

WATER PERMIT NO. 2867-2

Name of Applicant: **Robert & Carol Jorgensen**

Address: **11961 Pleasant Valley Rd., Custer SD 57730**

Phone: **605-673-1243**

Amount of Water Claimed: **0.067 cfs**

Total Acres:

Source of Water Supply: **Groundwater**

Water to be used for: **Commercial use**

County: **Custer**

Type of Waste Disposal System:

Location: **3 miles southwest of Custer**

PRIORITY Date Received: **2-22-2023**

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

Corrected Application Received: **3-27-2023**

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

Remarks:

Diversion Point: **Govt. Lots 10 & 14 Sec 5 -T4S-**
R4E

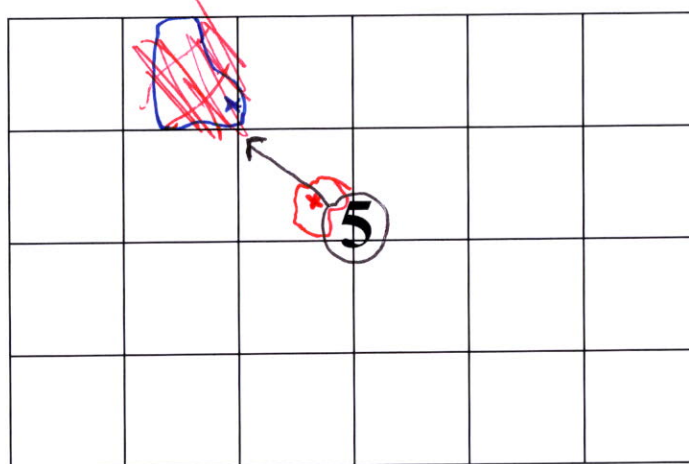
Land to be Irrigated:

Depth of Well: **120**

Well Driller: **Hespen Excavating**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **3-28-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2867-2

Date of first receipt of application February 22, 2023.

Date of return to applicant for corrections, amendments or changes February 22, 2023.

Date of receipt of corrected application March 27, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2867-2 to Robert and Carol Jorgensen, 11961 Pleasant Valley Road, 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. 2867-2 appropriates up to 4 acre-feet of water annually at a maximum pump rate of 0.067 cubic feet of water per second (cfs) from one existing well completed into the Crystalline Rock Aquifer (120 feet deep) located in the SE 1/4 NW 1/4 (Govt. Lots 10 & 14) Section 5 -T4S-R4E for commercial use for R.V. hookups. The site is located approximately 3 miles southwest of Custer 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. 2867-2 is June 5, 2023.
5. The date from which applicant may claim right is February 22, 2023.
6. One-fifth of the construction is to be completed on or before December 5, 2025.
7. All construction is to be completed on or before June 5, 2028.
8. Water is to be put to beneficial use on or before June 5, 2032.
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. 2867-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2867-2 authorizes a total annual diversion of up to 4.0 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUL 11 2023
date



RECEIVED

FEB 22 2023

Mail to:

DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 2867-2 Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Custer Co. Chronicle 673-2217
Rapid City Journal

OFFICE OF
WATER

Ck#

Rec't#

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 Robert + Carol Jorgensen
Mailing Address 11961 Pleasant Valley Rd Custer SD 57730
(Address) (City) (State) (Zip Code)
Phone 605-673-2720 Mobile 605-673-1243 Email JLOGHOMES@GWTC.NET
- Amount of water claimed 0.067*CFS or 30**GPM and 4***AF or 1,314,000Gallons
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 Well
- Location of point of diversion 1 well at 11933 US Hwy 16, Custer (see map) County Custer
and (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? area of use: Gov't Lots 10 & 14 SE 1/4 NW 1/4 Sec 5-T4S-R4E
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Custer
- Annual period during which water is to be used Year-round 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)

To create 12 long-term RV hook-ups using a well, cistern,
and individual manifold valves.

I, Robert Jorgensen, owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information

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

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 120' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 40'

d) Distance to nearest domestic well on applicant's property NONE Property owned by others See map

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) See attached Year Constructed 2023

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

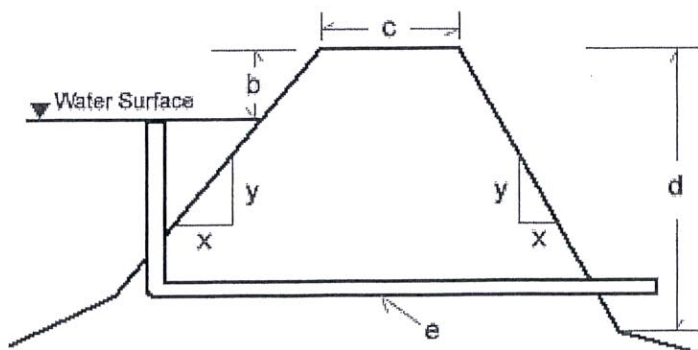
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



3S 4E
Section: 31

3S 4E
Section: 32

3S 4E

4S 4E
Section: 06

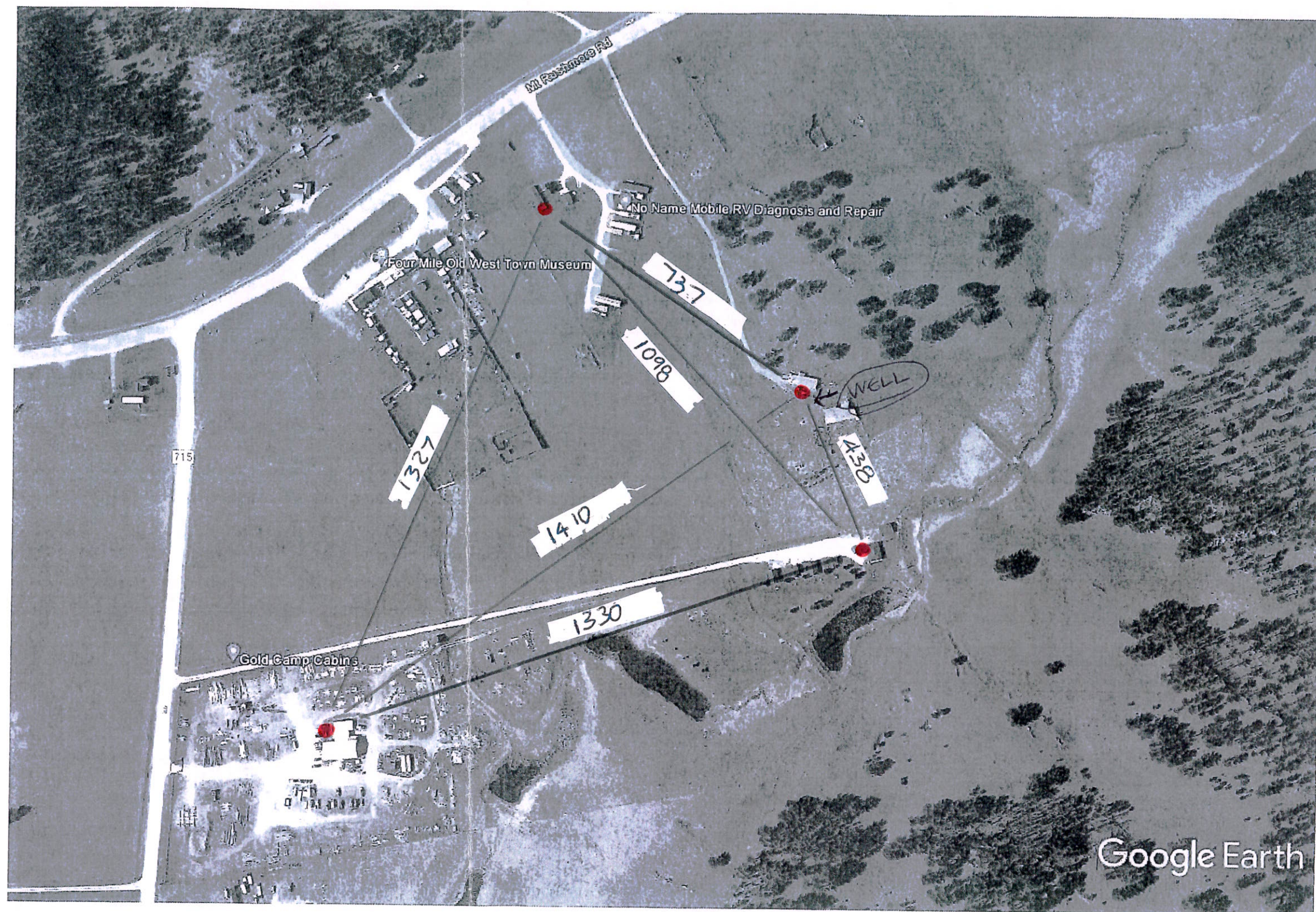
4S 4E
Section: 05

4S 4E

4S 4E
Section: 07

4S 4E
Section: 08





Google Earth

Google Earth

feet 1000
meters





11933 US HIGHWAY 16 CUSTER

HERMES TR B (PT OF GOV LOTS 10-14)
SEC 5 T4 R4 6.69 AC

1,139'

190

549

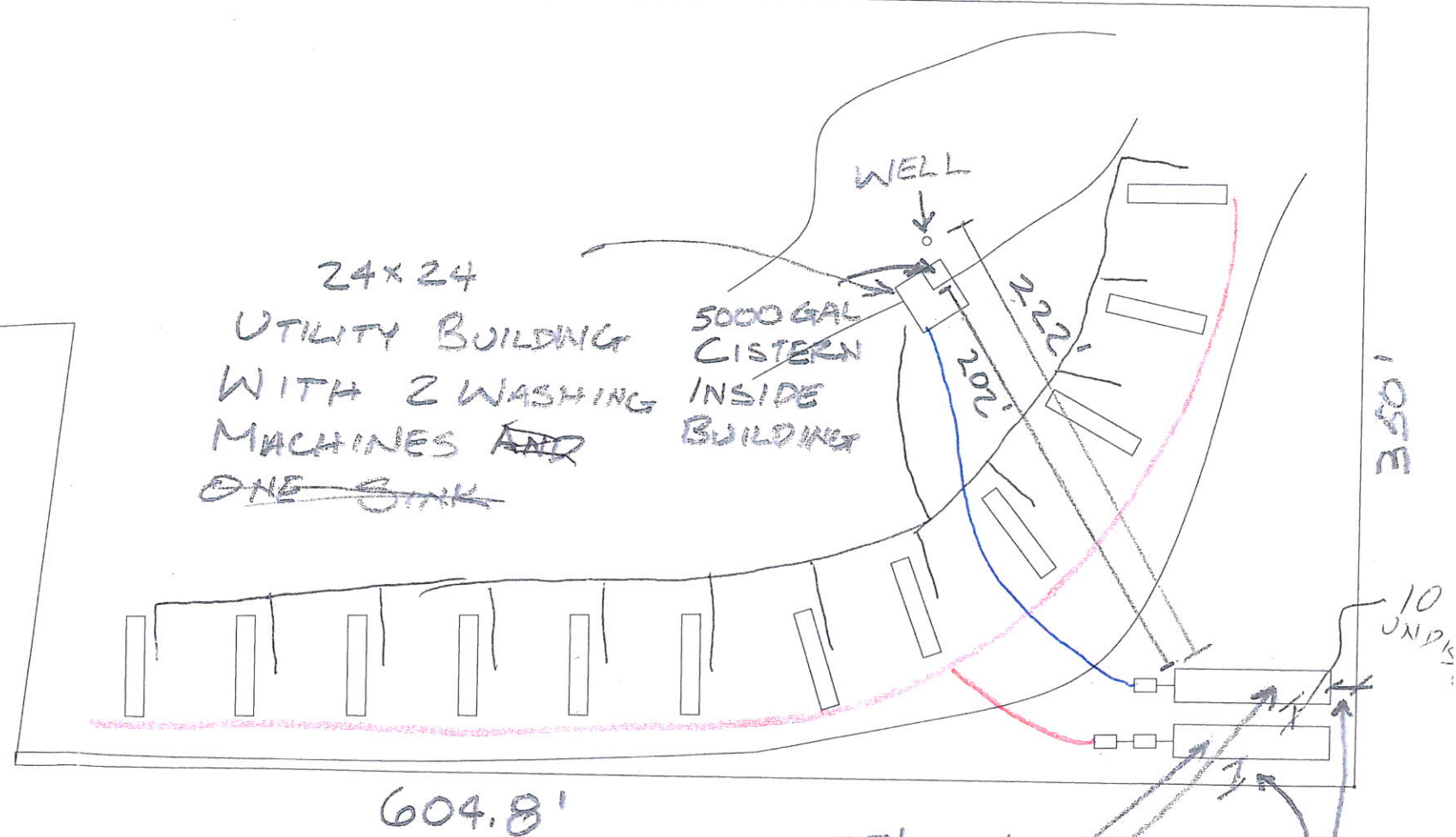
INSTALLER:

HESPER EXCAVATING
PO BOX 206
CUSTER, SD

57730
605-673-1281

OWNER:

BOB & CAROL JORGENSEN
204 HARNEY 605-673-1243
CUSTER, SD
57730



IN THE PROPOSED SEPTIC
LOCATION AN 8' TEST WAS
DUG AND INSPECTED BY
THE COUNTY OF CUSTER
THE AVERAGE PERK TEST
WAS 12.6.

15'x70'
DRAINFIELDS
2050 GAL
SEPTIC TANKS
2 TANKS AT RY SYSTEM (12 SITES)
PRIMARY
FILTER POLISHING
12'
OFF
PROPERTY
LINE
10'
WIDE

SYSTEM #1

Checksheet for Individual and Small On-site Wastewater Systems

Establishment: WINDY RIDGE LONG TERM RV County: CLUSTER
 Owner: BOB JORGENSEN Phone: 605-673-3345
 Address: 204 HARNEY ST City: CLUSTER
 State: SOUTH DAKOTA Zip Code: 57730
 Legal Description: HERMES TR BC PT OF GOV LOTS 10:14
 Type of facility/ #bedrooms, seating, people served, etc.: PUMPHOUSE
WITH TWO WASHING MACHINES.
 Garbage disposal present? Yes No X
 Anticipated Maximum Daily Flow: 1200 GAL
 Average Soil Percolation Rate: 12.6
 Required Absorption Area: 852 SQ FT
 Is area greater than 1,200 square feet? NO YES (YES requires dosing system).
 Is area greater than 1,800 square feet? NO YES (YES requires alternate dosing).
 Date of Construction: TBD Lot Size: 6.69 AC.
 Depth from surface to bedrock or ground water: 30'
 Depth of well/top of aquifer: 120' WELL DEPTH 40' STATIC

SEC 5
 T4
 R4
 6.69 AC

SEPARATION DISTANCE FROM:	Septic Tank	Absorption Area
Wells, cisterns, reservoirs:	<u>185'</u>	<u>202'</u>
Lakes, streams, wetlands, etc.	<u>NA</u>	<u>NA</u>
Pressurized water lines:	<u>25'</u>	<u>50'</u>
Dwelling, occupied building: <u>(RV SITE)</u>	<u>30'</u>	<u>75'</u>
Property lines:	<u>30'</u>	<u>12'</u>

SEPTIC TANK INFORMATION:

Material: Concrete Plastic Fiberglass Other
 Number of tanks: 1 Number of compartments:
 Liquid capacity: 2050 Required capacity: 1800

ABSORPTION AREA DETAILS:

<u>Trench System</u>	<u>Seepage Bed</u>
Trench width: <u> </u>	(Perc. rates 5-30 min. per inch)
Length: <u> </u>	Length: <u>70'</u>
Depth: <u> </u>	Depth: <u>3'</u>
Number of trenches: <u> </u>	Width: <u>15'</u>
Distance between trenches: <u> </u>	Size of fill material: <u>1 1/2</u>
Depth of fill under pipes: <u> </u>	
Size of fill material: <u> </u>	
TOTAL ABSORP. AREA: <u> </u>	TOTAL ABSORP. AREA: <u>1050.</u>

*Drainfield may not slope more than 4"/100'. Seepage beds must be level.

Also include a sketch or drawing that shows the layout of the system. lot lines, buildings, streets, wells, surface water, water lines, etc. Show all distances between the system and those features. Include cross section of the absorption system.

SYSTEM #2

Checksheet for Individual and Small On-site Wastewater Systems

Establishment: WINDY RIDGE LONG TERM RV County: CLUSTER
 Owner: BOB JORGENSEN Phone: 605-673-3345
 Address: 204 HARNEY ST City: CLUSTER
 State: SOUTH DAKOTA Zip Code: 57730
 Legal Description: HERMES TR BC PT OF GOV LOTS 10:14
 Type of facility/ #bedrooms, seating, people served, etc.: LONG TERM RV RENTAL WITH 12 SITES.
 Garbage disposal present? Yes No X
 Anticipated Maximum Daily Flow: 1200 GAL
 Average Soil Percolation Rate: 12.6
 Required Absorption Area: 852 SQ FT
 Is area greater than 1,200 square feet? NO YES (YES requires dosing system).
 Is area greater than 1,800 square feet? NO YES (YES requires alternate dosing).
 Date of Construction: TBD Lot Size: 6.69 AC.
 Depth from surface to bedrock or ground water: 30'
 Depth of well/top of aquifer: 120' WELL DEPTH 40' STATIC

SEC 5
T4
R4
6.69 AC

SEPARATION DISTANCE FROM:

Wells, cisterns, reservoirs:

Lakes, streams, wetlands, etc.

Pressurized water lines:

Dwelling, occupied building: (RV SITE)

Property lines:

Septic Tank

185'

NA

25'

30'

30'

Absorption Area

202'

NA

50'

75'

12'

SEPTIC TANK INFORMATION:

Material:

Concrete

Plastic

Fiberglass

Other

Number of tanks: 2

Number of compartments: 1 PER TANK

Liquid capacity: 2050/1500

Required capacity: 1800

ABSORPTION AREA DETAILS:

Trench System

Trench width:

Length:

Depth:

Number of trenches:

Distance between trenches:

Depth of fill under pipes:

Size of fill material:

TOTAL ABSORP. AREA:

Seepage Bed

(Perc. rates 5-30 min. per inch)

Length: 70'

Depth: 3'

Width: 15'

Size of fill material: 1 1/2

TOTAL ABSORP. AREA: 1050.

*Drainfield may not slope more than 4"/100'. Seepage beds must be level.

Also include a sketch or drawing that shows the layout of the system. lot lines, buildings, streets, wells, surface water, water lines, etc. Show all distances between the system and those features. Include cross section of the absorption system.

July 11, 2023

PAYMENT REQUEST FORM

PAYEE: Jorgensen Log Homes, Inc.
c/o Robert & Carol Jorgensen
11961 Pleasant Valley Rd.
Custer SD 57730

FROM: DANR-Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Over Payment of Water Permit Application Fee

AMOUNT: \$200.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: *Eric Beaulieu 7/11/2023*

I declare and affirm under the penalties of perjury that this claim 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 nondiscrimination in federal assisted programs.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 22, 2023

RECEIVED OF Jorgensen Log Homes, Inc./Robert & Carol Jorgensen 11961 Pleasant Valley Rd. Custer SD 57730

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

Fee for Application for Permit No. <u>2867-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>300.00</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>2867-2</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>500.00</u>

By Eric Gronlund
Chief Engineer
me

Schlaak, Karen

From: jloghomes@gwtc.net
Sent: Monday, March 27, 2023 11:03 AM
To: Schlaak, Karen
Subject: RE: [EXT] Water Permit Application

Karen,

I have been out of town so sorry for the slow response.

Yes I agree that this property is located as you describe, in the SE1/4, NW1/4, section 5- T4S-R4E.
They are also described as Govt lots 10 & 14.

Thank You,

Robert Jorgensen

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Tuesday, March 14, 2023 12:45 PM
To: jloghomes@gwtc.net
Subject: Water Permit Application

Robert and Carol,
I received the additional information you submitted regarding your water permit application. Based on the aerial photo map, it appears that the well and the area of your proposed RV park are located in the SE ¼ NW ¼ Section 5-T4S-R4E. Do you agree with this legal description?

Let me know.

Karen Schlaak

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



JORGENSEN LOG HOMES INC.

11961 Pleasant Valley Rd Custer, SD 57730

605-673-2720

jloghomes@gwtc.net

March 7, 2023

Dear Karen Schlaak,

Regarding the water rights application for our property in Custer County:

- Yes, please mark it as commercial use.
- The enclosed map is marked as requested.
- The expected annual volume use is 1,314,000 gallons.

Thank you,



Robert J. Jorgensen
President

RJJ/dj

RECEIVED

MAR 13 2023

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 22, 2023

Robert & Carol Jorgensen
11961 Pleasant Valley Rd
Custer SD 57730

Dear Mr. & Mrs. Jorgensen:

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

- On the application, domestic use is marked. If water is to be used for a RV park, that would be considered a commercial use. Do you agree with my adding that use to your application?
- 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" and outline the entire area where the water will be used.
- The application requests an appropriation of 30 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 unlikely that 30 gpm will be pumped continuously during an entire year. Therefore, DANR requests identification of an annual volume to be used.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of 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. 2867-2, Robert & Carol Jorgensen**

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. 2867-2, Robert & Carol Jorgensen, 11961 Pleasant Valley Road, Custer SD 57730.

The Chief Engineer is recommending APPROVAL of Application No. 2867-2 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. 2867-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.
3. Water Permit No. 2867-2 authorizes a total annual diversion of up to 4.0 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 15, 2023

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2867-2
ROBERT AND CAROL JORGENSEN
MAY 08, 2023

Water Permit Application No. 2867-2 proposes to appropriate up to 4 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.067 cubic feet of water per second (cfs) (30 gallons per minute) from one existing well (120 feet deep) completed into the Crystalline Rock aquifer for commercial use for R.V. hookups. The well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5-T4S-R4E in Custer County. This site is located in approximately 3 miles southwest of Custer, SD.

AQUIFER: Crystalline Rock (CRSL)

HYDROGEOLOGY

The Crystalline Rock aquifer consists of numerous, localized aquifers in the Precambrian aged core of the Black Hills where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rocks that comprise the aquifer have very low primary porosity so water movement in the aquifer is along fractures, joints, and faults, which are called secondary porosity (Rahn, 1979). The distribution of secondary porosity features is uneven and unpredictable. Therefore, local aquifer characteristics are site specific and highly variable. Based on an estimated exposed area of 574,000 acres, water bearing material to a depth of 500 feet, and an effective porosity of one percent, Rahn (1979) estimated the amount of recoverable water in storage in the Crystalline Rock aquifer in western South Dakota to be 2,900,000 acre-feet. Driscoll and Carter (2001) estimated the outcrop of the “Localized aquifers in the crystalline core area (Precambrian/Tertiary/Other)” to be 616,800 acres.

The crystalline rock in the area of this application consists primarily of the Mayo Formation which is a Precambrian aged “...quartz-mica-feldspar schist, gray to dark-gray, and variegated schist containing garnet, staurolite, and sillimanite.” (Redden and Fahrenbach, 2021). In near proximity to the wellsite, the Mayo Formation can be overlain by alluvium adjacent to Fourmile Creek and its tributaries (Redden and Fahrenbach, 2021).

The localized area that will be considered for this application will be defined by the 12-Digit Hydrologic Unit Code (HUC) called Fourmile Creek (see Figure 1). A HUC is an area defined by surface hydrologic features and a 12-digit HUC is considered a “subwatershed” by the U.S. Geological Survey (USGS, 2023). This method to define the area of interest was done because most faults, folds, synclines, anticlines, and other significant geologic features that would limit or change secondary porosity that comprises the aquifer are more than 2.5 miles away from the applicant’s well (Redden and Fahrenbach, 2021; Redden, Nonnast, and Siren, 2001; Williamson et al, 2000). Furthermore, the primary source of recharge to the Crystalline Rock aquifers is from infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001). Therefore, in this particular situation, it is appropriate to consider this particular Crystalline Rock aquifer to be limited by the 12-digit HUC due to the likely contributing recharge area. For the remainder of this report any reference to the Crystalline Rock aquifer will be specific to the aquifer as defined by the 12-digit HUC.

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

No well completion report was filed with this application. Included was a “Checksheet for Individual and Small On-site Wastewater Systems” for a system #1 and system #2. On both system sheets a well depth of 120 feet with a static water level of 40 feet below top of casing was noted. This lines up with a well located somewhere in the same section as the applicant labeled for “Sandra McPherson” drilled in September 1995. Based on well completion reports in the area and, in particular, three that are labeled for “Bob Jorgenson”, “Jorgensen Log Homes”, and “Sandra McPherson” there appears to be generally from 0 to 40 feet of top soil, alluvium, and gravel overlying “schist” although there may be as much as 80 feet of varying overburden material above the crystalline rock comprising the Crystalline Rock aquifer (Water Rights, 2023d). The wells range from depths of 57 to 280 feet deep (Water Rights, 2023d).

Figure 1 is a map of the area near the applicant’s well including Crystalline Rock aquifer water rights/permits (Water Rights, 2023c), locations of significant local faults and other geologic structures (modified from: Strobel et al, 1999), and the area of the Fourmile Creek 12-digit HUC (USGS, 2023). Table 1 is a list of the water rights/permits/applications that are shown in Figure 1. It is highly likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited even more than the 12-digit HUC. However, there is not sufficient information available to determine how limited.

Table 1- Crystalline Rock aquifer water rights/permits shown in Figure 1 (Water Rights, 2023c)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	ANNUAL VOL. (ac-ft)	IN HUC
1251-2	CITY OF CUSTER	03/17/1975	LC	MUN	0.56		no
1407-2	CITY OF CUSTER	01/10/1977	FU	MUN	0	434	no
1916-2	MINERAL TECHNOLOGY CORP	02/11/1985	LC	IND	0.03		no
1936-2	CUSTER/MT RUSHMORE KOA	05/08/1985	LC	COM/DOM	0.27	120	Yes
1945-2	BIG PINE CAMPGROUND	06/21/1985	LC	COM	0.033		no
1970-2	WESTWARD HO TRAILER COURT	02/12/1953	LC	COM	0.04		Yes
2000-2	SUMMIT PROPERTIES OF CANBY LLC	01/01/1953	LC	COM	0.34		no
2107-2	CITY OF CUSTER	10/26/1990	LC	MUN	2.03		no
2144-2	CITY OF CUSTER	01/01/1952	LC	MUN	0.45		no
2255-2	WILD BILLS ANTIQUE MALL	11/18/1992	LC	COM	0.02		no
2265-2	NIELSEN ENTITIES LLC	09/07/1966	LC	INS	0.09		no
2336-2	ROGER C. & MARY KROGMAN	04/14/1995	LC	COM	0.033		Yes
2504-2	BEAVER LAKE CAMPGROUND	04/29/2003	LC	SHD	0.122		Yes
2817-2	ASPEN MEADOWS HORSE & RV CAMPGROUND	04/15/2021	PE	COM/DOM	0.1	1.4	no

LC= Water Right, FU= Future Use Permit, PE= Water Permit, MUN= Municipal, IND= Industrial, COM= Commercial, DOM= Domestic, INS = Institutional, SHD= Suburban Housing Development

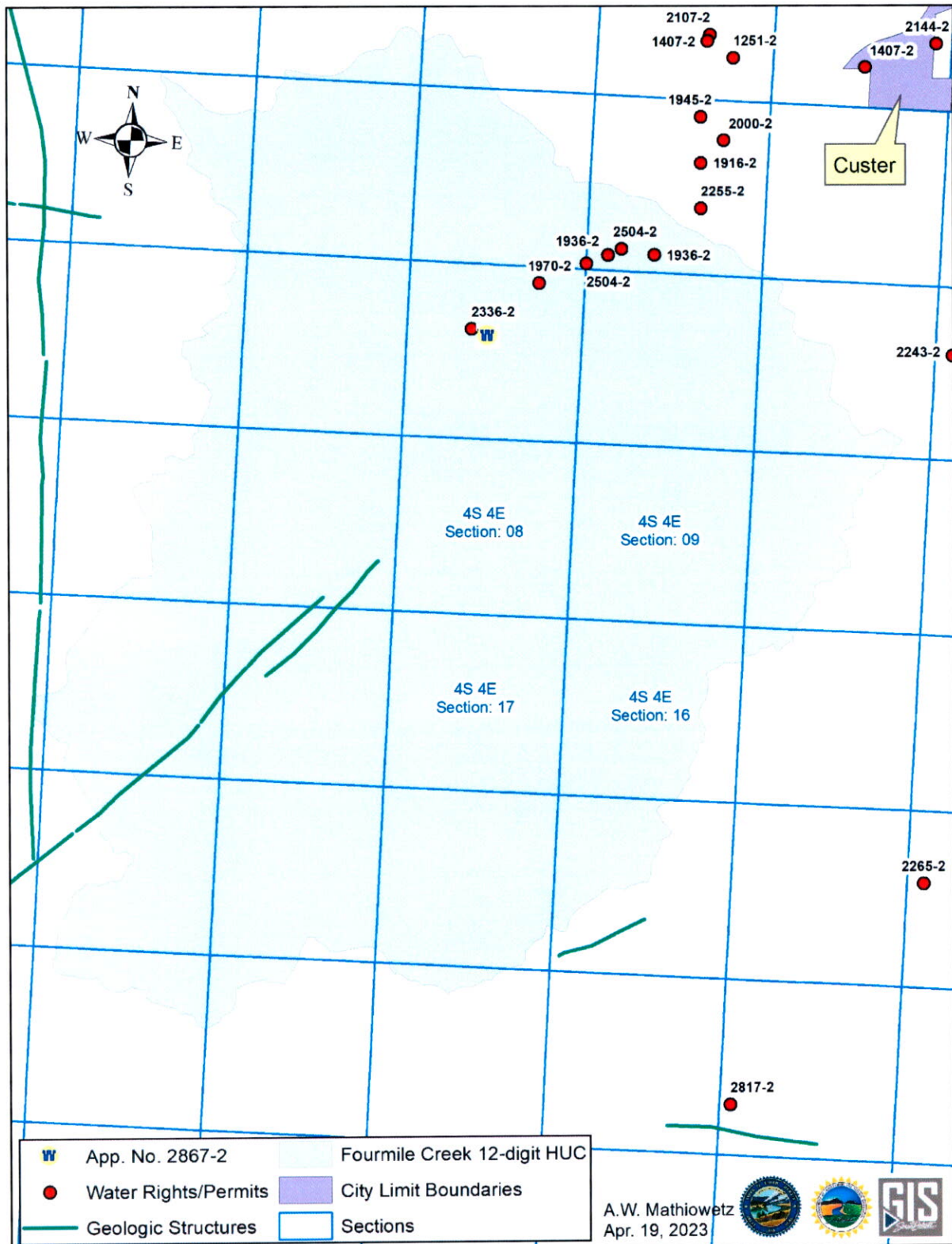


Figure 1- Map of the area near the Application No. 2867-2 existing well site including Crystalline Rock aquifer water rights/permits (Water Rights, 2023c), locations of significant local faults and other geologic structures (modified from: Strobel et al, 1999), and the area of the Fourmile Creek 12-digit HUC (USGS, 2023)

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and potential for unlawful impairment of existing water rights from the aquifer that are pertinent to this application.

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

WATER AVAILABILITY

Hydrologic Budget

Recharge

The Crystalline Rock aquifers are recharged through the infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001). Driscoll and Carter (2001) estimated the recharge to the entirety of the Crystalline Rock aquifers within the core of the Black Hills must be at least equal to average withdrawals, 3,600 acre-feet per year (ac-ft/yr), during their period of study, 1950-1998. Driscoll and Carter (2001) also noted the actual recharge to the Crystalline Rock aquifers must be much larger than estimated to account for discharge to streams. Additionally, Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifers, "Recharge conditions are highly transient and have large spatial variability; thus, quantification is not attempted." While looking at 12-digit HUCs or faults and other significant geological features may allow for some limiting of the areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer with any level of certainty. Furthermore, the spatial variability and transient nature of the recharge means that even if there was a delineation of this portion of the Crystalline Rock aquifer, simply applying the 3,600 ac-ft/yr equally over the entirety of the aquifer is inappropriate. However, the recharge rate using Driscoll and Carter's (2001) estimated minimum annual recharge, 3,600 ac-ft/yr, for the Crystalline Rock aquifers is approximately 0.07 inches/year (in/yr). It must be emphasized that, due to the transient and variable nature of the recharge conditions, this number is not necessarily reliable. Furthermore, Driscoll and Carter

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

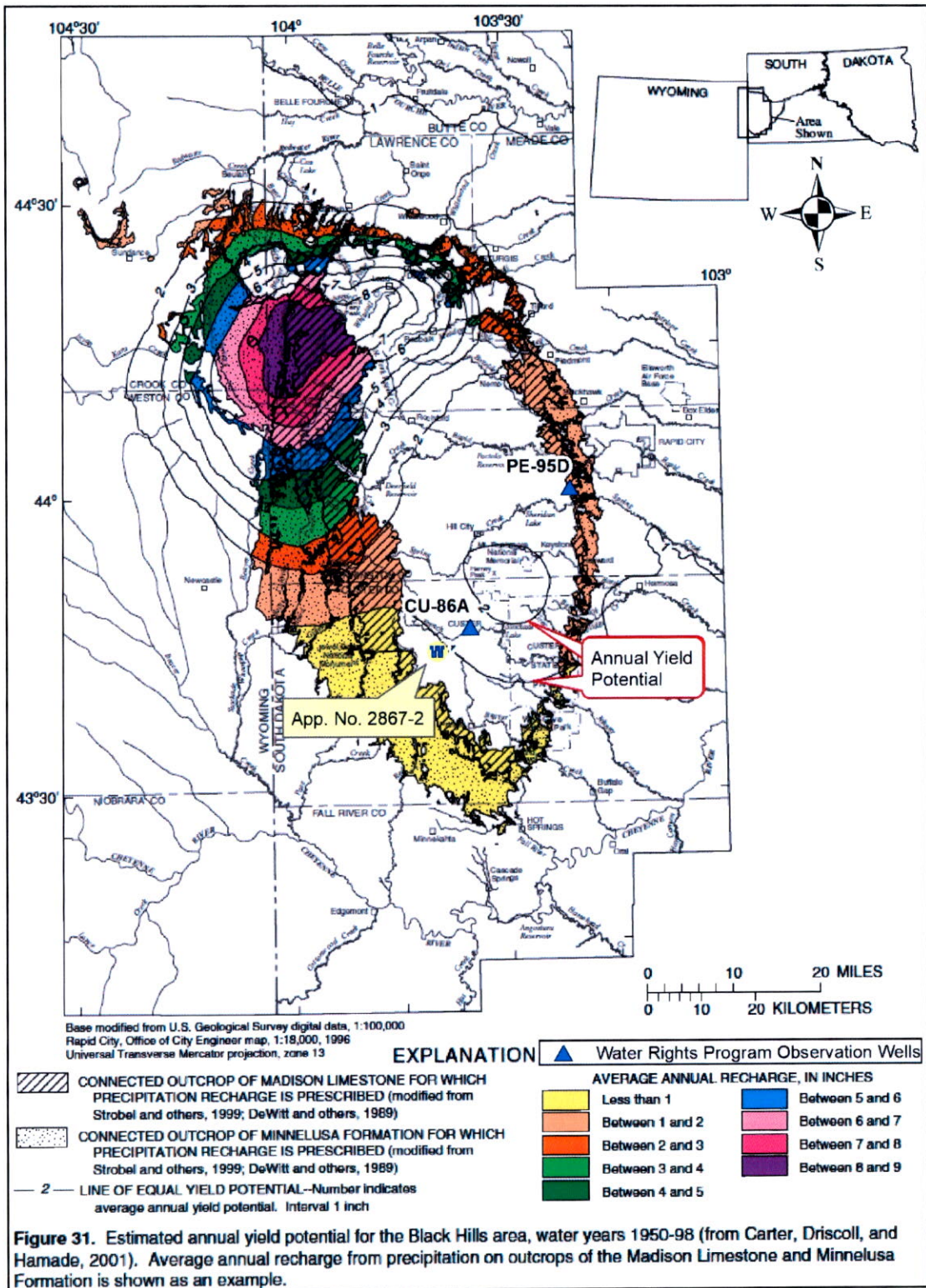


Figure 2- Estimated annual yield potential for Black Hills area (modified from: Driscoll and Carter, 2001) with Application No. 2867-2 and Crystalline Rock aquifer observation wells (Water Rights, 2023b)

Driscoll and Carter (2001) also estimated annual yield potential. The estimated annual yield potential is essentially how much precipitation is left after subtracting evapotranspiration. Figure 2 is the map of the estimated annual yield from Driscoll and Carter's (2001) report with the location of the applicant's well marked and Crystalline Rock aquifer observation wells (Water Rights, 2023b). Driscoll and Carter (2001) used a recharge factor to estimate how much of the annual yield could infiltrate and recharge an aquifer. While other bedrock aquifers in the Black Hills area such as the Madison and Inyan Kara aquifers have a recharge factor, Driscoll and Carter (2001) did not estimate one for the crystalline core of the Black Hills. This is due to the fact that the localized Crystalline Rock aquifers are not extensive regional aquifers and are highly variable in nature. The Crystalline Rock aquifers near the applicant's location has an estimated annual yield of slightly less than 1 in/yr. There is no average annual recharge estimate available for the localized Crystalline Rock aquifer the applicant proposes to use. The annual yield range is not appropriate to use as a recharge rate for the Crystalline Rock aquifers but does suggest a likely upper limit on a possible recharge rate. Assuming radii of 1 mile and 0.25 miles and 1 in/yr annual yield, that would calculate to likely maximum recharge rates of approximately 167.5 and 10.5 ac-ft/yr, respectively. Across the entire extent of the 12-digit HUC, 10,810.66 acres, that is approximately 900.9 ac-ft/yr.

Discharge

Discharge from the Crystalline Rock aquifer is through pumping of wells (Water Rights, 2023c and 2023d), seepage to streams (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is near ground surface. As shown in Figure 1 the nearest appropriative wells are 0.1 miles to the northwest, Water Right No. 2336-2, and 0.4 miles northeast, Water Right No. 1970-2, of the applicant's well (Water Rights, 2023b). It is possible the applicant's well is in the same localized portion of the Crystalline Rock aquifer as Water Right No. 2336-2 and less likely it is in the same localized portion of the fracture system of the aquifer as Water Right No. 1970-2.

There are 67 well completion reports on file with the DANR-Water Rights Program for domestic wells that appear to be completed into the Crystalline Rock aquifer and map within approximately one mile of the well the applicant uses with 13 mapping within 0.25 miles (Water Rights, 2023d). All of those map within the extent of the 12-digit HUC. There are 176 domestic wells that map within the boundaries of the 12-digit HUC. The Water Rights Program Well Completion Report Database maps well completion reports at the centroid of the smallest geographically division provided on the well completion report by the well driller. Therefore, the locations as mapped are not the exact locations of the wells. However, the data provides a sense of how many wells are within a general area. However, there may be other domestic wells completed into the Crystalline Rock aquifer within that area that are not on file with the Water Rights Program. It is highly unlikely all of the wells within approximately one mile of the applicant's well are completed into the same localized portion of the Crystalline Rock aquifer due to the nature of the secondary porosity that comprises the aquifer. It is possible several of the wells within 0.25 miles of the applicant's well are completed into the same fracture system and thus the same localized portion of the Crystalline Rock aquifer as the applicant's well. In general, the volume of water pumped by domestic users is not a significant component of a hydrologic budget when compared to appropriative withdrawals from an aquifer due to the limited diversion rate and needs of domestic users. However, due to what is likely a relatively small areal extent of the localized portion of the Crystalline Rock aquifer and the number of domestic use well completion reports on file with the

Water Rights Program, it is possible that domestic use is a significant portion of the local hydrologic budget.

In the past, the Water Rights Program has used, and the Water Management Board has accepted, a domestic water use estimation using the following assumptions: 1) 2.5 residents per rural dwelling, and 2) either the average per capita use by self-serve well users for the county in question or an average use from across the state if county specific data is not available in Carter and Neitzert's (2008) report on estimated water use in South Dakota. In this case, Custer County self-supplied domestic users withdrew approximately 69 gallons per day per capita. That is equal to 0.19 ac-ft/yr for each rural dwelling, assuming each dwelling has 1 well, using the previously discussed assumptions, and that the dwelling is occupied year-round. Using the above-mentioned estimate per dwelling, 0.19 ac-ft/yr, the 67 wells within approximately 1 mile equates to approximately 12.73 ac-ft/yr and the 13 wells within approximately 0.25 miles equates to approximately 2.47 ac-ft/yr for domestic use. For the 176 domestic wells across the entire 12-digit HUC, that is an estimated use of 33.44 ac-ft/yr. It is possible some other domestic wells exist in this area that do not have completion reports on file with the Water Rights Program. Furthermore, it is possible several of the domestic wells on file with the Water Rights Program in this area are no longer in use or are only used on a seasonal basis and thus use much less water than estimated. Furthermore, these estimates for domestic use presented in this report are provided to give a sense of scale to local domestic use from the Crystalline Rock aquifer rather than for the use of each domestic well that may be present but is not on record with the Water Rights Program.

The estimated average annual appropriate water use within the 12-digit HUC is shown in Table 2. Water Right No. 1936-2 is limited to an annual volume of 120 ac-ft/yr and is assumed to withdraw that amount even though it is highly likely less is withdrawn annually due to the primarily seasonal use of the water (Water Rights, 2023c). Water Right Nos. 1970-2, 2336-2, and 2504-2 are only limited by diversion rate (Water Rights, 2023c). Historically, the Water Rights Program has assumed water rights/permits limited only by diversion rate pump at their respective permitted rate for 60% of the time. For many water rights/permits, this is likely a significant overestimate of annual withdrawals. Therefore, appropriate use from the Crystalline Rock aquifer within the Fourmile Creek 12-digit HUC is likely much less than the 204.8 ac-ft/yr shown in Table 2.

Table 2- Crystalline Rock aquifer water rights estimated average annual water pumpage within Fourmile Creek 12-digit HUC (Water Rights, 2023c)

PERMIT NO.	NAME	PRIORITY DATE	STATUS	USE	CFS	ANNUAL VOL. (ac-ft)	60% VOL. (ac-ft)
1936-2	CUSTER/MT RUSHMORE KOA	05/08/1985	LC	COM/DOM	0.27	120	
1970-2	WESTWARD HO TRAILER COURT	02/12/1953	LC	COM	0.04		17.4
2336-2	ROGER C. & MARY KROGMAN	04/14/1995	LC	COM	0.033		14.3
2504-2	BEAVER LAKE CAMPGROUND	04/29/2003	LC	SHD	0.122		53.0
TOTAL						204.8	
LC= Water Right, COM= Commercial, DOM= Domestic, SHD= Suburban Housing Development							

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the average quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DNR-Water Rights Program maintains two observation wells that have historically been considered completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2023b). Observation well CU-86A is located approximately 4.8 miles northeast and observation well PE-95D is located approximately 24.6 miles northeast of the well the applicant intends to use (Water Rights, 2023b). Review of the construction of PE-95D determined the observation well is open to both the Deadwood Formation and the crystalline rock (Kilts, 2018). Both the Deadwood Formation and the crystalline rock can be aquifers at that location (Water Rights, 2023b and 2023d; Williamson et al, 2000). An examination of the water level data over the entire period of record of PE-95D determined the water levels appear to be more similar to the Deadwood aquifer than to the Crystalline Rock aquifer (Kilts, 2018; Strobel et al, 2000; Water Rights, 2023b and 2023d). Furthermore, the drilling records for PE-95D do not note encountering any large secondary porosity features (fractures, significant changes in water inflow or loss of water during drilling, etc.) in the crystalline rock portion of the borehole during drilling. Therefore, it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifers. Therefore, only observation well CU-86A will be considered in this report. Figure 3 shows the hydrograph for observation well CU-86A.

The hydrograph for CU-86A shows the water levels respond well to climatic conditions. Rising during wetter periods and declining during drier periods. The water levels have fluctuated approximately 45 feet over the period of record in response to climatic conditions. An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by the climatic conditions indicating that changes in water levels are governed by natural conditions, that is to say recharge to and natural discharge from the aquifer. Natural discharge from an aquifer can be captured for pumping. While CU-86A is not completed into the same localized portion of the Crystalline Rock aquifer as the applicant's well, it does show that the Crystalline Rock aquifer can be recharged. Furthermore, CU-86A is in relatively close proximity to the applicant's well. Therefore, it is reasonable to assume the same general precipitation conditions occur and thus the same general recharge to the aquifer.

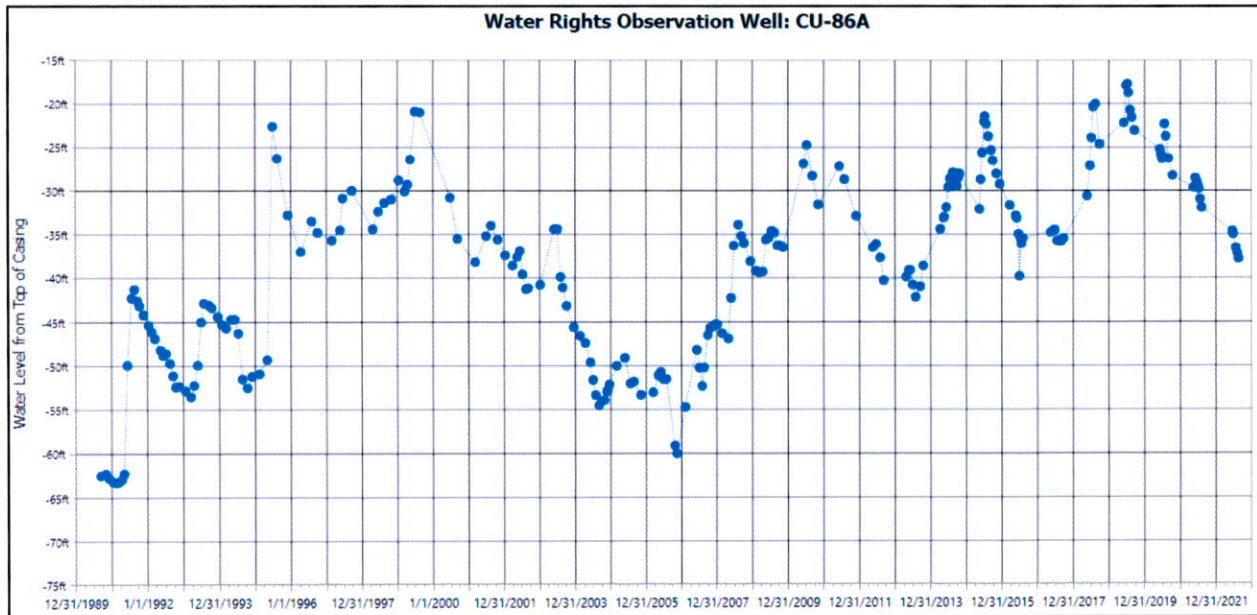


Figure 3- Hydrograph of Crystalline Rock aquifer observation well CU-86A (Water Rights, 2023b)

The commentary from Driscoll and Carter (2001) regarding how the recharge to the Crystalline Rock aquifer must be much greater than the estimated 5 cfs (3,600 ac-ft/yr) to account for the groundwater discharge that contributes base flow to many streams is well supported by the hydrograph for observation well CU-86A, which shows the water level generally rising over its period of record.

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

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There has been development of both domestic and appropriative wells completed into the Crystalline Rock aquifer with a minimal history of well interference complaints in Pennington County and no history of well interference complaints in Custer County where this application is located. In general, the Crystalline Rock aquifer has large natural fluctuations of water levels that often mask or exceed drawdown caused by well pumping as shown in the hydrograph for CU-86A (see Figure 3).

Figure 1 is a map of the Crystalline Rock aquifer water rights/permits in the vicinity of the applicant's well (Water Rights, 2023c). The nearest appropriative water right, Water Right No. 2336-2, to the applicant's well is approximately 0.1 miles northwest (Water Rights, 2023c). There are a number of domestic wells on file with the Water Rights Program within close proximity of the applicant's well as stated previously, with the closest mapping approximately 215 feet northwest (Water Rights, 2023c). Unless more accurate information is provided, well completion reports submitted to the DANR-Water Rights Program are mapped at the approximate center of the legal location provided on the well completion report by the well driller, and multiple wells are mapped at the same location if they share the same legal location description (e.g., SW $\frac{1}{4}$ SW

¼ Sec 22-T1S-R6E). Therefore, there is not a better estimate of the exact distance to the nearest domestic wells on file with the Water Rights Program. It is also probable there are other wells completed into the Crystalline Rock aquifer within approximately 0.25 miles of the applicant's well that are not on file with the DANR-Water Rights Program.

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

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

In the past the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. To protect domestic users, the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.

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

The precise drawdown effects caused by pumping a well cannot be determined without conducting an aquifer pumping test. Water levels in the Crystalline Rock aquifer are known to vary greater than 45 feet as a result of climatic conditions as shown in Figure 3. There has only been one reported instance of well interference in Pennington County for wells completed into the Crystalline Rock aquifer. This involved Water Right No. 2572-2 during the permit's initial development. The water right was limited to a maximum diversion rate of 18 gallons per minute, the limit for reasonable domestic use, by the Chief Engineer in October 2006. The permit holder reported to the Water Rights Program that the issue was resolved sometime before January 2009, and there have not been any other complaints of well interference issues since then (Water Rights, 2023a). Furthermore, there has been significant development for both appropriative and domestic use in the area of this application with no reported well interference issues.

The Chief Engineer received a complaint in May 2021 regarding a number of entities in the Rockerville area that are suspected of using water without proper permitting. These entities have

been contacted and the water permitting issues are in the process of being resolved. However, no complaints have been filed of well interference resulting in unlawful impairments of existing domestic or appropriative users with adequate wells.

South Dakota water law affords protection to adequate domestic wells. The above factors mean there is a reasonable probability this diversion will not unlawfully impair existing users with adequate wells. If this application is approved, a qualification should be included requiring the applicant to control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells that have prior water rights.

CONCLUSIONS:

1. Water Permit Application No. 2867-2 proposes to appropriate up to 4 ac-ft/yr at a maximum instantaneous diversion rate of 0.067 cfs (30 gpm) from an existing well completed into the Crystalline Rock aquifer for commercial use. The site is approximately 3 miles southwest of Custer, SD.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability this proposed diversion will not without unlawfully impair existing users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

- Carter, J.M. and Neitzert, K.M. 2008. Estimated Use of Water in South Dakota, 2005. Scientific Investigations Report 2008-5216. U.S. Geological Survey. Rapid City, South Dakota.
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**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.**

May 16, 2023

Robert and Carol Jorgensen
11961 Pleasant Valley Rd
Custer SD 57730

Dear Mr & Mrs. Jorgensen:

Water Permit Application No. 2867-2 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 SD (Ph # 605 673-2217) and the Rapid City Journal printed at Rapid City SD (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,

Rachel Rodriguez

Rachel Rodriguez
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. 2867-2 to Appropriate Water

Notice is given that Robert and Carol Jorgensen, 11961 Pleasant Valley Rd., Custer SD 57730 has filed an application for a water permit to appropriate up to 4 acre-feet of water annually at a maximum pump rate of 0.067 cubic feet of water per second (cfs) from one existing well completed into the Crystalline Rock Aquifer (120 feet deep) located in the SE 1/4 NW 1/4 (Govt. Lots 10 & 14) Section 5 -T4S-R4E for commercial use for R.V. hookups. The site is located approximately 3 miles southwest of Custer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2867-2 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 June 5, 2023.

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 June 5, 2023.

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 _

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 15, 2023 11:12 AM
To: custernews@gwtc.net
Subject: 2867-2 Robert & Carol Jorgensen - Public Notice
Attachments: FORM8.FRM.doc; 2867-2 public.short_final.docx

Attached is a notice to be published on May 24, 2023.

Robert & Carol Jorgensen, 11961 Pleasant Valley Rd., Custer SD 57730, (605-673-1243) have 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.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 15, 2023 11:13 AM
To: RCY Legals
Subject: 2867-2 Robert & Carol Jorgensen - Public Notice
Attachments: FORM8.FRM.doc; 2867-2 public.short_final.docx

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

RECEIVED

JUN 01 2023

OFFICE OF
WATER

S.D. DANR - GROUND WATER

523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 57123

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

24 day of May, 2023.

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 05/24/2023

TOTAL AD COST: 90.26

FILED ON: 5/30/2023

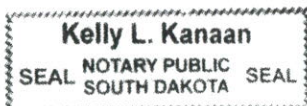
Subscribed and sworn to before me this

30th day of May, 2023.

Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 2025



NOTICE OF APPLICATION NO.
2867-2 to Appropriate Water

Notice is given that Robert and Carol Jorgensen, 11961 Pleasant Valley Rd., Custer SD 57730 has filed an application for a water permit to appropriate up to 4 acre-feet of water annually at a maximum pump rate of 0.067 cubic feet of water per second (cfs) from one existing well completed into the Crystalline Rock Aquifer (120 feet deep) located in the SE 1/4 NW 1/4 (Govt. Lots 10 & 14) Section 5 -T4S-R4E for commercial use for R.V. hookups. The site is located approximately 3 miles southwest of Custer SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2867-2 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 00
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MAY 17 2023
SOUTH DAKOTA
DIVISION OF
NATURAL RESOURCES

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 June 5, 2023.

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 June 5, 2023.

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 May 24, 2023 for a total approximate cost of \$90.26 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 57123

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JUN 01 2023

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

Water Rights Program
Notice of Application No 2867-2
to Appropriate Water - Jorgensen

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:

May 24, 2023; _____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 41.02

Subscribed and sworn to me before this 24th

of May, 20 23;

Jeanne Fuerstenberg
NOTARY PUBLIC

MY COMMISSION EXPIRES:

11-30-2027

NOTICE OF APPLICATION

NO. 2867-2 TO

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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

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Published once at an approximate cost of \$41.02 and may be viewed free of charge at www.sdpublicnotices.com.

5/24



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 19, 2023 8:28 AM
To: 'jloghomes@gwtc.net'
Subject: 2867-2 Robert & Carol Jorgensen - Public Notice
Attachments: 2867-2.pdf; 2867-2 APPL2.docx; 2867-2 public.short_final.docx

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 was mailed to you earlier this week.

Please note that the Rapid City Journal requires prepayment.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 11 2023

Robert & Carol Jorgensen
11961 Pleasant Valley Road
Custer SD 57730

Dear Mr. & Mrs. Jorgensen:

Enclosed is Water Permit No. 2867-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An application/license filing fee of \$500.00 was submitted with the application. The correct fee for this permit is \$300.00. Therefore, \$200.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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.: 2867-2

Name of Applicant: Robert & Carol Jorgensen

Date of Posting: 5/22/2023

Date of Removal: 7/11/2023



Ron Duvall, Water Rights Permitting Administrator

7/14/23

Date

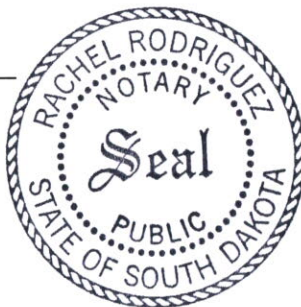
Subscribed and sworn to before me, a notary public, this 14 day of July, 2023.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



2867-2
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OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-9-2024TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Robert and Carol Jorgensen
(name)
11961 Pleasant Valley Rd.
(address)
Custer SD 57730 605-673-1243
(city, state, zip) (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. 2867-2 states that the water use system is to be constructed by
June 5, 2028 , and water is to be put to beneficial use by June 5, 2032
(date) (date)

The water use system was completed on 1/1/24
(date)

Applying the water to beneficial use was completed on 1/1/24
(date)

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

[Signature]
(signature)



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, December 10, 2024 10:32 AM
To: jloghomes@gwtc.net
Subject: RE: [EXT] Form 10 for Water Permit 2867-2
Attachments: 20241209150738118.pdf

Ms. Jorgensen,

The Water Rights Program is in receipt of the "Notice of Completion of Works" you submitted via email for Permit No. 2867-2. The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit. Someone from our office will contact you prior to the inspection to set up a time that is convenient for you.

As far as your comment on requesting the servicing of the adjacent property; assuming the same well will be used for both:

- If more water is going to be requested (currently authorized for 4 acre-feet per year @ 0.067 cfs/30 gpm) a new application would be needed for the additional diversion, as well as the additional use of a "water distribution system".
- If you believe Permit No. 2867-2 authorized sufficient water to provide flows to the RV hookups as well the property, a simple amendment will need to be made to add "water distribution system" use to the current permit.

Please let me know which course of action best suits your needs and we will proceed accordingly.

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

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

From: Jorgensen Log Homes, Inc. - Diana J. <jloghomes@gwtc.net>
Sent: Monday, December 9, 2024 4:00 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] Form 10 for Water Permit 2867-2

Please find attached the completed form 10 for our Water Permit. We would also like to apply for rights on our adjacent properties 11961 Pleasant Valley Rd, 11965 Pleasant Valley Rd, and 11931 US Hwy 16 (all in Custer SD) if you could help us get those started.

Thank you,
Diana Jorgensen
Jorgensen Log Homes, Inc.