

WATER PERMIT NO. 2853-2

Name of Applicant: 4 Faces LLC

Address: 310 Stone Hill Dr, Custer SD 57730

Phone: 817 475-9419

Amount of Water Claimed: 0.07 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Custer

Type of Waste Disposal System:

Location: 4 miles west of Hermosa

PRIORITY

Date Received: 9-8-22

Application/License Fee: \$300

Corrected Application Received: 9-19-22

Period of Annual Use: Jan 1 – Dec 31

Remarks: For an additional well and a change in use of Water Right No. 1677-2

Diversion Point: existing well SE 1/4 NW 1/4, new well SW 1/4 NE 1/4 Sec 34-T2S-R7E

Land to be Irrigated: NA

Depth of Well: 225 feet deep

Well Driller:

Remarks:

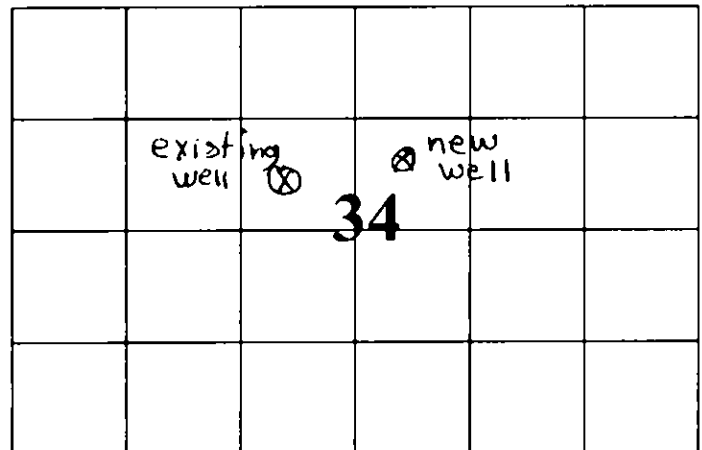
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-19-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2853-2**

Date of first receipt of application September 8, 2022.

Date of return to applicant for corrections, amendments or changes September 9, 2022.

Date of receipt of corrected application September 19, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2853-2 to 4 Faces LLC, c/o W Craig Willan, Mgr, 310 Stone Hill Dr, 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. 2853-2 appropriates an amount not exceeding 52 acre-feet of water annually at a maximum, combined, pump rate of 0.10 cubic feet of water per second (cfs) from two wells. One of the wells is existing and is completed into the Minnelusa Aquifer (225 feet deep) located in the SE 1/4 NW 1/4 section 34 with the second well to be completed into the Minnelusa Aquifer (approximately 225 feet deep) in the SW1/4 NE1/4 section 34; all in T2S-R7E. Water is to be used for commercial purposes at a campground to be located in the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 34; all in T2S-R7E. This site is located approximately 4 miles west of Hermosa SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2853-2 is November 21, 2022.
5. The date from which applicant may claim right is September 8, 2022.
6. One-fifth of the construction is to be completed on or before May 21, 2025.
7. All construction is to be completed on or before November 21, 2027.
8. Water is to be put to beneficial use on or before November 21, 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 wells approved under Water Permit No. 2853-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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 new well authorized by Water Permit No. 2853-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
4. Water Permit No. 2853-2 appropriates up to 52.0 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

DEC 08 2022

date



RECEIVED

SEP 08 2022

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2853-2</u> Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Custer County Chronicle</u>
	<u>Rapid City Journal</u> (office use only)

OFFICE OF
WATER

PAID

SEP 8 2022

Ck# 1016

Rec't# _____

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐
Municipal
Rural Water System
Domestic (over 18 gpm)
☐
☒
☐
Water Distribution System
Commercial
Industrial
☐
☐
☐
Recreational
Fish & Wildlife
Other _____
☐
☐
Institutional
GeothermalType 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 4 Faces LLC W. Craig Willman mgr.
Mailing Address 310 Stone Hill Dr. Custer SD 57730
(Address) (City) (State) (Zip Code)
Phone — Mobile 812-425-9419 Email mymentor22@gmail.com
- Amount of water claimed 0.10 *CFS or 32 **GPM and 52 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Existing permit #1677-2 (same as) SE 1/4 NW 1/4
- Location of point of diversion one existing well / one new well SW 1/4 NE 1/4 Custer
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) all in Sec 34-T2S-R7E
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? SW 1/4 NW 1/4, SW 1/4 NE 1/4 Sec 34-T2S-R7E
(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 all year Jan 1 - Dec 31
- 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)

Construction of new Campground in Custer County, SD. The existing well will share a point of diversion with existing permit #1677-2, which is owned by the applicant. The new well will be located as identified on the attached map. Well reports of existing well are attached.

I, W. Craig Willman - 4 Faces LLC Mgr., the applicant, certify under
Name of Person P.E. 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.

2021-08

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

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 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Bice Taylor Drilling
Rapid City, SD

For either existing or proposed wells:

c) Well Depth (required) 225' Depth to Top of Water Bearing Material 210' Depth to Water from Surface ☒

d) Distance to nearest domestic well on applicant's property 1900' Property owned by others 925'

☒ Static Flow @ 55 gpm

2. Wastewater Disposal System Information

Existing: Septic with leach field

a) Type of System (i.e. septic tank, drain field) New: Septic with leach field

b) System Capacity (gallons) Existing: 1500 g Year Constructed Existing: 1979
New: 2 @ 2500 g

c) Connected to the City of — Sanitary System

3. Dugout Information

a) Surface Dimensions N/A Depth _____

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

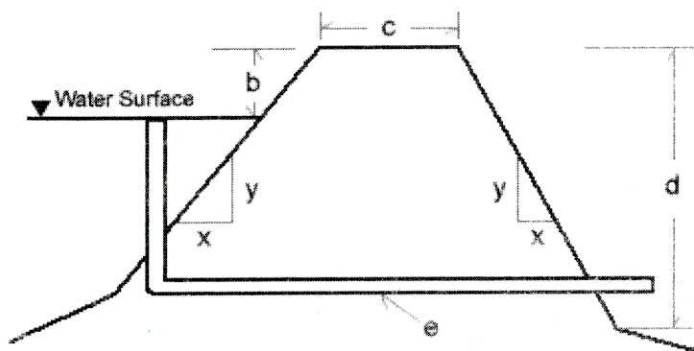
Upstream _____

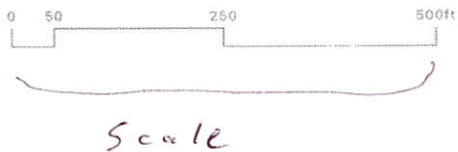
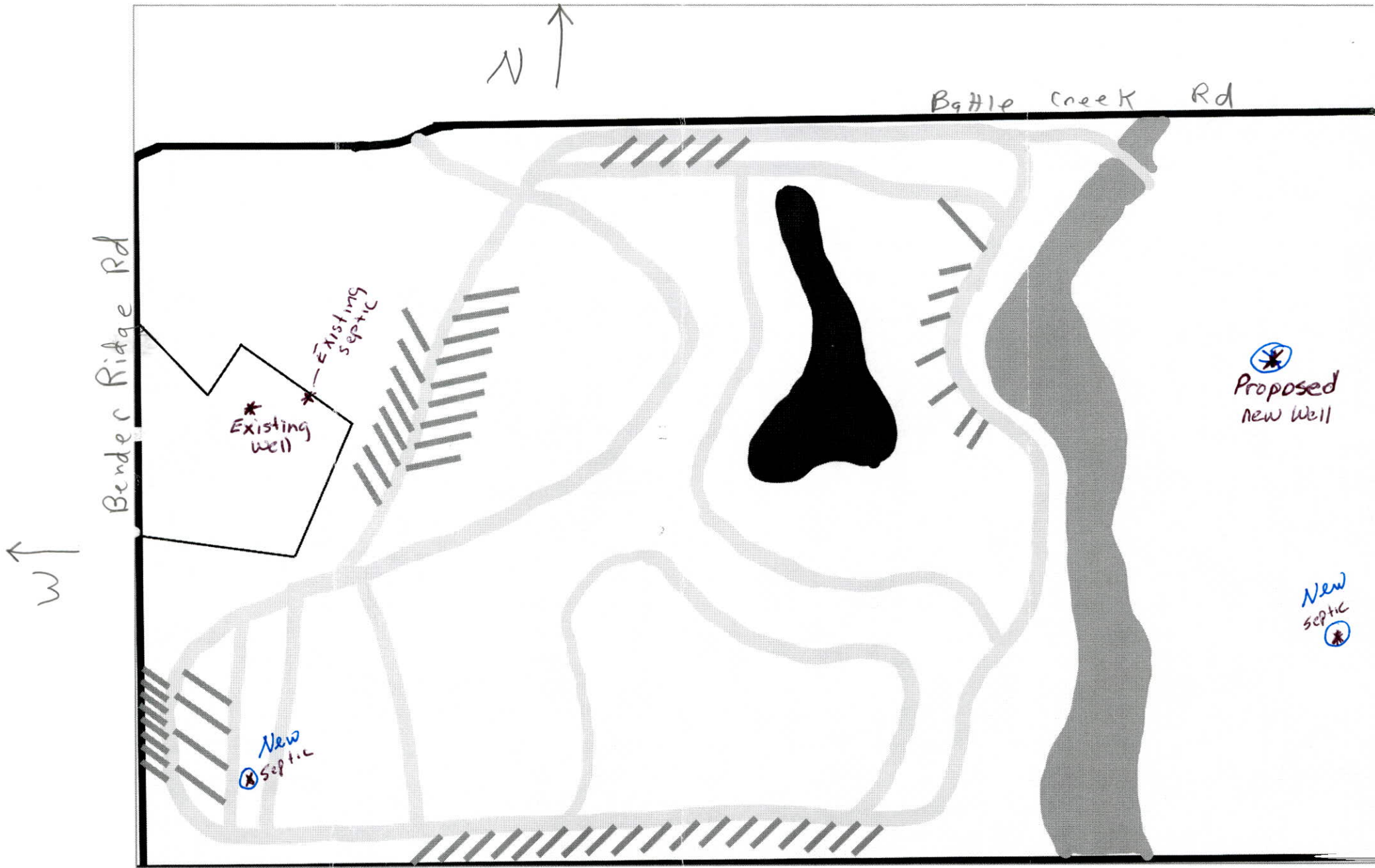
Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





1" = 225' Approx.

2S7E
Section: 28

2S7E
Section: 27

2S7E
Section: 26

2S7E
Section: 33

2S7E
Section: 34

2S7E
Section: 35

3S7E
Section: 04

3S7E
Section: 03

3S7E
Section: 02

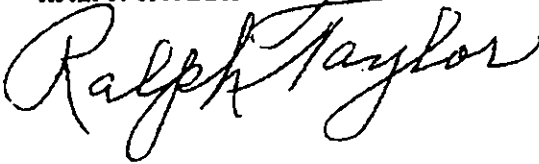


Existing Well

BICE & TAYLOR DRILLING CO.

1720 Evergreen Drive
RAPID CITY, SOUTH DAKOTA 57701

RALPH TAYLOR



TELEPHONE:
Office 348-3600
After Hours 342-7119

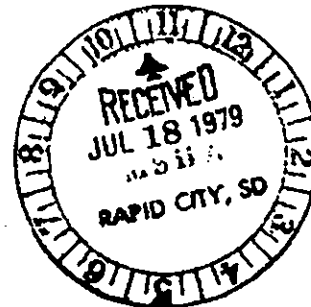
July 16, 1979

W. H. Donley
Room 202 Federal Building
515 9th Street
Rapid City, S.D. 57701

Well Log:

Free Flow 55 GPM

0-60	gravel & boulders
60-100	limestone (minnelusa)
100-210	red siltstone
215-220	yellow & pink sandstone
220-225	red & orange sandstone



Existing Well

BICE & TAYLOR DRILLING CO.

1720 Evergreen Drive
RAPID CITY, SOUTH DAKOTA 57701

RALPH TAYLOR

TELEPHONE:
Office 348-3600
After Hours 342-7119

William H. Donley
Room 202 Federal Bldg. Courthouse
515 9th Street
Rapid City, S.D. 57701

Well Log: Well Complete May 1, 1978

Total Depth 225'
Static Flow 6 GPM
215' 5½" O.D. Casing
45 GPM

0-60	gravel & boulders
60-100	limestone
100-210	red siltstone
210-215	sandstone red
215-220	yellow & pink sandstone
220-225	red orange sandstone

Top of minneluzahan sand 210 feet
Test by U.S. hydrologist
July 1978
12.5 gpm 1" choke
9.5 lb pressure
hardness 3 grains



Overview



Legend

- ☐ Corporate Limits
- Highways
 - SD Hwy
 - US Hwy
- Roads
- ☐ Parcels
- Flood Zones
 - ☒ A
 - ☒ AE
 - ☒ AE, FLOODWAY
 - ☒ AO
 - ☒ X, Q2 PCT ANNUAL CHANCE FLOOD HAZARD
 - ☐ X, AREA OF MINIMAL FLOOD HAZARD

Parcel ID	000188	Alternate ID	n/a	Owner Address	BARARI RACHEL A
Sec/Twp/Rng	034/0002/007	Class	Agricultural		24608 TIFFANY LN
Property Address	24632 BENDER RIDGE RD	Acreage	39.247		HERMOSA, SD 57744-9703
	HERMOSA				
District	16.1-7-1-0-0-0				
Brief Tax Description	BAL OF SE4NW4 SEC 34 T2 R7 (LESS .753 AC R/W) 39.247 AC (BLDGS) 0020703400000800 MH AS RE-1985				
	COMMODORE T# 082310892				
	(Note: Not to be used on legal documents)				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 9/16/2021
Last Data Uploaded: 9/16/2021 3:34:33 AM

Developed by Schneider GEOSPATIAL



Certificate of Competency

By virtue of authority vested in me by law, I do hereby certify that

JASON IVES

is duly qualified for practice as an

Installer

Of Individual and Small On-site Wastewater Systems

in the State of South Dakota and is entitled to so represent himself/herself and practice for so long as this certificate shall remain unrevoked and maintained in force as required by law.

Nina Ripley

Expires AUGUST 11, 2027

Notary Public in and for the State of South Dakota

I hope I billed out
this application right. Civil
engineering is not my
specialty. Matt Naasz, my
lawyer, helped me out.

Forgive me for any goofs!

W. Craig Willan



Wm. Craig Willan, P.E.

Registered Professional Engineer

Metallurgy – Materials Science

Aircraft Missiles & Space

Design Engineering, Manufacturing & Development

Analysis, Testing, Expert Witness

Chairman Emeritus SAE-AMS Aerospace Finishes-Processes-Fluids

Chairman Emeritus Omega Research & Engineering Inc.

wcraigwillan@gmail.com

(817) 475-9419





531383463

B0204-9243 01/08/2022 9:04AM Rec'd by SD SOS

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

2022
FILING YEAR

ANNUAL REPORT

Foreign Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

FL176812
BUSINESS ID

4FACES, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed TEXAS

3. The address of the principal executive office (business address):

Actual Street Address

**310 STONE HILL DRIVE
CUSTER, SD 57730**

Mailing Address

**310 STONE HILL DRIVE
CUSTER, SD 57730**

4. 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 BETTY WILLAN

Actual Street Address in this State

**310 STONE HILL DR
CUSTER, SD 57730**

Mailing Address in this State

**310 STONE HILL DR
CUSTER, SD 57730**

5. If the LLC is manager-managed, list the names and addresses of its manager(s). SDCL 59-11-24. If the LLC is member-managed, this section may be left blank

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

01/08/2022

Dated

William Craig Willan

Signature of an Authorized Person

William Craig Willan

Printed Name

Email (Optional)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 8, 2022

RECEIVED OF 4 Faces LLC 310 Stone Hill Dr. Custer SD 57730

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

Fee for Application for Permit No. <u>2853-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</u>
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>2853-2</u>	\$ <u>200.00</u>
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	\$ <u>300.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 9, 2022

4 Faces LLC
c/o W Craig William
310 Stone Hill Dr
Custer SD 57730

Dear Mr. William:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Custer County. To complete the application, the following is 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 existing well and the proposed well locations with an "X". Also, outline the area of the proposed campground.
- The application requests 32 gallons per minute. Is this the total amount requested from both the existing and proposed wells?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

Schlaak, Karen

From: My Mentor <mymentor72@gmail.com>
Sent: Monday, September 19, 2022 11:31 AM
To: Schlaak, Karen
Subject: Re: [EXT] Application for a Permit to Appropriate Water - 4 Faces LLC / W. Craig Willan

Yes that is total water usage.

Thank You

Best
W.Craig Willan

On Mon, Sep 19, 2022 at 8:54 AM Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

Thanks you for your response and map. T

One more question, the application requests 52 acre-feet of water annually. I am assuming that would be from both wells, is that correct?

Karen

From: My Mentor <mymentor72@gmail.com>
Sent: Sunday, September 18, 2022 9:49 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Application for a Permit to Appropriate Water - 4 Faces LLC / W. Craig Willan

Dear Ms. Schlaak:

I hope this email reply meets the requirements and your expectations, rather than a hard copy mailed.

I respond to your question #1 as follows:

On the map you provided (attached) , the new well location is a white dot marked **N**. The existing well location is a white dot marked **E**. The proposed metes and bounds of the campground are shown in a **black highlighted** ink. We will start slow, taking baby steps, and for probably the first 5 years, only half of the outlined area will be developed. For reference, the two pieces of property we own are each roughly identical in size, square, and at 40 acres each. They are noted as circled **1** and **2**

In response to your question # 2:

The application request for 32 gpm is for the new well. The existing well usage will be at approx. 13 gpm max. for an approximate total of 45 gpm. max.

Respectfully Submitted

4 Faces LLC by **W. Craig Willan**, P.E. Manager

Duvall, Ron

From: My Mentor <mymentor72@gmail.com>
Sent: Tuesday, September 20, 2022 2:25 PM
To: Duvall, Ron
Cc: Schlaak, Karen
Subject: Re: [EXT] Water Permit Application for Campground West of Hermosa

Yes that is correct. As a white haired engineer, I know the existing well is a good well, and I really don't want to "...go rogue..." and change anything up.

Best

W.Craig Willan

On Tuesday, September 20, 2022, Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Mr. Willan,

A staff member will begin preparing a report on your application soon. I want to confirm one item so that the report correctly addresses the water source. Is it your intent that the proposed well is to be completed to the approximate same depth as the existing well and, therefore, be completed into the same aquifer?

Please let me know.

Thank you,

Ron Duvall

Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program

605.773.3352

danr.sd.gov



DANR
SOUTH DAKOTA



**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. 2853-2, 4 Faces LLC**

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. 2853-2, 4 Faces LLC, c/o W Craig Willan, Manager, 310 Stone Hill Drive, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2853-2 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 wells approved under Water Permit No. 2853-2 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals 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 new well authorized by Water Permit No. 2853-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa aquifer.
4. Water Permit No. 2853-2 appropriates up to 52.0 acre-feet of water annually.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 31, 2022

Report to the Chief Engineer
On Water Permit Application No. 2853-2

4 Faces LLC

c/o Craig Willan, Manager

October 28, 2022

Water Permit Application No. 2853-2 proposes to appropriate an amount of water not to exceed 52 acre-feet annually at a total maximum instantaneous diversion rate of 0.10 cubic feet per second (cfs) from two wells. One of the wells is an existing well completed into the Minnelusa aquifer (225 feet deep) in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34-T2S-R7E and authorized by Water Right No. 1677-2 (Water Rights, 2022c). The second well is to be completed into the Minnelusa aquifer (approximately 225 feet deep) in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34-T2S-R7E. The water is to be used for commercial purposes at a campground to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34; all in T2S-R7E. The site of interest is located in Custer County approximately four miles west of Hermosa, SD.

AQUIFER: Minnelusa (MNLS)

HYDROGEOLOGY:

The Lower Permian and Upper Pennsylvanian aged, Minnelusa Formation consists mainly of yellow to red cross-stratified sandstone, limestone, dolomite, and shale (Strobel et al., 1999). Generally, the three units include: an upper unit consisting of red to white sandstone (up to approximately 200 feet thick), the middle unit consisting of dolomite, sandstone, and shale with anhydrite in subsurface (approximately 200 to 300 feet thick), and lower unit consisting of sandstones and dolomites with basal red shale (approximately 0 to 300 feet thick) (Rahn and Gries, 1973). The upper part of the Minnelusa Formation may also contain anhydrite which has generally been eradicated as a result of a change in depositional environment and dissolution where the formation outcrops (Carter et al., 2001b). The dissolution of the anhydrite has resulted in collapse features that have been filled with breccia (Carter et al., 2001b; Driscoll et al., 2002). The thickness of the Minnelusa Formation in the Black Hills within South Dakota ranges from approximately 375 feet thick near Belle Fourche to approximately 1,175 feet near Edgemont (Carter et al., 2001b; Driscoll et al., 2002).

The Minnelusa aquifer generally occurs within the upper sandstone units of the Minnelusa Formation (Kyllonen and Peter, 1987). The Minnelusa Formation is disconformably overlain by the Opeche Shale, which is overlain by the Minnekahta Limestone (Permian-aged) (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 (Long and Putnam, 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 and Peter, 1987; Long and Putnam, 2009).

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

The Minnelusa Formation outcrops in the Black Hills (shown in Figure 1) but is otherwise buried in South Dakota (Strobel et al., 1999). The Minnelusa aquifer can exist under both confined and unconfined aquifer conditions (Long and Putnam, 2009; Water Rights, 2022b and 2022d). The Minnelusa aquifer is generally unconfined where the formation outcrops in the Black Hills in South Dakota (Long and Putnam, 2009; Water Rights, 2022b and 2022d). The Minnelusa aquifer is generally confined where the formation dips to the east causing the hydraulic head to be above the top of the formation (Long and Putnam, 2009; Water Rights, 2022b and 2022d). The direction of groundwater movement in the Minnelusa aquifer is generally radially outward from the outcrop in the Black Hills in South Dakota (Carter et al., 2001b).

A water well completion report was submitted with Water Permit Application No. 2853-2 for the existing well proposed to be used and authorized by Water Right No. 1677-2 (Water Rights, 2022c). The report indicated gravel & boulders from 0 to 60 feet below the ground surface, "limestone" from 60 to 100 feet, "red siltstone" from 100 to 210 feet, "sandstone red" from 210 to 215 feet, "yellow and pink sandstone" from 215 to 220 feet, and "red orange sandstone" from 220 to 225 feet. At the time of completion (May 1, 1978) the well was determined to be flowing approximately 6 gallons per minute. Based on the submitted well completion report, water well completion reports on file, and lithologic logs on file for nearby observation wells, the Minnelusa aquifer is expected to be confined at the applicant's existing well site and proposed diversion point (SDGS, 2022; Water Rights, 2022b and 2022d).

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. 2853-2 proposes to appropriate water from the Minnelusa aquifer. 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. 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 Minnelusa aquifer is older than and stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010); however, 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.

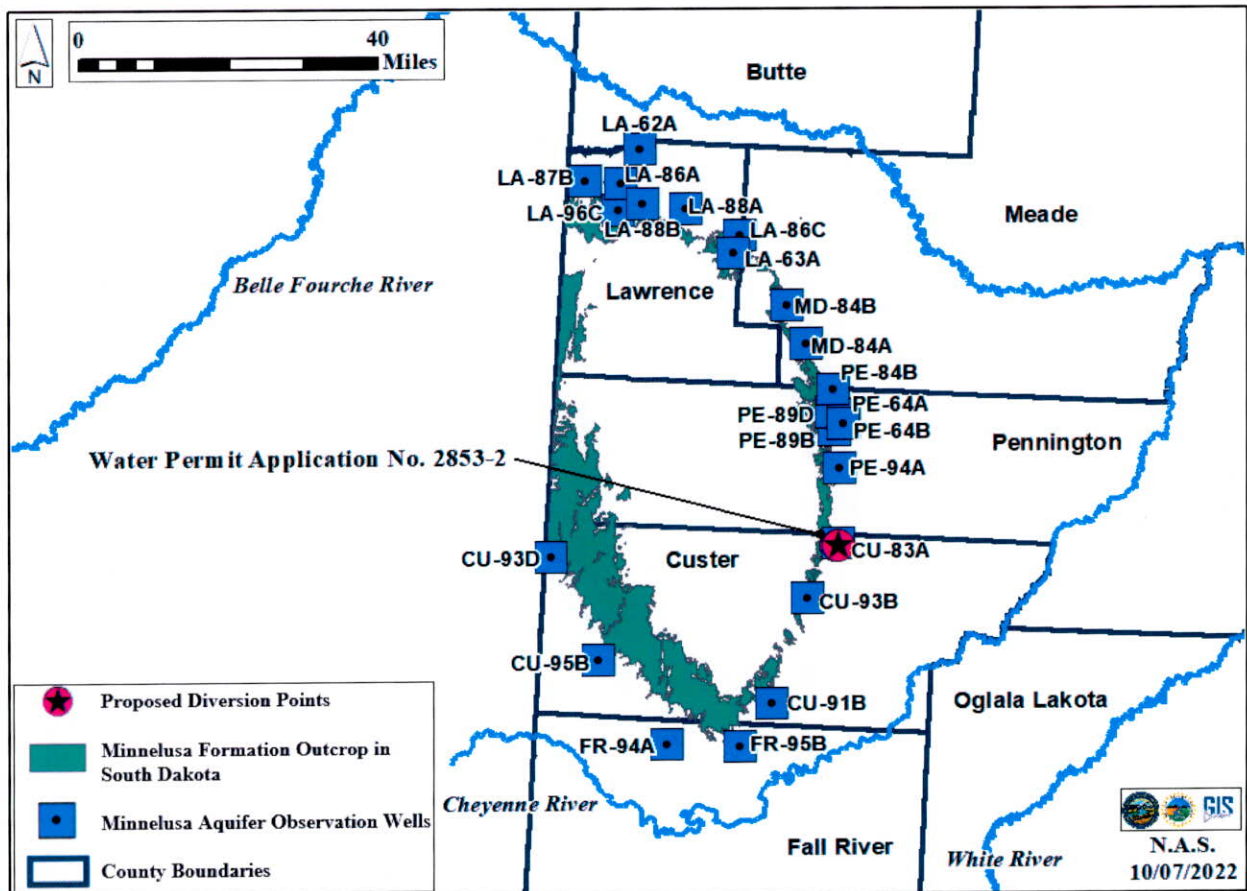


Figure 1. Minnelusa Formation outcrop in the Black Hills in South Dakota (Strobel et al., 1999), the Minnelusa aquifer observation wells in the Black Hills (Water Rights, 2022b), and the existing well site and proposed diversion point for Water Permit Application No. 2853-2 (Water Rights, 2022c)

HYDROLOGIC BUDGET:

Water Permit Application No. 2853-2 is approximately 0.8 miles from the nearest Minnelusa Formation outcrop. It is possible to withdraw an amount of water from a localized area that will induce recharge from nearby areas, while the overall hydrologic budget remains balanced. Therefore, the hydrologic budget of the Minnelusa aquifer will be assessed in its entirety (in SD) and on a localized scale.

Statewide Recharge

Recharge to the Minnelusa aquifer is primarily through streamflow losses and the infiltration of precipitation where the formation outcrops (Carter and Driscoll, 2001a; Driscoll et al., 2002). Driscoll and others (2002) noted that the Madison aquifer receives more recharge than the Minnelusa aquifer as a result of the Madison outcrop having an upslope location to the Minnelusa outcrop within the Black Hills in South Dakota.

Carter and others (2001a) analyzed streamflow and precipitation data from 1931 to 1998 within the Black Hills of South Dakota and Wyoming to determine the average annual recharge to the Madison and Minnelusa aquifers. The average annual recharge rate to the Madison and Minnelusa aquifers from streamflow contributions was estimated to be approximately 93 cfs, or 67,500 acre-feet per year; plus 251 cfs, or 181,760 acre-feet per year from precipitation falling on the outcrop in the Black Hills, for a combined average annual recharge rate of 344 cfs, or 249,260 acre-feet per year.

Carter and others (2001a) determined that of the combined average annual recharge rate, approximately 55% of the total recharge goes to the Madison aquifer, and the remaining 45% recharges to the Minnelusa aquifer. Therefore, the estimated average annual recharge rate to the Minnelusa aquifer is approximately 112.167 acre-feet per year.

Statewide Discharge

Discharge from the Minnelusa aquifer is primarily through well withdrawals (Water Rights, 2022d) and flow to headwater and artesian springs (Carter and Driscoll, 2001a).

Currently, there are 188 water rights/permits authorized to withdraw water from the entirety of the Minnelusa aquifer in South Dakota (Water Rights, 2022c). Additionally, there is one future use permit reserving water from the Minnelusa aquifer – Future Use Permit No. 439-2 (Water Rights, 2022c). Future Use Permit No. 439-2 is held by the City of Rapid City and authorizes the reservation of groundwater, water from infiltration galleries on springs, and the Madison and Minnelusa aquifer wells used by the city for municipal use (Water Rights, 2022c). For the purpose of estimating the average annual withdrawal rate from the Minnelusa aquifer, Future Use Permit No. 439-2 is assumed to be developable for a total of 3,367 acre-feet per year (Water Rights, 2022c).

Of the 188 Minnelusa aquifer water rights/permits, 48 are for irrigation use and 140 are for non-irrigation use (Water Rights, 2022c). Table 1 summarizes the 140 non-irrigation water rights/permits authorized to appropriate water from the Minnelusa aquifer with the estimated

annual use for each water right/permit as determined by their authorized maximum diversion rate or annual volume. The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have additional uses (Water Rights, 2022c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective authorized maximum diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DNR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2022c).

No water rights/permits that are authorized to withdraw from the Minnelusa aquifer were identified as being connected to a rural water system (Drinking Water Program, 2022; Water Rights, 2022c). Overall, the estimated average annual withdrawal rate from the Minnelusa aquifer by the non-irrigation water rights/permits is approximately 12,840 acre-feet per year (Table 1) (Water Rights, 2022c).

Table 1. Summary of the non-irrigation water rights/permits authorized to appropriate from the Minnelusa aquifer with estimated annual use determined by their respective authorized diversion rate or annual volume (Water Rights, 2022c)

Use Type	No. of Water Rights/Permits	Authorized Annual Volume (acre-feet/year)	Authorized Diversion Rate (cfs)	Total Estimated Use (acre-feet/year)
RWS	2		0.597	259
SHD	46	6.75	7.14	3,110
REC	1	18.4		18
COM	51	44	3.93	1,752
DOM	8		0.981	426
FWP	1		1.6	695
WDS	1	6.1		6.1
INS	10		0.828	360
IND	11	52	7.17	3,168
MUN	9		7.01	3,045
TOTAL:	140	127.3	29.3	12,840
RWS: Rural Water System, SHD: Suburban Housing Development, REC: Recreation,				
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, WDS: Water Distribution System				
INS: Institutional, IND: Industrial, MUN: Municipal				

Water Permit No. 2773-2 and Water Right No. 1709-1 are both authorized to withdraw from both the Madison and Minnelusa aquifers (Water Rights, 2022c). Water Permit No. 2773-2 has not been fully developed at this time; however, the well is only authorized to be constructed into a single water source. For the purpose of estimating the average annual withdrawal rate from the Minnelusa aquifer, the well authorized to be constructed by Water Permit No. 2773-2 will be assumed to be completed into the Minnelusa aquifer. Water Permit No. 2773-2 is authorized to irrigate 100 acres (Water Rights, 2022c), and assuming an application rate of one foot per

authorized acre per year, the average annual withdrawal rate for Water Permit No. 2773-2 is estimated to be approximately 100 acre-feet per year. Water Right No. 1709-1 authorizes the maximum instantaneous rate of approximately 0.25 cfs from two wells completed into the Minnelusa aquifer (Water Rights, 2022c), and assuming the permit holder pumps 60% of full time at their respective authorized maximum diversion rate, the average annual withdrawal rate for Water Right No. 1709-1 is estimated to be approximately 106 acre-feet per year.

Currently, there are 48 irrigation water rights/permits authorized to appropriate water from the Minnelusa aquifer (Water Rights, 2022c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Minnelusa aquifer irrigation water rights/permits that have reported over the period of record (1982 to 2021) is approximately 2,332 acre-feet per year (Table 2) (Water Rights, 2022a). Table 2 lists only 44 water rights/permits as reporting in 2021 as Water Permit No. 1867-2 and Water Right Nos. 889-1 and 1703-2 are no longer irrigating and Water Right Nos. 1183-1 was divided into two water rights (Nos. 1183A-1 and 1183B-1) to reflect new ownership in December 2021 (Water Rights, 2022c). However, Table 2 is still reflective of the reported estimated use authorized Water Right Nos. 1183A-1 and 1183B-1 (Water Rights, 2022a and 2022c).

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 annual withdrawal rate from the Minnelusa aquifer for domestic and livestock use from 1987 to 1996 to be approximately 970 acre-feet per year. It is likely that water withdrawals from the Minnelusa aquifer for domestic and livestock use has increased since 1996; however, due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally with the development of rural water systems in some of the areas where the Minnelusa aquifer is a viable aquifer; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water estimated by Carter and others (2001b) for average annual withdrawals for domestic and livestock use from the Minnelusa aquifer will be assumed to be a probable minimum average annual withdrawal rate from the aquifer.

Statewide Hydrologic Budget Summary

The estimated average annual recharge rate to the Minnelusa aquifer is approximately 112,167 acre-feet per year. The estimated average annual withdrawal rate from the Minnelusa aquifer is approximately 19,767 acre-feet per year (non-irrigation: 12,840 acre-feet/year; irrigation: 2,332 acre-feet/year; future use: 3,367 acre-feet per year; Water Permit No. 2773-2 and Water Right No. 1709-1: 206 acre-feet/year; domestic and livestock use: 970 acre-feet/year; Water Permit Application No. 2853-2 (if approved, assuming full volume): 52 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Minnelusa aquifer for the proposed appropriation.

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

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1982	29	1,736.9
1983	35	4,337
1984	32	3,626.6
1985	33	5,199.1
1986	33	2,956.3
1987	34	2,946
1988	37	3,918.5
1989	37	2,985.5
1990	37	3,290.8
1991	41	2,652.2
1992	41	3,002
1993	42	1,003.6
1994	43	2,950.4
1995	37	1,126.9
1996	39	1,704
1997	39	1,986
1998	40	2,866.8
1999	40	1,082.7
2000	41	2,815
2001	43	2,300.8
2002	43	2,692.4
2003	44	2,310.8
2004	44	2,645
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	2,290.3
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
2021	44	1,887.54
Min	29	375.27
Max	47	5,199
Avg	41	2,332

Localized Hydrologic Budget: *Carter, Driscoll, Hamade, & Jarrell (2001b)*

Carter and others (2001b) calculated hydrologic budgets for subareas of the Madison and Minnelusa aquifers for the Black Hills (in SD and WY) during the water years of 1987 to 1996. The budgets were calculated by dividing the Black Hills into nine subareas with the intent of minimizing groundwater flow to and from adjacent subareas. These subareas were determined based on several factors, including locations of major artesian springs, streamflow loss zones, and areas dominated by precipitation recharge. The existing well site and proposed diversion point for Water Permit Application No. 2853-2 are located in Subarea 5 (Figure 2). The hydrologic budget for Subarea 5 is displayed on Table 3 (Carter et al., 2001b).

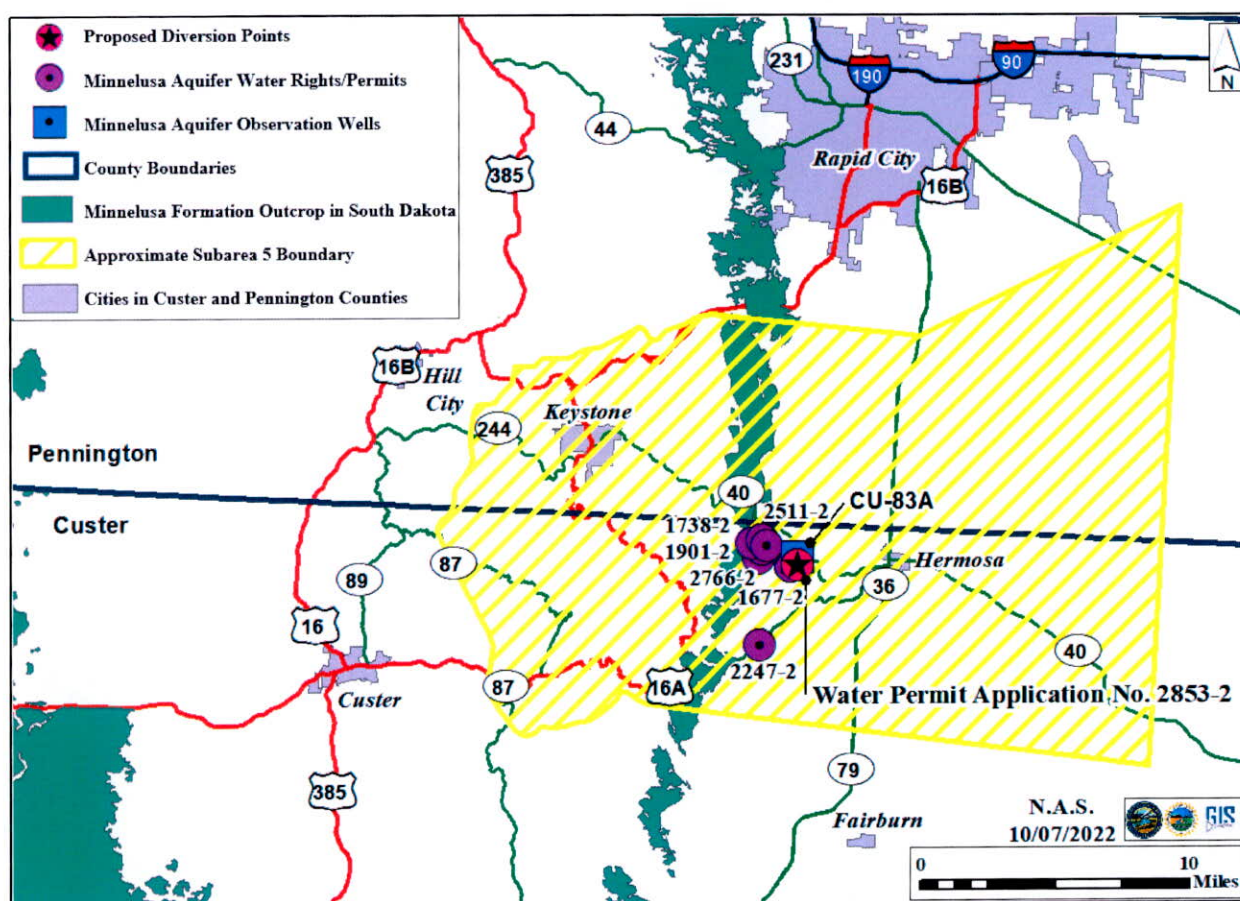


Figure 2. Subarea used for the Madison and Minnelusa aquifers localized hydrologic budgets (modified from Carter et al., 2001b), the Minnelusa Formation outcrop (Strobel et al., 1999), the location of the existing well site and proposed diversion point for Water Permit Application No. 2853-2, and the Minnelusa aquifer water rights/permits and observation well within Subarea 5 (Water Rights, 2022b and 2022c)

Table 3. Estimated average annual hydrologic budget for Subarea 5 for the Madison and Minnelusa aquifers in the Black Hills (in SD and WY) for the water years 1987 to 1996 (modified from Carter et al., 2001b)

Subarea 5	Inflow:			Outflow:		
	Streamflow Recharge	Precipitation Recharge	Net Groundwater Inflow	Artesian Springflow	Wells	Net Groundwater Outflow
cfs	11.4	3.2	0	7	1.6	6
acre-feet/year	8,253.2	2,316.7	0.0	5,067.8	1,158.3	4,343.8

As shown in Table 3, Carter and others (2001b) estimated the average annual recharge rate to Subarea 5 for the Madison and Minnelusa aquifers due to streamflow, precipitation, and groundwater inflow recharge to be approximately 4,344 acre-feet per year. Carter and others (2001a) determined that of the combined average annual recharge rate, approximately 45% of the total recharge goes to the entire Minnelusa aquifer. Although 45% of the total recharge going to the Minnelusa aquifer is for the entirety of the Minnelusa Formation outcrop area in the Black Hills, this percentage can still be used to roughly approximate the average annual recharge rate to the Minnelusa aquifer in Subarea 5, which equates to approximately 1,955 acre-feet per year.

Currently in Subarea 5, there are six water rights/permits authorized to withdraw from the Minnelusa aquifer (Water Rights, 2022c). Using the same methods to calculate withdrawal rates from the previous discharge section and including Water Permit Application No. 2853-2 (if approved), the average annual withdrawal rate from the Minnelusa aquifer is approximately 318 acre-feet per year from Subarea 5.

Groundwater models rely on several assumptions and the hydrologic budget for the subarea determined by Carter and others (2001b) does not account for other factors contributing to recharge. Additional recharge is likely available through upward leakage from underlying aquifers, through infiltration of precipitation at areas other than the Black Hills where the Minnelusa Formation outcrops, through streamflow losses, and through well withdrawals inducing groundwater inflow from outside the subarea. Based on the hydrologic budget for the water rights/permits within Carter and others (2001b) Subarea 5, there is a reasonable probability unappropriated water is available from the Minnelusa aquifer for the proposed appropriation.

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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer (Water Rights, 2022b). The five closest observation wells to the existing well and the proposed diversion point are CU-83A (approximately 0.4 miles northeast), CU-93B (approximately 7.9 miles southwest), PE-94A (approximately 10.6 miles north), PE-89B (approximately 15.7 miles north), and PE-64B (approximately 16.6 miles north) (as shown in Figure 1) (Water Rights, 2022b). The hydrographs for these observation wells are displayed in Figures 3 to 7 (Water Rights, 2022b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DNR Water Rights Observation Well on the hydrographs.

The hydrographs for the observation wells display stable to slightly increasing water levels over their respective periods of record. The hydrographs for these five observation wells were compared to the hydrographs for the other observations wells completed into the Minnelusa aquifer and each displayed a generally similar trend as shown on the hydrographs displayed in Figures 3 to 7 (Water Rights, 2022b). The hydrographs for the Minnelusa aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods 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 annually. Aquifer recovery 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.

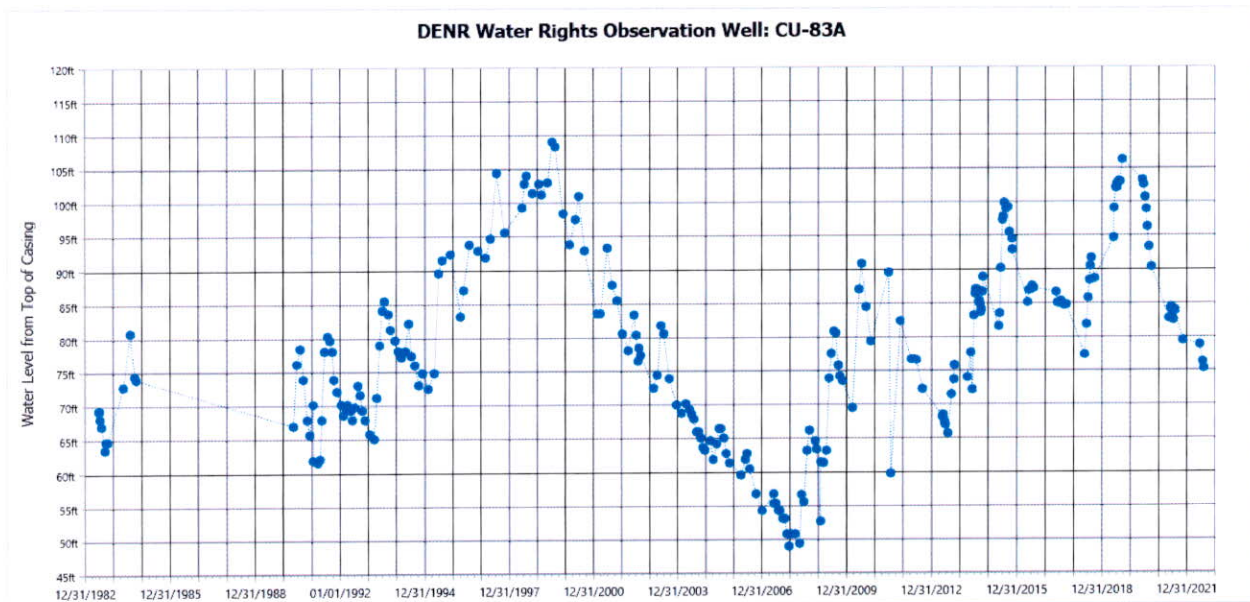


Figure 3. Hydrograph for observation well CU-83A (Water Rights, 2022b)

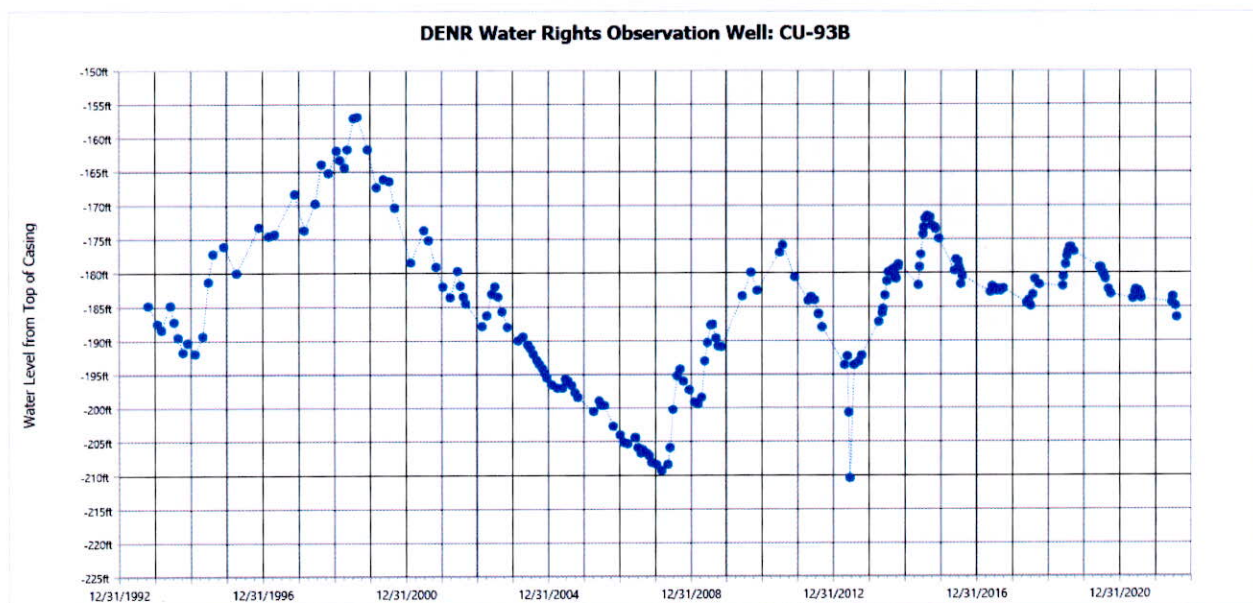


Figure 4. Hydrograph for observation well CU-93B (Water Rights, 2022b)

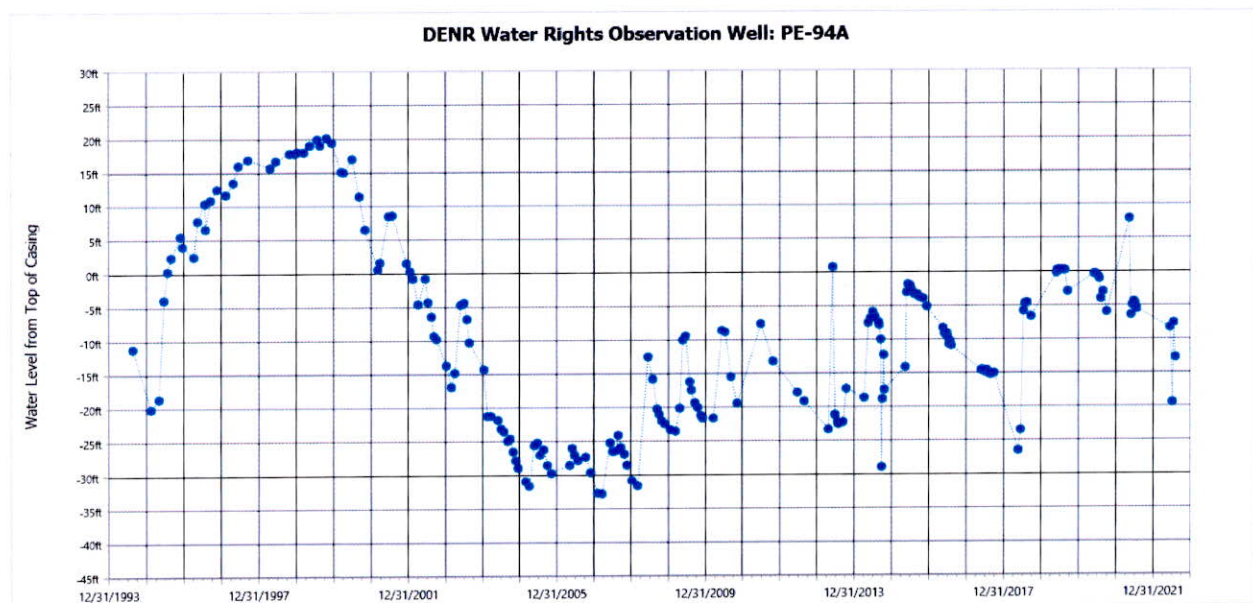


Figure 5. Hydrograph for observation well PE-94A (Water Rights, 2022b)

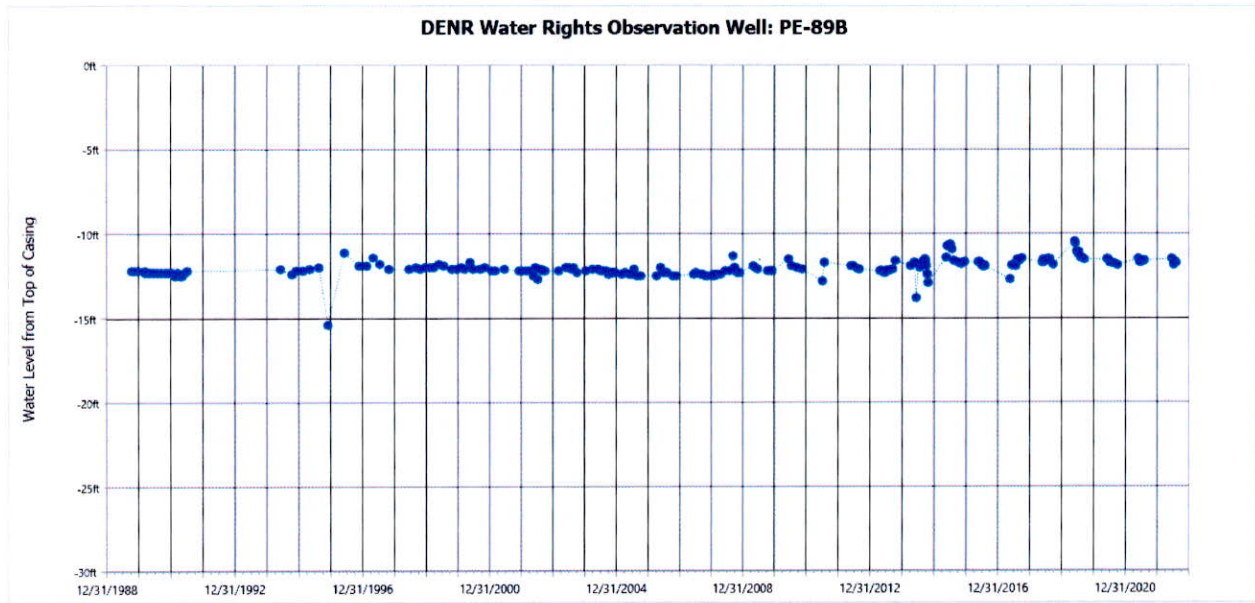


Figure 6. Hydrograph for observation well PE-89B (Water Rights, 2022b)

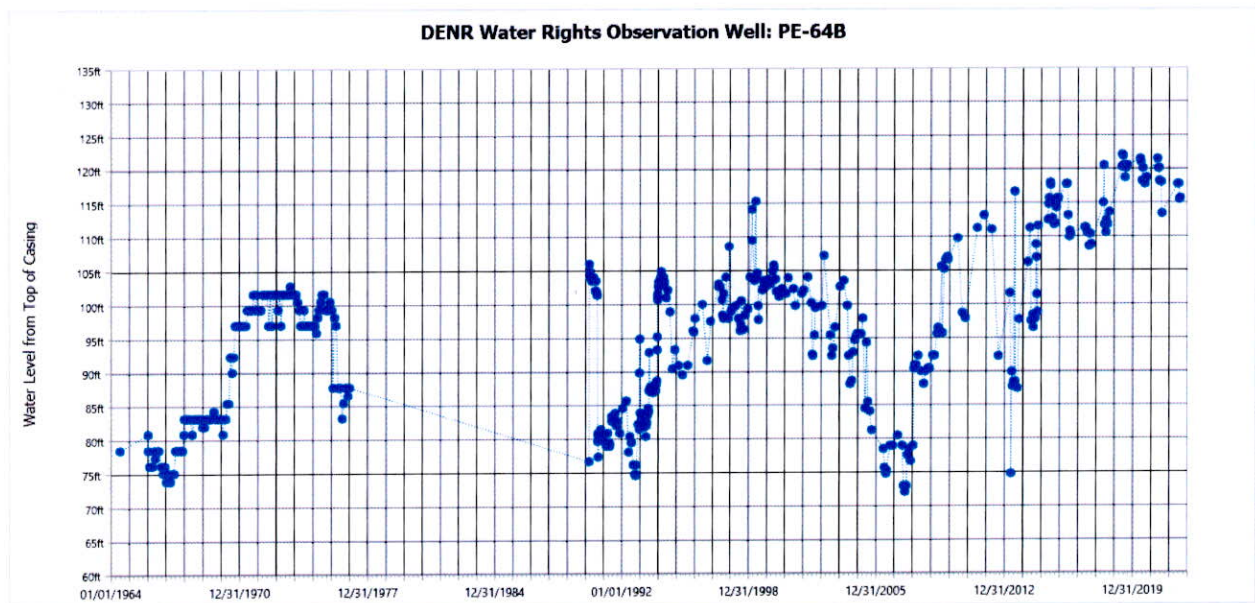


Figure 7. Hydrograph for observation well PE-64B (Water Rights, 2022b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 188 water rights/permits (plus Water Permit No. 2773-2 and Water Right No. 1709-1) authorized to withdraw water from the entirety of the Minnelusa aquifer in South Dakota, and one future use permit reserving water from the Minnelusa aquifer (Water Rights, 2022c). The closest water right/permit to the existing well and proposed diversion point is Water Right No. 1738-2, which is held by Black Hills Health and Education Center. The diversion point for Water Right No. 1738-2 is located approximately one mile northwest of the existing well site and proposed diversion point for this application (Figure 8) (Table 4) (Water Rights, 2022c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Minnelusa aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.2 miles northwest of the existing well site and proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Minnelusa aquifer near the existing well site and proposed diversion point that are not on file with the DANR-Water Rights Program.

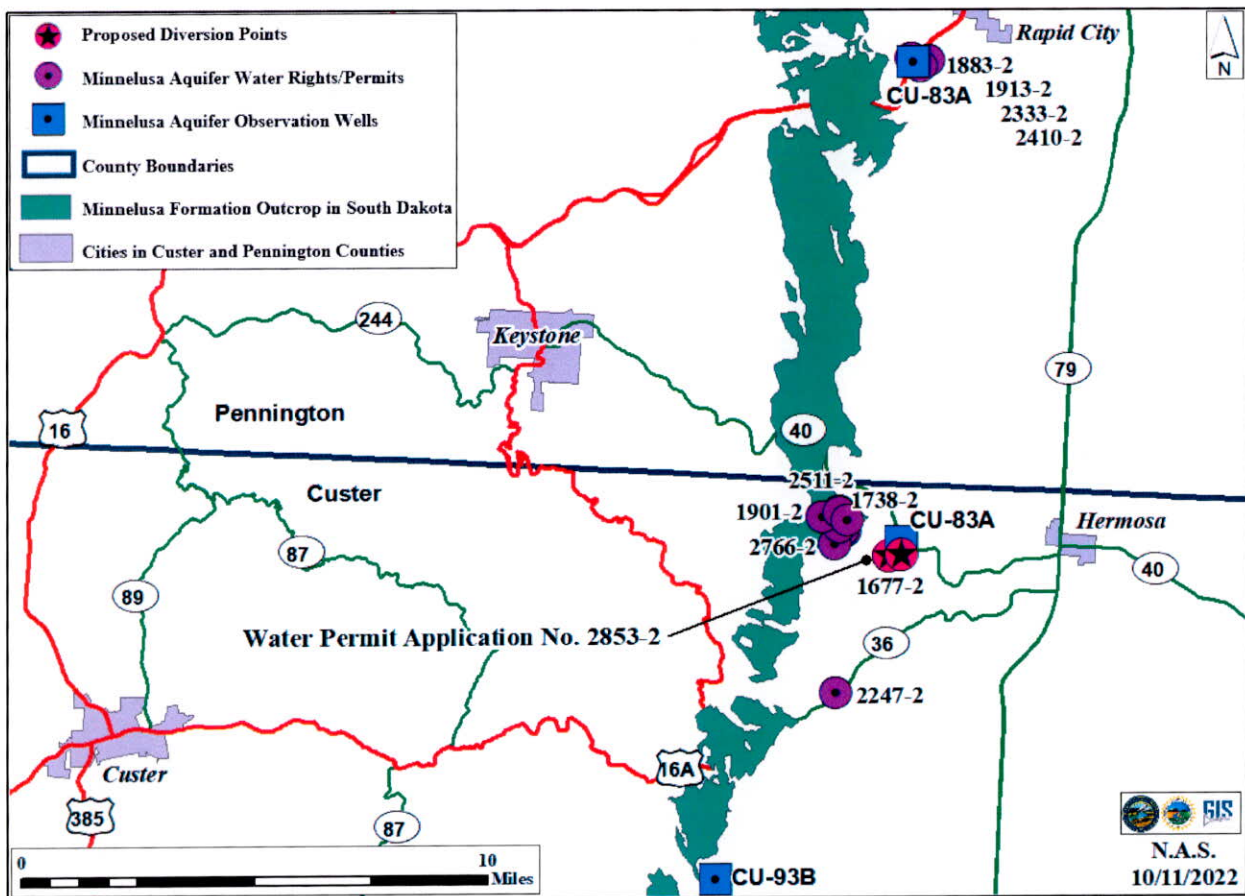


Figure 8. Location of the existing well site and proposed diversion point for Water Permit Application No. 2853-2 with the Minnelusa aquifer water rights/permits and observation wells within approximately ten miles (Water Rights, 2022b and 2022c)

Table 4. Water rights/permits authorized to withdraw water from the Minnelusa aquifer within approximately ten miles of the existing well and proposed diversion point, as shown in Figure 8 (Water Rights, 2022c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
1677-2	4 Faces LLC	LC	IRR	40	0.28	
1738-2	Black Hills Health & Education Center	LC	IRR	60	0.09	
1883-2	Reptile Gardens	LC	COM		0.07	
1901-2	Donald P Wojciechowski	LC	IRR	18	0.18	
1913-2	Happy Holiday RV Resort	LC	COM		0.1	
2247-2	James Borglum	LC	IRR, DOM	8	0.09	
2333-2	Berdell Dunworth	LC	COM		0.04	
2410-2	Flying T Chuckwagon	LC	COM		0.044	
2511-2	Black Hills Health & Education Center	LC	INS		0.22	
2766-2	Matthew & Deidre Dealy	PE	COM, DOM		0.1	44

LC: Licensed Water Right, PE: Water Permit, COM: Commercial, DOM: Domestic, INS: Institutional, IRR: Irrigation

The Minnelusa aquifer can exist under both confined and unconfined aquifer conditions (Long and Putnam, 2009; Water Rights, 2022b and 2022d). Based on the submitted well completion report, water well completion reports on file, and lithologic logs on file for nearby observation wells, the Minnelusa aquifer is expected to be confined at the applicant's existing well site and proposed diversion point (SDGS, 2022; Water Rights, 2022b and 2022d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. However, observation wells completed into the Minnelusa aquifer near permitted/licensed diversion points can provide some insight on how the aquifer responds to pumping.

Observation well CU-83A (approximately 0.4 miles northeast of existing well site and proposed diversion point) has three high-yield (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) wells within approximately two miles of it (Water Rights, 2022b and 2022c). Some drawdown resulting from pumping can be seen on the hydrograph for CU-83A, along with the aquifer water level recovering in response to recharge during the spring season (Figure 3) (Water Rights, 2022b). The lithologic log on file for CU-83A noted the well was drilled approximately 510 feet below the ground surface with the top of aquifer materials approximately 445 feet below grade (SDGS, 2022). The lowest recorded static water level on the hydrograph is approximately 110 feet below grade, which indicates there was still approximately 335 feet of artesian head pressure in CU-83A even during a drier period when wells are expected to be pumping more water and when water levels are generally naturally lower in response to drier conditions (Water Rights, 2022b).

Within approximately one-half mile of the existing well site and proposed diversion point, wells completed into the Minnelusa aquifer have a saturated aquifer thickness ranging from approximately 15 to 140 feet (SDGS, 2022; Water Rights, 2022d). This thickness generally allows 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). Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Custer and Pennington Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Minnelusa aquifer (Water Rights, 2022e).

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.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Minnelusa aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the estimated saturated thickness of the Minnelusa aquifer near the applicant’s existing well site and proposed diversion point, the artesian head pressure in observation wells near permitted/licensed diversion points, and the lack of well interference complaints, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. 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: Springs

In the past, there have been concerns that development of the Minnelusa aquifer will affect spring discharge. The nearest major springs that are sourced primarily by water from the Minnelusa aquifer are Battle Creek Spring (approximately one mile northwest of the existing well and proposed diversion point) and Grace Coolidge Creek Spring (approximately four miles southwest of the existing well and proposed diversion point) (Driscoll et al., 2002; Naus et al.,

2001). When considering the deferral of Water Permit Application No. 2585-2 for the Southern Black Hills Water System, the Water Management Board adopted a conclusion of law stating in part "...The only protection South Dakota law provides when considering an application for an underground water permit for flow from an artesian spring is under the public interest criteria" (Water Rights, 1997). Given the distance between the existing well site and the proposed diversion point, and the Springs mentioned above, and considering the applicant's proposed maximum diversion rate, there is a reasonable probability Water Permit Application No. 2853-2 can be developed without making an impact that would be measurable above the natural fluctuations of the nearest spring.

CONCLUSIONS:

1. Water Permit Application No. 2853-2 proposes to appropriate an amount of water not to exceed 52 acre-feet annually at a total maximum instantaneous diversion rate of 0.10 cfs from two wells. One of the wells is an existing well completed into the Minnelusa aquifer (225 feet deep) and authorized by Water Right No. 1677-2 (Water Rights, 2022c). The second well is to be completed into the Minnelusa aquifer (approximately 225 feet deep). The water is to be used for commercial purposes at a campground. The site of interest is located in Custer County approximately four miles west of Hermosa, SD.
2. Based on the observation well data and hydrologic budgets, there is a reasonable probability that unappropriated water is available from the Minnelusa aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the proposed diversion by Water Permit Application No. 2853-2 will not unlawfully impair adequate wells for existing water right/permit holders and domestic users.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:

Adam Mathiowetz

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

References

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RECEIVED

NOV 14 2022

OFFICE OF
WATER**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

4-Faces LLC - W Craig Willan

Notice of Application

NO 2853-2 to Appropriate Water

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:

Nov 9, 2022; _____, _____;

_____, _____;

_____, _____;

_____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 43.61

J. L.

Subscribed and sworn to me before this 9th

of November, 2022;

Jeane Fuerstenberg

NOTARY PUBLIC

MY COMMISSION EXPIRES:

11-30-27**NOTICE OF
APPLICATION**NO. 2853-2 TO
APPROPRIATE WATER

Notice is given that 4 Faces LLC c/o W Craig Willan, Manager, 310 Stone Hill Dr, Custer SD 57730 has filed an application for a water permit to appropriate an amount not exceeding 52 acre-feet of water annually at a maximum, combined, pump rate of 0.10 cubic feet of water per second (cfs) from two wells. One of the wells is existing and is completed into the Minnelusa Aquifer (225 feet deep) located in the SE 1/4 NW 1/4 section 34 with the second well to be completed into the Minnelusa Aquifer (approximately 225 feet deep) in the SW 1/4 NE 1/4 section 34; all in T2S-R7E. Water is to be used for commercial purposes at a campground to be located in the

SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 34; all in T2S-R7E. This site is located approximately 4 miles west of Hermosa SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2853-2 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 November 21, 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 November 21, 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 \$43.61 and may be viewed free of charge at www.sdpublicnotices.com.

11/9

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - GROUND WATER

523 E CAPITOL AVE

PIERRE SD 57501

ORDER NUMBER 52138

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 1

successive day, the first publication there of being on the

9 day of November, 2022.

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 11/09/2022

TOTAL AD COST: 74.83

FILED ON: 11/9/2022

Subscribed and sworn to before me this

9th day of November, 2022.

Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 2025



NOTICE OF APPLICATION NO.
2853-2 to Appropriate Water

Notice is given that 4 Faces LLC c/o W Craig Willan, Manager, 310 Stone Hill Dr, Custer SD 57730 has filed an application for a water permit to appropriate an amount not exceeding 52 acre-feet of water annually at a maximum, combined, pump rate of 0.10 cubic feet of water per second (cfs) from two wells. One of the wells is existing and is completed into the Minnelusa Aquifer (225 feet deep) located in the SE 1/4 NW 1/4 section 34 with the second well to be completed into the Minnelusa Aquifer (approximately 225 feet deep) in the SW1/4 NE1/4 section 34; all in T2S-R7E. Water is to be used for commercial purposes at a campground to be located in the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 34; all in T2S-R7E. This site is located approximately 4 miles west of Hermosa SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2853-2

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 Duval 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 November 21, 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 November 21, 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 November 9, 2022 for a total approximate cost of \$74.83 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 52138

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 2, 2022 8:36 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2853-2, 4 Faces LLC
Attachments: 2853-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2022.

4 Faces LLC c/o W Craig Willan, 310 Stone Hill Dr, Custer SD 57730 (817-475-9419) 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: Wednesday, November 2, 2022 8:36 AM
To: 'custernews@gwtc.net'
Subject: 2853-2, 4 Faces LLC
Attachments: 2853-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2022.

4 Faces LLC c/o W Craig Willan, 310 Stone Hill Dr, Custer SD 57730 (817-475-9419) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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.**

November 2, 2022

4 Faces LLC
W Craig Willan, Manager
310 Stone Hill Dr
Custer SD 57730

Dear Mr. Willan:

Water Permit Application No. 2853-2 for commercial 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. 2853-2 to Appropriate Water

Notice is given that 4 Faces LLC c/o W Craig Willan, Manager, 310 Stone Hill Dr, Custer SD 57730 has filed an application for a water permit to appropriate an amount not exceeding 52 acre-feet of water annually at a maximum, combined, pump rate of 0.10 cubic feet of water per second (cfs) from two wells. One of the wells is existing and is completed into the Minnelusa Aquifer (225 feet deep) located in the SE 1/4 NW 1/4 section 34 with the second well to be completed into the Minnelusa Aquifer (approximately 225 feet deep) in the SW 1/4 NE 1/4 section 34; all in T2S-R7E. Water is to be used for commercial purposes at a campground to be located in the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 34; all in T2S-R7E. This site is located approximately 4 miles west of Hermosa SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2853-2 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 November 21, 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 November 21, 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 _

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 2, 2022 9:25 AM
To: My Mentor
Subject: Water Permit Application No. 2853-2
Attachments: 4351.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) to authorize publication and arrange for payment. That being said, my advice would be to wait to contact the Rapid City Journal until I forward you the information they send me which contains the Customer Ad Proof and an ad number. That is usually sent to me in about 5 days. You can go ahead and contact the Custer County Chronicle right away.

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

DEC 08 2022

4 Faces LLC
c/o w Craig Willan, Mgr
310 Stone Hill Drive
Custer SD 57730

Dear Mr. Willan:

Enclosed is Water Permit No. 2853-2 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2853-2

Name of Applicant: 4 Faces LLC, c/o W. Craig William, mgr.

Date of Posting: 11/7/2022

Date of Removal: 12/8/2022

Ron Duvall, Water Rights Permitting Administrator

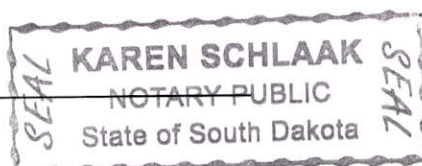
Date

Subscribed and sworn to before me, a notary public, this 8th day of Dec, 2022.

Notary Public - South Dakota

My commission expires: 4/1/2025

(SEAL)





2853-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 12, 2023

4 Faces LLC
c/o Craig Willan
310 Stone Hill Dr
Custer SD 57730

Dear Mr. Willan:

Per our email correspondence I have drafted up "Transfer of Ownership" forms so that you may transfer ownership to your daughter.

4 Faces LLC has a Water Right No. 1677-2 and a Water Permit No. 2853-2, both applying to the same section, but with different uses. 1677-2 is licensed for irrigation, while 2853-2 is for diversion to a campground.

I was not certain if you were wanting to transfer both, so I did go ahead and enclose a form for each. I also attached a copy of the license/permit for each for your own reference. If you are only transferring Permit No. 2853-2, as discussed in the email, the other may be discarded.

I highlighted the portions of the form that your daughter will need to complete. There would be a \$50.00 fee for each transfer of ownership. Checks should be made payable to the SD Water Rights Program.

Please feel free to contact me with any questions.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



1677-2 3 2853-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 8, 2023

1677-2
2853-2

Zena Ives
13803 Box Canyon Rd
Hermosa SD 57744

Dear Ms. Ives:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment and copies of the Water Right & Permit for your records.

Water Right No. 1677-2 and Water Permit No. 2853-2 previously owned by 4 Faces LLC are now listed under Zena Ives. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right and Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, they will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

PAID

No. 1677-2

AUG 04 2023

Date: 8-1-23

Ck# 1018

Rec't# 894/23

I/We request that Water Right No.

1677-2

formerly owned by: 4 Faces LLC; 310 Stone Hill Dr, Custer SD 57730

be transferred to: (name & address) Zena Ives

13803 Box Canyon Rd. Hermosa, SD 57744

Telephone No. 940-231-6185

Title to the following described land(s)/property has been transferred as described above:

40 acres – SE ¼ NW ¼ - Section 34, T2S, R7E

I/We understand that the validity of Water Right No. 1677-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Zena Ives, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

AUG 04 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 4, 2023

RECEIVED OF 4Faces LLC 13803 Box Canyon Rd. Hermosa SD 57744

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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. _____	\$ _____
Fee for Filing Transfer Form <u>1677-2</u>	\$ <u>50.00</u>
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	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
EG

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

PAID

No. 2853-2

AUG 04 2023

Ck#

Rec't#

Date: 8-1-23

I/We request that Water Permit No.

2853-2

formerly owned by: 4 Faces LLC; 310 Stone Hill Dr, Custer SD 57730

be transferred to: (name & address)

Zena Ives
13803 Box Canyon Rd. Hermosa, SD 57744
Telephone No. 940-231-6185

Title to the following described land(s)/property has been transferred as described above:

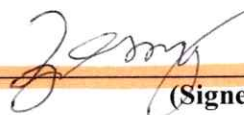
SE ¼ NW ¼ and SW ¼ NE ¼ - all in Section 34, T2S, R7E

I/We understand that the validity of Water Permit No. 2853-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Zena Ives, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

AUG 04 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

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By Eric Gronlund

Chief Engineer

Em