. I will get the app in the mail tomorrow.

Thank you for all your help ... most appreciated.

js

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, January 24, 2022 12:54 PM
To: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Subject: RE: Message from GFCU1P01

I tried calling you back but you had just left. I talked with our fiscal person and she said I could send her an email requesting the application fee of \$300. She would then get in contact with the fiscal people for GF&P here and take care of it with a non-cash voucher. Please mail the application to us. I will send a copy of the water permit application with my email request for the money.

Does that work for you? Or did I confuse matters?
Karen

From: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Sent: Friday, January 21, 2022 9:12 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Message from GFCU1P01

Awesome .. will make the changes and get it sent out next week along with the payment. I REALLY appreciate all your help.

Thank you.

js

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, January 20, 2022 1:23 PM
To: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Subject: RE: Message from GFCU1P01

Do you agree that the well is located in the NE ¼ NW ¼ Sec 2-T5S-R6E instead of the SE ¼ NW ¼ ? Please make that change on the application. I will change the location on the well completion report. It is not uncommon for the driller to have an incorrect legal description on the well completion report.

You can sent it all to: Water Rights Program, 523 E Capitol, Pierre SD 57501
I'll get it!

From: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Sent: Thursday, January 20, 2022 12:50 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Message from GFCU1P01

Awesome Thanks Karen,

I think I have updated the map and added the annual volume (I am pry way high on the annual volume but would rather over estimate it).

Let me know if I am headed in the right direction. IF everything is correct ... do I just mail it to the Foss building ... Care off someone?

Tks

js

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Wednesday, January 19, 2022 3:27 PM
To: Severyn, Jayme <Jayme.Severyn@state.sd.us>
Subject: FW: Message from GFCU1P01

Jayme,

Ron forwarded your application to me for review.

A couple of items are required.



**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. 2838-2, SD Dept. Game, Fish & Parks - Custer State Park**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 2838-2, SD Dept. Game, Fish & Parks - Custer State Park, 13329 US Hwy 16A, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2838-2 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 2838-2 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 Minnelusa aquifer.
3. Water Permit No. 2838-2 authorizes a total annual diversion of up to 18.4 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 14, 2022

Report to the Chief Engineer
On Water Permit Application No. 2838-2
SD Department of Game, Fish, and Parks,
Custer State Park c/o Jayme Severyn

February 28, 2022

Water Permit Application No. 2838-2 proposes to appropriate up to 18.4 acre-feet (ac-ft) of water annually at a maximum instantaneous diversion rate of 0.09 cubic feet per second (cfs) from one well completed into the Minnelusa aquifer (280 feet deep) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2-T5S-R6E for recreational use at a new visitor center. The site is located in Custer County approximately 14 miles southeast of Custer, SD.

AQUIFER: Minnelusa (MNLS)

HYDROGEOLOGY:

The Pennsylvanian-and Permian-age Minnelusa Formation is comprised of three units that are a mix of shale, limestone, sandstone, dolomite, and anhydrite (Driscoll, 2002; Rahn, 1973). The three units of the Minnelusa Formation consist of red shale with interbedded limestone and sandstone at the base, interbedded sandstone, limestone, dolomite, shale, and anhydrite in the middle of the formation, and yellow to red crossbedded sandstone, limestone and anhydrite locally at the top (Putnam et al., 2009). The anhydrite within the Minnelusa Formation for the most part has been eradicated as a result of a change in depositional environment and dissolution where the formation outcrops. The dissolution of the anhydrite has resulted in collapse features that have been filled with breccia (Carter et al., 2001b). The thickness of the Minnelusa Formation in South Dakota can range from approximately 375 feet near Belle Fourche and 1,175 feet near Edgemont (Carter et al., 2001b).

The Minnelusa aquifer occurs within the upper sandstone units of the Minnelusa Formation (Kyllonen et al., 1987). The Minnelusa Formation is disconformably overlain by the Opeche Shale (Carter et al., 2001b). The Opeche Shale acts as a confining layer that restricts the flow of water between the Minnelusa and Minnekahta aquifers (Strobel et al., 1999). The Minnelusa Formation is unconformably overlying the Madison (Pahasapa) Limestone (Putnam et al., 2009). The lower unit of the Minnelusa formation acts as a confining layer between the Minnelusa and Madison aquifers as a result of the low permeability of the unit; however, weathering and brecciation may have increased the permeability in outcrop areas of the lower unit of the Minnelusa Formation (Kyllonen et al., 1987; Putnam et al., 2009).

The Minnelusa aquifer in western South Dakota is estimated to underlie 23,114,880 acres and contain approximately 755,555,520 acre-feet (ac-ft) of recoverable water in storage (Allen et al., 1985). In Custer County, the Minnelusa aquifer underlies approximately 740,480 acres and contains approximately 25,916,800 ac-ft of recoverable water (Allen et al., 1985). It should be noted that amount of recoverable water within the Minnelusa aquifer may vary from one location to another as a result of the characteristics and overall extent of the aquifer.

The Minnelusa aquifer can exist under both confined and unconfined conditions (Putnam et al., 2009). The unconfined portions of the Minnelusa aquifer are generally found at outcrop areas of the Minnelusa Formation (Putnam et al., 2009). The confined portions of the aquifer are generally found at areas where the formation dips to the east causing the hydraulic head to be above the top of the formation (Putnam et al., 2009). The direction of groundwater movement of the Minnelusa aquifer is generally radially outward from the center of the Black Hills (Carter et al. 2001b). The approximate outcrop extent of the Minnelusa Formation in South Dakota is displayed in Figure 1 along with the location of the proposed diversion point.

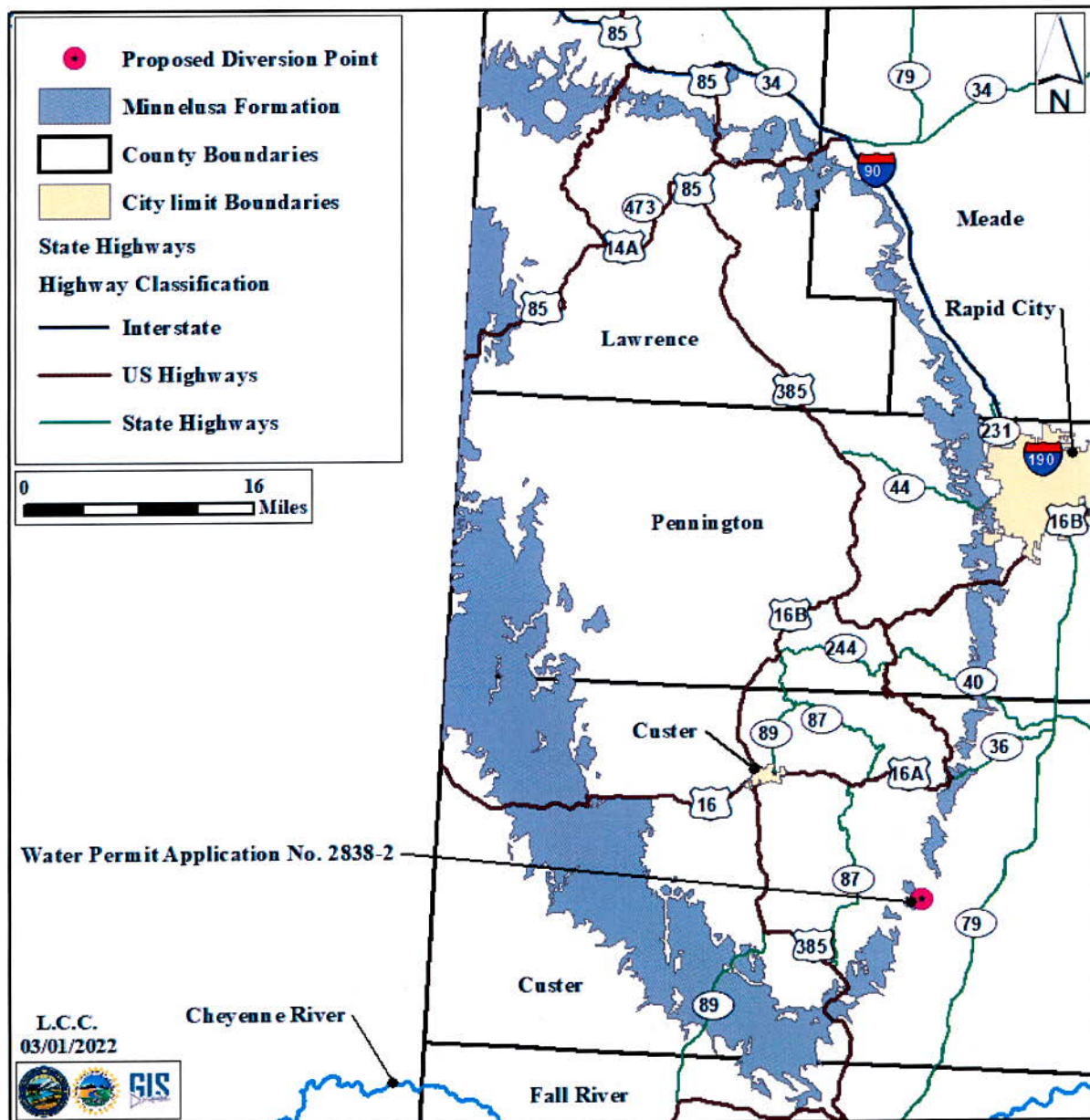


Figure 1: The approximate outcrop extent of the Minnelusa Formation in South Dakota including the proposed diversion point location of Water Permit Application No. 2838-2 (Martin et al., 2004; Water Rights, 2022b and 2022c).

A well completion report was submitted with Water Permit Application No. 2838-2. The well completion report was recreated and shown in Table 1. The static water level in the well was 140 feet below land surface at the time of well completion (April 8, 2021). The Minnelusa aquifer is expected to be buried-unconfined at the proposed diversion point based on the submitted well completion report, water levels, and lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights, 2022b and 2022d). It should be noted that the well completion report submitted with Water Permit Application No. 2838-3 lists that the Minnekahta Formation lies below the Opeche Shale and above the Minnelusa Formation. The upper unit of the Minnelusa Formation could have possibly been misidentified for the Minnekahta formation. No description of the formation was submitted with the well completion report, so it is unknown if it was misidentified as the top of the Minnelusa Formation. It is unlikely for the Minnekahta Formation to be present at this location based on nearby well completion reports and lithologic logs on file with the DANR-Water Rights Program (SDGS, 2022; Water Rights 2022c). If the Minnekahta Formation is not present, the proposed diversion point appears to be unconfined. However, the Minnelusa aquifer is generally under confined conditions except near or at the outcrop. The applicant's well is near the outcrop of the formation as seen in Figure 1.

Table 1: Formation log submitted with Water Permit Application No. 2838-2.

Formation Log	Starting Depth (ft)	Ending Depth (ft)
Opeche	0	65
Minnekahta	65	175
Minnelusa Sands	175	177
Minnelusa Sands	177	210
Minnelusa Sands 25gpm	210	212
Minnelusa Sands	212	235
Minnelusa Sands 30 gpm	235	238
Minnelusa Sands	238	252
Minnelusa Sands 40 gpm	252	258
Minnelusa	258	280

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 the applicant's proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Minnelusa aquifer.

WATER AVAILABILITY:

Water Permit Application No. 2838-2 proposes to appropriate water from the Minnelusa aquifer for recreational use. The probability of unappropriated water being 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. However, an application may be approved for a water distribution system 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.” The Minnelusa aquifer is older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010), but the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Minnelusa aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Minnelusa aquifer is primarily through streamflow losses and infiltration of precipitation where the formation outcrops (Carter et al., 2001a). Carter and others (2001b) have noted that the Madison aquifer receives more recharge than the Minnelusa aquifer as a result of the Madison aquifer having an upslope location to the Minnelusa aquifer. The average annual recharge to the Madison and Minnelusa aquifers were estimated by Carter and others (2001a) from the years 1931 to 1998 to be approximately 344 cfs or 249,128 acre-feet per year (ac-ft/yr). Carter and others (2001a) have also noted that as a result of the Madison aquifer receiving a larger inflow from streams than the Minnelusa aquifer, the Minnelusa aquifer receives approximately only 45 percent (112,108 ac-ft/yr) of the total average annual recharge while the Madison aquifer receives approximately 55 percent (137,021 ac-ft/yr) of the total average annual recharge.

Discharge

Discharge from the Minnelusa aquifer is primarily through well withdrawals and flow to headwater and artesian springs (Carter et al., 2001a). Currently, there are 186 water rights/permits authorized to appropriate water from the Minnelusa aquifer (Water Rights, 2022c). There is one future use permit reserving water from the Minnelusa aquifer presently. Future Use Permit No. 439-2 is held by Rapid City and reserves water from groundwater, infiltration galleries, and Minnelusa and Madison Formation wells for municipal use. For purpose of estimating the average annual withdrawal rate from the Minnelusa aquifer, the future use permit is assumed to be fully developable and can withdraw its entirety from the Minnelusa aquifer since no specific water source is stated. Future Use Permit No. 439-2 is fully developable for a total of 3,367 ac-ft/yr from the Minnelusa aquifer (Water Rights, 2022c).

There are 139 non-irrigation water rights/permits authorized to appropriate water from the Minnelusa aquifer with an estimated annual use for each water right/permit as determined by their maximum permitted diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the

non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. No municipal water rights were identified as being connected to a rural water system and are maintaining their wells for standby purposes (Friedeman, 2020; Water Rights, 2022c). Overall, the average annual withdrawal rate for the Minnelusa aquifer for non-irrigation water rights/permits is approximately 12,822 ac-ft/yr (Water Rights, 2022c).

It should be noted that Water Permit No. 2773-2 and Water Right No. 1709-1 are authorized to withdraw water from the Madison and Minnelusa aquifer for irrigation and commercial use, respectively (Water Rights, 2021c). Water Permit No. 2773-2 has yet to be fully developed; however, the well will withdraw from only one of the two aquifers (Water Rights, 2022c). For the purpose of estimating withdrawals for the Minnelusa aquifer, it is assumed that this permit will be completed into the Minnelusa aquifer. Water Permit No. 2773-2 is estimated to appropriate 100 ac-ft/yr (assuming an application rate of 1 ft/ac) and Water Right 1709-1 is estimated to appropriate approximately 106 ac-ft/yr (assuming maximum pumping 60 percent of the time).

Currently, there are 47 irrigation water rights/permits appropriating water from the Minnelusa aquifer (Water Rights, 2022c). The reported annual irrigation withdrawals from the Minnelusa aquifer are shown in Table 2. The average annual withdrawal rate for the Minnelusa aquifer irrigation water rights/permits that have reported over the period of record is approximately 2,361 ac-ft/yr (Table 2) (Water Rights, 2022a). It should be noted that Table 2 only lists 44 permits as reported appropriating water from the Minnelusa aquifer in the year of 2020. This is a result of Water Permit No. 1867-2 and Water Right Nos. 889-1 and 1703-2 no longer irrigating (Water Rights, 2022c).

Table 2: Reported historic irrigation use from the Minnelusa aquifer (Water Rights, 2022a).

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	29	1,736.9
1983	35	4,337.3
1984	32	3,626.6
1985	33	5,199.1
1986	33	2,956.3
1987	34	2,945.8
1988	37	3,918.5
1989	37	2,985.5
1990	37	3,290.8
1991	41	2,652.2
1992	41	3,002.3
1993	42	1,003.6
1994	43	2,950.4
1995	37	1,126.9
1996	39	1,704.2
1997	39	1,986
1998	40	2,866.8
1999	40	1,082.7
2000	41	2,815.1
2001	43	2,300.8
2002	43	2,692.4
2003	44	2,310.8
2004	44	2,645.4
2005	44	2,820
2006	43	2,713.2
2007	44	2,846.9
2008	45	1,509.6
2009	45	1,549.5
2010	44	1,588.3
2011	44	1,540.6
2012	44	3,368.9
2013	44	2,990.3
2014	44	1,281.9
2015	45	936.8
2016	45	1,759.4
2017	46	2,366.4
2018	47	817.5
2019	44	375.3
2020	44	1,487.1
MIN	29	375
MAX	47	5,199
AVG	41	2,361

There are domestic wells completed into the Minnelusa aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). However, Carter and others (2001b) estimated an average withdrawal from the Minnelusa aquifer for domestic and livestock use from 1987 to 1996. The average withdrawal for domestic and livestock use from the Minnelusa aquifer from 1987 to 1996 was estimated to be approximately 970 ac-ft/yr (Carter et al., 2001b). It is likely that domestic and livestock withdrawals from the Minnelusa aquifer have increased since 1996; however, withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems in some areas where the Minnelusa aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the estimate by Carter and others (2001b) for average withdrawals for domestic and livestock use from the Minnelusa aquifer will be assumed to be the probable minimum annual withdrawal from the aquifer.

Hydrologic Budget Summary

The average annual withdrawal rate from the Minnelusa aquifer totals approximately 19,744.4 ac-ft/yr (irrigation: 2,361 ac-ft/yr; non-irrigation: 12,822 ac-ft/yr; future use: 3,367 ac-ft/yr; Water Permit No. 2773-2 and Water Right No. 1709-1: 206 ac-ft/yr; domestic and livestock use: 970 ac-ft/yr; Water Permit Application No. 2838-2 (if approved): 18.4 ac-ft/yr) (Water Rights 2022a and 2022c). The estimated average annual recharge to the Minnelusa aquifer is approximately 112,108 ac-ft/yr. Overall, the estimated average annual recharge to the Minnelusa aquifer is greater than the estimated average annual withdrawal rate from the aquifer. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by this permit application.

Localized Hydrologic Budget: *Carter et al. (2001b)*

The hydrologic budgets for the Madison and Minnelusa aquifers were analyzed from 1987 to 1998 by Carter and others (2001) by utilizing nine subareas of the two aquifers in the Black Hills region in South Dakota and Wyoming. The subarea budgets were developed as the combined budgets for the Madison and Minnelusa aquifers. The subareas of the aquifers were determined by utilizing hypothetical flow-paths orthogonal to the mapped hydraulic head within the aquifers to minimize flow across the boundaries (Carter et al., 2001b). The proposed diversion point for Water Permit Application No. 2838-2 is located within subarea six as shown in Figure 2. The average hydrologic budget for subarea six for the Minnelusa and Madison aquifer from the years 1987 to 1996 are shown in Table 3.

Table 3: Average annual hydrologic budget for subarea six from 1987 to 1996 for the Minnelusa and Madison aquifers (modified from Carter et al., 2001b).

Inflows (ft ³ /s)			Outflows (ft ³ /s)		
Stream Flow Recharge	Precipitation	Net Groundwater Inflow	Artesian Springflow	Wells	Net Groundwater Outflow
7.4 cfs	0.9 cfs	0 cfs	0 cfs	0 cfs	8.3 cfs
5,357.6 ac-ft/yr	651.6 ac-ft/yr	0 ac-ft/yr	0 ac-ft/yr	0 ac-ft/yr	6,009.2 ac-ft/yr

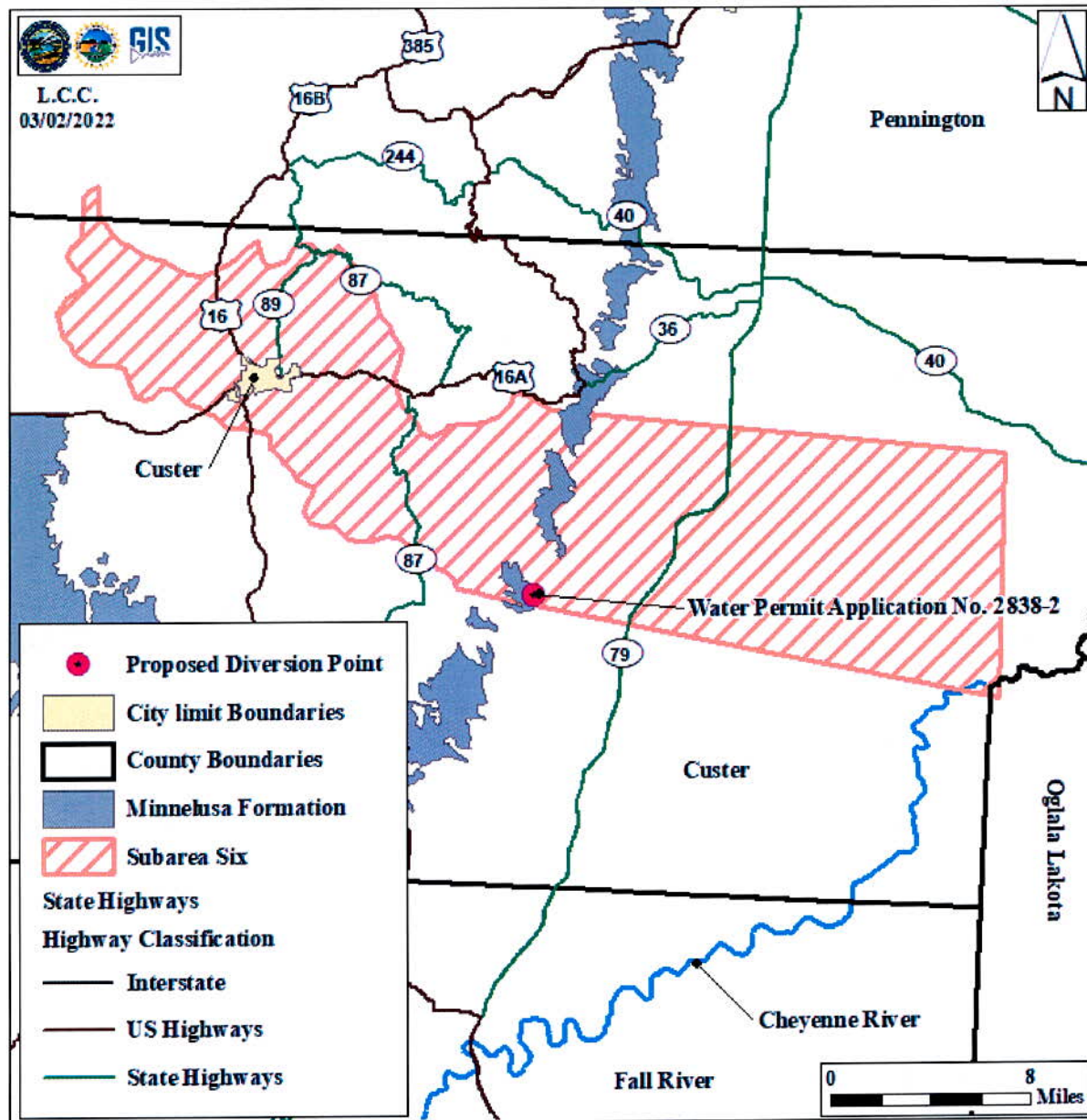


Figure 2: Subarea Six for the Minnelusa aquifer along with the location of Water Permit Application No. 2838-2 (Modified from Carter et al., 2001b; Martin et al., 2004; Water Rights 2022).

In subarea six, there are no additional water rights/permits appropriating water from the Minnelusa aquifer aside from Water Permit Application No. 2838-2 (Water Rights, 2022c). Water Permit Application No. 2838-2 is limited by a volume of 18.4 ac-ft/yr. While the groundwater outflow is estimated to be the same as the groundwater inflow of subarea six, the volume of water that Water Permit Application No. 2838-2 is proposing to appropriate will likely have a minimal effect on the hydrologic budget. The withdrawal of groundwater from the proposed diversion may cause the hydrologic budget of subarea six to rebalance by an increase of groundwater inflow from surrounding subareas or a decrease in the groundwater outflow.

However, additional information provided by nearby observation wells completed into the Minnelusa aquifer must also be considered.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 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 monitors 23 observation wells completed into the Minnelusa aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are four observation wells within approximately 16 miles of the proposed diversion point. The closest observation well to the diversion point is observation well CU-93B (approximately six miles northeast). The hydrographs for these four observation wells are displayed in Figures 3 through 6 (Water Rights, 2022b).

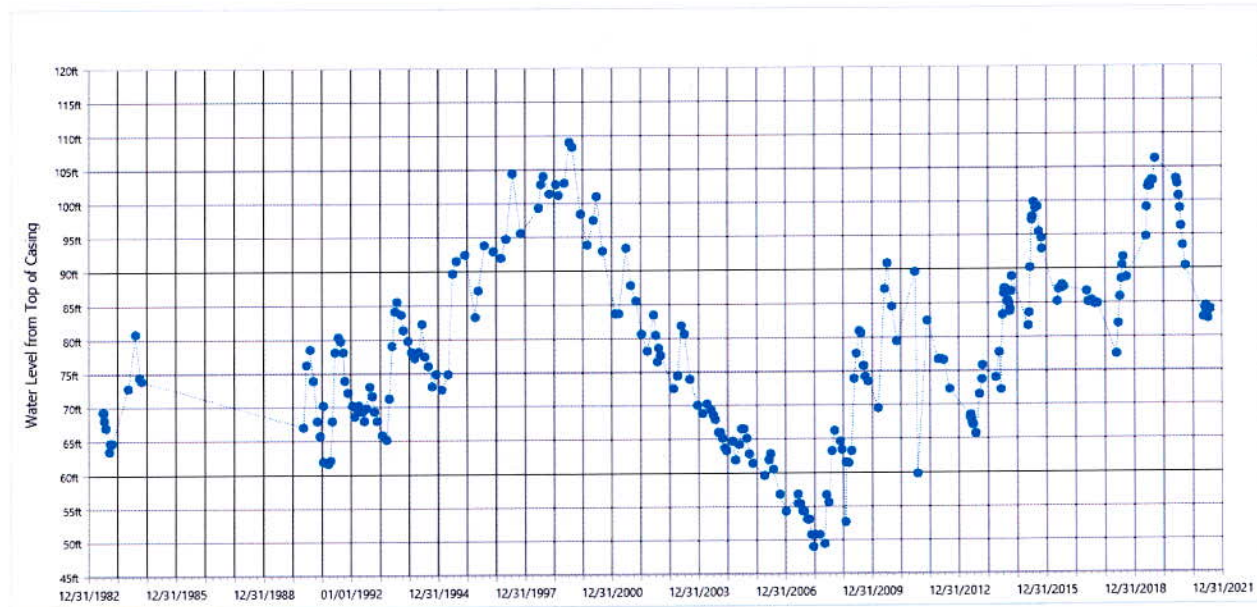


Figure 3: Hydrograph of the Minnelusa aquifer observation well CU-83A, located approximately 14.3 miles northeast of the diversion point (Water Rights, 2022b).

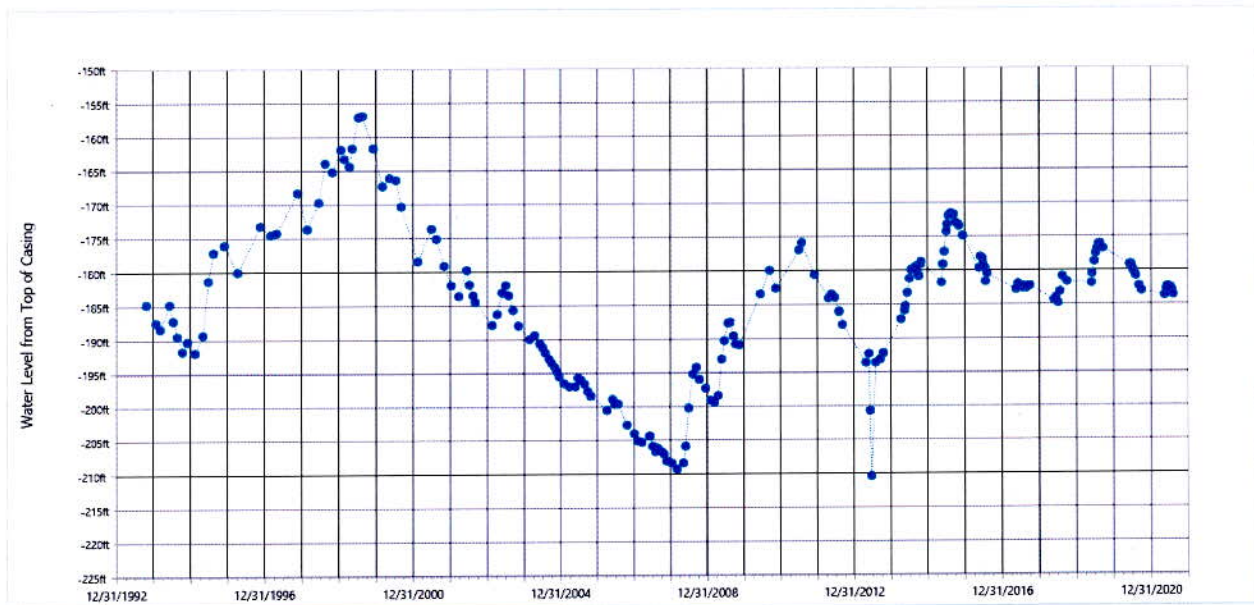


Figure 4: Hydrograph of the Minnelusa aquifer observation well CU-93B, located approximately six miles northeast of the diversion point (Water Rights, 2022b).

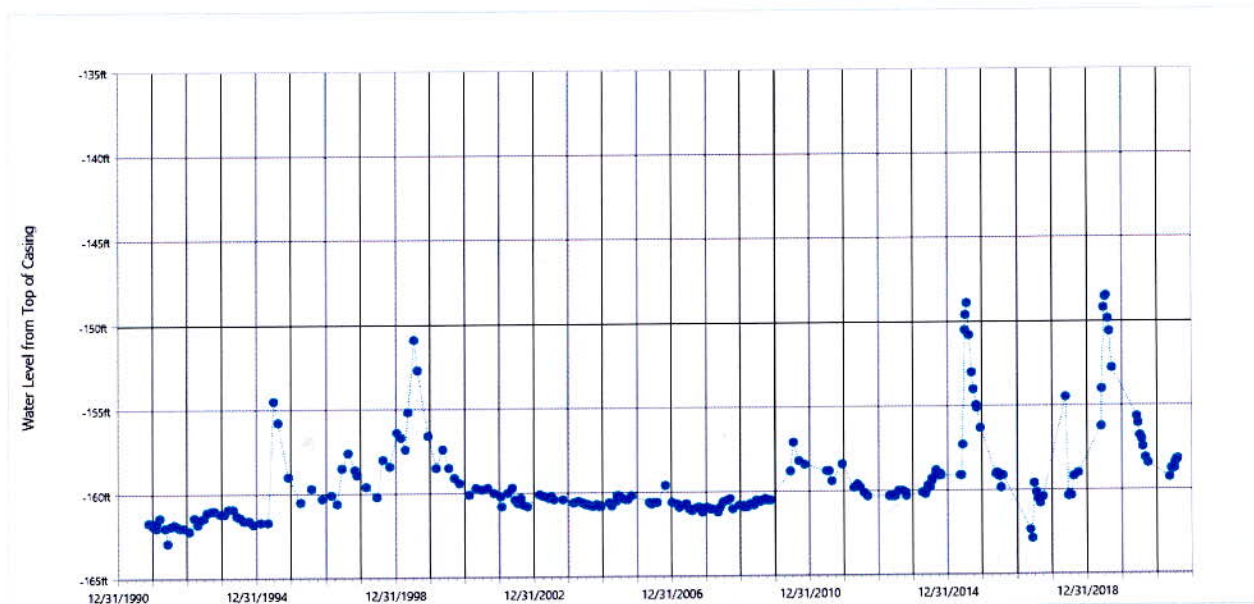


Figure 5: Hydrograph of the Minnelusa aquifer observation well CU-91B, located approximately 9.1 miles southwest of the diversion point (Water Rights, 2022b).

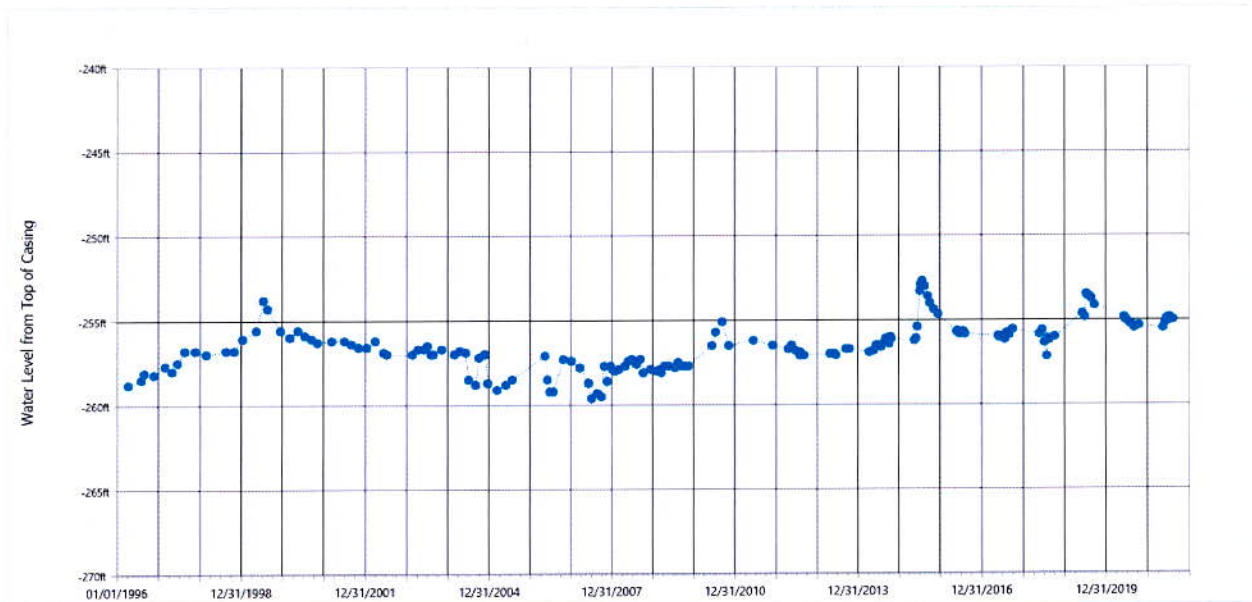


Figure 6: Hydrograph of the Minnelusa aquifer observation well FR-95B, located approximately 16 miles southwest of the diversion point (Water Rights, 2022b).

The hydrographs for the observation wells display stable to somewhat increasing water levels over their respective periods of record. The four hydrographs indicate that the Minnelusa aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions seasonally. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Minnelusa aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 186 water rights/permits authorized to appropriate water from the Minnelusa aquifer, including one future use permit appropriating water from the Minnelusa aquifer (Water Rights, 2022c). There are 14 water rights/permits authorized to appropriate water from the Minnelusa aquifer within approximately 19 miles of the diversion point (Water Rights, 2022c). The 14 water rights/permits are shown in Figure 7 and identified in Table 4. The nearest water right/permit (not held by the applicant) to the diversion point completed into the Minnelusa aquifer is Water Right No. 2667-2 located approximately 7.4 miles southwest of the diversion point.

There are domestic wells on file with the DNR-Water Rights Program that are completed into the Minnelusa aquifer, with the closest domestic well on file (not held by the applicant) approximately 1.7 miles east of the proposed diversion point (Water Rights, 2022d). There could

potentially be other domestic wells completed into the Minnelusa aquifer near the proposed diversion point that are not on file with the DANR-Water Rights Program.

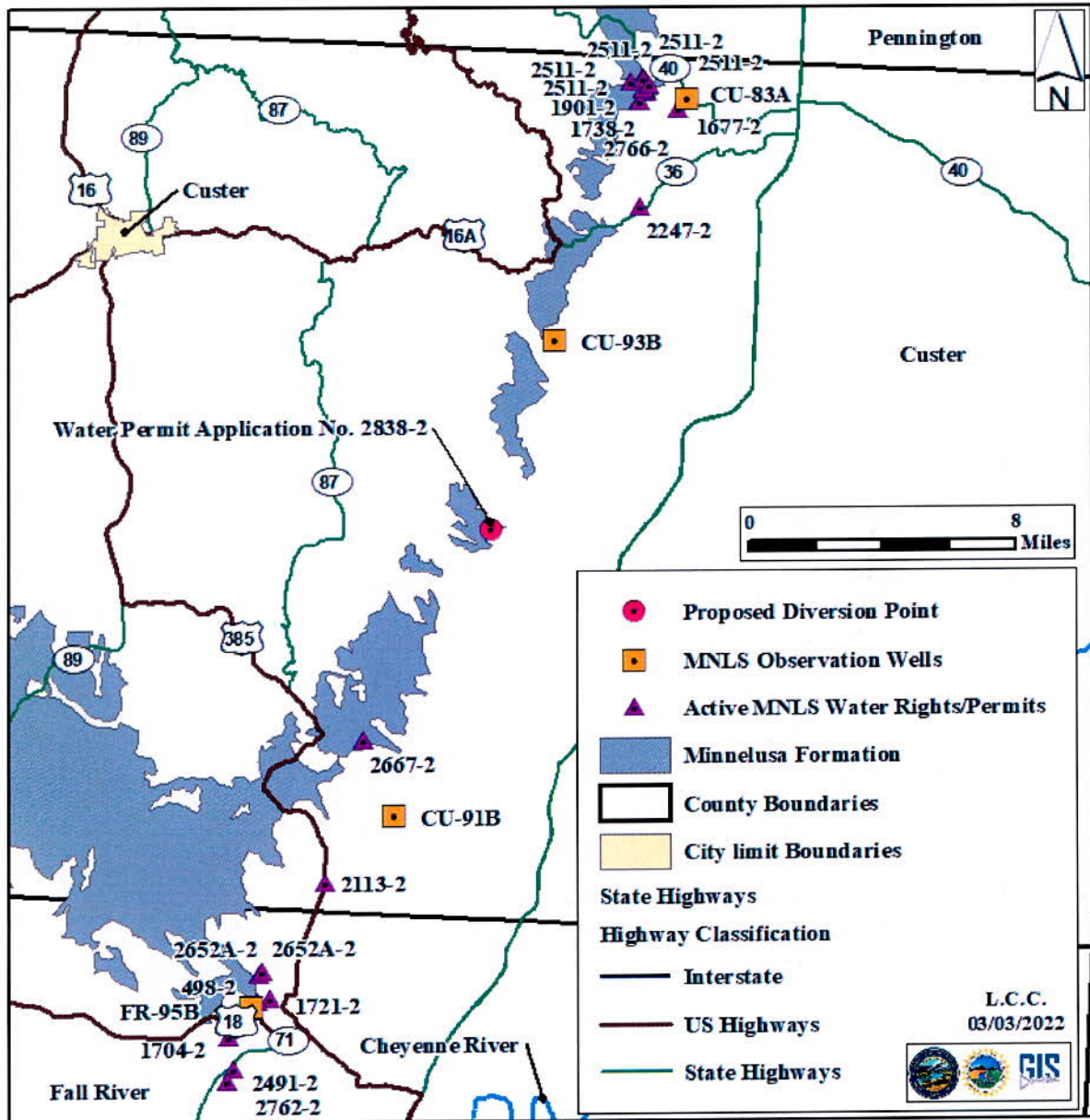


Figure 7: The site location of Water Right Permit Application No. 2838-2, nearby observation wells, and nearby water rights/permits completed into the Minnelusa aquifer (Water Rights, 2022b and 2022c).

Table 4: Water rights/permits from the Minnelusa aquifer within approximately 19 miles of the diversion point (Water Rights, 2022c).

Permit No.	Name	Use	Status	Rate (cfs)	Acres
1677-2	Assad Barari	IRR	LC	0.28	40
1704-2	Country Club Estates Corp	SHD	LC	0.2	N/A
1721-2	Randy Luallin	IRR	LC	0.02	1.7
1738-2	Black Hills Health & Education Center	IRR	LC	0.09	60
1901-2	Donald P Wojciechowski	IRR	LC	0.18	18
2113-2	James A/Doris J Wilhelm	IND, COM	LC	0.03	N/A
2247-2	James Borglum	IRR, DOM	LC	0.09	8
498-2	State Veterans Home	IRR, INS	LC	1.1	21
2491-2	Daren Or Michelle Merchen	SHD	LC	0.042	N/A
2511-2	Black Hills Health & Education Center	INS	LC	0.22	N/A
2652A-2	Simon Contractors	IND	LC	0.22	N/A
2667-2	Wind Cave National Park	INS	LC	0.11	N/A
2762-2	Green Acres Estates Water Corporation	SHD	LC	0.05	N/A
2766-2	Matthew & Deidre Dealy	COM, DOM	PE	0.1	N/A
LC: Licenced Water Right; PE: Permitted Water Right					
IRR: Irrigation; SHD: Suburban Housing Development; IND: Industrial;					
COM: Commercial; INS: Institutional; DOM: Domestic					

The Minnelusa aquifer can be under confined or unconfined conditions in Custer County (SDGS, 2022; Water Rights 2022b and 2022c). The diversion point is expected to be under buried-unconfined conditions based on the submitted well completion report, water levels, and lithologic logs on file for the nearby observation wells (Water Rights, 2022d). Observation well data (see Figures 3 through 6) documents minimal drawdown from withdrawals of existing wells near the diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior cannot be known without an aquifer performance test. In Custer County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Minnelusa aquifer (Water Rights, 2022e).

Within approximately four miles of the diversion point for this application, the Minnelusa aquifer has a saturated aquifer thickness ranging from approximately 210 to 280 feet, with the depth to the top of aquifer materials ranging from land surface to approximately 475 feet below land surface, and static water levels at well completion varying from approximately 110 to 370 feet below land surface (SDGS, 2022; Water Rights 2022b and 2022d). This would allow for sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer; which is required for the well to be considered adequate under ARSD 74:02:04:20(6).

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to

maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. 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.”

Any drawdown created from pumping this diversion point is not expected to cause unlawful impairment on existing water right/permit holders or domestic users with adequate wells considering the location of the diversion point, the saturated thickness, the distance between the applicant’s well and other wells, and the lack of complaints for adequate wells completed into the Minnelusa aquifer. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

Additional Considerations

There are several springs that originate from the Minnelusa and Madison aquifers near the location of the proposed diversion point. Some of the springs include Battle Creek five miles west of Hermosa, Deadman Gulch, Grace Coolidge Creek at Custer Park Zoo and three miles west of Hermosa, Spokane Creek at Route 16A, and French Creek at Custer Park (Rahn et al, 1973). The closest spring to the proposed diversion point is French Creek (approximately 4 miles northwest) (Water Rights, 2022c). If Water Permit Application No. 2838-2 is approved, the diversion will likely have a minimal effect on the discharge of the spring considering the low diversion rate and distance.

CONCLUSIONS:

1. Water Permit Application No. 2838-2 proposes to appropriate up to 18.4 ac-ft of water at a maximum instantaneous diversion rate of 0.09 cfs from one well to be completed into the Minnelusa aquifer for recreational use at a new visitor center. The site is located in Custer County approximately 14 miles southeast of Custer, SD.
2. There is a reasonable probability that unappropriated water is available from the Minnelusa aquifer for this proposed appropriation based on the hydrological budget and observation well data.
3. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.


Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR -Water Rights Program

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- Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 14, 2022 11:24 AM
To: Severyn, Jayme
Subject: Water Permit Application No. 2838-2
Attachments: 3038.pdf

Jayme,

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>



Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Jerry Lee Lenander 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

Dept of Game, Fish & Parks
Custer State Park
Notice of Application No 2838-2

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:

Mar 23, 2022; _____;

_____; _____;

_____; _____;

_____; _____;

_____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 40.05

Subscribed and sworn to me before this 23rd

of March, 20 22;

Jeanne Fuerstenberg
NOTARY PUBLIC

MY COMMISSION EXPIRES: 11-30-2027



NOTICE OF APPLICATION

NO. 2838-2

TO APPROPRIATE WATER

Notice is given that SD Department of Game, Fish and Parks, Custer State Park, c/o Jayme Severyn, Program Specialist, 13329 US Hwy 16A, Custer SD 57730 has filed an application for a water permit to appropriate 18.4 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water per second from one well completed into the Minnelusa Aquifer (280 feet deep) located in the NE 1/4 NW 1/4 Section 2-T5S-R6E for recreational use at a new Visitor Center. This site is located approximately 14 miles southeast of Custer SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2838-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or con-

tact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 4, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any

comment must be filed by April 4, 2022.

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 \$40.05.

*** Proof of Publication ***
RECEIVED

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

APR 13 2022

PETROLEUM RELEASE FUND

S.D. GAME, FISH & PARKS-LEGALS

ENGINEERING SECTION 523 E. CAPITOL AVE.

PIERRE, SD 57501

ORDER NUMBER 43959

Mar. 23 L43959
NOTICE OF APPLICATION NO.
2838-2 to Appropriate Water

Notice is given that SD Department of Game, Fish and Parks, Custer State Park, c/o Jayme Severyn, Program Specialist, 13329 US Hwy. 16A, Custer SD 57730 has filed an application for a water permit to appropriate 18.4 acre-feet of water annually at a maximum pump rate of 0.09 cubic feet of water, per

second from one well completed into the Minnelusa Aquifer (280 feet deep) located in the NE 1/4 NW 1/4 Section 2-T5S-R6E for recreational use at a new Visitor Center. This site is located approximately 14 miles southeast of Custer SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2838-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation

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 week for one

successive week, the first publication there of being on the

23 day of March, 2022
Karissa Corniche

Section: Legal

Category: 0052 Bids

PUBLISHED ON: 03/23/2022

TOTAL AD COST: 69.69

FILED ON: 4/11/2022

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____ Notary Public

My commission expires

_____, 20_____

shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 4, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 4, 2022.

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 \$69.69)

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 14, 2022 11:20 AM
To: 'custernews@gwtc.net'
Subject: 2838-2, Custer State Park
Attachments: 2838-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 23, 2022.

SD Dept of Game, Fish & Parks, Custer State Park, c/o Jayme Severyn, 13329 US Hwy 16A, Custer SD 57730 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, March 14, 2022 11:20 AM
To: Rapid City Journal (legals@rapidcityjournal.com)
Subject: 2838-2, Custer State Park
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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.**

March 14, 2022

SD Dept Game, Fish & Parks
Custer State Park
c/o Jayme Severyn, Program Specialist
13329 US Hwy 16A
Custer SD 57730

Dear Mr. Severyn:

Water Permit Application No. 2838-2 for recreational use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Custer County Chronicle printed at Custer (Ph # 605 673-2217) and the Rapid City Journal printed at Rapid City (Ph # 605 394-8336). 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 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. 2838-2 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2838-2 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 4, 2022.

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Published once at the total approximate cost of _

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 8, 2022 10:26 AM
To: Severyn, Jayme
Subject: Payment of the publication notice
Attachments: 3253.pdf

Jayme,

Attached is an invoice and statement from the Rapid City Journal for the publication notice for Application No. 2838-2 which GF&P is responsible for.

I have emailed both papers requesting the affidavits which we need for our records.

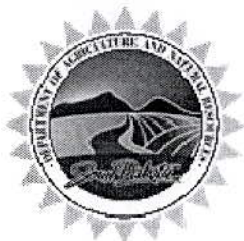
Have a good day.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

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





Rapid City Journal

RAPID CITY JOURNAL • LAWRENCE COUNTY JOURNAL • MEADE COUNTY TIMES TRIBUNE
BUTTE COUNTY POST • HOT SPRINGS STAR • CHADRON RECORD

STATEMENT NO. 33603

INVOICE AND STATEMENT

Date	Order Number	Description Other Comments	Billed Units	Total
03/23/2022	43959	Notice of Application 2838-2 to Appropriate Water	Lines 122	69.69

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APR 06 2022

WATER RIGHTS
PROGRAM

Rapid City Journal
Lee Advertising
PO Box 4690
Carol Stream IL 60197-4690

----- Return this portion with your payment -----

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PO Box 4690
Carol Stream IL 60197-4690

☐ Check # _____	☐ Credit Card
☐	☐
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Acct #:	
Exp. Date:	
Name on credit card _____	
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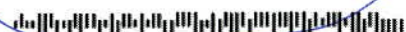
Account #	132-60020373
Order No	43959
Billing Date	03/27/2022
Amount Due	\$69.69
Amount Enclosed	\$

Please make checks payable to: **Rapid City Journal**



000941
S.D. GAME, FISH & PARKS-LEGALS
ENGINEERING SECTION 523 E. CAPITOL AVE.
PIERRE SD 57501

LEE ENTERPRISES
PO BOX 4690
CAROL STREAM IL 60197-4690



13260020373200043012000000000002878900017193000000000327222019



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

SD Department of Game, Fish and Parks
Custer State Park
c/o Jayme Severyn
13329 US Hwy 16A
Custer SD 57730

Dear Mr. Severyn:

Enclosed is Water Permit No. 2838-2 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

RECEIVED

NOV 23 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11/21/2022TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Jayne Severyn
(name)13329 US HWY 16 A
(address)Custer SD 57730
(city, state, zip)605-255-4515
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2838-2 states that the water use system is to be constructed by4/8/2021, and water is to be put to beneficial use by May 19 2022.
(date) (date)The water use system was completed on May 1 st 2022.
(date)Applying the water to beneficial use was completed on May 1st 2022.
(date)

You may schedule an investigation so that the water license may be issued.

Jayne Severyn
(signature)